

Anglia Square
Norwich
Planning Statement

Weston
Homes



PLANNING STATEMENT

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Document History

Date	Version	Author	Reviewed By	Notes/Revisions
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PLANNING STATEMENT

1. Introduction

- 1.1. This Planning Statement has been prepared by Weston Homes Plc (the Applicant) in support of a hybrid (part full / part outline) planning application, (the Application), submitted to Norwich City Council (NCC) for the comprehensive redevelopment of Anglia Square, (a retail and commercial centre), and various parcels of mostly open surrounding land (the Site) as shown within a red line on drawing 'ZZ-00-DR-A-01-0200 – Hybrid Application Site Plan'.
- 1.2. The Site is located in a highly accessible position within the northern part of Norwich City Centre and comprises a significant element of the Anglia Square/Magdalen Street/St Augustines Large District Centre, (the LDC). It is thus of strategic importance to the City, and accordingly has been identified for redevelopment for many years within various local planning policy documents, including the Northern City Centre Area Action Plan 2010, (NCCAAP), (now expired), the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014, (JCS), and NCC's Anglia Square and Surrounding Area Policy Guidance Note 2017, (PGN). The Site forms the principal part of an allocation (GNLP 0506) in the emerging Greater Norwich Local Plan (GNLP). The Site can be seen in a wider context of the Northern City Centre in Drawing ZZ-00-DR-A-01-1000 – Hybrid Application Location Plan.
- 1.3. This Application follows a previous application on a somewhat smaller development parcel, (NCC Ref. 18/00330/F) made jointly by Weston Homes Plc as development partner and Columbia Threadneedle Investments, (CTI), the Site's owner, for a residential-led mixed use scheme consisting of up to 1250 dwellings with decked parking, and 11,000 sqm GEA flexible ground floor retail/commercial/non-residential institution floorspace, hotel, cinema, multi-storey public car park, place of worship, and associated public realm and highway works. This was subject to a Call-in by the Secretary of State (PINS Ref. APP/G2625/V/19/3225505) who refused planning permission on 12th November 2020, (the 'Call in Scheme').
- 1.4. In April 2021, following new negotiations with Site owner CTI, Weston Homes decided to explore the potential for securing planning permission for an alternative scheme via an extensive programme of public and stakeholder engagement, from the earliest concepts to a fully worked up application. The negotiations with CTI have secured a "Subject to Planning" contract to purchase the Site, (enlarged to include the southeastern part of Anglia Square fronting Magdalen Street and St Crispins Road), which has enabled a completely fresh approach to establishing a redevelopment scheme for Anglia Square. This has resulted in a different development brief for the scheme, being to create a replacement part of the larger LDC suited to the flexible needs of a wide range of retail, service, business and community uses, reflective of trends in town centre character, integrated with the introduction of homes across the Site, within a highly permeable layout, well connected to its surroundings.
- 1.5. The new development proposal seeks to comprehensively redevelop the Site to provide up to 1,100 dwellings and up to 8,000sqm (NIA) flexible retail, commercial and other non-residential floorspace including Community Hub, up to 450 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), car club spaces and associated works to the highway and public realm areas (the Proposed Development). These figures are maxima in view of the hybrid nature of the Application. This proposes part of the scheme designed in full, to

accommodate 367 dwellings, 5,808 sqm non-residential floorspace, and 146 car parking spaces (with at least 95% of the spaces for residential use, and up to 5% for non-residential use), with the remaining large part of the Site for later detailed design as a “Reserved Matters” application, up to those maxima figures.

- 1.6. The proposals aim to secure the long-awaited redevelopment of this under-utilised Site and provide significant investment to enhance the physical appearance, the retail and leisure function and overall vibrancy of the Site, as well as acting as a catalyst for the wider regeneration of the Northern City Centre. The Proposed Development seeks to create a successful retail environment that will maintain and enhance the range of shops and facilities appropriate to Anglia Square’s position within the retail hierarchy, whilst meeting the everyday needs of local residents. In particular, the proposals include a unit suitable for a new food store, new units suitable for comparison and convenience retailing, by national and local retailers and services, and for leisure uses (e.g. food and beverage premises), a Community Hub, to serve the needs of the existing community as well as the new residents, alongside new employment floorspace for a range of businesses. These uses, with the exception of the Community Hub facility, fall within the term “Main Town Centre Uses” as defined in the National Planning Policy Framework (NPPF) 2021. Meanwhile the new homes will link the existing residential streets and mixed-use streets in all directions around the Site with new residential streets and mixed-use streets of dwellings over the Main Town Centre Uses and other related uses, within the Site, which will benefit from excellent internal permeability, connecting to improved connectivity to the existing surrounding community. This will achieve an important ‘stitching together’ of the Northern City Centre, whilst providing a significant boost to the City’s housing supply for a number of years, and underpinning the viability of the new mixed-use facilities.
- 1.7. The Proposed Development will be a complex and multifaceted project. It has been planned comprehensively, but out of practical and commercial necessity, and to ensure that the shopping centre remains operational at all times during the construction process, it will be brought forward in a number of phases.
- 1.8. A hybrid (part full / part outline) planning application has been submitted. The area for which ‘full planning permission’ is sought relates to the northern and eastern part of the Site (Blocks A, B, C, D, J3, K, L and M, their means of access, works to immediately adjacent streets, and landscape treatment of the important public routes across the scheme, linking St Augustines Street to Magdalen Street via the reconfigured public square (still to be referred to as Anglia Square) and the cycle route from Edward Street to St Crispins Road), together with landscaping of several minor new streets. The remainder of the Site, to the west and south, (Blocks E, E/F, F, G, H and J, together with their means of access and works to the immediately adjacent streets and yards) will be submitted in outline, where details of access, scale and massing, as well as layout, will be established by a series of development Parameter Plans submitted for approval. Thus this Application seeks outline planning permission with appearance and landscaping as “Reserved Matters”, (RM), to form a subsequent Reserved Matters application to be approved in due course.
- 1.9. The Proposed Development has been informed by a wide range of technical assessments relating to issues including heritage, townscape & visual impact, air quality, town centre uses strategy, traffic and transport, noise, ecology, tree protection, sustainability, flood risk & drainage, and socioeconomics. These are set out in separate reports as appropriate. The Planning Statement is thus one of a suite of documents supporting this Application. In addition, an Environmental Impact Assessment (EIA) was undertaken in respect of the Proposed Development, to support the Application, which is therefore

also accompanied by an Environmental Statement (ES), to consider in detail the potential impacts of the Proposed Development on those issues that were “scoped in” to the EIA by NCC, and any necessary mitigation measures in respect of those impacts. The ES Non-Technical Summary, (NTS), identifies all documents forming part of the ES. A full list of all documents submitted in support of this Application including those which form the ES, which should be read together, is included within the Document Directory

- 1.10. In commencing the process of devising a completely new scheme for the Site, the project team took account of the base line work undertaken for the Call in Scheme, in addition to the issues discussed at the Call in inquiry and the resultant conclusions of both the Inspector and the Secretary of State, (SoS), as set out in his decision letter. The above provided only background information, and it is stressed that the new development proposals have been informed by extensive pre-application discussions with NCC over a one-year period, as well as engagement with a large number of stakeholders, including Norfolk County Council (NCoC) and Historic England, and some organisations not previously involved. The design of the scheme has also benefitted from the detailed feedback from an independent Design Review Panel and a Community Review Panel, both led by Design South East. Further details on the design evolution of the scheme and how the proposals address the key issues raised by consultees are provided within the Design & Access Statement, (DAS), and relevant technical reports / and ES chapters. A series of public consultation exercises, each comprising several events, have also been held at various stages of the scheme evolution, in order to engage with the local community and key stakeholders, thus obtaining their input as the proposals became established. Further information regarding the engagement activities undertaken and responses to comments received are detailed within the Statement of Community Involvement that accompanies this application.
- 1.11. This Planning Statement provides an overall summary of the existing Site and surroundings and its relevant planning history, an explanation of the Proposed Development and how it would operate, and a discussion of the justification for the proposals having regard to relevant national and local planning policies and other material considerations and the heritage balance exercise, in order to demonstrate that the planning balance supports the Application.
- 1.12. This Planning Statement is structured as follows:
 - **Section 2** - Application Site and Surroundings
 - **Section 3** - Planning History and Pre-application Consultation
 - **Section 4** - Proposed Development
 - **Section 5** - Planning Policy
 - **Section 6** - Planning Considerations
 - **Section 7** - The Heritage Balance
 - **Section 8** – The Planning Balance and Conclusions

About Weston Homes

- 1.13. Weston Homes was established in 1987, with its head office based in Takeley, Essex. Since its establishment, the Weston Group has grown rapidly with its portfolio of innovative, bespoke, new build development, ranging from traditionally styled houses and apartment buildings to

contemporary, mixed use higher density urban regeneration developments in a wide range of cities and towns. These projects include new-build schemes with ground-breaking contemporary design as well as the conversion, restoration and refurbishment of historical listed buildings. Currently the Weston Group employs approximately 450 staff.

- 1.14. Weston Homes' schemes range from 50 units through to schemes combining commercial, community, educational, and leisure uses alongside residential elements of over a thousand homes, with no two sites being the same. Specialising from the outset in the regeneration of brownfield sites, Weston Homes has become a leader in this area of development, on previously developed land. Current development locations include London, Cambridge, Peterborough, Brentwood, Aldershot, Dartford, Ebbsfleet, Colchester, and Bury St Edmunds.

Modern Methods of Construction - British Offsite

- 1.15. Weston Homes Plc has over the years progressively used vertical integration via off-site manufacture within the construction process to tackle the marginal viability of schemes with complex issues, in order to achieve their delivery. Recently, it has significantly expanded its involvement in this process, by use of Modern Methods of Construction (MMC) through the investment into its sister company 'British Offsite' with its headquarters and production facility at Great Notley, near Braintree.
- 1.16. British Offsite have been developing high quality factory finished components, by utilising high tech manufacturing of modular systems for a number developments including bathroom vanity units, fitted furniture including wardrobes, kitchen worktops, and notably structurally insulated panels (SIP) to be used in the construction of building superstructure. These components are quality checked before leaving the production facility, and collectively reduce the time required by different trades at construction sites. They are progressively being applied to all Weston Homes sites including conventional housing as well as apartment schemes, and would be used throughout the Proposed Development.

