

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**APPLICATION BY WESTON HOMES PLC AND
COLUMBIA THREADNEEDLE INVESTMENTS**

NORWICH CITY COUNCIL REFERENCE – 18/00330/F

PINS REFERENCE – APP/G2625/V/19/3225505

**Peter Luder BA(Hons) MUP MRTPI
Proof of Evidence and Summary
Housing Supply; Local Plan
Compliance; Planning Balance**

For

Hybrid Planning Application

At

ANGLIA SQUARE, NORWICH

**Weston
Homes**

A large, stylized graphic in the bottom right corner of the page. It consists of two overlapping, rounded shapes that resemble a four-petaled flower or a stylized 'X' shape. The top-left and bottom-right petals are a bright cyan color, while the top-right and bottom-left petals are a slightly darker shade of cyan. The shapes are set against a dark blue background.

Preamble

- i My name is Peter Adrian Luder. I am a Chartered Town Planner and hold the post of Head of Planning at Weston Homes Plc, a position I have held for 16 years. Previously I held the post of Head of Planning at Knight Frank LLP and prior to that I held positions as a planning officer in Forward Planning at Bexley London Borough and in Development Control at Hull City Council. I hold the degrees of BA (Hons) in Geography from the University of British Columbia and Master of Urban Planning from Portland State University. I have been a Member of the RTPI since 1985.
- ii Throughout my career I have had responsibility for evaluating or submitting planning applications for a wide variety of land uses, particularly residential development. I have appeared as an expert witness at public inquiries into called-in and appealed applications, acting on behalf of Local Planning Authorities, public and private sector clients and latterly Weston Homes.
- iii I have been involved in this scheme from its inception, including the process of seeking pre-application advice from Norwich City Council (NCC), organising and attending the public consultation events and the preparation of the Environmental Impact Assessment (EIA) application, commissioning of some of the reports to support the application; and the negotiations between Weston Homes / CTI and NCC throughout the post-submission determination process, including the preparation and submission of the drawings and documents supporting the scheme changes forming the “Amended Scheme” currently before the Inspector. I have visited the site and am very familiar with it and its surroundings along with the planning policy documents pertaining to the site. I was also responsible for negotiating the Statement of Common Ground (SoCG) in respect of this Inquiry with NCC.
- iv The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the RTPI, and I confirm that the opinions expressed are my true and professional views.

Scope of this Proof of Evidence

This Proof addresses:

1. Weston Homes developments;
2. Item (a) of the Secretary of State's letter of 21 March 2019 (CD11.35): – the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes;
3. Item (e) – the extent to which the proposed development is consistent with the development plan for the area, including any emerging plan,(where not addressed by other witnesses for the Applicant and Item (a) above);
4. The public benefits of the proposal to be considered in the planning balance required by NPPF (CD1.1) paragraph 196

1 Weston Homes Developments

- 1.1 Weston Homes Plc (WH) is a wholly owned subsidiary of Weston Group Plc, founded in 1987. WH develop throughout London, the Southeast and East of England, almost exclusively on urban brownfield sites, often in central locations well served by public transport. There is no repeated "company" design, and every scheme is individually designed for its specific site. The nature of these sites has provided the company with considerable experience of high density, residential led mixed use schemes. WH have a wide typology of dwellings, including houses, low rise and tall apartment buildings, and dwellings over ground floor commercial and community uses, as well as conversion of existing buildings such as hospitals, offices, and industrial buildings. Many of the developments are located within conservation areas, and many of the conversions are listed buildings. WH have regularly undertaken contamination remediation and archaeological investigations, moved sewers and other services, built or reinforced river flood defence walls, and other tasks needed to bring forward urban brownfield land with many constraints.
- 1.2 In terms of supporting sustainable development and community cohesion, for both new residents and the existing surrounding population, previous and current schemes have involved constructing community halls, surgery accommodation, public open space, riverside walks and bridges, cycle routes, and a school, amongst other facilities. WH have established car clubs, implemented travel plans, commissioned and installed art works, and many elements to enhance biodiversity.
- 1.3 WH build all developments as soon as all planning and other regulatory requirements are secured, hence applying for full planning permission wherever possible, subject to the overall size of a scheme. This is the reason this application is a Hybrid, with Phase 1 and the public domain in detail. The tower is in detail in order for its impact, in all aspects to be evaluated at this stage.
- 1.4 The schemes are built as a combination of market dwellings and affordable homes, the quantum and tenure of which is subject to the policies and negotiations with the relevant local planning authority in respect of the specific scheme. To date no scheme has offered Build to Rent dwellings, and this tenure arrangement is not proposed at Anglia Square.

1.5 Weston Homes benefits from a very significant degree of vertical integration within the development process. This not only manifests itself in respect of undertaking a substantial number of tasks in-house, including not using a main contractor, but also in respect of the sourcing of raw / manufactured materials directly from a global supplier list, running its own logistics business based in a purpose built warehouse and manufacturing facility to obtain, store, allocate and deliver goods and materials to its sites in a timely manner, and also undertake a growing extent of manufacture of fitted elements for interiors itself. In combination, this is the basis on which it can achieve notably lower than industry build costs for a high quality product.

1.6 In view of that vertical integration, the company overheads include a wide range of professional services undertaken in house, ownership of plant, including cranes, and sales and aftersales teams. Accordingly and as an example, in the last published accounts for 2018, administrative expenses represented 10.2% of revenue, although there are other overheads on the company. This is covered by the profit on GDV from schemes, which should be taken into account in the consideration of the viability of this development, as addressed by Francis Truss in his evidence.

2 Item (a)] of the Secretary of State’s letter of 21 March 2019 (CD11.35): – the extent to which the proposed development is consistent with the Government’s policies for delivering a sufficient supply of homes;

2.1 I note that the Inspector has proposed that this matter be considered at the Inquiry via a round table session. I agree that approach and have prepared this evidence to assist with that approach. I consider the relevant Core Documents for this to be:

- NFFP 2019 Chapter 5 Delivering a sufficient supply of homes & Chapter 11 Making efficient use of land; (CD1.1, hereafter referred to as **NPPF**)
- National Planning Practice Guidance, (CD1.2, hereafter referred to as **NPPG**)
- Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (CD2.2, hereafter referred to as **JCS**)
- Norwich Development Management Policies Local Plan 2014 (CD2.3, hereafter referred to as **DM Plan**)
- Norwich Affordable Housing SPD 2019 (CD3.2, hereafter **AH SPD**)
- Norwich Anglia Square Policy Guidance Note 2017 (CD2.11, hereafter **PGN**)
- Norwich Planning Applications Committee Report and Minutes 6 December 2018 for 18/00330/F, in particular Main Issue 4 Principle of Housing, (paras 182 – 223) (CD2.15, hereafter **CR**)
- Norwich Annual Monitoring Report 2017 – 2018, dated 18 June 2019; Appendix A: Greater Norwich area Housing Land Supply Assessment 1st April 2018(CD2.14, hereafter **AMR**)
- Norwich Annual Monitoring Report 2018 – 2019 (No CD ref as yet, hereafter **AMR 19**), (when published)
- Central Norfolk Strategic Housing Market Assessment (ORS June 2017) (CD2.21, hereafter **SMHA**)
- Statement of Common Ground Table: Main Issue 4, (rows 34 – 53) (CD11.9, hereafter **SoCG**)

- Norwich Statement of Case (CD11.1, hereafter **NCC SoC**)
- 2.2 Government housing supply policy in NPPF Chapter 5 that relates to the housing requirements relevant to this application is set out in paragraphs 59 – 61, and 65. In terms of identifying housing need, Councils' strategic policies should be informed by a local housing need assessment, using the standard method, unless exceptional circumstances justify an alternative approach which also reflects inter alia, current demographic trends. The housing requirement figure should show how the identified need can be met over the plan period.
 - 2.3 The method and appropriate area for calculation of housing need in the JCS area has changed since the CR was written. CR 186 identifies JCS 4 *Housing Delivery* seeking 1,833 net additional homes per year until 2026 in the Norwich Policy Area (NPA), (of which 447 in NCC area), but notes delivery has been below that necessary to achieve this within both areas.
 - 2.4 Since then, NPPF policy has changed, requiring use of the standard method, which, given the requirement that this can only be applied to whole Districts means here the entire Greater Norwich area covered by the JCS, not the smaller NPA. The more recent AMR 8 notes that publication of the SHMA indicated the need to update the housing requirement, and therefore that the NPPF requires the starting point for the calculation of housing land supply in Greater Norwich to be local housing need (LHN) as calculated using the standard methodology. The affordability adjustment is applied to the LHN calculation to take account of past under-delivery against the JCS 4 requirement. Table 1 identifies the LHN adjusted annual requirement for Greater Norwich as 2,155.
 - 2.5 NPPF policy for supply relevant here is in paras 67 and 73 – 74. The former requires a strategic housing land availability assessment, (SHLAA), to inform policies that identify a sufficient supply and mix of housing sites. The latter require LPAs to identify and annually update deliverable sites to demonstrate a minimum 5 year housing land supply, (5YR HLS), (with appropriate buffer), against their housing requirement set out in adopted strategic policies in a recently adopted plan, or in a subsequent annual position statement. The calculation used for housing need therefore impacts on whether a 5YR HLS is demonstrated. This impacts on which other NPPF policies are engaged, in the determination of relevant applications.
 - 2.6 CR 192 advised that the land supply in the NPA at April 2017 was 4.61 years' worth, so below a 5 year supply. However, in view of the changes noted above, the current position is set out in the NCC SoC, whereby JCS 4 is no longer considered up to date, even though it would now result in just 3.94 years' housing land supply on a like for like basis, due to an historic shortfall in delivery, (12.7 – 12.14.) The NCC SoC 12.15 – 12.16 notes NPPF 74 looks to an annual position statement using the standard method to calculate LHN, for whole Districts, to establish the 5YR HLS position, and that this will be 6.54 years for the Greater Norwich area (and 6.82 years for Norwich) when the AMR is published. The AMR, when it was published, confirmed both those figures as at April 2018, (Appendix 1 Table 1 and Appendix A2). I understand that the AMR 19 may be published prior to the Inquiry, which would update this figure further. Therefore the scheme cannot yet be assessed against the most recent housing needs data. We shall provide a relevant update on these matters as

appropriate.

