

Borough Council of King's Lynn and West Norfolk Local Plan Examination

Matter 6 Statement – Housing

22 DECEMBER 2022

Introduction

1. This statement is a response from the Borough Council of King's Lynn and West Norfolk Council (BCKLWN) to the following issues and questions raised by the Inspectors relating to Matter 6 of the examination into the King's Lynn and West Norfolk Local Plan relating to Housing.
2. References used in this statement (e.g.[F10],[D10]) relate to documents held in the examination library as either a submission document or as part of the wider evidence base.

Borough Council of King's Lynn and West Norfolk Responses to Matter 6 Questions

Issue 6: Has the Plan been positively prepared and is it justified, effective consistent with national policy in meeting the housing needs of all groups in the Borough over the plan period?

Housing Land Supply

Q331. The Housing Trajectory lists a number of housing sites with planning permission, which were granted three or more years ago, but are still counted as part of the available housing land supply. What is the evidence to demonstrate those permissions remain extant? Should a discount be applied to the supply to account for lapsed planning permissions? If so, what would be an appropriate amount?

We have revisited the Housing Trajectory following discussions at the hearing sessions and prepared a Housing Land Supply Report which includes an updated Housing Trajectory and takes account of lapsed permissions. Information about the discounts applied are set out in this report. We have applied a 5% discount to any minor sites, a 10% for allocations and major sites and a 25% discount to windfall which is explained in our response to Q332 to account for any lapses in planning permission. The Housing Land Supply Report has been submitted with our Written Statement.

Q332. Is the allowance of 299 dpa for windfall sites from 2025/26 to the end of the Plan period justified as a reliable source of housing land supply, in addition to allocations, on the basis of compelling evidence? Does the windfall allowance take account of the effect that an increased housing supply from allocated sites may have on the availability of, and market demand, for windfall sites?

Yes. As set out in our response to Question 9 to the Inspectors' Initial Questions, the updated Housing Trajectory (see Question 8) shows that there was an average of 399 dwellings per annum from windfall sites from 2001/02 to 2021/2022. Applying the 25% discount now results in a windfall allowance of 299 dwellings per annum.

For the purposes of the windfall allowance (as part of both the five-year housing land supply calculation and Plan Housing Trajectory), the windfall allowance will be applied from 2025/2026.

Based on housing completions data, we have considered the completions and subsequent windfalls from 2001/02 to 2021/2022. This period has been chosen as it incorporates respective periods of stronger and weaker economic performance, ranging from the housing boom of the mid-2000s, where record housing completions were recorded, to the subsequent economic crash (2008-2011), where housing delivery rates plummeted. This cycle was followed by steady recovery in the construction industry, until the Covid-19 pandemic (from March 2020).

Q333. Does the evidence demonstrate that there is likely to be a 5-year supply of deliverable housing sites in the Borough on the adoption of the Plan and a rolling 5-year supply from then until the end of the Plan period?

Yes. The Housing Trajectory (October 2022) [F22] (see tab 2021-2039) demonstrates that there will be a 5-year housing land supply from adoption of the Plan and a rolling 5-year supply of deliverable housing sites until the end of the Plan period (2021-2039).

The Housing Land Supply Report referred to in Q331 provides an updated Housing Trajectory which demonstrates a 5.59-year supply.

It is recognised that the Housing Trajectory sets out the situation at a point in time and will need to be further updated during the examination.

Q334. Given the reliance of the future housing supply on a small number of strategic sites, is there sufficient contingency within the projected supply for annual housing needs to be met in the event that the strategic sites stall or do not deliver at the rates expected?

Yes. The Local Plan contains sufficient contingency within the projected annual supply over the remainder of the Plan period to meet the total Local Housing Need.

The Housing Land Supply Report demonstrates a total housing land supply over the Plan period 13,122. This is compared to a requirement (Local Housing Need) for 10,278 dwellings over the same period. The Housing Land Supply Report apportions discounts to each form of supply and there still remains a 2166.8 surplus over the plan period.

Furthermore, as set out in the Housing Land Supply Report, a lot of allocations already have planning permission (4,318 dwellings) and are therefore very unlikely to not be brought forward. The remaining number of allocations without planning permission (1,534 dwellings) is limited and will be reviewed annually in the monitoring report.

[Affordable Housing \(Policy LP28\)](#)

Q335. Are the percentages of affordable housing sought in Criterion 7 of Policy LP28 justified, based on proportionate evidence of affordable housing need?

Yes. The proportion of affordable housing to be delivered from new developments at criterion 7 (15% within the King's Lynn built-up area and 20% elsewhere) is considered justified, based on proportionate evidence of affordable housing need and viability. The baseline position, as set out in the 2011 Core Strategy (Policy CS09), has been reviewed through the Local Plan process. The principal evidence base documents that have informed the percentages of affordable housing are as follows:

- 2020 Sustainability Appraisal report [B3];
- 2021 Viability Report [D1]; and
- 2020 Housing Needs Assessment [D3].

The Sustainability Appraisal report explains how the affordable housing requirements in Policy LP28 have evolved. It explains: "The policy as proposed is completely different to that which

was consulted upon in 2019 and takes onboard the majority of responses to the draft consultation in that the evidence base required updating. This is achieved through a Housing Need Assessment (HNA) (2020) which replaces the 2014 Strategic Housing Market Assessment (SHMA) and a new Local Plan review Viability Assessment (2020)" [B3, p65].

