



# NORWICH City Council

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

## LOCAL PLANNING AUTHORITY

### STATEMENT OF CASE

Site:	Anglia Square including land and buildings to the north and west
Appeal by:	Weston Holmes PLC
PINS reference:	APP/G2625/V/19/3225505
LPA reference:	18/00330/F

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

Contact name: Graham Nelson  
Tel: 01603 212530  
Email: [grahamnelson@norwich.gov.uk](mailto:grahamnelson@norwich.gov.uk)

Contact name: Tracy Armitage  
Tel: 01603 212502  
Email: [tracyarmitage@norwich.gov.uk](mailto:tracyarmitage@norwich.gov.uk)

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2. Planning applications committee report 6 December 2018
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4. List of planning conditions (draft)

# 1. The Application

1.1 This Statement of Case has been prepared by Norwich City Council (the **Council**) in relation to a public inquiry requested by the Secretary of State for Housing, Communities and Local Government (the **Secretary of State**) pursuant to Section 77 of the Town and Country Planning Act 1990 (the **Act**) and in accordance with the Town and Country Planning Appeals (Determination by Inspectors)( Inquiries Procedure) (England) Rules 2000.

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

*‘the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for: up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm areas’*

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

## 2. Background and Scope of the Statement of Case

2.1 On the 6 December 2018, the Council's Planning Applications Committee resolved to grant planning permission for the development submitted pursuant to the Application, subject to the imposition of planning conditions and the completion of a Section 106 planning obligation.

2.2 Prior to the committee meeting date, the Planning Casework Unit, on behalf of the Secretary of State contacted the Council and requested that it should be immediately informed of the committee's resolution regarding the Application.

Following this notification, on 7 December 2018 the Council received a direction pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requiring it not to grant planning permission in respect of the Application without specific authorisation from the Secretary of State. On the 21 March 2019, the Secretary of State subsequently confirmed in writing his decision to call-in the Application for his own determination.

2.3 The call-in letter (at paragraph 7) sets out the following matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the Application. These are:

- a) The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes (NPPF Chapter 5);
- b) The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy (NPPF Chapter 6);
- c) The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres (NPPF Chapter 7);
- d) The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment (NPPF Chapter 16);
- e) The extent to which the proposed development is consistent with the development plan for the area including any emerging plan; and
- f) any other matter the Inspector considers relevant.

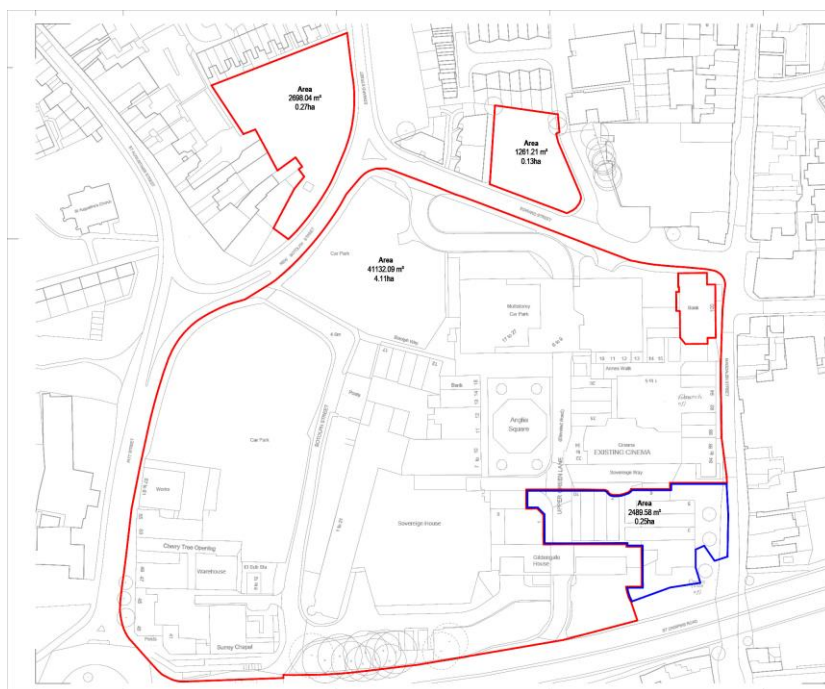
2.4 The Council's evidence for the public inquiry will deal with the matters identified by the Secretary of State and will also explain the basis upon which the Council resolved to grant planning permission. The officer's report (the **Committee Report**) to the Planning Applications Committee (Appendix 2) including minutes

of the meeting (Appendix 3) sets out the Council's detailed consideration of the Application. This statement of case refers to the site and surroundings (section 3), the planning history (section 4), the description of the development (section 5) and consultation responses (section 6). It then further outlines the planning policy considerations (section 7) and summarises the case that will be presented at the public inquiry by the Council in support of the Application (sections 8-21).

- 2.5 The key reasons for the Council's support of the Application are summarised in the conclusions and striking the planning balance section of the Committee Report (paragraphs 571-605).

### 3. Site and Surroundings

- 3.1 The Council will provide details of the site (identified below) and its surroundings as set out in paragraphs 1-9 of the Committee Report. Any matters which are not able to be agreed as part of the Statement of Common Ground will be highlighted by the Council in its evidence.



### 4. Planning History

- 4.1 The relevant planning history is set out in paragraphs 15-20 of the Committee Report. The Council's evidence will highlight the most relevant aspects of the

planning history relating to the site and sites in the immediate vicinity. Issues of fact which are not able to be agreed in the Statement of Common Ground will be highlighted by the Council in its evidence.

## 5. Description of the Application Development

5.1 The Council will describe the Application as detailed within paragraphs 21-36 of the Committee Report. Any matters of fact which cannot be agreed in the Statement of Common Ground will be highlighted by the Council in its evidence.

## 6. Consultation Responses

6.1 A summary of representations and consultation responses received by the Council was set out in paragraphs 37-118 of the Committee Report. It should be noted that the total figures included within the Representation summary on page 5 of the Committee Report are now known to be incorrect. The IT systems' report unfortunately double counted a large number of representations. Rather than there being 939 representations in total, actually 483 representations were received. The correct breakdown of the representations are:

	Total	Object	Comment (neutral)	Support
Representations	483	399	18	62

6.2 These figures represent total number of representations received by the Council in response to two periods of public consultation.

## 7. Planning Policy Context

7.1 Section 38 of the Planning and Compulsory Purchase Act requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore local planning authorities` have a statutory duty under Section 66(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess and under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.2 The statutory development plan for the area comprises:

- Joint Core Strategy for Broadland, Norwich and South Norfolk that was adopted in March 2011 together with amendments that were adopted in January 2014 (the **JCS**);
- Norwich Development Management Policies Local Plan that was adopted in December 2014 (the **DM Plan**); and
- Norwich Development Site Allocations Local Plan that was adopted in December 2014 (the **SA Plan**).

7.3 The relevant development plan policies are detailed below. The Application site is not allocated for development in the SA Plan and therefore no reference is made to the SA Plan.

The relevant JCS policies are:

- JCS1: Addressing climate change and protecting environmental assets;
- JCS2: Promoting good design;
- JCS3: Energy and water;
- JCS4: Housing delivery;
- JCS5: The economy;
- JCS6: Access and transportation;
- JCS7: Supporting communities;



- JCS8: Culture, leisure and entertainment;
- JCS9: Strategy for growth in the Norwich policy area;
- JCS11: Norwich city centre; and
- JCS19: The hierarchy of centres.