- 2.7 As explained in NCC SoC, 12.5, despite the imposition and use of the standard method, *“the reality is that there is [still] a substantial need in the area for more housing, particularly affordable housing, and delivery has fallen well behind the targets set out in JCS 4”*. Thus the recent identification of a 5YR HLS has not arisen due to the identification / allocation of additional land for housing, given that the emerging GNLP (CD2.5) is still at an early stage of preparation, with housing need and the supply of additional sites being a matter for further consideration; the change is entirely due to the Government methodology revision, and whilst it is the case that there is a 5YR HLS, the previous shortfall in supply is a remaining fact. Indeed, NCC SoC 12.21 – 12.22 highlight the contribution that the development would make to housing needs identified locally for market and affordable dwellings in the SHMA. The AMR Executive Summary, whilst confirming at 1.6 the 5YR HLS can be demonstrated with 6.54 years in Greater Norwich, nevertheless, notes at 1.3:
- *“Although housing delivery has improved in recent years, the number of completions remain below target for the whole plan period;*
 - *Affordable housing completions are below target in both percentage and absolute terms;”*

Reference should be made to paragraphs 3.20 – 3.25 for more detail on these figures.

- 2.8 I have chosen not to address the detail behind the above paragraphs in this matter, since the Applicant has endorsed the SoCG Table of Agreement section *“Main Issue 4: Principle of Housing”* (rows 34 – 53), which refers to the NPPF, JCS, SMHA, CR, and AMR, and also covers matters of tenure and mix which I address below.
- 2.9 In respect of mix and tenure, NPPF paragraphs relevant to this development are 61 -62, and 64, which require the size, type and tenure of housing that is needed to be assessed and reflected in planning policies, with these expecting affordable housing, (where need is identified), to be firstly met on-site. In addition, at least 10% of affordable homes should be available for *“affordable home ownership”* unless this would, inter alia, prejudice the ability to meet the identified affordable housing needs of specific groups.
- 2.10 Additionally, relevant to the type and density of housing, NPPF 122 requires policies and proposals to make efficient use of land, taking account of, inter alia, the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it, and promoting regeneration and change. NPPF 123 expects, where there is an existing shortage of land for meeting identified housing needs, that policies and decisions will avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 2.11 The Development Plan policies that relate to those NPPF paragraphs are as follows:
- JCS 4 Housing Delivery* – the strategic approach to housing delivery, including the need to contribute to a diverse *mix of uses* in the locality, and provide for a mix of dwellings in terms of size, type and tenure; on sites of over 16 dwellings; the affordable housing requirements are for 33%, but subject to a reduction in the proportion of affordable housing where it can

be demonstrated that the site is unviable in prevailing market conditions. In respect of affordable housing tenure, a split of c.85% social rented and c. 15% intermediate tenures is advocated, however this can be negotiated in exceptional circumstances and/or where certain tenures are not appropriate in specific areas of the city. This will also be informed by the latest Strategic Housing Market Assessment (currently the 2017 SHMA update).

DM 12 *Ensuring well-planned housing development* – includes criteria with which development must comply, including achieving a mix of dwelling type, size and tenure and achieving appropriate density;

- 2.12 The current AH SPD, which augments JCS 4 and DM 33 *Planning Obligations* was adopted on 1 July 2019, thus well after NCC resolved to approve the application, but is nevertheless now a material consideration. Its purpose is to increase affordable housing delivery in view of the lack of sufficient provision to meet current needs, (notwithstanding the 5YR HLS), especially for affordable rented accommodation. I highlight from the Executive Summary:

Development viability is a material consideration. The SPD provides guidance on viability assessment and publication of viability information in order to better inform developers of the council's expectations and ease the planning application process.

The SPD includes measures, including an affordable viability review clause, to incentivise development and promote housing delivery.

- 2.13 Other notable comments in the AH SPD are:

1.20 Provision of affordable housing on-site is the city council's preferred approach, and is also the preference set out in government guidance. This promotes social inclusion and the design of individual sites should take account of this objective.

1.21 Other relevant local plan policies include:

DM33 (planning Obligations – see Appendix 2) sets out principles for delivery of essential infrastructure which will be secured via a site specific planning obligation, including delivery of affordable housing. In cases where it can be demonstrated that the impact of the Community Infrastructure Levy (CIL), planning obligations and abnormal development costs make a development scheme unviable, the policy allows for negotiation of specific policy requirements to be reduced to make the scheme viable and deliverable.

3.16 Reasonable profit for the developer is a key input into the calculation of the viability of a proposed development. The PPG states that for the purposes of plan making "an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. ... A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk." (reference 10-018-20190509). ...

3.17 Given the significant need for affordable housing in Norwich, the council will require reasonable profit for the developer to be at the lower end of the range set out in the PPG (ie at around 15%) but will consider enabling this to rise to 17.5% only if it is demonstrated by the applicant that this is justified on grounds of risk and could impact on delivery of the scheme.

3.29 Large multi-phase schemes determined with an agreed level of provision of affordable housing/commuted-sum at outline application stage will be expected to review the viability as part of any following Reserved Matters application submissions for each phase.

5. REDUCED ON-SITE AFFORDABLE HOUSING PROVISION

5.1 The council's preferred approach to delivering affordable housing is that it should be provided on-site.

5.2 However if non-viability of development with a policy compliant level of affordable housing can be demonstrated via an open book viability assessment carried out in accordance with the PPG and this SPD, then reduced provision on-site will be considered in the first instance.

5.3 In such cases, the design considerations outlined in this SPD should be applied and dwelling numbers and tenures negotiated as appropriate.

2.14 The CR identifies the policy-compliant affordable housing provision for the scheme, (subject to viability), to be 23% by unit numbers, taking account of Vacant Building Credit. The application proposes c.10% affordable dwellings, equating to 120 units, as a minimum provision, which is based on a submitted viability appraisal. The validity of this appraisal, with its independent reviews, and supported (as at or close to the date of the inquiry), by an update in November 2019 which shows 14.7% profit on GDV, is addressed in Mr Truss' evidence (WH 3/1). On the basis that this justifies the percentage provision offered, the scheme is compliant with JCS 4, which allows for a lower percentage provision where justified by viability, and is within the range accepted in the AH SPD. However in addition, as sought in the AH SPD, the proposed s.106 Agreement incorporates a multiple-stage viability assessment review process throughout the development programme, to ensure that any improvement in viability which increases profit on GDV beyond a defined figure for the scheme at later stages, (in this case 18.5% due to the very low starting figure), will result in additional on-site affordable housing provision, or, if the surplus profit does not equate to provision of a full dwelling, (and also at the end of the programme when no additional affordable units could be provided on site), a commuted payment, which is also allowed by the AH SPD. The s.106 Agreement is currently being negotiated, but a Summary of its provisions, prepared by the Applicant (but at time of writing not endorsed by NCC), forms Appendix 1 to my proof, (WH 4 /3).

2.15 In respect of the 15% of the affordable housing to be of intermediate tenure, the draft s106 does not propose, in the first instance, that this satisfy the aspiration that "*at least 10% of the [overall affordable housing contribution] homes be available for affordable home*

ownership” as sought by NPPF 64, because to do so would prejudice the ability to satisfy the caveat in NPPF 64, which is to meet identified affordable housing needs of specific groups. In Norwich, officers advised that this was for affordable rented dwellings. The proposed s106 therefore only allows for affordable home ownership if a target value cannot be achieved for affordable rented units as the intermediate housing. Thus the application is compliant with this NPPF policy.

- 2.16 Accordingly, the tenure split of market and affordable units proposed, together with the proposed s.106 obligation for additional affordable units or commuted sum provision, both fully accord with the Development Plan, which in this regard remains consistent with the NPPF, and thus of full weight.
- 2.17 In respect of affordable unit size and tenure, I note that in pre and post application meetings, the Norwich Housing Officer specifically requested that all the affordable dwellings other than the 9 no. 3 bedroom houses in Block B (where houses would be an appropriate form of dwelling), should be 1 bedroom flats, for which the housing need in the northern Norwich NR3 postcode area was greatest, as evidenced by the SHMA. There was a stipulation that 85% of the affordable dwellings should be for Social Rent, including all 9 no. 3 bedroom houses, with the remaining 15% (all 1 bedroom flats), being Intermediate tenure. This is exactly as being proposed, with the draft s.106 proposing that the first Intermediate tenure to be sought is to be Affordable Rent. The scheme is therefore compliant with the Development Plan policy and the AH SPD in respect of the affordable housing unit size and tenure provision.
- 2.18 With regard to the market units, (up to 1212), these are a mix of 45% 1 and 55% 2 bedroom flats. The sizes of these units varies, as does the character of units in different buildings, (ie some being duplex), but the case is put that this is the appropriate type and size mix of dwellings in this highly sustainable location, in a scheme which, (excepting Blocks B and C), seeks to effect a fundamental change to the character of the entire site, whilst maintaining its function as the major element of the Large District Centre. Thus flats rather than houses are appropriate to the creation of a high density mixed use neighbourhood, with a morphology of urban streets and squares lined with commercial ground floor uses. In such an arrangement, the dwellings are necessarily located above, and accessed between shopfronts. The residents of these dwellings would all have access to generous communal landscaped podia, and in most cases, private balconies, but in the context of the need for this site to be efficiently utilized for a high density scheme, in accordance with NPPF 122. Therefore I contend that the most appropriate form of housing development in this scheme comprises flats for smaller size (1 to 4 person) households, rather than family houses with private gardens. The latter are suited to Block B, with rear gardens facing away from New Botolph Street, and that is precisely why they are proposed in that location.
- 2.19 As noted in the SoCG, the scheme will have a significant impact in meeting the need for the provision of 1 and 2 bed flatted housing in Greater Norwich, in a location entirely suited to flats, both due to the need for the ground level commercial uses and given its city centre position. This complies with JCS 4 and also JCS 11- *Norwich City Centre*. By contrast, a smaller scheme on the site, for example proposing houses or fewer flats would provide less of this

identified housing need in an appropriate location, thus not making optimal use of a sustainable site, contrary to NPPF 122.

