

Sustainable development panel

Date: Tuesday, 03 October 2023

Time: 16:00

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillors:

Hampton (chair)
Giles (vice chair)
Carrington
Champion
Driver
Hoechner
Lubbock
Oliver
Osborn

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Agenda

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1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Minutes

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To approve the accuracy of the minutes of the meeting held on 13 June 2023

4 Plan Making Reform - Government Consultation

7 - 28

Purpose - To inform members about the current consultation on plan making reforms, and to seek members' views on the proposed consultation responses.

5 Government Consultation on Proposed Changes to Permitted Development Rights

29 - 48

Purpose - To inform members about the recent consultation on changes to the permitted development rights, and to share the consultation response submitted to Government.

Date of publication: **Monday, 25 September 2023**



Sustainable Development Panel

16:00 to 16:50

13 June 2023

Present: Councillors Hampton (chair following election), Giles (vice chair following election), Carrington, Champion, Driver, Hoechner, Oliver and Osborn

Apologies: Councillor Lubbock

1. Appointment of Chair

RESOLVED to elect Councillor Hampton as chair for the ensuing civic year.

2. Appointment of Vice Chair

RESOLVED to elect Councillor Giles as chair for the ensuing civic year.

3. Declarations of Interest

None.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 28 February 2023, noting that the consultation response had been circulated by email to members.

5. Greater Norwich Local Plan: Proposed Examination Submission on the Requirement for Gypsy and Traveller Pitches and Allocation of Sites for Gypsy and Traveller Pitches

Mike Burrell, Greater Norwich Planning Policy Manager, introduced himself to the panel. He was a city council employee who had been seconded to work on the Greater Norwich Local Plan (GNLP) for the last seven years. He now managed the team which comprised officers from the city council, Broadland District Council and South Norfolk Council. The team had moved from its base at County Hall to City Hall a year ago.

The Greater Norwich Planning Policy Manager confirmed that he would address a question that Councillor Osborn had raised regarding consultation with the local Gypsy and Traveller community and presented the report. Members were advised of an amendment to the fifth recommendation in the report to refer to the “additional” focussed consultation currently taking place, revisions to paragraph 20 to more clearly reference [H6.1 and H3.3 on consultation feedback](#), along with two corrections to paragraph 21 of the report:

First bullet point – note that 2 additional pitches were required at Foulsham not 3 as stated in the report.

Third bullet point – note that it the site is at Brick Kiln Road not Lane as stated in the report.

The Greater Norwich Planning Policy Manager referred members to Section 8 on page 10 of the [H3.1 Topic Paper – Policy 5 Homes Addendum on Gypsy and Traveller Sites 0.pdf \(gnlp.org.uk\)](#) and explained that the Norfolk & Suffolk Gypsy, Roma and Traveller Service (NSGRTS) had been engaged by the partnership to establish if the members of the Gypsy and Traveller community knew of existing sites that could be expanded or brought forward or whether any other landowners wanted to bring forward new sites. During November 2022, NSGRTS staff visited 14 existing Gypsy and Traveller sites, engaging directly with members of the community at eight sites. As a result, three new sites were brought forward through this process at Carleton Rode, Horsford and Foulsham. NSGRTS were engaged to assist in encouraging participation in the focussed consultation held between January and March 2023 and made written representations on behalf of the community. Their engagement work enabled a further site to come forward at Brick Kiln Road, Hevingham. Following assessment by officers, the sites at Carleton Rode and Foulsham were included in the focussed consultation and the site at Hevingham was currently out for consultation.

Members were advised that some negative comments had been made about the Gypsy and Traveller community during the January to March consultation. There were also adverse comments on social media and flyers which were reported to the police. The team had asked individuals to amend comments which were inappropriate. Comments that were derogatory were not published on the website.

During discussion, the Greater Norwich Planning Policy Manager answered questions from members, including questions raised by a member in response to an email that had been received from an activist and submitted as part of the consultation responses.

In reply to a question on the robustness of the Gypsy and Traveller Accommodation Assessment (GTAA), the Greater Norwich Planning Policy Manager said that it was presented in June 2022 and provided evidence that additional sites and pitches were needed. At the discretion of the planning inspectors, it would most likely be subject to discussion at the public examination stage. Members were assured that the assessment methodology was robust, and evidence based. It had been used by other authorities, most recently, at Central Lincolnshire, where the plan had been tested at public examination and found to be sound.

Regarding concerns about “security of tenure”, the Greater Norwich Planning Policy Manager said that change of use (from a designated Gypsy and Traveller site) would be subject to planning permission. It was unlikely that any of these sites would be subject to an application for change of use as the majority of the sites were owned by the Gypsy and Traveller community themselves, with two owned by partner councils and two others by private landowners.

Members were advised that people living on boats were not part of this consultation. The rivers and broads were covered by the Broads Authority and would be subject to its local development plan.

Members were also advised that the consultation did not include sites for Travelling Showpeople. The partnership had signed a Statement of Common Ground with the Eastern Region Branch of the Showmen's Guild of Great Britain which set out how the community's needs could be met with a permissive policy rather than a specific site allocation.

In reply to a member's question on how members of the Gypsy and Traveller community were allocated pitches, the Greater Norwich Planning Policy Manager said that this was carried out by the NSGRTS or through networking within the community.

The Greater Norwich Planning Policy Manager answered a question on the reasons why two of the six sites proposed in the consultation were not being taken forward. Members were advised that one of the sites was not being progressed on highways grounds and the other had been withdrawn by the landowner. The plan-making process had to have confidence that a site could be delivered. Members were assured that once an allocation for site use had been made it would continue even if it was sold.

A member commented that only two of the proposed sites were under local authority ownership and asked if there could be more within the city council areas to provide the number of pitches needed. The Greater Norwich Planning Policy Manager said there was a strong likelihood that after sites delivering the 5-year land supply had been built out then windfall sites under a permissive policy could come forward to deliver the remaining pitches. A suggestion that large developments allocated a section for Gypsy and Travellers, was a way of ensuring provision but not one that had been taken by the local authorities in the development of the GNLP 3 to 4 years ago. South Norfolk had put forward its depot at Ketteringham.

In answer to a question, the Greater Norwich Planning Policy Manager said that the GTAA was based on "ethnic" need and included provision for members of the Gypsy and Traveller community who resided in permanent homes but had the option to travel as part of their cultural identity and therefore required pitches.

The Greater Norwich Planning Policy Manager outlined the next steps. Members were advised that the cabinet would consider the report on 14 June 2023. South Norfolk Council's cabinet had already approved it and it would be considered later that evening by Broadland District Council's cabinet. The public examination would be on 25-26 July 2023. Invitations would be sent to people who had responded to the consultation. It would be available to watch online. Modifications to the plan would be considered in September and October 2023. It was expected that the partner councils would adopt the GNLP, with the list of modifications, in the new year.

A member commented that he did not consider that he had sufficient knowledge on the RRR consultant's assessment (GTAA) and that the need would be met. The Greater Norwich Planning Policy Manager reiterated that the independent examination would make that decision.

A member asked what would happen if the GNLP could not be agreed. The Greater Norwich Planning Policy Manager said that it was critical to have a local plan to guide development. The submission on Gypsy and Traveller pitches and allocation of sites for Gypsy and Traveller pitches was the last remaining issue to discuss at the examination. Without a plan in place local planning authorities could not resist unsustainable developments. It was critical to get the GNLP finalised.