2. The Application Site and Surroundings

Site Description

- 2.1. The Site, which lies within the jurisdiction of NCC, measures approximately 4.65 hectares (ha) and comprises the existing Anglia Square shopping and commercial centre and associated land, located in the northern part of Norwich City Centre, a short walk from the centre of the City and adjacent to the inner ring road (St Crispins Road), as identified by the as identified by the Application 'red line' boundary shown on drawing 'ZZ-00-DR-A-01-1000, Hybrid Application - Location Plan on Existing OS Base' submitted as part of the application.
- 2.2. The main Site area, and associated land also known as Anglia Square, is bounded by New Botolph Street and Pitt Street to the west, Edward Street to the north, Magdalen Street to the east and St Crispins Road, including part of its flyover, to the south. The application Site comprises nearly the entirety of the land within this area, including a cluster of buildings at the Pitt Street / St Crispins Road roundabout which are not within the Anglia Square centre. The two exceptions are the Surrey Chapel premises fronting St Crispins Road at its junction with what is currently part of Botolph Street, which is owner-occupied, and the former Barclays Bank building at the northeastern corner of the Site (now vacant, having last operated as a convenience food store, which is in separate ownership). In addition, the Site comprises two further parcels of land, one to the northwest of New Botolph Street/ west of Edward Street, and another to the north of Edward Street and west of Beckham Place, both currently used for surface level car parking.
- 2.3. Anglia Square was extensively redeveloped during the 1960s and 1970s following the construction of St Crispins Road, although the scheme was never completed. The Site currently includes Anglia Square shopping and commercial centre and its associated public realm. On the eastern part of the Site are located the existing Anglia Square public space and surrounding retail units, the retail units fronting Magdalen Street under a vacant nightclub, and the upper-level vacant Hollywood Cinema and vacant retail units. The northern part of the Site includes the vacant and structurally unsound multi-storey car park, over another vacant nightclub, whilst the central and southern part of the Site is dominated by the vacant office building Sovereign House (part seven, part eight storeys, with a nine-storey core). To the west of the main structures of Anglia Square can be found the surface level 'Anglia Square Shoppers Car Park' (land south of Upper Green Lane) together with a second area of surface level car parking, 'RCP Parking LTD' (land west of Botolph Street). Within the southwestern section of the Site between Pitt Street and Botolph Street, is a cluster of two storey buildings of varying design and layout, (adjoining the Surrey Chapel which sits outside the Site), comprising a locally listed building at 41 – 43 Pitt Street and other buildings. These are occupied by social enterprises Norwich Men's Shed and Norwich Farmshare, and other commercial-type activities, alongside premises which are currently vacant. The southeastern part of the Site includes Gildengate House, a seven-storey office building (partly in a 'meanwhile use' as artists' studios but otherwise vacant), which is built over ground floor retail units and adjoining a vacant first floor Pool Hall. Between the two office buildings, along the southern boundary, is a large rectangular two storey building accommodating a discount retailer, which also fronts onto Anglia Square open space under part of Sovereign House.
- 2.4. The main Site is currently served by vehicular access points from New Botolph Street to the west, Edward Street to the north and St Crispin's Road to the south. Upper Green Lane provides vehicular access internally from the flyover northwards at first floor level, to the upper parts of the Site (including the vacant cinema, vacant first floor retail, first floor outdoor parking, and the entrance to the vacant multi-storey car park), above the pedestrianised shopping area below, and exits via a ramp down to Edward Street. Pedestrian access to the shopping centre is predominantly facilitated by two pedestrian routes, (Sovereign Way and Annes Walk), both from Magdalen Street to the east, and via

Botolph Street from the west. The Site currently suffers from poor legibility, with the layout providing limited connections within the Site and to its surroundings.

- 2.5. Sovereign House was built in the late 1960s and the shopping centre, Gildengate House, the multi-storey car park and cinema were constructed in the early 1970s. Since then, the physical fabric and infrastructure throughout the Site has deteriorated, which would be complex to address, even if the many bespoke spaces did not compromise scope for conversion to new uses. The Site is in need of significant investment in order to replace existing vacant buildings, make more efficient use of the Site and provide new retail, and flexible leisure, commercial and community use accommodation, to meet the needs of modern retailers and businesses and better serve the wider community of the Northern City Centre, as well as to help meet Norwich's housing requirements.

Site Context

- 2.6. The eastern part of the Site is bounded by Magdalen Street, a relatively narrow main road fronted by predominantly two and three storey older buildings with retail units at ground floor level, as well as a large three storey late 20th century building immediately opposite the Site, accommodating Roy's department store, a post office and Riley's Sports Bar. Magdalen Street, which is known for its range of independent shops and food and beverage establishments, is a key route taking vehicular and pedestrian traffic from the northern suburbs into the City Centre, under the St Crispins Road flyover. A number of bus stops are located on Magdalen Street adjacent to the flyover as it is the main route for buses between the City Centre and all destinations northwards.
- 2.7. To the north of Edward Street, the existing surface level car park forming part of the Site, (referred to as Block C), located west of Beckham Place, is surrounded by generally large scale buildings, comprising Dalymond Court, (two x four storey residential apartment buildings to the west), the three commercial storey Epic Studios building to the east, (fronting Magdalen Street), and to the north, a recent development of three storey terraced townhouses.
- 2.8. The area to the northwest of the Site is largely residential in character, comprising predominantly two storey 19th century terraced houses off the historic St Augustines Street, which is itself lined with older two storey properties many of which have retail / commercial / maker uses at ground floor. To the northwest of the junction of New Botolph Street and St Augustines Street is St Augustine's Church (Grade I Listed) and the adjacent Grade II Listed terraced timber-framed properties at 2-12 Gildencroft. To the south of these properties is Gildencroft Park, which includes a large children's play area, set partly to the rear of a row modern commercial properties located towards the roundabout with St Crispins Road, on the west side of Pitt Street, behind which is also an old cemetery.
- 2.9. To the south of Anglia Square, beyond the St Crispins Road flyover, there are two and three storey buildings fronting Magdalen Street, and to their west, the Grade II Listed Doughty's Hospital, which comprises two storey 19th century terraced almshouses for the elderly built around a central garden. However, west of that, and for the large part of the St Crispins Road frontage facing the Site, the buildings are generally of a significantly larger scale (up to 6 commercial storeys) and commercial in nature. Furthermore, planning permission has been granted for the enlargement, upwards extension by two floors and recladding of St Crispins House as student accommodation, to the southeast of the Duke St / St Crispins Road roundabout, and at time of submission of this Application, these works are underway.

- 2.10. Further to the south of the immediate setting of Anglia Square, lies the core of Norwich City Centre, providing a significant range of comparison retail and local shops, services and cultural and civic facilities within a short walk of the Site. St Crispins Road dual carriageway and its flyover forms the southern Site boundary and presents a barrier both physically and psychologically, creating a certain degree of separation between the Northern City Centre incorporating Anglia Square and the rest of the City Centre to the south. This has already been partially addressed by NCC and NCoC at the western end of the Site, by replacing a pedestrian subway with a new surface level pedestrian and cycle crossing of St Crispins Road between St Georges Street to the south and Botolph Street within the Site. This provides an improved link across this main road and into the City Centre beyond, which the Proposed Development will complement. In addition, the proposed 'Mobility Hub' on Magdalen Street, which will be the subject of a separate planning application, again complemented by the proposals at Stump Cross, will enhance the useability and visual character of the link southwards under the flyover at the eastern end of Anglia Square.
- 2.11. Within the wider Norwich context, the Site is located within the northern part of the City Centre, an area characterised as a transition zone between the historic and commercial core of the City Centre to the south and the largely residential areas to the north. The Site is within and forms a significant part of a Large District Centre, which is the second tier in the hierarchy of retail centres in the Greater Norwich area, and thus plays an important role in the City's retail hierarchy.
- 2.12. The Site is well served by a range of sustainable transport options, as detailed further within the Transport Assessment submitted in support of this Application. In particular, Magdalen Street acts as a main public transport corridor into the City Centre from the north of Norwich and villages and towns further north. The emerging plans for the Mobility Hub will enhance public transport services and convenience, alongside availability of other sustainable modes of transport such as bicycle hire. The facilities and services located within the core of the City Centre are located a convenient walk or cycle ride to the south.
- 2.13. The relevant policy context for the Site, and an assessment of the Proposed Development against key policy requirements are set out below in sections 5 and 6 respectively.

3. Planning History & Pre-Application Consultation

- 3.1. The NCC Anglia Square Policy Guidance Note (March 2017) indicates that the area generally forming the Site and some adjoining land was originally cleared as part of the construction of the inner ring road (St Crispin's Road) in the 1960s and included the clearance of land to the west of the shopping centre across to Pitt Street and St Augustines Street. It is understood that the original planning permission for the current Anglia Square scheme included the shopping centre, cinema, car park and offices. Further to this, additional phases of development were designed for the western part of the Site but never built. As such, much of this land is still undeveloped today and is used as surface level car parking.
- 3.2. There have been a number of schemes proposed for the partial or comprehensive redevelopment of the current Anglia Square centre and / or the surface car parks, the Surrey Chapel premises, and nearby land parcels, none of which have been implemented, except in respect of the construction of New Botolph Street which separates the northwest part of the main Site from the area referred to as 'Parcel B / Block B' in the current Application.
- 3.3. Following a review of the planning history available on Norwich City Council's online planning register, Figure 1 below comprises a summary including the most recent, relevant planning history relating to the current Anglia Square and surrounding land.

FIGURE 1: SITE PLANNING HISTORY SUMMARY

Application Ref.	Description	Decision
07/01349/F	Comprehensive regeneration of Anglia Square and environs for mixed use development, including detailed proposals for residential tower (block A) and foodstore and full details of servicing, car parking, access (including enhanced pedestrian, cycle, public transport accessibility, bridge link from St Crispins, foodstore service bridge and closing of subway) and proposed Edward Street/Pitt Street link road. Establishing the principle of additional retail (Class A1) and residential (Class C3), food and drink uses (Classes A3, A4 and A5), office use (Class B1), the potential relocation of Surrey Chapel (Class D1) and enhancement of landscaping including enlarged square.	Withdrawn – August 2008
08/00974/F	Comprehensive regeneration of Anglia Square and environs for mixed use development, including detailed proposals for residential (Block A) and foodstore and full details of servicing, car parking, access (including enhanced pedestrian, cycle, public transport accessibility, bridge link from St. Crispins, and closing of subway), siting of ground floor units and detail of proposed Edward Street / Pitt Street link road. Establishing the principle of additional retail (Class A1) and residential (Class C3), food and drink uses (Classes A3, A4 and A5), health centre (Class D1),	Approved - October 2009

	the potential relocation of Surrey Chapel (Class D1) and enhancement of landscaping including an enlarged square.	
10/01733/F	Construction of a two-storey building (with class D1 use) to accommodate the relocated Surrey Chapel from St Crispins Road, as previously approved in principle within the planning permission for the Anglia Square redevelopment (application 08/00974/F).	Withdrawn – November 2010
11/00160/F	Phase 1(a) of the comprehensive regeneration of Anglia Square and environs for mixed use development, including an enlarged Anglia Square, detailed proposals for a new 7,792 sq.m. foodstore, supported by 507 car park spaces, and full details of servicing, car parking (both permanent and temporary), access (including enhanced pedestrian, cycle, public transport accessibility, a bridge link from St Crispins Road, and closing of subway). Detailed proposals for additional retail and other town centre uses (Class A1, A2, A3, A4) totalling 3,565 sq.m. net, a creche (Class D1, 304 sq.m.) and up to 91 residential units (Class C3) in mixed private/housing association use. Outline planning application to establish further residential development (a possible further 16 housing association units) on land west of Edward Street.	Approved – March 2013
11/00161/F	Phases 1(b) and 2(a) of proposed regeneration of Anglia Square and environs for mixed use development, including: fully detailed planning application for Phase 1(b) east of the enlarged square, comprising additional retail and food and drink uses (Class A1/A3) with a total of 2,985 sq.m. net; rooftop parking providing 99 spaces and 29 private flats with temporary car parking; external refurbishment of Gildengate House offices and improvement to existing office entrance. Outline planning application for Phase 2(a) north of the enlarged square, to establish the principle of additional retail and food and drink uses (Class A1/A3) of 2,094 sq.m. and the provision of a gym (Class D2) of 1,478 sq.m.	Approved – March 2013
11/00162/O	Phase 2(b) of proposed regeneration of Anglia Square and environs for mixed use development; outline application to establish the principle of Class D2 (Assembly and Leisure) uses with ancillary Class A1/A3 uses.	Approved – March 2013

11/00163/C	Demolition to facilitate the comprehensive regeneration of Anglia Square and associated development proposals as applied for under 3 planning applications (11/00160/F, 11/00161/F and 11/00162/O).	Approved – March 2013
18/00330/F & PINS Ref. APP/G2625/V/19/3225505	Part Full/Outline application 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	NCC Resolution to approve December 2018 Refused by Secretary of State November 2020

