

DRAFT STATEMENT ON PLANNING MATTERS ARISING FROM RECENT GOVERNMENT ANNOUNCEMENTS

Portfolio Holder: Planning Policy & Conservation

Wards Affected: All

1 SUMMARY

- 1.1 This report sets out a draft of a possible statement to clarify the Council's position on a number of planning matters, following from the recommendation of the Place Shaping Committee on 17 November 2010.

2 KEY DECISION

- 2.1 This is not a key decision and has not been published in the Forward Plan.

3 BACKGROUND

- 3.1 Since its election the Coalition Government has made a number of decisions that affect planning policy. The main decision has been the revocation of Regional Spatial Strategies, such as the East of England Plan, which was subsequently the subject of a legal challenge that was upheld by the court. In addition, there have also been significant amendments to Planning Policy Statement 3: Housing in relation to garden land and housing densities. This has resulted in some uncertainty over the application of planning policies. A recent Advice Note by the Planning Officers Society suggests that local planning authorities should consider the production of a statement of intentions setting out their position on the revocation of the RSS, perhaps to be later followed by a more detailed local strategy statement. Such statements could be produced sub-regionally if appropriate.

4 THE ISSUES

- 4.1 The proposed revocation of the Regional Spatial Strategy has resulted in some confusion over what planning policies apply and lack of strategic guidance, most particularly in terms of housing targets. The proposed Joint Core Strategy will help to address this, but until it is adopted its "weight" in determining a planning application is limited. Production of a Council position statement should help to provide clarity on the matter, being of use to applicants for planning permission, Development Management Officers and Members of the Planning Committee in the first instance; and also for Planning Inspectors in dealing with appeals. Consequently, there would seem to be considerable merit in producing an initial statement on the Council's position. If a position statement is produced it would also seem appropriate for other matters, such as the changes to PPS3, to also be addressed.
- 4.2 A draft of a possible position statement has been produced, see Appendix 1.

If approved this would be published as the position of the Council.

5 RESOURCE IMPLICATIONS

5.1 Work will be undertaken within existing staff and financial resources.

6 LEGAL IMPLICATIONS

6.1 If a statement is adopted it will become a material consideration in the determination of applications for planning permission.

7 OPTIONS

7.1 The Council has the following options:

- (1) To approve the statement as drafted.
- (2) To approve the statement with amendments.
- (3) To not approve the statement.

Liz Mowl
Head of Policy

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Appendix 1

Draft of statement on planning matters arising from recent Government announcements.

Draft

Broadland District Council Statement on planning matters arising from recent Government announcements

This statement sets out the position of the Council as local planning authority in relation to certain planning matters that have arisen from recent decisions / announcements made by the Government.

1. Proposed Revocation of the East of England Plan 2008 (Regional Spatial Strategy) – policies comprising the development plan for the area.

On 6 July 2010 the Secretary of State for Communities and Local Government announced the revocation of Regional Spatial Strategies with “immediate effect”. However, there was a legal challenge to this revocation that was upheld by the court. Therefore, the Regional Spatial Strategies remain in effect. The Secretary of State has re-iterated the intention to revoke the Regional Spatial Strategies, through forthcoming legislation, and has also stated that this intention should be a material consideration in planning matters.

For Broadland, the Regional Spatial Strategy is the East of England Plan published in May 2008. The East of England Plan was the top tier of the regional statutory “Development Plan” together with other development plan documents produced at a local level. Therefore, the development plan in Broadland is :

(i) The East of England Plan 2008 (Regional Spatial Strategy).

(ii) Saved policies of the **Norfolk Structure Plan 1999** (which covers the period 1993 to 2011) – this was “saved”, in whole, for a period of 3 years from the commencement of the 2004 Planning and Compulsory Purchase Act. This period ended on 28 September 2007. However, the Secretary of State issued a “direction” (under paragraph 1(3) of Schedule 8 of the 2004 Act) that set out 10 policies to be “saved” beyond this period.. The East of England Plan replaced 6 of these policies; therefore, the saved Structure Plan policies are :
EC10, T2, T17, RC8.