- 2.20 The proposed provision of 1 and 2 bedroom flats, both market and affordable, would complement rather than harm the character of the wider area's housing stock, which strongly features houses rather than blocks of flats, since there would be a better balance of dwelling types within the north Norwich area. To ensure that the new and existing residents, of whatever tenure type, will be encouraged to integrate as much as possible to form a new larger and more diverse community, notwithstanding their differing types of accommodation, the s.106 Agreement will enforce a Sustainable Communities Strategy.
- 2.21 The SoCG demonstrates agreement between NCC and the Applicant in respect of those sections of the CR which relate to Item (a), namely Main Issue 1: The Principle of Development, which includes the residential led mixed use regeneration, Main Issue 2: Viability which covers the affordable housing proposal, and Main Issue 4: Principle of Housing, covering housing delivery, the mix and tenure and thus the specific housing need that the scheme meets. The Council as LPA has considered these matters in the context of NPPF and Development Plan policy, and concluded that the scheme is compliant. I concur with that assessment.
- 2.22 The Inspector has indicated that Item (a) should also consider the quality of the proposed dwellings. In respect of quality, it is NPPF Chapter 12: *Achieving well-designed places*, which covers the character, layout, architecture and landscaping of developments to ensure that they complement and are functionally and physically integrated with their surrounding built environment and community. These aspects of the quality of the scheme as a place for new homes are addressed by the scheme architect, Peter Vaughan (WH 1/1). NPPF Chapter 12 only addresses the internal quality of dwellings indirectly, in para 129, which encourages LPAs to make appropriate use of tools for assessing and improving the design of development, including frameworks such as Building for Life, (BfL) (CD11.20). Additionally there is further indirect relevant policy in Chapter 2: *Achieving sustainable development*, where para 8 b) identifies the social objective of sustainable development as supporting strong, vibrant and healthy communities by, inter alia, fostering a well-designed and safe built environment. The objectives are to be delivered by the implementation of development plans, but are not criteria against which every decision can or should be judged.
- 2.23 Accordingly the Development Plan is the primary basis of assessing the quality of the dwellings themselves, as opposed to the scheme, against the Government's policies for delivering a sufficient supply of homes. The relevant policies are:

JCS 2 - *Promoting Good Design*, which expects development proposals to, inter alia, design out crime; use sustainable and traditional materials, and achieve at least 14 points (silver standard) in the Building for Life assessment;

DM 2 - *Ensuring satisfactory living and working conditions*, Part 2 of which requires satisfactory living conditions for occupiers, taking account of space standards;

DM 3 - *Delivering high quality design*, of which, amongst its ten parts, only materials, details and density is relevant to the quality of the homes;

DM12 - *Ensuring well-planned housing development*, which, inter alia, lists criteria with which compliance is required, including accordance with Lifetime Homes (or equivalent) standard. I note that Lifetime Homes has indeed been superseded by the latest Building Regulation requirements on accessibility, with which the scheme will automatically comply, including at least 10% of dwellings being built to 2015 Building Regulations M4(2) for accessible and adaptable dwellings, (CR 223 refers).

DM13 - *Communal development and multiple occupation*, of which Part 1 applies to flats. This requires a high standard of amenity for occupiers with satisfactory servicing, parking and amenity space within the limitations of the site;

2.24 In response to the above, specifically in respect of the quality of the proposed homes, I would comment that:

The application was considered by Norfolk Police (architectural liaison), as reported in CR 82. The recommendation to adopt, inter alia, Secured by Design (SbD), initiatives, is achievable, and will ensure that the individual flats and their communal areas and entrances achieve the appropriate level of safety, as deemed necessary when each phase is built and certified by the SbD programme. Recommended Condition 34 in the NCC SoC will enforce SbD compliance for each phase of the scheme;

Acceptable sourcing of construction materials can be controlled by the LPA via a Construction and Environmental Management Plan (CEMP), which would be approved pursuant to recommended condition 21. Peter Vaughan (WH 1/1) addresses the proposed range of external materials, which respond to the context, and I note that the CR 341 states that "*the choice of brick as the predominant facade material helps to integrate the scheme into its locality because brick is widely used in the locality*". The sourcing of materials by WH will always include careful review of local manufacturers and suppliers alongside consideration of the wider search made to ensure best value for the high quality objectives of the company.

In respect of the internal materials, I would comment that Weston Homes aims to achieve an extremely high standard for both communal areas and inside flats. An extract from a brochure for a current WH development at Fletton Quays, Peterborough, forms Appendix 2 (WH 4/3), to illustrate this point, although I would add that improvements to the specification are made on a continual basis.

The CR (paras 315 - 359) set out the NCC assessment of the scheme against BfL criteria, and the Applicant has endorsed this in the SoCG (rows 77 - 89), subject to the difference in assessment of Q8, explained at row 77. In respect of Q8, the reasoning for the amber rating set out in CP 350 is that "*while the entrances to residential lobbies would be clearly marked at regular intervals on the perimeter of blocks, the corridors within the buildings that mostly lack external windows could*

feel disorientating and convoluted, especially for those people that live at the end of those corridors. This arrival experience will undermine the applicant's declared intention of creating a "living above the shop" rather than "living above the shopping centre" feeling." Setting aside the Applicant's position that Q8 relates to the legibility of the residential external entrances, which NCC consider to be clear, I would respond that the Council's concern is unfounded, since residents would only have access via one of the many entrance lobbies and associated residential cores, and along only their particular section of corridor, between fire doors which would be kept shut. The corridors in WH schemes are decorated to a high standard, with signage at lift lobbies to unit numbers, and illuminated number signs by front doors. Thus whilst the corridors may not have windows, (although only Block A is designed in detail at this stage), the effective length of corridor used by any particular resident would therefore be both relatively short and familiar, serving around 10 flats only, thus with scope to encounter adjoining householders. Accordingly there would be a strong sense of living over a particular group of shops close to a specific residential entrance, which would encourage community cohesion amongst the residents sharing that lobby. The measures to be prescribed in the s.106 Sustainable Communities Strategy noted above, will aim to promote a sustainable community by setting up and managing a residents' association, which will further assist in engendering a sense of belonging to a specific place, through social interaction with neighbours.

BfL Q10 - cycle use encouragement and car parking ease of use; Q11 - character of shared spaces including semi-private and private spaces being demarcated; and Q12 - outdoor spaces large enough to use and personalize and waste storage well integrated without having an adverse impact on amenity, all have a green rating in the CR (paras 354 - 359).

All flats would satisfy and indeed exceed space standards.

The scheme density is achieved without compromise to the space standards, provision of private and communal amenity space, (as addressed above), and with internal light levels that have been accepted by NCC, subject to future detailed design and layout of the outline areas at Reserved Matters stage.

- 2.25 In summary, there would be an acceptable residential environment for occupants which ensures that the delivery of homes by the scheme would satisfy Government policy as implemented via the Development Plan, not just in respect of numbers and efficient use of a brownfield site, but reflecting good design requirements. The scheme would create quality homes appropriate to a high density development.

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

- 3.1 I have demonstrated in respect of Item (a) that the Development Plan policies which relate to the delivery of a sufficient supply of homes, (including of appropriate quality) are satisfied by the scheme. Other witnesses address how the development complies with the policies

that relate to promoting a strong local economy, ensuring the vitality of the city centre, conserving and enhancing the historic environment, traffic and parking management, air quality, and viability assessment. To follow the Inspector's guidance to avoid repetition, I do not propose to cover any of the above in this section. I will address the remaining relevant policies via topics.

- 3.2 The SoCG sets out under section "*Relevant Planning Policy*" the "*most important development plan policies for determining the application*" at paragraph 35, and "*Other material considerations*", including the Anglia Square PGN at para 38. At paras 40 - 41, the status of the emerging Greater Norwich Local Plan (GNLP) is addressed, concluding that "*the emerging GNLP should be afforded very limited weight in the determination of the application*". In the table, at row 5, the Applicant has agreed to the wording of the above section. I note that SAVE also agreed with this, but that the Norwich Society only partly agreed, identifying missing documents. The Applicant agrees with their comment that the Norwich City Centre Conservation Area Appraisal 2007 (CD2.10) should be a material consideration, but not that the same degree of status should also apply to the Northern City Centre Area Action Plan 2010, (CD2.12) The latter is time expired, and whilst some of its content may still be relevant, as background information, the document itself is no longer legally in force. Accordingly it has limited weight as a material consideration. It was for this reason that the Anglia Square PGN (CD2.11) was prepared and adopted, by NCC, although it has less weight than would be attributed to it were it an adopted SPD: it is guidance, not policy or supplementary policy information.

Topic: The principle of mixed use redevelopment of Anglia Square

- 3.3 Anglia Square is not formally allocated for new development in the Norwich Development Site Allocations Plan, (SA Plan), (CD2.4), but JCS 11 – *Norwich City Centre*, identifies the areas of the city centre to be comprehensively regenerated, including the Northern City Centre, in accordance with its Northern City Centre Area Action Plan, (NCCAAP). In that respect, the JCS 11 is outdated, since that plan expired on 1st April 2016. Indeed, whilst the NCCAAP remains a material consideration, as I noted, its weight is limited, and therefore I do not examine the scheme compliance with it further, but as noted below, the non-statutory Anglia Square Policy Guidance Note, (PGN), has rolled forward the Council's vision for Anglia Square.
- 3.4 The supporting text to JCS 11 reviews the commercial floorspace needs for the city centre up to 2026, highlighting that whilst retail need is difficult to predict, the need for growth in convenience goods floorspace "*will principally be delivered through a major new food store at Anglia Square.*" The current retail environment and the retail impact of the scheme are addressed by Chris Watts, (WH 5/1), but NCC has consistently sought a significant element of retail floorspace, including a foodstore, within the proposals, which the scheme delivers. The Norwich City Centre Key Diagram which is also part of JCS 11, identifies Anglia Square as an "*Area of Change – Mixed use development site with improved public realm*", an "*Other shopping area*", a "*Main Leisure Area*" with a "*Main focus of change*" comprising residential commercial and retail. The scheme satisfies all those policy aims, which are examined further below.

