

Planning Policy & Built Heritage Working Party



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk

Please Direct Dial on: 01263 516019

5 August 2021

A meeting of the **Planning Policy & Built Heritage Working Party** of North Norfolk District Council will be held remotely via Zoom on **Monday, 16 August 2021 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to notify Democratic Services no later than 5pm on the Thursday before the meeting and provide a copy of the question or statement. An email invitation will be sent to you. Statements should not exceed three minutes. Email: democraticservices@north-norfolk.gov.uk

The meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/training purposes.

Emma Denny
Democratic Services Manager

To: Mr A Brown, Mrs P Grove-Jones, Mr N Dixon, Mr P Fisher, Ms V Gay, Mr P Heinrich, Mr R Kershaw, Mr G Mancini-Boyle, Mr N Pearce, Mr J Punchard, Dr C Stockton and Mr J Toye

Substitutes: Mrs A Fitch-Tillett, Mrs W Fredericks, Dr V Holliday, Mr E Vardy and Mr A Varley

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Chief Executive: Steve Blatch

Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005

Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

1. APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of a meeting of the Working Party held on 19 July 2021.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

(Pages 9 - 10)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

6. UPDATE ON MATTERS FROM THE PREVIOUS MEETING (IF ANY)

7. PUBLICATION OF NEW NATIONAL PLANNING POLICY FRAMEWORK

(Pages 11 - 16)

Summary: This report summarises the provisions of the new National Planning Policy Framework and considers the implications for Plan Making and Development Management.

Recommendations: **That Members note.**

Cabinet Member(s)	Ward(s) affected
Cllr J Toye portfolio holder for Planning	All Wards
Contact Officer, telephone number and email: Mark Ashwell, Planning Policy Manager, 01263 516325 Mark.Ashwell@north-norfolk.gov.uk	

8. LOCAL PLAN - SMALL GROWTH VILLAGES POLICY

(Pages 17 - 22)

Summary: Provides an update to the proposed approach to housing growth in Small Growth Villages.

Recommendations: **1. That Happisburgh is removed from the list of Small Growth Villages.**
2. That additional policy criteria are added to ensure that rural exceptions affordable housing schemes are prioritised in Small Growth Villages

Cabinet Member(s)	Ward(s) affected
Cllr J Toye portfolio holder for Planning	All Wards
Contact Officer, telephone number and email: Mark Ashwell, Planning Policy Manager, 01263 516325 Mark.Ashwell@north-norfolk.gov.uk	

9. ANY OTHER BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

10. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution (if necessary):

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

11. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

12. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

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PLANNING POLICY & BUILT HERITAGE WORKING PARTY

Minutes of the meeting of the Planning Policy & Built Heritage Working Party held on Monday, 19 July 2021 remotely via Zoom at 10.00 am

Committee Mr A Brown (Chairman) Mrs P Grove-Jones (Vice-Chairman)
Members Present: Mr N Dixon Mr P Fisher
Mr P Heinrich Mr R Kershaw
Mr N Pearce Mr J Punchard
Mr J Toye

Members also attending: Mr T Adams
Mr H Blathwayt
Mrs A Fitch-Tillett
Dr V Holliday
Mr N Lloyd
Mr E Vardy

Officers in Attendance: Planning Policy Manager, Planning Policy Team Leader, Senior Planning Officer (SH), Assistant Director for Planning, , Democratic Services & Governance Officer (Regulatory) and Democratic Services Manager

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ms V Gay and Dr C Stockton. Councillor G Mancini-Boyle was unable to join the meeting due to technical issues.

2 PUBLIC QUESTIONS

None.

3 MINUTES

The Minutes of a meeting of the Working Party held on 17 May 2021 were approved as a correct record.

The Chairman referred to Minute 105 and expressed disappointment that information regarding the parking of motor homes had not yet been put on the website.

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

None.

6 LOCAL PLAN UPDATE

The Planning Policy Team Leader presented an update report on the progress on finalising the Local Plan. He presented on screen the emerging Regulation 19,

Proposed Submission Version of the Local Plan, which had been restructured to place greater emphasis on climate change issues, and gave the Working Party a walkthrough of the various emerging sections as outlined in Appendix 1 to the report. He outlined the next steps in the process and the outstanding work streams that were required prior to the finalisation of the Plan ahead of consideration by the Working Party.

The Chairman stated that it was encouraging to see that sustainability, climate change and biodiversity were central to the design of the Plan. He asked for clarification of the requirement for biodiversity net gain, whether the Council would be required to maintain a register of available land and how the requirement would be imposed upon developers.

