



TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 AND TOWN AND COUNTRY
PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

STATEMENT OF CASE OF THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION
FOR ENGLAND (HISTORIC ENGLAND)

Application for planning permission for the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm areas, Anglia Square, Norwich, by Weston Homes PLC.

Local Planning Authority Application reference: 18/00330/F

PINS reference: APP/G2625/V/19/3225505

1. Introduction

- 1.1. This Statement of Case is submitted on behalf of Historic England following the Secretary of State's decision to have the application by Weston Homes for the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street, Norwich, referred to him for his own determination.
- 1.2. Norwich is one of England's – and Europe's – great historic cities. Anglia Square comprises an extensive comprehensive redevelopment of the 1960s. Never completed, and now in large part disused above its ground floors, the development radically damaged Norwich's character and disrupted the pattern of the city's development.
- 1.3. Few people would dispute that the present condition of Anglia Square detracts from the character of Norwich and particularly from the character of the surrounding area. The redevelopment of the site is to be encouraged. The opportunity exists to enhance the character of Norwich, and enrich its social and economic life by renewing Anglia Square in a manner sympathetic to the city in its planning, scale, form and uses. Were its redevelopment to be unsympathetic its effect could be the opposite of this.
- 1.4. Historic England considers that the proposals which are the subject of this inquiry would be profoundly unsympathetic to the character of Norwich. Their effect would be severely to compromise the character of Norwich, to damage its cityscape and in

consequence to impair people's appreciation of the historic buildings and spaces which make up the city. The proposed development would also fail to respond to or reinforce the characteristics which are now held to make historic cities especially conducive to social and economic vitality.

2. Historic England's Role

2.1. Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983 as The Historic Buildings and Monuments Commission for England. It was formerly known as English Heritage, and is now known as Historic England.

2.2. Historic England's general duties are as follows:

(a) to secure the preservation of ancient monuments and historic buildings situated in England;

(b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and

(c) to promote the public's enjoyment, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

2.3. Historic England's sponsoring ministry is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Ministry

of Housing, Communities and Local Government, with its responsibilities for land-use planning matters.

2.4. Historic England is a statutory consultee providing advice to local planning authorities on certain categories of application for planning permission and listed building consent. Similarly Historic England advises both the Secretaries of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is regarded as the lead body for the heritage sector and is the Government's principal adviser on the historic environment.

2.5. Historic England encourages pre-application discussions and early engagement on projects to ensure informed consideration of the historic environment. Its objective in such discussions is to ensure that account is taken of the significance and conservation of the historic environment in developing proposals for development; that proposals sustain or complement that significance; and that any harm which they might cause is minimised.

3. The Site

- 3.1. Anglia Square stands in the northern part of historic Norwich, between the River Wensum and the city's walls, adjacent to what was the junction of Magdalen and Botolph Streets, where two of the principal routes from the north converged before crossing the river at Fye Bridge.
- 3.2. The area occupied by the present development once formed part of the network of streets which make up the fabric of the city. Botolph Street was joined by Middle Street and Calvert Street, running south to the river. These streets, and the lesser lanes and numerous yards which ran off them, were densely built, lined with houses, workshops, breweries, opening on occasion to gardens.
- 3.3. By the time the construction of what is now Anglia Square was planned, the pattern of development had been altered by both industrial development – mid-19th century Ordnance Survey maps record the presence of a large complex annotated “Crape Manufactory” – and bombing.
- 3.4. Anglia Square was the product of the post-war approach to urban redevelopment at its height. Associated with the construction of the inner link road (1968-75), the area now occupied by Anglia Square was subject to what was conceived as a comprehensive redevelopment in the late 1960s and early 1970s. This entailed the loss of Botolph

Street, and of parts of the lesser streets which joined it, and the construction of Sovereign House, the cinema, Guildengate house and the multi-storey car park.

3.5. The projected comprehensive redevelopment of the site was never completed; and the development itself has proved flawed. A large area occupying the west of the site was left empty. Sovereign House has remained empty since its original tenants, Her Majesty's Stationery Office, moved out; Guildengate is partially occupied by artists on short-term leases; and the multi-storey car park closed in 2012, having been found unsafe.

3.6. The site, including two small pockets of land to the north, comprises 4.11 hectares. It lies within the Norwich City Centre Conservation Area¹.

¹ An account of the conservation area's character is provided in the Norwich City Centre Conservation Area Appraisal, Norwich City Council, 2007.

