Report to Cabinet

11 July 2012

Report of Deputy chief executive (Operations)

Subject Site Allocations and Site Specific Policies Development

Purpose

This report seeks authorisation to publish the draft Site Allocations and Site Specific Policies development plan document (DPD) for soundness consultation during summer 2012 under Regulation 19 of the Town and Country Planning Regulations 2012.

Recommendation

Plan Document

- a) To note the extensive evidence base that is available in support of the emerging Site Allocations and Site Specific Policies Development Plan Document in particular:
 - 1. the representations made to date on the emerging site allocations plan and how they have been addressed;
 - 2. the Sustainability Appraisal of the emerging plan and reasonable alternatives to it:
 - 3. the report setting out justifications for the allocation of each of the preferred sites.
- b) To consider whether to accept the further changes to two emerging sites as recommended by Sustainable Development Panel (see Annex 2); and
- c) To endorse the emerging Site Allocations and Site Specific Policies plan, amended as appropriate in the light of b) above for pre-submission consultation under Regulation 19 of the Town and Country Planning Regulations 2012 and to give delegated authority to the Deputy Chief Executive (Operations) in consultation with the Portfolio Holder for Environment and Development to make consequential and further minor changes for clarity to the draft plan and policies map prior to consultation, and to finalise and publish all relevant supporting information.

Corporate and service priorities

The report helps to meet the corporate priority "A prosperous city" and the service plan priority to deliver the Site Allocations DPD.

Financial implications

There are no direct financial implications for this report.

Ward/s: All wards

Cabinet member: Councillor Bremner – Environment and development

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Background documents

None

Report

Introduction

- 1. This report is about the Site Allocations and Site Specific Policies Development Plan Document ('the Site Allocations plan'). It does a number of things:
 - provides an update on policy developments and the development of the evidence base;
 - highlights key documentation which supports the emerging plan, which is available on the council's website. This includes:
 - the Consultation report for the site allocations plan which includes all representations made to council during the preparation of the Plan,
 - the full Sustainability Appraisal report including a non-technical summary (located within the main report) and individual site assessments, and
 - o a justification statement to support the allocation of preferred sites.

Members should have regard to the above information and reports in their consideration of the proposed site allocations. This report also seeks Cabinet endorsement for the content of the emerging Plan (attached as Annex 1), subject to consideration of further changes recommended by Sustainable Development Panel at its meeting on 20th June (attached at Annex 2).

- 2. There have been many changes recently to national planning policy which have implications for this plan (referred to in more detail later in this report), and a recent update to planning regulations. As a result the terminology used to describe local planning documents has changed. The term 'local plan' (rather than 'local development framework') is now used to describe the policy documents which will guide and manage development in the city. In addition the planning regulations which apply to the different stages of the plan-making process have also changed: the pre-submission stage of consultation is now referred to as Regulation19, rather than Regulation 27 under the previous set of regulations.
- 3. The Local Plan for Norwich includes development plan documents (DPDs) which set out detailed planning policies and proposals for the city and the wider area. The adopted Joint Core Strategy (JCS, 2011) for Norwich, Broadland and South Norfolk provides the strategy to guide, manage and deliver development in the greater Norwich area to 2026. Despite the legal challenge to the JCS, the policies for Norwich remain adopted and provide the context for other local plan DPDs. For Norwich itself, the Development Management Policies DPD sets out local planning policies to guide development, which will apply across the whole city. The Site Allocations and Site Specific Policies DPD contains detailed site allocation policies for individual sites where change is anticipated or proposed, and will operate alongside the Development Management Policies DPD and the accompanying Policies Map.
- 4. Both local planning documents are being taken forward on the same timescale. Once adopted they will replace the existing City of Norwich Local Plan. They are complemented by the adopted Northern City Centre Area Action Plan (NCCAAP,

2010) which includes policies and site-specific proposals aimed at the regeneration of the northern city centre.

