

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

**Minutes of the meeting of the Planning Policy & Built Heritage Working Party held on Monday, 11 October 2021 remotely via Zoom at 10.00 am**

<b>Committee</b>	Mr A Brown (Chairman) Ms V Gay Mr G Mancini-Boyle Mr J Punchard	Mrs P Grove-Jones (Vice-Chairman) Mr P Heinrich Mr N Pearce Mr J Toye
<b>Members also attending:</b>	Mrs A Fitch-Tillett (substitute for Mr N Dixon) Mrs W Fredericks (substitute for Mr R Kershaw) Dr V Holliday (substitute for Mr P Fisher)  Mr T Adams (observing) Mr J Rest (observing)	
<b>Officers in Attendance:</b>	Planning Policy Manager, Planning Policy Team Leader, Democratic Services & Governance Officer (Regulatory) and Democratic Services and Governance Officer - Scrutiny	

### **26 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors N Dixon, P Fisher, R Kershaw and C Stockton. Three substitute Members attended the meeting as shown above.

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### **27 PUBLIC QUESTIONS**

None.

### **28 MINUTES**

The Minutes of meetings of the Working Party held on 16 August and 13 September 2021 were approved as correct records.

### **29 ITEMS OF URGENT BUSINESS**

None.

### **30 DECLARATIONS OF INTEREST**

Minute 34 - Councillor Mrs A Fitch-Tillett declared that she knew the landowner of sites at Roughton Road, Cromer and had accepted hospitality from him. She would abstain from voting on the matter.

Minute 34 – Councillor N Pearce declared that he lived on land owned by Mr Cabbell Manners but had not accepted hospitality from him, nor entered into any discussion

or correspondence in respect of the proposed site at Roughton Road.

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

None.

**32 LOCAL PLAN STRATEGIC POLICIES**

The Planning Policy Team Leader presented a report that sought Member endorsement to move to the next stages of Plan production incorporating Regulation 19 – 22 in relation to strategic policies. The strategic policies and contextual front end of the emerging Local Plan had now been brought together into one consolidated document and would be subject to finalisation prior to submission. The final site allocations document would be the subject of a separate report at a future meeting.

The Chairman thanked the Planning Policy Team Leader and his team for their diligence and hard work in producing the document in the face of challenges arising from changes in national planning policy.

Councillor J Punchard added his thanks and asked if there was a rough timeline for the next stage of consultation.

The Planning Policy Team Leader stated that officers were keen to move the process forward. The document was technically in the public domain due to the Working Party and advance copies had been sent to neighbourhood plan groups. A number of documents were still to be finalised, and it was likely that another report would be brought to the Working Party on the consultation process.

The Planning Policy Manager stated that there was still a great deal of work to be done and it was hoped to put the document out to consultation around Christmas or shortly afterwards.

The Chairman noted that weight could start to be given to the new policies at Regulation 19 stage and asked how the Development Committee would be advised to take the emerging policies into account.

The Planning Policy Manager and Planning Policy Team Leader explained that advice would be tailored to each application on a case by case basis through the Officers' reports. The Planning Officers would be seeking advice from the Planning Policy Team as to whether or not weight could be applied to the Regulation 19 Plan. The weight applied to the emerging policies would be determined by the representations that were received at Regulation 19 stage and whether or not there were unresolved objections.

Councillor N Lloyd congratulated the Officers and thanked them for embracing the administration's green credentials. He asked for advice on biodiversity net gain on agricultural land that was cultivated on a crop rotation system with heavy use of chemicals, as he could see no biodiversity value in that type of landscape. He anticipated questions from people living on the boundary with the North Walsham Western Extension regarding loss of countryside.

The Planning Policy Team Leader stated that biodiversity net gain would set a target

for enhancement and it was necessary to measure the existing biodiversity and demonstrate betterment. The emerging policies required the use of metrics produced by DEFRA for this purpose and there would be a training need for both officers and developers in order to understand it.