- 3.4. As highlighted above, the Anglia Square scheme and some surrounding land parcels known as Blocks B and C have been subject to numerous applications for comprehensive redevelopment over the last 14 years. Following the withdrawal of planning application 07/01349/F, planning permission was first granted for comprehensive redevelopment of the area in October 2009 (application reference 08/00974/F). This involved the provision of a large foodstore on the western part of the Site, the retention of the eastern part of Anglia Square Shopping Centre, and provision of approximately 200 residential dwellings within a number of residential blocks up to 10 storeys in height. We understand however that this permission was not implemented. Furthermore, the application to develop a two-storey building (with Class D1 use) (application reference 10/01733/F), associated with planning permission 08/00974/F, was withdrawn in November 2010.
- 3.5. Subsequently, further related planning permissions were granted in March 2013 for the redevelopment of the Site through planning applications 11/00160/F, 11/00161/F, 11/00162/O and 11/00163/C. These applications between them sought a more comprehensive redevelopment of the Anglia Square scheme and its surroundings, including the creation of new retail and commercial uses on the eastern part of the Site, in addition to a new foodstore on the western part of the Site, the refurbishment of Gildengate House and the provision of approximately 100 residential units. The permission was implemented but only in respect of the alterations to the road network associated with the scheme, as sought by NCC as part of wider network changes in the area. Thus this scheme was never fully implemented, but remains valid.
- 3.6. The planning history summarised above thus highlights the fact that there have been a series of attempts to regenerate Anglia Square over a number of years, with planning permission most recently granted for two different proposals within the last 14 years, each of which failed to materialise due to the withdrawal of interest by the proposed foodstore operator, and for other reasons. As a consequence, the Anglia Square scheme and its surroundings have suffered from a continued lack of investment and have experienced a general decline in terms of the quality of the built environment, now with no permanent use of any of the upper floorspace, (Gildengate House is part occupied with a meanwhile use), even though the ground floor retail units have continued to operate as part of the Large District Centre.

- 3.7. Anglia Square was subsequently purchased by Columbia Threadneedle Investments, (CTI), in 2014, and the application now referred to as the Call in Scheme was submitted in partnership with Weston Homes in 2018, in order to address the issues facing the Anglia Square scheme and its surroundings, resulting from the history summarised above. In December 2018 the NCC Planning Committee resolved to approve that application, (subject to outcome of referral to National Case Work Unit, S106 Obligations and the imposition of planning conditions). However, this was subject to a Call-in by the Secretary of State (SoS) (PINS Ref. APP/G2625/V/19/3225505). Following an Inquiry, the Inspector appointed by the SoS recommended that the application be approved and planning permission be granted in his report dated June 8th 2020. However, the SoS disagreed with the Inspector's recommendation and refused planning permission on 12th November 2020. The SoS's decision letter which includes the Inspector's recommendation is located in Appendix A.
- 3.8. The current proposals are submitted by Weston Homes in the context of the revised contract with the Site owner, CTI which has enabled a different brief to be prepared for the nature of a new scheme, informed by the conclusions of the SoS on the Call in Scheme, a substantial programme of pre-application engagement detailed below, and consideration of the current issues facing the Site resulting from the changes in the retail and leisure sectors, and their implications for town centres , together with working practices that the Covid 19 pandemic accelerated. As part of the preparation of the current proposals, an Environmental Impact Assessment (EIA) Screening & Scoping Request was submitted to Norwich City Council in November 2021 (Ref. 21/01738/EIA2). Through this process, Norwich City Council indicated that in its opinion the proposals constituted EIA Development, and set out the necessary scope of the EIA to be included in an Environmental Statement (ES). Further details are provided within the ES submitted in support of this application, and summarised in a Non-Technical Summary, (NTS).

Pre-application Engagement

- 3.9. Extensive pre-application engagement has taken place with NCC, Norfolk County Council, Historic England, national and local stakeholders and the public, with three distinct chapters of scheme evolution, between March 2021 and March 2022, to the point of submission of the Application, which is set out in the Statement of Community Involvement, (SCI). At each round of consultation, consideration was given to comments from the public, which were provided both in person at events, and via a feedback form, and also to the views of stakeholder groups, again offered in person or via subsequent letters. Each subsequent round of consultation explained the changes arising from the consultation process. As is indicated in the SCI, a significant degree of support for the scheme generally and for specifics, is recorded in respect of the public.
- 3.10. In addition, the scheme has undergone independent design review, as it has evolved into the Proposed Development, via a peer review panel and a community review panel appointed by NCC, both led by Design South East.

4. Proposed Development

- 4.1. The Proposed Development involves the comprehensive redevelopment of the Site for a residential-led mixed use scheme with a range of flexible retail, commercial, leisure and community based uses, including a Community Hub to serve both the existing and new residential area. The Application development description in full is as follows:

“Hybrid (part full/part outline) application on site of 4.65ha for demolition and clearance of all buildings and structures and the phased, comprehensive redevelopment of the site with 14 buildings ranging in height from 1 to 8 storeys, for a maximum of 1,100 residential dwellings, (houses, duplexes and flats) (Use Class C3); a maximum of 8,000 sqm flexible retail, commercial and other non-residential floorspace (retail, business, services, food and drink premises, offices, workshops, non-residential institutions, community hub, local community uses, and other floorspace (Use Classes E/F1/F2/Sui Generis (public conveniences, drinking establishments with expanded food provision, bookmakers and/or nail bars (up to 550sqm), and dry cleaner (up to 150sqm))))); service yard, cycle and refuse stores, plant rooms, car parking and other ancillary space; with associated new and amended means of access on Edward Street and Pitt Street, closure of existing means of access on Edward Street, New Botolph Street, Pitt Street and St Crispins Road flyover, formation of cycle path between Edward Street and St Crispins Road, formation of wider footways, laybys and other associated highway works on all boundaries, formation of car club parking area off New Botolph Street, up to 450 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), hard and soft landscaping of public open spaces comprising streets and squares/courtyards for pedestrians and cyclists, other landscape works within existing streets surrounding the site, service infrastructure and other associated work; (All floor areas given as maximum Net Internal Area);

Comprising;

Full planning permission on 2.25ha of the site for demolition and clearance of all buildings and structures, erection of 8 buildings ranging in height from 1 to 8 storeys for 367 residential dwellings (Use Class C3) (149 dwellings in Block A, 25 dwellings in Block B, 21 dwellings in Block C, 34 dwellings in Block D, 8 dwellings in Block J3, 81 dwellings in Block K/L, and 49 dwellings in Block M) with associated cycle and refuse stores), and, for 5,808 sqm flexible retail, commercial and other non-residential floorspace (retail, business, services, food and drink premises, offices, workshops, non-residential institutions, community hub, local community uses, and other floorspace (Use Classes E/F1/F2/Sui Generis (public conveniences, drinking establishments with expanded food provision, bookmakers and/or nail bars (up to 550sqm), and dry cleaner (up to 150sqm))))), service yard, cycle and refuse stores, plant rooms, car parking and other ancillary space, with associated new and amended means of access on Edward Street, closure of existing means of access on Edward Street and New Botolph Street, formation of cycle path from Edward Street to St Crispins Road, formation of wider footways, laybys and other associated highway works on Edward Street, New Botolph Street, and Magdalen Street, formation of car club parking area off New Botolph Street, 146 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses) within Blocks A and B, hard and soft landscape works to public open spaces comprising streets and squares for pedestrians and cyclists, other landscape works, service infrastructure and other associated works; (All floor areas given as maximum Net Internal Areas);

And

Outline planning permission on 2.4ha of the site, with landscaping and appearance as reserved matters, for demolition and clearance of all buildings and structures, erection of 6 buildings (Blocks E – H and J) ranging in height from 3 to 8 stories for up to 733 residential dwellings, (houses, duplexes, and flats) (Use Class C3), a maximum of 2,192 sqm flexible retail, commercial and other non-residential floorspace (retail, business, services, food and drink premises, offices, non-residential institutions, local community uses and other floorspace (Use Classes E/F1/F2/Sui Generis (drinking establishments with expanded food provision, bookmakers and/or nail bars (up to 550sqm), and dry cleaner (up to 150sqm))); cycle and refuse stores, plant rooms, car parking and other ancillary space; with associated new and altered means of access on Pitt Street and St Crispins Road, closure of means of access on Pitt Street and St Crispins Road flyover, formation of wider footways, laybys and other associated highway works on Pitt Street and St Crispins Road, a maximum of 304 car parking spaces (at least 95% spaces for class C3 use, and up to 5% for class E/F1/F2/Sui Generis uses), service infrastructure and other associated works (landscaping and appearance are reserved matters); (All floor areas given as maximum Net Internal Areas)."

Planning Strategy: A Hybrid Application, and Phased Development

- 4.2. Given the scale of the Site and the Proposed Development, the approximately 10 year demolition and construction programme, and the fact that the businesses currently occupying the existing retail units on the Site, together with the Anglia Square public space make an important contribution to the function of the LDC, there is a the need to keep as much of the shopping centre open as practicable throughout redevelopment. Accordingly Weston Homes propose that construction of the scheme will progress in a number of phases. It is important that the construction starts as soon as possible and consequently, a hybrid planning application is submitted, since this has enabled preparation of detailed drawings for a full application for part of the Proposed Development, in accordance with an Illustrative Masterplan, whilst work continues on the detailed design of the buildings and spaces forming the remainder of the Site. The further design work for that area will be undertaken within the scope of Parameter Plans for an outline application, also in accordance with the Illustrative Masterplan, but with appearance of buildings and landscaping as 'Reserved Matters' (RM). The Applicant can thereby obtain full planning permission for the initial phases of development and outline planning permission for the later phases. This will enable the first phase of development to commence swiftly following grant of planning permission, whilst allowing the necessary flexibility for the details of the later phases of development to be finalised through RM applications at the appropriate time as the scheme progresses.
- 4.3. An indication of how the entire Site could be comprehensively developed and how the Proposed Development would relate to the surrounding area and the wider context of the Northern City Centre is provided by the Illustrative Masterplan (ZZ-00-DR-A-01-0100) submitted in support of this Application. The latter drawing reflects the details of the full element, and the layout Parameter Plan of the outline element. The entire development will deliver a maximum of 1,100 residential dwellings, a maximum of 450 parking spaces and a maximum of 8,000 sq m NIA floorspace for a range of retail, commercial, leisure, and community uses including a public toilet / "Changing Places" facility, and Community Hub and Community Hall facilities.
- 4.4. Details of the full and outline elements are provided below, and Drawing ZZ-00-DR-A-01-0300 Rev S2-1 *Hybrid Application Site Plan: Block Plan on Proposed Layout* indicates the entire area within the Application boundary – i.e. the Site, and Drawing ZZ-00-DR-A-01-0301 Rev S2-1 *Detailed Application*

Site Plan: Block Plan on Proposed Layout indicates the extent of the full part of the Application. Phases 1 and 2, part of Phase 3, and the public realm spaces comprising the main east-west and north-south routes, minor links to Magdalen Street and Edward Street and the pavements around those boundaries, together with St Georges Gardens and the reconfigured Anglia Square landscape works are covered by the full application element; the remainder of Phase 3 along with Phase 4, together with the minor links between those buildings, and the pavements around those boundaries, are covered by the outline element.

