



Town and Country Planning Act 1990 - Section 77
Town and Country Planning (Inquiries Procedure) (England) Rules
2000

Planning Proof of Evidence

Site:	Anglia Square including land and buildings to the north and west
Applicant:	Weston Homes PLC and Columbia Threadneedle Investments
Local Planning Authority:	Norwich City Council
Name of witness:	David Parkin (MRTPI)
PINS reference:	APP/G2625/V/19/3225505
LPA reference:	18/00330/F
Reference:	NCC1/1

Norwich City Council
City Hall
St Peter's Street
Norwich City Council NR2 1NH

Table of Contents

1	INTRODUCTION.....	1
2	THE SITE AND SURROUNDINGS	2
3	RELEVANT PLANNING HISTORY	5
4	HISTORY OF THE SCHEME BEFORE THE INQUIRY	6
5	PLANNING POLICY.....	9
6	ASSESSMENT.....	29
7	PRINCIPLE OF DEVELOPMENT	30
8	DEVELOPMENT VIABILITY.....	37
9	THE PRINCIPLE OF HOUSING.....	44
10	RETAIL AND OTHER TOWN CENTRE USES.....	53
11	SOCIO-ECONOMIC CONSIDERATIONS	58
12	DESIGN AND HERITAGE	62
13	LANDSCAPING AND OPEN SPACE	64
14	AIR QUALITY	66
15	AMENITY.....	67
16	TRANSPORT	68
17	OTHER MATTERS.....	69
18	RESPONSE TO OBJECTIONS.....	73
19	SUMMARY AND OVERALL BALANCE.....	86
20	CONCLUSIONS	100

1 INTRODUCTION

- 1.1 I am David Parkin, Area Development Manager for Norwich City Council. I manage the inner area team and oversee all major applications within Norwich city centre. I have been employed in this role since 2016.
- 1.2 I hold a degree in Transport Management and Planning from Loughborough University and a Postgraduate Diploma in Urban Planning from Oxford Brookes University. I am a member of the Royal Town Planning Institute. I have worked in planning and related disciplines since 1990, predominantly in development management in a local government setting.
- 1.3 I have been involved in developing the scheme that is the subject of this Inquiry since joining the Council in 2016 and assisted with the drafting of the committee report that was considered in December 2018.
- 1.4 My evidence is set out as follows:
- Section 2 The site and surroundings;
 - Section 3 Relevant planning history;
 - Section 4 The history of the scheme that is before the inquiry
 - Section 5 Planning policy
 - Section 6 Assessment
 - Section 7 Principle of development
 - Section 8 Development viability
 - Section 9 The principle of housing
 - Section 10 Retail and town centre uses
 - Section 11 Socio-economic considerations

- Section 12 Design and heritage
- Section 13 Landscaping and open space
- Section 14 Air quality
- Section 15 Amenity
- Section 16 Transport
- Section 17 Other matters
- Section 18 Response to objections
- Section 19 Summary and overall balance
- Section 20 Conclusions

2 THE SITE AND SURROUNDINGS

2.1 The application site measures approximately 4.5 hectares and includes three parcels of land. Most of the application site comprises the existing Anglia Square Shopping Centre and associated adjoining land (4.11 hectares). This parcel forms an island of land and buildings enclosed by St Crispin's Road flyover, Pitt Street, New Botolph Street, Edward Street and Magdalen Street. Two small parcels of land are located to the north of the main site and comprise two separate areas of open land adjacent to Edward Street.

2.2 The main site is currently occupied by; the Anglia Square Shopping Centre including a multi-storey car park, (closed), Sovereign House,(vacant), Gildengate House, (temporary artists' studio use), cinema, (vacant), two night clubs, (vacant), pool club, (vacant), retail and other mixed use properties, (some vacant), a chapel (Surrey Chapel) fronting St Crispin's Road, and surface level car parking. This part of the site also contains Botolph Street and Cherry Lane and a service road for Anglia Square called Upper Green Lane.

- 2.3 Anglia Square was extensively redeveloped during the 1960s and 1970s following the construction of St Crispin's Road. The urban renewal scheme comprised of a precinct of retail, leisure and office units and buildings. The existing shopping centre has a range of retail units including large format stores occupied by QD, Iceland and Poundland and smaller units occupied by a mix of national and independent retailers. At the upper level there is a now vacant 4 screen cinema and a multi-storey public carpark (closed), both accessed via St Crispin's Road and Upper Green Lane. Sovereign House and Gildengate House are substantial multi-storey office buildings 6-7 storeys in height. Sovereign House was formerly occupied by Her Majesty's Stationary Office (HMSO) and at one time over 2000 office workers were based there. This building has been vacant since November 2000¹¹ and has become visibly more dilapidated over time. Gildengate House ceased office use in 2003, was vacant between 2003 and 2009 before being partly occupied as artist studios on a temporary basis.
- 2.4 Within the south western sector of the main site is Surrey Chapel Free Church and a number of premises fronting Pitt Street (41-61 Pitt Street). The church is in active use and the other premises are vacant or occupied on flexible leases by a number of businesses and social enterprises including Men's Shed, MensCraft, Farm Share, Print to the People and a car wash.
- 2.5 A schedule listing buildings located within the application site is included with the Draft Statement of Common Ground (Appendix 1) (CD11.9). The list specifies for each building: existing planning use class; floorspace (m² GIA); and vacant floorspace (sqm GIA). The application site includes a total of 49,241m² (GIA) of existing floorspace. Currently 67% (33,268m² GIA) of this floorspace is vacant.

¹ Based on business rate records: Sovereign House was taken out of rating November 2000.

- 2.6 The application includes two smaller sites, to the north of and separated from the main site. The western of the two smaller sites fronts New Botolph Street and Edward Street (0.27ha). The eastern of the two sites lies north of Edward Street, to the west of its junction with Beckham Place (0.13ha).
- 2.7 The eastern part of the main site is bounded by Magdalen Street. Surrounding buildings along this section of Magdalen Street are predominantly 19th century two and three storey buildings with retail units at ground floor level, as well as a large four storey late 20th century building immediately opposite, accommodating Roy's department store, a post office and Riley's Sports Bar. The former Barclays bank (100 Magdalen Street) on the corner of Magdalen Street and Edward Street is physically connected to the shopping centre structure but excluded from the planning application. It has been converted to retail use on the ground floor, but is currently vacant. Magdalen Street is a key route taking vehicular and pedestrian traffic from the northern suburbs into the city centre, under the St Crispin's Road flyover. A number of bus stops are located on Magdalen Street adjacent to the flyover. Opposite the north-eastern corner of the Site, at the junction of Edward Street and Magdalen Street, is a former doctor's surgery (The Gurney Surgery) and a pharmacy. The doctor's surgery has recently relocated to larger premises on Fishergate to the south-east of the Site.
- 2.8 To the north of Edward Street, the area surrounding the land east and west of Beckham Place includes a variety of generally larger scale modern buildings, including Dalymond Court, (a pair of four storey residential apartment buildings) to the west, and the three storey Epic Studios building to the east.

2.9 The area to the northwest of the site is largely residential in character, comprising predominantly two storey 19th century terraced houses. St Augustine's Street is lined with older two storey properties many of which have retail/commercial uses at ground floor. Many of the properties on St Augustine's Street and connecting streets (e.g. Sussex Street) are statutorily or locally listed. To the northwest of the junction of New Botolph Street and St Augustine's Street is St Augustine's Church (Grade I listed), the only surviving medieval church north of St Crispin's Road. To the south of the church is a Grade II Listed timber-framed residential terrace comprising of 2-12 Gildencroft. To the south of the terrace is Gildencroft Park which includes a large children's play area. Adjacent to the park there is a collection of commercial properties located towards the roundabout with St Crispin's Road, on the west side of Pitt Street, facing those within the Site.

2.10 To the south of Anglia Square is St Crispin's Road, a dual carriageway and flyover, which is fronted on its southern side by modern larger scale commercial buildings (up to 6 storeys) along with the rear of the Grade II Listed Doughty's Hospital. This listed building, comprises two storey 19th century terraced almshouses for the elderly, built around a central garden. St Mary's House and St Crispin's House front the St Crispin's Road roundabout. Both sites have been the subject of recent planning approvals involving comprehensive redevelopment (St Mary's House 16/01950/O) and conversion to student residential involving an increase in building height (St Crispin's House 17/01391/F)

3 RELEVANT PLANNING HISTORY

3.1 The planning history of the site is set out in the Committee Report at paragraphs 15-20 (CD9.1).

4 HISTORY OF THE SCHEME BEFORE THE INQUIRY

Pre-application

- 4.1 Columbia Threadneedle have owned the Site since 2014 having purchased the site from the National Asset Management Agency (a body created by the Irish Government in response to the banking crisis). They started discussions with the Council regarding future proposals for redevelopment of the site the following year and by 2016 a formal pre-application advice process involving both Columbia Threadneedle and Weston Homes had commenced.
- 4.2 In response to changes in economic conditions which made it unlikely that the retail-led consented schemes would proceed and the expiry of the adopted Area Action Plan for the northern city centre, which included site specific policies for the site, the Council has sought both to provide substantial pre-application advice to the new owners and to ensure that there remains an agreed policy framework for the determination of future planning applications on this site.
- 4.3 The Council adopted the Anglia Square Planning Guidance Note (PGN)(CD2.11) in March 2017. The purpose and status of this document is addressed in paragraph 5.57 – 5.59 of my evidence. Detailed pre-application discussions took place concurrently with the preparation of this planning guidance. The pre-application process included two independent design reviews by Design South - East (CD11.15 and CD11.16) and two public /stakeholders consultation events undertaken by the applicant.

The application

4.4 The planning application which is the subject of the public inquiry was received by the Council on 26 March 2018 and registered under reference 18/00330/F by the Council (the **Application**). The full description of the proposed development is set out in the Council's Statement of Case - Appendix 1(CD11.1). A summary of the development proposal 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'

4.5 The Application was submitted as a 'hybrid' planning application where block A (phase 1 of the development) together with public realm areas and the Tower were submitted in 'detail' with the remainder of the Application submitted in 'outline'. It was subject to a number of amendments following submission which were subject to consultation prior to consideration at Planning Applications Committee.

4.6 On 6 December 2018, the Council's Planning Applications Committee resolved to grant planning permission for the development submitted pursuant to the Application, subject to the imposition of planning conditions and the completion of a Section 106 planning obligation. The officer's report (the **Committee Report**) to the Planning Applications Committee (CD9.1) including minutes of the meeting (CD9.2) sets out the Council's detailed consideration of the Application.

- 4.7 Prior to the committee meeting date, the Planning Casework Unit, on behalf of the Secretary of State contacted the Council and requested that it should be notified of the committee's resolution regarding the Application. Following this notification, on 7 December 2018 the Council received a direction pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requiring it not to grant planning permission in respect of the Application without specific authorisation from the Secretary of State. On the 21 March 2019, the Secretary of State subsequently confirmed in writing his decision to call-in the Application for his own determination.
- 4.8 The call-in letter (at paragraph 7) (CD11.35) 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. These are:

- (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 (CD1.1));
- (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);
- (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.

4.9 At the Pre-Inquiry Meeting dated 25 October 2019 the following additional matters were identified:

- (a) The effect of the proposal on air quality
- (b) Viability and the prospects for delivery of the scheme as a whole

5 PLANNING POLICY

5.1 The starting point when considering the application is the development plan. In this case, this consists of three separate documents:

- (a) The Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted in March 2011 together with amendments that were adopted in January 2014 (the JCS)(CD2.2);

(b) Norwich Development Management Policies Local Plan, adopted in 2014 (The DM Plan)(CD2.3); and

(c) Norwich Development Site Allocations Local Plan that was adopted in December 2014 (the SA Plan) (CD2.4).

5.2 The site is not allocated for development in the SA Plan. It was previously allocated for development in the Northern City Centre Area Action Plan (2010) (CD2.12). This plan expired on the 1st April 2016.

5.3 The Joint Core Strategy (JCS) has been prepared by the three councils of Broadland, Norwich and South Norfolk working together with Norfolk County Council as the Greater Norwich Development Partnership (GNDP). The JCS sets out the long-term vision and objectives for the area up to 2026, including strategic policies for steering and shaping development.

5.4 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets a legal requirement for reviews of local plans at least every five years. The JCS was adopted by the Council in January 2014. No review of the JCS was undertaken before January 2019.

- 5.5 The Council is working with Broadland District Council, South Norfolk District Council and Norfolk County Council to prepare the new Greater Norwich Local Plan (the GNLP), which will plan for development until 2036. As of October 2019 the timetable for the production of the GNLP has slipped compared to the published timetable. The GNLP will include strategic planning policies and will also allocate individual sites for development. The Regulation 18 Draft Plan Consultation will include strategic policies in relation to housing delivery, the economy, Norwich City Centre and a site specific policy for the development of Anglia Square. At the date of the submission of the proof of evidence a version of the Draft Plan is not in the public domain ahead of the Regulation 18 formal consultation period which is now scheduled to commence in February 2020. When the policies are first published, it will be appropriate to apply only very limited weight to them given the stage reached in the plan making process.
- 5.6 The Development Management Policies Local Plan (DM policies plan) sets out detailed planning policies to help guide and manage change and development in Norwich until 2026. The policies apply across the whole city. The DM policies plan builds on and supports the sustainable growth strategy for the wider area set out in the adopted Joint Core Strategy. The Council has recently undertaken a Regulation 10A review of the DM policies plan (CD11.12). This found no immediate case for commencing full or partial review of the DM Policies plan. All policies have been found to be 'fit for purpose at the present time' but a 'future review is considered desirable' for a number.
- 5.7 Paragraph 213 of the NPPF19 sets out that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

5.8 The application proposes a housing-led mixed use redevelopment of the Site. The development plan policies set out below are considered to be the most important for determining the application. The relevance of each is explained and consistency with the NPPF assessed along with whether the policy can be considered up to date.

JCS Policies

5.9 The following JCS policies are considered to be the most important for determining the application. Unless otherwise specified all are considered sound and consistent with relevant parts of the NPPF.

JCS 1 Addressing climate change and protecting environmental assets

5.10 Government policy places considerable emphasis on the need to minimise emissions and respond to the effects of climate change. JCS 1 sets out the strategy for addressing climate change and protecting environmental assets. The policy is broad in its scope encompassing the location and design of new development and the protection of both the natural and built environments. This policy has an overarching relevance to a number of aspects of the proposal, including: the form, detailed design, mix and density of development and the travel strategy.

5.11 Of particular relevance to this planning application is: the development has been screened as Schedule 2 development under the Town and Country Planning (Environmental Impacts Assessment) Regulations 2017 (EIA Regulations); and, that given the scale of growth and possible impact of additional recreational pressure on the integrity of European and Ramsar designated sites the Council has undertaken a Habitats Regulation Assessment (HRA). In regards to complying with the latter, the Council is satisfied that the submitted information is sufficient to assess the impact of the development on the integrity of European and Ramsar designated site. In regards to the ES the Planning Inspectorate in the Inspector's Note and Agenda – Addendum dated 1 November 2019 has requested the submission of supplementary information in relation to demolition activities and a Site Waste Management Plan.

5.12 JCS 1 also establishes the strategic position regarding conserving and enhancing the built and historic environment.

JCS 2 Promoting good design

5.13 JCS 2 sets out the strategic policy for promoting good design and DM3 sets out the detailed design principles against which the quality of development is assessed.

5.14 Both of these policies are addressed in evidence given by the Council's Conservation and Design officer. Both policies are considered up to date and consistent with the NPPF which identifies good design as a key aspect of sustainable development.

JCS 3 Energy and water

5.15 JCS 3 sets out the strategic policy for a) the use of decentralised and renewable or low carbon energy and b) water usage.