4. Historic England's Involvement to Date

- 4.1. In response to the proposals for the redevelopment of Anglia Square which are subject to this inquiry, Historic England has provided advice both to the Applicants, as the proposals were being developed, and to Norwich City Council (hereafter “the Council”), after their submission for planning permission. Once it had assessed the proposals as presented in the application it also asked the Secretary of State to call in this application for his own determination.

- 4.2. Historic England was first engaged with the development and assessment of these proposals by the Council. In a letter dated 10 March 2017 Tracey Armitage, the Planning Officer responsible, sought its advice on the scope of the proposed Environmental Impact Assessment. David Eve, Inspector of Historic Buildings and Areas, a member of the Development Advice team responsible for Norfolk, responded in a letter dated 21 April 2017.

- 4.3. Historic England was consulted by Stuart Mills of Icen Projects on behalf of Weston Homes in May 2017, while the proposals were being developed. After meeting the Applicants' consultants with officers of the Council it provided advice to Mr Mills in a letter from Edward James, Historic Places Adviser, a member of the Partnerships and Communities team covering the East of England, dated 20 July 2017.

- 4.4. The proposals Historic England was shown were in broad terms close to those subsequently submitted for planning permission. Its advice was that the proposed development would cause harm – sometimes to a severe degree – to the significance of many of Norwich’s finest historic buildings or monuments, and would severely damage the character of the city. It noted the exceptional significance of the buildings and place that would be harmed, reflected in the listing of large numbers of the city’s buildings, in many cases at high grades, the scheduling of the castle and city walls, and the designation of all of Norwich which lies within the city’s medieval walls as the Norwich City Centre Conservation area. Historic England concluded that, in view of the harm to the significance of the designated heritage assets which would be affected, the proposed development could not be considered to be “sustainable development” in the terms of the National Planning Policy Framework.
- 4.5. Although Historic England offered to engage in further discussions and provide additional advice, it had no further contact from the Applicants prior to the submission of their application.
- 4.6. Historic England was consulted by Norwich City Council in March 2018 about the application which is the subject of this inquiry. Its assessment of the application included both meetings with the Applicants and their agents and the Council’s planning officers, and consideration of the application by the Historic England Advisory Committee. David Eve provided Historic England’s advice to the council in a letter dated 16 May 2018.

- 4.7. In that advice it set out the relevant legislation, national and local policy and guidance, reviewed the significance – in many cases exceptional – of a selection of the historic buildings, spaces and monuments which would be affected by the proposed development – designated heritage assets in the form of scheduled monuments, listed buildings and the city centre conservation area, and concluded that the development would severely harm the significance of many of these and severely harm the character of Norwich as a historic city. It recommended that the application should be refused on “heritage grounds”.
- 4.8. Historic England was consulted about revised proposals in September 2018. The principal revision to the proposals comprised the reduction in the height of the proposed tower block from 25 to 20 stories. Historic England’s advice in respect of the amended proposals was sent in a letter to the Council from David Eve dated 30 October 2018.
- 4.9. The burden of its advice remained unaltered. While the reduction of the tower’s height would reduce its impact to some degree, that impact would still be extensive, and the effect of the development as a whole, as revised, would still be to cause a severe degree of harm to the character of Norwich and the significance of many of its historic buildings, spaces and monuments.

4.10. In addition to providing advice to Norwich City Council, Historic England also concluded that it should ask the Secretary of State to call in this application for his own determination should the council be minded to grant planning permission. John Neale, Historic England's Planning Director for the East of England, wrote to the Planning Casework Unit on 23 November 2018 to this end, and David Eve wrote again on 7 December 2018, the day after the Planning Committee's resolution to grant planning permission, to confirm this request.

5. The Secretary of State’s Call In

5.1. On 21 March 2019 the Planning Casework Unit conveyed to Norwich City Council the Secretary of State’s direction, using his powers under section 77 of the Town and Country Planning Act 1990, that the application should be referred to him instead of being determined by the Council, and his decision to hold a local inquiry².

5.2. On the information then available to the Secretary of State, the matters which he particularly wished to be informed about for the purposes of his consideration of the application were:

- a) the extent to which the proposed development is consistent with the Government policies for delivering a sufficient supply of homes (National Planning Policy Framework³, Chapter 5);
- b) the extent to which the proposed development is consistent with the Government policies for building a strong, competitive economy (NPPF Chapter 6);
- c) the extent to which the proposed development is consistent with the Government policies for ensuring the vitality of town centres (NPPF Chapter 7);

² Letter from Tom King, Deputy Head of the Planning Casework Unit, MHCLG, to Graham Nelson, Head of Planning Services, Norwich City Council, 21 March 2019

³ Hereafter “the Framework” or “NPPF” in references

- d) the extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF Chapter 16);
- e) the extent to which the proposed development is consistent with the development plan for the area including any emerging plan;
- f) and any other matters the Inspector considers relevant.