The Planning Policy Team Leader explained that the Environmental Bill would introduce a legislative requirement for 10% biodiversity enhancement and a plan for how it would be managed over a 30 year period. The proposed policy would align with that requirement, and include a sequential approach to provision. Metrics for measuring biodiversity had been devised by the Government, in association with DEFRA. Developers would be required to measure the existing on-site biodiversity and submit it to the local planning authority with a plan as to how 10% gain would be achieved and be able to demonstrate how it would be established and maintained over 30 years. Whilst the Council would monitor the biodiversity provision, the Planning Policy Team Leader did not think the Council would be required to maintain a register of land that was available for biodiversity net gain but it was likely that landowners who had land they could set aside for that purpose would market it as a commercial asset. It was likely that the requirement would be imposed by a condition on the planning permission or by a planning obligation. It was probable that a future supplementary planning document would be required to detail and explain how the new requirements would work in practice.

Councillor N Lloyd thanked the team for the effort being put into the climate change process. He asked if there was awareness of how the Plan compared to other authorities' Plans with regard to climate change.

The Planning Policy Team Leader stated that in his opinion this Council's Plan was at the forefront in its emphasis on climate change. Some authorities were requesting a higher percentage of biodiversity net gain, but NNDC did not have the evidence to substantiate a higher target than that required from the emerging legislation. The policies were aligned with Government policy and ambition in terms of carbon and greenhouse gas reduction to 2050, as distinct from the Council's ambition for its own business by 2030. It is still likely that the government will introduce amendments to the Building Regulations to ensure future homes move towards carbon net zero early in the life of the Plan.

Councillor N Dixon asked that officers ensure that policies were cross referenced and linked in a logical way and that there was no duplication. He asked if Policies CC11, CC12 and CC13 under the Natural Environment section would include the need to ensure that there were appropriate connections between sites so that they were part of a wider network and not separate islands. He referred to issues relating to community wellbeing arising from housing density pressures and asked if it was proposed to define the housing densities that were acceptable in particular locations.

The Planning Policy Team Leader stated that officers were keen to avoid unnecessary duplication and one of the outstanding tasks was to refine each section, removing unnecessary repetition and bringing better clarity where it was

needed, but he advised that some cross over would be required to ensure each section was complete. There was no specific policy on density, but consideration of matters such as open space and recreation avoidance mitigation would put pressure on densities and housing numbers in coming to a balanced decision.

The Planning Policy Manager added that there was further scope to rationalise some of the policies and some of the crossovers might be resolved in the final edit. Some repetition might remain but he considered that it was acceptable provided it did not create confusion, adding that Officers were reasonably happy with the policies as drafted. The ethos of connecting open space was part of the underlying strategy and in the reasoned justification, but it would be helpful to include wording in some of the policies.

Councillor N Pearce stated that he did not object to the spatial strategy and its aims, but he was concerned that there would be a conflict with the protection of heritage and environment due to pressure to take up land that the Council was under a duty to protect.

In response to a question from the Chairman with regard to the inclusion of a glossary, the Planning Policy Manager confirmed that the final Plan would include a glossary of terms that required precise definition to ensure that meanings were clear. There would be extensive footnotes in the policies and supporting text and consistency throughout the document.

The Working Party noted the report.

7 HOW HILL DARK SKY DISCOVERY SITE

The Planning Policy Team Leader presented a report that sought support for a proposal by the Broads Authority to nominate How Hill, Ludham for nomination as a Dark Sky Discovery Site. He reported that two of the areas shown on the map within the appendix to the report had subsequently been removed from the proposal and only the main viewing area was now proposed for designation.

The Chairman asked what measures were proposed to prevent unauthorised use of the car park site for camping, overnight parking of motorhomes, antisocial behaviour etc.

The Planning Policy Manager explained that the site was managed by the Broads Authority as an existing visitor destination. He considered that it was unlikely that the designation would encourage antisocial behaviour or exacerbate any issues that might already exist. He suggested that any concerns regarding security in relation to the car park could be flagged in the Council's response.

The Planning Policy Manager stated that the Broads Authority's assessment mentioned that the access was open to the public at all times and safety was not deemed to be a major risk.

The Chairman stated that he was happy with the suggestion and was very supportive of the proposed designation.

Councillor J Toye expressed concern with regard to access for disabled visitors. He also queried the public consultation on this proposal.

The Planning Policy Team Leader stated that the proposal had been brought to the

Broads Authority by members of the community and it was supported by the Parish Council. He considered it unlikely that the proposal had gone out to wider consultation, but this could be raised with the Broads Authority.

With regard to disabled access, the Planning Policy Team Leader stated that he did not have detailed knowledge of the site but the Council's response could be made subject to the guarantee of appropriate disabled access to the main viewing area.

Councillor H Blathwayt, NNDC representative on the Broads Authority, confirmed that the car park surface was suitable for wheelchairs. He stated that How Hill was occupied for the majority of the time as an educational establishment for residential school parties, and therefore the car park was overseen. He stated that one of the main points of access was from the river, which would help with traffic flow. He considered that it was unlikely that the site would become more popular than it was already.