RESOLVED to note the content of the report and recommend that Cabinet agrees to submit to the independent inspectors of the Greater Norwich Local Plan that:

- (1) the Greater Norwich Local Plan should include a minimum requirement of 52 Gypsy and Traveller pitches to meet the full ethnic need for Gypsy and Traveller accommodation from 2022 to 2038:
- (2) in order to ensure the minimum requirement for Gypsy and Traveller pitches between 2022 and 2032 is met, that the Greater Norwich Local Plan should allocate 45 Gypsy and Traveller pitches comprising:
 - (a) 35 deliverable pitches from 2022 to 2027 through the allocation of the sites in Stratton Strawless, Carleton Rode, Foulsham, Wymondham and Cawston; and,
 - (b) 10 developable pitches from 2028 to 2032 at Ketteringham Depot;
- (3) the analysis of historic windfall demonstrates that at least a further 12 windfall pitches can reasonably be expected to meet unmet needs to 2038;
- (4) the proposed main and additional modifications to the plan set out in appendix 1 which provide the policy changes to enable recommendations (1) and (2) should be considered through the plan's examination.
- (5) Cabinet agrees to delegate authority to the Executive Director of Development and City Services in consultation with the Cabinet Member for Inclusive and Sustainable Growth to negotiate further modifications as may be necessary, which may include proposals to allocate one or more of the additional focussed consultation sites, to ensure the Greater Norwich Local Plan is found sound through its examination.

CHAIR



Committee name: Sustainable development panel

Committee date: 03/10/2023

Report title: Plan Making Reform - Government Consultation

Portfolio: Councillor Stonard, Cabinet member for inclusive and sustainable growth

Report from: Head of planning and regulatory services

Wards: All wards

Purpose

To inform members about the current consultation on plan making reforms, and to seek members' views on the proposed consultation responses.

Recommendation:

It is recommended that members discuss and comment on the proposed consultation response to be submitted to government and that officers submit a response which takes into account members' comments by the end of the consultation period on 18 October 2023.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report addresses the first four aims.

Report details

Background

1. The government published the consultation on plan making reforms on 25 July 2023. There are 43 questions within the consultation document and the deadline for providing a response is 11:59pm on 18 October 2023. The consultation document is available here: <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>.
2. The government's vision is that local plans are simpler to understand and use and positively shaped by the views of communities about how their areas should evolve. The government wants local plans to be prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs. They want them to make the best use of new digital technology, so people can get involved without having to go through hundreds of pages of documents. The consultation asks for views on the proposal to implement the parts of the Levelling Up and Regeneration Bill (LURB) which relates to planning making, to make plans simpler, faster to prepare and more accessible.
3. It is the government's intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans. Its introduction will be done via a 'phased roll-out'.

Summary of key proposed changes

4. The key elements of the consultation are set out below. The proposed response to the consultation questions is given in Appendix 1.

Plan content

- It is proposed that a single local plan document would be prepared which would include the vision, the overall strategy, site allocations and locally specific DM policies. Supplementary Plans could be produced but these could only be on design issues or to help planning authorities react quickly to change in particular areas (for example an unexpected regeneration opportunity). Supplementary Plans will have the same weight as Local Plans and will be subject to consultation and examination. The government intends that there will be national development management policies and any locally specific DM policies would need to be in the single plan and must not repeat national policies.
- The government will publish a new series of 'core principles' setting out what plans should contain.
- The plan must contain a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period. The vision should serve as a 'golden thread' through the entire strategy.

Process

- It is proposed that plans should be prepared and adopted in 30 months (two and a half years). Before the timeframe begins and the clock starts ticking, LPAs will be able to undertake preparation to be in the best position to start their plan and will be required to announce when the formal plan preparation process will start. Preparation will include scoping, evidence gathering and early participation ('notify' and 'invite' views on what the plan should contain and gather views on how communities and stakeholder would like to be engaged through the process).
- Following scoping and early participation there will then be five stages of local plan preparation which must be completed within the 30 month timescale. These are:
 - i) Plan visioning and strategy development
 - ii) Evidence gathering and drafting the plan
 - iii) Engagement, proposing changes, submission
 - iv) Examination
 - v) Finalisation and adoption of the plan
- Draft plans will have to pass three mandatory gateway checks involving inspectors. The first gateway check, which will take place following the scoping stage is to ensure the plan 'sets off in the right direction'. The second gateway check will involve 'ensuring compliance with legal and procedural requirements and (wherever possible) supporting early resolution of potential soundness issues' and take place between the two mandatory consultation windows. The third gateway will take place at the point just before submission and is designed to 'monitor and track progress'.
- Plan examination by the Planning Inspector should take no longer than six months (plus additional 3 months if further consultation is needed).

Consultation

- LPAs must have two periods of consultation which will take place following the conclusion of the first and before the third gateway assessments. They will last for a minimum of eight and six weeks respectively. In addition early participation will be required during the scoping phase. The government is proposing new approaches to engagement and within the 'project initiation document' it must be set out what engagement is planned and what resources and skills will be required to deliver this.

Monitoring

- LPAs will be required to produce annual monitoring reports outlining how their plans have met a series of nationally prescribed metrics and a fuller analysis four years after adoption.

Format

- New 'digital templates' should be used to help authorities prepare their new-style plans. The aim is that this should help support planning

authorities in drafting their plans by setting out standardised approaches to specific parts of the plan.

- PDF style plans should be replaced with digital version that are shorter and 'more visual'.
- Digital support for plans will be provided via a new 'pick and mix toolkit'. This will include a 'set of tools that can be used by different types of planning authorities, at different stages of the plan cycle, to make the process more efficient, more cost effective and more accessible'.

Timetables

- Local Development schemes would be replaced with a new 'timetable' document.
- Plans must be updated more frequently (updates need to commence within 5 years after adoption and updates will be subject to consultation and independent examination). The removal of the requirement for planning authorities to have a five year housing land supply will protect against speculative development and provide an incentive to have an up to date plan.

Community land auctions

- Councils who sell community land auction options to developers will still be able to ask them for s106 planning gain contributions.

Council response

5. Officers have reviewed the consultation document and have provided a draft response which is set out within Appendix 1. Overall officers are quite supportive of the proposal in principle and hope that the proposed measures will speed up the planning making process and make plans easier to understand and use.
6. In particular standardisation and digitisation is welcomed and should help ensure consistency for all Local Planning Authorities. The gateway assessments should help keep LPAs on track so that submitted plans are more likely to be found sound, in particular if clear guidance is provided on what evidence is needed at examination. Engagement with communities and stakeholders is also promoted and new approaches should help engage a cross section of population.
7. Our main concerns however are whether in practice it will be possible to produce and adopt a plan within 30 months and whether the quicker timescales will result in a significant reduction in traditional consultation methods. It is likely that a considerable amount of work (scoping, evidence gathering and early engagement) will need to be undertaken before the clock starts ticking. Officers also have reservations regarding the Community Land Auctions.

Consultation

8. Due to the nature of the report, no public or stakeholder consultation has taken place. The chair and vice-chair of this Panel have been briefed on this report. Stakeholders have the opportunity to comment on the consultation using the link at the start of this report.

