Ministry of Housing, Communities & Local Government

Our ref: APP/G2625/V/19/3225505
Your ref: -

Peter Luder
c/o Weston Homes Plc
Weston Group Business Centre
Parsonage Road
Takeley
Essex
CM22 6PU

12 November 2020

Rio Brought Estates

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77**
**APPLICATION MADE BY WESTON HOMES PLC, COLUMBIA THREADNEEDLE B/O SACKVILLE UK PROPERTY SELECT II (GP) NO 3 LIMITED, AND SACKVILLE UK PROPERTY SELECT II NOMINEE (3) LIMITED (AS TRUSTEES FOR THREADNEEDLE UK PROPERTY SELECT II SUB-PARTNERSHIP NO 3 LP)**
**ANGLIA SQUARE, NORWICH, NR3 1DZ**
**APPLICATION REF: 18/00330/F**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Prentis BA BPI MRTPI, who held a public local inquiry between 28 January 2020 and 28 February 2020 into your client's application for planning permission for the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm areas, with the full description of development set out at Annex B of this decision letter, in accordance with application ref: 18/00330/F, dated 6 March 2018.

2. On 21 March 2019, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the application be approved and planning permission granted.

4. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions, and disagrees with his recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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## Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR590, the Secretary of State is satisfied that the Environmental Statement, and other additional information provided, complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

## Procedural matters

6. As set out at IR2, the application was subject to a number of amendments following the original submission to the Council, with a revised application form, dated 28 August 2018, subsequently submitted. The Secretary of State has made his decision based on this version of the application.

7. The Secretary of State notes that the Inquiry proceeded on the basis of these revised proposals (IR2). Given this, he does not consider that these changes raise any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application, and he is satisfied that no interests have thereby been prejudiced.

## Matters arising since the close of the inquiry

8. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. In the representation dated 14 September, points were made which sought to draw the Secretary of State's attention to emerging medical evidence with regard to air quality and the incidence and severity of Covid-19, and also to a Pre-Action Protocol letter seeking an early review of the Government's Clean Air Strategy. Given that the outcome of any challenge to the Clean Air Strategy is not yet known, and given his decision is to refuse this application, the Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate referral back to parties.

## Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments adopted in January 2014 (JCS), the Norwich Development Management Policies Local Plan (December 2014) (DM), and the Norwich Development Site Allocations Local Plan (December 2014) (SA). The Secretary of State considers that relevant development plan policies include those set out at IR23-28.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Norwich City Centre Conservation Area (NCCCA) Appraisal 2007, and the Anglia Square Policy Guidance Note (2017) (PGN).

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12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

13. The application site is located within the Norwich City Centre Conservation Area (NCCCA). In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

*Emerging plan*

14. The emerging plan comprises the Greater Norwich Local Plan. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As this plan is at an early stage, with the required publication and consultation stages still be completed, and is not expected to undergo public examination until late 2021, the Secretary of State considers it can carry only very limited weight in the determination of this application.

**Main issues**

*The extent to which the proposed development is consistent with policies for delivering a sufficient supply of homes*

15. The proposal is for up to 1250 homes (IR31) in total. For the purposes of determining this application, the housing land supply figure is calculated across the three Greater Norwich Districts, and the most recent figure is 5.89 years (IR431). However, the Secretary of State notes the Inspector's comments that within Norwich it is just 4 years, that there has been historic under-delivery against the targets of the JCS (IR431), and that this application represents the most significant housing project in Norwich. In overall housing numbers, this application would equate to around two years of Norwich's housing needs (IR432).

16. The Secretary of State has carefully considered the Inspector's analysis of the range of unit sizes and types at IR433-435. For the reasons given there, he agrees with the Inspector that the particular circumstances of the site justify the proposed housing mix, and there is no conflict with policy DM12(d).

17. There would be 120 affordable homes, equating to 10% of the total, with a tenure split of 85% social rent, 15% affordable rent or another form of intermediate housing (IR8). A provision of 10% affordable housing is below the target of 33% in large developments set out in policy JCS4, but the Secretary of State notes that this may be reduced where the development would be unviable in current market conditions (IR436), and that it was common ground between the applicants, the Council and Historic England that the scheme is marginally viable with 10% affordable housing (IR437). He also notes that the Section 106 agreement includes a review mechanism, and additional affordable housing could be secured if viability improves during the implementation period (IR439). For the reasons given at IR436-440, the Secretary of State agrees with the Inspector at IR598

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that the amount of affordable housing is the most that could be achieved in current market conditions, and that the proposal accords with JCS4.

18. The Secretary of State notes that concerns were raised at the Inquiry around the number of single-aspect dwellings in the proposal. For the reasons given at IR441, he agrees with the Inspector that the approach taken with regard to the provision of residential accommodation would inevitably result in significant numbers of single aspect units, accessed by corridors which would not have natural light, and he agrees that this would be a disadvantage of the design. While the Secretary of State recognises that the flats would meet the technical standards required and have been carefully designed to overcome as far as possible the disadvantages of single-aspect dwellings (with floor to ceiling glazing, balconies and access to communal outdoor roof gardens), he considers that the disadvantages cannot entirely be overcome in this way. He considers that the use of single-aspect dwellings in such large quantities is a significantly sub-optimal design solution in this scheme, and is not outweighed by the advantages relating to access, frontages and safety (IR441). He therefore finds, contrary to the Inspector at IR612, that the proposal would conflict with the requirements in policy DM13 and DM2 for a high standard of amenity for future residents.

19. For the reasons given here, the Secretary of State agrees with the Inspector that the proposal would accord with JCS4 (IR598). He therefore agrees with the Inspector that the proposal's significant contribution to meeting housing need in Norwich should attract significant weight, and the proposal's significant contribution to meeting the need for affordable housing in Norwich should also attract significant weight (IR544). With regard to Policy DM12, the Secretary of State disagrees with the Inspector at IR611 that the proposal accords with the policy. Policy DM12 sets out principles for all residential development, and criteria b) within that policy states that proposals should have no detrimental impacts upon the character and amenity of the surrounding area (including open space and designated and locally identified natural environmental and heritage assets) which cannot be resolved by the imposition of conditions. The Secretary of State considers that the proposal does have a detrimental impact on heritage assets, and sets his findings out with regard to this in more detail in the relevant section of this decision letter.

*The extent to which the proposed development is consistent with policies for building a strong, competitive economy*

20. The Secretary of State has carefully considered the Inspector's assessment of the economic impacts of the proposal at IR 444-451. He notes that evidence given at the inquiry stated that there is over 16,000 sqm of vacant commercial floorspace (IR444), and that the decline of Anglia Square has continued in recent years, with the closure of the cinema and the loss of two long-standing businesses (IR444).

21. The application site is currently supporting around 180-230 jobs (IR444), and it is projected that this would increase to 536-693 jobs once the site is fully operational, and that it is estimated that the increased vitality of the centre would generate a further 60 – 118 jobs in the local economy (IR445). It is also estimated that construction of the proposed development would generate 250 – 300 jobs on site, plus a further 275 indirect jobs (IR445).

22. For the reasons given at IR444-451, the Secretary of State agrees with the Inspector at IR452 that Anglia Square is not fulfilling its potential to contribute to the local economy, having regard to its size, its strategic location and its designation as part of a Local

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District Centre (LDC). He notes that, while the proposal would result in some existing employment being displaced, overall there would be a significant net gain in employment (IR452). He agrees that the flexibility in relation to permitted uses would help Anglia Square respond to changes in economic circumstances (IR452). He agrees with the Inspector that, insofar as the current condition of the site is a barrier to investment, that barrier would be removed (IR452). For these reasons, the Secretary of State agrees with the Inspector at IR452 that the proposal would therefore be in accordance with those policies of the Framework which seek to create a strong, competitive economy, and he attaches significant weight to these benefits.

*The extent to which the proposed development is consistent with national and local policies for ensuring the vitality of town centres*

23. Policy JCS19 defines a hierarchy of town centres where the development of new retailing, services, offices and other town centre uses will be encouraged. Anglia Square/Magdalen Street is identified as a Large District Centre (LDC) within the second tier. Policy DM18 states that retail, leisure and other town centre uses will be permitted at the defined centres where their scale is appropriate to the position of a centre in the hierarchy set out in JCS19 (IR453). Policy DM18 also states that such uses will be permitted where the proposal would not conflict with the overall sustainable development criteria set out in policy DM1. Those criteria include that development proposals will be expected to protect and enhance the physical, environmental and heritage assets of the city and to safeguard the special visual and environmental qualities of Norwich for all users.

24. The proposal includes 11,000 sqm of flexible commercial floorspace at the ground floors, with retail uses focused around the reconfigured Anglia Square, and the new St George Square including leisure uses (IR455).

25. The Secretary of State notes that this represents a reduction in retail floorspace (IR455) but agrees with the Inspector that this would be offset by improvements to the quality of that space, linked to the enhanced leisure offer (IR461).

26. For the reasons given at IR453-461, the Secretary of State agrees with the Inspector that the proposal would be appropriate to the position of Anglia Square in the retail hierarchy and would support the role that the LDC plays in the hierarchy of centres, promoting its long term vitality and viability (IR461-462). He therefore agrees with the Inspector that the proposal would accord with the policies of the Framework relating to the vitality of town centres (IR462), as well as with policy JCS19 (IR602), and that this benefit should attract significant weight. However, while he agrees with the Inspector at IR615 that the proposal, by supporting the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, and by promoting the long term vitality and viability of the LDC accords with some elements of policy DM18, the Secretary of State finds that for the reasons given in paragraphs 28-59 below, the proposal does not protect and enhance the physical, environmental and heritage assets of the city. Given the importance of the heritage assets affected and the location of the site within the NCCCA, he concludes overall that the proposal does not accord with Policy DM18.

*The extent to which the proposed development is consistent with policies for conserving and enhancing the historic environment*

27. For the reasons given at IR463-465 the Secretary of State agrees with the Inspector's conclusions on the significance of the Norwich City Centre Conservation Area (NCCCA).

Not to be published before Friday 18th March 2016

He has therefore gone on to consider the design of the proposal and its impacts both on the NCCCA as a whole, and on individual assets.

The design of the proposed development

28. For the reasons given in IR466-467, the Secretary of State agrees with Inspector that the new streets and squares would create a legible layout and greatly enhance permeability, and would be a benefit of the design.

29. The Secretary of State has carefully considered the Inspector's assessment at IR468-469 of the building typologies proposed, and their height. While he recognises that there has been an effort to place the taller buildings within the site rather than on the edges, the Secretary of State considers that the bulk and massing of the built form proposed is not sympathetic to its context. In particular, he is concerned that the frontage to St Crispins Road would include 8, 10 and 12 storey buildings, and he finds, like the Inspector at IR607, that Block F, which would have frontages to Pitt Street and St Crispins Road, would appear strikingly different and unfamiliar, to an extent that would cause harm. The Secretary of State also concurs with the advice of Design South East as quoted in the evidence of Historic England (IR269 and IR474) that:

> *"with blocks of over 10 storeys, it is only in comparison with the tower that these could be considered low rise, and in the context of the wider city they are very prominent. These blocks are not just tall, but also very deep and wide, creating monoliths that are out of scale with the fine grain of the surrounding historic urban fabric"*

30. In respect of the tower, the Secretary of State recognises that there have been some amendments made to the proposed tower in terms of number of storeys and a more slender design. Policy DM3(a) states that proposals in major gateways must respect the location and context of the gateway. Landmark buildings should be of exceptional quality. The supporting text to Policy DM3 notes that landmarks can be achieved by design (rather than height) and that the expectation of the policy is that gateway sites should be marked by development of exceptionally high quality which relies for its distinctiveness on design aspects other than size and height. In addition, excessively tall or large buildings would be inappropriate in most gateway locations.

31. For the reasons given in IR475-478, the Secretary of State agrees with Inspector that in policy terms there is nothing that expressly supports a tall building at Anglia Square, nor is there anything that rules it out (IR477). However, for the reasons set out above, he disagrees with the Inspector, and finds that the tower would be of an excessive size in relation to its context, and does not demonstrate the exceptional quality required by Policy DM3(a).

32. The Secretary of State has considered the Inspector's assessment of the criticisms made of the design at IR472-474. He agrees with the Inspector at IR472 that the prevailing scale at the edge of the scheme of 7 to 10 storeys, when combined with the large footprints of the individual blocks, would be uncharacteristic in the NCCCA (IR474). While he recognises that there have been attempts to relate the proposal to its context, in relation to the movement pattern and the creation of new views, in the Secretary of State's view these do not outweigh his concerns with regards to the scale, bulk and massing of the individual blocks and the tower, and the extent to which the height and mass of the proposal would be uncharacteristic of the NCCCA, as set out above. He

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therefore concludes that the proposal fails to comply with policies JCS2 and DM3(c) and (f).

Impacts on the Norwich City Centre Conservation Area

33. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact on the site and immediate surroundings with reference to the NCCCA at IR479-487. For the reasons given at IR479 he agrees with the Inspector that many of the application site's current buildings and car parks are identified as negative features in the NCCCA Appraisal. He accepts in principle that replacement of existing commercial buildings and car parks with well-designed modern buildings would be a significant benefit to the NCCCA, and that the benefits of the specific scheme before him would include greater permeability and legibility, improved streets and squares within the site and framed views of the Cathedral and the Church of St Augustine (IR480).

34. For the reasons given at IR481-482, The Secretary of State agrees with the Inspector that the proposal would improve the character and appearance of Magdalen Street north of the St Crispins Road flyover. However, he finds that the taller elements of Block A seen from Cowgate would constitute a harmful change in comparison to the current position. While the Inspector found there would be no harm in this respect, and Historic England found the impact severely harmful, the Secretary of State considers there would be moderate harm, and that there would be a discordant relationship created there. Therefore, while he considers that there is an improvement in the character and appearance of Magdalen Street north of the St Crispins Road flyover, he considers this improvement to be moderate rather than significant. For the reasons given at IR483, the Secretary of State agrees that the proposal would significantly improve the character and appearance of Edward Street.

35. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact on the Church of St Augustine and on St Augustines Street (IR484-485). For the reasons given at IR484, he agrees the proposal would detract from the green space and the buildings within it, and therefore would result in harm to the character and appearance of the NCCCA. He also agrees at IR485 that the impact on St Augustines Street would be harmful to the NCCCA, however, given his findings in paragraph 31 of this letter in respect of the size of the tower, he disagrees with the Inspector regarding the level of harm, and finds moderate harm would be caused.

36. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact along St Crispins Road (IR486-487). He agrees with the Inspector at IR486 that recladding Gildengate House and replacing Sovereign House have the potential to improve the NCCCA, subject to reserved matters approvals. He further agrees with the Inspector that the scale and mass of Block F at this location would appear strikingly different and unfamiliar, to an extent that would cause harm to the NCCCA (IR487).

37. The Secretary of State has gone on to carefully consider the Inspector's assessment of the proposal's impact on middle distance views at IR488-491. For the reasons given at IR488, he agrees with the Inspector that, although the site would be visible from parts of Tombland, this would appear as part of a rich and varied townscape and there would not be a material impact on the NCCCA. He also agrees that, where the new buildings would be visible at the junction of Wensum Street and Elm Hill, they would create a new and uncharacteristic focal point, resulting in harm to the NCCCA (IR488).

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38. For the reasons given at IR489, the Secretary of State also agrees with the Inspector that there would be a broadly neutral effect at Fye Bridge, and for the reasons given at IR490-491, there would be a neutral effect on the Colegate character area.

39. The six strategic landmarks are all designated heritage assets of high significance in their own right, and collectively they help to create the skyline which is such an important feature of the NCCCA. DM Plan Policy DM3(c) seeks to protect long views of the six strategic landmarks, with a number of specific viewpoints identified (IR492). The Secretary of State has carefully considered the Inspector's assessment of the proposal's impact on views from these locations at IR493-494.

40. For the reasons given at IR493, the Secretary of State agrees with the Inspector that the composition of the six strategic landmarks as seen in the view from Mousehold Avenue would not be harmed by the proposal. Although he has found that the tower would be of an excessive size in relation to its context, while the proposed tower would break the skyline when seen from St James' Hill, the rest of the development would not, and the Secretary of State agrees with the Inspector that there would be sufficient separation from the strategic landmarks to avoid competition with or distraction from those assets (IR494). The Secretary of State notes that, in the view from Kett's Heights, the landmarks appear closely grouped, and the proposed tower would be well over to the right hand side. He agrees with the Inspector that it would not affect the ability to appreciate the grouping at this location (IR494). For these reasons, the Secretary of State agrees with the Inspector that the proposal would not harm the ability to appreciate the NCCCA in distant views.

Conclusions in relation to the NCCCA

41. For the reasons given above, the Secretary of State disagrees with the Inspector's conclusions at IR496-499 that the proposal would result in a net benefit to the character and appearance of the NCCCA. The Secretary of State, considering the benefits and harms he has set out above, considers that the scheme would have a broadly neutral impact on the NCCCA. He agrees that whether considered individually or collectively, the harms amount to 'less than substantial harm', with any harm to the NCCCA being a matter of considerable importance and weight (IR498).

Impacts on listed buildings and other designated heritage assets

42. There are no designated heritage assets within the application site, no such assets would be physically affected by the proposal, and in all cases the impacts (or potential impacts) would be on the setting of the asset in question (IR500).

43. The Secretary of State has carefully considered the Inspector's assessment of the impacts on listed buildings within the immediate environs of Anglia Square at IR501-506. He agrees with the Inspector at IR501 that the improvements to the townscape along Magdalen Street would enhance the setting and significance of 75 Magdalen Street (Grade-II listed), alongside slight enhancement to Grade-II listed buildings further to the north on Magdalen Street.

44. He agrees with the Inspector for the reasons given at IR502 that there would be a harm caused to the Church of St Augustine (Grade-I listed) and the almshouses at Nos 2 – 12 Gildencroft (Grade-II listed). However, he disagrees with the Inspector regarding the level of harm. Given the height and bulk of the tower and Blocks E and F rising above the existing roofline of the almshouses, and given the tower would compete with and

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distract from an important view of the church tower, the Secretary of State considers that the harm caused here would be substantial (and in Framework terms, at the upper end of the 'less than substantial' scale). For the reasons given at IR503, he agrees that there would be minor harm to the Grade-II listed buildings along St Augustines Street.

45. For the reasons given at IR504-505, the Secretary of State agrees with the Inspector that the proposal would result in no effect on the listed buildings along Sussex Street, 71 New Botolph Street (Grade-II* listed), and the section of city wall at Magpie Road that is a scheduled monument. For the reasons given at IR506, the Secretary of State agrees with the Inspector that there would be a neutral effect on St Saviour's Church (Grade-II* listed) and other listed buildings further south along Magdalen Street.

Impact on the Six Strategic Landmarks

46. There are six strategic landmarks set out in the NCCCA:

- the Cathedral,
- the Castle,
- the RC Cathedral,
- the Church of St Peter Mancroft,
- the Church of St Giles, and;
- the City Hall clock tower

47. All of these are Grade-I listed, except for the City Hall clock tower, which is Grade-II* listed as part of City Hall as a whole. As set out at paragraph 40 of this Decision Letter, the Secretary of State agrees with the Inspector that the proposal would not be harmful in relation to distant views from high ground to the east, but notes that there are further views to take into account (IR507).

48. For the reasons given at IR508-509, the Secretary of State agrees with the Inspector that, although the newly created view of the spire from Anglia Square would enhance the ability to appreciate the Cathedral, there would be minor harm overall to the Cathedral's significance due to the effect of the proposal on the view from Castle Meadows.

49. The Secretary of State agrees with the Inspector that, while the extent of new development would be apparent from the Castle, the articulation of the blocks and variations in height would help to assimilate it (IR511). While the tower would break the skyline in views of the strategic landmarks from the battlements, the Secretary of State does not consider it would be harmful, notwithstanding that he has found the tower to be of excessive size in its context (IR510). For the other reasons set out overall at IR510-511, the Secretary of State agrees with the Inspector that the proposal would not cause harm to the setting or significance of the Castle.

50. For the reasons given at IR512, the Secretary of State agrees with the Inspector that the proposal would not result in harm to the settings of the Castle, the RC Cathedral, the Church of St Peter Mancroft, the Church of St Giles or City Hall.

Impacts on listed buildings and other designated heritage assets

51. For the reasons set out at IR513-516, the Secretary of State agrees with the Inspector that, while there would be harm to the settings and the significance of the Church of St

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Clement, Nos 3 - 5 Colegate and the other listed buildings in the Fye Bridge group, the degree of harm would be minor in each case (IR516).

52. For the reasons set out at IR517-523, the Secretary of State agrees with the Inspector that, where there would be harm to assets in the Colegate Character Area (IR517, IR520), it would be only minor in each case.

53. For the reasons set out at IR524, the Secretary of State agrees with the Inspector that there would be no harm to the settings of the assets along Elm Hill and Princes Street.

54. For the reasons set out at IR525-529, the Secretary of State agrees with the Inspector that there would be minor harm to Nos 45-51 London Street (IR528) St Andrew's Church (IR528), and St Helen's church (IR529).

55. For the reasons set out at IR530-531 the Secretary of State agrees here would not be any harm to either Waterloo Park or Catton Hall Park.

56. The Secretary of State agrees with the Inspector's assessment of the impacts on non-designated heritage assets (IR532-533).

<u>Conclusions on the historic environment</u>

57. For the reasons set out above, the Secretary of State concludes, contrary to the Inspector at IR535, that while the proposal would have elements of both beneficial and harmful effects on the character and appearance of the NCCCA, on balance there would be a neutral impact on the character and appearance of the NCCCA. In addition, there would be minor benefits to the significance of locally listed buildings on Magdalen Street (IR538), and minor benefits to the settings of some individual listed buildings (IR543). As these are all only minor, the Secretary of State considers they attract only limited additional weight in favour of the proposal.

58. The Secretary of State has concluded that there would be harm at the upper end of less than substantial to the settings of the two listed assets at IR536, and minor harm to a larger number (IR537), but that this would be less than substantial in terms of the Framework in all cases. There would also be a loss of locally listed buildings (IR538), and the proposal would not integrate with the context and grain of its surroundings in some important respects (IR540). The Secretary of State considers that these harms would also be less than substantial in terms of the Framework.

59. The Framework requires any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) to require clear and convincing justification. It requires that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. In paragraph 41 of this letter, the Secretary of State found that the harm to the NCCCA would be a matter of considerable importance and weight. This will be returned to in the Planning Balance section of this Decision Letter.

*Air quality*

60. In 2012 the Council declared an Air Quality Management Area (AQMA) covering the whole of the city centre, including the application site, due to exceedances of the annual mean objective for $NO_2$ (IR548). For the reasons given in IR549-559, the Secretary of

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State agrees with the Inspector that the information before him is sufficient for air quality to be properly taken into account in this decision (IR559).

61. For the reasons given in IR560-567, the Secretary of State agrees with the Inspector that the proposal would be appropriate for its location taking account of likely effects on health and living conditions, and that no conflicts with the Council's Air Quality Action Plan have been identified. He further agrees that opportunities to mitigate impacts have been identified, that the proposal would contribute towards compliance with relevant national objectives, and that the air quality benefits of providing housing in this accessible site should be given limited weight (IR566). The Secretary of State agrees with the Inspector that the proposal would accord with the Framework and with DM11 (IR610), and that air quality is not a matter that weighs against the grant of planning permission (IR567).

*Ecology*

62. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and for the reasons set out at IR588 he agrees with the Inspector that he is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. Those sites are the Broadland Special Protection Area (SPA), Ramsar site and Special Area for Conservation (SAC), and the River Wensum SAC.

63. The Secretary of State agrees with the assessment and findings in the Inspector's Addendum Report (AR), included at Annex F of the Inspector's Report. He therefore adopts the AR as the necessary Appropriate Assessment in his role as the Competent Authority on this matter, and agrees that there would be no adverse effect on the integrity of the designated sites.

*Other benefits of the Scheme*

64. As well as the benefits set out at paragraphs 19, 57 and 61 above, the Secretary of State agrees with the Inspector at IR544 that there would be other benefits from the proposal, comprising: securing the regeneration of a strategic brownfield site; a significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt, and insofar as the current condition of the site is a barrier to investment, that barrier would be removed; and supporting the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. He agrees with the Inspector and attaches significant weight to each of these public benefits.

*Heritage balance*

65. Given his findings on the scale, bulk and massing of the proposal as a whole, including the proposed tower, and given his findings on the scale of the less than substantial harm caused to the setting of the church of St Augustine and Nos 2-12 Gildencroft, the Secretary of State has concluded that the impact of the proposal on the NCCCA as a whole is neutral. He disagrees with the Inspector on the scale of the heritage benefits of the proposal set out in IR542, specifically the second bullet given his concerns over the design of the proposal. Taking account of the wider heritage impacts of the scheme as set out in paragraphs 27 to 59 of this letter, the Secretary of State disagrees with the Inspector and finds that, while the benefits of the scheme are sufficient to outweigh the less than substantial harm to the listed buildings identified at IR536-540, when considered individually, they do not do so when considered collectively, given the

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range and number of heritage assets affected, and given the increased harm found in comparison to the Inspector. He therefore finds, like the Inspector, that the proposals would conflict with policy DM9. He has also found conflict with elements of policies JCS1 which states that heritage assets, and the wider historic environment will be conserved and enhanced through the protection of their settings, and conflict with elements of policy DM1 which states that development proposals will be expected to protect and enhance the physical, environmental and heritage assets of the city.

66. For the reasons given at IR546, the Secretary of State agrees with the Inspector that the benefits of the scheme are sufficient to outweigh the less than substantial harm to non-designated heritage assets identified at that paragraph, whether considered individually or collectively.

*Other matters*

67. For the reasons given at IR568-572, the Secretary of State agrees with the Inspector's conclusion (IR573) that if planning permission is granted there is a reasonable prospect that the scheme would be delivered as a whole, and that viability considerations do not weigh against the proposal.

68. For the reasons given at IR574-582, the Secretary of State agrees that the application site is well placed to offer a range of modes of transport, the proposal has taken the opportunities to promote sustainable transport modes, and there would be no severe impacts on the highway network and no significant impacts on highway safety (IR582). He agrees with the Inspector that proposal would accord with policies DM31 (IR577) and DM29 (IR578), and with the policies of the Framework insofar as they seek to promote sustainable transport (IR582), and that transport considerations do not weigh against the proposal (IR582).

69. The Secretary of State has carefully considered the Inspector's assessment of the alternatives presented at the Inquiry (IR583-585). For the reasons given there, he agrees with the assessment that to do nothing would not offer environmental improvements and could result in further deterioration in the condition and appearance of Anglia Square (IR583), that the other options and proposals for the site were not viable or deliverable (IR583-584), and that the Goldsmiths Street scheme does not offer a precedent or pattern in terms of the scale or form of development appropriate at Anglia Square (IR585).

70. For the reasons given at IR586-587, the Secretary of State agrees with the Inspector that the proposal accords with policy JCS3 concerning meeting energy requirements from decentralised and renewable or low-carbon sources.

71. The Secretary of State has considered the Inspector's assessment of how the proposals comply with development plan policies in IR593-IR624. For the reasons given in this letter, he finds that the proposal does not comply with policies JCS1 and DM1 in relation to the preservation and enhancement of heritage assets, JCS2, DM2, DM3(a)(c) and (f), DM9, DM12(b), DM13 and DM18 as it relates to DM1. The Secretary of State agrees with the Inspector, for the reasons given at IR593-624, that the proposal complies with all other development plan policies.

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**Planning conditions**

72. The Secretary of State has given consideration to the Inspector's analysis at IR412-425, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

**Planning obligations**

73. Having had regard to the Inspector's analysis at IR7-9 and at IR622, the planning obligation dated 12 March 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given at IR7-9 and at IR622 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

**Planning balance and overall conclusion**

74. The Secretary of State recognises that the regeneration of Anglia Square is an important strategic objective, and he is supportive of the benefits in terms of economic development and housing that such a regeneration could bring. However, for the reasons given above, and given the importance of the affected heritage assets and the nature of the design flaws he has identified, the Secretary of State considers that the application is not in accordance with Policies JCS1 and DM1 in relation to the preservation and enhancement of heritage assets nor with DM9. Nor is it in accordance with JCS2 and DM3(a)(c) and (f) concerning design, DM12(b) in relation to heritage impacts, DM18 as it relates to DM1, and DM2 and DM13 in relation to residential amenity. The Secretary of State concludes that the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

75. The proposal would secure the regeneration of a strategic brownfield site, make a significant contribution to meeting housing need in Norwich, make a significant contribution to meeting the need for affordable housing in Norwich, provide a significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt, and insofar as the current condition of the site is a barrier to investment, that barrier would be removed, and support the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. Each of these benefits carry significant weight in favour of the proposal. The proposal has a neutral impact on the character and appearance of the NCCCA. There would be minor benefits to the setting of some listed and non-designated assets, which carry limited weight, as do the air quality benefits identified.

76. Although less-than-substantial in all cases, there would be harm to the setting of a number of listed buildings, in two cases towards the upper end of the scale. In accordance with the s.66 duty, the Secretary of State attributes considerable weight to the harm. In addition, there would be harm to the setting of some non-designated assets, and a non-designated building would be demolished and lost entirely.

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77. The Secretary of State has concluded in paragraphs 62 and 63 of this Decision Letter that the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 is not outweighed by the public benefits of the proposal.

78. Overall the Secretary of State concludes that the benefits of the scheme are not sufficient to outbalance the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 and in paragraphs 27-59 above. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.

79. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan. The Secretary of State therefore concludes that the application should be refused planning permission.

**Formal decision**

80. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for the development as set out in Annex B of this letter.

81. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

82. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

83. A copy of this letter has been sent to Norwich City Council, and to Historic England, Save Britain's Heritage, the Norwich Society and the Norwich Cycling Campaign. Notification has been sent to others who asked to be informed of the decision.

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Yours faithfully

Andrew Lynch

Andrew Lynch

This decision was made by the Secretary of State and signed on his behalf

**Annex A – Schedule of representations**
**Annex B – Full description of development**

## ANNEX A - SCHEDULE OF REPRESENTATIONS

### General representations

| Party | Date |
|---|---|
| Jeremy Brettingham | 3 February 2020 |
| George Mahood | 11 February 2020 |
| Jennifer Aldous | 11 February 2020 |
| Miriam Barnett | 13 February 2020 |
| Dr Ksenija Ivir-Ashworth | 28 February 2020 |
| Rebecca Rose | 3 March 2020 |
| Simon Jervis | 29 April 2020 |
| Alex Russell-Davis | 31 May 2020 |
| Andrew Boswell | 14 September 2020 |

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## ANNEX B – FULL DESCRIPTION OF DEVELOPMENT

Hybrid (part full/part outline) application on site of 4.51 ha for demolition and clearance of all buildings and structures except Gildengate House and the phased, comprehensive redevelopment of the site with 7 buildings and refurbished Gildengate House for a maximum of 1,250 residential dwellings (Use Class C3); 11,350 sqm hotel (Use Class C1); 9,850 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers up to 250 sqm GIA and public conveniences)); 1,150 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yards, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2); 1,300 sqm place of worship (Use Class D1); and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/bus stop laybys and other associated highway works on all boundaries, maximum of 940 car parking spaces for Use Classes C1/C3/B1/D1, (of which maximum of 40 spaces for C1/B1/D1), hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping including existing streets surrounding the site, service infrastructure and other associated work; (all floor areas given as maximum gross external area except where indicated as GIA);

comprising;

**Full planning permission** on 1.78 ha of the site for demolition and clearance of all buildings and structures, erection of 1 and part of a 2nd building for 393 residential dwellings (Use Class C3) (323 flats in Block A and 70 flats with cycle store in tower within Block E (tower only, 20 storeys)), and for 4,420 sqm ground floor flexible retail, services, food and drink, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme, and public conveniences)), 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms, other ancillary space and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), within Block A with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/laybys and other associated highway works on Edward Street, widened footway, bus stop layby and other associated highway works on Magdalen Street, 333 covered car parking spaces for Use Class C3, hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping, service infrastructure and other associated works; (all floor areas given as maximum gross external area except where indicated as GIA);

And

**Outline planning permission** on 2.73 ha of the site, with all matters reserved, for demolition and clearance of all buildings and structures except Gildengate House, erection of 4 and part of 5th buildings (Blocks B and D – H, with Block E to incorporate tower with full planning permission) and refurbishment and change of use from Use Class B1(a) to C3 of Gildengate House (Block J), for a maximum of 857 residential dwellings (Use Class C3), 11,350 sqm hotel (Use Class C1), 5,430 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme)), 770 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard,

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cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2), with associated means of access, widening of footways, formation of service/taxi laybys and other associated highway works including shared cycle/pedestrian path on New Botolph Street, Pitt Street and St Crispins Road, a maximum of 607 car parking spaces for C1/C3/B1/D1, of which circa 593 covered spaces (with a maximum of 40 for C1/B1/D1), and circa 14 open spaces for C3 (on west side of Edward Street for Block B), landscaping, service infrastructure and other associated works; and erection of building for 1,300 sqm place of worship (Use Class D1) (Block C), on north side of Edward Street with associated on site car parking and landscaping; (all means of access reserved; all floor areas given as maximum gross external area except where indicated as GIA).

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The Planning Inspectorate

# Report to the Secretary of State for Housing, Communities and Local Government

**by David Prentis BA BPl MRTPI**

**an Inspector appointed by the Secretary of State for Housing Communities and Local Government**

**Date June 8th 2020**

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## TOWN AND COUNTRY PLANNING ACT 1990

## NORWICH CITY COUNCIL

## APPLICATION BY WESTON HOMES PLC AND OTHERS

## REGARDING

## ANGLIA SQUARE, NORWICH

Inquiry Opened on 28 January 2020

File Ref: APP/G2625/V/19/3225505

**File Ref: APP/G2625/V/19/3225505**
**Anglia Square, Norwich NR3 1DZ**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 March 2019.
- The application is made by Weston Homes Plc and Columbia Threadneedle B/O Sackville UK Property Select II (GP) No 3 Limited and Sackville UK Property Select II Nominee (3) Limited (as trustees for Threadneedle UK Property Select II Sub-Partnership No 3 LP) to Norwich City Council.
- The application Ref 18/00330/F was originally dated 6 March 2018.
- The development proposed is the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm areas.

**Summary of Recommendation: The application be approved**

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## PRELIMINARY MATTERS

1. The Inquiry sat for 15 days between 28 January 2020 and 28 February 2020. By agreement with the parties, my visits to Anglia Square and various off-site locations referred to in the evidence were carried out during and after the Inquiry on an unaccompanied basis. Most of these locations were in the public domain. On 10 March 2020 I inspected vacant buildings at Anglia Square and saw the view from the Castle battlements on an access required basis. At each location an appropriate member of staff, unconnected with the Inquiry, was present to enable me to gain safe access.

2. The application was initially submitted in March 2018. It was subject to a number of amendments following submission, including a reduction in the height of the tallest of the proposed buildings. A revised application form dated 28 August 2018, description of development, plans and supporting information were subsequently submitted. This material was subject to further consultation prior to consideration of the application by the Council. The Inquiry proceeded on the basis of the revised proposals and my assessments and recommendation have also been prepared on that basis.

3. The description of development set out above is a summary. The application is a hybrid, in that part of it is submitted as a full application and part in outline. The full description of development, as amended in August 2018, is at Annex D.

4. On 6 December 2018, the Council's Planning Applications Committee resolved to grant planning permission, subject to the imposition of planning conditions and the completion of a section 106 planning obligation. On 21 March 2019 the Secretary of State confirmed his decision to call in the application. His letter stated that, in deciding whether to call in this application, the Secretary of State had considered his policy on calling in planning applications which gives examples of the types of issues which may lead him to conclude that an application should be called in.

5. The call in letter sets out the following matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the application:

    a) the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes (NPPF Chapter 5);

    b) the extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy (NPPF Chapter 6);

    c) the extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres (NPPF Chapter 7);

    d) the extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment (NPPF Chapter 16);

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e) the extent to which the proposed development is consistent with the development plan for the area including any emerging plan; and

f) any other matter the Inspector considers relevant.

6. At the Inquiry I identified the other matters that I considered to be relevant under item (f) as follows:

- the effect of the proposal on air quality;
- viability and the prospects for delivery of the scheme as a whole; and
- the extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport.

7. A section 106 Agreement between the applicants and the Council was submitted at the Inquiry. The Agreement was finalised during the course of the Inquiry and it had not yet been signed. I allowed a further period after the Inquiry for a signed version to be submitted, on the basis that the text of the Agreement would be unchanged from that discussed at the Inquiry[1]. The main provisions of which may be summarised as follows:

Financial obligations:

- car club contribution;
- green infrastructure contribution to mitigate impacts on European protected sites (in the event that the project is exempt from Community Infrastructure Levy (CIL) by way of Exceptional Circumstances Relief);
- under the flyover contribution (in the event that the applicants do not themselves carry out works to facilitate meanwhile uses in the area under the flyover); and
- under the flyover maintenance contribution (in the event that the applicants do not themselves undertake the maintenance).

8. Non-financial obligations:

- affordable housing – phasing and delivery of 120 units of affordable housing, of which 85% would be social rented housing and 15% would be affordable housing for rent or another form of intermediate housing, in accordance with an affordable housing scheme which is to be approved for each phase;
- arrangements for reappraising viability at defined stages of the development, or in the event of substantial delay, with provision for additional affordable housing if viability has improved over time;
- delivery of works to facilitate meanwhile uses in the area under the flyover, either in accordance with the scheme which is already approved or an alternative scheme;

[1] PID1

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- provision of discounted commercial units to small and medium enterprises (SME) currently occupying premises at Anglia Square and/or other SMEs in accordance with a discounted commercial workspace plan which is to be approved by the Council;
- employment and skills strategy - measures to optimise local labour supply and procurement and to offer training;
- measures for supporting existing businesses through the construction phase, including enabling continued occupation where practicable, ensuring continued access to their premises and supporting them in finding alternative premises nearby, in accordance with an Anglia Square management plan which is to be approved by the Council;
- provision for the design, phased delivery, management, maintenance and use of the public realm, to include unrestricted use by pedestrians and cyclists at all times (subject to temporary closures for maintenance works or other permitted uses), in accordance with a public realm strategy which is to be approved by the Council; and
- implementation of a sustainable communities plan which is to be approved by the Council.

9. The Council submitted a CIL Regulations compliance statement[2] which sets out its reasons for concluding that the obligations would accord with Regulation 122 of the CIL Regulations. The Council and the applicants agreed that all of the obligations would meet the relevant tests. Although the amount of affordable housing was a controversial matter at the Inquiry, the obligations themselves were not controversial. I agree that the obligations meet the relevant tests and I have taken them into account accordingly.

10. The application was accompanied by an Environmental Statement (ES). Supplementary environmental information was provided with the scheme amendments in August 2018. On 17 July 2019 the Planning Inspectorate (on behalf of the Secretary of State) issued a Regulation 25 notification under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Although a response was received on 2 October 2019, the Planning Inspectorate considered that this did not fully address the points raised. An updated assessment of the likely significant effects resulting from demolition activities was sought, together with a draft of the Site Waste Management Plan relied upon in the ES. This information was subsequently provided.

11. I have taken all of the environmental information into consideration in my assessment and recommendation. I also note that, insofar as part of the scheme is submitted in outline, any permission could be subject to conditions to ensure that subsequent details for the outline elements would be within the parameters that have been assessed in the ES.

12. Historic England, Save Britain's Heritage, the Norwich Society and the Norwich Cycling Campaign were given Rule 6 status and were represented at the Inquiry.

[2] NCC20

## THE SITE AND SURROUNDINGS

### *Location and description*

13. The site and surroundings are described in the evidence and in the Statement of Common Ground (SoCG). The site extends to approximately 4.5 hectares. Most of this is accounted for by the Anglia Square shopping centre and adjoining land which is enclosed by St Crispins Road, Pitt Street, Edward Street and Magdalen Street. Two smaller parcels of open land are located to the north of the main site, adjacent to Edward Street. Anglia Square comprises retail, leisure and office buildings developed during the 1960s and 1970s following the construction of St Crispins Road. The shopping centre is arranged around a pedestrian precinct and includes large format stores together with smaller units occupied by a mix of national and independent retailers.

14. At the upper levels are Sovereign House and Gildengate House, two substantial office buildings of 6 - 7 storeys. Neither of these buildings has been used as offices since the late 1990s. Gildengate House is currently used as temporary studio space by artists whilst Sovereign House has remained unused. A former cinema, a nightclub and a large multi-storey car park are also now vacant. Within the south western part of the main site is Surrey Chapel Free Church and premises fronting Pitt Street which are occupied by businesses and social enterprises. The buildings at Nos 43 - 45 Pitt Street are locally listed.

15. To the east, the site is bounded by Magdalen Street. This is an important radial route leading from the northern suburbs to the city centre, under the St Crispins Road flyover. The street is fronted by predominantly older two and three storey buildings with retail uses at ground floor level. There is also a modern four storey building accommodating a department store, post office and a bar. There are a number of bus stops on Magdalen Street adjacent to the flyover. The area to the north of Edward Street includes some larger scale buildings, including four storey apartment buildings at Dalymond Court and the Epic Studios building.

16. The area to the north west of the site is largely residential, characterised by two-storey 19th century terraced housing. St Augustines Street is fronted by two and three storey buildings, many of which have retail or other commercial uses at ground floor level. Many of the properties in and around St Augustines Street are statutorily or locally listed. These include the Grade I listed Church of St Augustine and the Grade II listed residential terrace at Nos 2 -12 Gildencroft. To the south of Gildencroft is Gildencroft Park, which includes a children's play area. The application site is bounded to the south by St Crispins Road, which is elevated so as to pass over Magdalen Street. The southern side of St Crispins Road is fronted by larger scale commercial buildings up to 6 storeys in height and the 19th century almshouses of the Grade II Listed Doughty's Hospital.

17. The application site is within the Norwich City Centre Conservation Area. There are several statutorily and locally listed buildings in the vicinity. In addition to the buildings identified above, the Grade II listed No 75 Magdalen Street is located opposite the site. There are three further Grade I listed churches nearby, namely St Saviour's, St Martin at Oak and St Mary's Coslany. Heritage assets are discussed further in the sections on historic environment.

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### *Planning history*

18. The land occupied by Anglia Square was cleared as part of the construction of an inner ring road in the 1960s. This included the clearance of land to the west of the shopping centre. Additional phases of development were designed for the western part of the site but were never built. Much of this land has remained open and undeveloped and is in use as surface car parking.

19. In October 2009 planning permission was granted for the comprehensive redevelopment of Anglia Square including 200 residential units and retail uses. A condition of that permission required off-site highway works to create a gyratory system at St Augustine's Road. Those works have been carried out so this permission has been commenced. However, it has not been implemented further.

20. In March 2013 planning permission was granted for a phased redevelopment. The first phase was to include an enlarged Anglia Square and a new food store of 7,792 sqm together with car parking, changes to access arrangements, retail and other town centre uses and residential uses. Planning permissions were subsequently granted for later phases, including external refurbishment of Gildengate House, further residential units, retail and town centre uses, and works to facilitate the development. However, these planning permissions have now expired.

## PLANNING POLICY

21. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments that were adopted in January 2014 (the JCS); the Norwich Development Management Policies Local Plan (December 2014) (the DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014) (the SA Plan)[3]. The most important policies of the JCS and the DM Plan are identified below. No party identified any relevant policies of the SA Plan.

22. The Council has adopted a number of relevant Supplementary Planning Documents which are listed in the overarching Statement of Common Ground[4]. The Greater Norwich Local Plan will plan for development up to 2036. The Council and the applicant agreed that very limited weight could be attached to this emerging plan at this stage of its preparation and I share that view.

### *Joint Core Strategy for Broadland, Norwich and South Norfolk*

23. The Council and the applicants agree that the following are the most important JCS policies for determining this application. Policy 1 seeks to address climate change and protect environmental assets, including European designated sites and the historic environment. Policy 2 promotes high design standards, creating a strong sense of place and respecting local distinctiveness. Policy 3 seeks to maximise use of decentralised and renewable or low-carbon energy sources. For developments of more than 10 dwellings, at least 10% of energy requirements should be met from such sources.

[3] CD2.2, CD2.3 and CD2.4 respectively
[4] SoCG1

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24. Policy 4 seeks the delivery of 33,000 new homes in the Norwich Policy Area between 2008 and 2026. Proposals should contribute to the creation of mixed and balanced communities and 33% of the units should be affordable (with 85% social rented and 15% intermediate tenures), subject to viability considerations. Policy 5 seeks to develop the local economy to support jobs, including by increasing the proportion of higher value knowledge economy jobs. Policy 7 states that development should maintain or enhance quality of life and the well-being of communities, promote equality and diversity and strengthen community cohesion. Healthier lifestyles are to be promoted by maximising access to walking and cycling and providing opportunities for social interaction and access to green spaces.

25. Policy 11 seeks to enhance the regional role of Norwich city centre, which is to be the main focus for retail, leisure and office development. The northern city centre is identified as an area for comprehensive regeneration, in accordance with its Area Action Plan[5], to achieve physical and social regeneration, facilitate public transport corridor enhancements and utilise significant redevelopment opportunities. Policy 19 states that retailing and other town centre uses will be encouraged at a scale appropriate to the hierarchy of centres, as defined in the JCS. Anglia Square/Magdalen Street is placed on the second tier of that hierarchy (after Norwich city centre) as a large district centre (LDC).

***Norwich Development Management Policies Local Plan***

26. The Council and the applicants agree that the following are the most important DM Plan policies for determining this application. Policy DM1 seeks to achieve sustainable development, including through sustainable economic growth, protecting environmental assets, combating climate change, maximising well-being and promoting inclusive and equitable communities. Policy DM2 seeks to protect the living conditions of existing residents and future occupiers, including through provision of adequate internal and external space. Policy DM3 sets out design principles, including protection of long views and local distinctiveness. Policy DM8 requires residential development to provide informal recreational open space and children's play space. Policy DM9 states that development shall maximise opportunities to preserve, enhance or better reveal the significance of heritage assets. Locally identified heritage assets should be retained where practical and viable.

27. Policy DM11 requires that development in an air quality management area should take particular account of the air quality action plan. Where air quality is poor, development shall include measures to mitigate the effects of local air quality. Noise mitigation measures will be required where a development would be a source of environmental noise or where future occupiers would be adversely affected by noise. Policy DM12 sets out principles for residential development, including providing a mix of dwellings (subject to the size and configuration of the site) and achieving a density in keeping with the existing character and function of the area. Policy DM13 sets out criteria for the conversion of existing buildings to flats. Policy DM16 supports employment and business development. Policy DM17 seeks to retain (in Class B use) premises providing for small and

[5] The Area Action Plan has now expired

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medium scale businesses, other than in specific circumstances including where there would be an overriding community benefit from the new use.

28. Policy DM18 promotes retail, leisure and other main town centre uses[6] in specified centres, where their scale is appropriate to the centre's position in the hierarchy. Policy DM19 supports development of offices in specified centres, where their scale is appropriate to the centre's position in the hierarchy. Policy DM20 sets out the approach to managing change in defined retail frontages. Policy DM28 seeks to encourage sustainable transport. It states that cycle and pedestrian links should be an integral part of the design, accessibility and permeability for pedestrians should be maximised and provision should be made for travel planning and car clubs. Policy DM29 sets a limit of 10,000 on the total number of off-street public car parking spaces in the city centre. It also sets criteria for new public off-street parking. Policy DM31 sets upper and lower limits for car parking. Policy DM32 states that residential development must be car free in specified circumstances, which do not apply to the application site. Car free or low car housing will be acceptable in other defined locations, which would include the application site. Policy DM33 sets out criteria for seeking planning obligations to deliver essential infrastructure.

***Other sources of guidance***

29. The Norwich City Centre Conservation Area (NCCCA) Appraisal 2007[7] describes the features that contribute to the special architectural and historic interest of the NCCCA. The designated area is large and varied. To assist the detailed appraisal, 13 character areas are identified. For each character area there are descriptions of important features including important frontages, landmarks and positive and negative vistas. Measures of management and enhancement are set out for each character area. At the Inquiry, all parties attached significant weight to the NCCCA Appraisal as a description of the area and its special interest. I share that view and have taken it into account accordingly. However, the management and enhancement measures that it sets out do not have the status of planning policy.

30. The Anglia Square Policy Guidance Note (PGN)[8] was published by the Council in 2017. The PGN is clearly stated to be non-statutory guidance. It is intended to be a material consideration, albeit with less weight than an adopted supplementary planning document, and I have taken it into account on that basis. The PGN sets out a vision for a rejuvenated Anglia Square, with a distinctive identity that complements the neighbouring area and reflects its location in the historic northern city centre. The development is to have a clear relationship in built form with the surrounding area. A number of objectives are set out, including reinvigorating the local economy, revitalising retail and service provision and providing a significant level of residential development to make effective use of this city centre location.

[6] The policy refers to the definition in the Framework, which includes retail, leisure, entertainment, cinemas, restaurants, pubs, nightclubs, offices and hotels amongst other uses
[7] CD2.10
[8] CD2.11

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## THE PROPOSAL

31. The application proposes the demolition of the existing buildings and a mixed use scheme of redevelopment. This would include up to 1,250 dwellings, 70 of which would be in a 20 storey tower, up to 11,000 sqm of flexible retail/commercial floorspace, a replacement cinema, a replacement multi-storey car park, a new facility for Surrey Chapel and a hotel. This is a hybrid planning application. Full details have been submitted for Block A, public realm works and the tower (which would be in phase 2). Outline planning permission is sought for the remainder of the site. A series of parameter plans are submitted for approval, covering matters such as building heights, land use, access and public realm. As noted above, any permission could be subject to conditions to ensure (by reference to the parameter plans) that subsequent details for the outline elements remained within the parameters that have been assessed in the ES.

32. The detailed element of the planning application seeks full planning permission for:

- demolition of the multi-storey car park, cinema and associated ground and first floor elements of this sector of the shopping centre;
- 428 residential dwellings (Use Class C3) in Block A and the tower;
- 4,420 sqm[9] of flexible ground floor retail, services, food and drink and non-residential institutional floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers and/or nail bars, up to a maximum of 550 sqm within the entire scheme));
- 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1);
- public conveniences with disabled and Changing Places facility;
- multi-storey car park with 600 public parking spaces and 300 residential spaces, means of access, landscaping, and service infrastructure; and
- public realm works comprising two squares and two streets.

33. Block A would create new street frontages to Edward Street and Magdalen Street. Phase 1 would include an east/west pedestrian and cycle route across the site linking Magdalen Street to St Augustine's Street via the new Anglia Square. There would also be a north/south pedestrian and cycle route along a new St George Street, linking Edward Street in the north to the existing St George Street to the south via a recently constructed pedestrian and cycle crossing on St Crispins Road.

34. The outline element of the planning application seeks planning permission for:

- a maximum of 822 residential dwellings (Use Class C3), including the refurbishment and change of use of Gildengate House from office to residential;

[9] Floor areas are Gross External Area unless otherwise stated

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- at least 120 of the above dwellings would be affordable housing, with a tenure split of 85% social rented and 15% intermediate tenure;
- a hotel of 11,350 sqm (Use Class C1);
- 5,430 sqm of flexible retail, services, food and drink, office and non-residential institution floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers and/or nail bars, up to a maximum of 550 sqm));
- 770 sqm of flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1);
- a cinema of 3,400 sqm (Use Class D2);
- a place of worship of 1,300 sqm (Use Class D1); and
- means of access, car parking, landscaping and service infrastructure.

35. The parameter plans[10] show 4 storey buildings fronting Magdalen Street, stepping up to 9 and 11 storeys within the site. Block A would be 7 storeys on the frontage to Edward Street, stepping up to 9 storeys behind. Block D, fronting New Botolph Street, would be 4 and 5 storeys. Block E would be 5 storeys on the frontage facing the junction of Pitt Street and St Augustines Street, stepping up to 6 and 7 storeys behind and to either side. Block F would have frontages to Pitt Street and St Crispins Road. It would step up from 9 storeys fronting Pitt Street to 12 storeys facing the roundabout on St Crispins Road. Block G would be 8 and 10 storeys where it faces St Crispins Road, with varying heights within the site. The 20 storey tower would be set within the site, more or less at the point where the line of St Augustines Street would intersect with the new St George Street.

## AGREED MATTERS

36. The Council had resolved to grant planning permission, subject to a section 106 Agreement. Consequently, there was broad agreement between the Council and the applicants across most of the matters that the Secretary of State wishes to be informed about and also in relation to the further matters identified by me. Specific points of agreement are set out in the overarching SoCG[11]. The main differences between the Council and the applicants related to the degree of harm or benefit to specific heritage assets. The respective assessments are summarised in Appendix 4 to the overarching SoCG. However, the Council and the applicants agreed that, in all cases where there would be harm to the significance of a designated heritage asset, this would be less than substantial harm in the terms of the National Planning Policy Framework (the Framework). The Council and the applicants also agreed that the harm to designated heritage assets would be outweighed by the public benefits of the proposal.

37. The Council, the applicants and Historic England (HE) agreed a supplementary SoCG on the significance of the heritage assets affected by the proposal[12]. This provides a brief account of the significance of each asset, noting that there is

[10] Building heights are shown on A01-PP-100 A (CD7.22)
[11] SoCG1
[12] SoCG2

further information in the evidence. This SoCG does not cover the contribution of setting to significance, which was a controversial matter between the parties.

38. The Council, the applicants and HE agreed a SoCG on viability matters[13] which set out the extent of agreement/disagreement at the start of the Inquiry on various inputs to the viability assessments. Following further discussions during the Inquiry, the parties agreed a viability position statement[14] to the effect that the Secretary of State could proceed on the basis that the viability of the scheme is marginal. This position reflects the award of Marginal Viability funding of £15 million. It also assumes successful applications for CIL exemptions, which would be awarded by the Council on a phased basis.

39. Bearing in mind the inherent sensitivity to changes in inputs to viability models, the parties agreed that the decision maker would not need to consider detailed evidence on matters such as costs, values and benchmarks. On the basis of that agreement HE did not call Mr Rhodes (HE's viability witness) to give oral evidence, although his written evidence remained before the Inquiry.

40. During the Inquiry the Council, the applicants and Norwich Cycling Campaign (CYC) agreed a SoCG on air quality[15]. This indicates a high level of agreement between the Council and the applicants on air quality matters. Whilst CYC agreed some matters relating to guidance and objective levels for $NO_2$ and $PM_{2.5,}$ for the most part this document served to clarify points of disagreement between the Council/applicants and CYC.

## THE CASE FOR THE APPLICANTS[16]

### *Foreword*

41. Norwich has as its by-line "*A Fine City*" and no-one could fail to be impressed by the range, depth and quality of its architecture and historic environment. At every corner of the city it is easy to stumble upon one Grade I listed church after another. These are set in medieval (and earlier) street patterns which are lined by scores of listed buildings from all stages of the City's history. Norwich is not a city preserved at a single stage of its history. Due to its pre-eminent regional importance to the economy and cultural life of East Anglia, it has never been frightened of accepting the new. The city has reinvented and renewed itself to meet the changing spatial needs of the time. On a grand scale, the city reacted to the consequences of Catholic emancipation by the construction of a second cathedral high on a hill above its Anglican predecessor. It responded to the needs of post-war civic reorganisation by the construction of its Nordic City Hall.

42. The commercial boom of the 1890s brought smaller but important interventions, including the Jarrold department store and the art nouveau shopping centre at Prince's Arcade. Each of these interventions has been rooted in a socio-economic imperative, to meet the spatial requirements of the time.

[13] SoCG3
[14] ID10
[15] ID11
[16] The full closing submissions, which are summarised here, are at WH28

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43. Not all such interventions have been successful. Anglia Square is a notable example of failure. However, that is no reason to stop planning for change in the public interest. To do so would prevent past mistakes from being remedied and would fail to meet present day needs. The time has come to assist a part of Norwich that the 20th century left behind.

***Something must be done…something can be done***

44. The present state of Anglia Square is a poor reflection of the planning system. The site lies within the defined city centre and should be at the heart of the city's strategy for sustainable strategic growth. It is the best placed significant brownfield site for the delivery of much needed housing. For decades, Anglia Square has been identified as the most important strategic regeneration site in Norwich. Its current condition represents a failure of the planning system to deliver regeneration and repair. This failure has real world consequences:

    - The inability to regenerate Anglia Square is harming the image of Norwich as a modern, economically vibrant city. The evidence of Ms Tilney (the Council's economic development officer) was clear and compelling. Ms Tilney stated that inward investment is being lost as a result of the impact of Anglia Square. The appearance of the site is both ugly and depressing. Moreover, it sends out a negative message to potential investors about the ability of Norwich to deliver beneficial change.

    - The site contains a collection of large, poorly designed buildings which are no longer fit for purpose. They are largely vacant and are becoming derelict. This is a significant harm that blights the surrounding area. Local people have done all they can to make the area function in as vibrant a way as possible. However, Anglia Square is architecturally atrocious and functionally deficient. This part of Norwich, and its people, deserve better.

    - The buildings have been identified as significant detractors from the Norwich City Centre Conservation Area (NCCCA). Demolition would be a public benefit by itself.

    - The retail and economic function of the site lacks vitality and is failing quickly.

    - Anglia Square is unable to help a catchment population that falls within the bottom 10% of England's poorest areas.

    - The site is becoming a hotspot for crime. It is uncomfortable and unsafe to visit after dark.

    - Despite being the City's most sustainable site for new housing, it is making no contribution to meeting an acute need for housing, including affordable housing.

45. Anglia Square gives the impression that this is a city which may have different priorities for different communities. The Council's own officers are able to describe the area as forgotten and left behind, even though it is a part of the city centre. Moreover, the Inquiry heard that they choose to hide it from potential inward investors by avoiding locations from which it can be seen. Unsurprisingly, all parties to this Inquiry have accepted that the planning system should remedy

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this wholly unacceptable position. Most parties accepted that this will require substantial redevelopment.

46. However, such redevelopment will not happen by itself. An acceptance that the planning system must do something is meaningless without a recognition that it can only deliver the deliverable. Developments which are undeliverable are not sustainable. So, accepting that redevelopment and regeneration is urgently necessary, the planning system must search for solutions which are both sustainable and deliverable. For almost all major developments, the concept of sustainable development involves a balance between some potentially harmful effects and the broader public interest in securing necessary development.

47. It is unrealistic to suppose that large scale city centre regeneration will be completely harm-free. Hence the need for a balanced approach, particularly in historic cities which also have powerful spatial duties to perform. The Framework has provided a mechanism by which such impacts fall to be considered. Various balances appear throughout the Framework. The two most relevant here are the heritage/public interest balance and the overall planning balance. The Framework recognises that there are circumstances where some harm to heritage assets simply cannot be avoided in the overall search for the public interest.

48. If these tests are applied, and a proposed development is found to be justified, then it will be sustainable development in the terms of the Framework. This was accepted by Mr Neale, (the heritage witness for HE) in cross-examination. The Courts have made clear that, where there is the potential for harm to heritage assets, if the tests in the Framework are applied properly, the decision maker will also be taken to have applied the necessary legal tests. This includes the presumptions raised by the statutes referred to in closing by Mr Williams (Counsel for HE). On this key issue, the test in paragraph 196 of the Framework is clear, well understood and simple to operate.

49. The development plan has been drafted to be consistent with the Framework. It is unthinkable that policies which protect Norwich's heritage step outside the approach that the Courts have held must be adopted. Thus it is inconceivable that the development management policies of the plan would drive a different outcome from those of the Framework.

50. The Council has recognised the validity of these propositions and has provided cogent, consistent and thorough evidence to this Inquiry. It has:

    - recognised the urgent need for the existing deficiencies to be remedied by regeneration;
    - recognised the need for a deliverable solution which will only be achieved through substantial redevelopment;
    - understood that there will need to be a balance between the impacts of such a substantial redevelopment and the public benefits it would bring; and
    - undertaken that balance in accordance with the Framework.

    Moreover, the Council is the only statutory body with the relevant expertise to have undertaken that balance.

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51. The Council's conclusion was that planning permission should be granted. That conclusion has been scrutinised through the Inquiry process and has been stoutly defended by a group of very senior Council officers. Of course the Council's conclusion is not binding on the Secretary of State. Nevertheless, the fact that the democratically elected body responsible for spatial planning in Norwich has found that planning permission should be granted must weigh heavily in favour of the proposals. No other party has carried out this balancing exercise. HE has not attempted it and Save Britain's Heritage (SBH) recognises that it does not have the expertise to undertake the balance in a full and proper way. The Norwich Society (NS) also carried out a partial balancing exercise.

52. The Council has played a very active role in seeking to ensure that the regeneration of the area is actually delivered. It has secured Housing Infrastructure Fund (HIF) funding for the development. The purpose of HIF funding was to ensure the delivery of housing projects which needed to be unlocked by the provision of Government monies. The maximum funding envisaged under the Marginal Viability head was £10 million. Larger awards could only be granted if the bid was found to be "*exceptional*" and could demonstrate "*widespread and transformational delivery of new homes*". In fact, this scheme was awarded £15 million.

