

**FOR THE APPLICANT:  
WESTON HOMES**

**EXPERT EVIDENCE TO THE PUBLIC  
INQUIRY UNDER SECTION 77 OF  
THE TOWN AND COUNTRY  
PLANNING ACT 1990**

**ANGLIA SQUARE, NORWICH**

**PROOF OF EVIDENCE: HERITAGE,  
TOWNSCAPE AND VISUAL IMPACT**

**WH 2/1**

**LPA REF. 18/00330/F**

**PINS REF. APP/G2625/V/19/3225505**

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**1.0 SUMMARY**

1.1 Summary bound separately at **WH 2/2**.

## 2.0 INTRODUCTION

2.1 My name is Chris Miele and I am a Senior Partner at Montagu Evans' central London office. I am a Chartered Town Planner (MRTPI) and a Member of the Institute of Historic Building Conservation (IHBC).

2.2 I appear on behalf of the Weston Homes, the Applicant ("**the Applicant**") who has instructed me as an expert to provide evidence on heritage, townscape and related design matters.

2.3 Please see the signed affirmation concluding my evidence (**Section 12.0**). This explains the basis on which I have prepared this evidence and my understanding of my duties to the Tribunal.

2.4 **Appendix 1.0** comprises my CV and list of publications. From that I highlight the following:

2.4.1 I have nearly 30 years of experience advising on planning and the historic environment.

2.4.2 This includes time at English Heritage (1990-98) and then private practice where I qualified as a Chartered Town Planner.

2.4.3 I joined Montagu Evans in 2005 as a Partner and oversee a specialist team of 17 professionals working within the planning and development team. I am also head of our Central London and Heritage grouping.

2.4.4 Since the early 2000s I have been involved in advising on developments of the kind being considered at this Inquiry, and which include tall development.

2.4.5 Most of these projects entail heritage setting impacts of the kind which will feature in this Inquiry, on highly graded heritage assets including World Heritage Sites ("**WHS**").

2.4.6 I have been involved professionally in establishing best practice for tall building assessments over those years. I was a principal author of the London View Management Framework (first published 2007, Supplementary Planning Document ("**SPD**") to the London Plan). The express purpose of this document was to achieve the optimisation of land uses on sites within and affecting then 25 strategic views (now 27). All of these views have a heritage dimension, and include WHSs. All of London's WHSs are proximate to areas of intensification, Major Centres, Opportunity Areas or land subject to similar designation. I mention this because the Application land at Anglia Square is subject of a designation seeking optimisation.

- 2.4.7 I have advised on many projects since then, helping to achieve consent locally in most instances. I have given evidence on tall buildings, including at call-in inquiries, over those years and often in circumstances similar to this one, where I was not involved in promoting the application.
- 2.4.8 I also appear in other jurisdictions, most often in the Upper House of the Lands Tribunal but also from time to time in the High Court and Consistory Court. My evidence is prepared as independent expert evidence (see signed affirmation concluding this Proof at **Section 12.0**) reflecting the terms of the CPR part 35, which reflect the requirements of my professional institute and Planning Inspectorate (“**PINS**”) guidance on what comprises expert evidence
- 2.4.9 The other area of my work involves advising on the integration of large-scale developments into environmentally sensitive contexts, including conservation areas and the setting of Registered Parks and Gardens (“**RPGs**”), Scheduled Monuments and listed buildings. A number of these instructions are town centre schemes, and so I have considerable experience of dense mixed use developments.
- 2.4.10 I also advise clients contemplating alterations to listed buildings and changes of use. For example, I achieved all the consents enabling the Trustees of the British Museum to construct their 20,000 sqm extension to that Grade I listed building. I advised the Dean and Chapter of Westminster Abbey similarly, on the Cellarium project, a new visitor centre in C14 vaults accessed off Dean’s Yard, and am currently advising the owners of the Grade I listed Custom House in the City of London on its conversion to a hotel. I am advising the Cabinet Office on the National Holocaust Memorial in Victoria Gardens, near the Houses of Parliament.
- 2.4.11 I have many public and charitable clients – universities, government departments, the NHS, major museums – as well as commercial developers across all sectors including housing, retail and office. I have some infrastructure experience as well.
- 2.4.12 I come to this profession via an academic background and a PhD in the history of architecture and urban planning (New York University, 1990). I have also worked in the architecture and design divisions of two major museums in New York (the Museum of Modern Art and Metropolitan Museum of Art) and lectured undergraduates as part of completing my advanced degrees.
- 2.4.13 I am a Fellow both of the Royal Historical Society and of the Society of Antiquaries, London, which honours were achieved in recognition of my contribution to the cultural history of this country in the C18, C19 and C20s.

2.4.14 I am outgoing Chair of the Board overseeing the work of the Centre for Urban History, Leicester University. I am also recently appointed as an Honorary Professor in the Social Sciences Department of Glasgow University.

### 3.0 MY INSTRUCTION AND SCOPE OF EVIDENCE

- 3.1 I was not involved in helping to promote the application but was invited to review the proposals after they were called-in by the Secretary of State (“**SoS**”) for his determination.
- 3.2 My initial instruction was to undertake a peer review of the called-in proposals and so to advise on:
- 3.2.1 The strength of the heritage objection raised by Historic England (“**HE**”), now a Rule 6 Party, in addition to objections raised by other parties (whose concerns are similar); and
- 3.2.2 The design and urban design quality of the proposals as relevant to heritage matters, townscape and design matters more generally.
- 3.3 My desk-based review enabled me to make an offer of expert services to the Applicant on the basis that any evidence I prepared would have to identify less than substantial harm to a number of heritage assets. This was offered as independent advice, and I have since formed my own views accordingly.
- 3.4 My views overall are similar to many formed by the conservation and design officer at Norwich City Council (“**NCC**”), Mr Webster, giving evidence to this Inquiry.
- 3.5 However, I differ from him on a number of points as these are recorded in the Committee Report (**CD9.1**, to which I understand he contributed). Hence, and in line with the Applicant’s submission at the Pre-Inquiry Meeting, I make submissions on the views expressed in that Committee Report (**ibid**).
- 3.6 I have read the material relevant to my topic area which was submitted with the application. This includes:
- Environmental Statement Chapter 7 Built Heritage (**CD4.86g**) and Addendum (the Supplementary Environmental Information or ‘SEI’) (**CD7.81g**);
  - The Built Heritage Statement (March 2018) (**CD4.86i**) (“**BHS**”) and Addendum (**CD7.81s**); and
  - Townscape and Visual Impact Assessment (“**TVIA**”) (March 2018) (**CD4.86m, s**) and its Addendum of August 2018 (**CD7.81m, x**) which contain the settled views of the ‘Amended Scheme’ which is now before the SoS.
- 3.7 I am naturally familiar with the submitted information which is, I understand, accepted to meet the information requirements for the application and meets the terms of the regulations. I have not formed my opinions with reference to the opinions set out there, which reflect the judgment of its authors.



- 3.8 I do not, as a matter of course, engage in any detailed critique of a submitted Environmental Statement (“**ES**”) in cases such as this, where I was not party to preparing the document. This is my normal practice unless I am otherwise instructed to do so, and I have not been here.
- 3.9 The offer of service I made was accepted and enabled me to undertake the necessary extensive site work that stands behind my evidence and has informed the Applicant’s Statement of Case (“**SoC**”).
- 3.10 Working with members of the Applicant’s team, I have contributed to the Statement of Common Ground (“**SoCG**”) prepared with NCC. Essentially, this agrees that the views which have been identified are the relevant ones for assessing setting impacts. The parties agree that this is a visual setting case. We and NCC also agree that the understanding of significance of the many heritage assets as set out in the submitted material (listed above) is accurate, and we adopt it for the purposes of evidence. At the time of writing we (and the Inspector) have invited HE to identify which parts it disagrees with (if any).
- 3.11 I have also sought to agree that the entries from the relevant edition of the Pevsner Architectural Guides<sup>1</sup> can be agreed as accurate as to the history and significance of the city and the assets we are discussing.
- 3.12 After my site view, I identified the need for further visualisation work to be done in order to assist the Inquiry. This technical information, developing the TVIA work, was prepared independently. It was only just ready prior to exchange and so I was not able to share it with other parties. It will be discussed after exchange and to assist in the completion of the SoCG on heritage matters (**CD11.10**).
- 3.13 Additionally, I formulate my evidence on the basis of the proposals as they are now presented in the called-in application (hereafter “**the Application**”). This is to say, I do not contrast the current proposals, featuring a 20 storey residential tower, with the previously and originally presented proposals for a 25 storey residential tower. The evolution of the scheme and its revisions during the application process are the subject of other evidence presented by the Applicant (see Mr Vaughan **WH 1/1**).
- 3.14 This evidence is presented as independent expert evidence and so meets the terms of my professional institute’s (RTPI) Code of Ethics, the terms of PINS guidance (Annexe O, ‘What is expert evidence?’) and those of the Civil Procedure Rules which govern my work more generally as an expert across jurisdictions (Upper House of the Lands Tribunal, Consistory Court, High Court QB Division).

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<sup>1</sup> Pevsner, N. and Wilson, B. (1997) *Pevsner Architectural Guides: Buildings of England – Norfolk 1: Norwich and North-East*. Yale University Press. Some extracts are reproduced at **Appendices 5.0, 7.0 and 9.0**.

- 3.15 My signed affirmation concluding this evidence confirms my adherence to those terms **(Section 12.0)**.

#### **Scope of Evidence**

- 3.16 There are many heritage assets to consider and many viewpoints.
- 3.17 To assist the Inquiry, I have grouped these geographically or according to the type of effect, so adopting the following structure:
- 3.17.1 The first grouping comprises the local area at Anglia Square and to the north of it including its heritage assets and townscape. This analysis will cover Anglia Square itself and Madgalen Street, the northern approach into the city comprising Aylsham Road, St Augustines Street and Pitt Street and related heritage assets, in particular the Grade I listed St Augustine's Church and its almshouses (Grade II).
- 3.17.2 The second grouping concerns the mid-distant effects. Within this group I consider the northern part of the city which was located within the former city walls – Colegate, Elm Hill, Fye Bridge and Tombland – and the civic core. The civic core is broadly the area from the City Hall and The Forum, across the market and east towards the Castle.
- 3.17.3 The third and final grouping is the effect of the proposals on the distant, panoramic views of the city and the appreciation of the heritage assets therein. These views are those provided by the higher ground to the east of the city (Mousehold and Ketts Heights), the Castle ramparts, across the Anglican Cathedral meadow and Waterloo Park in the city's hinterland.
- 3.18 In the course of assessing each asset, I comment on the assessment in the published Committee Report **(CD9.1)**. I understand these were written by Mr Webster, who appears as NCC's expert heritage and design witness. I consider this approach will help the Inspector understand the differences between us.

#### 4.0 COMMENTS ON THE STATEMENTS OF CASE AS THEY PERTAIN TO MY EVIDENCE ON HERITAGE AND DESIGN

4.1 In this section I comment on the SoCs prepared by NCC and the Rule 6 Parties in relation to my evidence in order to assist the Inquiry because I am mindful of the sheer number of heritage assets that are under consideration in this case.

##### **Norwich City Council's SoC (CD11.1)**

4.2 I start with NCC's SoC because that contains a complete list of the assets under consideration (see **CD11.1**, paragraph 15.8), and hence the ones on which I will comment directly in my evidence.

4.3 I agree with NCC that the proposals cause less than substantial harm to the ability to appreciate a number of assets. We disagree as to which assets are affected, however; they find harm in some cases where I do not. We also disagree as to the degree of harm in those cases where we both find harm. I will explain those differences as I present evidence on the relevant assets.

4.4 Since I comment on the Committee Report directly in the body of my evidence, my commentary on the Council's SoC is limited.

4.5 I agree with the heritage benefits which NCC identify at paragraph 15.9 of its SoC (**ibid**), and I agree furthermore with the statement that these benefits have been "*scarcely acknowledged*" by HE. That is confirmed in HE's SoC (**CD11.3**) – see below.

4.6 Because I identify fewer harmful impacts than NCC, the 'heritage harm' resulting from the proposals which are to be set in the balance will necessarily be less.

4.7 My **Section 11.0** contains a table summarising my findings. I hope this assists the Inspector.

##### Cumulative Impacts

4.8 Paragraphs 15.9 and 15.10 of the NCC's SoC (**CD11.1**) identifies a greater sum of harm through aggregation of the harmful impacts. They refer to this as "*cumulative harm*". I have always understood that there is no aggregation of harmful effects but that each effect is judged on its own and balanced off or not. I think this is particularly relevant when dealing with impacts that occur across three disparate contexts – the local area, historic core, and skyline and distant. The HE setting guidance, Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (**CD11.18**) ("**GPA3**"), allows that cumulative effects are relevant in certain contexts and I accept that approach with the caveat already cited.

### Design Considerations

- 4.9 I agree with NCC's assessment of the design's positive qualities at paragraph 15.5 of its SoC (CD11.1).
- 4.10 I likewise agree with NCC's criticism of some parts of the development and its massing, and in particular the lower blocks in some local views. I find some harm arising from the scale of the tower to the properties on St Augustines Street and this part of the CCCA.

### **Historic England's Statement of Case (CD11.3)**

- 4.11 HE's SoC (CD11.3) does not identify which individual heritage assets they consider to be harmed by the proposals. Hence, I expect that I will be preparing rebuttal evidence to evidence presented in HE's proof for the first time, and reserve my position in respect of that accordingly.
- 4.12 In the SoC, HE do, however, identify three broad categories of effect, which correspond roughly to my own groupings.
- 4.13 HE have also identified those views from the TVIA (August 2018) (CD7.81x) which they consider illustrate the setting effects of concern to them.

### The First HE Impact Grouping: Distant Views of Norwich of and out from Important Historic Buildings

- 4.14 Paragraph 6.17 of HE's SoC (CD11.3) identifies harm to what they term "*the image of Norwich*" which I take to mean its skyline and the historic buildings in it, and in particular its splendid medieval Anglican Cathedral. Generally, these are distant and medium-distant visual impacts on views which enable an appreciation of the city in its distinctive topographical context.
- 4.15 The SoC (*ibid*) alleges harm to heritage interest on the basis of a visual impact on a view out from the Castle precinct, at the foot of the keep (see View 12 of the TVIA (CD7.81x)).
- 4.16 The consultation response from HE (CD11.24) identifies the latter impact as one that interferes with an appreciation of the topography of the city.
- 4.17 The SoC (CD11.3) identifies a major impact as comprising an "*erosion of the [Anglican] Cathedral's pre-eminence in the cityscape*".
- 4.18 In treating these assets, I follow the accepted approach which is to fold assessments on heritage assets into the overall visual impact assessment.

- 4.19 I think this is the correct approach in relation to the distant views here because the historic buildings are appreciated in an extensive landscape context, and as attractive and interesting elements in that context.

The Second HE Impact Grouping: Historic Cityscape North and Associated Historic Buildings and Spaces

- 4.20 Second is an allegation of harm to historic streets and spaces, including “*incidental views which together create the intimacy of Norwich*” – see paragraph 6.18 of HE’s SoC (**ibid**).
- 4.21 The principle of seeing something modern, including all or part of the tower, is said to erode or compromise “*the city’s historic character*” because such development is “*intrusive*”. The affected parts are all within the CCCA.
- 4.22 Only some examples are given: Elm Hill and Princes Street, the riverside walk near to Fye Bridge, the junction of Calvert and Colegate and the entrance to the Quaker Burial Ground.
- 4.23 That impact can be judged, HE say, from Views 22, 27, 38 and 31 of the TVIA (**CD7.81x**).
- 4.24 I have difficulty knowing just which assets are affected here. The thing harmed is said to be the whole of the historic core and its ‘intimacy’.
- 4.25 I can only construct evidence with reference to those assets which figure in the text and are visible in the identified views. Those are the impacts, and I cannot prepare evidence on the basis of an allegation to something else that is not named or identified.
- 4.26 Here I note that the views identified in the TVIA comprise those first modelled and the further views requested. So whatever assertion HE makes about wider impact, I can only assume it agrees the material impacts are the ones which have been modelled.
- 4.27 I cannot prepare evidence on the impact of a proposal on the quality of a place as extensive and as varied as Norwich, or on the basis of something which is called ‘the city’s special character’ which is a broad concept.
- 4.28 In this respect, however, it is important for the SoS to note that the very detailed adopted Appraisal for the CCCA (**CD2.10**) describes the special interest of the city centre as the product of a long historical period of evolution that includes modern developments (accepting some of this is not of any particular quality or indeed detracts, as does the Application Site).
- 4.29 The city centre is, in my estimation, more varied than HE describe. The Inspector of course will judge this for himself and advise the SoS accordingly.

- 4.30 Because this question of context provides the basis for ascertaining, say, the degree of intrusion or otherwise of a modern building into a scene, I treat the topic early in evidence, my **Section 7.0**. Here I draw out those urban characteristics which I consider relevant and to be reported to the SoS on behalf of the Applicant. I return variously to the adopted CCCA Appraisal (**CD2.10**) which includes what I would also call a townscape characterisation. It is a very comprehensive and well-considered document and, at the time of writing, I believe HE (which part funded it I understand) agree it is an accurate statement of why the CCCA is important.
- 4.31 The perception of character is also relevant to the assessment of the visual impacts (and setting impacts within views) which are treated under paragraph 6.17 of HE's SoC (**CD11.3**) (see my previous heading in this part of my Proof).
- 4.32 The degree of change in a scene, forming part of one's experience, necessarily affects the sensitivity of any asset or receptor.

The Third HE Impact Grouping: Assets in and around Anglia Square

- 4.33 This third limb of HE's case appears discrete.
- 4.34 It concerns, basically, the impacts on this part of the CCCA, in addition to the impacts of the proposals on St Augustine's Church and Doughty's Hospital, and as illustrated in views 16, 35, 44 and 32 of the TVIA (**CD7.81x**).
- 4.35 Here the charge is that the proposals are both "*dominant and discordant*". See paragraph 6.19.
- 4.36 The HE SoC (**CD11.3**) does not identify clearly the assets it considers are harmed. At paragraph 6.37 it explains that there will be harm "*in varying degrees to the significance of many of the monuments and buildings within the city, variously scheduled monuments and listed buildings*".

What is Not Treated in the HE SoC or Elsewhere

- 4.37 HE's SoC (**ibid**) identifies no benefits to any asset consequent on, for example, the removal of the present development (an acknowledged eyesore undermining this part of the city centre and many views too), or any benefits to the way the area functions. On the facts of this case, such urban design benefits will be CA benefits too because Anglia Square is a defined sub-area (known as a 'Character Area') in the CA. This is a fundamental and important omission. It does not reflect a balanced approach.
- 4.38 Neither does the SoC acknowledge the potential for regeneration of the Application site to encourage investment in historic fabric.

- 4.39 I understand from the PIM that HE accept that design ‘folds’ into heritage and the two need to be treated together. I assume ‘design’ here means ‘detailed design’ given the hybrid nature of the application and the indicative design work done to support the outline parts (which is material to the SoS’s decision in my view).
- 4.40 This approach, of treating detailed design as material to a heritage impact, is consistent with the approach taken by the SoS in many cases and by Inspectors in such cases more generally.<sup>2</sup>

**The Norwich Society Statement of Case (CD11.6)**

- 4.41 The Norwich Society’s SoC folds an impact on heritage into a design objection, and follows HE in alleging harm to “*Norwich as an historic place*” (see **CD11.6**, paragraph 4.1).
- 4.42 Their SoC (**ibid**) and call-in request letter cites harm to major assets (both Cathedrals, City Hall, Norwich Castle, many medieval churches) and also the rich historic cityscape.
- 4.43 Their objection overlaps with HE’s and so I say no more about it to avoid duplication.

**SAVE Britain’s Heritage Statement of Case (CD11.7)**

- 4.44 This campaigning organisation’s objection makes points similar to those of the others just cited.

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<sup>2</sup> This point is taken in SoS decisions on tall buildings, notably the Shard (APP/A5840/V/2/1095887), One Blackfriars (APP/A5480/V/08/1202839) and, more recently, the Chiswick Curve (APP/F5540/W/17/3180962 and APP/F5540/Z/17/3173208). See **Appendices 15.0, 16.0 and 17.0** for relevant extracts.

## 5.0 STATUTORY PROVISION, POLICY AND MATERIAL CONSIDERATIONS

- 5.1 The importance of statutory provision and consequent national and local policies as they relate to conservation areas (“**CAs**”) and the setting of listed buildings will not be a matter in any dispute.
- 5.2 The courts have been particularly active in this area, as the Inspector (and SoS) know. The salient judgments are reproduced in Core Documents<sup>3</sup>. I confirm I am familiar with them as a planner (not a lawyer) and so also with the practical import of these judgments. I take them into account in formulating my opinions and evidence to the SoS.
- 5.3 I hope in this section, therefore, to treat these matters concisely and as they bear particularly on the topics before this Inquiry by defining what I see are the main principles.

### **Sections 66(1) and 72(1) of the Planning (LBCA) Act 1990 (“PLBCAA”)**

- 5.4 The proposals affect the settings of various listed buildings and the Application Site falls within the CCCA. These provisions are constructed according to the same formulation. Each requires the decision maker to pay “*special regard to the desirability*” of a) preserving to setting of a listed building and b) preserving or enhancing the character or appearance of a CA.
- 5.5 By parity of reasoning, I have always understood the judgments in Barnwell (**CD11.21**) and Forge Field (**CD11.22**) to apply to the exercise of the Section 72(1) duty. Any heritage impact is, in short, a specially weighted impact. I understand similar weight to be attached as well to benefits. Barnwell established the principle that less than substantial harm does not amount to a less than substantial objection.
- 5.6 The exercise of these powers by the decision maker is, furthermore, taken on the basis of the development as a whole. The development as a whole includes works or changes of use which may be harmful and which may be beneficial.
- 5.7 According to a principle known as ‘the Palmer principle’, with reference to the case of that name, a decision maker can net out the positive and negative impacts upon a heritage asset in considering the overall impact. See the Palmer judgment at **CD10.12**.
- 5.8 I am aware of this approach being adopted in a Section 78 decision, on the redevelopment of Newcombe House in the Royal Borough of Kensington and Chelsea (Inspector, Mr David Nicholson. See **Appendix 3.0**).

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<sup>3</sup> Barnwell **CD11.21**, Forge Field **CD11.22**, Mordue **CD10.14**, Palmer **CD10.12** and Shimbles **CD10.13**.



- 5.9 At the time of completing my evidence I have become aware of a High Court judgment in a case known as 'Rottingdean' (*Safe Rottingdean Ltd v Brighton and Hove City Council* [2019] EWHC 2632) (**CD10.15**), which comments on this point and again cites Palmer with approval. I have had the opportunity fully to understand its implications.
- 5.10 Finally is the application of the 'preservation' test – to cause no harm – in the context of redeveloping sites accepted to have a harmful effect on a heritage asset. I am advised and understand from practice that the test of preservation will, as a matter of law, be met if a new development causes at least no more harm than the existing condition. This is an entirely negative way to put things, but it becomes relevant when balancing up pluses and minuses in relation to major developments.