Plan development

- 5. The Site Allocations DPD has been in development since early 2009. Details of the plan-making process are set out in Annex 1 (the Pre-submission draft plan). However in summary the emerging plan has been subject to extensive public consultation, and the sites included in it have been subject to assessment on the basis of suitability, sustainability and availability. As part of this, the plan has been subject to sustainability appraisal to meet legal requirements and to ensure that the plan achieves sustainable development.
- 6. The initial 'call for sites' was held between February and April 2009, and identified an initial list of approximately 170 sites for a variety of uses including housing, employment and mixed use. Following that, the plan went through three stages of public consultation:
 - First stage of 'Regulation 25' consultation (now known as 'Regulation 18' consultation) on the 170 potential development sites identified by the 'call for sites' (November 2009 February 2010). Over 400 responses were received to this consultation:
 - Second stage of 'Regulation 25' consultation on 82 shortlisted sites (January -March 2011). Approximately 100 responses were received to this consultation;
 - Additional stage of 'Regulation 25' consultation on 12 sites (2 new sites and 10 amended sites) (July September 2011). Over 200 responses were received to this consultation.
- 7. The representations made, and the council's responses to them, are set out in the supporting documentation for the Site Allocations Plan which is on the council's website. This comprises 2 separate reports: for the first stage of Regulation 25 public consultation
 (http://www.norwich.gov.uk/YourCouncil/Consultations/ClosedConsultations/2011/documents/Statementofconsultationreg251.pdf); and the second stage of Regulation 25 consultation
 (http://www.norwich.gov.uk/Planning/Documents/ConsultationStatementReg25(2and 2a).pdf).
- 8. Sustainability appraisal (SA) of the Site Allocations Plan has taken place at several stages in the plan making process. Independent consultants (Land Use Consultants) were commissioned in 2010 to undertake the SA. The first SA report was produced in December 2010 and helped inform the second stage of Regulation 25 consultation in early 2011. An additional stage of SA was also carried out for the additional Regulation 25 consultation in summer 2011. A final SA was carried out (report published June 2012) which provides detailed appraisals of all sites against the SA objectives. The full SA report (and a set of appendices) is available on the council's website

 (http://www.norwich.gov.uk/Planning/Documents/SAReportSiteAllocationsDPD2012

(http://www.norwich.gov.uk/Planning/Documents/SAReportSiteAllocationsDPD2012 0612V4.pdf). The report identifies many positive sustainability effects for the proposed sites as well as some negative ones. It includes recommendations for

- changes to some site policies to mitigate the negative effects and to strengthen sustainability effects generally. The recommendations and the Council's response to them were set out in the report that was considered at Sustainable Development Panel on 20th June, and were endorsed by the Panel.
- 9. A draft of the emerging plan was considered by the Sustainable Development Panel at its meeting on 20th June alongside the evidence to support it including the Sustainability Appraisal and a report summarising how representations on the plan had been taken into account.
- 10. The Panel endorsed the emerging plan and recommended that Cabinet approve it subject to
 - incorporation of various changes proposed by officers in the light of the Sustainability Appraisal; and
 - the further amendment of one site allocation (ref CC9) and the deletion of another (ref R47).
- 11. Annex 1 attached to this report has been updated to include the changes proposed in the light of the Sustainability Appraisal but has not been updated in the light of the additional recommendations of Panel. Annex 2 makes clear what these additional recommendations are and the Panel's reasons for making them. Cabinet need to consider whether to accept these or not.

National planning policy

- 12. The National Planning Policy Framework (NPPF) was published in March 2012. This states that local plans must be prepared with the objective of contributing to the achievement of sustainable development. Local plans must be aspirational but realistic, and should address the spatial implications of economic, social and environmental change.
- 13. Key NPPF requirements relating to this Site Allocations DPD include:
 - to plan positively for the development and infrastructure needed in Norwich,
 - to allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate
 - plans should be based on a sound evidence base
 - plans should be deliverable, therefore the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to develop viably is threatened.
 - planning bodies have a duty to cooperate across administrative boundaries.

Duty to cooperate

14. The NPPF states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries particularly in relation to strategic priorities. In

the case of the Norwich Local Plan, the duty to cooperate is considered to be satisfied by the adopted Joint Core Strategy, which has involved the City Council, Broadland District Council, and South Norfolk Council working together in the Greater Norwich Development Partnership to ensure that strategic priorities across administrative boundaries are properly coordinated.