53. The HIF award was the subject of intense and detailed scrutiny on behalf of the Treasury, DHCLG and Homes England. The level of that scrutiny is demonstrated by the fact that the assessors visited the offices of Weston Homes to better understand the cost assumptions contained in the bid. This background shows the care that the Council and Government have taken in relation to the issue of deliverability. Whilst the HIF award is not determinative of the merits of the scheme, nor of the Secretary of State's own conclusions on deliverability, it is a very material consideration. In short, Government does not award £15 million of HIF funding without being satisfied that the scheme in question is deliverable.

54. Turning to the other evidence before the Inquiry, it is important to note the agreed position statement on viability[17]. No party is now arguing that the proposals are not viable and would not be delivered as a whole. The evidence of Mr Truss (the applicants' viability witness) was that the scheme would deliver a profit of 16.4% on cost or 14.7% on gross development value. It would also generate an internal rate of return of 20.2%[18]. Mr Truss commented that, for a regeneration scheme of this scale, it is reasonable to assume that, with successful place-making in the early phases, later phases could achieve a step change in residential values. His overall assessment was that the scheme is a credible and deliverable proposition on a difficult site. The landowner has an incentive to proceed because of the need to reposition the existing shopping centre which is coming to the end of its economic life.

55. The potential for the scheme to stall part way through the development process was raised by the Inspector. No doubt this matter was also considered by those who assessed the HIF bid. In any event, Mr Truss responded to the Inspector's question and explained how such a risk would be minimised. Mr Luder (the

[17] ID10
[18] Section 6 of WH3/1

applicants' planning witness) described how the particular circumstances of the joint venture between Weston Homes and Columbia Threadneedle Ltd would reinforce the points made by Mr Truss:

- The high abnormal costs of demolishing the existing structures, remediation and site preparation would be incurred at the beginning of the project. This front-loading of major capital expenditure would provide a powerful incentive to continue, in order to recoup those costs. The circumstances are quite different to previous schemes where profitable elements could be delivered early on.
- Unlike retail-led development, the marginal costs of a housing-led redevelopment reduce as every unit is completed. Thus, most of the profit would be garnered from the last of the delivered units. Successive phases of the development would provide a significantly enhanced sense of place, which would be reflected in sales values.
- The terms of the HIF award are such that it would be repayable if the specified number of units were not delivered. The requirement to pay back such a substantial capital sum would be onerous and would create a huge incentive to complete the project.
- Weston Homes is both a developer and a contractor. It is therefore able to be more flexible than some other housebuilders in terms of its marginal returns. It has substantial fixed costs relating to its wider operation which will be incurred whether or not it is delivering new units. As Mr Truss and Mr Luder explained, Weston Homes can therefore accept a lower level of marginal return than other contractors, meaning that remaining on site to completion is an easier proposition.
- The nature of the joint venture is that Columbia Threadneedle Ltd would, in effect, surrender the site to the development on the basis that it would get its asset back post completion. The anticipated internal rate of return on the project is defined by the understanding that the retail units will be returned to it as a going concern. In all of these circumstances there is no easy route out for either of the joint venture partners. Both partners are incentivised to complete the whole project.

56. The applicant's viability assessment has been reviewed by the Valuation Office Agency on behalf of the Council. The valuation of the various components of the scheme was found to be appropriate. The elemental cost figures presented with the HIF bid have been used as the base figure. For the purposes of the Inquiry, this has been tested against the Building Cost Information Service data base. In most cases that would be sufficient. In this case, the Inquiry had the added benefit of assessments by Gardiner and Theobold and Homes England. The overall conclusion is clear. The scheme is marginally viable but, when all of the circumstances are taken into account, it is deliverable. These circumstances include a healthy internal rate of return, HIF funding, CIL relief and the involvement of a joint venture partnership between two of the most active developers in the UK.

57. The ability to secure the much needed regeneration of Anglia Square has never been closer at hand. The Council has recognised and acted upon the confluence

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of circumstances which make this possible. Over the last 20 years no-one has come close to establishing even the potential for a deliverable alternative solution to meeting the urgent planning issues raised at Anglia Square.

58. The Ash Sakula alternative was relied on by HE and SBH as something which could deliver most of what the Council would seek from the site[19]. In fact, it is the best evidence that a significantly lower level of development would not be deliverable. The Inquiry process established that:

- it is now accepted by HE and SBH that the Ash Sakula alternative is not viable or deliverable at present[20];
- it is now accepted that there is no evidence of market conditions changing such as to alter this conclusion in a realistic timeframe;
- although HE chose to produce no evidence on this concession, it was made with the benefit of a qualified RICS valuer as part of the team;
- SBH appear to have been aware of this conclusion;
- there is no contrary evidence to that of Mr Truss to the effect that a significant reduction in development volume compared with the application scheme means that (in his professional opinion) he can see no way in which the alternative would be either viable or deliverable;
- his conclusion is consistent with HE's acceptance that the application scheme is marginally viable and requires significant central and local government assistance to be built;
- the alternative is also unviable in planning terms, reflecting the fact that it was not discussed with the local planning authority; and
- in closing, SBH forgets that its statement of case and evidence[21] proceeded on the basis that this was a viable alternative and consequently ought to be given significant weight.

59. By the end of the Inquiry no party was proposing an alternative solution which could come close to being demonstrably viable or deliverable. Planning works on the basis of evidence and it is not sufficient to suggest that there might be an alternative out there. In this case there is no such evidence. Moreover, there is clear evidence that the proposal is on the margins of viability and that a lower volume of development is not likely to be viable, now or in the future. This is a site where the Council has been seeking redevelopment for decades and where HIF partners have concluded that there is no alternative to the injection of exceptional amounts of public money.

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[19] Paragraph 1.19 of Mr Neale's proof (HE1/1)
[20] Inspector's note – Mr Neale (for HE) accepted these points in cross examination by Mr Harris. Mr Forshaw (for SBH) accepted the concessions made by HE and agreed that there was no contrary evidence to that of Mr Truss
[21] Paragraphs 105 to 110 of Mr Forshaw's proof (SBH1/1)

***Architectural quality: Why the need for assessment?***

60. A thorough understanding of the architectural quality of a proposal is, in almost all cases, critical to a proper assessment of its impact. Impact is about more than simple visibility. Particularly in a city centre location, the fact that a building is visible does not make it harmful. The nature of its effect will depend, in part, on its quality as a building in context. Every consideration of a large development by the Secretary of State involves a consideration of the quality of the scheme's architecture, having regard to its context. The requirement for an assessment of architectural quality runs through government policy at all levels.

61. In this case the objectors have not undertaken any coherent, objective assessment of architectural quality. The written evidence of HE and SBH does not contain any examination of the detail and quality of the architecture. At the Inquiry HE commented only on the heatmap element of the design evidence, together with the general arguments in support of a tall building in this location. Mr Neale stated in evidence that an assessment of the nature and quality of the proposed buildings was not necessary because of the development plan position which (in his view) meant that a tall building was inappropriate in this location. However, there is no such development plan position because:

    - all parties accept that, in policy terms, the application site is capable of acting as a gateway site;
    - there is no development plan policy identifying areas generally (or this area in particular) as inappropriate for tall buildings; and
    - the development plan states that "*it is considered that excessively tall or large buildings would be inappropriate in most gateway locations*" (emphasis added)[22].

62. There is nothing in the development plan which rules out an appropriately designed tall building at Anglia Square. Nor is there anything that justifies failing to consider architectural quality. Indeed, in relation to gateway markers, the policy context requires such a consideration.

63. Building for Life (BfL) is a government endorsed industry standard for well-designed homes which aims to ensure that the assessment of design quality is as objective as possible. The Council has assessed the proposals by reference to BfL and the applicants have assisted in this systematic process. The proposal performs well, as recorded in the evidence of the Council and the overarching SoCG. The attack on the Council's approach by NS was poorly aimed, involving a rewriting of the rules of the assessment. Its criticism of the density of the scheme, compared with permissible densities in Leeds and London, lacked cohesion and accuracy. It should be given little weight. What is important is the quality of the architecture and the nature of the effect of the proposals on interests of acknowledged importance. These include heritage assets and their settings.

64. The Council's officers have concluded that:

[22] Paragraph 3.6 of the DM Plan (CD2.3)

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- The proposal would create legible new streets that would (to a significant degree) reflect and restore historic routes across the site. At present the site is wholly impermeable. The suggestion in HE's written evidence that the existing site is more permeable than that which is proposed was dropped during evidence in chief.
- There would be good enclosure of surrounding streets and an appropriate mix of uses with active frontages.
- The massing of the blocks would create a varied form which would add interest and modulate scale through layering.
- The use of marker buildings at important entrances and the adoption of mansion block and warehouse typologies would reflect, not ape, its context.
- The use of different linking blocks to set off the taller tower element would be appropriate and proportionate.
- The creation of two large and well-proportioned public squares which would be well landscaped, usable and of high quality would represent high quality placemaking.

65. The Council has carefully considered the rationale for a taller element at this location, in the context of the development plan and its aspirations for achieving redevelopment. The analysis drew on expert knowledge of the site, its constraints and the needs of the area. It accepted the value of marking a site which represents the place of people's arrival in the city centre from the north. The regeneration case for a tall building as a symbol of renewal was also accepted. The Council's careful position on this matter includes the following:

- The Council does not see the existing pattern of Norwich as fixed. This approach is consistent with the NCCCA Appraisal's assessment of the need for radical change in this locality and HE's advice on the role of tall buildings which can play an important part in the shape of cities.
- The officers' report notes that "*a strategically positioned tower to the north of the city would be justified in terms of denoting how the area to the north of the river is no longer a 'poor relation' to the south. There is a need to address and to heal the demotion of this part of the city centre through neglect and lack of investment… the construction of a tower that advertises a focus of activity in this part of the city centre would further encourage people who do not live in the area to treat Anglia Square as part of the city centre….*"[23]
- The officers' report emphasises the fact that "*Anglia Square has been uniquely blighted by the damaging legacy of previous development…*[leading to] *a perception amongst many…that this is a place to be avoided. This site unlike any other is integral to the regeneration of an entire sector of the city. Development of Anglia Square has the scope to deliver transformative change and to allow the northern city centre to*

[23] Paragraph 367 of the officers' report (CD2.15)

*contribute and strengthen the wider Norwich city centre economy. A tall building on this site would recognise this stage in the evolution of the city.*"[24] As noted above, achieving transformative change is one of the criteria for HIF funding.

66. The potential for a tall building to be an important marker of regeneration is not new and has been accepted by the Secretary of State in a variety of cities across England. The ability of a tall building on the application site to act as a way-marker was also accepted by officers as indisputably true. Norwich is characterised by intricate and varied topography and street patterns, best understood on foot. A universal element of the experience of the city is that there is Norwich 'over the water' with its own distinctive character. However, the area beyond the bypass is hidden away, physically and psychologically separated from the rest of the city centre. Providing this area with its own character and identity would be an important public benefit.

67. This careful analysis was left unconsidered by HE. It was waved away on the false premise that the development plan precludes tall buildings in this location. The officers' report described the reasoning for locating the tower adjacent to St George Square as logical and appropriate. No party has argued for an alternative location within the site for a tall building. The report also considered the way in which the design of the tower has been given vertical emphasis. The concave facetted facades were identified as a particularly interesting feature, likely to have more effect in reality than the visualisations suggest. This would address the need for the tower to appear sufficiently slender whilst making it different to those in other cities.

68. Other elements of the design that would emphasise its slenderness and articulation were described in the evidence of Mr Vaughan (the scheme architect). These included the use of colour and vertical columns, opening the corners of the building and the tripartite arrangement of base, middle and top. Mr Vaughan's assessment is commended to the Secretary of State. The way in which these elements would be seen and appreciated at distance is an important part of the assessment. The photographs help but cannot do justice to what would be seen in reality. The architectural details of City Hall and the Anglican Cathedral can be appreciated from elevated vantage points to the east of the city centre. So too would the details of the proposed tower, which would be seen off to the right of the main nesting of city landmarks.

69. Dr Miele (the applicants' heritage witness) undertook an independent and comprehensive assessment of the tower, of a type that no objector has, by reference to three city scales:

*On the primary scale*

- The proportion of the tower and its height give the building a vertical scale, such that it would be sufficient to mark the location of the new centre, adding legibility to the city.

[24] Paragraph 368 of the officers' report (CD2.15)

- The height of the tower is proportionate to the scale of the city as a whole as perceived in more distant views.

*On the secondary scale*

- The open quality of the building where it meets the sky is distinctive and deliberately softens the effect of the top of the building.
- The open corners providing balconies would reduce visual impact and give direction and orientation to the building.
- The language of vertical piers introduced by the facades would be secondary to the corner slots and would modulate the scale of the building, reinforcing verticality.
- The diamond brickwork patterns at the top of the building would add to the articulation and would be appreciable in longer views, especially from the south.
- The folded or inflected plan form would be expressed as a vertical and very noticeable fold in each of the facades.
- All or most (depending on the viewpoint) of these architectural features would be apparent and readable across those parts of the NCCCA (and beyond) where the building would be seen.

On the tertiary scale, there are details of quality which are appreciated closer to. These details would be subject to approval of details.

70. Both Dr Miele and the Council have also carefully considered the rest of the proposals. The articulation of the buildings and the modelling of the lower blocks has been undertaken with care and skill. It is consistent with the guidance of the NCCCA Appraisal which calls for transformational development in respect of Anglia Square. As noted above, an understanding of architectural quality is essential to any assessment of impact and to the application of the policies of the development plan. Such assessments have, rightly, featured largely in decisions of the Secretary of State. However, no such assessment has been made by any of the objectors to this application. The dismissive approach of HE to these matters is particularly unfortunate. In closing for HE the suggestion was made that Mr Neale had indeed taken account of architectural quality. That submission was simply not supported by the written or oral evidence of Mr Neale.

71. Overall, the buildings have been very well designed in conjunction with the Council's design and conservation team. The design reflects the position of the site as a new residential quarter, the need to provide sufficient development to be deliverable and the need to effect the transformation of the area which is called for by the HIF criteria.

***Identifying accurately the impact of the proposal: the need to avoid hyperbole and exaggeration***

72. Closing submissions are not the place to engage with a view by view assessment. The decision maker will have the relevant images and will be guided by the Inspector's report. However, it is appropriate to consider matters of approach. HE's written evidence asserts that the proposals would "*cause severe harm to the*

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*character of the city*". Mr Neale accepted that, on his analysis, the harm would be "*bumping along the bottom of substantial harm on the spectrum of less than substantial harm*". Others have suggested that what is at stake in this Inquiry is the very "*character of Norwich as an exceptional historic city*". These are demonstrably overstated positions which, on reflection and having regard to the legal tests and the evidence, are clearly incorrect and disproportionate.

73. The impact on the NCCCA is discussed below. For now, it is relevant to note that Dr Miele finds a direct enhancement to the conservation area on the balance of impacts (close and distant). The issue of whether there could be 'severe' harm to the NCCCA as a whole raises important matters of approach that are relevant to all the heritage assets in question. It is common ground that the public benefit needed to outweigh any harm will depend upon the nature and extent of the harm. The more significant the harm, the more significant will be the public benefit required. If that were not the case, the balancing exercise would become relativistic and rootless.

74. Mr Neale accepted that knowing where you sit on the spectrum of less than substantial harm is important in understanding what type of public benefit might be sufficient to outweigh such harm. It follows that a qualitatively defensible approach to weighing harm is needed. Given that this is not a case where HE suggests that there would be substantial harm, it is important that this conclusion is not subverted by a hyperbolic characterisation of the actual level of harm.

75. Large parts of the NCCCA would not be impacted at all by the proposals. This may be seen from the locations of the agreed viewpoints which show that there are large parts of the very extensive NCCCA that would be unaffected. Moreover, Dr Miele produced a zone of visual impact[25] which demonstrates that topography and the street pattern of Norwich are such that the proposal would not be seen at all from most of the NCCCA. In these circumstances the impact on the asset as a whole is unlikely to be severe.

76. Of course, impacts that affect only part of a conservation area are still important. In the right circumstances they might even amount to substantial harm. That would be a matter of judgement as to what level of significance is harmed or drained away by the impact of the proposal and what level is retained. It is accepted as a matter of law by all parties that, for an impact to amount to substantial harm, then "*much if not all of its significance as an asset would need to be drained away*". In assessing where on the spectrum of less than substantial harm an impact lies, it is important that the logic of assessing what significance is lost and what significance is retained is not forgotten.

77. In his written evidence, Mr Neale asserts that less that substantial harm is not a qualitative concept at all[26], rather that it merely distinguishes such harm from substantial harm. That is not the correct approach. Less than substantial harm is, of necessity, a wide concept. As discussed above, the nature of the public benefit necessary to outweigh any less than substantial harm must depend on the qualitative extent of that harm. In this case, the assessment of harm to the

[25] Dr Miele's Appendix 11 (WH2/3)
[26] Paragraph 5.12 of Mr Neale's proof (HE1/1)

NCCCA must entail an examination of any significance lost and also any that is retained. Once this is done rationally and clearly, in the circumstances of this case, the characterisation of harm to the NCCCA as severe (or bumping up against the bottom of substantial harm) is not even close to being made out.

78. The adoption of the correct approach to assessing harm is even more important when considering impacts on the settings of listed buildings. Much of the significance of Norwich's exquisite listed buildings lies in their intrinsic value, including their fabric, form, function and interiors. In this case there would be no direct impact upon any listed building of any grade. This wealth of intrinsic significance, including the qualities which make the fabric of the city special, would all be preserved.

79. Whilst it is acknowledged that there would be listed building impacts, these would all be setting impacts. Applying the policy and law appropriately, none of the setting impacts of the proposal can truly be said to be severe. Nor can the impacts on the NCCCA. The fact that HE and SBH characterise them as such demonstrates an error of approach which fails to have proper regard to the nature and extent of the significance which is altered. This has resulted in an overblown and exaggerated analysis of harm.

*The suggestions of substantial harm to the NCCCA*

80. Some objectors, including SBH, go further than HE and allege substantial harm. The closing submissions of Mr Dale-Harris (Counsel for SBH) were surprising in that they echo submissions that were rejected very recently by the Secretary of State in the Chiswick Curve case[27]. In that case the Secretary of State has carefully considered the distinction between substantial and less than substantial harm. In the Framework the concept of substantial harm is deliberately twinned with "*or total loss of significance*". The Secretary of State has consistently found (in line with the High Court in *Bedford*[28]) that substantial harm occurs only when "*much if not all of the significance of an asset is drained away*" or when the significance of an asset is "*vitiated or very much reduced*." The Court held that 'substantial' and 'serious' are interchangeable in this context. In this case there is no impact which comes close to meeting that test.

81. The similarity of approach between HE and SAVE is notable. Great care needs to be taken with HE's characterisation of the impact on the significance of Norwich as a whole, and on several individual heritage assets, as 'severe' harm (but less than substantial or serious). Having recognised that the harms identified could not be 'substantial' in the terms of the Framework, it is not appropriate to put aside the reasons for this conclusion and then to characterise the nature of less than substantial harm as 'severe'.

[27] CD12.9
[28] CD12.10

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*Where and when to undertake the heritage balance*

82. At the Inquiry HE referred to a recent High Court decision[29] which appears to suggest that, for the statutory duty, the balance should be carried out internally as part of the assessment of whether an asset is harmed or preserved while for the Framework, if there is any harm (however minor) the paragraph 196 test should be applied with the alleged harms being tested against the public benefits as a whole, including the heritage benefits. Creating a position where there is a different statutory and policy test does not, on the face of it, appear consistent with *Mordue*[30]. That case indicated that if the decision maker follows the tests in the Framework then he will have correctly navigated the statutory tests.

83. Whatever the correct approach, it makes no practical difference in a case such as this where the heritage harms are all less than substantial. If heritage benefits outweigh heritage harms, then the outcome will be the same whichever path is followed.

*What is a heritage benefit in a conservation area?*

84. The proposition that the townscape benefits of the proposal are not to be regarded as heritage benefits is artificial. The existing buildings are identified in the NCCCA Appraisal as being negative features. They are harmful to its character and appearance. Removing them and replacing them with something that enhances the character and appearance of the conservation area would be a heritage benefit, just as their existing condition is a heritage harm. The creation of squares and re-establishing street patterns would be improvements to the fabric, character and appearance of the NCCCA. These would be both townscape benefits and heritage benefits.

*The wider views of Norwich*

85. Turning to the effects on the settings of listed buildings, all parties have adopted a form of tripartite assessment. These submissions start with the wider views then consider mid-distance and more local effects.

86. It is common ground that NCCCA contains landmarks which are relevant to understanding its significance. These landmarks, which are identified in the development plan, have settings. The nature of the landmarks is that their settings are extensive, including much of the city. The decision maker has a statutory duty to have regard to the effect of the proposal on each and all of these listed buildings and their settings as a whole. This assessment will also be relevant to a consideration of the effect of the proposal on the conservation area as a whole. However, not all elements of the setting will be equally important to the significance of an asset. Moreover, the setting is not itself a heritage asset. Settings are important insofar as they contribute to the significance of an asset.

87. The previous development plan sought to identify corridors of vision to the landmarks from particular vantage points. These corridors were to be definitively identified in a landmark views SPD. Whilst that document was never produced,

[29] City and Country Bramshill Ltd v SSHCLG - Waksman J [2019] EWHC 3437, appended to closing submissions for HE (HE11)
[30] CD10.14

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DM Plan Policy DM3 requires that proposals pay careful attention to the need to protect and enhance significant long views of the major landmarks. Specific views are identified in Appendix 8. These views are directional in their extent, insofar as the compass of each differs to reflect what is most important to that particular view. The focus of each view is the nest of significance created by the Roman Catholic Cathedral, the Anglican Cathedral and the Norman Castle. Within that nest the significance of other landmarks, including the Church of St Peter Mancroft and City Hall, can be seen and appreciated.

88. The way in which the development plan identifies significant long views of the major landmarks excludes Anglia Square. When one visits the vantage points in question this is wholly understandable. Although the wider city is in view at each vantage point, the focus of the view, and the repository of most significance, is the nest of heritage assets described above. Of course, the identification of significant views does not limit the extent of the decision maker's consideration. Nevertheless, it is highly relevant to note that the proposal falls outside the identified views when examining the proposition that the proposal would have a 'severe' impact on this element of the significance of the city. Moreover, in all of the works of art produced by Mr Neale, the focus of the views is on the main nest of significance. None of those views shows the site of Anglia Square.

89. In any event, the position of Anglia Square means that the impact of the proposal on the significance of the city landmarks as experienced from these vantage points can only ever be limited. This is because Anglia Square is significantly off to the north of the main nest of significance. The experience of visiting the relevant vantage points is the only true way of understanding the relationships at play. However, the larger scale print of the panoramic view[31] better reflects the nature of the visual relationships as seen by the human eye and is very helpful in this respect. It also demonstrates the way fine architectural details can be appreciated, even at a distance. Moreover, it shows significant modern development to the south of the nest of significance described above, development which has recently been added to by the construction of Pablo Fanque House[32].

90. In all of these circumstances, there would be no harm to the settings of the landmarks identified in the development plan, as seen in wider views.

*The wider pattern of development and the arguments against a tall building north of the river*

91. In its statement of case, HE refers to Norwich as a work of art. The impression is given that Norwich is a completed canvas which is not to be altered. We are told that the great landmarks are all buildings which represent church, state or municipality and that all are to the south of the river. HE mistakenly believed that this approach is embedded in the development plan. In planning terms this description is inaccurate. Norwich has long been identified as a focus for significant growth in the East of England for new homes and jobs, leisure, cultural and educational development. That growth is to be focussed on the city centre

[31] Enlarged print of view 8 panorama (WH21)
[32] Inspector's note – Pablo Fanque House has been recently completed and is not shown in WH21 which pre-dates its construction

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and in particular on its brownfield sites. This means accepting and embracing significant change in the city.

92. There is nothing in the development plan to suggest that the pattern of the city is fixed or that a taller building to the north of the river is a concept which would be profoundly at odds with the character of Norwich as a whole. That is a policy some might wish to see but it is not one which actually exists. Nor is there any need for tall buildings to be reserved for ecclesiastical, state or civic uses. That would be an anachronistic approach in a modern spatial context. Meeting housing need is the most significant social and spatial imperative of our time and the Secretary of State, in decision after decision, has accepted that high quality housing developments can include tall buildings. HE's suggestion that housing is, in principle, an inappropriate use for a tall building in Norwich is simply wrong.

93. HE's approach to these matters is best illustrated by its evidence in relation to the view from the castle and the view of the Cathedral across playing fields[33]. Views from the castle encompass the varied history of a modern, regional mercantile city. Buildings of all scales and types are present, some break the skyline and some do not. HE points out, correctly, that most of the tall buildings are to the south of the River Wensum. However, whilst all post-date the castle, none are identified as harming its predominance or significance. The application scheme would be almost a kilometre away. The composition of the view would remain the same and the extent of the view over the river valley would be unaltered. Dr Miele is right to say that there would be no interference with the ability to appreciate the castle's elevated position and its defensive purpose.

94. Turning to the view from Cathedral Meadow, Dr Miele assesses the harm to the significance of the Cathedral as being towards the bottom end of less than substantial harm[34], noting that:

    - the proposal would sit within the tree canopy line, which has been designed to frame views of the Cathedral;
    - the proposal would be well over a kilometre away;
    - the view would be part of a kinetic experience in which the focus of attention is constantly shifting; and
    - the light colouration and form of the proposed tower would assist in neutralising its impact overall.

95. To conclude on the wider impacts, the proposal would be visible and deliberately so. It would mark a new and successful residential and district centre to the north of the river Wensum. In so doing, it would not harm the views identified in the development plan. Nor would it detract from the ability to appreciate Norwich's great landmarks. The proposal would be located well to the north of the city landmarks in the same way (but with greater separation) that there are taller buildings to the south of the city centre. It would add incident to the wider view but would not cause harm. To the extent that there would be some very limited

[33] Views 12, 54 and 60 (CD7.81 SEI t)
[34] Paragraph 9.75 of Dr Miele's proof (WH2/1)

harm to kinetic views from Cathedral Meadow, these would fall to be weighed in the balance with heritage and other benefits.

*Effects upon the middle-distance heritage assets*

96. All relevant impacts upon the NCCCA and listed buildings must be considered on their merits. Nevertheless, it is important to note that the NCCCA Appraisal identifies specific views (both positive and negative) that are important to an understanding of the significance of the area. DM Plan Policy DM3(b) requires decision makers to pay careful attention to the need to protect these particular views. The impact of the proposal on these views is clearly an important material consideration (among others) when assessing the effects of the proposal. However, despite the policy requirement to do so, none of the objectors have done this assessment. Mr Neale does not even mention them. A conclusion of 'severe harm' without reference to these views is clearly deficient. The applicants have shown that, of the many views identified in the NCCCA, only two would be affected at all[35].

97. These closing submissions do not seek to rehearse the evidence in full. They will however identify what the applicants' case is and where in the documents the relevant evidence is to be found. The middle-distance effects can be described by reference to 4 groups of assets:

    Group 1 - Millennium Plain and Market Place

    Group 2 - St Andrew's Hall, Elm Hill and St Peter's Hungate

    Group 3 – Tombland, Wensum Street and Fye Bridge

    Group 4 – Colegate

98. Group 1 includes the Guildhall, the Church of St Peter Mancroft and City Hall, which are amongst the most powerful and iconic listed buildings in the city[36]. Their ability to accommodate change is exemplified by the way in which they co-exist with the Forum development, which is very different in terms of scale, materiality and use. The proposal would be seen fleetingly and at a distance. It would not impact upon any of the significant views identified in the NCCCA Appraisal and/or the development plan. The huge embodied significance in the assets in this area would be left untouched, as would the greater part of the setting of each asset. Dr Miele was right to conclude that there would be no material harm here.

99. Group 2 consists of St Andrew's Hall, Elm Hill and St Peter's Hungate[37]. The application site presently makes no contribution to the significance of the relevant assets. The townscape is varied and is not uniformly medieval. There is a modern student accommodation block within this group of buildings. The proposal would not impact on any of the significant views identified in the NCCCA Appraisal and/or the development plan. The alteration to the settings would be

[35] The NCCCA Appraisal views and the corresponding TVIA views are shown in WH14
[36] Views 11 and 53
[37] Views 22 and 55

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slight, distant and transient, seen in the backdrop of a strongly defined historic townscape which is powerful, layered and complex. Dr Miele identified no harm.

100. Group 3 comprises Tombland, Wensum Street and Fye Bridge[38]. There would be no inter-visibility between the proposal and Cathedral Close. None of the significant views identified in the NCCCA Appraisal would be affected. The setting of the Maid's Head Hotel is already rich, varied and powerful. There would be glimpsed and transitory views of the tower from a limited number of vantage points, all in the context of a busy urban environment. In this context any harm to the setting of this building would be negligible. Dr Miele identified harm in relation to Wensum Street and Fye Bridge (as elements within the NCCCA) and to associated listed buildings. However, he found the harm to be towards the lower end of less than substantial harm because the intrinsic significance of the assets would be unharmed, the proposal would be at some distance and it would be seen as a high quality piece of townscape.

101. Group 4 lies in and around Colegate[39]. At this distance the ugly existing buildings at Anglia Square are apparent. Moreover, there are existing large modern buildings (with consent for extensions) between this group and Anglia Square which form part of the current character and appearance of the area. The Council and applicants agree that the settings of the magnificent pair of listed buildings of the Church of St George and Bacon's House would be enhanced. Dr Miele concluded that there would be limited harm to Doughty's Hospital, within the category of less than substantial harm[40]. Any harm in these locations falls to be weighed against the benefits of the proposal, including benefits to the NCCCA.

*Local impacts*

102. The starting point for assessing the local impacts is the unremittingly negative impact of the existing buildings on the NCCCA and other heritage assets. Their replacement with buildings of architectural quality would be, in principle, a significant benefit. The Council and the applicants find that there would be significant heritage benefits flowing from the development but also some harms due to its volume and height. Dr Miele finds limited harm to the setting of the Church of St Augustine and the adjacent almshouses, even after factoring in the benefit to their settings arising from the removal of Sovereign House[41]. It is important to note here that the two dimensional images of the TVIA cannot do justice to the eventual relationship between the proposal and the almshouses. The images give the impression that all of the proposed buildings would appear to sit close behind the almshouses. In fact, as Mr Vaughan explained, the closest of the proposed buildings would be some 45m away whereas the tallest of the frontage buildings (appearing at the right hand side of the image) would be around 170m away. In reality, the experience of distance would be readily apparent to the observer.

[38] Views 23, 25 and 26 and the animation (WH27)
[39] Views 36, 37 and 38
[40] Paragraph 8.148 to 8.154 of Dr Miele's proof (WH2/1) and view 44
[41] Paragraph 7.62 (and following) of Dr Miele's proof (WH2/1) and views 32 and 33

103. Dr Miele also identified very limited/negligible harm identified to the ability to appreciate a partial view of the Cathedral when seen from Aylesham Road[42]. In closing, Mr Williams (for HE) referred to Dr Miele accepting harm "*even to the Cathedral*". However, the limited nature and extent of that harm must be properly borne in mind. Again, it is relevant to note that none of the views discussed in this section are identified as significant views in the NCCCA Appraisal.

*Overall judgements*

104. Dr Miele's overall judgment on the impact of the proposal is that, on balance, there would be benefit to the NCCCA as a whole. This is because of the massive beneficial effect of the proposal in comparison with the awful existing buildings together with the limited areas of harm elsewhere. Such a benefit should be given significant importance and weight. He finds limited to moderate harm, within the category of less than substantial harm, to the settings of listed buildings as set out above. This is on the basis that there would be no intrinsic harm to any listed building. Moreover, any impacts on settings would not be on parts of the settings which are critical to an appreciation of the asset.

105. The Council finds greater harm. This is not surprising because, given the nature and extent of the assets under consideration, it seems unlikely that the respective findings would be completely in line. In this case the Council's findings of higher levels of harm is actually of assistance to the decision maker. This is because the Council still found that the harm would be outweighed by the benefits of the proposal. Moreover, it is important to recall that Mr Webster (the Council's heritage witness) frankly observed that his 'sensitivity to harm dial' was set too high. On reflection, in the light of discussion at the Inquiry, he felt that some of his judgements were overstated[43].

106. HE and SBH, on the other hand, have clearly overstated the impacts. They have made no proper assessment of the architectural quality of the scheme and they have not had regard to the extent of significance that would be retained by the heritage assets in question. This is not a case where harm would be substantial or "*bumping along the bottom of substantial*" in relation to any heritage asset. As an example of this overblown approach, Mr Neale asserted that the proposal would harm "*every single medieval church in the City*". The Inspector asked for clarification of this remarkable claim in the context of the Secretary of State's statutory duty. No response was ever forthcoming.

***The public benefits of the proposal***

107. Where less than substantial harm to designated heritage assets is identified, such harm (which is to be given considerable weight and importance) falls to be weighed against the public benefits of the proposal which include heritage and all other public benefits. HE chose not to engage in the overall balance between

[42] View 49

[43] Inspector's note – in answer to my question regarding the level of harm to the Cathedral, as recorded in the officers' report, Mr Webster stated that he no longer took such a critical view, having listened to the arguments put at the Inquiry regarding the degree of significance that would be retained following an impact on setting.

harm and benefit and its limited attempts to challenge the weight given to various benefits by the local authority were not supported by evidence. In truth, HE is not in a position to be an objector, or to "*recommend that permission is refused*". It has neither the evidential basis nor the expertise to undertake the necessary balancing exercise. Whilst SBH sought to engage in the balance, in a very limited way, they did so from an inexpert and inappropriate position.

108. The Council is the party best placed to identify and weigh the public benefits of the proposal to its administrative area and its careful and balanced approach is commended to the Secretary of State. The Council's conclusions on benefits are especially pertinent bearing in mind that it identifies a more extensive basket of harm to be outweighed than the applicants did. In addition to the significant townscape and heritage benefits (discussed above), the Council has identified the following key matters:

- The regeneration of a strategically significant site. The council accurately describes the proposal when it says that it will "*enhance the physical appearance, the retail and leisure function and overall vibrancy of the site, create a new residential quarter at Anglia Square which will have good connectivity to the existing surrounding community, and boost the city's housing supply and confidence in the northern city centre as a location for wider re-development*" consistent with the ambitions of JCS11.

- The contribution to meeting the housing needs of the city. At the time of the officers' report the Council did not have a 5 year land supply. Despite the calculation of the housing land supply by way of a different methodology, the actual need for housing in the city is now greater. No doubt the Secretary of State will give substantial weight to the amount of housing that would be delivered by this proposal.

- The provision of 120 much needed affordable housing units, which the council has correctly identified as the minimum number to be provided in the circumstances of this large scale redevelopment.

- Economic development and support for vitality. There is currently over 16,000 sqm of vacant retail and commercial space at Anglia Square, just over half of the total space for retail, commercial and town centre uses[44]. The proposal would create a vibrant mix of uses and up to 762 new jobs (in addition to the up to 800 construction jobs). It would support the long term vitality and viability of the Magdalen Street/Anglia Square district centre and the role of the northern city centre in meeting the growth aspirations of the city as a whole.

- The absence of any evidence of any realistic deliverable alternative to the meeting of these powerful strategic imperatives.

109. Whilst the list of benefits ranges much wider, these 5 very weighty benefits go to the heart of the role that this important site should play in Norwich. They are clearly sufficient to outweigh any reasonable assessment of the less than

[44] Section 3 of WH6/1

substantial harm occasioned by the proposal. Indeed, the weight to be given to the benefits has increased during the course of the Inquiry:

- the ability of the city to meet its housing land supply position has significantly reduced in recent months;
- it is now much worse than the position as at the date of the officers' report, as confirmed in the Council's closing submissions;
- it is clear from recent decisions that the Secretary of State will now give very significant weight to the provision of housing and affordable housing, especially in circumstances where there is evidence of pressing and unmet need. The profound real world consequences of a failure to meet housing need include:
    - households having no settled home, representing a failure of the planning system to meet its most fundamental of duties;
    - house prices increasing in an unsustainable way;
    - families having to be split up because children cannot afford to live near their parents;
    - employers being unable to find a local workforce;
    - employees having to travel unsustainable distances for work;
- the air quality evidence (discussed below) has disclosed an improved position in relation to the site and its surroundings compared to that assessed in the officers' report; and
- matters relating to permeability and cycle access have all been resolved. CYC is no longer making any objections on these grounds.

110. In these circumstances the Council's conclusion that the public benefits outweigh the identified heritage harms is more than made out. The requirements of the Framework would be met and the proposal should be regarded as sustainable development in heritage terms.

***Other matters***

*Affordable housing and housing mix*

111. The proposal would provide 10% affordable housing, in accordance with the Council's requirement to secure an appropriately mixed and balanced community. On the basis of national and local policy, which has regard to viability, the proposal cannot be required to provide more. The viability position statement agreed with the Council and HE[45] underscores this position.

112. The Council's rebuttal evidence[46] shows how the mix proposed (for both market and affordable housing) best meets the most pressing needs of the city. That evidence is compelling.

[45] ID10
[46] NCC1/4

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*Air quality*

113. This was not one of the matters which the Secretary of State indicated that he particularly wished to be informed about, notwithstanding his consideration of the representations made by CYC. This is relevant because Professor Peckham, one of the authors of the written evidence for CYC, has argued in the Court of Appeal that the Secretary of State is obliged to call in all planning cases where there is potential for exceedances of the nitrogen dioxide ($NO_2$) limits identified in the relevant Air Quality Directive. The Courts did not accept Professor Peckham's case.

114. The case made against this proposal was based on 3 main propositions. As the potential for these arguments to fail became clear, new and different arguments took their place during the Inquiry. These submissions deal first with the case as originally advanced and then as it evolved, before setting out the applicants' positive case.

*The air quality case for CYC as originally advanced*

115. First, it was argued that the Secretary of State is under a duty to ensure compliance with the national air quality limit values "*within the shortest possible time*" and as a result "*any development* [in the UK] *which does not reduce air pollutants to legal compliance levels….will be found unlawful*". However:

- This proposition is hopelessly incorrect and has already been dismissed by the Court of Appeal.
- Thus in the case of *Shirley*[47], Professor Peckham argued that, because the national air quality targets for $NO_2$ had not been met, there was a duty on the Secretary of State to call in (and to refuse) any application where there was an issue about compliance with air quality standards.
- The court was clear that this proposition was incorrect. It is a shame that there is no reference to *Shirley* in the evidence for CYC.
- The Court held that, where there was a breach of the Directive, the "*single prescribed means of addressing the breach is the preparation of an air quality plan*". It went on to say that there was nothing in case law that supported Professor Peckham's assertion that "*land use planning powers and duties have to be exercised in any particular way - such as by imposing a moratorium on grants of planning permission for particular forms of development or for development of a particular scale whose effect might be to perpetuate or increase exceedances of limit values*."
- The Court went on to explain that, where air quality was an issue, the appropriate approach was to take it "*into account alongside other material considerations weighing for or against the proposal*" in the ordinary way.

116. The failure of this first limb was recognised in the opening statement for CYC when Dr Boswell (one of CYC's witnesses on air quality) stated that it was not

[47] CD10.24, see in particular paragraph 33

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his case that permission could not be granted where there were exceedances but, rather, that such exceedances ought to be reduced as soon as possible.

117. Second, it was suggested in the statement of case and the original proofs that the Secretary of State is obliged to ignore potential enhancements in air quality as a result of regulations and policy during the lifetime of the project. However:

- This second proposition relies on a misunderstanding of the *Gladman*[48] case and is patently incorrect. Again, Professor Peckham was involved.
- The Court of Appeal found that, in the absence of any evidence on the potential quantum of improvements, the Inspector was entitled to place little reliance on them. In particular, "*He was entitled to rely on the evidence before him rather than the evidence that might have been produced but was not*".
- The Court also referred to the fact that there was no evidence before the Inspector regarding the possible consequences of government policy in relation to $NO_2$ concentrations.
- The position here is very different. The Government has now issued vehicle emission regulations and specific evidence-based guidance on fleet emission factors and likely background concentrations. This guidance is designed to enable the assessment of the relevant levels in future years.
- The Planning Inspectorate has recently given clear guidance that a failure to take into account anticipated improvements in air quality when establishing a future baseline for emissions would now be legally unsound[49].
- This Inquiry has evidence-based guidance on how to approach likely future background concentrations of $NO_2$ and particulate matter ($PM_{10}$). It must use this evidence, which establishes that the proposal can proceed consistent with the relevant air quality policy.
- This Inquiry also has the CURED v3A[50] sensitivity test for $NO_2$, which was recently described by the Wealden Inspector and Natural England as appropriately precautionary.
- The use of either of these scientifically credible tools establishes that there is no air quality reason for withholding permission at this sustainable site.

118. Third, it was argued that planning permission should be refused on air quality grounds because the existing and predicted levels of $NO_2$ and other pollutants are such that the site is not appropriate for housing at all[51]. Dr Mills confirmed in his evidence in chief that this was his position. He suggested that new

[48] CD15.118
[49] Inspector's interim findings on Wealden Local Plan examination (CD10.23)
[50] Calculator Using Realistic Emissions for Diesels – an emissions factor calculator issued by Air Quality Consultants (CD15.27)
[51] Paragraph 4 of the proof of Professor Peckham/Dr Mills (the proof was written jointly and Dr Mills attended the Inquiry to give evidence) (CYC3/1)

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housing would be "*best placed out in the fields*" where it would have a reduced air quality impact and that the application site could become a park.

119. However, the application site affords a high degree of accessibility to all modes of travel. It is likely to be the best available brownfield site in the Norwich urban area in transport and overall sustainability terms. It would be ironic if such a site were lost to housing development due to an air quality objection driven by existing vehicle emissions, particularly when one of the key benefits of the scheme is that it would improve the ability for new residents to make sustainable transport choices.

120. CYC's alternative suggestion was that the quantum of development should be reduced and a 13m grass and woodland border should be provided around the entire proposal. The status of this suggestion is now unknown[52]. For the reasons identified above, such a suggestion would make redevelopment undeliverable.

*Use of CURED 3A is reasonable and precautionary*

121. Turning to the new points that emerged during the Inquiry, there was an extraordinary volte face in CYC's case regarding the use of CURED v3A. The applicants' air quality evidence followed guidance from the Department for Environment, Food and Rural Affairs (DEFRA) that decision makers should have regard to Emissions Factor Toolkit (EFT) v9 when identifying the impact of policy changes on vehicle emissions of $NO_2$. CYC accepted that it was right to have regard to such policy changes and argued that, in addition to EFT, it would be reasonable and precautionary to use CURED v3A as a sensitivity test in this case. This was the unambiguous position of this Rule 6 Party in its rebuttal proof of evidence[53].

122. The applicants then re-ran the assessment using the CURED v3A toolkit to provide a sensitivity test, as suggested by CYC. This exercise showed that, when considered with the most up-to-date measured baseline figures and in line with policy, the proposal gives rise to no air quality issues[54]. When this outcome became known to CYC its previously unambiguous position on the use of CURED v3A was jettisoned. In closing, CYC now says that the CURED v3A dataset should not be used at all[55]. This inability to accept that which was uncomfortable for its case characterised the air quality element of CYC's case.

*Use of bias factors*

123. At the start of the Inquiry CYC was arguing that the Council had inappropriately used local bias factors when carrying out its duties under the Environment Act. CYC suggested that the Council should have used the national bias factors. When it became apparent that using the most up-to-date national figures would have made no difference to the results, the suggestion was advanced that an

[52] Inspector's note – this suggestion is contained in the summary of the proof. When asked about it in cross examination by Mr Harris, Dr Mills said that it could be disregarded
[53] Inspector's note – row 36 of the Air Quality Statement of Common Ground (ID11) records that CYC considered that CURED v3A is a "*valuable tool for sensitivity testing*" in an AQA. CYC disagreed that it should be regarded as precautionary.
[54] The results are set out in WH20 and WH24
[55] Paragraph 73 of the closing submissions (CYC14)

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adjusted national figure ought to be used. This adjustment was made unilaterally by Dr Boswell, without reference to DEFRA or the Council. This is a hopeless approach. The Council is required to use either local or national figures (and to explain why) as part of its submission to DEFRA. The Council's Air Quality Management Area (AQMA) Report was undertaken in accordance with the regulations and guidance, it has been approved by DEFRA and there has been no challenge to that approval.

124. If the approach suggested by Dr Boswell in closing were to be adopted, it is difficult to see how any local air quality authority could make any realistic assessment of air quality under the present regime. Dr Boswell was asked by the Inspector how he thought the analysis should be done, given his criticisms of both local and national data sets. No realistic answer was forthcoming. If Dr Boswell is right then every single AQMA report submitted to DEFRA in accordance with the Environment Act would be incorrect and unreliable.

125. In any event, the most up-to-date measured levels of pollutants fall so far below the limit levels that there is no realistic prospect (having regard either to CURED v3A or to EFT v9) of even CYC's typical range of bias factors making any difference to the conclusions to be reached in the circumstances of this case.

*The applicants' case on air quality*

126. Air quality is to be considered on its merits alongside all of the other benefits and harms of the proposal. That has been confirmed by the *Shirley case*. The limit values applicable for $NO_2$ and $PM_{10}$ for planning purposes are clear and well understood. CYC may prefer alternative levels but that is not a matter for this Inquiry. At the time of the officers' report, it was accepted that there was likely to be an increase in concentrations of relevant pollutants as a result of the proposals. In a 'no policy world' this would have included modelled exceedances for $NO_2$ in some locations, including at Edward Street. At all locations the modelled concentrations of $PM_{10}$ fell way below the relevant limit values.

127. However, these results were not seen as justifying a refusal of planning permission when considered in the overall planning balance. Moreover, the Council's air quality officer considered that the results at Edward Street were anomalous. This was because the concentrations modelled there were higher than some of the highest readings at the city centre bus interchange. An air quality condition requiring further modelling and mitigation was therefore put in place.

128. Following the resolution to grant planning permission the application was called in. Air quality was not identified as a reason for the call in and no further specific air quality measurements were taken. However, during the course of the Inquiry, the Council's latest readings for the AQMA as a whole became available. These are the fullest and most up-to-date readings before the Inquiry and should therefore be used. The measured figures for Edward Street are well below the previously modelled figures and also well below the relevant limits for $NO_2$, confirming that the modelled figures were (as suspected) anomalous. Given that these were measured figures, Dr Boswell's detailed criticisms of the model are irrelevant.

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129. Having regard to the EFT guidance and the Wealden Inspector's interim findings, the Council now accepts that the impact of policy on vehicle emissions must be taken into account. When the up-to-date baseline readings are used and either the EFT v9 toolkit or the CURED 3A dataset are used, then the concentrations of both $NO_2$ and $PM_{10}$ fall well below the relevant limit levels at all relevant receptors[56]. Taken together with the fact that development in this location has the potential to reduce significantly overall vehicle mileage in the AQMA, then the conclusion that it should be developed as proposed and not left fallow becomes compelling.

130. The redevelopment of this sustainable urban site should not be halted by air condition concerns. All air quality matters have been minimised as far as practical and/or can be dealt with by way of conditions. Rather than being an air quality problem, this site forms an essential part of the solution to the challenge of accommodating significant and sustainable growth in housing and jobs in the city centre.

### *Overall conclusion*

131. The proposal before the Inquiry represents an opportunity for the planning system to address the dilemma that is Anglia Square and to unlock the potential of a site which lies at the heart of the spatial strategy for Norwich. That opportunity must now be taken.

## THE CASE FOR THE LOCAL PLANNING AUTHORITY - NORWICH CITY COUNCIL[57]

### *Introduction*

132. The application was considered with great care in the report of the Head of Planning Services[58] and it was recommended, on balance, that planning permission should be granted. The Planning Applications Committee resolved to accept that recommendation on 6 December 2018. It was right to do so. It remains the Council's case that the proposal should be permitted. These submissions deal with the following:

- Background
- The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment
- The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes
- The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy
- Air quality

[56] WH20 and WH24
[57] The full closing submissions, which are summarised here, are at NCC/23
[58] CD2.15

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- Viability and the prospects for delivery of the scheme as a whole
- The extent to which the proposed development is consistent with the development plan for the area
- Overview and conclusions

***Background***

133. Anglia Square is the most significant development opportunity in the northern part of the city centre and one of the Council's most important priorities for regeneration. Development plan policies have reflected this objective since 2004. Anglia Square is a large and highly prominent brownfield site. It is probably the most sustainably located development site in Norfolk both as a destination and a place to live[59]. Its redevelopment is integral to meeting the strategic objectives for the northern city centre and the city as a whole.

134. The Council's vision has not been delivered. The physical condition of Anglia Square and levels of vacancy have continued to decline and worsen. Although the shopping centre remains important for the local community, its image is poor. Out of hours, it is unused, unwelcoming and attracts anti-social behaviour and heightened levels of crime. It blights this part of the city and undermines the role and viability of the Anglia Square/Magdalen Street LDC.

135. The Council's strategic objectives for Anglia Square and JCS Policy 11, which deals with the city centre, remain sound and consistent with Government policy in terms of promoting significant growth in sustainable locations and supporting the economic and social roles that city centres play. Following sustained decline over the last two decades the need to unlock this site for comprehensive redevelopment is now more pressing than ever. Continued dereliction is not a sustainable option and great weight should be attached to delivering the regeneration objectives for the site. The application proposal would indeed deliver those objectives.

***The extent to which the proposal is consistent with the Government's policies for conserving and enhancing the historic environment***

*Introduction*

136. At the Inquiry there was universal agreement that Norwich is one of England's great historic cities and a place of exceptional significance[60]. The desirability of redeveloping Anglia Square is also common ground. Mr Neale said that Anglia Square has proved a misconceived venture and has long been seen as having harmed the character of Norwich. Mr Forshaw (SBH's heritage witness) described Anglia Square as sitting like a cuckoo in the nest within this remarkable medieval city[61]. Although Mr Forshaw said that Anglia Square has moderate/high archaeological/historical value, he agreed in cross-examination that he was not suggesting that this value justified failing to redevelop the site.

[59] Paragraph 3.1 of Mr Bentley's proof (NCC3/1)
[60] Paragraph 6.4 of Mr Neale's proof (HE1/1)
[61] Paragraph 103 of Mr Forshaw's proof (SBH1/1)

137. The proposal would impact on the significance of NCCCA and other designated heritage assets and would result in less than substantial harm. The extent and nature of this impact has been considered in detail in the committee report and in the evidence. Contrary to the suggestion put in cross-examination of Mr Webster, the Council has assessed the effects on designated heritage assets in the light of the relevant statutory duties[62]. The Council has judged that the impacts vary in magnitude. In some cases, the impacts relate to assets which are of the highest national importance. However, in all cases the impacts amount to less than substantial harm in the terms of the Framework.

138. Overall, the Council's view is that the level of harm to heritage assets is lower than that assessed by HE, SBH and NS, although higher than that assessed by the applicant. Nevertheless, given the designated heritage assets involved, great weight should be given to conservation of those assets. Paragraph 194 of the Framework states that harm requires clear and convincing justification.

139. The Council has had regard to the heritage benefits of the scheme, the circumstances which have resulted in the deterioration of Anglia Square, the desirability that development should come forward without further delay and the prospects of an alternative form of development which would avoid or result in less harm being delivered. Having considered all these factors, the Council concludes that the harm is justified, albeit that great weight should be attached to the less than substantial impact of the development on heritage assets.

*General approach*

Judgements as to the extent of any harm, and in particular whether any harm is substantial or less than substantial, should be made in accordance with the *Bedford*[63] case and the Chiswick Curve[64] appeal decision. The Inspector in the Chiswick Curve set out the threshold for substantial harm:

"The High Court in *Bedford* addressed that question head-on concluding that: *one was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*. To put it another way, substantial harm would be caused if: *very much if not all of the significance of the asset was drained away*."

140. The Inspector also gave guidance on setting impacts:

"*Having regard to the conclusions in Bedford, notwithstanding questions of scale, design and prominence, substantial harm could only be caused if the heritage asset concerned derived most of its significance from its setting. It is difficult to see how very much if not all of the significance could be drained away otherwise. One can think of examples such as fortifications, eye-catchers or follies, or lighthouses, perhaps, where a good deal of the asset's significance*

[62] Paragraphs 375, 376, 425 and 587 of the officers' report (CD2.15). These paragraphs (as well as the rest of the extensive consideration of design and heritage) show that any suggestion that the committee was not properly advised is wholly misconceived
[63] CD12.10
[64] CD12.9, see paragraphs 12.137 and 12.145 of the report and paragraph 25 of the Secretary of State's decision

*would be contained in its setting. On that basis, the PPG is not wrong, in general terms*."

141. The Secretary of State accepted this reasoning. Although that decision was later challenged, the challenge is not in relation to this point. It follows that substantial harm is a high test, particularly where the impacts are confined to settings. As the Chiswick Curve Inspector observed, it is hard to see how a setting impact can cause substantial harm unless the asset concerned derives most of its significance from its setting. It follows that a judgement about the extent of harm can be made only in the context of an analysis of the significance remaining after the impact of the proposal in question. Mr Neale accepted this point in cross-examination. However, there is no evidence that either Mr Neale or Mr Forshaw carried out this part of the analysis in relation to the NCCCA or the relevant designated assets.

142. It was also agreed that the impact of the application proposals in any particular view must take account of the impact of the existing Anglia Square and the fact that such impact would be removed. The existing buildings, which would be removed, form the baseline for any assessment.

*Local policy and guidance*

143. Although Mr Neale suggested that the scheme had not been produced in response to the Local Plan[65], in fact local policy supports the redevelopment of Anglia Square, including tall buildings. The Northern City Centre Action Area Plan allocated the Site for comprehensive mixed-use redevelopment[66]. That plan has expired. Nevertheless, JCS Policy 11 promotes comprehensive regeneration within the northern city centre. The key diagram for the city centre specifically identifies Anglia Square as an area of change with mixed-use development[67].

144. Policy DM3(a) of the DM Plan[68] promotes major development at the main gateways to the city, as shown on the proposals map[69]. At the Inquiry it was common ground that the application site is a gateway site in the terms of the DM Plan. Whilst Mr Neale and Mr Forshaw expressed regret that the site is so identified, that is what the development plan says. It is clear from Policy DM3(a) and the explanatory text[70] that gateways may be marked by landmark buildings. These are defined as buildings that stand out from their surroundings. Mr Neale suggested during cross-examination that the DM Plan has a preference against tall buildings in this location. That is plainly not the case. Landmarks or tall buildings are explicitly contemplated so long as they are not "*excessively tall or large*".

145. The NCCCA Appraisal, which is consistent with the DM Plan, contains management and enhancement principles for Anglia Square[71]. Principle 1 is that

[65] Paragraph 9.69 of Mr Neale's proof (HE1/1)
[66] Page 67 of CD2.12,
[67] Pages 70 and 73 of CD2.2
[68] CD2.3
[69] CD12.11
[70] Paragraph 3.6 of CD2.3
[71] Page 48 of CD2.10

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the scale of existing buildings should be respected where the redevelopment meets existing development along Magdalen Street. However, that does not require the scale of buildings within the redevelopment to be the same as buildings along Magdalen Street. Principle 2 says that large scale buildings are appropriate near the Ring Road. The PGN (adopted in 2017) states that the rejuvenated Anglia Square should have a distinctive identity. It expressly contemplates tall buildings[72]. It is clear that the PGN does not envisage a redevelopment that would have the same form as the immediate surroundings.

*The impact of the proposals – relevance of retained significance*

146. The four heritage witnesses at the Inquiry have set out their conclusions and reasoning in detail. These submissions seek to assist the Secretary of State's own judgements on the evidence of the experts and on the overall heritage impact. As discussed above, a judgement as to the degree of harm can only be reached once one considers how much of the significance of an asset would be retained. Mr Webster undertook this exercise, observing that:

"*It seems logical to suggest that the conclusion of severe harm to the character of the entire city could only be reached if a much larger proportion of individual assets were experiencing major harm. There are large parts of the city centre conservation area where no view of the development can be obtained and the setting of heritage assets will be unaffected. This can be seen from the spread of verified viewpoints in figure 2*."[73]

When the retained significance of the NCCCA (and individual heritage assets) is taken into account, it is plain that the degree of harm falls short of substantial harm.

*The need to take account of benefits as well as adverse impacts*

147. It is important to take account of any heritage benefits as well as heritage impacts, whether that is done as an internal balance for each asset (as *Bramshill*[74] suggests is appropriate in the context of sections 66 and 72 of the Listed Buildings Act) or as part of the public benefits which are to be balanced against any heritage harm that has been identified before considering any benefits under paragraph 196 of the Framework (as *Bramshill* suggests when applying Framework policy).

148. The heritage benefits would be substantial. It is common ground that Anglia Square blights the city. Mr Neale and Mr Forshaw agreed with the view expressed in the NCCCA Appraisal that Anglia Square is of very poor townscape quality. It severs the housing areas to the north from the rest of the historic centre and has a negative impact on the character and appearance of the wider conservation area[75]. Mr Webster considered that the removal of the existing buildings, together with the undeveloped wasteland off Pitt Street, would be a

[72] Paragraph 7.91 of CD2.11
[73] Paragraph 5.2 of Mr Webster's proof (NCC2/1)
[74] City and Country Bramshill v Secretary of State [2019] EWHC 3437 (Admin), appended to HE's closing submissions (HE11)
[75] Pages 43 and 44 of CD2.10

substantial benefit. Mr Neale accepted that the replacement would be a development of far higher quality[76].

149. The scheme would provide new streets and squares with high quality landscape treatment. Combined with the new residential accommodation, this would attract people to the area. Mr Neale accepted that the alignment of the new streets would be close to those which previously existed[77]. This would increase permeability and provide a clear relationship with surrounding streets.

150. The proposal would create framed views of St Augustine's Church and the Cathedral[78], thereby contributing to the ability to experience these heritage assets. Mr Forshaw contested these benefits, arguing that the Church and Cathedral can already be seen from within the site. Even so, the present view of the Church is dominated by ugly buildings and a surface car park. The proposal would focus the view along an attractive public route. The present view of the Cathedral is from an unattractive and largely unused upper deck so it is likely to be appreciated by few. Moreover, the proposal would improve the settings of the Church and the Gildencroft almshouses by removing Sovereign House, the multi-story car park and the surface car parks. It would also bring better quality development to the west side of Magdalen Street, improving the street scene and the settings of the assets within it[79].

151. Neither Mr Neale nor Mr Forshaw took sufficient account of the effect of the existing buildings on longer views. For example, Anglia Square is very prominent in the panorama from St James' Hill (view 8). Any assessment of the impact of the scheme must take account of whether the proposal would cause greater harm than the existing buildings. It is not clear that HE or SBH have done that. For example, Mr Forshaw commented on the effect of the proposal on views 7, 8 and 10 but made no acknowledgement of the impact of the existing buildings[80].

*Views identified in the Local Plan and Conservation Area Appraisal*

152. Policy DM3(b) of the DM Plan states that the design of new buildings must pay careful attention to the need to protect and enhance significant long views of the major city landmarks that are identified in appendix 8 (of the DM Plan) and those identified in conservation area appraisals. The appendix 8 views specifically protect cones of vision of the major landmarks. The proposal would not impinge on any of those cones of vision and it would remain possible to appreciate the landmarks.

153. There was agreement between the experts as to the viewpoints that should be included in the compendium of views. However, few of those are referred to as positive views in the NCCCA Appraisal[81]. None of the views referred to in Mr

[76] Paragraphs 8.14 and 8.22 of Mr Neale's proof (HE1/1)
[77] They would also be close to the Anglo Scandinavian street pattern (WH26)
[78] Page 53 of Mr Vaughan's proof (WH1/1)
[79] Paragraphs 405 to 408 and 419 to 422 of the officers' report (CD2.15) and paragraph 3.3 of Mr Webster's rebuttal (NCC2/4)
[80] Page 7 of Mr Forshaw's proof (SBH1/1)
[81] CD2.10

Neale's section on Anglia Square and its environs[82] as experiencing negative effects is identified as a positive view in the NCCCA Appraisal. In his section on '*Intimacy of the City*'[83], none of the views is referred to in the NCCCA Appraisal as a positive view. Finally, in his section on the '*Image of the City*' emphasis is placed on views from the castle ramparts[84]. However, again, this is not identified as a positive view in the NCCCA Appraisal.

*Norwich is not immutable*

154. National policy recognises that the setting of heritage assets can change over time. HE's guidance on settings recognises that changes to settings may enhance significance[85]. Norwich is bound to change given its role in the development plan as a regional centre. Norwich has changed throughout its history. All periods of architecture are represented in the NCCCA, including the 19th century shoe factories north of the Wensum, the 20th century City Hall and the more recent Forum (by Michael Hopkins, much commended by Mr Neale and Mr Forshaw) facing St Peter Mancroft.

155. Mr Neale recognised this character of change, producing images of buildings of more than six storeys within the city. Whilst he said that some of those buildings affect the City negatively, he accepted that this does not mean that there must never be anything built in the north of the city which breaks the roof scape[86]. Views may reasonably differ on the effects of particular tall buildings. Pablo Fanque House was permitted following a supportive design review by Design South East. Mr Webster, in contrast to HE, considers this to be a successful addition to the skyline of Norwich. There is no policy support for Mr Neale's view that any tall buildings should be ecclesiastical or civic in function. There is no reason why tall buildings (in sustainable locations) should not be residential and no reason why a tall building should not mark the regeneration of this part of the city.