### **The Framework: Historic Environment Considerations**

- 5.11 The Framework identifies that great weight must be given to the objective of the conservation of the historic environment (see paragraph 192).
- 5.12 Annex 2 of the Framework defines conservation as the management of change in the interest of sustaining or, where possible, enhancing the significance of an asset.
- 5.13 As a matter of policy, then, no lesser weight attaches to harmful as opposed to beneficial works.
- 5.14 The Framework requires all decisions affecting any element or aspect of the historic environment to be based on an analysis of the significance of the asset and in a manner proportionate to the impact. There is best practice on this in the guidance note by HE, Historic Environment Good Practice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (**CD12.1**) ("**GPA2**").
- 5.15 The Framework advises that harm, whether substantial or less than substantial, can arise as a consequence of direct impacts or indirect (or setting) impacts. There is best practice guidance on the approach to setting impacts, again from HE, GPA3 (**CD11.18**).
- 5.16 The Inspector will be familiar with GPA3. It advises a staged approach which I follow in this evidence, and I will refer were apposite to the checklist criteria in that document on pages 11 and 13 (**ibid**). The guidance is clear that it presents merely one approach.
- 5.17 The proposals also entail a direct impact on the CCCA.
- 5.18 It is common ground that the proposals give rise to some less than substantial harm to some designated heritage assets. Neither the law nor policy identifies a spectrum within the less than substantial category – the point was tested in a recent case known as 'Shimbles' (**CD10.13**).

5.19 However, as a matter of professional judgment it is important to place an impact on a spectrum within that category which is necessarily broad because it goes to how the balance is struck. A higher level of less than substantial harm will necessarily require a higher level of public benefit than a low or limited level of less than substantial harm. I adopt the categories of 'low', 'moderate' and 'high'. These do not read over to EIA criteria which derive from the mechanistic application of matrices. In my practice, any adverse impact presented in that form requires discursive analysis to get to a settled professional judgment. Thus, a moderate adverse impact in ES terms does not necessarily equate to a moderate degree of less than substantial harm. The two spectrums of impact do not and are not meant to read across.

#### HE's Identification of 'Severe Harm'

5.20 HE identify the harm which the proposals cause as 'severe' in all cases. HE's SoC (CD11.3) explains that this equates to harm which is close to substantial but still within the terms of paragraph 196. My only observation is that on all cases one looks at the harm, if any, to the intrinsic interest of a heritage asset. This is rarely affected in setting cases, because it is hard actually to imagine a setting which is so closely aligned to the intrinsic significance of an asset that a change to it can seriously undermine that intrinsic interest.<sup>4</sup>

5.21 And when dealing with setting cases, one has to recognise that the setting of an asset is very often very extensive and/or complex, and in many instances a proposal will only harm one or a limited aspect of setting. If that aspect of setting is particularly important, of course, then one gives particular weight to it. Severity of impact is not simply calculated on the basis of the extent that is affected, though that can be a valid approach on the facts of any case.

5.22 Accordingly in my view, ordinarily an impact of severe or high less than substantial harm to a designated asset must mean that a very considerable or significant part of its setting is adversely affected.

#### Clear and Convincing Justification

5.23 Any harm requires what paragraph 193 of the Framework terms as a 'clear and convincing justification'.

5.24 This is often misinterpreted as comprising a freestanding test, requiring, for example, an application to demonstrate that similar benefits to those proposed could be delivered with less harm.

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<sup>4</sup> Section 12 of the decision on the Chiswick Curve (December 2018), APP/F5540/W/17/3180962 and APP/F5540/Z/17/3173208, **Appendix 15.0**.

- 5.25 A clear and convincing justification is not demonstrated through options. Such a justification is made out on the balance of benefits depending on whether harm is substantial, paragraph 195, or less than substantial, paragraph 196. It is, in short, no more than the planning balance with appropriate weight being given to all relevant considerations. The Courts have clarified this point, the judgment in Mordue (**CD10.14**).
- 5.26 It is axiomatic that all planning applications are determined on their merits, having regard to the facts and circumstances of the case. The fact that there might be a less harmful form of development is not material in most cases, and in this case no objecting party is running a realistic, deliverable alternative anyway.
- 5.27 There are a number of principles that flow from the policies in the Framework and are consequential too on the statutory provision. I set these out below.
- 5.27.1 The judgment about harm is one made relative to the whole of the heritage asset and its setting, applying judgments about proportionality in cases where the asset is particularly large;
- 5.27.2 Harms are not cumulative: one does not get to substantial harm by adding up a series of less than substantial harms;
- 5.27.3 Setting is not an asset, unless of course it is designated in its own right and that is the case with many of the impact here since the CA is the whole of the city centre within the historic walled boundary of Norwich. Setting is important for what it contributes to significance or an appreciation of that significance and the parties agree that in this case the setting considerations are visual not associational; and
- 5.27.4 The basis for judging impact is the present condition and setting of an asset and not an ideal past one.

#### Design and Urban Design Considerations

- 5.28 Chapter 12 of the Framework (**CD1.1**) sets out policies seeking to encourage design quality as an integral part of good planning, and paragraph 127 in particular provides a basis for assessing the success or otherwise of any proposals.
- 5.29 Additionally, the Framework commends the Building for Life Checklist (**CD11.20**), and that same framework is endorsed in the development plan (**CD2.2**) at Joint Core Strategy Policy JCS2.
- 5.30 Mr Vaughan presents evidence on that and to avoid duplication I do not.

- 5.31 Instead, I rely on the more general urban design policies in the Framework and in my conclusion draw out any particular and specific design policies as they pertain to the site.
- 5.32 I note a general principle that flows from design as a policy topic, and it is one followed by the SoS in call-in decisions on tall buildings over time.
- 5.33 Any assessment of the impact of proposals of this nature on the character and appearance of an area, including an area of heritage importance, must take the design of the proposals into account. This is because a) good design is a freestanding objective in its own right, and b) design benefits to CAs can be heritage benefits too, and indeed are in this case.

#### **The Development Plan Policies and Supplementary Planning Documents (“SPDs”) Relevant to this Evidence**

- 5.34 I cite the development plan policy relevant to my evidence below.
- 5.35 The policies dealing with good urban and architectural design are NCC Joint Core Strategy Policy JCS2 (which encourages appraisal according to the Building for Life guidance – see above) and Development Management Policy 3. This policy seeks design of the highest quality consistent with context (including heritage), identifying the importance of good design for good planning generally and place-making.
- 5.36 The limbs of DM3 that are particularly relevant to the matters debated at this Inquiry are part a) and part b).
- 5.37 Part a) seeks to ensure new development within 100 metres of the main gateways to the city, as defined on the policy map, will only be permitted where that design is both *“appropriate to and respects the location and context of the gateway”*. This is a part permissive policy limb, encouraging new landmark buildings of *“exceptional quality”* which will *“help to define or emphasise the significance of the gateway”*.
- 5.38 The Application Site is proximate to the St Augustines Street gateway, reflecting its role as the main access to Anglia Square, which the plan identifies as a large district centre (“LDC”), one of two, and so at the second rung of the retail hierarchy, in a city which is at the top of the settlement tier in the region/county. Here I rely on Mr Watts’s and Mr Luder’s evidence (WH 5/1, WH 6/1 and WH 4/1 respectively) and my general understanding of Norwich’s status as the leading city in a large region.
- 5.39 The policies applying to this tier, DM18 and DM20, are treated by others in detail; however, they are important for my evidence treating heritage and townscape generally, because the development plan is an important part of context and in this case identifies the LDC’s as the focus of change

- 5.40 The current local plan does not, however, specifically allocate the Application Site. It was, I understand, a site allocated for mixed use development in the 2004 Replacement Local Plan and then the Northern City Centre Area Action Plan of 2010. To provide a basis for assessing proposals to develop the site I understand that NCC has adopted a Policy Guidance Note for Anglia Square dated March 2017 (**CD2.11**). This is not part of the statutory plan but I take it to be a material consideration of weight, leaving how much to Mr Luder for the Applicant and others advising on planning matters.
- 5.41 I note that HE's advocates a plan-led approach in their Advice Note 4 on tall buildings (**CD11.19**) ("**AN4**"). This replaces the joint CABE/English Heritage note on tall buildings. In the absence of an allocation, the principle of a tall building is not plan-led in the sense advised in this guidance; however, it is guidance, not policy, and I understand that there is no policy impediment to the principle of a tall building in this location.
- 5.42 I am advised that Anglia Square is the most significant development opportunity in the northern city centre and one of NCC's priorities for regeneration. I understand that development plan policy since 2004 has established this principle and that the emerging local plan (although currently of limited weight) will recognise the need for redevelopment of what is a large, prominent brownfield site which detracts from the functioning of this part of the city centre. As such, I understand that the planning authority supports the transformation of this site
- 5.43 Part b) of DM3 gives development plan status to the long views of major landmarks identified in Appendix 8 of the plan and in adopted appraisals. I reproduce that plan in **Appendix 4.0** for convenience.
- 5.44 The objects of view management in the five identified views are the RC Cathedral, the church of St Giles on the Hill, City Hall, St Peter Mancroft, Norwich Castle and the Anglican Cathedral. These views are modelled in the submitted TVIA (**CD7.81x**), as Views 7, 8, 9 and 48.
- 5.45 As noted, the site is subject to an adopted policy statement the Anglia Square Policy Guidance Note ("**ASPGN**") (**CD2.11**). This is a detailed document. Main points of relevance to my evidence include the requirement for Anglia Square to have a distinctive identity that complements the area and reflects its distinctive location in the historic northern city centre.
- 5.46 The ASPGN notes that the redevelopment presents an opportunity to enhance the CA, which is plainly a true, obvious and uncontentious point given the parlous state of the site which is dreary and derelict and detracts from the image of the city on this side. Again, I think this is uncontentious and obvious.

- 5.47 The ASPGN and Policy JCS2 recognise the importance of engagement with independent design advisors, and the Framework contains a similar policy. Mr Vaughan explains that process (**WH 1/1**).
- 5.48 Finally, I treat the Design South East comments later in evidence (**Section 10.0**).

### **The City Centre Conservation Area Appraisal**

- 5.49 The CCCA Appraisal, **CD2.10**, is a detailed document, professionally prepared and published in 2007. For the purposes of analysis, it breaks the CA down into character areas which it sets in the context of the whole city's development. It formed part of the present plan's evidence base and it is an adopted SPD.
- 5.50 The Appraisal is a material consideration of weight. I draw on it later in evidence when treating character and history. The parties agree it accurately sets out the significance of the heritage assets (see SoCG)
- 5.51 I think the reasons for Anglia Square being included in the CA are archaeological and historic. It was part of the Saxon settlement and defended by "Scandinavian defensive ditches running along what is now Botolph Street and Anglia Square car park"<sup>5</sup>. The surviving alignments/streets are amongst the oldest in the city. The full description is on page 43 of the CCCA Appraisal (**ibid**). There are some stretches of buildings which have local townscape interest and which include listed assets and unlisted ones too but overall the townscape character of the area and its historic character too are degraded.

### **Other Material Considerations**

- 5.52 I have referred to several of these already, and add here only a note on the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment, Third Edition 3 ("**GLIVIA3**") which provides a helpful standard vocabulary for the analysis of views. This language needs of course to be adapted to heritage contexts as appropriate.
- 5.53 I do not refer to an English Heritage publication *Seeing History in the View* (2011). In my experience of tall building inquiries, including ones involving WHSs, this document is generally not used (I have never used it in evidence, including at call-ins and HE do not refer to it in their responses to tall building proposals I have seen). Likewise it is not my practice to prepare evidence on the basis of HE's *Conservation Principles* (2008) which pre-dates the Framework (which was first published in 2012).

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<sup>5</sup> See pages 43-48 for the description of the Anglia Square Character Area in the adopted Appraisal for the CCCA (**CD2.10**).

## 6.0 NORWICH: TOWNSCAPE CHARACTER AND HISTORY

6.1 This is not the place for an exhaustive history of the city and its townscape which results from that. HE have, however, based their case in part on the conflict they see between the historic character of the city as a whole and the proposals, including their location. I refer the Inspector to the general introduction to the CCCA Appraisal (**CD2.10**) and to those parts of the Pevsner guide which I reproduce as **Appendix 5.0** and is noted in the SoCG.

6.2 Very broadly, it is possible to characterise the city's evolution from the first millennium.

6.3 There is a rich legacy of earlier phases, from the 6<sup>th</sup> century to the late medieval period, and a correspondingly rich archaeological legacy. No harm to that is alleged.

6.4 Important ancient spaces and streets to single out within that wider framework comprise:

- Tombland;
- Market Place;
- Colegate;
- Elm Street and surrounds;
- The Anglican Cathedral precinct;
- The Norwich Castle precinct; and
- The streets running west of Market place and including St Giles.

6.5 The walls have survived as a series of upstanding remains, some quite extensive, but none continuous. As a consequence, the ring road defines a concentrated urban area.

6.6 Within that matrix of streets and spaces, the city has evolved through distinct phases. Accepting the need to generalise to assist the Inquiry, the city's history breaks down into the following significant phases.

### **History and Development of the City Centre**

6.7 The historic core of Norwich located in the Wensum valley where it forms a narrow loop between the higher ground at Mousehold on the north and east, and the Ber Street scarp on the south and west. The river could be forded and bridged here, and there was water for industry including from subsidiary streams or "cockeys". The latter are

no longer visible above ground, but were an important feature in the middle ages, helping to define parish boundaries and the locations of industry.

#### Early Norwich

- 6.8 There is only limited evidence for Roman and pre-Roman settlement in what is now the city centre, but Ber Street (modern Oak Street/St Martin's Road) running north-south, and another, much altered, running east-west along the line of the modern St Benedict's Street/St Andrew's Street and through the axis of the later cathedral are believed to be Roman in origin.

#### Scandinavian Period

- 6.9 The Danes arrived in East Anglia in the 9th century, and conquered it following the defeat of the English king Edmund in 870. Anglo-Scandinavian settlement in Norwich was concentrated on the north side of the river, and there was an early 10<sup>th</sup> century D-shaped defensive ditch and bank on the north side of the river from near St George's Street around in a loop to near Magdalen Street and St Edward Fishergate. Colegate was seemingly an important east west street within this area. Anglia Square sits roughly over the northern part of this ditch, to the south of the later city walls. There was also some settlement to the south of the river in the Anglo-Scandinavian period.

#### Anglo-Saxon Period

- 6.10 East Anglia was reconquered by the Saxons in 917 under Edward the Elder, and by the time of Edward's son Athelstan, there was a mint in Norwich and the name 'Norvic' or Norwich is also being used for the first time. There was a river crossing at Fye Bridge by the 10<sup>th</sup> century. The southern area increased in importance, becoming the larger settlement area, and there is some evidence for a defensive ditch south of the river, suggesting that Norwich was a "double burgh". There was a planned grid of Anglo-Saxon streets under what later became the cathedral precinct. The marketplace at Tombland, later subsumed into the cathedral close, was also established in this period, and there was extensive industry and trading. By the time of the Norman Conquest in 1066, Norwich had at least 25, and perhaps as many as 40, churches, and a population of between 5,000 and 10,000.

#### Norman Norwich

- 6.11 The Norman Conquest brought significant change. The Normans completely reshaped Norwich, obliterating older settlement patterns and creating large new institutions including the Anglican Cathedral and the Castle with its massive earthworks. I agree with HE's views on this phase of historical development as set out in their consultation responses.



- 6.12 Street patterns changed, and a new French borough with its own marketplace was created to the west of the Great Cockey in 1070s largely on former open land. St Peter Mancroft was one of the new churches founded in the new area, and Jurnet's House (or the Music House) is a rare survival from this period.
- 6.13 Churches continued to be built in the post-Conquest period. A few replaced Anglo-Saxon churches destroyed in the reshaping of the city, but many were wholly new foundations, including six friaries and several hospitals and colleges, which covered large areas within the city. The Benedictine priory associated with the Anglican Cathedral was also a major influence.
- 6.14 Archaeological and other evidence indicates that the waterfront was very active, with wharves and industry including cloth-working and dyeing, as well as a wide range of other industries and trades. The marketplaces were busy with a wide range of goods for sale.

#### The Middle Ages

- 6.15 The city walls were begun in 1253, and were finally finished in 1344. They stood four metres high, with 12 gates and 40 towers, enclosing an area about 1.5 miles north-south and one mile east-west, with almost 60 parish churches, several monastic houses as well as the Castle and Anglican Cathedral, with an active waterfront and industry. There was also considerable open ground within the walls. Norwich had a population of about 30,000 by the end of the middle ages, and was larger in area than London at that time.
- 6.16 The Black Death significantly reduced the population, and there was also a decline in the textile trade in the 15<sup>th</sup> century, but the city remained very prosperous. The number of surviving undercrofts is testament to the building activity of merchants in the 1400s.

#### Post-Medieval

- 6.17 In the early 16<sup>th</sup> century, two large fires destroyed over 700 houses on both sides of the river, and most of the early surviving houses date to after the fires. The surviving houses along Elm Hill give a good sense of what late medieval Norwich would have looked like, with narrow streets overhung by jettied timber framed houses. At the Reformation the great religious house were closed and demolished, although a few, like the Great Hospital, were re-founded in other guises. Their demolition provided opportunities for development on these sites.
- 6.18 In the late 16<sup>th</sup> century, the textile trade was given a boost by an influx of about 6,000 weavers from the Low Countries escaping religious persecution there. The population appears to have remained relatively stable at around 30,000.

- 6.19 There were some new Georgian buildings, and some re-facing of older buildings in brick, but much of the city remained unchanged in this period. The city gates were demolished in 1791-1810, and some of the roads widened. The walls themselves were also demolished in many places.

#### Victorian Period

- 6.20 Without the walls to contain it, development began to spread outside the historic core in the 19<sup>th</sup> century, particularly for middle class suburbs. In the early 19<sup>th</sup> century, weaving, which had been the principle industry, was replaced by leatherworking, especially shoemaking, and other industries, although some textile manufacturing also remained such as the crepe factory on the Anglia Square site. Brewing and ironworking were also important, with many factories, mills and breweries built especially along the river, and there was some food manufacturing including Coleman's mustard and Read's flour. The railway arrived in 1844. The population grew to over 80,000 by 1870 and to over 100,000 by 1900. Large areas of courts, back to backs, and terraced housing were built to accommodate the new residents.

#### 20<sup>th</sup> Century

- 6.21 The 20<sup>th</sup> century saw major programmes of slum clearance in the pre- and post-WWII periods, with associated programmes of council house building. There was also significant damage from German bombing raids. This resulted in the loss of many historic buildings. The construction of the inner ring road in the late 1960s cut the historic northern part of the city in two, and there were a number of large scale developments in the post war period, of which Anglia Square was one of the largest. Industry in the city centre declined in the later 20<sup>th</sup> century, with many factory sites redeveloped as housing.

#### Norwich Today

- 6.22 The city has experienced considerable new development in the 20<sup>th</sup> and 21<sup>st</sup> centuries, and there are concentrations of modern offices including along Surrey Street, Prince of Wales Road and St Crispins Road including the now-vacant and temporary use examples at Anglia Square. The Anglican Cathedral, its Close and related land are clearly a distinct and important constituent part of the city along with the Castle and historic areas to the west, and there are over 30 medieval churches and several fine 18<sup>th</sup> and 19<sup>th</sup> century churches and chapels. Green space is also important in the modern city centre, including both parks and the 'plains', widened areas of open space at cross roads or in front of churches that form breaks in the urban space.

### **Current Townscape Character**

- 6.23 The above description concentrates on locations in the CCCA but it will be clear even on a cursory visit that there are distinct character areas of mixed dates and quality close to the former city walls (say near the railway station and outside the ring road). In places, there is a clear distinction as between one and the other, and in others (and I include Anglia Square in this), the boundary between what was in the walls and outside is less clear.
- 6.24 Whilst accepting the importance of the earlier phases, I believe the experience one has of the city centre is of a varied townscape with concentrations of excellent older buildings and outstanding individual examples which are treated in the evidence. To me it feels a vibrant, evolving place and even in areas where the spell of the medieval city is strong, in Elm Hill, for example, one is aware of the 19<sup>th</sup> and 20<sup>th</sup> century city. This adds to the historic interest of the CA.
- 6.25 In this respect, I commend the adopted CA Appraisal (**CD2.10**) to the Inspector and SoS, because this document treats the whole of this historic evolution as relevant to the designation, accepting some later elements are harmful. Some of course are not.
- 6.26 The contemporary Forum is in the immediate setting of St Peter Mancroft, arguably one of the finest examples of Perpendicular architecture in the region and important nationally too. There is a shopping centre bedded into the Castle precinct. From the Castle area one sees ancient and modern buildings together, forming a composite townscape.
- 6.27 I offer some more detailed observations on the component elements which are being discussed at this Inquiry and which feature later in evidence. I focus on the core heritage interest of these components and do not identify the modern elements that feature within them and their settings, which the Inspector will see for himself on his site views.

### The Castle Rampart and its General Setting

- 6.28 The Castle is part of Character Area 12 in the CCCA. The castle was built in the early 12<sup>th</sup> century on the site of a Norman timber castle, and originally had very extensive earthworks. The keep was refaced in the early 19<sup>th</sup> century, but is thought to be a reasonably accurate reconstruction. It stands on the highest point in the city centre and is a prominent landmark.
- 6.29 To the west of the Castle is the marketplace with the City Hall and St Peter Mancroft overlooking it; their towers are prominent landmarks. The 15<sup>th</sup> century Guildhall is another important local landmark near the market. The market was established as part of the new French borough by the Normans. The southern part of the Castle earthworks

were demolished in the 1730s to create the cattle market, which was redeveloped as Castle Mall in 1993.

- 6.30 Davey Place was created in 1813 and gives good views from the Castle to the market. Many of the buildings around the marketplace and castle are 18<sup>th</sup> and 19<sup>th</sup> century in character, although the Sir Garnet Wolseley Public House is a notable earlier example, and there are also some 20<sup>th</sup> century buildings, notably the Castle Mall built in 1993 on the site of the cattle market to the south of the Castle.

The Network of Ancient Streets Running from Bank Plain to Tombland, and including Tombland and Fye Bridge

- 6.31 The area to the north of the castle from Bank Plain to the river and east to Tombland is one of the best preserved historic parts of the city, and contains many listed buildings on narrow, characterful streets. The streets form a rough grid that survives from the medieval construction of the cathedral in the Norman period. Although rebuilt in 1933, Fye Bridge is one of the oldest river crossings in Norwich and provides good views up and down the river.
- 6.32 Elm Hill is particularly notable for its historic character as a narrow lane retaining many 16<sup>th</sup> and 17<sup>th</sup> century lime-washed, jettied, timber-framed houses, but there are also many historic buildings along other streets in this area including Prices Street, Queen Street, Tombland and Wensum Street. There are also many medieval churches in this area, which form punctuation points among the vernacular buildings. The intimate nature of the townscape here means that the Norman-period Cathedral and Castle are not always easily seen from this area, despite their proximity. However, there are views of the spire along London Street and Princes Street, and the Ethelbert Gate is seen at the end of Queen Street.
- 6.33 This area is broadly contained with the Elm Hill and Maddermarket Character Area (no. 6) of the CCCA.