Councillor Mrs P Grove-Jones stated that the site was very well supervised and efficiently run. She stated that people should be aware of the hazards when crossing the open area at night and could not expect the site to be tarmacked.

It was proposed by Councillor J Toye, seconded by Councillor P Heinrich and

RECOMMENDED unanimously

That the application by the Broads Authority to secure nomination of How Hill as a Dark Sky Discovery Site be supported in principle.

8 LOCAL PLAN SITE ALLOCATIONS

The Planning Policy Manager presented a report updating the Working Party on the progress on the outstanding site allocations at Fakenham, Holt and Cromer. He stated that the report erroneously referred to resolving site allocations in Cromer and apologised for any concerns this had caused. He was seeking a steer from the Working Party with regard to further negotiations to secure further opportunities for growth in Cromer before bringing back the options to the Working Party.

The Chairman asked if there was a possibility of grant funding from Homes England to resolve the infrastructure issues to free up sites, particularly in relation to Roughton Road, Cromer.

The Planning Policy Manager explained that the visibility at the junction of Roughton Road with Felbrigg Road was extremely restricted, with limited opportunity to deliver any meaningful improvement, and any significant increase in traffic would be unacceptable to the Highway Authority. A link road between Roughton Road and Norwich Road would have the potential to exacerbate the problem. Roughton Road was almost at capacity in terms of traffic movements and had not been shown as being capable of improvement to an appropriate standard, but there was a possibility that the Highway Authority might accept a modest amount of development. However, there was further work required on the options that might be available.

Councillor Mrs A Fitch-Tillett stated that she understood that the applicants in respect of the Gurney proposal had almost resolved the highway issues.

The Planning Policy Manager stated that there was a need to distinguish between the planning application on the site and the potential allocation. He explained that

the planning application had to be deliverable, with all issues resolved, whereas the site allocation had to be developable, which was a lower test requiring a reasonable prospect of development. The planning application indicated a form of vehicular access, a roundabout and a pedestrian bridge over the railway. The Highway Authority had indicated that it did not object to the proposals but there was uncertainty as to whether the applicant was in a position to deliver the railway bridge. It was unlikely that the application would come before the Development Committee in the near future as those issues were still being explored. The sports pitch provision on the proposal was rather squeezed as a result of having to provide elderly persons' accommodation. The Planning Policy Manager considered that enlargement of the site would give flexibility to improve the scheme.

Councillor Mrs Fitch-Tillett asked if additional land for housing would encroach on the AONB.

The Planning Policy Manager stated that all the Cromer sites, with the exception of Clifton Park, would encroach on the AONB, which might raise issues at the examination. There was a tension between addressing needs and protecting the environment and a balanced judgement had to be made. He considered that it was not a sustainable option to say that Cromer should not grow. There was also a complication that the sites were in adjacent parishes.

Councillor N Pearce stated that Roughton Road was not suitable for any major increase in traffic. Norwich Road was the right access and there was grudging acceptance that development would take place on the Gurney site if it could be resolved. However, he was very concerned that the provision of the railway bridge would have an impact on the number of affordable low cost and rented homes that could be delivered to address the high level of housing need in the Cromer area.

Councillor Pearce referred to the Council's green agenda and the duty to protect heritage and the AONB. He stated that whilst he understood the need to grow, there were issues that needed to be resolved if the Council were to deliver both housing and its green agenda. He was concerned that the Gurney/Cabbell Manners sites would join the adjacent parishes with Cromer with no green area to differentiate them from the town, whereas there was resistance to any infill between East Runton and Cromer. He considered that more work was needed on these issues.

The Chairman stated the Working Party was not being asked to debate the advantages or disadvantages of the sites. However he considered that there was a valid point regarding possible infill to the west of Cromer as well as to the south or south east.

Councillor P Heinrich stated that with regard to the railway bridge, there was an issue with fixing structures to weak cuttings and embankments. However, there were some lightweight bridge designs that would mitigate those issues and he suggested that Network Rail should be asked to consider them.

The Planning Policy Manager suggested that a recommendation to continue negotiations on a without prejudice basis in relation to options at Cromer would be appropriate. He had heard the concerns that had been raised and understood them sufficiently to enter into cautious discussions. A report would be brought back to the Working Party in the near future.

It was proposed by Councillor P Heinrich, seconded by Councillor J Toye and unanimously agreed to amend recommendation 3 as suggested by the Planning

Policy Manager.