- 4.5. The Phasing Plans contained in Appendix B shows each phase in a series of 3D visuals, indicating that at least two commercial frontages onto Anglia Square would be in operation at all times.
- 4.6. As indicated on drawing A01-PP-400, the element submitted in detail will include Phases 1, 2 and part of 3 (and landscaping works to Anglia Square public space within Phase 3) within the northern and eastern parts of the Site, with some public realm areas to be partially completed since their edges will be excluded to allow for flexibility along their outline element boundaries. The remainder of the proposals, comprising the element submitted in outline, including those public realm edges, will follow as later phases of development. It is envisaged that the development will be phased as follows:
 - i. Phase 1: Demolition of the multi storey car park to enable construction of Blocks A, C, D and M on the northern parts of Site, two new finished pedestrian / cycle routes into Site from Edward Street (Beckham Place and St Georges Street section between Blocks A and D) and two partially completed reconstructed routes from the west and south, (Botolph Street (section between New Botolph Street and Anglia Square), and St Georges Gardens and Street south from Botolph Street to provide cycle route from Edward Street to St Crispins Road), along with highway works along New Botolph Street and Edward Street. All other existing routes remain open at that point.
 - ii. Phase 2: Demolition of the cinema and shops beneath from Anglia Square to Magdalen Street to enable construction of Blocks K/L and J3 on the eastern part of Site and new finished pedestrian route from Magdalen Street, (Annes Walk), partially completed Cat & Fiddle Way with completed Cat & Fiddle Yard at Block J3, partially completed Botolph Street (section between Blocks K/L and J/J3, and highway works along Magdalen Street. At this stage, all existing pedestrian routes into Anglia Square will have been replaced by either new completed routes or partially completed routes from Edward Street, Magdalen Street, and New Botolph Street.
 - iii. Phase 3: Demolition of Sovereign House and Gildengate House, and shops beneath, to enable construction of Blocks G, H and J to the centre and southern part of Site and substantial areas of public realm including reconfigured Anglia Square, Sovereign Yard, Calvert Yard, Cherry Lane and partially completed St Georges Gardens and St Georges Street (east side of section between Botolph Street and St Crispins Road, and construction of Block B.
 - iv. Phase 4: Demolition of any remaining buildings on Pitt Street if not removed earlier for archaeological investigations, to enable construction of Blocks E, E/F and F on the western part of Site and areas of public realm including Burrows Yard, Tooley Lane, Cherry Tree Yard, remainder of St Georges Gardens and St Georges Street, and highways works along Pitt Street and St Crispins Road.

The Mobility Hub Area

- 4.7. The existing wide pavement on Magdalen Street north of the flyover is proposed to be incorporated into a larger area forming a re-provision of the public space previously known as Stump Cross. This area, which would be between Block J3 and Magdalen Street at the entrance point into what is proposed in the Application as Botolph Street is not included within the Application boundary, but is shown edged by a blue line, denoting that it is in the ownership of CTI, and therefore that Weston Homes have an interest in it as land within the Subject to Planning contract. The reason this area is excluded from the Site is that it is intended that it will form part of the larger area for a 'Mobility Hub' on Magdalen Street envisaged and being pursued by NCC and Norfolk County Council, for which plans are still evolving at the time of this Application. Therefore, a future standalone planning application for the entire Mobility Hub, including areas under the flyover on both sides of Magdalen Street, will be pursued for the highway works and associated hard and soft landscaping works within that area once the Mobility Hub plans are finalised and an appropriate landscaping scheme has been designed. It is anticipated the pavement design will need to be predominantly hard landscaped with some street trees and seating due to significant pedestrian movements and people waiting associated with the Mobility Hub, so this has only been shown indicatively on this Application's Illustrative Masterplan, in order to demonstrate how the Proposed Development could be compatible with the Mobility Hub. The timing of these works is unknown at this stage.

Affordable Housing Provision

- 4.8. The total affordable housing provision would be a minimum of 10% of the total number of dwellings ultimately approved, (i.e. 110 units as a minimum of 1100 dwellings approved). The mix and tenure split of the total affordable housing provision as proposed is still subject to review by the NCC housing team and will be informed by further dialogue with regard to the assessment of scheme viability during the determination of the Application.
- 4.9. The affordable housing proposal is made having regard to the viability evidence submitted with this Application, which indicates that this would be the maximum quantum of affordable housing viable to be able to deliver the Proposed Development on this Site. However, it is anticipated that the s106 Agreement would incorporate a mechanism for the Proposed Development to be subject to subsequent viability assessment review(s), including the tenure split of any additional units, at prescribed stages of the redevelopment. Accordingly, the quantum may increase above 10% of the approved number of units should it be agreed with NCC that the viability evidence at such review(s) demonstrates that the scheme could reasonably deliver a greater number of affordable homes. The required stages of the redevelopment at which the subsequent viability reviews will take place will be subject to agreement with NCC and will be laid out in the s106 Agreement, which will ensure that these are 'upwards only' reviews, thus avoiding the risk of a lower total number of affordable units being provided. Both the full and outline element buildings will be 'tenure blind' by design, and the groups of affordable units will be spread over different parts of the Site, in different phases, to ensure social integration of the new households in the scheme over the course of the development process. This ensures that the provision of affordable housing will represent a significant public benefit of the scheme.

Full (Detailed) Element

- 4.10. The full (detailed) element of the Application comprises an area of 2.25ha, and seeks full planning permission for:
- i. 367 dwellings (use class C3);
 - ii. Residents' cycle and refuse stores, plant rooms, 146 car parking spaces (of which at least 95% for residential use, and up to 5% for non-residential uses), landscape works to podium and roofs for residents' communal use;
 - iii. 5,808 sqm (NIA) flexible retail, commercial and other non-residential floorspace (retail, business, services, and food and drink premises, non-residential institutions, local community uses and other floorspace (Use Classes E/F1/F2/Sui Generis (comprising public conveniences, and any of: drinking establishments with expanded food provision, bookmakers and/or nail bars (up to 550sqm), and dry cleaner (up to 150sqm))). The community uses include the following facilities for the entire local community, not just residents of the scheme:
 - a. Public toilets and "Changing Places" facility (50.8sqm);
 - b. Community Hub (578.9sqm); and
 - c. Community hall (146.6sqm)
 - iv. Commercial service yard with adjoining commercial refuse store;
 - v. Car club bays, visitor cycle parking, service infrastructure, widened footways, formation of laybys, segregated cycle route from Edward Street to St Crispins Road, and other associated highway works and improvements;
 - vi. Public realm spaces with hard and soft landscape works comprising 5 streets and 5 squares/courtyards, thereby ensuring a high level of permeability across the Site in all directions, incorporating places of different scale and character to dwell and enjoy the activity or tranquility; and
 - vii. New and amended means of access on Edward Street, and closure of means of access on New Botolph Street.

Layout and Land uses

- 4.11. As shown on drawing 'ZZ-00-DR-A-01-0301, *Detailed Application Plan: Block Plan on Proposed Layout*, the detailed element of the proposal comprises Blocks A, B, C, D, J3, K/L and M. These are located within the northern and eastern parts of the main part of the Site, as well as the two remote land parcels on Edward Street, (Blocks B and C).
- 4.12. The Proposed Development layout by floor, in context of the Site, is shown on the Illustrative Masterplan series of drawings:
- ZZ-00-DR-A-01-0100
 - ZZ-00-DR-A-01-0101.1
 - ZZ-01-DR-A-01-0101
 - ZZ-02-DR-A-01-0102

- ZZ-03-DR-A-01-0103
- ZZ-04-DR-A-01-0104
- ZZ-05-DR-A-01-0105
- ZZ-06-DR-A-01-0106
- ZZ-07-DR-A-01-0107
- ZZ-99-DR-A-01-0099
- ZZ-99-DR-A-01-0199

Of these, Drawing 'ZZ-00-DR-A-01-0100' shows the ground floor layout. Non-residential uses are limited to the ground floor of some buildings, whilst from first floor and above there is only residential use, with the two exceptions of Block L facing Stump Cross, where there are four stories of flexible commercial space and Block D fronting New Botolph Street, where the Community Hub and Hall extend over the ground and first floors.

- 4.13. The masterplan drawings also show the means of vehicular access to Blocks A, B and M, and works to the immediately adjacent streets, the public square (Anglia Square) and the cycle route from Edward Street to St Crispins Road. The full proposal delivers the principal cycle and pedestrian routes across the Site as well as new secondary routes, indicatively named Botolph Street, Beckham Place, St Georges Street / St Georges Gardens, Annes Walk, (which is made attractive to pedestrians via being realigned and opened to the sky compared to the current arrangement), and Cat & Fiddle Way, as well as the public spaces forming a newly configured Anglia Square public space, and the small Cat & Fiddle Yard. The full element includes public realm landscape works up to building frontages on the north and east side of Anglia Square, the new Beckham Place and Annes Walk streets, and the pavements around the north and east Site boundaries on Edward Street and Magdalen Street.
- 4.14. The Anglia Square public space remains in its current position and is increased in size to about 2,000sqm, being approximately 32m by 60m wide, thus of a similar width to the existing space but considerably longer. The proposed layout retains the existing concept of ground floor commercial floorspace with frontages facing onto the square but the design and landscaping is reconfigured with a new canopy(ies), seating, trees and planting.
- 4.15. Two land parcels, (Blocks B and C) are located on the north and west side of Edward Street and New Botolph Street. Block B includes a single terrace of houses with rear gardens backing onto rear gardens of existing Leonard Street terrace housing, and a small apartment block, which together form an enclosed courtyard accessed via Edward Street and will link into the existing Rose Yard, creating new pedestrian route from Edward Street to St Augustines Street. The terrace of houses and the apartments' entrance front onto a hard and soft landscaped courtyard.
- 4.16. Block C is a small L-shaped apartment block that runs parallel with Beckham Place and wraps around a new landscaped garden, protected from Edward Street by a boundary treatment of low wall and railing / hedging. Block C has core entrances from the garden elevation, with some units having their own private entrances directly off Beckham Place.
- 4.17. Block D is a deliberately distinctive curved building containing the Community Hub and Community Hall at ground and first floors with the entrance at the corner of Botolph Street and St Georges Street. A layby on New Botolph Street facilitates drop off or collection of residents' deliveries using a courier entrance. The residential entrance serving the core to the upper floor apartments is midway along the building frontage to the newly proposed St Georges Street. The Community Hub and

Community Hall will be available for both the general public and residents of the Proposed Development to use. The Community Hub will provide a space for people to meet, hire a desk to work from, with an associated café or kitchenette to provide refreshments, and would also contain a delivery collection / returns service for residents' deliveries. The Community Hall will provide a hall space anyone can hire for activities or community group meetings. Both uses would be managed by the management company of the Proposed Development. The detailed layout, access and day to day management of the Community Hub and Community Hall will be detailed within a Community Hub Management Plan to be submitted to and agreed with NCC prior to the Community Hub and Community Hall coming into use.

