



## **Sustainable development panel**

**Date:** Wednesday, 22 July 2020

**Time:** 09:00

**Venue:** Remote access

### **Committee members:\***

#### **Councillors:**

Stonard (chair)

Maguire (vice chair)

Carlo

Davis

Giles

Grahame

Lubbock

Maxwell

Stutely

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## Agenda

### Page nos

- 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** 3 - 8  
  
To approve the accuracy of the minutes of the meeting held on 15 January 2020
- 4     **Greater Norwich Local Plan update** 9 - 16  
  
**Purpose -** To update members on responses to the recent Greater Norwich Local Plan (GNLP) consultation, and on the decision of the Greater Norwich Development Partnership to revise the GNLP timetable.
- 5     **Article 4 Direction to Remove Permitted Development Rights for the Conversion of Offices to Residential** 17 - 24  
  
**Purpose -** To seek members views on the need and possible introduction of an Article 4 direction to remove permitted development rights for the conversion of offices to residential within Norwich city centre.

Date of publication: **Wednesday, 15 July 2020**



**Sustainable Development Panel**

**09:30 to 11:50**

**15 January 2020**

Present: Councillors Stonard (chair), Maguire (vice chair), Ackroyd (substitute for Councillor Lubbock), Carlo, Davis, Giles, Grahame, Maxwell, Stutely

Apologies: Councillors Lubbock

**1. Declarations of Interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 13 November 2019.

**3. Greater Norwich Local Plan – Regulation 18 Draft Plan Consultation**

(Mike Burrell, GNLP manager, attended the meeting for this item.)

(A supplementary report containing *Further information to be considered with the report*, which was circulated at the meeting and emailed to members before the meeting.)

The planning policy team leader presented the report. She commented that since she had drafted the report the period covered by the plan had been extended from 2036 to 203, and apologised that some references had not been amended (paragraphs 3 and 11(b)). The consultation would run from 29 January 2020 to 16 March 2020. The Greater Norwich Local Plan (GNLP) would supersede the Joint Core Strategy (JCS) and site allocation plan. The 47 preferred sites for housing development in Norwich were set out in the draft GNLP Sites document (attached at Appendix 2 to the consultation document). This document excluded preferred site allocations for smaller villages in South Norfolk. South Norfolk Council would therefore be developing a separate “village clusters plan.” The council’s response to the draft plan was set out in the covering report.

The GNLP manager commented on the strategy position on growth and referred to the maps contained in the document and pointed out the main growth areas. He explained that the 9 per cent buffer would be more than was required as it did not account for “windfall” sites that could come forward during the period of the plan. He pointed out that there were contingency sites on the edge of the city at Costessey and at Wymondham. Proposed new settlement locations west of Easton at

Honingham Thorpe and near to Wymondham, around Stanfield Hall and Silfield, have been identified as “reasonable alternatives” through the draft plan for further consideration in the longer term. Around 20 per cent of the GNLP area lived in villages and it did not seem fair to deny new housing in villages. He explained that the proposal for a separate site allocations plan for villages in South Norfolk was legal and complied with National Planning Policy Framework (NPPF). Housing needed to be in sustainable locations on the edge of existing villages, with primary schools and access to public transport. This would be up to South Norfolk Council to determine the allocation of 1200 homes.

The chair by way of introduction to the discussion said that the plan was produced in partnership with Broadland District Council, South Norfolk Council and Norfolk County Council. Each authority had a veto and therefore the plan was based on compromise. There would be opportunities for the council to raise points of concern following the consultation, especially if responses provide leverage to the council's position.

In reply to a member's question, the GNLP manager explained the policy provision which required the use of renewable energy and the electrification of vehicles. During discussion members noted that there would be a modal shift and that technology would come forward during the life of the plan.

The planning policy team leader, in reply to a member, said that evidence was being worked on to support a potential Article 4 Direction to prevent poor quality conversions of office buildings under permitted development rights. A report would be brought before the panel at a further date but early indications suggested that there was evidence. The panel expressed its support for this work.

During discussion on rural dispersal and village clusters, members expressed concern about the need for decent public transport which was affordable and served rural communities. It was noted that many rural villages were inhabited by high paid workers who commuted to Norwich for work and school and did not contribute to local economy of the village. There was also an inequality in that residents on low wages could not afford public transport or purchase new hybrid/electric vehicles. Members agreed that they reinforced the city council's view on the separate site allocations plan for village clusters in South Norfolk.