(iii) Saved policies of the **Broadland District Local Plan (Replacement) 2006**. On 17 March 2009, the Secretary of State issued a direction that saved the majority of policies of the Local Plan. A copy of the direction and schedule of saved policies are in appendix 1 to this statement. A number of the saved policies will be replaced by the policies in the proposed Joint Core Strategy for Broadland, Norwich and South Norfolk when this is adopted, probably in Spring 2011, and later by policies in other proposed Development Plan Documents. Although not part of the Development Plan until adopted, the submitted Joint Core Strategy is a material consideration in the determination of applications for planning permission. The Joint Core Strategy has recently undergone an Examination in Public on its “soundness” and the report of the Inspectors is awaited.

(iv) In addition, there are saved policies from the Norfolk Minerals Local Plan (2004) and Norfolk Waste Local Plan 2000 produced by Norfolk County Council. These will be superseded by the proposed Norfolk Minerals and Waste Core Strategy and Development Control Policies, and the Norfolk Minerals Site Allocations and Norfolk Waste Site Allocations Development Plan Documents that are in the course of production by Norfolk County Council. Also, part of the Broads Authority Executive Area comes within the district. In this area saved policies of the Broads Local Plan (1997) and the Broads Core Strategy adopted September 2007 apply.

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2. Proposed Revocation of the East of England Plan 2008 (Regional Spatial Strategy) – affect on the targets for the supply of housing land (inc. “5 year supply”).

The national Planning Policy Statement 3 states:

53. *At the local level, Local Planning Authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing for at least 15 years from the date of adoption,²⁹ taking account of the level of housing provision set out in the Regional Spatial Strategy.*

And:

54. *.....Local Planning Authorities should identify sufficient specific **deliverable** sites to deliver housing in the first five years. To be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:*

– *Be **Available** – the site is available now.*

– *Be **Suitable** – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.*

– *Be **Achievable** – there is a reasonable prospect that housing will be delivered on the site within five years.*

And:

57. *Once identified, the supply of land should be managed in a way that ensures that a continuous five year supply of **deliverable** sites is maintained ie at least enough sites to deliver the housing requirements over the next five years of the housing trajectory.*

And:

66. *In circumstances where market conditions have changed, it may also be necessary to re-assess need and demand, considering a review of approach across the housing market area..*

And:

71. *Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing,....*

The East of England Plan sets out the “minimum dwelling provision” from 2001 to 2021 (policy H1 and NR1 for the Norwich area including Broadland). The figure for Broadland (of 12,200) was included in an overall figure (of 37,500 of which 33,000 was to be in the area close to Norwich, the Norwich Policy Area) for Norwich, Broadland and South Norfolk. The individual district figures were “indicative only and may be varied by mutual agreement provided they sum to 37,500”. The suggested apportionment of the housing figure is set out in the proposed Joint Core Strategy for Broadland, Norwich and South Norfolk.

The view of the Council and of Norwich and South Norfolk Councils, is that, the evidence is that the housing requirement set out in the East of England

Plan is broadly correct, and accordingly should be followed in the proposed Joint Core Strategy. The Council's Annual Monitoring Report 2008-9 sets out the housing trajectories and housing provision, based on the East of England Plan targets, indicating a limited short-term supply of housing land. Regard should be given to this more up-to-date assessment and its successor (AMR 2009-10) when produced.

In accordance with Government policy, the Council is of the opinion that housing supply should be a consideration in determining applications for housing development, and significant weight given to proposals that can readily contribute to housing supply requirements, are of high quality, and in sustainable locations in accordance with the proposed Joint Core Strategy, and that would contribute to other objectives of benefit to the local community.

