



Sustainable Development Panel

09:00 to 10:40

22 July 2020

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

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 15 January 2020, subject to item 3 Greater Norwich Local Plan – Draft Plan Consultation, third paragraph, second sentence, replacing “203” to “2038”. (It was subsequently noted that there were a number of typographical errors in the minutes and it was not a final document. Therefore the minutes will be re-presented to the panel at its next meeting for approval.)

3. Greater Norwich Local Plan Update

The director of place presented the report which provided an update on the progress of the Greater Norwich Local Plan (GNLP) and summarised the reports considered at the Greater Norwich Development Partnership (GNDP) meeting on 10 July 2020. The council's concerns about the GNLP, as set out in the minutes of the panel's last meeting, had been reiterated at the GNDP meeting. Members were referred to paragraph 10 which provided an explanation of the housing need assessment. The Central and East Norfolk Housing Needs Assessment (HNA) would inform the GNLP and indications suggested that the latest projections were likely to be higher than previously. The GNDP had agreed a revised timetable for remaining stages of the GNLP in order to reflect the large volume of representations and the revised circumstances of Covid-19. The director of place considered that the later stages of the timetable were ambitious and in the control of the Planning Inspectorate. The panel would have an update on the timetable in the autumn. Members were also advised of the uncertainty of the government's planning policy approach and that it appeared to be deregulating the planning process.

During discussion the panel considered the powers available to local planning authorities under Article 4 directions and the increasing deregulation of the planning process by government. The director of place said that future planning policy would be impacted by deregulation. The government had introduced permitted development rights to convert offices to residential accommodation. It had recently increased the number of tests for this permitted development, following concern at

the operation of permitted development rights resulting in, for example, the conversion of an office building in Watford where none of the seven flats had any windows. Previously the tests had been health and safety, transport, and flood risk, and were subsequently increased to include, noise and amenity but there was still scope for a poor standard of accommodation to be provided. An Article 4 direction removed the permitted development right and the local planning authority required a strong case to support it. Planning applications would be required to implement the permitted development rights withdrawn by the Article 4 direction. The application would then be subject to determination by the local planning authority in accordance with its development plan and material planning considerations at the time. The applicant could submit an appeal to the Planning Inspectorate. There were concerns about progressing the Article 4 direction (as proposed in the next agenda item) when the government was considering the extension of permitted development rights to include the demolition and rebuilding of office buildings, although unlikely that this would apply to offices in the historic city centre and conservation areas, as it would undermine the effectiveness of the council's proposed Article 4 direction to control the change of use of office buildings as a driver of the local economy and the Covid-19 recovery plan.

In reply to a member's question about Historic England's consultation response, the director of place explained other councils had a policy on tall buildings but the city council was reluctant to conduct an additional exercise to provide a policy whilst the prospect of reaching an agreement with Historic England about its content was remote. Historic England had objected to four proposals of significant height buildings in Norwich in recent years which he considered sat comfortably with the city's skyline and street scenes. Therefore, it was unlikely that the council would seek to take forward a tall building policy unless there was some agreement. The Secretary of State's determination on Anglia Square was expected on 7 September and the Planning Inspector's report would be a useful tool to further discussions with Historic England on how to resolve the issue. It would not be the right approach to restrict the building of all high buildings in the city. There had been occasions where the planners had advised developers that the height of a proposed building was unsuitable, particularly in the river valley or where it would obscure an ecclesiastical building, but there were some places in the city where a tall building added value.

The director of place answered questions on the standard methodology for assessing housing need (as set out in paragraph 10) and confirmed that there was risk that the local housing needs assessment would not fit into the GNLP timetable. The development management plan needed to demonstrate a five year land supply and quantifiable housing need. The government's revised standard methodology was expected to be published in June but had been delayed and therefore expected in the autumn. It was vitally important that the city council understood its own housing needs both in quantifiable terms and how Covid-19 had affected the need for different types of accommodation, getting people off the streets and increasing demand for affordable housing. A refresh was therefore considered necessary.