The relevant DM Plan policies are:

- DM1: Achieving and delivering sustainable development;
- DM2: Ensuring satisfactory living and working conditions;
- DM3: Delivering high quality design;
- DM5: Planning effectively for flood resilience;
- DM6: Protecting and enhancing the natural environment;
- DM7: Trees and development;
- DM8: Planning effectively for open space and recreation;
- DM9: Safeguarding Norwich's heritage
- DM11: Protecting against environmental hazards;
- DM12: Ensuring well-planned housing development;
- DM13: Communal development and multiple occupation'
- DM16: Supporting the needs of business;
- DM17: Supporting small business;
- DM18: Promoting and supporting centres;
- DM19: Encouraging and promoting major office growth;
- DM20: Protecting and supporting city centre shopping;

- DM22: Planning for and safeguarding community facilities;
- DM23: Supporting/ managing the evening and late night economy'
- DM28: Encouraging sustainable travel;
- DM29: Managing car parking demand in the city centre;
- DM30: Access and highway safety;
- DM31: Car parking and servicing;
- DM32: Encouraging car free and low car housing; and
- DM33: Planning obligations and development viability.

7.4 Supplementary planning documents provide additional guidance to support specific Local Plan policies. The following documents are relevant to the proposed development:

- Affordable Housing - adopted in July 2019
- Main town centre uses and retail frontages - adopted in December 2014;
- Open space & play space - adopted in October 2015;
- Landscape and Trees - adopted in June 2016; and
- Heritage Interpretation SPD – adopted in December 2015.

7.5 A policy guidance note (**PGN**) for Anglia Square was adopted by the Council to guide emerging development proposals for this site. The PGN was consulted on between November 2016 and January 2017. Consultation responses were included in a report to the Sustainable Development Panel on 22 February 2017. The revised PGN was approved for adoption by Cabinet on 15 March 2017.

7.6 The PGN is non-statutory guidance in relation to a particular development which was being proposed in 2016. The Council's aim in producing the PGN was to assist with the delivery of a viable and deliverable form of comprehensive development on the site which is acceptable in policy terms, which delivers the

Council’s long-held aspirations for the site and which stimulates the regeneration of the wider northern city centre area. This document sets out the broad principles for the development of the site, identifies constraints, provides specific policy guidance on a range of issues relevant to the proposed development, and specifies the range of supporting documentation required to support a planning application. The PGN is a material consideration in the determination of any planning application for the site, albeit less weight would be attributed to it than an adopted supplementary planning document (**SPD**).

7.7 The site was previously allocated for development in the Northern City Centre Area Action Plan (2010). This plan expired on the 1st April 2016. The following policies applied to the site:

- AS1: Anglia Square mixed use development;
- AS2: Anglia Square retail development;
- AS3: Anglia Square design; and
- AS4: Anglia Square access and parking.

## 7.8 Emerging Plan

7.9 The Council is working with Broadland District Council, South Norfolk District Council and Norfolk County Council to prepare the new Greater Norwich Local Plan (the **GMLP**), which will plan for development until 2036.

7.10 A revised timetable for the GMLP was agreed by the Greater Norwich Development Partnership Board in June 2018, and is set out in the table below.

Call for sites	May-July 2016
Regulation 18 Growth Options and Site Proposals Consultation	January-March 2018
Regulation 18 Consultation on New, Revised and Small Sites	October-December 2018

Greater Norwich Development Partnership Board meeting	Date tbc
Norwich City Council – Cabinet meeting	Date tbc
Regulation 18 Draft Plan Consultation	October – December 2019
Regulation 19 Publication	February-March 2020
Submission of the GNLP to the Secretary of State for the Environment	June 2020
Public Examination	January 2021
Adoption	September 2021

7.11 As at the end of July 2019 the timetable for production of the GNLP has slipped compared to the published timetable. It is now anticipated that the draft regulation 18 version will be considered by Cabinets in October and, assuming endorsement published for consultation in November 2019. The draft regulation 19 version is not likely to be produced until summer 2020.

7.12 The GNLP will include strategic planning policies and will also allocate individual sites for development. The Regulation 18 Draft Plan Consultation will include strategic policies in relation to housing delivery, the economy, Norwich City Centre and a site specific policy for the development of Anglia Square. At the date of the submission of the Statement of Case a version of the Draft Plan is not in the public domain ahead of the Regulation 18 formal consultation period. At this stage only very limited weight can be applied to the emerging policies applicable to this application given the stage reached in the plan making process. The Council's evidence will indicate whether any matters arising from this emerging plan have any impact on its position in relation to the development.

7.13 The GNLPP evidence base (as of June 2019) comprises:

- Greater Norwich Employment, Town Centre and Retail Study (GVA December 2017);
- Housing and Economic Land Availability (December 2017);
- Housing and Economic Land Availability Addendum (October 2018);
- Central Norfolk Strategic Housing Market Assessment (ORS June 2017);  
and
- Central Norfolk Strategic Housing Market Assessment Supplementary Note: Geographical definitions of HMAs (ORS June 2017).

#### **7.14 National and Local Guidance**

7.15 The following guidance is of relevance to this application:

- The National Planning Policy Framework (NPPF) 2019;
- National Planning Practice Guidance;
- Technical housing standards - nationally described space standard;
- Historic Environment Good Practice Advice in Planning Note 3 : The Setting of Heritage Assets;
- Tall Buildings: Historic England Advice Note 4 (2015); and
- Norwich City Centre Conservational Area Appraisal (Norwich City Council 2007).

## **8. The Council's Assessment of the Proposal**

8.1 This Statement of Case follows the format of the main headings and sub-headings as set out within the Case Assessment section of the Committee Report which commences at paragraph 124 of the Committee Report. Where applicable, reference is made to the specific considerations raised by the

Secretary of State in para. 7 of his call-in letter which are set out in paragraph 6 above of this Statement of Case.

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's evidence will demonstrate that the development is broadly consistent with the development plan and that where conflict arises, the Council's evidence will identify and assign weight to the material considerations, which in the Council's opinion, justify the grant of planning permission for the development.
- 8.3 The Council supports the proposal. In his report to the Planning Applications Committee the Head of Planning Services recommended that planning permission should be granted, subject to conditions being imposed on the planning permission and a Section 106 planning obligation being completed. The Planning Applications Committee voted in favour of this recommendation.
- 8.4 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and Conservation of Habitats and Species Regulations 2017**
- 8.5 At the pre-application stage, the Council screened the project that is the subject of the Application and concluded that it was to be classified as a Schedule 2 development pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) with the potential to cause significant environmental effects and therefore 'EIA Development' for the purposes of the Environmental Impact Assessment Regulations 2017 (EIA Regulations). The Application therefore includes an Environmental Statement (the **ES**). This comprises the ES submitted in March 2018 together with the supplementary environmental information submitted in September 2018. The topics included within the ES relate to matters identified by the Council pursuant to a scoping exercise undertaken and include impacts on: highways, traffic and transport, built environment; archaeology, noise, air quality, social - economic, European protected sites and townscape and visual. The Council is satisfied that the submitted ES along with the supplementary environmental information

complies with the EIA Regulations and that sufficient information has been provided to assess the environmental impact of the development proposal.

- 8.6 Chapter 12 (including various appendices) of the ES relates to the potential effects of the development on protected habitats. The Council has undertaken an assessment under Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (often referred to as a “Habitats Regulations Assessment”). This is attached to the Committee Report (Appendix 2).

## **9. Main Issue 1: Principle of Development**

- 9.1 Key policies and NPPF paragraphs are JCS9, JCS11, JCS19, DM12, NPPF chapters 5: Delivering a sufficient supply of new homes, 6: Building a strong, competitive economy and 11: Making efficient use of land and the Anglia Square Planning Guidance Note.
- 9.2 Matters in relation to the principle of development are addressed in paragraphs 129-140 of the Committee Report and will form the basis of the Council's evidence. Any matters which cannot be agreed as part of the Statement of Common Ground will be covered in evidence presented by the Council.
- 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 Council's most important regeneration priorities. Currently the site, which forms part of the Anglia Square and Magdalen Street Large District Centre includes over 16,000 sqm. of vacant office space, an unused multi-storey car park (the **MSCP**), expansive under-utilised open land which is currently used for parking and a shopping centre which is tired and outdated. The degraded appearance of Sovereign House (former offices), the MSCP and the site in general, is detrimental to the local historic townscape and comprises a highly visible indicator of a decade or more of dereliction and lack of developer in this part of the city. The site lies within the northern city centre where there are significant concentrations of deprivation. Development of the site will: deliver environmental enhancements through the remediation of derelict land and buildings; deliver benefits to local people through the creation of new jobs, housing and an

improved District Centre; and deliver a considerable boost to the local economy through investment and new expenditure which will support both existing businesses and the growth of new enterprise.