*Taking account of design*

156. An appreciation of the design of the scheme is an important part of any assessment of its heritage impact. Mr Neale accepted that an understanding of the design of the proposal was relevant[87]. HE's Guidance on Tall Buildings confirms the importance of design to the acceptability of tall buildings, including form and massing, proportion and silhouette, facing materials and detailed surface design[88]. However, in contrast to Mr Webster[89], neither HE nor SBH made any detailed assessment of design. Mr Webster's approach, which assesses the heritage impact in the light of the detailed design, is the correct

[82] Paragraphs 8.7 to 8.41 of Mr Neale's proof (HE1/1)
[83] Paragraphs 8.45 to 8.58 of Mr Neale's proof (HE1/1)
[84] Paragraph 8.69 of Mr Neale's proof (HE1/1) and view 12
[85] Page 4, CD11.18
[86] Mr Neale's Appendix 4 (HE1/5) and paragraphs 6.77 and 7.20 of his proof (HE1/1)
[87] Inspector's note – asked by Mr Harris whether the quality of design is relevant to the issue of impact, Mr Neale commented that it can be
[88] Paragraph 4.8 and checklist at page 8 of CD11.19
[89] Paragraph 371 of the officers' report (CD2.15)

one. Moreover, he said that particular design characteristics of the proposed tower would be seen over a considerable distance.

*The need for a fair and balanced approach*

157. The Council commends Mr Webster as a balanced and independent assessor of the heritage impacts. He was a conspicuously careful and fair witness, prepared to reconsider his initial conclusions in the light of others' views. For example, he said in his rebuttal evidence[90] that the impacts on Doughty's Hospital and St Augustine's Church should be amended from negligible to minor harm, having regard to the evidence of Mr Neale and Mr Forshaw. On the other hand, he said in oral evidence[91] that he felt he had set his 'control dial' too sensitively. His opinion of the impact on various assets was not now quite as critical as formerly[92].

158. The evidence of Mr Forshaw was lacking in balance. He alone asserted that the effect on the NCCCA would be substantial. Moreover, he identified what he described as a 'serious' impact on individual heritage assets in the vicinity of Anglia Square. In relation to six of the seven assets, his evidence was seriously flawed:

- In relation to St Augustine's Church and Gildencroft, he took no account of the benefit to the settings of these assets from removing the existing buildings and car parking at Anglia Square;
- In relation to the churches of St Martin at Oak and St Mary Coslany, he took no account of the extant planning permissions for redevelopment of St Mary's Works and extension of St Crispin's House, both of which would mean that the impact of the application proposals would be much reduced; and
- In relation to St George Colegate and Bacon's House he said that the new development would "*completely break the spell of being in a medieval city*" whereas modern development is already visible in views north from these assets[93].

159. Mr Webster considered that Mr Neale's evidence was more balanced than that of Mr Forshaw. Even so, Mr Neale's view that every medieval church in Norwich would be harmed by the proposals, a view not supported by evidence, suggests that his assessment was not wholly fair[94].

*Whether there would be a substantial impact*

160. No party suggested that there would be substantial harm to any listed building. Mr Forshaw, alone, contended that there would be substantial harm to the

[90] Paragraph 2.6 of NCC2/4
[91] In cross-examination by Mr Williams
[92] Inspector's note – Mr Webster made this comment in response to my questions about long views of the Cathedral
[93] Paragraphs 46 to 50 of Mr Forshaw's proof (SBH1/1), see also WH15 and the animation at WH27
[94] Mr Neale's Appendix 6 (HE1/7)

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NCCCA. Applying the proper test, in line with the Chiswick Curve decision, that is plainly wrong. The correct approach requires an examination of the heritage interest retained as well as consideration of what is lost. Mr Forshaw relied on the Smithfield appeal decision. In that case replacement of the General Market Hall with a large block of offices and the addition of a tall office block on the Annex Market was held to cause substantial harm to the significance of the Smithfield Conservation Area as a whole. However, these buildings were part of the Western Market Buildings, of which the Inspector said:

"*This outstanding group of market buildings is of central importance to the distinctive character and appearance of the Smithfield CA, and as its most significant defining characteristic, makes a vital contribution to the significance of the CA as a whole*."[95]

161. In the Smithfield case the harm arose from fundamental physical change to a set of buildings which was the most significant defining characteristic of the conservation area. The facts here are far removed from the circumstances in the Smithfield case. The contention that there would be substantial harm to the NCCCA from the present proposal is untenable.

***The extent to which the proposal is consistent with the Government's policies for delivering a sufficient supply of homes***

162. It is a core objective of the Framework to significantly boost the supply of homes. There is a great need for housing in Norwich. The proposal represents the most significant housing project within the city that is capable of being delivered over the next decade. It has the scope to deliver two years of Norwich's housing needs, significantly boosting the supply of homes. Furthermore, it would make a significant contribution to meeting identified local housing need in terms of size, type and tenure. Although the amount of affordable housing would be below the policy target, the 102 social rented properties and 18 intermediate homes would nevertheless make a very substantial contribution to addressing housing need in this part of the city.

163. Paragraph 117 of the Framework states that planning decisions should promote the effective use of land in meeting the need for homes and other uses and that as much use as possible should be made of previously-developed land. Paragraph 118 states that planning decisions should give substantial weight to the value of using brownfield land within settlements for homes to meet identified needs. Anglia Square is the highest profile brownfield site in the city centre. The proposal would unlock this under-used site and focus residential development in an accessible location which offers a genuine choice of transport modes, consistent with paragraph 103 of the Framework.

164. Until the introduction of the standard method of calculating housing need, the 5 year supply was measured in relation to the Norwich Policy Area[96] (NPA), which is the area of the county centred on and strongly influenced by Norwich. Since the introduction of the standard method, supply has to be calculated by reference to whole districts. The three Greater Norwich districts (Norwich,

[95] Paragraphs 408 and 433 of the Inspector's report (CD12.6)
[96] The NPA is defined in the glossary at appendix 9 of the JCS (CD2.1)

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Broadland and South Norfolk) calculate the 5 year supply by reference to the Greater Norwich area, which comprises those three districts. Greater Norwich meets the 5 year supply requirement, with 5.89 years.

165. However, there is a substantial shortfall in supply in the urban area centred on Norwich. Norwich itself has just over 4 years' supply[97]. If supply is calculated in relation to the JCS housing requirement the NPA has 3.36 years[98]. There has been historic under-delivery against the targets set out in the JCS[99]. Housing need remains high and the proposed scheme would make a major contribution to meeting the housing needs of Norwich and the surrounding urban area.

*Housing mix*

166. The most recent Strategic Housing Market Assessment (SHMA)[100] shows that about 36% of the predicted need for market and affordable housing (over 15,000 dwellings) is for one and two-bedroom flats. The housing mix proposed is mainly one and two-bedroom flats, with nine three-bedroom houses. There is therefore a significant need for housing of the type and size proposed and the development is capable of meeting a substantial part of this identified need. Moreover, 10% would be built to meet 2015 Building Regulations M4(2) for accessible and adaptable dwellings.

167. Dr Boswell argued that the scheme would not contribute sufficiently to affordable housing needs[101]. However:

- It is clear from the viability evidence that the scheme is only marginally viable and the maximum reasonable affordable housing would be provided.
- Contrary to Dr Boswell's assertion, the scheme is likely to deliver affordable housing sooner than 2024. The section 106 Agreement provides that no more than 200 units in Block A could be occupied until Block D has been completed and transferred to a Registered Provider[102].
- Dr Boswell argued that the affordable housing should contain a higher proportion of two-bedroom units. Mr Turnbull (the Council's interim housing manager) showed that demand for two-bedroom flats is very low and the greatest need is for one-bedroom flats[103].
- Dr Boswell contended that houses, not flats, should be provided. Mr Parkin explained that, within the Anglia Square LDC, commercial uses need to be provided at ground floor level. It is not therefore possible for the scheme to focus on provision of houses.

168. Overall, the delivery of housing would positively support the objectives of the development plan and the Framework. Great weight should be given to the

[97] Pages 9 and 12 of the latest annual monitoring report (NCC15)
[98] As set out in NCC16, this represents a worsening of the position since the officers' report, when the supply in the NPA was reported as 4.61 years (paragraph 192 of CD2.15)
[99] Paragraph 9.5 of Mr Parkin's proof (NCC1/1)
[100] Figure 83, CD2.21
[101] NGP1
[102] Schedule 2 of the s106 Agreement (PID1)
[103] Paragraph 23 of Mr Turnbull's statement, at appendix 1 to Mr Parkin's rebuttal (NCC1/4)

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scheme's contribution to boosting the supply of homes in Norwich. Significant weight should be given to the provision of homes of a size, type and tenure which would meet locally identified housing need, make effective use of a brownfield site and enable major residential development to be focused in a highly sustainable site.

***The extent to which the proposal is consistent with the Government's policies for building a strong, competitive economy***

169. The proposal would bring significant direct economic benefits together with indirect benefits through boosting the attractiveness of the city to inward investment, thereby stimulating wider changes. As it stands, Anglia Square detracts from the image of the city. Ms Tilney (the Council's economic development manager) said that she had never encountered anyone with anything positive to say about the site in its current state. The vitality of Anglia Square centre has also declined. In the early 1980s around 2,400 people worked for HMSO at Sovereign House. Gildengate House was also fully occupied. The proposal would enable new and existing businesses to invest, expand and adapt to economic change[104].

170. This is the largest development proposal in the city centre since the Chapelfield shopping centre, which opened in 2005. The investment of £270 million would enhance the retail and leisure functions of Anglia Square and the vitality and viability of the LDS as a whole, boost confidence in the northern city centre and help to reduce levels of deprivation in this part of Norwich.

171. There would be around 250 - 300 people directly employed during the construction phase plus a further 275 indirect jobs. Moreover, the job density on the site would be permanently increased. It is predicted that 536 - 693 full time and part time jobs could be created with a further 60 - 118 jobs generated by the increased vitality of the centre, a substantial increase on the present level of employment[105]. The section 106 Agreement would secure a local employment strategy creating the conditions for local people and businesses to benefit from the redevelopment[106]. Moreover, an estimated £40 million annual expenditure by over 1200 new households should also be taken into account.

172. The proposal would be a catalyst for further investment. By contrast, the existing semi-derelict empty buildings and undeveloped brownfield sites send a message of neglect and underinvestment[107]. Some objectors suggest that the proposal would harm the image of Norwich. It is a matter of subjective judgement whether or not the City would be improved. However, the poor condition of the existing site is beyond argument. Moreover, the proposal would bring clear benefits in terms of employment and vitality, providing homes where highly skilled workers will want to live.

173. The proposal would support the economic objectives of the development plan and the Framework. Great weight should be attached to the fact that it would

[104] Paragraphs 3.4, 3.6 and 5.4 of Ms Tilney's proof (NCC4/1)
[105] Paragraphs 5.4 to 5.6 of Ms Tilney's proof (NCC4/1)
[106] Schedule 7 of the Agreement (PID1), see also support for existing tenants in schedule 8
[107] Paragraph 6.1 of Ms Tilney's proof (NCC4/1)

deliver permanent economic growth within the northern city centre regeneration area and across Norwich as a whole. Significant weight should be attached to the contribution it would make to addressing deprivation in this part of the city.

***The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres***

174. Anglia Square is located both within Norwich city centre[108] and within the Anglia Square/Magdalen Street LDC. However, it is outdated and has limited capacity to serve the LDC function. Mr Parkin explained that, whilst it performs a local function, an LDC should serve a wider catchment. The recent Greater Norwich Employment, Town Centre and Retail Study[109] found that the centre is aesthetically unpleasing with poor anchor stores. The study recommended that the Council should promote redevelopment incorporating retail floor space with a mixture of sizes, including larger units to enable national retailers currently located in the centre to remain, together with a new cinema.

175. The proposal would address these deficiencies. The mix of premises for shopping, leisure, hotel and office uses would create substantial new job opportunities. Together with the new residential neighbourhood, this would support the long-term viability and vitality of the LDC and enable this part of Norwich to contribute to the city's regional role. The proposed planning conditions would limit the total quantum of commercial floor space, limit the amount of floor space available for the sale of comparison goods, provide suitable premises for existing and future SMEs and bring qualitative improvement to the convenience goods retail offer.

176. The conditions suggested on behalf of Chapelfield shopping centre and Castle Quarter[110] are unnecessary because the scheme would not compete against the main city centre. It would not be reasonable to limit the range of commercial occupiers, or to restrict the ability to merge and sub-divide units, because this would reduce the ability of the LDC to respond to changing market forces. Moreover, the suggested conditions would restrict town centre uses that are supported in policy terms and prevent relocation within the scheme of some tenants already present at Anglia Square.

177. Significant weight should be attached to the benefit of the proposal in positively supporting the long-term vitality and viability of the LDC.

***Air quality***

178. Having carefully considered this matter, the Council has concluded that any concerns over air quality would be addressed by measures to minimise and mitigate the impacts. National and local policy strongly supports the redevelopment of this sustainable city centre site. Any such redevelopment

[108] Policy 11 of the JCS
[109] CD2.9, quoted at paragraph 10.8 of Mr Parkin's proof (NCC1/1)
[110] CD21.1 and CD22.19 respectively

would result in a degree of impact on air quality. In this case the impacts have been minimised to an acceptable level.

*The law*

179. There is no moratorium on development where air pollution levels in an area are higher than limit values. In *Shirley*[111] the Court of Appeal decided that where levels of pollutants in ambient air exceed limit values, the only obligation is to produce an Air Quality Plan. Article 23 of the Air Quality Directive provides:

"*1. Where, in given zones or agglomerations, the levels of pollutants in ambient air exceed any limit value or target value, plus any relevant margin of tolerance in each case, Member States shall ensure that air quality plans are established for those zones and agglomerations in order to achieve the related limit value or target value specified in Annexes X1 and XIV.*

*In the event of exceedances of those limit values for which the attainment deadline is already expired, the air quality plans shall set out appropriate measures, so that the exceedance period can be kept as short as possible. The air quality plans may additionally include specific measures aiming at the protection of sensitive population groups, including children…*"

180. Article 23 is transposed into UK law by Article 26 of the Air Quality Standards Regulations 2010[112], which provides that the Air Quality Plan must:

"*include measures intended to ensure compliance with any relevant limit value within the shortest possible time….*"

181. The Court in *Shirley* held that where there is a breach of limit values:

"[32] *The preparation of an air quality plan is the single prescribed means of addressing the breach….*

[33] *This does not mean that Member States may not also adopt other measures to address a breach of* [limit values]*, in addition to preparing and putting into effect an air quality plan complying with article 23. But nor does it mean that Member States are compelled by any provision of the Air Quality Directive to do that. A demonstrable breach of* [limit values] *does not generate some unspecified obligation beyond the preparation and implementation of an air quality plan that complies with article 23. The case law does not suggest, for example, that in such circumstances a Member State must ensure that land use planning powers and duties are exercised in a particular way, such as imposing a moratorium on grants of planning permission for particular forms of development, or for development of a particular scale, whose effect might be to perpetuate or increase exceedances of limit values, or by ensuring that decisions on such proposals are taken only at ministerial level.*"

182. The Court went on to say:

"[48] *This is not to deny that the likely effects of a proposed development on air quality are material considerations in the making of the decision on the*

[111] CD10.24
[112] SI 2010/1001

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*application for planning permission, to be taken into account alongside other material considerations weighing for or against the proposal….*"

183. Contrary to the case put by CYC, *Gladman*[113] does not affect the ruling in *Shirley* even though it was decided a few months later. This is because *Gladman* related to an appeal decision made in 2016, before there was a national Air Quality Plan or any known measures for improving air quality. In *Gladman* the Court found that the Inspector:

"[39] *had to form his own judgement on these questions without knowing what measures the Government's new national air quality plan would contain - where, for example, clean air zones would be introduced - or when compliance with limit values would be secured. Nor did he know how measures taken at the national level would translate into local measures….*

[40] *In the circumstances he cannot be criticized for not speculating about unknown measures to improve air quality at either national or local level, or for not venturing an opinion on any improvement in local air quality. He was entitled to rely, as he did, on the evidence before him, rather than the evidence that might have been produced but was not….*

[41] *It was not within the Inspector's duty as decision maker to resolve the 'tension'….between the Government's responsibility as decision maker to comply swiftly with the limit values for air pollutants and the remaining uncertainty over the means by which, and when, the relevant targets would be met….*"

184. *Gladman* established only that the decision maker could not be faulted for deciding not to speculate on the possible effects of a National Air Quality Plan and other measures to control air pollution. The situation at this Inquiry is entirely different because there is now a National Air Quality Plan[114], there is also a plan for Norwich[115], the Government has introduced restrictions relating to the vehicle fleet and there is guidance on emission factors[116].

185. Dr Boswell argued that planning permission could not be granted in an AQMA unless there was clear evidence that legal levels of air quality would be delivered[117]. Dr Mills stated that, as the proposed development would be in an existing AQMA, it is imperative that it makes no addition to current pollution levels[118]. Neither proposition has any foundation in law or policy. *Shirley* establishes that, where air pollution breaches limit values, the only duty is to produce an Air Quality Plan. There is no duty to refuse planning permission unless legal levels of air quality will be delivered with a particular development. Air quality is but one of the material considerations which the decision maker must take into account[119]. The Institute of Air Quality Management advises that:

[113] Gladman Developments Ltd v SSCLG [2019] EWCA Civ 1543, appendix 3 to Dr Boswell's proof (CYC1/3)
[114] CD15.28
[115] CD15.105
[116] WH23
[117] Paragraph 31 of opening for CYC (CYC10) and row 33 of SoCG on air quality (ID11)
[118] Paragraph 37 of Peckham/Mills proof (CYC3/1)
[119] Paragraph 48 of *Shirley* (CD10.24)

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"*The presence of an AQMA should not halt all development, but where development is permitted, the planning system should ensure that any impacts are minimised as far as practicable*."[120]

*The relevance of limit values*

186. CYC argued that there is no safe limit for $NO_2$ or particulates. Dr Mills referred to a report of the Royal College of Physicians[121] and suggested that a safe level for $NO_2$ could be 5 micrograms/$m^3$. However, there is a need for development and the Government has set limit values for pollutants in paragraph 181 of the Framework. These are the limits which are to be used for planning purposes. In setting them, the Government would have been aware of the research referred to by CYC. Moreover, the limit values are kept under review. The recently published Clean Air Strategy 2019[122] sets an aspiration to reduce the number of people experiencing $PM_{2.5}$ levels greater 10 micrograms/$m^3$ by 50%. However, it does not set new limit values, either for particulates or for $NO_2$. The application should be assessed by reference to the current limit values.

*The application site is the most sustainable location*

187. Norwich needs development, including a significant amount of new housing. If a substantial part of that need cannot be met within the city then these homes are likely to be built on less sustainable sites in the Greater Norwich area. There was no challenge to the Council's evidence that this is the most sustainable major development site in the City[123]. Its location on the fringe of the city centre enables high levels of accessibility by all modes of travel and its proximity to facilities and transport hubs creates the very best conditions for promoting sustainable travel behaviour.

188. Locating development on highly sustainable brownfield sites such as this minimises vehicle emissions because it reduces the need to travel by car. Future residents of Anglia Square would be less likely to use their cars for work, shopping and other trips because public transport is excellent and facilities are available nearby. Existing residents in the surrounding area would have a better range of shops and other facilities within walking distance. However, CYC's case on air quality took no account of the need for development or the sustainability of this location. Dr Mills suggested that the site would be better developed as a park[124] and that, if development was needed, it should be located away from the urban area. If that approach were adopted the result would be more vehicle emissions and more air pollution, not less.

189. Planning policy prioritises development in sustainable urban locations, particularly on brownfield sites. Locations such as this are likely to experience greater levels of air pollution than green field sites out of town. That is inevitable and is not a reason to reverse the policy presumption in favour of

[120] Paragraph 8.3 of Land-Use Planning & Development Control: Planning for Air Quality (CD15.108)
[121] Every Breath We Take (CD15.11)
[122] CD15.28
[123] Paragraph 485 of the officers' report (CD2.15)
[124] Paragraph 41 of Peckham/Mills rebuttal (CYC3/4)

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developing sustainable urban sites. The issue here is whether, having regard to the existing urban context, there is any air quality reason to refuse permission. No such reason exists.

*Taking account of the impact of Government policy on emission factors*

190. In the officers' report, future air quality was assessed without taking account of potential reductions in vehicle emissions associated with changes in engine and fuel technology[125]. It is now clear that this approach is too conservative. CYC accepted that the assessment with the development in place should take account of future reductions in accordance with Government policy. The Government has stated that EFT is a tool which allows emissions for a particular year to be calculated[126]. This amounts to a clear Government policy that anticipated reductions in emissions should, indeed, be taken into account.

191. It is therefore unsurprising that the Inspector examining the Wealden Local Plan concluded that it would be unreasonable and lacking in scientific credibility to assume no improvements over time. The Inspector referred to reservations about EFT v9 and commended use of CURED v3A as being conservative and consistent with the precautionary principle established in relation to Habitats Regulations Assessment[127]. (In this case there is no statutory requirement to take a precautionary approach). Moreover, Dr Mills himself suggested using CURED v3A as a sensitivity test[128]. On any reasonable view, it is appropriate to predict air quality with the development in place using CURED v3A. Dr Boswell's criticism of CURED v3A was not credible.

*The results of the assessment of $NO_2$*

192. The evidence of Ms Hobson shows the impacts of the proposal[129]. The assessments take account of monitoring data from 2017 (provided by the applicant) and 2018 (provided by the Council), as used in versions 2 and 3 of the air quality assessment, as well as the Council's full year's monitoring for 2019[130]. There was no suggestion of exceedances of $NO_2$ limit values in relation to any of the first floor residential accommodation within the scheme.

193. The only ground floor residential accommodation in the scheme would be in Block B, which corresponds to receptor location H (Edward Street). The assessment examined $NO_2$ levels at that location and also at existing housing at Edward Street and Dalymond Court. CURED v3A modelling based on the 2018 and 2019 monitoring shows $NO_2$ well below the limit value of 40 micrograms/$m^3$ at all these locations[131]. Only the modelling based on the 2017 monitoring suggests levels in any location higher than the limit value.

[125] Paragraphs 509 to 525 (CD2.15)
[126] Emissions Factor Toolkit v9 (WH23)
[127] Paragraphs 7 and 8 of CD10.23
[128] Paragraph 21 and 22 of Peckham/Mills rebuttal (CYC3/4)
[129] WH20 and WH24
[130] Appended to the Air Quality SoCG (ID11)
[131] The same outcome is reached when Edward Street is assumed to be a canyon, although Ms Hobson stated that this assumption makes a difference of only 0.1 microgram/$m^3$

194. The 2017 monitoring at Edward Street was carried out for only three months (contrary to guidance in TG16[132]) and is therefore less reliable than the Council's 2019 monitoring which was for 12 months. This showed an annual mean $NO_2$ level of 26 micrograms/$m^3$, confirming the view of Ms Oldfield (the Council's Public Protection Officer) that the 2017 results were not representative[133]. Overall, the assessments show that air quality in Edward Street, at receptors within the scheme and at existing residential accommodation, would be well within the limit values and entirely acceptable.

195. The 2017 monitoring showed a high result at a location in Magdalen Street[134]. However, that result was also unrepresentative. The monitoring location was at the kerbside, in front of a bus stop where bus movements may be expected to create a hotspot. The 2019 monitoring at various locations on Magdalen Street[135] shows all results below the limit value of 40 micrograms/$m^3$. The assessments also considered the effect on ground floor residential accommodation in St Augustines Street. There is no cause for concern here. With the development in place, the CURED v3A modelling shows $NO_2$ levels well below the limit value, whether based on 2018 or 2019 monitoring data.

*Bias factors*

196. The Council's 2019 Air Quality Annual Status Report[136] applied a local bias factor (as opposed to the national bias factor) to the 2018 monitoring data. This approach was criticised by CYC. Dr Boswell submitted a note on the topic, to which the applicants and the Council have submitted a joint response[137]. In summary, use of a local bias factor was appropriate because of good correlation between diffusion tube results and the Lakenfield chemiluminescent analyser (which is part of DEFRA's Automatic Urban and Rural Network) and because there was only a limited number of results within the national database. Moreover, DEFRA has approved the Annual Status Report and must therefore have been satisfied with the use of a local bias factor.

197. In any event, even if the national bias factor of 0.89 had been used (rather than the local bias factor of 0.86 applied by the Council), it would have changed the results by only 3%, which would make no material difference. Dr Boswell suggested that a higher "national" bias factor should be derived by excluding from the national database results from Redcar and Cleveland. This would be a misuse of the national dataset which is published by DEFRA with the intention that it be used in a consistent way.

*Particulate matter*

198. All projections show levels of $PM_{10}$ and $PM_{2.5}$ well below the current Government target levels. The 2019 Annual Status Report results for Lakenfield and Castle

[132] Paragraph 7.123 (CD11.37)
[133] Paragraph 3.4 of Ms Oldfield's rebuttal (NCC6/4)
[134] 70 micrograms/$m^3$ at monitoring location H
[135] Results for DT6 at table 3 on page 9 of Air Quality Assessment v3 (location shown on the plan at page 14) (WH8/3); the Council's 2019 monitoring at points DT2 and DT3, shown in the table appended to the Air Quality SoCG (ID11)
[136] CD15.126
[137] CYC11 and ID17 respectively

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Meadow (which has the worst air quality in the city) show $PM_{2.5}$ levels no higher than the World Health Organisation limit of 10 micrograms/$m^3$. As Ms Oldfield said, these results are encouraging for Norwich.

*Conclusion on air quality*

199. Overall, the evidence shows clearly that planning permission for the proposed development should not be refused because of air quality concerns.

***Viability***

200. It is now agreed between the valuers advising the applicant, the Council and HE that the scheme is viable, albeit marginally so[138]. The Council has carefully considered viability throughout the planning process, with input from Mr Williams (Head of Viability at the Valuation Office Agency). At the time the Council considered the application Mr Williams thought that the scheme would be viable and deliverable. Having reviewed the updated valuation evidence from the applicant, and the evidence of HE, he remains of that view.

201. Following a review of costs and values by Deloitte, on behalf of Homes England, the Government has decided to make an exceptionally high HIF grant of £15 million. Mr Luder described the detailed level of scrutiny exercised by Deloitte. The outcome of the HIF process supports the conclusion that the scheme is deliverable. Although this is dependent on relief from CIL, the Council has a policy for granting relief in exceptional circumstances[139]. Mr Truss explained that putting such a policy in place was a condition of the HIF grant. Given the Council's support for the scheme, there must be a good prospect of CIL relief being granted. Overall, the Council remains of the view that the proposal is both viable and deliverable.

*The prospects for completion of the scheme as a whole*

202. There is every reason to think that the scheme would be completed as a whole, for the following reasons:

- Planning Practice Guidance refers to an appropriate return being in the range 15 to 20%. The return of 15% anticipated here is within that range.
- The internal rate of return would be 20%, which is also healthy. Mr Truss said that this return could only be achieved if the project is completed.
- The greatest costs, including demolition of the car park and Sovereign House, relocation of Surrey Chapel, works to Pitt Street, archaeology and decontamination, would be incurred early in the development process. These works would be supported by HIF funding.
- Thereafter (as all three valuers agreed) the scheme would be largely de-risked, such that the profit would arise particularly in later stages of the scheme.

[138] ID10
[139] CD2.16

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- Removal of the existing car parking early on would increase the value of the car parking to be provided within the scheme itself.
- The phasing would militate against the project stalling. Blocks E and F would be of high value to the developer, because no demolition is required.
- The contract governing the HIF funding[140] provides that the funds could be clawed back if the development is not completed.
- Weston Homes is a vertically integrated company, acting as developer and contractor. The commitment of significant staff resources to the project would incentivise Weston Homes to continue selling homes and to complete the project.
- The landowner, Columbia Threadneedle, is participating with Weston Homes in a joint venture, with both organisations taking a long-term view.

203. In summary, the Council is satisfied that there is a good prospect that the scheme would be completed as a whole.

***The extent to which the development is consistent with the development plan for the area***

*Strategic regeneration*

204. Securing redevelopment of Anglia Square is a long held strategic objective. Policy 11 of the JCS establishes the regeneration of the northern city centre, including Anglia Square, as a planning policy objective. The site is highly constrained and supports an operational shopping centre. The costs of developing this site are exceptionally high, the time-lag between costs being incurred and new development being sold is considerable and current values are low. Consequently, viability constraints are such that any regeneration of the site will require compromises to be made.

205. Nevertheless, the Council considers that delivery of the proposal would positively support the objectives of JCS Policies 4 (housing delivery), 5 (the economy), 7 (supporting communities) and 11 (Norwich city centre). It would also support DM Plan Policies DM1 (achieving sustainable development), DM12 (ensuring well-planned housing), DM16 (supporting the needs of business), DM18 (promoting and supporting centres) and DM28 (encouraging sustainable travel). The proposal is viable and would enable the strategic regeneration objectives for the site to be achieved. Great positive weight should be attached to this factor.

*Sustainability*

206. The application site is the most sustainable development site in Norwich. Development plan policies relating to sustainability include JCS Polices 1 and 3 and DM Plan Policies DM1, DM3, DM6, DM7, DM8 and DM28. New residents would have direct access to shops, cafes and other services within Anglia Square. They would be able to walk easily into the city centre. Cycle networks and bus routes passing along Magdalen Street would benefit residents, shoppers

[140] NCC18

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and visitors. This location provides the very best opportunities for reducing the overall need to travel and reducing dependency on private cars[141].

207. The amount of residential parking proposed (0.75 spaces per unit) is within the range contemplated by policy. There is provision for a review of parking after the first phase, so that there is no overprovision in the later stages. The new 600 space public car park would be a reduction in the current total of 1,192, albeit that spaces in the multi-storey car park are now closed. The proposal would increase the usable provision on the site by about 100 spaces. This would not take the overall public car parking in the city centre over the l0,000 limit set by Policy DM29 because temporary planning permissions for alternative parking would expire before that limit is reached[142].

208. Measures to promote sustainable travel would include 3m pedestrian/cycleways along Edward Street and Pitt Street, residential and commercial travel plans, cycle parking, the provision of car club vehicles and electric vehicle charging points. The energy strategy includes the provision of heat pumps to meet 18% of the energy for the whole development, exceeding the requirements of JCS Policy 3. The Addendum to the Energy Statement[143] indicates that it would be feasible to use communal air source heat pumps for the flats, rather than gas boilers.

209. A substantial level of tree planting is proposed within and around the scheme, which would enhance the streetscape and assist in mitigating air pollution. The landscape strategy includes podium gardens and extensive green roof provision. This would result in a substantial ecological enhancement of a site which is currently devoid of green areas, consistent with DM Plan Policy DM6. Significant weight should be attached to the sustainability benefits of focusing mixed-use development in this location and minor weight to the environmental benefits of the proposed landscape strategy.

210. Policy DM1 is an overarching policy which seeks to achieve sustainable development. One of its objectives is to protect and enhance heritage assets. However, although heritage harm has been identified, it does not follow that there would necessarily be conflict with DM1 overall. Having regard to all the objectives of the policy, Mr Parkin (the Council's planning witness) concluded that there would be no conflict with DM1 or with the development plan as a whole. In any event, even if there were a conflict with the development plan by reason of heritage harm, the public benefits of the scheme would still have to be weighed against such harm pursuant to paragraph 196 of the Framework.

*Healthy, safe and inclusive communities*

211. Development plan policies promote healthy and safe communities, seeking to maximise opportunities for improved health and well-being and to safeguard the interests of the elderly and vulnerable groups. The proposal would create well used streets and public spaces which would discourage crime and antisocial

[141] Paragraph 485 of the officers' report (CD2.15); paragraph 3.1 of Mr Bentley's proof (NCC3/1)
[142] Paragraphs 5.7 to 5.10 and 5.13 of Mr Bentley's proof (NCC3/1)
[143] Appendix 3, WH4/3

behaviour. The public realm and communal gardens would be accessible spaces for sitting, socialising and play. The proposal includes new homes (including affordable homes), a replacement chapel, new shops and leisure facilities, public toilets and a Changing Places facility. Provision would be made for mobility scooters. Taken together, these measures would be beneficial to health, well-being and inclusivity. Significant weight should be attached to the creation of a healthy, inclusive and safe place in accordance with JCS Policy 7 and DM Plan Policies DM1, DM2 and DM3.

212. A Building for Life assessment has identified substantial strengths of the design. The proposal would replace negative features with a new neighbourhood with its own distinct character. It would create a bold, modern, high density and unashamedly urban mixed-use quarter for Norwich. Public spaces would be animated by public activities, creating connections for pedestrians and cyclists and opening up the site[144]. The tower would give further distinction, symbolising the regeneration of this part of the city. Moderate weight should be given to the benefits of the design approach and its impact on its surroundings.

*Policy relating to preservation of heritage assets*

213. JCS Policy 2 and DM Plan Policy DM9 deal with the preservation of heritage assets. Policy DM9 states that development:

"*shall maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets and that of any other heritage assets*"

214. Policy DM3(a) allows for development of tall buildings at gateways but the DM Plan emphasises the need for sensitivity and the need to avoid "*excessively tall buildings*." Mr Webster[145] agreed that he had identified harm to views from the approach to the city along St Augustines Street. Policy DM3(b) requires the design of new buildings to pay careful attention to the need to protect and enhance the long views identified at appendix 8 and DM3(c) requires respect for character and local distinctiveness. Mr Webster agreed there was tension in relation to those policies. In relation to DM3(b) he commented that, although the proposals would provide a degree of distraction from the views at appendix 8, in some ways they would enrich those views. In relation to DM3(c) he emphasised the efforts the applicants had made to integrate the development within its surroundings. He said that as much as possible had been done having regard to the need to produce a viable scheme.

215. Mr Webster also agreed that there would be some conflict with the guidance in the NCCCA Appraisal[146], although he drew attention to the benefits of removing the existing buildings, reinstating the historic street pattern and providing views of the Church of St Augustine and the Cathedral. Overall, whilst there would be some heritage benefits, these would be considerably outweighed by the less than substantial harm to heritage assets. Policy DM9 allows for harm to the significance of heritage assets but makes clear (in relation to designated assets)

[144] Illustrated by images at NCC14
[145] Inspector's note – these points were agreed by Mr Webster in answer to questions from Mr Williams
[146] CD2.10

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that this should be in "*exceptional*" circumstances. The Council considers that the justification for the scheme meets this test. Nevertheless, it is accepted that great weight should be attached to the harm identified, in accordance with national policy.

*Conclusions on the development plan*

216. In summary, the proposal is broadly consistent with the development plan. Where conflict arises there are material considerations of sufficient weight to justify granting planning permission.

### *Overview and conclusion*

217. This is the most sustainable development site in Norwich, capable of making a great contribution to meeting housing needs. As part of an LDC, it should also be meeting the retail and service needs of a wider catchment. At present it is not fulfilling any of these roles. Moreover, it is unsightly and its semi-derelict appearance can only worsen over time. The proposal would regenerate the site with a scheme of architectural distinction, contribute to meeting housing needs and enhance its retail role.

218. There is no reasonable prospect of any alternative scheme being practicable. Mr Neale accepted that the Ash Sakula proposals are not viable[147] and that there is no reason to think that the position will change. The choice is, therefore, to permit the proposal or contemplate the continuation of the existing situation with the prospect of further decline. The Council's view is that continuance of the present situation is not tolerable and the merits of the proposal before the Inquiry are sufficient to justify the grant of planning permission.

219. Anglia Square has detracted from the NCCCA for far too long. Attempts to secure redevelopment have failed over the past 20 years. The HIF funding that has been agreed comes from a fund that is now closed and is not transferable to other projects. There is now a real opportunity to regenerate the site through a joint venture between the landowner and a developer, with support from the Council. That opportunity should be taken.

220. In conclusion, the proposal would deliver great economic, social and environmental benefits, meeting all of the Government's sustainability objectives. Of course, the Council recognises that Norwich has a remarkable historic centre and that great weight should be given to the conservation of the historic environment. However, the benefits of the scheme are, cumulatively, sufficient to outweigh the harm to the historic environment and planning permission should therefore be granted.

## THE CASE FOR HISTORIC ENGLAND (RULE 6 PARTY)[148]

### *Introduction*

221. HE attended the Inquiry to inform the Secretary of State of its views on the extent to which the proposed development is consistent with national and local

[147] Paragraph 10.13 of Mr Neale's proof (HE1/1)
[148] This is a summary of the closing submissions which are at HE11

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policy on conserving and enhancing the historic environment. HE's duties include securing the preservation of ancient monuments and historic buildings and promoting the preservation and enhancement of the character and appearance of conservation areas. It is the Government's principal adviser on the historic environment. Evidence on behalf of HE was given by Mr Neale (Head of Development Advice for HE).

***Statutory duties and relevant legal principles***

222. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA1990) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 69(1) of LBA1990 requires local planning authorities to designate as conservation areas those parts of its area that are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Section 72(1) then requires a planning decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

223. The Court of Appeal in *Barnwell Manor*[149] reiterated that preserving means doing no harm. If any harm is caused, including to the setting of a listed building, the decision maker must give that harm considerable importance and weight. The effect of the duty is to raise a strong presumption against granting planning permission for development that causes harm precisely because the desirability of preserving the character or appearance of the area – or the listed building and its setting – is a consideration of considerable importance and weight.

224. If harm is caused to such assets there is a need to consider alternative less harmful uses of the same site (see *Gibson*[150] and *Forge Field*[151]). In *Gibson*, the judgement says:

"[69]….*I do not doubt the correctness of what was said by Lindblom J, as he then was, in the context of heritage harm in* [Forge Field] *when he said this at [56]:*

> *If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.*

[70] *Whilst that observation was made in the context of harm to heritage assets and the need to consider alternative sites, I accept that there is a need to consider alternative, less harmful, uses of the same site when evaluating a*

[149] Paragraphs 22 to 23 of East Northamptonshire DC and Barnwell Manor Wind Energy Ltd v SSHCLG (CD11.21)
[150] R(Gibson) v Waverley BC [2015] EWHC 3784 (Admin) per Foskett J (appended to HE11)
[151] R (Forge Field Society) v Sevenoaks DC (CD11.21)

*proposal that would cause harm to a heritage asset: R (Langley Park School for Girls Governing body) v Bromley LBC [2010] 1 P&CR 10 at [44-46]. However, the way in which that evaluation may be carried out will vary from case to case. The planning history from 2005 onwards in this case spoke for itself and it was fully articulated in the officers' report. It was, of course, a "material consideration" in any event.*"

225. The force of the point is that where a statute raises a strong presumption against harm to designated heritage assets, and the decision maker finds a proposal would cause harm to such assets, he should consider whether that harm could be avoided or reduced. That is part of the balancing exercise that results from the presumption.

226. In *Mordue*[152] the Court of Appeal held that, generally, a decision maker who works through paragraphs 192 to 196 of the Framework will comply with the above statutory duties. In *Bramshill*[153] the High Court found that the correct approach under the Framework was not to undertake a net or internal heritage balance but, instead, to lay out all of the harm and all of the benefits. However, in relation to the duties under sections 66 and 72 of LBA1990, it is permissible to take an overall view of the heritage effects in relation to a particular asset.

227. The Framework addresses the particular desirability of preserving heritage assets. Whilst other benefits are clearly identified as relevant to the balancing of harm and benefit under paragraph 196, they have no stipulated weight. Paragraph 193 of the Framework requires decision makers to give great weight to the asset's conservation – the more important the asset the greater the weight. Paragraph 194 states that any harm to the significance of a designated asset requires a clear and convincing justification. Conservation is defined as:

"*the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance*."

228. HE has published Guidance Notes on The Setting of Heritage Assets (GPA3) and Tall Buildings[154] which are relevant and referred to by all heritage witnesses.

229. To apply the Framework properly, the decision maker should clearly identify any heritage harm and any heritage benefits. The harm and benefits should not be netted off, but each should be quantified and weighed, bearing in mind the need to give considerable importance and weight to the harm. Any benefits should be taken into account as part of the balancing exercise under paragraph 196. However, Dr Miele (the applicant's heritage witness) and Mr Webster (the Council's heritage witness) have given quantifications of impact that balance benefits against harm. This must be recognised because, when separated, the harm found will inevitably be greater.

*The quantification of harm*

[152] Mordue v SSCLG [2016] 1 WLR 2682 (appended to HE11)
[153] City and Country Bramshill Ltd v SSHCLG [2019] EWHC 3437 (Admin) 3437 (appended to HE11 and paragraphs 118 to 120 of the judgement reproduced at paragraph 10 of HE11)
[154] CD11.18 and CD11.19 respectively

230. There is no need to overcomplicate this exercise which is a matter of judgement for the decision maker. That judgement must however be reached in line with the law set out above and having regard to policy. The Framework sets out different balancing exercises in relation to substantial harm and less than substantial harm. HE considers that the harm caused to designated heritage assets in this case would be less than substantial.

231. Planning Practice Guidance advises that:

"*what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting….within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated*."[155]

232. The first task is therefore to identify the significance of the asset, including the contribution to significance made through setting. In *Bedford*[156] the concept of substantial harm was found to require the significance of the asset to be vitiated altogether or very much reduced. That is a matter of judgement. It should be recognised that *Bedford* was a decision considering the meaning of substantial harm having regard to previous guidance (which no longer exists) on the facts of that individual case. The existing guidance is set out in the Planning Practice Guidance, which is a material consideration.

233. It was put to Mr Neale that, where an asset retains considerable significance in its fabric, then there could hardly ever be substantial harm through development in the setting as its significance would not be altogether vitiated (or something close to that). This was then used to set the upper boundary of less than substantial harm at close to total vitiation of the significance of the asset. This approach makes the decision maker's task unnecessarily complicated. The critical exercise is to understand significance (including the contribution of setting) and then reach a judgment as to the degree of harm caused to that significance. Mr Neale agreed that, whilst it is relevant to understand the extent of significance retained, that cannot define the impact. The impact is the extent to which the significance is reduced.

234. In this case there would be direct harm to the NCCCA and indirect harm to a large number of listed buildings. In relation to the listed buildings, it is common ground that the approach in GPA3 is correct. This requires the assessment of the degree to which the setting contributes to significance before the assessment of the impact on significance.

235. The applicants refer to the Chiswick Curve appeal decision[157]. There, the Inspector noted that substantial harm to a conservation area could be caused by the removal of an important building within it. It must follow that introduction of a new important (but harmful) building could do the same. Giving examples of when there may be a serious reduction in significance is not

[155] Reference ID: 18a – 18 -20190723
[156] CD12.10
[157] CD12.9

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particularly helpful from one case to another and does not reflect Government policy or Planning Practice Guidance. What matters is the assessment of significance and the impact to it. This is also true of the Smithfield Market decision[158] (referred to by SBH) where a very different judgement was reached on the facts of that particular case. In this case HE does not find substantial harm. The real question is the degree of harm to the significance of various heritage assets.

236. The relevant impact on the NCCCA is the impact on its significance, which means:

"*the value of a heritage asset to this and future generations because of its heritage interest*".

What needs to be understood is the heritage or historic interest of the NCCCA. Section 72 of LBA1990 is not seeking to preserve the general character and appearance of the NCCCA but that which confers on it its special interest. It is for this reason that Dr Miele was correct to distinguish heritage benefits (such as the enhancement of the significance of the conservation area) from general townscape benefits. For example, he argues that the tower would be beneficial in townscape terms for its intrinsic architectural qualities and its wayfinding function[159]. That would be a public benefit but not a heritage benefit.

237. This distinction is important because the justification for the harm caused to designated heritage assets rests heavily on the arguments of wayfinding and legibility. Harm to the special interest of the NCCCA attracts considerable importance and weight. The same is not true of a general townscape benefit. Nor can such a general benefit mitigate or reduce such harm. It can only be put on the other side of the balance. It is also worth pointing out that the wayfinding arguments only relate to a justification for the tower. No such argument is advanced in relation to the overall bulk and height of the other blocks which (on HE's case) would also cause considerable heritage harm.

238. It is agreed that the baseline for the assessment is the existing situation, within which Anglia Square is a negative influence on the significance of the NCCCA. If the proposal would cause additional harm to the significance of the NCCCA, or to the significance of any listed building, then LBA1990 raises a strong presumption against it. In addition, the redevelopment of a negative site presents an opportunity to enhance the significance of the conservation area.

***Local policy***

239. The DM Plan contains policies that establish a number of development control tests. Taken together, the policies require the protection and enhancement of the historic environment and that opportunities for its enhancement are maximised. Anglia Square is seen as a significant opportunity for enhancement. On the Council's case, the proposal would fail to enhance the NCCCA. Indeed it would cause harm to the NCCCA and harm (up to major harm) to listed buildings. That would represent significant non-compliance with the

[158] CD12.6
[159] Paragraph 8.86 of Dr Miele's proof (WH2/1)

development plan. The evidence of Mr Neale sets out the policies of particular relevance to heritage issues[160]. The following are highlighted:

- DM1 seeks to achieve sustainable development. It expects development to (among other things) protect and enhance the physical, environmental and heritage assets of the city.
- DM3(a) states that proposals in major gateways must respect the location and context of the gateway. Landmark buildings should be of exceptional quality. Paragraph 3.6 notes that landmarks can be achieved by design (rather than height) and that the expectation of the policy is that gateway sites should be marked by development of exceptionally high quality which relies for its distinctiveness on design aspects other than size and height.
- DM3(b) states that the design of new buildings must pay careful attention to the need to protect and enhance the significant long views of the major landmarks (which are identified in appendix 8).
- DM3(c) states that proposals should respect, enhance and respond to the character and local distinctiveness of the area. The design of all development must have regard to the character of the surrounding neighbourhood and the elements contributing to its overall sense of place, giving significant weight to the uses and activities around it, the historic context of the site, historic street patterns, plot boundaries, block sizes, height and materials.
- DM9 states that development shall maximise opportunities to preserve, enhance, or better reveal the significance of designated heritage assets.

240. There are development control tests that relate to heritage assets in DM1, DM3 and DM9. These are reinforced by JCS Policies 1 and 2. The supporting text to DM3 recognises that the character of Norwich is a product of its 1,000 year history, characterised by a tight urban form and a historic townscape of particularly high quality. The requirement to protect the historic environment runs throughout the development plan. The second bullet point of Policy DM1 is to

"*protect and enhance the physical, environmental and heritage assets of the city.*"

In determining applications, equal weight must be afforded to the economic, environmental and social dimensions of sustainability. Paragraph 1.8 identifies that development and economic growth, though desirable and necessary, is not by itself sustainable – Norwich will not benefit from badly designed, inappropriately located or poorly conceived proposals.

241. This essential balance runs through the development control tests for residential and economic development. For example, DM18 states that development for main town centre uses in LDCs will be permitted where it does not conflict with the overall sustainable development criteria set out in policy DM1. The same

[160] Paragraph 5.21 (and following) introduces the relevant policies and paragraph 9.30 (and following) considers compliance (HE1/1)

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balancing consideration is found in DM19 (relating to office development) and DM12 (relating to residential development). The overall sustainability balance is to be struck with heritage protection at the forefront, which is unsurprising in such a historic city centre.

242. There is nothing in the development plan that waters down the clear protection to heritage assets afforded by policies DM1, DM3, DM9, JCS Policy 1 and JCS Policy 2. There will only be compliance with DM12, DM18, and DM19 if there is also compliance with the criteria of DM1. This is important to bear in mind when considering whether the proposals comply with the development plan as a whole. Each application must be assessed against DM3 and DM9. If they fail these policies there will be a breach of the plan. Mr Parkin confirmed that these policies provide a strong basis for refusal[161].

243. There is nothing in development plan policy that identifies Anglia Square as appropriate for a tall building. It is identified as an area for change in the City Centre Key Diagram[162] but there is no requirement that it must deliver a particular amount of development. Working through the JCS policies, the protection of the historic environment is a constant theme:

- Policy 1 states that heritage assets and the wider historic environment will be conserved and enhanced;
- Policy 2 requires development proposals to respect the historic environment taking into account conservation area appraisals;
- Policy 11, whilst identifying areas for comprehensive regeneration, requires such regeneration to enhance the historic city, including its distinctive character as identified in conservation area appraisals; and
- There is no policy which specifies a quantum, scale or form of development for Anglia Square.

244. The more recent PGN, which was developed alongside the pre-application proposals, has not changed this position. It makes clear that the site provides an opportunity for significant enhancement of the NCCCA. The PGN does not express any tolerance for harm, rather it speaks in positive terms of improving views, respecting the existing scale of development and respecting the settings of historic assets. The PGN is intended to guide the redevelopment of Anglia Square in a way that accords with the development plan[163]. For the reasons set out above, the proposal does not meet that intention.

245. The NCCCA Appraisal is also highly relevant. It contains a summary of the key characteristics of the NCCCA together with policies and guidance that have been framed to protect these characteristics[164]. Dr Miele and Mr Webster agreed that considering a proposal against these policies and guidelines would provide a good basis for assessing whether that proposal protects the significance of the NCCCA. However, it is not an exercise that Dr Miele has undertaken. Mr Webster

[161] Paragraph 12.3 of Mr Parkin's proof (NCC1/1)
[162] Page 73 of the JCS (CD2.2)
[163] Paragraphs 7.86, 7.88, 7.96 and 9.2 of the PGN (CD2.11)
[164] Pages 26 to 30 of CD2.10

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has done so, identifying numerous shortcomings[165]. The policies of particular significance are:

- B2 - retain historic street patterns and reinstate building lines. In areas of low significance historic building lines must be reinstated.
- B4 - enhance the setting of the city walls.
- C1 - removal of negative landmarks.
- C2 - preserving and enhancing views of citywide and local landmarks. Redevelopment proposals which block or detrimentally affect views of the citywide landmarks (the Castle, the Anglican Cathedral, the Roman Catholic Cathedral, St Peter Mancroft, City Hall and St Giles Church) will not be approved.
- D2 - appropriate scale of new buildings. Development proposals must respect their context and be of an appropriate scale. In 'Significant areas' and areas of 'Low significance'[166] the prevailing scale of existing traditional buildings should be respected, but the careful siting of taller buildings and use of larger scaled buildings in appropriate locations will be encouraged, provided that they do not negatively impact on important views of citywide and local landmarks or affect the setting of Listed Buildings.
- D3 - integration with context/grain. Design and access statements must demonstrate how the development proposal respects the surrounding buildings, landscape features and movement routes and how it integrates with its surroundings. For large scale redevelopment proposals it may be a case of showing how the proposals will be reinstating a lost context or urban grain.

***Impact on significance - overview***

246. There is a considerable body of evidence before the Inquiry relating to a large number of heritage assets. These submissions do not seek to summarise that evidence. Rather, they consider the critical steps of the assessment and the matters which indicate that the judgements of Mr Neale are to be preferred. This is an unusual case in that all parties find material harm to assets of the highest significance. The disagreements are about the degree of harm and the number of assets affected. The proposed tower would be the second tallest building in Norwich after the Cathedral.

247. Dr Miele finds the least harm. Nonetheless, he finds material harm to the Cathedral, Church of St Simon and St Jude, Church of St Clement, Church of St George and Church of St Augustine, all of which are Grade I listed. He also finds harm to Nos 11 and 13 Fye Bridge Street and Bacon's House, which are Grade II* listed.

[165] Paragraph 428 of the officers' report (CD2.15)
[166] Inspector's note – the terms 'significant areas' and 'low significance' are used and defined in the NCCCA Appraisal which pre-dates the Framework.

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248. Mr Webster[167] finds harm to 4 of the 6 city landmarks, including moderate harm to the Anglican Cathedral and the Roman Catholic Cathedral and material harm to the Castle and City Hall. He finds net material harm to 11 out of the 16 Grade I listed buildings affected, including major harm to the Church of St Clements. He finds material harm to all 3 scheduled ancient monuments affected by the proposal. He also finds major harm to a number of groupings within the NCCCA – the St Augustines Street group, the Fye Bridge Street group and the Wensum Street group. Even including his assessment of benefits, he finds minor to moderate harm to the NCCCA as a whole.

249. Mr Neale[168] sets out harm and benefit separately rather than presenting a net or internal balance. His assessment includes harm to 16 Grade I listed buildings, and 3 Scheduled Ancient Monuments. He finds severe harm to the NCCCA as a whole. This is equivalent to Mr Webster's major harm, the highest of his three tiers of less than substantial harm.

250. Mr Forshaw[169] (on behalf of SBH) finds substantial harm to the significance of the NCCCA and serious harm to a number of assets. Compared with the assessments of HE and the Council, he finds harm to a higher degree and harm to additional assets. The assets in question include the Church of St Augustine, Gildencroft, St Martin at Oak, St Mary's Coslany, St George's Colegate, Bacon's House and Doughty's Hospital.

251. Whilst there is a range of views, one has a sense of the implications of this development when all of the heritage experts find material harm to the Cathedral, an asset of universally acclaimed exceptional significance. The Framework seeks to protect all designated assets, the strength of the presumption being greater in relation to assets of the highest significance. The development plan gives explicit protection to views of the city landmarks. The biggest failing of this scheme is that the site presents an opportunity to enhance the NCCCA but the proposal would do the very opposite. The chosen form and scale of the proposal would cause harm to the special interest and significance of the NCCCA and to the city landmarks.

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***Significance - listed buildings***

252. There is little between the experts regarding the significance of the listed buildings. The differences relate more to the assessment of the contribution made to significance by setting, which in turn affects the degree of impact.

253. HE commends the analysis of Mr Neale as a thorough understanding of significance including an explicit application of GPA3. This enables one properly to understand how setting contributes to the significance of the asset. Mr Neale identifies the attributes of setting (listed in step 2 of GPA3[170]) that can contribute to significance. For example, in relation to the Cathedral, one must

[167] Appendix 1 of Mr Webster's rebuttal (NCC2/4)
[168] Appendix 6 of Mr Neale's proof (HE1/7)
[169] Paragraphs 45 to 51 of Mr Forshaw's proof (SBH1/1)
[170] Page 8 of CD11.18

consider where the cathedral is seen from, how it was designed to be seen and how it is seen[171]. This includes not only from the Cathedral Close and the higher land to the east[172] but also from the approach to the city from the north[173]. Mr Neale recognises that the visual and monumental role of the Cathedral, both symbolic and pre-eminent, is very much part of its significance. Dr Miele's evidence[174] does not assess the significance of the main listed buildings under consideration or carry out step 2 of GPA3.

254. The Castle is another good example. Among the finest Norman castles in the country, it is of exceptional significance. As a defensive structure, strategically positioned where a ridge overlooks the river valley below, setting is fundamental to its significance. Mr Neale anchors his assessment by reference to the relevant attributes from GPA3, which include topography, functional relationships, views towards and from the asset, intentional inter-visibility with natural features and visual dominance. He recognises that in views out from the Castle, which include the river valley and the wooded ridges which rise above it, the importance of topography and functional relationships can still be readily appreciated[175]. In short, Mr Neale's assessment is robust, transparent and justified.

***Significance - the conservation area***

255. As noted above, it is agreed that the NCCCA Appraisal contains an objective description of its special interest. Mr Neale addresses the significance of the NCCCA in section 6 of his proof, considering its attributes in detail. This enables him to be clear as to its significance and special interest. Mr Neale has identified three perspectives that help to convey the special interest of the NCCCA in order to understand how it may be affected - the local character north of the Wensum, the wider intimacy of the city and the image of the city, which reflects its history, pattern and hierarchy. The key characteristics identified in the NCCCA Appraisal include the "*tight intimate network of streets and alleys*", the citywide views of the city landmarks and important views of local landmarks[176].

256. There is no such analysis at the heart of Dr Miele's analysis. Mr Webster accepted (in cross-examination) that the officers' report had not identified the particular significance of the NCCCA and he should have undertaken a more rigorous analysis. Similarly, his proof of evidence does not assess or describe the significance or special interest of the NCCCA, although it does conclude that it would be harmed (characterised as minor-moderate harm). Dr Miele agreed that in order to understand the impact of the proposal one must understand the special interest of the area in which it would be placed. Mr Neale's analysis is closely tied to the NCCCA Appraisal and is entirely consistent with it. HE submits that Mr Neale's approach is to be preferred.

[171] Paragraph 6.23 and footnote 88 of Mr Neale's proof (HE1/1)
[172] Viewpoints 60, 8, 9 and 10
[173] Viewpoints 14 and 15
[174] Section 6 of Dr Miele's proof (WH2/1)
[175] Paragraphs 6.10 and 6.11 and footnotes 80 and 81 of Mr Neale's proof (HE1/1)
[176] Points 19, 22 and 23 on page 26 of CD2.10

257. The following points may be made in relation to Northern City character area, as described in the NCCCA Appraisal[177]:

- Magdalen Street and St Augustines Street represent key historic approaches to the city centre from the north;
- those streets are relatively narrow and intimate, the typical grain being 2 - 3 storey domestic scale properties on the edge of the footpaths. One of the management principles is to restrict new development to 2 - 3 storeys;
- there are no negative markers in this area and no large-scale buildings;
- several listed buildings line Magdalen Street and St Augustines Street;
- positive frontages include the entirety of Magdalen Street and St Augustines Street as one approaches Anglia Square;
- positive views include the view to the Castle along Magdalen Street;
- there is also a view along St Augustines Street to the Cathedral; and
- the Church of St Augustine is a local landmark.

258. The key characteristics of the Colegate character area include[178]:

- the medieval street pattern of the city centre south of the river;
- views of the city landmarks to the south;
- the area to the south of Anglia Square has the character of small, intimate streets, narrow alleys and courtyards;
- the prevailing scale in this part is 2.5 to 3 storeys;
- the extent of listed buildings, including along Magdalen Street;
- positive frontages include Magdalen Street, Calvert Street and St George Street (streets from which the development would be highly visible);
- a positive view south from Calvert Street and a negative one north from Magdalen Street; and
- the management principles include connecting the area to the other side of the ring road, which would once have been a continuation of the medieval street pattern.

259. These are the local characteristics that proposals must respect and enhance to comply with the development plan. DM Plan Policy DM3(c) requires design to give significant weight to the historic context. These street patterns, plot boundaries, block sizes and heights are key elements of that context.

260. These two character areas represent the immediate context in which the development would sit. Moreover, they are consistent with the special character

[177] Pages 35 and following in CD2.10
[178] Pages 57 and following in CD2.10

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of the NCCCA as a whole. The key characteristics of intimacy, enclosure, scale and grain pervade the historic city. For example, the Elm Hill and Maddermarket character area (to the south of the River Wensum) is described as

"*one of the most attractive in the city with a grid of often very narrow and intimate streets generally running north - south and linked by more major routes running east - west*."

261. All witnesses agree that the impacts along Wensum Street would be materially harmful. Mr Webster considers that there would be major harm to the assets in question[179]. Dr Miele agreed that significant harm would arise because the development would create an uncharacteristic focal point in views north from this historic area. This would detract from the intimacy and enclosure of the Elm Hill and Maddermarket character area, an area of the highest significance, where the characteristics of intimacy, enclosure and domestic scale are strongly appreciated. There would also be harm to the significance of many listed buildings within these views, including the Grade I listed Church of St Clements[180].

262. Intimacy is a defining quality of the NCCCA. It is readily appreciable from a large number of locations, including those close to the site and those further away, such as Wensum Street, where the effects would be experienced. The fact that there may be some differentiation across a wider conservation area does not dilute special characteristics where they are found. This is why the guidelines set out in the NCCCA Appraisal place such emphasis on development being appropriate in scale to the locality and not negatively impacting on important views or landmarks. Whilst Anglia Square does not itself demonstrate intimacy, when assessing the effect of the proposal one must consider the impact on key characteristics and see how successful the proposal is in respecting them and taking the opportunities for enhancement.

263. The third perspective identified by Mr Neale is the image of the city, which includes its pattern and hierarchy. Mr Neale does not suggest that the pattern is fixed. The image and pattern of the city is a key characteristic of the NCCCA, as is the role of the city landmarks. Change should be managed in a way that protects that significance. Mr Neale emphasised that change can be positive. The question is whether change brings enhancement or harm to significance. The significance of the citywide landmarks is enhanced by the interplay between them. Collectively they give visual and architectural meaning to the hierarchy and pattern of the city, which has been established over a thousand years. They are all set within the southern part of the city centre, responding to its topography, and were intended to reflect the power of the church and the state.

264. The northern part of the city centre forms a consistent (though contrasting) element of the pattern of the city. It continues the medieval street pattern and the general domestic scale of the historic buildings, with some Victorian industrial buildings to the west. There is a clear pattern and hierarchy to the medieval city north and south. An element of this is the absence of tall buildings in the north. The dramatic views of the citywide landmarks, as seen from the

[179] Table appended to Mr Webster's rebuttal
[180] Viewpoints 25 and 56

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east, disclose their status and interplay and the concentration of power to the south. The northern part appears as a continuum of the same medieval city, but of lower status, looked over and ruled from the south. The spread of historic buildings is very strongly felt but their scale is domestic within the medieval street pattern, including through the numerous medieval churches.