The analysis within the Viability Report [D1] considered the implications of CIL (which came into effect in February 2017) for overall viability and recent initiatives such as Affordable Cost Home Ownership and First Homes [D1, paragraph 8.48]. The Housing Needs Assessment also considers deliverability, whereby total affordable housing need within the Borough in 2020 equated to 202 dwellings per year, or 36.4% of the total Local Housing Need (calculated at 555 dwellings per year at the time the Housing Needs Assessment was prepared).

The analysis within the Viability Report [D1] considered the implications of CIL (which came into effect in February 2017) and recent initiatives such as Affordable Cost Home Ownership and First Homes, for overall viability [D1, paragraph 8.48]. The Viability Report [D1] applied the Residual Value method in assessing different policy scenarios for affordable housing requirements, ranging between 0% and 30%, [D1, appendices 17-22]; also sub-dividing the Borough into the following areas [D1, appendices 21-22]:

- North;
- A10 Corridor;
- King's Lynn; and
- Wisbech Fringe.

The Viability Report recommends (section 12) that "results show that development is unlikely to be able to bear all the Council's policy aspirations" [D1, paragraph 12.71]. Furthermore, it highlighted challenges in bringing sites from the adopted Local Plan (2016 Site Allocations and Development Management Policies Plan) that are not yet consented, predominantly due to constraints frustrating their delivery [D1, paragraph 12.70e]. This prompted reduced policy recommendations, including for 20% / 15% on sites of 4 and larger (Intermediate Housing 30%, Affordable Rent 70%) [D9, paragraph 12.71a].

The King's Lynn urban area has a lower affordable housing requirement (15%, compared to 20% elsewhere). This reflects the Plan's Strategic Objectives, placing an emphasis on brownfield redevelopment, heritage led regeneration and renewal within the town (section 3). It also reflects the findings of the Viability Report.

Overall, the affordable housing requirements at Policy LP28 criterion 7 were informed by both the Housing Needs Assessment and Viability Report. The requirements reflect the need for the Local Plan to be effective; i.e. deliverable over the plan period (NPPF paragraph 35c).

Q336. Would the mix of brownfield and greenfield residential development allocated in the Plan be viably able to support the proposed affordable housing percentages, in the light of the results of the Local Plan Review Viability Update published in April 2021?

Yes. Considering the 2021 Local Plan Review Viability Update report [D1], the mix of brownfield and greenfield site allocations could viably support the proposed affordable housing percentages. As stated in the response to Q335 (above), the affordable housing requirements have been significantly reduced, from over 35% (recommended in the Housing Needs Assessment [D3]) to 20% / 15%, to maximise opportunities to ensure viability (hence deliverability) affordable housing.

The Viability Update report [D1, appendices 17-21] assessed different scenarios for affordable delivery, between 0% and 30%; against Residual Land Value scenarios, between £0 and £20,000.

Within King's Lynn and the A10 Corridor (focus for growth), previously developed (brownfield) sites struggle with development viability, even at 5% affordable housing [D1, Appendix 21].

Nevertheless, the NPPF requires, to achieve sustainable development, that the Local Plan needs to ensure "that a sufficient number and range of homes can be provided to meet the needs of present and future generations" (NPPF paragraph 8b). Therefore, it is necessary to balance need (35%+ affordable housing delivery from forecast housing land supply, as stated in the Housing Needs Assessment [D3]) and viability (previously developed sites in the main urban areas often struggle for viability, even if affordable housing requirements are removed). The 15% and 20% affordable housing requirements seek to balance/ address housing needs and development viability.

Overall, given the concentration of brownfield sites within King's Lynn, it is appropriate to set a reduced affordable housing requirement (15%) recognising the challenges to delivery for these sites. In combination with the 20% affordable housing requirement, it is considered that these thresholds appropriately balance need and viability for all developments, recognising that most brownfield sites are situated within King's Lynn. The Viability Update report [D1] findings reflect these challenges.

Q337. Is the supporting text to Policy LP28 justified, effective and consistent with national policy in requiring a sequential approach to assess the suitability of sites as Exception Sites?

No. To address this we propose to delete paragraph 7.1.24 via a main modification.

Q338. Is Criterion 16 of Policy LP28 justified, effective and consistent with national policy in requiring Exception Sites to adjoin 'sustainable' settlements defined in the settlement hierarchy in Policy LP02, when Policy LP02 does not specify which settlements in the hierarchy are 'sustainable'?

The aim of criterion 16 of Policy LP28 was to ensure that Rural Exception sites are located near existing facilities and services rather than in isolated locations removed from services and facilities. It is accepted that the wording is unclear and so propose the following main modification to address this:

Suggested main modification to criterion 16 a. of Policy LP28:

a. The site ~~adjoins a sustainable settlement, as defined by the settlement hierarchy (LP02);~~ is reasonably related to an existing settlement and amenities.

Q339. Would the Council's suggested Main Modification to Criterion 16(c) of Policy LP28 to extend the management of Exception Sites to 'Registered Providers or other arrangements for the effective management of affordable housing' ensure the Plan is positively prepared and effective in this regard?