Implications

Financial and resources

9. None directly as a result of this report.

Legal

10. There are no legal implications.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	The report is not likely to affect people because of their protected characteristics.
Health, social and economic impact	Whilst the report itself does not have any direct health, social and economic impacts, the future implications of the changes could have quite significant social and economic impacts. These impacts will need to be assessed as part of the decision making process or plan making stage.
Crime and disorder	No likely implications
Children and adults safeguarding	No likely implications
Environmental impact	Whilst the report itself does not have any direct environmental impacts, the future implications of the changes could quite significantly impact upon our environment. These impacts will need to be assessed as part of the decision making process or plan making stage.

Risk management

Risk	Consequence	Controls required
No risks have been identified in terms of the publication of this report.	n/a	n/a

Other options considered

11. One option is to not submit a response to the consultation. This is not recommended as the scope of the consultation concerns some fundamental changes to the plan making process and it is important to provide comments so the Councils support/concerns can be recorded/ taken into account.

Reasons for the decision/recommendation

The recommendation is to discuss and comment on the proposed consultation response to be submitted to government. This will enable members' concerns and support to be taking into account when submitting the council's response to government.

Background papers: None


Appendices: Appendix 1 - Draft consultation response

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Appendix 1

Responses to individual questions

The Council's proposed response to each of the consultation questions is set out below in italics. A brief summary of the key issues raised within the consultation document is also given for context but will not be included within the response submitted to government.

Chapter 1: Plan content

To support the approach outlined in the LURB it is proposed to set out through policy and guidance a series of additional core principles around what plans should contain. This should include a locally distinct vision that will anchor the plan and sustainable development should run as a golden thread throughout the plan. They should contain ambitious locally distinctive policies which meet key economic, social and environment objectives, foster beautiful places and recognise the importance of design and set out a detailed approach to monitoring. They should include a key diagram.

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

Norwich City Council supports the proposed content of plans and has no other principles to suggest.

It is proposed that the role of the vision is strengthened, focused and specific, shaped by the views of communities and informed by baseline information and inputs from stakeholders. It should serve as a golden thread with policies and allocations linking directly to delivering the outcomes set out in the vision. It should set out measurable outcomes for the plan period.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Norwich City Council agrees that Local Plans should contain locally distinct visions and objectives and should be based on achieving the principles of sustainable development in the context of the specific area. Considerable work will need to have been done prior to the production of the Project Initiation Document (PID) and the drawing up of the initial vision to establish the nature and extent of local economic opportunities, the environmental constraints and opportunities and the amount and type of growth needed, along with the options for addressing these. Clear guidance from government on the amount and type of evidence that will be needed to ensure both a streamlined and relatively co-ordinated approach to plan-making will be essential.

The LURB provides for the creation of National Development Management Policies and allows for local development management policies to be included in local plans.

It is proposed that local DM policies should be underpinned by appropriate justification and local DM policies should enable delivery of the plan's vision.

Question 3: Do you agree with the proposed framework for local development management policies?

Norwich City Council welcomes both the introduction of national DM policies and the ability to develop locally specific DM policies which help to achieve the plan's vision. This does however means that considerable work will need to have been done prior to the production of the PID to establish the need for, nature and scope of local DM policies. This will be partly dependent on the nature and scope of the national DM policies.

It is proposed to introduce a series of templates, setting out standardised approaches to specific parts of the plan. For example these could set out what a plan should contain through templated contents pages or could suggest approaches to drafting and presenting specific policies. Templates will be designed to provide sufficient flexibility to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

Standardisation and consistency through digitisation, including digital templates is welcomed. Plan-making manuals existed in the past, providing helpful guidance and assisting in standardising plans. Local specificity will also need to be promoted.

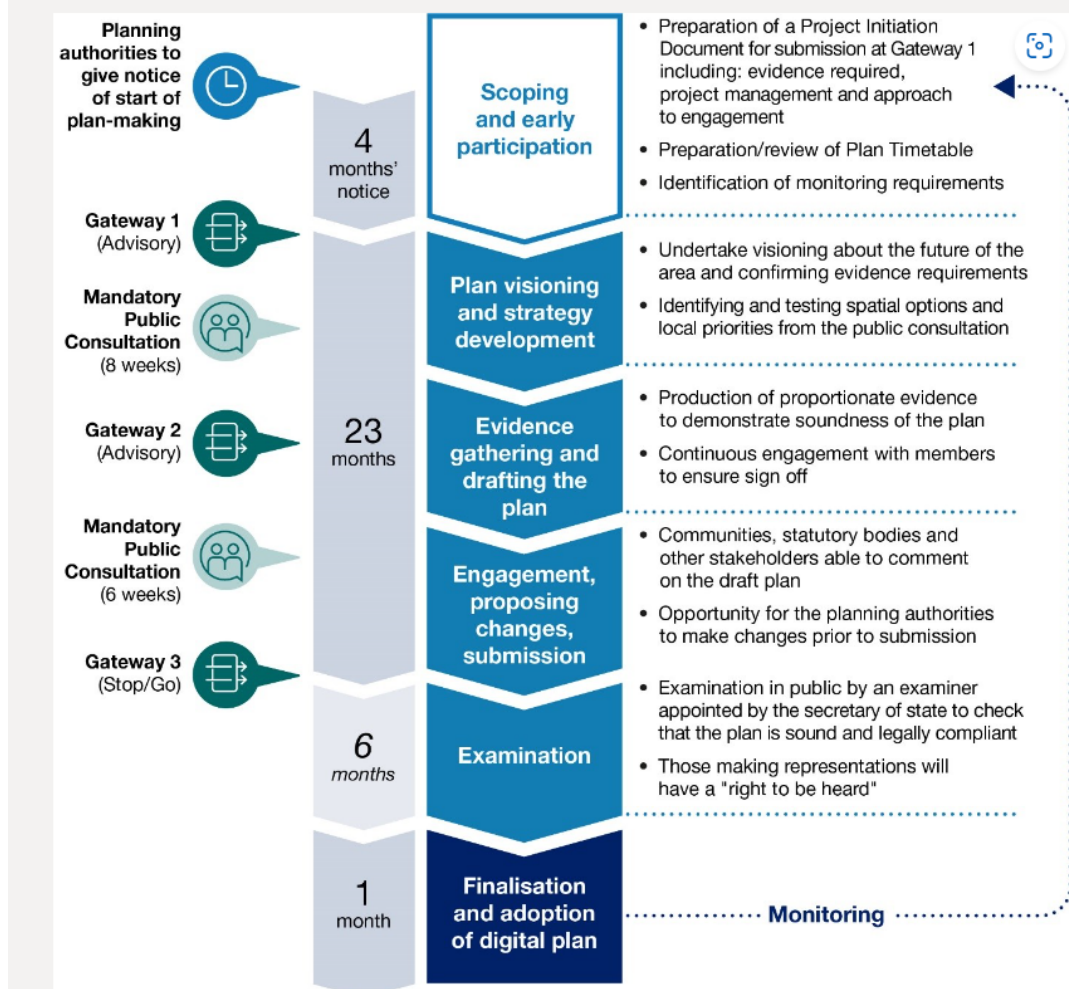
Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

No comment

Chapter 2: The new 30 month plan timeframe

On average it takes 7 years to produce a local plan. The LURB sets out that local plans should be prepared and adopted within 30 months. The government proposed to use policy and guidance to establish more detailed expectations about what planning authorities should do at each stage of the process.