- 9.4 The local planning authority will produce evidence to demonstrate that the current and emerging development plan policies strongly support the principle of the redevelopment of Anglia Square and that the proposed development is consistent with Government planning policies for: The delivery of a sufficient supply of new homes; Building a strong and competitive economy; Ensuring the vitality of town centres and for making the most effective use of land.

## **10. Main Issue 2: Development Viability**

- 10.1 The key policies and NPPF paragraphs for consideration are: JCS4, DM33, NPPF paragraph 57.
- 10.2 Matters of development viability, delivery and the consideration of alternative forms of development for this site are addressed in paragraphs 141-168 of the Committee Report and these will form the basis of the Council's case. Any matters which cannot be agreed as part of the Statement of Common Ground will be covered in evidence presented by the Council.
- 10.3 The regeneration of Anglia Square has been considered by a number of previous owners of the site and actively encouraged by the Council for a considerable period of time. The City of Norwich Replacement Local Plan (adopted Nov 2004) allocated the site (through policies HOU9 and CC7) for comprehensive redevelopment including a minimum of 80 homes, retail development, open space, car parking and other commercial office or leisure uses, additionally the conversion of Sovereign House to housing or a hotel was proposed. The Northern City Centre Area Action Plan (adopted March 2010) contained a number of policies regarding Anglia Square (policies AS1-4) seeking a comprehensive redevelopment incorporating a minimum of 250 residential units and a significant foodstore. Both the 2004 Local Plan and the Area Action Plan lapsed with policies undelivered regarding Anglia Square.



- 10.4 To date, however, the lack of viability and high level of commercial risk associated with any redevelopment have prevented the private sector from bringing forward development schemes as envisaged in the development plan or that have the benefit of granted planning permissions. It is the Council's view that given the strategic priority of the regeneration of Anglia Square, an acknowledgment and understanding of the factors affecting development viability and delivery is fundamental to considering whether the proposed development is justified and whether the proposed development scheme constitutes a sustainable form of development for this site.
- 10.5 In relation to planning obligations and specifically JCS4 requirements for mixed tenure housing, the landowner and developer were advised by the Council at an early stage that the delivery of affordable housing was an absolute requirement of any housing led scheme for this site. The Council's position is based on: the scale of housing being proposed; the strategic socio – economic objectives for the northern city centre; and the core aims of DM1 to ensure that development promotes mixed, diverse, inclusive and equitable communities. Without the proposed quantum and mix of affordable housing as part of the redevelopment, the Council considers the development in planning terms, would be unacceptable notwithstanding viability constraints. The Council's support for the development remains conditional on the scheme including a minimum of 120 affordable dwellings of the mix proposed (i.e. 10% of the number of units proposed). The proposed Section 106 agreement for the site will reflect this requirement to deliver a minimum of 120 affordable housing units.
- 10.6 In the knowledge of potential financial barriers to delivering comprehensive regeneration of the Anglia Square the City Council has taken action to increase the prospects of development being viable. In particular it submitted a bid to the Homes England Housing Infrastructure Fund (HIF) for marginal viability funding.
- 10.7 The application was accompanied by a detailed Viability Report. This report looked at the viability of the submitted scheme in a number of different scenarios. It concluded that, in the scenario of £12.2m of HIF grant funding being forthcoming and CIL ECR being granted on the entire scheme, the scheme generates a return on GDV of 15.62%, a level which the applicant indicated was

considered to represent a viable scheme. The report concluded that other scenarios examined generated returns on GDV of between 1.04% and 12.15%.

- 10.8 The Council commissioned a detailed viability review of the submitted Viability Report which was undertaken by the District Valuer Services (DVS). The DVS considered that a reasonable profit target for a development of this mix and scale to be 18.5% of GDV and concluded that the submitted Viability Report was a “robust assessment of the viability taking account of the current stage of the development process”. In relation to the submitted scheme with the grant funding and CIL ECR concluded that with profit at “16% is approaching a level that could be deemed marginally viable against our target profit level of 18.5%”.
- 10.9 On 25<sup>th</sup> March 2019 Homes England published a list of marginal viability schemes that had been approved for Housing Infrastructure Fund funding following clarification<sup>1</sup>. This showed that the level of potential grant funding available to support the delivery of the Anglia Square scheme had been increased from £12.2m to £15m (the third highest grant award of 94 projects being funded nationally), increasing the prospects of the scheme being viable and delivered. The grant award is subject to conditions and a grant determination agreement which still remain outstanding. The Council is awaiting clarification of the implications of the call-in on this potential funding.
- 10.10 The Council in 2018 reviewed its position regarding Community Infrastructure exemptions for development within its administrative boundary. Norwich City Council approved the introduction of an Exceptional Circumstances Relief policy on 27 November 2018. The policy came into effect on 1 July 2019 and allows applications for Exceptional Circumstances Relief (ECR) to be considered.
- 10.11 In the light of the evidence available and the conclusions of the DVS the Council attached significant weight to the scheme viability and deliverability in reaching its judgement on the planning balance in this case. It also viewed this evidence

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<sup>1</sup> List available at <https://www.gov.uk/government/publications/housing-infrastructure-fund>

as being sufficiently compelling to justify a lower level of affordable housing provision than the requirements of JCS4.

- 10.12 Furthermore the issue of possible alternatives to the submitted scheme was examined in some detail in Chapter 4 of the Environmental Statement accompanying the application. Consideration of these alternatives is set out in paragraphs 160-164 of the committee report.
- 10.13 In all, 6 alternative schemes to the submitted proposal were examined including additional options that were identified following the first round of public consultation on the planning application. Five of the alternative options were ruled out for reasons set out in the table at paragraph 161 of the committee report. The only alternative option which was considered viable was the “do nothing” option of management of the centre as is currently done.
- 10.14 The Council will provide evidence to substantiate its view that:
- there are specific factors relating, but not limited to: the site, the surroundings and the scale and phasing of future demolition and construction operations, which act as barriers to the delivery of comprehensive development on this site,
  - these factors are material to the consideration of the proposed development;
  - that there is a realistic prospect of securing public subsidy to enable the scheme to be viable;
  - that should planning permission be granted the proposed development is capable of being delivered within a reasonable time;
  - that the deliverability of the proposed scheme and the lack of deliverable alternative schemes providing for the comprehensive regeneration of Anglia Square are significant material considerations which are capable of attracting substantial weight in striking the planning balance. They demonstrate that the scheme will secure the optimum viable use for the site

and provide a clear and convincing justification for development involving less than substantial harm to designated historic assets.

## **11. Main Issue 3: Impact of the Development on European Designated Sites**

- 11.1 The key policies and NPPF paragraphs for consideration are: JCS1, DM1, DM6 and NPPF Chapter 15 Conserving and enhancing the natural environment.
- 11.2 The impact of the development on European designated sites is addressed in paragraphs 169-181 of the Committee Report. Any matters which cannot be agreed in the Statement of Common Ground will be addressed in the Council's evidence.
- 11.3 The Council has, in accordance with Section 63 of the Habitats Regulations, undertaken a Habitats Regulations Assessment (Appendix 2 – Appended to Committee Report).
- 11.4 The Council's case is that the development will make a proportionate financial contribution to the funding of green infrastructure mitigation. With this mitigation there would be 'no adverse effect' on Natura 2000 sites from this development in combination with other planned growth within the Greater Norwich Policy area.
- 11.5 The Council's case is that subject to securing mitigation measures as part of a Section 106 planning obligation, the development is in accordance with the requirements of the Habitat Regulations and consistent with adopted development plan policies and Government policies for Conserving and enhancing the natural environment.