- 4.18. Blocks A, M and K/L are 'perimeter block' aggregations of buildings, each constructed around an internal podium garden for residents. They provide the majority of the flexible commercial floorspace within the Proposed Development via ground floor commercial frontages to all their elevations, alongside some ground floor residential units in Block A, where appropriate. Block M encloses the service yard.
- 4.19. The ground floor of Block A is mixed use with only residential apartments at first floor and above. At ground level, the north side of the building fronting Edward Street has a commercial unit to the corner with Beckham Place, a residential unit to the corner with St Georges Street and between these, building plant and bin stores, either side of vehicular entrances to car parking at ground floor and via a ramp to a basement level. There is also a delivery entrance to the largest commercial unit, adjoining a delivery layby on Edward Street, to enhance the suitability of that unit for potential large format retailers. The east and south sides are commercial with frontages onto Botolph Street, Anglia Square, and Beckham Place which includes the public toilets / "Changing Places" facility. The west side has residential units with their own private entrances onto St Georges Street. There are residential entrance cores to the residential units above on all sides of the Block. At first floor there is the residents' landscaped podium at the centre, which the block wraps around, but with lower height on the southern side, to allow sunlight penetration.
- 4.20. The ground floor of Block M is occupied by flexible commercial use and contains a covered 653.8sqm service yard and commercial refuse store, thus ensuring a retail unit suitable for a medium-sized supermarket. There are residential apartments at mezzanine level and above, served by entrance cores to the units above on the south-east corner and west side of the building accessed off Annes Walk and Beckham Place respectively. At the centre of the first floor there is a residents' landscaped podium, which is enclosed by the Block in a U-shape on the west, north and east sides and open ended on the southern side, again to allow sunlight penetration, with windows of the residential units benefitting from outlook onto the podium.
- 4.21. Adjacent to Block M is 100 Magdalen Street, an existing vacant commercial building outside the Applicant's control. The positioning and layout of Block M has been carefully designed so as not to preclude or place any unreasonable constraints upon redevelopment of the adjacent site in future. The service yard has been located on the east side of Block M at ground floor, and thus does not require windows with natural light along the boundary to No 100. The window openings of the residential units above are orientated north, south and west onto surrounding streets or onto the building's internal landscaped podium, to avoid any future overlooking issue with a proposed redevelopment of No 100.

- 4.22. Block K/L comprises flexible commercial floorspace at ground floor with residential units at first floor and above, accessed via entrance cores on the west and east sides of the building, off Anglia Square and Magdalen Street respectively. The block provides active commercial frontages at ground floor on all sides, to Annes Walk, Magdalen Street, Botolph Street and Anglia Square. At first floor there is a landscaped podium at the centre, for residents, which the block wraps around on all sides, again offering an attractive outlook from the surrounding windows. As with other blocks, the southern side of the podium is lower, allowing for sunlight penetration.
- 4.23. At the south-east corner of the block, where Magdalen Street and Botolph Street meet is Block L. This is another distinctive building as it forms the south-facing frontage to the enlarged Stump Cross space at the eastern entrance to the scheme. As noted, it comprises flexible commercial accommodation on all four floors, giving the potential for food and beverage uses extending out into Stump Cross pedestrian area, and at fourth floor, where there would be a view across the City Centre including the Cathedral and Castle.
- 4.24. Block J3 is a U-shaped building in the southeast part of the Site where Botolph Street meets Magdalen Street. The building has a flexible commercial ground floor with frontages onto Magdalen Street, Botolph Street and Cherry Lane, which is to be extended between Magdalen Street westwards to St Georges Street, along the base of the St Crispins Road flyover. There are residential units on the upper floors of Block J3, accessed from a small landscaped courtyard named 'Cat & Fiddle Yard'. Block J3 is set back further from Magdalen Street compared to the building it would replace to allow for a larger hard landscaped Stump Cross space to be designed for the future Mobility Hub, thereby being able to accommodate its associated volumes of pedestrian movement.

Residential Mix and Tenure

- 4.25. Phase 1 (Blocks A, C, D and M), Phase 2 (J3 and K/L) and part of Phase 3 (B), collectively deliver 367 dwellings in a mix of types and sizes, comprising one-, two- and three-bedroom apartments, duplexes and houses. To add to the range of dwelling sizes offered, the one bedroom flats will include some for 1 person and others for 2 persons, and two bedroom units will include some for 2 persons and others for 3 persons. The number of dwellings per block is listed below, and tenure and size mix summarized in Figure 2:
- Block A - 145 apartments and 4 duplexes
 - Block B - 11 houses and 14 apartments
 - Block C - 21 apartments
 - Block D - 34 apartments
 - Block J3 - 8 apartments
 - Block K/L - 73 apartments and 8 duplexes
 - Block M - 43 apartments and 6 duplexes

Size	Tenure			Total	% of Total Units	
	Private	Affordable Rent	Shared Ownership			
1-bedroom 1-person	4	0	0	4	1.1%	45%
1-bedroom 2-person	100	40	21	161	43.9%	
2-bedroom 3-person	36	0	0	36	9.8%	47.7%
2-bedroom 4-person	139	0	0	139	37.9%	
3-bedroom 5-person	14	9	4	27	7.4%	7.36%
TOTAL	293	49	25	367	N/A	
% Units	79.84%	13.35%	6.81%	N/A	100%	

FIGURE 2: RESIDENTIAL TENURE & SIZE MIX IN FULL ELEMENT OF HYBRID APPLICATION

- 4.26. The nature and layout of the full element of the Proposed Development, being mostly dwellings above commercial and community ground floor uses, in this accessible City Centre location, lends itself to the provision of predominantly apartments as opposed to houses. However, opportunities have been taken to maximise the number of dual aspect and duplex units, and to provide a variety of typologies, as far as practicable within the constraints of this part of the Site.
- 4.27. The proposed residential dwellings have been designed to meet the relevant national minimum space standards, as well as relevant Building Regulations standards relating to accessible and adaptable dwellings (Part M4(2) and (3)), thereby ensuring that an appropriately high standard of accommodation is delivered.
- 4.28. Phases 1, 2 and part of 3 include the delivery of 74 affordable units, comprising two forms of tenure, being 49 affordable rent (66%) and 25 shared ownership (34%). These are spread across Blocks B, C and K/L to aid social integration and community cohesion, whilst also enabling the affordable units to include a variety of unit sizes and typologies, including houses. There will be additional affordable housing delivered within the outline element which is discussed below in the eponymous section.
- 4.29. Full details of the proposed residential mix for the detailed element, and illustrative details for the outline element of the Application are provided within the Design & Access Statement, Affordable Housing Statement, and submitted schedules and drawings.

Non-Residential Land Uses

- 4.30. Phases 1 and 2 of the Proposed Development will deliver a significant proportion of the proposed flexible commercial floorspace, including spaces suitable for a foodstore and for a food and beverage establishment fronting Anglia Square. All the new accommodation would be of high quality, of a variety of sizes but still suitable to be combined or partitioned in the future, so as to provide flexible units suitable for retail, services and other Main Town Centre Uses, to ensure the continued and enhanced function of Anglia Square as a principal element of the Large District Centre. Flexible commercial floorspace included within the detailed element comprises 5,031.5sqm (NIA):

- **Block A** - 1,234.8sqm all at ground floor, with units ranging from 72 - 798.3sqm in size;
- **Block M** - 595.3sqm all at ground floor, with an 83sqm and 512.3sqm unit, the larger unit is suitable to be a foodstore being immediately adjacent to a covered service yard within the building;
- **Block K/L** – 2,773.9sqm in total, with 1924sqm at ground floor in units ranging from 78.8 - 748.3sqm in size, and 849.9sqm across the 1st, 2nd and 3rd floors with units ranging from 29.2 - 207.2sqm. The Stump Cross building includes 729.2 sqm floorspace out of the overall K/L figure.
- **Block J3** - 427.3sqm all at ground floor, with three units 102 - 213.3 sqm in size.

- 4.31. This element of the scheme is vital to ensure the suitability of the Proposed Development to the Site. It is thus at the heart of the purpose of the Application, which in addition to re-introducing dwellings to the Site, seeks to re-provide Anglia Square as a fundamental part of the LDC, supporting the Northern City Centre and its catchment area, by creating a successful retail environment that will maintain and enhance the range of shops and facilities appropriate to Anglia Square's position within the retail hierarchy.
- 4.32. As set out above and illustrated on drawing 'ZZ-00-DR-A-01-0100', there are a wide range of commercial unit sizes, and, whilst internal sub-divisions between the individual retail or non-retail units have been shown on the detailed element of the submitted plans, the building construction would allow these to be changed, based on the requirements of retail operators. As discussed within the Commercial Strategy and Main Town Centre Uses Report submitted in support of this Application, the new accommodation will provide improved space for existing (retained) tenants and will be capable of attracting a broader mix of tenants and facilities, thereby serving the everyday needs of local residents and visitors to the area.
- 4.33. In addition to the flexible commercial floorspace being provided, the non-residential floorspace within Phase 1 also includes 725.5sqm of community facilities in the form of a Community Hub and Community Hall, and 50.8sqm public toilets and "Changing Places" facilities, open to the public, and conveniently located for visitors, which will also be of benefit to Anglia Square's contribution to the LDC.

Scale and Massing

- 4.34. The scale and massing of the buildings comprising the Proposed Development have been carefully considered by the Applicant and discussed with NCC and relevant consultees throughout the design process. They have been influenced by a number of factors which relate to the role of the Site in the LDC and the need to deliver regeneration and housing, in the context of marginal viability of development proposals suitable for the Site, including these forming this Application, (as addressed in the Viability Appraisal Report). Thus, regard has been given to the principles of good design appropriate to the surroundings, daylight/sunlight requirements, sustainability objectives, local constraints and in particular, the potential impact of the identified proposals on heritage assets, informed by the ICENI Heritage Impact Assessment (HIA), all in the context of deliverability.

- 4.35. The rationale for the approach to the design of the Proposed Development, including its scale and massing, together with a narrative in respect of its design evolution in the context of the HIA, is discussed in detail within the Design & Access Statement submitted in support of this Application. The impact of the scale and massing of the proposals in terms of matters such as townscape and heritage are considered in detail within the ES Volume II: Heritage, Townscape and Visual Impact Assessment.

Design and Materials

- 4.36. Full details of the rationale for the proposed design approach and materials for Blocks A, B, C, D, M, K/L and J3, all within the full element, are included within the submitted Design & Access Statement and Application drawings. This illustrates how the design principles for the details comprising the full element, (Phases 1, 2 and part of 3), reflect the needs of a modern shopping centre for flexible retail and commercial establishments, and community uses, so as to enhance the LDC serving the Northern City Centre, whilst concurrently creating a new place in which to live, that will be integrated into the wider surrounding community.
- 4.37. The proposals for the full element will thus represent a significant visual as well as functional enhancement of the Site, having regard to the existing buildings and the open car parks which currently define its character within the surrounding area. The proposals will create a high quality architectural response to the Site and its location within the northern part of the City Centre, which will represent a significant public benefit.

Landscaping, Open Space & Public Realm

- 4.38. The detailed element of the Proposed Development includes the provision of significant landscaped areas and new public realm including the reconfigured Anglia Square public space, St Georges Gardens / St Georges Street (both including a segregated cycle path), Botolph Street, Beckham Place, Annes Walk, Cat & Fiddle Way, and Cat & Fiddle Yard. The rationale for the design, materials, appearance and planting proposals for each of these areas is set out in the Landscape Strategy and Design and Access Statement.
- 4.39. The reconfiguration and enlargement of the Anglia Square public space has been designed to retain a useable, hard surfaced space between the shopping frontages, but to now include planting and trees, and to further encourage opportunities for events and street entertainment, using a new design for a canopy or canopies to cover performance/event space and seating, so as to allow year-round use. This larger, greener and more flexible space will benefit visual amenity, social interaction and biodiversity.
- 4.40. The alignment of the new streets and the reconfigured public square opens new vistas of St Augustine's Church looking west from the square, and of the Anglican Cathedral spire looking southeast. This will assist in visually connecting Anglia Square itself to its historical context and its surroundings.
- 4.41. St Georges Gardens will provide a substantial area of planting incorporating larger trees where both new residents and visitors to the Site can enjoy a peaceful green environment away from roads and

commercial activity. This will be positioned alongside the primary north/south pedestrian and segregated cycle route, thereby ensuring that cyclists do not clash with other users of the Site. This landscaped garden will benefit residential and visual amenity, the wider community assisting social interaction and biodiversity.