***Impact***

*The given justification for the scheme*

265. There are some clear inconsistencies in the justification for the scheme which indicate that the proposals are not justifiable when considered properly against the significance of the affected heritage assets. The Design and Access Statement (DAS)[181] seeks to respond to the heritage assessment carried out by CgMs[182]. That assessment gave initial recommendations as to how to avoid heritage harm by providing buildings of comparable scale to the existing. It includes a heat map that indicates thresholds which, if exceeded, are likely to have a major impact on heritage assets. However, it recognises that the methodology cannot assess cumulative harm. Specific advice is given for individual groups of assets. For example, a threshold of 3.5 to 4 storeys is suggested along Magdalen Street, rising to 5 storeys behind[183]. Reference is made to the:

"*intimate urban quality of Magdalen Street with its strong sense of enclosure, narrow pavements and sinuous north - south route. Views along Magdalen Street are likewise important, particularly those towards the south in which Norwich Castle figures prominently*"

266. Five storeys is recommended for the street frontage of Pitt Street, (blocks D and E), where the scheme adjoins the Church of St Augustine, Gildencroft and St Augustines Street. Development above this level is identified as being likely to have a major impact on the heritage assets, including the Grade I listed church. Despite this advice, the proposal would significantly exceed the thresholds in a number of places. The effect of these exceedances can be seen in the photomontages[184]. It is useful to compare the existing building heights[185] with the exceedances[186]. Along Magdalen Street, 7 storeys are proposed in the 5 storey zone, with 9 and 11 storey elements in the 8 storey zone behind. At Pitt Street, 6 and 7 storeys are proposed in blocks D and E in the 5 storey zone. The 20 storey tower would be in a zone where the threshold is 10 to 12 storeys.

267. It is not surprising that the result is major heritage harm. This is consistent with the heritage assessment. The officers' report commented that a reduction in height and massing would have created a more sympathetic relationship with the surroundings[187]. However, Mr Vaughan (the applicants' architect) explained

[181] Page 77 of CD4.10
[182] CD4.86.3(i)
[183] Page 74 of CD4.86.3(i)
[184] Viewpoints 32, 34 and 35
[185] Page 59 of the DAS (CD4.10)
[186] Page 77 of the Addendum DAS (CD7.10)
[187] Paragraph 311 of CD2.15

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that the design reflected architectural choices, made as part of an iterative discussion, rather than a pre-determined brief to deliver a fixed amount of development[188]. It is hard to see how heritage harm deriving from such choices, rather than commercial necessity, can be regarded as justified.

*Advice from Design South East*

268. Both the officers' report and Mr Vaughan refer to Design South East as supporting the design[189]. However, there was a series of reviews. Mr Vaughan accepted that Design South East had:

"*serious concerns about the bulk and mass of the proposals and how this will relate to the streets immediately surrounding the development and affect views across the wider city*"[190]

The strength of the concerns, which relate to both the tower and the surrounding blocks, is clear from the language used. They have not been overcome by changes to the scheme and Mr Vaughan provides no response in his proof.

269. In relation to the surrounding blocks, Design South East said:

"*with blocks of over 10 storeys, it is only in comparison with the tower that these could be considered low rise, and in the context of the wider city they are very prominent. These blocks are not just tall, but also very deep and wide, creating monoliths that are out of scale with the fine grain of the surrounding historic urban fabric*"[191]

These concerns remained at the end of the process[192]. Mr Webster conceded that the officers' report was remiss in not drawing later reviews and these continuing serious concerns to the attention of the committee.

*Justification for the tower*

270. The justification put forward by Dr Miele[193] is a townscape one. He acknowledged that there is nothing in the CgMs work that justifies the proposed tower. There has never been a tall building in this part of the historic city. CgMs attempted to justify the tower as a "*strong visual counterpoint*" to the Cathedral[194]. However, they went on to assess the tower as causing moderate harm to the significance of the Cathedral in the very views that would enable the counterpoint to be appreciated. It is plain that, in heritage terms, the tower is out of place and has no justification. The DAS[195] explains the role of the tower as:

[188] Inspector's note – confirmed by Mr Vaughan in answer to questions from Mr Williams
[189] Page 112 and following and paragraph 9.4 of Mr Vaughan's proof (WH1/1)
[190] Page 4 of CD11.16
[191] Page 4 of CD11.16
[192] Page 2 of CD11.17
[193] Paragraph 7.21 of Dr Miele's proof (WH2/1)
[194] Page 85 of CgMs (CD4.86.3(i))
[195] Pages 78 to 80 of CD4.10

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- a pivotal landmark and a way finder for Anglia Square;
- a gateway marker to the City from the north, serving an important civic function;
- a strong visual counterpoint to historic landmarks in Norwich, particularly those south of the river Wensum, the most important of which is Norwich Cathedral;
- a key marker on the skyline of Norwich, which would celebrate place and space; and
- introducing an element of time depth to the Cathedral's extended setting.

271. In summary, the heritage analysis which was intended to guide the design process itself suggests the causation of major harm. The independent design reviews show that Design South East had serious concerns about the overall bulk and scale of the proposals and found no underlying rationale for the tower. The design justification of creating a pivotal landmark, prominent in distant views, is fundamentally at odds with the pattern and hierarchy of the city. Indeed it sets out to re-balance that hierarchy, by providing a rival to the pre-eminence and significance of the Cathedral and the other city landmarks clustered in the southern part of the city. Rather than providing a justification, it actually underscores the harm that would be caused.

*The root of the problem*

272. The heritage harm stems from the overall scale of the proposal as a whole, not just the tower. It would comprise blocks with very large footprints, of very significant height and bulk. This would be entirely uncharacteristic of the grain of the medieval northern city and wholly at odds with the character of the NCCCA. Whilst it is necessary to recognise the negative features of the existing Anglia Square, the approach set out in the Framework allows for this. On the Council's case, the proposal would cause harm to the significance of designated heritage assets over and above the status quo, taking account of heritage benefits. The Council also finds material harm to the significance of the NCCCA. This may be contrasted with the PGN, which identifies an opportunity for significant enhancement to the character of the conservation area as well as to the setting of local heritage assets[196].

*Impact assessment*

273. Mr Neale's assessment of the impacts is set out in his proof and summarised in his appendix 6. The Secretary of State is invited to consider his assessment as fair and justified by underpinning analysis. Rather than rehearsing the impacts, these submissions highlight some issues that are contentious. In many respects there is agreement between the Council and HE that there would be material harm. The differences relate to the degree of harm.

274. With regard to the NCCCA, it is necessary to analyse the key characteristics that give rise to its special character. Although the NCCCA covers an extensive area,

[196] Paragraph 7.86 of CD2.11

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the true effect is not judged by considering a zone of visual influence. Particular attention should be paid to those areas in proximity to the site and to those characteristics that pervade the city, as Mr Neale has done. Whilst there are areas that would not be affected at all by the proposal, the image of the city is widespread and is appreciated from distant viewpoints.

275. The applicants' approach pays insufficient attention to the impact of the proposal on significance. Focussing on some specific positive views (identified in the NCCCA Appraisal) is not an assessment of impact. Such views reflect the present situation. They are not intended to guide an assessment of a new tall building. For example, a positive view is identified from the north of Calvert Street looking south[197]. This is a view towards the Castle from an enclosed street with an intimate, domestic scale. The proposed development would be highly visible to the north if one turned around[198]. The fact that the view south adds to the character of the NCCCA (through what Mr Neale calls the image of the city) supports Mr Neale's argument, it does not undermine it.

276. Although Anglia Square is of a larger scale than its surroundings, the Council finds that the overall height and massing of the proposal would create a form of development that would be "*strikingly different and unfamiliar*"[199]. The officers' report commented that the failure of the development to harmonise with its surroundings, in terms of the height and the size of the block footprints, was a significant weakness[200]. Mr Neale endorses the description (used in the officers' report) that the proposal would be seen as a "*city within a city*". This would represent a clear failure to be in keeping with the character of the NCCCA. Mr Webster finds that there would be a benefit to Magdalen Street whereas Mr Neale considers that there would be severe harm[201]. However, the officers' report recognises that a discordant relationship would be created here[202].

277. As set out above, the principles of the NCCCA Appraisal provide a good touchstone for considering the effect of the proposals. HE submits there are very clear breaches of these policies and guidelines, in particular B2, B4, C2, D2 and D3, demonstrating harm to the special character of the NCCCA.

*City landmarks*

278. The officers' report finds that the impact on the central group of iconic heritage assets would be major adverse in some views although this would not quite amount to substantial harm to the setting of the Cathedral[203]. HE submits that the concept of a strong visual counterpoint to these iconic landmarks (as described in the DAS) would make it inevitable that the ability to appreciate them would be diminished. The preservation of the city landmarks is fundamental to the image of the city and is embedded within a specific policy

[197] Marked with a blue arrow on page 59 of CD 2.10
[198] Viewpoint 38 gives an indication (Inspector's note – the viewpoints are not the same, viewpoint 38 being further south on Calvert Street)
[199] Paragraph 4.2 of Mr Webster's proof (NCC2/1)
[200] Paragraph 593 of CD2.15
[201] Viewpoints 34 and 35
[202] Paragraph 330 of CD2.15
[203] Paragraph 394 of CD2.15

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(DM3(b)). Even on the applicants' case, the proposals fail to achieve this. The harm stems from an architectural choice to provide a pivotal landmark. Design South East were clear from an early stage that there was no rationale for doing so.

*Heritage benefits*

279. There is disagreement as to the weight to be given to heritage benefits. The Council[204] and the applicants attach greater weight to these than Mr Neale[205] does. Whilst the removal of the existing buildings and surface parking would be positive, the weight to be attached is limited by the fact that their removal would be a necessary part of any process to replace them. The creation of a street on an alignment similar to a historic street must be assessed having regard to the bulk and scale of the buildings on either side. The benefit of framing views of landmarks requires consideration of the quality of the development framing such views. When assessed in context, HE considers that the benefits would do very little to weigh against the harm caused by the scheme.

*Townscape benefits*

280. Mr Neale has based his appraisal on all the material presented by the applicants and has judged the impacts of that particular design on the significance of the heritage assets in question[206]. That is an entirely reasonable approach and HE rejects the notion that one can only assess the heritage harm properly if one undertakes a freestanding architectural appraisal. The more generic townscape benefits, such as way finding, which Dr Miele relies on serve a different purpose which relates to the proposed tower, the justification for which has been addressed above. Any such townscape benefits do not reduce or offset the heritage harm.

***Planning balance***

281. HE does not strike the overall planning balance, which will involve material considerations outside its area of specialism. However, HE does advise the Secretary of State on the proper legal and policy approach. This requires a strong presumption to be applied against development that would harm designated heritage assets. The presumption is strongest in relation to assets of the highest significance, which is undoubtedly the case here. HE's evidence is that there would be severe harm to the significance of the NCCCA, a designated asset of the highest significance.

282. There would be harm, to varying degrees, to a range of designated assets of the highest significance including the Cathedral (considerable harm), the Castle (considerable harm), the Roman Catholic Cathedral (marked harm), City Hall (considerable harm), Church of St Peter Mancroft (marked harm) and the Church of St Giles (marked harm). These are citywide landmarks which, together with views from and towards them, form a key part of the character of

[204] Paragraph 4.12 of Mr Webster's proof (NCC2/1)
[205] Paragraphs 8.7 to 8.15 of Mr Neale's proof (HE1/1)
[206] Paragraph 8.4 of Mr Neale's proof (HE1/1)

the NCCCA. In terms of national policy and development plan policy, the highest protection should be afforded to them. Norwich has an exceptional number of medieval churches which play a remarkable role in the townscape. Mr Neale described how these towers "*articulate the roofscape of the city*"[207]. The scale of the proposal would create a radical disparity with the coherence of the cityscape, harming the city and causing marked harm to the significance of the individual medieval churches.

283. The proposal would be entirely out of keeping with the historic character of the area to the north of the river, causing harm to a number of assets of the highest significance. This would include the Grade I Church of St Augustine (severe harm and minor benefit), the Grade I Church of St George's Colegate (marked harm), the scheduled ancient monument of the City Walls at Magpie Lane (marked harm) and the Grade II* Bacon's House (minor harm).

284. The starting point for an overall planning balance is an assessment against the development plan, which in this case comprises the JCS and the DM Plan. The Framework is a material consideration but does not obviate the need for detailed assessment against the adopted development plan. The relevant policies, which have been addressed above, contain a recurring requirement to protect and enhance the historic environment (JCS Policies 1, 2 and 11). The requirement in Policy DM3(b) to protect long views of the landmarks flows from analysis within the NCCCA Appraisal and is bespoke for Norwich. Similarly, Policy DM3(c), which requires significant weight to be given to protecting local distinctiveness, flows from analysis of Norwich's history and its tight urban form. Policy DM9 specifies that development in Norwich shall maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets. On Mr Neale's analysis all of these policies would be breached.

285. Moreover, the DM Plan ensures that the criteria for sustainable development in DM1 are embedded in the policies for main town centre uses in large district centres (DM18), office development (DM19), and residential development (DM12). This means that the proposal must be sustainable development within the meaning of DM1 for it to be compliant with those policies. The critical role of DM1 is to ensure that potentially competing strands of sustainable development are given equal weight, such that the need to protect heritage assets is not weakened to pave the way for economic development.

286. Mr Parkin's compartmentalisation of compliance with the development plan does not allow for this rounded consideration[208]. Mr Luder focused on the economic aspects of JCS Policies 11 and 19[209], ignoring the need to read the policy as a whole. The development plan requires the regeneration of the northern city to be done in a way that enhances the NCCCA, as does the PGN. The capacity of the site is left for detailed consideration in the light of the constraints[210]. It is

[207] Paragraphs 8.897 – 8.91, 104 of HE1/1
[208] Paragraphs 19.26 to 19.40 of Mr Parkin's proof (NCC1/1)
[209] Paragraph 3.5 of Mr Luder's proof (WH4/1)
[210] Paragraph 7.10 of CD2.11

clear from the officers' report that the proposal fails badly against this important strand of sustainable development[211].

*The relevance of viability*

287. HE accepts that viability and deliverability are relevant to the planning balance and to the exercise under paragraph 196 of the Framework. The viability of the proposal is marginal in current economic conditions, as reflected in the award of marginal viability funding of £15 million. The applicants have confirmed their intention to deliver the scheme on the basis of the current viability assessments[212]. This bears on the balancing exercise. It does not amount to a freestanding consideration in favour of the scheme. The heritage harm caused by the proposal would be permanent. The rationale for considering alternative schemes is to see whether that harm could be avoided or reduced. HE submits that:

- Do nothing is an option that should not be ruled out because the proposal would cause considerable harm to the historic environment. As Mr Parkin acknowledged, if permission is refused there would then be a period of reflection during which the Council would work towards a solution. The present consideration of alternatives has taken place against current economic conditions.
- The Council's analysis of alternatives has not considered relative heritage harms, it looks only at whether the same benefits could be produced. In the officers' report Option 4 (do minimum, demolish and convert) was not ruled out on viability grounds. It was accepted as producing heritage benefit rather than heritage harm[213].
- The Ash Sakula proposals[214] show that an alternative approach can provide a mixed use scheme consistent with the uses appropriate for the LDC. It is not contested that these proposals would represent a significant enhancement in heritage terms and that there would be an appropriate mix of uses. Mr Vaughan acknowledged that there are elements of the plans that have merit but he said that they failed to address the detail of the brief[215]. However, the brief was not prescriptive.
- The Ash Sakula scheme has not been put forward as an alternative, deliverable planning application. Rather, it demonstrates an alternative approach that would produce heritage benefit while delivering a development consistent with an LDC. It is not inevitable that there will be harm in order to deliver policy objectives[216].

288. The absence of an alternative fully drawn up scheme that has been shown to be deliverable does not mean that this application proposal is the right scheme at the right time. That can only be decided by performing carefully the balancing

[211] Paragraphs 579 to 587 of CD2.15
[212] Agreed position statement on viability matters (ID10)
[213] Paragraph 161 of CD2.15
[214] Appendix 1 to Mr Neale's proof (HE1/2)
[215] Paragraph 9.5 of Mr Vaughan's proof (WH1/1)
[216] Paragraphs 10.14 and 10.16 of Mr Neale's proof (HE1/1)

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exercises required under section 38(6) and paragraph 196 of the Framework. If the balance is against the proposal then it must be refused.

## THE CASE FOR SAVE BRITAIN'S HERITAGE (RULE 6 PARTY)[217]

289. The planning system places an emphasis on the preservation and enhancement of the UK's built heritage. Great weight must be given to the conservation of designated assets. The more important they are the greater the weight should be. The Framework states that any harm to designated heritage assets requires "*clear and convincing*" justification[218]. Decision makers should clearly articulate the extent of harm (however categorised) so that any justification can be properly weighed. It is also necessary to establish whether harm to each designated asset falls within the category of "*substantial*" or "*less than substantial harm*". The policy duties set out in the Framework give effect to the statutory duty to have special regard/attention to the desirability of preserving the special features of listed buildings and conservation areas. Together they create a "*strong presumption*" against proposals which will cause harm to significant assets[219]

290. It is a striking feature of this case that all parties accept that the proposal would cause harm to a range of Grade I and II* listed assets. This is even more extraordinary when it is recognised that of one of these is the Cathedral, a building described by HE and Mr Forshaw (SBH's heritage witness) as being of exceptional, European level importance. Mr Webster (the Council's heritage witness) describes the harm as being in the moderate range of less than substantial harm.

*Significance of affected designated heritage assets*

291. There is little dispute about the significance of the NCCCA and the affected listed buildings. Mr Forshaw emphasised the quality of Norwich's historic environment. In addition to the Cathedral, which dominates the city and creates its distinctive skyline, the city is blessed with an unrivalled collection of parish churches and other monuments. The settings of these assets overlap and include a well preserved street plan which forms a key part of the character of the interwoven, low rise city centre. That historic urban environment is protected in its own right by designation as the NCCCA. It also makes a major contribution to the significance of the individual buildings by allowing them to be experienced in a context which reflects and respects their historic, aesthetic and architectural significance[220].

292. Overall, it is clear that Norwich has an "*extraordinary historic character*"[221]. Faced with all this richness, there may be a temptation to lose focus on the individual assets and under-appreciate the range of impacts which the scheme may have. Mr Forshaw emphasised the significance which he saw even in the

[217] The closing submissions, which are summarised here, are at SBH12
[218] Paragraph 194 of the Framework
[219] Barnwell Manor Wind Energy Ltd v Secretary of State [2015] 1 W.L.R. 45 at [16]-[29] (CD11.21) and Jones v Mordue [2016] 1 WLR 2682 at [26]-[28] (CD10.14)
[220] Paragraphs 8, 12 and 23 of Mr Forshaw's proof (SBH1/1)
[221] Paragraph 1.4 of Mr Neale's proof (HE1/1)

Anglia Square character area. Although it is less significant than other parts of the NCCCA, it is still protected by section 72 of LBA1990. There are also locally listed buildings at Pitt Street which are to be demolished. These should not be undervalued.

*Impact of the proposed development*

293. Mr Forshaw showed how the bulk and scale of the proposal, including the tower, would lead to a serious, even massive, disruption to this historic urban environment. This would cause some of its key distinctive features, most notably the skyline, to be lost or harmed. There would be a serious erosion of key elements that comprise the significance of the NCCCA. At the Inquiry, Mr Forshaw explained his views primarily by reference to the visualisations but he was clear that his assessments had been drawn from his site visits.

294. A major area of difference between Mr Forshaw and Mr Webster/Dr Miele related to the benefits of replacing the existing buildings. Whilst Mr Forshaw accepted that there would be some townscape benefits, these are different in kind to heritage benefits which would attract great weight. This point appears to have been accepted by Dr Miele[222]. Mr Forshaw commented that, whatever the design merits of the proposal in isolation, they fall at the first hurdle in terms of failing to respect context. He also pointed out the fundamental tension between the applicants' argument that the tower would bring townscape benefits (such as wayfinding or legibility) and their suggestion that the visibility of the tower would not unduly harm the significance of the Cathedral and other landmarks whose primacy it would compete with.

295. The prominence of the proposal, in a location which is not appropriate in terms of the historic environment, would cause harm. The officers' report referred to the design as lumpen and harmfully unfamiliar in its surroundings. Its bulk would form a barrier within the historic city and it would loom over St Augustines Street and Wensum Street in a disturbing manner. The proposal would fail to restore the historic street pattern. The removal of harmful aspects of Anglia Square would be outweighed by the much more harmful impacts of the new and more prominent buildings.

296. It is difficult to see how the design can be justified by reference to the surrounding historic environment. Dr Miele accepted that it would significantly exceed the parameters identified by CgMs in the Built Heritage Statement[223]. It is hard to understand why this happened in the light of Mr Vaughan's evidence that his design brief included no specific number of units which needed to be provided[224]. The applicants have not sought to justify the particular design choices made in terms of viability. It seems that the only real justification for the height and bulk of the proposed buildings is that the applicants believe them to be of townscape value.

[222] Inspector's note – in answer to questions from Mr Williams, Dr Miele accepted that there is a distinction between townscape benefits and heritage benefits
[223] Paragraph 7.1 and following of CD4.86 Vol 3(i)
[224] Inspector's note – confirmed by Mr Vaughan in answer to questions from Mr Williams

297. However, as Mr Parkin accepted, there are significant weaknesses in the design. Design South East had fundamental concerns about the rationale for the tower and over-development which remain unresolved[225]. Given the applicants' commitment to a rationale for the tower based on "*an express desire for the building to be visible and punctuate the skyline*"[226], they appear to be irresolvable. The problem with the applicants' approach is that the concept of a regeneration landmark is simply not appropriate for the sensitive historic environment of Norwich.

298. The Ash Sakula design (presented by HE) is a powerful reminder of a better way in which Anglia Square could be redeveloped. Whilst it is accepted that it is not viable, it still shows how a different concept could be evolved which would deliver heritage benefits rather than harms, in accordance with DM Plan Policy DM9 and the PGN[227]. SBH submits that net heritage benefits should be a minimum requirement for any acceptable scheme on this site. The proposal fails to achieve that, resulting in a significant failure to comply with DM Plan Policies DM3 and DM9.

*Approach to substantial harm, as that term is used in the Framework*

299. Mr Forshaw concluded that the proposal would lead to a range of serious (albeit less than substantial) harms to individual buildings of the highest importance. It would also lead to substantial harm to the NCCCA as a whole. This conclusion was subject to particular criticism by the applicants, who suggested that Mr Forshaw's assessment was flawed because he had not undertaken a detailed assessment of the significance that would remain in the NCCCA. This follows on from an argument put in opening[228], to the effect that, because large parts of the NCCCA would be untouched by the proposal, there cannot be substantial harm. It was argued that such an assessment depends on how much significance is left in the asset. SHB submits that this is obviously wrong.

300. The Judge in *Bedford* made clear that the function of what is now paragraphs 195 and 196 of the Framework is to provide a varying test of consent according to "*the quantum of harm to significance*"[229]. It is therefore the quantum of what is lost, not the quantum of what remains, that is the primary focus of any analysis. Dr Miele accepted this point in cross examination. The NCCCA is itself extensive and contains a range of important assets. If it has to lose most or all of its significance before substantial harm arises, rather than just a serious reduction such that significance is "*very much reduced*"[230], then the practical effect would be that substantial harm could never arise. Even the construction of the Shard on the footprint of Anglia Square, or demolition of the Cathedral, would not result in the NCCCA having no or little significance left.

301. The applicants' approach would lead to the surprising result that the more significant an asset is, the harder it will be for a development to substantially

[225] CD11.16 and CD11.17
[226] Page 112 of Mr Vaughan's proof (WH1/1)
[227] Page 40 of CD2.11
[228] Paragraphs 70 and 74 of the applicants' opening (WH12)
[229] Paragraph 17 of Bedford v SSCLG [2013] EWHC 2847 (Admin) (CD12.10)
[230] Paragraph 25 of *Bedford* (CD12.10)

harm it. Taking that to its logical conclusion, this proposal could only cause substantial harm to the NCCCA if the NCCCA were smaller and less significant. The way in which *Bedford* has been applied in the Smithfield[231] decision shows that this approach is obviously wrong. There, the Inspector found that the partial demolition of a group of unlisted buildings within the Smithfield Conservation Area would amount to substantial harm. This was due to the loss of key distinctive features, notwithstanding that the proposal did not touch on other highly significant character areas, including St Bartholomew's Hospital and Priory. On the applicants' approach, no finding of substantial harm would have been possible.

302. The Smithfield decision is a better indicator of the correct approach to the current situation than the Chiswick Curve decision[232]. In that case the development proposals were not within a conservation area, nor even within the buffer zone for the World Heritage Site, but some distance away. In this case the proposal would be within the NCCCA and would harm key characteristics of the designated area, in particular through disruption of the iconic skyline.

303. The correct approach to substantial harm is to ask whether the overall cumulative impact of the proposal on the NCCCA would result in a very significant or serious reduction in its significance. A useful touchstone for this will be whether the proposal would result in full or partial loss of key elements. For the reasons advanced in Mr Forshaw's evidence, SBH submits that it would. The Inspector is therefore invited to find that substantial harm would be caused to the NCCCA.

*Planning balance*

304. Under section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the application falls to be considered against the statutory development plan and all other material considerations. These will include the Framework. For the above reasons, SBH considers that there is clear conflict with the heritage policies of the development plan. This means that, considered as a whole, the proposal fails to accord with the development plan. Other material considerations largely weigh in favour of refusing permission. Under paragraph 195 of the Framework, substantial harm to a designated asset should lead to refusal unless it can be demonstrated that substantial public benefits exist and cannot be provided elsewhere or in a less harmful manner.

305. SBH has not undertaken a full assessment of the benefits but Mr Forshaw was able to comment on the basis of his long experience as a planning officer. He accepts there would be benefits, in terms of housing and affordable housing, but considers that these benefits have been overstated. There are other sites where the same benefits can be provided. Mr Forshaw suggests that the public realm benefits would be limited due to shortcomings of the spaces to be created. He also considers that the heritage benefits claimed by the applicant are overstated. Overall, he considers that the benefits would be modest and

[231] CD12.6
[232] CD12.9

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insufficient to outweigh the heritage harm, regardless of whether such harm is considered under paragraph 195 or 196 of the Framework.

306. Opening submissions for the applicants suggested that the Council is best placed to identify and weigh the public benefits of the scheme[233]. However, it should be noted that officers described the proposal as "*finely balanced*"[234] and that the Committee only voted to approve by 7 to 5[235]. That narrow decision was on the basis of the Council's assessment of heritage harm, which SBH takes issue with.

307. In conclusion, it is submitted that there is no justification for departing from the development plan. The Inspector is asked to recommend that the Secretary of State refuses to grant planning permission for the application.

## THE CASE FOR THE NORWICH SOCIETY (RULE 6 PARTY)[236]

308. Anglia Square is in the NCCCA, at the entrance to Magdalen Street which leads to the historic core of Norwich. The massive and dense development proposed, with its out-of-scale bulk, would significantly diminish the unique identity of the city. The proposal meets neither national nor local planning guidance.

309. The Framework states that:

"*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*"[237]

Far from maintaining a strong sense of place, the proposal would create an 'anywhere' environment.

310. While judgements on what makes good design are somewhat subjective, the Design South East (2017) review of a previous version of the scheme expressed concern that it constituted overdevelopment and that it would not be possible to resolve a scheme sensitively in this location with this level of density. The review raised concerns about the way that the proposed buildings would relate to the surrounding historic fabric, the extent of overshadowing of public spaces and the proliferation of single aspect flats. That version of the scheme varied very little from the current proposal, apart from the tower having now been reduced from 25 storeys to 20. At the application stage the Design South East review focussed on the tower. However, the revised scheme has done little to mitigate the other concerns raised earlier in the process.

311. The Council's PGN for Anglia Square states that any development should have a clear relationship in built form with the surrounding area, which is clearly not the case with the current proposal. It goes on to say that:

[233] Paragraph 91 of WH12
[234] Paragraph 604 of CD2.15
[235] CD9.2
[236] The closing submissions, which are summarised here, are at NS12
[237] Paragraph 124 of the Framework

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"*the height and traditional character of buildings and streets to the north and east of the site (most immediately Magdalen Street, St Augustine's Street and Gildencroft) needs to be respected in the redevelopment to ensure the buildings, streets and their settings are not unduly dominated or harmed by the new buildings. Proposals should achieve a density in keeping with the existing character*"[238]

312. The Council's most recent policy for the area (the Norwich City Council Area Action Plan) indicates that a minimum of 250 houses would be acceptable within the Anglia Square site, less than a quarter of the number now being proposed. The proposed density of 285 dwellings per hectare is grossly over-intensive, being in excess of that for a well serviced urban area in London. It is totally inappropriate for a local centre in Norwich. In the immediate vicinity of this site the density ranges from 19 dwellings per hectare (around Oak Street) to 80 per hectare (in Magdalen Street and the surrounding flatted courts such as Magdalen Close). Whilst a density higher than the surrounding area may be appropriate, it is clear that a jump in density of this magnitude will substantially change the character of the area.

313. The high density has serious implications for the design quality of the scheme. When assessed against the full 29 Building for Life criteria, rather than the 12 main questions used in the officers' report, we contend that 9 would be marked as negative. Concerns identified in NS's Building for Life assessment[239] include:

- service bays and car park accessed from the congested gyratory system at Pitt Street;
- loss of Ann's Walk, an existing pedestrian route between Cowgate and Pitt Street;
- poor relationship to existing development around the edges of the site, including discordant changes in scale;
- excessive parking provision, given that the site is well served by public transport;
- the mix of one and two bedroom flats (and 9 houses) being proposed would be poorly aligned with the need for a range of unit sizes identified in the Strategic Housing Market Appraisal;
- the proposal is not distinctive from developments elsewhere (such as Canary Wharf) and would not have any local identity;
- harmful impacts on numerous longer views;
- streets and spaces within the scheme would feel cavernous; and
- long single sided corridors to access individual flats, which would feel oppressive.

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[238] CD2.11
[239] Appended to Mr Boon's proof (NS1/1)

314. The applicants suggest that the tower would be a beneficial waymarker, helping to orientate people moving around the city. NS strongly disagrees with this argument. The idea that people need a residential tower to orientate themselves is absurd. Local people would know where they are anyway and visitors would have no idea of the relationship of the tower to where they wish to go.

*Economic considerations*

315. The claimed economic benefits could be achieved by a less dense and better designed development. This could provide a wider range of housing types, attracting more well-off residents who would spend at least as much in the local economy, even if they were fewer in number. The Office for National Statistics estimates that the average household expenditure in 2018 was just under £30,000 a year. This would suggest an annual spend of around £37 million for the residents of the proposed scheme, near the top end of the Council's estimate. In view of the type of homes proposed, the lower end of the range suggested by the Council would be more likely.

316. Crucially, a poorly designed scheme that is totally out of character with the surrounding area would damage the vitality of the city centre by making Norwich a less attractive place to work or visit. International research has demonstrated that the quality of place has an impact on the local economy, especially by its influence on the ability of businesses to recruit essential specialist and professional staff who increasingly look for a good place to live before searching for a job. For many local people on low incomes, the likely loss of the value shopping currently available in Anglia Square could harm their quality of life.

317. Visitor spending accounts for around 10% of the city's GDP. Visitors are attracted by the city's rich heritage and lively centre. Anglia Square marks the entrance to the city from the North Norfolk coast and the airport. It should give a foretaste of the quality of modern architecture in Norwich that complements its historic heritage. An alien tower and massive anywhere development is not the first impression that the city should be giving. When approached from the north, the bulk of the tower would often not be ameliorated by any decorative detailing as it would be seen in silhouette against the sun.

*Conclusions*

318. NS recognises that Anglia Square is in desperate need of redevelopment. However, replacing it with such a high density, bulky development is unacceptable within the NCCCA. The proposed tower would intrude into a skyline that is almost entirely free of tall buildings, other than those that serve a religious or civic purpose. It would be preferable to leave the site vacant in the expectation that a better proposal will come forward at some point. With such excellent modern buildings as the Forum, Winnalls Yard student accommodation and the Stirling Prize winning Goldsmith Street housing development, it is clear that Norwich is capable of supporting good modern design.

319. Support for the scheme within the Council has not been overwhelming. The officers' report describes the recommendation for approval as being '*finely balanced*' and the committee itself only approved the scheme by 7 votes to 5.

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For these reasons, NS believes that the proposal meets neither national nor local guidelines and should be refused.

## THE CASE FOR NORWICH CYCLING CAMPAIGN (RULE 6 PARTY)[240]

### *General conclusions*

320. CYC supports the objections by HE, SBH, NS and others regarding the height, mass and density of the proposal. Whilst the news that priority will be given to the removal of asbestos from Sovereign House is welcomed, there is concern that this matter will be left to NCC to resolve. CYC welcomes the provisions in the section 106 Agreement relating to cycle and pedestrian routes, although it is regretted that this matter was not resolved by consultation before the Inquiry.

321. The Environment Bill 2020 passed its second reading on 26 February. It will now pass to the Committee stage and to the House of Lords. The Bill states that, when setting targets on air quality, the Secretary of State must seek advice from independent persons with relevant expertise. An expert body should be formed prior to the new Office of Environmental Protection to provide the Secretary of State with advice on targets. This advice must be published and will be subject to some pre-legislative scrutiny. The targets themselves are unknown and may not be set until October 2022.

### *A sustainable site depends what you do with it*

322. It has been suggested that Anglia Square is the most sustainable site in Norwich, due to its proximity to the city centre and the potential for expanding public transport. However, a sustainable site does not necessarily lead to a sustainable development. That depends on the nature of the development that takes place. CYC wants to see a truly sustainable development that is low carbon, provides good housing meeting the needs of the city, fits the heritage and historic character of the city and is healthy. This means reaching low levels of air pollutants as quickly as possible. The proposal does not tackle air pollution as quickly as possible, therefore it is not sustainable and would not be good for Norwich.

323. It is clear from the annual average daily traffic data used for the air quality assessment (AQA) that traffic would increase, particularly on the west and north west side of the development[241]. The St Augustines Street gyratory is a key transport feature which distributes traffic in this part of Norwich, from the south and city centre, from the inner ring road and from the north (Aylsham Road and Sprowston Road). Without the development, the clockwise flow of traffic would increase slightly by 2031. With the development, traffic levels around the gyratory would increase significantly.

324. There would be a 15.5% increase in traffic approaching the development area down Edward Street (north), and a 53.6% increase in traffic approaching and

[240] The closing submissions, which are summarised here, are at CYC14
[241] Appendix B of Ms Hobson's proof (WH8/3)

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leaving the car park in Edward Street (south). Other streets show increases too, such as Pitt Street (9.6%)[242].

325. The western and north western edges of the site are close to locations where air quality is of most concern, including the proposed ground floor dwellings in Block B, the existing flats at 8 to 22 Edward Street and Dalymond Court and existing dwellings on St Augustines Street, which is already congested at peak times. The annual $NO_2$ objective applies to numbers 13 and 52 St Augustines Street, which have been monitored by the Council for years[243]. DT11 has never been legal. Even with the low bias factor used for the 2018 data, it still measured 44.4 µg/m$^3$. For the previous 5 years it was always above 48 µg/m$^3$. The Council's uncorrected 2019 data has it as 52 µg/m$^3$. These are serious on-going exceedances.

326. The proposal would attract traffic to this part of the city. It would increase traffic levels in St Augustines Street by over 8%, or over 13% if background traffic growth is included. This is not appropriate or sustainable. It would be preferable to refuse consent for this proposal and allow planners and other developers to come forward with a design for a truly sustainable development.

***What is the destination for air quality?***

327. CYC called Dr Ashley Mills to give evidence on public health issues so that the wider issues of human health could be considered. The Inquiry heard conclusive evidence on the medical impacts of air pollution. It also heard that the current regulatory levels under EU and UK law, and the World Health Organisation recommendations, do not offer sufficient protection. The Royal College of Physicians report "Every breath we take: the lifelong impact of air pollution"[244] states:

"*Neither the concentration limits set by government, nor the World Health Organisation's air quality guidelines, define levels of exposure that are entirely safe for the whole population*."

328. This report was written by a committee of the foremost UK medical and scientific experts on the impacts of air pollution. The Secretary of State cannot ignore them. The Inquiry also heard evidence from a local resident regarding concerns within the community about air quality in the area around Anglia Square. Residents are concerned that the proposal would lead to an increase in traffic which would, in turn, increase pollution. It is those who are old, young, or vulnerable with some illness who are most at risk and for whom there is no safe level of air pollution.

329. The destination is for air pollutants to be eliminated completely. In contrast, the Inquiry has only heard from the applicants about whether pollutants can be brought to current regulatory levels, despite the evidence that these levels give little protection to public health. A demonstration of compliance is just the first

[242] Further information on increases in particular streets is provided in a table on page 4 of CYC14
[243] DT9 and DT11
[244] CD15.11

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step on a long road. The destination for air quality must be considered as well, bearing in mind that the Framework states that[245]:

"*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health…*"

330. This wider perspective on air quality matters underwrites the need for a trustworthy scientific process and for a precautionary approach in assessing the air quality impacts of the development. However, CYC does not just rely on the wider perspective. For reasons set out below, CYC considers that the proposal does not even pass the first step of compliance with regulations and planning guidance.

***History of air quality in this application***

331. Version 2 of the AQA was reported to the planning committee in December 2018. This predicted that by 2028, with the development in place, there would be increased levels of $NO_2$ at all but one of the 9 receptors modelled. Receptor H, outside the ground floor of Block B (where the $NO_2$ annual objective limit of 40 µg/m$^3$ applies) was modelled to be 59.0 µg/m$^3$. Two receptors were found to exceed the 1 hour mean objective of 60 µg/m$^3$. Receptor B on Magdalen Street was modelled to be 63.4 µg/m$^3$ and receptor G, which is close to residential properties at 8 to 22 Edward Street and Dalymond Court, was modelled to be 70.6 µg/m$^3$.

332. These breaches are of significant concern on public health grounds. However, no indication was given to the planning committee that this should indicate an unacceptable level of $NO_2$. CYC considers that immense complacency was shown by the Council and the applicants at this stage. It is only due to the call-in that the issue has been examined more closely. This complacency continued in the applicants' Statement of Case (August 2019) which states that[246]:

"*the modelling predicts that in all locations (with the exception of location C) the development (2028) will lead to an increase in $NO_2$ concentrations … the annual $NO_2$ target is predicted to be exceeded in both the 'with' and 'without' 2028 development scenarios*"

The associated public health risks are acknowledged:

"*In locations where exceedance of the hourly $NO_2$ level is predicted, there is the risk that the development could give rise to a wider detrimental public health impact*"

333. As of August 2019 the applicants could have chosen to amend the proposal to reduce its impact on air pollutants, such that in the target year (now 2031) levels with the development would be less than levels without the development. For example, the transport plan could have been changed and the amount of residential car parking reduced. These options have not even been tested.

[245] Paragraph 180
[246] Inspector's note – the submission refers to the applicants' Statement of Case but the references to paragraphs 518 and 521 appear to come from the officers' report (CD2.15)

334. Everything that has happened since air quality became an item on the agenda for this Inquiry amounts to a retrospective campaign by the Council and applicants to do a complete U-turn on their original positions. Three AQAs have been presented, which has been confusing for all concerned. The one thing that remains true throughout is that air pollutant levels, both $NO_2$ and $PM_{10}$, are always greater with the development than without.

***The quality of the modelling***

335. Each new model has further confused the issues around air quality. This can be seen from the variation between AQA results based on 2018 monitoring data and 2019 monitoring data[247]. According to the applicants, the only difference is the input data from the Council's monitoring. There is huge variation in the modelled values for each receptor, with 4 of the 14 being more than 10 $\mu g/m^3$ different (equivalent to 25% of the annual mean limit value for $NO_2$).

336. This shows that the outputs for any data point are significantly dependent on the input set of monitored data used to seed the model, proving that:

- the selection of input calibration data is crucial; and
- changing the input calibration data changes the outputs and renders comparisons between different air quality models meaningless.

337. The input data has changed three times during this process, demonstrating the 'garbage in, garbage out' principle before our very eyes. The applicants' own evidence shows that all the models are inconsistent with each other. Despite the data showing these huge internal inconsistencies, the Secretary of State is asked to accept that all the models are correct in different aspects and that different data items from each can be picked out to prove points about air quality, regulatory compliance and ultimately public health.

338. CYC concludes that none of the models can be trusted. The quality of the work is low and decisions around compliance and public health cannot be trusted based on any of this data.

***Inherent optimism in the modelling***

*Extremely optimistic bias factors applied*

339. CYC has particular concerns about AQA Version 3, the model presented in the applicants' evidence[248], relating to the optimism inherent in the modelling. Those concerns were set out in opening and in rebuttal evidence[249]. The Council and the applicants submitted a joint note on bias adjustment factors[250]. The following points are made in response:

- The joint note fails to mention that the Council has historically rejected using a local bias adjustment factor due to the co-location site being

[247] There is a summary table at page 8 of CYC14 which presents figures drawn from WH24
[248] Ms Hobson's proof (WH8/1)
[249] CYC10 and CYC11
[250] ID17

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described as a canyon like street. There is no evidence that the site has changed.

- The joint note is wrong to say that CYC suggested a bias adjustment factor of 0.92 based on an outdated spreadsheet. In fact the source of that figure is the Council's 2019 Annual Status Report.
- CYC's note sought to present concerns about the method for generating national bias factors, which can be skewed by even one outlier result. The joint note ignores this concern and refers to a national bias factor of 0.89 which is itself skewed by bad data. The figure is not robust and cannot be relied on.
- The joint note fabricates a reason for CYC's change of approach in relation to the selection of bias factors. In fact CYC only investigated the national bias factor spreadsheets at the time the SoCG was being drafted. This was new evidence which, correctly, led to an updated position.
- The summary of CYC's position on the use of the national spreadsheet is misleading. CYC does not advocate arbitrarily excluding one piece of data. The fundamental point is that the whole national bias factor spreadsheet system is untrustworthy and sorely in need of review by DEFRA.
- Whilst it is right to say that CYC rejects both the local bias factor and the national factors, this situation arises because the DEFRA system is untrustworthy. Professor Peckham and Dr Mills have already shown that the tool improves accuracy in around 70% of cases but degrades it around 30%. Where it degrades accuracy it tends to reduce the original $NO_2$ measurement, making it more optimistic, as in this case.
- The Norwich 2019 Annual Status Report illustrates that there is no gatekeeping on data fed into the DEFRA spreadsheet. This is another factor enabling untrustworthy national bias factors to be generated.
- CYC's conclusion that neither local nor national bias factors can be trusted is based on the evidence, it is not a deliberately awkward or arcane position.
- The crucial implication for the Secretary of State is that the Norwich 2019 Annual Status Report, and both the local and national bias factors within it, cannot be trusted. Nor can AQA Version 3 which is based upon it.
- CYC accepts that the Council followed guidance in LAQM TG16[251] in selecting a bias factor. However, the Council has not been placed in a good position by the DEFRA guidance, as the evidence shows that neither bias factor can be trusted.

340. Turning to the local bias factor, it has been noted above that the Council deviated from its approach in previous years in selecting a local bias factor for its 2019 Annual Status Report. It also deviated from clear trends in previous years:

[251] CD11.37

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- Local bias adjustment factors in the years 2013 (2012 data) to 2018 (2017 data) have all been in the range 1.04 to 1.14. The 2019 (2018 data) value of 0.86 is out of kilter. The issues with rogue data[252] clearly play a part in this deviation from previous years.

- The national bias factors chosen in Norwich for the years 2013 (2012 data) to 2018 (2017) have all been between 0.96 to 1.02. The 2019 (2018 data) value of 0.86 is out of kilter in this respect too.

341. Two examples show the effect of the Council's choice. If the national bias factor of 0.92 (taken from the 2019 Annual Status Report) was chosen instead of the local bias factor, the outputs of AQA Version 3 would have been 7% higher. If a national bias factor of 0.98 (which is within the range of factors used by the Council between 2013 and 2018) was chosen, the outputs of AQA Version 3 would have been 14% higher[253].

342. CYC submits that the Secretary of State cannot ignore the fact that a local bias factor was chosen which was out of kilter with previous factors used by the Council. Moreover, given the fiasco with the national bias factors for 2019 (2018 data), there is no way to assess the validity of either the local or national bias factor. The uncomfortable conclusion is that the data taken forward to AQA Version 3 cannot be trusted.

*ADMS Model configuration*

343. The applicant has taken note of CYC's observations regarding street canyons and has re-run the model. However, it was also pointed out that the control parameters which calibrate the meteorological data were set at the default values[254]. The surface roughness factor was set the same for the reference meteorological site (Norwich airport) and the modelled area. In this case the setting of the default parameters creates higher wind speeds, and correspondingly greater dispersion of pollutants, at Anglia Square. This introduces another optimistic skew to the data. Further model runs would be required at the correct settings to establish what impact this has on the results.

*The precautionary principle and emissions factors*

344. The applicants argue that the recent example at Wealden sets a precedent for the use of emission factors. At Wealden, the use of CURED emission factors was accepted by the Inspector and Natural England as a precautionary approach. However, it does not follow that the use of CURED here would be precautionary. The scientific quality and integrity of the air quality models is very different. The Wealden AQA was undertaken by leading consultants Air Quality Consultants and broke new scientific ground in modelling a complex habitat. It runs to some 500 pages (with a 500 page appendix) which gives an idea of the depth of the undertaking.

345. The key attribute of the Wealden AQA is that there was a single consistent model, in contrast to the situation at Anglia Square where there have been

[252] CYC11
[253] The graph at page 9 of CYC11 shows the impacts of these choices
[254] Section 6.3 of Dr Boswell's rebuttal (CYC1/4)

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three differently configured models giving diverse results. The Wealden model was calibrated with 106 reference diffusion tubes (compared with 3 in Anglia Square AQA Version 3) measured for 24 months (Anglia Square AQA Version 2 only measured for 3 months). The Wealden model was extremely robust and it was therefore reasonable for results using the CURED emission factors to be considered as a precautionary sensitivity test.

346. It would not be reasonable to transfer this assessment of a precautionary approach to Anglia Square. In the current case optimism accumulates through the modelling, which must be considered as a whole. The outputs[255] based on CURED are subject to this optimism. They cannot therefore be taken as a precautionary assessment. The Anglia Square modelling is no comparator to the Wealden modelling. Given the level of uncertainty and the deviation of the outputs from the different Anglia Square models, it would not be scientifically credible to accept CURED as precautionary in this case. Moreover, it has never been the case that one specific situation automatically generalises to other situations, each case should be looked at on its merits.

*Conclusions on modelling*

347. The retrospective campaign by the Council and the applicants to do a complete U-turn on their position up to December 2019 has been unsuccessful. Although more modelling and more evidence has been provided through the inquiry process, this has not narrowed the differences between the parties. It has done the opposite. The latest AQA proves CYC's point that the quality of calibrating input data is key to the modelling. The models create a diverging set of results and clearly demonstrate the garbage in, garbage out effect. There is huge uncertainty in the modelling that has been carried out. It cannot be trusted.

***Overall conclusions***

348. The only singular truth is that every model shows that air pollutant levels (both $NO_2$ and particulates) are always greater with the development than without. This results primarily from increases in traffic. A development which sought to reduce traffic levels in the area would bring down air pollutant levels faster and would thus meet the legal requirement to reduce air quality as quickly as possible. This development does not.

349. It is not possible to reach a clear, trustworthy conclusion that legal levels of air quality will be delivered with the development. Nor is it possible to determine by when legal levels could be delivered. The air quality modelling presented has been confusing and the key issue of optimism across all the modelling has not been addressed by the applicant.

350. CYC submits that the development does not meet the test in the *Gladman* case[256] that:

"*In different circumstances, and on different evidence, an inspector might be able to assess the impact of a particular development on local air quality by taking into account the content of a national air quality plan, compliant with the*

[255] As shown in the summary tables at WH24
[256] CD15.117



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*Air Quality Directive, which puts specific measures in place and thus enables a clear conclusion to be reached on the effect of those measures*."

In passing, these are words of Lord Justice Lindblom who recently made a historic judgement on Heathrow at the Court of Appeal.

351. The proposal does not even meet the first step of demonstrating that regulatory compliance can be achieved on the path towards the destination for healthy air quality. However, given the very clear health impacts of lower than regulatory levels of air pollutants (both $NO_2$ and particulates) and the Framework's requirement that development decisions should take account of the likely effects of pollution on health, CYC submits that the Secretary of State would be justified to go beyond the first step. Despite the overwhelming evidence from Professor Peckham and Dr Mills, the Council and applicants show no inclination to go beyond just trying, albeit not conclusively, to meet regulatory compliance. The application must be refused on the basis that the crucial first step has not conclusively been met.

## OTHER PARTIES WHO APPEARED AT THE INQUIRY

### *Norwich Green Party*[257]

*Heritage*

352. The height, bulk and design would be harmful to the settings of numerous heritage assets and to the NCCCA. Loss of the locally listed buildings at Pitt Street would sweep away the final vestiges of the former historic neighbourhood. The medieval street pattern, including open spaces, markets and river crossings, gives the historic core its distinctive shape and is a key characteristic of the NCCCA. The route between the former Saxon market at Tombland and the junction of Colegate/Magdalen Street is at the heart of the historic street pattern, including numerous heritage assets. These historic streets are relatively unharmed by modern development, such that we can feel a connection to our forebears who travelled them over the past 1,000 years. The applicant has underestimated the impacts. The cumulative harm would be at the high end of less than substantial, if not substantial, and would merit refusal of the application.

353. The intact street pattern reflects the Anglo-Scandinavian pre-conquest town and the Norman town. The north/south axis including Magdalen Street and Wensum Street is an ancient route, possibly Roman, with several medieval churches standing on sites of pre-conquest churches. Contrary to the applicants' assertion, the street pattern has been relatively fixed since the middle ages. Dr Miele focussed on the main character areas rather than considering this key characteristic of the NCCCA. He has not assessed the full impact of a colossal modern tower, interrupting the skyline, on important heritage assets along this route. Mr Webster found major harm to the St Clements Church/Fye Bridge Street/Wensum Street group.

[257] Summary of comments made orally by Cllr Carlo and Dr Boswell and their respective notes at NGP1, NGP10 and CD16.8

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354. The tower is intended to act as a waymarker. Its impact would be felt across the historic city. The officers' report was ambivalent about three of the four arguments in favour of a tall building, although waymarking was accepted as a benefit. The tower and associated blocks would isolate the historic city beyond St Augustine's Church. In seeking to emulate the city landmarks to the south, the applicants are endeavouring to re-engineer the historic character of the north city. This would contradict the purpose of the NCCCA. Norwich over the water has a rich variety of historic buildings and development has remained low rise apart from 19th century industrial buildings along the river. Overall, the impact on numerous heritage assets and the NCCCA would be at the high end of less than substantial harm. The NCCCA would neither be preserved nor enhanced.

*Housing*

355. JCS Policy 4 sets a single affordable housing target (33%) for the whole plan area. This target is outdated and has failed to deliver enough affordable housing, particularly in Norwich. The Strategic Housing Market Assessment (SHMA)[258] provides a robust and strategic evidence base for appraising the development. The overall need for affordable housing in Norwich is 38.3% of the total need, significantly higher than the JCS policy suggests. Both the SHMA data and the housing queue data for the NR3 postcode indicate that more than 25% of affordable homes should be 2 bedroom units. The delivery of just 10% affordable housing is very poor compared with the JCS requirement and extremely poor compared with the need identified in the SHMA.

356. The SHMA data shows that 66% of 1 bedroom flats and 51% of 2 bedroom flats need to be affordable. The affordable flats proposed would almost all be 1 bedroom flats (plus 9 houses). The proposal would not even deliver 10% of the affordable housing required because 2 bed units make a greater contribution to meeting housing need than 1 bedroom units. This amounts to a hidden subsidy to the developer. Moreover, no housing would be delivered in the first phase so the proposal would jam up the housing queue for at least another 5 years.

357. The planning committee was led to believe that the scheme would make a significant contribution to the need for 1 and 2 bedroom flats up to 2036. However, this is only true for market housing. It would make only a 3.4% contribution to the need for affordable 1 and 2 bedroom flats. The proposal would create a structural imbalance between affordable and market housing in Norwich which could not be corrected by other developments during the plan period. The ability to meet the needs identified in the SHMA would be undermined, contrary to the housing policies set out in the Framework[259].

*Climate change and energy*

358. The Framework states that the planning system should support the transition to a low carbon future, contribute to reducing greenhouse gas emissions and support renewable and low carbon energy[260]. The proposal lacks a positive

[258] CD2.21
[259] Paragraphs 59, 61, 64 and 65 of the Framework
[260] Paragraphs 148, 150 and 151 of the Framework

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environmental vision that would support these objectives. JCS Policy 3 requires 10% of energy in new developments to be from renewable or decentralised sources. This policy is out of date and much higher requirements are achieved in other plans. An aggregate energy saving of 23% is proposed. The renewable energy element comes from air source heat pumps for the commercial units. The renewable energy level for the housing (photovoltaic panels on the 9 houses) is much less than 10% and does not meet Policy 3.

359. The Chancellor's 2019 Spring statement sought to phase out gas for domestic heating with no new gas installations from 2025, yet the scheme proposes 1200 gas boilers. Other options should be considered, including ground source heat pumps, electric heating and greater use of photovoltaic panels. The proposal should be refused because it is contrary to the Framework and the housing element does not meet JCS Policy 3. Gas should not be installed in any of the units.

*Other objections*

360. The commercial retail units would threaten the distinctive shopping offer of Magdalen Street and harm a thriving artistic community. The level of parking (1,540 spaces in total) is excessive in such an accessible location. The additional traffic generated would increase community severance, air pollution and carbon emissions. The scheme lacks play space for children and green space for residents. There would be excessive hard surfacing and a pathetic biodiversity gain.

*Conclusion*

361. Norwich has always accommodated change. Destruction on the scale of Anglia Square is not typical. That damage could be mitigated by sympathetic redevelopment but this proposal would not do that. Overall, the benefits of the scheme would be considerably outweighed by the disbenefits. NGP wants to see a development where housing, shops, employment and green spaces are blended to create a strong community that fits with its surroundings. It should be ready for net zero carbon. The Goldsmith Street housing development, which won the Stirling Prize for 100 social houses built to passivhaus standards, is an example of what can be done. Norwich is often said to be 'A Fine City' – it should not be allowed to turn into 'A Once Fine City'.

***Norwich Over the Water Society***[261]

362. The existing pagoda was constructed in the 1980s to improve the attractiveness of the square and has been popular with the public, being used for plays, musicians, charity events and carol singing. There is no equivalent facility in the scheme. Losing this all-weather facility would be a significant loss and would harm the commercial potential of the square by discouraging its use in wet weather. The proposals make insufficient provision for security. The flyover is poorly lit and puts people off. A security office placed next to the flyover, together with adequate lighting, would encourage people to visit the square. More secure cycle parking is needed for those visiting or working at Anglia

[261] Summary of comments made orally by Mr Scruton and others and in NOTW1.

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Square. Car parking should be provided underground, with computer controlled car stacking avoiding the need for vehicles to drive round in search of a space. The Under the Flyover scheme looks promising and should go ahead at an early stage.

363. There has been a lack of regard for the culture of the area. It is unlikely that a new cinema company would be interested in this location. This presents an ideal opportunity to replace the Opera House in Norwich which was demolished some 50 years ago. There is also an opportunity for an art gallery, which would complement the Castle Museum. The artists currently based in Gildengate House should be accommodated in the development. The name of the square should be changed to something that is truly locally distinctive. Possibilities include Stump Cross Square (for reasons of local history), Hansard Square and The Squares Over the Water.

***Hugo Malik***[262]

364. Mr Malik is a former Norwich City councillor and member of the planning committee. Norwich is not a wealthy city in an economic sense although it is rich in many other ways. It is built on communities that thrive in Victorian and Edwardian terraces, spacious suburban bungalows and fantastic low-rise Council estates. These communities overlap in Norwich's historic lanes, vibrant artistic scene, outdoor market (the largest in Europe) and independent cafes and restaurants. NS was correct to point out that the proposed density would be four times that thought to be acceptable in Leeds. The developers told the Council they would only proceed if they could apply for exemption from CIL. This would amount to some £8.8 million which could have been put into local infrastructure and services. Together with the HIF funding, this amounts to over £22 million of public money. Even so, the scheme is only marginally viable. There is good chance that it will end up as a white elephant or a half finished empty tower.

365. Norwich has a proud history of supplying affordable housing. However, over the last five years private developments have regularly been granted planning permission despite being in breach of development plan policies on affordable housing. This has mainly been on grounds of viability and claimed economic benefits. The current proposal is almost entirely flatted. This mix does not meet the housing needs assessment and conflicts with the housing policies of the Framework. The 120 affordable units amount to less than 10% of the dwellings, compared with a policy requirement for 33%. The quality of the homes is also a matter of concern, as identified by Design South East who highlighted limited access to daylight and natural ventilation and corridors that mostly lack external windows.

366. There are numerous discrepancies in the officers' report which concludes that either approval or refusal could be justified. This was hardly a ringing endorsement. The report was hardly glanced at by the planning committee. Significant concerns on behalf of Design South East were only briefly touched on. The summary of the Council's heritage evidence to this Inquiry is that the harm (in heritage terms) is greater than that claimed by the applicants and

[262] Summary of comments made orally and in HM1 and OD23

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greater than the heritage benefits of the proposal. This is an appalling application which breaches every policy in the JCS and DM Plan. It would be vastly detrimental to the heritage of Norwich and would set a national precedent for a dystopian future for similar sized towns and cities.

***New Anglia Local Economic Partnership***[263]

367. New Anglia Local Economic Partnership supports the application. Anglia Square presents a significant opportunity to create an iconic skyline for Norwich which would reflect the modern ambitions of a digitally creative city. The scheme would provide a significant number of construction and supply chain jobs during the construction phase and a broader mix of employment in the longer term. Norwich benefits from strong technical, digital and creative sectors which are growing fast. The scheme would drive jobs and investment, helping to deliver the Norfolk and Suffolk Economic Strategy.

***Cathedral, Magdalen and St Augustine's Forum***[264]

368. Cathedral, Magdalen and St Augustine's Forum (CMSA) represents residents, businesses and community interests across the north city. It opposes the application, which would be out of keeping with the historic mixed-use nature of the city centre. The proposal would undermine the present role of Anglia Square in supporting the community and foreclose on the opportunity for appropriate regeneration of the wider area as a thriving mixed creative industries quarter. The scheme is overly dense and its negative impacts have been severely underestimated. It would inflict substantial harm on the historic environment and CMSA supports others who have given evidence on this matter. CMSA was set up to initiate a neighbourhood plan for the north city. It offered to facilitate dialogue between the developer and the community. That offer was not taken up but the developer agreed to receive a community brief to articulate the aspirations of the community in terms of use, scale and place making. CMSA undertook a community design weekend in January 2018, engaging local people in a co-design exercise. The resulting community vision was submitted to the Council and to the Inquiry[265]. It is commended to the Secretary of State.

369. Previous proposals were overtaken by changes in the retail sector. Following the property crash the site was frozen within Ireland's National Asset Management Agency. The new owners have promoted a scheme which is an opportunistic response to the delivery of housing numbers rather than addressing the needs of the local area. These include the needs of those engaged in the creative, entrepreneurial and cultural industries, (including live/work/sell accommodation), older people and young families wishing to trade up from Victorian terraced houses. The way in which the scheme is designed makes it inherently unaffordable to the local market, such that it would not contribute to building a strong and vibrant community. It would be a dormitory development.

370. Traders are concerned about the impact on existing small scale shops and niche businesses. The scheme fails to respond to the needs of the growing digital and

[263] Summary of comments made orally by Ellen Goodwin and in CD21.33
[264] Summary of comments made orally by Mr McGlyn and in CD21.5
[265] CD21.6

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creative sector, due to an unsympathetic development format and a lack of place making. The shops at Anglia Square serve the needs of the local community well and are highly cherished. A standard mixed use shopping centre would compete with the Castle Quarter and Chapelfield centres. The proposed units would be ill matched to retaining and growing the local convenience retail component. The LDC designation needs to be urgently re-examined in the light of changing retail trends. The proposal would conflict with development plan policies relating to sustainable development, amenity, design, heritage, energy and climate change.

***John Howkins***[266]

371. Although Anglia Square has the scope for transformational change this scheme would not deliver that. Less than 20% of the workforce now works 9 to 5 in an office. The national emphasis is on creative, digital and technological innovation. The developer seems to have no awareness of the needs of these sectors. The scheme would not be attractive to these people, who look for low rise flexible spaces suitable for work and living. Barriers between uses are becoming blurred and the need is for flexibility. This would be a brutal and insensitive form of development, demonstrating a lack of appreciation of Norwich as a historic city and as a commercial, social and cultural ecosystem. It ignores the fact that the adjacent streets have developed a vibrant economy based on independent shops and restaurants and a growing creative hub. The proposed design and density are in direct contradiction to this kind of local development.