Figure 1: The new 30 month plan timeframe



Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

No. Even with the considerable amount of work that will be necessary before the Project Initiation Document (PID) is produced, it still seems to be highly optimistic to assume that the plan can be produced in 30 months. This assumes that there will be general agreement from most parties on the approach to be taken, appears to take little account of the time taken to progress issues locally with both the two stage consultation requirements and the democratic checks and balances required and assumes that significant resources will be available. It also assumes that examination will be considerably speeded up, though it is accepted that the gateway assessments will likely assist this by ensuring that key issues are addressed prior to plan submission.

The production of proportionate evidence to demonstrate soundness taking place after the plan visioning and strategy development stage is strange – surely evidence will be required in order to undertake the initial visioning work? The guidance on

what “proportionate evidence” is and when it will be required referred to in chapter 5 of the consultation will be essential.

Examples of LPAs which have produced plans to such rapid timescales would be welcomed, as would clarification on the implications and outcomes for LPAs if these highly demanding timescales are not met.

Before the 30 month process begins the LPA should:

- a. prepare a Project Initiation Document which should include:
 - i) define the scope of the local plan and identify evidence required
 - ii) identify any local issues likely to be relevant
 - ii) set out the project management, government, risks to delivery and resourcing arrangements
 - iv) outline the overall approach to community and stakeholder engagement.
- b. consider introducing the Infrastructure Levy and Infrastructure Delivery Strategy where the ‘test and learn’ approach facilitates it.
- c. ‘Notify’ and ‘invite’ views on what the plan should contain from the community and key stakeholders

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Agreed in principle, though the caveats set out in question 6 may make the production of a credible and implementable PID difficult.

Chapter 3: Digital plans

The government recognise that standardisation and publication of data can contribute to greater efficiency and transparency in the plan-making process. The government seek views on where there is the greatest need for standardisation, challenges around publication and where the best opportunities lie.

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

Norwich City Council is supportive of the digital transformation in plan-making and, more widely, in planning as a whole. We accept that standardisation and the publication of data is part of this.

Through engagement the government has identified several areas where digitisation could help. These include:

- Lack of clear guidance on how to make plans
- Lack of standard formats and terminology
- Uncertainty about evidence requirements
- Lack of clear timelines
- Plans are static and pdf based meaning they go out of date quickly
- Poor monitoring means it is difficult to understand if policies are working

- Majority of people do not engage in plans
- Plans often involve making difficult local decisions but the political nature of local decision making and how it shapes plan content is often not understood.

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

Norwich City Council recognises and agrees with the challenges identified. The final point, which should be extended to recognise that many people in any locality will oppose the principle of growth, is a key one. In addition, key local issues will arise. The use of digital techniques to get the views of a wider cross section of the population has and will ameliorate this to a certain extent. The reality is that there will likely be a need to significantly reduce the amount of “traditional techniques” in consultation referred to elsewhere in the document if the reduced timescales for plan production are to be met. It is considered therefore that there is likely to be a trade off between traditional forms of consultation and achieving timescales.

Tools and products identified that could help deliver better plans include:

- Visualisation of plans, policies and spatial data
- Templates, checklists and step-by-step guides to provide clarity and efficiencies
- Standardisation of data for consistency, access and use
- Dashboards and platforms for transparency and communication
- Search tools to better access information
- Automation tools and AI to process and report
- The sharing of best practice via case studies and blogs

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

Agree with the opportunities identified. Norfolk County Council did a good map based [consultation](#) on the Norwich Western Link road scheme which made it easy to submit comments and opened up participation to a wider audience.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

No doubt AI could and will play a role, but would rely on a wholly digital approach which LPAs are not geared up for yet.

Chapter 4: The local plan timetable

It is proposed to replace the Local Development Scheme with a local plan timetable which will no longer need to go through full Council sign-off each time it is revised. It is intended to use regulations to bring about a shift from a document-based requirement to one that will make the relevant data publicly available in a prescribed digital format. Key information will need to be made available about the future shape of local plans and supplementary plans and it should be in a simple, consistent

format and structure and kept up to date. It should be revised every 6 months or earlier if deemed appropriate.

All planning authorities will be required to report on when they expect to meet the following milestones (by making this information available to the public):

- Commencement of Gateway 1
- First mandatory consultation window (8 weeks)
- Commencement of Gateway 2
- Second mandatory consultation window (6 weeks)
- Commencement of Gateway 3
- Submission for independent examination
- Anticipated adoption date

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

The milestones, timetable updates and the gateway support are sensible and helpful.

Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

No comment

Chapter 5: Evidence and the tests of soundness

Ensuring that evidence is proportionate is a key component in meeting the ambitions for a 30 month end-to-end plan making timeframe. It is proposed that clearer evidence expectations will be set through national policy. A distinction will also be made between evidence produced and submitted to demonstrate the plan is sound and legally compliant and information gathering and assessment which are used to inform the plan. A summary of the proposed approach to evidence is as follows:

Figure 3: Approach to evidence



The consultation on reforms to the National Planning Policy Framework (launched Dec 2022) already proposed to amend the tests of soundness against which plans are examined, removing the 'justified' test. Whilst LPAs will still need to produce evidence to inform and explain their plans, removing the test allows a proportionate approach to their examination. The direction of travel is proposed as follows:

- Setting clear expectations through national policy
- Amending national policy to make a distinction between evidence produced and evidence submitted.
- Clarifying that evidence should only be discussed and argued at examination where there is a significant and demonstrable reason for doing so.
- Clarify that no longer a need to demonstrate that the plan is the most appropriate strategy.
- Provide guidance on 'what good evidence looks like'.
- LPAs should complete a new light touch and templated 'statement of compliance with legislation and national policy'

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

The comprehensive proposed approach is both welcomed and essential.

Work is currently being undertaken to standardise elements of the evidence base that are particularly complex. This will provide greater clarity on what is expected and reduce discussions about specific methodologies at examination.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Support the proposed approach.

The government proposed 'freezing' data or evidence at certain points in the plan making process with the aim to reduce iteration and delay.

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Support the third bullet point approach whereby there is the freezing of evidence at the point of publication of the plan and submission to the inspector. If examinations prove to be as short as anticipated, then there should not be the need for updates during the examination.

Currently LPAs are required to submit 'such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan'. It is instead proposed that the LPA only submit supporting documents that are necessary to show that the plan is sound.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

Yes, if this is accompanied by the clear guidance referred to in paragraph 100.

Chapter 6: Gateway assessments during plan-making

It is proposed to introduce mandatory gateway assessments into the new local plan process which require LPAs to seek observations and advice from a person appointed by the Secretary of State. This will ensure that the plan sets off in the right direction, complies with legal and procedural requirements and is on track against its timetables.

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Agree with the proposed approach. No doubt there will need to be a recruitment drive at PINS.

Three gateways are proposed which is:

1. at the beginning of the 30 month process, following work undertaken at the scoping stage
2. part-way through plan preparation
3. at the end of the plan preparation process (when LPA plans to submit).