The Cathedral Close including the Land to the East between the Cathedral and the River Wensum

- 6.34 To the east of the Anglican Cathedral are playing fields associated with the Norwich School (formerly Canary College and the Norman bishop's palace). These are outside the main Cathedral precinct walls, but within the outer walls. This land has always been open ground, and is bounded on the south by Ferry Lane leading to the 15<sup>th</sup> century water gate, and on the north by Bishopgate, a road created in the 11<sup>th</sup> century as part of the Norman reorganisation. It is likely that this space was gardens associated with the former Cathedral priory.

- 6.35 There are very good views of the cathedral and its spire from the playing fields and from the walk along the river in this area. To the north of Bishopgate is the Great Hospital, a 13<sup>th</sup> century hospital re-founded at the Reformation and still in use as sheltered housing and almshouses for the elderly. This area is one of the more historic parts of the city, having generally retained the same layout it had when the Anglican Cathedral was built, but it has a less obvious historic character than the parts of the close to the west, where there are more buildings and the connection to the cathedral is more obvious.
- 6.36 This area is contained within the Cathedral Close Character Area (no. 5) of the CCCA.
- Colegate and the Land Running North to the Inner Ring Road
- 6.37 The Colegate area, on the north side of the river, is located between the river and the elevated section of the Inner Ring Road. It is an area of mixed townscape.
- 6.38 This area was part of some of the earliest settlement in Norwich and was largely within the Danish D-shaped enclosure, but it lost importance in the Anglo-Saxon and Norman periods as the focus of settlement moved south of the river Magdalen Street with Fye Bridge Street has been an important north-south route since at least the late Saxon period.
- 6.39 The Dominicans (black friars) initially settled near Colegate in 1226, but moved south of the river in 1307, before returning in the 15<sup>th</sup> century.
- 6.40 There is evidence for several fine late medieval merchant houses in this area such as the King of Hearts on Fye Bridge Street, and in the late 16<sup>th</sup> century, the “Strangers” – weavers from the Low Countries – settled in this area and revolutionised the weaving trade. Fine 18<sup>th</sup> century houses such as those at nos. 18-20 Colegate are evidence of their prosperity.
- 6.41 In the 19<sup>th</sup> century, the Colegate area became important for leatherworking, with many large factories built here. Some of these survive and have been converted to other uses, others have been demolished and replaced with modern housing. The surrounding streets were a maze of narrow courts and alleys, a few of which survive, although most have been cleared. There are several fine churches such as St Michael Coslany, St George, St Clement Martyr and St Saviour, as well as Non-Conformist chapels in the area.
- 6.42 The area around eastern end of Colegate and the southern part of Magdalen Street retains the most historic buildings, and has a tight knit, intimate feeling. Elsewhere, including behind the frontages, the townscape is much more mixed. To the west of Magdalen Street, behind the Octagon chapel on the Blackfriars’ site, the surface car park and modern housing are detracting features, and on the east side, modern

housing on a former factory and slum site is similar detracting. The area to the south of the flyover is also fragmented, with factories, car parks and modern housing.

- 6.43 This area is broadly contained in the Colegate Character Area (no. 4) of the CCCA.

The North-Western Approach: a City Gateway including Aylsham Road, St Augustines Street and Pitt Street.

- 6.44 St Augustines Street was, with Botolph Street, historically a fork off of Magdalen Street. Its layout was changed when the Inner Ring Road and Anglia Square were constructed so that it is now a continuation of Pitt Street, with a bleak, modern junction. St Augustines Street formerly led to a gate in the city walls and from there continued as a lane into the countryside. The walls ran approximately along the line of Magpie Road, but in the vicinity of St Augustine's gate, both the wall and gate were slightly to the south of the modern Magpie Road. Both gates were demolished with the other city gates in the late 18<sup>th</sup> century.

- 6.45 Historic maps show that that the area to the south of the walls around St Augustines Street as far as St Augustine's Church remained largely open into the early 19<sup>th</sup> century, and even in the later 19<sup>th</sup> century, when the area to the west of St Augustine Street had been fully built up, some open space remained to the east of St Augustines Street. Outside the line of the former walls, there was a small amount of building north of Magpie Road in the mid-19<sup>th</sup> century, including the borough lunatic asylum, but the area remained largely open until the turn of the 20<sup>th</sup> century, when large numbers of small terraced houses were built here.

- 6.46 There is a distant partial view of the cathedral spire from the St Augustines Street near Magpie Road. There are some listed buildings along St Augustines Street, largely 18<sup>th</sup> and 19<sup>th</sup> century, but a few are earlier. They are modest in scale and do not give the sense of a major approach into the city. Instead they reflect suburban ribbon development through what was, until comparatively recently, open land within the walls. Further south, along Pitt Street, there are no listed buildings, and the road becomes busier, running through a post-industrial townscape of largely modern buildings.

- 6.47 This area is broadly contained in the Northern City Character Area (no. 1) of the CCCA.

### **Conclusions**

- 6.48 Clearly, Norwich is a city with a rich architectural legacy from many periods. Its medieval remains are particularly notable but these are experienced within a townscape that in many places is influenced by later phases of history. This is what I would expect to see in a city which is both historic and modern, and important economically in a regional context.

## 7.0 THE PROPOSALS IN THEIR IMMEDIATE CONTEXT: ANGLIA SQUARE

7.1 I begin my analysis with the impacts on the local area at Anglia Square including its heritage assets because this area will experience the greatest change.

7.2 In this and later sections, I invite the Inspector to have to hand a copy of the adopted CCCA Appraisal (**CD2.10**).

7.3 The assets I will consider comprise:

7.3.1 The Anglia Square Character Area (pages 43-48 of the CCCA Appraisal), including the historic townscape in Magdalen Street;

7.3.2 The Northern City Character Area and within that the following elements (pages 35- 42 of the CCCA Appraisal):

7.3.2.1 The Grade I listed St Augustine's Church, a medieval building;

7.3.2.2 The Grade II listed Almshouses at 2-12 Gildencroft, which form a group with the church; and

7.3.2.3 The historic townscape, including listed buildings, in St Augustines Street, an important historic route into the city from the north (extending Aylsham Road effectively).

7.4 I also consider the townscape more generally within which these assets are experienced, and how the proposals affect that as a freestanding topic that crosses over into urban design. Any urban design benefits to the area are public benefits in their own right as well as comprising potential benefits to heritage settings. I will be careful not to double count.

### **The Anglia Square Character Area**

7.5 Historically, this part of the city within the walls was significant because of the importance St Augustines Street, Boltoph Street and Magdalen Street as some of the oldest major thoroughfares in the city, which date back to the Saxon settlement of 'Northwic' (**CD2.10**, page 46).

7.6 This Character Area scores the lowest of all the Character Areas in the CA according to the ranking system the Appraisal adopts.

7.7 The ranking system involves giving a score of 1 to 4, with four being the highest, in the following categories:

- Concentration of historic buildings;

- Presence of features from historical period(s);
- Townscape/landscape quality;
- Quality of details; and
- Concentration of negative features.

7.8 The Anglia Square Character Area scored five overall – one point against each category. The total score is then related to a banding. Scores which are 0-7 are judged to be in the ‘Low’ band of significance<sup>6</sup>.

7.9 The Character Area is dominated by the Application Site land.

7.10 I do not think it is contentious or unreasonable to say that the present form of development on the site is a textbook illustration of dystopian, post-WWII precinct planning.

7.11 The negative features are identified in the CA Appraisal (**CD2.10**) and in particular comprise poor quality architecture in generally poor condition, lack of obvious routes or points of orientation, large areas of surface car parking, and a lack of continuous frontages. All this should be common ground between the parties: though a consideration of this issue is missing from many of the objectors’ SoCs.

7.12 I have read Mr Vaughan’s evidence on urban design and agree with it (**WH 1/1**). Accordingly, and to avoid duplication of evidence, I summarise the main features of the scheme which I consider should be reported to the SoS. These comprise the creation of a new destination with active frontages involving:

7.12.1 A mix of uses, including a large amount of residential accommodation, creating a lively, active environment daytime and evening;

7.12.2 The better enclosure of surrounding streets, with buildings whose scale is adjusting to their spatial setting, such that, for example, the proposals will create a sense of event and arrival for those approaching from the east and west as well as from the north;

7.12.3 The removal of surface car parking and detracting buildings, including Sovereign House, the multi-storey car park and re-purposing of Gildengate House (remodelling);

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<sup>6</sup> Character Areas scoring 8-12 points are found to be ‘Significant’; 13-17 points are ‘High’ significance; and 18+ points have ‘Very High’ significance.



- 7.12.4 The creation of new streets that are legible and provide routes across the site converging on two open spaces. One is the replacement of Anglia Square. The other is entirely new, St George's Square. The new street broadly following the alignment of historic Botolph Street but critically connects two major historic streets/places, Magdalen Street and St Augustine's;
- 7.12.5 High quality architecture as demonstrated by the detailed parts of the application and as discussed below;
- 7.12.6 The potential for variety of architectural treatment of a high quality through the determination of Reserved Matters ("RM") applications over time;
- 7.12.7 Improved connections with the surrounding area;
- 7.12.8 A marked improvement to legibility and urban form, providing, additionally, a significant development marking the northern entrance to the city.
- 7.12.9 The creation of an attractive, framed view of St Augustine's Church from within the scheme, adding local distinctiveness to it (see discussion of that asset below), with a corresponding view back towards the Cathedral. These connected view experiences link the modern precinct to the city's history; and
- 7.12.10 The creation of attractive new landscaping to be maintained by a funded management scheme, to a high standard and for the lifetime of the development.
- 7.13 Additionally, the massing of the blocks has, as Mr Vaughan explains (and is explained in the DAS, see **CD4.10**) been adjusted to create a varied form of development. This is desirable in itself because variety adds interest and modulates scale. That massing also mitigates some of the setting impacts through the introduction of spatial layering, with taller elements quite often appearing in sensitive views about lower ones.
- 7.14 It is my usual practice in cases where I have been asked to assess a scheme independently to discuss the design process with the architect. Mr Vaughan discusses that in his evidence. He describes a very intensive consultation process with NCC officers, leading to the final design, and whilst that in itself does not go to the acceptability or otherwise of the proposals as against planning policy and statutory requirements, it is helpful context.
- 7.15 Mr Vaughan also describes the conceptual approach to the design: the use of marker buildings at entrances; the adaptation of a mansion block typology (an acknowledged means of optimising density) and a warehouse typology (or mid-rise block, which draws on an historic typology, of Victorian industry, examples of which are found north and

south of the river) and townhouses. A different approach is proposed for linking blocks, which also set off the tower.

- 7.16 This is a logical form of arrangement demonstrating a clear hierarchy of design. This approach also enables varied architectural treatments which reflect these different scales, and so reinforcing the varied massing which adds to the visual amenity of the completed scheme.

#### The Tower

- 7.17 The tower features particularly in objections from HE and from others.
- 7.18 It is presented in full, and its design is treated by Mr Vaughan (**WH 1/1**).
- 7.19 Its physical characteristics and intrinsic design quality are relevant to the assessment of heritage impacts.
- 7.20 Accordingly, I offer my observations on its design and appearance as a work of architecture and as the basis for my contextual analysis.
- 7.21 In my experience, tall buildings are most successful when their design features can be clearly appreciated at three scales, and it is my practice to use this framework to discuss them.
- 7.22 First is the **primary scale**, appreciated over distance. In this case the first relevant consideration is the proportion of the tower, of height to width. This is of about 1 to 3, and its vertical character is enhanced by what I call secondary scaling elements which work to create an overall building image (see below).
- 7.23 That height is sufficient to mark the location of the new centre, adding legibility and a sense of event on arrival which is an important element of any regeneration scheme (irrespective of whether they include a tall building).
- 7.24 Another consideration as to the perception of a tower's primary scale in a precinct development is its relationship to lower blocks. Here I think there is a potential issue requiring close analysis, and, that is, whether there is sufficient differentiation as between the maximum heights of the lower blocks and the tower. This is why the architect brought it forward and dropped heights closer to it, seeking to isolate it from the perimeter blocks, visually that is, giving it a distinct character.
- 7.25 I think in most views the tower's form and proportions are clear and easy to appreciate. I think the clarity of tower form has the potential to be compromised by the massing of the lower part. This potential has been recognised and can be addressed as part of RM submissions through a contrasting design of the outline lower parts of the development

(notably, the views affecting the St Augustines Street group and also the effect in Wensum Street).

- 7.26 Finally is the colour or overall tonality of a tall building. This one here is light coloured, light brickwork, through the prevailing cladding material. I understand the intention shown in the submitted information is to create a singular form through complementary mortar colour.
- 7.27 It is accepted that lighter cladding materials also reduce visual impact through the tendency to blend with the skydome. Darker buildings have, as a consequence, a stronger silhouette, which in back lighting conditions can make them appear dominant. That is a consideration in this case because the tower is seen from all angles and the views from the north are important.
- 7.28 There is one further consideration of primary scale, which is obviously of a tower in context, and I address that in a later section, in relation to the distant views. Here I conclude that the tower is proportionate to the scale of the city as a whole, as perceived in those views. It is likewise tall enough to be beneficial as a work of architecture at the city-wide or sub-regional scale (which is how one perceives the city, say, from St James' Hill, TVIA View 8). This matter is a major subject of contention but I am clear that the building and its overall proportions work at this scale of analysis.
- 7.29 Next comes design at the **secondary scale**. The following four features introduce this layer.
- 7.29.1 First is the open quality of the top, which is distinctive and softens the impact against the sky (even at a primary scale, albeit to a lesser extent than in nearer views).
- 7.29.2 Second are the open corners, which also provide balconies. This is an accepted way of reducing visual impact too and a successful one since it gives direction or orientation to larger forms and the technique influences the perception of bulk in longer views too. The continuity of the corners adds vertical emphasis, reinforcing the proportions and in this way one of the defining aesthetic characteristics of a tall building.
- 7.29.3 Third is the vertical pier language introduced by the solid elements in the four façades. These are secondary to the corner slots and so modulate the scale and likewise reinforce verticality. The diamond brickwork patterns at the top will, I think, be perceptible as features within this scale layer, particularly from southern views. I know NCC questioned whether this degree of ornamentation would have meaningful effect. I think it will. The visualisations really are of very little help in this regard.

7.29.4 Fourth, and importantly, is the folded or inflected/pinched plan form, which expresses itself as a vertical fold in each of the four façades.

7.30 Thus, there is a hierarchy of elements within this scale layer: the open parapet, the fold, the open corner, the pier. They are integrated seamlessly one with the other and produce an orderly arrangement to the façade.

7.31 I think this is a particularly strong aspect of the design and goes to generating its distinctive character.

7.32 Finally, at the **tertiary scale** are those details appreciated closer too. They sit clearly within the secondary scaling element, and are subject to design development. Their colour is important, being recessive as against the white cladding so that stands out. The edges of the two, solid cladding as against infill panels containing the openings, is a critical detail. In my experience this detail is not a complicated one, involving any particularly expressive form or geometry. Hence it is one capable of being procured to a very high standard, since it is not novel or unusual

#### *Overall Assessment of the Tower*

7.33 For these reasons, and having carefully considered these proposals over many months, during which I have had the opportunity to understand aspects of it in discussion with Mr Vaughan, I conclude the tower represents architecture of the highest quality.

7.34 I particular admire what I see as the seamless integration of its proportions overall with the secondary scaling layer, and the hierarchy within that layer. That quality is a design benefit in its own right, reducing impacts too in all cases through mitigation at the very least if not through perception of quality (which proposition some may find contentious).

7.35 I do not consider its appearance to be overbearing in any respect because of its proportions and its detailed design taken together with its proposed tonality which is a very important aspect of the design.

7.36 I note NCC's appraisal, at the Committee Report (**CD9.1**), paragraphs 371 to 374. I will say that I deliberately did not read these paragraphs in detail before completing my initial review of the application materials.

7.37 For what it is worth, it appears Mr Webster and I have made similar points and drawn similar conclusions, which fortifies me in mine.

7.38 I draw attention to one objection from third parties, which the Committee Report (**ibid**) highlights at paragraph 374, namely that allowing this tower creates a precedent.

- 7.39 It is trite planning to note that this cannot be the case because every application is judged on its merits and so much the more so given the particular, indeed unique circumstances of this site and its status in the hierarchy.

The Proposed Block A

- 7.40 Block A is the most substantial block, in terms of scale and extent, and its height is the result in part at least, of the inclusion of car parking in it. This has been screened by the flats. It orients towards the road which is the context for appreciating its scale from the immediate area; its scale is commensurate with the road's.

- 7.41 I questioned the need for this provision when I was first instructed because I wanted to understand the scale proposed and its impact on views (from Tombland, Fye Bridge, for example, and in views along St. Augustines Street and from the north-west corner of St Augustine's churchyard).

- 7.42 I am advised that the level of car parking is required to meet NCC's expectation for a replacement public car park to serve the LDC as well as to ensure scheme deliverability in this housing market.

- 7.43 I think the detailed design of Block A does reduce the consequent visual impact. Block A has a clearly ordered façade (base middle and top of suitable proportions one relative to the other); it has a clear vertical rhythm through various elements and design features; it proposes different brick types/colours (the material is suitable to Norwich which has many brick buildings); other detailing adds depth to the elevation.

- 7.44 NCC criticises the use of "*dark cladding to the top of the blocks*" which gives the development a "*dull and brooding character*". See Committee Report (CD9.1) paragraph 434.

- 7.45 I have two observations on this point:

7.45.1 First, I agree that lighter coloured materials will generally reduce visual impact. The details of the cladding can modulate that further. Accordingly, I agree that the dark materials can and should be reconsidered: a Condition to allow this change is proposed.

7.45.2 However, and second, the palette shown in images, even illustrating the detailed part of the application, is in no way fixed or required to be fixed for this building at this time.

7.45.3 Third, I think the comments reflect too close a reliance on the two-dimensional imagery provided in the TVIA. This material is accurate as to position,

appearance and colour (broadly) but what it does not convey is the layered effect, of different planes of development that we would actually perceive.<sup>7</sup>

- 7.46 The proposals have a greater scale than the existing buildings and clearly have a greater visual impact but that in itself is not harmful, and to the extent that this might be seen as harmful in itself (which I do not accept as a matter of principle), then any such harm should be set against the harm created by the existing condition of the site as it is now.
- 7.47 I do not comment on detailed design matters relating to the technical aspects of architectural design, including sustainability. I note that the Committee Report states that there is no explanation of how the choice of materials will reflect sustainability considerations (paragraph 437).
- 7.48 To be clear, I do not see the application materials are deficient in this respect given a) the requirements of building regulations, b) the scale of the development, and c) the considerable detailed design that follows on from this stage of work.
- 7.49 In respect of the outline parts of the scheme, the absence of detailed environmental design features is even less relevant because in my experience it is wasted effort to explore this aspect of design on parts which will come forward for RM approvals at a point where materials and techniques have evolved still further, along with, I anticipate, building regulations.

### **Proposed Demolition of Locally Listed Buildings**

- 7.50 I understand that effecting these proposals entails the demolition of 43-45 Pitt Street, which are identified as a locally listed building in the CCCA. This clearly does entail a degree of harm. In respect of that I note:
- 7.50.1 The principle of their demolition and replacement has already been established through an extant and implemented consent (see LPA refs. 11/00160/F, 11/00161F, 11/00162/O and 11/00163/C);
- 7.50.2 Notwithstanding the fact that the buildings are locally listed, they are fairly typical examples of their date and type and do not form part of any wider cohesive townscape;

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<sup>7</sup> This is a general point that applies to many of the images. I am very familiar with the distortions that arise as a consequence of Accurate Visual Representations (“AVRs”), which remove the normal spatial cues of motion parallax, varied focal lengths and stereo vision. These aspects of our visual matrix mean that human visual perception is enormously sensitive to the distance between objects. AVRs purport to show the truth but they do not inasmuch as they show what is sometimes called ‘visual attachment’. I return to this point later in analyses of the images supporting the application.

7.50.3 Any harm consequent on their demolition must be decisively outweighed by the benefits just described, leaving my overall conclusions on this part of the CA intact; and

7.50.4 I note that paragraph 424 of the Committee Report agrees with the demolition justification for these set out in paragraphs 3.47-3.49 of the BHS Addendum (**CD7.81s**). I have reviewed these paragraphs, in light of NCC's qualifications. The benefits of the proposals to this part of the CA, its urban design and place making outweigh the harm arising from this demolition, and it is those benefits that, on their own, provide the clear and convincing justification required by policy (paragraph 197 of the Framework).

### **The Impact of the Proposed Development on Magdalen Street and Other Historic Buildings at the North of the Application Site**

7.51 This is a convenient point to discuss the impact of the proposals on historic townscape to the east of the Application Site comprising Magdalen Street. The relevant masterplan element is Block A.

7.52 Here, on the stretch of Magdalen Street between St Crispins Road and Cowgate, the majority of buildings are locally listed (except Roys department store) and there is one Grade II listed building, 75 Magdalen Street. This assessment also considers, though to a lesser extent, the part of Magdalen Street immediately south of the flyover.

7.53 The present development undermines the visual amenity and functionality of this historic street, and so also the ability to appreciate the significance of the historic townscape as a consequence of that poor quality.

7.54 Block A of the proposals would bring demonstrable setting benefits to the listed and locally listed buildings in Magdalen Street, so enhancing their setting and enhancing our ability to appreciate their architectural and historic qualities.

7.55 The Committee Report (**CD9.1**, paragraph 436) criticises the height of the shopfronts as not harmonising well with those elsewhere on Magdalen Street, although their widths would reflect the proportions of those other windows. This matter could be dealt with via condition when the finer details can be agreed and a solution acceptable to NCC effected. Suffice it to say that the scale and position and uses proposed provide a framework for effecting the improvement and hence full weight may be given to that.

7.56 Furthermore, the economic investment which this form of regeneration brings will also, over time, support greater investment in the built fabric of these buildings. Their condition is, on its face, capable of improvement. This would be stimulated in the first instance by the meanwhile uses proposed under the flyover. This process, whereby

investment in large-scale development spills out into the surrounding area is well established.

7.57 Therefore, I invite the SoS to give particular weight to the setting benefits to the CA here, the listed buildings and to the locally listed buildings.

7.58 The setting of listed buildings to the north<sup>8</sup> is likewise enhanced, attracting particular weight in the policy balance.

7.59 These benefits are distinct from the general townscape benefits just described.

7.60 Therefore, and turning to GPA3, the existing site is proximate to these listed buildings and materially detracts from our appreciation of their value through the poor urban design, the appearance and condition of the site, to which they orient in varying degrees and to which they are proximate and visible in an important townscape view along the road. There is a poor sense of enclosure.

7.61 The proposals are proximate to the assets and orient towards them. They provide a much improved setting through their massing and design (the details subject to RM determination). Further activity will enhance the experience of these assets and stimulate economic investment too.