Yes. The suggested Main Modification to criterion 16(c) is proposed to include current terminology, whereby "Registered Social Landlords" are now known as "Registered Providers". The phrase "other arrangements for the effective management of affordable housing" was added in the interests of clarity and flexibility (i.e., effectiveness), recognising that there may be other local bespoke arrangements for managing affordable housing. We also suggest a further main modification to that of [F21] MM 154:

c. Future management for affordable housing is supported provided by a Registered Social Landlord Provider of Social Housing ~~recognised Registered Provider~~ or in the case of affordable

[home ownership](#) or other arrangements for the effective management of affordable homes [as agreed by the Council](#);

Q340. For clarity and effectiveness, should Criterion 2, which applies to the size, type and tenure of market and affordable housing, and criteria 17-20, which apply to Gypsy, Traveller and Travelling Showpeople's accommodation, be contained in separate policies, rather than one dealing with affordable housing?

Yes. We propose address this by way of main modifications.

Q341. Is Criterion 10 justified in requiring a commuted sum of £60,000 per dwelling where provision for affordable housing is made on site?

No. It is the intention of the policy to secure commuted sums where affordable housing cannot be provided on site in accordance with the policy and it appears that there was a typographical error in the submitted Plan. In addition, it is considered that criterion 12 should be amended for clarity and included in criterion 10 to make it clear that where schemes are not viable that the thresholds and proportions will be negotiated based on the viability evidence.

In addition, the Local Plan Review Viability Update ([D1] paragraph 10.69) recommends a commuted sum of £71,000. In order for the Plan to be justified we also propose a main modification in this respect.

Suggested main modification to criterion 10:

10. Affordable housing should be delivered on site. ~~Only~~ Where schemes seek **cannot** not to meet the policy requirement **due to financial viability** will an open book viability assessment (prepared in accordance with NPPG on Viability) **will** be necessary and ~~accepted~~ **considered**. If provision **cannot** made on site in line with the requirements set out in this policy, a commuted sum will be sought at ~~£60,000~~ **£71,000 (index linked to RICS All in Tender Index)** per equivalent whole dwelling as recommended by the Borough Council's Local Plan ~~CH Viability Assessment Review Viability Update (April 2021)~~ (or the figure set out in any successor evidence endorsed by the Borough Council). Where it is accepted that it is not viable to deliver the policy requirement both thresholds and proportions will be negotiated based on the viability evidence.

Suggested main modification to criterion 12 of LP27

~~12. A flexible approach on both thresholds and proportions will be taken to ensure scheme viability and balance housing need, negotiated scheme by scheme, subject to open book approach by developers~~

Q342. Is Criterion 15 justified in seeking to ensure the policy requirement for affordable housing is not avoided by the sub-division of larger sites, based on the Council's judgement as well as the objective evidence specified in Criteria a, b and c?

Yes. Criterion 15 is justified, to ensure that delivery of affordable housing is not undermined by piecemeal development; artificial sub-division of sites and incremental numbers of housing below affordable housing thresholds (LP28(8)). The justification is set out in paragraphs 7.1.25-7.1.26.

Furthermore, the approach at Criterion 15 is considered to accord with NPPF requirements that: "Planning policies and decisions should support development that makes efficient use of land". Criterion 15 provides a mechanism for ensuring that developments make optimal use of the potential of each site and efficient use of land (paragraphs 124-125).

The objective evidence specified in Criteria a, b and c relates to planning history. This is public information, searchable by any interested parties, through Public Access.

Q343. Is the Council's suggested Main Modification to paragraph 7.1.3 of the supporting text to explain the parts of the Borough which are designated as rural areas under the 1985 Housing Act necessary for soundness, and if so, is it consistent with Policy LP04 in defining the rural areas of the Borough?

On reflection, the suggested main modification ([F21] MM 145) which seeks to explain that there are restrictions on the sale of rural affordable housing units under the 'Right to Buy' in much of the Borough is not necessary for soundness.

There is no conflict or inconsistency between the reference to the 1985 Housing Act and Policy LP04 which defines the rural areas of the Borough that are to be applied in decision making. We therefore suggest that the main modification is deleted and added as an additional modification.

Self-Build and Custom Housebuilding

Q344. Given that the 2020 HNA for King's Lynn and West Norfolk identifies a need for 30-35 self-build and custom housebuilding (SBCH) plots per year over the next 15 years and that national policy expects local planning policies to reflect the housing needed by different groups, including people wishing to build their own home, is the Plan positively prepared and consistent with national policy, without a policy providing for SBCH plots?

It is recognised that the Plan should contain a policy for Self-Build and Custom Housebuilding (SBCH). Whilst the 2020 HNA identifies a need for 30-35 SBCH plots each year, section 1 of the Self Build and Custom Housebuilding Act 2015, requires local authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building and to give enough suitable development permissions to meet the identified demand.

The National Planning Practice Guidance clarifies that authorities when plan-making should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents (Paragraph: 003 Reference ID: 67-003-20190722, Revision date: 22 07 2019).

The table below sets out the number of people on the Council's Custom and Self Build Register and the number of SBCH plots granted between 2016 and 2021 and demonstrates that both the HENA recommendation of 30 – 35 plots and the need on the register is being exceeded.