## **12. Main Issue 4: Principle of Housing**

- 12.1 The key policies and NPPF paragraphs for consideration are: JCS4, JCS9, JCS11, DM12, DM13, NPPF chapter 2: Achieving sustainable development, 5: Delivering a sufficient supply of homes and 11: Making efficient use of land.

- 21.2 The matters in relation to housing were addressed in paragraphs 182 – 223 of the Committee Report. These paragraphs of the Committee Report are relevant to the specific issue identified by the Secretary of State: a) The extent to which the proposed development is consistent with the Government’s policies for delivering a sufficient supply of homes (NPPF Chapter 5). Any matters which are not able to be agreed with reference to the Statement of Common Ground will be addressed in the local authority’s evidence.
- 12.3 The Council’s position is that the proposed development is broadly consistent with Government policies and the development plan regarding delivering a sufficient supply of homes and where there are tensions these can be justified by the circumstances of Anglia Square.
- 12.4 A core objective of the NPPF is to significantly boost the supply of housing. The NPPF emphasises the importance of delivering a wide choice of high quality homes and creating sustainable, inclusive and mixed communities. The NPPF further states that as much use as possible should be made of brownfield sites, paragraph 118c indicating that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs.
- 12.5 Significant weight should be attached to the provision of housing in determining this application. Although the Council now has a five year supply of housing when the assessment is carried out against the recently introduced standard method, the reality is that there is a substantial need in the area for more housing, particularly affordable housing, and delivery has fallen well behind the targets set out in JCS4, the main development plan housing policy.
- 12.6 The local policy context for housing provision is provided by JCS4, DM12 and the Greater Norwich City Deal. JCS4 sets out the strategic approach to housing delivery including the need to contribute to a diverse mix of uses in the locality, to have regard to the housing delivery targets in the JCS, and to provide for a mix of dwellings in terms of size, type and tenure. In terms of affordable housing tenures the JCS seeks 85% social rented housing and 15% intermediate

tenures. The 2013 City Deal for Greater Norwich commits the local authorities to bring forward 3000 additional homes on top of the JCS targets by 2026.

- 12.7 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets a legal requirement for reviews of local plans at least every five years. Policy JCS4 was adopted by the Council in January 2014. No review of the JCS was undertaken before January 2019.
- 12.8 The Council's evidence will set out that policy JCS4 can no longer be considered up to date due to its age and having become overtaken by events, although other policies in the plan are largely consistent with government guidance and remain up to date.
- 12.9 Policy JCS4 provides policy on a number of aspects of housing delivery: it specifies the quantum of new homes to be delivered across the plan area between 2008 and 2026; requires the vast majority of this delivery to be concentrated in and around Norwich by specifying the quantum of these that should be delivered in the Norwich Policy Area (NPA); and sets policy regarding housing mix, tenure, housing with care and provision to be made for Gypsies and Travellers.
- 12.10 Policy JCS4, which was adopted by the Council in January 2014 was identical to that which had been previously adopted in March 2011. The overall housing targets contained within it for the Norwich Policy Area remain as proposed in the submission draft version of the document from November 2009 which were originally informed by a Strategic Housing Market Assessment of 2007 and prepared in general conformity with the Regional Spatial Strategy of May 2008.
- 12.11 Policy JCS4 requires 36,820 homes to be delivered over the 18 year plan period 2008-2026. The policy does not specify annual averages but this equates to 2,046pa (per annum) across the plan area, of which 32,847 (1,833pa) are required in the NPA. Between 1st April 2008 and 31st March 2018 a total of 15,472 new homes (1,547pa) had been delivered across the plan area of which 11,617 (1,162pa) had been delivered in the NPA. The result was that there remained 21,348 homes (2,669pa) in the plan area and 21,230 in the NPA (2,654pa) by 2026 to be delivered to meet the plan requirements.

- 12.12 The delivery of the targets set out in the JCS now appears unrealistic. It would require delivery at an average of 2,669pa between 2018 and 2026 whereas rates have fluctuated between 1,168 and 2,251 homes pa between 2008 and 2018. Within the NPA the situation is even more extreme with the plan targets requiring delivery at an average of 2,654 homes pa between 2018 and 2026 when actual delivery between 2008 and 2018 has fluctuated between 882 and 1,810 homes pa.
- 12.13 In the circumstances it is concluded that the targets set in JCS4 are undeliverable, the policy has effectively been overtaken by events and can no longer be considered up to date. Furthermore, other aspects of policy JCS4 are now at odds with various aspects of government policy, notably with regard to the provision of low cost home ownership and the requirement for affordable housing provision on smaller sites.
- 12.14 If land supply is measured against the JCS targets, the land supply would now be just 3.94 years due to the very significant shortfall in historic delivery and the requirement to make good this shortfall in the plan period.
- 12.15 However, the NPPF requires strategic policies to be informed by a local housing need assessment conducted using the standard method in national planning guidance. Using the standard method housing need figures can only be calculated over whole District areas (so cannot be calculated over the Norwich Policy Area).
- 12.16 Updated housing land supply<sup>2</sup> information will become available in the latest Annual Monitoring Report. This will show that land supply calculated against the standard method objectively assessed need stands at 6.54 years across the area of Greater Norwich which includes the areas of Norwich City, Broadland and South Norfolk districts) and 6.82 years if the area of Norwich City is considered in isolation.

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<sup>2</sup> Annual Monitoring Report covering 2017-18 monitoring year not yet published but anticipated to be published by September 2019

- 12.17 When the Committee considered the application it was advised that the housing supply was 4.61 years, but that the presumption in favour of sustainable development should not be applied because of the operation of paragraph 177 of the NPPF.
- 12.18 The situation has changed since the Committee considered the application. Paragraph 177 of the NPPF has been revised for circumstances when, as in this case, an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of a habitats site.
- 12.19 There have also been changes with regard to housing supply. Housing supply as now measured in accordance with the standard methodology exceeds five years, as set out above. However, it is considered that JCS4, the main policy for the supply of housing, is out of date.
- 12.20 Despite this, the presumption in paragraph 11 (1) (d) of the NPPF does not apply, because the proposals will cause harm to designated heritage assets, and that harm and the countervailing public benefits have to be assessed under the relevant heritage legislation and policies.
- 12.21 Nevertheless, the development if approved and implemented would represent the most significant housing project within the city of Norwich expected to be delivered in the next decade. It would deliver 2.06 years of Norwich's housing supply needs as calculated using the standard methodology and contribute significantly to meeting the needs identified locally in the Central Norfolk Strategic Housing Market Assessment of 2017.
- 12.22 Also, the development will deliver 120 units of affordable housing. The SHMA also identifies a shortfall in the supply of affordable housing to meet objectively assessed needs, with the greatest need being for affordable rented homes (84%) and to a lesser extent (16%) for intermediate tenures. It identifies that 278 units of affordable housing are required to be delivered annually to meet needs in Norwich (or 5,828 units in total) over the period to 2036. The development will make a valuable contribution to meeting affordable housing needs.



12.23 The development strongly supports the Government's objective of significantly boosting the supply of homes and ensuring right types of homes are built to meet local housing needs and those of specific groups. Furthermore Government policy (Chapter 11) promotes the effective use of land in meeting the needs for homes and other uses and indicates that as much use as possible is made of 'brownfield' land. It is stated in paragraph 118 of the NPPF that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The development makes effective use of a brownfield city centre site and concentrates significant housing growth in a highly sustainable location.

12.24 Accordingly, it is the Council's position that the proposed level of housing carries substantial weight in favour of the proposal.

12.25 The Council will present evidence:

- relating to the need for housing and the supply of housing land in Greater Norwich,
- to demonstrate the proposed housing in terms of quantum, size, type and tenure will make a substantial contribution to housing supply in Greater Norwich and to meeting Norwich's housing need; and
- to identify that any tensions with planning policy regarding range of housing types and tenure mix can be justified by the circumstances of the case.