### **St Augustine's Church and the Gildencroft Almshouses**

7.62 The history and significance of St Augustine's Church, Grade I listed, is agreed by the parties and beyond doubt. It is a fine example of a medieval parish church with features of interest from the C14 to C18 centuries. It has high intrinsic interest for its interior and exterior architecture, and the churchyard and associated almshouses (Grade II) comprise an important feature in the local area, providing a route from points east into a housing estate beyond.

7.63 The Pevsner entry on St Augustine's Church is produced at **Appendix 7.0**. I take this as read in my analysis.

7.64 The almshouses are Grade II listed and are understood to date to the 1580s. They are purposefully sited near the church because the charity administering them was parish-based. This is not an unusual arrangement. I am not aware of another example of this in Norwich.

7.65 Therefore, the two comprise a well-defined and characterful group closely associated with a verdant churchyard, across which there is a public footpath and terminating in a

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<sup>8</sup> I refer to the four Grade II listed buildings on the east side of Magdalen Street just north of the crossroads with Cowgate and Edward Street.



seating area to the north and west. This provides a place for someone to admire the tower and appreciate the almshouses as a group.

- 7.66 Another public footpath skirts the edge of the almshouses.
- 7.67 The church is redundant and managed by the Churches Conservation Trust. It remains consecrated, therefore, and I understand it is used occasionally. Norwich has many under-utilised medieval churches, and some have been converted to other uses (see for example, Church of St Martin at Oak in St Martins Lane, which is located to the west and south of Anglia Square and features in TVIA View 29 (**CD7.81x**) (I discuss this in my **Section 8.0**).
- 7.68 This historic group's context has been eroded by road building, Anglia Square and other post-WWII developments. Traffic noise and movement are part of one's experience of it. Many listed buildings in St Augustines Street to the east comprise historic context on that side. Over my several visits to this site, however, I have been more aware of the modern development to the south and east of the church, not least because of the perceptual severance caused by the road. Views along the church path are towards the surface car park and existing buildings in Anglia Square. Additionally, the churchyard orients towards the surface car park which has the effect of creating some discontinuity with historic townscape to the north.
- 7.69 The setting impacts of the Application proposals range from neutral through to negative and positive.
- 7.70 Someone entering the churchyard or footway from the main road, walking away from Anglia Square, appreciates the two assets together and can admire the architectural and historic characteristics which are the reason why they are highly graded. The proposals would be behind someone, and that direction of travel effectively picks up on the new view of the church which the proposals provide. Overall, this experience is not harmed. Similarly, someone walking from west to east along Gildencroft will be unaware of the tower and the lower blocks.
- 7.71 The removal of unattractive buildings, surface car parking, and the introduction of new buildings of suitable scale enclosing the junction amount to a setting benefit to the experience of the church on this side, the east and south. The urban design of the proposals and the greater vitality and active frontage they deliver are part of this benefit which I see as significant.
- 7.72 The harmful impact of the proposal is modelled in TVIA Views 32 and 33 (**CD7.81x**), which are selected to illustrate the visual impact near the south porch and from the seating area to the north and west of the church.

- 7.73 First, the tower will be a prominent element in the view, appreciated over a distance of between 160 metres and 130 metres or so, depending on where you stand between the two points. As the two views illustrate, the relative position of the tower changes as between these two points, and the impact is very different.
- 7.74 The impact from View 33, near the porch, is much less because a) the position of the two important historic buildings creates a strong sense of spatial enclosure, and b) the tower becomes oblique relative to the direction of the view and so peripheral to the experience. From this point the urban design benefits of the proposals are also evident.
- 7.75 The impact from the seating area is considerable (View 32). In my judgment, the contrast in scale and building form is reduced by the massing of the tower, with its inflected returns that break up the width of the building; the open corners have a similar effect. These are tried and tested techniques in tower design. The vertical banding and contrast in materials, with the more open top and detailing also further reduce the scale impact. The overall aesthetics of the new residential tower are appreciated here to good effect, and that effect in itself is positive. Nevertheless, the scale difference distracts attention from the church tower and is intrusive. It therefore causes harm in this view.
- 7.76 On my advice, the Applicant instructed Cityscape to model the same view on the basis of a new survey photograph shot during the afternoon – see my **Appendix 8.0**. I felt this would be of assistance to the Inspector and SoS because the direction of light in the published shot tends to flatten the image of the perimeter blocks, and so reduce the impression one will actually have, of taller buildings forming a layered background beyond the ridge of the almshouses. These blocks and the tower catch the light differently, enabling one to get a better impression of their three-dimensional form and so better understand the impact. I consider that a viewer will perceive this form in different lighting conditions because human vision is very sensitive to the distances between things and depth.
- 7.77 The striking contrast of the ancient and modern tower is clearly a matter for close study. There is some evidence to show that people enjoy such contrasts of old and new; photo-sharing websites such as Flickr and Google Images, for example, record this enjoyment.
- 7.78 In Norwich, the modern form and materials of The Forum provide an attractive setting for St Peter Mancroft in many views, and that church is widely regarded as one of the most important in the city. However, it is right to take a cautious view of these interactions.
- 7.79 The visibility of parts of Block E and F above the ridgeline of the almshouses is harmful because, although it is at a distance which the human brain will understand it is

nonetheless a potential distraction to the viewer. I think this harm could be reduced at RM stage through careful detailing and materials but would not be removed.

- 7.80 Taking a view of the impacts in the round, then, I conclude the benefits go some way to countervailing the identified harm but they do not remove it. Accordingly, I find low level of less than substantial harm. I do this mindful that the salient characteristics of the church and almshouses, singly and together, are unaffected when seen from most other positions. The totality of the setting is not affected, in other words, by reason of orientation and distance, and interposing development (the almshouses).
- 7.81 I note the Committee Report reaches a similar finding to mine, see paragraph 408.
- 7.82 It is hard to imagine a scheme of any significance on this site not having at least some significant impacts on the ability to appreciate the west tower of the church or the shared setting it enjoys with the almshouses.
- 7.83 Accordingly, it follows I identify a limited amount of less than substantial harm to this Character Area of the CCCA.

#### **The Impact of the Proposed Development on the Historic Townscape in St Augustines Street and Related Assets**

- 7.84 These visual impacts at issue occur on this extension of Aylsham Road, along an important historic and modern approach to the city.
- 7.85 This extent of townscape comprises many listed and locally listed buildings, and is an attractive and cohesive part of the Northern City Character Area of the CCCA.
- 7.86 The Northern City Character Area is given a ranking of 12 in the CA Appraisal (**CD2.10**) which equates to 'High' significance according to the scoring bands on page 32.
- 7.87 This townscape is the product of successive phases of development, and has a well-defined, traditional urban grain with a variety of traditional building forms and materials. The condition of historic fabric is poor in places and the overall environmental quality of the street is undermined by traffic.
- 7.88 The quality of this townscape at the southern end is undermined by the proximity of Anglia Square surface car parking and by the engineered junction of St Augustines Street, New Botolph Street and Pitt Street.
- 7.89 The proposals bring a demonstrable benefit by reason of better enclosure at this southern end, and the provision of active frontages complementing the historic frontage. This has the effect of creating a more continuous townscape form.

- 7.90 The intensity and types of uses will benefit the commercial occupiers and businesses in St Augustines Street. Some of the historic properties would benefit from the greater economic activity which the proposals would bring. The unattractively designed tower of Sovereign House would also be removed.
- 7.91 The tower would be a prominent feature from different positions along this street, varying in its impact depending the position of the viewer (east or west side). The impact of the tower is reduced as a consequence of the following:
- 7.91.1 First, the street itself is well enclosed by buildings that feature lively detailing which draw the eye and which, taken together, create strong foreground and middle ground interest. This context is what, in normal viewing conditions one attends to;
- 7.91.2 Second, the tower's design can be appreciated to good effect in this view, and its characteristics (identified earlier and including inflected plan, open corners, and vertical banding, as well as its proportions) make an object that is attractive in its own right; and
- 7.91.3 Third, that attractiveness is linked to its role introducing a legible feature, marking the new Anglia Square. This clarifies the urban form of the area and creates a destination.
- 7.92 Clearly, the appreciation of someone walking north along the road is unaffected.
- 7.93 These aspects of the proposals reduce the harmful impact arising from the introduction of a prominent vertical feature.
- 7.94 For these reasons I consider there is harm which is less than substantial and low or possibly low to moderate. This contrasts with the Committee Report's (CD9.1) finding of moderate harm. See paragraph 404.
- 7.95 It is important to distinguish as between the impact on townscape, which is a gross element relating to the CA, and impact on specific listed buildings and settings.
- 7.96 The Committee Report (*ibid*) identifies that the impact on the listed buildings comprising this townscape element would be "*substantially harmful were the condition of the site not taken into account*". I do not agree with this finding since the intrinsic interest of these listed buildings is entirely unaffected by the scheme and some aspects of setting are likewise unaffected.
- 7.97 I consider that the individual identity and characteristics of the listed and locally listed are subsumed into the overall scene.

- 7.98 In order to appreciate the particular historical interest and architectural detailing/materials of each building one has to stop and admire it, taking one's attention away from the tower. The focal length for doing so is short, that for appreciating the tower is long. This is the product of the linear form of the street and the consistent building line with a consistent scale and a fine grain.
- 7.99 For this reason I do not find that the ability to appreciate the listed buildings' special interest is very much affected at all, and I conclude no harm. I think this is, if anything, a CA/historic townscape impact. Since, however, it is practically difficult to disaggregate the settings of listed buildings in this kind of array from the character or appearance of the CA, I consider that a finding of harm to the latter must lead to a finding of harm to the listed buildings. In both instances, I identify the harm as less than substantial: limited in relation to the listed buildings but moderate in relation to the CA. There is a point of fine judgment here, in cases such as this.
- 7.100 I agree, therefore, with some of the judgments in the Committee Report, where these impacts are treated at paragraph 404.
- 7.101 The redevelopment removes harmful features, surface car parking and, as noted in the report, Sovereign House. I likewise agree with the Committee Report that the lower blocks have beneficial effects, drawing the eye and, I additionally note, providing enclosure as well economic regeneration/improvement to the area's functionality. This is a setting benefit, enhancing in some respects the ability to appreciate the special interest of these parts. The marked contrast in scale as between this low townscape and the tower, however, is the source of the limited harm here.

#### **The Impact on Magpie Road – Fragment of the Ancient Wall**

- 7.102 The remains of the city wall on Magpie Road is part of a Scheduled Monument, and therefore potentially very sensitive to development impacts.
- 7.103 The setting of the wall comprises a foreground area which is landscaped as part of its recent presentation and conservation, flanked by locally listed buildings that appear to date to the C19. Notwithstanding that designation, the flanks which these buildings present to the monument's foreground setting is expedient.
- 7.104 The appreciation of the wall is, in my opinion, best from the near pavement from which point one can be in no doubt about its antiquity. From within that landscaped area one's appreciation of the monument is less affected by the traffic. It has high intrinsic value and a very changed setting, including arising from the road network and the townscape character of the setting which is varied and contrasting. One appreciates the wall as an archaeological feature that is a remnant of something larger.

- 7.105 The modelled view, TVIA View 17 (see **CD7.81x**), is from across the street to capture the maximum point of effect. I do not think this is an area where one would linger to admire or study the wall, and from this distance its antiquity may be apparent but not enjoyed (in my judgment anyway). Closer to the wall, views of the tower would be limited by it and even a glancing or limited impact would not undermine one's appreciation of the masonry characteristics that communicate its antiquity forcefully from those closer distances where I believe it is best appreciated anyway.
- 7.106 The wall is admirable and interesting as a fragment of a larger structure and appreciated as such, a ruin in a modern setting. Not enough of it survives to communicate whether the viewer is standing outside or inside the old wall, but I reckon most people would appreciate this as the limit of the ancient city. In that event, seeing a modern city element beyond it and therefore within the ancient walls cannot undermine its sense of enclosing the city.
- 7.107 The interaction of ruins with modern buildings of very different form can itself be pleasing and add to their aesthetic appreciation. This interaction does not in this case, in my opinion, undermine or reduce the historic nature of the wall, which is intrinsic and manifest.
- 7.108 My view is different, therefore, to that formed by NCC at paragraphs 409 and 410 of the Committee Report, where, on my reading, any impact is very low anyway on the less than substantial scale when taken in aggregate with the benefits identified there, which links the idea of a wall with the landmark gateway function of the tower. I did not form that judgment when I first considered the interaction but I think it is a fair and reasonable one.

#### **Northern Approach Views**

- 7.109 The view into the city from the north, along Aylsham Road, will change significantly. TVIA Views 49, 16, 15 and 14 illustrate the impact – this sequence captures the effect of travelling south-east towards the city/Anglia Square.
- 7.110 Major development on this side of the city, on the site, is desirable and, I understand, consistent with the planning objectives for the LDC broadly.
- 7.111 It is inevitable, then, that the scenic experience will change and it should because the existing buildings detract from the experience of entering from the north.
- 7.112 The spire of the Anglican Cathedral is visible in the view, a slender element appreciated in the context of the existing development on the site, which the adopted CA Appraisal (**CD2.10**) identifies as a 'negative' landmark. Nevertheless, the spire is a recognisable feature, providing a point of orientation and, I do not know but suspect that, most people

travelling in to town on this road will be able to identify the Cathedral, notwithstanding it is only a partial view of it. Its architectural interest as a composition is not really appreciable from this part view.

- 7.113 The proposals maintain this partial view in any event.
- 7.114 The parameters of the perimeter blocks do, however, present a more continuous form of development in its context. In my opinion that in itself is not harmful. Whether or not this effect is beneficial or harmful depends ultimately on the final, detailed design. Carefully massed and detailed, I think the final scheme could frame the historic feature. The indicative design material is in this respect not of assistance and in the absence of the detailed design required at RM stage I identify some harm.
- 7.115 The proposed tower appears to good effect in the slightly different perspectives one obtains along Aylsham Road, sometimes in the same view as the spire other times not. It is a moving or kinetic view.
- 7.116 I see the visibility of the tower as beneficial in townscape terms. It is an attractive piece of architecture marking this gateway to the city. There is obviously some tension between achieving this desirable outcome and not distracting attention from the part view of the Anglican Cathedral.
- 7.117 For me this is a finely balanced point but given the status of the building and the statutory objective, and what flows from that in policy, I find a degree of less than substantial harm to the ability to appreciate the spire.
- 7.118 I do not think this translates to much impact at all on the ability to appreciate the architectural or historic importance of the Anglican Cathedral, however, since the view is partial. If the effect on the ability to appreciate significance is negligible, then, applying the principle articulated in recent case law, then the effect is harmful.
- 7.119 This analysis is broadly consistent with the findings of the Committee Report (**CD9.1**) at paragraph 391. The final bullet-point at paragraph 584 summarises the position as follows:

*The view south along Aylsham Road from the pedestrian refuge close to the junction with Green Hills Road (view 49), where the Anglian Cathedral would be diminished by the introduction of large-scale new development as the focus of the view on this axis of arrival into the city centre.*

### **Summary of the Local Impacts**

- 7.120 In summary, then, I conclude:

- 7.120.1 There is no harm to the appreciation of the city walls. The form and scale of the development creates a sense of arrival and event in this part of the city, particularly from the north;
  - 7.120.2 The harm arising from the existing development is removed by the demolition of Sovereign House and re-cladding of Gildengate House. Other unattractive structures are removed along with surface car parking;
  - 7.120.3 No citywide views are harmed and two new views are created/improved of important historic landmarks from within the scheme;
  - 7.120.4 The buildings are of a scale appropriate to their spatial settings;
  - 7.120.5 There are improvements to the townscape in Magdalen Street, and to the townscape setting of several heritage assets, and the way the area functions. There is a degree of harm alongside this as noted above;
  - 7.120.6 The development itself is well designed with a distinctive character and destination quality, with a high standard of landscaping, active frontages and an intensity of use that will animate the Application Site and the area.
- 7.121 Turning to the CCCA Appraisal (**CD2.10**) criteria, for the Anglia Square and Northern City Character Areas, I note:
- 7.121.1 The scale of buildings is appropriate to the ring road;
  - 7.121.2 The new route through the scheme reflects the historic route from Magdalen Street to St Augustines Street;
  - 7.121.3 The scale of the development is appropriate to the scale of older townscape in Magdalen Street; and
  - 7.121.4 The square itself is retained and another square provided.



**8.0 MID-DISTANT EFFECTS OF THE PROPOSED DEVELOPMENT: NORTH CITY (COLEGATE, ELM HILL, FYE BRIDGE AND TOMBLAND) AND THE CIVIC CENTRE (MILLENNIUM PLAIN, THE MARKET AREA AND CASTLE)**

8.1 In this section I consider the majority of the assets which are not proximate to the Application Site, grouping these for convenience.

8.2 I identify four discrete groups and treat in a final section three listed buildings that do not sit exactly in any of these groups. I include the TVIA (**CD7.81x**) view numbers after each to assist the Inspector.

8.3 The four groups are:

- Group 1: Millennium Plain and Market Place;
- Group 2: St Andrew's, Blackfriars Halls, with Elm Hill and St Peter Hungate;
- Group 3: Tombland and Wensum Street to Fye Bridge; and
- Group 4: Colegate.

8.4 The three additional listed buildings are:

- Doughty's Hospital (Grade II);
- Former Church of St Martin at Oak (Grade I); and
- Nos. 47 to 49 St Martin's Lane (Grade II).

**Group 1: Millennium Plain and Market Place – TVIA Views 11, 13 and 53**

8.5 I have elsewhere described the significance of the City Hall, and also in my Appendices, so I note here the obvious importance of the market place to an appreciation of its significance. That space too contributes to its historical and civic importance, the one reinforcing the other.

8.6 The City Hall was designed to front the market and makes a powerful impression on it. The market itself has evolved since it was first established in this location by the Normans yet it has been in continuous use for 900 years. The current layout and appearance of the stalls was achieved from a comprehensive refurbishment completed in 2006. The Application Site has no tangible or demonstrable setting relationship with this townscape unit which falls into a different character area as defined in the adopted CA Appraisal (**CD2.10**).

8.7 I do not think that the fact the two areas, the Application Site and this part of the CA, are both within the city wall boundary and the same CA is enough to create a meaningful setting relationship one between the other. If the reverse were true, then NCC would be obliged to treat any application in the one area as potentially affecting the significance of the other. Thus, I do not think a statement to the contrary is credible,

also taking into account the separating distance and the nature of the receiving environment, which is a busy, varied and urban one.

- 8.8 The Guildhall, the predecessor of the modern City Hall, is of medieval origins albeit it has been variously restored over time. It presents a lively composition of real and Victorian Gothic features and is a kind of pendant to the superb late medieval church of St Peter Mancroft (see Pevnsner entry at **Appendix 9.0**), a masterpiece of Perpendicular period architecture which is widely recognised as a leading example of that style.
- 8.9 The townscape on the south and east sides of the market is historic and cohesive, albeit presenting varied characteristics reflecting its evolution over time. The whole space is in the CA, and a principle element of it.
- 8.10 Views from the market place are, however, of mixed character and from the City Hall, for example, one sees modern development, and one is aware of recent development (of varying quality it must be said) off to the east and towards the Castle.
- 8.11 This is a well-used civic and commercial space: the area is used for small business and restaurants and bars run from a dense wen of modern kiosks.
- 8.12 At the south west corner is The Forum, a modern cultural building of striking form, which is an attraction in its own right and features a landscape scheme that doubles as seating. Anyone entering the Millennium Plain from the market will be aware of the Chapelfield Shopping Centre, just over the busy road.
- 8.13 The impacts under consideration fall within the Civic Character Area in the CCCA, no 12 in the adopted Appraisal.
- 8.14 The Civic Character Area scores 14 in the Appraisal and has 'High' significance according to the scoring bands.
- 8.15 This confirms that this area contains the main civic buildings, stretching from the City Hall to the Castle and including the market place, which has a long history as an important focus for commercial activity and civic identity. The main identity buildings are the Castle, the City Hall and St Peter Mancroft. It is a very lively space, with access, to the south, to an important shopping centre. I commend this part of the adopted Appraisal to the Inspector and its relevance is agreed as between the parties.
- 8.16 Additionally, I note the following:
- 8.16.1 There is an identified vista between The Forum and St Peter Mancroft, which has been modelled for the Application – TVIA View 11.

- 8.16.2 The first TVIA (**CD4.86s**) identified another vista along Gentleman's Walk, to the east of the market, View 13. This is not an identified view. It has busy commercial character. The revised proposals have only a very limited visual effect on this route.
- 8.16.3 I have had View 13 reproduced with the 20-storey scheme, see my **Appendix 10.0**. I judge this to be scarcely perceptible and not harmful in any event.
- 8.16.4 The access to the space, from the south, is from a surface car park.
- 8.16.5 There are three city-wide landmarks here, the City Hall, St Peter Mancroft and the Castle, which give the space a strong public character, with views of three memorable landmarks that appear in distant views.
- 8.16.6 In TVIA view 11 one sees the very top of the tower and that will fall away over a short distance due the changing angle of vision. The effect is thus concentrated at the top of the space where the influence of the modern city is strongly felt and the townscape is varied. The ZVI included in my **Appendix 11.0** illustrates the way that effect changes.
- 8.16.7 The distance from the site, roughly 1km or more, and the transient nature of the effect in a space one tends to pass through (unless you sit, in which case the effect will not be apparent), lead me to conclude that this is not a harmful impact.
- 8.16.8 The townscape closing the view, to the north, is varied and there are some historic features which would be more pronounced and noticeable than the proposals ever would be.
- 8.16.9 The reproduction of View 13 at my **Appendix 10.0** indicates that the view along Gentleman's Walk is less, and scarcely material. I identify no harm from it.
- 8.16.10 I have the same comment on the visual impact from the Council Chamber balcony (TVIA View 53), and here the view is even less relevant because the view is actually oriented east, and I cannot see why a very minor impact, at the limits of materiality, would be noticed by anyone on the balcony. Accordingly, I find no harm to the setting of this important building as experienced in this important local context.
- 8.17 Thus, and from this very important area within the historic city, the proposals have no harmful impact. (I discuss the Castle, which falls within this Character Area, shortly.)

- 8.18 This is not surprising since the land slopes north down to the river and that many streets, as a consequence, run east-west and from them there is no real visual impact as a consequence of enclosure and orientation. The potential for impacts occur mostly on the north south streets and here, as the ZVI shows, the impacts are likewise limited (see **Appendix 11.0**).
- 8.19 The Committee Report (**CD9.1**) comes to a similar conclusion to mine, see paragraph 399 in relation to the City Hall.
- 8.20 I do not agree, however, with the assessment of the Committee Report in relation to St Peter Mancroft. The Committee Report paragraph 400 concludes that its significance as a defining feature of the city will be 'modestly diminished' as that architectural interest and distinctive silhouette is seen from distant views and, I infer, in the City Hall's setting.
- 8.21 My reasons are set out above, in relation to the City Hall grouping (a local impact). I simply do not think the scale of impact, taken together with its duration/extent and the present setting, and its scale, will in any way diminish its importance as a feature in the market area.
- 8.22 In distant views, it is perceived as part of a tight historic group, whose setting, and includes modern development already. There is significant visual separation in those distant views as well. I cannot see its landmark is, therefore, undermined at all.
- 8.23 Likewise, the Committee Report finds a degree of harm to the appreciation of the Guildhall's architectural significance (and of the related building 1 Guildhall Hill) as seen in the civic setting, and in particular as a consequence of the tower's protrusion "*above the west end of the Guildhall roof*", sitting "*above and within this gap*". See paragraphs 401 and 402.
- 8.24 I disagree with this analysis for the following reasons.
- 8.25 First the duration of the impact is limited.
- 8.26 Second, it is experienced in a wide spatial setting in a lively and varied townscape.
- 8.27 Third, the impact is experienced over some distance, say, 900 metres plus, and so the viewer will experience setting depth, even, and fourth, assuming their attention is drawn to it in the first place (which I do not accept because of the scale of the effect and the characteristics of the receiving environment).
- 8.28 Thus, whilst the setting provisions are engaged, the effect on special interest is neutral.