It was proposed by Councillor Mrs P Grove-Jones, seconded by Councillor J Punchard and

RECOMMENDED unanimously

- 1. That the Shell Petrol Filling Station Site at Fakenham is included as a proposed allocation in the Regulation 19 Plan.**
- 2. That, in light of the Gladman Appeal decision, no further allocations are made in Holt.**
- 3. That officers continue negotiations on a without prejudice basis in relation to options at Cromer.**

9 NORTH WALSHAM WEST UPDATE

The Senior Planning Officer gave a verbal presentation on the consultation feedback in respect of the North Walsham West extension. The consultation had been web based due to the ongoing pandemic and ran from 24 May to 24 June 2021. The consultation presented to the public initial high level ideas as to how the site could be developed, which built on the dialogue with stakeholders and partners over the past year. The draft aims and key requirements were presented to the public, with a plan indicating how the site could be laid out. There had been excellent work by the Council's Communications Team in getting the message out to the public. Over 430 individual responses were received from approximately 200 people, with a number of more technical representations from partners and stakeholders.

A number of stakeholder events had been held with the Town Council and other local stakeholders, which included a technical workshop with the Highway Authority and an environmental and green infrastructure workshop.

One of the main issues raised in the consultation related to traffic and transport, with concerns about the existing traffic conditions and potential for future congestion. People were keen that cycling and walking connections into the town and to key services were considered. There were many comments regarding the delivery of the link road, with some requesting early delivery and some questioning if it would be delivered.

The next stage of highway work had been commissioned to look in more detail at the northern link road and its links into the industrial estate. The design code and place making would put focus on cycling and walking to ensure that sustainable principles were at the heart of the development. There would be ongoing partnership working with technical partners and local stakeholders on these issues.

Another key issue was infrastructure, with concerns raised over its delivery and impact on services that were already stretched. A District-wide Infrastructure Position Statement was being prepared to assess the infrastructure requirements on a broad basis, but detailed work was being undertaken with stakeholders on the infrastructure requirements for North Walsham and how they would be delivered. There were no significant showstoppers but further work was needed to gain a full understanding of the issues.

There had already been dialogue with the NHS, Primary Care Trust and others

regarding healthcare provision on the site and in North Walsham generally, and a meeting would be held to gain further understanding of primary care provision in the town and what land could potentially be provided as part of the proposals to support it.

A large number of comments had been received on climate change and environment, with concerns regarding building on agricultural land, loss of habitats and general impact on the environment of the scale of building proposed. A great deal of support had been received for the green space approach and representations had been made regarding improvements to make the scheme more sustainable. The sustainable principles of walking and cycling had been well received.

There had been a high degree of negativity across the board, but there had also been many positive comments as to how people wanted to see the scheme delivered. Sufficient information had been received to shape the next stage of the work. Scoping was being undertaken for the commissioning of technical work on the environment and green infrastructure. It was hoped to position North Walsham West as an exemplar scheme for green infrastructure and environmental delivery.

It was hoped to receive the stage 2 Highways report within the next few weeks which would give more certainty over the northern link. Work was ongoing with infrastructure providers, continuous dialogue was taking place with the landowners and promoters as to their role in taking the scheme forward and the team would continue to work with the Town Council and other stakeholders to ensure they were kept informed and involved. Further details would be brought to the Working Party at an appropriate stage.

The Chairman thanked the Senior Planning Officer for his presentation.

Councillor N Dixon asked to what extent the consultation responses addressed concerns regarding the highway impact on the B1150, and in particular the traffic implications for Coltishall and Horstead.

The Senior Planning Officer stated that there had been a great deal of input from neighbouring parishes and questions raised over the wider impacts of the development on the network.

The Planning Policy Manager stated that he had undertaken to share with Broadland District Council the outcome of the stage 2 highway report, which would advise as to the offsite impact of traffic on the B1150. Evidence was not yet available. He hoped to be in a position to bring a report to the Working Party in October at the latest.

The Chairman asked if the Brief would be finalised to coincide with the Regulation 19 consultation.

The Planning Policy Manager stated that it would be difficult to achieve the timetable as previously agreed. The Brief was unlikely to be finalised in September to coincide with the proposed Regulation 19 consultation and the Working Party would need to consider if it wished to proceed on the basis of the progress made on the Brief at the time. He considered that there had been substantial progress and proof of concept could be demonstrated, subject to a caveat in respect of the northern link into the industrial estate. He considered that the point had been reached where professional help was needed to finalise the Brief, which might take several months, and the Local Plan could not be delayed.

Councillor N Lloyd considered that the consultation had been worthwhile and well attended. There was a great deal of concern in the town. The timing of the infrastructure, particularly the link road between Norwich Road and Cromer Road, was an important issue. The town did not want incremental development with rat runs created. He hoped that the Council would push for early delivery of the infrastructure. He considered that Councillor Dixon had made good points regarding the traffic build up in Coltishall. There was understandable concern among people whose homes bordered the new development and he requested a wildlife corridor between the existing homes on Norwich Road and Skeyton Road to benefit the residents of those dwellings.