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

Agree with the proposed approach.

Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

Agree with the proposed approach.

Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?

It is proposed that gateways are fully funded through cost recovery from the planning authority with a standard fee for each gateway.

This could place additional burden on Local Planning Authorities. It is unclear if the examination fee would subsequently be reduced.

Chapter 7: Plan examination

It is proposed that examinations of local plans should take no longer than six months and if a consultation on proposed modifications to the plan is needed, this should add no more than three months.

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

In general agreement with the proposals except for revising the way the Matters, Issues and Questions (MIQs) stages work. The submission of MIQs by other interested parties as well as the LPA allows forewarning of and preparation for the likely topics of discussions at the hearings, so should be retained.

It is proposed that the local plan examination cannot be paused for more than six months. If the matters have been dealt with before the end of the pause period then the examination will resume. If not then the inspector will be required to recommend that the authority withdraws the plan.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

Agreed. There is some concern that this could add further delays if plans need to be withdrawn and then resubmitted; however, the inclusion of the gateway approach should, if effective, prevent submission of policies which do not work or the omission of key issues. Our understanding is that it will not be possible to submit a plan if there is a clear omission or process error and provided this is the case then six months is likely to be an adequate pause period.

Chapter 8: Community engagement and consultation

It is proposed to increase the amount of engagement that takes place during plan making and to reach a broader audience. The proposals are as follows:

- The role of digital has the potential to improve both the quality, quantity and diversity of participation (in conjunction with traditional methods).
- Plan and monitor engagement through the Project Initiation Document
- Focus on early participation through the 'notify' stakeholders and 'invite' early participation stage at the start of plan making
- Have a more standardised approach to consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Agreed that the PID should set out the approach to engagement, though there will need to be substantial evidence gathering and engagement at the scoping stage prior to PID production. Agree that the digitisation of consultation should assist in widening engagement so that the voices of more sectors of society are heard and allow greater efficiencies in processing and analysing responses. The use of "traditional methods" of consultation may well need to be significantly reduced if the demanding timescales are to be met. This is due both to the time taken to prepare such consultations and to the time taken to process non-digital consultation responses received.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

Norwich City Council support this. This stage of work will be critical to establishing the vision and objectives and the spatial options for growth. There is no mention in the consultation of a Call for Sites. It is assumed that this will still be the first step to plan-making as it will be critical to establishing which locations are available for consideration for development. The nature of the engagement with neighbouring local authorities and infrastructure providers will be largely dependent on the content of the alignment test.

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Yes, the consultation at the scoping stage will need to inform the PID.

It is proposed that there will be two periods of formal consultation. The first window should build on outputs from the early participation carried out in the scoping phase. To ensure that communities can meaningfully influence the plan the government expects that questions will focus on validating the vision and test the broad options for the plan. The second consultation should seek views on the draft plan which the planning authority intends to submit for examination. To make it easy to analyse representations it is proposed that a series of templates are developed which should ensure that submissions are machine readable.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Agreed. Validation of the vision for the area and testing the broad options for the plan, including the key spatial choices, were key elements of the first consultation on the production of the Greater Norwich Local Plan. The greater use of digital presentation techniques should make this critical stage of plan-making more accessible.

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

Yes, we successfully used this template as a basis for the response form for the submission version of the Greater Norwich Local Plan.

Chapter 9: Requirement to assist with certain plan-making

The LURB sets out a 'Requirement to Assist with Certain Plan Making' which give LPAs the power to legally require that 'prescribed public bodies' provide assistance to develop or review the local plan. An initial list of bodies is given.

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

No comment.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

Agreed.

Chapter 10: Monitoring of plans

Currently LPAs can largely choose which targets and indicators to use to assess the implementation of policies. It is intended to use regulations to give clarity on the requirements and to set a small number of common metrics to monitor implementation of policies. It is proposed that there will be a light touch annual return and a detailed return to be submitted four years after adoption of the local plan. The scope of this will be down to each LPA and will be used to inform the forthcoming

update of the plan which will need to commence five years after adoption, at the latest.

Question 31: Do you agree with the proposed requirements for monitoring?

Agreed. The more detailed report in year 4 of the plan should play an important role in informing the update to the plan.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

Standardisation of monitoring through a simple framework will be beneficial. We would query how useful “Net change in designated open space” would be as an indicator. Since open spaces are designated through local plans, it is difficult to see how this figure will change within the lifetime of a plan. It would be more useful if the metric used takes account of new open spaces delivered through new developments or by other means within plan periods. The net change will be a useful long-term metric.

Chapter 11: Supplementary plans

Supplementary Plans are intended to be produced at pace to enable planning authorities to react and respond positively to unanticipated change such as introducing a new site specific policy including in relation to design, infrastructure or affordable housing. They will be limited geographically to matters relating to a specific site or two or more nearby. They can also be used to produce an authority-wide design code or to set out a design code or masterplan for a site allocated in the local plan. They will have the same weight as local plans and be subject to consultation and examination. They are not intended to be used routinely.

If area wide planning policies need updating or a new policy, other than one addressing design, is required to cover an entire authority area, local planning authorities will need to update their local plan instead of preparing a supplementary plan.

For site based supplementary plans, when assessing whether two or more sites are ‘nearby’ to each other factors could include geographical distance, relationship to sites in other similar sized settlements or for the delivery of planning obligations.

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are ‘nearby’ to each other? Are there any other factors that would indicate whether two or more sites are ‘nearby’ to each other?

Agree with suggested factors. Also need to consider the relationship between the sites and the regeneration opportunities that may arise when brownfield sites are developed together.

Supplementary plans may be subject to Environmental Assessment obligations. The Bill allows for regulations to make provision about the preparation, withdrawal or

revision of supplementary plans. Given the possible diversity and flexibility of supplementary plans, different preparation procedures may be suitable for different types of supplementary plans.

Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? E.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

There appears to be no potential to prepare local DM policies through supplementary plans. This could be a problem in areas producing joint plans where different local DM policies could be priorities for different LPAs.

It is proposed the supplementary plans should have a minimum of one formal consultation stage, the timeframe for which will be set out in the local plan timetable.

Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?

Agreed

The Bills approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangement for neighbouring plans. The general rule is that the independent examination is to take the form of written representations but a hearing can be held if the examiner considered necessary. There are two options for independent examination. The plan can be submitted to the Secretary of State or to an examiner of the authority's choosing who is an independent impartial person and who is suitably qualified. The government are asking for views on whether larger, complex or locally contentious supplementary plans should be examined by the Secretary of State and what the threshold should be.

Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.

No binding thresholds are considered to be necessary, but guidance would be helpful.

An examiner can only recommend that a supplementary plan is adopted if they consider all relevant procedural requirements have been met. This includes

- has had regard to other parts of the development plan
- secures that local development and use of land contribute to the mitigation of and adaption to climate change
- includes sites that are nearby each other
- have complied with requirements i.e. consultation with public
- have had regard to government guidance.

Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?

Agree that it is a proportionate approach.

Chapter 12: Minerals and waste plans

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

No comment.