JCS 4 Housing delivery

- 5.16 JCS4 sets out the strategic approach to housing delivery including the need to contribute to a diverse mix of uses in the locality, to have regard to the housing delivery targets in the JCS, and to provide for a mix of dwellings in terms of size, type and tenure. The policy sets out affordable housing requirements, the proportion varying dependent on the total number of homes proposed in a scheme, but up to a maximum of 33%. In terms of affordable housing tenures the JCS seeks 85% social rented housing and 15% intermediate tenures.
- 5.17 Policy JCS4 provides policy on a number of aspects of housing delivery: in accordance with national requirements it specifies the quantum of new homes, 36, 820 to be delivered across the plan area between 2008 and 2026. The policy requires the vast majority of this delivery, 33,000, to be concentrated in and around Norwich by specifying the quantum of these that should be delivered in the Norwich Policy Area (NPA). The Norwich Policy Area (identified on page 60 of the JCS - Main Housing Allocations Map CD 2.2) is a long standing local planning area used to ensure that growth needs arising from the Norwich urban area are addressed as close to it as possible. The 2013 City Deal for Greater Norwich (CD11.14) commits the local authorities to bring forward 3000 additional homes on top of the JCS targets by 2026.
- 5.18 In the Council's Statement of Case (CD11.1) the Council advised that in its opinion JCS4 can no longer be considered up to date and that aspects of policy are now at odds with various aspects of government policy, notably with regard to the provision of low cost home ownership and the requirement for affordable housing provision on smaller sites. These matters are addressed in the housing section of this proof.

JCS5 The Economy

5.19 JCS 5 in accordance with chapter 6 of the NPPF sets out a strategic vision for the local economy. The overriding objective of the policy is to support jobs and economic growth in a sustainable way, providing for a rising population and as an engine for the wider economy. The strategy includes the allocation and protection of employment, support for innovation, skills and training and recognition of the economic value of promoting tourism, leisure, environmental and cultural industries.

JCS 6 Access and transportation

5.20 JCS 6 sets out a transport strategy for the plan area to promote sustainable economic development, improve local quality of life, reduce the contribution to climate change, promote healthy travel choices and minimise the need to use the private car.

JCS9 Strategy for growth in the Norwich Policy Area

5.21 JCS 9 sets out the strategy for employment growth within the Norwich Policy Area including the significant expansion of office, retail and leisure provision within Norwich City Centre. The policy includes land being identified to deliver at least 100,000m² of new office floorspace.

5.22 The 2017-2018 Annual Monitoring Report (AMR)(CD2.14) shows that some of the JCS economic indicators are not on target - particularly the office floorspace, and the city centre retail floorspace are not growing as envisaged.

5.23 In 2017/18, the city has experienced an increased net loss of office space, in comparison to 2016/17. This shows a continuation in a trend that from 2008 to 2018 has seen the overall net reduction in the office floor space of around 25.8%. In relation to retail, the trend evident since April 2008 is for a continued slow reduction in retail floor space within the city centre.

5.24 There is a strong argument that the ambitious JCS9 targets for office and retail development reflect older business models and less efficient use of space. However, aside from these targets the overall economic strategy of both policies remain sound and consistent with the NPPF.

JCS7 Supporting communities

5.25 JCS7 sets out the strategy for supporting communities and states that all development will be expected to maintain or enhance quality of life and the wellbeing of communities and will promote equality and diversity, and protect and strengthen community cohesion. The policy encompasses health, crime, education, community infrastructure and cohesion and is consistent with the NPPF and the Government's planning policies in relation to healthy and safe communities.

5.26 JCS7 seeks to enhance quality of life and wellbeing and tackle social deprivation.

JCS 11 Norwich city centre

5.27 This policy sets out the strategic policy for Norwich city centre and the policy context for Anglia Square until 2026, providing a framework for future development.

5.28 Norwich is a regional centre and transport node. The city centre is the most sustainable location for major mixed use development and focusing growth here creates the potential for boosting agglomeration benefits. JCS 11 seeks an enhanced regional role for the city centre, as the main focus for retail, leisure and office development, with housing and educational development reinforcing its vibrancy. It is stated that the role of Norwich city centre will be enhanced through an integrated approach to economic, social and cultural regeneration to enable greater use of the city centre, including redevelopment of brownfield sites. The policy identifies the city centre as suitable for high density housing which will support the vibrancy and role of Norwich as a regional centre.

5.29 The Northern City Centre, in which the site is located, is identified as an area for comprehensive regeneration. The City Centre Key diagram specifically identifies Anglia Square as an 'Area of change' for mixed development (residential, commercial and retail) with an improved public realm. The JCS 11 refers to the Northern City Centre Area Action Plan. This plan which was adopted in March 2010 and has now expired, included both area wide and site specific policies to deliver by 2016 the vision for the regeneration of the area:

'the future northern city centre will have a distinctive identity , including a developing strength in locally based cultural and arts activities, and a safe and attractive public environment that encourages people to walk and cycle around the area . This will enable the area to attract investment in jobs and in the district centre services, which will sustain a vibrant economy and employment base. The regeneration of Anglia Square and other parts of the core of the area, combined with the conservation and enhancement of the historic built environment, will contribute strongly to that economic vibrancy. This will create a strong district centre function, serving the wider suburban areas of North Norwich, while providing excellent accessibility by all modes of transport both for movements from that catchment area and for movements within the wider city centre'

JCS 19 Hierarchy of centres

5.30 JCS policy 19 in accordance with the NPPF defines a network and hierarchy of town centres. Under JCS19, Norwich city centre sits at the top of the hierarchy.

5.31 Anglia Square/Magdalen Street is defined as a Large District Centre (LDC), where new retailing, services, offices and other town centre uses will be encouraged at a scale appropriate to its form and function.

Development Management Plan

DM1- Achieving and delivering sustainable development

5.32 This policy outlines the Local Plan's overall goals for balancing economic environmental and social dimensions of sustainability through planning policy and decision making.

DM2 - Ensuring satisfactory living and working conditions:

5.33 This policy contains three parts. 1) Existing occupiers: Outlines that development must not have unacceptable impacts on amenity and highlights loss of privacy, loss of light and outlook and noise, odour etc. disturbance as particular considerations. 2) Future occupiers: Development must ensure satisfactory living and working conditions for future occupiers which should be maintained without restricting adjacent uses and activities. Space standards must be considered. 3) External amenity space in residential development: Appropriate standard of external space must be provided, landscaped to a high standard and give consideration to servicing requirements. The policy outlines conditions under which under/non-provision would be acceptable.

DM3 - Delivering high quality design.

5.34 This policy is comprised of ten parts, covering the following matters: gateways, long views, local distinctiveness and character, layout and siting, density, height, massing scale and form, design of roads and streets, materials and details, green infrastructure, landscaping and biodiversity and energy efficiency and climate change. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable given: new NPPF requirements to support opportunities for using airspace; publication of National Design Guide 2019; and reference in the policy to various standards and guides which are no longer applicable or have been updated.

DM5 – Planning effectively for flood resilience.

5.35 This policy contains three parts: 1) Flooding - This part of the policy outlines that flood risk assessment should be undertaken as necessary and development would be expected to utilise the sequential approach for site selection, except where a proposal relates to an allocated site or a site within defined city centre regeneration area. In other locations, the policy outlines matters which must be taken into consideration as part of the site selection. 2) Sustainable drainage and surface water flooding. This part of the policy requires sustainable drainage measures to be incorporated into for new buildings and extensions, and requires development within critical drainage areas to avoid increasing the vulnerability of the site or the wider catchments to surface water flooding. Proposals in these areas should also have a positive impact on the drainage situation of the site. 3) Surface Treatment - This part of the policy outlines that permeable surfaces should be used across all development proposals and outlines exemptions. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable given the benefit of including more detailed advice on assessment of risk.

DM6 - Protecting and enhancing the natural environment.

5.36 This policy is made up of several parts. Natural Environmental Assets - Development to take all reasonable opportunities to protect and enhance natural environment (including areas adjoining the City). Schemes that provide benefits will be supported. Where this is not possible, biodiversity offsetting will be required. National Sites and SSSIs: The benefits of a proposal in these areas must clearly and substantially outweigh any harm. Environmental Statements should be provided. Remaining parts of the policy relate to regional and local Site and the Yare Valley Character Area. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the timescale for the enactment of the Environment Bill 2019 which includes mandatory requirements for biodiversity gain.

DM7 - Trees and development.

5.37 This policy is made up of several parts: Trees and Development- Trees should be retained in development unless there are overriding benefits or the long-term survival is compromised. Further parts of the policy relate to loss of protected trees and hedges and the provision of street trees on development with highway frontages over 10m except where design approach would preclude this. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the timescale for the enactment of the Environment Bill 2019 which includes mandatory requirements for biodiversity gain.

DM8 - Planning effectively for open space and recreation.

5.38 This policy is comprised of two parts: Firstly, Protection of existing open space – This outlines the criteria which must be complied with for the loss of existing open space or recreation space to be considered acceptable. Secondly, provision of new open space - All development involving the construction of new dwellings will be expected to contribute toward open space provision. Specific requirements are set out for different development types/sizes. New open spaces will be supported where they make positive contribution to amenity and biodiversity, and where there is no conflict with site allocations. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the timescale for the enactment of the Environment Bill 2019 which includes mandatory requirements for biodiversity gain.

DM9 - Safeguarding Norwich's heritage

5.39 This policy is comprised of four parts: 1) Historic Environment and Heritage Assets: All development must have regard to the significance of an asset and shall maximise opportunity to preserve, enhance or better reveal significance. 2) Promotion of heritage interpretation measures. Requires legally binding commitment for a viable scheme prior to commencement of works which involve loss of an asset. 3) Local assets- Presumption in favour of retention of asset. Loss/harm permitted only where there are demonstrated overriding benefits and no reasonable/viable use of retention. This part of the policy outlines consideration or the preservation and recording of archaeological features. 4) Other heritage assets - Outlines the level of consideration to be given to undesignated heritage assets.

DM 11 - Protecting against environmental hazards.

5.40 This policy contains five parts and in particular relates to: Contamination - This section outlines that sites at risk of contamination or within an identified distance of a former landfill site must demonstrate that there is no risk or mitigation measures to deal with any risk. Air and Water Quality - Where development is likely to impact air quality in an AQMA regard must be had to relevant action plans and the incorporation of appropriate mitigation measures. Where development is likely to impact a groundwater source protection zone, principal aquifer etc. appropriate mitigation measures should be incorporated to protect water quality. Noise - This part outlines that development proposals must include appropriate measures to mitigate for the impacts of noise and outlines elements to be taken into consideration in the determination of planning applications. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the timescale for the enactment of the Environment Bill 2019.

DM12 - Ensuring well-planned housing development.

5.41 This policy outlines that residential development will generally be permitted except where: there is conflict with a non-residential site allocation, unresolved objection from HSE, within or adjacent to the late night activity zone, conversion of non-residential floorspace at ground floor in defined retail centres. The policy also outlines a number of other criteria which development is required to comply with such as: not compromising wider regeneration, no detrimental impacts on character and amenity, achieving a diverse mix of uses, achieving a mix of dwelling type, size and tenure, achieving appropriate density and accordance with Lifetime Homes (or equivalent) standard.

DM13 - Communal development and multiple occupation.

5.42 This policy contains two parts, the first part being relevant: Flats, bedsits and larger HMOs- This part of the policy outlines that proposals for the above will be permitted where they achieve a high standard of amenity for both existing and future occupiers and can demonstrate satisfactory servicing, parking and amenity space within the limitations of the site. Proposals are also expected to comply with the relevant parts of DM12.

DM16 - Supporting the needs of business.

5.43 This policy outlines that proposals for employment uses and business development will be permitted where consistent with DM1. The policy also outlines that defined employment areas will be prioritised for employment uses and other forms of economic development provided there is no conflict with other policy relating to town centres or office development. Proposals for employment development in employment areas will be permitted subject to protection of amenity. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the findings of further monitoring of employment uses.

DM17 - Supporting small business.

5.44 This policy contains two parts. 1) New business development will be permitted provided it complies with other relevant local plan policy. 2) Existing business premises will be safeguarded for Class B business use and other economic development. The loss of suitable business premises will only be permitted subject to exception criteria relating to whether there is evidence that the unit can be re-used for business purposes (viability, feasibility), whether retaining the business would have unacceptable amenity impacts/compromise regeneration and whether there is an overriding community benefit from the new use. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the findings of further monitoring of employment uses.

DM18 - Promoting and supporting centres.

5.45 This policy is comprised of several parts. The first part is relevant: Within defined centres, retail, leisure and main town centre uses (not offices) are to be permitted subject to certain criteria relating to policy JCS19 (hierarchy of centres) and policies DM20 and DM21. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the findings of further monitoring of main town centre use floorspace.

DM19 - Encouraging and promoting major office growth.

5.46 This policy is comprised of three parts. The following parts are relevant: Location for new office development - Encourages the location of office development within defined centres, subject to criteria, including compliance with DM20 and DM21. Protection of high quality office space - The loss of existing office space (1500m² and above) for non-residential purposes will not be permitted unless compliance with exception criteria can be demonstrated relating to the poor quality of the existing space, improving the quality of the space and bringing into use long term vacant premises. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable depending on the future monitoring of employment uses.

DM20 - Promoting and supporting city centre shopping.

5.47 This policy aims to protect the retail offering within defined primary and secondary retail areas and large district centres by only permitting the change of use from A1 where there will not be a harmful impact on vitality/viability and where the proportion of A1 units would not fall below thresholds outlined in the Main Town Centre Uses and Retail Frontages SPD. The SPD sets out a number of requirements for planning applications, that seek to maintain and support the viability of the Large District Centre which include: seeking to maintain a minimum of 60% of defined retail frontage in retail use; and supporting the further expansion of hospitality uses supporting the evening economy complementary to main town centre uses, and community uses. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable to respond to the net reduction in office floorspace within the city and the findings of new evidence prepared to support the preparation of the Greater Norwich Local Plan.

DM28 - Encouraging sustainable travel.

5.48 This policy requires new development to reduce the need to travel overall, but particularly by private car. The policy outlines a number of criteria relating to maximising the choice of sustainable modes of transport and refers to design principles to integrate transport networks within and between sites and creating attractive places. Reference is made to travel planning and provision of car club spaces.

DM29 - Managing car parking demand in the city centre.

5.49 This policy outlines that public off-street parking will only be permitted within the city centre and will not exceed 10,000 parking spaces. The policy makes reference to a number of other criteria to be considered including: consideration of existing provision, provision of high quality, high capacity accessible parking and making efficient use of land, encouraging short and mid-stay, ensuring parking is accessible from the ring road with pedestrian links to the city centre, and provide electric charging points. The policy outlines scenarios in which the redevelopment of existing car parks will be permitted. The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable to extend the scope of the policy to locations outside the city centre parking area..

DM30 - Access and highway safety.

5.50 This policy is comprised of several parts: Design and layout of roads, discouraging access onto principal/main distributor routes and setting out criteria for new accesses and private driveways in other areas. Additional reference is made to ensuring safe passage of pedestrians, cyclists and vehicles (where appropriate). The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable to strengthen the requirements for electric vehicle charging points and infrastructure.

DM31 - Car parking and servicing.

5.51 Developments should adhere to the car parking, cycle parking and servicing facilities outlined in Appendix 3 of the DMP. Appropriate amount and quality of the above need to be provided for development to be considered acceptable. Requires the provision/alteration of on street parking controls where relevant. Requires provision of car club vehicle where relevant. Where it is demonstrated that the above cannot be provided on site, they may be located nearby if this is appropriate.

DM32 - Encouraging car free and low car housing.

5.52 This policy is comprised of three parts: Must be car free: In specific site allocations, in primary retail area and in controlled parking zones. Car free and low car encouraged - In controlled parking zones, on sites located close to public transport and on sites close to district centres. Car Club provision/access to be taken into consideration

DM33 - Planning obligations and development viability.