Base Period	Applicants No.	Permissioned SBCH Plots
Base period 5 (Oct 2020 to Oct 2021)	82	71
Base period 5 (Oct 2019 to Oct 2020)	41	57
Base period 4 (Oct 2018 to Oct 2019)	40	80
Base period 3 (Oct 2017 to Oct 2018)	48	257
Base period 2 (Oct 2016 to Oct 2017)	50	170

Therefore, it is not considered necessary to have a policy that allocates SBCH plots. Instead, we propose a series of main modifications as follows:

- Move paragraphs 4.1.32-4.1.42 and 7.5.6 into a new section "Custom and Self Build Housing", to follow Policy LP30

- Introduce a new Custom and Self Build Housing Policy as follows

Proposals for self-build and custom housebuilding will be supported where development would have no adverse effect on the local character. Strategic sites will be expected to provide serviced plots for self-build and custom build where possible. Schemes including self-build plots should consider the sizes of plots identified as required on the Self Build register and should be made available and priced and marketed appropriately as self-build or custom build plots for at least 18 months.

Gypsy and Traveller Accommodation (Policy LP28) Please note: Questions on how the Plan provides for the accommodation needs of Gypsies, Travellers and Travelling Showpeople under Policy LP28 will be issued, if necessary, following the submission of an updated Gypsy and Travellers Need Assessment due to be published by the Council in Spring 2023.

Housing for the Elderly and Specialist Care (Policy LP29)

Q345. Is Policy LP29 positively prepared and will it be effective in providing for specialist housing for older people and others with care needs, to meet the needs for this type of accommodation in the Borough over the Plan period, identified in the supporting evidence base?

Policy LP29 is a criteria-based policy aimed at facilitating the bringing forward of housing for the elderly and specialist care. In particular criterion 3b allows for sites outside of the development boundary in main towns, growth key rural service centres or key rural service centres, to come forward for such a use. This is effectively a loosening of the usual situation with regards to development taking place within development boundaries and will provide the opportunity for sites that would not be available for development, especially housing, to come forward.

Q346. Should further specific sites be allocated in the Plan to meet the needs for specialist housing? Should Policy LP29 require strategic sites to include provision for specialist housing needs?

LP29 aims to provide for housing for the elderly and specialist care, but through the approach of allowing development to come forward in areas it would not normally permit development. This is through criterion 3b. Given this approach, we have not specifically allocated sites in the plan.

Allocating these in strategic sites at this stage could affect the viability of those sites and is not considered to be necessary or justified.

Q347. Is Criterion 3b justified in not permitting supported housing development outside of the Development Boundaries of Rural Villages, where proposals are able to meet an identified need and demonstrate access to local shops and services?

These housing with care facilities are usually of a large size and are therefore better sited in the larger settlements and areas that have more facilities available. Also, the residents of these facilities will more likely be dependent on the additional facilities available in those larger settlements.

The criterion 3 b allows for this specialist development to come forward in King's Lynn and the surrounding areas, the main towns of Downham Market and Hunstanton, the key rural service

centres of Marham and Watlington, and the 21 key rural service centres. This therefore facilitates development in a wide range of settlements across the district.

Q348. Should the requirement for specialist housing development to provide affordable housing in line with Policy LP28 be contained within the policy rather than supporting text? Is the guidance in the supporting text on the type of specialist housing developments which would be expected to provide affordable housing consistent with the results of the local Plan Review Viability Update⁴ in respect of the types of specialist housing scheme that could viably support affordable housing?

No. Inclusion of the requirement for specialist housing development to provide affordable housing in line with Policy LP28 be contained within the policy is not considered necessary in the interests of soundness, given that the supporting text to Policy LP29 (paragraphs 7.3.18-7.3.25) clearly explains that the requirements of Policy LP28 should apply, and decisions are required to be made in accordance with the development plan, as a whole.

The guidance at paragraphs 7.3.18-7.3.25 provides detailed direction as to which types of specialist housing development would be expected to provide an affordable housing contribution in accordance with the requirements of Policy LP28. That is, all self-contained residential units which fall within Use Class C3 (paragraph 7.3.21).

The Viability Update report considered the implications of the Housing for the elderly and specialist care policy. This concluded that this “is a general enabling policy. The delivery of Sheltered housing and Extracare housing schemes has been tested” [D1, paragraph 8.49]. Therefore, it is concluded that the guidance at paragraphs 7.3.18-7.3.25 is consistent with the findings of the Viability Update report.

Q349. Is Criterion 6 consistent with national policy, regarding the impacts of development on the Norfolk Coast AONB and its setting? Does it serve a clear purpose and avoid unnecessary duplication with Policy LP16 and the NPPF, which define the policy to be applied to all development proposals within or affecting the setting of the AONB?

Yes. Criterion 6 consistent with national policy, regarding the impacts of development on the Norfolk Coast AONB and its setting. This appropriately reflects national policy (2021 NPPF, paragraphs 176-177) which explains that, for managing development within AONBs and where this affects their setting, great weight should be given to conserving and enhancing landscape and scenic beauty.

However, it is accepted that Criterion 6 offers little or no policy direction over and above that in Policy LP16, and indeed the requirements of the NPPF, which would apply in all cases for development within, or affecting the setting of, the Norfolk Coast AONB. Therefore, deletion of Criterion 6 is suggested, as a Main Modification.