The director of place explained the East Norwich Masterplan comprised all of the Carrow Works site; Carrow House on King Street, the Deal Ground and Utilities site. The masterplan included areas outside the city council's boundaries in South Norfolk and the Broads Authority.

The planning policy team leader explained the Greater Norwich Local Nature Recovery Strategy was a requirement of the Environment Bill which had not yet been enacted. She undertook to feed back further information to members as this new strategy was developed. She expected that it would be in the form of an action plan on biodiversity gain.

A member referred to the consultation responses and said that 75 per cent of respondents objected to the proposals for village clusters which demonstrated support for the council's concern on the sustainability of this type of development. The director of place said that the GNLP consultation was on village clusters in Broadland and that at this stage of the consultation it was common for responses on individual sites to be negative. South Norfolk Council would be consulting on its village cluster plan as part of a separate process to the GNLP. The consultation was expected in the autumn and there would be an opportunity for the city council to consider making representations. The number of the responses on the Broadland village clusters was not large given the size of the allocations.

In reply to a question, the director of place confirmed that the consultation in November/December would include transport and could include some site allocations. The Planning Inspectorate determined the soundness of the development plan. The inspectors took a pragmatic view that funding for infrastructure would be announced during the period of the plan and would not find the development plan unsound because funding could not be evidenced. That was the case for the Joint Core strategy process. Deliverability of infrastructure to support the growth was an important issue for the soundness of the plan and would require evidence at the point of examination by the Planning Inspectorate.

The director of place explained the reasons for the amended timetable and denied that there was a correlation with the Western Link planning application. The GNLP team was home working and had limited access to technology. However the impact of Covid-19 and government guidance meant that the evidence base needed to be updated. It was the view of the GNLP and officer group that to push ahead with the submission of the plan and commence the Regulation 19 consultation this year could result in the plan being unsound and the risk was too great to consider. The submission of the plan next summer would give time to test that it was sound and robust. There would also be scope for further consultation and reflection on the progress of the Western Link and the county council's review of the Transport for Norwich plan, which it was committed to consider this financial year. The plan should have regard to the county council's policy on transport as it was integrated with land use and transport as part of the development plan process.

In reply to member's questions on the government's proposals, the director of place said that he was not aware that proposals for local planning authorities to pay back fees to applicants in the event that they were successful at an appeal against refusal had been implemented. Members were also aware that planning applications could be subject to call-in from the Secretary of State. The proposal was unwelcome as anything that created a loss of income to the local planning authority would be. He asked members to take comfort in that, should it be implemented, the council performed well in national league tables. The number of appeals against the council's determinations was low and therefore this proposal would not be as punitive to the council as it could be to others.

With regard to the Environment Bill, it would be necessary for the council to assist and provide positive advice to the industry on the provision of biodiversity net gain so as not to frustrate development. An onerous system would drive development out of the city centre where it would be less sustainable and not assist the economy of the city. A member expressed concern that biodiversity should “frustrate” development and that the lockdown demonstrated the importance of outdoor spaces to residents. The director of place explained that he was not suggesting that biodiversity net gain was anything but positive. The policy framework would protect parts of the city that were unsuitable for development. The purpose of the initiative was to maximise the biodiversity net gain from development without overburdening the process. The planner advised members of a credit system being piloted by some local planning authorities and Natural England which would enable developers to put funding into the credit scheme to be spent elsewhere in the development plan area.

The director of place said that it was too soon to make assumptions about the impact of Covid-19. The GNLP team would look at the spatial implications of changes to the numbers of people in employment, the nature of that employment and where the growth sectors were. There were challenges around fewer people coming into the city centre to work in offices and this would impact on transport. The director of place then referred to the trend of home working and said that it was likely that offices with a smaller footprint would be required for office workers to meet creatively once or twice a week. It was unlikely that employers would go back to the same office use as prior to February 2020 and the wider question would be how this affected office use across the GNLP area. The issues would provide evidence to support the local plan and would have an impact on transport.

