

Action 10: Policy LP02 amendments

**KING'S LYNN & WEST NORFOLK LOCAL PLAN REVIEW EXAMINATION  
Proposed amendments to Policy LP02 [F47, Appendix 4] – Outstanding  
issues from Days 6 and 7 (26/ 27 March 2024)**

**Possible amendments to policy LP02 to better assure the delivery of the  
Plan's requirement**

**Object of the exercise**

1 The mischief to be addressed is the need for greater certainty that the windfall allowance indicated by the plan will be delivered at a scale and in a location which is consistent with the spatial strategy and settlement hierarchy.

**Background**

2 There has not been a review of settlement boundaries, aside from the introduction of settlement boundaries for smaller villages and hamlets

3 Consequent upon (1) there is some uncertainty about the capacity of particular settlements to deliver windfall development.

**Principles**

4 There may be a need to deliver windfall development outside settlement boundaries

5 Windfall development should be located and of a scale that reflects the spatial strategy and settlement hierarchy of the plan. What this means is that most windfall development should be accommodated at tiers 1,2, and 3.

6 Because tiers 1-3 contain settlements of different levels of sustainability, and having regard to the need to maintain their character, the size of sites that may come forward should be appropriate. What is appropriate is properly a matter for local people, expressed by the LPA.

7 A policy for tier 4 and below should incorporate measures that enable local people to determine where windfall development should take place and the scale of windfall development that is allowed should be linked to the indicative allowance for windfall development. The "measures" contemplated is the making of a neighbourhood plan.

Why are the principles of regard to sustainability, character, size of sites etc not also appropriate for Tier 4 and below?

This implies the amount of windfall in each area is to be decided by numbers in a table.

8 The windfall policy does not apply in the countryside.

**An approach**

Housing development of a certain size (to be determined, commensurate with a particular tier in the settlement hierarchy) will be permitted on sites which adjoin the settlement boundary of settlements in tiers 1-3 provided the proposal meets specified criteria **what and where are these?** and up to the number of dwellings indicated in the windfall policy allowance.

In tier 1 – 3 settlements, where a neighbourhood plan is made post adoption of

this plan, it should make provision for allocations of land for housing development for at least the number of homes that are indicated by the local plan for its area.

In other tiers, windfall development will not be permitted outside settlement boundaries except through the making of a neighbourhood plan.

### **Justification/ explanation**

The tie-in to neighbourhood plans and the indicative level of windfall development is intended to give effect to the importance the Secretary of State attaches to promoting local choice and the preparation of neighbourhood plans, and the need to ensure most windfall development is directed towards the most sustainable settlements.

How does the policy direct most windfall towards the most sustainable developments when it relies on a housing number calculation on the principle of the more housing already in an area, the more extra housing it will be allocated?

### **Amended Policy LP02**

Policy LP02 and supporting (previous iteration – F47, Appendix 4) has been comprehensively re-drafted with reference to the explanation note above. The revised version of LP02 and supporting text is set out below.

### **Policy LP02 - Residential development on windfall sites**

Windfall development will be an important component of housing growth throughout the plan period.

It should be located, and be of a scale, that reflects the Plan's spatial strategy and settlement hierarchy that are specified by Policy LP01. Windfall development, which refers to development sites other than those allocated in this Plan, broadly consists of the following development types:

- Small scale/ minor infilling.
- Redevelopment of previously developed/ brownfield sites;
- Conversions/ changes of use of existing buildings;
- Rural exceptions housing sites; e.g. rural affordable housing schemes, Custom and Self-Build etc; or
- Additional development land allocations brought forward through Neighbourhood Plans.

Most windfall development will be on sites within development boundaries. However, in the interests of positive planning, this policy makes provision for some development outside and adjoining the development boundaries of the most sustainable settlements (tiers 1-3), provided certain criteria are met.

#### **Where are these criteria?**

The level of growth for rural settlements which comprise tiers 4-6 of the Settlement Hierarchy is largely provided for by existing grants of planning permission and sites allocated in this Plan or a Neighbourhood Plan. Windfall development will also take place in tiers 4-6. However, this should be confined to sites located within development boundaries except where sites are allocated through a Neighbourhood Plan. This restriction is intended to protect villages from over development, promote local choice, and protect their character and distinctiveness. This windfall policy does not apply to new residential development in the countryside.

## **Policy LP02 - Residential development on windfall sites**

### **Residential development within development boundaries**

A. Residential development within the development boundaries of settlements will be supported, provided it is of a high quality and complies with policies in the development plan.

### **Residential development outside of development boundaries**

B. In tier 1-3 settlements proposals for new residential development outside of and adjoining development boundaries defined by Policy LP01 will be supported provided they comply with other policies of this Plan and meet the following criteria:

- a) The development proposed is of a high quality, respects or enhances the local character, and can be readily assimilated into the existing fabric of the adjoining built up area; and
- b) it will not adversely affect existing and future service and infrastructure provision; and
- c) The development proposed is not within the boundary of the Norfolk Coast National Landscape, and does not adversely affect its setting; and
- d) The development should protect and enhance heritage assets and protect and enhance the appearance and character of designated and valued landscapes;
- e) The development should maintain the physical separation between existing settlements and protect their identity.

Residential sites in excess of 50 dwellings outside of the development boundary must be brought forward as allocations through Local Plans and Neighbourhood Plans.

**Where it appears that sites brought forward separately could be part of an overall larger development, the council will require it to be demonstrated that the provision of infrastructure and other essential services that ought to be provided, would not be prejudiced by piecemeal development.**

The meaning of "prejudiced" in this policy is unclear. Also it is asking developers to demonstrate a negative.

A positively worded statement would be .

**Where it appears that sites brought forward separately could be part of an overall larger development, the council will require the applicant to demonstrate how the development of the site will contribute towards the provision of infrastructure and other essential services required by the larger development.**

C. In tiers 4-6 of the settlement hierarchy (rural settlements), new-build residential development will not be supported outside development boundaries, unless allocated through a Neighbourhood Plan.