5.53 The Regulation 10A review has identified this policy to be fit for purpose at this time however a future review is considered desirable to reflect updated PPG advice regarding viability and to remove reference S123 list (no longer a requirement) and Planning Obligations Prioritisation Framework.

5.54 In my view the DM policies referred to above are consistent with the NPPF and thus up-to-date and meriting full weight.

Other material considerations

5.55 Both the Council's Statement of Case (CD11.1) and the Draft Statement of Common Ground (CD11.9) set out numerous planning and evidence documents that are relevant to the determination of the application. However of particular relevance are: the legal and planning policy considerations that relate to heritage and; the Anglia Square Planning Guidance note (CD2.11) which was adopted by the Council in 2017.

- 5.56 The legislation and national planning policy and guidance provide robustly for the protection of the historic environment and the detail of this is set out in the Proof of Evidence of Ben Webster, the Council's Design and Conservation Manager. Statutory duties relating to listed buildings and conservation areas and the policies in the Framework which require great weight to be attached to the protection of designated assets heritage have a particular bearing on the consideration of the acceptability of the proposed development.
- 5.57 Norwich city council adopted the Anglia Square Planning Guidance Note (PGN) in 2017. The council's aim in producing the PGN is to assist with the delivery of a viable and deliverable form of comprehensive development on the site which is acceptable in policy terms, which delivers the council's long-held aspirations for the site and stimulates the regeneration of the wider northern city centre area. The PGN is a non-statutory guidance document but intended to be a material consideration in planning decision taking.
- 5.58 The PGN, which was subject to public consultation, sets out the broad principles of development for the site, identifies constraints and provides specific policy guidance on a range of issues relevant to the proposed form of development which was emerging during pre-application discussions in 2017.
- 5.59 The PGN includes a stated future vision for the site along with specific development objectives. These are set out below:

Vision - A rejuvenated Anglia Square, with a distinctive identity that compliments the neighbouring area and reflects its location in the heart of the historic northern city centre. The development will have, a clear relationship in built form with the surrounding area, and a safe and attractive public environment, including enhanced public spaces. Enhancement of a strong and diverse District Centre function, serving the wider suburban areas of North Norwich, an improved convenience offer, and enhanced leisure offer with a new cinema, cafes and

restaurants to continue the use of the area into the evening. A surface link will cross the existing St Crispin's Road improving walking and cycling connections into the core city centre, and there will be an enhanced public transport offer. All this will be supported by new residential development to create additional footfall, natural surveillance and activity that will enhance the vitality and viability of the Large District Centre and help to meet the housing needs of Greater Norwich.

Development objectives

- (a) *regenerate its physical environment, including open spaces and public areas, and help to preserve or enhance the historic character of the surrounding area and key views;*
- (b) *achieve sustainable, energy efficient and high quality design and create an attractive environment for people living in, working in and visiting the area;*
- (c) *reinvigorate the local area's economy, including providing for new employment opportunities;*
- (d) *revitalise the retail and service provision of Anglia Square as a key element of the Large District Centre serving the wider area of North Norwich, with commercially attractive retail units based around an appropriate shopping circuit to maximise footfall to all units and thus ensure the long term viability of the retail offer, and acting as a catalyst for the wider economic regeneration of the northern city centre;*
- (e) *provide significant levels of residential development in order to make effective use of this sustainable city centre location, thereby assisting in the delivery of new homes to meet Norwich's needs and creating a vibrant, sustainable community which will support the viability of the enhanced retail and leisure provision;*

- (f) *provide enhanced tourism, arts and cultural provision including potential for hotel and student accommodation, as well as an enhanced evening economy that will include restaurants, cafes, bars and a cinema;*
- (g) *provide for improved public transport facilities in the immediate vicinity of the site;*
- (h) *enhance opportunities for pedestrian and cycle movement through the site suitable for all, including those with disabilities, and linking with the wider area; and*
- (i) *encourage the development of a balanced community including contributing to the provision of enhanced community facilities and recreational opportunities to meet local needs and complement the existing local community and the diverse mix of uses that already exist within this part of the city centre.*

5.60 The PGN is a material consideration in the determination of any planning application for the site, albeit less weight can be attributed to it than an adopted supplementary planning documents (SPD).

6 ASSESSMENT

6.1 The following sections contain my assessment of the scheme and are based on the Committee Report considered by Planning Applications Committee on 6 December 2018. Where necessary the assessment has been updated to reflect changes in circumstances. Parts of the assessment that relate to matters identified by the Secretary of State and the Planning Inspector are addressed in detail whilst other matters reference the relevant section of the Committee Report.

7 PRINCIPLE OF DEVELOPMENT

- 7.1 Matters in relation to the principle of development are addressed in paragraphs 129-140 of the Committee Report and continue to form part of my evidence. Development plan policies and NPPF paragraphs that relate to this matter are: JCS9, JCS11, JCS19, DM1, DM12 and NPPF chapters 5: Delivering a sufficient supply of new homes; 6: Building a strong, competitive economy; and 11: Making efficient use of land and the Anglia Square Planning Guidance Note.
- 7.2 Anglia Square is the most significant development opportunity in the northern part of the city centre and one of Norwich city council's most important priorities for regeneration.
- 7.3 Development plan policies have reflected this objective since 2004. The City of Norwich Replacement Plan (CD2.1) first identified the redevelopment opportunity presented by Anglia Square and the scope for investment in this site assisting in the regeneration of the surrounding area. The now expired Northern City Centre Area Action Plan, JCS 11, the Anglia Square Planning Guidance Note and the emerging Greater Norwich Local Plan continue to recognise the need for re-development of this prominent brownfield site.
- 7.4 The application site lies within Norwich City Centre boundary as identified on the Policies Map. In terms of the current development plan JCS 11 sets out the strategic policy for Norwich city centre and the policy context for Anglia Square until 2026, providing a framework for future development.
- 7.5 Norwich is a regional centre and JCS 11 seeks to enhance this role through supporting retail, leisure, office, high density housing and educational development which will act to reinforce its vibrancy. It is stated that the role of Norwich city centre will be enhanced through an integrated approach to economic, social and cultural regeneration to enable greater use of the city centre, including redevelopment of brownfield sites.

- 7.6 Anglia Square is a large and highly prominent brownfield site within the city centre and its redevelopment forms an integral part of the meeting the strategic objectives for Norwich city as a whole.
- 7.7 JCS11 identifies the Northern City Centre, in which the site is located, as an area for comprehensive regeneration and Anglia Square is identified as an 'Area of change – Mixed use development site', with residential, commercial and retail identified as forming the focus of such change. Reference is made in the policy to the Northern City Centre Area Action Plan (NCCAAP). This plan which has now expired, included both area wide and site specific policies to deliver by 2016 the vision for the regeneration of the area.
- 7.8 It is sobering to reflect on what was achieved over the plan period of the NCCAAP, which coincided with a period of recession and economic slowdown. The NCCAAP allocated 13 sites for redevelopment. To date, four of these sites have been developed – one just partially (see table below).

NCCAAP reference	Allocation	Allocation	Delivery
Core area opportunity sites:			
AS1 Anglia Square	Mixed: Retail /residential/ enhanced open space		
SMW1 St Mary's Works	Mixed: offices/ residential /possible hotel		
WW1 Land west of Whitefriars	Mixed: Employment/ housing/ retail/open space/multi-storey car park		
SC1 St Crispin's/Pitt Street	Mixed: Residential/commercial		

NCCAAP reference	Allocation	Allocation	Delivery
BP1 Beckham Place		Mixed: Business/residential	
PS1 Peacock Street		Business/service workshops	
Other sites			
OSN1 The Talk Nightclub site		Residential	
OSN2 Land at 123 -161 Oak Street		Residential	
OSN3 Sussex House		Residential	
WN1 Friar's Quay		Mixed: Residential/commercial	
WN2 Bulsare Warehouse site		Residential	
WN3 Mary Chapman Court		Residential	
CG1 Muspole Street		Residential	

7.9 It follows that the vision for the Northern City Centre has not been delivered.

- 7.10 The physical condition of Anglia Square and levels of vacancy have continued to decline and worsen. A schedule listing buildings located within the application site is included within the Draft Statement of Common Ground (CD11.9– Appendix 1). The list specifies for each building: existing planning use class; floorspace (sqm GIA); and vacant floorspace (sqm GIA). The application site includes a total of 49, 241 sqm (GIA) of existing floorspace. Currently 67% (33,268sqm GIA) of this floorspace is vacant. This includes: Sovereign House (10, 949sqm) formerly occupied by Her Majesty’s Stationary Office (HMSO) which has been vacant for 20 years and now in a visually dilapidated condition; a public multi-storey car park (16,800sqm) which on safety grounds closed in stages between 2008 - 2012; a vacant cinema (1731sqm) vacant since February 2019 and around 1625sqm of retail space. The figure excludes Gildengate House (4786sqm) which ceased office use in 2003 and was vacant until 2009 before being partly occupied as artist studios on a temporary (non-commercial) basis. Over time, with these closures and changes in occupancy, the function and role of Anglia Square has narrowed and the number of people employed on the site has reduced substantially. This has impacted on the vitality and viability of the centre as the office worker population would have previously contributed to levels of footfall and expenditure in this location.
- 7.11 Although the centre remains important for the local community the image of the centre is poor. Out of hours, the centre is unused, unwelcoming, unsightly, and attracts anti-social behaviour and heightened levels of crime. The existing condition of the site blights this part of the city and undermines the role and viability of the Anglia Square and Magdalen Street large district centre. This is recognised in the representation submitted by The Magdalen street area and Anglia square Traders Association (MATA)(CD11.36). They state that ‘Anglia Square and Magdalen Street area are vital to each other, as an attraction and a community facility’, they have indicated support for the Anglia Square redevelopment and wish it to proceed without further delay.

7.12 The northern city centre is one of the most ethnically and culturally diverse parts of the city, with distinctive local shopping and leisure facilities and a vibrant local community, and is a growing location for artists and small start-ups businesses. However, this part of the city also faces a number of challenges . The local impact area, studied as part of the application, is amongst the 10% most deprived neighbourhoods in England in terms of income deprivation (CD4.86 ES Volume 2 (k)). In addition the Health Impact Assessment (CD4.89) submitted with the application highlights that the percentage of people in this part of the city with limiting long term illness and mental health issues is also high or very high compared to other parts of Norwich and the rest of England. Figures from the Norfolk Constabulary indicate that Anglia Square and Magdalen Street present as two of three hotspots in the area. Recorded incidents include shop lifting, drug and violence against person offences. There is high unmet need for affordable housing. Across Norwich there are currently 2273 applicants on the Choice-based lettings (Homes Options) register requiring a social rent one bedroom property. Of these 644 are single people or couples registered in the NR3 postcode area.

7.13 Unlocking this site for development provides the opportunity to deliver significant and permanent socio-economic and environmental benefits. Development of the site has the potential to deliver environmental enhancement through the remediation of derelict land and buildings; deliver benefits to local people through the creation of new jobs, housing and an improved district centre; and deliver a considerable boost to the local economy through investment and new expenditure which will support both existing businesses and the growth of new enterprise.

- 7.14 NPPF paragraph 117 states that as much use as possible should be made of previously developed or 'brownfield' land. Paragraph 118 c indicates that 'substantial' weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Historic land uses of this site increase the likelihood that parts of it are contaminated and as described in the preceding paragraphs substantial buildings on the site are either derelict or degraded. Bringing forward such sites for development is a core objective of the planning system and the system fails if such sites remain unutilised at a time when sustainable development is a national priority.
- 7.15 As stated in Historic England's Statement of Case (CD11.3) 'Few people dispute the desirability of replacing Anglia Square in its present form, and the principle of its redevelopment is not at issue in this inquiry' (para 6.13). They go on to state 'What is at issue is the approach to be taken to that development'. It is the Council's case, with which I agree, that the approach must have regard to matters of development viability and delivery, if redevelopment and the benefits that flow from it are going to be achieved.

- 7.16 The NPPF (paragraph 8a) requires the planning system to ensure that land of the right type is available in the right places and at the right time to support growth. This site has been available for over 15 years. In terms of the right place, the site is a highly sustainable location for growth. The accessibility of the site is expanded on in evidence presented by Bruce Bentley on behalf of the Highway Authority, however it is worth reiterating that the site is both within the city centre and within a large district centre. The site offers locational advantages to a wide range of uses with the potential to support growth in the local and wider economy. At a time when the delivery of housing numbers in Norwich has been below target levels for some years, the site offers an opportunity to deliver a substantial number of new homes in a location which offers the very best conditions for promoting sustainable travel behaviour. At the right time - this is the right time to re-develop the site and indeed given its history, redevelopment is well over due.
- 7.17 Although major schemes have been proposed by previous owners and granted planning approval in 2008 and 2013, these developments have proved unviable to implement. The factors and constraints that bear on the redevelopment of this site are considered in more detail in the following section of my evidence.
- 7.18 The regeneration of the northern city centre and Anglia Square remains an undelivered strategic objective and a priority for the Council.
- 7.19 Norwich city council adopted the Anglia Square Planning Guidance Note (PGN) in 2017. The council's aim in producing the PGN is to assist with the delivery of a viable and deliverable form of comprehensive development on the site which is acceptable in policy terms, which delivers the council's long-held aspirations for the site and stimulates the regeneration of the wider northern city centre area.
- 7.20 The PGN includes a stated future vision for the site along with specific development objectives. I have set out the vision earlier in this proof of evidence. I think that this development delivers that vision.

7.21 JCS11 and the strategic objectives for both Anglia Square and the wider city centre remain sound and consistent with the NPPF in terms of promoting significant growth in sustainable locations and supporting the economic and social role that city centres play. Following sustained decline over the last two decades the need to unlock the site for comprehensive redevelopment is now more pressing than ever. The continued dereliction of the site is not a sustainable option for either the large district centre or for Norwich and as such it is my view that great weight should be attached to securing a form of development which delivers the regeneration objectives for the site.

8 DEVELOPMENT VIABILITY

8.1 Matters of development viability, delivery and the consideration of alternative forms of development for this site are addressed in paragraphs 141-168 of the Committee Report (updated by The Council's Statement of Case) and continue to form part of my evidence. The Inspector has identified viability and the prospects for delivery of the scheme as a whole as a matter relevant to the Inquiry.

8.2 The regeneration of Anglia Square has been sought by a number of previous owners and by the Council for a considerable period of time. The consequences for the site and its surroundings of development having not come forward have been described in the preceding section of this proof. The potential regeneration benefits associated with development of this site are set out in later sections and it is my view that there are substantial environmental, social and economic costs associated with development not proceeding.

- 8.3 In relation to this site it is because of these considerations that the Council has attached such significance to development viability. In paragraph 7.115 of the Anglia Square PGN it is stated that 'ensuring that the proposed development of Anglia Square will be viable will be a key consideration affecting the deliverability of what is proposed' and that in 'the absence of public ownership or significant public funds to support redevelopment of the site, development proposals must prove sufficiently attractive for private sector investment or development will not happen'.
- 8.4 It is the Council's case that if the JCS regeneration objectives for the Anglia Square and the Northern city centre are going to be achieved and importantly if they are going to be secured without any further delay, the decision making process must consider whether there is a reasonable prospect of the proposed development, or any alternative development being implemented. Not to do so would be a substantial waste of time and resources and result in a planning process operating in a manner which fails to deliver beneficial development in a timely matter. It is therefore my opinion that viability is an important material planning consideration given that it is key determinant of whether a development or a site is deliverable.
- 8.5 Central to the Council's consideration of development viability have been the following considerations.
- 8.6 Firstly the Council from an early stage advised the Applicant of minimum planning obligation requirements, particularly in relation to affordable housing. This requirement impacts on the residential value of a housing led scheme and therefore impacts on development viability. However, the Council considers the requirement for the development to include at least the specified proportion of affordable homes to be both reasonable and justified, based on the scale of housing being proposed; the socio-economic objectives of the northern city centre and the core aims of DM1 to ensure that development promotes mixed, diverse, inclusive and equitable communities. The Council's support for the development remains conditional on the scheme including at least 120 affordable dwellings.