The Planning Policy Manager added that most housing developments on agricultural land could easily demonstrate the required biodiversity net gain on site through the inclusion of gardens and green spaces.

Councillor J Toye, the Portfolio Holder, thanked the Planning Policy Team. He considered that training, development and understanding were important to be able to assess whether or not genuine biodiversity net gain was being offered by developers. He was comfortable that the Development Management team would bring the policies forward in the way the Working Party envisaged.

It was proposed by Councillor J Toye, seconded by Councillor J Punchard and

**RECOMMENDED** unanimously

- 1. That the Local Plan strategic policies section be agreed as the basis for undertaking the consultation and submission in line with Regulation 19 – 22.**
- 2. That minor amendments in the finalisation of the proposed submission version be delegated to the Planning Policy Manager and Team Leader.**

### **33 FIVE YEAR LAND SUPPLY STATEMENT 2021 AND HOUSING DELIVERY TEST RESULT**

The Planning Policy Manager presented a report setting out the results of the Housing Delivery Test and the Council's five year land supply position for the period 2021 to 2026, and recommending that the Five Year Land Supply Statement 2021 be published.

The Chairman highlighted the fact that the Council had passed the Housing Delivery Test for the fourth consecutive year and stated that it was a credit to the team that the housing delivery rate over the past 20 years had been predicted with such accuracy. He asked what the consequences would be in terms of the Government's buffer if housing delivery exceeded the target.

The Planning Policy Manager explained that the standard 5% buffer applied irrespective of performance above the target and there was no reward for over-performance. Over-delivery impacted on future land supply as it used up available land at a faster rate and rendered the five-year land supply position more tenuous. Completed dwellings had to be replaced to maintain the supply.

Councillor J Toye considered that maintenance of a land supply consistent with the targets meant that the Council's policies could not be undermined.

The Planning Policy Manager explained that the failure to deliver sufficient homes introduced a presumption in favour of development in sustainable locations but did not mean that development could take place anywhere a developer wanted to build. Applications could still be refused if they were not in sustainable locations. It was important to maintain the land supply so that the Local Plan policies could continue

to be applied.

Councillor G Mancini-Boyle requested clarification regarding the five year land supply position as two recent appeals decisions appeared to be contradictory.

The Planning Policy Manager explained that developers would challenge the five year land supply in terms of the methodology used to set the target for delivery and the number of homes that were likely to be built. The Council had been able to defend its position in terms of its methodology at three public inquiries and he was confident that it could continue to do so. Developers would also challenge the Council's opinion of the deliverability of sites to argue that the Council did not have a five year land supply and that their proposal would help to meet the target. He explained the work involved in assessing the sites in terms of deliverability. The Government had written off four months of housing completions under the Housing Delivery Test due to the pandemic, which had slowed delivery, otherwise the Council would have struggled to meet the test.

Councillor Ms V Gay stated that Members could learn a great deal from sitting in on a Planning Inquiry and hearing the arguments put forward to the Inspector.

Councillor P Heinrich asked if the current shortage of building materials was likely to impact on housing delivery.

The Planning Policy Manager stated that he had been surprised at how well housing delivery had held up despite the pandemic. The big volume house builders were very skilled at knowing what they could sell and were able to deliver to the market at the right time. He was not aware of any concerns being raised by the volume house builders with regard to the supply of materials, although there was concern that materials were very expensive. There would be an impact on building rates if the supply of materials slowed.

Councillor N Pearce asked why the Council had lost the Gladman appeal despite a land supply position in excess of 5 years, whereas it had won the appeal at Sculthorpe.

The Planning Policy Manager explained that planning applications should be determined in accordance with the Local Plan unless material considerations suggested otherwise. In both cases the Inspector had determined that the Local Plan was up to date and the Council had a 5 year land supply. The Inspector had decided that there were no material considerations to justify a departure from policy in the Sculthorpe case and had therefore dismissed the appeal. In the Gladman case the Inspector had determined that the offer of land for a primary school was of sufficient public benefit to justify a departure from policy and, taking into account Norfolk County Council's stated commitment to building a school on the site, had therefore allowed the appeal.