12.26 The evidence will support the position of the local planning authority that subject to a S106 Planning Obligation securing a minimum of 120 affordable dwellings the development is in accordance with relevant adopted development plan policies and consistent with Government policies for Delivering a sufficient supply of homes, focusing significant growth on locations which are sustainable and Making effective use of land.

## **13. Main Issue 5: Proposed Retail and Other Town Centre Uses**

- 13.1 The key policies and NPPF paragraphs for consideration are: JCS11, JCS19, DM18, DM20, DM21 and NPPF Chapter 7: Ensuring the vitality of town centre.
- 13.2 The matters in relation to retail and other town centre uses are addressed in paragraphs 224-257 of the Committee Report and these will form the basis of the Council's case. These paragraphs of the Committee Report are relevant to the specific issue identified by the Secretary of State: c) The extent to which the proposed development is consistent with the Government policies for ensuring the vitality of town centres (NPPF Chapter 7). Any matters which are not able to be agreed with reference to the Statement of Common Ground will be covered in evidence presented by the local planning authority
- 13.3 Government policy within the Framework requires planning decisions to support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Paragraph 85a requires planning policies to define a network and hierarchy of town centres and promote their long term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Paragraph 85 f) specifically recognises the important role residential development can often play in ensuring the vitality of centres.
- 13.4 The site lies within and forms an integral part of the Anglia Square/Magdalen Street Large District Centre. JCS19 identifies Anglia Square as one of two Large District Centres within Norwich city centre. These centres are second tier shopping areas within the JCS defined retail hierarchy, one level below Norwich City Centre's defined primary and secondary retail areas. Large District Centres are intended to serve a wider than local function, the principal catchment area for Anglia Square being defined as including the Norwich's northern suburbs and extending out as far as the outer ring road.

- 13.5 Currently, Anglia Square lacks the diversity of uses required to fulfil its role as the focus of the Large District Centre and has limited capacity to serve the day-to-day convenience shopping needs of the local community. The office precinct, which for a number of decades supported substantial employment and positively contributed to the vitality of the centre, has to a large extent been unoccupied since the early 2000s. Sovereign House, formerly occupied by Her Majesty's Stationery Office (HMSO) is now visibly dilapidated. The remaining functioning shopping centre appears outdated and is in physical decline, the public multi-storey no longer safe to be used.
- 13.6 The Application proposes the phased demolition of a substantial part of the existing shopping centre and the re-provision of new floor space for retail, leisure, hospitality and office uses.
- 13.7 It is the Council's position that the development will address the steady decline of the shopping centre and provide the opportunity for employment growth. The proposed new layout of the development, the replacement flexible commercial floorspace, the expanded leisure and hospitality uses and the new housing, provide the opportunity to positively support the long term vitality and viability of the shopping centre and that of the wider Large District Centre. The Council recognises the importance of the development strengthening the Large District function of the centre and ensuring that the development does not adversely impact on the Norwich City Centre's defined primary and secondary retail areas. The Council and the applicants have agreed a series of planning conditions which have the effect of: restricting the total quantum of commercial floorspace; ensuring provision of suitable premises for existing and future SMEs; ensuring the qualitative improvement to the convenience goods retail offer in the first phase of development; and limiting the quantum of floorspace available for the sale of comparison goods.
- 13.8 The Council's case is that;
- the proposed retail, leisure and other main town centres uses, are appropriate in scale and character to the position of Anglia Square/

Magdalen Street Large District Centre within the defined retail hierarchy;  
and

- the proposed development will be beneficial to the vitality and viability of the Large District Centre and complementary to the primary and secondary retail areas of Norwich city centre.

13.9 The Council's case is that subject to the imposition of suitable planning conditions, the development is in accordance with adopted development plan policy and consistent with the Government's policies for ensuring the vitality of town centres.

### **13.10 Leisure**

13.11 The key policies and NPPF paragraphs for consideration are: JCS8, JCS11, JCS19, DM18, DM20, DM21 and NPPF paragraphs 85-90.

13.12 The matters in relation to leisure are addressed in paragraphs 245-248 of the Committee Report and will form the basis of the Council's evidence. These paragraphs of the Committee Report are relevant to the specific issue identified by the Secretary of State: c) The extent to which the proposed development is consistent with the Government policies for ensuring the vitality of town centres (NPPF Chapter 7). Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

13.13 The Application proposes a replacement cinema and a hotel development along with co-located food and drink establishments. The uses in combination seek to expand the leisure/hospitality function of the Large District Centre extending use of the centre into the evening.

13.14 The Council's case is that the proposed leisure uses are appropriate to the Large District Centre location and provide scope for an improved qualitative and quantitative leisure and hospitality offer within the city centre.

13.15 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with the adopted development plan policy and is

consistent with the Government's policies, with the development plan and with NPPF policies for ensuring the vitality of town centres.

### **13.16 Office Development**

- 13.17 The key policies and NPPF paragraphs for consideration are: JCS5, JSC11, JCS19, DM19 and NPPF Chapter 6: Building a strong, competitive economy and Chapter 7: Ensuring the vitality of town centres.
- 13.18 The matters in relation to office development are addressed in paragraphs 250-257 of the Committee Report. These paragraphs are relevant to the specific issue identified by the Secretary of State: b) The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy (NPPF Chapter 6). Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 13.19 The Application proposes the demolition or conversion to residential of 16,161sqm of floorspace previously used for offices. The office use of these premises has ceased. Sovereign House has been vacant since office use ceased in 1999, Gildengate House ceased office use in 2003, was vacant between 2003 and 2009 before being partly occupied as artist studios on a temporary basis.
- 13.20 The Application seeks flexibility for offices to be accommodated within the scheme, by including use class B1a) within the mix of uses proposed for the core commercial floorspace and makes separate provision for 1150sqm. of discounted commercial floorspace.
- 13.21 The Council' s case is that the development provides the flexibility for business floorspace in a sustainable and accessible location, supporting the long term viability and vitality of the city as an employment hub, consistent with development plan policies and NPPF policies for Building a strong, competitive economy and Ensuring the vitality of town centres.

## **14. Main Issue 6: Socio–Economic Considerations**

- 14.1 The key policies and NPPF paragraphs for consideration are: JCS4, JCS5, JCS7, JCS11, DM1 and NPPF Chapter 5: Delivering a sufficient supply of homes, Chapter 6: Building a strong, competitive economy and Chapter 8: Promoting healthy and safe communities.
- 14.2 The matters in relation to socio - economic considerations are addressed in paragraphs 259-301 of the Committee Report and will form the basis of the Council's evidence. These paragraphs of the Committee Report are relevant to the specific issue identified by the Secretary of State: b) The extent to which the proposed development is consistent with the Government policies for building a strong, competitive economy (NPPF Chapter 6). Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 14.3 A key strategic objective of the development plan is to achieve the physical and social regeneration of Anglia Square and the wider northern city centre. The northern city centre area is one of the most ethnically and culturally diverse parts of the city. It has distinctive local shopping and leisure facilities and a vibrant local community and it is a growing location for artists and small start-up businesses. This part of the city, and the site in particular, also face a number of challenges. Over the past two decades there has been a significant decline in employment levels on the site and this has impacted on the vitality of the centre. The local impact area, considered as part of the Application, is amongst the 10% most deprived neighbourhoods in England in terms of income deprivation which particularly impacts on children and older people. In addition, the Health Impact Assessment submitted with the Application highlights that the percentage of people in this part of the city with limiting long term illness and mental health issues is also high or very high compared to other parts of Norwich and the rest of England. The dated and tired condition of Anglia Square and the derelict state of significant buildings on the site, creates a very poor built environment and for some, a negative image of this part of the city. Figures from the Norfolk Constabulary indicate high crime rates. All these factors strengthen the case for

development in this part of the city which will deliver meaningful physical, social and economic benefits

- 14.4 A core objective of the planning system is to help build a strong, responsive and competitive economy. The NPPF requires planning policies to help create conditions in which businesses can invest, expand and adapt decisions and states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal represents a £270 million development project. The project is of strategic scale for Norwich and the largest development scheme proposed in the city centre in the last two decades. The Council strongly supports this level of investment. The development will create a significant uplift in jobs during both the construction and operational phases and boost the city's national profile and its attractiveness to other inward investors.
- 14.5 The development will result in the creation of a substantial new residential community. The Council and the applicants have agreed to measures to ensure that the development brings benefits to local people. These measures which will be secured by the S106 obligation include; a local letting policy, a Sustainable Community Strategy, an Anglia Square Management Plan and a Local Employment Strategy. The development with these measures in place is predicted to reduce levels of deprivation in this part of the city.
- 14.6 The Council will provide evidence to demonstrate:
- that the development, will result in a broad range of short and long term economic and social impacts, beneficial to the locality and the wider city.
  - that the development will positively support the regeneration of the northern city centre and reduce deprivation.
- 14.7 The Council's evidence will support the position that subject to the imposition of suitable conditions and /or the securing of mitigation via a section 106 planning obligation, the development is in accordance with adopted development plan policy and consistent with NPPF policies for Delivering a sufficient supply of

homes, Building a strong, competitive economy and Promoting healthy and safe communities.