5.3. Historic England's submission to the inquiry responds to matter (d), the extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment, although its evidence may be relevant to some of the subjects encompassed by other matters.

6. Historic England's Case

- 6.1. Historic England will develop the following argument in its submission to the forthcoming inquiry.

The Significance of Norwich, and of the city's spaces, monuments and buildings

- 6.2. Norwich is a city of exceptional significance, archaeological, architectural and historic. It is one of England's and Europe's great historic cities. Among its monuments and buildings the Norman castle and the cathedral are themselves of outstanding importance; but the city is astonishingly rich in historic buildings of interest, giving form to a pattern of streets and spaces deriving ultimately from the city's Saxon and Norman origins. Articulated by the great mass of the medieval cathedral, crowned by its spire, by the castle upon its artificial mound, by the tower of the 20th century City Hall, the tower of the 19th century Catholic cathedral and by the towers of the city's numerous medieval churches, Norwich may reasonably be described as a collective work of art one thousand years in the making.
- 6.3. The city's form owes much to the Normans, who radically re-planned the existing Saxon settlement, built the castle and cathedral and created both the Market Square and the cathedral close. The castle keep itself, built in the first half of the 12th century, is among the finest of Norman castles, notable for its external decoration of blind arcading, but

also for its site, raised on a high motte and surveying the river valley and the ridges beyond. It is both scheduled and listed at grade I⁴.

6.4. The cathedral is one of the most complete Romanesque buildings in Europe.

Constructed largely in the first half of the 12th century, it has been relatively little altered since – allowing for the vicissitudes which most cathedrals have suffered – and retains its original plan substantially intact. Its boldly decorated tower, and the spire added in the late 15th century, can be seen from points across the city; and in the great views across Norwich from Mousehold Heath⁵, the cathedral, low in valley of the Wensum, dominates the city, and serves as the centrepiece around which the cityscape is arrayed. Medieval cathedrals were the greatest buildings of their age, and characteristically rose above their cities as symbols of spiritual – and temporal – power. The cathedral stands in its extensive close, amidst a series of beautiful and historic buildings. It is listed at grade I on account of its exceptional architectural and historic interest.

6.5. The cathedral close is one of the notable spaces which contribute to Norwich's exceptional character. Outside the close lies Tombland, another. It is an irregular space lined with varied and interesting buildings, and was in origin the Saxon market place. From here Wensum Street leads down to the river.

⁴ Buildings listed at grade I are of exceptional interest: only 2.5% of approximately 500,000 listed buildings are listed at this grade.

⁵ This refers to the views from nearby St. James' Hill and Ketts Heights.

6.6. Tombland was displaced by the Norman market – the Market Place. On an expansive, sloping site, the Market Place is now overlooked by Norwich City Hall, designed in 1931, and built in 1937-8. Perhaps the most important public building of the period, City Hall is raised on a terrace above the market, its austere but palatial frontage set off by the attached tower. City Hall takes its place in the great views from Mousehold Heath, with the cathedral and castle, as one of the principal monuments of the city, as does the late 19th century Roman Catholic Cathedral, set further to the west on the same ridge of high ground as City Hall. City Hall and the Roman Catholic Cathedral are listed at grade II* and I respectively⁶.

6.7. The great royal, religious and civic buildings of Norwich south of the Wensum are set amidst a pattern of spaces and streets, medieval in origin and lined with buildings varied in date but in many cases remarkable for the richness of their historic and architectural interest. This pattern of development, and wealth of history and architecture, continues to the north of the Wensum, at least as far north as the inner ring road which so severely disrupted it. Colegate is among the finest streets of the northern city. Three of the city's numerous medieval churches are to be found here – St. Michael Coslaney, St. George Colegate and St. Clement – as well as the two finest Nonconformist chapels, amidst handsome secular buildings of which the most interesting is Bacon's House, part 15th century, part 17th century courtyard house, on the corner with George Street. These buildings are all listed at grade I or II*⁷.

⁶ Buildings listed at grade II* are particularly important, and of more than special interest: 5.8% of listed buildings are listed at this grade.