- 3.5 Thus notwithstanding the lack of an SA Plan allocation, and the non-statutory nature of the PGN, there is development plan policy to support the form of regeneration that the application represents. JCS 11 - *Norwich City Centre* provides the framework for future development within the city centre, which includes Anglia Square and the surrounding area, until 2026. It anticipates regeneration to enable greater use of the city centre, including redevelopment of brownfield sites, with housing amongst the uses which will reinforce its vibrancy. Its role is to be promoted by 5 measures, including expanding the early evening economy, extending leisure and hospitality uses, strengthening retail diversity as well as other uses such as media, creative and professional services. Housing, generally at high densities, but also for families, will be provided as part of mixed use developments. It is evident that the Anglia Square proposals satisfy all these aspirations for the city centre, since first, they create flexible accommodation at ground floor devoted to a wide range of uses which would enhance the retail and local services offer, introduce an evening economy to the locality, accommodate local SMEs, community groups, makers etc within the discounted commercial units, and add leisure, hospitality and tourism uses, (on all floors for the hotel), with the associated employment. Secondly, the scheme proposes over the ground level range of uses a large quantum of residential use, which comprises high density housing, with an element of family housing at Block B, where it would fit at ground level,. The policy expects these enhanced roles to be supported by improvements to the public realm, open spaces, and walking and cycling provision, all of which would be met by the proposals for the streets and squares within the scheme.
- 3.6 With respect to the purpose of the Anglia Square PGN, it was due to the lack of an SA Plan allocation and the expiry of the NCCAAP that when the Applicant first held pre-application discussions with NCC during 2016, consideration was given to what additional policy guidance could be adopted by the Council to expand on JCS 11, so as to inform the preparation of a deliverable, viable scheme for comprehensive redevelopment of the site, acceptable in its approach to development plan policy, and to be a material consideration in any subsequent application determination. The decision by NCC to prepare and adopt the PGN for the Anglia Square locality, which the Applicant endorsed, arose in view of the potential for its concurrent adoption with submission of the planning application. Indeed, the PGN was the subject of public consultation by NCC alongside the Applicant's first public consultation exercise on the principles of a scheme, and this resulted in amendments to the PGN before its adoption. The PGN reflects the Council's longstanding intention to encourage the redevelopment of Anglia Square and thereby stimulate the regeneration of the northern part of the city centre, in the context of the high level extant statutory policy for such measures.
- 3.7 The CR 139 quotes the Vision and 9 Development Objectives within the PGN. I highlight the aspiration that the scheme should have a distinctive identity to complement the neighbouring area, which does not mean that the surrounding area should be copied by the redevelopment. Indeed, as is demonstrated by the SoCG 11 - 14, (accepted by SAVE, and with no comment by the other Rule 6 parties), those surroundings are varied in character; it is certainly not the case, also noted by Chris Miele (WH 2/1), that Anglia Square sits in surroundings that have a street layout and scale of building solely reflective of medieval origins. The objective is a relationship with the surrounding area, and this has been

addressed by the links to the surrounding streets and the permeability through the scheme, alongside the modulation of the heights of proposed buildings facing Magdalen Street, New Botolph Street and St Augustines Street as discussed by Peter Vaughan (WH 1/1). Equally, the Vision seeks enhancement of a strong and diverse Large District Centre function, serving the wider suburban areas of North Norwich, and Chris Watts (WH 5/1) describes how this would be achieved, with the full backing of the Large District Centre's trading association, (MATA).

- 3.8 Thus whilst Anglia Square may not have an allocation for new land uses, it is the major element of a Large District Centre (LDC), defined by JCS 19 - *Hierarchy of Centres*, within which JCS 11 supports new retailing, services, offices and other town centre uses at a scale appropriate to its form and function. DM 20 *Managing Change in the ... LCDs*, seeks to protect the retail floorspace in LDCs to avoid harm to their vitality/viability, by restricting the reduction in the proportion of Class A1 retail units so as not to fall below the thresholds outlined in the Main Town Centre Uses and Retail Frontages SPD, (CD3.6). I do not replicate Chris Watts' assessment, but highlight that to comply with development plan policy, any redevelopment of Anglia Square must incorporate the appropriate quantum of retail and other Main Town Centre uses to support its role as part of the LDC. Achievement of this is confirmed by the Retail Strategy Report Rev A (CD7.7), submitted with the application, and would be ensured by recommended conditions 57 - 60. This is relevant to the evolution of the application scheme, which had to ensure sufficient ground level commercial and associated uses floorspace, which in turn impacted on the quantum of residential units proposed, since the scheme needs to ensure a sufficient return on market residential dwellings.
- 3.9 The application scheme is thus consistent with those development plan policies and the SPD / PGN guidance pertaining to securing a mixed use redevelopment of Anglia Square which includes sufficient commercial floorspace for Main Town Centre uses, so as to satisfy the requirement to protect and support its LDC function, whilst vibrancy is reinforced by high density housing.

Topic: The sustainability of the Anglia Square redevelopment scheme

- 3.10 Building from the acceptability of the principle of mixed use high density regeneration of the site, the Development Plan also requires such development to be sustainable, in all its component parts identified in NPPF 8 as economic, social and environmental objectives. Chris Watts addresses the local economy (WH 6/1) and town centre / retail impacts, including cultural matters (WH 5/1). Accordingly, I comment below on the compliance of the scheme with those policies that aim for social and environmental sustainability.
- 3.11 The NPPF defines the social objective as support of strong, vibrant and healthy communities, whilst the environmental objective of sustainability is the contribution to protecting and enhancing our natural, built and historic environment. Of the examples that each list, I have already addressed the provision of a sufficient number and range of homes in Item (a), and I do not address the protection and enhancement of the built and historic environment, which are covered by the Vaughan (WH 1/1) and Miele (WH 2/1) proofs respectively. I have already dealt with the effective use of land in Item (a). Thus I detail compliance with the

policies which relate to the other environmental matters:

3.12 JCS 1 - *Addressing Climate Change* intends for all development to be located and designed to use resources efficiently, minimise greenhouse gas emissions and be adapted to climate change. To achieve this, development is to achieve the following requirements:

i Be Energy Efficient –

The Energy Statement Report Rev A (CD7.79) by Johns Slater and Haward, (JSH), Building Services Consultants, demonstrated that 18% of the estimated baseline energy requirement of the Amended Scheme would come from renewable energy, (by the use of Air Source Heat Pumps (ASHPs) for the commercial floorspace), which exceeds the 10% target quoted in JCS 3 *Energy and Water*. The report adds that there would be a 28.6% reduction in CO² emissions over baseline. The SoCG addresses energy in rows 164 – 171, noting that CR 540 – 545 presents an accurate assessment and reasoned conclusion regarding the proposal, with the NCC SoC recommended conditions 44 – 47 ensuring satisfactory scheme design and mitigation measures, incorporating flexibility for a range of measures and technologies. The Applicant agrees with these statements. CR 545 notes that whilst a site wide renewable strategy would be preferable, the cumulative effect of the approach indicates an energy reduction over the estimated baseline figures of 23%. However, the Norwich Society comment on the SoCG row 168 is that these energy efficiency measures are “disappointing”, with use of gas combi boilers for flats quoted as “unimaginative”, and that a site wide renewable strategy would be preferable.

I stress that the strategy endorsed by NCC satisfies both development plan policy and current Building Regulations. Nevertheless, the Government has announced that gas boilers will not be allowed in new build dwellings from 2025, and it is consulting on the replacement of existing Part F and Part L Building Regulations, compliance with which will be via SAP10, also the subject of current consultation. The final requirements of these changes are not yet known and cannot as such yet apply to the proposal, but in anticipation of these changes, and given that current WH large scale schemes in the planning process stage elsewhere are proposing communal ASHPs for residential elements, which could be considered at Anglia Square to satisfy condition 47, the Energy Strategy will need to be revisited. To establish the effect of a change to communal ASHPs for the residential element also, thereby enhancing the renewable energy generation element of the strategy and omitting gas boilers, WH commissioned JSH to prepare an Addendum to the above report, which is attached at my Appendix 3 (WH 4/3). This notes that whilst compliance with the full requirements of SAP10 will need to be met, which can only be confirmed once the new regulations are fully in place and the detailed design of the building and engineering services are completed, preliminary evaluation indicates that the residential communal ASHP approach would be feasible. The beneficial impact of this will not be capable of being fully calculated until the new targets are set, but the effect would be to reduce the primary energy requirement,

to significantly reduce the resulting CO² emissions and to increase the LZC proportion of the energy demand of the scheme.

ii Provide for recycling of materials

For the demolition and construction phase, a Regulation 25 request from the Secretary of State for further environmental information has resulted in the submission of the following documents:

Assessment of the Likely Significant Effects Resulting from Demolition Activities Version 2 – SES, November 2019 (CD10.2)

Draft Construction Site Waste Management Plan Version 2 – SES, 12 November 2019 (CD10.3)

These set out the significant measures to be instigated throughout the demolition and construction phases to ensure maximum recycling of materials. NCC SoC recommended condition 28 would require approval of the scheme for recycling/disposing of demolition and construction waste.