Chapter 13: Community Land Auctions

Community Land Auctions (CLAs) are aimed at capturing uplift in land value. The competitive nature of CLAs will encourage landowners to reveal the true price at which they would willingly part with their land. The LURB proposes to introduce the Infrastructure Levy which will replace the existing system of developer contributions. The IL will be the main mechanism to improve land value capture; however CLA provides the opportunity to pilot a further approach in certain areas, which may support increased land value capture. LPAs can put themselves forward as a 'piloting authority'. As part of the site identification and selection process, landowners 'bid' to have their land selected for allocation in an emerging local plan by stating the price at which they would willingly sell their land for development. The offer from the landowner, once an option agreement is in place with the piloting authority, becomes a legally binding option. Once piloting authorities have acquired options over land put forward in the site identification phase, they will then decide which land to allocate by considering a range of factors. They will be able to consider the financial benefits that are likely to arise from each site. Consultation and examination will be similar to plans without CLAs.

Once the local plan is adopted and sites are allocated, the piloting authority can sell the CLA options. If the CLA option is sold, the piloting authority keeps the amount the successful bidder paid for the option. The successful bidder owns the option and can exercise the option (to purchase the land) by paying the price set out by the original landowner in the option agreement to the landowner. The LPA could alternatively exercise the option by paying the original option price to the landowner in order to purchase the land. They could then sell the land by inviting bids or develop the land themselves. The piloting authority will be able to spend CLA receipts in accordance with the requirements set out in the CLA regulations. This will need to be on funding infrastructure.

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

Norwich City Council has concerns about the CLA process. Whilst welcoming the principle that LPAs should direct a major part of the uplift in land values resulting from planning to fund infrastructure delivery, this proposed approach risks the

planning system being seen as a means of buying permissions, or for less sustainable sites being brought forward over better located sites.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

Norwich City Council has significant concerns about CLAs. Whilst welcoming the principle that LPAs should direct a major part of the uplift in land values resulting from planning to fund infrastructure delivery, this proposed approach risks the planning system being seen as a means of buying permissions, or for less sustainable sites being brought forward over better located sites.

Chapter 14: Approach to roll out and transition

It is proposed to have a phased approach with around 10 authorities being provided with expert planning making support and will start to prepare the new style local plans from autumn 2024. The remaining authorities will be ranked chronologically by the date that they have most recently adopted a plan containing strategic policies. They will then be grouped together sequentially into groups of up to 25 authorities. Each group will be allocated a 6 month plan making commencement window. Proposals are also going to be put in place which protect authorities from speculative development.

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

Norwich City Council would favour an approach which provides the maximum protection for LPAs.

Chapter 15: Saving existing plans and planning documents

It is proposed that when the new plan making system comes into force, existing Development Plan Documents and saved policies will remain in force until the local planning authority adopts a new style local plan.

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Agree

Equalities impact

Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Widening access to engagement should be beneficial.



Committee name: Sustainable development panel

Committee date: 03/10/2023

Report title: Government Consultation on Proposed Changes to Permitted Development Rights

Portfolio: Councillor Stonard, Cabinet member for inclusive and sustainable growth

Report from: Head of planning and regulatory services

Wards: All wards

Purpose

To inform members about the recent consultation on changes to the permitted development rights, and to share the consultation response submitted to Government.

Recommendation:

To note the response attached in appendix 1.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report addresses the first four aims.

Report details

Background

1. The government published the consultation on the proposed changes to permitted development rights on 24 July 2023. There were 88 questions within

the consultation document and the deadline for providing a response was 25 September 2023 which did not allow for discussion at Sustainable Development Panel prior to submitting a response. The consultation response was submitted on 21st September following sign off by Cllr Mike Stonard. The consultation document is available here:

<https://www.gov.uk/government/consultations/permitted-development-rights/consultation-on-additional-flexibilities-to-support-housing-delivery-the-agricultural-sector-businesses-high-streets-and-open-prisons-and-a-call-f>.

2. The consultation sought views on a number of proposed changes to permitted development rights including changes to:
 - a number of permitted development rights that allow certain existing buildings to change to residential use,
 - non-domestic extensions rights,
 - the temporary use of land to allow markets to operate for more days per calendar year,
 - rights which allow extensions and alterations to open prisons
 - the application of local design codes to certain permitted development rights and
 - rights that allow for agricultural diversification.
3. The consultation also contained a call for evidence led by Defra which sought views on nature-based solutions, farm efficiency projects and diversification.

Summary of key issues within the consultation

4. The key issues which apply to Norwich are as set out below. The submitted response to the consultation questions is given in Appendix 1.
 - The government wants to apply local design codes to certain permitted development rights. Currently for some permitted development rights there is a prior approval on the ground of design or external appearance. The consultation asked if design or external appearance should be replaced by consideration of design codes where they are in place locally.
 - In terms of class MA (change of use from commercial to residential) there is currently a 1,500sqm cap. The consultation sought views on whether this should be doubled, removed all together or stay the same. Views were also sought on whether the requirement for premises to be vacant for at least 3 months should be removed.
 - The consultation proposed that hotels and guest houses could change to residential under permitted development.
 - Currently hot food takeaways, betting offices, pay day loan shops and laundrettes can change to residential under permitted development if under 150 sqm. The consultation asked if this should be doubled or the limit removed. It was also proposed that laundrettes should no longer be able to convert to residential under permitted development and the

consultation sought view on whether this permitted development right should apply in conservation areas.

- Class G currently allows for the change of use of space above a wide ranges of uses to residential. It applies to all uses within class E, pay day loan shops and betting offices. The consultation sought views on whether this should be expanded to allow for mixed use residential above other uses. It was also asked if the number of flats should be increased from two to four.
- The consultation proposed to increase the amount of floorspace that class E business can extend under permitted development but it was not proposed to increase this in conservation areas.
- It was proposed to increase the size of new industrial buildings and industrial extensions that can be built under permitted development.
- Currently markets can operate for up to 14 days a year under permitted development. It was proposed to increase this.
- The consultation also contains several questions about agricultural buildings. No responses were provided to these questions.
- The section regarding open prisons was also not considered relevant to Norwich as the prison is a closed prison.

Council response

5. The full response provided to Government is set out in Appendix 1. Whilst officers were supportive of some proposals, they had particular concerns over the proposed amendments to the permitted development rights that relate to the change of use of commercial, business and service uses to residential. The Class MA revisions could further undermine the council's ability to manage the town centre and our local economy. Potentially it could result in large stores converting to residential which could erode the amount of active frontages on our high streets impacting upon vitality and vibrancy. Furthermore, it could discourage changes of uses to other community uses or those that benefit our local economy. Whilst we acknowledge that the amount of town centre uses may need to reduce, this needs to be done in a planned and managed way. The relaxation of conditions and limitation for permitted development rights could result in the piecemeal loss of town centre uses at ground floor level which could become interspersed with residential, affecting the way that our high streets' function.
6. It is acknowledged that the changes may increase housing provision overall, however the Council is concerned that without being able to consider all material planning considerations, the proposed changes may result in some substandard housing and would also reduce the opportunities for seeking affordable housing and securing social infrastructure to support new residents.

Consultation

7. Due to the nature of the report, no public or stakeholder consultation has taken place. The portfolio holder was briefed on the consultation response prior to submission, and the chair and vice-chair of this Panel have been briefed on this report. Stakeholders had the opportunity to comment on the consultation.