⁷ Buildings listed at grade II are of special interest: 91.7% of listed buildings are listed at this grade.

6.8. The damaging effect of the construction of both the inner link road and Anglia Square itself on the fabric, pattern and character of the city has already been noted⁸; but around them the historic city survives. To the south of Anglia Square the pattern of streets of which Colegate forms part is abruptly truncated by the relief road. The north range of Doughty’s Hospital, a 17th century foundation rebuilt in the 19th, faces the modern road and Anglia Square beyond. To the east is Magdalen Street, with Colegate among the finest historic streets to the north of the Wensum, now crudely over-sailed by the ring road and disrupted to its north by the buildings of Anglia Square. To the west is St. Augustine’s Church, northernmost of the city’s surviving medieval churches. St. Augustine’s Street, one of the principal historic routes out of and into the city, retains much of its historic character, but the loss of Botolph Street deprives it of its historic connection to the city’s centre. The area to the north of Anglia Square is more fragmented until a pattern of late 19th century streets begins, immediately to the south of the medieval wall, whose principal upstanding remain in this area can be seen in Magpie Road. Doughty’s Hospital is listed at grade II and St. Augustine’s Church at grade I; the city wall at Magpie Street is scheduled⁹.

6.9. This is not the place for a fuller account of the significance of Norwich, which the proposed development would, Historic England believes, so severely harm; but the city’s significance is reflected in the designation of so many of its monuments, buildings and designed landscapes as designated heritage assets. As noted, the particular

⁸ And is considered further below (6.11).

⁹ Scheduled monuments are selected nationally important archaeological sites: almost 20,000 such sites are designated in this way.

buildings referred to above are largely listed at high grades. Beyond this, however, the entire historic city within the area enclosed by the line of its medieval walls – once the most extensive in England, now surviving only partially – is encompassed within the Norwich City Centre Conservation Area, including Anglia Square.

6.10. Few conservation areas can be of such exceptional significance. The account above conveys something of the conservation area’s character, with particular reference to some of the aspects of that character which would be affected by the proposed development. The Norwich City Centre Conservation Area Appraisal provides a comprehensive account¹⁰.

6.11. If it might be described as a collective work of art, the city is also a place of use. The historic city is a dynamic contemporary city. With a population of more than 200,000 people, Norwich serves the wider region. The city’s economy is founded on financial services, creative and media industries and life sciences, and it also has an important educational sector. In recent years there has been a growing awareness of the way in which historic towns and cities support the vitality of social and economic life, and Norwich’s animation is consistent with this experience. Various characteristics of such places account for this phenomenon, all of which contribute to the creation of a strong sense of place, to which people are attracted both to live and to work¹¹.

¹⁰ Norwich City Council, 2007

¹¹ A number of studies of the relationship between heritage and economy have been published by Historic England on behalf of the Historic Environment Forum in “Heritage Counts” - <https://historicengland.org.uk/research/heritage-counts/>

- 6.12. Immediately to the north of the inner link road, itself constructed between 1968 and 1975, Anglia Square was conceived as a comprehensive redevelopment of an area partially cleared by bombing, but the comprehensive plan was never completed. Whatever the aspirations of the scheme's promoters, the construction of Anglia Square exacerbated the damage done to the fabric of the city by the construction of the inner link road, entailing the loss of Botolph Street and the curtailment of a number of other streets, and raising buildings whose scale and mass were at odds with the character of the cityscape. Although Anglia Square still serves a role in the city's life, extensive vacancy, disrepair and structural problems render it a blight.
- 6.13. Few people dispute the desirability of replacing Anglia Square in its present form, and the principle of its redevelopment is not at issue in this inquiry. What is at issue is the approach to be taken to that redevelopment. That, in turn, raises fundamental questions about what the appropriate vision for the future of Norwich might be, and how the planning system should work to secure it.

The Impact of the Proposed Development

- 6.14. Historic England considers that the proposals for Anglia Square's redevelopment which are the subject of this inquiry would severely harm the character and significance of Norwich, and would harm, in varying degrees, the significance of many of the city's historic buildings. The effect of the proposed development would be felt across the historic city.

6.15. In its evidence it shall explore the impact of what is proposed, considering both the damaging effect of the development on the character of the city, as embodied in the city centre conservation area, and the way in which the damage which the proposed development would do to the setting of scheduled monuments, listed buildings and elements of the conservation area would harm their significance.