8.7 Secondly, the Council recognises that in relation to Anglia Square, securing a deliverable comprehensive redevelopment scheme will require an element of financial support from the public sector. The Council in the knowledge of financial barriers to delivering comprehensive development of the site has taken action to increase the prospects of development being viable. In particular in 2018 it submitted a bid for £12.2m of marginal viability funding from Homes England Housing Infrastructure Fund (HIF). Homes England notified the Council of conditional approval of Housing Infrastructure Fund funding in March 2019. This showed that the level of potential grant funding available to support the delivery of the Anglia Square scheme had been increased to £15m (the third highest grant award of 94 projects being funded nationally). It is important to note that the bid was supported by evidence around development costs, including substantial costs in relation to site assembly, demolition, site preparation and remediation which are in excess of £16million. Furthermore the grant approval process included Homes England commissioning an independent development viability assessment. In October 2019 Homes England confirmed that the 'availability period' for the HIF grant can be extended to March 2024. The Council expects to enter into a contract with Homes England in December 2019. In the event of planning permission being approved the timescale for the availability of HIF would expedite early delivery of the development.

8.8 Thirdly it is relevant to consideration of scheme delivery that the Council in 2018 reviewed its position regarding Community Infrastructure exemptions for development within its administrative boundary. Norwich City Council approved the introduction of an Exceptional Circumstances Relief policy on 27th November 2018 (CD2.16). The policy came into effect on 1st July 2019 and allows applications for Exceptional Circumstances Relief (ECR) to be considered. The Applicant throughout the application process have indicated that on the basis of the viability evidence they anticipate the need to seek CIL relief for the entire development. This was referenced in paragraph 153 of the Committee Report.

8.9 Fourthly the Council has had regard to a large number of factors that bear on the prospects of comprehensive development of Anglia Square. These are listed in paragraph 149 of the Committee Report. Fundamentally these factors relate to a) development costs and b) development values . In relation to a) these include substantial costs associated with: maintaining an operational shopping centre; the repurposing of existing buildings; demolition, clearance and site remediation and those associated with managing a multi- phased construction project of an operational shopping centre surrounded by a strategic road network. In relation to b) these relate to current low commercial floorspace yields and residential values in this part of Norwich. These factors combine to impact negatively on the commercial viability of both investing in the current centre or in the conversion and re-purposing of the existing buildings and generate high commercial risk for comprehensive forms of development of the site as a whole .

8.10 Fifthly, since the beginning of pre-application discussions the Council commissioned the DVS (District Valuer Services) to advise on viability matters. The DVS review of the submitted scheme (CD9.4) informed the Committee Report and a summary of his findings is set out in paragraph 156-158 of the Committee Report. At the time the proposed development was reported to Planning Applications Committee the DVS indicated that the Applicant's Viability Report (CD7.87) was a 'robust assessment of the viability taking into account the current stage of the development process' and that with grant funding and CIL ECR, the profit at '16% is approaching a level that could be deemed marginally viable against ' his target profit level of 18.5%.

8.11 Sixthly, the Council has considered evidence submitted by the Applicant in relation to alternative forms of development. This consideration of alternative forms of development for the site is relevant for a number of reasons, including the following. First, it is a requirement of the EIA Regulations that the developer should consider reasonable alternatives and comparative environmental effects. Secondly, given the impact of the development on designated heritage assets it is necessary to consider whether development viability and lack of alternatives may amount to justification for harm. Thirdly, the likely development options for the site in the event of the proposed scheme not proceeding need to be considered. Paragraph 161 - 164 of the Committee Report includes the Council response to the applicant's case in relation to alternatives.

8.12 The Applicant has advised that an updated Viability Appraisal will be submitted. When this is available this will be reviewed on the Council's behalf by the DVS. Tony Williams (DVS) on behalf of the Council will present evidence at the Inquiry the scope of which will cover this review of the Applicant's Viability Appraisal of the submitted scheme, any update of it and of any other independent review of the submitted scheme on behalf of Historic England.

8.13 It remains the Council's position that :

- (a) Anglia Square site represents a large, complex and highly constrained brownfield development site. This has not been contested by any party.

- (b) The nature, condition and characteristics of the site and its surrounding are such that a development approach which seeks to repurpose existing buildings and build on vacant land is unlikely to be economically viable. On this basis if the site is going to be developed at all, this will necessarily involve substantial costs being incurred associated with phased demolition, clearance and site remediation to enable a comprehensive redevelopment of the full site to come forward. A scheme based on refurbishment of the existing buildings unlikely to create sufficient uplift in values (both commercial and residential) to make development viable.

- (c) If the strategic objective for Anglia Square is going to be secured and without any further delay, it is important that when considering alternatives that this done in the context of the real world and having regard to current costs and values or at least trends over this economic cycle. To be considered a credible option, an alternative development approach must be viable and deliverable by a private developer within a reasonable timeframe. The Council has seen no evidence to suggest that there is viable alternative development for the Application site.

- (d) There can be no certainty about what would happen in the event that the proposed scheme does not proceed. As the site is in private ownership it could be sold and any new owners might have different objectives in terms of how they would approach this site. However, the site has been suffered from considerable levels of dereliction of decay for over 20 years and in the light of the evidence provided by the examination of alternatives and the viability assessment it is considered that, due to the very high costs of redevelopment and the constraints imposed and revenues generated by the current uses on the site, the most likely outcome should the proposed development not come forward is that the site will continue to be managed in the way it has been for the past 20 years with minimal investment in the physical fabric of Anglia Square with the resultant continuation of the gradual decline of the centre and the blight it brings to this part of the northern City Centre area.

- (e) The Council is aware that the marginal viability of the scheme does create a level of risk that it will stall at some point during the development process. A number of respondents have also highlighted this risk as one that should be borne in mind because of the history of this particular site. I am of the view that the primary risk here is of the scheme stalling between phases. However, both the owners and the developer are considerable sized companies with high levels of creditworthiness and the clear capabilities of delivering development at this scale. They have shown considerable commitment to the scheme.

8.14 The Council has taken steps to positively assist delivery and unblock this site for development through a successful bid for HIF funding from Homes England. Furthermore Norwich City Council has an adopted Exceptional Circumstances Policy in place that allows a claimant to seek relief from Community Infrastructure Levy when payment would have an unacceptable impact on the economic viability of development which would have wide community and regeneration benefits.

8.15 In my opinion these conditions create a realistic prospect that the proposed development if approved would be viable and deliverable within a reasonable timeframe.

9 THE PRINCIPLE OF HOUSING

9.1 Housing matters were addressed in paragraph 182-223 of the Committee Report, updated by paragraph 12.1 - 12.26 of the Council's Statement of Case (CD11.1) and continue to form part of this evidence. The Draft Statement of Common Ground (CD11.9) includes a range of housing matters which are agreed by the Council and the Applicant. This includes the land supply position. The Secretary of State has identified the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes (NPPF Chapter 5) as a relevant consideration for the Inquiry.

9.2 The proposal is a high density residential-led urban regeneration scheme including up to 1250 dwellings. The proposed quantum of development would deliver a significant boost to Norwich's supply of housing. Given the Government's objective of increasing delivery of homes without unnecessary delay the extent to which the development supports these objectives is an important material planning consideration.

9.3 The local policy context for housing provision is provided by JCS4, whilst DM12 sets the policy principles that apply to all residential developments.

9.4 The JCS, which was adopted by the Council in January 2014 was identical to that which had been previously adopted in March 2011. The overall housing targets contained within it for the Norwich Policy Area remain as proposed in the submission draft version of the document from November 2009 which were originally informed by a Strategic Housing Market Assessment of 2007 and prepared in general conformity with the Regional Spatial Strategy of May 2008.

- 9.5 Policy JCS4 requires 36,820 homes to be delivered over the 18 year plan period 2008-2026. The policy does not specify annual averages but this equates to 2,046pa (per annum) across the plan area, of which 1,833pa (32,847 in total over the plan period) are required in the Norwich Policy Area (NPA). Between 2008 and 2018 there has been significant under delivery of housing numbers within Norwich, the NPA and the Greater Norwich area (Appendix 1 – NCC1/3 and CD11.5). Between 1st April 2008 and 31st March 2018 a total of 15,472 new homes (1,547pa) had been delivered across the plan area of which 11,614 (1,162pa) had been delivered in the NPA. By 31st March 2018 there was a backlog of 4988 dwellings within the Greater Norwich Area, 6636 dwellings within the NPA and 1304 dwellings within Norwich. The result is that there remain 21,348 homes (2,669pa) in the plan area and 21,233 in the NPA (2,654pa) by 2026 to be delivered to meet the plan requirements
- 9.6 Taking into account delivery up to 31st March 2018 (period of latest Annual Monitoring Report at the time of submission of proof), measured against the JCS targets, land supply would now be just 3.94 years for the Norwich Policy Area (Liverpool approach with a 20% buffer) due to the very significant shortfall in historic delivery and the requirement to make good this shortfall in the plan period. This position was reported to Norwich City Council's Sustainable development panel on 25 September 2019 (CD9.3).
- 9.7 The delivery of the targets set out in the JCS now appears unrealistic. It would require delivery at an average of 2,669pa between 2018 and 2026 whereas Annual Monitoring Reports have shown that rates have fluctuated between 1,168 and 2,251 homes pa between 2008 and 2018. Within the NPA the situation is even more extreme with the plan targets requiring delivery at an average of 2,654 homes pa between 2018 and 2026 when actual delivery between 2008 and 2018 has fluctuated between 882 and 1,810 homes pa.

- 9.8 In the circumstances it is concluded that the targets set in JCS4 are undeliverable, the policy has effectively been overtaken by events and can no longer be considered up to date. Furthermore, other aspects of policy JCS4 are now at odds with various aspects of government policy, notably with regard to the provision of low cost home ownership and the requirement for affordable housing provision on smaller sites.
- 9.9 Paragraph 73 of the NPPF indicates that where strategic policies are more than five years old, as in this case, local planning authorities are required to update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing informed by a local housing need assessment conducted using the standard method in national planning guidance. As a result Greater Norwich Councils (as of January 2019) are now required to calculate 5YR housing land supply using the outcomes of the Housing Delivery Test (HDT) and standard methodology for the calculation of Local Housing Need (LHN) as opposed to the Housing Requirement of the JCS.
- 9.10 The standard method introduced by Government in July 2018 and revised in February 2019, uses a formula to identify the minimum number of homes expected to be planned for, in a way which is intended to address projected household growth and historic under-supply. The standard method is used to identify a minimum annual housing need figure, not a housing requirement figure. It should be noted that the revised methodology currently uses 2014-based household projection data as opposed to 2016 data as originally prescribed and which had given rise to anomalies including minimal or negative figures for cities with identified acute housing shortages. The methodology remains an interim arrangement and the Government in its response to the technical consultation (Feb 2019) (CD11.13) indicated that the formula would be subject to future review. It is stated that the review would consider 'the way it is set using National Statistics data with a view to establish a new approach that balances the need for clarity, simplicity and transparency for local communities with the Government's aspirations for the housing market.'

- 9.11 Updated housing land supply information is available in the latest Annual Monitoring Report (2017/2018 – Appendix A)(CD2.14). Using the standard method housing need figures can only be calculated over whole District areas (so cannot be calculated over the Norwich Policy Area). This shows an Annual Local Housing Need (LHN - 2018 based) of 606 dwellings for Norwich City and 2052 dwellings for Greater Norwich. Land supply calculated against the standard method objectively assessed need stands at 6.54 years across the area of Greater Norwich (which includes the areas of Norwich City, Broadland and South Norfolk districts) and 6.82 years if the area of Norwich City is considered in isolation.
- 9.12 Notwithstanding housing supply as now measured in accordance with the standard methodology exceeding five years, housing need remains high. The report to Norwich City Council Sustainable development panel on 25th September 2019 sets out the Council's position.

9.13 In summary, the Council's position is that the extent to which further new housing is required to meet actual housing need in the locality and deliver against the JCS and commitments in the City Deal (CD11.14) is at least as great as it was when the previous monitoring report was published (2016-17 AMR land supply figure for the NPA was 4.61 years) because of historic under-delivery. Indeed if the figure was calculated in the same manner using the Liverpool method, it has worsened by 31 March 2018 to a housing land supply of only 3.94 years in the Norwich Policy Area. The second table in the appendix to this proof (NCC1/3) points to a distinction between housing delivery in those parts of Broadland and South Norfolk district council areas within the NPA and the rural parts of those districts (Rural Policy Area (RPA)). For example, the Broadland RPA has, with the exception of 2011/12, over-delivered against the 89 dwellings/annum (dpa) target by at least 82 dpa and in the last 3 years to the point where 258 dwellings were delivered in 2015/16, 234 in 2016/17 and 230 in 2017/18. By contrast, in the period since 2011/12 the Broadland NPA has never delivered the 617 dpa target required to meet JCS housing targets, with the number of dpa delivered ranging from 56 in 2012/13 to 449 in 2017/18. The distinction between delivery in the South Norfolk NPA and RPA is similar but not as extreme and there are examples of over-delivery against targets in the South Norfolk NPA and under-delivery in the RPA. This historic distinction suggests that calculating the housing supply on a district basis as required by the standard method masks a need that is still un-met across the NPA as a whole.

- 9.14 The Norwich Policy Area is a long-standing policy construct, which pre-dates the JCS (CD2.2 para. 5.22, page 42). It's purpose is to ensure that growth needs arising from the Norwich urban area are addressed as close to the city as possible. However, it remains a relevant area in which to assess housing need and land supply as it closely approximates to the Core Market Area identified in the Central Norfolk Strategic Housing Market Assessment 2017 (CD2.21 page 6, para. 1.6). This area is described as being 'the area with the strongest functional connection to the Norwich Urban Area'. Notwithstanding a change to the method of calculating housing land supply, the need and supply within the NPA and the degree to which it is being met or not is still a relevant consideration.
- 9.15 Although the latest Annual Monitoring Report shows housing delivery within Norwich and Greater Norwich has improved in recent years, the number of completions remain below the JCS target for the whole plan therefore the Council's position as set out in the 25th September report is that great weight should continue to be given to housing delivery in planning decisions. In my opinion, this is a reasonable position and I agree with the weight attached by the Council to housing delivery in resolving to grant consent for the development that is the subject of this appeal.
- 9.16 The Government's objective of significantly boosting the supply of homes is clear and well established. The NPPF emphasises of delivering a wide choice of high quality homes and creating sustainable, inclusive and mixed communities. The NPPF further states that as much as possible should be made of brownfield sites, paragraph 118c indicating that planning decisions should give substantial weight to the value of using brownfield land for homes and other identified needs. The development makes effective use of a brownfield city centre site and concentrates significant housing growth in a highly sustainable location.

- 9.17 The development if approved and implemented would represent the most significant housing project within the city of Norwich capable of being fully delivered in the next decade. It would deliver 2.06 years of Norwich's supply needs (LHN 2018 and total of 1250 dwellings) as calculated using the standard methodology and contribute significantly to meeting the needs identified locally in the Central Norfolk Strategic Housing Market Assessment of 2017.
- 9.18 Paragraphs 199-223 of the Committee Report comprise the Council's assessment of the development against DM12 which sets out the policy principles that apply to all residential development. This assessment includes a consideration of the proposed mix of dwellings including type, size and tenure.
- 9.19 The NPPF recognises the importance of assessing the size, type and tenure of housing needed for different groups and that development should address this need. The 2017 Central Norfolk Strategic Housing Market Assessment (SHMA)(CD2.21) shows that of the predicted need for market and affordable housing arising from the Council area (15,294 dwellings), approximately 36% is predicted to be for 1 and 2+ bedroom flats (5511 dwellings). The scheme proposes a minimum of 1200 one and two bedroom flats. On the basis of this evidence there is a significant future need for dwellings of the size and type proposed and the development is capable of meeting a substantial part of this identified need. Furthermore 10% would be built to meet 2015 Building Regulations M4 (2) for accessible and adaptable dwellings.