The panel had a lengthy discussion on transport regarding the modal shift to low carbon modes of transport. The panel considered that there needed to be further information on funding for transport infrastructure to meet the growth agenda. Members also considered that there needed to be investment in rail services and consideration of a train station at Thickthorn/Hethersett. The panel also considered bus fares should be affordable and that franchising bus services could address this. Members also noted the potential growth at Costessey and Taverham, on the periphery of the city, and it was suggested that as all bus routes should be orbital as well as radial to prevent short car journeys between places on the edge of the city. Members noted that Transforming Cities funding was supporting the growth agenda and that the GNLP could be used as leverage to help access future funding. A member expressed concern that the county council would need to ensure that funding available for transport supported the modal shift to low carbon modes of transport.

During discussion the panel noted the policy provision for sustainable energy but expressed concern that there was too much reliance on the development of new technology and that there was no contingency if the technology did not come forward to meet carbon zero by 2050. The panel also considered that as 73 per cent of the proposed development would be on Greenfield sites, greater weight should be given to biodiversity and the protection of wildlife corridors. It was noted that the Environment Bill, when it became legislation, would require a net gain in biodiversity from developments.

During discussion members considered that it was important that there was sufficient infrastructure to support sustainable communities. The GNLP manager said that officers were working very closely with health services and that the evidence will inform where additional health provision would be required, which would be inserted into the consultation documents under office delegation. This evidence would cover all levels of health provision and would be reported to a future meeting of this panel.

Members were also reminded that the SPG on purpose built student accommodation had been considered by the panel and agreed at cabinet (13 November 2019).

Members noted the changes to affordable housing that the government was proposing. The panel noted that the intention of the GNLP was to support sustainable development with good access to services and infrastructure. The GNLP manager advised members that there was a requirement of 20 per cent of new homes to be “lifetime homes” which were suitable for people of all ages and needs.

**RESOLVED** that despite the council’s concerns as noted in the covering report, which the panel endorses, and accepting that plan is partnership document which may require a degree of compromise, to recommend to cabinet that it endorses the publication of the draft Greater Norwich Local Plan documents for the Regulation 18 Draft Plan but wishes the following issues of outstanding concern to be taken into account in discussions about future iterations:

(a) **Emphasis on rural dispersal/village clusters**

The proportion of rural dispersal/village clusters is a concern. Members would not want to deny people who live and work in the rural economy the opportunity to continue to live in villages but identified that a lack of affordable and reliable public transport was a problem for them in terms of accessing employment and services. It identified the potential to support this level of rural dispersal by investing in renewable energy in villages which could be used to power electric vehicles. It was recognised that people with low incomes or living in affordable housing would be disadvantaged as they would not be able to purchase electric cars until prices come down, if at all. There also is concern that villages could become dormitories with a limited contribution to the local economy and about potential social inequality in villages, where a significant proportion of residents are high income professionals who commute into the city, which needs to be addressed. The infrastructure is not in place to serve village clusters and accommodate growth. The plan identifies access to primary schools but access to other essential infrastructure needs should be expanded.

Therefore location and sustainability of rural dispersal and village clusters development should be given further consideration.

**(b) Transport infrastructure**

The basic information on the modal shift to a low carbon mode of transport should be stronger in the plan, which does not recognise the need to integrate transport and land use policies or the use of mobility hubs, and further information is required on how this infrastructure will be funded to meet the needs of the growth agenda.

The panel believes there needs to be greater investment in rail transport, particularly on the Norwich to Cambridge route, to support the Cambridge-Norwich Tech Corridor and to promote links with Norwich Research Park. There is a need for both fast and slower services, stopping between Norwich and Cambridge, and this will require investment in additional track to create the necessary capacity. Consideration should be given to an additional station at Thickthorn/Hethersett.

Public transport needs to be affordable and serve local communities to encourage use. The franchising of bus operators could address this and should be examined as a possibility.

Growth is recommended at Costessey and Taverham, on the periphery of the urban built up area, but current bus service routes into the city are radial rather than orbital. This encourages car use for short journeys and needs to be addressed.

**(c) Climate change**

Given that the end of the plan period is only 12 years from 2050, the current target for carbon neutrality, policies relating to climate change need to be more ambitious in order for that target to be met. There is concern that the reliance on the development of new technology, such as carbon capture, may not be sufficient to deliver the step changes needed to achieve this target and that, therefore, this requires additional measures to be identified.

It is recognised that the Environment Bill will make it mandatory for all developments to have a biodiversity net gain and that once the bill passes into law, this requirement will be incorporated into the Greater Norwich Development Plan. Given that 73 per cent of the proposed growth in the development plan area will be on Greenfield sites, it is important that enhanced biodiversity measures are included in the policy to mitigate the impacts of this development.

#### **4. Retail Monitor 2019**

The chair introduced the report and commented that the reduction in vacant available floor space and decrease in vacant units in the city centre was positive. The removal of traffic in Westlegate had made it pleasant for shoppers.