6.16. The harmful impact of the proposed development may be understood from three principal perspectives. Taken together these allow its overall effect to be fairly appraised.

6.17. First, there is the development's impact on what might be described as the image of Norwich. This can be gauged particularly by considering the nature of its presence in the great views of Norwich from St. James's Hill and Ketts Heights, in the views from the terrace at the foot of the castle's keep, and in a variety of long views towards the centre of the city from its outskirts – for example, that from St. Augustine's Street. The views from St. James's Hill, Ketts Heights, the keep and St. Augustine's Street are illustrated as images 8, 9, 12 and 15 in the revised Compendium of Views¹². Among the harmful impacts of the proposed development in these views the most obvious would be the erosion of the cathedral's pre-eminence in the cityscape.

¹² Anglia Square, Norwich – Compendium of Views – revision A – August 2018 – Cityscape Digital (provided in association with Anglia Square, Norwich – ES (SEI) Technical Appendix 13.2: Townscape and Visual Impact Assessment Addendum – August 2018 – Icen)

6.18. Second, there is its impact on the rich assemblage of spaces, streets, and incidental views which together create the intimacy of Norwich. The qualities of these places are fundamental to the city's special character. The proposed development would be visible in a large number of such places, and again its impact can be gauged by considering the nature of its presence. Examples of such places include the junction of Elm Hill and Princes Street, the riverside walk close to Fye Bridge, the junction of Calvert Street and Colegate and the entrance to the Quaker Burial Ground. These are illustrated as images 22, 27, 38 and 31 in the study¹³. The intrusion of the proposed development into views from these spaces and streets would compromise the city's historic character.

6.19. Third, there is the impact of the development on the immediate environs of Anglia Square. As noted above, much of historic value survives here; and it is here, necessarily, that the presence of development of the scale proposed would be felt most acutely. The junction of St. Augustine and Sussex Streets, that of Cowgate and Bull Close, the courtyard of Doughty's Hospital and the churchyard of St. Augustine's Church are all places in which the presence of what is proposed would be especially strong. This is illustrated in images 16, 35, 44 and 32 in the study¹⁴. Here the proposed development would appear both dominating and discordant.

¹³ Anglia Square, Norwich – Compendium of Views – revision A – August 2018, except for images 27 and 31, which were not updated to show the revised and lowered tower: these images are from the initial Verified Views Study or Compendium of Verified Views – Cityscape Digital – March 2018

¹⁴ Anglia Square, Norwich – Compendium of Views – revision A – August 2018

6.20. Historic England will elucidate the consequences of the presence of the proposed development in views to or from these and other places within Norwich, both for the character of the city, and for the significance of many of its principal spaces, monuments and buildings as heritage assets. This exercise will take account both of the impact of the proposed development on the character of Norwich, as represented by the city centre conservation area, and of the relationship between the impact of development on the setting of the monuments and buildings affected and their significance as designated heritage assets.

Legislation, policy, guidance and published advice

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

6.22. The Ancient Monuments and Archaeological Areas Act 1979, the Planning (Listed Buildings and Conservation Areas) Act 1990¹⁵, the National Planning Policy Framework¹⁶ and Planning Policy Guidance are the principal documents.

6.23. Norwich City Council’s Local Development Framework also provides robust policies for the protection of the historic environment. It comprises the Joint Core Strategy for

¹⁵ Henceforth “the Listed Buildings Act 1990”

¹⁶ Ministry of Housing, Communities and Local Government (henceforth “MHCLG” in references); NPPF, 2019

Broadland, Norwich and South Norfolk; the Council’s Development Management Policies Plan and Site Allocations Plan; and other development plan documents.

6.24. The Listed Buildings Act 1990 establishes statutory tests for decision-makers to apply in respect of the protection of listed buildings and their settings, and of conservation areas¹⁷. In considering whether to grant planning permission which affects a listed building or its setting, the decision-maker, whether the local planning authority or the Secretary of State, shall have special regard to the desirability of preserving the building or its setting; while in the exercise of planning functions in respect of any buildings or other land within a conservation area the decision-maker must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.25. The Framework provides comprehensive planning policies, which recognise the protection of the historic environment is, as one aspect of the protection of the environment, a fundamental part of sustainable development – the promotion of which is the objective of the planning system¹⁸. The Council’s Development Management Policies Plan similarly provides a policy to achieve and deliver sustainable development¹⁹.