- 9.20 It is identified in paragraph 203 of the Committee Report that the mix of dwelling type and size is considered narrow given the scale of residential development proposed. However, in paragraph 205 of the Committee Report factors that militate against a wide range of dwelling type are raised. These include the desirability of the development maintaining ground floor commercial uses and active streets/ public spaces within the Large District Centre and the environmental conditions which would in a number of locations on the site impact on the quality of residential accommodation at street level. Furthermore the location of the site within the city centre along with the character and nature of the immediate surrounding area would likely be more appealing to a demography attracted to urban living. These factors in combination are relevant in considering the mix of dwelling type for this site. It is my opinion that the circumstances of Anglia Square justify a narrower dwelling mix that that which would normally would be sought for development in other locations within the city.
- 9.21 Tenure mix is assessed in paragraphs 208 - 219 of the Committee Report. The Affordable Housing Statement (CD7.3) confirms the Applicant's commitment to deliver a minimum of 120 affordable dwellings comprising 111 x 1 bedroom flats and 9x 3 bed family houses, 85% social rent and 15% intermediate tenure. This provision is secured in the S106 Planning Obligation, which also in relation to the 15% secures (subject to viability review) affordable rent.
- 9.22 The SHMA identifies a shortfall in the supply of affordable housing to meet objectively assessed needs, with the greatest need being for affordable rented homes (84%) and to a lesser extent (16%) for intermediate tenures. It identifies that 278 units of affordable housing are required to be delivered annually to meet needs in Norwich (or 5,828 units in total) over the period to 2036.

- 9.23 In accordance with paragraph 63 of the NPPF, the JCS4 affordable housing contribution target of 33% for this brownfield site has been reduced by a proportionate amount, resulting in a target number of affordable dwellings for this scheme of 262 . Notwithstanding this reduction, the DVS review of the Applicant's Viability Report (CD7.87) indicates that development would not be viable with this level of affordable housing provision.
- 9.24 Notwithstanding the proposed level of provision being well below policy targets levels, the development will make a valuable contribution to meeting affordable housing needs.
- 9.25 The Council's records confirm that there are currently 2273 applicants on the Choice-based Lettings (Home Options) register requiring a social rent one bedroom property. Of these 644 are single people or couples registered in the NR3 postcode area. There is currently an overwhelming need for 1 bedroom properties in Norwich. The proposed affordable housing provision, which focuses on one bedroom flats (available for social rent) has been specified by the Council's Strategic Housing Officer, will significantly increase supply in this locality, positively supporting the Council's objective of meeting the identified affordable housing needs of specific groups.
- 9.26 I consider that based on the projected future residential values provided by the developer, Affordable Home Ownership, Shared Ownership and Shared Equity products would not meet the housing need in this part of the city. This is a material consideration in relation to para 64 of the revised NPPF which states that at least 10% of housing provided in major residential developments should be available for affordable home ownership. Norwich City Council Affordable Housing (SPD 2019) (CD3.2) has considered the effect of the requirement across the city as a whole. To secure such provision would reduce the level of affordable rented housing that can be achieved on development scheme and would not meet local housing need as defined in both JCS4 and in the SHMA.

9.27 On this basis my view is that the proposed housing in terms of quantum, size, type and tenure will make a substantial contribution to housing supply in Greater Norwich and to meeting Norwich's housing need; and that tensions with planning policy regarding the type and tenure mix are justified by the circumstances of the case.

10 RETAIL AND OTHER TOWN CENTRE USES

- 10.1 Matters in relation to retail and town centres uses were addressed in paragraph 224-257 of the Committee Report and continue to form this evidence. The Draft Statement of Common Ground (CD11.9) includes a range of retail matters which are agreed by the Council and the Applicant. The Secretary of State has identified the extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town (NPPF Chapter 7) as a relevant consideration for the Inquiry.
- 10.2 The proposal includes the demolition of existing retail, leisure and office floorspace and the re-provision of around 11000 sqm of floorspace for flexible commercial use, a replacement cinema and a new hotel.
- 10.3 From a policy perspective Anglia Square is located both within Norwich City Centre (JCS11) and within Anglia Square/Magdalen Street Large District Centre (JCS19).
- 10.4 Norwich city centre, located at the top of the defined hierarchy of centres, remains a strong office, retail and leisure designation and the highest ranked retail centre in the region and 13th in the national retail ranking. Within the hierarchy of centres, Large District Centres (LDC), of which there are two within the Norwich City Centre policy boundary, sit below the primary and secondary retail areas of Norwich city centre. JCS19 is supportive of new retailing, services, offices and other town centre uses within LDCs at a scale appropriate to its form and function. The Anglia Square/Magdalen Street Large District Centre LDC is intended to meet the shopping needs of residents of north Norwich and provide for a mix of activities.

- 10.5 Policy DM18 is supportive of main town centre uses within Large District Centres where their scale is appropriate to the centre's position in the hierarchy set out in JCS19 and does not exceed the indicative floor spaces set out in appendix 4 of the DM plan. Appendix 4 sets no specific thresholds for maximum floorspace for individual units within Large District Centres.
- 10.6 Government policy within the Framework requires planning decisions to support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Paragraph 85a requires planning policies to define a network and hierarchy of town centres and promote their long term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Paragraph 85 f) specifically recognises the important role residential development can often play in ensuring the vitality of centres.
- 10.7 The site lies within and forms an integral part of the Anglia Square/Magdalen Street Large District Centre. However currently, Anglia Square lacks the diversity of uses required to fulfil its role as the focus of the Large District Centre and has limited capacity to serve the day-to-day convenience shopping needs of the local community. The high level of dereliction and vacancy, the poor shopping environment and quality of the convenience retail offer continue to impact on the image of this part of the city and limit the role and function of the centre.

10.8 A health check of the centre carried out as part of the Greater Norwich Employment, Town Centre and Retail Study (ETCRS)(GVA 2018)(CD2.9) reported *‘the 1970s purpose built shopping centre is aesthetically unpleasing and performs a retail function which is little more than functional, but positively does benefit from some reasonably-sized units. The ‘anchor’ stores to the centre are relatively poor, although reflective of the offer of this part of the centre as a focus for discount/value retailing’*. The ETCRS study, carried out to inform the strategic direction of retail policies in the emerging Greater Norwich Local Plan, makes a number of recommendations in relation to the Anglia Square, Magdalen Street Large District Centre:

- (a) City council should seek to progress the redevelopment of Anglia Square Large District Centre.
- (b) Redevelopment should continue to incorporate retail floorspace at ground floor level, in order to ensure that local residents’ day to day shopping needs can be met. This should include units of a mixture of floorplate sizes, including larger units to enable current national retailers such as Iceland, Poundland and Poundstretcher to continue to have a trading presence in the centre, alongside smaller units for more specialist operators.
- (c) Although the Retail Study has identified no quantitative need for additional convenience goods retail floorspace to serve the Norwich urban area, there is an opportunity for qualitative improvements to the convenience goods retail offer in Anglia Square/Magdalen Street district centre, owing to the current limited facilities for local residents.
- (d) Provision of a cinema should be retained if possible.
- (e) A comprehensive programme of public realm improvements to Anglia Square/Magdalen Street district centre should be progressed.

- 10.9 The proposal includes the demolition/or conversion of a substantial quantum of office floorspace (15901m² GIA) and the demolition of 10,282m² (GIA) of floorspace falling within A1/A3 use class. The application proposes 11,000m² GEA of replacement floorspace for flexible commercial use (A1/A2/A3/A4/B1/D1/ sui generis) is 11,000sqm GEA (9850m² GIA) in addition to a new cinema and hotel.
- 10.10 I believe that the development responds positively to the GVA recommendations for this LDC, will address the steady decline of the shopping centre and provide the opportunity for employment growth in this part of the city. The proposed new layout of the development which provides an improved link between Magdalen Street and St Augustine's Street, the replacement flexible commercial floorspace, the expanded leisure and hospitality uses and the new housing, provide the opportunity to positively support the long term vitality and viability of the shopping centre and that of the wider Large District Centre.
- 10.11 The Council recognises the importance of the development strengthening the Large District function of the centre and ensuring that the development does not adversely impact on the Norwich City Centre's defined primary and secondary retail areas. These considerations as well as a response to objections raised by city centre shopping centre owners are considered in detail in paragraph 234 - 242 of the Committee Report.
- 10.12 The Council and the Applicants have agreed a series of planning conditions that balance the desirability of providing flexibility to changes in the retail, office and leisure industries with the need to ensure that the centre continues to meet the shopping needs of residents in the north of the city and that the function remains complimentary to that of the core retail area of the city centre. The agreed conditions have the effect of: restricting the total quantum of commercial floorspace; ensuring provision of suitable premises for existing and future SMEs; ensuring the qualitative improvement to the convenience goods retail offer in the first phase of development; and limiting the quantum of floorspace available for the sale of comparison goods.

10.13 With these planning conditions in place it is my view that the proposed development will be in accordance with the relevant development plan policies, JCS19 and DM18. In my opinion, a) the proposed retail, leisure and other main town centres uses, are appropriate in scale and character to the position of Anglia Square/ Magdalen Street Large District Centre within the defined retail hierarchy; and b) the proposed development will be beneficial to the vitality and viability of the Large District Centre and complementary to the primary and secondary retail areas of Norwich city centre.

Office Development

10.14 Matters in relation to office development are addressed in paragraphs 250-257 of the Committee Report and continue to form part of my evidence.

10.15 The application proposes the demolition, or in the case of Gildengate House, conversion to residential, of 16,161sqm of floorspace previously used for offices. At the time this floorspace was fully occupied, Anglia Square made an important contribution to the office employment offer in the city. JCS 5, JCS9 and DM19 recognise the role offices play in maintaining the long term viability and vitality of Norwich as a retail and visitor destination and as a major employment hub. JCS9 identifies a growth target of at least 100,000m² of new office space in the city centre and JCS 11 in identifying Anglia Square as an 'Area of Change' indicates commercial development as forming part of that change.

10.16 In relation to JCS 9 it was identified in paragraph 5.22 – 5.24 of this evidence that the ambitious targets for office development reflect now historical business models and less efficient use of space. However, given the findings of the ETCRS (GVA 2018)(CD2.21) there remains a sound basis for DM19 to continue to positively seek the provision for good quality multi-let serviced or flexible office space for which more recent evidence indicates there is a growing demand.

10.17 In the case of Anglia Square, the Council has had regard to the current condition of the office floorspace and the prolonged period it has been unoccupied. The Council's position has been to secure flexibility for a range of uses within the new development which will positively support the vitality and viability of the Large District Centre and the role of Anglia Square within the city centre. This includes securing the re-provision of commercial floorspace and allowing flexibility for retail, leisure and offices uses, all of which are economically beneficial and positively support the objectives of JCS11.

11 SOCIO-ECONOMIC CONSIDERATIONS

11.1 Matters in relation to socio-economic considerations are addressed in paragraph 259 - 301 of the Committee Report and continue to form part of my evidence. The Secretary of State has identified the extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy (NPPF Chapter 6) as a relevant consideration for the Inquiry. Also relevant to this matter are chapter 5 Delivering a sufficient supply of homes and chapter 8 Promoting healthy and safe communities.

11.2 The identification of the Northern City Centre as an area for regeneration recognises the current socio-economic and environmental conditions of this part of Norwich and the potential that exists for beneficial change.

- 11.3 In Paragraph 7.12 I set out a number of challenges faced by residents living in the locality of the site that contribute to the local impact area, studied as part of the application, being classified as amongst the 10% most deprived neighbourhoods in England in terms of income deprivation. In part associated with this, are health challenges faced by some residents. The Health Impact Assessment Report (CD4.89) submitted with the application highlights that the percentage of people in this part of the city with limiting long term illness and mental health issues is high or very high compared to other parts of Norwich and the rest of England. Hospital administration rates for adults and children under five are also similarly high. Further challenges relate to crime and anti-social behaviour. Anglia Square and Magdalen Street are reported by the Norfolk Constabulary as a hotspot for shop lifting, drug and violence against person offences. Housing has been referred to earlier in this evidence, and there remains a substantial need for more affordable homes to meet local housing needs, which in this part of the city is for one bedroom social rented accommodation.
- 11.4 JCS Spatial planning objective 4 is to promote regeneration and reduce deprivation. It states 'growth will be used to bring benefits to local people especially those in deprived communities, to regenerate communities, local economies, under-used brownfield land and neighbourhoods by creating safe, healthy, prosperous, sustainable and inclusive communities'. JCS 7 requires all development to maintain or enhance the quality of life and the well-being of communities, promote equality and diversity, and protect and strengthen community cohesion. DM1 recognises this as a principle of sustainable development along with enhancing and extending opportunities for employment and education, protecting the natural and built environment and combating climate change. Chapter 8 of the NPPF sets out the Government's objectives for delivering development which promotes healthy and safe communities.
- 11.5 The case for the regeneration of this part of the city is long established in planning policy, remains strong and as an objective remains undelivered.
- 11.6 The proposed development will:

- (a) Remove unsightly buildings which blight the local townscape.
- (b) Remove a degraded split level precinct with poor levels of pedestrian access and which currently creates the opportunity for anti-social behaviour and crime.
- (c) Increase the supply of new homes, including affordable homes which will be made available to local people through a local letting policy.
- (d) Provide housing which meets national space standards, with satisfactory levels of amenity and with access to private and or communal amenity space.
- (e) Provide accessible and adaptable homes (10%).
- (f) Create new homes in a highly sustainable location allowing ease of access by walking, cycling and public transport to shopping, employment , leisure and other services and facilities.
- (g) Provide homes with levels of thermal efficiency that exceed current Building Regulation requirements.
- (h) Create clear, safe and legible new streets with high quality public spaces.
- (i) Create public spaces and a mix of uses which will encourage active and continual use and social interaction.
- (j) Create an improved shopping centre that can better service the needs of new and existing residents.
- (k) Boost the supply of construction jobs within Norwich by 8% over the 8 year construction period (source CD4.86 ES Volume 2 (k))
- (l) Through a Local Employment and Skills Strategy, secured through the S106 Obligation create opportunities for local businesses to benefit and for local people to gain employment and training

opportunities. For individuals this can have a lasting positive legacy for future job prospects.

(m) Result in a permanent uplift in the number of jobs on the site of between 286 - 583 jobs(source CD4.86 ES Volume 2 (k)).

(n) Increase the residential population, increasing footfall, boosting expenditure by in excess of £23million within the local economy and supporting the long term viability of both the Large District Centre and Norwich City Centre (source of figure CD4.86 ES Volume 2 (k)).

11.7 The table after paragraph 262 of the Committee Report summarises the predicted socio-economic impact of the development. In almost all respects the development is predicted to have a long term beneficial impact. Significantly in relation to local housing and levels of deprivation, the development is predicted to have a permanent benefit of moderate to high magnitude.

11.8 The Council's Economic Development Manager, Ellen Tinley, has expressed strong support for the predicted level of employment generation and indicated the positive effect the £271million development project will have on the city's profile and its attractiveness to other inward investment. This is dealt with in more detail in her proof of evidence

11.9 The socio-economic benefits that would flow from the proposed development are significant and will support the housing, economic and healthy communities objectives of the NPPF and the attainment of a wide range of strategic planning policy objectives - in particular those set out in JCS 4 Housing delivery, JCS 5 The Economy and JCS7 Supporting Communities.