Soundness considerations

- 15. The Site Allocations Plan has been guided by soundness considerations during the course of its development. The NPPF identifies soundness issues which local plans have to address, which are set out below in paragraph 23.
- 16. Norwich City Council commissioned independent advice on soundness during the plan preparation process, for both the Site Allocations DPD and Development Management Policies DPD. The purpose of this 'health check' was to independently assess both emerging plans for their robustness and soundness, to enable early identification of issues that might impact on soundness. The consultant's report forms part of the background documentation supporting this plan on the council's website

 (http://www.norwich.gov.uk/Planning/Documents/ReportDMSADPDssNorwichCityFinalFeb12.pdf). In summary the report finds that the draft plan fits well with the NPPF (which was in draft form at the time of the health check) and adopted Joint Core Strategy. The document demonstrates clearly 'how the preferred policies and
- allocations have been justified by the evidence, generally meet local needs and help realise the community's vision for the city'. However the consultant identified a number of areas for improvement and made a number of recommendations for both plans. These recommendations have been addressed by the council as part of the plan-making process and amendments made to the final version of the plan where appropriate.

 17. In deciding to press ahead with preparation of site allocation plan regard has been
- 17. In deciding to press ahead with preparation of site allocation plan regard has been had to the implications of the legal challenge to the adoption of the JCS. As members will be aware the court held that that there had been some procedural flaws in the preparation of the JCS and it is clear that this may have some implications for planning in the City. Notwithstanding the fact that the JCS remains intact and adopted for the City in its entirety the court order issued pursuant to the judgment prescribes a process by which the local authorities must reassess the significant growth proposals in the Broadland part of the Norwich Policy Area and any reasonable alternatives to them.
- 18. It is therefore possible that this process will result in consideration of whether there should be some revision of the JCS policies concerning the City to revise upward the number of dwellings that the City should seek to deliver. However, as the JCS target has not been used in any way to constrain the number of allocations that the site allocations plan seeks to make it is not considered appropriate to delay preparation of the site allocation plan to await this process. It should also be noted that the outcome of the JCS repair process is likely to be known before the City Council takes the decision to actually submit the site allocations plan.

Overview of pre-submission draft plan

- 19. As explained in the introduction, the Site Allocations plan is part of the Local Plan for Norwich and needs to be read alongside the other planning documents (the JCS, and NCCAAP), in particular the emerging Development Management Policies plan which sets out general policies to guide development which apply across the whole city.
- 20. The Site Allocations plan as set out in Annex 1 proposes to allocate a total of 81 sites for development in the plan period for a variety of uses; 36 of these sites are proposed in the city centre and 45 in the remainder of the city. Allocation of these sites will provide land sufficient for in the region of 3,440 new homes and seven hectares of additional land reserved for new employment and business uses. This exceeds the JCS target of 3000 new houses within the plan period. The housing sites are in addition to sites already allocated but not yet developed through the City of Norwich Replacement Local Plan (adopted 2004) and the Northern City Centre Area Action Plan (adopted 2010).
- 21. If Cabinet approves the amendments to the plan set out in Annex 2 as recommended by Sustainable Development Panel, this will reduce the overall number of allocations to 80, with 36 in the city centre and 44 in the remainder of the city. The amendments will have a minimal impact on the level of new homes proposed in the plan and should not affect the overall soundness of the plan. The site which is recommended in Annex 2 for exclusion Bluebell Road (R45) is currently proposed for housing for the elderly, which is not counted as part of the general housing provision; and the revised site at King Street Stores (CC9) will be subject to a minor reduction in the number of units (20 units of housing as opposed to 25) as set out in the revised site policy attached to Annex 2.
- 22. The site selection process is set out in some detail in the draft pre-submission plan. A summary of the reasons for allocating each of the proposed sites is provided in the supporting documentation on the council's website see the document 'Justification for the selection of preferred sites'

