

Sustainable Development Panel**09:00 to 10:20****21 January 2021**

Present: Councillors Stonard (chair) Maguire (vice chair), Carlo, Davis, Giles, Grahame, Maxwell and Stutely

Apologies: Councillor Lubbock

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 3 December 2020

3. Local Development Scheme 2021-2023

The planner (policy) presented the report.

During discussion the planning policy team leader, answered a member's questions in relation to the acceleration of the progress of the Greater Norwich Local Plan (GNLP) and concerns about the completion of the evidence base and its soundness, housing numbers, impact of Covid-19 on the retail sector and offices, and the Western Link. The evidence base was almost complete. The cabinet report would address some areas of concern and where the plan would require further evidence and work following the consultation. There would be an opportunity to make changes to the plan. With regard to the housing needs assessment, the government had retained its current standard assessment methodology. The GNLP team had looked at housing numbers and the direction of travel indicated more housing is likely to be required. The housing buffer had been extended by 5,000 dwellings and further contingency sites identified, which would not come forward for development if not required. The public would have an opportunity to comment on the housing numbers and sites in the consultation. Members were advised that the GNLP team would need to make an assessment of the Western Link at the appropriate time. It was too early to assess the impact on changes to retail and office use from Covid-19 and the emerging government policies and changes to the planning system. The retail supplementary planning guidance would be kept under review.

The chair thanked the member for the questions and said that there were concerns about the soundness of the plan which could be flushed out through the consultation.

RESOLVED to agree the Local Development Scheme and recommend that cabinet approves if for publication under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by section 111 of the Localism Act 2011).

5. MHCLG's Supporting and Housing Delivery and Public Service Infrastructure Consultation

(Councillor Maguire left during this item.)

The senior planner (policy) presented the report in its three parts separately so that members had an opportunity to comment on each part of the draft response.

Part 1 Supporting housing delivery through a national permitted development right for the change of use from the commercial, business and service use to residential

The senior planner presented the draft response and apologised that she had left out two of the questions:

Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?

Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?

She commented that part of Q6.1 had largely been answered under Q5, but it would be important to provide a response to this question along the lines of the impact that reduced fees would have on the local planning authority (LPA) as the prior approval fee would be unlikely to cover its costs, and that it would affect the ability for LPAs to plan strategically for key areas where high streets were vulnerable. The proposed right for the change of use also presents uncertainty for businesses as there was no requirement for businesses to be vacant and the landlord could decide to convert the premises to residential at any point because they could be financially better off. In terms of communities the proposal could result in the loss of town centre uses in the high street and affect the ability of some people to meet their needs locally, especially in local and district centres. The proposal could also promote the development of homes in inappropriate places such as industrial estates.

The senior planner (policy) proposed that no comment was necessary for Q6.2.

Discussion ensued. The chair commented on the concerns about the Planning White Paper and that he considered that the response was sufficiently strong enough. For clarity, the chair asked the senior planner (policy) to confirm that the council was recommending that the government excluded conservation areas from its proposed change of use to residential and what impact it would have on our city. The senior planner (policy) confirmed that the council's response recommended that conservation areas were excluded. The design and conservation element would be covered, but if conservation areas were excluded, it would resolve a lot of the issues and protect the whole of the city centre from change of use under permitted

development rights. Most district and local centres and employment areas would not be protected.

In reply to a question about the new zones proposed in the White Paper matching up with conservation areas and the city centre, the senior planner (policy) said that it was a separate proposal for longer term planning and this consultation was on immediate changes that could be introduced. The planning policy team leader said that there was no guarantee that the White paper land use zones would be introduced at this stage.

During discussion a member raised the issue of Aviva consolidating its office use in the city centre, having closed its buildings at Broadland Business Park and increased its home working. It was considered to be a beneficial move for the vitality of the city centre where there were good transport hubs and other services available. The future of business parks was uncertain and potentially some could be converted to residential under this proposal; however, large units such as these would be difficult to convert to residential use. Members considered that it was not necessary to amend the response to reflect this.