If the proposed Joint Core Strategy is not found "sound", or the housing targets and/or provision are significantly amended following the Public Examination and recommendations of the Inspectors, the effect of this would need to be reviewed.

The Councils are also intending to undertake an update of the Housing Needs survey for the area, and are considering undertaking an early review of the Joint Core Strategy which would have regard to the update. Consideration is also being given to the methodology for calculating housing supply. When available, such work will also be used to inform the Council's position on the issue of housing land supply in the future.

4. Government Statement / Amendment to PPS 3 on Garden Land

On 9 June 2010 the Government announced a re-issue of Planning Policy Statement 3: Housing, with amendments removing private residential gardens from the definition of previously developed land. Consequently, in determining planning applications within private residential gardens it is no longer a consideration in favour of the proposal that they are "developed", their acceptability, or not, for development will depend on other considerations. The adopted Broadland District Local Plan (Replacement) 2006 sets out relevant policies including GS1 which defines Settlement Limits within which development is acceptable in principle, HOU1 and HOU5 on housing development within settlements, HOU7 on housing outside Settlement Limits, and particularly policy HOU11 on sub-division of plots and backland development. Proposals for development on private residential gardens will continue to be determined in the light of these and other relevant policies.

5. Government Statement / Amendment to PPS 3 on minimum housing density

On 9 June 2010 the Government announced a re-issue of Planning Policy Statement 3 : Housing, with amendments removing the indicative minimum

density for housing development. The adopted Broadland District Local Plan (Replacement) 2006 contains policy HOU6 which continues to apply. This policy states that in the Norwich fringe parishes and Aylsham, for estate-scale development the overall net density should be a minimum of 30 per hectare. Elsewhere efficient use should be made of development land, but the form and character of the surrounding area will be a major determinant. Sites well served by public transport or close to facilities and services will also be expected to be developed at overall net densities of more than 30 dwellings per hectare.

This approach will encourage the efficient use of land, and so reduce the amount of Greenfield land needed for development, but acknowledges that in some locations factors, such as the character of an area, may mean that lower density development is more appropriate.

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**Appendix 1.
Direction and Schedule of Saved Policies of the Broadland District Local
Plan (Replacement) 2006**

DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE

PLANNING AND COMPULSORY PURCHASE ACT 2004

POLICIES CONTAINED IN BROADLAND DISTRICT LOCAL PLAN

(REPLACEMENT) 2006

The Secretary of State for Communities and Local Government in the exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Act 2004 directs that for the purposes of the policies specified in Schedule 1 to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by the authority of the
Secretary of State



**Tim Freathy
Deputy Regional Director of Development & Infrastructure
Government Office for the East of England
17 March 2009**

SCHEDULE 1

POLICIES CONTAINED IN BROADLAND DISTRICT LOCAL PLAN

(REPLACEMENT) 2006

Policy Ref.	Policy Subject
GS1	Restriction of development outside the settlement limits of the Norwich fringe parishes, market towns and villages
GS2	Conversion of buildings in the countryside
GS3	General Considerations relating to new developments
GS4	Requirement for adequate infrastructure to serve development
GS5	Institutions in large grounds
GS6	Development beyond the plan period – strategic reserve
ENV1	Protection and enhancement of environmental assets
ENV2	Layout and Design of Development
ENV3	Landscaping of Development
ENV5	Management of natural features and provision of compensating features for those lost through development.
ENV6	SSSI's, local nature reserves and national nature reserves
ENV7	Areas of local nature conservation importance, County wildlife sites, ancient woodlands and regionally important geological/geomorphological sites
ENV8	Areas of landscape value
ENV9	Green spaces within the settlement limits
ENV10	Historic Parklands
ENV11	Commons
ENV12	Demolition of listed buildings
ENV13	Extension or alteration of listed buildings
ENV14	Setting of Listed Buildings