For the operational phase of the development, adequate provision has been made for recycling storage of both commercial and residential waste in accordance with DM 31 *Car Parking and Servicing*. The CR 562 confirms compliance with the policy subject to condition, and NCC SoC recommended condition 53 would require a detailed scheme for each phase to be approved.

iii Use locally sourced materials wherever possible

WH will always review all options for the supply of building materials, including locally based manufacturers and suppliers. The decision on selection must be based on financial considerations and the use of the company's own manufacturing facilities, given the importance of controlling building costs.

iv Be located to minimise and mitigate flood risk

SoCG rows 180 – 187 address Flood risk and surface water drainage, setting out the CR assessment and mitigation conditions, to which the Applicant agreed. The site is at low risk of fluvial flooding, whilst SUDs and flood mitigation measures are proposed. CR 553 records that the lead flood authority has confirmed no objection, subject to conditions. NCC SoC recommended conditions 36 – 38 would ensure these measures would be implemented. No Rule 6 party commented on this section.

v Minimise water use and protect groundwater sources

SoCG row 167 notes that the Water Efficiency Statement is an appropriate assessment. CR 562 confirms that the water efficiency arrangements comply with JCS 1 and 3. No Rule 6 party commented. NCC SoC recommended condition 44 would ensure compliance with the 2015 Building Regulations for water usage.

- vi Make the most efficient appropriate use of land, with the density varying according to the characteristics, with the highest densities in centres and on public transport routes

The city centre location and proximity of a good service level of public transport justify high density development at Anglia Square. I have already addressed the NPPF and development plan policy support for that approach, particularly in respect of the housing provision, at this site, whilst the suitability of the locality to this is covered by Peter Vaughan (WH1/1) and Chris Miele (WH2/1) with respect to their relevant issues.

- vii Minimise the need to travel and give priority to low impact modes of travel

The scheme is located such that its residents could easily walk or cycle to a wide area of the city centre and its facilities. Ample provision is made in convenient locations around the site for secure storage of residents' bicycles, and for parking visitors' cycles, whilst the proposed improved pedestrian / cycle crossing points on all boundaries of Anglia Square would encourage those modes of travel to be used. The proximity of bus routes, the improved bus stopping arrangements on Magdalen Street, and the off-carriageway service / taxi / car club bays on Edward Street and Pitt Street which will assist bus movements in the vicinity will jointly encourage use of buses by residents and shoppers or other visitors. The car club provision and Electric Vehicle (EV) charging facilities in the public and residential car parks would assist in reducing the air quality impact of those journeys to and from the site that are made by car.

- viii Be designed to mitigate and be adapted to the Norwich urban heat island effect

The landscape masterplan illustrates the proposed tree planting, podium gardens, green roofs and green walls which collectively can be beneficial in reducing the effects of buildings on the environment. The opening window strategy allows regulation of internal heat levels, and the layout and connections between the podium gardens (eg between Blocks E and F), will allow residents to find a shady outdoor spot if they so wish.

- ix Improve the resilience of ecosystems to environmental change

Protect, maintain, restore and enhance the environmental assets of the area

Expand and link valuable open space and areas of biodiversity importance to create green networks

Ensure no adverse impacts on European and Ramsar designated sites and European protected species in the area, and

In areas not protected through international or national designations, contribute to providing a multifunctional green infrastructure network, and make provision for its long term maintenance

The scheme mitigates its impact on the environment as noted above, and as reported in the ES Chapter 12 *Ecology*, (CD4.86 ES Volume 2 (1), which concluded that the scheme is compliant with the requirements of the Conservation of Habitats and Species Regulations 2017, and as subsequently covered by the *Note of Clarification to provide further information for Habitats Regulations Assessment*, (CD8.2), which concluded at para 8.9 that “*the proposed development is in accordance with the requirements of the Habitats Regulations. It is in line with the Greater Norwich Green Infrastructure Delivery Plan and Local Plan Policies DM3, DM6 and DM8*”.

The proposed s.106 Agreement allows for a Green Infrastructure Contribution to mitigate the scheme’s impact on European designated sites for any Phase if granted CIL Exceptional Circumstances Relief. This would be used to ensure extension and enhancement of the Green Infrastructure network close to the site via either CIL or a direct contribution.

3.13 JCS 2 – *Promoting good design* covers matters beyond those I am addressing, but also aims for development to respect local distinctiveness, including:

i Provision of landscaping and public art

The landscape masterplan illustrates the integration of the hard and soft landscaping design with the public art play trail that is woven throughout the scheme, but mindful of the different purposes of the sections of street and the two squares proposed. This will enhance biodiversity, social integration, site permeability and the creation of a distinct place, linked to its local history.

ii The need to ensure cycling and walking friendly neighbourhoods that do not prioritise the movement function of streets at the expense of quality of place

The design of the streets and squares evolved through consultation with both NCC officers and the public consultation process pre and post submission of the application. Changes to their design were made as part of the Amended Scheme, reflecting the balance needed between ease of movement for cyclists, especially those on the Yellow Pedalway, and the creation of a vibrant destination for shoppers and visitors. Part of the compromise on these objectives was the creation of a 3m wide landscaped shared alternative route around the scheme along New Botolph Street, Pitt Street and St Crispin’s Road. This would be a shared route for cyclists that would be less conflicted by street furniture and pedestrians and was specifically requested by NCC.

iii The need to increase the use of public transport, including through public transport oriented design

The legible route through the site from St Augustines Street to Magdalen Street will create a strong link between the bus services on the latter and the pedestrian – focused place to be created.

- iv Designing out crime
Secure by Design has been addressed under Item (a).
- v The use of sustainable and traditional materials
Appropriate materiality to create a distinctive sense of place suited to Norwich is addressed by Peter Vaughan (WH 1/1).
- vi Need to design development to avoid harmful impacts on key environmental assets, eg SACs, SPAs and Ramsar sites

The scheme has been shown to be consistent with this via JCS 1.

3.14 JCS 3- *Energy and Water*: the scheme has been shown to be consistent with the relevant energy requirements via JCS 1. In respect of water, the policy links release of land for development with there being sufficient water infrastructure, and in this regard Anglian Water has not indicated an issue with the water main capacity in the locality to serve the proposed development. In respect of disposal of water, they advise that no reinforcement of the foul sewer network is needed to serve the scheme, and the FRA Part 2 (CD4.88) para 4.14 submitted with the application indicates that as a result of the introduction of SUDs and other mitigation measures such as green roofs, the scheme when implemented would achieve a 50% reduction in water entering the surface water sewer system. This constitutes a sustainable and welcome benefit of the proposal.

3.15 JCS 7 - *Supporting Communities*: to strengthen community cohesion, deliver thriving communities, tackle social deprivation and meet diverse needs, facilities and services must be available as locally as possible, accessible on foot, by cycle and public transport. With these aims,

- i Health Impact Assessments are required for large scale housing proposals
SoCG rows 193 – 197 cover Health Impact, noting the HIA Report (CD4.89) submitted, and that CR 556 – 561 provide an appropriate assessment and conclusion, with recommended conditions and s106 obligations to mitigate the adverse impacts in accordance with NPPF 55. The CR 560 notes the HIA prediction of beneficial impact in the operational phase. No Rule 6 party commented other than Norwich Society considering that DM 22 *Provision and enhancement of community facilities* is also relevant.

- ii Healthier lifestyles will be promoted by maximising access by walking and cycling and providing opportunities for social interaction and greater access to green space.

I have demonstrated above how all these objectives would be satisfied. I have noted the proposed s106 Sustainable Communities Strategy which aims to ensure the development would be socially sustainable.

- iii Development will be well designed to include safe and accessible spaces where crime and fear of crime are minimised

The potential to satisfy SbD requirements has been indicated above in Item (a).

- iv Provision will be made for sufficient, appropriate and accessible education opportunities

The CR 76 reports that Norfolk County Council comment that taking account of this and other developments, there is spare capacity at High School level and with the opening of a new Free School, within the Early Education and Primary School level. No claim for funding as a result of the Anglia Square scheme was made.

- v Provision will be made to ensure equitable access to new and improved community halls, including new provision, with facilities for use by a wide range of groups including faith communities

The scheme includes the re-provision of Surrey Chapel with facilities that would serve the wide range of activities that it already provides to the community. The s.106 Agreement will require approval of a Commercial Management Workspace Plan, for the flexible use discounted commercial units to be provided, with occupation aimed at local SMEs and community groups. This will provide new purpose built accommodation on affordable easy access terms.

- vi Integration and cohesion within and between new and existing communities will be promoted

The s.106 Agreement measures via the proposed Sustainable Communities Strategy have already been noted.

3.16 JCS 8 – *Culture, leisure and entertainment*: the scheme proposes a multi-screen cinema, adjoined by restaurants and bars in St George’s Square to create a leisure focus within Anglia Square. Community consultation has identified a desire for a range of cultural facilities as part of the redevelopment of Anglia Square, including a concert hall, theatre, and art gallery. These have not been presented as funded proposals, and the PGN does not require such facilities. Chris Watts (WH 5/1) addresses the existing cultural offer within close proximity of the site which would be available to the scheme’s residents who would in turn be providing the benefit of their further support. The policy seeks the following:

- i The development of new or improved facilities including those supporting the arts, street events, concerts and the creative industries sector will be promoted.

Development will be expected to provide for local cultural and leisure activities, including performance space

The scheme would directly satisfy these objectives in a number of ways, with the design of Anglia Square being suited to a variety of types of event, as illustrated in the Landscape Strategy Addendum, (CD7.85). The proposed shelter could be extended with temporary panels in order to provide cover for say a band or theatre company, allowing use of the square for music or theatre events. Alternatively the

space could be arranged to accommodate a market event. Additionally, the s.106 Agreement will include measures to ensure the realisation of the “Under the Flyover Works”, which will create a box park arrangement or some other landscape improvements to the area under the flyover immediately south of Anglia Square, intended for occupation by artists, makers, leisure / food and beverage outlets and similar. The obligation would be for a scheme for public realm works (in accordance with planning approval ref 18/00956/F or such other approved scheme) to be completed within an agreed period of months of commencement of the Anglia Square development or payment of a financial contribution in the alternative. This area would be maintained by the landowners, or by the Council if agreed, in which case a maintenance contribution would be payable.