The senior planner (policy) presented the report and circulated a colour version of Table 9 at the meeting. She explained that the retail vacancies have continued to increase in the secondary retail area but that the large retail unit that had been occupied by Toys R Us remained vacant. She explained that the retail policy in the

emerging GNLP would allow for the diversification of retail units for leisure use which although would reduce retail floor space, would reflect current retail trends.

(Councillor Stonard, chair, left the meeting at this point. Councillor Maguire, vice chair, was in the chair for the remainder of the meeting.)

Discussion ensued on the closure of department or chain stores and potential to use large department stores for other uses. The senior planner (policy) said that if one of the large department stores such as Debenhams were to close then the council would have to assess whether it was appropriate to allow for diversification to other uses. It may be appropriate to retain retail uses at street level whilst allowing more flexibility at upper floor levels with for example encouraging living accommodation on the upper floors.

In response to a question, the senior planner (policy) said that the city was doing better than the national average although it is hard to compare figures due to various methodologies of data collection. The national data was obtained from the Local Data Company and its data could be used to compare Norwich with other cities. Members of the panel agreed that there should be opportunities for small retailers in the city and that the policy should reflect that. Norwich Market was considered to be the best in the country.

**RESOLVED** to note the findings of the 2019 Retail Monitor.

CHAIR





**Report to** Sustainable development panel  
22 July 2020  
**Report of** Director of place  
**Subject** Greater Norwich Local Plan update

**Item**

**4**

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## **Purpose**

To update members on responses to the recent Greater Norwich Local Plan (GNLP) consultation, and on the decision of the Greater Norwich Development Partnership to revise the GNLP timetable.

## **Recommendation**

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.

## **Corporate and service priorities**

The report helps to meet the corporate priorities: great neighbourhoods, housing and environment; inclusive economy; and people living well.

## **Financial implications**

There are no direct financial implications arising from this report. The council's contribution towards the cost of producing the plan is expected to be met from existing budgets.

**Ward/s:** All Wards

**Cabinet member:** Councillor Stonard - Sustainable and inclusive growth

## **Contact officers**

Graham Nelson, Director of place 01603 212530

Judith Davison, Planning policy team leader 01603 212529

## **Background documents**

None

# Report

## Introduction

1. The purpose of this report is to update members on reports considered at the recent meeting of the Greater Norwich Development Partnership (GNDP) in relation to the Greater Norwich Local Plan (GNLP). The GNDP is an informal, non-decision-making partnership of the city, South Norfolk and Broadland councils, the county council and the Broads Authority, and oversees the preparation of the GNLP.

## Background

2. The draft GNLP comprises:
  - (a) a strategy document which contains the planning strategy for growth in Greater Norwich from 2019 to 2036, including thematic policies, and
  - (b) a site allocations document containing sites proposed to be allocated for development to help implement the growth strategy, containing site specific policies for all sites other than the village clusters in South Norfolk. (A separate allocations plan is being developed by South Norfolk council for these village cluster sites, which will come forward in due course.)
3. Once adopted the GNLP will supersede the Joint Core Strategy for Broadland, Norwich and South Norfolk, and the site allocations plans for the Norwich and Broadland and part of South Norfolk District.
4. The GNLP has been in preparation since 2016 and has undergone several stages of consultation. A full draft (Regulation 18) plan was discussed at sustainable development panel and subsequently approved for consultation by cabinet, both meetings taking place on 15 January 2020. (The cabinet report is available [here](#) (link to council's website, cabinet 15 January 2020). Following endorsement by the other two local planning authorities, the plan was published for consultation from 29 January until 16 March 2020. However, in approving the document for consultation cabinet noted that a number of aspects of the plan should be improved prior to submission of the plan. In summary these aspects were:
  - (a) Inadequate overall scale of growth proposed and overall ambition for growth in the light of the Greater Norwich City Deal;
  - (b) Too great a proportion of development being proposed in village locations which is hard to reconcile with climate change objectives;
  - (c) The rationale for a separate village clusters plan in South Norfolk being weak;
  - (d) Policy for strategic infrastructure considered to be insufficiently ambitious in supporting the transition to a low carbon future by achieving significant modal shift; and

- (e) The lack of ambition on transport issues and the focus on significant development in rural villages is inconsistent with the statements within the plan on addressing climate change.
5. The GNDP Board papers for the 10 July are available online (<https://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/gndp-board/#NextMeeting2>) and comprise three separate papers, which are discussed briefly below.
- (a) A report providing feedback and initial analysis of the recent public consultation: the board noted this report as per the recommendation;
- (b) A report proposing a delay to the GNLP timetable: the board endorsed the timetable for progressing the GNLP and noted that districts will need to update their Local Development Schemes accordingly; and
- (c) A report noting emerging planning issues that may impact on the emerging GNLP: the board noted this report as per the recommendation.

