

## **PLANNING POLICY & BUILT HERITAGE WORKING PARTY**

**Minutes of the meeting of the Planning Policy & Built Heritage Working Party held on Monday, 16 August 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  
Ms V Gay Mr P Heinrich  
Mr R Kershaw Mr N Pearce  
Mr J Punchard Mr J Toye

Dr V Holliday (in place of Mr G Mancini-Boyle)

**Members also attending:** Mr H Blathwayt

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

### **10 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor G Mancini-Boyle. One substitute Member attended as shown above.

### **11 PUBLIC QUESTIONS**

None.

### **12 MINUTES**

The Minutes of a meeting of the Working Party held on 19 July were approved as a correct record.

### **13 ITEMS OF URGENT BUSINESS**

None.

### **14 DECLARATIONS OF INTEREST**

None.

### **15 UPDATE ON MATTERS FROM THE PREVIOUS MEETING (IF ANY)**

None.

### **16 PUBLICATION OF NEW NATIONAL PLANNING POLICY FRAMEWORK**

The Planning Policy Manager presented a report that summarised the provisions of the new National Planning Policy Framework and its implications for Plan Making and Development Management. The changes were already incorporated into the draft Local Plan, having been widely publicised previously by the Government.

The Chairman considered that it was encouraging that a number of the measures in the new NPPF had been taken into account in the draft Local Plan. He referred to local concerns with regard to the potential threat to the AONB from the extension of 'pop-up' campsites from 28 to 56 days and noted that some Local Authorities had imposed Article 4 directions on a wide geographical area. He asked if Article 4 directions related to the built environment only or if they would cover campsites.

The Planning Policy Manager explained that Article 4 directions were very targeted and should not be used to re-impose blanket controls over a wide geographical area to negate permitted development in that area. The Government had introduced the 56 day allowance for campsites in response to the economic impacts of the pandemic and had chosen not to exclude AONBs and other designations. It would be necessary to demonstrate that the harmful impact of campsites on the AONB justified the use of Article 4 directions.

Councillor J Toye asked if it would be possible to write a local guide to what would be acceptable to this Authority under Paragraph 80 of the NPPF relating to isolated dwellings.

The Planning Policy Manager explained that there were a number of options, from a guidance note for officers to supplementary planning guidance, but all carried less weight than a specific policy in the Local Plan. Whether a development was 'truly outstanding' was a subjective matter and he considered that it would be appropriate for the Development Committee to consider the merits of such proposals on a case by case basis. Whilst it was an issue that could be debated, he questioned whether the use of time and resources in producing a guide could be justified given the small number of applications that were received under that provision.

The Chairman suggested that an amendment could be made to the Design Guide to cover this issue.

Councillor Ms V Gay stated that the Council had an excellent Design Guide that had recently been rewritten and the important issue was how it was interpreted and understood. She suggested that a further presentation be given on the Design Guide for all Members, as newer Members would not be familiar with it.

The Planning Policy Manager explained that the Design Guide was still a working draft and had not yet been finalised. The Local Plan had to take priority but he was happy to add this suggestion to the work programme if required. The Chairman agreed that it would be useful to consider this at the end of the Local Plan process.

Councillor P Heinrich referred to the sustainable development section and asked if it could be strengthened by further guidance on the requirements, such as Passivhaus standards, heat pumps and electric charging points.

The Planning Policy Manager explained that it was inappropriate to specify particular house types as there were a number of techniques that the developer could use to meet the requirement in the new Local Plan to deliver 31% improvement over current Building Regulation standards. It was anticipated that they would be included as a construction standard in the Building Regulations in the near future. Local Plans would be continuously reviewed and this policy area would evolve as technology and climate change issues moved forward. The Planning Policy Manager stated that he was confident that the issues were being pushed as hard as possible.

Councillor N Pearce considered that much more clarity was needed with regard to the requirements for trees in developments.

The Planning Policy Manager stated that the NPPF referred to street trees, whereas previously it had not. He considered that this section would be tested fairly early on through the appeal process and the Courts. He referred to very good developments that did not include trees, where the form of development contributed positively to the character of the area. He stated that trees took up a large amount of land and there would be a significant implications in terms of land values, density, viability and delivery of affordable dwellings. He considered that there would be wide ranging, unforeseen circumstances that would be challenged through the development management process. There was no definition of street in the NPPF, which could allow for some leeway.