¹⁷ 1990 Planning Act, section 66, i and section 72, i

¹⁸ NPPF, chapter 2

¹⁹ Norwich City Council Development Management Policies Plan (hereafter “NCC DMPP”) 2014, DM1

6.26. The Framework provides policies for the conservation of the historic environment²⁰. It requires the decision-maker to take account of the desirability of sustaining and enhancing the significance of heritage assets; of the positive contribution that such assets make to communities, including to that to their economic vitality, and of the desirability of new development making a positive contribution to local character and distinctiveness²¹.

6.27. The Framework also requires the decision-maker to accord great weight to the conservation of the significance of all designated heritage assets; the more important the asset the greater the weight should be²². Harm to such assets requires clear and convincing justification²³. In determining proposals which would entail harm to the significance of designated heritage assets, that harm must be weighed against such public benefits as a proposal would provide, unless the harm is considered “substantial”, in which case permission should be refused unless substantial public benefits would outweigh that harm, or specific criteria are met²⁴. (Historic England does not consider the policy in respect of substantial harm to be engaged.)

6.28. Norwich City Council’s Development Management Policies Plan also provides a policy to safeguard Norwich’s heritage²⁵. This requires development to maximise opportunities to preserve, enhance, or better reveal the significance of designated

²⁰ NPPF, chapter 16

²¹ NPPF, 192

²² NPPF, 193

²³ NPPF, 194

²⁴ NPPF, 195 & 196

²⁵ NCC DMPP, DM9

heritage assets, including scheduled monuments, listed buildings and conservation areas.

6.29. The Ministry of Housing, Communities and Local Government publishes Planning Practice Guidance to support the Framework, and this includes a section on the conservation of the historic environment²⁶. Historic England publishes a wide range of advice, of which Historic Environment Good Practice Advice in Planning 2 – Managing Decision-Taking in the Historic Environment, and 3 – The Setting of Heritage Assets, and Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management and 4 – Tall Buildings are particularly relevant²⁷.

6.30. Reference has already been made to Norwich City Council’s Norwich City Centre Conservation Area Appraisal²⁸. As well as assessing the character of the conservation area, the appraisal also provides policies and guidelines for the area’s management. The Council has also published guidance on Anglia Square itself, the Anglia Square and Surrounding Area: Policy Guidance Note²⁹.

6.31. The conservation of the historic environment is necessarily linked to questions of design. The Framework considers good design to be fundamental to the success of the

²⁶MHCLG, Planning Practice Guidance (hereafter “PPG” in references) – published April 2014 and revised July 2019 – <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment> - accessed 30.vii.2019

²⁷ Historic Environment Good Practice Advice in Planning – 2 Historic Environment Good Practice Advice in Planning, March 2015; 3 – The Setting of Heritage Assets, December 2017; Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management, February 2019; 4 – Tall Buildings, December 2015

²⁸ NCC, 2007

²⁹ NCC, 2017

planning system, and provides policies to promote it³⁰. Among other things, it is expected that developments should function well, be attractive in their architecture, layout and landscaping, be sympathetic to local character and history, and to their settings, and create a strong sense of place.

6.32. Norwich City Council's Development Management Policies Plan includes a very full policy in respect of design principles³¹.

6.33. The Planning Practice Guidance provides support to the Framework's policies on design³².

6.34. The Framework also provides policies in respect of the best use of land, of the provision of housing, economic vitality and the vitality of town centres.³³ These are intended to ensure that efficient and optimal use is made of land, particularly in city and town centres; that the availability of homes is significantly increased; and to support economic growth and sustain or restore the prosperity of towns.

6.35. Norwich City Council's Development Management Policies Plan contains a series of policies concerning aspects of these subjects.³⁴

³⁰ NPPF, Chapter 12

³¹ NCC DMPP, DM3

³² PPG, <https://www.gov.uk/guidance/design> - accessed 30.vii.2019

³³ NPPF, Chapters 11, 5, 6 and 7

³⁴ NCC DMPP – These include DM12, 16-21, 23 etc.

The Council's Position

6.36. Norwich City Council resolved, on 6 December 2018, to grant planning permission for the proposed development. While this statement of case does not set out to summarise the entirety of the Council's rationale for its resolution, it is noteworthy, in relation to matter (d) on which the Secretary of State has asked to be informed, that the Council considered the following points³⁵.

(a) In many cases it was found that the development would have a harmful effect on the setting of heritage assets and an adverse townscape and visual impact, the most serious including the view from the castle ramparts, the view along St Augustive Street, in which the development would loom in a disturbing way, the view from Wensum Street, and the view from Aylsham Road where the cathedral as the focus of the view on this axis of arrival into the city centre³⁶.