GPA3 Considerations

- 8.29 I now turn to GPA3 (**CD11.18**) in order to draw conclusions in respect of the above.
- 8.30 First, at the moment the Application Site contributes little or nothing the experience or appreciation of the heritage assets' significance as considered through the relevant views (which are the accepted vehicle for this analysis) – nos. 11, 13 and 53.
- 8.31 Second, as to the new setting relationship potentially created by intervisibility, I note the following:
- 8.31.1 The Application Site is not proximate to the assets.
  - 8.31.2 The Application Site occupies a different topographical situation, is located north of the River Wensum.
  - 8.31.3 The Application Site is not oriented on any key views and the proposals will not physically or visually isolate the asset from any significant landscape or historic feature.
  - 8.31.4 The proposals are not prominent or conspicuous in any of the views considered, and accordingly will not compete for attention. To the extent that there are incidental impacts (which I see of no real consequence), then the design of the proposals are designed in a way to limit impact (which impact I do not find causes a harmful effect in any case). The relevant development characteristic is colouration and the simplicity of design.
  - 8.31.5 The change to skyline is not significance and light spill is not an issue in this environment. Residential uses have a soft and irregular lighting palette with varied colours anyway and rarely make any impression on the night sky in cities.
- 8.32 No other GPA3 categories of analysis apply in my view.
- 8.33 The change is permanent but that is no further consequence on my analysis.

Impact on Group 1

- 8.34 Thus, the management objectives outlined in the document, page 130, are not undermined at all.
- 8.35 Neither are any of the distinctive features of this part of the character area harmed.

**Group 2: St Andrew’s Hall with Elm Hill and St Peter Hungate – TVIA Views 22 and 55**

- 8.36 This is a very widely admired part of the city centre, and one which historically has been the subject of interest amongst conservationists.
- 8.37 St Peter Hungate, a superb medieval church not deconsecrated, is an early instance of conservation by the Norwich Historic Churches Trust and reuse for cultural purposes. Its tiny churchyard is a beautiful intimate space from which one sees a number of historic buildings. There are glimpses across it from the street and then past the front as Princes Street runs down into Elm Hill.
- 8.38 The CA Appraisal (**CD2.10**) rates the significance of the related Character Area, no. 6 Elm Hill and Maddermarket, as ‘Very High’ for the concentration of historic features in it and its townscape quality, with a limited number of detracting features. The area does have some C20 buildings which are not particularly attractive, and some contrast ‘sharply’ with traditional buildings (in terms of materials at least, according to the document, and I would say architecturally as well). I make some further observations, not intended to be exhaustive.
- 8.39 Elm Hill is singled out as one of the most enduring picture postcard images of the city (**ibid**, page 77). Key buildings tend to be churches important in a local context. There are areas of historic floorscape and this is relevant to the view modelled as part of the TVIA work (View 22). There are, however, no formally identified views from that modelled position (see **ibid**, page 78), and insofar as I can tell the proposals would not be visible in any of the views which are reproduced in this section.
- 8.40 Page 77 does offer an observation *a propos* the modelled view:
- An important aspect of the character of the area is the views which can be gained along the longer east-west streets and the tangential views along the narrow north-south lanes and alleys. Often these views do not focus on key buildings but allow glimpses of attractive, intimate streetscenes.*
- 8.41 That last observation is one I consider as part of my assessment.
- 8.42 At present, the Application Site has no tangible or demonstrable setting relationship with this townscape unit which falls into a different character area as defined in the adopted CA Appraisal. As before, I do not think that the fact that the two areas, the Application Site and this part of the CA, are both within the city wall boundary and the same CA is enough to create a meaningful setting relationship one between the other, and I draw the same inferences as paragraph 8.7 of this Proof above.

- 8.43 However, even here the townscape is varied. Close by the junction of Elm Hill and Princes Street, which St Peter Hungate marks, is a modern student block. Looking west one sees the side of 16 St Andrews Street with its chiller units.
- 8.44 The chancel of St Andrew's Hall features in this view, and the proximity of the two churches is noteworthy, reflecting the religious geography of the medieval city characterised by a lot of churches reflecting small parishes. St Andrew's Hall is partly visible in this view beyond. I do not think that the architectural interest of this former monastic complex, converted to event halls.
- 8.45 The visual setting effect represented in TVIA Views 22 and 55 is slight, transient, and occurs in the backdrop of a distinctive and strongly defined historic townscape which is layered and complex. This holds the attention such that a limited impact experienced across a short walk would not interfere with the appreciation of the assets either singly or as an ensemble.
- 8.46 The distance from the viewer is considerable too, some 700 metres or so, which naturally affects the way it might be perceived, in kinetic views in which the impact is slight. The difference in focal length as between the viewing area and the object generating the effect also reduces the likelihood that the element will be noticed. What one attends to visually in the scene is well defined and foreground.
- 8.47 Returning to the citation from the CA Appraisal above and the "*tangential views along the narrow north-south lanes and alleys... [which] allow glimpses of attractive, intimate streetscenes*", I note the following: the extent, partial nature and duration of the visual impact does not undermine 'the intimacy of the scene'.
- 8.48 Accordingly, I conclude people passing through this network of streets and spaces would not appreciate the tower in the backdrop setting of these assets, and if they happened to, for instance if it were pointed out to them, it would be a matter of no true importance undermining the intimacy of the scene.
- 8.49 The churchyard is an area which someone might linger, but the area of impact is small and experienced over distance.
- 8.50 On balance, I think the impact on the significance of these assets and this part of the CCCA is neutral and not harmful.
- 8.51 Accordingly, applying Section 66(1), I conclude that the setting of St Peter Hungate and the listed buildings (St Andrew's Hall and the Briton's Arms) are preserved, and there is no impact on our ability to appreciate their significance or on our ability to appreciate this part of the CCCA either.

- 8.52 This finding is different to that of the Committee Report (**CD9.1**), at paragraph 403, and with which I disagree.
- 8.53 First as to characterisation, the Committee Report states that the view is “*entirely composed of listed buildings of great antiquity*”. That is true as a matter of fact; however, to have got to this viewing position, which comprises a small area one has, if coming from the east, passed a student housing block which appears constructed in the 1960s and refaced more recently and next to that a substantial, and listed, Victorian commercial building. Directly in front of one, west along Princes Street, the view includes a prominent plant room and a commercial office building. Walking east from this side, there is no view naturally in the direction of the proposal north along Elm Hill and the influences just described affect one’s perception of the scene.
- 8.54 A view is not a discrete two dimensional image equivalent to a painting and best practice discourages this approach.
- 8.55 Second, the officer reasons that “*if one accepts that any intrusion of modern elements into the view beyond this intimate historic streetscape is harmful*”.
- 8.56 My comments are: as a matter of policy and approach, visibility does not equate to harm.
- 8.57 Additionally, the Committee Report’s conclusion is based on the proposals’ ‘intrusiveness’. I take that to mean an effect which encroaches in an unwelcome way and is as a consequence distracting. For the reasons described above – distance, focal plane lengths, distinctiveness and enclosure of foreground, the effect at issue is not intrusive.
- 8.58 As a consequence, management objective 2 in the adopted CA Appraisal (**CD2.10**), to retain the close grained character of the area, is met. The previous objective, on new buildings respecting domestic scale, is, I reason, directed to new development, but even if I am wrong I see no conflict arising with that, for the reasons discussed.

#### GPA3 Considerations

- 8.59 In terms of GPA3 (**CD11.18**), my findings in respect of Group 2 are similar to Group 1 and I express them in the same way, qualifying where appropriate:
- 8.59.1 The Application Site is not proximate to the assets.
- 8.59.2 The Application Site occupies a different topographical situation, is located north of the River Wensum.



8.59.3 The Application Site is not oriented on any key views and the proposals will not physically or visually isolate the asset from any significant landscape or historic feature.

8.59.4 The proposals are not prominent or conspicuous in any of the views considered, and accordingly will not compete for attention. Specifically, and addressing the Committee Report (**CD9.1**), there will be no intrusion or competition for attention.

8.59.5 To the extent that there is an impact it is slight and of no consequence, because of the composition of the scene. And again, to the extent that the impact is material (which I do not accept), then the design of the proposals limit impact (through colouration mostly, and simplicity of design, as with Group 1).

8.59.6 The change to skyline is not significance and light spill is not an issue in this environment. Residential uses have a soft and irregular lighting palette with varied colours anyway and rarely make any impression on the night sky in cities.

8.60 No other categories of analysis apply in my view.

8.61 The change is permanent but that is again of no additional consequence on my analysis.

**Group 3: Tombland and Wensum Street to Fye Bridge – TVIA Views 23, 25 and 56**

8.62 The effect of consequence in this historic quarter of the city is that on Tombland and the approach to Fye Bridge (Wensum Street) and around the junction with Fye Bridge Street.

8.63 I have touched on the history of this interesting area earlier in my Proof and it is set out in more detail in the Appendices to the SoCG. It consists of linked spaces, oriented on a north south axis, presenting a series of distinct spatial experiences. Their plan form and spatial character is varied.

8.64 Key buildings within this well-defined area include Erpingham Gate (Grade I and Scheduled) and numerous buildings of varying dates including the listed buildings identified by NCC in their SoC (**CD11.1**).

8.65 The townscape unfolds attractively from Tombland to the mid-point of the bridge. The entrance to the Cathedral Close, the junction with Palace Street to the north of this and the bridge are events and points of orientation.

- 8.66 The TVIA views enabling an appreciation of the setting effects are views 23, 25 and 56. These are representative views which are varied because of the road alignment and topography, with a strong historic character that is the product of the buildings (obvious age, varied character reflecting that, varied grain, etc.) and the spaces.
- 8.67 The route itself, captured in these views, is an important and well-trafficked one, albeit not part of the ring road network. Historically it is important for linking the southern part of the city to the north across an ancient crossing, and so continuing on into Magdalen Street. This is another ancient route and which leads to the Application Site.
- 8.68 The effect begins at or near to the point where Tombland becomes Wensum Street. My strong sense in this location was of the space angling to the east, following the frontage of the Maids Head Hotel (Grade II) into Palace Street.
- 8.69 The hotel has been subject to some unsympathetic extension. The Victorian half-timbered range to the west is quite prominent when you are on site and so it the late medieval, gabled building to the west of this (I say this because the photograph is shot in the afternoon with the consequence of a strong shadow on the west side, creating an inaccurate impression of the scene).
- 8.70 The Grade I listed Erphingham Gate leading to the Anglican Cathedral and Upper Close is on the right as one moves past this viewpoint.
- 8.71 In relative scale terms the tower does not breach the general height datum in the scene and in my opinion this effect is limited and the feature not intrusive when one considers the character of the scene. In townscape terms, leaving heritage to one side, this impact does not affecting the composition of the view, historic townscape or the listed buildings within it.
- 8.72 The particular visual interaction is with the listed hotel building and the gabled range to the side, and as seen from the east side of the pavement.
- 8.73 In the context of a busy urban environment, even an historic one, this is a minor impact of no real consequence effect because the tower is not prominent and the effect is transitory. To the extent this element is seen and noticed (bearing in mind the distance here, as between the viewpoint and the feature, some 700 +/- metres and the well enclosed nature of the scene) it begins to mark the location of the new LDC.
- 8.74 As one moves north, the tower becomes more noticeable over a few dozen yards or so, to the position from which View 25 is made, at the junction of Wensum Street and Elm Hill (an important historic node).
- 8.75 By this point the tower will be a noticeable feature in the streetscene. This has an urban design benefit which is demonstrable. It introduces what is called 'legibility', the term

commonly used to describe features which express an area's form or character and/or which assist in wayfinding or orientation. The design will be appreciated to good effect over this distance, now c. 500+ metres or so.

- 8.76 For all that benefit, however, the tower and the upper parts of Blocks G and J (presented in outline in the application) will detract attention from what is very well enclosed historic space, communicating the history of this part of the city and illustrating that with buildings of great quality and variety.
- 8.77 NCC identify a particularly harmful impact on nos. 3-5 Colegate, which is aligned more or less with the tower, and the Church of St Clement, whose chancel is visible. I comment on this later in evidence.
- 8.78 The effect begins to diminish from this point over the next 80 metres or so until one reaches the bridge when it is much reduced. By this point the strong character and varied historical features of the townscape are dominant. The effect has persisted over sufficient distance to create a sense of orientation in the scene.
- 8.79 To illustrate the nature of this effect as one moves through the scene, Cityscape have prepared two animations in the Zmap model, which are my **Appendix 13.0**. The transit is faster than normal walking pace. There are two separate clips, one from each side of the pavement (visualisations are, by convention, done only from footways).
- 8.80 This analysis demonstrates that effect of motion parallax and relative scale, which communicate distance and will, in my opinion, create a sense of setting depth which visually separates the fore- and middle-ground scene from the proposals which are beyond the building line enclosing the scene.
- 8.81 This effect is further enhanced by the nature of our vision which cannot focus on the whole depth of field in any scene at once (unlike a camera which produces flat images that remove the sense of depth).
- 8.82 Thus, in order to focus on, say, the Maids Head Hotel from the position of View 23, the part of the tower is out of focus. Of course, visual scanning of a scene means moving from near to far – that is the nature of our visual experience.
- 8.83 Still what one cannot do is focus or attend intently on two things separated in distance to any extent, and it is the attentive focus which gives one an appreciation of the finer architectural elements of this or any other listed building.
- 8.84 The general busy-ness in any urban scene also affects what we attend to, and so also our expectations which in an urban situation such as this, with lots of activity, different uses, and vehicle movements, introduces lots of points of potential focus or distraction.

- 8.85 The first impact in this sequence of views is on the CA, and the impact on a few listed buildings is very limited. That impact is greatest from the position of View 25, where the tower and lower blocks will distract attention and visually compete with the listed church and house in the foreground. In my opinion, seeing the upper part of the blocks is more impactful than the tower. I say this because if one sees a tall building as an isolated elegant element, it has clarity and is visually distinct.
- 8.86 Accordingly, I identify some harm to this part of the CA and some harm to the ability to appreciate the special interest of those listed buildings closing the views. The contribution the tower makes to the scene is a benefit in townscape terms, both for its intrinsic architectural qualities and its wayfinding function. This benefit is a public benefit and not a 'specially weighted' one.

The Committee Report's Treatment of this Group

- 8.87 I discuss the Committee Report's (CD9.1) treatment of the heritage assets in this part of the city as a separate heading here because of the number of assets involved and the nature of the differences between us.
- 8.88 The relevant paragraphs are 411 to 415 and are broken down into the Cathedral Close, the Maid's Head Hotel, and the lower Wensum Street Group to Fye Bridge and including St Clement's Church.

*Paragraphs 411 to 413, Upper Close*

- 8.89 These paragraphs are framed with reference to the previous proposal which was visible from the Upper Close (see View 20 as originally submitted and as revised, for information).
- 8.90 I agree with the overarching analysis: this is obviously a marvellous and intact grouping of great value. It includes a prominent, sensitively designed visitor centre.
- 8.91 The Report acknowledges that the reduction in height would mean the tower is 'almost invisible'. I agree there could be theoretical visibility, but the scale of impact judging from the verified wireline is so limited as, in my estimation, to be unnoticeable even to attentive viewers and this before taking into account the filtering effect of the few trees here and, more importantly I think, the strongly enclosed nature of the space and the distinctive quality of the buildings that provide the enclosure.
- 8.92 Against that context, and given the scale of impact, I question whether Section 66 is engaged at all but mindful this area of planning practice invites litigation I would advise the SoS to take a cautious approach. There is potential setting impact but that impact has no impact on the ability to appreciate what is special about this area, and hence,

even allowing for its great sensitivity, no harm is caused. A decision on that basis meets the terms of Section 66(1).

*Paragraph 414, the Maid's Head Hotel*

- 8.93 This Grade II listed building closes the northern view from Tombland at the junction with Palace Street.
- 8.94 The Committee Report reasons that the tower would be visible *“in combination with”* the building, *“thereby drawing attention to a large-scale modern townscape feature beyond this special and harmonious group of buildings around Tombland”*.
- 8.95 I disagree with the approach to assessment and to the findings accordingly, for these reasons.
- 8.96 First, as to approach: the phrase ‘in combination with’ assumes, I think, an equivalence of visual weight or focus as between the two elements, such that the part-view of the tower becomes equivalent to another gable feature on the listed building. I may be unfair in that analysis, but that is how it reads to me.
- 8.97 Anyway, the term ‘visual attachment’ is commonly used in these cases to describe the false impression arising from two-dimensional representations of complex spatial experiences. It is false because, first, the human eye knows that there is a separating distance between the two. Calculating fine distances is an evolutionary advantage and one based on stereoscopic, frontal vision. The distance is considerable, some 640 metres or so from the modelled position. The experience is kinetic, which intensifies the experience of setting depth through the well-known phenomenon of motion parallax.
- 8.98 Additionally, and building on the point, this is a well-defined spatial environment, whose form swells to the northern end where it divides, providing a strong sense of containment and change of direction east along Palace Street, which angles down.
- 8.99 Furthermore, this a rich and varied townscape palette; it is all historic, or nearly all because the hotel itself has a rather unsympathetic modern extension to the east, counterbalancing the Victorian faux timbered gables (or so I judge them) on the west. It is a building with a complex form that attracts the eye.
- 8.100 Then there are the materials of the building, red brick and having a wide elevation given added prominence by its position closing the view. The proposals’ light tonality increases the perception of distance.
- 8.101 When all this is taken into account, I conclude any ordinary observer would not really notice the visual interaction, still less consider it discordant, intrusive or overbearing.

Someone interested in a more careful study of the scene, and standing stock still on the spot from which the visualisation is made, pondering it, would notice the tower. I suggest this is not normally the way we go about our business in this sort of environment.

- 8.102 On that basis, and again mindful of the planning sensitivities in play, I conclude this effect is not harmful but if it is, because my analysis leads me to conclude the point is marginal, then the impact is very limited and therefore an impact at the lower end of less than substantial harm occurs.

*Paragraph 415, The Wensum Street and Fye Bridge Sequence*

- 8.103 On my evidence, this is the most significant effect on the historic environment after that assessed earlier in relation to St Augustines Street. Like that one, as noted above, there benefits and harms that need to be weighed up.
- 8.104 My main area of disagreement with the Committee Report lies in the finding which states: *“The harm to the setting of these listed buildings avoids being substantial because they can still be appreciated in views south along Magdalen Street”*.
- 8.105 First, the drafting implies a very high level of less than substantial harm, notwithstanding the intrinsic interest of these assets is not affected at all. The drafting also implies that the appreciation of the listed buildings, seen in the impacted view, is seriously eroded. I do not agree they are so severely affected over the distance involved but also, more pertinently, the intrinsic historic interest of the group of buildings and their individual identity is not harmed. This can be appreciated easily.
- 8.106 The architectural interest of the buildings individually, as one experiences that by close study, is still evident. I agree, however, that the tower and lower blocks do intrude into the setting of the church chancel (St Clements) and Georgian house behind it, Grade II listed (3 Colegate), diminishing their townscape role. By the time one gets close enough to the church and that house to admire and appreciate the materials and detailing of them, and in particular the chancel window tracery on the former, the proposals are not perceived. These buildings, around the bridge and in the lower part of the sequence, are identified in the respective parts of the adopted appraisal as key buildings (see below) and it is clear why they do: attractive detailing and materials; varied architecture comprising a tightly knit group of well-defined character; they are the product of historical change over centuries too.

GPA3 Considerations

- 8.107 The Application Site does not figure at present in the visual setting of these assets. The Application Site is accessed directly from an important historic route, Magdalen Street, which is a direct extension of the historic route which is affected. That is consequence

from an urban design perspective since it gives the Application Site latent potential. That urban design consideration is also a CA matter since it goes to the way the area appears and its character to some extent.

8.108 As to the potential attributes of the development affecting setting, I note the following in line with GPA3 (**CD11.18**):

8.108.1 The Application Site is not proximate to the asset and its position on the plain extending north of the River Wensum means that it does not relate directly to the topography of most of the area affected (which falls to the south of the river). Distance is important to understanding the impact, as well as orientation of the affected streets and spaces and the enclosed nature of the scene (as above).

8.108.2 The proposals do feature in an important view, and the tower will orient towards that view along with parts of the perimeter development. Notwithstanding that the proposals do not interpose or isolate the asset grouping or part of the CA from any significant feature.

8.108.3 The tower will be prominent from the lower parts of the affected area, north of Tombland, and I have identified why I consider it will distract attention from the fore- and middle-ground.

8.108.4 The design of the tower, including its colouration, proportions and quality, will mitigate the impact. In its own right the tower will comprise an attractive feature. The lower blocks visible here are presented in outline and at RM stage their design can be developed in a similar way to reduce impact, but at this stage I identify their visibility above the ridge lines of the historic buildings closing the view as harmful.

8.108.5 As a consequence of the change to skyline, I identify some less than substantial harm and I refer to the discursive analysis above.

8.108.6 The general character of the scene is already urban. The proposal has, in my opinion, certain urban design advantages which are to be taken into account as public benefits in the paragraph 196 balance, and these go to matters of functionality and legibility.

8.108.7 The effect is permanent as before.

#### The Affected Character Areas

8.109 These impacts span two Character Areas:

- Elm Hill and Maddermarket (which area was discussed earlier in this section in connection with St Peter Hungate and Elm Hill) for the route along Tombland/Wensum Street; and
- Northern Riverside, for the area at Fye Bridge.

8.110 The view sequence analysed earlier through visualisations is not identified as comprising important vistas in the adopted CA Appraisal (**CD2.10**). In relation to the first, there is a vista across the sequence, from the tight knit medieval streets across into the Close.

8.111 In relation to the first Character Area, I cite the following extracts from the CA Appraisal:

*The area also includes Tombland, the Saxon market place, which is the transition between the town and Cathedral. The area today is characterised by small specialist shops, bars and cafes and as a consequence the area is quite vibrant with vehicular traffic limited on several streets. The key exceptions are Tombland, which is bisected by a very busy road, and St Andrew's Street which forms the boundary of the area...*

*The topography is a strong contributor to the character of the area as many streets descend northwards towards the river with east-west routes following the contours...*

*The key space is Tombland, which was the City's first market and is today an attractive tree-filled 'ante-room' to the Cathedral Close. Whilst very attractive, and potentially the best space in the city, the space is spoiled by a busy road which, by necessity, bisects it. The space also suffers from a chaotic arrangement of street furniture and dominant trees.*

8.112 Additionally, I note the following:

8.112.1 Churches are major features;

8.112.2 There is a wealth of historic buildings, with well-defined edges;

8.112.3 The Tombland area features bars and restaurants and it is a popular night-time destination; and

8.112.4 Parts of the area suffer from intrusive traffic (this includes Tombland and part of Wensum Street); the alignment of this road is different to the adjoining ones to the west and it has, I note additionally, a broader and more open character.