## **15. Main Issue 7: Design and Heritage**

- 15.1 The key policies and NPPF paragraphs for consideration are: JCS2, DM1, DM3, DM9, NPPF Chapter 12: Achieving well-designed places and Chapter 16: Conserving and enhancing the historic environment.
- 15.2 The matters in relation to design and the historic environment are addressed in paragraphs 303-438 and 580-587 of the Committee Report and these will form the basis of the Council's evidence. These paragraphs of the Committee Report are relevant to the specific issue identified by the Secretary of State: d) The extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF Chapter 16). Any matters which cannot be agreed in the Statement of Common Ground will be specially covered in the Council's evidence.
- 15.3 The architectural and historic quality of Norwich city centre is of great national importance, having developed over at least 1000 years and containing a wealth and density of heritage assets, many enjoying the highest levels of protection. The entire area within the city walls is a conservation area. A very detailed evaluation of the design quality of the proposed development and the impact it is expected to have on these heritage assets has been carried out.
- 15.4 Much of the development site is a wasteland. Several of the largest and ugliest buildings on the site are empty. The layout is introverted and inhibits movement through the city on foot and by bicycle. The condition of Anglia Square has been deteriorating for years due to its inherent design failings. These features mean that the Anglia Square character area has the lowest possible rating of significance in the City Centre Conservation Area Appraisal and the greatest scope for improvement.
- 15.5 An urban design assessment has been based on the Building for Life assessment method. The scheme performs reasonably well against the twelve



questions, receiving nine greens and three ambers. The design strengths of the scheme are:

- Provision of new and improved movement connections between St Augustine's Street and Magdalen Street and between St George's Street and Edward Street on the general alignment of historic routes in the area.
- It is well served by local facilities and offers better facilities so that residents would have excellent access to the goods and services they need.
- Residents and shoppers would enjoy excellent access to public transport and high-density development in this location would help to reduce dependency on using cars.
- The size of the new homes is appropriate to the identified need.
- A sense of place would be created that is distinctive, interesting and vibrant.
- Mature trees would be retained and more trees planted.
- Wildlife habitat would be created on a site that is ecologically barren.
- Well-defined and interesting streets and open spaces would be created with good natural surveillance.
- There would be a clear distinction between public, semi-private and private space helping with management of spaces and combatting anti-social behaviour.
- Clear building entrances would be provided on street frontages.
- Plentiful and well located cycle parking would be provided.
- Residents would have access to generous shared podium gardens.

The weaknesses of the scheme are:

- The scale of the development fails to harmonise with its surroundings in terms of the height of some buildings and the size of block footprints.
- Fewer affordable homes are provided than the policy target.
- Locally listed buildings on Pitt Street would need to be demolished to facilitate the development.
- There are long internal routes from the residential lobby entrances to many flats through windowless corridors.
- The public car park cannot be accessed directly from Magdalen Street.

15.6 The proposed 20 storey tower has been a particularly controversial aspect of the development. It is accepted that Norwich is capable of evolving beyond its earlier pattern, where all the prominent buildings were concentrated to the south of the River Wensum, and that the tower could effectively symbolise the new activity and spaces that are being created in the northern part of the city centre as part of the growth of the city centre that serves a much more populous and expansive hinterland than was historically the case. This differs from the view of Historic England that the taller buildings in this part of the city that alter the skyline are inherently illegitimate.

15.7 The entire development would be visible from many places in and around the city centre. These impacts have been exhaustively reviewed. Views within Magdalen Street looking south from the junction with Edward Street have been identified as being significantly improved as a result of replacing the poor quality buildings that front the street with higher quality buildings. By contrast, 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 of these are:

- The view towards the development from the Castle ramparts (view 12) which would obscure part of the landscape setting of the city and diminish the sense of being in a defensive position above the city, from which the Castle derives some of its significance as a heritage asset.

- The view south along St Augustine's Street from the junction with Sussex Street (view 16) from which the development would appear to loom in a disturbing way above this sensitive street with its listed buildings.
- The view north along Wensum Street from the junction with Elm Hill (view 25) from which the development would appear to loom in a disturbing way above this sensitive street with its listed buildings.
- The view south along Aylsham Road from the pedestrian refuge close to the junction with Green Hills Road (view 49), where the Anglican Cathedral would be diminished by the introduction of large-scale new development as the focus of the view on this axis of arrival into the city centre.

15.8 The development has not been found to inflict substantial harm on any designated heritage assets, although substantial harm through total demolition would be caused to a locally listed heritage asset 43-45 Pitt Street. It was found to have a less than substantial impact on a number of designated heritage assets, including:

- Anglican Cathedral
- Roman Catholic Cathedral
- Castle
- City Hall
- St Peter Mancroft
- Guildhall
- St Andrews and Blackfriars Hall
- St Peter Hungate
- 2-8 Elm Hill
- Britons Arms

- 1-11 St Augustine's Street
- 21-29 St Augustine's Street
- 22-36 St Augustine's Street
- 71-73 New Botolph Street
- St Augustine's Church
- 2-12 Gildencroft
- City Wall at Magpie Road
- Maids Head Hotel
- 9-13 Wensum Street
- Fye Bridge
- 2-8 Fye Bridge Street
- 9-13 Fye Bridge Street
- St Clement's Church
- 3 Colegate
- St Martin at Oak
- 47-49 St Martin's Lane
- St George Colegate
- Bacon House
- Doughty's Hospital

15.9 The cumulative harm identified above is to some extent offset by other beneficial aspects of the development for the historic environment. These benefits have

been scarcely acknowledged by Historic England in their comments on the application:

- The removal of areas of undeveloped wasteland off Pitt Street.
- The removal of buildings identified as negative in the city centre conservation area appraisal.
- The reinstatement of streets on an alignment close to those that previously existed on the site resulting in clear relationships between surrounding streets and the development.
- New streets and squares with a high quality landscape treatment that, combined with the new accommodation, will attract people to the area and result in more people appreciating the surrounding parts of the conservation area.
- Framed views of St Augustine's Church and the Anglican Cathedral from within the development.
- Higher quality replacement buildings on Magdalen Street.

15.10 These benefits undoubtedly serve to enhance the Anglia Square character area. However, in heritage terms alone this enhancement is cancelled by the more diluted and dispersed but nevertheless significant cumulative harm to the wider conservation area and numerous important heritage assets within it. On balance, therefore, in heritage terms, the harm caused by the scheme is considered to be greater than the benefit to be derived from it.

15.11 Justification for harm, consideration of optimum viable use and the weighing of harm against the public benefits of the proposal will be addressed in other parts of the local planning authority's evidence. Overall it is the Council's view that the scale of public benefits of the proposal, coupled with the evidence on scheme deliverability and the lack of viable alternatives delivering comparable benefit, provides a clear case for considering that the benefits of the scheme outweigh the identified harm to the historic environment and meet the tests set out in the NPPF.