Implications

Financial and resources

8. None directly as a result of this report.

Legal

9. There are no legal implications.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	Whilst the report itself does not have any equality and diversity impacts, the proposed changes including potential loss of town centre uses could negatively impact upon certain groups with protected characteristics (eg age, disability) as they may need to travel further to access shops and services.
Health, social and economic impact	Whilst the report itself does not have any health, social and economic impacts, the future implications of the changes could have quite significant social and economic impacts.
Crime and disorder	No likely implications
Children and adults safeguarding	No likely implications
Environmental impact	No likely implications

Risk management

Risk	Consequence	Controls required
No risks have been identified in terms of the publication of this report.	n/a	n/a

Other options considered

10. One option was to not submit a response to the consultation. This was not supported as the scope of the consultation concerned some fundamental changes to permitted development rights and it was felt important to provide comments so the Councils support/concerns can be recorded/ taken into account.

Reasons for the decision/recommendation

The recommendation is to note the consultation response. Due to timescales it was not possible for the draft consultation response to be discussed at this panel.

Background papers: None

Appendices: Appendix 1 - Submitted consultation response

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If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Appendix 1

Responses to individual questions

The response to each of the consultation questions is set out below in italics. A brief summary of the key issues raised within the consultation document is also given for context but was not included within the response submitted to government.

Design Codes

The LURB is seeking to introduce a duty for all local councils to produce a design code for their authority area, either as part of their local plan or as a supplementary plan which will give design codes significant weight when determining planning applications. Applying local design codes to certain permitted development rights could offer certainty to developers about the type of development that is acceptable and provide more local influence to local authorities about the design of new homes in their area. Currently for some permitted development rights there is a prior approval on the ground of design or external appearance which will be assessed on a case-by-case basis. The government is seeking views on whether the terms design or external appearance should be replaced by consideration of design codes where they are in place locally. This would allow for consideration specifically of whether the external appearance of the building meets local design code requirements.

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?

- a) Yes**
- b) No**
- c) Don't know**

Please give your reasons.

Yes, it would seem appropriate to include reference to local design codes; however it must be made clear that where these are not in place, design and external appearance are still important considerations.

Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes**
- b) No**
- c) Don't know**

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes, it could impact upon a, b and c and the impact is likely to be positive as it may enable LPAs to secure a higher quality design for the benefit of businesses and communities. Setting out design expectations would also provide more certainty. Initially it may have negative implications on developers and landowners as more consideration will need to be given to the quality of development.

Supporting housing delivery through change of use permitted development rights

Class MA allows the change of use from commercial, business and service uses to residential subject to certain limitations and conditions. It currently allows up to 1,500 square metres to change use without full planning permission. It is proposed to increase this.

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:

- a) Double the floorspace that can change use to 3,000 square metres**
- b) Remove the limit on the amount of floorspace that can change use**
- c) No change**
- d) Don't know**

Please give your reasons.

Norwich City Council objects to doubling the floorspace or removing the limit. Any increase will further undermine our ability to manage the town centre and our local economy. It could deliver more substandard housing whereby we are not able to consider all material planning considerations and it could also significantly reduce the amount of affordable housing and social infrastructure that can be secured on changes of use from a commercial use to residential. Potentially it could mean that large stores could be converted which could erode active frontages on our high streets which in turn could impact upon vitality and vibrancy. It could discourage changes of uses to other beneficial community, business or service uses which would be of detriment to our local economy. Whilst we acknowledge that the amount of town centre uses may need to reduce, this needs to be done in a planned and managed way. The piecemeal loss of town centre uses at ground floor level is likely to result in residential interspersed with town centre uses which will affect the way that our high streets function.

Norwich City Council has recently introduced an Article 4 Direction to manage the change of use of certain offices to residential within the city centre. Whilst officers from DLUHC suggested that we should not include offices over 1,500 sqm, we had concerns that developers could convert part of these larger offices to residential or that the threshold set out within the GPDO could change. On this basis larger offices of strategic importance were included in our Direction so whilst we do not support this proposed change, the implications on our Article 4 Direction and the change of use from offices to residential will fortunately be minimal.

The existing permitted development right requires that the premises be vacant for a continuous period of at least 3 months immediately prior to the date of the application.

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No. Norwich City Council does not agree that the right should be amended. Removing the three month period could result in a number of landlords applying for prior approval on sites where there are successful businesses which have no intention of vacating the premises. This could be of significant detriment to Norwich's economy.

Class MA currently applies in Conservation Areas but not other Article 2(3) land. It is proposed to allow town and village centres within protected landscapes to benefit from the right. Given this does not apply to Norwich, it is not proposed to answer

Q.5.

In Conservation Areas the LPA can consider the impact of the change of use of the ground floor on the 'character or sustainability of the conservation area'.

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If no, please explain why you don't think the prior approval works in practice?

It is important within a historic city centre such as Norwich to be able to consider the impact that the loss of a commercial use at ground floor level would have upon the character and appearance of the conservation area. It is important that piecemeal development does not erode its special character in line with the objectives of the NPPF and local plan policies.

Whilst in our experience it is not used that frequently as a reason for refusal, the 'impact on the character of the conservation area' clause has been used to negotiate amendments/withdrawals where it has been considered that the loss of a ground

floor retail unit in a shopping street would erode the conservation area's character. Removing this clause would mean that no consideration could be given to the character of the area. An alternative to 'impact on the character of the conservation area' would be a clause requiring consideration of the impact on vitality and viability of a centre. Norwich City Council would support a clause across the board for the consideration of vitality and viability so that the same impacts can be considered inside and outside of conservation areas.

It is proposed to allow the change of use of hotel, boarding houses or guest house to dwellinghouses.

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No, hotels are essential in supporting tourism and leisure in Norwich and the LPA should be able to consider all material planning consideration (including the impact that the loss would have upon the economy) where it is proposed for a hotel to be lost.

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses, or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?

- a) Yes
- b) No
- c) Don't know

**Please give your reasons.
If yes, please specify.**

Norwich City Council does not agree with permitted development rights for change of use of hotels to residential. If this right were to be introduced, the LPA should be able to consider the impact upon local tourism so a range of tourist accommodation can be retained.

Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes, it could have significant impacts upon a), b) and c). It could force some businesses out of premises and the loss of an active frontage could be harmful to other businesses. It could result in the loss of businesses and services for local communities. The proposal will also reduce fee income for LPAs and reduce affordable housing provision to the detriment of communities.

Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

If so, please give your reasons.

Yes. Norwich City Council does acknowledge that the proposal may help housing delivery but our concern is that this could be at the expense of the future of our high street. Furthermore, it could lead to residential development in inappropriate places and will result in the loss of affordable housing opportunities for Norwich and other local authorities as the proposed permitted development right will not trigger affordable housing or other section 106 planning gain payments. In our experience the quality of housing in PD residential conversions is also lower than for those which require full planning permission.

Betting offices, pay day loan shops, hot food takeaways, launderettes to dwellinghouses and change of use of arcades to dwellinghouses

Both Class M and N are long standing and subject to a floorspace limit which allows up to 150 square metres to change use to residential. It is proposed to double to 300 square metres or remove the limit.

Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Norwich City Council does not agree with increasing or removing the floorspace limit. These uses all contribute toward the local economy and are often situated within active frontages. The loss of larger units could significantly impact upon the frontage

and footfall. Furthermore it could result in more residential development in inappropriate places such as in the late night activity zone where noise could impact upon future resident's living conditions.