[Adaptable and Accessible Homes \(Policy LP30\)](#)

Q350. Are the following requirements in Policy LP30 justified by the housing needs evidence submitted with the Plan:

- a) **50% of all new homes to be built to meet the M4(2) optional requirement for accessible and adaptable dwellings in Part M of the Building Regulations?**

Yes. The M4(2) requirement for accessible and adaptable dwellings (Building Regulations) is based upon the findings of the Housing Needs Assessment, which identifies a net requirement for 4,306 adaptable dwellings over the 20-years submission Plan period (2016-2036) [D3, paragraph 6.25].

The table below considers the implications of the Housing Needs Assessment for setting a target standard for providing M4(2) standard houses in the Local Plan.

	Calculation for % of adaptable housing	
	Submission Plan 2016-2036	Proposed Plan 2021-2039
Total adaptable housing/household need (D3: Housing Needs Assessment, para 6.25)	4,306	4,306
Period (years), 2016-2036	20	n/a
Annual need for adaptable housing	215	215
Revised Plan period (years), 2021-2039	n/a	18
Revised requirement, 2021-2039	n/a	3,875
Total housing requirement (plan period)	10,780	10,278
% required as adaptable housing	40%	38%

The calculations indicate an annual requirement for 215 dwellings per year. On this basis, there would be a baseline requirement for 40% M4(2) dwellings (4,306/10,780) for the submission Plan. For the revised Local Plan period (2021-2039), the equivalent figure is 38%.

On this basis, an uplift in provision was sought in the submission Plan, raising the requirement to 50%. This is supported by the Viability Update report, which specifies a minimal cost of +£597 per dwelling, approximately 50% of the additional cost for the Lifetime Homes Standard (+£1,097) [D1, paragraph 8.52]. Given the modest uplift in building costs (~£600), an increase from 38-40%, to 50% for M4(2) housing ([Access to and use of buildings: Approved Document M - GOV.UK \(www.gov.uk\)](#)) is considered appropriate.

b) 5% of affordable dwellings on major housing developments to be built to the M4(3) optional requirement for wheelchair adaptable dwellings in Part M of the Building Regulations?

Yes. The M4(3) requirement for accessible and adaptable dwellings (Building Regulations) is based upon the findings of the Housing Needs Assessment, which identifies a net requirement for 804 wheelchair adaptable dwellings over the 20-years submission Plan period (2016-2036) [D3, paragraph 6.25].

The table below considers the implications of the Housing Needs Assessment for setting a target standard for providing M4(3) standard houses in the Local Plan.

	Calculation for % of wheelchair adaptable (M4(3)) housing	
	Submission Plan 2016-2036	Proposed Plan 2021-2039
Total need for M4(3) Category 3 housing (D3: Housing Needs Assessment, para 6.25)	804	804

	Calculation for % of wheelchair adaptable (M4(3)) housing	
	Submission Plan 2016-2036	Proposed Plan 2021-2039
Period (years), 2016-2036	20	n/a
Annual need for M4(3) Category 3 housing	40	40
Revised Plan period (years), 2021-2039	n/a	18
Revised requirement, 2021-2039	n/a	724
Total housing requirement (plan period)	10,780	10,278
% of total requirement required as M4(3) housing	7.5%	7.0%

The amended need for adaptable housing for the revised Plan period (2021-2039) equates to 724, or 7% of the total Local Housing Need. The Viability Update report identified the additional construction costs, at £11,577 per dwelling, as at April 2021, [D1, paragraph 8.52]. These construction costs represent a significant uplift to construction costs, with implications for development viability.

The policy requirement for M4(3) Category 3 (wheelchair adaptable) housing is therefore scaled back from the recommended need for 804 dwellings over the 20-year submission Plan period (2016-2036) in the Housing Needs Assessment (amended to 724 dwellings for the revised Plan period), taking account of development viability. The requirement for wheelchair adaptable market housing as part of major developments is set as aspirational (2nd bullet point), while the 5% requirement is restricted to the affordable housing contribution. This would equate to no more than 1% of dwellings on allocated sites, where the 20%/ 15% affordable housing requirements are applied.

Overall, the need for M4(3) wheelchair adaptable housing is recognised within LP30, while the viability implications mean that the requirement is, in practice, limited to 1% of the total number, compared to a need for 7% of the total housing need. This balance between viability and need, within the policy, represents a pragmatic approach to the issue.

If so, what and where is the evidence to justify these proportions?

The evidence for the requirements for adaptable and accessible homes in Policy LP30 is set out in the Viability Update report [D1] and Housing Needs Assessment [D3]. The analysis of the data contained therein is set out at the Q350(a) and (b) responses, above.

Q351. Does the Viability Update demonstrate that future housing development in the Borough would be viably able to support the additional construction costs of the M4(2) and M4(3) requirements? If so, where is the evidence to support this conclusion? If not, does Policy LP30 allow sufficient scope for the requirements to be waived or reduced on viability grounds?

Yes. The Viability Update report does consider the implications of the additional construction costs for M4(2) and M4(3) standard housing [D1, paragraphs 8.50-8.53]. The cost implications for development viability and how these translate into the LP30 policy requirements are analysed in the answers to Q350, above.

Policy LP30 does allow for requirements to be waived or reduced on viability grounds. The second part of LP30 explains that: “Exemptions will only be considered where the applicant can robustly demonstrate that compliance would significantly harm the financial viability of the scheme, or where it is not practical to do so given the flood risk”. This sets out the Borough Council’s approach to negotiating requirements for M4(2) and M4(3) standard accessible housing through the development management system; that is, through bespoke site-specific viability assessments.