- 4.42. The new streets provide enhanced pedestrian and cycle routes through the Site, in all directions, ensuring the Site becomes well connected to the surrounding streets, and will incorporate high quality materials, street furniture and landscaping, reached by improved crossings over the surrounding road network. Meanwhile enhancements to Edward Street including high quality paving and tree planting, and along Magdalen Street with a wider pavement along the entire frontage from Edward Street to the flyover, with new paving, will create an attractive streetscape along these edges of the development. These works will benefit visual amenity, biodiversity and social interaction.
- 4.43. It is noted that the drawings indicate a small buffer of approximately 2m depth at the edges of the public realm in the detailed element, where it adjoins the outline element along St Georges Gardens and Street south of Botolph Street, the latter west of St Georges Gardens, and the west and south sides of Anglia Square and west of Cat & Fiddle Way. This allows future flexibility of landscape proposals around the blocks within the outline element, so as to align with the future positioning of openings on those buildings, which is to be resolved as part of Reserved Matters submissions.
- 4.44. In addition to the proposed podia for Blocks A and M, at varying roof levels, semi-private communal roof terraces will be provided on Blocks A and D, giving residents access to additional generous areas of landscaped amenity space. It is anticipated that all these areas will include significant amounts of planting, high quality paving and opportunities for informal play. In addition to the podia and roof terraces, a series of green and brown roofs are provided, providing opportunities to enhance biodiversity on the Site.

Parking for Cars and Cycles, Access for all Travel Modes and Delivery / Servicing

- 4.45. The parking, access and servicing proposals for the Proposed Development have been carefully considered, having regard to the sustainable location of the Site, whilst also ensuring that the needs of shoppers, visitors to the Northern City Centre, and the future residents and the businesses to occupy the commercial accommodation are all met, in order to deliver a successful and viable scheme, and to ensure that the parking needs of the LDC continue to be met, albeit without use of the Site.
- 4.46. The overall car parking provision on site will be up to 450 spaces, of which at least 95% will be for residents and up to 5% for non-residential uses at the site, (the final figure depending on the future Reserved Matters applications), compared to 1,172 existing public car parking spaces (451 spaces available for use, 721 within multistorey not currently in use) within the various public car parks on the Site. The Proposed Development therefore represents a significant reduction in car parking provision (by at least 722 spaces) on Site to reflect the highly sustainable City Centre location, the availability of parking spaces in nearby NCC car parks to meet local shopping needs and the national and local objectives to drive modal shift to sustainable modes of transport.

- 4.47. The residential car parking provision within the detailed element will be between 139 - 146 spaces (max 0.39spaces per dwelling) located within Blocks A and B. Of these, Block A has 135 internal spaces accessed via a replacement vehicular access from Edward Street (of which 8 are 'disabled bay' spaces at ground level and 127 spaces at basement level reached via a ramp). Block B has 11 outdoor spaces (of which 5 are driveways within curtilage of houses, and 6 within its courtyard) accessed via an amended vehicular access from Edward Street. The residential car parking provision includes 100% electric vehicle charging point provision and 5.6% disabled parking bay provision (8 spaces).
- 4.48. In addition to the residential car parking, there will be 5 car club spaces located off New Botolph Street opposite Block D, which will be available for both residents and public to use.
- 4.49. The non-residential car parking in the full element is therefore limited to a maximum of 7 spaces in Block A to meet operational needs of businesses, whilst the Application removes all of the existing public car parking from the Site. The removal of these public parking spaces was considered with NCC during the pre-application discussions, whereby NCC requested that justification be provided that omitting on-site public parking would be compatible with the needs of the LDC. This was also discussed with MATA, the local traders' association for the LDC, which expressed a desire for more on-street short stay bays available for shoppers.
- 4.50. Local public car parks off the Site (Magdalen Street Car Park, St Crispins Car Park, and Colegate Car Park) remain available to accommodate visitors to the new flexible commercial units at the Proposed Development and to the wider LDC, as well as local traders who need to use a vehicle. There are additional loading laybys proposed along New Botolph Steet, Edward Steet and Magdalen Steet that will be available for businesses and residents for dropping off and picking up goods, equipment and materials, and one of the laybys proposed on Edward Street would allow parking for up to 20 minutes outside refuse collection times, to specifically address the MATA request. As shown within the Transport Assessment, the draft Mobility Hub options include the provision of additional disabled parking bays within the Magdalen Street Car Park below the flyover, with level access to the proposed new pedestrian / cycle crossing over Magdalen Street at that location, enabling easy access to Anglia Square. On this basis, it is contended that the LDC will be appropriately served by car parking without any public parking within the Site. This is considered acceptable given the highly sustainable location of the Site which means that reduced public parking provision in the vicinity will instead promote the use of sustainable modes of travel in the local area.
- 4.51. Residential cycle parking provision in the full element includes 608 spaces allocated to the residential units. These are distributed throughout the seven blocks within secure cycle stores at ground floor level located as close as possible to entrances and main routes through the Proposed Development to encourage cycling as a chosen travel mode.
- 4.52. A total of 110 visitor cycle parking spaces (55 Sheffield stands) are to be provided throughout the Site to ensure convenient locations for all visitors and employees on the Site. Visitor cycle standards for residential use are 1 space per 10 dwellings, which would therefore require 110 spaces (55 Sheffield stands) for the entirety of the maximum 1,100 dwellings, spread throughout the entire Site, and thus about half of these will be in the full element. The visitor cycle parking requirements would be provided to the residential standard, and will be shared with the commercial units, to be monitored in terms of adequacy via the Travel Plans. This is detailed in the Transport Assessment, and the approach ensures that there is not an over provision of Sheffield hoops occupying areas of public realm unnecessarily.

- 4.53. With regards to access, the new streets and squares within the main part of the full element will be shared pedestrian and cycle routes except for a segregated cycle path along the entire length of St Georges Street and Gardens improving a section of the Yellow Pedalway. Consequently, vehicular access to the main part of the full element of the Site will be limited to emergency vehicles only, except directly into the car parks and service yard all from Edward Street. At Block B, a revised vehicular access from Edward Street would serve all vehicle needs. Block C would have no off-street vehicular access, so deliveries would be to the Community Hub. For the main part of the full element, deliveries and servicing will be undertaken along the Site periphery, utilising loading bays provided along New Botolph Street, Edward Street and Magdalen Street, along with the service yard, and for the residents' deliveries would be to the Community Hub.
- 4.54. The new streets and squares not only enhance pedestrian and cycle permeability across the Site using many routes but will also ensure connectivity to the surrounding streets via new or improved pedestrian / cycle crossings on all boundaries.
- 4.55. The service yard at the northeastern corner of the Site within Block M, which would be in the same location as the current service yard, will facilitate convenient servicing of the larger commercial units within Block M and K/L. The service yard will be accessed via Edward Street.
- 4.56. Sufficient space has been provided within each Block for the storage of domestic refuse and recycling, whilst the Block M service yard will also include a commercial refuse store, directly accessed from Edward Street. Full details of the proposed servicing and refuse collection arrangements are provided within the servicing and refuse strategies set out in the Design and Access Statement submitted with this Application.

Outline Element

Strategy and Phasing

- 4.57. The outline element of the Application comprises an area of 2.45ha, and seeks outline planning permission for the buildings' layout and land use arrangements, scale and massing and means of access, for:
- i. Up to 733 dwellings (use class C3);
 - ii. Up to 2,192 sqm (NIA) flexible commercial and other non-residential floorspace (retail, business, services, food and drink premises, offices, non-residential institutions, local community uses and other floorspace (Use Classes E/F1/F2/Sui Generis (drinking establishments with expanded food provision, bookmakers and/or nail bars (up to 550sqm), and dry cleaner (up to 150sqm)));
 - iii. Means of access, cycle and refuse stores, plant rooms, car parking, cycle parking, landscaping, service infrastructure, widened footways, formation of laybys and other associated highway works and improvements; and
 - iv. Public realm spaces comprising 4 streets and 3 courtyards.

- 4.58. Submission of the design (appearance) of the buildings, and of the landscape of the areas between the buildings and on their podia and roofs will follow an outline permission, as Reserved Matters, (RM). An exception to this is the majority of St Georges Street and St Georges Gardens, since they incorporate the segregated cycle route, which is part of the full element in view of its importance.
- 4.59. The details of the buildings' layouts (and land use arrangements), together with their heights, (to establish scale and massing), are established at this stage by a series of development Parameter Plans.
- 4.60. The positions of vehicular and cycle/pedestrian access points to the outline element of the Site are also covered by the Parameter Plans, to demonstrate that the buildings and streets can be acceptably serviced in the proposed locations.
- 4.61. The Parameter Plans allow some flexibility to the exact position of the buildings in the outline element, so as to allow for building articulation when they are designed. Thus, the plans indicate the positions of building footprints, with a flexibility of +/- 1m, (excluding any balconies or canopies), so as to allow scale and massing of buildings within the outline element to be considered at the outline stage. This requires the buffer zone for the landscaping around each building noted above, where the Application's full element landscaping otherwise adjoins buildings within the outline element.
- 4.62. The pedestrian, cycle store and bin store entrances to the buildings in the outline element are not yet finalised, thus impacting on the details of the landscape design around the buildings, which must align with the openings. Equally, the streets, squares and courtyards within the outline element area are to be designed in conjunction with the appearance of the buildings that will front them. Therefore, the Parameter Plans show the location and width of the public realm areas in the context of the flexibility of +/- 1m for the buildings' footprints. This will be resolved in the subsequent drawings covering 'landscaping' as a Reserved Matter.
- 4.63. Whilst the Parameter Plans legally relate to the outline element, which is shown within red lines, the layout, land uses, building heights, width of public realm areas and means of access pertaining to the full element are shown on the drawings, outlined with green lines, to put the outline element proposals in context.
- 4.64. The Parameter Plans are submitted for approval, thus seeking outline planning permission with 'appearance' and 'landscaping' as Reserved Matters. The subsequent Reserved Matters application will be controlled by means of the approved Parameter Plans, alongside the Design Guidelines set out in the Design & Access Statement. This will give the Council a high degree of certainty regarding matters such as the location of development blocks, the maximum height and massing of buildings, the location of proposed uses and minimum widths and areas of amenity spaces and internal streets, as well as a commitment to the design approach and key principles.
- 4.65. As noted above, the development will be phased as detailed within the Phasing Programme contained in Appendix B. This can be summarised as follows:
- Phase 1: Block A, C, D and M (the full element described above)
 - Phase 2: Blocks K/L and J3 (the full element described above)
 - Phase 3 Block B (the full element), and Public Realm: Anglia Square, and partially completed St Georges Gardens and St Georges Street, (the full element)
 - Phase 3: Blocks G, H and J (the outline element)

- Phase 4: Blocks E, E/F and F (the outline element)

Layout and Land Uses

- 4.66. The broad location of the proposed buildings and their uses is identified in the Parameter Plans submitted in support of this Application (specifically, drawings A01-PP-200 – 207), thereby giving the Council an indication of the types of uses that will come forward within each frontage of the various blocks.
- 4.67. The ground floor frontages of Blocks E, H and J fronting onto Botolph Street and Anglia Square public space, and the southwest corner of Block F adjacent to the St Crispins Road / Pitt Street roundabout will accommodate a range of potential retail/ commercial and other Main Town Centre uses, with sufficient flexibility to accommodate a variety of potential occupiers, so as to ensure the viability and functionality of the new shopping and commercial centre as a principal element of Norwich's northern LDC.
- 4.68. The ground floor frontages of Blocks B, E, E/F, F, G, H and J along Pitt Street and the new streets (indicatively named as Tooley Lane, St Georges Street / St Georges Gardens, Cherry Lane and Sovereign Way) and courtyards (indicatively named Burrows Yard, Cherry Tree Yard, Sovereign Yard, Calvert Yard) will be residential, whereby they will be enlivened by a combination of private doors to individual dwellings directly onto the public realm as well as entrances to lobbies of residential cores serving apartments at first floor and above. The upper floors of all these blocks will accommodate residential use.