- 8.113 The management and enhancement guidelines relate to development and land use within the Character Area.
- 8.114 For the second Character Area, Northern Riverside, there are various identified vistas east and west, along the river, and one looking back from Magdalen Street south, away from the development.
- 8.115 From the Northern Riverside section of the CA Appraisal, I note the following:
- 8.115.1 The river has historically been a focus of industrial activity but is now, in places, increasingly residential (and there are leisure uses too I note);
  - 8.115.2 There is a concentration of pubs in Wensum Street and Fye Bridge, which draws people to the area;
  - 8.115.3 There are some modern residential developments in this area, albeit generally not more than four floors depending on their date;
  - 8.115.4 Some views of key landmarks; and
  - 8.115.5 An important riverside walkway.
- 8.116 The management and enhancement guidelines relate to development in the Character Area.
- 8.117 I have taken the above characteristics and features into account in my appraisal.

**Group 4: Colegate – TVIA Views 36, 37 and 38**

- 8.118 This group lies in the Character Area of the same name. It is a long street with a slightly varied alignment, albeit keeping east-west, and is criss-crossed by various smaller lanes that reflect older medieval street patterns (Colegate and Magdalen Street, which are primary streets in the character area, are themselves ancient). The topography here is noticeably different to the adjoining areas to the north and flat reflecting the river plain that runs to the north of the River Wensum.
- 8.119 Its townscape is of good quality but varied in its character. The north side contains a number of high-quality older buildings including St George's Church, Grade I, which is liturgically oriented along the road and forms a very attractive group with the Grade II\* listed Bacon House. These are landmark buildings in the street and the staggered junction between them creates a sense of event or node in the townscape.
- 8.120 The south side is more varied, and includes a number of industrial buildings from the Victorian/Edwardian periods. The area of land immediately south and north of the River

Wensum was industrialised in this period. Today the presence of the art college gives much of this area a bohemian air which is attractive.

- 8.121 Generally, the hinterland north of Colegate, leading up to Anglia Square, has a more mixed townscape character of lower quality.
- 8.122 Someone walking along Colegate will, at certain point, have glimpsed views through gaps towards the Application Site. Parts of the existing development are visible, in varying degrees, and the proposals will be more so, but these are glimpsed views that are set perpendicular to the main direction of the view and movement along the street. Accordingly, they are incidental and of no duration, and so I conclude the effect on those parts of the CA is negligible and so also on the settings of various listed buildings.
- 8.123 The adopted Appraisal (**CD2.10**) identifies only one view north in this Character Area, towards the Application Site, and this is oriented towards the listed Octagon Chapel (Grade II\*), which has a tightly enclosed setting and is not subject to any harmful setting impacts.
- 8.124 Otherwise the published views are linear and south, looking towards the historic buildings in Colegate and the historic town beyond. I surmise their orientation reflects the presence of the existing Anglia Square development and the views that do not include it.
- 8.125 The material effect warranting close analysis is that from the junction of Colegate with St George's Street. This is for two reasons.
- 8.126 First it is a wide junction at which point the road alignment shifts north, so creating a sense of event or pause.
- 8.127 Second, the road is a continuation down from the historic core over the River Wensum and part of a very attractive route which extends to the new scheme. This will be an important approach to it.
- 8.128 Presently, one sees the unattractive buildings on the Application Site. I did not on my visits have any real sense for the volume of traffic and the severance the road causes; moving further north one is increasingly aware of this.
- 8.129 When judging this effect, it is important to appreciate the strength of the grouping as between these two important listed buildings (the Church of St George and Bacon House), and the fact that the townscape quality immediately beyond them falls away. As a consequence, they are very present in the view and their architectural variety, the church massing, detailing and high-quality historic materials all hold the attention.

- 8.130 The new tower will be appreciated in this view clearly, but here visibility is important to connectivity and serves a good urban design purpose, improving the way the CA functions. The greater volume of pedestrians using this area will highlight the importance of these buildings, increasing public appreciation (a public not a heritage benefit per se).
- 8.131 Nevertheless, the change in scale evident in their background setting (which is over a shorter distance than those I have been considering in this section) and their directness of the view leads me to find some less than substantial harm to the view down the sides of the building. This is not the main view of these buildings (they group really well and picturesquely in Colegate, on the east-west axis).
- 8.132 Accordingly, I believe the harm is limited and countervailed by the urban design benefits just discussed. The paragraph 196 balance, on my evidence, tilts towards a justification for that harm.
- 8.133 The majority of this historic townscape element and the buildings along it are not materially affected by the proposals except insofar as the development will increase the vitality of the whole of this element and in so doing support its conservation in the long term.
- 8.134 Some 2,500 or 3,000 people will be living here and that is in addition to people working here and visiting. The proposals are bound to improve character of the riverside 'fringe' which has already some modern residential developments in it.
- 8.135 I do not agree with the Committee Report (**CD9.1**), at paragraph 417, where it states that benefits to the setting of these buildings in the view is cancelled out, in effect, by "*stridency of the tower having an uncomfortable relationship with the subtle historic texture of the foreground buildings*". I say this because I do not see the tower design as strident, notwithstanding its scale. I think it is well mannered and well proportioned, with interesting detailing and a light colouration, and replacing unattractive buildings. The historic buildings 'texture', I think, visually very strong and distinctive. I do not agree with the use of the word 'subtle'. To me they are robust and distinctive features that can sustain setting change of the kind proposed. If anything, this is one of those modern urban experiences where an appreciation of very old buildings in the context of modern ones is interesting and the contrast heightens an appreciation of the differing aesthetics, actually enhancing the sense of historical change.
- 8.136 In this group, I draw attention to TVIA View 38, and the setting impact on two listed buildings Bacon House (Grade II\* as above), 1-9 Octagon House (Grade II\* also) and 29 Colegate (Grade II).

8.137 I agree with the Committee Report paragraph 418, that there is actually an improvement to setting as a consequence of the development. The prospect as existing is dreary and lifeless and does give the impression the city ends here. The development will draw people north at this point, enlivening the townscape without harming the ability to appreciate these buildings by reason of distance from them which means one's ability to appreciate their architectural or historic interest is not compromised.

GPA3 Considerations

8.138 The Application Site has a direct topographical relationship with this group and that gives rise to historical connections and associations by reason of proximity. The aspect of the site is generally oblique in relation to the assets.

8.139 The grain of the Application Site is contrary to that of the area captured in this grouping, and the interposing land has had its grain eroded, so the townscape 'stretch' between the two is weak and any potential link is weakened further by road severance.

8.140 There has been consideration change through time but generally that is harmful. Views from the asset grouping are oblique or passing, against the general alignment of views which are east-west, reinforced by spatial enclosure. St George's Street is does, however, provide a better defined north-south link and direct access to a crossing over the road.

8.141 The attributes of the development affecting setting are:

8.141.1 Physical proximity to the asset and access, and a topographical relationship with the same albeit a different grain;

8.141.2 As a consequence of that grain the development will not be prominent in the assets' setting and so will not compete with distract from it. Where there is a more direct visual connection (at two points discussed above), the proposals will either comprise an improvement to what is there, enhancing the function of the area or not compete visually because of the well-defined visual characteristics of the foreground assets;

8.141.3 The material characteristics and design of the tower will mitigate impacts and provide a point of orientation, and the development generally will increase the vitality of this shared setting (beneficially);

8.141.4 The change to skyline is limited (excepting that change at the east end of the asset grouping, discussed above, where I have identified a harmful impact);  
and

8.141.5 The change is permanent.

The Colegate Character Area in the CA Appraisal

8.142 As noted no formally identified vista is harmed excepting the view of Doughty's Hospital (which I treat separately later in this section). This is a well-defined setting impact rather than a vista.

8.143 The area development industrial uses in the late C19, and as the CA appraisal (**CD2.10**) notes:

*In the late C19, the area was a maze of alleys and courtyards, contrasting sharply with the vast factory buildings, often immediately adjacent. The area was badly hit in World War II and its character was further changed with slum clearances in the C20.*

8.144 As to townscape, the CA Appraisal notes:

*The contrast between the small intimate streets, narrow alleys and courtyards, and the large factory buildings provides a dramatic juxtaposition in the townscape of the area, and differentiates it from the medieval areas south of the river.*

*The tight grain of the buildings, particularly in the central and eastern part of the character area, encloses the streets well, and creates an intimate feel. This character breaks down once Duke Street is reached, however, because the road is wide and small features such as the listed bollard on St Clement's Alley and the sundial on the Old Meeting House form attractive details in the streetscene or are glimpsed in views along small alleys.*

8.145 There are a variety of building types, reflecting the historical growth of the area, from merchants' houses and historic places of worship to C19 industrial buildings, and a consequently varied character which is attractive.

8.146 The management and enhancement guidance seeks to reduce severance to the north of the area, across the ring road. This has been effected by the introduction of a surface crossing. The redevelopment would draw people north, further reducing severance.

**Other Listed Buildings**

8.147 There are a number of other listed buildings which do not fall neatly into the groupings above, and so I treat them separately below.

Doughty's Hospital (Grade II) – TVIA View 44

8.148 These Grade II listed almshouses, now an extra care facility run by the NHS, is a very good example of a Victorian philanthropic institution located in an area that was being

transformed by industrial endeavours. It has a residential institutional character and scale, with fine detailing and attractive brick facing. It is largely enclosed on all sides but presents a fine southern aspect.

8.149 It falls into the Colegate Character Area and the CA Appraisal (**CD2.10**) notes:

*Doughty's hospital off Golden Dog Lane is a well known institution in the city and was designed by a local architect of some note, E.E. Benest, in 1869-70. E.E. Benest was also responsible for the City's C19 cemetery buildings.*

8.150 This is an attractive example of Victorian philanthropic design, with particular local associations for the reasons set out above. Furthermore, the CA Appraisal recognises a view of the northern range.

8.151 The area of impact is in that view, from the southern side of the courtyard from which point one can see already the existing development on the Application Site (Sovereign House) which has an unsympathetic form and scale, is in poor condition and unattractive.

8.152 The proposals increase the setting impact on the listed building, being both higher and broader. The design is an improvement but the scale is more extensive as an absolute measure of impact (a relevant consideration on these particular circumstances). Accordingly, I agree broadly with NCC's appraisal at paragraph 423 of less than substantial harm which is limited mindful of the existing condition and mitigation of the detailed design.

8.153 Accordingly, and turning to GPA3 (**CD11.18**), the Application has already a direct setting interaction with the heritage asset and that is negative, detracting from its significance through intrusiveness into its skyline and as a consequence of its inappropriate design.

8.154 The new proposals have a greater mass, further encroaching into that setting harmfully; that effect is offset to a degree by an improved design with materials and detailing that would be more complementary and whose residential character is an improvement too. That leaves, however, net harm to be balanced against benefits to setting on this side and wider public benefits including urban design.

8.155 The change is permanent.

Former Church of St Martin at Oak, Oak Street (now the Wharf Academy) (Grade I) and Nos. 47-49 St Martin's Lane (Grade II)

8.156 This Grade I listed medieval church is located in an area of mixed townscape character whose urban structure is eroded to an extent as a consequence of post-WWII

redevelopment. Accordingly this church's setting lacks coherent structure and spatial enclosure. The distance between the viewing position and the tower face nearest is c. 315 metres and to the nearest perimeter block about 230 metres.

- 8.157 The church is located within the Colegate Character Area in the adopted CA Appraisal **(CD2.10)**.
- 8.158 This is one of Norwich's many smaller old parish churches, and has, like St Peter Hungate discussed above, been reused for secular purposes (in this case for educational/theatre purposes insofar as I can gather). It is a well-defined churchyard setting which is treed, and its external facing material is flint with some brick dressings.
- 8.159 I agree with the Committee Report **(CD9.1)** to an extent, which states at paragraph 416, that the church "*appears sufficiently strong*" by which I take to mean commands attention because of its materials, character and distinctiveness. It has become a kind of object building through de-contextualisation, free-standing in other words. There is a noticeable change to setting consequent on the development but overall I do not consider this erodes our ability to appreciate the building's intrinsic interest for the reasons identified here. Therefore, I do not find any harm to it.
- 8.160 I likewise disagree with the judgment about the Grade II listed building further along the road, which is nearer the Application Site, nos. 47 and 49 St Martin's Lane (Folly House and Pineapple House). This listed building appears to be a medieval framed building, re-faced and then extended in the C17 or early C18 to the west, with an entrance range accessed via a little courtyard.
- 8.161 This is another decontextualized building, and my attention is drawn to the rough west elevation and gable end, appreciating the historical character of the building through its varied form. That intrinsic quality is manifest in a setting that is not complementary, and the proposals will rise above a three-storey office building closing the curve in St Martin's Lane.
- 8.162 In these circumstances, I do not see that the ability to appreciate what is special about the building is eroded and accordingly I identify no harm.
- 8.163 Turning to GPA3 **(CD11.18)**, I conclude the Application Site has only a limited relationship at present to these heritage assets, and they are not proximate to it. Nor do they orient towards it particularly, and now there is severance.
- 8.164 The present setting is poor, lacking good urban structure, and of varied character. That setting has changed significantly over time and for the worse.

8.165 The development is prominent in the backdrop of these assets but the present condition of the setting, the position and orientation, and the design of the proposals all mean that the impact is not harmful (see above).

#### **General Observations on the CCCA**

8.166 I conclude with a few observations looking at the CCCA as a whole, taking the impact on its several parts into account.

8.167 I do so with reference to paragraph 426 of the Committee Report (**CD9.1**), which states that the development's zone of visual influence "*extends across a large part of the city centre conservation area*".

8.168 I do not agree with this conclusion, as will be clear from my analysis.

8.169 First, it is worth reflecting on the limited number of views which are affected south of the River Wensum and the nature of the identified impacts, some of which are neutral or not material and not harmful in my opinion. I form this view taking the significance of the views/assets into account, and understanding clearly their sensitivity to change as a consequence of their important.

8.170 What the submitted visualisation material demonstrates, alongside a site analysis, is that the parts of the CCCA most affected are Anglia Square itself and the Northern City Character Area. These are areas whose character, appearance and functionality are in varying degrees harmed by the existing state of the Application Site

8.171 The immediately adjoining Character Area to the south, Colegate, experiences surprisingly limited impacts because of the main east-west street's orientation and grain.

8.172 Each one of these areas will experience improvement as a consequence of the proposals, albeit in varying degrees.

8.173 I identify a net benefit to the Anglia Square Character Area (discussed earlier at **Section 7.0**). I identify residual less than substantial harm to the Northern City Character Area component because of the scale impact on views on historic townscape here, particularly in and near to St Augustines Street.

8.174 I do not identify any harm to the Colegate component of the CA and some benefit from better connectivity as well enhancements to Magdalen Street. The latter includes the benefits deriving from greater activity supporting investment in historic townscape. In relation to Colegate, where I accept the judgment may be more finely balanced, I consider a contrary finding of some harm, which harm must be limited and at the low end of less than substantial.



- 8.175 The other affected CA Character Areas are the Civic, Elm Hill and Maddermarket, and Northern Riverside.
- 8.176 I do not see any harmful effect on the Civic Character Area.
- 8.177 The harm I identify is to the Wensum Street component of Elm Hill and Maddermarket Character and associated parts of the Northern Riverside Character Area.
- 8.178 This is at the low end of less than substantial judged on a proportional basis, mindful of the size and varied nature of these components. In both cases, the harm is countervailed to some extent by legibility and wayfinding.
- 8.179 My **Appendix 11.0** contains a ZVI analysis which has been prepared by Cityscape using Zmap and Lidar data. This study models the potential visibility of the tower component only; this was on my instruction because the tower is the most contentious element of the scheme and the element which, as a matter of fact, is most visible over a wider area. There are two datasets, first is the ZVI done with the trees switched off (as is required by GLVIA3) and then with the trees turned on (which is standard practice and entirely reasonable in this sort of situation given the CA designation and the townscape importance of trees as documented in the Appraisal)<sup>9</sup>.
- 8.180 What this analysis shows is just how limited the visual impacts are south of the River Wensum, the area accepted to be the most sensitive (and scored consistently highly in the appraisal). I treat more distant views in the next section, limiting my comments to the central area.
- 8.181 The tower's influence is not, then, pervasive in the core historic part of the city. Its effects are actually quite limited. This is not surprising given:
- 8.181.1 The difference in topography: the tower's scale means it does not really impact the spaces in the higher part of the historic city centre;
- 8.181.2 Many of the streets and spaces run east-west, that is, they do not align towards the tower;
- 8.181.3 Those streets and spaces are well enclosed on the north side, occluding views of the tower or the higher parts of the development;

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<sup>9</sup> The ZVI is 'theoretical' because the computer modelling tends to underestimate the screening effect of trees. It is also theoretical because any trace visibility gets a positive result, not matter how small the component. For example, a lift overrun can generate a positive 'hit' at some distance when practically that effect is of no consequence. The degree of impact is indicated by colour saturation, which is a rough but helpful measure. The ZVI identifies visibility from private land (that is, back gardens) so these should be ruled out in this kind of townscape/heritage analysis unless the private land comprises a particularly important part of setting. None are alleged in this case.

- 8.181.4 Relatively few connecting streets orient towards the development and a number of those are not straight in their alignment; and
- 8.181.5 The distances involved, which are significant and so sufficient to reduce the effect of most of the impacts identified to neutral/of no consequence to the appreciation of significance;
- 8.181.6 The direct impacts and associated indirect ones the Anglia Square Character Area and related parts of the CA have already been discussed.
- 8.182 And so in conclusion, I do not agree that the proposals affect the sense of place in the majority of the historic city centre, where the townscape grain is most well defined and where there is the greatest concentration of assets and of landmarks.
- 8.183 Overall, taking account of the identified harms and benefits, I conclude a net benefit to the CA as a whole.
- 8.184 There are residually harmful impacts to the ability to appreciate the settings of certain listed buildings.
- 8.185 **Section 11.0** contains a table collating my findings. I do not repeat them here.
- 8.186 I except from these overall findings, the impacts on heritage interests arising from distant views, which I treat in the next section.

## 9.0 DISTANT (VISUAL) EFFECTS OF THE PROPOSED DEVELOPMENT

- 9.1 The Committee Report (**CD9.1**) treats the impacts on the important historic buildings in the distant views of the Application proposals at paragraphs 382 to 400. I agree with some of this analysis but disagree with other parts and the overall conclusions.
- 9.2 First, I agree with the broad statement at paragraph 385: *“The skyline of Norwich [as seen from the modelled views] can absorb a new building of quality...”*. This reflects an underlying premise: there is nothing in policy to prevent a tall building in this part of the city.
- 9.3 Likewise, I agree that there is no harm in principle arising from a prominent or noticeable new building that *“expresses the evolution of the city and the geographical extent of the city centre”*. I would add, further, that a tower marking a major site of regeneration at the north end of the city contributes to legibility, wayfinding/orientation and identity.
- 9.4 Essentially, the difference between my views and those in the Committee Report comes down to my analysis of the way the historic assets are appreciated and valued in a landscape context of considerable extent. This analysis of setting should, in my judgment, be undertaken on that scale.
- 9.5 The main heritage assets at issue are the Anglian Cathedral, the Castle, the RC Cathedral, City Hall and, to a lesser extent, St Peter Mancroft. In the distant views one can appreciate those areas of the city which comprise historic townscape through the varied scale, materials and roof forms one can see and which include smaller churches which are distinguishable in varying degrees. I take these assets to form part of a wider backcloth of urban form which interacts with topography to produce a characteristic grain which one recognises as old.
- 9.6 Alongside this, however, one appreciates 19<sup>th</sup> and 20<sup>th</sup> century developments and some more recent things too, notably and for example, the student housing scheme on All Saints Green high on the horizon and to the left of the Anglican Cathedral, which has a material impact on its setting and those of the other assets.
- 9.7 HE highlight four views from the TVIA (**CD7.81x**) as the basis for their objection:
- View 8 (St James’ Hill);
  - View 9 (Kett’s Heights, the Armada Beacon);
  - View 12 (Castle Rampart, foot of keep); and
  - View 15 (Junction of St Augustines Street/Magpie Road).

- 9.8 The TVIA (**ibid**) modelled other views from the directions of these viewing areas and I refer to these where apposite.

### **Guidance**

- 9.9 There is no agreed, published visual characterisation of the scenic experience from this viewing positions and no visual management guidance on which to base the analysis.

### **St James' Hill, Motram Monument – TVIA View 8**

- 9.10 The most significant of the viewing positions is the first, from St James' Hill (TVIA View 8), and so I start with that and related views from the east of the city centre, and spend some time on it. Analyses of the later views will be more concise. I agree with the Committee Report's characterisation of it as the most sensitive of the views (see **CD9.1**, paragraph 386).
- 9.11 It is important as a matter of practice to distinguish these views, which are broad and panoramic, from closer views, because in these longer views heritage assets are one element in a wider scene which is varied in character and extensive.
- 9.12 The assets that feature in this view and whose setting is affected comprise:
- 9.12.1 The Anglican Cathedral, Grade I listed and Scheduled, a masterpiece of Romanesque architecture reflecting major historical changes nationally and in the city, which was re-founded at this time and reshaped;
  - 9.12.2 The Castle, Grade I listed and Scheduled, a masterpiece of Romanesque defensive architecture which relates closely to the Anglican Cathedral historically and stylistically and so also is evidence of the Norman's remaking of the city;
  - 9.12.3 The RC Cathedral, Grade I, a masterpiece of Victorian Gothic, completed in 1910, whose prominent location and style express the aspirations of Catholics. A major work by George Gilbert Scott Jr, the son of the eminent Revivalist and who converted to Roman Catholicism.
  - 9.12.4 City Hall, Grade I listed, an outstanding work of inter-war civic architecture, completed in 1932-8 to the designs of C. H. James and S. R. Pierce. Its style is influenced by that of Stockholm Town Hall and expresses the aesthetic trends British architecture from this period. Its clock tower is a major landmark, grouping variously with the skyline of the other three buildings above.

- 9.13 As noted, these four buildings form a distinctive and memorable group on the skyline and they are formally identified landmarks.
- 9.14 This is the one of two views under consideration to be identified expressly with a viewing plaque, which defines a viewing area. In fact, the actual viewing area is much larger, comprising a rough, almost heathland landscape that is regularly accessed by local residents and visitors from a nearby car park.
- 9.15 I understand that this viewing location is one of collective resort, for example, where local residents go on New Year's Eve or would gather at similar events.
- 9.16 I have not, at the time of writing, visited at night and no night-time view is supplied (none was requested). Subject to other commitments, I hope to do so before exchange but may not be able to achieve that and in which case I reserve my position in respect of a note addressing those conditions expressly.
- 9.17 I also understand from discussions with people who live in the city, or have done, that children and their parents come here when it snows because the sledging is good (if even obviously a bit dangerous). Google Images and Flickr contain a number of these wintery scenes.