Q352. Is the requirement in Policy LP30, that residential proposals should be accompanied by a document setting out how they would accord with the standards detailed in the Building Regulations, consistent with national policy, given that the PPG expects such policies not to impose any additional information requirements or seek to determine compliance with the Building Regulation requirements, which is the role of the Building Control Body?

No. The requirement in Policy LP30 was included as an informative, to explain how an applicant could demonstrate policy compliance. However, it is accepted that this approach may be inconsistent with overall national policy requirements regarding information requirements for applications for planning permission (NPPF paragraphs 43-44).

It would therefore be more appropriate to include this in the supporting text, rather than within the body of LP30 itself. This is already addressed within paragraph 7.4.7, so a Main Modification to LP30 is recommended, accordingly:

~~“Exemptions will only be considered where the applicant can robustly demonstrate that compliance would significantly harm the financial viability of the scheme, or where it is not practical to do so given the flood risk. All residential proposals should be accompanied by a separate document setting out how proposals (including each dwelling type) accord with each of the standards as detailed in Building Regulations...”~~

Q353. For clarity and effectiveness, should the reference to wheelchair accessible dwellings in the final sentence of Policy LP30 be modified given that the policy only specifies requirements for wheelchair adaptable dwellings?

Yes. The reference to wheelchair adaptable dwellings in the final sentence is misleading. Category 3 (M4(3)) housing is specified as being: “Dwellings which are **accessible and adaptable** for occupants who use a wheelchair” [D3, paragraph 8.51]. Therefore, a Main Modification to the final sentence is proposed, in the interests of clarity and effectiveness:

“Where exemptions are sought on practicality or viability grounds, the minimum number of units necessary will be exempted from the requirements i.e. If only 1 out of 3 wheelchair accessible and adaptable dwellings can be provided, then the 1 still applies.”

[Residential Development Reasonably Related to Existing Settlements \(Policy LP31\)](#)

Q354. Is Policy LP31 clear and effective in its definition of what constitutes ‘small scale’ development, given that none of the policy criteria restricts development to this scale?

Yes. Policy LP31 provides a specific definition for ‘small scale’ development in the preamble/introductory paragraph, i.e. between 1 to 5 dwellings. This relates to the whole policy; except Criterion 2. The latter allows, in exceptional circumstances, for the 5 dwellings threshold to be

raised to up to 9 dwellings, where the development is of a particularly high quality and would provide significant (demonstrable) benefits to the locality.

However, in the interests of clarity and for the avoidance of doubt, it is accepted that the effectiveness of Policy LP31 could be improved by reference to the 'small scale' development threshold within relevant policy criteria. Accordingly, a Main Modification to Criterion 1 is suggested, as follows:

Residential development **of 1 to 5 dwellings** will be permitted in areas ~~reasonable~~ **reasonably** related to existing settlements identified in the Settlement Hierarchy Policy LP02 and their development boundaries where it involves:

Q355. Is Policy LP31 clearly written, unambiguous and effective? In particular, is it evident how a decision maker should determine the following:

a) In Criterion 1, whether an area is 'reasonably related' to an existing settlement?

Criterion 1, which requires residential developments to be 'reasonably related' to the existing settlement, relates to existing built-up areas. Main built-up areas are defined by Development Boundaries (LP04). However, some settlements also include outlying areas of built development that are physically separated from the main built-up area, are not covered by Development Boundaries, but have a built-up rather than rural character and could not be argued to constitute open countryside (].e.g. Millennium Way/ Jubilee Bank Road area, Clenchwarton).

A Main Modification is proposed to Criterion 1, to clarify where Policy LP31 should apply to outlying built-up areas (urban and rural outliers), as follows:

Residential development will be permitted ~~in areas reasonable related to existing~~ **adjacent to built-up areas of** settlements identified in the Settlement Hierarchy Policy LP02 ~~and~~, **as defined by** their development boundaries **(Policy LP04) or outlying built-up areas**, where it involves:

b) In Criterion 3, what qualifies as 'meaningful consultation' with the local community?

'Meaningful consultation' by developers should be undertaken in accordance with section 3 of the Statement of Community Involvement (SCI) [A9]. In order to make this clear we propose the following main modification to criterion 3 of Policy LP31:

For major applications, applicants are encouraged to undertake ~~M-meaningful~~ consultation with the Town/Parish Council, local community and other local stakeholders ~~will be encouraged~~ prior to submitting a planning application in accordance with the Council's Statement of Community Involvement.

c) In Criterion 4, what level of 'additional weight' should be given to proposals for Custom and Self-Build development?

The reference to giving 'additional weight' to proposals for Custom and Self-Build Development, as specified in Criterion 4, provides recognition that Policy LP31 is intended to facilitate and support Custom and Self-Build development in appropriate locations.

However, it is accepted that Criterion 4 is insufficiently clear how a decision-maker should determine 'additional weight'. The aim was to show the Council's support for such developments. In light of this, the following Main Modification to Criterion 4 is suggested:

~~Additional weight will be given to proposals~~ Proposals for Custom and Self-Build development will be supported.

Q356. Is Criterion 1g consistent with national policy in only expecting developments to be located to maximise sustainable transport solutions ‘where possible’?

Yes. Criterion 1g seeks to ensure, as far as possible, that developments be located to maximise sustainable transport solutions. This is in general conformity with NPPF paragraph 104c, whereby: “opportunities to promote walking, cycling and public transport use are identified and pursued”.