- 3.17 I have demonstrated above that the scheme is compliant with the JCS policies relevant to the social and environmental objectives of sustainable development. The following policies in the DM Plan (CD2.3), which also include elements of those objectives take the quoted JCS policies as their root. Accordingly, without setting out the same analysis and justification again, I conclude that the scheme is also compliant with these detailed policies:

DM 1 – Achieving and delivering sustainable development

DM 3 – Design Principles

DM 5 – Flooding

DM 6 – Protecting and enhancing the natural environment

DM 7 – Trees and development

DM 8 – Open Space

DM 22 – Planning and Safeguarding community facilities

DM 28 – Encouraging Sustainable Travel

4 Summary and the Planning Balance

- 4.1 The basis by which planning applications must be determined is prescribed by the Planning and Compulsory Purchase Act 2004, whereby s.38(6) requires the determination to be in accordance with the development plan unless material considerations indicate otherwise. In this case, given the location of the site relative to heritage assets, ie within the Norwich City Centre Conservation Area, (CCCA) and within the setting of numerous listed buildings, regard must also be had in the determination to the requirements of the Planning (Listed Building and Conservation Areas) Act 1990, whereby s.66(1) requires that special regard be given to the desirability of preserving a listed building or its setting and s.72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 4.2 The judgement on the desirability of that preservation or enhancement is tempered by NPPF Chapter 16 – *Conserving and enhancing the historic environment*. To identify the correct

policy to apply, it is necessary to consider the degree of harm that the proposals cause to heritage assets. In this regard, Chris Miele (WH 2/1) has set out his judgement on behalf of the Applicant that with the impact being “less than substantial harm”, NPPF 196 is engaged. In the SoCG, both NCC and Historic England agree with the assessment against this paragraph, which states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 4.3 It is therefore necessary to consider whether it is in this case appropriate to identify the “optimum viable use” noted in NPPF 196. In this application, the locally listed buildings at 43-45 Pitt Street would be demolished, and would therefore have no future use, optimum or otherwise. However, their demolition has been previously approved for the earlier permissions at Anglia Square, and Chris Miele states that *“any harm consequent on their demolition must be decisively outweighed by the benefits ... described”*. Otherwise, the scheme has no direct impact on any individual listed building, and so no optimum use of any other building is necessary to consider. Clearly it is the conservation area within which Anglia Square is sited that is directly affected, and therefore to assist in the consideration of NPPF 196, reference should be made to the NPPG (CD 1.2) Ref ID: 18a-016-20190723 which states:

“‘Area-based’ designated heritage assets such as ... conservation areas will not themselves have a single use Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets.”(my emphasis)

- 4.4 To assist in the assessment of public benefits, NPPG Ref ID: 18a-020-20190723 states:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.”

- 4.5 The assessment of benefit must be informed by NPPF 192 (c), whereby LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, and NPPF 200 which states that LPAs should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 4.6 To undertake the process of weighing less than substantial harm against the public benefit, it is first appropriate to quantify the extent of any harm. To do this, Chris Miele summarises his assessment of the impact of the scheme on the conservation area and listed buildings with which it interacts, as follows:

1.1 I find an enhancement to the CCCA as a result of the regeneration of Anglia

Square. A grant of consent would, therefore, in my view, be consistent with the terms of Section 72(1) of the 1990 Act and for reasons set out above.

1.2 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'.

1.3 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.

1.4 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.

1.5 The harm identified may be justified in the terms of paragraph 196 (see above).

- 4.7 *Thus it is in the context of the enhancement to the CCCA, residual harm to heritage assets around the site, some less than substantial harm balanced against a public benefit for the Wensum Street and Fye Bridge assets, and limited less than substantial harm to two aspects of the Cathedral's setting, that the public benefits of the scheme should be assessed.* The starting point for assessment of the public benefits is the SoCG, rows 201- 210, which lists the scope of these as agreed between NCC and the Applicant. I address these in the order of the Secretary of State's items for consideration, which I also summarize.

1. Item (a)] of the Secretary of State's letter of 21 March 2019: – the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes, [to meet identified housing need] (NPPF Chapter 5);

- 4.8 The NPPF seeks to significantly boost the supply of homes and to ensure that LPAs identify a sufficient supply and mix of sites, in order to meet the assessed housing needs for different groups in the community. Currently, using the JCS targets, NCC can only show a land supply that equates to just 3.94 years, which is below the requirement for a 5 year supply. However, applying the required 'standard method' NCC can now show a HLS of 6.82 years, although this does not address the Council's evidence that housing completions have remained below JCS targets for the plan period to date, and that there is a substantial housing waiting list in the city. Thus any new housing provides a public benefit of reducing existing housing need, provided it meets the identified requirements of specific groups.
- 4.9 The proposal is for up to 1250 dwellings comprising a mix of 9 x 3 bedroom houses and up to 678 x 2 bedroom and 563 x 1 bedroom flats, of varying sizes and tenures. This would include at least 120 affordable dwellings, comprising 9 x 3 bed houses and 93 x 1 bed flats as social rent, and 18 x 1 bed flats as intermediate (affordable rent) units. A total of 393 flats would be provided in Phase 1. NCC have calculated that the proposal would deliver 2.06 years of the city's housing supply needs which would be built out over a 10 year period. The Council requested that all the affordable units other than the houses comprise 1 bed flats, because

of a significant identified need for rental units of that size in the NR3 postcode area. All the affordable dwellings would therefore meet known need in the locality. There is also a known requirement for 1 and 2 bedroom market housing, which, given the location, and the need for this to be arranged over ground level commercial uses, is a very appropriate form of dwelling for the site.

- 4.10 The dwellings will each satisfy required space standards, benefit from balconies and / or communal podium gardens, have a single dedicated ground level entrance, and a secure communal cycle store, which indicate a good standard of accommodation.
- 4.11 The location of the site is highly sustainable, enabling all residents to choose walking, cycling, and bus transport for many of their journeys within the city. Many shops, services, community facilities and areas of open space would be in close proximity.
- 4.12 Overall, I conclude that delivery of the total number, size mix, tenure mix, and quality of the proposed dwellings in a highly sustainable location would be consistent with NPPF and development plan objectives for housing delivery, and thus represent a notable and weighty public benefit.

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

- 4.13 The NPPF identifies that significant weight should be placed on supporting economic growth, taking into account both local business needs and wider opportunities for development. Chris Watts has addressed this matter,(WH 6/1) and highlights the following public benefits in his conclusions:
- 4.14 Delivery of this mixed use redevelopment, which is a long-standing policy objective for NCC, will concurrently remove a blight on the northern city centre which discourages investment, and act as a catalyst for the area's wider economic generation, signalled by the £270m investment that it represents.
- 4.15 The 10 year construction period will support a significant number of jobs and allow for the training of the local labour force to assist long term career development. The direct construction employment would be an average of about 250 – 300 jobs per day, augmented by a further 400 – 800 indirect jobs, over the construction period.
- 4.16 The completed development could support between 535 – 762 permanent jobs, representing an uplift of between 305 – 582 direct jobs, (from a baseline that is likely to decline further as more of the current Anglia Square development falls vacant). There would also be a further 60 – 118 indirect jobs.
- 4.17 The proposals would reduce levels of deprivation in this area, (one of the 10% most deprived neighbourhoods in the country), by boosting the local housing supply, including with at least 120 affordable dwellings, and thereby increasing local expenditure to support local shops and services, with further employment benefits to the area. This is endorsed by the local traders' association, MATA.

4.18 Overall, I conclude that the proposed scale of investment in north Norwich, (which has long suffered from underinvestment and social deprivation), symbolised by the scheme's marker building, would act as a catalyst for further growth, assisted by 10 years of substantial numbers of construction jobs, developing into strong scope for permanent jobs growth, and support for other local businesses and services. This would be consistent with NPPF and development plan objectives for economic growth, and thus represents a notable and weighty public benefit.

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

4.20 The NPPF expects developments to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaptation. Chris Watts has addressed this matter also, (WH 5/1) and concludes that:

4.21 Anglia Square is a principal but declining part of the Anglia Square and Magdalen Street Large District Centre, (LDC), which currently lacks diversity and leisure facilities and therefore does not at present fulfil its role as the focus of the LDC. By contrast, the scheme, managed within the proposed parameters of the recommended planning conditions which would see implementation of the Retail Strategy Report Rev A, (CD7.7), would significantly enhance its retail and leisure function, thereby assisting the overall function of the LDC, with benefits to other retail and service businesses.

4.22 The proposals comprise a vibrant mix of uses (and spaces) capable of supporting creative occupiers and events. In particular:

- i. the discounted commercial floorspace for locally based SMEs or start-up businesses, including artists / makers / community groups
- ii. the two public squares – Anglia Square and the larger St George's Square , which would provide opportunities for markets and outdoor events such as festivals, outdoor theatre and music; and
- iii. the 'Under the Flyover' scheme, which has planning permission and comprises pre-fabricated shipping or 'box' containers for flexible uses, market stalls and event space. This 'meanwhile use' would be delivered early in the redevelopment programme, subject to the terms of the s.106 agreement being negotiated for the current application.

4.23 I also note that the new resident population and the proposed range of uses will broaden the hours of operation of the site's commercial uses, in particular encouraging an evening economy, which would have benefits to the wider LCD and also the perception of Anglia Square and Magdalen Street as an attractive and safe venue to visit throughout the day and evening.

4.24 Overall, I conclude that the proposed range and quantum of Main Town Centre uses with new dwellings located above, will enhance and have a positive impact on the LDC; a position that is supported by the Government's policy for town centres. This would be consistent with

NPPF and development plan objectives for enhancing the vitality of town centres, and thus represents a notable and weighty public benefit.