#### Setting Considerations in the View from St James' Hill and Related Views

- 9.18 It is appropriate when dealing with a large scenic experience to understand the collective character of assets and landmarks in the view, and to understand them in a sub-regional landscape context. Distance affects the appreciation of architectural detail to some extent, and the assets are appreciated against a backcloth that is medieval, Georgian, Victorian, C20 and modern.
- 9.19 I focus on the four assets which feature in objections: the Anglican Cathedral and Norwich Castle, which relate to one another historically and stylistically, the City Hall and the RC Cathedral.
- 9.20 The setting of the **Anglican Cathedral** as appreciated in this view contributes to an understanding of:
- Its topographical position on the edge of the historic settlement, and its importance relative to that settlement;
  - Its identity as the most important religious building in the city, and so towering over smaller parish churches;
  - An appreciation of its Romanesque or Norman detailing as manifest in the tower, whose proportions are elegantly completed by the later spire; and

- The historic importance of the city to the Normans, by reason of being able to see the Castle and the Cathedral and recognising the stylistic similarity/historical connection one between the other.

9.21 The same wider setting of the **City Hall** enables an appreciation of its civic purpose, expressed by:

- The identity character of the tower and the fact it rises above the horizon;
- The scale of the building and aspirations expressed in its refined character and style;
- Its position in this context enables us to understand the confidence of the city and its regional importance (which continues); and
- Its architectural interest is manifest in this view, enabling an appreciation of its design. However, the overall architectural quality of this building is not well appreciated over this distance.

9.22 The **RC Cathedral** sits somewhat distant from the group, albeit its position on the ridge gives it greater prominence than would otherwise be the case. The separating distance between it and the Anglican Cathedral reflect the two confessions. Over this distance one's awareness of the architectural composition and detailing of this building is limited but one understands it to be a building of some importance and dignity, and one can discern its 'medievalising' or Gothic Revival character which brings it into a visual relationship with the ancient, Anglican Cathedral.

9.23 The complaint in the Committee Report (**CD9.1**, paragraph 395) is that the tower "*would introduce a third rectangular tower into these views that would harm the reading of the RC Cathedral as a distinctively different form on the skyline*", resulting in its "*relative prominence*" being diminished. The paragraph concludes: the particular harmful effect derives "*from the duplication of the rectangular tower form*".

9.24 I do not agree with this because:

9.24.1 The judgment of 'duplication of form' is, I feel and with respect, artificial and appears to be influenced by reliance on the 2D image. I do not accept this is a relevant visual consideration because of the depth of the scene, its complexity and for other reasons as follows:

9.24.2 The RC Cathedral has a discrete identity as a skyline feature; and

9.24.3 In any event, its identity is reinforced by association with, and inclusion within, the larger group of strategic assets.

9.24.4 Furthermore, the proposed tower is set away from the RC Cathedral and the group.

9.24.5 And finally that the tower has a very different form of architectural expression and colouration, resulting from brick cladding panels and its secondary scaling elements.

9.25 I see no harmful effect on the ability to appreciate the RC Cathedral singly or in its wider group relationship.

#### The Character and Composition of the View and Related Views to the East

9.26 The composition of the view comprises a foreground which is the rough landscape area close from which, in varying degrees, one is aware of the road to the east. The underlying topography slopes gradually then more sharply down and is irregular.

9.27 This drops out of sight into the valley of the River Wensum and with the benefit of understanding one can appreciate the interaction between the river and the land form which comes up from the south and then flattens to the north.

9.28 The middle ground of the view is composed of the larger part of the settlement. The higher land comprising the medieval core of the settlement rises from the river. One can identify a number of medieval churches at that point (like many large medieval cities, Norwich was one composed of many small parishes reflected in the survival of many churches – York is the obvious other example), and then of course the Anglican Cathedral.

9.29 What is not apparent in the photograph is the extent of layering in that middle ground. In particular, the Anglican Cathedral crossing and spire group is appreciated as the dominant element in a group of three strong vertical elements, which include the tower of the City Hall and the RC Cathedral which sits astride the ridge and so brings the middle and foreground together. The Castle sits to the south, or left in the prospect, as an object of interest in its own right as well as an element complementing the other three which have a tighter relationship one to the other. The effect of the grouping is of a well-defined cluster of older buildings which are bedded into the topography defining the ancient part of the city, in turn enclosed by the horizon to the west.

9.30 What the static image at TVIA View 8 does not capture is the way the eye follows the distant ridge south past the Anglican Cathedral and towards more modern developments on that side, and which includes a large block of student accommodation.

9.31 The character of lower buildings within the triangular grouping and near to it signify that this part of the city is historic (which can be reasoned from the position of church towers

in relation to the Anglican Cathedral). That grouping also has a civic dimension which is a product of the City Hall and the two cathedrals. Even within that grouping, however, one sees forms that are not traditional, and the grain of the view becomes more modern as the eye tracks to the south and then again to the north. One can make out clearly the present Anglia Square development.

- 9.32 The lens used to shoot View 8 is a wide angle one and so distorts perspective, and hence the particular importance of close study of this view on site, using the photograph only to locate the proposals and gain a sense of their relative scale in the scene. From this one can easily reason how the relationships change walking down into the scene, but the openness of the view diminishes.
- 9.33 When I consider this spatial experience, with the benefit of historical understanding, I see the rising land north of the River Wensum, staked out, as it were, by the most prominent historic buildings, as comprised a discrete element framed by the landscape as it comes in from the south. The river marks a clear transition, to a new condition. There is considerable modern development visible to the south of this group as part of that same rising land.
- 9.34 As a consequence of the terrain the eye is drawn to the north, where there is a flatter landscape with more distant views to the horizon line.
- 9.35 It is my regular practice to look at popular image making as a way of objectifying any view analysis, and the most accessible tool is Google Images.
- 9.36 What this shows is that this defined group of major historic buildings interacting with the land form holds attention and has picturesque interest. This approach is consistent with my own experience of the scene.
- 9.37 This evidence fortifies me in concluding that the focus of the scene is the Anglican Cathedral with attendant historic buildings and townscape either side. This grouping meets the 'sketchbook test', which is essentially a way of expressing what we can see in any focused field of view<sup>10</sup>.
- 9.38 The sketchbook view is a relatively tight composition formed of the four historic elements in a varied and attractive landscape setting.
- 9.39 The historical character of the Anglican Cathedral and those other distinguishable buildings in it is clear, and by them we understand where the historic city (meaning the post-Conquest settlement) lies.

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<sup>10</sup> By this I mean a view which invites someone to make a sketch of it, with a particular focus or frame of the view in mind and which different artists, presented at this scene, would probably all focus on because of its intrinsic visual qualities. Artistic perception in the landscape tradition is more or less predictable.



- 9.40 That core is experienced in a much wider setting which includes a good deal of the modern settlement as it has developed into the C20 and continues to develop as demonstrated by buildings of obviously recent vintage.
- 9.41 Architecturally, three of the historic buildings stand out because of their vertical features or, in the case of the RC Cathedral, its position astride a ridge. One can appreciate over this distance the slender proportions of the Anglican Cathedral, even the very important Norman-period decoration on its crossing and also of course the elegance of its spire. This is a distinctive and instantly recognisable building that commands attention and structure visual experience, providing an area of focus.
- 9.42 The proposals are set to the north of this core and the Cathedral, and lie outside the picturesque grouping. The proposed tower does not, then, add to this group changing its composition. Neither does the proposed tower interact with the landscape form that defines the historic core. It marks out what is clearly a different location, one already identifiable by the current buildings on the site.
- 9.43 The lower parts of the proposals do not break the distant ridge line. Whilst clearly visible, they would be absorbed into the wider scene.
- 9.44 The tower obviously breaks the ridge line and so will be readily perceptible but as a distinct feature from the Anglican Cathedral and as a secondary accent in the scene. It marks an area identified for major regeneration so also, therefore, the northern extent of the city centre and an LDC as defined in the local plan. For that reason, it adds legibility to the scene and so reveals city form.
- 9.45 In my judgment this single building, of elegant proportions and well detailed, would not interfere with the landscape composition which features the major historic buildings. This is a strong group occupying a very interesting landscape setting. The proposals are, instead, part of a wider scene, separated from the group, and located in what is clearly a different part of the town with a different topography. The proposals show the continued evolution of the city, which is demonstrable in so many ways in this view.
- 9.46 The separating distance means that some wanting to focus on the architecture of the Anglican Cathedral would not have their contemplation of that harmed or undermined.
- 9.47 Overall, then, I conclude that the proposals actually enhance the view, telling the continuing history of an ancient settlement which is the most important modern settlement in the region by means of an attractive new building.
- 9.48 There is no erosion of the ability to experience the assets and no harm to the contribution this part of the city, as a topographical feature, makes to those buildings either. The new buildings would be understood in the context of other recent

developments which are discernible in the view, on this side and to the south, including on rising land to the left of the Anglican Cathedral.

Comments on the Committee Report's Treatment of this View, Paragraph 386

- 9.49 I agree, therefore, with the conclusion of the Committee Report (**CD9.1**), that the Anglican Cathedral would “*remain the pre-eminent building*”. I do not agree, however, for the reasons explained in full above, that the proposals would “*dilute the focus of [the] iconic buildings to the left*”. I likewise agree that the tower overall is a “*new and interesting feature on the skyline that expresses the evolution of the city and the geographical extent of the city centre*” which is a matter of legibility.
- 9.50 I take a different view to the officer on the degree to which the detailing of the building is perceptible over this distance. I think one will perceive the primary and secondary scaling elements identified earlier and so appreciate the architectural design of the building. I do not engage in the debate the Report has with the TVIA and I have made clear my conclusions above anyway.

**Kett's Heights/Armada Beacon – TVIA View 9**

- 9.51 This is another formally defined viewing position, comprising a swathe of greensward in a small public park that has recently been improved and is now well maintained by a community group. There is also a viewing plaque here. In landscape impact terms, this location has, however, a lower order of sensitivity than St James' Hill because it is less well-known and has less capacity. The view is broad and panoramic, albeit more directed by vegetation and the orientation or position of the area than that from St James' Hill.
- 9.52 The viewing area has particular historical associations, and rather than summarise these here I reproduce a very informative article I found on the web from the Eastern Daily Press (see **Appendix 14.0**, <https://www.edp24.co.uk/news/how-one-of-norwichs-hidden-gems-is-enjoying-a-new-lease-of-life-1-4597432>).
- 9.53 I do not need to repeat my analysis of what the setting of the three main assets in this view contributes to their significance or the appreciation thereof.
- 9.54 Even allowing that the vegetation limiting views in the foreground of the position might be removed (though they are pleasant and I cannot see why they would), the change to the view is less marked as a consequence of the tower.
- 9.55 In my opinion this is because the orientation of the space and vegetation tends to divide the view into two parts, with a particular focus south and west. The extended view to the north and west is less attractive.

- 9.56 The tower would be readily noticeable but as a single element associated with a different topographical setting and well separated from the Anglican Cathedral and its closely related historic buildings. Accordingly, I identify no harm to the ability to appreciate these assets in the context of Norwich's historic core. There is, if anything, a benefit to legibility arising from clearly marking the northern extent of the city and its approach.

Committee Report, paragraph 388

- 9.57 This paragraph appears to conclude the effect on this view is beneficial. I agree.

#### **Mousehold Avenue – TVIA View 7**

- 9.58 This is an indicative viewpoint available to people in motor vehicles or on foot, and it is one that opens up as one moves from an early C20 housing estate. This is well treed down through an open area of allotments with a Scout hut. The quality of the viewing area (practically speaking a stretch of pavement on the north side over c. 90 metres).

- 9.59 I agree with the Committee Report (**CD9.1**) which, at 387, states this is a "*much less important view due to being less frequented and more cluttered with other visual features*".

- 9.60 It is an open, expansive view but not an attractive viewing area, and there is little reason to linger and admire the townscape and skyline, though it does make an impression. The direction of travel and view is more or less towards Anglia Square and the tower will appear quite prominently in it. To see the historic skyline, one turns to the left, and the view is intermittent because of foreground material (landscape, fencing, etc.). The RC Cathedral is noticeable at once on the ridge line but the proposals are set to one side.

- 9.61 The landscape impact is significant but there is no real harm to the contribution the setting makes to the historic core with its buildings or the ability to appreciate that. The legibility benefits already mentioned are available from this area too.

Comments on the Committee Report, paragraph 387

- 9.62 For the reasons set out above I do not agree with the aesthetic judgment offered in the report, namely that the tower appears 'lumpen', which I take to mean lacking elegance of form or proportion. In fact, I think the scaling elements I discussed earlier, in **Section 7.0**, will be particularly effective over this distance, especially the 'folded' elevation seen in association with the open corners. I think the judgment of the officer is perhaps coloured by the representation which has limitations inherent to it which I have already

described. The human eye is very sensitive to sculptural form even over this distance of nearly a kilometre.

- 9.63 I also do not think it is correct to compare the proportions/relative scale of features in a two-dimensional representation, and so draw conclusions by reason of equivalence as set out there: the tower's "*visible bulk would be equal to the slender Cathedral and central to the view, thereby detracting from the Cathedral*". They are different architectural propositions in different topographical settings, and my own experience of working on many tall buildings which have been realised, enabling me to understand how they affect distant views, only fortifies me in that conclusion.

#### **Cathedral Meadow – TVIA View 60**

- 9.64 The view across the Cathedral Meadow is of high quality, comprising the setting of listed buildings, notably the Anglican Cathedral and also the Church of St Helen (Grade I listed). This area is identified as the Cathedral Close Character Area of the CCCA, and the CA Appraisal (**CD2.10**) identifies the elevated bank right of way as a viewing area, with three indicative direction arrows. The view that is affected is the central one because from the north and the south, landscape and interposing development limit the view as well as the direction or alignment of the viewer.

- 9.65 The view is from the Lower Close which the appraisal describes thus:

*The Lower Close (e) forms a separate green area to the east and flows into Ferry Lane (f), a straight lane which was formerly a canal running down to the Water Gate (g) at the junction with the river. Hooks Walk (h) runs from the north east corner of The Lower Close and is a narrow, bending lane with mostly vernacular buildings on the footpath edge producing a tight and intimate townscape*

- 9.66 The CA Appraisal identifies views of the Cathedral from the two closes, Upper and Lower (or Meadow) in these terms:

*Despite its 315ft (96m) high spire, the Cathedral does not dominate the Upper Close. However, its presence is much more commanding from across the playing fields to the east (n), from the Riverside Walk and from the east end of Ferry Lane. In addition, a fine view of the transept can be gained from the west end of Lower Close (o)...*

- 9.67 And later states:

*The Cathedral is the most dominant building but there are also a significant number of important buildings and groups within the area and it is the pleasing*

*juxtaposition of buildings of different ages and styles which gives the Close its character. The Close contains a number of buildings which have evidence of earlier work in their façades; these are among the best examples in the City... [continuing next column]*

*There are very few modern buildings; the recent Refectory (3) being extremely well done and respectful of its sensitive setting by incorporating old fabric. Although some of the more modern school buildings are mediocre, No. 71a, a 1950s building of two types of brick, sits comfortably with its neighbours on Upper Close. Later C20 development such as Queen Elizabeth Close and No. 60a Precinct Wall have been carefully designed to incorporate the Precinct Wall and to protect its sense of exclusion to the perimeter roads... [and on the next page under Townscape Elements]*

*The Upper and Lower Closes with their open areas of grass and trees are very important both to the setting of numerous historic buildings (including the Cathedral) and in giving the area a generally verdant character. Although of little ecological value, the openness of the school playing fields means that long views of the Cathedral can be enjoyed within a setting of other historic buildings and substantial mature trees.*

- 9.68 The guidance on management and enhancement is directed towards development in this Character Area.
- 9.69 From this, I conclude that NCC consider the Anglican Cathedral has a commanding presence in the view, its immediate setting enhanced by the greensward, open area and significant trees. The Cathedral is enjoyed in the setting of other historic buildings. Whilst modern buildings are limited generally in this area, the sports pavilion is a noticeable one in this view. Its purpose, related to the use of the land, and its design as well as materials assimilate it to an extent, and its impact is limited as a consequence. I agree with the appraisal.
- 9.70 In respect of the impact, I note the following:
- 9.70.1 First, the new tower sits within the tree canopy line, and lower than several prominent specimens which, from the modelled position, frame the Anglican Cathedral, intensifying the effect of the tower and spire composition.
- 9.70.2 Second, the impact is over some distance (c1.1 km from the viewpoint to the tower, and c. 960 metres to the nearest face of Block A). The viewer will experience this separating distance as a matter of course, and so the impact of the development is reduced accordingly.

- 9.70.3 Third, it is a kinetic view experience, where the focus of attention is along the direction of travel, then occasionally towards the Cathedral, and then in fact also in the other direction towards the road and the river, across an attractive landscape verge/linear feature.
- 9.70.4 Fourth, that impact is experienced in a complex landscape scene, which has foreground screening/vegetation, and running from that a large expanse of greensward that is well-defined by mature trees and the Cathedral, which is framed by them. This has the effect of creating a strong sense of spatial enclosure with a well-defined edge and this focuses attention.
- 9.70.5 Finally, the simple form of the tower and its light colouration will tend to make it blend with the skydome and so reduce its visual impact further, augmenting the effects just identified.
- 9.71 To the extent someone walking on the path notices the building, then s/he may (if they have local knowledge) associate it with the new residential and commercial quarter at Anglia Square, marking the northern extent of the city and its main approach on that side.
- 9.72 Thus, the tower would assist in legibility but to a very limited extent given the nature of the impact.
- 9.73 The Committee Report's reasoning (paragraph 389) turns on this judgment: the tower is a "*noticeably modern element that would detract from the harmonious scene of historic buildings surrounding the field*".
- 9.74 I do not think the tower would undermine that composition for reasons given above (e.g. distance, the scale of the impact, colouration of the building, changing nature of the view and the experience one has from the footpath).
- 9.75 Nevertheless, and given the sensitivity of the scene, I identify a very limited effect, more than negligible and hence at the low end of less than substantial. I have settled on this finding, having first identified a neutral impact and no harm.
- 9.76 I comment further on the impact to this scene arising from northern elevation of Bock A which is visible.
- 9.77 I do not agree with that the material cladding the upper part of this building is appropriate, and would advise something lighter to manage the impact better. Such a design refinement would remove, I believe, the very limited harmful impact I think arises from this element, which has no real wayfinding or landmark function to set in its favour.

- 9.78 I understand the viewpoint was selected because it is from a public vantage point; however, and, based on experience, there are bound to be similar effects from parts of the field, diminishing as one approaches the middle (I reckon) as result of the changing angle of view and occlusion, and the relative scale reduction consequent on that. The ZVI confirms this but the effects will necessarily diminish significantly because the field is lower and hence the angle of vision steeper, reducing visibility to the point where the impact is, I consider, neutral and not harmful.
- 9.79 Such harm as I do identify is to the CA. The proposals would not, in my opinion, undermine the dominance of the Cathedral in the scene or distract attention from it.
- 9.80 If the SoS finds a degree of harm to the Anglican Cathedral arising from this impact, it must be very limited for these reasons, and any impact on the ability to appreciate significance overall would be negligible.

#### **Waterloo Park – TVIA View 48**

- 9.81 The Committee Report identifies harm to the setting of the Anglican Cathedral from an area in Waterloo Park (a Grade II\* listed Registered Park and Garden (“RPG”)), to the pavilion from an open greensward area (see paragraph 389).
- 9.82 I do not agree with this finding for the following reasons:
- 9.82.1 First, the Anglican Cathedral has a distinctive and instantly recognisable form, with a strong silhouette.
  - 9.82.2 Second, there is an interval between it and the position where the tower would be seen.
  - 9.82.3 Third, and on a related point, the impacts of the tower and the lower block are visible over a distance.
  - 9.82.4 Fourth, over this distance the new tower would be within the general line of the tree canopy, which canopy has a softening and distancing effect generally. The distance between the nearest face of the development and the viewpoint is some 730 metres.
  - 9.82.5 Fifth, the new tower has a simple, orthogonal form which is not demonstrative and seeking to compete.
  - 9.82.6 Sixth, that simplicity is reinforced by the colouration and detailing.
  - 9.82.7 Seventh, the effects are appreciated from a space of considerable proportions.

9.83 I have naturally to consider whether the SoS can rely on the trees, my point four above. I think s/he can for these reasons:

9.83.1 First, the RPG's special interest turns on landscape, including trees and NCC naturally will seek to manage this characteristic, including those belts which provide landscape structure and definition (as these do).

9.83.2 Second, in the event of some catastrophe leading to the destruction of many trees, then the landscape character of the view will change markedly anyway, at least until replanting. Clear felling from species decline is unlikely.

9.83.3 Third, and if NCC is troubled by this effect, it can implement a programme a) to ensure the gap in the tree belt showing the Cathedral is maintained (as some treed gaps are in certain LPAs for similar reasons) or promote a stronger vegetated edge to screen the tower further. I do not think this is necessary, I should add.

9.84 This is a large asset, with a varied spatial structure, and the area of effect is a broad greensward that is set near to a terrace. The area of effect within that is going to be limited by virtue of that extent and the landscaped edge. It is a well-used urban park, one that was meant to serve the needs of a city and I do not think a glimpsed view over distance of a part of the city is incongruous. Neither is the view affected a planned vista intended or laid out for a particular aesthetic purpose. It is, in effect, an incidental view that people passing through the space or stopping to picnic or relax there will have. Someone noticing it would recognise it as marking the northern side of the City, so visibility here has that limited benefit.

9.85 The criticism in the Committee Report (**CD9.1**) is simply that the tower would 'compete for attention' with the Cathedral in the view. I do not agree with that: the Cathedral has an instantly recognisable form and the proposals are different in their nature. They both have a landmark function but the Cathedral's identity is strong. Over this distance, and given the incidental nature of these views in a broad context, I think it more likely, based on experience, that one would simply notice each one and register its identity, valuing the Cathedral naturally more highly because of its age, design and purpose. Seeing a modern residential building from an urban park which is a popular destination is not harmful and there plenty of examples of that across the country to demonstrate the point.

#### **Views from the Castle to the North – TVIA Views 8, 9, 12 and 54**

9.86 There will be no dispute between the parties as to the considerable importance of this Romanesque building, a leading example of military architecture promoted by the Normans after the conquest. It is a significant destination for tourism, leisure and



shopping (because of the modern mall to the north), and historically it has had a major influence on city form.