However, the NPPF (paragraph 85) also states that: “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”. The wording, ‘where possible’, in Criterion 1g aims to balance the overall direction of national policy, as set out in NPPF paragraphs 85 and 104c. Therefore, this is consistent with national policy.

Q357. Is Criterion 2 of Policy LP31 justified in limiting development to schemes of less than 9 dwellings, in exceptional circumstances, if proposals are otherwise reasonably related and appropriate to the scale and character of the existing settlement?

Yes. Criterion 2 is justified, in limiting development proposals to minor schemes; that is, <10 dwellings. This accords with the national definition of ‘major development’ for development management; that is, 10 or more dwellings. It allows the normal LP31 requirement (no more than 5 dwellings) to be varied, in “exceptional circumstances”. Criterion 2 defines the circumstances that this variation from the standard policy threshold (schemes of between 1 to 5 dwellings).

It is also noted that LP31 does not relate to Rural Exceptions housing schemes. The latter would be delivered through Policy LP28(16), and could relate to schemes of 10 or more dwellings, if appropriate.

Q358. Is Criterion 5 justified and consistent with national policy and Policy LP16 of the Plan in applying a blanket restriction development proposals permitted under Policy LP31 in the Norfolk Coast AONB?

Yes. Criterion 5 is justified and consistent with national policy, regarding Areas of Outstanding Natural Beauty (AONBs). NPPF paragraph 177 explains that: “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances”. For development management, ‘major’ residential developments are defined as those of 10 or more dwellings.

However, for plan-making, the NPPF allows local definitions for ‘major developments’ to be set by the Local Plan. Footnote 60 explains that: “For the purposes of paragraphs 176 and

177, whether a proposal is ‘major development’ is a matter for the decision maker [i.e. local planning authority], taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”. This allows for ‘major developments’ to be defined through the Plan, dependent upon individual circumstances, such that Policy LP31 provides flexibility, setting a general definition (1 to 5 dwellings), but explaining where this is not applicable in decision making (Criteria 5 and 6).

Criterion 5 unambiguously explains that LP31 is not applicable within the AONB. For decision making within the AONB, Policy LP16 would then apply, as explained in paragraph 7.5.7. Therefore, Criterion 5 is justified and consistent with both national policy and Policy LP16.

Q359. Given that Policy LP31 is intended to act as a primary development management tool to support windfall housing development, which in turn forms a key element of the Plan’s housing land supply, is Criterion 6 justified, effective and consistent with national policy, in stating that this policy approach does not apply to settlements covered by a made Neighbourhood Plan? How would this affect the projected supply of housing from windfall sites?

Yes. Policy LP31 allows for modest levels of growth of an appropriate character at the periphery of the existing built-up areas of settlements (paragraph 7.5.1). It should enable housing developments which reflect local needs and promote sustainable development in rural areas, to maintain the vitality of such communities and support local services.

The Local Plan, as submitted, states that: “The Borough Council supports those town/parish councils and local communities who wish to prepare a Neighbourhood Plan for their Area” (paragraph 4.1.22). Criterion 6 gives recognition to this, by disapplying Policy LP31 to Parish areas covered by a ‘made’ Neighbourhood Plan. This is necessary to ensure Policy LP31 does not lead to Neighbourhood Plans that are in place being undermined in decision-making.

Criterion 6 is intended to ensure that where there is a made Neighbourhood Plan that small scale development (or in exceptional circumstances less than 10) will not be permitted outside of the development boundary unless the Neighbourhood Plan has a specific policy to permit this.

Neighbourhood Plans may also allocate additional sites, which form an additional source of windfall development. A number of made Neighbourhood Plans already allocate housing sites (Castle Acre, Holme Next The Sea, Sedgford, Snettisham and Upwell), totalling over 100 additional dwellings [A2, AM43], so these should offset any reduction in windfalls coming forward through LP31.

Overall, Criterion 6 justified, effective and consistent with national policy, in supporting Neighbourhood Planning and ensuring that Neighbourhood Plans, once made, are not undermined by the Local Plan.

[Houses in Multiple Occupation \(HMOs\) \(Policy LP32\)](#)

Q360. Is Policy LP32 sound in respect of the following requirements for proposals to create new HMOs:

- a) **Are Criteria a and b justified, effective and consistent with national policy in expecting proposals for HMOs to have ‘no adverse impact’ on amenity and the environment and to provide bin storage and parking ‘without detriment’ to adjoining occupiers, when national policy only expects policies to minimise potential adverse impacts of new development on living conditions and the environment?**

No. Criterion a, which requires proposals for HMOs to have ‘no adverse impact’ on amenity and the historic and natural environment, may not be fully consistent with national policy. The latter requires that new developments “mitigate and reduce to a minimum potential adverse impacts...” (NPPF paragraph 185a). It is accepted that Policy LP32 should be modified, to ensure consistency with national policy.

Criterion b provides examples of potential ancillary features associated with HMOs that may give rise, to specific adverse amenity impacts. The need to address these in accordance with national policy ought to be reflected in the policy. Accordingly, Main Modifications to Criteria a and b are suggested, to ensure consistency with national policy.