### Report 1: GNLP public consultation

6. The Regulation 18 consultation took place between 29 January and 16 March and therefore was completed prior to entering lockdown. This had the advantage of ensuring that the consultation could be completed without any of the consultation events being impacted but clearly has meant that none of the consultation responses address the impact of whether any of the emerging policies should be changed in the light of the impacts of Covid-19. Over 1,150 people attended the 14 consultation events. There was a good overall level of response to the consultation which is summarised in the table below:

	No. of respondents	Total reps	Method			Support	Object	Comment
			Web	Email	Paper			
<b>Strategy</b>	<b>242</b>	<b>1566</b>	<b>568</b>	<b>983</b>	<b>12</b>	<b>356</b>	<b>427</b>	<b>783</b>
<b>Sites</b>	<b>753</b>	<b>1761</b>	<b>1186</b>	<b>526</b>	<b>46</b>	<b>538</b>	<b>777</b>	<b>446</b>
<b>Evidence</b>	<b>7</b>	<b>12</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>9</b>
<b>Totals</b>	<b>N/A<sup>1</sup></b>	<b>3339</b>	<b>1755</b>	<b>1520</b>	<b>58</b>	<b>894</b>	<b>1207</b>	<b>1238</b>

7. Table 3 in Report 1 summarises the most significant issues raised through the consultation and provides an initial response to each by the GNLP team (see pages 16-23 of the GNDP report). A considerable number of representations

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<sup>1</sup> Note that a response is counted as one submission in the online consultation system. A submission can then have a number of representations that sit within it. Therefore, no total figure has been given for respondents because some respondents will have been counted twice as they will have responded to both strategy and sites documents in the same submission. If an agent made more than one response, i.e., they were responding on behalf of multiple clients, they will be recorded multiple times as respondents in the online consultation system.

made overlap with concerns raised by the city council. For example, these include comments on the climate change statement, including noting some scepticism as to whether the GNLP will achieve its stated aims and/or whether these go far enough. Some representations also express concern at the growth strategy and in particular overall housing numbers: a number of representations from the development industry state that the GNLP housing numbers should be raised to take account of the City Deal, provide a larger buffer, and correct errors in the interpretation of the standard methodology; whilst other representations considered the housing numbers to be too high.

8. Other significant issues noted in Table 3 include the call in some representations for a stronger focus on modal shift in transport policies, and concerns over the separation of the South Norfolk Village Clusters from the plan. In addition, the table notes representations from Historic England which contend that the plan does not provide a sound planning framework for Norwich city centre with potential implications for the historic environment.
9. The table notes that a number of representations identify what those commenting consider to be potential soundness issues, for example in relation to housing numbers, the location of growth, and the Village Clusters plan for South Norfolk.
10. In relation to housing numbers, it is relevant to note that the city council is leading on the procurement and project management of a new Housing Needs Assessment to provide up-to-date evidence on housing need and supersede the 2017 Central Norfolk Strategic Housing Market Assessment update. This study is being carried out for all Norfolk authorities, apart from Kings Lynn and West Norfolk which has a recently produced SHMA. Once finalised, the Central and East Norfolk Housing Needs Assessment ('the HNA') will inform local plan preparation processes across Norfolk, including the GNLP, and ensure that the relevant local authorities understand and can plan soundly for their housing need. In addition to informing the housing requirement figure in local plans it will identify the size, type and tenure of housing needed for different groups in the community, including those who require affordable housing, families with children, older people, students, and people with disabilities (not an exhaustive list). This important evidence study is likely to commence in autumn 2020 and be completed in early 2021. Its progress will be dependent on the publication of a new standard methodology for assessing housing need, which was expected to be published by Government in June but is now anticipated in autumn. Planning practice guidance makes clear that the housing target produced through application of the standard method will be a starting point for identifying housing targets in local plans and that a number of matters need to be taken into consideration such as growth strategies in place to promote and facilitate additional growth (such as the Greater Norwich City Deal), consideration of previous levels of housing delivery, changes to government policy, and changing economic circumstances. It is also relevant to note that recently published 2018 household growth projections for Greater Norwich are significantly higher than the 2014 projections (the current standard methodology is based on the latter). This strongly suggests that the GNLP housing target based on the new methodology using the latest projections is likely to be higher than previously.