***Dr Judith Ford***[267]

372. Nowhere else has such a diverse selection of independent eateries as Magdalen Street. The independent shops are equally diverse, with a wide range of food and non-food products. These are proper High Street shops that the rest of the country seems unable to support. This is an eclectic and vibrant multi-cultural area that should be supported. In contrast, the proposal is for a soulless London-style development. The 10 and 12 storey flats in Blocks F and G would create a wind tunnel. Natural light would be very poor to the lower flats, resulting in depressing living conditions. Many of these flats would be accessed by long internal corridors. The proposal makes no contribution to community facilities.

373. The scale of the buildings would be out of proportion to the surroundings. This would be a dormitory area, destined for the buy-to-let market, with many transient residents. It would not be a community. There is no need for more shops, there are already two shopping malls in the city. Anglia Square itself is the best outdoor performance space in Norwich, being covered and sheltered from the wind. Plays put on there have been very well attended. This is not an area that needs to be brought upmarket. The existing shops are flourishing because they are affordable to local people. The tower blocks of the 60s should tell us that this is not the way to go. We could do so much better. The area needs a greener, more exciting future, building on the real strengths of what is already there.

[266] Summary of comments made orally and in CD21.37
[267] Summary of comments made orally and in OD20

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### *Dr Alison Dow*[268]

374. There are dramatic inequalities in health, employment, financial stability and even life expectancy within Norwich. Earnings in Norwich are lower than the regional average. Despite the image of Norwich as a dynamic city with a prestigious university, a teaching hospital and a world-class research park, it is the second most deprived local authority area in the east of England. The three wards closest to Anglia Square have the highest levels of deprivation in Norwich, leading to increased incidence of disease, drug use and child safeguarding issues. Anglia Square is the 'go to' destination for the local community, offering affordable shopping and a social hub. The proposal is disrespectful to local residents. It would bring only high density, small units (not conducive to good health), high priced shops and very little affordable housing. This is a development that would exclude local people and do nothing to improve health outcomes in the wider community.

### *Ian Gibson*

375. Mr Gibson was Member of Parliament for Norwich North for 20 years. In general, the public have not responded much to this Inquiry process. However, there is great opposition to this scheme in the wider community. There was an amazing response to a recent play staged in Anglia Square. Norwich is not the same as London and comparisons with the Shard, as a catalyst for regeneration, are not relevant here. The Forum is a successful modern development within the historic city. It has worked because of the particular uses, including the BBC, that it accommodates. Historically, north Norwich has been disadvantaged compared with the south of the city, for example in relation to access to higher education and health facilities. For many years Council investment has been diverted to the south. People here are worse off and feel powerless. Norwich is effectively two cities. The proposal contains minimal affordable housing and would not deliver the things that local people want and need. There is fierce opposition to the crude 20 storey tower block. This is something that no other historic city in England would even contemplate.

### *Joanna Smith*

376. Ms Smith spoke first on behalf of Clive Lewis MP. It is accepted that Anglia Square needs investment but this proposal is unacceptable. The Chapelfield shopping centre makes adequate provision for national retail chains. Something more local is needed at Anglia Square. Norwich is a living and evolving city where there is a delicate balance between new and old. This would be an insensitive and characterless scheme. It would not represent good quality or sustainable development. The developer states that the proposal would not be viable without exemption from CIL. Viability is being used cynically as a lever for an oversized, poorly designed scheme that would provide only limited affordable housing. It would do nothing for the long term well-being of the area. The Goldsmith Street development sets a standard that should be followed for sustainable and beautiful development.

[268] Summary of comments made orally and in OD21

Richborough Estates

377. Ms Smith then spoke in a personal capacity. This area is already meeting the needs of its people. The Council is desperate to replace an eyesore but local people do not want this development, which would tower over St Augustines Street. The traffic generated would cause gridlock in surrounding streets. The public spaces would be in shadows, rather than being light and sunny. The flats would be served by long, dark corridors. This would not be a people friendly place, nor would it create a new community. This part of Norwich has already suffered from wartime bombing and 1960's planning. It must not see a third wave of destruction. The city deserves better.

***Norfolk Gardens Trust***[269]

378. The Trust is concerned about the settings of the Grade II* Catton Hall Park, the Grade II* Waterloo Park and views from Mousehold Heath and Kett's Heights. Catton Hall Park was the first park landscaped by Humphry Repton, who used the Cathedral spire as a key feature in his design. Waterloo Park was the last of the parks designed by Captain Arnold Sandys-Winsch. The centrepiece of the park is a listed pavilion from where there are magnificent views across the city. The Cathedral spire stands out in views from the upper path. The proposal would be in view, especially in the winter, rivalling the view of the Cathedral from the heart of the park. The prospects from Mousehold Heath and Kett's Heights have inspired numerous works of art. The proposal would forever destroy these famous views. An unfortunate precedent would be set. The standard of excellence demonstrated by the Goldsmith Street development should be extended to this site.

***Jan McLachlan***

379. Up and down the country there are examples of gentrification at the expense of established communities. This is multi-cultural working class community. Anglia Square may not be pretty but people can afford to shop there. With homelessness on the increase and over 4,000 on the housing waiting list there is a great need for truly affordable housing. A completely different type of development is needed here.

***Cllr Martin Schmierer***

380. Cllr Schmierer represents Mancroft ward on Norwich City Council. Whilst Anglia Square is in a sorry state there is a risk of repeating the mistakes of the past. Regeneration must meet the needs of residents and local businesses. This proposal would do neither. With so much public money going into the scheme through HIF and CIL relief it is despicable that so little affordable housing would be delivered. There would be no green spaces for the community. Roof gardens do not meet the policy requirements of DM Plan Policies DM3 or DM8. Off-site space, on the other side of a busy road, does not make up for the lack of space on site. The height of the scheme would result in overshadowing of adjoining streets.

381. Paragraph 85 of the Framework states that planning policies should look at least 10 years ahead. There is a crisis on the High Street with even major department

[269] Summary of comments made orally by Peter Woodrow and in OD22

Pilcher Hershman Estates

stores struggling with the trend towards online shopping. There has been a loss of retail space at Castle Quarter. The proposal would be detrimental to vitality because it would compete with the existing shopping centres. The existing shops at Anglia Square are well used and serve a local function but it is questionable whether there will be demand for the new shops.

382. Norwich has an iconic skyline which is, in the main, low rise. The 20 storey residential tower would in no way equate to the Cathedral. It is not just the tower that is of concern. The mass and height of the surrounding blocks would dominate the area. The very high density of the scheme would conflict with DM12. The design is disappointing and pays no regard to the character of the NCCCA. The PGN identifies Anglia Square as a negative feature. This scheme would be a missed opportunity to reconnect the site to its surroundings. It is necessary to listen to the community and go back to the drawing board.

***Ian Couzens***[270]

383. Mr Couzens is a former Councillor and Leader of Norwich City Council. The massive scale and bulk of the scheme would be out of keeping, particularly the tower which would impact on the skyline and degrade the setting of historic buildings. Norwich has a long and successful record of city centre regeneration projects which fit well in their surroundings. In this case there are many objectors including community groups and civic organisations. It was rash of Homes England to ignore their own guidelines which state that local support is needed where HIF funding is awarded.

384. The Council considers that the scheme would bring major economic benefits, such as to outweigh the effects on the historic environment. The reports focus on deprivation within the Council's administrative area. However, Norwich has long outgrown its boundaries. In adjoining parts of Broadland and South Norfolk there are thriving business parks, low unemployment and significant housing growth. It is misleading to compare employment in the construction sector in Norwich with the regional average. In reality construction labour is highly mobile. There may be around 18,000 working in construction across the three local authority areas. The scheme would have a marginal impact on construction employment. Turning to the operational phase, total jobs in hotels, shops and leisure facilities are governed by spending power. Over time, it is likely that the jobs position would be neutral, whether or not the scheme is built. Moreover, the very concept of an LDC looks dangerous when the bricks and mortar retail sector is going through such convulsions.

385. There have been dire warnings that not proceeding with the scheme would send the wrong message to investors. However, property developers will get a clear message that poor design is unacceptable and will come back with more appropriate proposals. Businesses seeking new premises would consider a whole range of priorities and it is hard to see how the future of Anglia Square would be a determining factor. Norwich is not bad at retaining graduates, even though starting salaries are low. Graduates find the city attractive and are keen to stay if they can. There is a need to attract higher value jobs but this does not require such a radical change in the built environment. If the scheme does not proceed

[270] Summary of comments made orally and in OD36

Rokeby Estates

the impact on the economy would be insignificant. However, if it does proceed, the impact on the built environment would be dramatic and destructive.

***Norwich Conservative Federation***[271]

386. The proposal would be wholly out of place within the city walls of Norwich. The evidence of HE and SBH is fully supported. There should be greater ambition to create destination architecture. The city has an abundance of one bedroom apartments. Creating over 1,200 flats lacks social balance. Such schemes are designed as investment vehicles, not for local ownership. A more specific assessment of housing demand is needed. The alternative schemes put forward show that around 650 residential units could be built in an acceptable way. There is no need for a further 600 units to meet housing requirements across the Greater Norwich area.

387. The Council's evidence on economic development shows little understanding of how to achieve appropriate solutions. There is no market need for the type of commercial space proposed. The demand is for small, flexible, cheap start-up units. This project would do nothing to build a stronger or more competitive Norwich. The proposed retail spaces fail to respond to the needs of the economy. Existing large retail spaces are at risk with the moves towards online retailing. Creating retail space that competes with the city centre will simply cannibalise the existing market. The attempt to create a competing retail centre in this secondary area (rather than complementary retail/commercial areas) is not appropriate and conflicts with the Framework in this regard.

388. The proposal is not sustainable, either at an environmental or a social level, with low quality retail jobs and a limited housing offer. The alternative visions put forward by CMSA and HE show that there are less harmful ways of achieving housing delivery and economic growth. There is an opportunity here to create a thriving new quarter of human scale. Overall, the proposal would drive a coach and horses through the Framework, the Greater Norwich Local Plan, the JCS and the DM Plan. It is impossible to see how this project passes any of the tests in the recent document 'Living with beauty, promoting health, well-being and sustainable growth'. It should be rejected.

***Michael Innes***[272]

389. Mr Innes is an architect who has worked in Norwich for many years. Norwich has a unique physical and cultural identity. It has 1,560 listed buildings including 32 medieval churches. Anglia Square (and the inner ring road) was invented at a time of great pressure in the post-war period, including a desire to get the Stationery Office to relocate to Norwich. This scheme is oblivious to the architectural and historical values that could bring real gains. The pace of housing development is set to continue, so we need to be more careful than ever, especially in Norwich. Conversions of offices and warehouses have largely been successful but there is a limited supply of such sites. It is ironic that this Inquiry should come at the same time as the plaudits for Goldsmith Street. These proposals should be refused to make way for a policy of repair and

[271] Summary of comments made orally by Mr Oxley and in OD27
[272] Summary of comments made orally and in OD28

Pickthorn Estates

extension of the community, with a scale that sits comfortably within Norwich over the water. There is a need for a considered brief and a design competition.

***Gerard Stamp***

390. Mr Stamp is an artist. The 1960s development of Anglia Square had the effect of severing and ghettoising part of the city. There is an opportunity to repair that damage. The 'Living with beauty' report recommends a fast track for applications that enhance beauty. This proposal would bear no relation to its context and would be worse than Anglia Square. The 20 storey tower would do immense damage to Norwich. If similar harm were inflicted on Bath or York there would be an international outcry. 'Living with beauty' aims to change the nation, creating places rather than faceless architecture. Norwich should aspire to that, rather than repeating the mistakes of the past.

***Cllr Danny Douglas***[273]

391. Cllr Douglas is a Norfolk County Councillor and a Transport Manager. The community is positive about the need for development on the site but most have expressed concerns about the scale of the tower. Many are also concerned about the lack of green space, traffic congestion and air pollution. The local plan outlines our shared ambitions to use and enhance the historic fabric of the city to support the economy. However, this proposal runs contrary to many policies, including by impinging on views from Mousehold Heath. The collapse of retail on the High Street has continued since the application was submitted. Retail space within the development is likely to appeal to chains rather than independent small traders.

392. Providing retail space at Anglia Square risks the sustainability of the fragile bus ecosystem. There are no direct services from communities to the south, west and east of Norwich so driving would be more attractive. This would undermine the commercial viability of the bus network. The underutilised retail locations at St Stephens and Castle Quarter have direct bus links to much of Norfolk as well as improved walking routes to the railway station. A successful retail development at Anglia Square would damage these retail locations and cause a modal shift to car use. The proposals contain insufficient affordable housing, in the wrong phase and the wrong types of unit. In summary, the proposal does not conform to our shared vision as expressed in the local plan.

***Anna Brass and Paul Fenner***

393. Ms Brass and Mr Fenner are artists who have studios in Gildengate House. There is great energy in the Norwich art scene which includes many graduates from the local art school. Norwich over the water is an artistic quarter due to the availability of affordable studio space. Gildengate House accommodates some 80 artists, the biggest concentration of artists in the city. Loss of this space is a threat to the wider cultural life of the city. The quality of the proposed design is poor and would be destructive to the townscape of Norwich.

***Phillipa Clements***[274]

[273] Summary of comments made orally and in OD35
[274] Summary of comments made orally and in OD29

Richborough Estates

394. Ms Clements is a local resident and business owner. There has been what looks like a standard consultation exercise but this falls short of a full and proactive consultation. However, the community is willing and able to engage. There have been many objections made during the planning process along with petitions, community activities, theatre and song. The current poor state of Anglia Square is a constant theme in responses, particularly from the relatively small number of supporters. The comments of the Magdalen Street Traders Association reflect a fear that the developer will walk away. The Council's evidence also reflects a fear of sending the wrong signal to potential investors. However, fear is not a good reason to accept a poor plan. Had there been fuller engagement, a more sensitive and sustainable plan could have been developed. This Inquiry seems to be testing how far away from what the community wants can be got away with. The Inquiry should test the strength of the Framework, which seeks development appropriate to its location that engages with community aspirations.

***Jeff Jordan***[275]

395. Mr Jordan is a local resident. The applicants' transport witness suggested that there is no correlation between car ownership and car use. However, those with one or more cars are likely to drive more than those who do not own one. Car clubs are proposed but there is no guarantee that additional bays could be provided, if the need is greater than the 9 bays initially planned. No information was given about the increase in bus services necessary to accommodate the new residents. The car park is likely to add to congestion at times when it is full and cars are trying to enter already congested roads. Cycling would be an excellent way for residents and visitors to travel but there was no mention of cycle storage space for residents and a minimal number of bike racks would be available for the public. There is likely to be insufficient space for the delivery vehicles needed to service a huge increase in online shopping.

***Helen Leith***[276]

396. Ms Leith is a trustee of the Norfolk Historic Buildings Trust. The proposed tower and some of the blocks would do unacceptable and unnecessary harm to the skyline. The design could have been more sensitive, with more contextual references, more affordable housing, more family housing, more community space and more facilities. It is a 'could be anywhere' design that relies too much on retail provision which is unlikely to be fully realised. This design could be modified to make it more acceptable. The application was only narrowly approved by the Council, notwithstanding severe reservations about impacts on the historic environment and conflict with the PGN. The 'Living with beauty' report is timely. It identifies a disconnect between what communities want and what architects and developers wish to impose.

397. The historic skyline of Norwich has remained largely unchanged for 1,000 years. The most important buildings on the skyline are civic, historic or religious. A residential tower cannot be compared with these historic buildings. The recent Pablo Fanque House is a disaster. The gulf between what the architect/

[275] Summary of comments made orally and in OD30
[276] Summary of comments made orally and in OD34

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developer wants and what the public wants is clear from the aggressive language of ego used by the applicants ('*unashamedly urban*', '*strong visual landmark*', '*punctuates the sky*'). Norwich does not need markers punctuating the sky and ruining key views of the city.

398. The DM Plan says heritage harm will only be allowed where there are over-riding benefits. There is no evidence of such benefits here. The Council's conservation officer has identified weaknesses of the scheme. Good modern design, such as the Forum and Goldsmith Street, is welcomed in Norwich. This scheme should be modified to create a beautiful and sustainable development that will benefit the city in the long term.

***Cllr Jamie Osborn***

399. Cllr Osborn is a Norwich City Councillor. The scheme would not provide a sufficiently good quality of life. It is disproportionately reliant on cars with over 1,000 parking spaces. There should be low (or zero) parking provision in this location. The streets are already choked with traffic and air quality is a serious concern. The proposal would not build on the unique character of Norwich's independent retail sector. A mainly flatted scheme would not represent good place making. We need to take the climate emergency seriously and come up with an alternative scheme.

***Matthew Williams***[277]

400. Mr Williams is a geologist and local historian. We can learn a lot from recent history, for example, understanding the medieval routes which developed across the city can help plan cycling and walking networks for a low energy future. Ultimately geology drives everything, including the form and topography of the city and its reason for being here. There is a coherent linkage from subterranean conditions through multiple phases of human intervention to produce the heritage we see today. Over centuries, new developments have taken place in accordance with the grain of the city.

401. Anglia Square goes against that grain. It is a large east/west monolith, imposed on earlier more subtle patterns of routes and property boundaries, bearing no relation to the previous texture. Mass clearance snuffed out the life of part of the city centre that was previously intensively used, leaving unusable triangular peripheral plots. The proposal attempts to restore an echo of original diagonal routeways. However, this is a feeble gesture in the face of the scale and 'against the grain' impact of a scheme. It would repeat and indeed amplify the errors of the 1970s with an even more massive intrusion into the landscape of a low rise area. The proposal will not work spatially, culturally or in terms of the needs of the community. A different approach is possible. We need to work with the grain of the city.

***Neil Cooke***

402. Mr Cooke is a local resident and retired conservation architect. The applicants first sought to justify the proposed tower as a landmark or waypoint. It is now said to be a symbol of regeneration. In reality it would be a marker of 1960s

[277] Summary of comments made orally and in OD31

Pinsbourgh Estates

vandalism, when potential listed buildings were demolished to make way for the ring road and Anglia Square. Visitors have difficulty finding Elm Hill but the solution is not to build a tower there. Why does Anglia Square need one? The clock tower on City Hall is a landmark but people found the market for 1,000 years before it was built. The Council should admit its mistake and work with local people. Norwich needs a Tate East or a concert hall. Regeneration should support the arts and the digital sector, promoting better long term jobs. Norwich over the water needs to be healed and Anglia Square needs a better design.

***Kate Murphy***[278]

403. Ms Murphy is a local resident and has a studio in Gildengate House. Approaching Anglia Square on foot, by bike or on the bus is a source of intense enjoyment, contributing to well-being on a daily basis. Such uplifting experiences can be experienced from St Augustines Street, Aylesham Road (from where the Cathedral spire is seen) and Gildencroft Park. The Norwich skyline is exciting. Key features appear around corners where one might not have expected to see them. These benevolent features, which are low in height, are connectors to past populations. They give the viewer a sense of being woven into the city, its views and its long lifespan. The glass roofed pagoda at Anglia Square invites you to sit, relax and look around. It is a place to feel connected to one another and spend time together without spending money.

404. These are positive emotional feelings of being in and around Anglia Square that will not exist for a person in and around the proposed development. Inevitably, redevelopment will take place. However, the Council should take a lead in protecting the unique emotional and community sustaining features that are facilitated by the existing structures, when the structures themselves are changed. This proposal would obliterate those features, degrading the area socially and physically. Norwich should be protected from this.

***Charlotte Helliwell***

405. Ms Helliwell is a local resident. Norwich is a fascinating city. In 1967 it gained the first pedestrian shopping street in the UK. It is the largest city to survive without losing its medieval structure. It has evolved into a modern city without losing its character. Anglia Square is an eyesore and a mistake. Any replacement should enhance the local area and Norwich as a whole. The proposal would not do that. The bulk, density, homogeneity and mediocrity of the design would be a bigger eyesore than the existing buildings. The scheme includes little affordable housing and would cause an influx of people from elsewhere. Different priorities are needed, including low rise housing, green spaces, small business units and a cinema. Car access should be limited. The community should be much more involved. The Council has seriously underestimated the harm to the city skyline and views. The site presents a wonderful opportunity but this scheme would be a huge mistake.

***Victoria Penn***

[278] Summary of comments made orally and in OD32

406. Ms Penn spoke on behalf of a local resident, who was unable to attend, and Car Free Norwich. The local resident is concerned about poor air quality generally. Pollution levels at Anglia Square, Magdalen Street and St Augustines Street are of particular concern. The prospect of the additional traffic that would be generated by the proposal is frightening because of the effect it would have on air quality. Car Free Norwich sees an opportunity for Norwich to become one of the great car free cities of Europe. The concentration of car parking in the application scheme is regressive and would reduce the uptake of sustainable travel modes.

***Philip MacDonald***

407. Mr MacDonald is part of the leadership team at Surrey Chapel, which has been at its present location (within the application site) for 35 years. There is an option to relinquish the site in favour of relocation. Negotiations with the applicants have been positive and all parties have worked hard to develop an alternative building. Surrey Chapel is conscious of the deterioration of Anglia Square. Whilst it is understood that there are conflicting views, the proposal provides an opportunity to regenerate the site, provide new jobs and create a new community. It is hoped that the applicants will get the opportunity to carry out this sustainable and inclusive development.

**WRITTEN REPRESENTATIONS**

408. The representations received by the Council when it considered the application are summarised in the officers' report which notes that there were 939 representations from individuals in addition to representations from statutory bodies and community groups[279]. A wide range of points of objection and some points of support were noted. In general, these related to matters covered elsewhere in this report.

409. Numerous written representations were submitted in response to the call in. These included around 12 of letters of support from individuals. These mentioned the need to reverse a long period of decline, to remove an eyesore and improve the area and to promote new housing and employment[280]. The Magdalen Street Area and Anglia Square Traders Association, whose membership includes over 100 businesses in the locality, supports the application and is keen to see it go ahead without delay[281]. It comments that there has been further decline over the last three years with the closure of the cinema and loss of two long standing businesses fronting Anglia Square. The developer has assured the traders that Anglia Square would be developed in stages, such that it would remain open throughout. It would be retained as a community based centre. Anglia Square cannot survive much longer. This is a deprived area and there is a desperate need for the work, homes and sustainability that this scheme would provide.

410. Representations have also been received on behalf of two shopping centres in central Norwich. The owners of the Castle Quarter centre object to the

[279] Paragraph 37 and following of CD2.15
[280] For example, CD21.38 to CD21.41; CD21.46 to CD21.50 and CD21.52 to CD21.55
[281] CD21.60

application on the basis that there would be a significant increase in main town centre uses. They argue that this would not be consistent with the role of the site in the retail hierarchy, contrary to JCS Policy 19[282]. Planning conditions are suggested to limit the range of commercial occupiers and prevent the merging and/or subdivision of units. The owners of the Chapelfield Shopping Centre do not object to the principle of the scheme but are concerned about the retail element. They suggest that it would compete with the primary retail area of Norwich, rather than complementing it as required by the PGN[283]. Conditions are suggested requiring that at least 3,000 sqm of the retail space be restricted to convenience goods and that at least 70% of the flexible commercial space be for retail use. They also seek restrictions on occupation by any retailer who is currently occupying floorspace in the primary shopping area of Norwich.

411. The majority of written representations submitted in response to the call in, and those submitted at the Inquiry, were from objectors[284]. The grounds of objection generally related to matters covered elsewhere in this report.

## CONDITIONS

412. The suggested conditions were discussed during the course of the Inquiry. The final schedule of suggested conditions[285] was agreed between the Council and the applicants and was not disputed by other parties present at the Inquiry. I have considered the suggested conditions in the light of Planning Practice Guidance. I have made some changes to detailed wording in the interests of clarity. However the conditions set out in Annex G are, in substance, the same as those suggested. Conditions 25 and 28 require matters to be approved before development commences. This is necessary because these conditions address impacts that would occur during construction. The applicant has agreed to the pre-commencement conditions[286].

413. Conditions 1 to 12 relate to the detailed element of the hybrid application. Condition 1 is a standard condition, modified to reflect the fact that the tower would not be constructed as part of the first phase. Condition 2 requires development to be carried out in accordance with the plans in the interests of clarity. Condition 3 restricts construction of the tower until such time as the reserved matters for the buildings that would be physically attached to it have been approved. Condition 4 requires approval of materials and other building details in the interests of the character and appearance of the area. Condition 5 requires approval of hard and soft landscaping in the interests of the character and appearance of the area, biodiversity and the living conditions of future residents.

414. Condition 6 requires approval of a car park management plan. Condition 7 requires connection to the city wide variable message signs. Condition 8 requires the use of existing surface level public parking within the site to cease.

[282] CD21.1
[283] CD21.2 and CD22.19
[284] CD21.3 to CD21.64; CD22.1 to CD22.44 and Inquiry documents in OD series (noting that some representations of support are also included in this set of documents)
[285] ID13
[286] WH25

Kilnbrook Estates

Together, these conditions are necessary to ensure that the public car parking accords with development plan policies promoting sustainable transport choices. Condition 9 provides for monitoring of the use of residential car and cycle parking. Condition 10 requires a proportion of the spaces in Block A to be held back for use by residents of later phases. Together, these conditions are necessary in the interests of sustainable transport. Condition 11 requires the provision of a foodstore in Block A, in the interests of enhancing the function of the LDC. Condition 12 secures the delivery of public toilets and a Changing Places facility in the interests of inclusivity.

415. Conditions 13 to 15 relate to the outline element of the hybrid application. Condition 13 is a standard time condition, modified to reflect the phased nature of the development. Condition 14 requires development to be carried out in accordance with the plans and that the reserved matters comply with the parameter plans. This is necessary to ensure that the scheme is consistent with the impacts assessed in the ES. Condition 15 requires some further assessments related to specific development parcels. This reflects the phased implementation of the scheme and will enable effective mitigation of impacts at reserved matters stage.

416. The other conditions relate to all phases. Condition 16 limits the floorspace for specific uses to ensure that the scheme is consistent with the impacts assessed in the ES. Condition 17 requires a minimum amount of Class A3/A4 floorspace, condition 18 requires a minimum amount of floorspace for a cinema and condition 19 requires the provision of some smaller commercial units. Together, these conditions are necessary to ensure a balanced mix of town centre uses and unit sizes within the LDC. Condition 20 provides for phased implementation of the development, enabling co-ordinated delivery of infrastructure and mitigation measures during the course of the development. Condition 21 requires approval of a Demolition Method Statement to mitigate demolition impacts and to enable the LDC to continue to operate throughout the construction phase.

417. Condition 22 provides for the relocation of Surrey Chapel, to ensure satisfactory retention of a community facility. Condition 23 provides for the timely demolition of Sovereign House, a prominent building which blights the surrounding area, in the interests of securing the economic and environmental improvement of the area. Condition 24 ensures that demolition of Nos 43 to 45 Pitt Street is followed by redevelopment in a reasonable time, so as to protect the character and appearance of the NCCCA. Condition 25 requires the approval of a Demolition and Construction Traffic Management Plan, condition 26 requires further details of highway improvements to be submitted and condition 27 secures early delivery of the Edward Street cycle improvements. Together, these conditions are necessary in the interests of highway safety.

418. Condition 28 requires the approval of a Construction and Environmental Management Plan in the interests of highway safety, air quality and the amenity of the surrounding area. Condition 29 requires approval of a Written Scheme of Investigation and condition 30 sets out the procedure if there are unexpected archaeological finds during construction. These conditions are needed to protect the archaeological potential of the site. Condition 31 requires approval of measures to deal with contamination and condition 32 sets out the procedure if

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unexpected contamination is found during construction. These conditions are needed to manage risks of pollution. Condition 33 restricts infiltration of surface water drainage, without express approval, to manage risks to groundwater quality.

419. Condition 34 requires approval of a Piling Method Statement in the interests of protecting the living conditions of neighbouring properties and managing risks to groundwater quality. Condition 35 requires the certification of imported soil in the interests of managing risks of pollution. Condition 36 requires approval of updated flood risk strategies (on a phased basis), condition 37 requires approval of surface water drainage and condition 38 requires approval of a flood warning plan. Together, these conditions are needed to manage flood risk. Condition 39 requires approval of fire hydrants in the interests of health and safety. Condition 40 requires the approval of a crime prevention strategy in the interests of community safety.

420. Condition 41 requires the approval of further noise assessments and condition 42 requires further air quality assessments, in the interests of protecting the living conditions of future occupiers. Condition 43 requires that 10% of the residential units are accessible and adaptable dwellings in the interests of inclusivity. Condition 44 sets a water efficiency standard for the dwellings and condition 45 requires approval of water conservation measures for the non-residential uses, in the interests of sustainable development. Condition 46 requires the approval of an Energy Scheme for the commercial units and condition 47 requires implementation of measures for the residential units contained in the submitted reports. These conditions are needed to reduce carbon dioxide emissions and to contribute towards climate change adaptation. Condition 48 requires approval of external lighting in the interests of amenity, biodiversity and aviation safety.

421. Condition 49 requires approval of a Travel Information Plan for the commercial units and condition 50 requires a similar plan for the dwellings. Condition 51 requires approval of electric vehicle charging points. These conditions are needed in the interests of sustainable transport. Condition 52 ensures that the residential parking is reserved for residents, condition 53 requires approval of cycle parking and refuse storage for the dwellings and condition 54 requires the same details for the commercial units. These conditions are needed in the interests of sustainable development and highway safety. Condition 55 requires approval of a Delivery and Servicing Management Plan to secure satisfactory servicing arrangements and protect the living conditions of future residents.

422. Condition 56 sets hours of operation for the Class A3/A4 units, condition 57 requires approval of screening times at the cinema, condition 58 requires approval of measures to control fumes/odours and condition 59 sets noise limits for fixed plant/machinery. These conditions are needed in the interests of protecting the living conditions of future residents. Condition 60 removes permitted development rights for communications apparatus in the interests of the character and appearance of the NCCCA. Condition 61 restricts the ability to increase the commercial floorspace through future alterations, to ensure that the scale of main town centre uses remains consistent with the position of the LDC in the retail hierarchy.

Prior to Circulation to Parties

423. Condition 62 removes permitted development rights to change from Class A3 to Class A1/A2 and condition 63 removes permitted development rights to change commercial space to dwellings. Together these conditions are necessary to ensure that the scheme provides a balanced mix of town centre uses in support of the LDC role and (for condition 63) to ensure that the effects of noise and air quality on potential future residents are appropriately assessed. Condition 64 requires approval of a Public Space Strategy. This is necessary to ensure that the new public realm supports the new residential community and the vitality and viability of the LDC. Condition 65 requires approval of a Shop Mobility Scheme in the interests of inclusivity. Condition 66 sets space standards for the residential flats to ensure high quality living space for future residents.

424. The owners of two shopping centres in the centre of Norwich have suggested additional conditions relating to the proposed retail floorspace. This matter is discussed in more detail below, in the section dealing with town centres, where I conclude that these additional conditions should not be imposed.

425. If the Secretary of State is minded to grant planning permission, I recommend that the conditions set out in Annex G be imposed.

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## INSPECTOR'S CONCLUSIONS

*The numbers in square brackets [n] refer to earlier paragraphs in this report*

426. Taking into account the oral and written evidence, the Secretary of State's reasons for calling in the application and my observations on site, the main considerations are:

- the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes;
- the extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy;
- the extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres;
- the extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment;
- the effect of the proposal on air quality;
- viability and the prospects for delivery of the scheme as a whole;
- the extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport; and
- the extent to which the proposed development is consistent with the development plan for the area.

### *Policy context*

427. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments that were adopted in January 2014 (the JCS); the Norwich Development Management Policies Local Plan (December 2014) (the DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014) (the SA Plan). With regard to the SA Plan, no party identified any polices of relevance to this application. The Council and the applicant agreed that very limited weight could be attached to the emerging Greater Norwich Local Plan at this stage of its preparation. I share that view. [21, 22]

428. The following are the most important JCS policies for determining this application:

- Policy 1 - Addressing climate change and protecting environmental assets
- Policy 2 - Promoting good design
- Policy 3 - Energy and water
- Policy 4 – Housing delivery
- Policy 5 - The economy
- Policy 7 - Supporting communities

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- Policy 11 – Norwich city centre
- Policy 19 – The hierarchy of centres [23 to 25]

429. The following are the most important DM Plan policies for determining this application:

- DM1 – Achieving and delivering sustainable development
- DM2 – Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- DM8 – Planning effectively for open space and recreation
- DM9 – Safeguarding Norwich's heritage
- DM11 – Protecting against environmental hazards
- DM12 – Ensuring well-planned housing development
- DM13 – Communal development and multiple occupation
- DM16 – Supporting the needs of business
- DM17 – Supporting small business
- DM18 – Promoting and supporting centres
- DM19 - Offices
- DM20 – Protecting and supporting city centre shopping
- DM28 - Encouraging sustainable travel
- DM29 – Managing car parking demand in the city centre
- DM31 – Car parking and servicing
- DM32 – Encouraging car free and low car housing
- DM33 – Planning obligations [26 – 28]

430. Turning to other sources of guidance, the Norwich City Centre Conservation Area Appraisal describes the features that contribute to the special architectural and historic interest of the area. Whilst I have taken it into account, I note that the management and enhancement measures that it sets out do not have the status of planning policy. The Anglia Square Policy Guidance Note (PGN) is non-statutory guidance. It is intended to be a material consideration, albeit with less weight than an adopted supplementary planning document. I have taken it into account on that basis. [29, 30, 245, 255]

***The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes***

*The need for housing in Norwich*

431. The calculation of housing land supply is carried out in relation to the three Greater Norwich Districts, namely Norwich City Council, Broadland District

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Council and South Norfolk District Council. The most recent Annual Monitoring Report indicates that, by reference to the standard methodology, the supply of housing land is 5.89 years. Whilst it is relevant to note that this meets the requirements set out in paragraph 73 of the Framework, that is only part of the picture. Within the Council's administrative area the supply is just 4 years. Moreover, there has been historic under-delivery against the targets of the JCS. If supply were calculated in relation to the JCS targets for the Norwich Policy Area, (an area centred on and influenced by Norwich, as defined in the JCS), supply would be just 3.36 years. This is evidence of significant need in the Council's area, notwithstanding that the requirements of paragraph 73 are met. [164, 165]

432. The application represents the single most significant housing project in Norwich and is capable of delivering a substantial amount of housing over the next decade. It would deliver up to 1,250 dwellings. In terms of overall housing numbers, this would equate to around two years of Norwich's housing needs. [162]

*Contributing to a mix of unit sizes and types*

433. The proposal would deliver nine three-bedroom houses, with the great majority of the dwellings being one and two-bedroom flats, including a small number of duplexes. NS (and others) argued that this mix would be poorly aligned with the need for a range of unit sizes identified in the Strategic Housing Market Assessment (SHMA). The Council accepted that this would be a rather narrow range of unit types. The SHMA indicates that 36% of the total need for market and affordable dwellings is for one and two-bedroom flats. However, the SHMA is part of the evidence base for a plan that is currently being prepared. It is not itself policy and there is no policy requirement for an individual scheme to mirror the proportions of dwelling types and sizes set out in the SHMA. [166, 313]

434. DM Plan Policy DM12(d) states that proposals should provide a mix of dwelling types, including a proportion of family houses and flats. However, this is subject to considering whether the size and configuration of the scheme makes this aim practicable. No numerical targets are set within the policy. It is important to note that the application site is within a Large District Centre (LDC) where the Norwich City Centre Key Diagram (in the JCS) indicates that the focus of change at Anglia Square will include commercial, retail and residential uses. I accept the Council's argument that the strategic need to provide for retail and commercial uses at ground floor level significantly limits the opportunities to provide houses. Moreover, there would be a need to create active frontages to the new streets and public spaces within the scheme. With regard to need, the SHMA indicates a need for over 5,000 flats (over the period 2015 – 2036) so the proposal would make a substantial contribution to meeting that particular need. [167]

435. Some local residents argued that the housing mix would lead to the site having a dormitory function, with transitory residents, which would not contribute to building a community. On the other hand, the SHMA shows that there is a need for a substantial number of flats in Norwich. This site, which is highly accessible to the city centre, would be attractive to those working locally. For the same

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reasons, it may prove attractive to those wishing to downsize to an accessible location. Moreover, the proposals include affordable housing, as discussed below. Drawing all this together, I consider that the particular circumstances of the site justify the housing mix proposed and I find no conflict with Policy DM12(d) in this respect. [373]

*Affordable housing*

436. The section 106 Agreement makes provision for 120 affordable dwellings, comprising 9 three-bedroom houses and 111 one-bedroom flats, representing around 10% of the total number of units. Of these, 85% would be social rented and 15% would be intermediate. JCS Policy 4 requires 33% of dwellings on large developments to be affordable, although this proportion may be reduced where the development would be unviable in current market conditions. The proposed social rented/intermediate split would accord with Policy 4. Several representations, both oral and written, questioned the amount of affordable housing. Norwich Green Party (NGP) argued that the SHMA data shows that there is a need for 38.3% of total housing need to be delivered as affordable housing. It was suggested that the proposed delivery of just 10% affordable housing would compare poorly with the requirements of the JCS and extremely poorly with the need identified in the SHMA. NGP also submitted that the affordable units would not be delivered early enough in the development programme. [8, 355, 356, 357]

437. Viability is discussed further below. In summary, it is common ground between the applicants, the Council and HE that the scheme is marginally viable with 10% affordable housing, after taking into account marginal viability funding of £15 million and the anticipated grant of exceptional circumstances relief from Community Infrastructure Levy (CIL). Some argued that, with public funding on this scale, it is wrong that so little affordable housing would be achieved. However, there was no evidence to counter the position as agreed in the SoCG on viability matters. The justification for awarding marginal viability funding is not a matter for me to comment on. The factual position is that the funding has been agreed. On the evidence before me, I conclude that 10% affordable housing is the most that can be achieved in current market conditions. [38, 167, 380]

438. Paragraph 64 of the Framework seeks the provision of 10% of units on larger housing schemes as affordable home ownership. However, I consider that this is a case where, having regard to the evidence on viability and housing need, meeting that aim would significantly prejudice the affordable housing needs of those specifically requiring social rented housing in this part of Norwich.

439. It is also relevant to note that the section 106 Agreement includes a review mechanism, such that additional affordable housing could be secured if viability improves during the implementation period. The Agreement also links the delivery of affordable housing to the phases of the development. For example, no more than 200 market units could be occupied in Block A until the affordable units in Block D had been completed and transferred to an affordable housing provider. I consider that these provisions are appropriate to the circumstances of the application scheme, which would be delivered over a number of phases, and would ensure timely delivery of the affordable housing.

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440. NGP referred to SHMA data and housing waiting list data which, it was suggested, indicated that 25% of the affordable units should be two-bedroom flats. However, as discussed above, the SHMA data is not a statement of policy. Whilst it provides evidence of need, that evidence relates to Norwich as a whole. The Council's Housing Development Manager provided evidence of the difficulties of letting two-bedroom flats above ground level to families in this locality. He supported the approach whereby all the affordable flats would be one-bed units because, in his view, this would address the greatest housing need. I consider that the Council is well placed to judge the way in which the affordable element could best be deployed to meet local needs and I accept the Council's evidence on this point. [167]

*Whether the proposals would create satisfactory living conditions*

441. The Norwich Society drew attention to the density of the scheme which, at 285 dwellings per hectare, would be very much higher than densities typically found in Norwich. However, density alone is not a measure of the quality of the residential accommodation that would be provided. NS commented that access to flats via long single sided corridors would be oppressive. It is a feature of the design that the residential accommodation would be wrapped around multi-level car parking. This approach would inevitably result in significant numbers of single aspect units, accessed by corridors which would not have natural light. Whilst that would be a disadvantage of the design, I consider that there is a balance to be struck between having more residential accesses and maximising active frontages at street level. Future residents would benefit from having legible entrances directly off active public spaces and the design would perform well in terms of community safety. [312, 313]

442. Looking at living conditions in the round, it is important to note that the flats would have reasonable internal space standards. The one-bedroom flats would meet the technical standard for one-bedroom/two person units and the two-bedroom flats would meet the standard for two-bedroom/four person units. (This would be secured by suggested condition 66). The living areas would benefit from floor to ceiling glazing and the flats would have balconies as well as access to communal outdoor roof gardens. Overall, I consider that the proposed flats would provide a good standard of residential accommodation and would create satisfactory living conditions for future occupiers.

*Conclusions on housing*

443. I conclude that the proposal would significantly boost the supply of housing in Norwich. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. There is a section 106 Agreement in place which contains appropriate provisions relating to the phasing of affordable housing and review mechanisms which could enable more affordable housing to be provided in the event that viability improves. The scheme would create satisfactory living conditions for future occupiers. Overall, I consider that the proposal would accord with the housing policies set out in the Framework and I attach significant weight to the benefit of housing delivery, including affordable housing.

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***The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy***

444. In the early 1980s some 2,400 people were employed at Sovereign House. Large numbers would also have been employed in the adjoining Gildengate House at that time. Neither building has been let on commercial terms for many years although parts of Gildengate House are in temporary use as studios for local artists. There is currently over 16,000 sqm of vacant commercial floorspace, amounting to around half of all the floorspace for retail, commercial and other town centre uses. The application site currently supports 180 – 230 jobs, mostly in the retail and creative sectors. This figure includes employment in social enterprises occupying premises fronting Pitt Street. The Magdalen Street Area and Anglia Square Traders Association comments that the decline of Anglia Square has continued in recent years, with the closure of the cinema and loss of two long-standing businesses. On the other hand, local residents stress that the shops at Anglia Square are still much valued by the community. [108, 169, 373, 409]

445. It is estimated that construction of the proposed development would generate 250 – 300 jobs on site, plus a further 275 indirect jobs. Once operational it is projected that the site would support 536 – 693 jobs. It is estimated that the increased vitality of the centre would generate a further 60 – 118 jobs in the local economy. The Council considers that this would have a substantial positive effect on job opportunities for local residents, and the city as a whole, and would contribute to addressing deprivation in this part of the city. The Council also believes that the proposal would act as a catalyst for further investment. This view is supported by the New Anglia Local Economic Partnership, which comments that the scheme would provide a significant number of construction and supply chain jobs and a broader mix of employment in the longer term. The Local Economic Partnership notes that Norwich has strong technical, digital and creative sectors which are growing fast. [171, 172, 173, 367]

446. However, some parties challenged the claimed economic benefits of the scheme. For example, Cathedral, Magdalen and St Augustine's Forum (CMSA) argued that the scheme fails to respond to the needs of the digital and creative sectors due to an unsympathetic development format and a lack of place making. Others commented that the scheme would not be attractive to these sectors because they look for low rise, flexible spaces suitable for working and living. It was also argued that the economic benefits have been overstated and that, due to the highly mobile nature of the construction workforce, the effect on construction employment would be marginal. [315, 370, 371, 384]

447. The proposal aims to respond to the changing nature of shopping and employment by seeking flexibility in the uses of the commercial units. The scheme would include some 11,000 sqm of flexible retail/commercial uses. This would be subject to conditions designed to support the role of the LDC, as discussed below. Nevertheless, this flexibility could accommodate a wide range of employment generating uses. The applicants intend to retain as many as possible of the existing tenants of Anglia Square. The phasing of the scheme has been designed to enable Anglia Square to continue trading during construction. The section 106 Agreement provides for an Anglia Square Management Plan, to be approved by the Council, which would contain

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measures to support existing tenants remaining at the site, assist those seeking alternative premises nearby and support continued trading at Anglia Square. [8, 31 – 34]

448. The proposal includes flexible commercial units fronting Pitt Street and Edward Street which would be made available to small and medium enterprises as discounted commercial units. The section 106 Agreement provides for these units to be offered at 20% below the average market rents for existing commercial units in the locality, excluding those within the scheme. The Agreement sets out a cascade approach, whereby these units would be offered first to those displaced by the scheme, then to social enterprises, artists and makers and then to small and medium enterprises generally. [8]

449. The availability of affordable studio space at Gildengate House has no doubt been of benefit to the art scene of Norwich and to the local economy. I note that Gildengate House would not be required for development until around 2029, so the artists with studios there would have time to seek alternative studio space. This was only ever intended as a temporary use of a vacant building, pending redevelopment. Consequently, I do not think that loss of the temporary use should weigh significantly against the proposals.

450. The scheme would accommodate retail and commercial uses at ground floor level and residential flats on the upper floors. It does not appear to cater for live/work units. However, an important planning policy consideration here is the designation of Anglia Square as part of an LDC. The design of the scheme prioritises the revitalisation of the shopping centre, in accordance with the development plan. That said, I consider that the provision for flexible uses, together with support for relocating tenants within the scheme and the provision of discounted commercial units, would help to maximise the benefits to the local economy and may well provide some opportunities for the digital and creative sectors. With regard to the construction phase, the section 106 Agreement makes provision for an employment and skills strategy which would support local employment and training.

451. The figures for future employment set out in the ES are based on standard floorspace multipliers. It is not unusual for socio-economic assessments to be done in this way, particularly where (as in this case) future occupiers are not known. In my view they give a useful indication of future employment levels, expressed as a range, but should not to be taken as precise forecasts.

452. In conclusion, it is clear that Anglia Square is not fulfilling its potential to contribute to the local economy, having regard to its size, its strategic location and its designation as part of an LDC. The proposal would result in some existing employment being displaced. However, overall there would be a significant net gain in employment. I consider that the application scheme would help to create the conditions in which businesses can invest, expand and adapt. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. Insofar as the current condition of the site is a barrier to investment, that barrier would be removed. The proposal would therefore be in accordance with those policies of the Framework which seek to create a strong, competitive economy. I attach significant weight to these economic benefits.

Regeneration Estates

***The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres***

453. Policy 19 of the JCS defines a hierarchy of town centres where the development of new retailing, services, offices and other town centre uses will be encouraged. This approach is consistent with paragraph 85 of the Framework which states that such hierarchies should be defined so that their long term viability can be promoted. Norwich city centre is at the top of this hierarchy. Anglia Square/Magdalen Street is identified as a large district centre (LDC) within the second tier. DM Plan DM18 states that retail, leisure and other town centre uses (as defined in the Framework) will be permitted at the defined centres where their scale is appropriate to the position of a centre in the hierarchy set out in JCS Policy 19. For an LDC, there is no specific numerical threshold for individual units or for the centre as a whole. [25, 28]

454. The PGN states that Anglia Square has a limited, value-led offer and that it lacks the diversity of uses needed to fulfil the LDC role. There is said to be a major opportunity to create a new shopping area alongside complementary leisure uses. The Greater Norwich Employment, Town Centre and Retail Study described Anglia Square as aesthetically unpleasing, performing a retail function that is little more than functional. The recommendations of the Study were that, to meet day to day shopping needs, redevelopment should continue to incorporate retail floorspace at ground floor level. This should include a mix of unit sizes, including larger units to enable current national retailers to remain alongside smaller units for more specialist operators. [174]

455. The officers' report notes that Anglia Square currently has 13,570 sqm of Class A1 (retail), A3 (cafes/restaurants) and sui generis uses. The proposal includes a total of 11,000 sqm of flexible commercial floorspace. Even if the maximum retail component were provided, this would be a significant reduction on the current level of provision. There would also be a significant decrease in B1 (office/business) use. The inclusion of the proposed hotel (11,350 sqm) would be a significant new town centre use. The retail strategy is to focus retail uses around the reconfigured Anglia Square, anchored by a food store. The new St George Square would include the cinema and leisure uses, including food and drink outlets.

456. Although the application seeks flexibility in the permitted uses, the suggested planning conditions set out parameters which are intended to ensure that the LDC role is fulfilled. These are:

- An overall limit of 11,000 sqm for the flexible commercial floorspace (condition 16);
- Block A is to include a food store with a minimum floorspace of 800 sqm (condition 11);
- The flexible commercial floorspace is to include a minimum of 1,500 sqm of Class A3 (cafes/restaurants) and Class A4 (drinking establishments), of which 75% is to be around the leisure square, with the total of such uses not exceeding 3,500 sqm (condition 17);

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- The flexible commercial floorspace is to include at least 5 units between 75 sqm and 150 sqm and at least 5 units between 150 sqm and 250 sqm (condition 19);
- The overall limit on flexible commercial floorspace is not to be exceeded by subsequent extensions or alterations (condition 61); and
- A restriction on changes of use that would result in the amount of Class A3 and A4 floorspace around the leisure square falling below 1,125 sqm (condition 62).

With these conditions in place, the Council considers that the proposal responds positively to the recommendations of the Study described above and would address the steady decline of the centre, thereby supporting the long term vitality and viability of the LDC. [175]

457. CMSA and others drew attention to the value placed on the existing shops by the local community, expressing concern that the new shops would not be suited to expanding the local convenience sector. It is important to note that, in policy terms, Anglia Square and Magdalen Street are not separate centres. Magdalen Street is part of the LDC as defined in the development plan. The conditions described above aim to secure an anchor food store, to provide a range of unit sizes (including some smaller uses) and to create a new leisure destination at St George Square which would enhance the evening economy. It seems to me that these measures would benefit existing businesses in Magdalen Street through increased footfall and greater use of the centre in the evening. [370, 372, 374]

458. As discussed in the previous section, the section 106 Agreement includes measures to support the existing retail tenants at Anglia Square with a view to relocating those who wish to remain and keeping the centre open during construction. Retaining existing tenants who are trading successfully would also be beneficial to the LDC a whole, including Magdalen Street, and to the community. The Magdalen Street Area and Anglia Square Traders Association supports the proposal and is keen to see it go ahead without delay, to reverse the decline of recent years. [409]

459. Representations drew attention to the well-publicised challenges facing high street retailing in general, arguing that there is no need for additional retail floorspace at Anglia Square. However, it is important to note that this is not a proposal to increase the total amount of retail floorspace. There would in fact be a reduction, although the new space would be in modern units in a much more accessible and attractive environment. As discussed above, subject to the above conditions, there would be flexibility both in the uses proposed and in the unit sizes. This would help the LDC to adapt to changing economic conditions. [381, 387]

460. The owners of the Castle Quarter centre object to the application on the basis that there would be a significant increase in main town centre uses, which they argue would be contrary to JCS Policy 19. Conditions are suggested to limit the range of commercial occupiers and prevent the merging and/or subdivision of units. The owners of the Chapelfield Shopping Centre have suggested further restrictions on the use of the flexible commercial space and a restriction on

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occupation by any retailer who is currently occupying floorspace in the primary shopping area of Norwich. Whilst there would be an increase in the total floorspace devoted to town centre uses, this is attributable to the proposed hotel and an increase in the size of the cinema. As discussed above, the retail component would decrease. JCS Policy 19 and DM Plan Policy DM18 are supportive of retail development within the LDC, subject to consideration of scale. In my view the provision of less retail floorspace than is already there would be appropriate to the position of the centre in the hierarchy, provided that there is enough of it to maintain the LDC function. [410]

461. In this case the reduction in the amount of retail floorspace would be offset by improvements to the quality of that space, linked to an enhanced leisure offer. The proposal would therefore be appropriate to the position of Anglia Square in the retail hierarchy, consistent with JCS Policy 19 and DM Plan Policy DM18. I see no reason to think that these enhancements to the functioning of the LDC would undermine the viability and vitality of the much larger Norwich city centre. To my mind there is no justification for the additional restrictions sought by the owners of the Chapelfield and Castle Quarter centres. Such restrictions would serve no planning purpose and would limit the ability of Anglia Square to adapt to changing economic conditions. [176]

462. I conclude that the proposal would support the role that Anglia Square/ Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. This would accord with the policies of the Framework relating to the vitality of town centres. It is a benefit of the scheme to which I attach significant weight.

***The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment***

*The heritage assets*

463. The Norwich City Centre Conservation Area (NCCCA) is a large and varied area. The NCCCA Appraisal notes that Norwich has developed over almost 1,000 years. The legacy of the Anglo-Scandinavian settlers is visible at Tombland, which was the city's first market place. The Castle and Cathedral date from the Norman era and the city walls are from the medieval period. The centre of Norwich is quite hilly, adding drama to the townscape. The Appraisal identifies six strategic landmarks:

- Cathedral of the Holy and Undivided Trinity (the Cathedral)
- Norwich Castle (the Castle)
- Cathedral of St John the Baptist (the RC Cathedral)
- Church of St Peter Mancroft
- Church of St Giles
- City Hall clock tower

464. The NCCCA Appraisal divides the conservation area into 13 character areas. The application site is in the Anglia Square character area, which is described as

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being dominated by 20th century commercial development of very poor townscape quality. The character area is assessed as having '*low significance*'[287]. The Northern City character area, which is assessed as '*significant*', wraps around Anglia Square to the west, north and east. Magdalen Street and the northern part of St Augustines Street are described as relatively narrow and intimate streets. The Colegate character area, to the south of Anglia Square, is assessed as being of '*high significance*'. The Appraisal notes that there is a contrast between small intimate streets, alleys and courtyards and larger factory buildings, creating a dramatic juxtaposition. The tight grain of the buildings is said to enclose the streets well, creating an intimate feel.

465. Overall, I consider that the special interest of the NCCCA, and its significance (in the terms of the Framework) derives from many factors. These include a well preserved medieval street pattern (with earlier influences), a dramatic topography, the six strategic landmarks, a wealth of listed buildings, numerous well-defined historic street frontages and qualities of enclosure and intimacy which are found in many locations across the designated area. The individual designated heritage assets include several Grade I and II* listed buildings and also scheduled monuments. There are many historic parish churches. The significance of the designated assets potentially affected by the application was agreed between the respective heritage witnesses at the Inquiry, as set out in the supplementary Statement of Common Ground (SoCG) on the significance of heritage assets. I agree with those assessments. [262, 291]

*The design of the proposed development*

466. It is convenient to start with an overview of the design, to inform an assessment of the way it would relate to its context. I will return to some more detailed aspects of the design in the relevant sections of the report. The evolution of the design is described in the evidence. It is important to bear in mind that only Block A and the tower have been submitted in detail. The other blocks are in the outline element of the hybrid application. The full details of those blocks, which would be subject to approval by the Council at reserved matters stage, would need to accord with the parameter plans. [60, 156]

467. One of the key determinants of the design has been the creation of two pedestrian and cycle routes through the site. One would run approximately north/south, linking Edward Street to a newly created pedestrian/cycle crossing point on St Crispins Road at George Street. The other would run approximately east/west, linking Magdalen Street to St Augustines Street. Two public squares are proposed, one at the intersection of these two routes and one in the location of the present Anglia Square. The new routes would not precisely replicate the alignment of the street pattern that was lost when the area was comprehensively redeveloped. Nor would the once fine grain of alleyways and courts be reproduced. Even so, the new routes would be close to the line of the lost sections of St George Street and Botolph Street and, importantly, would do much to reinstate the former movement pattern. This would create a legible

[287] The NCCCA Appraisal pre-dates the Framework so reference to 'significance' in the Appraisal does not necessarily read across to the way the term is used in the Framework

layout and greatly enhance permeability. The new squares would create attractive public spaces. [64, 149, 259]

468. The proposal is for a mixed use scheme. Most of the ground floor would be devoted to retail, leisure and commercial uses. There would be active frontages to Magdalen Street and along the public routes within the scheme, animating the public realm. The Design and Access Statement (DAS) describes the building typologies that would make up the new street blocks as 'mansion block', 'warehouse' and 'town house'. These typologies seek to relate to the scale of building types found in the locality, rather than replicating the appearance of such buildings. The DAS also describes the approach to facing materials as being formal and contextual on the outward facing elevations and more informal and contemporary on the elevations within the scheme. For example, it is proposed to use red brick on the Magdalen Street elevation. [64]

469. Building heights would vary throughout the scheme, seeking to make a transition to the scale of adjoining development. For example, development would step down to 4 storeys on Magdalen Street (with the upper floor being set back) and 5 storeys on the frontage of New Botolph Street at the junction of St Augustines Street. In general the taller buildings would be within the site rather than on the edges. However, the frontage to St Crispins Road would include 8, 10 and 12 storey buildings.

470. Detailed elevations have been submitted for Block A. These show that, on the southern elevation (facing into the scheme), the bay widths and window proportions would give a vertical emphasis to the facade. Variations in brick colour and materials for balconies could be used to differentiate the blocks, providing articulation to the long elevation. Full details of materials would be subject to approval under conditions. On the Edward Street elevation, the residential blocks would project well forward of the visible elements of the multi-storey car park. This would strengthen the vertical proportions of the three residential blocks, giving them prominence in oblique views along the street, thereby helping to break up the perceived bulk of Block A. The upper levels of Block A would be set back from the main elevations and faced with a light weight cladding system.

471. Detailed elevations have also been submitted for the proposed 20 storey tower, which would be sited well within the scheme beside the proposed St George Square. The design of the tower was amended in the light of comments from Design South East. It would have clear base, middle and top zones. The base would be expressed by double height piers marking the entrance. The top would be marked more subtly, with diamond patterning in the brickwork. The DAS indicates that a pale brick would be used to reduce visual impact. Brickwork piers would run up the full height of the structure, emphasising its vertical proportions. The amendments included a 'pinched' plan form, creating a fold in each elevation. This would be a distinctive feature which would also help to emphasise the verticality of the tower. Overall, I consider that the tower would be well proportioned and would create a focal point within the scheme. [69]

472. NS and others criticised the design on the basis that it lacks local distinctiveness, describing it as an 'anywhere design'. I would agree that there are features of the proposal that may well call to mind large scale regeneration

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projects in other cities. In particular, the prevailing scale (at the edge of the scheme) of 7 to 10 storeys, when combined with the large footprints of the individual blocks, would be uncharacteristic of the locality. [309, 313]

473. On the other hand, I consider that there are features of the design that would help to relate the proposal to its context. In particular, the movement pattern described above would reunite the site with the surrounding urban fabric. Moreover, the layout would create views of important buildings outside the site. A new ground level view of the Cathedral spire would be created from Anglia Square and views along the main east/west pedestrian route would be focused on the Church of St Augustine. The tower would be a new and distinctive feature. The approach to materials and building typologies would also have the potential to help integrate the scheme into its surroundings, subject to the further approvals that would be required. [150]

474. Overall, I do not agree that this would be an 'anywhere design'. To my mind the design is a considered response to the surrounding urban fabric. It would create a distinctive new identity, rather than seeking to replicate that which surrounds it. That said, the overall height and mass of the proposed development is of concern to many parties. For example, NS drew attention to the high density of the proposal as compared with nearby areas. Design South East had concerns about the bulk and mass of the proposal, commenting that blocks of 10 storeys could only be considered low rise by comparison with the tower. They went on to say that as well as being tall, the blocks would be very deep and wide. I agree that the height and mass of the proposal would be uncharacteristic in the NCCCA. It seems to me that a key question is the extent to which the features of the design described above would be successful in integrating the proposal into its surroundings. I return to that question below, in relation to the NCCCA as a whole and in relation to individual designated heritage assets. [268, 269, 312]

*Arguments for and against a tall building*

475. Several representations argued that Anglia Square is inherently unsuitable for a tall building, on the basis that (it was suggested) there are very few tall buildings in Norwich and/or that tall buildings only serve state, civic or ecclesiastical purposes. In fact, there are several tall buildings in Norwich, as shown in the evidence of Historic England (HE). Some of these are identified as negative features in the NCCCA Appraisal and others, such as the recently completed, have divided opinion. Whilst it is right to say that the strategic landmarks have state, civic or ecclesiastical functions, other tall buildings in Norwich have a range of functions. In any event, there is no policy support for the proposition that a tall building must fulfil a particular function. [155]

476. HE drew attention to the DAS, where it is suggested that the tower would be a pivotal landmark, a way finder and a strong 'visual counterpoint' to the strategic landmarks. HE (and others) argued that this approach would inevitably result in competition with the strategic landmarks, thereby harming the ability to appreciate them. At the Inquiry, the applicants did not pursue the 'visual counterpoint' argument with any vigour. Instead, the applicants' case emphasised the role of the tower as an important marker of regeneration and as

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a feature that would help give the scheme its own character and identity. [66, 270, 278]

477. DM Plan Policy DM3(a) refers to landmark buildings at gateways, such as the Pitt Street roundabout, but the supporting text makes clear that excessively tall buildings would not be appropriate because of the sensitive historic townscape. The expectation of the DM Plan is that landmarks at gateways would be marked by developments of high quality, relying on design aspects other than size and height to achieve distinctiveness. In policy terms there is, therefore, nothing that expressly supports a tall building at Anglia Square. Nor is there anything that rules it out. [239]

478. In my analysis, I have not attached any weight to the concept of a 'visual counterpoint'. Moreover, Anglia Square is easy to find, being located at a convergence of routes, so I do not regard any potential way finding role as significant. However, for the reasons given above, I consider that the tower would be a distinctive feature which would create a focal point within the scheme, thereby contributing to its new identity.