12 DESIGN AND HERITAGE

- 12.1 Matters in relation to design and the historic environment are addressed in paragraphs 303-438 and 580-587 of the Committee Report and continue to form part of the Council's evidence and will be presented by Ben Webster. The Secretary of State has identified the extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF chapter 16) as a matter relevant to the Inquiry.
- 12.2 Para 124 of the NPPF states 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.'
- 12.3 Both JCS 2 and DM3 state that all development will be required to be designed to the highest possible standards, creating a strong sense of place. DM3 sets out the design principles against which development proposals will be assessed. Adopted development plan policies along with the NPPF establish a strong basis for schemes which are poorly designed and which fail to take the opportunities for improving the character and quality of an area to be refused planning permission.
- 12.4 The Anglia Square PGN (CD2.11) includes within the vision, that a rejuvenated Anglia Square will have a 'distinctive identity that compliments the neighbouring area and reflects its location in the heart of the historic northern city centre' and that the development will have a 'clear relationship in built form with the surrounding area'. In para 7.86 and 7.87 of the PGN it is stated that the site provides an opportunity for significant enhancement to the character of the conservation area and that any future application will need to address how the proposals can successfully integrate and improve upon the existing townscape character.

- 12.5 On major schemes the NPPF recommends early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes as being important for clarifying expectations and reconciling local and commercial interests. It is stated that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. On significant projects such as large scale housing and mixed use development, para 129 emphasises the importance of design review and assessment frameworks such as Building for Life.
- 12.6 With reference to the preceding paragraph and in accordance with the Council's pre-application procedures, discussions between the local planning authority, Weston Homes and the landowner commenced early in 2016. The Applicant describes in the submitted Statement of Community Involvement (CD7.9) two rounds of public consultation events and feedback exercises conducted in 2016 and 2017. In addition in accordance with JCS2 and the NPPF the Council has recognised the importance of independent design advice in relation to this major housing-led mixed use scheme. Design South East, a panel providing independent expert design advice within this region, has reviewed the scheme at three stages: 1) design concept (CD11.15); 2) Prior to submission - layout, form and massing (CD11.16); and 3) application stage – architectural quality of the tower (CD11.17).
- 12.7 In terms of the proposed design approach it is the height and massing of the buildings and the resulting density which define the nature of the scheme and set it apart from other developments in the city. The proposed tower would constitute the second tallest building in the city after the Anglican Cathedral.

- 12.8 The overall height and massing of the scheme act to create a form and character of development which in the context of Norwich is strikingly different and unfamiliar. The applicant has invested heavily in a design process which seeks to deliver a new vibrant mixed use quarter north of the river ('over the water') providing the opportunity for transformative change. The Design and Access Statement details the design process which has been followed.
- 12.9 This tension between the design and the quantum of development was highlighted by Design South East when they reviewed an earlier pre-application version of the scheme.
- 12.10 Following this review the developers made a number of revisions to the proposed scheme. These included (but were not confined to): the extension of the scheme to include buildings to the east (e.g. existing cinema block); remodelling of the development focusing height towards the middle of the site rather than at the edges, internal rearrangement of accommodation including a reduction in the number of single aspect units; and the introduction of a more active frontage on to Pitt Street. This revised scheme formed the March 2018 planning submission which has been further changed in the amendments submitted in September 2018.
- 12.11 In terms of a design evaluation of the amended scheme this is set out in the Committee Report and referred to in the evidence to be presented by the Council's design and conservation manager Ben Webster (NCC2/1).

13 LANDSCAPING AND OPEN SPACE

- 13.1 Key policies and NPPF paragraphs – DM3, DM6, DM8, NPPF paragraphs 9, 17 and 56.
- 13.2 The matters in relation to open space; public realm; external communal amenity space; and biodiversity are addressed in paragraphs 440-461 of the Committee Report and continue to form part of my evidence.

- 13.3 The planning application documents include a Landscape Strategy (and addendum) (CD4.92 / CD7.85). This document and accompanying plans set out the strategy for: creation of public spaces (including squares, new connections and existing street frontages); provision of children's play opportunities; provision of communal garden spaces for the residents; and biodiversity enhancements.
- 13.4 Amenity space, open space and green infrastructure are subject to a number of development plan policies. Policies DM3 and DM8 both require development to include open space (including green infrastructure) for the purposes of improving the appearance and character of the development and the surroundings; enhancing biodiversity; and ensuring new residents have access to local recreational and play opportunities. Policies DM 2 and DM13 relate to the provision of external amenity spaces to serve the private, or in the case of flats, communal, need of new residents. The NPPF states that planning decisions should plan positively for the provision of shared and recreational spaces, acknowledging the importance of such spaces to the health and wellbeing of communities
- 13.5 The Anglia Square PGN includes within the vision the following statement 'the development will have a clear relationship in built form with the surrounding area, and a safe and attractive public environment, including enhanced public spaces.'
- 13.6 In my view:
- (a) The proposed site wide landscape strategy provides for the creation of high quality multifunctional public spaces which will: enhance the appearance and character of the development; create opportunities for social interaction; and be sufficient in scale to function effectively and accommodate a broad range of recreational activities and uses, beneficial to future residents, the local community and visitors to the development, consistent with development plan policies JCS2, DM3 and DM8 and chapter 8 of the NPPF.

- (b) The proposed external communal amenity space provides for a satisfactory standard of amenity space for all residents consistent with development plan policies DM2 and DM13 and NPPF chapter 12.
- (c) The proposed 'green' measures provide the scope to significantly enhance the biodiversity value of the site and extend the network of habitats in this part of the city consistent with the development plan policies JCS1, DM3, DM6 and paragraphs 170 and 175 of the NPPF chapter 15.

13.7 It is my opinion that, subject to the imposition of suitable conditions, the development is in accordance with adopted development plan policy and consistent with the Government's policies of Promoting healthy and safe communities, Achieving well-designed places and Conserving the natural environment.

14 AIR QUALITY

- 14.1 The matters in relation to air quality are addressed in paragraphs 510-525 of the Committee Report and form the Council's evidence. The Inspector has identified the effect of the proposal on air quality as a matter relevant to the consideration of the Inquiry.
- 14.2 In the Draft Statement of Common Ground (CD11.9) the Council has agreed with the Applicant various matters in relation to air quality (rows 143-152 of the main table) including the evidence base relating to the assessment of air quality.
- 14.3 The proposed development site lies within the Air Quality Management Area (AQMA) for NO₂ declared by Norwich City Council in 2012.
- 14.4 The Council's case is that the development incorporates measures which will mitigate the effects of existing or potential further deterioration in local air quality through; design, distribution of uses and a site wide access and travel plan strategy.

14.5 It is the Council's case and my opinion that, subject to the imposition of suitable conditions, the development is in accordance with adopted development plan policy and consistent with development plan policies JCS1 and DM11 and the Government's policy of Conserving and enhancing the natural environment.

15 AMENITY

15.1 The key policies and NPPF paragraphs for consideration are DM2, DM13, NPPF Chapters 11: Making effective use of land and 12 Achieving well designed places.

15.2 The matters in relation to amenity are addressed in paragraphs 463 – 482 of the Committee Report and I adopt them as part of my evidence.

15.3 In summary, my case is that:

- (a) The development will have an overall acceptable impact on the amenity of the area in terms of the living and working conditions of neighbouring occupants;
- (b) There would be some impacts on neighbouring amenity, particularly in relation to privacy and lighting conditions for some occupiers of the buildings fronting onto Edward Street. However, when weighed up against benefits delivered by the scheme, the impact is not considered sufficient to warrant a refusal of planning permission and
- (c) The development will provide for an overall acceptable standard of amenity and living conditions for future occupiers.

15.4 I believe that the development is consistent with adopted development plan policy and the Government's policies of making effective use of land and Achieving well designed places.

16 TRANSPORT

- 16.1 The key policies and NPPF paragraphs for consideration are JCS6, DM28, DM30, DM31, NPPF chapter 9: Promoting sustainable transport.
- 16.2 Matters in relation to transport are addressed in paragraphs 484-508 of the Committee Report and form part of the Council's evidence along with evidence to be presented by Bruce Bentley on behalf of the Highway Authority (NCC3/1). The Draft Statement of Common Ground (CD11.9) includes a range of transport matters over which there is agreement between the Council and the Applicant.
- 16.3 The site is located adjacent to the city centre strategic road network formed by St Crispin's Road (part of the inner ring road) and by a one-way gyratory system for St Augustine's Street, Magpie Road and Edward Street. The location of the site on the northern fringe of the city centre affords a high degree of accessibility for all modes of travel.
- 16.4 The Council's case is that :
- (a) The Council has and continues to promote sustainable travel through its policies, initiatives and programmes;
 - (b) The site is highly accessibility by all transport modes and is a suitable location for focusing significant development;
 - (c) The scheme design and the proposed access, movement and parking strategy will facilitate the effective functioning and operation of the development for all users and positively promote sustainable travel; and
 - (d) The development proposal includes measures to adequately mitigate the highway impact of the development on the local road network which has been built to accommodate substantial development.

16.5 The Council's position and my opinion is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent with the Government's policies on Promoting sustainable transport.

17 OTHER MATTERS

Noise

17.1 The key policies and NPPF paragraphs for consideration are DM2, DM11, NPPF paragraphs 170 and 181.

17.2 The matters in relation to noise are addressed in paragraphs 527-535 of the Committee Report and form part of my evidence.

17.3 The Council's case is that;

(a) The development will provide for adequate protection from noise for future occupiers; and

(b) The development will not give rise to environmental, neighbour or neighbourhood noise which will have an unacceptable impact on the health, well-being and quality of life of future, existing adjoining and nearby occupiers.

17.4 In my opinion, subject to the imposition of suitable conditions, the development is in accordance with adopted development plan policy and consistent the Government's policy of Conserving the enhancing the natural environment.

Wind Turbulence

17.5 The matters in relation to wind turbulence are addressed in paragraphs 536-539 of the Committee Report and form part of my evidence.

17.6 The Council's case is that the development will not give rise to adverse wind conditions both at street level and for residents living within the development.

Energy and Water

17.7 The key policies and NPPF paragraphs for consideration are JCS1, JCS3, DM1, DM3 and NPPF Chapter 14: Meeting the challenge of climate change - paragraphs 148-154.

17.8 The matters in relation to energy and water are addressed in paragraphs 541-545 of the Committee Report and form part of my evidence.

17.9 The Council's case is that;

- (a) the development includes sources of decentralised, renewable or low carbon energy providing at least 10% of the scheme's expected energy needs and the design of the development will achieve a high level of energy efficiency;
- (b) the development will be water efficient; and
- (c) having regard to considerations of feasibility and viability these measures are acceptable in scope to be consistent with development plan policies JCS1, JCS3, DM1 and DM3 and relevant NPPF policies

17.10 It is my opinion that, subject to the imposition of suitable conditions, the development is in accordance with adopted development plan policy and consistent with development plan policies and the Government's policy of Meeting the challenge of climate change.

Archaeology

17.11 The key policies and NPPF paragraphs for consideration are DM9, NPPF Chapter 16: Conserving and enhancing the historic environment.

17.12 Matters in relation to archaeology are addressed in paragraphs 546-548 of the Committee Report and form part of my evidence.

17.13 The site lies within a part of the city identified on the adopted Local Plan Policies Map as being of Main Area of Archaeological interest. The site is highly likely to contain heritage assets of archaeological interest (buried archaeological remains) that have local and/or regional significance. These include the potential evidence of Anglo-Saxon and later settlements, Anglo-Saxon defensive ditches and the remains of St Olave's Church and St Botolph's Church and their associated burial grounds.

17.14 The development makes provision for a programme of archaeological mitigation work to record and advance the understanding of the significance of heritage assets with archaeological interest.

17.15 In my view subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent development plan policy DM9 and National Planning Policy Framework paragraph 199.

Flood Risk and Surface Water Drainage

17.16 The key policies and NPPF paragraphs for consideration are JCS1, DM5, NPPF 14: Meeting the challenge of climate change and flooding.

17.17 Matters in relation to flood risk and water drainage are addressed in paragraphs 550–553 of the Committee Report and form part of my evidence.

17.18 The site is at low risk of flooding from fluvial and tidal flooding, and whilst groundwater would appear to be relatively high, there is no evidence of groundwater flooding. Surface water mapping information shows part of the site to be at high risk of surface water flooding. The mapping data indicates an existing flow path through the site which passes down Botolph Street and Magdalen Street to the south. This flow path is likely to be associated with a lost watercourse, known as the Dalymond Dyke, which originally followed the course of natural streams but came to form an integral part of the sewerage system of medieval Norwich.

17.19 In my view, subject to the imposition of appropriate planning conditions, the development includes measures to satisfactorily manage and mitigate against flood risk from all sources consistent with development plan policies JSC1, DM5 and the Government's policies on Meeting the challenge of climate change and flooding.

Contamination

17.20 The key policies and NPPF paragraphs for consideration are JCS1, DM11, NPPF Chapter 15: Conserving and enhancing the natural environment.

17.21 The matters in relation to contamination are addressed in paragraph 555 of the Committee Report and form part of my evidence.

17.22 In my view the site is suitable for its proposed use and that subject to the imposition of appropriate planning conditions the development includes provision for site remediation measures necessary to deal appropriately with contamination in accordance with development plan policies and consistent with the Government's policies of Conserving and enhancing the natural environment.

Health Impact

17.23 The key policies and NPPF paragraphs for consideration are JCS7, DM1, NPPF Chapter 8: Promoting healthy and safe communities (paragraphs 91-95).

17.24 Matters in relation to health impact are addressed in paragraphs 557-561 of the Committee Report and these will form the basis of my evidence.

17.25 In my view, subject to mitigation measures secured by the imposition of planning conditions or a Section 106 obligation, the development promotes the creation of a healthy and safe community consistent with development plan policies and the Government's policies of Promoting healthy and safe communities.

18 RESPONSE TO OBJECTIONS

18.1 In this section of the proof I address the main objections made to the proposed development by parties involved in the Inquiry but also by those who have submitted representations during the application process.

Heritage and design

18.2 The proposed design and form of development has attracted substantial interest and comment from the public, statutory consultees and non-statutory bodies. Some comments have been highly supportive of the scale and boldness of the development proposals, positively welcoming substantial modern architecture into the heart of the city (summary table of representations paragraph 37 of the Committee Report). However, a substantial number of representations are highly critical, raising fundamental objections to the overall design of the scheme including the inclusion of a 20 storey tower. The comments are extensive and relate to a wide range of design consideration, but broadly relating to:

- (a) Quality of place, massing, height, character, local distinctiveness and architectural quality
- (b) Impact of the design approach: on the local townscape, designated and non-designated heritage assets, the qualities of Norwich as a cathedral city, on the lives of the existing community and those of future residents living within the development

18.3 Many strongly argue that the development fails to respond to the strong identity and 'sense of place' of Norwich and raise concerns that if approved the development will have a lasting and damaging legacy. The Norwich Society, Norwich Cathedral, The Council for British Archaeology, SAVE Britain's Heritage and Historic England object in the strongest of terms.

18.4 A response to these objections is set out in the proof of Ben Webster the Council's Conservation and Design Officer.

- 18.5 Historic England, Save and other parties in their Statements of Cases and representations have commented on viability and alternative forms of development, matters that the Council has had regard to considering whether the proposed development is deliverable and the whether the proposed development approach and the harm to designated heritage assets is justified.
- 18.6 Historic England in particular have referenced viability in various parts of their Statement of Case (CD11.3). In relation to the submitted scheme they have appointed G.L Hearn to review the Applicant's viability appraisal (CD11.4). This review has been disclosed to the Council and this will be considered on our behalf in evidence presented by Tony Williams (DVS)(either in his proof or rebuttal proof). Historic England's independent assessment suggested that the submitted scheme is not viable and the inference is therefore not deliverable. Furthermore they indicate the extent to 'which the (negative) viability of the scheme needs to feature as an issue at the inquiry at a moot point' (6.41). In paragraph 8.4 of this proof I have set out mine and the Council's position, that in the case of Anglia Square viability is an important material planning consideration and that the question of whether a development is deliverable is central to securing the regeneration of this site.