The conversion of existing dwellings to and new development of properties for multiple occupation ~~may be permitted~~ where these are of a sufficiently high quality, such that:

- a. ~~there is no~~ potential adverse impacts on the amenity of existing and new residents and the historic and natural environment can be satisfactorily mitigated; and
- b. ~~the development and~~ potential adverse impacts of associated facilities, including bin storage, car and cycle parking, ~~can be provided without detriment to the~~ upon occupiers of adjoining or neighbouring properties are minimised; and...

- b) **Is the requirement in Criterion d for HMO proposals to meet the standards set out under other regulatory regimes a material consideration in whether or not to grant planning permission? As such is this part of the Criterion consistent with national policy?**

No. Criterion d, for HMO proposals to meet the standards set out under other regulatory regimes, in an informative, rather than a development management Criterion. The supporting text (section 7.6) already explains the regulatory framework associated with HMOs, so it is accepted that Criterion d offers little in terms of material considerations.

The reference to “high quality” is probably better included within the policy preamble, as proposed in the suggested Main Modification at Q360a (above). Accordingly, Criterion d ought to be deleted as a suggested Main Modification as follows:

~~d. the proposed scheme is of a high quality and meets the necessary standards set out in legal national requirements.~~

[Enlargement or Replacement of Dwellings in the Countryside \(Policy LP33\)](#)

Q361. Is paragraph 7.7.4 of the supporting text to Policy LP33 consistent with national policy in:

- a) **stating a presumption against new dwellings in the countryside?**

Yes. National policy states: “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...” (NPPF paragraph 80). This sets a general presumption against new dwellings in the countryside, also specifying the exceptions to this overall spatial approach.

The supporting text (section 7.7) explains what this means for the Local Plan. That is, countryside is defined as being beyond settlements listed in Policy LP02 (Settlement Hierarchy), beyond areas where development is managed through policies LP04 and LP31. It is considered that paragraph 7.7.4 is appropriately consistent with national policy.

b) suggesting the use of conditions to restrict permitted development rights for extensions?

Yes. The policy justification is set out in the supporting text (section 7.7). Paragraph 7.7.4 explains why there ‘may be’ a need to control the development of future extensions to replacement dwellings in the countryside, delivered under Policy LP33. The use of the term ‘may be’ is considered to appropriately reflect national policy, which requires that planning policies and decisions should contribute to and enhance the natural and local environment by “recognising the intrinsic character and beauty of the countryside” (NPPF paragraph 174b). Such conditions would also need to meet the tests of a condition, as set out paragraph 56, again justifying the use of the term ‘may be’.

Q362. Is Criterion 2 justified, effective and consistent with national policy in seeking to refuse proposals which ‘adversely affect the amenity of the area’, when national policy only expects policies to minimise potential adverse impacts of new development on living conditions?

No. It is accepted that Criterion 2 is not justified, effective or consistent with national policy, as reference ought to be consistent with national policy, in referring to minimising potential adverse impacts.

Suggested Main Modifications to Criterion 2 are therefore proposed, to ensure this is justified, effective and consistent with national policy as follows:

~~2. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.~~ Schemes should reflect the scale and character of their setting and contribute to enhancing the local natural and built environment, recognising the intrinsic character and beauty of the surrounding countryside, and minimising potential adverse impacts of development.

Housing Needs of Rural Workers (Policy LP34)

Q363. Is it clear which ‘other respects’ are being referred to in Criterion 1(c)(iv) of Policy LP34? Would it be evident to a decision maker whether this means the permanent occupational dwelling, the related business or the financial test should be acceptable in all other respects?

No. It is accepted that Criterion 1(c)(iv) is unclear as to which ‘other respects’ are being referred to. However, it is clear this relates to a permanent occupational dwelling, under Criterion 1.

The aim of the criterion is to refer to other strategic policies for the countryside; e.g. LP02, LP04, LP31 and LP41. Therefore, this ought to be reflected within Criterion 1(c)(iv), so a Main Modification is suggested, as follows:

iv. acceptable in all other respects accords with all other relevant countryside and development management policies within the Plan; in particular LP02, LP04, LP18, LP21, LP31 and LP41.

Q364. Is the reference to Smaller Villages and Hamlets (SVHs) in the supporting text to Policy LP34 necessary, given that Policy LP02 of the Plan supports limited development within SVHs and makes it clear that they are not part of the rural areas where it is necessary to carefully control new development?

No. The reference to Smaller Villages and Hamlets (SVHs) in the supporting text to Policy LP34 is not necessary, given the requirements of Policy LP02. Accordingly, Main Modifications to paragraph 7.8.6 are suggested as follows:

7.8.6 For the purposes of this policy a 'rural worker' is defined as someone who is needed to live permanently in the countryside ~~or a Smaller Village and Hamlet (outside other designated settlements and:~~

- to provide vital support to, an agricultural, forestry or other enterprise which supports the rural economy and environment;
- and on or in close proximity to that enterprise;
- and where neither the worker nor the enterprise can be located in a designated settlement ~~(excepting Smaller Villages and Hamlets).~~

Residential Annexes

Q365. Should Policy LP35 require the replacement of garages, which are proposed for conversion to living accommodation?

No. There is no specific need or evidence to require the replacement of garages, where these are proposed for conversion to living accommodation (in this case, Residential Annexes). For example, loss of parking provision has not been seen to be a particular problem when garages are converted to annexes. Development of Residential Annexes will be managed in accordance with criterion 5 of Policy LP21.