*Impacts on the Norwich City Centre Conservation Area*

The site and immediate surroundings

479. The 20th century commercial buildings within the application site have been identified as negative features in the NCCCA Appraisal. Sovereign House and the multi-storey car park are particularly dominant, due to their scale, poor design and dilapidated appearance. In addition, the bulk and blank elevations of the cinema dominate views from Magdalen Street. Part of the existing development projects out over the western footway to Magdalen Street, creating an oppressive and uncomfortable pedestrian environment. In the south west corner of the site there are some 19th century buildings fronting Pitt Street which make a modest positive contribution to the NCCCA. However, most of the area west of the Anglia Square buildings is given over to surface car parking. [102]

480. The replacement of the existing commercial buildings and car parks with well-designed modern buildings would be a significant benefit to the NCCCA. As discussed above, I consider that the benefits of the scheme would include greater permeability and legibility, improved streets and squares within the site and framed views of the Cathedral and the Church of St Augustine. I do not agree with those who suggested that, in this context, townscape benefits can be separated from heritage benefits. I consider that the removal of features which detract from the character and appearance of the NCCCA and their replacement with well-designed buildings set in an attractive public realm is both a heritage benefit and a townscape benefit. [84, 102, 148 – 150, 294]

481. Magdalen Street is an important thoroughfare leading from the city centre and the eastern side is identified as a positive frontage in the NCCCA Appraisal. The proposal would widen the footway on the western side, replacing the unattractive overhanging section with well-designed frontage development. The upper level of the frontage block would be set back such that, as seen from street level, the three storey elevation would be predominant. This would be in

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keeping with the general scale of Magdalen Street. From some viewpoints[288] some of the taller elements of Block A would also be seen. HE argued that this would create a discordant relationship which would be severely harmful. However, I consider that the taller buildings would be set back far enough into the site to avoid such harm. Overall, I consider that the proposal would significantly improve the character and appearance of that part of Magdalen Street which is north of the St Crispins Road flyover. [276]

482. The taller elements of Block A would be quite prominent as seen from Cowgate[289]. However, the stark nature of the existing multi-storey car park is also very evident from this angle, such that the change would not be harmful.

483. Edward Street is currently dominated by the bulk of the multi-storey car park, resulting in a very poor townscape quality. Block A would be of comparable scale where it fronts Edward Street, with the upper levels being set back. However, as noted above, although elements of the new multi-storey car park would be visible, the three projecting residential blocks would be the most prominent in views along the street. New Botolph Street and the northern part of Pitt Street lack enclosure by buildings, resulting in a street scene that is dominated by highway infrastructure and surface parking. The proposal would enclose the frontages with buildings and there would be landscaping and public realm improvements. The character and appearance of these streets would be significantly improved.

484. The Church of St Augustine, its surrounding green space and the adjoining almshouses at Gildencroft are an important grouping at the southern end of St Augustines Street. The existing buildings at Anglia Square already detract from this grouping to some extent. However, the height and bulk of the proposed tower would compete with and distract from the church tower. Blocks E and F, stepping up towards the southern end of Pitt Street, would rise above the ridgeline of Gildencroft[290]. Even allowing for the fact that the tallest buildings in Block F would be some 170m away, I consider that this would detract from the green space and the buildings within it, resulting in harm to the character and appearance of the NCCCA. [102]

485. The NCCCA Appraisal identifies positive frontages, containing numerous listed and locally listed buildings, on both sides of St Augustines Street. Views towards the city along St Augustines Street are terminated somewhat abruptly by Sovereign House. The introduction of appropriately scaled buildings creating a new frontage facing St Augustines Street would be an improvement in this regard. The proportions and design details of the new tower would be appreciated in these views. Even so, the height of the tower would make it quite a dominant feature. On balance, I consider that the impact on St Augustines Street would be harmful to the NCCCA, albeit the level of harm would be relatively low. [295]

[288] Views 34 and 43 – these and subsequent references relate to the Compendium of Views Revision A (CD7.81 SEI t)
[289] View 35
[290] Views 32 and 33

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486. On St Crispins Road, the recladding of Gildengate House and replacement of Sovereign House have the potential to improve the NCCCA, subject to approval of detailed designs at reserved matters stage. However, Block F would rise to 12 storeys at the south west corner of the site. The officers' report referred to the overall height and massing of the proposal creating a form of development that would be "*strikingly different and unfamiliar*". In my view that comment is particularly pertinent to Block F because the height and large floorplate of that block would be prominent at the corner of Pitt Street and St Crispins Road. [276]

487. Block F would be at one of the gateway locations where DM Plan Policy DM3(a) refers to new landmark buildings. The immediate context includes the Pitt Street/St Crispins Road roundabout and modern office buildings at St Crispins House. Planning permissions have been granted for the conversion and increase in height of St Crispins House and for redevelopment at St Mary's Works, to the south west of the roundabout. Moreover, the heritage assessment suggested that buildings of 10 to 12 storeys at this point would be likely to have a moderate impact on the settings of heritage assets. These factors indicate that a building of some scale could be appropriate here. However, even allowing for these factors, I consider that the scale and mass of Block F would indeed appear strikingly different and unfamiliar, to an extent that would cause harm to the NCCCA. [265]

Middle distance views

488. Tombland, Wensum Street, Fye Bridge and Magdalen Street form an important route leading north from the city towards Anglia Square. Moving along this route, parts of the proposal would come into and out of view. From parts of Tombland[291] the top of the tower would be glimpsed above the roof of the Maids Head Hotel. It would be a small element, at distance, in a rich and varied townscape. As such, I do not think there would be a material impact on the NCCCA. The greatest impact would be experienced at the junction of Wensum Street and Elm Hill. This is a characteristic view of high quality townscape, which is currently terminated by part of St Clement's Church and the easternmost building in Colegate[292]. The tower and the upper parts of some of the taller block would rise above those buildings. Being central to the view, the new buildings would create a new and uncharacteristic focal point, resulting in harm to the NCCCA. [100, 261]

489. A little further north, at Fye Bridge, only the top of the tower would be visible so the impact would be less. The proposal would then be out of sight until the viewer approached the flyover. At this point the existing cinema (together with the flyover) is a significant detractor from the view along the street[293]. The removal of the cinema and replacement with parts of Block A would have a broadly neutral effect.

490. The NCCCA Appraisal notes that the medieval street pattern is an important feature of the Colegate character area. The Appraisal refers to a tight urban

[291] View 23
[292] View 25
[293] View 42

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grain with enclosed streets creating an intimate feel. Colegate itself runs east/west and there are narrower streets leading north which afford glimpsed views towards Anglia Square. Although the sense of being in an historic environment is particularly strong in Colegate, these glimpsed views include some modern development at St Crispins House and Anglia Square. For example, the view along St George Street[294], between the Church of St George Colegate and Bacon House, provides a glimpse of St Crispins House. The proposed tower would also be seen in this view, albeit behind the extended St Crispins House. [101, 258]

491. The view north on Calvert Street[295] also encompasses modern development, including the highest part of Sovereign House. Again, the proposal could be seen here but, to my mind, would not have sufficient impact to detract materially from the experience of being in Colegate. Overall, I consider that the proposal would have a neutral effect on the Colegate character area.

Distant views

492. The topography of Norwich is such that there are extensive views over the city centre from high ground to the east. The six strategic landmarks identified in the NCCCA Appraisal can be seen together in these views. DM Plan Policy DM3(c) seeks to protect long views of the major landmarks and specific viewpoints are identified in appendix 8. Three of these viewpoints equate to the viewpoints in the townscape and visual impact appraisal (TVIA) which are discussed below. The strategic landmarks are all designated heritage assets of high significance in their own right. Collectively, they help to create the skyline which is such an important feature of the NCCCA. It follows that the grouping of these assets makes a highly significant contribution to the significance of the NCCCA as a whole. [86, 87]

493. The existing buildings at Anglia Square are readily apparent in the view from Mousehold Avenue[296]. Sovereign House and the multi-storey car park stand out strongly as negative features. Other than the tower, the proposed development would appear below the skyline. Whilst the tower would break the skyline, this would not be harmful because of the improved design and appearance of the scheme as a whole. The strategic landmarks are not all in view from the TVIA viewpoint but they can be seen from a nearby informal open space. From this angle the strategic landmarks are seen interspersed with other tall buildings. Insofar as they can be appreciated as a group from this location, that composition would not be harmed by the proposal.

494. The view from St James' Hill includes a particularly picturesque grouping of the strategic landmarks[297]. There are tall buildings on the skyline in the vicinity of All Saints Green but these appear clearly to the left of the strategic landmarks. The proposal would appear well to the right. Although the proposed tower would break the skyline the rest of the development would not. I consider that the distinctive shape and detailing of the tower would be appreciable at this

[294] View 37
[295] View 38
[296] View 7
[297] View 8

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distance and that there would be sufficient separation from the strategic landmarks to avoid competition with or distraction from those assets. There is a fine view of the Cathedral from Kett's Heights[298]. From this angle the strategic landmarks appear closely grouped. The proposed tower would be well over to the right hand side and would not affect the ability to appreciate the grouping. [88, 152]

495. In summary, I conclude that the proposal would not harm the ability to appreciate the NCCCA in distant views. [278]

Conclusions in relation to the NCCCA

496. The proposed development would be visible from other locations in the NCCCA, some of which are discussed below in relation to individual heritage assets. However, I do not think that any of these other views would result in a material impact on the NCCCA. The proposal would result in important benefits to the character and appearance of the NCCCA, in particular:

- the removal of large scale 20th century commercial buildings which are perceived as strongly negative features over a wide area;
- the replacement of those buildings, and underused parking lots, with well-designed buildings;
- creation of an attractive new public realm within the site;
- creation of framed views of the Cathedral and the Church of St Augustine from within the site; and
- significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.

497. The proposal would also cause harm to the character and appearance of the NCCCA in the following ways:

- The scale of development would harm the group comprising the Church of St Augustine, the green space of the churchyard and Gildencroft;
- The development would create an uncharacteristic focal point, distracting from views along Wensum Street;
- The scale of Block F would be strikingly different to its surroundings, creating an uncharacteristic feature on a prominent corner location;
- The tower would be a dominant feature in views along St Augustines Street; and
- Locally listed buildings fronting Pitt Street would be lost.

498. Whether considered individually or collectively, having regard to the significance of the NCCCA as a whole, I assess the harms to amount to less than substantial harm in the terms of the Framework. Any harm to the NCCCA is a matter of

[298] View 9

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considerable importance and weight, a matter that I return to below. That said, I do not think the items above are of equal importance. In my view the first two items would result in the most important harms. This is because of the high significance of the affected assets and the coherence and characteristic nature of the historic environments that would be affected. In relation to the others, I note that the impact of Block F would be experienced in the context of other modern development at a location where a development of some scale could reasonably be expected. In relation to St Augustines Street, there is a balance of considerations as discussed above. The locally listed buildings make only a modest contribution to the NCCCA.
[80 - 83, 160, 161, 226, 230, 249, 300 – 303]

499. Drawing all this together, I consider that the benefits would outweigh the harms, such that the proposal would result in a net benefit to the character and appearance of the NCCCA.

*Impacts on listed buildings and other designated heritage assets*

500. There are no designated heritage assets within the application site and no such assets would be physically affected by the proposal. In all cases the impacts (or potential impacts) would be on the setting of the asset in question. As noted above, the significance of the assets was agreed. It is set out in the SoCG on the significance of heritage assets. At the Inquiry, no party argued that there would be substantial harm to any designated heritage asset, with the exception of the suggestion by Save Britain's Heritage (SBH) that there would be substantial harm to the NCCCA (which I have considered above). I agree that, in all cases where there would be harm to the significance of a designated heritage asset, that harm would be less than substantial in the terms of the Framework. In considering impacts on setting I have been mindful of the staged approach set out in HE's publication GPA3 The Setting of Heritage Assets. [253]

<u>The environs of Anglia Square</u>

501. No 75 Magdalen Street is a Grade II listed building (LBgII) on the east side of the street, facing Anglia Square. The improvements to the townscape of Magdalen Street would enhance the setting and significance of this asset. Buildings further to the north on Magdalen Street[299] (LBgII) would also see some enhancement to their settings, although the effect would be slight as they are not as directly affected as No 75.

502. The Church of St Augustine (LBgI) is a medieval church set within a green space which enables the building to be appreciated in the round. To the south, the churchyard is enclosed by the almshouses at Nos 2 – 12 Gildencroft (LBgII). The height of the proposed tower would compete with and distract from an important view of the church tower[300], harming the ability to experience the asset. The height and bulk of the tower and Blocks E and F would rise above the roof line of the almshouses, competing with and distracting from the asset and eroding the secluded feel of the green space. Although the existing buildings at Anglia Square detract from the green space to some extent, this effect is limited

[299] Cat and Fiddle (No 105), Nos 107, 109, 113, 115 and 117
[300] View 32

by distance. The proposals would improve the existing view of the church from Anglia Square but this would not outweigh the harmful effect I have identified. Overall, I consider that there would be a moderate level of harm to both assets. [102]

503. The listed buildings (LBgII) along St Augustines Street[301] include houses and shops which form coherent and characteristic frontages on both sides of the street. Insofar as the settings of these buildings contribute to their significance, that contribution comes mainly from being part of those frontages, which would be unchanged. The existing buildings at Anglia Square detract from views along the street but this has limited impact on the ability to experience individual listed buildings. Consequently, although the tower would be a dominant feature as discussed above, the impact on individual buildings would be limited. The harm to each of the assets would be minor.

504. There are listed buildings along Sussex Street, from where there is a potential view of the proposed development at the junction with The Lathes[302]. However, even allowing for seasonal effects, I consider that the degree of visibility would be limited by vegetation and intervening buildings such that there would be no harm to these assets. The significance of No 71 New Botolph Street (LBgII*) relates to a 15th century brick undercroft. This is beneath a 20th century structure which is itself of no interest. The historic fabric is not visible in the street scene so setting makes no contribution to the significance of this asset. It would therefore be unaffected.

505. A section of the city walls, about 20m in length, at Magpie Road is part of a scheduled monument. The nearby buildings add nothing to the ability to experience the asset. Its significance resides mainly in the historic fabric and the evidence it provides, together with other remaining sections of the walls, of the medieval defences. However, the immediate setting has benefitted from a simple landscape treatment which allows one either to stand back and look at the form and scale of the wall, or to approach and inspect it close up. Although the tower would be seen above the wall[303], in my view it would have no effect on the ability to experience the asset.

506. St Saviour's Church, Magdalen Street (LBgI) is located to the south of the flyover which carries St Crispins Road over Magdalen Street. The flyover is a strongly negative feature which detracts from the setting of the church and the street generally. There are other listed buildings further south on Magdalen Street[304]. These buildings are seen as part of coherent and characterful frontages on either side of Magdalen Street, a factor which contributes positively to their significance. Those frontages, and that contribution, would not be altered. The street scene is abruptly terminated by the flyover, such that nothing to the north of it contributes positively to the settings of these assets.

[301] Nos 1 – 11 (odd), rear of Nos 13 and 15, 21 – 29 (odd), 55, 22 – 36A (even), 42 to 52 (even), Catherine Wheel Public House, St Augustines Street
[302] View 51, Nos 1A – 11, 13 – 19, 21, 27 and 29 Sussex Street (LBgII)
[303] View 17
[304] Block to rear of No 24, Nos 42, 44, 46, 48, 29, 41, 47 and 49 Magdalen Street (LBgII) and Gurney Court, 31 – 35 Magdalen Street (LBgII*)

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The existing cinema, which is seen above the flyover, is a further detractor[305]. Removal of the cinema, as proposed, would therefore be a benefit. Whilst parts of Block A would be in view, the scale of development would step up from Magdalen Street as described above. Overall, I consider that the effect of the proposal on these listed buildings would be neutral.

The strategic landmarks

507. The strategic landmarks identified in the NCCCA are the Cathedral (LBgI), the Castle (LBgI), the RC Cathedral (LBgI), the Church of St Peter Mancroft (LBgI), the Church of St Giles (LBgI) and the City Hall clock tower (City Hall as a whole is LBgII*). Setting makes an important contribution to the significance of these assets, all of which stand out on the Norwich skyline. As discussed above, I do not consider that the proposal would be harmful in relation to distant views from high ground to the east. There are however some further views to take into account for some of these assets.

508. The Cathedral can be seen across the open playing fields of Castle Meadow[306], rising above a line of mature trees. This is a picturesque view of the Cathedral in which its scale and proportions can be well appreciated. The proposed tower would be visible, although it would be well below the general line of the tree canopy. It is likely to be more visible in winter. Even so, the effects of relative scale and distance are such that it would in no way compete with the Cathedral. Moreover, there would be only a small element of distraction from the asset. Even so, given the importance of this view, I think that would amount to material harm, albeit at a low level.

509. The Cathedral spire can be seen in distant views from Aylesham Road and St Augustines Street[307]. In these views Sovereign House appears close to the spire and detracts from it. The proposal would be taller but with greater separation from the spire, resulting in a neutral effect. The newly created view of the spire from Anglia Square would enhance the ability to appreciate the Cathedral to some extent but this would not outweigh the harm to the view from Castle Meadow. Overall, I consider that there would be minor harm to the significance of the Cathedral due to the effect of the proposal on the view from Castle Meadow. [103]

510. In relation to the Castle, it is necessary to consider views out from the ramparts and battlements[308] as part of the assessment of setting. The Castle is sited on a spur of high ground and there are sweeping panoramic views out over the valley of the River Wensum. It is a commanding position, in both a military and a symbolic sense. The existing buildings at Anglia Square exert a negative influence but they form a relatively small element in the overall sweep of the view. From the battlements there are fine views of the other strategic landmarks which would be unaffected by the proposal. The proposed tower would break the skyline. However, I consider that the distinctive shape and detailing of the tower would be appreciated in this view.

[305] View 42
[306] View 60
[307] Views 14, 15 and 49
[308] Views 12 and 54

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511. The lower blocks would also be clearly in view, together with new development at St Crispins House and St Mary's Works. As seen from the battlements, they would not break the skyline. As seen from the ramparts, some of the blocks would be level with or slightly above the skyline. At present, the strongly horizontal emphasis of the existing commercial buildings is evident. Whilst the extent of new development would be apparent, the articulation of the blocks and variations in height would help to assimilate it. Overall, although the proposal would be clearly visible, I do not think that it would harm the ability to appreciate the relationship between the Castle, the river valley and the city. The proposal would not therefore cause harm to the setting or significance of the Castle. [254]

512. A small part of the tower would be visible from the area in front of the Forum in a view which also includes City Hall and the Church of St Peter Mancroft[309]. However, it would be a small and distant element in a busy urban scene. It would not affect the ability to experience the assets in question. I conclude that the proposal would not result in harm to the settings of the Castle, the RC Cathedral, the Church of St Peter Mancroft, the Church of St Giles or City Hall. [98]

Tombland, Wensum Street and Fye Bridge

513. From Tombland, part of the tower would appear above the roof of the Maids Head Hotel (LBgII)[310]. However, the striking black and white architecture of the Hotel attracts the eye and the slight visibility of the tower would not materially distract from the asset. Erpingham Gate (LBgI and scheduled monument), which is not seen from the TVIA viewpoint, faces this part of Tombland and its significance would also be unaffected. The Cathedral Close includes some highly graded heritage assets[311]. Following the amendment to the height of the tower, the proposal would not be visible to any extent that would affect the appreciation of the Close so none of these assets would be affected.

514. The Church of St Simon and St Jude (LBgI), No 40 Elm Hill (LBgII) and Nos 11 - 13 Wensum Street (LBgII) are all close to the junction of Elm Hill and Wensum Street[312]. As noted above, the proposal would create an uncharacteristic focal point in views along Wensum Street, causing harm to the NCCCA. This streetscape is part of the surroundings in which the assets are experienced so there would be some harm to their respective settings. However, the assets are very close to the viewer and it is the nearby buildings that enable them to be experienced as an integral part of the intimate streetscape of the city. Thus although the long view would be harmed, the harm to the significance of the individual assets would be minor. [100]

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[309] View 11
[310] View 23
[311] Nos 69 and 70 Upper Close (LBgI), No 71 Upper Close (LBgII*), Carnary Chapel (LBgI and scheduled monument)
[312] View 25

515. In views northwards along Wensum Street, part of the Church of St Clement (LBgI) is seen in front of Nos 3 - 5 Colegate (LBgII)[313]. As noted above, the extent of visibility of the proposal would reduce as the viewer moves north along Wensum Street. As seen from Fye Bridge[314], the proposed tower would appear incongruously above the ridge of Nos 3 - 5, which would cause an element of distraction from the assets. However, only a small part of the church, and very little of Nos 3 - 5, is visible at this point so this is not a view which is particularly important to the ability to experience these assets. There are closer and better views available further along Fye Bridge Street, and from Colegate, which would be unaffected by the proposal.

516. Fye Bridge itself is listed (LBgII) and there is a cluster of listed buildings on the north side of the bridge[315] which are seen in the view described above. Together, these buildings form a lively and varied townscape which (as seen from the bridge) would be only slightly impacted by a glimpse of the proposed tower. The proposal would be barely visible, or invisible, in closer views. There is also a partial view of the Church of St Clement from the riverside walk to the west of Fye Bridge. The church tower appears in a gap in the riverside buildings. Part of the proposed tower would appear in the same gap, resulting in an element of distraction[316]. In conclusion, whilst there would be harm to the settings and the significance of the Church of St Clement, Nos 3 - 5 Colegate and the other listed buildings in the Fye Bridge group, I would characterise the degree of harm as minor in each case.

Colegate character area

517. St George's Church (LBgI) and Bacon's House (LBgII*) stand in Colegate, either side of St George Street. As discussed above, the view along St George Street[317] provides a glimpse of modern office buildings at St Crispins House, which are to be extended in height. The proposed tower would also be seen in this view, behind the extended St Crispins House. The listed buildings are experienced in the context of Colegate, which has a strong sense of enclosure and historic character. This setting contributes to their significance. The glimpse of modernity currently experienced at St George Street does little to undermine the historic character because it is experienced only fleetingly. Moreover the listed buildings, which are themselves powerful features, and the street scene of Colegate are very much closer to the viewer. The effect of the proposal would be to increase, slightly, the sense that there is some modern development to the north. There would be very little by way of distraction from the assets, resulting in no more than minor harm to their significance.

[313] Nos 3 to 5 Colegate are at the corner of Colegate and Fye Bridge Street and it is convenient to discuss them here rather than in the section on Colegate
[314] View 56
[315] Nos 2, 7, 9 and The Mischief Public House, Fye Bridge Street (LBgII), Nos 11, 13 and 15 Fye Bridge Street (LBgII*)
[316] View 27 in the March 2018 Verified Views Study (CD4.86 Volume 3 j), noting that this view shows the earlier design for a 25 storey tower
[317] View 37

518. Muspole Street leads off Colegate and the setting of the listed buildings here[318] includes the historic character and enclosed nature of Colegate. There are also views of modern development to the north at St Crispins House. The proposed extensions to St Crispins House would be readily apparent from here[319]. Part of the proposed development would appear behind those extensions. I do not think that any additional impact would materially affect the ability to experience these assets.

519. For Octagon Chapel (LBgII*) and Nos 27 and 29 Colegate (LBgII), any visibility of the proposed development in views of these buildings would be too limited to have any material impact. There are listed buildings in Calvert Street[320], the northern end of which is bridged by modern development. Their setting within Calvert Street adds to their significance but the application site makes no contribution. Although the view along the street would change, there would be no effect on the ability to appreciate these buildings. Nos 63, 80 and 82 (LBgII) St George Street are located between Colegate and St Crispins Road. There are modern commercial buildings on the south side of St Crispins Road which lie between these buildings and the application site. Consequently, they would be unaffected.

520. Doughty's Hospital (LBgII) is inward-facing, built on three sides of a courtyard. Insofar as setting contributes to its significance, the ability to experience the asset is largely confined to the courtyard[321]. Gildengate House dominates the skyline in the view northwards from within the courtyard. Its strong horizontal lines and generally poor design and materials stand in stark contrast to the architecture of the listed building, resulting in considerable harm to its significance. Recladding Gildengate House, as proposed, offers the potential to mitigate this impact (subject to subsequent approval of reserved matters). That would be a benefit. However, the height and mass of Block G would add to the sense of this modest building being dwarfed by its neighbours. On balance, the effect would be harmful. However, as much harm has been done already, the proposal would cause only minor harm to the significance of the asset.

521. St Mary's Church at St Mary's Plain (LBgI) is set within an oval churchyard which allows it to be viewed in the round, both close up and from surrounding streets and footpaths[322]. This setting, which would be unaffected, makes a strong positive contribution to its significance. The wider surroundings are varied in character with modern development to the north, between the church and the application site. These wider surroundings add nothing to the ability to experience the asset. Visibility of the proposal would be very limited and would not be harmful to the setting or the significance of the asset.

522. The Church of St Martin at Oak (LBgI) is set within a small enclave of green space which enables it to be appreciated from the adjoining streets, thereby contributing to its significance[323]. Beyond that, setting adds little to the

[318] Nos 1 – 9 and the Woolpack, Muspole Street (LBgII)
[319] View 36
[320] Nos 2 to 9 Octagon Court (LBgII*), Nos 9, 11, 20 and 22 Calvert Street (LBgII)
[321] View 44
[322] View 52
[323] View 29

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significance of the asset. It is hemmed in by a factory building on one side and the nearby townscape is fragmented and lacking in coherence. The proposed development would terminate the view along St Martin's Lane, which passes alongside the church. Whilst that would be a significant change in the view, it would not be harmful because the change would affect something which does not currently contribute to the significance of the listed building. Nos 47 and 49 (LBgII) are located further along St Martin's Lane. The townscape here is similarly lacking in coherence, such that setting contributes very little to the significance of these assets. Again, the surroundings would be changed but this would not be harmful to the listed buildings.

523. Nos 98 – 100 Oak Street form part of a characterful frontage to Oak Street which contributes to their significance. The nearby large scale highways infrastructure of St Crispins Road is a detractor. That relationship would not change. The application site makes no contribution to the significance of these listed buildings. Although views along St Crispins Road would change[324], this would have no impact on the ability to experience these assets.

Elm Hill and Princes Street

524. There is a concentration of designated assets around the junction of Elm Hill and Princes Street[325]. These include St Peter Hungate (LBgI), the Former Dominican Friary (Blackfriars), St Andrew's Hall and Blackfriars Hall (LBgI and scheduled monument), the Briton's Arms (LBgII*) and Nos 2, 4, 6 and 8 Elm Hill (LBgII). The buildings are experienced within a street scene that is tightly enclosed, creating a strong historic character. Although it would be possible to obtain some glimpses of the proposed tower, these would be fleeting views for a person moving along the street whose attention would be focused on the powerful historic environment around them. If such a person was aware of the proposal at all, the very small degree of visibility combined with the effects of distance would mean that there would be no harm to the settings of these assets. [99]

Other listed buildings

525. HE argued that there would be harm to the medieval churches of Norwich as a group. These are most densely concentrated in the slopes down towards the river. I agree that the medieval churches make an important contribution to the townscape. However, I have concluded above that the proposal would not be harmful to the long views of the strategic landmarks from high ground to the east of the city centre. For the same reasons, I do not think that there would be harm to the medieval churches, other than those where I have specifically identified harm in this report. [282]

526. The setting of St James' Church (LBgI) is dominated by large scale highways infrastructure and contributes very little to the significance of the asset[326]. From in front of the church the existing commercial buildings at Anglia Square are visible. The proposed development would be similarly visible. That would be a

[324] View 30
[325] Views 22 and 55
[326] View 19

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change in the view but it would have no impact on the ability to experience the asset.

527. The Guildhall (LBgI), No 1 Guildhall Hill (LBgII) and the War Memorial (LBgII*) can be seen in views from Millennium Plain (in front of the Forum)[327] in which a small part of the tower would be visible on the skyline. However, there are many closer and better views of these assets, all of which would be unaffected. Even in this particular view, the limited extent of visibility and the effects of distance are such that there would be no harm to the setting of these assets.

528. Nos 45 – 51 London Street (former National Westminster Bank) (LBgII) has a domed cupola. The building is mainly experienced from the adjoining streets and these views would be unaffected. However, the cupola can also be seen against the sky from the Castle ramparts[328]. The proposed tower would appear behind the cupola, distracting from it. Having regard to the overall significance of the asset, I consider that this would amount to minor harm. In the same view, the tower of St Andrew's Church (LBgI) appears close to the cupola. There are many closer and better views of the church. Nevertheless, in this particular view there would be an element of distraction from the view of the church tower, resulting in minor harm to the significance of St Andrew's Church.

529. St Helen's Church (LBgI) can be seen in the view across Cathedral Meadow[329]. This is discussed above in relation to the Cathedral, where I concluded that the proposed tower would result in only a small element of distraction. Even so, given the importance of this view, I found that there would be minor harm to the Cathedral. For the same reason I consider that there would be minor harm to the significance of St Helen's Church.

Registered parks and gardens

530. Waterloo Park is a Grade II* registered park[330]. The Cathedral spire is visible from some points within the park, as a distant feature in a gap in a line of trees. This is a glimpsed view which does not have a strong influence on the way the park is experienced. Although the park is bounded by trees there are also views of buildings, such that one is aware of being in a park within a wider urban area. There would be filtered views of the proposed development, which is likely to be more visible in winter. However, the effect of distance is such that I do not think that there would be harm to the registered park. [378]

531. Catton Hall Park is also a Grade II* registered park. Norfolk Gardens Trust comments that Humphry Repton used the Cathedral spire as a key feature of his design for the park. However, there is no evidence that the spire is visible today. In any event, the TVIA concluded that the proposal would not be visible[331] and, from what I saw, I have no reason to doubt that finding. [378]

*Impacts on non-designated heritage assets*

[327] View 11
[328] View 12
[329] View 60
[330] View 48
[331] Views 61 and 62

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532. The locally listed buildings at Nos 43 – 45 Pitt Street would be demolished. They comprise a pair of 19th century houses, with No 43 having a pub frontage. They are of local architectural and historic value, which would be lost.

533. All other impacts on known non-designated heritage assets would arise from impacts on setting. There would be some harm to the significance of locally listed buildings in St Augustines Street and Wensum Street. For the reasons discussed in relation to the listed buildings in those streets, the degree of harm would be minor. On Magdalen Street, there would be some benefit to the significance of locally listed buildings north of the flyover and no impact on those to the south. This would be for the same reasons discussed in relation to listed buildings in Magdalen Street. I consider that there would be sufficient separation from the proposed development to avoid harm to the locally listed buildings at Malzy Court.

534. The application site has the potential to contain archaeological assets which are as yet unknown. Any impacts on such assets could be managed through appropriate conditions requiring a scheme of archaeological investigations.

*Conclusions on the historic environment*

535. The proposal would have both beneficial and harmful effects on the character and appearance of the NCCCA. On balance, there would be a net benefit so the character and appearance of the NCCCA would be enhanced.

536. In all cases where there would be harm to designated heritage assets this would be less than substantial harm in the terms of the Framework. There would be harm that I would characterise as moderate to the following:

- The Church of St Augustine (LBgI)
- Nos 2 – 12 Gildencroft (LBgII)

537. There would be harm that I would characterise as minor to the following:

*Grade I*

- Cathedral
- Church of St Simon and St Jude
- Church of St Clement
- Church of St George
- St Helen's Church
- St Andrew's Church

*Grade II**

- Bacon's House
- Nos 11 – 13 Fye Bridge Street

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*Grade II*

- St Augustines Street group
- Nos 11 – 13 Wensum Street
- No 40 Elm Hill
- Nos 3 – 5 Colegate
- Nos 2, 7 and 9 Fye Bridge Street
- The Mischief public house, Fye Bridge Street
- Fye Bridge
- Doughty's Hospital
- Nos 45 - 51 London Street (former National Westminster Bank)

I have found that there would be some benefits to the settings of listed buildings, in particular the Cathedral, the Church of St Augustine and No 75 Magdalen Street.

538. The significance of the locally listed buildings at Nos 43 – 45 Pitt Street would be lost. There would be some minor harm to the significance of locally listed buildings in St Augustines Street and Wensum Street. There would be some minor benefit to the significance of locally listed buildings in Magdalen Street north of the flyover.

539. The PGN is not part of the development plan although it is a material consideration. Insofar as the PGN relates to heritage, I consider that the proposal would enhance the NCCCA and would create or enhance views from public spaces to local landmarks. The NCCCA Appraisal is not part of the development plan although it is referred to in JCS Policy 11. With regard to the guidance in the Appraisal, the proposal would remove negative landmarks and reinstate historic street patterns, albeit not in precisely the same alignments. It would, in the main, preserve views of city wide landmarks (noting that there would be some harm to the setting of the Cathedral). It would respect the scale of buildings in Magdalen Street and create significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.

540. On the other hand, it would not integrate with the context and grain of its surroundings in some important respects. In particular, the scale of development would harm the group comprising the Church of St Augustine, the green space of the churchyard and Gildencroft, it would create an uncharacteristic focal point, distracting from views along Wensum Street, the scale of Block F would be strikingly different to its surroundings, creating an uncharacteristic feature on a prominent corner location and the tower would be a dominant feature in views along St Augustines Street. Overall, there would be some accordance with the guidance set out in the Appraisal and some conflict.

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*Harm to designated heritage assets – the balance required by the Framework*

541. Any harm to a designated heritage asset is a matter of considerable importance and weight. Where there would be less than substantial harm, paragraph 196 requires this to be balanced against the public benefits of the scheme. Public benefits are not limited to heritage benefits.

542. I have identified the following heritage benefits relating to the character and appearance of the NCCCA:

- the removal of large scale 20th century commercial buildings which are perceived as strongly negative features over a wide area;
- the replacement of those buildings, and underused parking lots, with well-designed buildings;
- creation of an attractive new public realm within the site;
- creation of framed views of the Cathedral and the Church of St Augustine from within the site; and
- significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.

I attach significant weight to these heritage benefits.

543. In addition, I have identified benefits to the settings of individual listed buildings, namely the Cathedral, the Church of St Augustine and No 75 Magdalen Street. The degree of benefit in each case is minor in relation to the overall significance of the asset. I have also identified minor benefits to the settings of some non-designated heritage assets on Magdalen Street (north of the flyover).

544. I have identified the following social, economic and environmental benefits:

- Securing the regeneration of a strategic brownfield site;
- A significant contribution to meeting housing need in Norwich;
- A significant contribution to meeting the need for affordable housing in Norwich;
- A significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt. Insofar as the current condition of the site is a barrier to investment, that barrier would be removed; and
- Supporting the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC.

I attach significant weight to each of these public benefits.

545. My overall assessment is that the public benefits are sufficient to outweigh the harm to the listed buildings identified above. The conclusion is the same whether the listed buildings are considered individually or collectively.

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*Harm to non-designated heritage assets*

546. The Framework requires harm to non-designated assets to be taken into account. The significance of the locally listed buildings at Nos 43 – 45 Pitt Street would be lost. There would also be some minor harm to the significance of locally listed buildings in St Augustines Street and Wensum Street, through development in their settings. The public benefits are the same as those discussed above. In my view they outweigh the harm to non-designated heritage assets.

*Conclusion on the historic environment*

547. I conclude that the character and appearance of the NCCCA would be enhanced. However, there would be harm to a number of individual listed buildings through development in their settings. The settings of the buildings in question would not be preserved. Having weighed the public benefits against the harm to significance, I find that the public benefits are sufficient to outweigh the harm, thereby providing the clear and convincing justification required by the Framework. The conclusion is the same whether the listed buildings are considered individually or collectively. There would also be harm to some non-designated heritage assets which would be outweighed by the public benefits. Overall, the proposal would therefore accord with the policies of the Framework relating to the historic environment.

***The effect of the proposal on air quality***

*The air quality assessments*

548. The UK Air Quality objective for Nitrogen Dioxide ($NO_2$) is an annual mean of 40 µg/$m^3$ and the objective for particulate matter ($PM_{10}$) is also an annual mean of 40 µg/$m^3$. In addition, there is an hourly objective for $NO_2$ and a 24 hour objective for $PM_{10}$. In 2012 the Council declared an Air Quality Management Area (AQMA) covering the whole of the city centre, including the application site, due to exceedances of the annual mean objective for $NO_2$. Various iterations of the Air Quality Assessment (AQA) were before the Inquiry. It is convenient to start with AQA version 3, which was submitted with the proofs of evidence.

549. AQA version 3 uses monitoring data collected by the Council in 2018 at three monitoring points in Magdalen Street and St Augustines Street. The data was collected by diffusion tubes (DT). When DT data is used a bias correction factor is usually applied. Either a locally derived factor or a national factor can be used and in this case the Council applied a local bias correction factor. Modelling was then undertaken, taking account of traffic and weather data, to provide a baseline for 9 receptor points around the periphery of the application site. This showed that, in the baseline situation, the annual mean $NO_2$ objective was being exceeded at monitoring point DT11 (St Augustines Street) and at 4 receptors on the edge of the site.

550. The AQA then modelled future levels of $NO_2$ in various scenarios. The 'policy applied' scenario uses the Emissions Factor Toolkit version 9 (EFT) published by the Department for Environment, Food and Rural Affairs (DEFRA) in May 2019. The EFT seeks to represent anticipated improvements to the road vehicle fleet

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resulting from Government policy, for example in relation to vehicle exhaust emissions standards. The modelling for the year 2031 with the development in place showed that, in the policy applied scenario, all of the monitoring and receptor points would meet the annual mean objective for $NO_2$. However, if no account is taken of improvements to the vehicle fleet, there would be exceedances at ground floor level at monitoring points DT9 and DT11 (St Augustines Street) and 4 receptor points. There would be no exceedances at first floor level or above, where the great majority of the proposed residential units would be located.

551. During the course of the Inquiry the Council's monitoring data for 2019 became available. This showed that measured $NO_2$ levels at two locations in Magdalen Street and at Edward Street were in fact lower than the modelled levels (based on 2018 data) in similar locations and were meeting the annual objective. The modelling was updated using the 2019 baseline data together with the Calculator Using Realistic Emissions for Diesels, version 3A (CURED v3A), to represent the 'policy applied' scenario. On this basis, with the development in place, all of the monitoring points and all but one of the modelled receptors would meet the annual objective in 2031. Although Receptor B (Magdalen Street) would not meet the objective at ground level, there would be no residential accommodation at this point so the objective would not apply.

*The objections raised to the AQA*

552. Norwich Cycling Campaign (CYC) argued that having three versions of the AQA before the Inquiry was confusing. It was suggested that the differences between the modelled values in each version were so great that any comparison between them is meaningless and none of the models is to be trusted. [335 – 338]

553. CYC was particularly concerned about the Council's use of a local bias correction factor in its Air Quality Annual Status Report 2019 (AQASR), on the basis that previous AQASRs had used a national bias correction factor. It was suggested that the factor chosen was out of kilter with those used in previous years and that this resulted in undue optimism being built into the modelling for AQA version 3. Further concerns were expressed that a calibration factor used in the modelling, relating to meteorological data, also imported undue optimism into the modelling. At the Inquiry the applicants referred to comments of the Inspector examining the Wealden Local Plan to the effect that the use of CURED v3A would represent a precautionary approach. CYC disputed this on the basis that the scale and nature of the AQA carried out for the Wealden Local Plan was very different, and (in their view) more trustworthy, than the AQAs before this Inquiry. [339, 343, 344 - 346]

*Discussion of the AQA methodology*

554. It is no criticism of the applicants to say that there were three versions of the AQA before the Inquiry. The work was originally done in connection with the ES. Subsequently, the application was called in and it became apparent that air quality would be an issue at the Inquiry. Moreover, the time frame for implementation of the scheme had changed. It was therefore reasonable to update the AQA at that point. The Council's 2019 monitoring data then became available during the Inquiry process so it was reasonable to take that into account as well. I note that the monitoring locations were not the same at each

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stage so it would not be appropriate to compare the three AQAs as if they were done on the same basis. [128, 192]

555. My approach is to take the AQA version 3 as a starting point because the modelling is based on 2018 monitoring data which has been formally reported to DEFRA in the Council's AQASR. It is relevant to note that AQA version 2 was based on 2017 monitoring which did not include a full year's data in all locations. This is a further reason for taking AQA version 3 as my starting point. I take account of the modelling based on the 2019 monitoring data as a sensitivity test. In submitting its AQASR the Council was required to use either a local or a national bias correction factor and to give reasons for that choice. Cogent reasons have been given for the Council's choice of a local factor, relating to good correlation between DT results and a chemiluminescent analyser. I see no reason to doubt that the choice of correction factor was made for proper scientific reasons, notwithstanding that a different factor was used in previous years. [123, 194, 196, 198]

556. There was no evidence before the Inquiry as to the significance of the disputed calibration factor relating to meteorological data. Consequently, whilst I note that CYC has a concern on this point, there is nothing before me to support a conclusion that the results of the assessment should be set aside on this basis.

557. At the Inquiry there was discussion as to whether, in principle, it is right to take account of anticipated improvements in air quality as a result of Government policy. Although the Council did not take account of such improvements at the time it considered the application, it now considers that it is right to do so. I agree. The EFT User Guide 2019, which is published by DEFRA, states that:

"*It is a tool that allows users to calculate road vehicle pollutant emission rates for oxides of nitrogen and particulate matter for a specified year, road type, vehicle speed and vehicle fleet composition*". (emphasis added)

To my mind that makes it clear that DEFRA is expecting anticipated changes in vehicle emissions to be factored in to assessments such as this. The Wealden Local Plan examination, where the Inspector commented that it would be unreasonable to assume no improvements over time, is an example of this approach in action. [190]

558. The Wealden Local Plan examination Inspector characterised CURED as being conservative and consistent with the precautionary principle in the context of reservations that had been expressed about EFT version 9 at that event. For present purposes it matters not whether CURED is characterised as 'precautionary'. At Wealden, the Habitats Regulations were relevant to the air quality issues under discussion. Whilst the Habitats Regulations are also relevant to this application, air quality is not at issue in that context. The relevance of the Wealden example to this case is that CURED was found to be conservative by comparison with EFT. Indeed, CYC accepted in the Air Quality SoCG that CURED v3A could properly be used as a sensitivity test. I conclude that it is appropriate to use CURED v3A as part of a sensitivity test, as the applicants have done. [117, 121, 191]

559. The essence of CYC's case on the AQA methodology is that the outputs are untrustworthy and should not be relied on by the decision maker. For the

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reasons given above, I do not share that view. I consider that the information before the Secretary of State is sufficient for air quality to be properly taken into account in this decision.

*Other matters raised by Norwich Cycling Campaign*

560. CYC argued that the proposal would lead to increased traffic in the St Augustines gyratory system, including at locations which already exceed the annual mean objective for $NO_2$, adversely affecting existing residential properties at Edward Street and St Augustines Street. On this basis the proposal was said to represent unsustainable development. CYC submitted that whichever of the AQA versions is considered, the level of pollutants is always higher with the development than without. [323 – 326, 348]

561. Whilst it is true that traffic would increase in some locations that are currently not meeting the annual mean objective, it is not the case that any development that increases traffic in an AQMA is inevitably unlawful or in conflict with national or local policy. The appropriate approach is to take air quality into account alongside other material considerations, consistent with the *Shirley* case. Those considerations include the fact that the application site contains a great deal of vacant floorspace and a large unused multi-storey car park. Traffic levels in the baseline situation are lower than they would be if the site were fully in use. Moreover, there is a policy imperative to put this strategic brownfield site to better use in accordance with the development plan. That will inevitably result in some additional traffic compared to the existing situation. Important considerations include the scale and effect of any increase in air pollution and whether this particular proposal provides appropriate mitigation, including through taking opportunities to promote sustainable travel choices. [115, 181, 182, 183, 187]

562. CYC also drew attention to scientific evidence that air pollution can lead to health impacts at levels below those reflected in the current regulatory limits. However, paragraph 181 of the Framework states that planning decisions should sustain and contribute towards relevant limit values or national objectives for pollutants. It is therefore the national objectives that are relevant to planning decisions such as this. [186, 327 – 330]

*Conclusions on air quality*

563. The impacts on air quality during construction were considered in the ES. They were not controversial at the Inquiry. At the request of the Planning Inspectorate, on behalf of the Secretary of State, the applicants provided an updated assessment of the likely effects of demolition. Suggested condition 28 would require the submission of a Construction and Environment Management Plan which would include consideration of construction traffic and dust suppression measures. I consider that this would provide a suitable means of managing impacts on air quality during construction. [10]

564. The pollutants of concern during the operational phase are $NO_2$ and $PM_{10}$. Whichever of the AQAs is considered, the levels for $PM_{10}$ would be well below target levels. With regard to $NO_2$, I consider that it is right to take account of anticipated improvements to the vehicle fleet. AQA version 3 shows that at the completion date for the proposed development the annual mean objective would

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be met at all relevant locations. Consideration of the 2019 monitoring data, together with use of CURED v3A, is a helpful sensitivity test which adds confidence to this conclusion. [198]

565. The proposals include consideration of mitigation measures. Within the scheme there is an option for mechanical ventilation for any facades that are subject to elevated levels of $NO_2$ at early stages of the development process. Suggested condition 42 requires updated AQAs, informed by further monitoring, for each phase of the development. This would enable any mitigation within the scheme to be fine-tuned in the light of up to date information. With regard to impacts outside the scheme, the proposals include measures to promote sustainable transport choices. These are discussed further below.

566. Taking a broader view, there is a need for a great deal of new housing in Norwich, South Norfolk and Broadland. Locating 1,250 dwellings at the application site, which is in a very accessible location, is likely to reduce vehicle trips in the plan area as a whole in comparison with locating those dwellings elsewhere. This is likely to be beneficial in terms of air quality. The extent of this benefit is not quantifiable on the evidence before the Inquiry, so I attach only limited weight to it. Nevertheless, it is still a point in favour of the scheme within the overall assessment of air quality. [118, 119, 187]

567. Drawing all this together, I consider that the proposal would be appropriate for its location taking account of likely effects on health and living conditions. No conflicts with the Council's Air Quality Action Plan have been identified. Opportunities to mitigate impacts have been identified and the proposal would contribute towards compliance with relevant national objectives. I conclude that the proposal would accord with the Framework and that air quality is not a matter that weighs against the grant of planning permission.

***Viability and the prospects for delivery of the scheme as a whole***

568. The applicant has submitted a viability assessment which has been reviewed on behalf of the Council by the Valuation Office Agency. The various inputs to the assessment were found to be appropriate. On the applicant's assessment the scheme would provide a profit on cost of 16.4%, a profit on gross development value of 14.7% and an internal rate of return of 20.2%. The position agreed between the Council, the applicants and HE is that the viability of the scheme is marginal in current economic conditions. On the basis that the applicants have confirmed their intention to deliver the scheme, these parties agreed that the decision maker does not need to consider detailed evidence on matters such as costs, values and benchmarks. I share that view. No other party provided evidence on these matters. [38, 39, 54, 56, 200]

569. The assessment reflects a confirmed grant of £15 million, awarded under the Housing Infrastructure Fund. I have no doubt that the viability of the scheme, and its ability to deliver the promised housing, was subject to close scrutiny by those responsible for awarding this very substantial grant. That is not determinative of itself but it is a further factor adding weight to the evidence of the viability witnesses who gave evidence at the Inquiry. [53, 201]

570. The assessment also assumes that exemption from CIL would be granted by the Council. Applications for exemption cannot be considered in advance of the

grant of planning permission. Whilst the outcome of that process cannot be certain, the Council has put in place a policy on exceptional circumstances relief from CIL. Given the Council's support for the scheme there is a reasonable prospect that the exemption would be granted. It is therefore reasonable to take it into account. [201]

571. Whilst the profit level is at the bottom of the range typically seen in assessments of this sort, the internal rate of return is supportive of the agreed position on viability. Moreover, such assessments are done using current values, making no allowance for enhanced values in later phases arising from successful completion of earlier phases. In a large scale regeneration scheme such as this it is likely that there would be some uplift as the scheme progresses. [54, 202]

572. The possibility that the scheme might stall was explored at the Inquiry. There are some high abnormal development costs which would be incurred early on. These would include the demolition of the multi-storey car park and the existing commercial buildings, relocation of Surrey Chapel and decontamination. Front-loading these major capital costs would create an incentive to complete the scheme so that they could be recouped. Moreover, the terms of the Housing Infrastructure Fund grant are such that it would have to be repaid if the housing is not delivered. Given the amount of grant, that would be a considerable incentive to ensure that the scheme is completed. The partnership between Columbia Threadneedle Limited (the site owner) and Weston Homes (a house builder) is also relevant. The site owner has a long term interest in the success of the retail and commercial elements of the scheme which is dependent on the whole scheme being delivered. The housebuilder is likely to benefit from improved values in later phases. [55, 202]

573. I conclude that if planning permission is granted there is a reasonable prospect that the scheme would be delivered as a whole. Viability considerations do not weigh against the proposal.

***The extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport***

574. The site is well placed to offer a range of modes of transport. Most of the city centre is readily accessible either on foot or by cycle. Magdalen Street is a key bus route for services running northwards from the city. [206]

*Pedestrians and cyclists*

575. The design prioritises the needs of pedestrians and cyclists by creating new north/south and east/west routes through the scheme. The section 106 Agreement secures the use of these routes by pedestrians and cyclists at all times, subject only to any temporary closures for maintenance. These new routes connect to the existing city cycle network. The Yellow Pedalway, which runs from the city centre to the northern suburbs, currently passes through the site and would be incorporated in the new St George Street. In addition, new 3m pedestrian/cycleways would be provided along the northern section of Edward Street and along Pitt Street. The Pitt Street section would offer a choice to cyclists on a north/south route, for example if they wanted to avoid the site when it is busy with pedestrians. Early delivery of the Edward Street section would be secured through suggested condition 27. [208]

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576. The Blue Pedalway runs along Magdalen Street and would connect with the east/west route through the site. Although CYC was initially concerned about provision for cyclists, these concerns were addressed once the full details of the section 106 Agreement became available. Cycle parking for residents would be provided in secure ground floor areas inside the main entrances. Cycle parking for visitors would be distributed throughout the public realm. [208, 320]

*Car parking*

577. In total the scheme would include around 1,500 parking spaces. NGP and others argued that this level of provision would be excessive in such an accessible location. Residential parking would be provided at a ratio of 0.75 spaces per dwelling. DM Plan Policy 31 (together with appendix 3) states that housing in the city centre primary retail area is required to be car free. However, elsewhere in the city centre, such as at the application site, the parking ratio can between zero and one. The residential element is therefore policy compliant. [207, 360]

578. The proposed public car park would have 600 spaces. There are currently 1,192 public parking spaces within the site, although with the multi-storey car park being closed not all of this is usable. The proposal would have the effect of increasing the number of useable spaces by 100. DM Plan Policy DM29 seeks to manage parking demand across the city centre. It states that the total number of off-street spaces will not exceed 10,000. Although the proposal would take the total over this limit, the officers' report notes that some temporary planning consents for car parks in the city centre will have expired before the new multi-storey car park would be operational. Consequently, the public parking would accord with the DM Plan. [207]

579. The suggested conditions include measures relating to car parking:

- approval of a car park management plan, ensuring (amongst other matters) that the tariff structure supports the function of the LDC (condition 6);
- requiring the car park to be linked to the city wide variable messaging system to advise drivers of the availability of spaces (condition 7);
- ensuring that use of the existing surface level public parking within the site ceases (condition 8);
- monitoring the use of residential car parking to establish whether provision can be reduced in later phases (condition 9); and
- holding back 25% of the residential spaces in Block A for use by occupiers of later phases (condition 10).

Taken together, I consider that these conditions would ensure that the parking operates in a way that supports the objectives of the DM Plan.

*Network impacts*

580. The officers' report records that a transport assessment submitted with the application set out the traffic impacts of the development, having been carried out in accordance with the advice of the strategic highway authority. The local highway authority agreed that the proposal would not have a severe impact on

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the strategic highway network in Norwich. The County highway authority commented that the traffic impact on the network would be minimal. Whilst some representations referred to traffic congestion in the locality there was no technical evidence before the Inquiry to contradict the findings of the transport assessment and the conclusions of the highway authorities.

*Promoting sustainable transport*

581. The following further measures are proposed:

- the section 106 Agreement makes provision for a financial contribution to car club vehicles and the layout incorporates designated car club bays;
- 5% of the parking spaces would be equipped for charging electric vehicles, in accordance with a scheme to be approved under suggested condition 51;
- a new bus layby on Magdalen Street; and
- travel information plans for the residential and commercial elements, to be approved under suggested conditions 49 and 50.

*Conclusions on transport*

582. The site is well placed to offer a range of modes of transport and the proposal has taken the opportunities to promote sustainable transport modes. The scheme would provide safe and suitable access for all users. There would be no severe impacts on the highway network and no significant impacts on highway safety. I conclude that the proposal would accord with the policies of the Framework insofar as they seek to promote sustainable transport. Transport considerations do not weigh against the proposal.

***Other matters***

*Alternatives*

583. The officers' report sets out the alternatives to the application scheme that were considered in the ES together with additional options arising from public consultation[332]. The 'do nothing' option was assessed as offering no environmental improvement. Moreover, there would be the prospect of further deterioration in the condition and appearance of Anglia Square. It was noted that the 'do nothing' option would generate an income but would require ongoing capital investment in the repair of dated buildings and structures. The other options considered included retaining and converting Sovereign House. Whilst these options offered varying levels of environmental improvements, none were assessed as being viable.

584. At the Inquiry discussion of alternatives focussed on a scheme prepared by Ash Sakula on behalf of HE. This scheme was not put forward as a deliverable planning application. It was said to demonstrate an alternative approach that would produce heritage benefits whilst catering for development consistent with an LDC. However, both HE and SBH accepted that the Ash Sakula scheme is not

[332] Paragraphs 160 to 164 of CD2.15

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viable or deliverable in present economic conditions. Nor is that situation likely to change in a realistic timescale. Consequently, whatever the design merits of the Ash Sakula scheme, there is no evidence that it could actually deliver the regeneration of the site that is promoted in the development plan. I therefore attach limited weight to it. [58, 59, 287, 298]

585. Several representations referred to a recent housing development at Goldsmith Street, suggesting that this scheme sets a standard that should be followed. There was little detailed evidence about Goldsmith Street before the Inquiry. However, I was able to visit it and, from what I saw, it is fully deserving of the awards it has received. Nevertheless, it appears to be wholly or mainly residential and is in a part of the city with different characteristics to those of Anglia Square. In contrast, Anglia Square is a strategic site within the city centre which is required by the development plan to deliver a range of land uses. Whilst appreciating the design merits of Goldsmith Street, I do not think that it provides a precedent or pattern in terms of the scale or form of development appropriate at Anglia Square. [376]

*Energy*

586. JCS Policy 3 requires that 10% of the scheme's energy requirements should be met from decentralised and renewable or low-carbon sources. The officers' report records that this requirement would be exceeded. The Energy Statement submitted with the application proposed an energy saving of 23%, achieved by using air source heat pumps for the commercial units[333]. NGP argued that the JCS requirement is out of date and that the residential element would not meet Policy 3. NGP was particularly critical of a proposal to install gas boilers in the flats. [358, 359]

587. Policy 3 requires an assessment of the scheme as a whole, including both commercial and residential elements. On that basis the scheme would meet 18% of the total requirement from decentralised and renewable or low-carbon sources, thereby complying with the policy. An addendum to the energy statement states that there is flexibility in the design, such that it would be possible to use communal air source heat pumps for the flats rather than gas boilers. Suggested condition 46 requires an Energy Strategy to be approved for each phase of the development. This would ensure that the scheme remains policy compliant and could take account of any regulatory changes, for example to the Building Regulations, and technological advances that may take place during the construction period.

*Habitats Regulations*

588. It will be necessary for the Secretary of State to undertake an appropriate assessment under the Habitats Regulations in respect of designated sites. At the Inquiry all parties agreed that there would be no likely significant effects on relevant sites, subject to mitigation secured through the section 106 Agreement. Information to inform an appropriate assessment is at Annex F.

[333] Paragraph 545 of CD2.15

Riverbrough Estates

*Conclusion on other matters*

589. None of the other matters considered in this section weigh against the proposal.

***Environmental Statement***

590. The application was accompanied by an Environmental Statement (ES) and further environmental information was provided. The Council is satisfied that the ES meets the requirements of the relevant regulations and I see no reason to disagree. I have had regard to the environmental information in my assessments and recommendation. The suggested conditions would ensure that the outline elements of the scheme would be within the parameters assessed in the ES. [10, 11]

***Public Sector Equality Duty***

591. There was no formal equalities impact assessment before the Inquiry. However, equalities and diversity issues were addressed in the officers' report[334]. The report did not identify any negative impacts that would have a disproportionate effect on groups sharing protected characteristics.

592. The following features of the scheme would advance equality of opportunity for those sharing relevant protected characteristics:

- an accessible public realm prioritising the needs of pedestrians;
- 10% of dwellings to meet requirement M4(2) of the Building Regulations for accessible and adaptable dwellings (condition 43);
- Changing Places facility (condition 12); and
- shop mobility scheme (condition 65).

I am satisfied that the proposals take account of equalities issues and that there is adequate information before the Secretary of State for him to have due regard to equalities in his decision.

***The extent to which the proposed development is consistent with the development plan for the area***

593. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) (JCS) together with amendments that were adopted in January 2014; the Norwich Development Management Policies Local Plan (December 2014) (DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014). No party identified any relevant policies in the Site Allocations Local Plan. The Council and the applicant agreed that very limited weight could be attached to the emerging Greater Norwich Local Plan at this stage of its preparation and I share that view. The most important policies for determining this application are therefore to be found in the JCS and the DM Plan.

[334] Paragraph 563 of CD2.15

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*The Joint Core Strategy*

594. Policy 1 seeks to address climate change and protect environmental assets. I have concluded that the proposal would accord with the JCS in relation to energy. It would make efficient use of land, delivering a high density of development in a designated centre on a public transport route. It would minimise the need to travel, give priority to low impact modes of transport and have no impact on designated nature conservation sites. The proposal would accord with the policy in all these respects.

595. Policy 1 also requires heritage assets and the wider historic environment to be conserved and enhanced. In that regard I have found that there would be a net benefit to the NCCCA. However, there would be harm to the significance of a number of listed buildings through development in their settings. I have characterised the degree of harm as moderate in two instances and in all other cases I have characterised the degree of harm as minor. Overall, I consider that the ways in which the proposal would accord with the policy outweigh the degree of conflict that would arise. On balance I find that the proposal would accord with Policy 1.

596. Policy 2 promotes good design and seeks to ensure that development respects local distinctiveness. I have concluded that the proposed design is a considered response to the surrounding urban fabric. It would create a distinctive new identity and a strong sense of place, rather than seeking to replicate that which surrounds it. The design would also create a high quality public realm, encouraging walking and cycling. On the other hand I have found that the height and mass of the proposal would be uncharacteristic. Having assessed the ways in which the design would help to integrate the development into its surroundings, I conclude that this factor is not sufficient to outweigh the positive aspects I have identified. On balance I find that the proposal would accord with Policy 2.

597. Policy 3 requires that at least 10% of the energy requirement for the scheme would be derived from decentralised and renewable or low carbon sources. This requirement would be met.

598. Policy 4 deals with housing delivery. The proposal would make a significant contribution to housing delivery. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. There is a section 106 Agreement in place which contains appropriate provisions relating to the phasing of affordable housing and review mechanisms which could enable more affordable housing to be provided in the event that viability improves. I conclude that the proposal would accord with Policy 4.

599. Policy 5 seeks to develop the local economy in a sustainable way. Anglia Square is not currently fulfilling its potential to contribute to the local economy. The proposal would result in some existing employment being displaced but overall there would be a significant net gain in employment. The proposal includes measures to support small and medium enterprises. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. The proposal would overcome constraints to developing a key site. In my view it would accord with Policy 5.

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600. Policy 7 seeks to maintain or enhance the quality of life and the well-being of communities. The proposal would provide 120 affordable dwellings, which would be a valuable contribution to meeting housing needs in a part of the city with high levels of deprivation. It would promote healthier lifestyles by prioritising walking and cycling. Communal open space, a high quality public realm and new leisure facilities would provide opportunities for social interaction. Provision would be made for accessible and adaptable dwellings, a Changing Places facility and a shop mobility scheme. I consider that the proposal would accord with Policy 7.

601. Policy 11 seeks to enhance the regional role of Norwich city centre. This includes promoting the comprehensive regeneration of the northern city centre at Anglia Square. Whilst the policy refers to an Area Action Plan which is no longer extant, the objective of securing comprehensive regeneration is still an important policy objective. The proposal would enhance the retail function of the LDC, expand the use of the centre (including the evening economy), extend leisure and hospitality uses, expand the employment function of the site and provide housing. Whilst the amount of family housing would be limited, the housing mix is justified by the particular circumstances of the site. Policy 11 also requires the distinctive character of the historic city to be enhanced. As noted above, I have found that there would be a net benefit to the NCCCA but there would be harm to the significance of a number of listed buildings through development in their settings. Nevertheless, the main thrust of Policy 11 is to secure comprehensive regeneration. Overall, I consider that the proposal would accord with Policy 11.

602. Policy 19 encourages new retailing, services, employment and other town centre uses at LDCs such as Anglia Square/Magdalen Street, subject to the scale of development being appropriate to the form and functions of the retail hierarchy. I have found that the proposal would support the role that Anglia Square/ Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. It would therefore accord with Policy 19.