ENV16	Protection and Enhancement of conservation areas
ENV17	Ancient monuments and Archaeological sites
ENV18	Sites of archaeological importance
ENV20	Evaluation of archaeological significance
ENV22	Advertisements
ENV23	Development proposals and water resources
ENV24	Development affecting the Broads Area
HOU1	Proposals for estate scale development
HOU2	Strategic sites
HOU3	Major housing development phasing
HOU4	Affordable housing within larger developments
HOU5	Individual or small groups of housing development within the settlement limits
HOU6	Housing density in estate scale developments
HOU7	Residential development outside the settlement limits (agricultural justification, etc.)
HOU8	Removal of occupancy conditions
HOU9	Replacement dwellings outside settlement limits
HOU10	Variety of dwelling types, and housing to meet defined needs
HOU11	Sub-division of plots
HOU12	Annexes to existing dwellings outside settlement limits
HOU13	The siting of residential caravans
HOU14	Change of use of a dwelling
HOU15	Sub-division of dwellings or change to institutional use
HOU16	New residential institutions
HOU17	New residential institutions outside settlement limits

HOU18	Affordable housing on land not considered as suitable for housing
HOU19	Sites for travelling show people
EMP1	Strategic employment sites
EMP2	Retention of employment sites
EMP3	Working from home
EMP4	Small scale businesses within settlement limits
EMP5	Employment in the countryside
EMP6	Employment activities outside of settlement limits or employment areas
EMP7	Replacement of existing employment premises outside settlement limits
EMP8	Agricultural development
EMP9	Diversification of farm enterprises
EMP10	Tourist facilities
EMP11	Tourist accommodation
SHO1	District centres outside the Norwich Policy Area
SHO2	District centres in the Norwich Policy Area
SHO3	Local shopping areas
SHO4	Large convenience goods stores
SHO5	Role of Sprowston and Sweetbriar retail warehouse parks
SHO6	New retail warehouses
SHO7	New small shops in designated areas identified in policies SHO1, SHO2 and SHO3
SHO8	Provision of new shops in settlement limits
SHO9	Farm shops
SHO10	Garden centres
SHO11	Public houses in villages

SHO12	Loss of local convenience stores
SHO13	Open air market and car boot sales
TRA1	Protection of land for transport improvements
TRA2	Transport Assessments for planning applications
TRA3	Travel plans
TRA4	Pedestrian movement
TRA5	Cycle movement
TRA6	Routes used by vulnerable users
TRA7	Developer contributions to public transport
TRA8	Parking Guidelines
TRA9	Airport development
TRA10	Airport public safety zones
TRA11	New Access on or off the A47
TRA12	New access onto or off other principal routes
TRA13	Access to main distributor routes
TRA14	Highway safety
TRA15	Roadside services on trunk roads
TRA16	Roadside services on other roads
TRA17	Landscaping of new or improved highways
RL1	Major leisure and recreational facilities
RL2	Provision of additional sports and recreational facilities
RL3	Golf courses, etc...
RL4	Noisy outdoor activities
RL5	Provision of outdoor playing space

RL6	New recreation areas
RL7	New residential development and the provision of outdoor recreational space
RL8	Loss of existing or potential recreational facilities
RL9	Horses kept for recreational uses.
RL10	Horses kept for commercial purposes.
CS1	Improving the level of community services
CS2	Sustainable drainage systems
CS3	Development and ground water resources
CS4	Applications for telecommunications development
CS5	Installation of telecommunications equipment and prior approval
CS6	Development which may affect telecommunications services
CS7	Renewable energy
CS8	Development and recycling facilities
CS9	Flood risk issues in all development proposals
CS11	Development adversely affecting the integrity of tidal or fluvial defences
CS12	Pollution prevention
CS13	Notifiable installations
CS14	Noise levels
ACL1	Land allocated for residential development
ACL2	Employment allocation south of Acle Station
ACL3	Further small scale Industrial Uses (Class B2) on the Old Station Yard
ALD1	Expansion of existing premises
ALD2	Transport assessment
ALD3	Landscaping requirements