11. The vast majority of representations on sites (summarised in tabular form in pages 40-58 of the report) were concerning those proposed outside of the city's boundaries, although some moderate level of objection was received to the proposed allocation for the expansion of UEA. No new sites have been proposed in Norwich through the consultation.
12. The report notes that in progressing towards the pre-submission (Regulation 19) version of the plan and then submission of the plan to the Secretary of State, officers will consider the Regulation 18 consultation comments through a number of topic papers, to provide advice for members on how draft policies should be amended in the next version of the plan. The topic papers will then be adapted and submitted with the plan to the Secretary of State. They will justify the plan approach by providing further detail than will be in the concise plan itself. A consultation report covering all stages of consultation will be submitted to the Secretary of State alongside the GNLP.

## **Report 2: GNLP revised timetable**

13. Report 2 sets out a revised timetable for the remaining stages of the GNLP. The report explains that this is required to address the large volume of representations made and to ensure that proper consideration is given to the issues raised, and also to reflect revised circumstances in the light of the Covid-19 pandemic. Furthermore it states that in order to ensure that the evidence base is as robust as possible and to have regard to new Government planning policy, it is considered necessary for the GNLP to agree the content of the Regulation 19 draft plan following elections in May 2021 instead of November 2020. This will also enable the GNLP team to overcome some of the practical impacts of Covid-19 on the team's workstreams.
14. The Covid-19 pandemic has implications for the robustness of the GNLP evidence base. The report notes the importance of updating evidence in a number of areas including housing and delivery issues, viability and CIL evidence, and the Housing Needs Assessment referred to above. In addition the East Norwich masterplan, which was recently given the go-ahead by cabinet and the procurement of which is now underway, will also be an important part of the evidence base for the Regulation 19 plan and will help inform the east Norwich site allocation policies.
15. The table below sets out the difference between current and revised timetables. The revised timetable enables further focused consultation to take place on possible changes to the plan and is considered advantageous in reducing risks to soundness and allowing improvements to the plan. In particular this will allow the GNLP to reflect on progress made in relation to the Norwich Western Link and to consult on the possibility of including a specific allocation for the use of land for it within the plan (see para 2.3 of the report).
16. Some aspects of the proposed timetable are outside the control of the GNLP team and GNLP. For example, the period from submission to examination will be dependent on the Planning Inspectorate, and the dates of the proposed consultation on the main modifications will depend on the outcome of the examination. The revised timetable is as follows:

<b>Production timetable</b>	<b>Current timetable</b>	<b>Revised timetable</b>
Regulation 18 consultation ends	16/03/20	16/03/20
GNDP board meeting (public)		10 July
Focussed Reg. 18 consultation		2/11 – 14/12/20
Pre-election period/elections		End March – early May 2021
Reg. 19 Plan to be endorsed by GNDP (public)	19/11/20	Late June 2021
Cabinets agree Reg. 19 plan	18/12/20	Late July 2021
Reg. 19 consultation on soundness and legal compliance	Jan/March 21	August / September 21
Submission of GNLP to the Secretary of State	June 21	Oct/Nov 21
Public Examination	Nov/Dec 21	Feb/Mar 22
Adoption of the Greater Norwich Local Plan	Aug/Sept 22	Nov/Dec 22

17. The new timetable means that all Greater Norwich Authorities will need to update their Local Development Schemes (LDSs). The city council's LDS was due to be discussed at sustainable development panel in March. This meeting was cancelled due the start of the Covid-19 pandemic, but members were consulted on the report by email. The LDS was subsequently approved by cabinet in June. It will now need to be updated to take account of the revised timetable, likely in autumn 2020.
18. Another implication for the city council relates to the proposed review of Norwich's Development Management Policies Plan (DMPP). This was discussed at sustainable development panel and cabinet in November 2019 in relation to the Regulation 10A review of the local plan, which noted that the review of the DMPP would commence following the Regulation 19 consultation when the GNLP's policy content would be clearer. It is now likely that this review will commence in mid-2021 at earliest.

### **Report 3: Assessment of emerging government policy and impacts**

19. The third report looks at two key elements of emerging government policy for local plans, Planning for the Future and the Environment Bill, along with a

potentially significant Department for Transport document, Decarbonising Transport. All are likely to have some impacts on the GNLP. The report also notes the intention to incorporate new national policy, where possible, into the emerging GNLP.

20. Table 1 in the report analyses the potential implications of Planning for the Future on the GNLP. The report concludes that the draft GNLP is sufficiently flexible to provide a good basis to respond to change.
21. In terms of the Environment Bill (the progress of which has been delayed due to current circumstance) , the report notes that the draft plan clearly references the intention to make biodiversity net gain a mandatory requirement at Regulation 19 stage once the Bill is enacted. There will however be a need to review relevant evidence studies, including for example assessment of what further work is required to produce the Greater Norwich Local Nature Recovery Strategy.