It is proposed that permitted development rights to change launderettes to residential no longer applies.

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Yes, Norwich City Council agrees. Launderettes can provide a valuable community service.

Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Norwich City Council does not agree with increasing or removing the floorspace limit. This use contributes toward the local economy and are often situated within active frontages. The loss of larger units could significantly impact upon the frontage and footfall.

Class M and N are long standing and apply to buildings that were in the use on 20 March 2013 for Class M or 19 March 2014 for class N. It is proposed to have a two-year rolling requirement which mirrors the approach currently taken for Class MA.

Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Yes. To make it consistent with Class MA.

Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Yes, to make it consistent with Class MA.

Class M does not apply to any article 2(3) land while Class N does apply in Conservation areas but not other article 2(3) land.

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No, Norwich City Council does not agree that Class M should apply in other article 2(3) land.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

This is not applicable to Norwich as we do not have any other article 2(3) land.

Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes potentially to a), b) and c).

Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

If so, please give your reasons.

Yes potentially but the numbers are likely to be minimal.

Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G)

Class G allows floorspace above many commercial premises to change to up to two flats subject to consideration of the impact of noise on potential residents.

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please say which uses the right might apply to and give your reasons.

Yes. Where it will provide acceptable living conditions Norwich City Council supports the use of upper floors for residential. We would however not support the change of use above hot food takeaways, restaurants, bars, nightclubs, taxi offices, amusement arcades and casinos as these uses tend to attract late night noise which could have significant amenity implications for future residents.

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No. Although Norwich City Council supports the use of upper floors for residential, these types of proposals are often complicated due to the sharing of entrances and outside space with the commercial unit below. Increasing the number of flats to four would be more complex and would benefit from a full planning application to ensure that living conditions are acceptable for future residents without affecting the operation of the business at ground floor level.

Class H provides for change of use from a mixed use residential to a Commercial, Business and Service use, betting office or pay day loan shop. If Class G is amended to apply to other uses then it is proposed to amend Class H to make sure the two rights align.

Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Yes to ensure consistency.

Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

In order to avoid unacceptable impacts on communities (from poor living conditions) and on business (residential neighbours in inappropriate locations) the number of residential units needs to be limited and should not apply to units that attract late night noise as set out in questions 20 & 21.

Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?

- a) Yes
- b) No
- c) Don't know

If so, please give your reasons.

Yes potentially but the numbers are likely to be minimal.

Agricultural buildings to dwellinghouses (Class Q)

Q25 – 42 relate to the change of use of agricultural buildings to dwellinghouses. This is not applicable to Norwich so we have not responded to any of these questions.

Agricultural buildings to a flexible commercial use (Class R)

Q43-50 relate to agricultural diversification. Whilst the provision of commercial, business and service uses in rural areas may not be sequentially preferable and has the potential to impact upon town centre uses, the direct impact upon Norwich City Centre and our district and local centres is likely to be minimal. It is acknowledged that these proposals would also have the benefit of supporting Norfolk's rural economy. Therefore, it was not considered necessary to respond to each of these questions; however it is proposed to submit the following comment.

Whilst agricultural diversification will not directly impact upon Norwich, it may have some indirect impacts upon our city centre and district centres and could encourage unsustainable transport patterns.

Agricultural development

Q51-56 relate to the extension and alternation of agricultural buildings. This is not applicable to Norwich so we have not responded to any of these questions.

Supporting businesses and high streets through greater flexibilities

This permitted development right allows for the extension or alteration of commercial, business and service establishments.

On article 2(3) land the gross floorspace of the original building cannot increase by 25% or 50 square metres (whichever is the lesser). In any other case, the gross floorspace of the original building cannot increase by 50% or 100 square metres (whichever is the lesser). It is proposed to increase this for non protected areas but it is not proposed to make changes to article 2(3) land.

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-

protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Yes. Norwich City Council would support this increase provided it does not apply on article 2(3) land.

Class H allows for the erection, extension, or alteration of industrial buildings (Use Class B2) or warehouse (Use Class B8). Currently where a new building is on article 2(3) land a new building cannot exceed 100 square metres. In all other cases the gross floorspace of a new building cannot exceed 200 square metres.

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No. Norwich City Council does not support this increase. In a tight urban area such as Norwich these types of extensions could have significant impacts on neighbours and would also have design and transport implications which should be assessed under a full planning application.

The same permitted development right also provides for significant extensions to existing warehouses or industrial buildings. On article 2(3) land 500 sq m or 10% (whichever is the lesser) and in other cases up to 1,000 sq m or 50% (whichever is the lesser).

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

No. Norwich City Council does not support this increase. In a tight urban area such as Norwich these types of extensions could have significant impacts on neighbours

and would also have design and transport implications which should be assessed under a full planning application.

Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

The proposed changes could have significant implications on a), b) and c). Whilst it is likely to have a positive impact upon businesses, the impact on residents in terms of amenity and transport could be significantly detrimental.

Existing PD rights allow for the temporary use of land for any purpose for up to 28 days per calendar year, of which up to 14 days can be used for markets, motor car and motorcycle racing.

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:

- a) 28 days per calendar year (in line with other uses permitted under the right)
- b) A different number of days per calendar year
- c) No change
- d) Don't know

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?

Norwich City Council would support increasing the number of days to 28 days per calendar year in line with other uses permitted under the right.

Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- a) Yes
- b) No
- c) Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes the changes have the potential of a), b) and c). In particular it could adversely impact upon existing market stall holders.

Ensuring the sufficient capacity of open prisons

Q63-64 relate to open prisons. There are no open prisons within Norwich City Council's administrative area so it is not considered necessary to respond to these question.

Public Sector Equality Duty

Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Yes potentially the loss of town centre uses could negatively impact upon those of certain age or those with disabilities as they may need to travel further to access shops and services.

Call for evidence – nature-based solutions, farm efficiency projects and diversification

Q67-74 relate to natural based solutions (ponds, wetlands, reservoirs e.g. for peat re-wetting and other engineering works). The term applies to projects seeking to use, manage, change or restore an area of land to address environmental issues such as nutrient pollution, flooding, plant pest or disease impacts, climate change or biodiversity loss. Whilst it is not considered necessary to respond to the questions, the following comments have been sent:

Norwich City Council is unlikely to have significant Nature Based solutions (although we could have a series of smaller ones). Therefore, we do not feel it appropriate to respond to all the questions within the section but would like to make the following comments:

- *Creating new permitted development rights may have an impact on the environment and those impacts may not be understood or assessed if the development is not covered by other assessment or permitting methods outside of the planning process.*
- *Consideration should be given to including conditions in any new PD right that only allows development subject to acceptable environmental assessments. Alternatively, developments could be required to obtain prior approval.*
- *There is however concern that this could create a vicious circle of requiring environmental assessments for projects that are being put in place as a result of other environmental assessments (e.g. creation of a wetland to mitigation*

nutrient neutrality impacts identified through an HRA). This issue has already been recognised in relation to BNG, where projects implemented to achieve BNG for development are themselves not subject to BNG assessment.

Q75-88 relate to farm efficiency and farm diversification. This is not applicable to Norwich, so no response has been provided.