## **16. Main Issue 8: Landscaping and Open Space**

- 16.1 The key policies and NPPF paragraphs for consideration are DM3, DM6, DM8, NPPF: Chapters 8: Promoting healthy and safe communities, 12: Achieving well-designed places and 15: Conserving the natural environment.
- 16.2 The matters in relation to open space, public realm, external communal amenity, space and biodiversity are addressed in paragraphs 440-461 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 16.3 The Council's case is that:
- The proposed site wide landscape strategy provides for the creation of high quality multifunctional public spaces which will: enhance the appearance and character of the development; create opportunities for social interaction; and be sufficient in scale to function effectively and accommodate a broad range of recreational activities and uses, beneficial to future residents, the local community and visitors to the development, consistent with development plan policies JCS2, DM3 and DM8 and chapter 8 of the NPPF;
  - The proposed external communal amenity space provides for a satisfactory standard of amenity space for all residents consistent with development plan policies DM2 and DM13 and NPPF chapter 12; and
  - The proposed 'green' measures provide the scope to significantly enhance the biodiversity value of the site and extend the network of habitats in this part of the city consistent with the development plan policies JCS1, DM3, DM6 and paragraphs 170 and 175 of the NPPF chapter 15.
- 16.4 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent with the Government's policies of Promoting healthy and safe

communities, Achieving well-designed places and Conserving the natural environment.

## **17. Main Issue 9: Amenity**

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

17.2 The matters in relation to amenity are addressed in paragraphs 463 – 482 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

17.3 The Council's case is that:

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

17.4 The Council's case is that the development is consistent with adopted development plan policy and the Government's policies of making effective use of land and Achieving well designed places.

## **18. Main Issue 10: Transport**

18.1 The key policies and NPPF paragraphs for consideration are JCS6, DM28, DM30, DM31, NPPF chapter 9: Promoting sustainable transport.

- 18.2 The matters in relation to transport are addressed in paragraphs 484-508 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 18.3 The site is located adjacent to the city centre strategic road network formed by St Crispin's Road (part of the inner ring road) and by a one-way gyratory system for St Augustine's Street, Magpie Road and Edward Street. The location of the site on the northern fringe of the city centre affords a high degree of accessibility for all modes of travel.
- 18.4 The Council's evidence will demonstrate that:
- The Council has and continues to promote sustainable travel through its policies, initiatives and programmes;
  - the site is highly accessible by all transport modes and is a suitable location for focusing significant development;
  - the scheme design and the proposed access, movement and parking strategy will facilitate the effective functioning and operation of the development for all users and positively promote sustainable travel; and
  - the development proposal includes measures to adequately mitigate the highway impact of the development on the local road network which has been built to accommodate substantial development.
- 18.5 The Council's evidence will support the position that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent with the Government's policies on Promoting sustainable transport.

## **19. Main Issue 11: Air Quality**

- 19.1 The key policies and NPPF paragraphs for consideration are JCS1, DM11, NPPF paragraphs 103,170 and 181.



- 19.2 The matters in relation to air quality are addressed paragraphs 510-525 of the Committee Report and these will form the basis of the Council's evidence. Any matters which are cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 19.3 The proposed development site lies within the Air Quality Management Area (AQMA) for NO2 declared by Norwich City Council in 2012.
- 19.4 The Council's case is that the development incorporates measures which will mitigate the effects of existing or potential further deterioration in local air quality through; design, distribution of uses and a site wide access and travel plan strategy.
- 19.5 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent with development plan policies JCS1 and DM11 and the Government's policy of Conserving and enhancing the natural environment.

## **20. Other Matters**

### **20.1 Noise**

- 20.2 The key policies and NPPF paragraphs for consideration are DM2, DM11, NPPF paragraphs 170 and 181.
- 20.3 The matters in relation to noise are addressed in paragraphs 527-535 of the Committee Report and these will form the basis of the Council's evidence. Any matters which are cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.
- 20.4 The Council's case is that;
- the development will provide for adequate protection from noise for future occupiers; and
  - the development will not give rise to environmental, neighbour or neighbourhood noise which will have some adverse impact on the health,

well-being and quality of life of future, existing adjoining and nearby occupiers.

20.5 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent the Government's policy of Conserving the enhancing the natural environment.

## **20.6 Wind Turbulence**

20.7 The matters in relation to wind turbulence are addressed in paragraphs 536-539 of the Committee Report and will form the basis of the Council's evidence. Any matters which cannot able to be agreed in the Statement of Common Ground will be covered in the Council's evidence.

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

## **20.9 Energy and Water**

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

20.11 The matters in relation to energy and water are addressed in paragraphs. 541-545 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

20.12 The Council's case is that;

- the development includes sources of decentralised, renewable or low carbon energy providing at least 10% of the scheme's expected energy needs and the design of the development will achieve a high level of energy efficiency;
- the development will be water efficient; and

- having regard to considerations of feasibility and viability these measures are acceptable in scope to be consistent with development plan policies JCS1, JCS3, DM1 and DM3 and relevant NPPF policies

20.13 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent with development plan policies and the Government's policy of Meeting the challenge of climate change.

#### **20.14 Archaeology**

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

20.16 The matters in relation to archaeology are addressed in paragraphs 546-548 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

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

20.18 The Council's case is that the development makes provision for a programme of archaeological mitigation work to record and advance the understanding of the significance of heritage assets with archaeological interest.

20.19 The Council's case is that subject to the imposition of suitable conditions the development is in accordance with adopted development plan policy and consistent development plan policy DM9 and National Planning Policy Framework paragraph 199.

## **20.20 Flood Risk and Surface Water Drainage**

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

20.22 The matters in relation to flood risk and water drainage are addressed in paragraphs 550–553 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the statement of Common Ground will be covered in the Council's evidence.

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

20.24 The Council's case is that subject to the imposition of appropriate planning conditions the development includes measures to satisfactorily manage and mitigate against flood risk from all sources consistent with development plan policies JSC1, DM5 and the Government's policies on Meeting the challenge of climate change and flooding:

## **20.25 Contamination**

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

20.27 The matters in relation to contamination are addressed in paragraph 555 of the Committee Report and this will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

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

### **20.29 Health Impact**

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

20.31 The matters in relation to health impact are addressed in paragraphs 557-561 of the Committee Report and these will form the basis of the Council's evidence. Any matters which cannot be agreed in the Statement of Common Ground will be covered in the Council's evidence.

20.32 The Council's case is that subject to mitigation measures secured by the imposition of planning conditions or a Section 106 obligation, the development promotes the creation of a healthy and safe community consistent with development plan policies and the Government's policies of Promoting healthy and safe communities.

## **21. Striking the Planning Balance and the Council's Overall Case.**

21.1 The Committee Report in paragraphs 572-605 describes the principal planning considerations in relation to the proposed urban regeneration scheme and the weight the Council has attached to those matters. This exercise in balancing planning considerations will form a core part of the evidence presented by the Council substantiating its support of the application and the request that the proposed development be granted planning permission.

21.2 The Council's evidence will demonstrate that in assigning weight to individual planning considerations, and in striking the overall planning balance the Council has had full regard to:

- legislation in relation to listed building and conservation areas, EIA development and the conservation of habitats;
- policies within the adopted (and emerging) development plan, non-statutory planning documents, Government policies within the NPPF; and
- site specific matters including but not limited to the existing condition and history of the site, the multiple factors which have combined to act as a barrier to frustrate the comprehensive redevelopment of the site over the past 20 years and the economic, social and environmental consequences of this scheme not proceeding.

21.3 The Council's case is that the proposal constitutes a sustainable form of development for the site and is one which is broadly consistent with the adopted development plan and the Government's planning policy as set out in the NPPF. Where conflict arises, the Council will demonstrate there are material considerations of sufficient weight to justify granting planning permission.