- 9.87 In these historical respects, it has obvious and strong affinities with the Cathedral, a building of different phases but which is, I think, most known for its fine Romanesque architecture (the tower decorations are particularly notable as is the nave).
- 9.88 The proposals have a setting impact on the castle in distant views already discussed, where it is appreciated as a well-defined historic group. I do not agree with the Committee Report, which concludes that there is a “modest diminution in its significance” in those views (**CD9.1**, paragraph 397).
- 9.89 The point I consider here is whether the proposals harm the significance of the Castle in views out from it. This is not a common area of concern dealing with monuments with long panoramic views across cities, and particularly in cities such as this one where the views already feature extensive areas of modern development, some of quite considerable scale and presence (to the south and west) and those of a lesser scale but considerable extent to the north. In that direction, which is the object of concern, the view is extensive to a distant wooded ridge, albeit the whole of that extent is developed more or less. The distant prospect is suburban, broadly, in character and it becomes more urban in character as one scans south. The site is clearly visible in the view and is unattractive in it. The height is below the distant ridge line, and in considerations of this nature ridge lines and other large topographical features are salient thresholds. As a consequence the present buildings are absorbed into the general middle ground of development.
- 9.90 I am helped in understanding the objection here by the Committee Report (**CD9.1**), paragraph 398, which identifies several considerations as follows:
- 9.90.1 The sense of being above the city with a commanding wide view
- 9.90.2 Which view terminates in a defined landscape feature marking out the settlements urban setting to the north. The topographical setting to the west and south has a nearer threshold or limit, and here the ridge line is broken in many places by new development and by historic development too.
- 9.90.3 Accordingly, that commanding view above the city is, I infer, meant to communicate the defensive purpose of the castle and the feature on which it is located.
- 9.90.4 From which one can identify many historic buildings, and two in particular are noted: the former bank 45 London Street, which has distinctive cupola and St Andrew’s Church, grades II and I respectively. The distance to the church is about 180 metres and to the former bank cupola about 95 metres. There are

some trees in the foreground of the view, but their screening effect is limited particularly in winter.

- 9.91 The overall effect of the tower is experienced over about 850 metres or so, and at two levels, a promenade and from the ramparts, which are accessible on payment of an entry fee.
- 9.92 NCC take no issue with the lower parts of the proposals which from the promenade does not break the skyline. I agree. These sit within an established visual datum and the materials, brick, would be complementary.
- 9.93 The matter at issue, judging from the Committee Report, is would 'hide some of the view of the horizon' which the officer concludes is a major adverse impact though on what is not specified. If the impact is on the view, then I do not think this is a proportionate judgment because the expanse of horizon is considerable and the amount 'lost' is very small relative to that.
- 9.94 Rather I look at the degree to which the building interposes in the field of view. It does not; the larger expanse is not affected. I also in such cases consider whether the projection above the ridgeline undermines the composition of the view, which comprises a large middle ground that stretches to a distant horizon. There is no change to the composition of the view, notwithstanding the visibility of the tower, and the extent of projection above the ridge line is modest, taking into account the width of the feature relative to the scene.
- 9.95 For these reasons, I do not understand how one's appreciation of the Castle's elevated position serving its defensive purpose could be undermined at all. The extent of views in all directions make that clear as does the architecture and identity of the building, and the tower does not occlude or limit the appreciation of the wider topographical setting from the promenade or indeed from the ramparts. The Committee Report identifies no harm from the higher location in any event.
- 9.96 That leaves the identified setting impact on the two listed buildings. Naturally one appreciates their silhouettes – in winter at any rate (in summer the vegetation filters the view but these trees may well be removed in time).
- 9.97 In any event, these listed buildings clearly related to the tight grain of older streets and buildings around them and in the near setting of the castle. Even this backcloth includes more recent buildings of varied character and quality. The tower is separated from these buildings, and the matrix of older buildings in which they sit, by between by more than 670 metres (St Andrew's Hall) at the nearest point. To appreciate their individual identities or admire their visual interaction, one's focus is naturally over a shorter distance and the visual perception of the tower reduces. To see the tower in the wider

landscape context, one looks up and away from the historic buildings and their specific identity reduces, becoming absorbed into the foreground scene. In short, the two are experienced in different visual contexts as a consequence of the view's composition and separating distance and their respective settings (falling topography in the foreground, large plain to the north).

9.98 The tower design is appreciated to good effect over this distance, and it marks the destination and northern city entrance. It is merely one more attractive feature adding meaning and depth to the scene, enhancing its layered quality (which the LPA reject as a characterisation but I do not see why since the in landscape terms the scene is layered).

9.99 Accordingly, I do not think the ability to appreciate the architectural or historic characteristics of any of the listed assets is affected. The landscape value of the view is enhanced.

### **Concluding Observations**

9.100 Most of these effects, then, are not harmful and in most instances, seeing the tower in the view is beneficial either because one can admire it as a work of architecture or because it adds legibility. The extent of that benefit varies in the ways discussed.

9.101 I have identified one harmful impact, from the north-south section of the elevated path overlooking the Lower Close of the Cathedral. This arises from both blocks and is very limited. I do not, however, consider that the proposals undermine the Cathedral's dominance or distract from our ability to appreciate its architecture and form.

9.102 In this respect, I conclude with a reference to the Committee Report, paragraph 385, which sets out the general proposition warranting full citation:

*...there is legitimacy to the introduction of a new feature on the skyline, that the northern part of the city is becoming a greater focus of activity and exchange in the city. Furthermore, there is merit in showing the great geographical extent of the historic city within the medieval (which is now a city centre serving a city that has expanded far beyond the walls over the last two centuries) [through] an intervention on the skyline beyond the smaller concentration of buildings south of the river. The skyline of Norwich can absorb a new building of quality that be appreciated when the viewer surveys the panorama from high vantage points. People who visit these places to appreciate the view are not in a position where they only have time to notice only the cluster of civic buildings south of the river or a new building north of the river. It is a composite. The critical question is whether the appreciation of*

*the central group of iconic heritage assets is diminished and if so to what extent it is diminished by the arrival of this new building at the edge of the city centre.*

9.103 I agree with this basic proposition and commend it to the Inspector as one basis for his consideration of these matters.

## 10.0 THIRD PARTY AND OTHER COMMENTS (INCLUDING FROM DESIGN SOUTH EAST)

- 10.1 The Inspector has before him responses from interested parties locally, and they are preparing evidence which reflects the consultation responses I have read.
- 10.2 I consider the full analysis above treats all the matters raised.
- 10.3 Naturally, objections from the Rule 6 Parties will be elaborated in evidence and the Inspector confirmed he is content to receive Rebuttal Evidence in due course.
- 10.4 I want to take the opportunity to consider here the responses from the Design Review Panel, Design South East (“DSE”) – **CD11.15**, **CD11.16** and **CD11.17**.
- 10.5 Mr Vaughan, for the Applicant, presented the scheme three times to DSE, and he describes how his scheme has responded to the panel’s advice. My observations on the advice is, as a consequence, brief.
- 10.6 The Framework requires decision makers to give significant weight to such panels where appropriate and DSE is a well-established one.
- 10.7 The first point is an over-arching one. The panel never reviewed the final tower design. Members considered the 25-storey scheme which had, at its stages of design evolution, a different expression to the proposals now before the SoS.
- 10.8 Second, the panel’s second and third letters (CDs **11.16** and **11.17** respectively) approved of the proposed urban design of the scheme, that is, the mix of uses broadly and, more specifically, the pattern of spaces and routes and the associated landscape.
- 10.9 I make several discrete points now in relation to each letter. These observations are not intended to treat all the points raised.
- 10.10 The first letter (or report), dated 14<sup>th</sup> December 2016 (**CD11.15**), reflected on an early iteration and took a pragmatic view of the challenges presented by the scheme’s viability and went on to identify the main challenge as one of achieving good place making, taking into account the provision of car parking, which I commented on earlier in this evidence.
- 10.11 The panel advised a tower with a narrower footprint and four flats per floor (the number eventually adopted, with a tower of lower height).
- 10.12 The December 2016 advice identified a particular issue around St Augustine’s Church and local impacts, and it will be clear from my evidence that I agree this is at the main challenge presented by the scheme. At that stage the TVIA/heritage work was not

presented. I understand that NCC and professionals advising on these areas were identifying salient considerations in relation to these topic areas.

- 10.13 There is here and in later letters a commentary on the amenity of future occupiers, which falls outwith my scope of evidence. I understand Mr Vaughan treats this matter as does NCC.
- 10.14 It is clear that the principle of a tower was discussed, and comments are recorded accordingly, but this was an early review.
- 10.15 The second advice note is incorrectly dated 29<sup>th</sup> March 2016, it should be 2017 (**CD11.16**). I note some irregularity in the internal date references later but it is of no consequence for my purposes.
- 10.16 Concerns over density remain and are expressed in relation to different topic areas, and which include living conditions/public realm quality.
- 10.17 Improvements to connectivity across the Application Site are noted, and at this stage the team was able to present further information about the scale of the tower's impact over a wider area. The panel questioned the rationale for the tower, stating they saw no "*sound and deep rationale*" for one (page 4). This suggests the panel questioned the premise but I do not know on what basis exactly because the terms are vague. From a planning perspective the rationale is based on impact and effect since I can see no policy reason in principle against this form of development. There are further comments on mass as this relates to residential amenity, again outwith my evidence.
- 10.18 The final panel review focused on the tower design (report dated 26<sup>th</sup> April 2018) (**CD11.17**), which still comprised a 25-storey building, and, in summary, the panel felt that the proposed detailed design required further refinement to demonstrate how it could sit "*more comfortably*" in relation to the Anglican Cathedral and other important historic buildings.
- 10.19 Other aspects were, the panel noted, outstanding but improvements were identified. The main issue remained the tower in relation expressly to the Anglican Cathedral's Upper Close and St Augustine's Church. The revised height removes the harmful impact from the former and reduces, materially in my view, harm in relation to the latter.
- 10.20 The report does not appear to take an in principle issue with this form of development (see page 2) but calls for a Norwich-specific response. I am unsure what the panel means by this or by the criticism the design, as then presented, was generic. The proportions then presented, with four flats per floor, is deemed beneficial but there were concerns about overbearing and bulk, and the panel suggested detail design changes to achieve a more elegant form, greater vertical emphasis, an aesthetic based on cladding materials, and the treatment of balconies.

- 10.21 I understand the now presented design took these comments into account and clearly dealt with the concerns about scale through a height reduction.
- 10.22 Additionally, the panel advised that the tower could have its own architectural expression separate from the rest of the development (and this has been followed in the revised proposals, I consider). There is further advice on proposals to relate the tower to the Anglican Cathedral tower and spire but ultimately this consideration turns on the views. The concerns over impacts from the upper close led were one factor that led to a reduction in height, along with St Augustine's Church and views along Calvert Street. Again, the proposals as revised were intended to deal with these issues.
- 10.23 I note that throughout the process, the panel expressed concern about phasing and as part of a question raised about the form of application. There can be no objection on this, however, from a design and heritage perspective given the controls in place through the RM process.
- 10.24 Based on my experience, later design development could well depart from the indicative scheme but that is acceptable in principle and reasonable given the changing development dynamics which govern the delivery of any such large scheme. Planning procedures exist to address any changes which would be the subject of further applications. I do not see any real issue on this count, and I note that HE take no issue with the form of application.
- 10.25 The Inspector will see that the design evolved as a consequence of engagement, leading ultimately to a very significant reduction in height, and that the professional officers of NCC were also advising through this period.

**11.0 PERFORMANCE AGAINST POLICY**

11.1 To assist the Inquiry I set out my conclusions on policy compliance below. I have made my findings on the main issues I treat (heritage and townscape) in the text above, and for that reason rely on a table setting out where I have concluded harm, benefit or no impact.

**Table of Findings**

11.2 I set out my findings on the heritage assets in the table below.

Heritage Asset	Type	Relevant TVIA Views	Finding	Comments
<b>City Centre Conservation Area – Overall Finding: <u>Benefit</u></b>				
Character Area 1 Northern City	N/A	Refer to map at <b>Appendix 18.0</b>	Harmful and beneficial	There will be a degree of harm arising from the appearance of the proposals in views along St Augustines Street and across St Augustine’s churchyard.  There will be a benefit arising from the redevelopment of the Anglia Square site which is identified as a negative feature in the CA.
Character Area 2 Anglia Square	N/A		Benefit	
Character Area 3 Northern Riverside	N/A		Harmful and beneficial	There will be a degree of harm arising from the appearance of the proposals in views along Wensum Street/Fye Bridge.  There will be a benefit arising from the redevelopment of the Anglia Square site which is identified as a negative feature in the CA.



Character Area 4 Colegate	N/A		Benefit	
Character Area 5 Cathedral Close	N/A		Less than substantial harm	
Character Area 6 Elm Hill and Maddermarket	N/A		No impact	
Character Area 7 Prince of Wales	N/A		No impact	
Character Area 8 King Street	N/A		No impact	
Character Area 9 St Giles	N/A		No impact	
Character Area 10 St Stephens	N/A		No impact	
Character Area 11 Ber Street	N/A		No impact	
Character Area 12 Civic	N/A		No impact	
Character Area 13 All Saints Green	N/A		No impact	
<b>Local Impacts: Anglia Square and the Local Area</b>				
43-45 Pitt Street	Locally listed building	N/A	Harm	Principle of their demolition and replacement has been established through an extant consent, refs. 11/00160/F; 11/00161/F; 11/00162/O; 11/00163/C.

Locally listed buildings on Magdalen Street between St Crispins Road and Cowgate	Locally listed buildings	34, 43	Benefit	
75 Magdalen Street	Grade II listed building	34	Benefit	
St Augustine's Church	Grade I listed building	32, 33	Less than substantial harm	
2-12 Gildencroft Almshouses	Grade II listed building	32, 33	Less than substantial harm	
Nos. 1-11 (odd), 21-29 (odd), 22-36A (even), 42-52 (even), Catherine Wheel Public House St Augustines Street	Grade II listed buildings	14, 15, 16	Less than substantial harm	Limited in degree: low or possibly low to moderate
71 New Boltolph Street	Grade II* listed building	N/A	No impact	In the Committee Report (CD9.1), NCC identify harm to this heritage asset. To be clear, the listing of 71 New Boltolph Street recognises the C15 brick-built undercroft beneath the C20 shop above (see list entry ref. 1051372). It has important group value with the city walls.  The Tudor fabric which defines the listing does not manifest in St Augustines Street so the

				change to the Application Site will not affect its significance.
City wall at Magpie Road	Scheduled Monument	17	No impact	
<b>Mid-Distant Impacts: Civic Core</b>				
City Hall	Grade II* listed building	8, 9, 11, 12, 53	No impact	
The Guildhall	Grade I listed building	8, 9, 11, 12, 53	No impact	
St Peter Mancroft	Grade I listed building	8, 9, 11, 12, 53	No impact	
Norwich Castle	Grade I listed building and Scheduled Monument	8, 9, 11, 12, 53	No impact	
1 Guildhall Hill	Grade II listed building	11	No impact	
<b>Mid-Distant Impacts: Elm Hill</b>				
St Peter Hungate Museum	Grade I listed building	22, 55	No impact	
The Briton's Arms	Grade II* listed building	22, 55	No impact	
Former Dominican Friary (Blackfriars)	Grade I listed building	12, 22, 55	No impact	

Norwich: St Andrew's Hall and Blackfriars' Hall, The Crypt, the south range, the East Garth and east cloister walk, the West Garth, and west boundary wall	and Scheduled Monument			
<b>Mid-Distant Impacts: Tombland, Wensum Street and Fye Bridge</b>				
Maid's Head Hotel	Grade II listed building	23	No impact	
Erpingham Gate	Grade I listed building and Scheduled Monument	23	No impact	
69 Upper Close	Grade I listed building	20	No impact	
70 Upper Close	Grade I listed building	20	No impact	
71 Upper Close	Grade II* listed building	20	No impact	
Carnary Chapel	Grade I listed building and Scheduled Monument	20	No impact	

11-13 Wensum Street	Grade II listed building	23, 25	Less than substantial harm	
40 Elm Hill	Grade II listed building	23, 25	Less than substantial harm	
Church of St Simon and St Jude	Grade I listed building	23	Less than substantial harm	
Locally listed buildings in Wensum Street	Locally listed buildings	23, 25	Less than substantial harm	
3 and 5 Colegate	Grade II listed building	56	Less than substantial harm	
Church of St Clement	Grade I listed building	56	Less than substantial harm	
Nos. 2, 7, 9 Fye Bridge Street	Grade II listed building	25, 56	Less than substantial harm	
The Mischief Tavern	Grade II listed buildings	25, 56	Less than substantial harm	
11 and 13 Fye Bridge Street	Grade II* listed buildings	25, 56	Less than substantial harm	
<b><i>Mid-Distant Impacts: Colegate</i></b>				
Church of St George (Colegate)	Grade I listed building	37	Less than substantial harm	

Bacon House 33 Colegate, and 35 Colegate; including Nos. 33 and 35, St. Georges Street and 11, 12 and 13 Lowes Yard	Grade II* listed building	37	Less than substantial harm	
Octagon Chapel	Grade II* listed building	39	No impact	
Nos. 63, and 80 and 82 St Georges Street	Grade II listed buildings	37	No impact	
1-9 Octagon House	Grade II* listed building	39	Benefit	
29 Colegate	Grade II listed building	38	Benefit	
Doughty's Hospital	Grade II listed building	44	Less than substantial harm	
Church of St Martin at Oak	Grade I listed building	29	No impact	
47-49 St Martin's Lane (Folly House and Pineapple House)	Grade II listed building	29	No impact	
<b><i>Distant Impacts: Panoramic Views</i></b>				
Anglican Cathedral	Grade I listed building	8, 9, 20, 49, 60	Less than substantial harm	Negligible harmful affect from the change to appreciate the spire in views from Alysham

				Road; harmful effect from the appearance of the proposals across Cathedral meadow
Waterloo Park	Grade II* RPG	46	No impact	
National Westminster Bank (45 London Street)	Grade II listed building	12	No impact	
RC Cathedral	Grade I listed building	8, 9, 11, 12, 53	No impact	

### The Development Plan and Related Planning Matters

- 11.3 At **Section 7.0** I have described why I consider the tower to represent design of a high quality, thereby meeting the requirements of development plan Policy JCS2 and Policy DM3. I understand from Mr Vaughn’s evidence (**WH 1/1**) that the terms of the Buildings for Life guidance (**CD11.20**) are met.
- 11.4 In particular, the tower will help to define and emphasise the significance of Anglia Square as the northern gateway into the city, as encouraged by part a) of Policy DM3. The tower will provide legibility and status to the area which is envisaged for Anglia Square as an LDC and the ASPGN.
- 11.5 With the exception of Block A (which is presented in full) the detailed design of the outline elements of the scheme will be secured by RM submission to ensure the terms of NCC’s design policies are similarly met, as well as the way in which they will interact with the historic environment, particularly in relation those heritage assets where I have identified less than substantial harm arising from intervisibility with the lower blocks, such as those in St Augustines Street and Wensum Street. Some of the harmful impacts identified can, I believe, be mitigated through detailed detail (and I have made that clear in my evidence).
- 11.6 Block A as proposed will enhance the character and appearance of Magdalen Street and the setting of heritage assets to the east of the Application Site.
- 11.7 I consider that the Condition which will apply to the cladding materials used for Block A will help to reduce the harmful impact on the heritage assets I have identified.

- 11.8 Part b) of Policy DM3 identifies long views of major landmarks in the city. These views were modelled in the TVIA submitted with the application.
- 11.9 I have described at **Section 9.0** how the proposals are not contrary to the objectives of this view management policy, which is to protect the visual composition of the city's major buildings (RC Cathedral, City Hall, St Peter Mancroft, Norwich Castle and the Anglican Cathedral). The composition and appreciation of the views, whose interest is focussed on the area of the city to the south of the River Wensum, will be unimpeded by the proposals.
- 11.10 In fact, I think that the tower will contribute to the appreciation of the city's ongoing evolution and introduce an attractive new feature to the skyline, marking an important entry point and destination.
- 11.11 NCC set out their heritage policy at Policy DM9.
- 11.12 No designated heritage assets will be lost as a result of the proposals, though a locally listed building will be demolished. I consider the benefits to outweigh the loss of the locally listed building in accordance with DM9 and paragraph 197 of the Framework which has regard to non-designated heritage assets.
- 11.13 In any event, permission has already been granted for the demolition and replacement of the locally listed building so the principle is established.
- 11.14 DM9 defers to the Framework for the approach to designated heritage assets, and the Framework is discussed below in this section.
- 11.15 Neither I nor any party to the Inquiry identifies that substantial harm to any heritage asset (see 195 of the Framework and corresponding policy in DM9).

### **The Framework**

- 11.16 The materials before the Inspector and SoS are sufficient to form a judgment on the impact of the proposals on the special interest or significance of the affected assets. That information is based on relevant best practice guidance about which there will be no real dispute or difference of opinion.
- 11.17 The proposals produce a number of harmful effects identified above, engaging paragraph 196. I have sought to identify harms on a net basis, but accept that others may approach the matter differently. In which case, identified benefits are applied to the 196 balance. I identify a net benefit to the CCCA, overall, looking at the positive and negative impacts of the proposals and having regard to the existing condition of the site.



- 11.18 Notwithstanding that, and in the vicinity of the site I have identified some harmful setting impacts which are countervailed to some extent by townscape improvements, which, being in a CA, attract great weight as per 192 of the Framework.
- 11.19 Overall, the harm I find is not more than limited and so at the low end of the less than substantial scale.
- 11.20 The clear and convincing justification for that harm lies in the benefits of the proposals. I have identified a number of design benefits, which are public benefits for the purposes of paragraph 196. These are not specially weighted except where, as noted, they are heritage benefits (and so should not be double counted anyway). It falls to other to consider public benefits arising from the regeneration effects of the proposals.

### **Statutory Considerations**

- 11.21 I find an enhancement to the CCCA as a result of the regeneration of Anglia Square. A grant of consent would, therefore, and in my view, be consistent with the terms of Section 72(1) of the 1990 Act and for reasons set out above.
- 11.22 In relation to the heritage assets around the Application Site that I consider will experience a degree of less than substantial harm, I have also identified heritage benefits arising from the improvement to their setting as a result of the improvement to Anglia Square, which is currently a degraded and detracting element. There remains harm, however, which I've described as 'residual harm'.
- 11.23 In connection with the heritage assets in Wensum Street and Fye Bridge I have identified some less than substantial harm and no direct heritage benefits, however I do identify a public benefit in the form of improved legibility.
- 11.24 I have also identified a limited less than substantial harm to two aspects of the Anglian Cathedral's setting: the change to the view of the spire from Aylsham Road and across the Cathedral meadow.
- 11.25 The harm identified may be justified in the terms of paragraph 196 (see above).

## 12.0 AFFIRMATION

- 12.1 I confirm that, insofar as the facts stated in my PoE are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 12.2 I confirm that my PoE includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 12.3 I confirm that my duty to the Inspector and the SoS as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 12.4 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the Applicant.
- 12.5 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my PoE.
- 12.6 I confirm that my PoE complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute guidance 'Chartered Town Planners at Inquiries – Practice Advice Note 4'.
- 12.7 I confirm here that I am not advising the Applicant on any other site it is promoting.
- 12.8 Finally, my signature below confirms my acceptance of the above duties.



**Dr Chris Miele MRTPI IHBC**  
**Senior Partner**  
**Montagu Evans LLP**  
**Date: 3<sup>rd</sup> December 2019**