18.7 In paragraph 6.43 of their Statement of Case (CD11.3) HE respond to parts of the Committee Report and the question as to whether a quantum and mix of development proposed as necessary to make a scheme viable, could amount to a clear and convincing justification for harm to heritage assets - they indicate that this cannot be the case. They state 'Viability assessments are highly sensitive to inputs and current economic circumstances'. In response, I accept that viability assessments do have limitations. However they remain the basis by which the NPPF and national planning guidance requires development viability is assessed. Given the significance of this site and of the proposed development the Council has sought independent advice on viability throughout the pre-application and application process. The Council continues to attach weight to the Viability Assessment submitted with this application given both advice from the DVS and the level of public grant award by Homes England to support the delivery of the scheme.

18.8 Furthermore Historic England have circulated to parties illustrations of an alternative approach (CD11.5). They set out in paragraph 6.46 in their Statement of Case (CD11.3) their explanation of the purpose of the alternative approach being submitted and they confirm that they believe 'this alternative approach would not currently be viable'.

18.9 The alternative approach submitted by Historic England (CD11.3) illustrates a scheme which would see the wholesale clearance of existing buildings and structures from the Site (and adjoining land) and replacement with a mixed use development comprising buildings predominantly 3-4 storeys in height. The development schedule details: 453 dwellings (1-3 bed); 4955sqm of studio space (class B1); 4955sqm retail floorspace; 100 bed hotel; 1600sqm cinema and 266 parking spaces. The Council's Design and Conservation Manager responds to the proposed design and form of the alternative approach in his evidence. It is assumed that Historic England would judge the development as preserving or enhancing the historic character of the surrounding area. The proposed mix of uses would accord with JCS11 and would be suitable for a district centre location. However, it is not clear what proportion of the dwellings would be affordable or whether the proposed loss of retail space and the scale and format of the proposed retail units would support/ (rather than undermine) the function and viability of the Large District Centre. The alternative has not been supported by a viability assessment but significantly Historic England indicate the scheme would not be currently viable.

18.10 In relation to viability overall, on the evidence I have seen, the position remains as set out in the Committee Report. There is at least a reasonable prospect that the proposed development will be viable and therefore can be implemented. There is no evidence that any other scheme is or might be viable.

Housing matters

18.11 Objections to the scheme including from the Norwich Society raise concerns that the mix of dwellings is too narrow and that the number and concentration of flats proposed will neither promote a mixed and balanced community nor meet the local need of local people nor result in cohesion with the existing community. Furthermore, concern is raised about the level of affordable housing and the lack of affordable housing in block A, the first phase of development.

18.12 Housing need is addressed in Section 9 of this proof. Evidence on local housing need is contained within the 2017 SHMA (CD2.21) and this shows a significant future need for the flats arising from the city council area. The proposed housing will contribute towards meeting this local housing need.

18.13 Housing mix is addressed in paragraph 9.15-9.17 of this proof. I accept that for a residential proposal of this scale it would be preferable under normal circumstances to seek a broader range of dwelling in terms of type and size. However, for reasons sets out in my evidence in the case of this city centre site there are particular factors that militate against this. Although the proportion of family houses may be low, the development is nevertheless likely to support a range of household types and tenures. The new urban residential quarter is likely to attract young couples, singles, sharers and downsizers.

18.14 The S106 Obligation includes measures to mitigate the impact of the development and to promote social cohesion. The S106 includes a Sustainable Communities Plan. The purpose of the Sustainability Communities Strategy is:

- (a) To ensure that Anglia Square will be a great place to live, work, play and visit, for the new and existing surrounding communities, throughout the construction phase and following the completion of the redevelopment of the site;
- (b) To achieve (a), by assisting the formation of permanent links amongst the new residents and between those individuals and the existing surrounding communities, so that they may work together to meet their needs, realise their potential and prosper, achieving quality of life and strength of community now and in the future.

18.15 In terms of the delivery of affordable housing the viability evidence indicated that the development would not be viable with a greater level of affordable housing than that proposed. It is the case that Block A the first phase of the development does not include affordable homes. However, the S106 Obligation includes a development requirement for Block D (an affordable block) to have been completed and transferred to a Registered Provider prior to the occupation of 200 dwellings within of Block A. This will ensure that the first phase of affordable homes are available at the time Block A is being occupied.

Economy

18.16 Objections to the scheme have raised a number of concerns regarding the economic impact of the proposed development. These include the impact of the development on existing businesses within the centre and the artist studios and related creative social enterprises that have that have established in Gildengate House and in premises on Pitt Street. Representations have referred to Norwich's creative sector and the failure of the development to seek to build on this. Furthermore the Norwich Society have highlighted research that identifies quality of place as a factor influencing the ability of businesses to recruit essential specialist and professional staff.

18.17 Evidence given by Ellen Tilney responds to objections raised to the application on economic grounds. The following aspects and comments are also relevant.

18.18 The S106 Obligation includes a requirement for an Anglia Square Management Plan. This requires the owner/developer to mitigate the impact of the phased development on existing occupiers of the site. These include the owners of the centre using reasonable endeavours to permit tenants continued occupation of their current premises until vacant possession is required to allow demolition or until conditions are such that occupation would be unsafe. The plan requires the centre owners to enable continued access to premises, the erection of temporary signage and where practicable to undertake reasonable proactive marketing and information events for those businesses and tenants. Furthermore there is the requirement for the developer to maintain good communications with tenants throughout the construction period. It should be noted that the artist studios are located in Gildengate House, the conversion of which is in phase 4 of the construction programme. This is likely to enable the beneficial continued occupation of Gildengate House during earlier phases.

18.19 The development includes the provision of Discounted Commercial Units. These units, amounting to 1150 sqm (GEA) will be located on Pitt Street and Edward Street. The S106 Obligation secures the terms on which these premises would be occupied by Small/Medium-sized Enterprises (SMEs). The Obligation secures discounted rental terms; fit out requirements and marketing arrangements and strategy. The latter would require the units to be offered to prospective tenants in an order which would prioritise social enterprise users, artists and makers.

18.20 The Council recognises and values the many qualities of Norwich, which act to make the city an attractive place both to live and work. However, the evidence from the Council's Economic Manager has pointed to the multiple factors that act as drivers to economic growth within the city. Maintaining the city's quality of place remains an important objective of the Council, but I do not accept that the proposed development will act against this objective. Indeed, the presence of long term derelict and underused brownfield sites within the city act against this objective, severely detract from this quality of place and undermine confidence in Norwich as a place for investment and growth. Bringing forward development on these sites, creating high quality and commercial floorspace for both existing and new businesses and facilitating high density mixed use places act to create vibrancy and build business confidence.

18.21 I do not accept that the proposed development will undermine Norwich as a designation for tourists, visitors including shoppers. The quality of major attractions such as Elm Hill, the Cathedral and the core civic/shopping area will not be damaged by development on the city fringe. Indeed the development includes a large 200 bed hotel, which would positively support the visitor sector by offering accommodation in a location convenient to visitor/cultural attractions.

Town centres

18.22 Objections have been raised to the application citing concerns over the retail component of the scheme. A number of third party representations have raised concerns that the development will result in the potential displacement of existing independent and discount/value-led retailers from the centre which currently serve the needs of the local community and give the Anglia Square its distinctive character. The representations point to the proposed layout/appearance of the new commercial floorspace and future higher rents, as evidence that high street chains will be drawn in and the local function of the centre lost. In addition objections to the planning application have been received from the owners of Chapelfield Shopping Centre (Intu) and also Castle Mall. Both representations focus on the potential of the new development to function in a manner which would directly compete with these established higher order shopping centres. Norwich BID have indicated general support for the redevelopment of the site, stating that it needs investment and regeneration but have commented that the amount of retail proposed is a large retail footprint for a secondary retail area in the context of new evidence about demand.

18.23 Planning condition 19 and the S106 Obligation requirements set out in Schedule 4, 5 and 8 seek to mitigate the impact of the development on existing tenants of the centre and to ensure that accommodation of a suitable size continues to be available to smaller scale retailers and businesses on suitable terms. This will support existing and future SME and the local/independent sector.

18.24 Planning conditions 11, 16, 17 allow for flexibility in the use of floorspace but ensure there is a qualitative improvement to the convenience goods retail offer (GVA 2018 recommendation) and that non- A1/A2 uses are focused outside of the main shopping square.

- 18.25 The representation submitted on behalf of 'Intu' suggests that additional planning controls are necessary to ensure that the function of district centre remains focused on shopping and supporting the convenience needs of the local catchment. Paragraph 239 of the Committee Report lists limitations suggested in the representation.
- 18.26 The requirement that a minimum area of 3000sqm of floorspace should be limited to the sale of convenience goods exceeds the existing amount of floor space currently in use for that purpose and scheduled for demolition. This condition would limit the owner's ability to retain existing tenants and conflict with the GVA recommendations for the centre of improving the qualitative, rather than quantitative, convenience offer. The condition proposing a minimum amount of A1 floorspace would limit the amount of floorspace available for café and restaurant uses, B1a office uses and D1 uses. Such uses are considered beneficial to a mixed use function of the district centre. The A3 and A4 uses will support the day time and evening vibrancy of the centre and commercial interest in the new development by hotel and cinema operators and are in line with the recommendations of the GVA study. Demand for B1a floorspace is also identified in the GVA study and discussed in more detail in para 248-256 of the Committee Report.
- 18.27 The dual representation condition seeks to restrict the ability of a city centre retailer to establish a second store within Anglia Square unless certain commitments are made. Intu have provided national examples where such a condition has been imposed and it is pertinent to note that both relate to out of centre shopping locations. In contrast, Anglia Square is one of two Large District Centres within the city centre both of which include national retailers as tenants and where dual representation exists and neither of which has the condition suggested.

18.28 In this case, Anglia Square forms part of a designated Large District Centre where there are no restrictions in place regarding the A1 use of the floorspace. DM18 specifically considers the proposed scale of retail development and in this case an overall reduction in floorspace is proposed. Both the NPPF and the adopted development policies recognise the need for planning decisions to support the role of town- centres and this is increasingly important in the context of a changing retail market and the challenges faced by high street retailers. The GVA 2018 report recommends that GNDP authorities should ensure that the core retail functions of Norwich city centre and network of other policy-defined centres are protected and where possible enhanced. The report further recommends that Norwich City Council should continue to support and facilitate growth of comparison goods retail, commercial leisure and other 'main town centre uses' on appropriate sites in Norwich city centre to support and enhance its role as a centre of regional-scale shopping and leisure significance. Both Riverside and Anglia Square fall within the city centre and national retailers trade from both locations. The restrictions listed in the table in paragraph 235 will have the effect of limiting the quantum of floorspace for the sale of comparison goods to 6330sqm GIA. This scale of floorspace is below existing provision and of a scale which would not compete with the primary /secondary shopping areas even if national retailers were to be represented at a higher level than currently. The imposition of such a condition is therefore not considered justified or reasonable.

Air quality

18.29 It is important to understand that any redevelopment of Anglia Square, including the bringing back into use of the existing office buildings and multi storey car park, would increase NO₂ levels above current baseline levels. The lack of built frontages onto Edward Street and New Botolph Street and the comparatively low levels of activity/traffic levels associated with the underutilised site (i.e. unused offices and MSCP) suppress existing NO₂ levels in the area. Any comprehensive development project for this site will therefore lead to a deterioration in local air quality conditions to some degree.

18.30 The development on the main site includes a substantial quantum of residential properties ('sensitive' receptors). These are all located at first floor level and above, where pollutant levels are predicted to be below the annual statutory target. A mix of commercial and 'back of house' functions, including entrance lobbies, bike stores and bin stores are proposed at ground floor level on the main frontages of the development facing the surrounding road network. These uses are not defined as 'sensitive' and as such are suitable at ground floor level without the need for mitigation. However, the applicant has advised that all commercial accommodation (including units fronting Pitt Street, New Botolph Street and Edward Street) will have mechanical ventilation associated with air source heat pumps.

18.31 Ground floor residential dwellings in block B would be subject to conditions in which the annual and daily statutory targets are predicted to be exceeded. The detailed design of this block (at reserved matters stage) would need to address this constraint and it may be preferable for ground floor units to face into the site. Suitable mechanical ventilation or individual whole house ventilation systems with NO_x/NO₂ filters are also likely to be required.

18.32 In locations where exceedance of the hourly NO₂ level is predicted, there is the risk that the development could give rise to a wider detrimental public health impact. Elevated levels of NO₂ are predicted on Pitt Street, New Botolph Street, Edward Street and Magdalen Street are associated with general high traffic levels, queuing at junctions and idling of heavy goods vehicles particularly buses. However, the principal function of these routes is 'movement' and as such exposure time for pedestrians and cyclists is very likely to be well below one hour, above which levels > 60 µg/m³ become a particular concern. The proposed landscape strategy proposes planting along all these road frontages and this will have a beneficial effect. On Pitt Street, New Botolph Street and Edward Street a combination of tree planting, soft buffer planting and green walls are proposed. This landscape approach provides scope for the planting to be designed and specified in a manner to assist local absorption of NO₂. This mitigation, along with the enhanced traffic free through routes across the site, offers potential for improved conditions for pedestrians and cyclists along with existing residential properties located close to the road network.

18.33 Outdoor amenity and public spaces are proposed at both street level (public squares) and at elevated levels (residents' communal gardens and private balconies). These are designed to encourage people to dwell and therefore at these specific locations exposure times may exceed 1 hour. Apart from private balconies on boundaries facing outwards of the site, these spaces are set away from highway boundaries and are shielded by adjacent buildings. In the case of balconies and communal gardens these are raised above road level. The council's environment health officer is satisfied that pollutant concentrations in these locations will not exceed relevant statutory targets.

18.34 DM11 requires development to take particular account of the air quality action plan for that area. Given existing statutory target exceedances it is necessary to consider whether the development has had sufficient regard to the AQAP in the design of the scheme and the scope of the mitigation measures proposed. The council's environmental protection officer EPO has recommended mitigation measures should be considered to minimise traffic congestion, encourage the use of non-polluting modes of travel and ensure adequate number of rapid electric charging points are installed.

18.35 In summary the environmental information in relation to air quality has been assessed. The predictions have taken into account the cumulative impact of other planned development .The re-development of this site is identified as a strategic priority in the JCS and measures have been included in the design of the scheme to suppress traffic generation associated with this development. Locating new housing in sustainable locations is central to reducing the reliance of the growing population on private car travel. This site is a highly sustainable brownfield site and a full range of measures have been proposed by the developers to promote sustainable travel behaviour by residents, visitors and works and limit the impact of additional traffic on air quality.

19 SUMMARY AND OVERALL BALANCE

19.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This application has raised significant heritage considerations in relation to the impact of the development on Norwich City Centre conservation area and on the setting of a large number of listed buildings. The determination of the application therefore must have due regard to statutory duties of section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and the policies in the NPPF which seek to recognise the importance of designated heritage assets .

19.2 With reference to the headings in the Secretary of State's call in letter, set out in the following paragraphs is my assessment of the benefits and harm along with my judgment of the weight to be attributed to each in the planning balance. I have used the following descriptors of weight, starting highest to lowest: **great – significant – moderate – minor**.

(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).

19.3 **The proposed housing led scheme will: boost the supply of homes in Norwich, provide homes of a size, type and tenure which meet locally identified housing need; make effective use of a brownfield site, enable major residential development to be focused in a highly sustainable site**

19.4 It is a core objective of the NPPF to significantly boost the supply of houses. Although currently the land supply stands at 6.82 years for the area of Norwich City there is evidence that the number of completions remain below target for the whole plan period. If land supply were measured against the JCS targets, the land supply would now be just 3.94 years within the Norwich Policy Area. Overall, I am of the view the need for housing for the area in which the site is situated is great.