The Planning Policy Manager considered that there was sufficient land to incorporate a linear corridor along the edge of the existing boundary of the town, which would also benefit the new development by providing a functional link from one end of the development to the other. However, there were other competing priorities and he could not make any commitments until it was understood how it might impact on the distribution of other land uses.

Councillor P Heinrich concurred with Councillor Lloyd's comments. He stated that he was a member of North Walsham Town Council, which considered that the link into the industrial estate was critical. There would be little support from the Town Council without this link to take HGV traffic out of the town.

The Working Party noted the verbal report.

The meeting ended at 12.14 pm.

Chairman

Declarations of Interest at Meetings

When declaring an interest at a meeting, Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

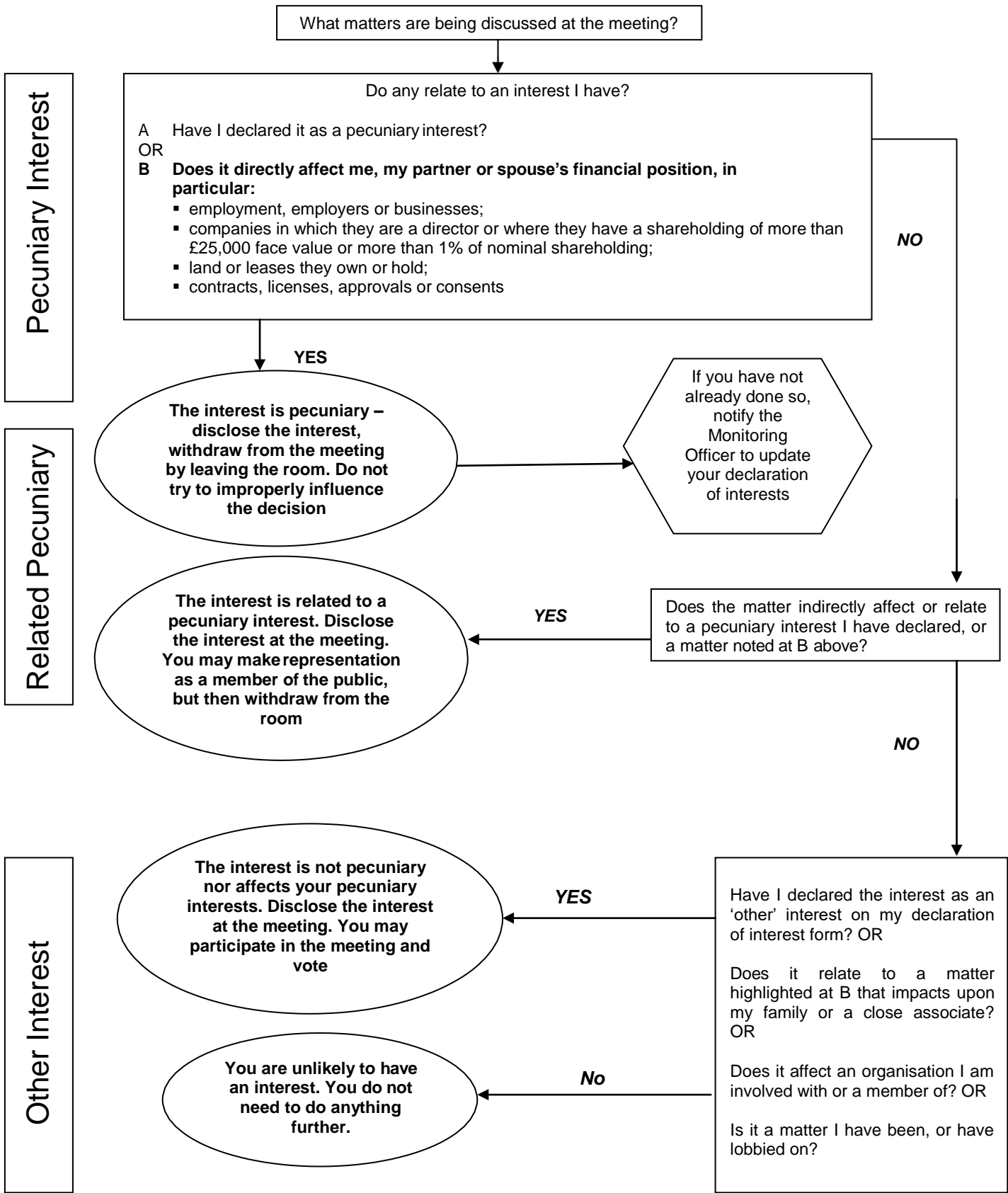
FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DEVELOPMENT COMMITTEE MEMBERS SHOULD ALSO REFER TO THE PLANNING PROTOCOL

Declarations of Interest at Meetings

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Publication of new National Planning Policy Framework

Summary: This report summarises the provisions of the new National Planning Policy Framework and considers the implications for Plan Making and Development Management.