 (http://www.norwich.gov.uk/Planning/Documents/SiteSelectionJustificationsComplete.pdf).
- 23. The proposed sites are considered to meet the following tests of soundness:
 - They are justified in terms of being based on extensive public and stakeholder engagement, and based on a robust evidence base. The reasons for selecting the preferred policies from the full range of alternatives is set out in background documents, and the evaluation of alternatives has been guided by SA undertaken at several stages in the plan-making process.
 - They are **effective** in that the sites are judged to be deliverable and viable within the plan period. Effective monitoring of activity on sites will enable the Council to take a flexible approach to changing circumstances by highlighting any barriers to deliver at an early stage and taking appropriate action.
 - The sites are **consistent** with the policies of the NPPF and those of the JCS.
 - The plan is **positively prepared** as required by the NPPF by positively seeking opportunities to meet the development needs of the area.

- 24. In addition the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements.
- 25. It is important to note that any decision to change the plan set out in Annex 1 is fully documented to provide clarify on the decision-making process. This will help to reduce the risk of the plan being open to challenge through the public examination process, or through a later legal challenge.

Next steps

26. The Pre-submission Site Allocations plan will be published for consultation between August and October 2012 alongside the SA report. During that period the council will seeking representations on the soundness of the Pre-submission plan and on the SA report. Following this, the plan will be reviewed in the light of representations received. It is anticipated that the plan will be submitted to the Secretary of State by the end of March 2013, to enable an independent public examination to take place in the summer, and adoption in autumn 2013.

Integrated impact assessment



The IIA should assess the impact of the recommendation being made by the report

Report author to complete	
Committee:	Cabinet
Committee date:	11 July 2012
Head of service:	Graham Nelson
Report subject:	Site allocations plan pre-submission draft for consultation
Date assessed:	21 st June 2012
Description:	The impact assessment is based on the recommendation to authorise the plan for soundness consultation, and not on the contents of the plan. The Plan itself has been subject of Sustainability Appraisal (including consideration of environmental, social and economic objectives) and has been screened for impacts on diversity considerations.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)				There are some costs associated with conducting the public consultation but this is a statutory requirement. The consultation exercise will be streamlined and will not incur significant costs.
Other departments and services e.g. office facilities, customer contact				Limited impact on Design Print and Production service which will provide a small number of hard copies of the final plan and supporting documents for consultation, and upload electronic versions on the council's website. A budget transfer will reflect.
ICT services				No impact identified.
Economic development				The consultation will not have a direct impact on economic development.
Financial inclusion				No impact identified.
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults				No impact identified.
S17 crime and disorder act 1998				No impact identified.
Human Rights Act 1998				No impact identified.

		Impact		
Health and well being				No impact identified.
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)				No impact identified.
Eliminating discrimination & harassment				No impact identified.
Advancing equality of opportunity				No impact identified.
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation				The public consultation will not have a direct impact on transportation
Natural and built environment				The public consultation will not have a direct impact on natural and built environment.
Waste minimisation & resource use	\boxtimes			The public consultation will not have a direct impact on waste minimisation and resource use.
Pollution				The public consultation will not have a direct impact on pollution.
Sustainable procurement				No impact identified.

		Impact					
Energy and climate change				The public consultation will not have a direct impact on energy and climate change.			
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments			
Risk management				Likely to be neutral impact subject to clear reasons being given if any changes are made to the draft plan.			
Recommendations from impact assessment							
Positive							
No direct positive impacts identified, although the plan once adopted should have many positive impacts through providing site specific policies that will guide development in Norwich to support the growth promoted through the Joint Core Strategy.							
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	•	•	•				
policies that will guide development in Negative	Norwich to	support the	e growth pro				
policies that will guide development in Negative	Norwich to	support the	e growth pro	moted through the Joint Core Strategy.			

Issues

The key issue is to ensure that risks to the soundness of the draft plan are minimised by clearly documenting the rationale behind any decision by Cabinet to amend the plan.

NOTE OF REASONS FOR RECOMMENDATIONS OF SUSTAINABLE DEVELOPMENT PANEL MADE AT MEETING ON 20 JUNE 2012

The sustainable development panel meeting on 20 June 2012 considered a report on the proposed Pre-Submission draft of the Site allocations and Site Specific Policies Development Plan Document (DPD).