In reply to a member's question about crèches, the senior planner (policy) explained that the proposal was the conversion to residential use within Class E rather than conversion to crèches. Conversions under permitted development rights would need to meet building regulations and fire safety was a consideration. Energy efficiency and design, which would be covered by a full planning application were not included under permitted development rights. A lot of issues could now be considered under prior approval applications but if the government were to introduce even more issues then this would have a further impact on resources as the fees were significantly lower than for a full planning application.

Members considered that there should be a response to Q6.2 relating to housing for people with protected characteristics, particularly as reports of higher mortality for people of BAME backgrounds from Covid-19 had been attributed to poor quality housing and lower incomes. Members noted that people on low incomes were more likely to be accommodated in converted premises. A member also asked for disability and age to be addressed in the response and pointed out that there was no requirement for a proportion of the residential accommodation to be accessible to people with disabilities, under permitted development.

A member commented that the fee structure was a barrier for smaller developments and encouraged larger developments as there was a cap on 50 developments. The senior planner (policy) explained that the proposed fee for permitted development was less than that of a planning application and that it did not cover officer time. The senior planner (policy) confirmed that a sentence would be added to the response requesting that there was no cap.

Part 2 – Supporting public service infrastructure through the planning system (Providing further flexibility for public service infrastructure through permitted development rights)

The senior planner (policy) presented this section of the report and the draft response.

The chair agreed with the proposed response. He commented that developers were not bringing forward sites for development or “land banking” sites until land values increased was the problem, not an inefficient planning system.

During discussion the planning policy team leader explained that the proposed right to allow public service buildings to expand facilities by 25 per cent was based on the existing footprint of the current buildings at the time the legislation was brought in and would protect playing fields. Members noted that this did not include consideration of design issues and therefore the council’s response sets out that these permitted development rights should not apply in conservation areas.

Members confirmed their support of the proposed response to the questions relating to the proposal to speed up decision making for public service developments by reducing the timescale from 13 to 10 weeks. This would require all issues to be resolved in their entirety during the pre-application process.

During discussion members sought clarification on whether this proposal applied to privately owned chains of academies and the potential to expand facilities and then use them for another purpose. Members noted that the assumption was that the proposals were for public sector schools, universities, hospitals, etc. but asked whether it would apply for fee paying schools and private institutions. The senior planner (policy) said that she would make this point in the response.

Part 3 – Consolidations and simplification of existing permitted development rights

The senior planner (policy) presented this section of the report and the draft response which recommended that rather than consolidating and simplifying permitted development rights to change to residential which often lead to poor quality housing, the government should repeal them.

During discussion, the chair expressed concern that there was a danger to future occupants of buildings that had been converted to residential use under these permitted development rights. The response should include reference to the concern that local planning authorities should not lose control of the planning system. The senior planning officer said the government had undertaken a review and introduced national minimum space standards and ensuring that there was adequate natural light (windows in all rooms) to address the issue of substandard housing, but the addition of further controls added more work for local planning authorities without the fees of a full planning application. Members considered that there was potential for a disaster to take place, such as Grenville, and that the government should look at the evidence to retain and expand these permitted development rights very carefully. Members agreed that the chair should contact the MP for Norwich South calling for the issue to be discussed at the parliamentary select committee - Housing, Communities and Local Government committee.

Following a short discussion, the panel agreed that rather than require officers to circulate the revised draft consultation response to all members, the chair would sign off the responses to Q6.1 and Q6.2 and any changes agreed at this meeting at his regular portfolio meeting next week.

RESOLVED to:

- (1) endorse the draft response to the Supporting Housing Delivery and Public Service Infrastructure consultation, subject to the chair signing off the changes as minuted above, and submit it to the Ministry of Housing, Communities and Local Government by 28 January 2021;
- (2) ask the chair to contact Clive Lewis, MP, to call on him to ask the Housing, Communities and Local Government Committee to consider the need to repeal rather than simplify and consolidate existing permitted development rights affected by the changes to the Use Class Order.

CHAIR