Recommendations: **That Members note.**

Cabinet Member(s)	Ward(s) affected
Cllr J Toye portfolio holder for Planning	All Wards
Contact Officer, telephone number and email: Mark Ashwell, Planning Policy Manager, 01263 516325 Mark.Ashwell@north-norfolk.gov.uk	

1. Introduction

1.1 A new version of England's national planning policy document has been published by the MHCLG following a consultation on proposed revisions published in January. This report considers the main changes and the implications for the new Local Plan and the way decisions are made on planning applications.

2. The new NPPF 2021

2.1 Strengthened requirements on design quality and the use of trees in new developments, as well as revised policies on plan-making, removing statues and opting out of permitted development rights are among the alterations. All of the changes, apart from some minor tweaks, confirm proposed changes published in the January consultation.

2.2 Key changes are:

Measures to improve design quality, including a new requirement for councils to produce local design codes or guides.

Among the key changes to the NPPF are updated policies aiming to improve the design of new developments, in response to the findings of the government's Building Better, Building Beautiful Commission.

These include:

- changes to the overarching social objective of the planning system (paragraph 8b) to include the fostering of “well-designed, beautiful and safe places”. The old version had merely required “a well-designed and safe built environment”.
- introducing a new test that development should be well-designed (paragraph 133). This says that “development that is not well designed should be refused,

especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

- It goes on to say that "significant weight" should be given to "development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Significant weight should also be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area", the new paragraph 133 says.
- The new paragraph 128 states that in order to "provide maximum clarity about design expectations at an early stage", all local planning authorities "should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences".

Comments

High quality design has always been a feature of the NPPF. However, the enhanced emphasis on the issue and the specific requirement to apply 'significant weight' to local design policies is welcomed. The continued reference to 'taking into account' local Design Guides and Codes could have been strengthened, for example, the new Local Plan will require proposals to 'comply with or justify a departure from' locally produced Guides. Time will tell how forcefully this guidance will be followed and what is meant by 'beautiful'.

North Norfolk has an existing Design Guide which is being reviewed and will be producing Design Codes for the urban extension at North Walsham. The new Local Plan includes a specific Design Policy which reflects this latest guidance.

An emphasis on using trees in new developments

The updated NPPF introduces a new paragraph 131 stating that “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible". It goes on to say that applicants and local planning authorities "should work with local highways officers and tree officers to ensure that the right trees are planted in the right places”.

Comment

Again, the introduction of requirements for tree line streets and trees more generally within development is generally welcomed although the practical implications of such measures will require careful considerations. For example, there are likely to be many locations where street scale tree planting is unlikely to be practical or indeed may not be desirable.

The new Local Plan includes policies to provide and protect trees within development proposal and for applicants to demonstrate net biodiversity gains as part of their proposals.

Adjusting the presumption in favour of sustainable development for plan-makers.

The NPPF's presumption in favour of sustainable development for plan-makers (paragraph 11a) says that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

Comment

This provides helpful clarity in the way that the 'presumption' is intended to be applied linking the previous three aspects of sustainability (environment, social and economic) to climate change.

Again, this emphasis on Climate Change is already reflected in the emerging Local Plan policies.

New limits on the use of Article 4 Directions to restrict PD rights

The new paragraph 53 states that such directions, which remove PD rights in specific areas, where they relate to residential conversions, should only be used where it is "essential to avoid wholly unacceptable adverse impacts", for example the "loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability". In "all cases", article 4 directions should be "based on robust evidence, and apply to the smallest geographical area possible".

Comments

In recent years, government has legislated to introduce a wide range of new permitted development allowances meaning that planning permission is no longer required for some types of development. In particular, the change of use of existing buildings to residential uses will in many defined cases no longer require permission.

To counter the real, and perceived, adverse impacts of such changes, such as the loss of office floor space to residential uses, some Authorities have served Article 4 Directions covering very wide geographical areas. These have the effect of locally removing permitted development rights and reinstating the need for planning permission and are seen in some circles as circumventing the introduction of new permitted development rights.

This provision makes clear governments position that Article 4s should only be used in 'essential' circumstances where evidence of adverse impacts are demonstrated.

Councils should 'retain and explain' statues rather than remove them

A completely new paragraph 198 states: "In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal."

Encouraging faster delivery of further education colleges, hospitals and prisons

A new paragraph 96, which was not included in the January draft version, states: "To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted."

The MHCLG said in a statement that the updated NPPF "will place greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes".

The United Nations climate change goals have been added.

Paragraph 7 in the section on "Achieving sustainable development" states that "the purpose of the planning system is to contribute to the achievement of sustainable development". It now adds: "At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection."