<b>Report to</b>	Sustainable Development Panel	<b>Item</b>
	22 July 2020	
<b>Report of</b>	Director of place	<b>5</b>
<b>Subject</b>	Article 4 direction to remove permitted development rights for the conversion of offices to residential	

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### **Purpose**

To seek members views on the need and possible introduction of an Article 4 direction to remove permitted development rights for the conversion of offices to residential within Norwich city centre.

### **Recommendation**

To recommend to cabinet that the council proceeds with the introduction of a non-immediate Article 4 direction.

### **Corporate and service priorities**

The report helps to meet the corporate priority “A prosperous and vibrant city” and the service plan priority to implement the local plan for the city.

**Financial implications:** there will be a financial cost associated with the required publicity for introducing an Article 4 direction. It is expected that this will be met from existing budgets.

**Wards:** Mancroft, Lakenham, Town Close, Nelson, Mile Cross, Sewell, Crome, Thorpe Hamlet

**Cabinet member:** Councillor Stonard – Sustainable and inclusive growth

### **Contact officer(s)**

Joy Brown, Senior Planner (Policy), 01603 212543

Judith Davison, Planning Policy Team Leader, 01603 212529

### **Background documents**

A review of Office Accommodation in Norwich, Ramidus (July 2020)

## Report

### Background

1. Permitted development rights to allow the change of use from office to residential were introduced in May 2013 and although introduced on a temporary basis initially, the government confirmed in March 2016 that the change of use from office to residential would be made permanent from April 2016. A change of use from office to residential currently requires an application for prior approval and the only matters which the Local Planning Authority (LPA) can consider are the impact that the development will have upon transport, contamination, flooding and the impact of noise from neighbouring uses on the proposed residential use. As of 1 August 2020, changes to the legislation will also allow consideration of adequate natural light in all habitable rooms (TCP Permitted Development and Miscellaneous Amendments England Coronavirus Regulations 2020) but the LPA cannot consider other issues around amenity or issues relating to the protection of employment land. Furthermore, the LPA cannot secure any provision of affordable housing.
2. An Article 4 direction removes a specified permitted development right in a defined area which allows the LPA to determine whether the proposed development is acceptable under its Local Plan policies. National Planning Practice Guidance<sup>1</sup> provides guidance on Article 4 directions and states that Article 4 directions should be limited to situations where it is considered necessary to remove permitted development rights in order to protect local amenity or the wellbeing of an area and the potential harm that the direction is intended to address must be clearly identified.
3. Initial research undertaken by officers in late 2019/early 2020 noted that there had been a significant loss in office floorspace since the introduction of permitted development to change from office to residential. The Greater Norwich Annual Monitoring Report 17/18<sup>2</sup> reported that whilst the permitted amount of employment space had increased overall over the last 5 years within the three districts (+118,105 sqm), there has been a sustained loss of office floor space in the city centre itself (-106,622sqm) which is resulting in the hollowing out of the city centre. In 2017/18 alone there was a net loss of 40,205 sqm of office floorspace. The net overall reduction in office floorspace since the start of the plan period (2008/09) to 2017/18 amounts to over 90,000 sq m or around 25.8% of the total stock in 2008. Most of the spaces lost are being developed into residential properties and schools and due to the prior approval process, there is no planning control over the loss of office space when converted to these uses.
4. The loss of office space continued during the 2018/19 monitoring period with the loss within the city centre being -11,695sqm. Although this may suggest a slowing of the trend in terms of applications; this additional loss now means that a total of 105,353 sqm of office space or 29.0% of the total office stock in 2008 has

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<sup>1</sup> <https://www.gov.uk/guidance/when-is-permission-required#article4>

<sup>2</sup> <http://www.greaternorwichgrowth.org.uk/planning/monitoring/>

now been lost<sup>3</sup>. Furthermore as it often takes a few years to complete these developments, the number of residential units delivered through the prior approval process was at its highest in the last financial monitoring year (2018/19) with 437 out of 1,084 dwellings (40%) being delivered through the prior approval process.