19.5 The development if approved and implemented would represent the most significant housing project within the city of Norwich capable of being delivered in full over the next decade. With the scope to deliver 2.06 years of Norwich's housing supply needs the development would significantly boost the supply of homes in the city. Furthermore on the basis of evidence in the SHMA 2017 the development in terms of size, type and tenure would make a significant contribution to meeting identified local housing need. Although the amount of affordable housing is well below policy compliant levels, the 102 social rented properties and 18 intermediate, in terms of tenure and dwelling type will make a very substantial contribution to addressing housing need in this part of the city.

19.6 In paragraph 117 of the NPPF it is stated that planning decisions should promote the effective use of land in meeting the needs for homes and other uses and that as much use as possible should be made of previously-developed land. It is stated in paragraph 118 that planning decisions should give substantial weight to the value of using brownfield land within settlements for homes to meet identified need.

19.7 Anglia Square is Norwich’s highest profile city centre brownfield site which has sat vacant and under-utilised through two economic cycles. The degraded appearance of Sovereign House, the disused Multi-Storey Car Park and the site in general is detrimental to the local historic townscape and the image of Norwich as an attractive location for investment. Ensuring a development comes forward on this brownfield site without any further delay is a significant consideration for the Council. The Council is satisfied that with the level of public subsidy available the proposed housing-led scheme is viable and capable of unlocking this site for beneficial development. This city centre site is a highly sustainable location for residential development. At a time when there has been historic under-delivery of housing, the development would both unlock a brownfield site and enable residential growth to be focused in a location which limits the need to travel, offering a genuine choice of transport modes (para 103 of the NPPF).

19.8 It is my judgement that the housing benefits associated with this development positively support the housing objectives of the development plan and the NPPF and are capable of being assigned weight in the planning balance.

Impact	Nature of impact	Weight
Boost the supply of homes in Norwich	Beneficial	Great
Provide homes of a size, type and tenure which	Beneficial	Significant

meet locally identified housing need		
Make effective use of a brownfield site	Beneficial	Significant
Enable major residential development to be focused in a highly sustainable site	Beneficial	Significant

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

19.9 The development project during both construction and operation stages will result in: significant direct economic benefits for the local and Norwich wide economies; and indirect benefits through boosting the city's profile and attractiveness to other inward investment , acting as a catalyst for wider change within the Northern city centre

19.10 Over the last two decades there has been a marked reduction in the number of jobs on this site and the vitality of the Anglia Square centre has declined. The development will allow this location to respond to changes that have occurred over that period and create the conditions in which existing and new businesses can invest, expand and adapt.

19.11 The proposal represents the largest development scheme proposed in the city centre since the retail-led mixed use development of Chapelfield, which opened in 2005.. The £270million investment will enhance the retail and leisure function and overall vitality of the centre, the viability of the Large District Centre as a whole and boost confidence in the northern city centre as a location for wider re- development.

19.12 Jobs created over the 8 year construction period will lead to an 8% increase in jobs in this sector, delivering a city wide benefit. The jobs density on the site will be permanently uplifted by the creation of additional job opportunities. The level of uplift of between 286 - 563 will deliver both city wide benefits and through a local employment strategy create conditions for local people and businesses to benefit from the development.

19.13 The development will positively support the economic regeneration of the site and the Northern City Centre and assist in reducing levels of deprivation in this part of the city.

19.14 **It is my judgement that the benefits associated with this development positively support the economic objectives of the development plan and the NPPF and are capable of being assigned weight in the planning balance.**

Impact	Nature of impact	Weight
The proposed quantum and mix of development will support permanent economic growth within the Northern City Centre Regeneration area and the wider city	Beneficial	Great
The development will positively assist in addressing deprivation in this part of the city	Beneficial	Significant

- (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);

19.15 The development will address existing deficiencies in the Anglia Square Shopping Centre and support the long term viability of the defined Anglia Square and Magdalen Street Large District Centre.

19.16 The existing shopping centre is outdated and has limited capacity to serve a large district centre function. The deficiencies in the centre have been identified for a considerable number of years and the more recent GVA health check.

19.17 The proposed replacement of the existing commercial floorspace with a mix of premises suitable for shopping, leisure, hotel and offices uses will create substantial new job opportunities. This, along with the proposed new residential neighbourhood, will support the long term viability and vitality of the centre and the wider Anglia Square/Magdalen Street district centre. Furthermore, it will strengthen the economic base of the northern city centre and enable this part of Norwich to contribute to the city's regional role as a focus for retail, leisure and employment.

19.18 It is my judgement that the benefits associated with this development positively support the vitality of town centres and the objectives of the development plan and the NPPF and are capable of being assigned weight in the planning balance.

Impact	Nature of impact	Weight
Positively support the long term vitality and viability of the Anglia Square Magdalen Street Large District Centre.	Beneficial	Significant

- (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);

19.19 The development will impact on the significance of Norwich City Centre Conservation Area and identified designated heritage assets and result in less than substantial harm.

19.20 Legislation and national policy and guidance provide robustly for the protection of the historic environment, and in particular, of those elements of it which are designated heritage assets.

19.21 The Council has identified that the development will impact on the significance of designated heritage assets and result in harm. The extent and nature of this impact has been considered in detail by the Council and in Mr Webster's evidence (NCC2/1). In considering the impact of the development on individual designated assets the Council has judged that the impact varies in magnitude; in some cases relates to assets which are of the highest national importance; and in all cases is less than substantial.

19.22 The Council has had regard to the heritage benefits of the scheme which will serve to enhance the Anglia Square character area. These benefits moderate the Council's assessment of harm to a level below described by Historic England, SAVE and the Norwich Society. Nevertheless the Council and Mr Webster's evidence accepts that, given the designated heritage assets involved, great weight should be given to the assets' conservation and that the level of harm is such that under 194 of the NPPF it requires very clear and convincing justification.

19.23 In considering whether the level of identified harm has been clearly justified, the Council has had regard to a number of considerations. These include: the circumstances of Anglia Square which have resulted in the site's deterioration and current condition; the not unreasonable position that development should now come forward without any further delay; and whether there are reasonable prospects of an alternative form of development on the Application site being delivered, which avoids or results in less harm. Having considered these factors the Council considers the harm to be justified, and I agree with this position.

19.24 In accordance with paragraph 196 of the NPPF both I and the Council have weighed the harm against the benefits of the proposal.

19.25 It is my judgement that in the planning balance, great weight should be attached to avoiding the level of harm which has been identified to the significance of designated heritage assets.

Impact	Nature of impact	Weight
Impact of the development on designated heritage assets	Less than substantial harm	Great

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

19.26 The redevelopment of Anglia Square is a long held strategic objective of the Council and JCS 11 firmly establishes the regeneration of the Northern City Centre, including Anglia square, as a strategic planning policy objective. The site is large, highly constrained and supports an operational shopping centre. Comprehensive redevelopment requires the demolition of one of the largest buildings in Norwich, potential extensive archaeological investigation, contamination remediation and construction of a replacement chapel. The costs of developing this site are therefore exceptionally high, the time lag between costs being incurred and new development being able to be sold is considerable, and current values in this part of the city are low. In this circumstance the evidence is clear that viability constraints mean that any regeneration of the site will involve compromises to be made.

19.27 Delivery of the proposed development would positively support the objectives of the following development plan policies: JCS 4: Housing delivery; JCS 5 The Economy; JCS 7 Supporting Communities, JCS 11 Norwich City Centre; DM1 Achieving and delivering sustainable development; DM 12 Ensuring well –planned housing, DM16 Supporting the needs of business, DM18 Promoting and supporting centres and DM28 Encouraging sustainable travel.

19.28 I consider the proposal viable and beneficial and that in the planning balance great weight should be attached to a scheme which enables the strategic regeneration objectives for this site to be achieved.

Impact	Nature of impact	Weight
Ability of the development to unlock a long term underutilised and derelict site for comprehensive mixed used development without any further delay	Beneficial	Great

19.29 In terms of meeting multiple development plan policies that relate to sustainability matters (JCS 1, JCS 3, DM1, DM3, DM6, DM7, DM8 and DM28), the application site is one of the most sustainable sites in the city for development. New residents will have direct access to shops, cafes and other services within the centre and will be able to easily walk into the city centre. Cycle networks and bus routes passing along Magdalen Street will benefit residents, shoppers and visitors to the centre. The location of the site provides the very best opportunities for reducing the overall need to travel and reducing dependency on private cars. The level of parking is high, but public parking is below current levels. A range of measures are proposed to promote sustainable travel, including residential and commercial travel plans, cycle parking, the provision of car club vehicles and Electric Vehicle Charging Points (EVCPs). The energy strategy for the development includes the provision of air source heat pumps to meet 18% of the required energy for the whole development, exceeding the minimum requirement set out in JCS 3. Furthermore, the scheme includes a comprehensive landscape strategy for this site which is currently devoid of green areas. A substantial level of tree planting is proposed within and on the edges of the scheme, a necessary requirement to not only enhance the streets but to assist in mitigating NO₂ levels in this part of the city. The landscape strategy which also includes podium gardens and extensive green roof provision will result in a substantial ecological enhancement of this site, a development benefit positively encouraged in DM 6.

19.30 I consider that in the planning balance significant weight should be attached to the sustainability benefits (reducing the need for travel etc.) of focusing mixed use development in this location; minor weight to the environmental benefits of the proposed landscape strategy; minor harm to the impact of the development on air quality(moderated by the proposed mitigation and the fact that any physical re-development of this site would result in deterioration to some degree); and minor harm to the level of use of non-renewable resources given the level of demolition, nature of construction and the failure to embrace more ambitious district-wide energy sources for energy generation.

Impact	Nature of impact	Weight
Scope the development provides to promote sustainable travel behaviour	Beneficial	Significant
Impact of traffic generated by the development	Harm	Minor
Environmental benefits of the proposed site wide landscape strategy	Beneficial	Moderate
Impact of the development on air quality	Harm	Minor
Overall energy strategy for the development	Harm	Minor

19.31 I turn to the development plan policies promoting healthy and safe communities, seeking to maximise opportunities for improved health and well-being and safeguarding the interests of the elderly and vulnerable groups (JCS 7, DM1, DM2, DM3) . The re-planning of the site provides the opportunity to create well used streets and public spaces which will discourage crime and antisocial behaviour. The proposed public realm and communal gardens are designed to function as accessible, community spaces, for sitting, socialising and play. The scheme includes new homes, including affordable homes (10% of homes to be adaptable and accessible) a replacement chapel, new shops and leisure facilities, public toilets, a Changing Places facility and the shopping centre owners have agreed to make provision for mobility scooters. These measures in combination are beneficial to health and wellbeing and inclusivity.

19.32 I consider that in the planning balance significant weight should be attached to the ability of the development to create and deliver a healthy, inclusive and safe place in accordance with Joint Core Strategy policy JCS 7 and Norwich Local Plan policies DM1, DM2 and DM3.

Impact	Nature of impact	Weight
Ability of the development to create a deliver a healthy, inclusive and safe place	Beneficial	Significant

19.33 Moving on to JCS 2 and DM3 and the design of the proposed development, it is not disputed that the proposed form and density of the scheme will contrast with traditional and contemporary patterns of development in Norwich. The Council has identified some weaknesses in the proposed design approach in particular the extent to which the development is 'sympathetic to local character and history, including the surrounding built environment', a core design principle of JCS 2, DM3 and the NPPF (para 127 of the NPPF) .The proposed design approach results is a high proportion of single aspect flats and there is evidence that the height and massing of the development will result in undesirable levels of overshadowing of buildings adjacent to the site (Dalymond Court in particular), a proportion of proposed dwellings within the development and sections of streets and public spaces. However, these weaknesses in the design approach have to be weighed against design strengths that have been identified through the Building for Life assessment.

19.34 Overall the development will make effective use of a site much of which is a wasteland and despoiled by a largely vacant and outdated precinct. The proposed development will replace these negative features with a new neighbourhood with its own distinct character. I agree with the Council's Conservation and Design Officer that the 'character of development that is proposed is a bold, modern, high density and unashamedly urban, mixed use quarter for the city. The public spaces would be rich and interesting, animated by public activities and the pedestrian connections which open the site up to the rest of the city' (paragraph 340 of the Committee Report). The tower and its architectural treatment gives further distinction and is capable of symbolising the regeneration of this part of the city.

19.35 On this basis I view the design approach as broadly consistent with the DM3 although I accept there are areas where tension exists.

Impact	Nature of the impact	weight
Quality of the design approach and impact on the	Beneficial	Moderate

surroundings		
--------------	--	--

19.36 Finally, in this section I address JCS 2 and DM9, the Development Plan policies that deal with preservation of heritage assets. Paragraphs 375 - 428 of the planning committee report (CD9.1) deal with the impacts of the development and Mr Webster addresses these further in his proof (NCC2/1).

19.37 Both development plan policies indicate that development shall have regard to the historic environment. 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...”. The assessment of the development in the committee report and by Mr Webster has identified some heritage benefits (NCC2/1, para. 4.12) but concludes that these are considerably outweighed by the less than substantial harm it causes. I agree with this assessment.

19.38 Policy DM9 does allow for the loss of heritage assets, both designated and non-designated and harm to their significance but makes clear that this should be in ‘exceptional’ circumstances. There is consequently a tension when the proposals are assessed against DM9 and it’s acceptability depends on whether or not the justification for the scheme is considered to meet the test of ‘exceptional circumstances’. My view is that the justification for the scheme does meet this test but nonetheless great weight should be attached to the harm identified in accordance with my conclusion at paragraph 19.25 above.

19.39 It is my judgement that in the planning balance, great weight should be attached to avoiding the level of harm which has been identified to the significance of designated heritage assets.

Impact	Nature of impact	Weight
--------	------------------	--------

Impact of the development on designated heritage assets	Less than substantial harm	Great
---	----------------------------	-------

19.40 Overall I consider the proposed development for the site is broadly consistent with the development plan and that where conflict arises there are material considerations of sufficient weight to justify granting planning permission.

20 CONCLUSIONS

20.1 Paragraph 196 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset/s, this harm should be weighed against the public benefits of the proposal. NPPG (Paragraph: 020 Reference ID: 18a-020-20190723) (CD1.2) defines public benefits as, including anything that delivers economic, social or environmental objectives.

20.2 Development of this site will:

- (a) deliver net environmental gains through the remediation of derelict land and buildings;
- (b) create a vibrant mixed use neighbourhood with a strong and distinct sense of place;
- (c) bring benefits to local people through the provision of a substantial number of new mixed tenure homes, creation of new jobs, enhanced public open space and an improved Large District Centre; and
- (d) boost the local economy through investment and new expenditure, supporting existing businesses and the growth of new enterprise.

20.3 The scheme, if built, would have a significant and permanent regenerative effect on the northern city centre and deliver comprehensive development on one of Norwich's most conspicuous degraded brownfield sites. Substantial public benefit will follow these broad economic, social and environmental objectives being met for this priority regeneration site. Indeed, there is the opportunity for these benefits to be extended through the development acting as a catalyst for further investment within the wider northern city centre. Furthermore, at this time the prospects of delivery of these broad benefits are enhanced by the likelihood of securing significant public subsidy to unlock this site for development.

20.4 The Council recognises that Norwich has a remarkable historic centre and that in considering the impact of the proposed development great importance and weight should be given to the conservation of the city's historic environment. The Council has identified that the development will result in less than substantial harm to a large number of heritage assets, including to assets which are of the highest national significance. However, there are multiple public benefits associated with the proposal which individually and collectively need to be weighed against the identified harm. Cumulatively these benefits are sufficient to outweigh the harm to the historic environment notwithstanding the great weight ascribed to its conservation. It is therefore my opinion that the Council was correct in deciding to support this scheme.