(b) There would be harm to the significance of a large range of heritage assets, including the Anglican Cathedral, the Roman Catholic Cathedral, the castle, City Hall, St Peter Mancroft and the Guildhall³⁷.

(c) There would be a range of heritage benefits³⁸.

³⁵ These are taken from the officers' report to the Planning Applications Committee of 6 December 2018.

³⁶ Officers' report, 584

³⁷ Officers' report, 585

³⁸ Officers' report, 587

- (d) In heritage terms any resulting enhancement would be cancelled by the significant cumulative harm to the wider conservation area and the numerous important heritage assets within it³⁹.
- (e) The failure of the scheme to be sympathetic to local character and history was a significant weakness of the scheme⁴⁰.
- (f) The form and massing of the scheme had been determined by the commercial development brief⁴¹.
- (g) The viability of the scheme had been assessed, and when reviewed the assessment had been found to be robust. Even allowing for a Housing Infrastructure Funding grant of £12.2m and assuming an exemption from CIL the proposal was of marginal viability⁴².
- (h) Officer's considered the proposed development represents the "optimum viable use for the site"⁴³.
- (i) In the final analysis the planning merits of the proposed scheme were considered to be finely balanced, and the officers' view was that a decision to grant or refuse the scheme could be justifiable⁴⁴.

³⁹ Officers' report, 588

⁴⁰ Officers' report, 593

⁴¹ Officers' report, 593

⁴² Officers' report, 597, 598, 600

⁴³ Officers' report, 599

- (j) Overall, officers recommended granting permission, for reasons which included the judgements that the scheme was the optimum viable use for the site, and that the overall benefits provided exceptional circumstances to warrant the grant of permission⁴⁵.

Historic England's Position

6.37. Historic England will argue that the proposed development would cause severe harm to the significance of Norwich as a place, as represented by the city centre conservation area, and harm in varying degrees to the significance of many of the monuments and buildings within the city, variously scheduled monuments and listed buildings. In doing so it would contradict the Framework's requirement to sustain and also to enhance the significance of heritage assets⁴⁶. Both the city as a whole and several of the scheduled monuments and listed buildings to which Historic England shall refer, are of exceptional significance, and the weight to be accorded to their conservation should therefore be of the highest⁴⁷.

6.38. While noting the Applicants' contention that the proposed development would bring benefits to the historic environment, Historic England will argue that any such benefits would be modest, and that they would be wholly eclipsed by the harm which the development would cause.

⁴⁴ Officers' report, 604

⁴⁵ Officers' report, 605

⁴⁶ NPPF, 192

⁴⁷ NPPF, 193

6.39. In describing the degree of harm as severe, Historic England means that it would be of a degree close to the threshold of what the Framework terms “substantial harm”. It will not argue that the degree of harm would be substantial. The great weight which the Framework requires to be given to the conservation of the significance of designated heritage assets is to be given irrespective of whether the harm to them entails total loss of significance, substantial or less than substantial harm⁴⁸.

6.40. The Framework requires that clear and convincing justification be required for all harm to the significance of designated heritage assets, whether the harm to them entails total loss of significance, substantial or less than substantial harm⁴⁹. Historic England will question the justification provided for the harm which would flow from the proposals for the redevelopment of Anglia Square.

6.41. Noting the reference in the officers’ report to the possibility of independently reviewing the Applicants’ viability assessment, Historic England have appointed G. L. Hearn to review the viability appraisal produced by Icenii on behalf of the Applicants⁵⁰. This review has reached a more negative conclusion than the Applicants, suggesting that the scheme is unviable. The extent to which the (negative) viability of the scheme needs to feature as an issue at the inquiry at a moot point. Historic England is happy to disclose its viability report to the Applicants and the Council and progress discussions

⁴⁸ NPPF, 193

⁴⁹ NPPF, 194

⁵⁰ Officers’ report, 596

on this issue. Ordinarily, the non-viability of a scheme would not be a relevant consideration for the decision-maker.

6.42. As the proposals would entail harm to the significance of designated heritage assets, the Framework requires that the decision-maker weigh that harm against such public benefits as the development would also procure. The weight given to the benefits is dependent on whether or not there is clear and convincing justification for the harm that the proposals would cause. In view of the exceptional significance of Norwich, as represented by the city centre conservation area, and of the monuments, buildings and spaces which make up the city, and the very great weight which must be accorded to the conservation of their significance, Historic England consider that the justification for harm of the severity that would arise in this case would have to be very convincing indeed.