5. Therefore the initial findings from this research suggested that the change of use from office to residential had impacted upon the supply of available office space in the city centre and although during the most recent monitoring period there has been a slow-down in loss, it is unknown whether this is a trend that will continue. Whilst the creation of housing to meet need is supported, officers are of the view that there is sufficient land to do this effectively without the uncontrolled loss of essential office floor space through permitted development rights. Furthermore, there is concern about the quality of housing delivered to date through use of the permitted development rights.
6. The possible introduction of an Article 4 direction has been discussed previously and the emerging Greater Norwich Local Plan <sup>4</sup>sets out that a key part of retaining and growing employment in the city centre will be to reverse the loss of office accommodation in the city centre, which has experienced a 25% reduction since the start of the Joint Core Strategy plan period in 2008. Paragraph 284 of the draft plan in particular states that *“A key part of retaining employment in the city centre will be to reverse the significant loss of office employment. To this end the city centre policy provides the basis for the subsequent introduction of an Article 4 direction or directions to manage the loss of B1(a) office floorspace and ensure a supply of suitable sites and premises for the key city centre employment growth sectors, most particularly digital and creative industries.”*
7. Notwithstanding the above, in order to introduce of an Article 4 direction the potential harm that the direction is intended to address needs to be clearly identified, and there needs to be a particularly strong justification for the withdrawal of permitted development rights. Therefore although it was considered that there is a certain amount of evidence, it was felt that we needed to have a stronger evidence base, in order to make the case for the introduction of an Article 4 direction. In particular it was identified that the following evidence was required:
  - (a) An assessment of the likely future demand in the local office market in terms of office job number and floorspace. This should also include specification requirement i.e. are those looking for larger spaces looking for grade A or lower budget spaces, is there a minimum standard that business require (cabling/broadband/fit and finish), is location within the city centre a factor, do those looking for Grade A want a high profile location or will a less prominent site be acceptable?;
  - (b) A summary of current supply of office space (including vacancies and pipeline development) ;

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<sup>3</sup> <https://www.greaternorwichgrowth.org.uk/planning/monitoring/>

<sup>4</sup> <https://www.gnlp.org.uk/assets/Uploads/Reg-18-Final-Strategy-Document-20-02.pdf>

- (c) Identify the drivers influencing decisions to convert offices to residential compared to retention or refurbishment ;
  - (d) Identify the key office sites at risk from office to residential conversion based on residential capital values, office capital values, potential uplift and conversion cost;
  - (e) An assessment of the likely effect that further office to residential conversions might have on meeting demand in the city centre; and
  - (f) If an Article 4 direction is proposed to be introduced, the geographical area for a targeted article 4 direction should be identified.
8. Therefore, in April 2020 Norwich City Council commissioned Ramidus Consulting to undertake this research in the form of a review of office accommodation in Norwich. The scope of the study was quite broad with for example the study being used to inform the Norwich's Town Investment Plan but it also had a focus on planning policy and a specific part of the study was to review the existing evidence and collate new evidence in order for the council to be able to provide a case for or against the introduction of an Article 4 direction to restrict the uncontrolled loss of offices to residential.

### **A review of Office Accommodation in Norwich, Ramidus (July 2020)**

9. A summary of the relevant findings from the Ramidus report are as follows:
10. Norwich's office market is in a fragile and vulnerable condition which is especially true in the city centre. It has under-performed comparator cities in recent years and the office market is shrinking when the trend should be one of expansion. The office market is half the size of Cambridge and has been reduced by 30% in recent years due to implemented or consented conversions of residential use through Permitted Development Rights. The Prior Approvals process has exacerbated this to the extent that the very survival of the city centre office market is at risk.
11. The city centre is the most sustainable location for employment space; which means that the finite amounts of employment land there needs to be protected. Offices are critical to Norwich's future. Office-based activities lie at the centre of most forecasts for growth in the economy and it is vital that progressive, competitive cities cater for such growth – or risk losing vitality and competitiveness.
12. An Article 4 Direction is required, urgently. Virtually any site that is not secured on a long lease should be considered under pressure for redevelopment as residential. The primary weapon in safeguarding offices is obviously an Article 4 Direction. This should be considered as an urgent requirement, both because of the low office values inherent in the Norwich market and because the COVID-19 pandemic may radically alter property owners' risk analysis. If they think the case for building business space is weakened, then they are likely to consider switching to residential, precipitating a fresh glut of office-to-residential conversions.
13. The study proposes the A147 (the Norwich Inner Ring Road) as the approximate boundary to an Article 4 Direction, with an extension to encompass the business space around Carrow Road and on Thorpe Road, and including other specified

offices on the other side of the ring road including Marsh for example. This boundary would give Norwich sufficient control over office development, on the one hand allowing stock that is truly redundant to change use while, on the other hand, being able to protect space of strategic value.