ALD4	Assessment of former landfill site required
AYL1	Mixed use redevelopment of St Michael Hospital and adjacent land
AYL2	Requirements for development of St Michael Hospital and adjacent land
AYL3	Allocation of land at Dunkirk for employment
AYL4	Landscaping of AYL3
AYL5	Access to AYL3
AYL6	Assessment of former landfill site required
AYL7	Need for footway improvements
AYL8	Encouragement of recreational facilities including joint use
AYL9	Allocation of land for outdoor playing purposes adjoining Aylsham High School
BRU1	Playing field allocation east of the Memorial Hall
BRU2	Access to allocation of land identified under BRU1
BRU3	Landscaping measures for land allocated under BRU1
CAW1	Allocation of land as an extension to the existing burial ground
COL1	Residential allocation east of Station Road
DRA1	Allocation of land at Manor Farm for housing
DRA2	Mixed-use development in centre of Drayton
FOU1	Land allocated for small scale industry off Station Road
FOU2	Land allocated for community use, comprising village hall, and recreation area east of Claypit Road
FRM1	Expansion of animal sanctuary
FRM2	Keeping of horses on land at or adjacent to animal sanctuary
GWI1	Village hall allocation on land west of Hall Walk
HEL1	Land allocated for residential development
HEL2	Land allocated for public open space at Reepham Road

HEL3	Landscaping measures for land allocated under Policy HEL2
HEV1	Land allocated for residential development West of Pound Road
HEV2	Land allocated for children's play next to the school
HOR1	Land allocated for residential development South of Horsbeck Way
HOR2	Access to land allocated in Policy HOR1
HOR3	Land allocated for employment purposes
HOR4	Uses in site under Policy HOR3
HOR5	Ecological survey of land allocated in HOR3
HNF1	Allocation of land for employment purposes
LIA1	Land allocated for industrial development within Class B2 as a rounding-off to the existing Industrial Area
LIA2	Land allocated for employment purposes
LIA3	Land allocated will require detailed assessment of risks from nearby land fill site.
LIN1	Land allocated for recreational use on south-side of Post Office Road
MAR1	Land allocated for residential development
CAT1	Restoration and Improvement of Catton Park
CAT2	Allocation of land at Spixworth Road for public open space
CAT3	Access to land allocated under Policy CAT2
RAC1	Land allocated for Industrial uses to south-east of existing industrial estate
RAC2	Provision of tree-belt for area allocated under Policy RAC1
RAC3	Building ratio to plot area for land allocated under Policy RAC1
REP1	Land allocated for mixed uses on former Station Yard
SPI1	Land allocated for recreational facilities to the south of the existing recreation ground, and to north side of Crostwick Lane
SPI2	Access to sites allocated for recreational facilities under Policy SPI1
SPR1	Area allocated for housing at White Woman Lane

SPR2	Access to land allocated in SPR1
SPR3	Development brief and infrastructure requirement for land allocated in SPR1
SPR4	Allocation of land for housing at School Lane
SPR5	Development brief and infrastructure requirement for land allocated in SPR4
SPR6	Allocation of land for housing east of Blue Boar Lane
SPR7	Access to land allocated in SPR6
SPR8	Infrastructure requirements on land allocated in SPR6
SPR9	Access to Boar Plantation and management plan in connection with development of land allocated in SPR6
SPR10	Completion of development on land between Wroxham Road and Blue Boar Lane
SPR11	Allocation of land for employment off Salhouse Road
SPR12	Access to land allocated in SPR11
SPR13	Landscaping of land allocated in SPR11
SPR14	Allocation of land for open space
SPR15	Allocation of land for extension to burial ground
STW1	Allocation of land for open space
TSA1	Allocation of land for school at Dussindale Park
TSA2	Area allocated for Business Park east of Thorpe St Andrew
TSA3	Requirements for area allocated under Policy TSA2
WES1	Land allocated as an extension to the existing burial ground