*Development Management Plan*

603. Policy DM1 seeks to achieve sustainable development. The proposal would support sustainable economic growth in the Norwich economy. The section 106 Agreement would make provision for an employment and skills strategy. The scheme would contribute to minimising the need to travel and reducing dependency on the private car. It would make provision for car club vehicles and electric vehicle charging points. It would provide for safety and security and increased opportunities for social interaction through an attractive and well-designed public realm and through the provision of communal open space. The proposal would accord with the policy in all these respects.

604. Policy DM1 also requires the protection and enhancement of heritage assets. In that regard I have found that there would be a net benefit to the NCCCA. However, there would be harm to the significance of a number of listed buildings through development in their settings. Overall, I consider that the ways in which the proposal would accord with the policy outweigh the degree of conflict that would arise. On balance I find that the proposal would accord with Policy DM1.

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605. Policy DM2 seeks to ensure satisfactory living conditions for future occupiers and for neighbouring occupiers. I have concluded that the proposed flats would provide a good standard of residential accommodation and would create satisfactory living conditions for future occupiers. Any potential impacts on neighbouring occupiers could be appropriately manged through conditions. The proposal would accord with Policy DM2.

606. Policy DM3 sets out design principles. The proposal would protect the long views of strategic landmarks identified in Appendix 8 and the NCCCA. With regard to local distinctiveness, I have concluded that the proposed design is a considered response to the surrounding urban fabric that would create a distinctive new identity and a strong sense of place. The proposed layout would make efficient use of land and would provide a permeable and legible network of routes and spaces, linking effectively with existing routes. The public realm would be attractive, overlooked and secure. The layout includes space for cycle and refuse storage. Whilst the density of development would be high, the policy allows for higher densities in the city centre and district centres. The DAS has set out an appropriate approach to materials, which would be subject to later approval under conditions or reserved matters. Tree planting, green walls and green roofs would contribute to biodiversity. Energy efficiency measures would be incorporated. The proposal would accord with the policy in all these ways.

607. On the other hand, the policy also refers to height, mass, scale and form and calls for exceptional design quality at gateway locations. Block F would be at one of these gateway locations. I have concluded that the scale and mass of Block F would appear strikingly different and unfamiliar, to an extent that would cause harm. In assessing the importance of that point, it is relevant that the immediate context includes the Pitt Street/St Crispins Road roundabout and modern office buildings at St Crispins House. Planning permissions have been granted for the conversion and increase in height of St Crispins House and for redevelopment at St Mary's Works, to the south west of the roundabout. Overall, I conclude that this factor is not sufficient to outweigh the positive aspects of the design that I have identified. On balance I find that the proposal would accord with Policy DM3.

608. Policy DM8 relates to open space. The proposal would provide multi-functional public spaces of an appropriate form and character to support social interaction and make provision for children's play. It would accord with Policy DM8.

609. Policy DM9 relates to the historic environment and heritage assets. No designated heritage assets would be physically affected. There would be a net gain to the character and appearance of the NCCCA. Whilst there would be a loss of locally listed buildings at Pitt Street, that loss would be outweighed by the benefits of the scheme. Any unknown archaeological assets would be appropriately protected by the approval of a written scheme of archaeological investigation. The proposal would accord with the policy in all these ways. On the other hand, the policy requires that development should maximise opportunities to preserve the significance of designated heritage assets. I have found that there would be harm to the significance of a number of listed buildings through development in their settings. Having regard to the effect on those listed buildings, I conclude that, on balance, the proposal would conflict with policy DM9.

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610. Policy DM11 relates to environmental hazards, including air quality. I have found that the proposal would be appropriate for its location taking account of likely effects on health and living conditions. No conflicts with the Council's Air Quality Action Plan have been identified. Opportunities to mitigate impacts have been identified and the proposal would contribute towards compliance with relevant national objectives. Potential hazards relating to contamination, water quality and noise could be appropriately managed through conditions. The proposal would accord with Policy DM11.

611. Policy DM12 sets out principles for residential development. The proposal would not compromise regeneration proposals and it would achieve a diverse mix of uses. Potential impacts on the amenity of the surrounding area could be managed by conditions. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. Whilst the density of development would be high, the policy allows for higher densities in the city centre and district centres. At least 10% of dwellings would meet the requirements for accessible and adaptable dwellings. I consider that the proposal would accord with Policy DM12.

612. Policy DM13 relates specifically to the construction of flats (amongst other types of accommodation). The proposal would achieve a good standard of amenity and living conditions for future occupiers without causing any unacceptable impacts on the living conditions of neighbouring occupiers. Satisfactory provision would be made for servicing, parking and amenity space. The proposal would accord with Policy DM13.

613. Policy DM16 relates to employment and business development. The proposal would result in a significant net gain in employment. I have found that the application scheme would help to create the conditions in which businesses can invest, expand and adapt. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. The proposal would accord with Policy DM16.

614. Policy DM17 seeks to protect small and medium scale business premises. The proposal would result in some existing employment being displaced. However, there would be a significant net gain in employment. This is a case where retaining existing businesses where they are would compromise the regeneration of the wider area in accordance with the development plan. The proposal includes measures to facilitate relocation of some existing businesses and to support small and medium enterprises generally. There would be overriding community benefits from the new uses which could not be achieved by locating those uses elsewhere. Overall, the proposal would accord with Policy DM17.

615. Policy DM18 supports development for retail, leisure and other main town centre uses within LDCs, where their scale is appropriate to the centre's position in the hierarchy. I have found that the proposal would support the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. It would therefore accord with Policy DM18.

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616. Policy DM19 allows for development of Class B1 office space at an LDC provided the scale is appropriate to the centre's position in the hierarchy. There is currently a great deal of vacant office floorspace at Anglia Square. The scheme includes scope for considerably less office floorspace. However, the scale and location of the new units would be appropriate to small and medium enterprises, consistent with the new role of Anglia Square. The proposal would accord with Policy DM19.

617. Policy DM20 seeks to manage changes of use in LDCs and other retail locations. In this case the proposal would create wholly new retail frontages so the policy is not directly relevant. However, planning conditions are proposed to ensure that future uses accord with the retail strategy for Anglia Square. This would be consistent with the objectives of the policy which seeks to maintain vitality and viability.

618. Policy DM28 seeks to encourage sustainable travel. The proposal includes cycle and pedestrian links as an integral part of the design. The layout would be coherent and legible, creating permeability and accessibility for pedestrians. Off-site cycle and pedestrian links would be enhanced and there would be easy access to bus stops. Vehicle parking would not dominate the public realm but would be safe and convenient to occupiers. Travel planning would be incorporated and provision would be made for car club vehicles and parking. The proposal would accord with Policy DM28.

619. Policy DM29 relates to public off-street parking in the city centre. The proposed public parking would be consistent with the overall limit of 10,000 spaces set by the policy. It would consolidate existing parking, make efficient use of land by being included in the built form of wider development, have a tariff structure to support the LDC and be linked to the city wide variable messaging system. The new car park would be secure and easily accessible by vehicles and on foot. Provision would be made for electric vehicle charging. The proposal would accord with Policy DM29.

620. Policy DM31 applies the upper and lower limits for parking provision which are set out in appendix 3. For residential units at the application site the upper limit is one space per dwelling. The proposed ratio of 0.75 spaces per unit is within that limit. Provision would be made for disabled drivers, cycle parking, electric vehicle charging, refuse storage and collection and car club vehicles. The proposal would accord with Policy DM31.

621. Policy DM32 would allow car free housing at the application site but this is not a policy requirement. The proposed residential parking does not therefore conflict with this policy.

622. Policy DM33 sets out principles for planning obligations. The justification for the obligations contained in the section 106 Agreement has been set out in the Council's CIL compliance statement. I conclude that the proposal would accord with this policy.

*Conclusions on the development plan*

623. I have identified those policies of the JCS and the DM Plan that I consider to be most important to the determination of this appeal. Having assessed the

Rainborough Man Estates

proposal against those policies I find it would accord with all but one. Although the proposal would result in a net benefit to the NCCCA, on balance it would conflict with DM Plan DM9 because of harm to a number of designated heritage assets through development in their settings.

624. On the other hand the proposal would deliver the comprehensive regeneration of Anglia Square, which is an important strategic objective. It would also make a significant contribution to other development plan objectives including promoting large district centres, delivering housing and supporting economic development. It would comply with a range of other relevant policies which are set out above. My overall assessment is that the proposal would accord with the development plan as a whole.

*Overall conclusion and planning balance*

625. Having found that the proposal would accord with the development plan as a whole, it is necessary to consider whether there are other considerations that indicate a decision other than in accordance with the development plan.

626. The proposal would cause harm to a number of listed buildings through development in their settings. In all cases this would be less than substantial harm in the terms of the Framework. Nevertheless, in each case that is a matter of considerable importance and weight. It should be noted that there would be harm that I would characterise as moderate to the Grade I listed Church of St Augustine and the Grade II listed Nos 2 – 12 Gildencroft. In respect of the other assets, there would be harm that I would characterise as minor. Even so, a number of highly graded assets would be affected, including the Cathedral, the Church of St Simon and St Jude, the Church of St Clement, the Church of St George, St Helen's Church and St Andrew's Church (All Grade I) and Bacon's House and Nos 11 to 13 Fye Bridge Street (Grade II*).

627. Having carried out the balancing exercise required by paragraph 196 of the Framework I have found that the public benefits of the proposal would outweigh the harm. I have not identified any other considerations which indicate an outcome other than in accordance with the development plan. I shall therefore recommend that planning permission is granted.

**RECOMMENDATION**

628. I recommend that the application be approved and planning permission be granted for the development described in Annex D subject to the conditions set out in Annex G.

*David Prentis*

Inspector

Richborough Estates

## ANNEX A - APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|---|---|
| Timothy Corner | Queen's Counsel, instructed by Trowers and Hamlins |
| He called | |
| Ben Webster MA MPhil MRTPI | Design, Conservation and Landscape Manager, Norwich City Council |
| Tony Williams BSc MRICS | Head of Viability (Technical), the Valuation Office Agency |
| Bruce Bentley BSc BTP | Principal Planner (Transportation), Norwich City Council |
| David Parkin PGDip MRTPI | Area Development Manager, Norwich City Council |
| Andrew Turnball | Interim Housing Development Manager, Norwich City Council |
| Ellen Tilney | Economic Development Manager, Norwich City Council |
| Lesley Oldfield BSc Dip Acoustics | Public Protection Officer, Norwich City Council |

FOR THE APPLICANT:

| | |
|---|---|
| Russell Harris | Queen's Counsel, instructed by Peter Luder of Weston Homes/Columbia Threadneedle |
| He called | |
| Dr Chris Miele MRTPI IHBC | Montagu Evans LLP |
| Peter Vaughan BA DipArch RIBA ARB | Broadway Malyan |
| Francis Truss BA MSc MRICS | Carter Jonas |
| Martin Paddle BSc CEng CWEM MICE FCIHT MCIWEM | WSP |
| Peter Luder BA MUP MRTPI | Weston Homes plc |
| Chris Watts MTCP MRTPI | Cushman and Wakefield |
| Melanie Hobson MSc BSc | Aether Ltd |

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FOR HISTORIC ENGLAND:

| | |
|---|---|
| Guy Williams | Of Counsel, instructed by Andrew Wiseman |
| He called | |
| John Neale MA IHBC | Head of Development Advice, Historic England |

FOR SAVE BRITAIN'S HERITAGE:

| | |
|---|---|
| Matthew Dale-Harris | Of Counsel, instructed by Henrietta Billings |
| He called | |
| Alec Forshaw MRTPI IHBC | Heritage consultant |

FOR THE NORWICH SOCIETY:

| | |
|---|---|
| Paul Burall | |
| He called | |
| Jon Boon RIBA | Chartered Architect |
| Dr Peter Doll | Canon Librarian, Norwich Cathedral |
| Simeon Jackson MSc | Architectural designer |

FOR THE NORWICH CYCLING CAMPAIGN:

| | |
|---|---|
| Anthony Clarke | |
| He called | |
| Dr Andrew Boswell | Climate Emergency Planning and Policy |
| Dr Ashley Mills BSc MSc PhD | Systems engineer |

INTERESTED PERSONS:

| | |
|---|---|
| Cllr Denise Carlo | Norwich City Councillor |
| Hugo Malik | On behalf of a group of current and former City and County Councillors |
| Dr Andrew Boswell | On behalf of Norwich Green Party (in respect of housing) and in a personal capacity in respect of energy |
| Ellen Goodwin | New Anglia Local Economic Partnership |
| John Howkins | Local resident |
| Paul Scruton | Norwich Over the Water |
| Jane Moir | Norwich Over the Water |
| Stacey Wilson | Norwich Over the Water |
| High McGlyn | Cathedral, Magdalen and St Augustine's Forum |
| Dr Judith Ford | Local resident |
| Dr Alison Dow | Local GP |
| Ian Gibson | Local resident and former MP |

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| | |
|---|---|
| Joanna Smith | On behalf of Clive Lewis MP and, separately, in a personal capacity as a local resident |
| Peter Woodrow | Norfolk Gardens Trust |
| Jan McLachlan | Local resident |
| Cllr Martin Schmierer | Norwich City Councillor |
| Ian Couzens | Local business owner and former leader of Norwich City Council |
| Mark Oxley | Norwich Conservative Association |
| Michael Innes | Architect |
| Gerard Stamp | Artist |
| Cllr Danny Douglas | Norfolk County Councillor |
| Anna Brass | Artist and occupier of Gildengate House |
| Paul Fenner | Artist and occupier of Gildengate House |
| Phillipa Clements | Local resident and business owner |
| Jeff Jordan | Local resident |
| Helen Leith | Local resident |
| Cllr Jamie Osborn | Norwich City Councillor |
| Matthew Williams | Local resident, geologist and historian |
| Neil Cooke | Local resident |
| Kate Murphy | Artist and occupier of Gildengate House |
| Charlotte Helliwell | Local resident |
| Victoria Penn | On behalf of a local resident and Car Free Norwich |
| Philip MacDonald | Surrey Chapel |

Richborough Estates

## ANNEX B – ABBREVIATIONS USED IN THE REPORT

| | |
|---|---|
| AQMA | Air Quality Management Area |
| AQA | Air quality assessment |
| AQASR | Air quality annual status report |
| BfL | Building for Life |
| Castle | Norwich Castle |
| Cathedral | Cathedral of the Holy and Undivided Trinity |
| CMSA | Community, Magdalen and St Augustine's Forum |
| CIL | Community Infrastructure Levy |
| CURED v3A | Calculator using realistic emissions for diesels, version 3A |
| CYC | Norwich Cycling Campaign |
| DAS | Design and access statement |
| DEFRA | Department for Environment, Food and Rural Affairs |
| DM Plan | Norwich Development Management Policies Local Plan |
| DT | Diffusion Tube |
| EFT | Emissions Factor Toolkit |
| ES | Environmental Statement |
| Framework | National Planning Policy Framework |
| GPA3 | Good practice advice note 3 – The Setting of Heritage Assets |
| HE | Historic England |
| HIF | Housing Infrastructure Fund |
| JCS | Joint Core Strategy for Broadland, Norwich and South Norfolk |
| LBA1990 | Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 |
| LBgI, LBgII*, LBgII | Listed Building, Grade I, II* or II respectively |
| LDC | Large district centre |
| NCCCA | Norwich City Centre Conservation Area |
| NGP | Norwich Green Party |
| $NO_2$ | Nitrogen dioxide |
| NPA | Norwich policy area |
| NS | Norwich Society |
| PGN | Planning guidance note |
| $PM_{10}$ | Particulate matter with an aerodynamic diameter less than 10 µm |
| RC Cathedral | Cathedral of St John the Baptist |
| SA Plan | Norwich Development Site Allocations Local Plan |
| SBH | Save Britain's Heritage |
| SHMA | Strategic Housing Market Assessment |
| SME | Small and medium enterprises |
| SoCG | Statement of Common Ground |
| TVIA | Townscape and Visual Impact Assessment |

Rimbrough Estates

## ANNEX C – DOCUMENTS

### Documents received during the Inquiry

| Ref | Description |
|---|---|
| | ***Submitted by the applicant*** |
| WH10 | Appearances |
| WH11 | Supplementary CGIs (Mr Vaughan) |
| WH12 | Opening submissions |
| WH13 | Draft S106 Agreement |
| WH14 | TVIA viewpoints shown on CAA plans |
| WH15 | Proposals for St Crispins House |
| WH16 | Norwich Visitor Map |
| WH17 | Slides from Mr Vaughan's presentation |
| WH18 | Plans showing affordable housing |
| WH19 | Plan showing discounted commercial units |
| WH20 | Note on updated air quality data (Ms Hobson) |
| WH21 | Enlarged print of view 8 panorama |
| WH22 | UK air quality limit values |
| WH23 | Emissions Factor Toolkit v9 User Guide |
| WH24 | Air quality – summary maps and tables (Ms Hobson) |
| WH25 | Consent to pre-commencement conditions |
| WH26 | Application in relation to Anglo Scandinavian street pattern |
| WH27 | Animations (data stick) (Dr Miele) |
| WH28 | Closing submissions |
| | |
| | ***Submitted by the Council*** |
| NCC10 | Opening submissions |
| NCC11 | Leeds Core Strategy (extract) |
| NCC12 | Selected images (Mr Webster) |
| NCC13 | Draft SoCG on air quality (2019 monitoring data attached) |
| NCC14 | Slides from Mr Bentley's presentation |
| NCC15 | Norwich Annual Monitoring Report |
| NCC16 | Note on updated 5 year housing land supply |
| NCC17 | Norwich shopping floorspace monitor |
| NCC18 | Statement on Housing Infrastructure Fund |
| NCC19 | Schedule of suggested planning conditions (version 2) |
| NCC20 | CIL Compliance Statement |
| NCC21 | Note of Mr Parkin's evidence in chief |
| NCC22 | Location plan for Malzy Court |
| NCC23 | Closing submissions |
| | |
| | ***Submitted by Historic England*** |
| HE10 | Opening submissions |
| HE11 | Closing submissions |
| | |
| | ***Submitted by Save Britain's Heritage*** |
| SBH10 | Opening submissions |
| SBH11 | Suggestions for site visit |

Bunnsbridge Estates

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|---|---|
| SBH12 | Closing submissions |
| | |
| | ***Submitted by the Norwich Society*** |
| NS10 | Opening submissions |
| NS11 | Location plan for Cook's Hospital (now known as Malzy Court) |
| NS12 | Closing submissions |
| | |
| | ***Submitted by Norwich Cycling Campaign*** |
| CYC10 | Opening submissions |
| CYC11 | Note on bias adjustment factors (Dr Boswell) |
| CYC12 | Garbage in, gospel out? – Air Quality Assessment in the UK planning system (Dr Mills) |
| CYC13 | Guidance on the Assessment of Dust from Demolition and Construction |
| CYC14 | Closing submissions |
| | |
| | ***Submitted by Norwich Green Party*** |
| NGP10 | Cllr Carlo - presentation (6 February 2020) |

| | |
|---|---|
| | ***Submitted by other parties*** |
| OD1 | Brian Faulkner 28 January 2020 |
| OD2 | Sir Marcus Setchell 29 January 2020 |
| OD3 | Wendy Pritchard 28 January 2020 |
| OD4 | Desmond Higgins 28 January 2020 |
| OD5 | Roger Carter 28 January 2020 |
| OD6 | Roger Bradbury 28 January 2020 |
| OD7 | Seb Frichot 28 January 2020 |
| OD8 | Todd Longstaffe-Gowan 28 January 2020 |
| OD9 | John Duffield 28 January 2020 |
| OD10 | Nigel Hargreaves 27 January 2020 (with letter) |
| OD11 | Bob Baker 27 January 2020 |
| OD12 | Christopher Horwood 27 January 2020 |
| OD13 | Keith and Nicole Roberts 27 January 2020 |
| OD14 | Jacqueline Middleton 30 January 2020 |
| OD15 | Margaret Goodyear 30 January 2020 |
| OD16 | Sir Nicholas Bacon 28 January 2020 |
| OD17 | Shirley Bailey 30 January 2020 |
| OD18 | Gerard Stamp 24 January 2020 |
| OD19 | Hugh and Mirabel Cecil 21 January 2020 |
| OD20 | Dr Judith Ford's presentation (6 February 2020) |
| OD21 | Dr Alison Dow's presentation (6 February 2020) |
| OD22 | Norfolk Gardens Trust's presentation (6 February 2020) |
| OD23 | Hugo Malik's presentation (6 February 2020) |
| OD24 | Graham Martin 10 February 2020 |
| OD25 | George Mahood 11 February 2020 |
| OD26 | Jennifer Aldous 11 February 2020 |
| OD27 | Mark Oxley 26 February 2020 |
| OD28 | Michael Innes 26 February 2020 |
| OD29 | Phillipa Clements 26 February 2020 |

Property Risk Estates

| | |
|---|---|
| OD30 | Jeff Jordan 26 February 2020 |
| OD31 | Matthew Williams 26 February 2020 |
| OD32 | Kate Murphy 26 February 2020 |
| OD33 | Julia Colley 26 February 2020 |
| OD34 | Helen Leith 26 February 2020 |
| OD35 | Cllr Danny Douglas 26 February 2020 |
| OD36 | Ian Couzens 26 February 2020 |
| | |
| | ***Inquiry documents*** |
| ID10 | Viability position statement |
| ID11 | Statement of Common Ground on Air Quality |
| ID12 | Schedule of suggested planning conditions (version 3) |
| ID13 | Schedule of suggested planning conditions (version 4) |
| ID14 | Description of development (agreed by Council and applicants) |
| ID15 | Schedule of plans |
| ID16 | Final draft S106 Agreement |
| ID17 | Note on bias adjustment factors (Ms Hobson and Ms Oldfield) |
| | |
| | ***Post-Inquiry Documents*** |
| PID1 | Section 106 Agreement dated 12 March 2020 |

**Proofs of evidence**

| **The Applicant** | | |
|---|---|---|
| Peter Vaughan - Architecture | Proof<br>Appendices<br>Rebuttal | WH1/1<br>WH1/3<br>WH1/4 |
| Dr Chris Miele – Historic environment | Proof<br>Summary<br>Appendices<br>Rebuttal | WH2/1<br>WH2/2<br>WH2/3<br>WH2/4 |
| Francis Truss – Viability | Proof<br>Summary<br>Appendices<br>Rebuttal | WH3/1<br>WH3/2<br>WH3/3<br>WH3/4 |
| Peter Luder – Planning policy and planning balance | Proof<br>Appendices<br>Rebuttal | WH4/1<br>WH4/3<br>WH4/4 |
| Chris Watts – Town centres and retail | Proof<br>Summary<br>Appendices | WH5/1<br>WH5/2<br>WH5/3 |
| Chris Watts Local economy | Proof<br>Appendices | WH6/1<br>WH6/3 |
| Martin Paddle – Transport | Proof<br>Summary<br>Appendices<br>Rebuttal | WH7/1<br>WH7/2<br>WH7/3<br>WH7/4 |
| Melanie Hobson – Air quality | Proof<br>Appendices | WH8/1<br>WH8/3 |

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| | Rebuttal | WH8/4 |
| **Norwich City Council** | | |
| David Parkin – Planning policy and planning balance | Proof<br>Summary<br>Appendices<br>Rebuttal | NCC1/1<br>NCC1/2<br>NCC1/3<br>NCC1/4 |
| Ben Webster – Historic environment | Proof<br>Summary<br>Rebuttal | NCC2/1<br>NCC2/2<br>NCC2/4 |
| Bruce Bentley - Transport | Proof<br>Summary<br>Appendices | NCC3/1<br>NCC3/2<br>MCC3/3 |
| Ellen Tilney – Economic development | Proof<br>Summary | NCC4/1<br>NCC4/2 |
| Tony Williams – Viability | Proof<br>Appendices<br>Rebuttal | NCC5/1<br>NCC5/3<br>NCC5/4 |
| Lesley Oldfield – Air quality | Proof<br>Rebuttal | NCC6/1<br>NCC6/4 |
| **Historic England** | | |
| John Neale | Proof<br>Appendices | HE1/1<br>HE1/2 to HE1/7 |
| Jonathan Rhodes | Proof<br>Appendices<br>Rebuttal | HE2/1<br>HE2/2 to HE2/5<br>HE2/6 |
| **Save Britain's Heritage** | | |
| Alec Forshaw | Proof<br>Summary<br>Appendix | SBH1/1<br>SBH1/2<br>SBH1/3 |
| **Norwich Society** | | |
| Jon Boon – Historic environment | Proof<br>Appendices | NS1/1<br>NS1/2 and NS1/3 |
| Paul Burall – Economy and town centres | Proof | NS2/1 |
| Simeon Jackson – Planning policy and planning balance | Proof | NS3/1 |
| Dr Peter Doll – Economy and town centres | Proof | NS4/1 |
| **Norwich Cycling Campaign** | | |
| Dr Andrew Boswell – Air quality | Proof<br>Appendices<br>Rebuttal | CYC1/1<br>CYC1/3<br>CYC1/4 |
| Anthony Clarke – Cycle and pedestrian routes | Proof | CYC2/1 |
| Anthony Clarke – Sovereign House | Proof | CYC2/2 |

Richborough Estates

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| Anthony Clarke – Edward Street car park | Proof | CYC2/3 |
| Prof Stephen Peckham and Dr Ashley Mills – Air quality | Proof<br>Rebuttal | CYC3/1<br>CYC3/4 |
| **Written Statements** | | |
| Dr Andrew Boswell – Housing – for Norwich Green Party | | NGP1 |
| Norwich Over the Water Society | | NOTW1 |
| Hugo Malik – Housing | | HM1 |
| **Statements of Common Ground** | | |
| Overarching SoCG | | SoCG1 |
| Heritage assets | | SoCG2 |
| Viability | | SoCG3 |

**Core Documents**

| | Reference | Title |
|---|---|---|
| **A. GOVERNMENT GUIDANCE AND RELEVANT LEGISLATION** | CD1.1 | National Planning Policy Framework (February 2019) |
| | CD1.2 | National Planning Practice Guidance (PPG) |
| | CD1.3 | Planning Practice Guidance on viability (updated May 2019) |
| | CD1.4 | DCLG - Technical housing standards – nationally described space standard |
| | CD1.5 | Building Regulations 2010 - Access to and Use of Buildings |
| | CD1.6 | The DCLG Appraisal Guide |
| | CD1.7 | Introduction to Housing Infrastructure Fund |
| **B. DEVELOPMENT PLAN, EMERGING PLAN AND EVIDENCE BASE DOCUMENTS** | CD2.1 | City of Norwich Replacement Local Plan (adopted Nov 2004) |
| | CD2.2 | Joint Core Strategy for Broadland, Norwich and South Norfolk, ('JCS') (adopted March 2011 with amendments adopted January 2014) |
| | CD2.3 | Norwich Development Management Policies Local Plan, ('DM Plan') (adopted December 2014) |
| | CD2.4 | Norwich Development Site Allocations Local Plan, ('SA Plan'), (adopted December 2014) |
| | CD2.5 | Greater Norwich Local Plan ('GNLP'), Regulation 18 Draft Plan Consultation |
| | CD2.6 | GNLP Call for Sites (May-July 2016) (NORWICH EXTRACT ONLY) |
| | CD2.7 | GNLP Regulation 18 Growth Options and Site Proposals Consultation (January-March 2018) (EXTRACT) |

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|---|---|---|
| | CD2.8 | GNLP Regulation 18 Consultation on New, Revised and Small Sites (October-December 2018) (NORWICH EXTRACT ONLY) |
| | CD2.9 | Greater Norwich Employment, Town Centre and Retail Study (December 2017) |
| | CD2.9(a) | Greater Norwich Town Centres & Retail Study: Volume 1 Main Report (October 2017) (prepared by GVA) |
| | CD2.9(b) | Greater Norwich Town Centres & Retail Study: Volume 2 Study Area & Market Share Plans (October 2017) (prepared by GVA) |
| | CD2.9(c) | Greater Norwich Town Centres & Retail Study: Volume 3 Quantitative Need Tables (October 2017) (prepared by GVA) |
| | CD2.9(d) | Greater Norwich Town Centres & Retail Study: Volume 4 Household Survey Results (October 2017) (prepared by GVA) |
| | CD2.10 | Norwich City Centre Conservation Area Appraisal (2007) |
| | CD2.11 | Anglia Square Policy Guidance Note ('PGN') (adopted 2017) |
| | CD2.12 | Northern City Centre Area Action Plan 2010 ('NCCAAP') (now expired) |
| | CD2.13 | Local Development Scheme (revised October 2018) |
| | CD2.14 | Annual Monitoring Report 2017 - 2018 |
| | CD2.15 | Planning Applications Committee Report and Minutes 6 December 2018 (Application Ref 18/00330/F) |
| | CD2.16 | Community Infrastructure Levy Guidance Note 7: Exceptional Circumstances Relief Policy (July 2019) |
| | CD2.17 | Car Parking Standards |
| | CD2.18 | Cycle Parking Standards |
| | CD2.19 | Norfolk County Council Local Transport Plan |
| | CD2.20 | Travel Plan Guidance, Norfolk County Council, May 2019 |
| | CD2.21 | Central Norfolk Strategic Housing Market Assessment (ORS June 2017) |
| | CD2.22 | PROMIS Retail Report for Norwich (14 October 2019) |
| | CD2.23 | High streets and town centres 2030: Eleventh Report of Session 2017-19 (February 2019) |
| | CD2.24 | HCA Employment Density Guide: 3rd edition (November 2015) |
| | CD2.25 | Norwich City Centre Shopping Floorspace Monitor & Local & District Centres Monitor (June 2018) |
| **C. SUPPLEMENTARY PLANNING GUIDANCE** | CD3.1 | Affordable housing SPD (adopted March 2015) (superseded) |
| | CD3.2 | Affordable housing SPD (adopted July 2019) |
| | CD3.3 | Open space and play space SPD (adopted October 2015) |
| | CD3.4 | Landscape and trees (adopted June 2016) |
| | CD3.5 | Heritage Interpretation SPD (adopted December 2015) |
| | CD3.6 | Main town centre uses and retail frontages SPD (adopted December 2014) |

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| **D. PLANNING APPLICATION DOCUMENTS (REF: 18/00330/F) (MARCH 2018)** | CD4.1 | Application Form |
| | CD4.2 | CIL Form |
| | CD4.3 | Affordable Housing Statement |
| | CD4.4 | Planning Obligations Statement Rev A |
| | CD4.5 | Planning Statement |
| | CD4.6 | Town Centre Uses Statement |
| | CD4.7 | Retail Strategy Report |
| | CD4.8 | Illustrative Ground Level Plan for Retail Strategy_31467-A03-P2-054 |
| | CD4.9 | Statement of Community Involvement |
| | CD4.10 | Design and Access Statement |
| | CD4.11 | 31467-1401-Drawing Register |
| | CD4.12 | 180205_01 Illustrative Masterplan Ground Floor_ A01-P2-001 |
| | CD4.13 | Access - 31467-A01-PP-300 |
| | CD4.14 | Development Parcel - 31467-A01-PP-400 |
| | CD4.15 | Land Use Ground Floor - 31467-A01-PP-200 |
| | CD4.16 | Land Use First Floor - 31467-A01-PP-201 |
| | CD4.17 | Land Use Third Floor - 31467-A01-PP-202 |
| | CD4.18 | Land Use Fourth Floor - 31467-A01-PP-203 |
| | CD4.19 | Land Use Level Seven - 31467-A01-PP-204 |
| | CD4.20 | Land Use Ninth Floor 31467-A01-PP-205 |
| | CD4.21 | Land Use Twelfth Floor - 31467-A01-PP-206 |
| | CD4.22 | Land Use Fifteenth Floor - 31467-A01-PP-207 |
| | CD4.23 | Proposed Building Heights - 31467-A01-PP-100 |
| | CD4.24 | Public Realm - 31467-A01-PP-500 |
| | CD4.25 | Detailed Application Boundary - 31467-A02-P2-101 |
| | CD4.26 | Existing Buildings - 31467-A02-P2-200 |
| | CD4.27 | Existing Buildings Demolition Plan - 31467-A02-P2-201 |
| | CD4.28 | Hybrid Application Boundary - 31467-A02-P2-100 |
| | CD4.29 | Illustrative Phasing Strategy - 31467-A02-P2-400 |
| | CD4.30 | Block A Ground Floor 31467-A03-P2-A-000 |
| | CD4.31 | Block A 1st Floor 31467-A03-P2-A-001 |
| | CD4.32 | Block A 2nd Floor 31467-A03-P2-A-002 |
| | CD4.33 | Block A 3rd Floor 31467-A03-P2-A-003 |
| | CD4.34 | Block A 4th Floor 31467-A03-P2-A-004 |
| | CD4.35 | Block A 5th Floor 31467-A03-P2-A-005 |
| | CD4.36 | Block A 6th Floor 31467-A03-P2-A-006 |
| | CD4.37 | Block A 6th Floor Parking 31467-A03-P2-A-006A |
| | CD4.38 | Block A 7th Floor 31467-A03-P2-A-007 |
| | CD4.39 | Block A 8th Floor 31467-A03-P2-A-008 |
| | CD4.40 | Block A 9th Floor 31467-A03-P2-A-009 |
| | CD4.41 | Block A 10th Floor 31467-A03-P2-A-010 |
| | CD4.42 | Block A Roof Level 31467-A03-P2-A-011 |
| | CD4.43 | Block E Tower 31467-A03-P2-E-000 |
| | CD4.44 | 31467-A03-P2-000 Ground Floor M Plan |
| | CD4.45 | 31467-A03-P2-0B1 Basement Floor |

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| | CD4.46 | 31467-A03-P2-001 First Floor |
| | CD4.47 | 31467-A03-P2-002 Second Floor |
| | CD4.48 | 31467-A03-P2-003 Third Floor |
| | CD4.49 | 31467-A03-P2-004 Fourth Floor |
| | CD4.50 | 31467-A03-P2-005 Fifth Floor |
| | CD4.51 | 31467-A03-P2-006 Sixth Floor |
| | CD4.52 | 31467-A03-P2-007 Seventh Floor |
| | CD4.53 | 31467-A03-P2-008 Eighth Floor |
| | CD4.54 | 31467-A03-P2-009 Ninth Floor |
| | CD4.55 | 31467-A03-P2-010 Tenth Floor |
| | CD4.56 | 31467-A03-P2-011 Eleventh Floor |
| | CD4.57 | 31467-A03-P2-012_020 12-20th Floor |
| | CD4.58 | 31467-A03-P2-021_022 21-22nd Floor |
| | CD4.59 | 31467-A03-P2-023_024 23-24th Floor |
| | CD4.60 | 31467-A03-P2-050 Storey Height Res Only |
| | CD4.61 | Block A Section 1-3_31467-A04-P2-A-001 |
| | CD4.62 | Block A Section 4, 5 & 6_31467-A05-P2-A-002 |
| | CD4.63 | Block A Elevations 1-3_31467-A05-P2-A-001 |
| | CD4.64 | Tower 31467-A05-P2-E-001 Elevation 1 & Section 1 |
| | CD4.65 | Tower 31467-A05-P2-E-002 Elevation 2 & Section 2 |
| | CD4.66 | Tower 31467-A05-P2-E-003 Elevations 3 & 4 |
| | CD4.67 | Illustrative Sections 1-3 31467-A04-P2-001 |
| | CD4.68 | Illustrative Sections 4-6 31467-A04-P2-002 |
| | CD4.69 | Phase 2 Elevation 1&2_31467-A05-P2-001 |
| | CD4.70 | Phase 2 Elevation 3&4_31467-A05-P2-002 |
| | CD4.71 | Phase 2 Elevation 5&6_31467-A05-P2-003 |
| | CD4.72 | Phase 2 Elevation 7&8_31467-A05-P2-004 |
| | CD4.73 | Illustrative Street Elevations_31467-A05-P2-A-100 |
| | CD4.74 | Commercial Area Schedule_31467-1800-1807-002 |
| | CD4.75 | Cycle Provision Schedule_31467-1800-1807-005 |
| | CD4.76 | GIA All proposed buildings_31467-1807-1809 |
| | CD4.77 | GIA Area Schedule_31467-1807-013 |
| | CD4.78 | Proposed Car Parking Schedule_31467-1800-1807-003 |
| | CD4.79 | Refuse Provision Schedule_31467-1800-1807-004 |
| | CD4.80 | Residential Accommodation Schedule_31467-1800-1807-001 |
| | CD4.81 | Air Quality Assessment |
| | CD4.82 | Arboricultural Impact Assessment Report and Protection Plan |
| | CD4.83 | Contamination Desk Study and Preliminary Risk Assessment (Phase 1) Report |
| | CD4.84 | Daylight and Sunlight Report |
| | CD4.85 | Energy Statement |
| | CD4.86 ES Volume 1 | Environmental Statement Volume 1: Non-Technical Summary |
| | CD4.86 ES Volume 2 | Environmental Statement Volume 2: Main Text |

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| | CD4.86 ES Volume 2 (a) | 1. Introduction |
| | CD4.86 ES Volume 2 (b) | 2. EIA Methodology |
| | CD4.86 ES Volume 2 (c) | 3. Description of Site and Background |
| | CD4.86 ES Volume 2 (d) | 4. Proposed Development and Alternatives |
| | CD4.86 ES Volume 2 (e) | 5. Construction Programme and Methodology |
| | CD4.86 ES Volume 2 (f) | 6. Highways, Traffic and Transport |
| | CD4.86 ES Volume 2 (g) | 7. Built Heritage |
| | CD4.86 ES Volume 2 (h) | 8. Archaeology |
| | CD4.86 ES Volume 2 (i) | 9. Noise |
| | CD4.86 ES Volume 2 (j) | 10. Air Quality |
| | CD4.86 ES Volume 2 (k) | 11. Socio-Economics |
| | CD4.86 ES Volume 2 (l) | 12. Ecology |
| | CD4.86 ES Volume 2 (m) | 13. Townscape and Visual |
| | CD4.86 ES Volume 2 (n) | 14. Cumulative Effects, Impacts and Mitigation |
| | CD4.86 ES Volume 3 | Environmental Statement Volume 3: Technical Appendices |
| | CD4.86 ES Volume 3 (a) | 1.1 Site Location Plan |
| | CD4.86 ES Volume 3 (b) | 1.2 Phasing Plan |
| | CD4.86 ES Volume 3 (c) | 1.3 Parameter Plans |
| | CD4.86 ES Volume 3 (d) | 1.4 Glossary of Common Terms |
| | CD4.86 ES Volume 3 (e) | 1.5 Final Scoping Response (17/00434/EIA2) |
| | CD4.86 ES Volume 3 (f) | 4.1 Illustrative Masterplan |
| | CD4.86 ES Volume 3 (g) | 5.1 Phasing Plan Drawing A02-P2-400 |
| | CD4.86 ES Volume 3 (h) | 6.1 Transport Assessment |
| | CD4.86 ES Volume 3 (i) | 7.1 Built Heritage Statement |
| | CD4.86 ES Volume 3 (j) | 7.2 Compendium of Verified Views |
| | CD4.86 ES Volume 3 (k) | 8.1 Archaeological Impact Assessment |
| | CD4.86 ES Volume 3 (l) | 9.1 Noise Assessment |

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| | CD4.86 ES Volume 3 (m) | 10.1 Air Quality Assessment (duplicate of CD4.81) |
| | CD4.86 ES Volume 3 (n) | 11.1 Socio-Economic Policy Appraisal |
| | CD4.86 ES Volume 3 (o) | 11.2 Community Infrastructure Audit |
| | CD4.86 ES Volume 3 (p) | 11.3 Supporting Maps |
| | CD4.86 ES Volume 3 (q) | 11.4 Glossary and Abbreviations |
| | CD4.86 ES Volume 3 (r) | 12.1 Ecology AA |
| | CD4.86 ES Volume 3 (s) | 13.1 TVIA |
| | CD4.87 | Flood Risk Assessment Part 1: Flood Risk Model and Hydraulic Study |
| | CD4.88 | Flood Risk Assessment Part 2: Proposed Drainage Strategy |
| | CD4.89 | Health Impact Assessment Report |
| | CD4.90 | Landscape General Arrangement_PL1581-GA-001-02 |
| | CD4.91 | Roofplan General Arrangement_PL1581-GA-002-03 |
| | CD4.92 | Landscape Strategy PL1581-ID-001-01 |
| | CD4.93 | Water Efficiency Statement March Submission |
| | CD4.94 | Ecology Phase 1 Habitats Survey |
| | CD4.95 | Verified Views Methodology |
| | CD4.96 | Marketing Views March Submission |
| **E. LPA DOCUMENTS AND CORRESPONDENCE REGARDING PLANNING APPLICATION 18/00330/F** | CD5.1 | Leave blank |
| **F. OTHER RELEVANT BACKGROUND DOCUMENTS** | CD6.1 | Leave blank |
| **G. APPLICATION DOCUMENTS (SEPTEMBER 2018)** | CD7.1 | Application Form |
| | CD7.2 | CIL Form |
| | CD7.3 | Affordable Housing Statement (Rev A) |
| | CD7.4 | Planning Obligations Statement (Rev A) |
| | CD7.5 | Response to Consultation Comments |
| | CD7.6 | Town Centre Uses Statement |
| | CD7.7 | Retail Strategy Report (Rev A) |
| | CD7.8 | Illustrative Ground Level Plan for Retail Strategy_31467-A03-P2-054 (Rev A) |
| | CD7.9 | Statement of Community Involvement Addendum |
| | CD7.10 | Design and Access Statement Addendum |
| | CD7.11 | Rev A_31467-1401-Drawing Register |
| | CD7.12 | Rev A Illustrative Master Plan 31467 A01P2001 |
| | CD7.13 | Rev A_Access - 31467-A01-PP-300 |
| | CD7.14 | Rev A_Development Parcel - 31467-A01-PP-400 |

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| | CD7.15 | Rev A_Land Use Ground Floor - 31467-A01-PP-200 |
| | CD7.16 | Rev A_Land Use First Floor - 31467-A01-PP-201 |
| | CD7.17 | Rev A_Land Use Third Floor - 31467-A01-PP-202 |
| | CD7.18 | Rev A_Land Use Fourth Floor - 31467-A01-PP-203 |
| | CD7.19 | Rev A_Land Use Seventh Floor - 31467-A01-PP-204 |
| | CD7.20 | Rev A_Land Use Eighth Floor - 31467-A01-PP-205 |
| | CD7.20A | Land Use 10th Floor 31467-A01-PP-206 |
| | CD7.21 | Rev A_Land Use 12–19 Floor 31467-A01-PP-207 |
| | CD7.22 | Rev A_Building Heights - 31467-A01-PP-100 |
| | CD7.23 | Public Realm - 31467-A01-PP-500 |
| | CD7.24 | Rev A_Detailed App Boundary B31467-A02-P2-101 |
| | CD7.25 | Existing Buildings - 31467-A02-P2-200 |
| | CD7.26 | Existing Buildings Demolition Plan - 31467-A02-P2-201 |
| | CD7.27 | Hybrid Application Boundary - 31467-A02-P2-100 |
| | CD7.28 | Rev A_Illustrative Phasing Strategy - 31467-A02-P2-400 |
| | CD7.29 | Rev A Block A Ground Floor 31467-A03-P2-A-000 |
| | CD7.30 | Rev A Block A 1st Floor 31467-A03-P2-A-001 |
| | CD7.31 | Rev A Block A 2nd Floor 31467-A03-P2-A-002 |
| | CD7.32 | Rev A Block A 3rd Floor 31467-A03-P2-A-003 |
| | CD7.33 | Rev A Block A 4th Floor 31467-A03-P2-A-004 |
| | CD7.34 | Rev A Block A 5th Floor 31467-A03-P2-A-005 |
| | CD7.35 | Rev A Block A 6th Floor 31467-A03-P2-A-006 |
| | CD7.36 | Rev A Block A 6th Floor Park 31467-A03-P2-A-006A |
| | CD7.37 | Rev A Block A 7th Floor 31467-A03-P2-A-007 |
| | CD7.38 | Rev A Block A 8th Floor 31467-A03-P2-A-008 |
| | CD7.39 | Rev A Block A 9th Floor 31467-A03-P2-A-009 |
| | CD7.40 | Rev A Block A 10th Floor 31467-A03-P2-A-010 |
| | CD7.41 | Rev A Block A Roof Level 31467-A03-P2-A-011 |
| | CD7.42 | Rev A Block E Tower 31467-A03-P2-E-000 |
| | CD7.43 | Rev A G Floor M Plan 31467-A03-P2-000 |
| | CD7.44 | Rev A Basement Floor 31467-A03-P2-0B1 |
| | CD7.45 | Rev A 1st Floor 31467-A03-P2-001 |
| | CD7.46 | Rev A 2nd Floor 31467-A03-P2-002 |
| | CD7.47 | Rev A 3rd Floor 31467-A03-P2-003 |
| | CD7.48 | Rev A 4th Floor 31467-A03-P2-004 |
| | CD7.49 | Rev A 5th Floor 31467-A03-P2-005 |
| | CD7.50 | Rev A 6th Floor 31467-A03-P2-006 |
| | CD7.51 | Rev A 7th Floor 31467-A03-P2-007 |
| | CD7.52 | Rev A 8th Floor 31467-A03-P2-008 |
| | CD7.53 | Rev A 9th Floor 31467-A03-P2-009 |
| | CD7.54 | Rev A 10th Floor 31467-A03-P2-010 |
| | CD7.55 | Rev A 11th Flooro31467-A03-P2-011 |
| | CD7.56 | Rev A 12-19 1467-A03-P2-012-019 |
| | CD7.57 | Rev A Storey Height 31467-A03-P2-050 |
| | CD7.58 | Rev A Retail plan 31467-A03-P2-054 |
| | CD7.59 | Rev A_Block A Section 1-3_31467-A04-P2-A-001 |

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| | CD7.60 | Rev A_Block A Sections 4-6_31467-A05-P2-A-002 |
| | CD7.61 | Rev A_Block A Elevations 1-3_31467-A05-P2-A-001 |
| | CD7.62 | Rev A_Tower 31467-A05-P2-E-001 Elev1 & Sec1 |
| | CD7.63 | Rev A_Tower 31467-A05-P2-E-002 Elev2 & Sect2 |
| | CD7.64 | Rev A_Tower 31467-A05-P2-E-003 Elev 3 & 4 |
| | CD7.65 | Rev A_Illustrative Sections 1-3 31467-A04-P2-001 |
| | CD7.66 | Rev A_Illustrative Sections 4-6 31467-A04-P2-002 |
| | CD7.67 | Rev A_Phase 2 Elevation 1&2_31467-A05-P2-001 |
| | CD7.68 | Rev A_Phase 2 Elevation 3&4_31467-A05-P2-002 |
| | CD7.69 | Rev A_Phase 2 Elevation 5&6_31467-A05-P2-003 |
| | CD7.70 | Rev A_Phase 2 Elevation 7&8_31467-A05-P2-004 |
| | CD7.71 | Rev A_Illustrative Street Elevations_31467-A05-P2-100 |
| | CD7.72 | Rev A_Commercial Area Schedule_31467-1800-1807-002 |
| | CD7.73 | Rev A_Cycle Provision Schedule_31467-1800-1807-005 |
| | CD7.74 | Rev A_Proposed Car Parking Schedule_31467-1800-1807-003 |
| | CD7.75 | Rev A_Refuse Provision Schedule_31467-1800-1807-004 |
| | CD7.76 | Rev A_Residential Accommodation Schedule_31467-1800-1807-001 |
| | CD7.77 | Revised Air Quality Assessment |
| | CD7.78 | Daylight and Sunlight Report Addendum |
| | CD7.79 | Energy Statement (Rev A) |
| | CD7.80 | Fire Safety Overview |
| | CD7.81 | Environmental Noise Assessment Addendum |
| | CD7.81 SEI | Supplementary Environmental Information |
| | CD7.81 SEI (a) | 1. Introduction |
| | CD7.81 SEI (b) | 2. EIA Methodology |
| | CD7.81 SEI (c) | 3. Description of Site and Background |
| | CD7.81 SEI (d) | 4. Proposed Development and Alternatives |
| | CD7.81 SEI (e) | 5. Construction Programme and Methodology |
| | CD7.81 SEI (f) | 6. Highways, Traffic and Transport |
| | CD7.81 SEI (g) | 7. Built Heritage |
| | CD7.81 SEI (h) | 8. Archaeology |
| | CD7.81 SEI (i) | 9. Noise |
| | CD7.81 SEI (j) | 10. Air Quality |
| | CD7.81 SEI (k) | 11. Socio-Economics |

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| | CD7.81 SEI (l) | 12. Ecology |
| | CD7.81 SEI (m) | 13. Townscape and Visual |
| | CD7.81 SEI (n) | 14. Cumulative Effects, Impacts and Mitigation |
| | CD7.81 SEI (o) | Appendix SEI 1.6 Revised Parameter Plans |
| | CD7.81 SEI (p) | Appendix SEI 4.2 Revised Illustrative Masterplan |
| | CD7.81 SEI (q) | Appendix SEI 4.3 Alternative CT Scheme Illustrative Layout |
| | CD7.81 SEI (r) | Appendix SEI 6.2 Transport Assessment Addendum |
| | CD7.81 SEI (s) | Appendix SEI 7.3 Addendum to Built Heritage Statement |
| | CD7.81 SEI (t) | Appendix SEI 7.4 Compendium of Verified Views Addendum |
| | CD7.81 SEI (u) | Appendix SEI 9.2 Noise Assessment Update and Response to Consultee Comments |
| | CD7.81 SEI (v) | Appendix SEI 10.2 Air Quality Assessment Version 2 (duplicate of CD7.77) |
| | CD7.81 SEI (w) | Appendix SEI 12.1 Dog Licence Data |
| | CD7.81 SEI (x) | Appendix SEI 13.2 TVIA Addendum |
| | CD7.82 | Flood Risk Assessment Addendum |
| | CD7.83 | Landscape General Arrangement_PL1581-GA-001-03 |
| | CD7.84 | Roofplan General Arrangement_PL1581-GA-002-04 |
| | CD7.85 | Landscape Strategy Addendum |
| | CD7.86 | Visitor Cycle Parking Strategy_PL1581-GA-006 |
| | CD7.87 | Viability Report |
| | CD7.88 | Wind Assessment and Desk Review |
| | CD7.89 | Summary of Amendments |
| | CD7.90 | Marketing Views August Submission |
| | CD7.91 | Water Efficiency Statement September Submission |
| **H. FURTHER SUPPORTING DOCUMENTS (NOVEMBER 2018)** | CD8.1 | Historic England Advice |
| | CD8.2 | Ecology Note of Clarification |
| | CD8.3 (a) | Correspondence with T Armitage (Air Quality - Anglian Square with Addendum) |
| | CD8.3 (b) | Correspondence with T Armitage (Anglia Square Air Quality - Note of Clarification) |
| | CD8.3 (c) | Correspondence with T Armitage (Comments on consultation response from Save Britain's Heritage) |
| | CD8.3 (d) | Correspondence with T Armitage (Electric Vehicle Charging) |
| | CD8.3 (e) | Correspondence with T Armitage (Historic England advice on Anglia Square) |
| | CD8.3 (f) | Correspondence with T Armitage (Re Mr Hussain) |
| | CD8.3 (g) | Correspondence with T Armitage (Secure by Design Response) |
| | CD8.4 | Ecology Phase 2 Bat Survey Report, August 2018 |

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| | CD8.5 | Surface Water Drainage Correspondence |
| | CD8.6 | Air Quality and Traffic Generation 10 October 2018 |
| **I. LPA DOCUMENTS AND CORRESPONDENCE REGARDING PLANNING APPLICATION 18/00330/F** | CD9.1 | Committee Report - Report to Planning Applications Committee 6 December 2018 (duplicate of CD2.15) |
| | CD9.2 | Minutes of Planning Applications Committee 6 December 2018 (duplicate of CD2.15) |
| | CD9.3 | Report to Norwich City Sustainability Panel 25 September 2019 |
| | CD9.4 | DVS Review of Development Viability Assessment (dated 9 November 2018) |
| **J. FURTHER SUPPORTING DOCUMENTS** | CD10.1 | Supplementary Environmental Information (SEI) Non-Technical Summary (NTS) |
| | CD10.2 | Assessment of the Likely Significant Effects Resulting from Demolition Activities Version 2 Nov 2019 |
| | CD10.3 | ENV001-ANGL-049; Site Waste Management Plan; Version 2; FINAL |
| | CD10.4 | 2019 Air Quality Annual Status Report (ASR) |
| | CD10.5 | CIHT Creating better streets Inclusive and accessible places (2018) |
| | CD10.6 | Transport Energy Model (2018) |
| | CD10.7 | The Road to Zero (July 2018) |
| | CD10.8 | Manual for Streets (2007) |
| | CD10.9 | Manual for Streets 2 (Sep 2010) |
| | CD10.10 | Local Transport Note - Shared Space (Oct 2011) |
| | CD10.11 | The Inclusive Transport Strategy (July 2018) |
| | CD10.12 | Palmer v Herefordshire Council & ANOR [2016] EWCA Civ 1061 |
| | CD10.13 | R (app. Shimbles) v Bradford Metropolitan District Council [2018] EWHC 195 (Admin) |
| | CD10.14 | Jones v Mordue [2015] EWCA Civ 1243; [2016] 1 WLR 2682 |
| | CD10.15 | Safe Rottingdean Ltd v Brighton and Hove City Council [2019] EWHC 2632 |
| | CD10.16 | Financial Viability in Planning – Royal Institution of Chartered Surveyors (GN 94/2012) |
| | CD10.17 | Financial Viability in Planning - Royal Institution of Chartered Surveyors: conduct and reporting (1st Edition, May 2019) |
| | CD10.18 | Waste management in buildings - Code of Practice BS5906-2005 |
| | CD10.19 | NCC DMP Internal Space Standards Information Note |
| | CD10.20 | NCC DMP Accessible And Adaptable Dwellings Information Note |
| | CD10.21 | Article by Pettit et al. |
| | CD10.22 | Article by Abhijith et al. |
| | CD10.23 | Inspector's conclusion after stage 1 of Wealden District Council Local Plan Examination |
| | CD10.24 | Court of Appeal Decision- Shirley & Anor, R (On the Application of) V SoS for Housing, Communities and Local Government ([2019] EWCA Civ 22) |
| **K. NORWICH CC's CORE DOCS** | CD11.1 | Statement of Case Norwich City Council |
| | CD11.2 | Statement of Case Weston Homes /Columbia Threadneedle |

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| | CD11.3 | Statement of Case Historic England |
| | CD11.4 | Historic England - GL Hearn Report |
| | CD11.5 | Historic England - Alternative scheme (Ash Sakula) |
| | CD11.6 | Statement of Case Norwich Society |
| | CD11.7 | Statement of Case Save Britain's Heritage |
| | CD11.8 | Statement of Case Norwich Cycling Campaign |
| | CD11.9 | Statement of Common Ground (Nov 2019) |
| | CD11.10 | Statement of Common Ground - Heritage |
| | CD11.11 | Statement of Common Ground - Viability |
| | CD11.12 | Report to Sustainable development panel - Norwich City Council – Reg. 10A review of DM policies |
| | CD11.13 | Government response to the technical consultation on updates to national planning policy and guidance. Ministry of Housing, Communities and Local Government |
| | CD11.14 | Greater Norwich City Deal |
| | CD11.15 | Design South East - Review 1 |
| | CD11.16 | Design South East - Review 2 |
| | CD11.17 | Design South East - Review Tower |
| | CD11.18 | Historic Environment Good Practice Advice in Planning Note 3 : The Setting of Heritage Assets |
| | CD11.19 | Tall Buildings: Historic England Advice Note 4 (2015) |
| | CD11.20 | Building for Life 12: Third edition (January 2015) |
| | CD11.20A | Building for Life 12: 2018 edition |
| | CD11.21 | Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, |
| | CD11.22 | The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin) |
| | CD11.23 | Land at Razor's Farm, Chineham, Basingstoke RG24 8LS. Appeal Reference: APP/H1705/A/13/2205929, Secretary of State for Communities and Local Government letter |
| | CD11.24 | Historic England's response to the planning application consultation |
| | CD11.25 | Planning(Listed Buildings and conservation Area) Act 1990 |
| | CD11.26 | Norwich Economic Strategy 2019-2024 - Norwich City Council |
| | CD11.27 | The Great British Brain Drain: An analysis of migration to and from Norwich, Centre for Cities. |
| | CD11.28 | Manual for Streets: Department for Transport (duplicate of CD10.8) |
| | CD11.29 | Manual for Streets 2: Department for Transport (duplicate of CD10.9) |
| | CD11.30 | Norwich Area Transportation Strategy (as amended) - Norfolk County Council and Norwich City Council |

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| | CD11.31 | Local Transport Note 1/04: Policy, Planning and Design for Walking and Cycling. Department of Transport |
| | CD11.32 | Homes England – HIF Offer letter |
| | CD11.33 | Homes England - HIF Availability period |
| | CD11.34 | Attracting Talented People to come to work in Norwich: The Challenge, the Norwich Society (2017) |
| | CD11.35 | Letter from Ministry of Housing, Communities & Local Government dated 21 March 2019 (Call-in Letter) |
| | CD11.36 | Representation submitted by the Magdalen Street Area and Anglia Square Traders Association (MATA) |
| | CD11.37 | Local Air Quality Management Technical Guidance (TG16) DEFRA February 2018 |
| **L. SAVE BRITAIN'S HERITAGE CORE DOCS** | CD12.1 | Historic England: Managing Significance in Decision Taking in the Historic Environment (Good Practice Advice in Planning Note 2, 2015) |
| | CD12.2 | English Heritage: Conservation Principles, Policies and Guidance 2008, reissued by Historic England 2015 |
| | CD12.3 | Cathedral Cities in Peril March 2015: Executive Summary, Foster & Partners and English Heritage |
| | CD12.4 | Cathedral Cities in Peril March 2015: Full Report, Foster & Partners and English Heritage |
| | CD12.5 | Anglia Square Character Area Appraisal (2017) |
| | CD12.6 | 140707 - Secretary of State Summary of decision Letter- Smithfield General Market (Application Reference - 1300150FULEIA) |
| | CD12.7 | Map showing nearby churches, surface car parks and other proposed large-scale development sites |
| | CD12.8 | Norwich 'The City of Stories' leaflet, published by Visit Norwich |
| | CD12.9 | 190719- Secretary of State Summary of decision Letter- Chiswick Curve (Application Reference- APP/F5540/W/3180962) |
| | CD12.10 | 130726- Bedford Case Judgment |
| | CD12.11 | Norwich Development Management Proposals Map |
| **M. HISTORIC ENGLAND CORE DOCS** | CD13.1 | Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (Second Edition, 2019) |
| | CD13.2 | Increasing Residential Density in Historic Environments - Report; Arup on behalf of Historic England (2018) |
| | CD13.3 | Constructive Conservation: Sustainable Growth for Historic Places; English Heritage 2013 reissued by Historic England 2015 |
| | CD13.4 | National Design Guide: Planning practice guidance for beautiful, enduring and successful places; Ministry of Housing, Communities & Local Government (2019) |
| | CD13.5 | Norwich North City Vision: St Augustine's & Anglia Square Regeneration Community Brief; Cathedral Magdalen and St Augustine's Forum (CMSA) and St Augustine's Community Together (ACT) Residents Association |

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| **N. THE NORWICH SOCIETY CORE DOCS** | CD14 | Leave blank |
| **O. NORWICH CYCLING CAMPAIGN CORE DOCS** | CD15.1 | ADMS Roads Software (website) |
| | CD15.2 | ADMS Urban Software (website) |
| | CD15.3 | Ambient air pollution and daily hospital admissions for mental disorders in Shanghai |
| | CD15.4 | Air pollution: outdoor air quality and health Quality standard [QS181] (website) |
| | CD15.5 | Air Quality A Briefing for Directors of Public Health |
| | CD15.6 | Central Norwich AQMA (Norwich City Council) (website) |
| | CD15.7 | Reports and statements from the Committee on the Medical Effects of Air Pollutants (COMEAP) (website) |
| | CD15.8 | National air quality objectives and European Directive limit and target values for the protection of human health |
| | CD15.9 | Environment Act 1995 (website) |
| | CD15.10 | Every breath we take: the lifelong impact of air pollution - a call for action |
| | CD15.11 | Every breath we take: the lifelong impact of air pollution. Report of a working party |
| | CD15.12 | Health effects of particulate matter (World Health Organisation) |
| | CD15.13 | Review of interventions to improve outdoor air quality and public health |
| | CD15.14 | The Lancet Commission on pollution and health |
| | CD15.15 | Air pollution: outdoor air quality and health (NICE) |
| | CD15.16 | Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report |
| | CD15.17 | Associations of long-term average concentrations of nitrogen dioxide with mortality |
| | CD15.18 | Norwich City Council 2018 Air Quality Annual Status Report (ASR) |
| | CD15.19 | Estimating Local Mortality Burdens associated with Particulate Air Pollution |
| | CD15.20 | Review of evidence on health aspects of air pollution |
| | CD15.21 | Leave blank (duplicate of CD11.37) |
| | CD15.22 | UK Government Guidance |
| | CD15.23 | Impacts of Vegetation on Urban Air Pollution |
| | CD15.24 | Air quality guidelines. Global update 2005. Particulate matter etc |
| | CD15.25 | Local Air Quality Management Policy Guidance (PG16) |
| | CD15.26 | The Road to Zero Next steps towards cleaner road transport and delivering our Industrial Strategy, UK Govt 2019 |
| | CD15.27 | Initial Comparison of EFT v9 with EFT v8 and CURED v3A, Air Quality Consultants, 2019 |
| | CD15.28 | DEFRA Clean Air Strategy 2019 |
| | CD15.29 | DEFRA Air Quality damage cost update (Ricardo, 2019) |
| | CD15.30 | Dealing with Uncertainty in Vehicle NOx Emissions within Air Quality Assessments, IAQM, 2018 |