21.4 Development of this site will: deliver net environmental gains through the remediation of derelict land and buildings; create a vibrant mixed use neighbourhood with a strong and distinct sense of place; bring benefits to local people through the provision of a substantial number of new mixed tenure homes, creation of new jobs, enhanced public openspace and an improved Large District Centre; and boost the local economy through investment and new expenditure, supporting existing businesses and the growth of new enterprise. The scheme, if built, would have a significant and permanent regenerative effect on the northern city centre and deliver comprehensive development on one of Norwich's most conspicuous degraded brownfield sites. Substantial public benefit will follow these broad economic, social and environmental objectives being met for this priority regeneration site. Indeed there is the opportunity for these benefits to be extended through the development acting as a catalyst for further investment within the wider northern city centre. Furthermore at this time the prospects of delivery of these broad benefits are enhanced by the likelihood of securing significant public subsidy to unlock this site for development.

- 21.5 The Council recognises that Norwich has a remarkable historic centre and that in considering the impact of the proposed development great importance and weight should be given to the conservation of the city’s historic environment. The Council has identified that the development will result in less than substantial harm to a large number of heritage assets, including to assets which are of the highest national significance. However, it is the position of the Council that there are multiple public benefits associated with the proposal which individually and collectively need to be weighed against the identified harm. Cumulatively these benefits are sufficient to outweigh the harm to the historic environment notwithstanding the very great weight ascribed to its conservation.
- 21.6 A legal agreement will be completed to secure the following planning obligations. A list of draft planning conditions have been discussed and agreed with the applicant and these are set out in Appendix 4. Changes to these conditions may be required as the inquiry process progresses.

<b>S106 Obligation:</b> <b>Matters to be secured</b>	<b>Details</b>
<ul style="list-style-type: none"> <li>• Affordable housing provision</li> </ul>	<ul style="list-style-type: none"> <li>• No implementation of the development until demonstration that development funding is in place to secure delivery of 120 affordable units.</li> <li>• Provision of min of 120 affordable dwellings,85% for social rent and15% for affordable rent (or subject to viability shared ownership or shared equity housing as alternative to affordable rent.</li> <li>• Phased delivery of affordable dwellings including delivery of block D (41 units) prior to the occupation of 200 dwellings in phase A.</li> </ul>
<ul style="list-style-type: none"> <li>• Viability Review</li> </ul>	<ul style="list-style-type: none"> <li>• Reserved matters stage/s.</li> </ul>

<b>S106 Obligation:</b>  <b>Matters to be secured</b>	<b>Details</b>
	<ul style="list-style-type: none"> <li>• In the event of the development not being built out at an agreed rate.</li> <li>• Fixed reviews at 50% and 90% occupancy of the development.</li> <li>• In the event of improved viability additional housing units to be secured. In the case of final review this would be in the form of an affordable housing contribution.</li> </ul>
<ul style="list-style-type: none"> <li>• Employment and Skills Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement and implementation of a strategy: measures to optimise local labour supply chain and procurement.</li> </ul>
<ul style="list-style-type: none"> <li>• Sustainable Community Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement and implementation of a strategy: measures for achieving an inclusive community and encourage social cohesion between the new and existing communities.</li> </ul>
<ul style="list-style-type: none"> <li>• Anglia Square Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement and implementation of a strategy: measures to mitigate the impact of the development on existing businesses and tenants.</li> </ul>
<ul style="list-style-type: none"> <li>• Discounted commercial floorspace</li> </ul>	<ul style="list-style-type: none"> <li>• Floorspace on Pitt Street and Edward Street to be secured for SMEs on flexible and discounted terms (first refusal existing displaced tenants).</li> </ul>
<ul style="list-style-type: none"> <li>• Car Club Contribution</li> </ul>	<ul style="list-style-type: none"> <li>• Phased payment – total £122,000 (sufficient to provide 7 car club vehicles).</li> </ul>
<ul style="list-style-type: none"> <li>• Under the Flyover</li> </ul>	<ul style="list-style-type: none"> <li>• Commuted sum (£240,000) to fund a public</li> </ul>



<b>S106 Obligation: Matters to be secured</b>	<b>Details</b>
Contribution	realm scheme in the event of an alternative scheme not being delivered within an agreed timescale.
<ul style="list-style-type: none"> <li>• Green Infrastructure Contribution</li> </ul>	<ul style="list-style-type: none"> <li>• Commuted sum – (£50 per dwelling) to fund measures to mitigate the impact of the development on European designated sites. Phased payment triggered in the event of CIL relief being approved.</li> </ul>
<ul style="list-style-type: none"> <li>• Public access rights</li> </ul>	<ul style="list-style-type: none"> <li>• Secure public access across the development for pedestrians and cyclists.</li> </ul>

## 22. List of Documents

22.1 List of documents to be referred to in Proofs of Evidences and at the Local Inquiry:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted in March 2011 together with amendments that were adopted in January 2014)
- Norwich local plan Development management policies plan (adopted in December 2014)
- Affordable Housing - Norwich City Council Supplementary Planning Document (adopted in July 2019)

- Main town centre uses and retail frontages - Norwich City Council Supplementary Planning Document (adopted in December 2014);
- Open space & play space - Norwich City Council Supplementary Planning Document (adopted in October 2015)
- Landscape and Trees - Norwich City Council Supplementary Planning Document (adopted in June 2016)
- Heritage Interpretation SPD Norwich City Council Supplementary Planning Document ( adopted in December 2015)
- Anglia Square Planning Guidance Note - Norwich City Council (2017)
- Emerging Policies : Greater Norwich Local Plan : Regulation 18 Draft Plan Consultation
- Greater Norwich Employment, Town Centre and Retail Study (GVA December 2017);
- Housing and Economic Land Availability (December 2017);
- Housing and Economic Land Availability Addendum (October 2018);
- Central Norfolk Strategic Housing Market Assessment (ORS June 2017)
- Central Norfolk Strategic Housing Market Assessment Supplementary Note: Geographical definitions of HMAs (ORS June 2017).
- Joint Core Strategy for Broadland, Norwich and South Norfolk Annual Monitoring Report (expected publication date September 2019)
- Northern City Centre Area Action Plan: Norwich City Council (adopted March 2010 – expired)
- City of Norwich Replacement Local plan (adopted 2004 – expired)
- East of England Plan – Government Office for the east of England (May 2008)

- Strategic Housing Market Assessment - Joint publication Broadland District Council , Norwich CC and South Norfolk Council (2007)
- Norwich City Centre Conservation Area Appraisal
- Economic Strategy 2019-2024 - Norwich City Council (expected publication date August 2019)
- Norwich Economic Strategy – Norwich City Council (expected publication date August 2019)
- New Anglia LEP Local Industrial Strategy – (expected publication date October 2019)
- The East Norfolk and Suffolk Economic Strategy: New Anglia Local Enterprise Partnership for Norfolk and Suffolk (November 2017)
- Greater Norwich City Deal (December 2013)
- Community Infrastructure Levy : Exceptional Circumstances Relief policy – Norwich City Council (July 2019)
- Historic Environment Good Practice Advice in Planning Note 3 : The Setting of Heritage Assets
- Tall Buildings: Historic England Advice Note 4 (2015)
- Manual for Streets: Department for Transport (March 2007)
- Manual for Streets 2: Department for Transport (September 2010)
- Creating better streets: inclusive and accessible spaces, Chartered Institute of Highways and Transportation, January 2018
- Local Transport Note 1/11 'Shared Space' (LTN 1/11)
- Letter from Minister of State for Housing and Planning: Shared space schemes (28 September 2018)

- Inclusive Transport Strategy: Department for Transport (June 2018)
- Planning application and all submitted supporting documents (18/00330/F)
- Review of Development Viability Assessment - District Valuer Services (November 2018) and any update to that review
- Report to Planning Application dated 6 December 2018 (including Committee Minutes ) and Section 106 Obligation
- Third party and statutory consultations responses regarding 18/00330/F
- Design South East reports dated April 2017 and April 2018
- Building for Life 12: Third edition (January 2015)
- Transforming Cities Fund Expression of Interest - Norwich City Council (June 2018)
- Transforming Cities: Strategic business case - Norwich City Council (expected publication date October 2019)