### **Process of introducing an article 4 direction**

14. Officers consider that the above demonstrates that there is a compelling case for the introduction of an Article 4 direction and the study highlights the need for this to be introduced as soon as is possible. This section summarises the process for the introduction of an Article 4 direction. The detailed procedures for the making of an Article 4 direction are contained within Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>5</sup>.
15. There are two types of directions: non-immediate directions and directions with immediate effect. An immediate direction withdraws permitted development rights with immediate effect but affected property owners whose land suffers a loss in value as a result of the direction may be entitled to compensation. Where a non-immediate direction is used, however, provided that permitted development rights are withdrawn in the prescribed manner, there will be no entitlement to seek compensation. This includes where at least 12 month's notice has been given of the date when it is proposed that the direction will come into force. For this reasons most councils who have introduced an Article 4 direction to control the loss of accommodation have opted for a non-immediate option, with a twelve month notice period to avoid exposure to substantial future compensation claims and this is what is being recommended for Norwich City Council. During these twelve months: however, there is a risk that there will be an increase in prior approval applications.
16. The process for implementing a non-immediate Article 4 direction is as follows:
  - (a) An initial decision is made by cabinet to make the direction.
  - (b) Notice is served (by letter to the land owners/occupiers within the affected areas/site (if practicable), plus site notice and advertisement) giving at least 21 days to make representation to the LPA. This notice must include the date that it is intended that the direction would come into force.
  - (c) A copy of the direction and notice should be sent to the Secretary of State simultaneously.
  - (d) The LPA must consider any representations received
  - (e) The LPA decides whether or not to confirm the direction, (taking into account any representations received).

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<sup>5</sup> [www.legislation.gov.uk/uksi/2015/596/schedule/3/made](http://www.legislation.gov.uk/uksi/2015/596/schedule/3/made)

(f) If the decision to confirm the direction is made, serve notice (by letter to land owners/occupiers if practicable, plus site notice and advertisement) of the confirmation of the direction.

(g) Simultaneously send a copy of the direction as confirmed to the Secretary of State.

17. When introducing an Article 4 direction the potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights. The direction must state which specific permitted development rights it seeks to remove and state whether this is with permanent effect. Furthermore the direction must clearly define the geographical area to which it applies.

18. The Secretary of State does not need to approve article 4 directions but they do have the power to intervene in an Article 4 direction made by an LPA by modifying or cancelling it.

19. It has been identified that there would be a need for an equality impact assessment to be undertaken prior to the decision made by cabinet to make the direction.

### **Timescales**

20. The timescales for introducing a non-immediate direction are quite lengthy due to the need to give 12 months notice of its introduction. The precise likely timescales are particularly difficult to set out due to staff resourcing being affected by COVID-19. However, the following is an indication of a possible timetable for the introduction of the article 4 direction. Please note that sustainable development panel dates are not yet fixed which may have implications for timings.

SD panel report	July 2020
Drafting of Article 4 direction	August 2020
Decision made by cabinet to make the direction	September 2020
Notice served to land owners/occupiers affected (if practicable)/ site notice/ press advertisement giving at least 21 days to make representation	October 2020
Copy of direction and notice to Secretary of State	October 2020
End of consultation period	November 2020
Consideration of representations	November 2020

SD panel report	December 2020
Cabinet report	January 2021
Direction confirmed	January 2021
Notice served to land owners/occupiers affected/ site notice/ press advertisement confirming the direction	January 2021
Copy of direction and notice to Secretary of State	January 2021
Intended date of coming into force	October 2021

### **Demolition of office buildings**

21. It is the government's intention to introduce new permitted development rights to allow vacant office accommodation to be demolished and replaced with residential. The government has yet to consult on the new permitted development rights. If this new permitted development right is introduced then given the evidence base that we have, it is considered that a justified case could be made to also include this within an Article 4 direction. However given that the permitted development right has not yet been introduced and there is a pressing need to progress with the Article 4 direction to restrict changes of use, it is considered that a separate Article 4 may have to be introduced at a later date.

### **Risks**

22. The following risks of introducing an article 4 direction have been identified:

- (a) If a local planning authorities makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn. The introduction of a non-immediate direction with at least a 12 month notice period should avoid exposure to substantial future compensation claims.
- (b) A non-immediate article 4 direction may however increase the amount of prior approval applications received in the 12 months notice period.
- (c) The Secretary of State does not have to approve article 4 directions, but they can intervene in an Article 4 direction made by a LPA by modifying or cancelling it if there are clear reasons for doing so. On the basis of a strong evidence base it is not considered likely that this will happen.

### **Resource implications**

23. The following resource implications have been identified:

- (a) The cost of making the Article 4 direction relates primarily to staff resources and consultation costs. Further work is required to identify likely costs which it is anticipated will be met from existing planning budgets.
- (b) As the scope of the Ramidus study was broad and is to primarily be used for the Towns Deal, none of the planning budget was used to produce the study.
- (c) A planning application fee may be payable where development that would otherwise have been permitted development requires a planning application. This would result in additional planning fees for the council; however, the determination of a full planning application takes considerably more time than a prior approval application.