It was proposed by Councillor G Mancini-Boyle, seconded by Councillor J Punchard and

**RECOMMENDED** unanimously

**That the Council publishes the 2021 Five Year Land Supply Statement.**

The Planning Policy Manager presented a report relating to the suitability of an additional site allocation at Roughton Road, Cromer (C19 and C19/1) and recommended that no allocation be made in respect of these sites.

The Chairman stated that there was a need to be mindful of preserving the AONB and there did not appear to be any overriding public benefit in the allocation of these sites.

The Planning Policy Manager stated that the public interest argument would arise as to whether the Council was doing enough to address the housing need in Cromer by allocating land for 600 dwellings. Cromer was constrained by the AONB and there was a balance to be struck between housing growth as a mechanism to deliver more affordable housing and the harm that would be caused by releasing more land in the AONB, which would be challenged through the examination process.

The Chairman considered that the judgement was more difficult with the known constraints of the AONB and the coast. He stated that the Working Party had always maintained the ethos that the development strategy was plan led and not developer led and Members should have confidence in the Planning Policy team to make the right judgment in cases such as this.

Councillor N Pearce supported the recommendation not to include C19 and C19/1 as the AONB was a staple part of the Council's policies and protection of the AONB was a statutory duty. He stated that the allocation of land on the opposite side of Roughton Road had been very controversial locally, and a green break should be maintained between settlements to preserve the natural beauty. It was important to consider future need but it was of the utmost importance that growth was plan led.

Councillor P Heinrich considered that there were strong arguments both for and against the allocation of C19 and C19/1, but he supported the Planning Policy Manager's recommendation.

In response to a question by Councillor V Holliday as to whether there was a relationship between Roughton Road and the Clifton Park site, the Planning Policy Manager explained that there was a relationship insofar as the comparison between a non-AONB site and a site within the AONB was part of the plan making process. The Working Party had considered alternatives at the previous meeting and had rejected the Clifton Park site against a positive recommendation in favour of it. He was confident that 600 dwellings was enough to make a reasonable contribution towards housing need in Cromer and the surrounding area.

Councillor T Adams, a Member for Cromer Town Ward, stated that he was in favour of the recommendation to reject C19 and C19/1 as they were poorly related to the highway network.

It was proposed by Councillor N Pearce, seconded by Councillor P Heinrich and

**RECOMMENDED** by 10 votes to 0 with 1 abstention

**That land off Roughton Road (site references C19 and C19/1) is not included as a proposed allocation in the Regulation 19 version of the Local Plan.**

## **35 NEIGHBOURHOOD PLANS UPDATE**

With the consent of the Chairman, the Planning Policy Team Leader informed the

Working Party that Stalham Town Council had applied to become a Neighbourhood Planning area. The decision was delegated to the Planning Policy Manager and Portfolio Holder as Stalham was a parished area. The proposed designation included part of the Broads Authority area and it had agreed to support this approach. Decision notices would be sent to the Planning Policy Manager and Portfolio Holder for signing off in the near future. The local Members had been informed and had made no comments.

Councillor Mrs P Grove-Jones, a local Member for Stalham, stated that she had not commented as she had been presented with an outline only, which was difficult to comment upon, but she considered that there would be comments as the matter progressed.

The Chairman asked if there were any neighbourhood plans that were nearing fruition.

The Planning Policy Team Leader stated that Holt Town Council and Blakeney Parish Council had been persuaded to undertake an independent health check of their proposed submissions and were currently working through the reports. Neither of those Councils had responded to a request to submit a timeline for progressing their plans.

Councillor Mrs A Fitch-Tillett informed the Working Party that Overstrand Parish Council was preparing a neighbourhood plan but progress was very slow.

The Chairman stated that slow progress was understandable as most Town and Parish Councillors were laypersons and the process could be challenging and time consuming, although it was worthwhile.

The meeting ended at 11.39 am.

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Chairman