6.43. Historic England will not present evidence on the overall planning balance, but will argue that the “heritage balance” is clearly against the grant of planning permission. Further, Historic England considers the Council’s analysis, which tilted the fine balance in favour of the scheme, to be flawed. The concept of “optimum viable use” cited in the officers’ report cannot properly be applied to the Anglia Square site, which is not in itself a heritage asset⁵¹. The reality is, as the Council recognised, that the cumulative harm – which Historic England considers to be severe – to the collection of heritage assets is being justified, on the applicant’s case, “by the commercial development brief,

⁵¹ Officers’ report, 599

i.e. a mix and quantum of development the Applicants consider viable”⁵². Even leaving aside Historic England’s viability review, and the Council’s concerns as to whether the scheme will go ahead or get beyond the first phase⁵³, this cannot amount to a clear and convincing justification – or exceptional circumstances⁵⁴ – for severe harm to an exceptional collection of heritage assets. Viability assessments are highly sensitive to inputs and current economic circumstances. The harm would be caused to assets that have accrued significance over centuries and will endure for centuries to come.

6.44. The effect of the proposed development upon the character and significance of Norwich is inextricably related to broader questions of design. Historic England will consider the relationship of the proposed development’s design to both its environs and the wider city. It will argue that the proposals’ design is misconceived, and that from this would flow both the harm that they would cause to the city’s historic character and significance and their failure to respond to the qualities which make Norwich, like other places of similar character, a vital place.

6.45. Historic England will argue that the proposed development would repeat the mistakes made in the comprehensive redevelopment of the 1960s, and exacerbate rather than repair the harm which that development caused to the character of Norwich. It will also dispute the suggestion that the proposed 20-storey tower would be justified as a “marker” in the cityscape.

⁵² Officers’ report, 593

⁵³ Officers’ report, 601

⁵⁴ Officers’ report, 605

6.46. In considering its case Historic England has explored, in broad terms, an alternative approach to the redevelopment of Anglia Square. It will present illustrations of this alternative approach, which will be disclosed well in advance of the preparation of evidence. However, Historic England does not put these forward as an alternative scheme as such, and believes that this alternative approach would not currently be viable. The approach is in part a response to the Council’s position, expressed in the Anglia Square policy guidance note, that that there might be a number of ways in which Anglia Square might be redeveloped⁵⁵. It will respond to this, and to the aspirations of the local community as expressed in the Norwich – North City Vision⁵⁶.

6.47. The alternative approach will serve to illuminate how far from many of the aspirations of both national and local policy the proposals subject to this inquiry are. Historic England shall note, in this context, weaknesses in the Applicants’ consideration of alternative schemes in their Environmental Statement.

6.48. Historic England shall refer to the considerable body of work which suggests that historic towns and cities are especially propitious for the development of contemporary economic and social life, and note the failure of the proposed scheme to respond to the qualities of such places to which this phenomenon may be attributed.

6.49. Historic England’s case will close with the recommendation that the Inspector should advise the Secretary of State to refuse planning permission for Weston Homes’

⁵⁵ Norwich City Council – Anglia Square and Surrounding Area: Policy Guidance note – March 2017 – 2.2.

⁵⁶ Norwich – North City Vision - St. Augustine’s and Anglia Square Community Brief – 2018.

proposals for the redevelopment of Anglia Square in the light of the severe harm which they would do to the character and significance of Norwich. That harm would be done to a place which is of extraordinary significance on account of its archaeological, architectural and historic interest. It would be harm to the historic environment, and would mean that the proposals, far from conserving, yet alone enhancing, the environment, a fundamental part of sustainable development, would harm it. They would therefore be, in this respect, at odds with the central objective of the Government's planning policies⁵⁷.

6.50. While it is not for Historic England to anticipate the wider balancing judgement required of the decision-maker, it will note both the statutory tests which the decision-maker must apply, and the great weight which must attach to the conservation of designated heritage assets – weight which must be of the highest in this case, given the exceptional significance of the place and its spaces, monuments and buildings with which this case is concerned; and it will question whether proposals which are at odds with both national and local planning policies, and whose justification is questionable, could be held to procure public benefits so great as to merit setting aside the high protection accorded to Norwich, so as to allow development which would so disfigure one of England's great historic cities.

⁵⁷ NPPF, 7 & 8