In the course of the debate the panel considered three sites in particular detail and resolved to recommend to cabinet that one allocation be amended, another be removed entirely and a third remain in the plan notwithstanding the considerable number of objections received.

This note summarises the discussions and reasons for the recommendations.

CC09: King Street Stores and adjacent land and buildings, King Street

Discussion focused mainly on the loss of the Lincoln Ralphs Sports Hall, which is regarded as a valuable community facility; many representations of objection were received to the last round of public consultation (Additional sites consultation July-September 2011) in relation to the loss of this facility. There was some discussion over the quality of the facility. The local ward Member Councillor Grahame challenged the description in the proposed policy that the sports hall is in 'poor condition', and stated that is capable of being improved.

Despite the proposed policy allowing for replacement of the existing sports hall with an equivalent new facility or providing equivalent or improved provision on an alternative site in the locality, Members were concerned that the policy as proposed would lead to the loss of the car park serving the facility, which is included in the allocation site.

A local group – the Friends of Wensum Lodge - is currently developing plans with a view to signing a lease with the County Council to take over management of the sports hall. Cllr Grahame stated that these plans are reliant on the income stream from the existing car park to help fund the upgrade required for the hall. There was some discussion as to whether a car park would be needed for such a local facility, but again it was stressed by some members that the car park element is required to enable the upgrade to the sports hall to proceed. The issue was also raised about possible impact of the loss of parking proposed in the allocation on the future viability of Wensum Lodge.

Other members were of the view that there is sufficient flexibility within the proposed site specific policy to enable the sports hall to be upgraded, or failing that to be replaced either on the site or on another site in the locality.

The majority view of the panel appeared to be that it would be preferable if the allocation were amended to remove the area of the Lincoln Ralphs sports centre from the allocation. The key reasons given for this were:

- loss of the existing sports facilities was overwhelmingly opposed by local residents, a residential allocation on the land was considered to potentially harmful to the continued use of the facility and it would not be easy to replace the facility either on site or elsewhere in the immediate vicinity;
- loss of the car park would impact on the use of the sports centre and may also harm the use of Wensum Lodge;
- taking the sports hall and car park out of the allocation site would still enable the allocation of the remainder of the site (the King Street Stores site).

The head of planning said that as the smaller site (King Street Stores) had been previously consulted on it would be possible to amend the plan in this manner without causing further delay if this was agreed by cabinet.

The panel concluded that it would recommend to cabinet that the sports hall and car park is removed from the site allocation, and that the allocation reverts back to the original site of King Street Stores as proposed in the January 2011 draft Site Allocations plan. [A revised policy illustrating what this would look like if cabinet accept the recommendation is attached].

R45: Land west of Bluebell Road, Bartram Mowers Ltd.

Discussion focussed on a number of key issues:

Landscape impact

There was widespread concern among Members about the potential landscape impact of the proposed development, which is located in a very sensitive location on the slopes of the Yare Valley.

Members pointed out that this proposed allocation seems to go against the Council's long-term policy approach to resisting encroachment into the Yare Valley: the site has a long planning history with a series of appeals against refusal of planning permission for residential development, where the decision to refuse has been upheld. Members were very concerned that this could set a precedent for future development proposals encroaching into the Yare Valley.

A further concern in relation to landscape impact focused on the scale of development and height of buildings on the valley landscape. It was noted that the policy does not prevent there being single storey development on the site but does not require this specifically.

Officers acknowledged that landscape impact of the proposed allocation is a finely balanced issue. The policy seeks to minimise landscape impact on the site's setting in the Yare Valley.

Proposed homes for the elderly

Members were also concerned that an allocation for homes for the elderly on this site could lead to proposals for general housing. It was acknowledged by the Head of Planning that this allocation would set the principle for development on the site, which could potentially open the door to future general housing proposals here.

Members expressed the opinion that the proposed housing for the elderly is a means of getting around the Council's restrictive approach to general housing in this location.