Residential Mix and Tenure

- 4.69. It is anticipated that a range of residential unit types and sizes will be delivered within the outline element, including range of 1-3 bedroom apartments and duplexes, responding to local needs and market demand. Further details regarding the indicative residential mix are provided within the Design & Access Statement. The final residential mix will be determined through subsequent Reserved Matters applications.
- 4.70. As noted above, part of the overall housing provision within the outline element will be delivered as affordable housing. It is proposed that a minimum of 10% of all residential units across the Proposed Development as a whole will be affordable, of which 76% would be affordable rent and 24% shared ownership tenure.
- 4.71. The detailed element provides 74 affordable units within Phase 1 and 2, and therefore the outline element will provide up to 36 units, (the final figure depending on the future Reserved Matters applications), which will be secured by a S106 Agreement. The tenure and size mix and location of affordable housing provision within the outline element will be determined alongside the Reserved Matters applications.

Parameter Plans

- 4.72. A full explanation of the Parameter Plans, design approach and key principles is included within the Design & Access Statement. A summary of each of the key parameters is provided below.

Proposed Building Heights (Drawing A01-PP-100)

- 4.73. Drawing A01-PP-100 ensures that appropriate controls are in place over the height of each of the development blocks. The heights identified on the plan, indicated in storeys, set out the maximum heights of each separate element of the various buildings across the Site. This has been informed by extensive heritage and townscape assessment work. The elevation drawings indicate AOD heights above ground level, the relevant series of elevation drawings to each Block within outline area is listed below:

- **Block E** - Drawings '35301-ZE-XX-DR-A-05-0300' to '35301-ZE-XX-DR-A-05-0305'
- **Block F** - Drawings '35301-ZF-XX-DR-A-05-0300' to '35301-ZF-XX-DR-A-05-0304'
- **Block G** - Drawings '35301-ZG-XX-DR-A-05-0300' to '35301-ZG-XX-DR-A-05-0307'
- **Block H** - Drawings '35301-ZH-XX-DR-A-05-0300' to '35301-ZF-XX-DR-A-05-0303'
- **Block J** - Drawings '35301-ZJ-XX-DR-A-05-0301' to '35301-ZJ-XX-DR-A-05-0304'

- 4.74. The tallest buildings in the outline element, oriented north-south to reduce overshadowing, are generally positioned towards the centre of the Site, as well as in the less sensitive area close to St Crispins Road along the southwestern frontage, but away from the Pitt Street corner. Thus, these taller buildings are 7 storeys, with three 8 storey buildings, on the current site of Sovereign House, the west end of the multi-storey car park and to the north of Surrey Chapel. Lower buildings are proposed in the areas that are more sensitive, elsewhere along St Crispins Road and Pitt Street up to St Augustines Street, where 4-6 storeys are proposed with one 7 storey part of Block F. The lowest buildings form the east-west street frontages, to allow sunlight penetration, and so are 3 – 5 storeys.

Proposed Layout - Land Uses (Drawings A01-PP-200 – 207)

- 4.75. At ground floor level, drawing A01-PP-200 defines the extent of the outline element buildings, subject to the footprint flexibility parameter, and for information, shows the extent of frontage to be occupied by each land use. Thus, flexible retail, commercial and other non-residential uses as per the description (Use Classes E/F1/F2/Sui Generis) are proposed at ground floor, along the south and west sides of Anglia Square in Blocks J and H, and in part along the south side Botolph Street within Blocks E and H, together with one unit in Block F, adjacent to the Pitt Street/St Crispins Road roundabout. The flexibility for a range of potential uses appropriate to this LDC location is essential in order to respond to trends in the retail and services sectors and thus to ensure sufficient tenants can be secured to create a successful and viable centre on completion and into the future. The remainder of the ground level of the outline element of the Site is residential, ensuring activity and overlooking of the public realm throughout the day and evenings.
- 4.76. The uses of the upper floors of each development block are described by drawings A01-PP-201 – 207. This indicates a residential use for the upper floors of each.

Access (Drawing A01-PP-300)

- 4.77. Drawing A01-PP-300 identifies the key points of pedestrian, cycle and vehicular access across the entire Site, since access is important to consider in the context of the whole scheme. For the outline element, it indicates the pedestrian and segregated cycle access points off St Crispins Road to the south, heading onto St Georges Street, still with a segregated cycle route, towards Edward Street in the full element to the north, Magdalen Street to the east, in the full element, leading to the three routes east-west in and bordering the outline element, and from Pitt Street to the west.
- 4.78. The Transport Assessment includes detailed plans of access points into the Site including the outline element, with tracking for cars, servicing and emergency vehicles.

Development Parcel (Drawing A01-PP-400)

- 4.79. Drawing A01-PP-400 identifies the boundary of the Outline element in context of the Hybrid Application boundary.

Proposed Layout – Public Realm (Drawing A01-PP-500)

- 4.80. This drawing is the complement to the Layout Land Uses drawing, since it shows the extent of the various areas of public realm within the outline element. The key notes the range in width of the various areas, reflecting the building footprint flexibility parameter of +/- 1m. It thereby sets the minimum distances between buildings and the minimum scale of the public spaces and streets within the development. This establishes minimum and maximum widths in order to protect the amenity of residents and ensure good quality design. Further details relating to the street hierarchy are included within the Design Guidelines included in the submitted Design & Access Statement

Design Guidelines

- 4.81. The Design Guidelines included within the Design & Access Statement provide additional commentary to accompany the Parameter Plans and set out key principles in relation to matters such as building heights, land use, access, development parcels and public realm.

Illustrative Masterplan

- 4.82. The Illustrative Masterplan drawings range indicate the proposed layout for both the full and outline elements of the Application, at each floor level. Whilst this reflects the detailed proposals for the full element, in respect of the outline element, the party walls of residential and commercial units within the midpoint development envelope (i.e. +/- 1m) are only indicatively shown on the masterplan drawings, as the internal layout of those buildings is not yet finalized, and because appearance is a reserved matter which will ultimately affect the internal layout of the buildings and individual units when positions of windows and openings are considered. Finalised general arrangement plans for the Blocks within the outline element will be submitted and approved under the Reserved Matters.

Landscaping, Open Space & Public Realm

- 4.83. The outline element of the Proposed Development includes the provision of additional landscaped areas and new public realm including Burrows Yard, Cherry Tree Yard, Sovereign Yard, Calvert Yard, Tooley Lane, Cherry Lane and Sovereign Way. The Landscape Strategy indicates how these could be treated, and this is also shown on the Illustrative Masterplan.
- 4.84. As explained above, the outline element includes a small buffer of 1m for footprint flexibility to a building line within the landscaping along St Georges Street / St Georges Gardens, Botolph Street, the Anglia Square public space and Cat & Fiddle Way along the edges of the blocks within the outline element which adjoin the full element area, to enable building openings within the outline element and landscaping of the full element to be aligned in the future, under the Reserved Matters submissions. The Illustrative Masterplan indicatively shows how the landscaping within those buffer zones could relate to the landscaping established within the immediately adjoining full element detailed landscape drawings.
- 4.85. The Illustrative Masterplan also demonstrates how, within the outline element, the new streets provide enhanced pedestrian and cycle routes through the Site, and will incorporate high quality materials, street furniture and landscaping, reached by improved crossings over the surrounding road network. Additionally, it indicates how enhancements to the pavements along Pitt Street and St Crispins Road, and the creation of a pedestrian and cycle route along Cherry Lane running parallel to the flyover, including high quality paving and tree planting, will create an attractive streetscape along these edges of the development.
- 4.86. Furthermore, the Landscape Strategy and Illustrative Masterplan indicate how, at varying roof levels, semi-private communal podium gardens and roof terraces will be provided, giving residents access to generous areas of landscaped amenity space. It is anticipated that these areas will include significant amounts of planting, high quality paving and opportunities for informal play. In addition to the podia and roof terraces, a series of green and brown roofs are provided, providing opportunities to enhance biodiversity on the Site.
- 4.87. All residential dwellings in Blocks E-J will have access to amenity space in the form of either private balconies or communal podium gardens and the yards.

Parking for Cars and Cycles, Access for all Travel Modes and Delivery / Servicing

- 4.88. Car parking for the phases of the development included within the outline element will be detailed in the Reserved Matters applications submitted at a later date. The overall car parking provision on Site will be up to 450 spaces for residents (the final figure depending on the future Reserved Matters applications), with 146 spaces (0.39 spaces per dwelling) provided within the detailed element, and thus up to 304 spaces (0.41 spaces per dwelling) provided within the outline element. The majority of parking spaces will be located within undercroft car parks within Blocks E, G and J, with some limited off-street parking bays available within the streets and courtyards.
- 4.89. Appropriate cycle parking on the same basis as within the detailed element will also be provided in the subsequent phases, with details set out in the Reserved Matters applications. This will be to encourage sustainable modes of transport. Further details are provided within the Transport Assessment and Design and Access Statement submitted in support of the Application.

- 4.90. Vehicular access into the outline element will be from St Crispins Road (via amendments to the existing Botolph Street junction) to provide access for residents' car parks, delivery / servicing vehicles to blocks in the southern section of the Site, and for emergency vehicles to travel through the site as detailed in the TA. Additionally, vehicular access to residents' car parking is taken from Pitt Street.
- 4.91. Servicing for the small commercial units and residential units will be from Cherry Lane and loading bays along Pitt Street. Details of the servicing strategy are set out in the Design and Access Statement.

5. Planning Policy

Local Planning Policy

Adopted Development Plan

- 5.1. Paragraph 38 (6) of The Planning and Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purpose of any determination made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 5.2. The Site falls within the jurisdiction of NCC as Local Planning Authority. The current Adopted Norwich Local Plan (November 2014) is made up of three main documents, which set out strategic priorities for the Greater Norwich area that allow NCC to manage development. They also include specific policies that NCC use to make decisions on planning applications across the area. Accordingly, the development plan context for the Site is as follows:

The Joint Core Strategy for Broadland, Norwich and South Norfolk, (JCS), 2014

This sets out the strategy for regeneration and growth in the Greater Norwich area up to 2026, while the two plans:

Site Allocations and Site Specific Policies Local Plan, (SASSP), 2014, and

Development Management Policies Local Plan, (DMP), 2014)

provide detailed policies to guide and implement this strategy, all of which are relevant to the Local Plan Map:

Norwich Local Plan Policies Map (2014);

- 5.3. In accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the National Planning Policy Framework 2021, from 6 April 2018 local planning authorities must review their local plan within five years of the date of adoption. The purpose is to ensure that local plans are kept up to date and are responding to changing local needs and circumstances. The regulations state that, where an authority reviews a document but decides not to update it, they must publish their reasons.
- 5.4. Norwich City Council have undertaken a review of the DMP and the SASSP, taking account of relevant government guidance. This review was endorsed by Cabinet on 13 November 2019. The review concluded that the policies and plans are fit for purpose at the present time. However, it was accepted that a full review of the DMP should commence following the Regulation 19 consultation of the Greater Norwich Local Plan, (GNLP), (see below).
- 5.5. The review also concluded that there was no need for a full review of the SASSP as this was currently being reviewed alongside the JCS through the preparation of the GNLP.