Aspects of policy concerning planning and flood risk are clarified

The section on "planning and flood risk" now spells out that plans should manage any residual flood risk by using opportunities provided by new development and "improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)".

Tightened rules governing when isolated homes in the countryside can be acceptable

In paragraph 80 in the rural housing section, it sets out the circumstances in which isolated homes in the countryside can be acceptable. Previously, it said such homes would be acceptable if the design was "truly outstanding or innovative" - now the word "innovative" has been removed.

Comment

This provision removes an area of contention/interpretation from the NPPF which had allowed for dwellings in remote locations provided they were either truly outstanding or innovative raising questions about where the 'bar' was set in order to secure permission. The new single test of truly outstanding is an attempt to simplify matters but the debate is likely to continue in relation to what truly outstanding actually means.

It spells out that ten per cent of all major housing schemes should comprise affordable home ownership properties

The new NPPF amends paragraph 65. It adds the words "total number of" so that it now says: "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least ten per cent of the total number of homes to be available for affordable home ownership". This, the MHCLG said in January, is "to address confusion as to whether the ten per cent requirement applies to all units or the affordable housing contribution".

It introduces a new transport test for new settlements and urban extensions

The revisions introducing at paragraph 73 a new requirement for new settlements and urban extensions that they should now include "a genuine choice of transport modes".

Policies on improving biodiversity have been strengthened.

In chapter 15 (Conserving and enhancing the natural environment), paragraph 180d (previously 174d) now says that "opportunities to improve biodiversity" should be "integrated" into a scheme's design. Previously, it used the term "encouraged".

Comment

The Local Plan includes a requirement to demonstrate at least a 10% net biodiversity gain in all developments.

It clarifies that neighbourhood plans can allocate large sites

The new framework amends paragraph 70 to, in the words of MHCLG when the draft version was published in January, "remove any suggestion that neighbourhood plans can only allocate small or medium-sized sites". The final revised version, in line with the draft, says that "neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites". The old version said that such "should also consider to the opportunities for allocating small and medium-sized sites". The consultation response says the government "is satisfied that the policy clearly sets out that small, medium and large sites can be allocated in this way, but that small and medium sites should be given particular consideration".

3. Implications for Local Plan

- 3.1 All of these provisions have been subject to previous consultation and have been heavily trailed in the planning media. The new Local Plan includes all of the requirements and is not expected to require any further substantive change in order to meet the soundness test that Local Plans should comply with national policy. Officers have updated the supporting text of the Plan to ensure it references the latest NPPF as appropriate.

4 Recommendations

That Members note.

5 Legal Implications and Risks

- 5.1 The new Local Plan will need to comply with the NPPF in order to be found sound. The Plan has been reviewed to ensure it can meet this test.

6 Financial Implications and Risks

- 6.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

Local Plan – Small Growth Villages Policy

Summary: Provides an update to the proposed approach to housing growth in Small Growth Villages.

Recommendations: **1. That Happisburgh is removed from the list of Small Growth Villages.**
2. That additional policy criteria are added to ensure that rural exceptions affordable housing schemes are prioritised in Small Growth Villages

Cabinet Member(s)	Ward(s) affected
Cllr J Toye portfolio holder for Planning	All Wards
Contact Officer, telephone number and email: Mark Ashwell, Planning Policy Manager, 01263 516325 Mark.Ashwell@north-norfolk.gov.uk	

1. Introduction

- 1.1 The new Local Plan defines a number of villages in the District as Small Growth Villages. In these locations it is not proposed to formally allocate land for future housing development but instead to allow for such development via the application of a policy which is supportive a small scale housing growth in locations both within a defined settlement boundary and adjacent to the boundary.
- 1.2 This is a significant shift in policy position and for the first time would allow for market housing in areas designated as Countryside in the Local Plan but only in the Small Growth Villages, and only in locations very well related to the currently built up areas. The policy is intended to operate in a way which allows for small scale development without the need to formally allocate specific sites. It is a response to an NPPF requirement that Local Plans should ensure that 10% of future growth is provided for on smaller sites of less than 1 hectare in size.
- 1.3 The draft Policy (attached as **Appendix A**) has a number of safeguards which are intended to mitigate the potential for adverse consequences. These are:
- Sites should be no more than 1 hectare in size
 - Total growth in the 'host' settlement should not exceed 6% over the Plan period. (excludes dwellings delivered under the rural exceptions policy, and
 - Compliance with all other Local Plan policies dealing with issues such as landscape impact, highways and so on is required.

2. Small Growth Village Selection

- 2.1 The selection of Small Growth Villages is determined by a specific methodology. In order to be selected the settlement must include a range of essential and desirable services such as a local primary school, shop, public house or village hall.
- 2.2 Members may recall that following the initial assessment Langham was removed from the list of selected Small Growth Villages due to the closure of the village shop. A similar scenario has happened at Happisburgh where the village shop and post office has secured planning permission for use as a dwelling. As the village no longer complies with the selection methodology it should be removed from the list of qualifying villages.