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

4.25 The evolution of the scheme design so as to integrate with the surrounding conservation area and connect the site to its context, and the manner in which the layout, design, massing and materiality is reflective of that context is addressed by Peter Vaughan (WH 1/1). The manner in which the resultant scheme interacts with the CCCA and individual heritage assets in terms of their setting has been addressed by Chris Miele, and I do not summarise his conclusions again. However, in identifying public benefits, I do note that the SoCG row 210 lists the 5 heritage benefits that NCC and the Applicant have agreed would flow from the development. These, in particular, the establishment of framed views of St Augustine's Church and the Anglican Cathedral from within Anglia Square, would assist in better revealing the CCCA, in accordance with NPPF 200. Additionally, the creation of a high quality attractive, landscaped public domain throughout the scheme would make a positive contribution to local character and distinctiveness, in accordance with NPPF 192.

4.26 Overall, I conclude that the creation of a distinctive high quality public domain of streets and squares, following legible routes that link to surrounding streets, and incorporating newly established framed views of St Augustine's Church and the Cathedral, thus better connecting Anglia Square to its context, would represent improvements to the Anglia Square Character Area within the CCCA. The tower would also represent a public benefit in wayfinding, (legibility), being a marker of the regenerated Anglia Square, and the 'entertainment hub' of St George's Square in particular. This would be consistent with NPPF and development plan DM 9 objectives for enhancing the conservation area, and thus represents a notable and weighty public benefit.

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

4.27 I examined this issue in respect of matters not covered already by Items (a) to (d), or in respect of which reference has been made by the relevant witnesses to development plan policy. In addition, I indicated that I share the view of NCC that the emerging GNLP should be afforded very little weight in the determination of the application. The Reg 18 Consultation version of the GNLP is yet to be published, and therefore I have not reviewed policy from the emerging plan.

4.28 In respect of the principle of mixed use redevelopment of Anglia Square, the Council has long included this objective in its development plan and associated documents. JCS 11 establishes the framework, with Anglia Square identified as an Area of Change for a mixed use development with improved public realm. Residential, retail and other commercial uses are all sought. Whilst the NCCAAP provided further detail, but has expired, the Anglia Square PGN has provided a non-statutory replacement which was the subject of public consultation and adoption by the Council, and thus is a material consideration. The PGN sets out a vision

and 9 development objectives, all of which are satisfied by the proposals. The vision seeks a “*distinctive identity that complements the neighbouring area and reflects its location in the heart of the historic northern city centre.*” The neighbouring area is in fact varied in character, scale, function and appearance, with influences from many centuries of the development of this area. The proposals create an urban high density vibrant quarter with its own distinctive character, which is appropriate given the size of the site. The new permeability via streets and squares, the new visual links into and out of Anglia Square which assist route legibility and connections to the surrounding area, the proposed active frontages to the roads around the site boundaries, and the proposed scale of buildings along those boundaries where nearby buildings are lower or historic, all collectively assist in securing a positive relationship in built form to the surrounding area in compliance with the PGN.

- 4.29 The site is heavily constrained by the need to demolish a considerable scale of existing buildings, mitigate previous contamination, undertake extensive archaeological investigation, reroute sewers, re-provide 3 sub-stations, construct a replacement Surrey Chapel to release a major gateway site, undertake off-site highway works to improve the Yellow Pedalway north of the site, move bus stops to Magdalen Street with a new layby to avoid additional bus congestion, introduce new pedestrian / cycle crossings on 3 boundaries, and provide laybys for deliveries, taxis and car club vehicles. All this is needed in addition to rebuilding the shopping centre, multi-storey car park and cinema to better meet the LCD role, and create enhanced landscaped streets and squares as an improved environment for north Norwich. Only with all these elements provided, together with at least 120 affordable dwellings, can the scheme seek a return from the sale of market flats, which even with Phase 1 comprising market units, will result in a considerable time elapse before any return on the expenditure. Francis Truss (WH 3/1) demonstrates that with the dwelling numbers proposed, this is viable commercially, and he explains why this is deliverable by the combination of Columbia Threadneedle Investments and Weston Homes. This has a bearing on the scale of the proposed development, but as set out elsewhere, the quality of the homes and the shopping centre / public spaces is not compromised. The scheme supports the objectives of policies relating to sustainable development, including encouraging trips by low impact modes of travel, (see below), improving biodiversity, protecting designated sites and species, and energy efficiency. In respect of the latter, the Energy Statement Report Rev A Addendum (Appendix 3, WH 4/3), indicates how further changes to the Energy Strategy that already satisfies JCS 1 and DM 1, will be considered as new Building Regulations are introduced. These have the potential to further reduce CO² emissions and increase the proportion of LZC energy generation within the scheme. Thus delivery of the proposal would comply with policies JCS 1, 2, 3, 5, 7, 8, 11, and DM 1, 3, 5, 6, 7, 8, 22 and 28.
- 4.30 In respect of encouraging trips by sustainable modes of transport, Martin Paddle (WH 7/1) has addressed Transport, Highway and Accessibility matters. He has noted the following mitigation measures which will be provided by the scheme so as to discourage use of private cars and conversely encourage other modes for trips generated in respect of the development, and also to assist in encouraging walking, cycling and bus use by others passing by Anglia Square:

1. Widening and improving the nature of roads surrounding the site;
2. A new north – south route through the development which effectively reinstates the historic route along the former Botolph Street;
3. Improved pedestrian and cycle crossings to improve wider connectivity;
4. Significant secure cycle storage across the proposed development;
5. Extension of the 'Yellow Pedalway,' connecting with the shared facility along Edward Street;
6. Shared pedestrian/cycle route along Pitt Street as requested by NCC, as an alternative route to travelling through the Application Site.;
7. Provision of a new bus lay by along Magdalen Street and relocation of a bus stop from Edward Street to Magdalen Street;
8. Access improvements to a new MSCP from Edward Street;
9. Provision of charging points for Electric Vehicles (EVs);
10. Variable Message Signs to advise motorists of the availability of parking spaces;
11. Provision of seven car club vehicles, with 5 spaces within the scheme;

4.31 *Overall, I conclude that these mitigation measures are further public benefits of the scheme which in combination will assist in reducing private car usage associated with the development and by others passing the site, and encourage take up of EVs, thereby helping to reduce pollution levels in the surrounding area. This would be consistent with the NPPF and the development plan policies noted after Mr Paddle's conclusions below, and thus represents a notable and weighty public benefit.*

4.32 In summary, his conclusions are that:

- a) The site is in a sustainable and accessible location and would provide a range of travel choices for future residents and employees in accordance with the NPPF 2019;
- b) The trip generation and the potential impact on the local road network is acceptable; the proposed improvements are proportionate, and meet the tests in NPPF 56;
- c) The introduction of pedestrian and cycling infrastructure within and around the Site would allow choice and influence the behaviour of future residents and employees;
- d) The use of 'shared' space to accommodate pedestrians, cyclists and vehicles is safe and acceptable, consistent with NCC's current approach to urban spaces elsewhere and mindful of current Government guidance and research;
- e) The residential and commercial Travel Plans will maximise the opportunity to influence the behaviour of future residents and employees;

f) NCoC confirm the residual cumulative impact of traffic on the highway network would be minimal, due to reduced residential parking, the Travel Plans and proximity to local facilities

g) NCC confirm that the development would not have a severe residual cumulative impact on the surrounding highway network, thus satisfying NPPF 109; and

h) Finally, based on his evidence, there are no sustainable reasons on transport, highways and accessibility grounds to prevent the Secretary of State granting planning permission.

4.33 Accordingly, in respect of these issues, I conclude that the scheme is consistent with JCS 6, DM 28, 29, 31 and 32 as noted in the SoCG row 125, and with NPPF 102 – 111 (SoCG row 126), and that the effect of the development on the surrounding highway network is not harmful and thus should not be weighed against the public benefits of the scheme.

Item (f) Any other matters the Inspector considers relevant:

The Effect of the proposal on Air Quality

4.34 The Inspector identified this matter to be relevant, and this has been addressed by the Applicant via the following process. First, in order to take account of the delay to the commencement of the proposal caused by the call-in process, a new date for full occupation of 2031 has been applied to the modelling rather than 2028 which was used in the Air Quality Assessment (AQA) Version 2 (CD7.81 SEI (v)), submitted in September 2018 as one of the Amended Scheme documents. This has also led to consideration of the likely changing Government policy position on addressing climate change via, inter alia, changes to the national fleet of vehicles, which will have been implemented by 2031. In order for the updated AQA to be based on relevant traffic predictions, the Transport Assessment (CD4.86 ES Volume 3 (h)), and its Addendum (CD7.81 SEI (r)), have also been updated to model traffic flows for 2031. Additionally, in response to the objections raised on behalf of Norwich Cycling Campaign, a 'proxy re-use' scenario has been modelled, which considers the impact of predicted traffic levels for local roads should the site be re-used as the existing lawful planning uses allow. The traffic and air quality modelling has been updated on this basis, using the following scenarios:

1. 2018 Baseline
2. 2031 Without Development & No Government Policy [on the national fleet] Applied
3. 2031 With Development & No Policy Applied
4. 2031 Proxy Re-use & No Policy Applied
5. 2031 Without Development & Policy Applied
6. 2031 With Development & Policy Applied
7. 2031 Proxy Re-use & Policy Applied

4.35 The updated traffic modelling is described by Martin Paddle (WH 7/1) and not repeated here since its role is to inform the updated AQA

4.36 The Air Quality Assessment evidence is presented by Melanie Hobson, who notes that the site's sustainable and accessible location, the range of travel choices for future residents and employees with less reliance on private vehicles, in accordance with the NPPF 2019, results

in the air quality impact of the development being minimised.