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| CD15.100 | Norwich City Council 2012 Air Quality Annual Status Report |
| CD15.101 | Gladman, Kent case: Planning Inspector's Decision letter, January 2017 |
| CD15.102 | Norwich City Council 2013 Air Quality Annual Status Report |
| CD15.103 | Norwich City Council 2014 Air Quality Annual Status Report |
| CD15.104 | Norwich City Council 2018 Air Quality Annual Status Report |
| CD15.105 | Norwich City Council 2015 Air Quality Action Plan |
| CD15.106 | Norwich City Council 2016 Air Quality Annual Status Report |
| CD15.107 | Norwich City Council 2017 Air Quality Annual Status Report |
| CD15.108 | IAQM: Land-Use Planning & Development Control: Planning For Air Quality |
| CD15.109 | Leave blank (duplicate of CD10.4) |
| CD15.110 | British Medical Journal editorial, Nov 2019, "The health effects of fine particulate air pollution: The harder we look, the more we find" |
| CD15.111 | ClientEarth3 judgement, February 2018 |
| CD15.112 | ClientEarth2 judgement, December 2015 |
| CD15.113 | DEFRA Air Quality Statistics in the UK 1987 to 2018 |
| CD15.114 | DEFRA Air Quality Damage Cost Guidance |
| CD15.115 | DEFRA website: Public Health: Sources and Effects of PM2.5 |
| CD15.116 | British Heart Foundation: Environment Bill must go further to protect against air pollution |
| CD15.117 | Gladman, Kent case: Appeal Court judgement, 2020 |
| CD15.118 | Gladman, Kent case: High Court judgement, 2017 |
| CD15.119 | Press report (Guardian, Nov 2019): Living near busy road stunts children's lung growth |
| CD15.120 | Press Report (Eastern Daily Press, May 2019): Old buses dumped in Norwich after other cities get new buses |
| CD15.121 | Press Report (airqualitynews.com, April 2019): PM10 and NO2 levels not improved since 2015 |
| CD15.122 | ClientEarth1 Supreme Court judgement, 2015 |
| CD15.123 | Norwich City Council 2015 Updating & Screening Assessment |
| CD15.124 | WHO Europe website: Update of WHO Global Air Quality Guidelines (accessed Dec 2019) |
| CD15.125 | WHO 2005: Air Quality Guidelines, Summary of risk assessment |
| CD15.126 | Norwich City Council 2019 Air Quality Annual Status Report |
| CD15.127 | A review of biases in the measurement of ambient nitrogen dioxide (NO2) by Palmes passive diffusion tube, Air Quality Consultants, 2019 |
| CD15.128 | Investigation into Diffusion Tube Bias Adjustment Factors, Air Quality Consultants, 2019 |
| CD15.129 | Average CO2 emissions of cars sold in UK up for third year in row, Guardian, Jan 2020 |

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| | CD15.130 | NAEA Propertymark on Air Quality |
| **P. NORWICH GREEN PARTY REPRESENTATIONS** | CD16.1 | Sustainability Appraisal Scoping Report for the Greater Norwich Local Plan (March 2017) |
| | CD16.2 | Joint Core Strategy for Broadland, Norwich and South Norfolk: AMR 2016-17 |
| | CD16.3 | Eastern Daily Press news article |
| | CD16.4 | Letter from Councillor Denise Carlo to PINs dated 21 October 2019 |
| | CD16.5 | Letter of Objection from Councillor Martin Schmierer |
| | CD16.6 | Statement by Dr Andrew Boswell on Affordable Housing (June 2019) |
| | CD16.7 | Statement by Dr Andrew Boswell on Air Quality (June 2019) |
| | CD16.8 | Statement by Dr Andrew Boswell on Climate Change and Energy |
| **Q. NORWICH OVER THE WATER SOCIETY REPRESENTATIONS** | CD17.1 | Norwich Over the Water Group |
| | CD17.2 | N O T W Statement 03 12 19 |
| | CD17.3 | N O T W Proposals for consideration at calling in of AS plans May 2019 |
| | CD17.4 | N O T W Objections 1-5 April 2018 (1) |
| | CD17.5 | N O T W Booklet Contents Page (1) |
| | CD17.6 | N O T W Booklet 1 December 2016 |
| | CD17.7 | N O T W Booklet 2 April 2017 |
| | CD17.8 | N O T W Booklet 3 March 2018 (1) |
| | CD17.9 | N O T W Schedule of Documents 12 12 19 |
| **R. NORWICH CC AND NORFOLK CC LABOUR PARTY REPRESENTATIONS** | CD18.1 | Email from labour current and ex councillors dated (2 December 2019) |
| | CD18.2 | Written statement on behalf of labour and ex councillors |
| **S. CLIVE LEWIS MP REPRESENTATIONS** | CD19 | Leave blank |
| **T. LOCAL RESIDENTS REPRESENTATIONS** | CD20 | Leave blank |
| **U. THIRD PARTY REPRESENTATIONS** | CD21.1 | Castle Mall full objection |
| | CD21.2 | Pegasus Group |
| | CD21.3 | Comments on case - Churches Conservation Trust |
| | CD21.4 | Email from Norfolk Gardens Trust (2 December 2019) |
| | CD21.5 | CMSA representation |
| | CD21.6 | CMSA - Appendix A. Brief for Anglia Square Site and Community Vision Document |
| | CD21.7 | CMSA - Appendix B. Comparative Note on Skyline and Views Protection Policies Norwich and York |
| | CD21.8 | CMSA - Appendix B (2) Heritage Gap Analysis Study for Neighbourhood |
| | CD21.9 | Alan Selwyn |
| | CD21.10 | Tim Marshall |
| | CD21.11 | Merlin Waterson |
| | CD21.12 | Edwin Hall |
| | CD21.13 | Benedict Foley |
| | CD21.14 | Val Hart |
| | CD21.15 | Chris Corrin |

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| | CD21.16 | Cicely Taylor |
| | CD21.17 | Dr Henry Crawley |
| | CD21.18 | Sue Tideswell (with attachment) |
| | CD21.19 | Mrs Airlie Inglis |
| | CD21.20 | Gaia Shaw |
| | CD21.21 | Dr Jennifer M. Freeman |
| | CD21.22 | Rosemary Charles |
| | CD21.23 | Chairman Norwich Conservative Federation (with attachment) |
| | CD21.24 | Richard Broadbent |
| | CD21.25 | Email from Hugo Malik – 10 November 2019 |
| | CD21.26 | Letter from Mrs M Hall - 24 May 2019 |
| | CD21.27 | Email from Ian Couzens dated 1 August 2019 enclosing Letters to Homes England and Secretary of State |
| | CD21.28 | Email from Denise Carlo – 16 July 2019 |
| | CD21.29 | Letter from Ian Gibson – 20 June 2019 |
| | CD21.30 | Email from the Reverend Dr Peter Doll dated 12 June 2019 enclosing letter of 11 October 2018 |
| | CD21.31 | Email from Nina Trick – 6 June 2019 |
| | CD21.32 | Email from Barbara Dinnage – 2 April 2019 (with images) |
| | CD21.33 | Letter from Chris Starkie (New Anglia Local Enterprise Partnership) - 21 May 2018 |
| | CD21.34 | Letter from Michael Rayner (CPRE Norfolk) - 24 April 2019 |
| | CD21.35 | Email from Jo Smith dated 1 May 2019 enclosing letter from MP Clive Lewis of 15 January 2019 |
| | CD21.36 | Email from Ian Gibson – 4 May 2019 |
| | CD21.37 | Letters from John Howkins – 7 May 2019 |
| | CD21.38 | Email from Jim Durrant – 27 May 2019 |
| | CD21.39 | Email from Lisa Prior – 26 May 2019 |
| | CD21.40 | Email from David Kitchen – 25 May 2019 |
| | CD21.41 | Email from Gordon Reynolds – 25 May 2019 |
| | CD21.42 | Email from Peter Jones – 25 May 2019 |
| | CD21.43 | Submission by Tony Clarke (Norwich Cycling Campaign) - 22 May 2019 |
| | CD21.44 | Email from Caroline Harington – 8 April 2019 |
| | CD21.45 | Email from Cadent Gas Ltd - 11 April 2019 |
| | CD21.46 | Email from Alison Ward – 29 May 2019 |
| | CD21.47 | Comments on case – Mr Toby Nicholson |
| | CD21.48 | Comments on case – Dr Alun Wyburn-Powell |
| | CD21.49 | Comments on case – Mr Cedric Lusher |
| | CD21.50 | Comments on case – Mr Andrew Brummell |
| | CD21.51 | Comments on case – Mr Roger Connah |
| | CD21.52 | Comments on case – Mrs Diana Arseneau-Powell |
| | CD21.53 | Comments on case – Mrs Catherine O'Ryan Nicholson |
| | CD21.54 | Comments on case – Mrs Penelope Mounser |
| | CD21.55 | Comments on case – Mr Philip Mounser |
| | CD21.56 | Comments on case – Mrs Angela Reynolds |
| | CD21.57 | Letter from Mrs Julie Barfield – 24 May 2019 |

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| | CD21.58 | Letter from Stuart McLaren (St Augustine's Community Together Residents' Association) – 29 May 2019 |
| | CD21.59 | Letters from Ben Hughes – 29 May 2019 |
| | CD21.60 | Submission by MATA received 29 July 2019 (duplicated with CD11.36) |
| | CD21.61 | Letter from Anthony Rossi – 17 May 2019 |
| | CD21.62 | Letter from Mrs S Holmes received - 13 May 2019 |
| | CD21.63 | Letter from Richard E Hollox – 7 May 2019 |
| | CD21.64 | Letter from Norwich Over the Water Group – 19 April 2019 |

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| **V. ADDITIONAL INTERESTED PARTIES' REPRESENTATIONS**<br><br>**Circulated after 12PM on Tuesday 21 January** | CD22.1 | Mrs Sally Martin |
| | CD22.2 | J M Thomas |
| | CD22.3 | Norwich Conservative Federation |
| | CD22.4 | John Howkins |
| | CD22.5 | George Carter |
| | CD22.6 | Henry G Cator |
| | CD22.7 | Anne and Stephen Restorick |
| | CD22.8 | Michael Gurney |
| | CD22.9 | Victoria Manthorpe |
| | CD22.10 | Gerard Stamp |
| | CD22.11 | Peter Woodrow |
| | CD22.12 | Dr Hugh and Mrs Mirabel Cecil |
| | CD22.13 | Paul Binski |
| | CD22.14 | Charlotte Crawley DL |
| | CD22.15 | Rhona Bulwer Long |
| | CD22.16 | Professor Clive Lloyd |
| | CD22.17 | Councillor Denise Carlo |
| | CD22.18 | Richard Broadbent 2 |
| | CD22.19 | Pegasus Group 2 |
| | CD22.20 | Norwich Green Party Representation |
| | CD22.20A | Norwich Green Party - Covering Letter |
| | CD22.20B | Norwich Green Party Representation - Summary |
| | CD22.20C | Norwich Green Party Representation - Statement |
| | CD22.20D | Norwich Green Party Representation - Appendix 1 |
| | CD22.21 | Norwich Green Party - Cllr Martin Schmierer |
| | CD22.22 | Mrs Anne Olivant |
| | CD22.23 | Julia Edgeley |
| | CD22.24 | Mr and Mrs Hollingsworth |
| | CD22.25 | Mrs Helen Burrell |
| | CD22.26 | Catholic Church in Norwich (with letter) |
| | CD22.27 | Jenny Roberts |
| | CD22.28 | Keith Day |
| | CD22.29 | Andrew Brown |
| | CD22.30 | Andrea Cope (with photos) |
| | CD22.31 | Keith and Gaik-Im Harrison |
| | CD22.32 | Chris Mardell |
| | CD22.33 | Sally and Michael Fowler |
| | CD22.34 | David Baker |
| | CD22.35 | Tim Knox |
| | CD22.36 | Susan Elliott |
| | CD22.37 | Jan Cassidy |

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| | CD22.38 | Diana Don |
| | CD22.39 | Dr David Preston |
| | CD22.40 | The Norfolk Churches Trust |
| | CD22.41 | Colin Willis |
| | CD22.42 | Bolton Agnew |
| | CD22.43 | Anna Restorick |
| | CD22.44 | Anne Page |

Richborough Estates

## Annex D – Description of development

Hybrid (part full/part outline) application on site of 4.51 ha for demolition and clearance of all buildings and structures except Gildengate House and the phased, comprehensive redevelopment of the site with 7 buildings and refurbished Gildengate House for a maximum of 1,250 residential dwellings (Use Class C3); 11,350 sqm hotel (Use Class C1); 9,850 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers up to 250 sqm GIA and public conveniences)); 1,150 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yards, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2); 1,300 sqm place of worship (Use Class D1); and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/bus stop laybys and other associated highway works on all boundaries, maximum of 940 car parking spaces for Use Classes C1/C3/B1/D1, (of which maximum of 40 spaces for C1/B1/D1), hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping including existing streets surrounding the site, service infrastructure and other associated work; (all floor areas given as maximum gross external area except where indicated as GIA);

comprising;

**Full planning permission** on 1.78 ha of the site for demolition and clearance of all buildings and structures, erection of 1 and part of a 2nd building for 393 residential dwellings (Use Class C3) (323 flats in Block A and 70 flats with cycle store in tower within Block E (tower only, 20 storeys)), and for 4,420 sqm ground floor flexible retail, services, food and drink, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme, and public conveniences)), 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms, other ancillary space and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), within Block A with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/laybys and other associated highway works on Edward Street, widened footway, bus stop layby and other associated highway works on Magdalen Street, 333 covered car parking spaces for Use Class C3, hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping, service infrastructure and other associated works; (all floor areas given as maximum gross external area except where indicated as GIA);

And

**Outline planning permission** on 2.73 ha of the site, with all matters reserved, for demolition and clearance of all buildings and structures except Gildengate House, erection of 4 and part of 5th buildings (Blocks B and D – H, with Block E to incorporate tower with full planning permission) and refurbishment and change of use from Use Class B1(a) to C3 of Gildengate House (Block J), for a maximum of 857

Pinnacle Estates

residential dwellings (Use Class C3), 11,350 sqm hotel (Use Class C1), 5,430 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme)), 770 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2), with associated means of access, widening of footways, formation of service/taxi laybys and other associated highway works including shared cycle/pedestrian path on New Botolph Street, Pitt Street and St Crispins Road, a maximum of 607 car parking spaces for C1/C3/B1/D1, of which circa 593 covered spaces (with a maximum of 40 for C1/B1/D1), and circa 14 open spaces for C3 (on west side of Edward Street for Block B), landscaping, service infrastructure and other associated works; and erection of building for 1,300 sqm place of worship (Use Class D1) (Block C), on north side of Edward Street with associated on site car parking and landscaping; (all means of access reserved; all floor areas given as maximum gross external area except where indicated as GIA).

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## Annex E – Schedule of application plans

| | |
|---|---|
| **Planning Application Documents (Ref: 18/00330/F) (March 2018)** | |
| CD4.26 | 31467-A02-P2-200 - Existing Buildings |
| CD4.27 | 31467-A02-P2-201 - Existing Buildings Demolition Plan |
| CD4.28 | 31467-A02-P2-100 - Hybrid Application Boundary |
| **Application Documents (September 2018)** | |
| CD7.12 | 31467 A01-P2-001 - Rev A Illustrative Master Plan |
| CD7.13 | 31467-A01-PP-300 - Rev A Parameter Plan - Access |
| CD7.14 | 31467-A01-PP-400 - Rev A Parameter Plan - Development Parcel |
| CD7.15 | 31467-A01-PP-200 - Rev A Parameter Plan Land Use Ground Floor |
| CD7.16 | 31467-A01-PP-201 - Rev A Parameter Plan Land Use First Floor |
| CD7.17 | 31467-A01-PP-202 - Rev A Parameter Plan Land Use Third Floor |
| CD7.18 | 31467-A01-PP-203 - Rev A Parameter Plan Land Use Fourth Floor |
| CD7.19 | 31467-A01-PP-204 - Rev A Parameter Plan Land Use Seventh Floor |
| CD7.20 | 31467-A01-PP-205 - Rev A Parameter Plan Land Use Eighth Floor |
| CD7.20(a) | 31467-A01-PP-206 - Rev A Parameter Plan Land Use 10th Floor |
| CD7.21 | 31467-A01-PP-207 - Rev A Parameter Plan Land Use Floor 12-19 |
| CD7.22 | 31467-A01-PP-100 - Rev A Parameter Plan Proposed Building Heights |
| CD7.23 | 31467-A01-PP-500 - Rev A Parameter Plan Public Realm |
| CD7.24 | 31467-A02-P2-101 - Rev A Site Layouts - Detailed App Boundary |
| CD7.28 | 31467-A02-P2-400 – Rev A Site Layouts - Illustrative Phasing Strategy |
| CD7.29 | 31467-A03-P2-A-000 - Rev A Block A Ground Floor |
| CD7.30 | 31467-A03-P2-A-001 - Rev A Block A 1st Floor |
| CD7.31 | 31467-A03-P2-A-002 - Rev A Block A 2nd Floor |
| CD7.32 | 31467-A03-P2-A-003 - Rev A Block A 3rd Floor |
| CD7.33 | 31467-A03-P2-A-004 - Rev A Block A 4th Floor |
| CD7.34 | 31467-A03-P2-A-005 - Rev A Block A 5th Floor |
| CD7.35 | 31467-A03-P2-A-006 - Rev A Block A 6th Floor |
| CD7.36 | 31467-A03-P2-A-006A - Rev A Block A 6thFloor Parking |
| CD7.37 | 31467-A03-P2-A-007 - Rev A Block A 7th Floor |
| CD7.38 | 31467-A03-P2-A-008 - Rev A Block A 8th Floor |
| CD7.39 | 31467-A03-P2-A-009 - Rev A Block A 9th Floor |
| CD7.40 | 31467-A03-P2-A-010 - Rev A Block A 10th Floor |
| CD7.41 | 31467-A03-P2-A-011 - Rev A Block A Roof Level |
| CD7.42 | 31467-A03-P2-E-000 - Rev A Block E Tower |
| CD7.43 | 31467-A03-P2-000 - Rev A Ground Floor - Masterplan |
| CD7.44 | 31467-A03-P2-0B1 - Rev A Basement |
| CD7.45 | 31467-A03-P2-001 - Rev A 1st Floor |
| CD7.46 | 31467-A03-P2-002 - Rev A 2nd Floor |
| CD7.47 | 31467-A03-P2-003 - Rev A 3rd Floor |
| CD7.48 | 31467-A03-P2-004 - Rev A 4th Floor |
| CD7.49 | 31467-A03-P2-005 - Rev A 5th Floor |
| CD7.50 | 31467-A03-P2-006 - Rev A 6th Floor |
| CD7.51 | 31467-A03-P2-007 - Rev A 7th Floor |
| CD7.52 | 31467-A03-P2-008 - Rev A 8th Floor |
| CD7.53 | 31467-A03-P2-009 - Rev A 9th Floor |
| CD7.54 | 31467-A03-P2-010 - Rev A 10th Floor |

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| | |
|---|---|
| CD7.55 | 31467-A03-P2-011 - Rev A 11th Floor |
| CD7.56 | A03-P2-012-019 - Rev A 12th to 19th Floor |
| CD7.57 | 31467-A03-P2-050 - Rev A Storey Height |
| CD7.58 | 31467-A03-P2-054 - Rev A Retail plan |
| CD7.59 | 31467-A04-P2-A-001 - Rev A Block A Section 1, 2 & 3 |
| CD7.60 | 31467-A05-P2-A-002 - Rev A Block A Section 4, 5 & 6 |
| CD7.61 | 31467-A05-P2-A-001 - Rev A Block A Elevations 1, 2 & 3 |
| CD7.62 | 31467-A05-P2-E-001 - Rev A Tower Elevation 1 & Section 1 |
| CD7.63 | 31467-A05-P2-E-002 - Rev A Tower Elevation 2 & Section 2 |
| CD7.64 | 31467-A05-P2-E-003 - Rev A Tower Elevations 3 & 4 |
| CD7.65 | 31467-A04-P2-001 - Rev A Illustrative Sections 1, 2 & 3 |
| CD7.66 | 31467-A04-P2-002 - Rev A Illustrative Sections 4, 5 & 6 |
| CD7.67 | 31467-A05-P2-001 - Rev A Phase 2 Elevations 1 & 2 |
| CD7.68 | 31467-A05-P2-002 - Rev A Phase 2 Elevations 3 & 4 |
| CD7.69 | 31467-A05-P2-003 - Rev A Phase 2 Elevations 5 & 6 |
| CD7.70 | 31467-A05-P2-004 - Rev A Phase 2 Elevations 7 & 8 |
| CD7.71 | 31467-A05-P2-100 - Rev A Illustrative Street Elevations |
| CD7.83 | PL1581-GA-001-03 Landscape General Arrangement |
| CD7.84 | PL1581-GA-002-04 Roof plan General Arrangement |
| CD7.86 | PL1581-GA-006 Visitor Cycle Parking Strategy |
| | |
| **Further Supporting Documents (November 2018)** | |
| | SK11-A – Overall Drainage Strategy |
| CD8.5 | (within Surface Drainage Correspondence.pdf) |

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## Annex F – Information to inform the Secretary of State's Habitats Regulations Assessment

### INTRODUCTION

The application relates to Anglia Square, Norwich. It proposes the demolition of the existing buildings at Anglia Square and a mixed use scheme of redevelopment. This would include up to 1,250 dwellings, 70 of which would be in a 20 storey tower, up to 11,000 sqm of flexible retail/commercial floorspace, a replacement cinema, a replacement multi-storey car park, a new facility for the Surrey Chapel and a hotel.

Article 6 of the Habitats Directive, which has been transposed into UK law through the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (for plans and projects beyond UK territorial waters (12 nautical miles)), requires that where a plan or project is likely to result in a significant effect on a European site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

### PROJECT LOCATION

Anglia Square is located on the northern side of Norwich city centre. The site extends to approximately 4.5 hectares. Most of this is accounted for by the Anglia Square shopping centre and adjoining land which is enclosed by St Crispins flyover, Pitt Street, Edward Street and Magdalen Street. Anglia Square comprises retail, leisure and office buildings developed during the 1960s and 1970s following the construction of St Crispins Road. The shopping centre is arranged around a pedestrian precinct and includes large format stores together with smaller units. At the upper levels are Sovereign House and Gildengate House, two substantial office buildings of 6 - 7 storeys. Neither of these buildings has been used as offices since the late 1990s. Gildengate House is currently used as temporary studio space by artists whilst Sovereign House has remained unused. A former cinema, a nightclub and a large multi-storey car park are also now vacant.

The following European designated sites are present in the vicinity of the site:

- Broadland Special Protection Area (SPA), Ramsar site and Special Area for Conservation (SAC)
- The River Wensum SAC

Broadland SPA, Ramsar site and SAC

A number of Site of Special Scientific Interest (SSSI) designations underpin the SPA/Ramsar/SAC designations. Yare Broads and Marshes SSSI and Crostwick Marsh SSSI are around 7.5 km from the site and Bure Broads and Marshes SSSI is about 10.3 km from the site.

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The qualifying features of the SPA include bittern and marsh harrier in the breeding season and Bewick's swan, bittern, hen harrier, ruff and whooper swan over winter. It also qualifies by supporting populations of migratory bird species and by regularly supporting at least 20,000 waterfowl.

The qualifying features of the Ramsar site include calcareous fens, alkaline fens and alluvial forests. Annex II species include Desmoulin's whorl snail, otter and fen orchid. Populations occurring at levels of international importance include tundra swan, gadwall and northern shoveler.

The Broads SAC hosts a range of habitats and species, overlapping with the above designations.

River Wensum SAC

The River Wensum SAC is around 3.2 km to the northwest of the site at its closest point. It hosts the habitat *rivers with floating vegetation often dominated by water-crowfoot*. Annex II species include white-clawed crayfish, bullhead, brook lamprey and Desmoulin's whorl snail.

**HRA IMPLICATIONS OF THE PROJECT**

There is no likelihood of direct impacts on the designated sites given their geographical separation from the application site and the absence of hydrological or air quality pollution pathways. Potential effects are limited to increased recreational use of the designated sites by new residents at the application site. This needs to be considered cumulatively with anticipated residential development in the area covered by the Greater Norwich Joint Core Strategy (JCS).

**PART 1 - ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS**

The Appropriate Assessment (AA) of the JCS highlighted the need for green infrastructure (GI) to mitigate potential in-combination and cumulative effects associated with recreation impacts on Natura 2000 sites resulting from the JCS growth proposals. The mitigation measures suggested were the implementation of GI and the allocation of greenspace to protect specific natural assets and designated sites.

The application site is not within the boundary of a designated site nor within a buffer area identified by Natural England (NE). During the EIA screening exercise NE advised that the development may potentially impact on designated sites, namely the Broads SAC, Broadland SPA and Broadland Ramsar site, as a result of recreational disturbance due to in combination impacts with other housing development.

Responding to consultation on this application NE advised the Council that an adverse effect on integrity could not be ruled out when considered in combination with other

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housing developments. NE made referred to research by Panter et al (2016)[335] which found that increased recreation pressures can cause impacts to designated interest features. For the sites surveyed there would be a predicted increase of 14% in access by Norfolk residents as a result of new housing during the current plan period. The primary recreational activity was dog walking (41%) and walking (26%). For the designated sites in the Broads the impacts identified related to disturbance caused to breeding, wintering and passage birds, trampling and erosion, eutrophication and contamination.

The applicants submitted further information relating to predicted levels of dog ownership within the proposed development, an audit of parks and open spaces within walking distance (or a short drive) from the site as well details of GI projects identified in the Greater Norwich Infrastructure Plan 2018 (GNIP). The GNIP supports the delivery of growth identified in the JCS and identifies schemes to contribute to the protection and enhancement of the strategic green infrastructure network. Based on comparison with other (mainly flatted) developments the applicants concluded that there would be a low level of dog ownership at the application site. They also considered that new residents wishing to walk, with or without dogs, would have access to a wide range of options and would not need to rely on the designated sites. They noted that the measures set out in the GNIP relating to the provision of GI are planned and in the process of delivery, and that these measures will mitigate the impact of new development across the Greater Norwich area. They concluded that likely significant effects could be ruled out, either alone or in combination.

Having considered this information NE agreed that the effects from the development alone are not likely to be significant. However, without suitable mitigation being secured, NE advised that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question in combination with other new housing proposals.

The Council proceeded on the basis that mitigation would be required and that an AA would need to be carried out.

**CONSERVATION OBJECTIVES**

Broadland SPA

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely
- the population of each of the qualifying features, and
- the distribution of the qualifying features within the site.

[335] Visitor Surveys at European Protected Sites across Norfolk during 2015 and 2016, Footprint Ecology

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Broadland SAC

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species
- the structure and function (including typical species) of qualifying natural habitats
- the structure and function of the habitats of qualifying species
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- the populations of qualifying species, and
- the distribution of qualifying species within the site.

River Wensum SAC

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species
- the structure and function (including typical species) of qualifying natural habitats
- the structure and function of the habitats of qualifying species
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- the populations of qualifying species, and
- the distribution of qualifying species within the site.

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**PART 2 - FINDINGS IN RELATION TO ADVERSE EFFECTS ON INTEGRITY**

The potential for an adverse effect on integrity arises from increased recreational pressure, specifically dog walking and walking. The nature of the proposed development is such that dog ownership is likely to be low. The proposed mitigation is the implementation of GI measures which would be attractive and more convenient to new residents than travel to the designated sites.

The Council has commented that the GNIP includes measures which have been specifically identified to deliver enhanced local recreational opportunities within Norwich. These include schemes to enhance walking routes leading out of the city, in particular Marriott's Way and the Riverside Walk, which provide access to the countryside and the Norfolk Trails network. These schemes will provide suitable and appropriate recreational opportunities for people, including dog walkers.

The GI initiatives identified in the GNIP are funded through Community Infrastructure Levy (CIL). This means that all housing development in the greater Norwich area makes a proportionate contribution. The summary of NE's advice is as follows:

*NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED*

*We consider that without appropriate mitigation the application would, in combination with other housing developments in the Greater Norwich area, lead to increased recreational pressures which would:*

- *have an adverse effect on the integrity of The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland Ramsar; and*
- *damage or destroy the interest features for which the component Sites of Special Scientific Interest of the above sites have been notified.*

*In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:*

- *on site green infrastructure measures as described in the application documents should be secured; and*
- *a proportionate financial contribution to the existing off-site GI and local GI initiatives, to help to reduce the effects of recreational pressures on designated sites.*

*We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.*

The application is hybrid, in that it contains detailed and outline elements. The public realm works within the scheme would fall within the detailed element. Detailed design and implementation of the GI would be covered by a landscaping scheme which would be approved under suggested condition 5. Public access to the public realm works would be secured through schedule 10 of the section 106 Agreement.

If the proposed development is subject to CIL then it would make a proportionate contribution to the GI mitigation through that means. However, the viability assessment submitted to the Inquiry assumes that the scheme will be exempted from CIL under the Council's exceptional circumstances relief policy. Applications for CIL relief would be made on a phased basis. Schedule 9 of the section 106 Agreement provides that, if any phase of the development is granted exemption from CIL, then a GI contribution would be payable for that phase at a rate of £50 per dwelling. This has been agreed by the Council to be an appropriate and proportionate level of contribution.

**HRA CONCLUSIONS**

These conclusions represent my summary and assessment of the evidence presented to me. This is not an appropriate assessment. That will be a matter for the Secretary of State to undertake as the competent authority.

It is not possible to exclude the possibility of an adverse effect on the integrity of European sites in the absence of mitigation. This is due to the potential for in combination effects of increased recreational pressures from new housing.

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Mitigation measures have been identified which will deliver enhanced local recreational opportunities within Norwich, thereby avoiding additional recreational pressures on the designated sites. Arrangements are in place for all housing schemes to make a proportional contribution to such measures through the collection of CIL. In the event that all or part of the application scheme is exempt from CIL, the section 106 Agreement makes provision for appropriate and proportionate contributions to be made.

With mitigation having been secured, it would be reasonable to reach a finding of no adverse effect on the integrity of the European sites in question.

*Appendix*

*Relevant documents submitted by the applicants:*

- ES Chapter 4: Ecology (SEI Chapter 4)
- Appendix 12.1 Ecology - information to inform AA
- Appendix SEI 12.1 - Dog licence data
- Note of Clarification (dated November 2018)

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## ANNEX G – CONDITIONS

*Conditions relating to the detailed element – Block A, tower and ground floor external areas (including highway works and public realm)*

1) The development hereby permitted and identified within the red line boundary shown on plan A01–P2–101A shall be begun before the expiration of THREE years from the date of this permission, except for the tower element on development parcel E/F which shall be begun before the expiration of FIVE years from the date of this permission.

2) The development hereby approved shall be carried out in accordance with the plans, drawings and details as specified in the attached schedule.

3) No above grounds works in relation to the tower element of development parcel E/F hereby permitted shall commence until the local planning authority has approved all reserved matters for development parcel E/F, as identified on Parameter Plan A01–PP-400A.

4) Before their first use or application in the construction of block A or the tower element of development parcel E/F hereby permitted the following details (including manufacturer, product, colour finish, samples and sample panel where necessary) shall be submitted to and agreed in writing by the local planning authority:

   a) external materials (to include bricks, metal cladding of the upper level and rooftop plant, window frames, doors, rainwater goods, balcony balustrades, car park ventilation panels, green vegetated walls);

   b) external decoration and patterning to brickwork, render, joinery and metalwork;

   c) brick bond and mortar;

   d) large scale cross-sectional plans showing depth of window reveals, depth of recesses offering vertical subdivisions in the façade bays and the projection of balconies;

   e) external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air; and

   f) shopfront components and assembly through the submission and approval of a Shopfront Design Guide.

   The development shall be carried out in accordance with the details as approved.

5) With the exception of any site clearance works, works of demolition, archaeological work, tree protection works, ground remediation and ground investigations, no development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing by the local planning authority.

   The landscaping scheme shall include all external areas, public realm areas (including within the adopted highway) and for Block A, all external amenity areas and biodiverse roofs forming part of that block (and for the

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avoidance of doubt the scheme shall not include areas within the outline area of the application as landscaping is a reserved matter). The scheme shall include the following details:

*Hard landscape details:*

a) materials for paved areas, including manufacturer (where relevant), product type and colour or sample;

b) existing and proposed functional services above and below ground (e.g. power and communication cables, pipelines, manholes, supports);

c) all new boundary treatments at the site, including the material and colour finish of any walls, fences or railings;

d) proposed finished levels;

e) any minor artefacts and structures (e.g. external cycle parking, bollards, seating, litter bins, signage);

f) play trail scheme – including demonstration that the strategy has been directly influenced by heritage interpretation and the incorporation of public art features;

*Soft landscape details:*

g) planting plans showing the location, species and numbers of proposed new trees and the locations of areas of shrubs and other planting;

h) planting schedules, noting species, planting sizes and proposed numbers and densities where appropriate;

i) written specifications (including cultivation and other operations associated with tree, plant and grass establishment);

*Implementation and management details:*

j) ecological enhancement scheme;

k) for Block A details of the provision for bird (Swift) and bat boxes in accordance with the recommendations within Section 14 of the Phase 1 Habitat Survey (extended)

l) an implementation programme clearly indicating a timescale for the completion of all landscaping and ecological enhancements; and

m) a landscape management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas following implementation.

The development shall be carried out in full accordance with the agreed details and implementation programme and the communal residential landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. Management of the landscaping shall commence immediately after planting in accordance with the agreed details. All hard and soft landscaping works shall thereafter be retained as such.

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If within a period of FIVE years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted or is destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place no later than the end of the first available planting season (October-March inclusive), unless the local planning authority first gives its written consent to any variation.

6) Prior to first use of the public multi-storey car park hereby approved a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following details:

   a) tariff structure - this shall support the function of the large district centre by the public and discourage all day city centre commuter car parking; and

   b) details of the number and location of the disabled and electric vehicle charging car parking spaces. The details shall include the specification of the public electric vehicle charging stations along with management and maintenance arrangements.

   The public car park shall be operated in accordance with the approved Car Park Management Plan unless otherwise agreed in writing by the local planning authority.

7) The public car park shall not be brought into use until the entry and exit systems have been configured to provide a data feed to enable the display of available spaces on the city wide variable message sign (VMS) system and that data feed is fully operational, connected to the VMS system and the available spaces are displayed. The data feed and connection to the VMS system shall thereafter be retained.

8) Within two calendar months of the first use of the public multi-storey car park hereby approved all use of the surface level parking within the application site boundary by members of the public shall permanently cease. For the avoidance of doubt this does not preclude essential operational parking during the construction phase which may be approved under condition 28.

9) Prior to first occupation of any dwelling within block A hereby approved a scheme for monitoring the usage of residential car and cycle parking within the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include a survey methodology, a timescale for carrying out the agreed methodology, and details of how the results are reported to the local planning authority.

10) No more than 75% of residential parking spaces in block A hereby approved shall be available for residential occupiers of that block, unless following full occupation of the remainder of the development there remain parking spaces in Block A which are not allocated to any unit.

11) Block A hereby permitted shall include the provision of a foodstore with a minimum floor area of 800 sqm (Gross Internal Area). Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning General Permitted Development Order

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2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification), a minimum 80% of the net sales area of the foodstore shall be used for the sale of convenience goods and no more than 20% of the net sales area for the sale of non-convenience goods, where convenience goods are defined as everyday essential items, including food, drinks, newspapers/magazines and confectionery.

12) Prior to first use of the ground floor of Block A for commercial purposes the public toilets, including the 'Changing Places' shall be installed and brought into use. The facilities shall be permanently retained thereafter.

*Conditions relating to the outline element*

13) Application for the approval of all reserved matters shall be made to the local planning authority not later than the expiration of five years beginning from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Within any phase (as approved under condition 20) no construction associated with the development hereby permitted shall take place within the Hybrid Application Boundary shown on plan 31467-A02-P2-100 (excluding land identified by the Detailed Application Boundary 31467-A02-P2-101 A) in pursuance of this permission until approval of the reserved matters for the relevant phase of the development approved under condition 20 has been obtained from the local planning authority. The reserved matters shall relate to access, layout, scale, external appearance and landscaping (communal amenity areas and green roofs only).

14) The development hereby approved shall be carried out in full accordance with the application forms, supporting documents and plans as specified within the attached schedule and the reserved matters shall comply with the parameters of the submitted details in terms of the approximate layout of the buildings, routes and open spaces within the site, the parameters for height, width and length of each building and its scale, and the area or areas where access to the development will be situated.

15) The following details and assessments shall be submitted at the relevant reserved matters stage:

a) Development parcels E/F and G/H: Residential Parking Monitoring Report (see condition 9);

b) Development parcel B: updated Air Quality Assessment. The Assessment shall be informed by a further period of Nitrogen Dioxide monitoring (details of which shall be agreed in writing with the local planning authority) and include full details of air quality mitigation measures for residential development within that phase; and

c) Formation of vehicular access from St Crispins Road: Arboricultural Impact Assessment and Arboricultural Method Statement.

*Conditions relating to all phases*

16) The development hereby approved shall be limited to a maximum quantum of floorspace or numbers as follows:

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a) Housing (Use Class C3): 1250 residential units;

b) Flexible commercial floorspace (Uses Classes A1, A2, A3, A4, B1, D1 and specified sui-generis use (betting offices): 11,000 sqm (Gross External Area (GEA)), with specified sui-generis use being limited to maximum of 250 sqm Gross Internal Area (GIA);

c) Place of worship (Use Class D1): 1,300 sqm (GEA);

d) Public car park: 600 car spaces, 24 motorcycle spaces;

e) Hotel (Use Class C1): 11,350 sqm (GEA);

f) Cinema (Use Class D2): 3,400 sqm (GEA); and

g) Other parking (for Use Classes C1, C3, B1 and D1): 950 car spaces (of which a maximum of 40 spaces shall be available for operational use within Use Classes C1, B1 and D1).

17) The flexible commercial floorspace hereby approved and referred to in the Retail Strategy Report (Rev A) shall include a minimum of 1,500 sqm Gross Internal Area (GIA) of floorspace for purposes within Use Classes A3 and A4. A minimum of 75% of this Class A3/A4 floorspace shall be located around the new 'leisure' square enclosed by the floorspace coloured purple on drawing A03-P2-054 within the Retail Strategy Report (Rev A) and shall not exceed an overall total floorspace across the development of 3,500 sqm (GIA).

18) The reserved matters application for development parcel G/H as identified on Parameter Plan A01-PP-400A hereby approved shall include a cinema of around 3,400 sqm Gross External Area in the location illustrated on drawing A03-P2-054 '03 Plans - Illustrative Ground Level Plan for Retail Strategy' with a primary entrance facing into St George's Street as shown on the same plan.

19) The commercial floorspace identified in blue on drawing A03-P2-054 (contained within the Retail Strategy Report Revision A) shall include a minimum of five units, each with a ground floor area between 75 and 150 sqm Gross Internal Area (GIA) and a further five units, each with a ground floor area between 150 and 250 sqm GIA.

20) The development shall be carried out in accordance with drawing A02-P2-400 or an alternate phasing plan which has been submitted to and approved in writing by the local planning authority prior to the commencement of development or of any subsequent phase of the development.

21) Prior to the commencement of any demolition works within each phase (as approved under condition 20) a Demolition Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include a detailed methodology for the retention and protection of any retained frontages during the construction phase and shall be substantiated by a structural engineer's report. In the case of phase 1 (as agreed under condition 20) the statement shall include a detailed methodology for the retention of 100 Magdalen Street and include detailed plans indicating remediation works for the retained frontages and details of temporary and permanent access arrangements for the premises.

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22) There shall be no demolition of Surrey Chapel until a permanent replacement facility has been provided in accordance with the reserved matters for development parcel C (required to be approved under condition 13) and the facility is available for use.

23) There shall be no occupation of any part of development parcel E/F as identified on drawing A01-PP-400A until demolition of Sovereign House is complete.

24) There shall be no demolition of numbers 43 to 45 Pitt Street until reserved matters have been approved for development parcel E/F and a contract or sub-contract for carrying out the structural works of redevelopment on that development parcel has been entered into.

25) Prior to any demolition or the commencement of any works a Demolition and Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, shall be submitted to and approved in writing by the local planning authority, together with proposals to control and manage demolition and construction traffic using the 'Demolition and Construction Traffic Access Route'.

    For the duration of the demolition and construction period all traffic associated with the development shall comply with the Demolition and Construction Traffic Management Plan and use only the 'Demolition and Construction Traffic Access Route' and no other local roads, unless approved in writing by the local planning authority, or as directed (without written approval) by the emergency services, highway authority, statutory undertakers or other body authorised to direct traffic.

26) Notwithstanding the details indicated on the submitted drawings no construction works above slab level shall commence on site until the following details have been submitted to and approved in writing by the local planning authority:

    a) detailed drawings for the off-site highway improvement works as indicated on drawings 1072878-D15/16-003-TP P12; 1072878-D26-001-TP P13; 1072878-D18-003-TP P03;

    b) an implementation plan for the off-site highway works; and

    c) a long term management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas.

    The highways works shall be completed as approved in accordance with the approved implementation plan.

27) Notwithstanding condition 26, the Edward Street Cycle Improvements (details of which are required to be agreed under that condition) shall be completed prior to the commencement of any above ground level construction works in pursuant of the development of block A hereby approved.

28) No development shall take place within any phase (as agreed under condition 20), including any works of demolition, in pursuance of this permission until a Construction and Environmental Management Plan

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(CEMP) (which shall take account of the cumulative impact of other nearly development taking place, at the time of submission) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include the following:

a) a statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken;

b) vehicle parking for site operatives and visitors;

c) proposals for loading/unloading plant and materials;

d) protocol for managing scheduling and timing of construction traffic arriving and leaving the site;

e) protocol for managing vehicles that need to wait for access to the site;

f) temporary site access;

g) signing system for works traffic;

h) site access warning signs;

i) storage of plant and materials;

j) measures for the prevention of dust, suppression of noise and abatement of other nuisance arising from development works;

k) location of all ancillary site buildings;

l) erection and maintenance of security hoardings, including decorative displays and facilities for public viewing where appropriate; and

m) a scheme for recycling/disposing of waste resulting from demolition and construction.

The details and measures included within the CEMP shall ensure pedestrian routes through the site (consisting of one east-west route and one north-south route) are provided and the Anglia Square Shopping Centre remains open for business, insofar as possible, and safely accessible to members of the public and tenants throughout the construction period.

The approved CEMP shall be adhered to throughout the construction period, unless an amendment is approved in writing by the local planning authority.

29) No development, other than demolition down to existing ground level, shall take place in any phase in pursuance of this permission until an archaeological Written Scheme of Investigation for the site has been submitted to and approved in writing by the local planning authority. The Written Scheme of Investigation shall include an assessment of significance and research questions and for each phase:

a) the programme and methodology for site investigation and recording;

b) the programme for post investigation assessment;

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c) provision to be made for analysis of the site investigation and recording;

d) provision to be made for publication and dissemination of the analysis and records of the site investigation;

e) provision to be made for archive deposition of the analysis and records of the site investigation;

f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development, other than demolition down to existing ground level, shall take place within any phase unless in accordance with the approved archaeological Written Scheme of Investigation.

No phase of the development shall be occupied until, in respect of that phase, the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

30) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within two working days. Works shall be halted in the area of the building affected until provision has been made for retention and/or recording in accordance with details submitted to and approved in writing by the local planning authority.

31) No development, other than demolition down to existing slab level, shall take place in any phase in pursuance of this permission until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the local planning authority:

a) a site investigation scheme, based on the Phase 1 Desk Study and Preliminary Risk Assessment (Reference CON01-NORW-045 Version 2 dated 16 March 2018) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and

b) a written report containing the site investigation results and the detailed risk assessment of the risk to all receptors that may be affected and, based on these, if required, an options appraisal and remediation strategy for each phase giving full details of the remediation measures required and how they are to be undertaken.

Any works on site within each phase shall be in accordance with the scheme as approved and any changes to any of the details specified above would require the further express consent of the local planning authority.

No occupation of any phase of development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan for that phase have been submitted to and approved in

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writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in the approved remediation strategy are complete for that phase and shall identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.

32) If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved in writing by local planning authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk can development continue.

33) No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

34) Prior to the commencement of any piling operations in any phase a Piling Method Statement shall be submitted to and approved in writing by the local planning authority. The Piling Method Statement shall detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration, a demonstration that there is no resultant unacceptable risk to groundwater and a plan showing where the piles are to be installed. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration. Piling shall only be undertaken in accordance with the approved Piling Method Statement unless an amended method statement has been approved in writing by the local planning authority.

35) All imported topsoil and subsoil for use within any phase on the site shall either be certified to confirm its source and that it is appropriate for its intended use or, in the absence of suitable certification, be subject to analysis of the imported material along with evaluation against the derived assessment criteria for this site. No occupation of any completed part of that phase of the development shall take place until a copy of the certification has been submitted to the local planning authority.

36) At each reserved matters stage the following information and measures, together with an updated Flood Risk Assessment (FRA) and Drainage Strategy for the entire site (taking account of approved updated FRA and Drainage Strategies for previous phases), shall be submitted to and approved in writing by the local planning authority:

    a) Detailed specific tables and corresponding plans of flood depths and proposed mitigation of flood resistance and resilience measures to be included in each building, highway, pedestrian area and loading

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bay (to expand on that information provided in Table 5 and section 7 of the FRA (part 1)). This shall include first fit infrastructure in commercial buildings to ensure any conduits between commercial areas to provide electricity and water are set above the flood depths expected at each location (expanding in more detail from Figure 3 and Table 2 of the FRA (part 1)).

b) Additional surface water flood modelling taking account of any approved updated FRA and Drainage Strategies for previous phases and any flood barriers or flood proof walls proposed to prevent water entry into ground floor properties.

c) An assessment of the cumulative impact of the development on off-site flood risk to existing properties within the Study Impact Area. The assessment should include:

- an assessment of changes in flood depths off-site at more frequent flood events to include 3.33% Annual Exceedance Probability (1:30) and 1.3% Annual Exceedance Probability (1:75) to assess the impacts of the changes in flood routing from the site;
- a ground truthing exercise on the assumed thresholds of properties within the surface water model;
- a property level protection survey and provision of retrofit of flood resistance/resilience measures subject to access being made available to the relevant properties at reasonable times within a period of 4 weeks prior to submission of the FRA;
- details of mitigation measures, where this is shown to be necessary, along with a timescale for implementation of the works.

d) Information to show how any phasing of the development will affect the overall drainage strategy and what arrangements, temporary or otherwise, will need to be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development.

e) Information regarding the location of utility plant and specific design flood levels for those locations. Details of appropriate mitigation and/or evidence that freeboard will be in place to ensure continued operation during a design flood event.

The development shall be undertaken in accordance with the agreed details (both temporary and permanent) which shall be implemented prior to first occupation of each component part of that phase.

37) Prior to the commencement of works breaking existing ground or slab level in any phase (as approved under condition 20) detailed designs of a surface water drainage scheme for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with additional details submitted in relation to condition 36 and the submitted Flood Risk Assessment (FRA) (Part 1 Flood Risk, Hydraulic Modelling Study

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and Impact Study Final Version dated 9 March 2018 by EAS) and Drainage Strategy (Part 2 Proposed Drainage Strategy Final Version dated 9 March 2018 by EAS). The scheme shall address the following matters:

a) Surface water brownfield runoff rates will be attenuated to 242l/s combined at Edward Street, Pitt Street and St Crispins Road as agreed with Anglian Water and stated within section 4.15 of the FRA/Drainage Strategy.

b) Detailed designs and provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% Annual Exceedance Probability (AEP) return period, including allowances for climate change. Green roofs shall be designed to maximise available storage attenuation within the structural design of the building.

c) Detailed designs, modelling calculations and plans of the drainage conveyance network in the:

- 3.33% AEP critical rainfall event to show no above ground flooding on any part of the site from the drainage network alone.
- 1% AEP critical rainfall plus climate change event to show the depth, volume and storage location of any above ground flooding from the drainage network alone ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

d) The design of any drainage conveyance and storage structures should include appropriate freeboard allowances and will use up-to-date rainfall data and appropriate use of FEH descriptors, considering the critical rainfall duration expected.

e) Details of how all surface water management features are to be designed in accordance with The SuDS Manual (CIRIA C697, 2007) or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge (such as green roofs and tree pits).

f) A maintenance and management plan detailing the activities required and details of who will adopt and maintain the surface water drainage features for the lifetime of the development. This will include any pumped drainage system and any additional maintenance required considering the additional water from off-site (which is likely to be poorer quality and contain debris) which may cause blockage.

The approved surface water drainage scheme for that phase shall be implemented prior to the first occupation of the corresponding phase and shall thereafter be managed and maintained as approved.

38) No occupation of any phase of the development shall take place until a flood warning and evacuation plan for that phase has been submitted to

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and approved in writing by the local planning authority. The plan shall provide details of the procedures for flood warning and evacuation and shall include details of flood warning notices to be erected, including their content and locations. No occupation of any part of that phase shall take place until the notices have been erected for that part of that phase and thereafter the notices shall be kept legible and clear of obstruction for the lifetime of the development.

39) Prior to the commencement of above ground level construction works within each phase (as approved under condition 20) details of fire hydrant provision (served by mains water supply) for that phase of development shall be submitted to and approved in writing by the local planning authority. No occupation of any phase hereby approved shall take place until the hydrants for that phase have been provided and made available for use as approved. The hydrants shall be retained as such thereafter.

40) Prior to the commencement of above ground level construction works within each phase (as approved under condition 20) a crime prevention strategy shall be submitted to and approved in writing by the local planning authority in consultation with the Police. The strategy shall demonstrate how the development makes reasonable endeavours to meet 'Secured by Design' standards in the context of the approved external layout and internal building general arrangements. The strategy shall include details of the following:

a) Secured by Design physical protection measures to be incorporated in the commercial premises, residential blocks and units, residential and public car parks and communal service areas and stores;

b) external and courtyard communal lighting (to BS 5489);

c) CCTV arrangements;

d) plant rooms to be lockable with robust security rated doors;

e) bin stores to be lockable;

f) cycle stores to be lockable; and

g) security rated doors and windows for each unit (as relevant to the position of the window).

Each phase shall be constructed and the development thereafter managed in accordance with the approved strategy.

41) With the exception of phase 1, no above ground development of any further phase (as approved under condition 20) shall commence until a Noise Impact Assessment to establish the noise environment and the required attenuation performance relevant to each residential façade within that phase has been submitted to and approved in writing by the local planning authority. The Noise Impact Assessment shall be informed by a further period of noise monitoring (details of which shall first be approved in writing by the local planning authority) and shall include full details of noise mitigation measures for the residential development within that phase.

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Mitigation measures (including details of sound attenuation between commercial spaces and adjoining dwellings, trickle vents, mechanical ventilation and glazing) shall result in attenuation to an internal level of 30dB at night and 35dB during the daytime for habitable rooms as demonstrated at the date of approval of the mitigation measures.

The approved mitigation measures shall be implemented prior to occupation and retained as such thereafter.

42) Prior to the commencement of above ground level construction works within each phase, with the exception of Phase 1 and block D in phase 2, a further Air Quality Assessment shall be submitted to and approved in writing by the local planning authority. The Air Quality Assessment shall be informed by a further period of Nitrogen Dioxide monitoring (details of which shall first be agreed in writing with the local planning authority) and shall include full details of air quality mitigation measures for commercial and residential development within that phase.

The approved mitigation measures shall be implemented in full for each part of each phase prior to occupation of each part of each Phase and retained thereafter.

43) At least 10% of the residential dwellings (applicable to free market and affordable dwellings separately) within the development hereby approved shall be designed and built to meet requirement M4(2) of the 2015 Building Regulations for accessible and adaptable dwellings.

44) The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.

45) Prior to the commencement of above ground level construction works within each phase, details of water conservation measures designed to maximise water conservation for non-residential uses shall be submitted to and approved in writing by the local planning authority. No commercial use in any phase of the development hereby approved shall take place until the measures for that phase have been installed as approved and brought into use and such measures shall be permanently retained thereafter.

46) Prior to first occupation of any commercial floorspace (excluding public car parking) within each phase (as approved under condition 20) an Energy Scheme for that phase shall be submitted to and approved in writing by the local planning authority. The Energy Scheme shall set out the measures to provide energy from decentralised, renewable or low–carbon sources to achieve at least the equivalent estimated renewable contribution of the Baseline Energy for the site as set out in section 8.01(ii) of the Energy Statement Report – Revision A.

No use of the commercial floorspace in that phase shall take place until the agreed measures have been installed and brought into use and such measures shall be permanently retained thereafter.

47) The residential development hereby permitted in any phase (as approved under condition 20) shall incorporate the sustainable design and construction measures to achieve the estimated energy and carbon emissions reductions specified in section 8.00 of the Energy Statement

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Report – Revision A or such other measures (which shall achieve at least the equivalent estimated energy and carbon emissions) as may be submitted to and approved in writing by the local planning authority prior to works above ground level on that phase.

48) No occupation or use of any part of any phase of the development hereby approved shall take place until details of all external lighting, including any security or other intermittent lighting, relevant to that part of that phase have been submitted to and approved in writing by the local planning authority.

Such details shall include specifications for the proposed lighting, its location and position within the site, height and levels of illumination. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly.

The external lighting shall be specified having regard to the need to minimise the risk to aviation and should be of a flat glass, full cut-off design, and should be horizontally mounted to prevent light spill above the horizontal.

The development shall be carried out in accordance with the details approved for that part of that phase and retained as such thereafter.

49) No use of any commercial premises (including public car parking) within any phase (as approved under condition 20) shall take place until:

a) an Anglia Square Shopping Centre Travel Information Plan has been submitted to and approved in writing by the local planning authority. The Travel Information Plan shall:

- make provision for travel information to be publicised to existing and potential future staff, customers and visitors; and
- specify the different methods to be used for publicity and the frequency of review; and

b) the travel information has been made available in accordance with the Plan as approved.

This information shall include details of the public transport routes (including particular reference to Norwich Park and Ride) and services available within 800 metres walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car. Once made available it shall be maintained thereafter in accordance with the agreed review details.

50) No residential occupation of any dwelling within each phase (as approved under condition 20) shall take place until:

a) a Residential Travel Information Plan has been prepared and submitted to and approved in writing by the local planning authority. The Travel Information Plan shall:

- make provision for travel information or information sources to be publicised to residents; and

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- specify the different methods to be used for publicity and the frequency of review; and

b) the travel information or information sources have been made available in accordance with the Plan as approved.

This information shall include details of the public transport routes and services available within 800 metres walking distance of the site, on site cycle parking provision, city wide cycling route network, car club provision and any other measures which would support and encourage access to the site by means other than the private car. Once made available it shall be maintained thereafter in accordance with the agreed review details.

51) Prior to first occupation of any dwelling within each phase (as approved under condition 20) a detailed scheme for the provision of Electric Vehicle Charging Points (EVCP) shall be submitted to and approved in writing by the local planning authority. The scheme shall make EVCP provision in accordance with the table on page 39 of the Design and Access Statement - Addendum and additional information provided in the email from the applicant dated 8th November 2018.

No occupation of any dwelling within each phase shall take place until the EVCP provision for that part of that phase has been installed as approved and brought into use. Such provision shall be permanently retained thereafter.

52) The residential car parking provision within the development hereby permitted shall be used only for the vehicles of the residents of the development or their visitors and for no other purpose, including public, commuter or contract parking.

53) Prior to first occupation of any dwelling within each part of each phase (as approved under condition 20) a detailed scheme for secure bicycle parking and refuse and recycling storage within that part of that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of that part of that phase of the development and shall be retained and maintained in this condition thereafter.

54) Prior to first occupation of any commercial floorspace within each phase (as approved under condition 20) a detailed scheme for secure staff bicycle parking and refuse and recycling storage within that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of that phase of the development and shall be retained and maintained in this condition thereafter.

55) Prior to first occupation of each phase (as approved under condition 20) a Delivery and Servicing Management Plan for permanent delivery and servicing arrangements in that phase and any completed phases and interim arrangements (operational during the construction phase) for phases yet to be completed shall be submitted to and approved in writing by the local planning authority. The Plan shall include operational arrangements for delivery areas, bays and routes through the site.

The development shall be operated in accordance with the agreed details.

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56) The floorspace for purposes within Use Classes A3 and A4 hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises other than at the following times:

07:00 hrs to 24:00 hrs Friday to Sunday

07:00 hrs t0 23:30 hrs Monday to Thursday

57) The cinema hereby permitted shall not be open to the public until a scheme setting out screening times and any other measures to safeguard the living conditions of local residents has been submitted to and approved in writing by the local planning authority. The cinema shall thereafter be operated in accordance with the approved scheme.

58) Prior to first use of any premises for purposes within Use Class A3 or A4 a scheme for the effective control of fumes and odours from the premises, or to justify that there will be no fumes or odours generated by the occupier, shall have been submitted to and approved in writing by the local planning authority.

The detailed scheme shall include where required the position of ventilation, extraction, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance.

The use shall not commence until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.

59) Notwithstanding the provisions of Schedule 2, Part 7, Class I of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no plant or machinery shall be installed or erected on the site unless details have first been submitted to and approved in writing by the local planning authority. The details shall include:

a) evidence that the rating level of the noise from plant/machinery shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to the nearest window at the nearest residential façade. Measurement and assessment shall be made according to British Standard BS8223 and shall take into account cumulative impact from other plant requirements of the development;

b) details of any enclosure or screening; and

c) details specifying the maintenance procedure and schedule.

Once installed, any such plant or machinery shall thereafter be retained and maintained in accordance with the approved details.

60) Notwithstanding the provisions of Schedule 2, Part 16, Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no communication apparatus or antennae shall be installed

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on any building hereby approved without express grant of permission by the local planning authority.

61) Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning General Permitted Development Order 2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification), the development hereby approved permits a maximum of 11,000 square metres Gross External Area of flexible commercial floorspace and this shall not be exceeded by internal or external alteration of the buildings without the specific grant of a further permission.

62) Notwithstanding the provisions of Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), the change of use of floorspace falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule which results in the reduction of Class A3 and A4 floorspace within the identified Leisure Square bounded by the units shaded in pink and yellow on drawing A03-P2-054 '03 Plans- Illustrative Ground Level Plan for Retail Strategy' falling below 1,125 sqm Gross Internal Area (as required by condition 17) shall require the express grant of permission by the local planning authority.

63) Notwithstanding the provisions of Schedule 2, Part 3, Class M and Class O of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), the change of use of floorspace falling within Use Classes A1, B1a and specified sui-generis uses (betting offices) to a use falling within Use Class C3 (dwelling houses) shall require the express grant of permission by the local planning authority.

64) Prior to the first use of any commercial floorspace within each phase (as approved under condition 20) an Anglia Square Public Space Strategy covering public spaces associated with that phase and taking into account any such strategy agreed for an earlier phase shall be submitted to and approved in writing by the local planning authority. The Strategy shall include management and maintenance arrangements for all public realm spaces as completed for that phase (routes and squares) and shall include:

a) terms of use for tenants including outdoor seating;

b) events strategy;

c) external noise management arrangements;

d) security and anti-social behaviour management arrangements;

e) signage scheme; and

f) litter bins and litter collection.

The public spaces shall be managed in full accordance with the agreed Strategy thereafter unless otherwise agreed in writing by the local planning authority.

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65) Prior to the first use of any commercial floorspace within the development a Shop Mobility Scheme including facilities and arrangements to make the large district centre more accessible to people who have mobility difficulties shall be submitted to and approved in writing by the local planning authority. The Scheme shall include details of long term management arrangements. The development shall be operated in accordance with the approved Scheme.

66) The open market residential flats hereby approved shall be designed to meet the standards in 'Technical housing standards – nationally described space standard' dated March 2015 for, in so far as the 1 bedroom flats are concerned, 1 bed 2 person 1 storey dwellings or, in so far as the 2 bedroom flats are concerned, 2 bed 4 person 1 storey dwellings'.

*End of schedule of conditions*

Richborough Estates

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

**RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

**SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

**Challenges under Section 288 of the TCP Act**
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

**SECTION 2: ENFORCEMENT APPEALS**

**Challenges under Section 289 of the TCP Act**
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

**SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

**SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

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