Councillor Mrs P Grove-Jones stated that there were two large developments in her Ward that did not have trees in the street scene as the streets and pavements were too narrow. She had always understood that trees lined avenues. Trees caused problems such as raised pavements and other issues that often led to complaints, so it would not be possible to introduce them in certain areas.

Councillor Mrs Grove-Jones commented that terms such as 'outstanding' and 'beautiful' were subjective and people had differing views and tastes.

Councillor Mrs Grove-Jones referred to the Government's proposal to remove gas boilers by 2035 and replace them with hydrogen energy or heat pumps. She stated that heat pumps were very expensive and could not be used in buildings that were not insulated to modern environmental standards. She considered that the requirements would raise the price of market and affordable housing.

Councillor N Dixon stated that the report had not referred to habitat and that there was too much emphasis on trees, which were only one part of the habitat mix. He stated that there was no consideration of the biodiversity value of different tree species, nor the types of trees that would be suitable for the environment in which they would be planted. He considered that work could be done to expand the advice on their use, and that the emphasis should be on habitat and biodiversity and the need to connect up areas of habitat enhancement to prevent them from becoming small islands of limited value.

The Planning Policy Manager stated that the Government had introduced a requirement for biodiversity net gain. Measurement tools and a matrix were being developed to establish the current biodiversity value of a site, to which a 10% uplift would be applied with the resulting biodiversity net gain requirement being delivered firstly on site, or replaced elsewhere if it could not be provided on site. Previously, only the visual impacts of trees and landscape had been considered, whereas the wider benefits were now being embodied into the guidance. He considered that it was a positive move but would take some time to filter through the planning system. The requirement for 10% biodiversity net gain would be included in the Local Plan policies.

Councillor J Toye stated that the new Environment Bill included a great deal in it regarding biodiversity and local networks that could feed into the Local Plan. The 10% biodiversity net gain requirement had come from the Bill.

The Working Party noted the report.

## 17 LOCAL PLAN - SMALL GROWTH VILLAGES POLICY

The Chairman stated that there was a need to be mindful that the Local Plan had to progress to the next stage as soon as possible.

The Planning Policy Manager presented an update report and recommended changes to the Small Growth Villages policy. He explained that Happisburgh no longer met the qualifying criteria as a Small Growth Village due to the closure of its shop and post office and was therefore recommended for removal from the list.

The Chairman requested that the size threshold be clarified as paragraph 3(f) did not give an upper limit, whereas the report referred to sites up to 1 hectare, and that 'small scale incremental growth' in paragraph 3(c) be given consideration as it was open to interpretation. He asked if it should also be made clear in the policy and text that neighbourhood plans took precedence in cases where they were in conflict with the proposed policy.

The Planning Policy Manager agreed that reference to a 1 hectare upper limit would be a useful addition to the policy.

With regard to neighbourhood plans, the Planning Policy Manager stated that potential areas of conflict with many of the policies could emerge as neighbourhood plans were drafted and a decision would need to be made as to which strands of policy took precedence. In practice, priority would be given to neighbourhood plans that had gone through due process and to which the Authority had not raised an objection, and he suggested that explanatory text should be added at the front of the Local Plan to explain the relationship between the Local Plan and neighbourhood planning, rather than modify each policy.

The Chairman agreed that a general policy elsewhere in the Plan would be acceptable but considered that a footnote should be inserted in this particular policy to refer the reader to the general remarks. The Planning Policy Manager stated that he would take this matter on board.

Councillor N Pearce stated that there was a desperate need to build social housing for local people who could not afford market housing and that protection should be built into the Local Plan as it was not possible to legislate against second homes. He considered that time limits should be placed on sites between .25 ha. and 1 ha. in order to prevent land banking by landowners and to assist Housing Associations who wanted to build on them.

Councillor P Heinrich suggested that the addition of the words '...the site abuts the development boundary and does not exceed 1 ha. in size' to paragraph 3a would address the size threshold issue in the policy.