- 4.37 As outlined in the Council's 2019 Annual Status Report, (CD10.4), overall air pollutant concentrations within the Council's Air Quality Management Area are falling and in 2018, only two locations exceeded the objective. Concentrations are predicted to continue to fall as a result of the uptake of measures outlined in NCC's air quality action plan together with national policies to improve air quality.
- 4.38. In summary, the dispersion modelling results in a 'without development' and 'no policy applied' scenario, are a conservative estimate, as improvements are expected. In the 'policy applied' scenario, no exceedances of any of the objectives are predicted.
- 4.39. Even in the 'with development' and 'no policy applied' scenario, a negligible impact is predicted at the majority of locations when compared to the current site use. When compared to the 'proxy re-use' scenario, an improvement is predicted in the majority of locations.
- 4.40. Ms Hobson concludes that NCC was correct not to raise an air quality objection to the redevelopment of this site as proposed. I conclude that accordingly the effect of the development on air quality is not harmful and thus should not be weighed against the public benefits of the scheme.

Viability and the prospects for delivery of the scheme as a whole

- 4.41 This is addressed by Francis Truss,(WH 3/1), who concludes on viability that the scheme has a profit level within the suggested range of the PPG, a relatively healthy Internal Rate of Return, and reasonable potential to achieve long term growth as a non-standard scheme addition to Norwich, resulting in it being deliverable. The proposed 10% minimum level of affordable housing is probably more than the reasonable maximum provision in policy terms, but Weston Homes is committed to this, and he is satisfied that this is a rational and appropriate decision.
- 4.42 Further, he concludes that the scheme, with its public sector support presents a credible and deliverable proposition to implement on a difficult site as per CR 600 and 601. The Scheme is deliverable but does not exceed the reasonable target profit for a scheme of this nature as per CR 596 and 597. Since this report, the viability of the scheme has been marginally reduced.
- 4.43 Thus Mr Truss found the scheme to be viable as appraised as a development project and credible to deliver in view of the combination of the landowner and developer in question, but with the time-limited public sector support of the HIF grant. Furthermore, he found the proposed quantum of affordable housing, being at least 10% of units, to be probably more than can reasonably be provided. I note that the proposed s.106 Agreement ensures this level of provision, as a minimum, and incorporates mechanisms to secure a greater proportion or financial contributions should the viability of the scheme be found to have improved at later prescribed stages.
- 4.44 Accordingly, I conclude that the viability circumstances of the scheme justify the (minimum)

10% affordable housing provision, in accordance with development plan policy JCS 4 and the Affordable Housing SPD, and demonstrate that it is a credible and deliverable proposition. The affordable housing provision in those circumstances represents a public benefit, which will only be secured through implementation of the scheme.

Conclusion on the Planning Balance

- 4.45 The current Anglia Square development is visually harmful, comprising principally poorly designed buildings which are largely vacant or derelict (or in meanwhile uses) in upper floors over shops (some also vacant), and uninviting public space, alongside unmade open car parking land. Thus it represents a gross underuse of this highly sustainably located brownfield site, which is generally unused during the evening or when the shops are closed. That poor visual appearance is acknowledged by NCC to cause harm to the CCCA, and is a highly visible indication of the decades-long period within which there has been a lack of investment in the northern city centre, which is self-perpetuating.
- 4.46 The Council has long sought the redevelopment of Anglia Square in order to rid the city of the current blight, and take advantage of the location to secure, via a comprehensive scheme, a vibrant mixed use addition to the northern city centre that will act as a catalyst for the further investment that would benefit the area. This aspiration has been evidenced by a series of development plan documents' policies, and indeed the Council's clear support for this application. The current position should be evaluated in the context of the previous proposals for the site for which the Council has granted planning permission in the hope of achieving this objective, but which have failed to be delivered.
- 4.47 The difference now is that, as concluded by Mr Truss, the current scheme is viable as a development proposal, and would be deliverable. This rests on the circumstances of:
1. the joint venture between the landowner and Weston Homes, who are both appropriate parties for the long-term approach needed to build out this complex scheme on this constrained site to the high standard proposed;
 2. the scheme in question benefiting at present from the Homes England HIF grant public subsidy offered on a time-limited basis; and
 3. the Council's decision to offer financial support in the form of adopting a CIL Exceptional Circumstances Relief policy subject to conditions which the scheme is expected to satisfy.
- 4.48 The delivery of this scheme to achieve the Council's aims for Anglia Square, the northern city centre and indeed the city as a whole cannot be underestimated. There are numerous quotes to support that assessment, and taking just one, NCC states in its SoC, at 9.3
- "It is the Council's view that Anglia Square is the most significant development opportunity in the northern part of the city centre and one of the Council's most important regeneration priorities."*
- 4.49 The importance of this objective has been recognised at each end of business community organisations in the area, from MATA, the traders association for the LDC, to the New Anglia Local Enterprise Partnership for Norfolk and Suffolk,(the LEP), and Norwich Airport together

with the Borough of King's Lynn & West Norfolk, Breckland Council, and Norfolk County Council, all of whom wrote to the Secretary of State to urge that this application not be called in, so that the resolution to grant planning permission taken by NCC could be confirmed via a decision and implemented as early as possible. As expressed by the Leader of Norfolk County Council:

"In all it is a £270m investment in one of the most deprived wards in the City which will result in significant increases in permanent employment in addition to providing a massive temporary boost through the construction spend. It will build confidence in the local market, remove the blight created by the existing Anglia Square and pave the way for further development in the Northern City Centre area. Norwich is the largest economic centre in the East of England and identified as a key location for growth in the Economic Strategy for Norfolk and Suffolk.

The scheme is therefore of significance not just to the city, but to the region as a whole, and its development would be a huge vote of confidence in our local economy and a sign the region is open for business."

4.50 Taking all the notable and weighty public benefits that I have described, together, in the context of development plan compliance, overall, I conclude that the delivery of this scheme would introduce a range of uses that will create a revitalised vibrant shopping centre with a leisure function extending the evening economy of the area, together with a significant number of dwellings, including affordable homes, (in this case meeting, inter alia, the identified needs of small households within the NR3 postcode on the Council housing waiting list seeking social rented accommodation), in a high density arrangement. This would make efficient use of this highly sustainable location, and with the mitigation measures noted, would encourage sustainable modal choices for associated trips. It would also achieve the creation of a distinctive character to the site, including a high quality landscaped public domain of streets and squares, capable of hosting a range of outdoor events, whilst improving permeability through the site and better connecting Anglia Square to its context. This would be consistent with NPPF and development plan objectives for:

- achieving the long desired comprehensive redevelopment of this site;
- delivering homes to meet identified need;
- ensuring sustainable forms of development (eg in respect of construction methods, energy and water efficiency and reducing surface water volumes entering the sewer system via SUDs and other measures);
- making efficient use of brownfield sites in highly sustainable locations,
- improving the local economy via investment and job creation,
- ensuring the vitality and viability of the Anglia Square Magdalen Street LDC by enhancing and re-invigorating the role of Anglia Square as the principle part of this LDC,

- encouraging residents, shoppers, staff and/ visitors associated with the scheme to make their trips to and from via low impact modes of transport.
- enhancing the bio-diversity of the site and improving the connected green infrastructure;
- creating a development that offers a safe and healthy environment which encourages social integration with the existing community as well as between its residents,
- introducing high quality public conveniences, including a specialist “changing places” facility to meet social integration and community facilities requirements, as a replacement for the very basic conveniences currently at Anglia Square
- achieving an attractive long-term active and community-focussed solution to the ‘Under the Flyover’ space which currently is visually harmful psychological barrier between the rest of the city centre and the northern city centre neighbourhood

4.51 Accordingly for the reasons set out above, I conclude that delivery of this scheme would represent a notable and weighty public benefit. This would more than balance the limited extent of less than significant harm as concluded by Chris Miele, thus satisfying the requirements of NPPF 196 for the application to be approved. In fact, I consider that the degree to which the planning balance is tipped in favour of approval by the weight of the public benefits would more than counterbalance the level of harm found by Mr Miele such that even a greater level of harm would be outweighed.

4.52 At this point, it is also relevant to consider the implications of refusal of this application on the future of Anglia Square and the northern city centre area that surrounds it. I consider that such an outcome could result in:

1. The loss of the financial assistance of Homes England’s Marginal Viability HIF without which an alternative scheme could be unviable;
2. The difficulty for the landowner in securing a suitable future joint venture arrangement for a comprehensive redevelopment of the site;
3. The likelihood of 1 and 2 above leading to the sale of the derelict open car park sites for separate development, resulting in great difficulty in achieving a masterplanned comprehensive proposal for the entire site to include the current Anglia Square buildings;
4. In light of 3 above, the likely continued presence of the current shopping centre surmounted by vacant, derelict and visually harmful buildings, which would be too difficult to remove whilst the shopping centre remains operational;
5. The lack of incentive for the landowner to demolish the existing buildings, upgrade the shopping centre and the public domain, or refurbish and convert any of the buildings;
6. The continued decline in the appearance and role of Anglia Square, which would impact adversely on the character and function of Magdalen Street;

7. Other public benefits to the public domain and highways surrounding the site not being achieved, thereby not encouraging greater use of low impact modes of transport in the area;
8. The 'Under the Flyover' space remaining an unattractive barrier separating the northern city centre from the remainder of the city centre;
9. The signal that the above outcomes would give that the northern city centre continues to be incapable of achieving investment to secure regeneration;
10. The added pressure on the City Council to allocate or otherwise allow greenfield sites at the periphery of Norwich to be developed for housing, with the resultant greater likelihood of residents' trips being undertaken by private car, countryside character and bio-diversity being harmed, and the businesses and services of the northern city centre being denied the economic boost of the growth in population that the scheme would bring;
11. The lack of increased opportunities for construction and operational phase direct and indirect jobs around Anglia Square;

4.53 It is a principle objective of Government planning policy in the NPPF to secure the regeneration of failed sites such as Anglia Square, via a sustainable form of development. Norwich City Council has long identified through its development plans this particular site as being in need of comprehensive mixed use redevelopment, and I have demonstrated that the current application satisfies both NPPF and Development Plan policies. I conclude that the combination of the numerous public benefits of the scheme, set against the limited harm to heritage assets, with no harm to the operation of the road network or air quality, and in the context of the potential for serious harm in many ways if the current situation continues, provides a compelling case for the application to be approved.