A member asked whether performance league tables were sized up by potential developers who then selected a council that was likely to approve the application, which could be exacerbated by the government increasing deregulation of the planning system. The director of place commented that he did not consider the league tables were the driver of development and that the five year land supply was taken into consideration by the industry. The planning system was operating in a degree of uncertainty and it was difficult to foresee two or five years ahead. Further guidance from the government on future policy statements was expected within the month.

The vice chair referred to the GNLP meeting and said as alluded to in the consultation responses from the public and the city council’s own response, the plan was inadequate on environmental issues. He asked whether the city council would have another opportunity to comment on this. The director of place confirmed that a further round of Regulation 18 consultation was proposed in the autumn. The final round of consultation (Regulation 19 stage) would focus on the soundness of the plan and the city council would need to be satisfied at that point that the plan was sound before submission to the Planning Inspectorate. There was statutory guidance on soundness including cooperation with neighbouring authorities. The examination process by the Planning Inspectorate would test the soundness of the plan. The Planning Inspector could call on any parties who had made representations or objections during the consultation to provide evidence. Government bodies and others who had not made representations, could also be requested to appear and produce evidence at the inquiry. The GNLP was currently at the stage where policy was being considered, then consulted on and the appropriate action in response to the revised evidence base was being taken. It was

proposed to discuss papers at the panel prior to consideration at the GNDP meeting so that members could discuss them to inform the cabinet members and feed into the process.

In reply to a member's question, the director of place said that the city council recognised the climate emergency and had pushed for greater recognition of this in the GNLP in the broader objectives and in detailed policy. The city council would continue to push on this issue. The Transport for Norwich strategy was a strategic document based on traffic modelling and its refresh would need to have the vision to predict changes to transport needs in the light of Covid-19.

RESOLVED to note the level and nature of responses to the recent GNLP consultation, the revised timetable and likely changes to the planning system which may impact on the plan.

4. Article 4 Direction to Remove Permitted Development Rights for the Conversion of Offices to Residential

The senior planner (policy) presented the report and referred to the Ramidus report commissioned by the city council and said there was a compelling case for the proposed Article 4 Direction to restrict permitted development rights for the conversion of offices to residential use within city centre.

During discussion members welcomed the proposal but said that the government policy to permit the conversion of office accommodation to residential was not the only factor for the loss of office space in the city centre. The member considered that this process had started in the 1990s with the construction of the Southern ByPass and the development of Broadland Business Park and large companies relocating there from the city centre. There were three councils involved in the GNLP area and the city council was not in full control. Another consideration to take into account was that the conversion of offices was due to poor quality and therefore had been repurposed, such as the student accommodation in the city centre. These factors should be mentioned in the report. The planning policy team leader referred to the Ramidas report and said that it did cover the need to promote office space in the city centre. She pointed out that an Article 4 direction was just one tool to protect office space. The Ramidas report considered the possibility of having a digital hub in the city centre. The Article 4 direction supports a strong and vibrant city centre which was supported in the GNLP.

Other members supported the Article 4 Direction and noted that there was evidence to support it. As alluded to earlier in the meeting by the director of place, office use would change. It put the council in a position of control where it could determine applications, whether to retain offices or convert to alternative uses.

The vice chair spoke in support of the proposal. He referred to the issue of office conversions under permitted development rights being unfit for habitation and the time and cost of legal proceedings undertaken by the council in enforcement. It was important to keep the vibrancy of the city centre which had a critical mass of office accommodation and was the national centre for the insurance industry.

A member asked about the prospect of bringing in an immediate Article 4 direction and asked whether there were any examples of other councils that had introduced

one for the removal of permitted development rights for conversions from offices to residential use. The senior planner (policy) said that she was not aware of any other councils who had pursued this because of the risk of significant compensation claims.

RESOLVED, unanimously, to recommend to cabinet that the council proceeds with the introduction of a non-immediate Article 4 direction to remove permitted development rights for the conversion of offices to residential.

CHAIR