Councillor N Dixon considered that there was potential for Hoveton and Wroxham to take a disproportionate share of growth if they were both seen as growth towns by their respective authorities, and it was important that they were treated appropriately. There was a confusion of terms with Hoveton being described as a Small Growth Town in some places, whereas elsewhere it was described as a Large Village and he considered that there was scope for further clarification.

The Planning Policy Manager explained that Hoveton was not a Small Growth Village and did not sit within this policy. Land beyond the development boundary of Hoveton would be within the Countryside policy area and would only be available for

rural exceptions development. The terminology could be clarified within the plan. Phrases that had a policy function, rather than a descriptive function, such as Small Growth Town, would be highlighted within the policy document and described in the glossary. Wording could be added to the preamble to make it clear that Hoveton was a village, although it was described as a Small Growth Town for policy purposes.

Councillor V Holliday expressed concern that an increase of 6% of the existing dwellings in Weybourne could result in 24 dwellings being built some distance from the limited local services, with residents driving to the local shop as the road was not safe to walk along. It would be difficult to provide safe and convenient access in some of the villages. She asked how many dwellings would be available for primary residence or local occupancy, and whether affordable housing would be included in these sites. She stated that second homes would not be of benefit to the sustainability of these villages. She asked why these small areas of land would be developed in the countryside rather than in towns where development would be less intrusive.

The Planning Policy Manager explained the criteria for Small Growth Villages. The methodology had been agreed some time ago. These villages were expected to deliver 350-400 dwellings over the entire Plan period. Affordable housing would be required within developments of 5 or more dwellings. The upper threshold of 1 ha. was a limit and not an entitlement and he considered that there would be merit in explaining this in the preamble to the policy. It would be challenging to deliver a 1 ha. site on the edge of Weybourne and the policy wording 'small scale incremental growth' would enable the Development Committee to determine that development of that scale was unacceptable. 6% was a diminishing allowance that would be used up over time through small scale schemes. The proposals were designed to deliver small amounts of market and affordable housing in this tier of settlements. The second homes issue had been debated on several occasions and it had been decided not to impose restrictions as this would deflect demand elsewhere and would not be an effective control tool.

The Chairman stated that he had initially been concerned that the policy could be perceived as a fast track to offering sites for market development in instances where registered social landlords were overwhelmed with offers of land, but these concerns had been allayed as the numbers would be modest. He considered that it should be borne in mind that the major developments such as those in Fakenham and North Walsham would take many years to be built out and this policy would give flexibility to deliver towards the Council's housing target.

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

## **RECOMMENDED**

- 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, and additional amendments**
  - to explain how Neighbourhood Plans are impacted by the policy;**
  - to clarify that the policy criteria applies to sites between .25 hectares and 1 hectare in size;**

- **to provide clarification of the status of Hoveton as a Large Growth Village within the Local Plan.**

## **18 POSSIBLE WORKSHOP/MEETING ON AFFORDABLE HOUSING**

The Chairman agreed that Councillor N Pearce could raise the following matter.

Councillor Pearce considered that it would be helpful for Members to consider the Council's social housing policy from the developer's perspective. There was a high level of housing need in the District and needs were constantly changing. He requested that a meeting be arranged or an item placed on a future agenda to look at these issues.

The Planning Policy Manager stated that joint workshops with housing colleagues took place on a fairly regular basis, and housing associations had been involved in developing housing strategies. He considered that a session could be arranged for Members to look at the practical issues around delivery of affordable housing if they wished to do so.

The Chairman suggested that a statement of common ground could be drawn up so that developers were aware of the Council's requirements when submitting planning applications.

The Planning Policy Manager stated that he was aware of a request to consider issues around the first homes provision in the NPPF and the implications for affordable housing generally. He was happy to discuss with the Housing Strategy and Delivery Manager regarding a general update and to pick up some of the more targeted issues at a specific meeting. There could be an opportunity to invite housing providers to give their perspective on the Council's policies at a workshop session.

Councillor J Toye stated that he was concerned that affordable housing was lost when additional costs impacted on viability, with no adverse impact on the developer's profit. He considered that it would be beneficial for developers and the Council to understand each other's situation and to look at how the burden could be shared.

The Chairman considered that an update on viability issues would be useful in conjunction with the issues raised by Councillor Pearce.

The meeting ended at 11.53 am.

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Chairman