3. Modification to Policy Approach

- 3.1 Land which lies outside of the adopted development boundaries of settlements and which is designated as Countryside in the Local Plan is currently subject to strictly applied policies which largely prevent the erection of dwellings. The only exceptions to this are the delivery of affordable homes, building conversions and occasionally agricultural and other key worker accommodation which is shown to be essential.
- 3.2 This general presumption against general market housing is fundamental to the effective operation of the rural exception policy which delivers affordable housing in villages. It sets a clear policy expectation that land owners are unable to secure permission for market housing and consequently removes the 'hope' that such permissions will be forthcoming. This in turn reduces the value of land and is one of the major reasons that Housing Associations are able to bring forward schemes in these locations – they are not having to pay open market residential land values for building land.
- 3.3 The draft policy for Small Growth Villages risks changing this. Rather than removing the hope that a residential permission may be granted it positively indicates that such a consent is possible. This clearly risks reducing the potential land supply for rural exceptions affordable developments as land owners are likely to pursue market housing developments rather than offer land to Housing Associations.
- 3.4 To address this concern it is recommended that the following additional clause is added to the policy:

In the case of sites in excess of 0.25 hectares the site, together with any adjacent developable land, has first been offer to local Registered Social Landlords on agreed terms which would allow its development for affordable homes, and such an offer has been declined.

4 Recommendations

- 1. That Happisburgh is removed from the list of Small Growth Villages.**
- 2. That the additional policy requirement outlined in paragraph 3.4 is added to policy SS1 of the Draft Local Plan.**

5 Legal Implications and Risks

5.1 None

6 Financial Implications and Risks

6.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.

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Appendix A – Proposed modifications to Spatial Strategy Policy from Draft Local Plan

Modifications – Happisburgh deleted from list of Small Growth Villages. New Policy requirement (f) added

Policy SS1: Spatial Strategy

1. The majority of new development will be located in the larger towns and villages in the District having regard to their role as employment, retail and service centres, the identified need for new development and their individual capacity to accommodate sustainable growth. Where sustainable alternatives are available, major development will not be permitted in the North Norfolk Coast Area of Outstanding Natural Beauty. Development will be located where it minimises the risk from flooding and coastal erosion and mitigates and adapts to the impacts of climate change.

Cromer, Fakenham and North Walsham are defined as **Large Growth Towns** where a high proportion (approximately 50%) of new housing, commercial and other developments will be located.

Holt, Hoveton, Sheringham, Stalham, and Wells next the Sea are defined as **Small Growth Towns** where a lesser quantity of development will be located.

Blakeney, Briston Ludham and Mundesley are defined as **Large Growth Villages** recognising their wider role as local service centres in meeting the needs of residents and those of a wider rural hinterland.

A small amount of development will be focused in and **adjacent to** the defined **Small Growth Villages** reflecting their limited service role to help address housing needs and support vitality and sustainability across the rural area. The Small Growth Villages are:

Aldborough, Bacton, Badersfield, Binham, Catfield, Corpusty & Saxthorpe, East Runton, , High Kelling, Horning, Little Snoring, Little Walsingham, Overtstrand, Potter Heigham, Roughton, Sculthorpe, Sea Palling, Southrepps, Sutton, Trunch, Walcott, West Runton and Weybourne.

2. Development will be permitted within the defined **Development Boundaries** of the Selected Settlements subject to compliance with the policies of this Plan. Within designated **Residential Areas** residential and compatible small scale non-residential developments will be permitted.
3. Outside of the defined boundaries of Selected Small Villages residential development will be permitted only where all of the following criteria are satisfied:
 - a. The site immediately abuts the defined **Development Boundary**;
 - b. The number of dwellings combined with those already approved since the date of adoption does not increase the numbers of dwellings in the defined settlement by usually more than 6% as outlined in table x,* and
 - c. The proposal is **small scale, incremental growth** compatible with the form and character of the village and its landscape setting in terms of siting, scale, design, impact on heritage assets and historic character, ,and
 - d. Safe and convenient access can be provided, and

e. The proposal incorporates substantial community benefits, including necessary infrastructure and service improvements and improved connectivity to the village and wider GI network, and

f. In the case of sites in excess of 0.25 hectares the site, together with any adjacent developable land, has first been offer to local Registered Social Landlords on agreed terms which would allow its development for affordable homes, and such an offer has been declined.

3 The rest of North Norfolk, including all settlements not listed above, is designated as a **Countryside Policy Area** where development will be limited to those types allowed for in Policy SS2.

*6% allowance excludes dwellings built under this Plans rural exception policy, building conversions and dwelling subdivisions