Access

Members also raised concerns that any residential redevelopment of the site would result in a significant increase in the level of traffic generation from the site which was undesirable.

The Panel unanimously agreed to recommend to Cabinet to remove allocation from plan on the grounds set out above.

R6: Former Lakenham Sports and Leisure Centre, Cricket Ground Road

Discussion was mainly focused on the loss of open space that would arise from the development of this site as proposed.

Members noted that there were many local comments in opposition to the loss of this open space made in response to the latest round of public consultation, although it was acknowledged that there were also some representations of support.

Members expressed concerns at the loss of this open space, although some felt that it might be difficult to justify exclusion of the site unless the local community could come up with a plan and funding to bring it back into use as a public park or open space. Members also considered whether it would be possible to increase the proportion of open space to be retained on the site but noted that the requirement for 35% open space was significantly more than would normally be required to serve a development such as this.

There was some concern at proposed access arrangements, particularly from Geoffrey Road. However following discussion this was not judged to be a serious constraint to development.

There was also consideration about whether local schools had sufficient capacity to deal with increased numbers of children in the locality particularly as the site may be attractive to families with children.

Although members were aware that the site has attracted much local opposition and concern about loss of open space, members took the view that given the history of the site and the fact that it is now lying vacant that there

was no option but to allocate it to ensure that at least some open space is provided.

The panel therefore agreed to recommend to cabinet that this site allocation should be retained unaltered.

Cllr Bert Bremner Chair of Sustainable Development Panel

Appendix A: revised site specific policy for King Street Stores

CC9: King Street Stores

Description

The site is approximately 0.2 hectares in size and is located between King Street and the River Wensum. The allocation site is currently occupied by a warehouse building with a courtyard, which includes a locally listed building fronting the river.

The King Street area is mixed in character, with some very important old domestic buildings interspersed with more recent industrial buildings. There are many listed and locally listed buildings along the length of the street. King Street is an area of great change, with many buildings formerly associated with industry or the river being replaced or converted, many of these for residential use.

Explanatory text

The Joint Core Strategy promotes the city centre as the main focus in the subregion for retail, leisure and office development, with housing and educational development also adding to the vibrancy of the centre. The key diagram for the city centre identifies the site as being within an 'area of change' where the focus of change is through mixed use development including commercial and residential development.

King Street has been promoted as a regeneration priority by the Council for a number of years, and continues to undergo significant change as many older industrial buildings are replaced or converted, many into residential use. The ongoing regeneration and enhancement of the area, including reinstatement of many building lines and reuse of traditional buildings, will create a more cohesive townscape and a strategically important area linking Riverside with the city centre.

Redevelopment of the site must address a number of constraints including its location within the city centre conservation area and the area of main archaeological interest. Its redevelopment provides an opportunity to sensitively regenerate this part of King Street, by contributing positively to the character of the street.

In accordance with the conservation area appraisal, the scale of development should reflect the existing traditional buildings, and public realm works should help create a high quality and unified streetscape. Any demolition would require conservation area consent.

Development proposals should be informed by a heritage assessment of the locally listed building to assess its significance. It should be retained as part of the development scheme if appropriate.

Development must provide access to the river and a riverside walk. If the locally listed building is retained as part of the development, consideration should be given to innovative methods of delivering this section of riverside walk. This could include a structure over the river (which would require consent from the Broads Authority) or possibly provision of a route through the building adjacent to the river frontage.

A flood risk assessment and appropriate flood risk mitigation measures are required. Given its proximity to the King Street frontage the site will require an archaeological evaluation through trial trenching prior to its development.

The site is suitable for high density development given its location; a minimum of 20 dwellings is expected.

Deliverability

This site is in a single ownership, and is suitable and available for development within the plan period. It is being actively promoted by the landowner.

Policy CC9: King Street Stores - Housing development

The King Street Stores site is allocated for housing development, to include a minimum of 20 housing units.

Development proposals will contribute to the regeneration of the King Street area by reinstating the historic street frontage of King Street, providing access to the river and a riverside walk, and should be designed to respect the setting of adjacent listed and locally listed buildings.

Site plan