Site Designation

- 5.6. The Site is within Norwich City Centre and is located within, and forms a significant part of, the Anglia Square/ Magdalen Street Large District Centre, (LDC), as defined on the Norwich Local Plan Policies Map 2014. The LDC is identified as being within the second tier of the hierarchy of retail centres for the Greater Norwich area. Furthermore, Anglia Square is identified within the JCS as an area of change, with a focus on a mix of commercial, residential and retail uses and an improved public realm.
- 5.7. The Norwich Local Plan Policies Map also identifies the Site as being located within the following designations:
- i. City Centre Leisure Area
 - ii. City Centre Regeneration Area
 - iii. Conservation Area
 - iv. Area of Main Archaeological Interest
 - v. Critical Drainage Area
 - vi. City Centre Parking Area
 - vii. Area for Reduced Parking
- 5.8. The adopted Local Plan policies most relevant to the Application proposals are listed in Figure 3 below. An assessment of the Proposed Development's compliance with these policies is set out in Appendix C.

FIGURE 3: ADOPTED DEVELOPMENT PLAN POLICIES MOST RELEVANT TO THE APPLICATION

Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)	
Policy 1: Addressing climate change and protecting environmental assets	Policy 6: Access and transportation
Policy 2: Promoting good design	Policy 7: Supporting communities
Policy 3: Energy and water	Policy 8: Culture, leisure and entertainment
Policy 4: Housing delivery	Policy 11: Norwich City Centre
Policy 5: The economy	Policy 19: The hierarchy of centres
Norwich Development Management Policies Local Plan (2014)	
Policy DM1: Achieving and delivering sustainable development	Policy DM19: Encouraging and promoting major office growth
Policy DM2: Amenity	DM20: Protecting and supporting city centre shopping
Policy DM3: Design Principles	DM21: Protecting and supporting district and local centres
Policy DM4: Providing for renewable and low carbon energy	Policy DM22: Planning for and safeguarding community facilities
Policy DM5: Planning effectively for flood resilience	Policy DM23: Supporting and managing the evening and late night economy
Policy DM7: Trees and development	Policy DM28: Encouraging sustainable travel

Policy DM8: Planning effectively for open space and recreation	Policy DM29: Managing car demand in the city centre
Policy DM9: Safeguarding Norwich's heritage	Policy DM30: Access and highway safety
Policy DM12: Ensuring well-planned housing development	Policy DM31: Car parking and servicing
Policy DM16: Supporting the needs of business	Policy DM33: Planning obligations and development viability
Policy DM18: Promoting and supporting centres	

Supplementary Planning Documents

- 5.9. Supplementary planning documents (SPDs) are produced by NCC to give more 'supplementary' detail about how particular Local Plan policies should be interpreted or applied in practice and provide further information to guide the Council's planning decisions on planning applications. The government has made clear that SPDs can only be used as a means of speeding up the delivery of sustainable development and should not impose additional unreasonable cost burdens on developers.
- 5.10. The adopted SPDs support policies in the DMP and SASSP. The topics addressed are:
- Landscape and Trees 2016
 - Heritage Interpretation 2015
 - Open Space and Play 2015
 - Affordable Housing 2019
 - Main Town Centre Uses and Retail Frontages 2014
- 5.11. Whilst reference is made to these SPDs in relevant supporting documents for the Application, it is noted that the extent to which they are material considerations does depend on a number of factors, including their compliance with more recent government guidance in the NPPF, and changes in planning legislation and Statutory Instruments, such as the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which changed the classes relevant to Main Town Centre Uses.

Anglia Square Policy Guidance Note 2017

- 5.12. Prior to preparation of what became the Call in Scheme, the Anglia Square Policy Guidance Note (PGN) was adopted by NCC to guide emerging development proposals for the Site, since NCC acknowledges that comprehensive redevelopment has the potential to radically transform both the Site and the wider Northern City Centre area. The PGN, which is of less weight than an SPD, responded to the previous emerging proposals, and set out the relevant planning policy and broad principles for development of the Site and surrounding area. A draft PGN was the subject of public consultation between November 2016 and January 2017 and a revised PGN was approved for adoption by Cabinet on 15 March 2017. The adopted PGN therefore set out comments on the proposals which became the Call in Scheme, some of which are no longer included in the Proposed Development. Nevertheless, the PGN will be a material consideration in the determination of any forthcoming planning application, including this Application for the Site, where it remains relevant.

The Northern City Centre Area Action Plan 2006

- 5.13. The **Northern City Centre Area Action Plan**, (NCCAAP), which encompassed the Site, has reached the end of its ten year timeframe. Since 1 April 2016 it has legally no longer been part of the Adopted Local Plan for Norwich. Accordingly the NCCAAP is no longer a material consideration in the determination of this Application, although it does demonstrate the length of time that NCC has been seeking the regeneration of Anglia Square and its immediate surroundings, so far to no avail for a number of reasons.

A Neighbourhood Plan for the Northern City Centre

- 5.14. The NPPF, Town and Country Planning Act 1990 and Localism Act 2011 give local communities the ability to create local planning policies within a Neighbourhood Plan, (NP), which allows local people to influence future changes in their area by setting out policies to shape development in the area where they live and work, although the plans must still meet the needs of the wider area. Neighbourhood plans are not intended to prevent all development within an area, or reduce the amount of development as required in the [Adopted Local Plan](#). When prepared, the NP will sit alongside the Local Plan and be taken into account when decisions are being made on planning applications.
- 5.15. The first stages of preparing an NP are designation of the area to be covered by the plan (the neighbourhood area) and, in an area without a parish council, designating a neighbourhood forum. When a Neighbourhood Area and Forum are both designated, the Forum can commence preparation of the NP, which for Norwich must:
- be in line with policies in the [JCS](#), the [SASSP](#) and [DMP](#).
 - follow legal requirements as set out in the [Neighbourhood Planning Guidance](#).
- 5.16. NCC has received an application from the proposed Norwich over the Wensum (NOW) Neighbourhood Forum for designation, so as to be able to prepare an NP. The necessary public consultation was undertaken between 11 February and 25 March 2022, and accordingly, the decision by NCC will be made during the determination of this Application. If the Neighbourhood Forum designation is made, no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn. The area specified to be covered by the NP includes the Site. The Applicant has already consulted with NOW during the three chapters of stakeholder engagement set out in the Statement of Community Involvement, (SCI), ahead of any formal designation by NCC. The programme for any NP preparation, should NOW receive NCC's Neighbourhood Forum designation is not currently known. Accordingly, there are no NP policies at present against which the Application should be assessed.

Emerging Development Plan

- 5.17. There is an emerging development plan, the Greater Norwich Local Plan (GNLP) which is being prepared by Broadland DC, South Norfolk Council, NCC and Norfolk County Council, (the Partnership), that will supersede the JCS and SASSP once adopted. This will build on the long-established joint working arrangements for Greater Norwich which have delivered the current JCS for the area. The JCS plans for the housing and job needs of the area to 2026 and the GNLP will ensure that these needs continue to be met to 2036. The GNLP will include strategic planning policies and will also allocate individual sites for development. It will aim to ensure that new homes and jobs are delivered and the environment is protected and enhanced, promoting sustainability and the effective functioning of the area.

- 5.18. The GNLP Reg 19 version was submitted to the Secretary of State for examination on 30th July 2021, in respect of which Weston Homes and CTI have made representations, addressing, inter alia, the policies: *2 Sustainable Communities; 3 Environmental Protection and Enhancement; 6 The Economy, 7.1 The Norwich Urban Area including the Fringe Parishes; and the Policy Allocation GNLP 0506 Land at and adjoining Anglia Square.*
- 5.19. The examination process is underway, for which hearing sessions took place during February and March 2022. As a result of the hearings, many policies, including Policy 7.1 relating to Strategic Growth Areas, and the Policy Allocation GNLP 0506 for the Site were subject to debate, addressing their soundness and the consequential need for amendment, alongside requests for additional information by the Inspectors.
- 5.20. Furthermore, in respect of other policies, including housing provision, the Inspectors have requested further work by the Partnership, which will need to be the subject of further hearings. Only once all hearings are completed, will a full list of proposed Modifications be published by the Partnership, which will then be subject to consultation. The Applicant understands that this entire process is likely to result in the Inspectors not being in a position to prepare their report on the GNLP until around Autumn 2022, and the plan then being adopted in Spring 2023.
- 5.21. It is therefore considered highly likely the Council will prepare and consult upon Modifications or at least minor changes to both policy text and supporting text, relevant to this Application, which will in some instances reflect the Weston Homes / CTI representations. This process, and the publication of the Inspectors' report may well extend beyond the determination of this Application, and so final GNLP policy wording may not be available at that stage. Should material changes be made to policies relevant to the scheme's assessment against emerging development plan policy, as contained in this report, prior to determination of the application, then supplementary commentary on the scheme's compliance will be submitted as appropriate.
- 5.22. Paragraph 48 of the National Planning Policy Framework 2021 (NPPF) requires decision makers to give weight to relevant policies of emerging Local Plans according to the stage of preparation, the extent of unresolved objections, and the degree of consistency between emerging policies and the NPPF. In this instance, there are currently unresolved objections, in respect of some of which the Inspectors have requested additional information, and accordingly there are very likely to be Modifications to some policies relevant to this Application before they can be considered sound. On this basis, it is considered that in respect of those policies, the emerging development plan currently holds very limited weight in decision making. In this context, those policies are not considered in detail, although in some of the Application submission material, compliance with emerging policy is noted.

National Planning Policy & Guidance

National Planning Policy Framework 2021

- 5.23. The Government's policy guidance is set out in the National Planning Policy Framework (NPPF), last updated in July 2021. The most relevant sections to the determination of this Application are: 2, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16., The Proposed Development is assessed against these sections of the NPPF specifically relevant to subjects addressed in specialist reports or the ES Chapters. This Planning Statement therefore undertakes the assessment with regard to the over-arching planning balance exercise relevant to the determination of the Application. Key paragraphs relevant to planning assessment for the determination of the Application are highlighted below.

- 5.24. At the heart of the NPPF is the presumption in favour of sustainable development. Under ‘*Achieving sustainable development*’, Paragraph 11 of the NPPF states that for decision making, the presumption means:
- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or policies which are most important for determining the application are out of date, granting permission unless:*
 - i. *the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.25. Under ‘*Delivering a sufficient supply of homes*’, Paragraph 60 sets out that the Government aims to significantly boost the delivery of homes, and policy should support this objective. Paragraph 63 states that where a need for affordable housing is identified, policies should expect it to be met on-site.
- 5.26. Under ‘*Building a strong, competitive economy*’, Paragraph 81 states:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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 approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 5.27. Under ‘*Ensuring the vitality of town centres*’, Paragraph 86 states: *“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”* This is addressed specifically in the Commercial Strategy and Main Town Centre Uses Report, but in addition, Part of states that policies should *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*
- 5.28. For ‘*Promoting healthy and safe communities*’, Paragraph 92 requires proposals to achieve healthy, inclusive and safe places which, inter alia,
- “a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods and active street frontages;*
 - b) are safe and accessible, so that crime and disorder ... do not undermine the quality of life or community cohesion, for example through the use of attractive, well designed, clear and legible pedestrian and cycle routes and high quality public space which encourage the active and continual use of public areas, and*
 - c) enable and support health life styles.”*

- 5.29. Paragraph 93 expands on measures needed for social, recreational and cultural facilities to be provided by schemes, such as the provision of shared spaces, community facilities and other local services; the delivery of strategies to improve health, social and cultural well-being; the enabling of shops, facilities and services to develop and modernize, and the integrated provision of housing, economic uses and community facilities.

- 5.30. Under 'Promoting sustainable transport', Paragraph 105 states:

"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health... this should be taken into account in both plan-making and decision-making."

This NPPF section is addressed specifically in the TA, but Paragraph 112 explains that proposals should: firstly, give priority to pedestrian and cyclists and then to public transport users; address needs for people with disabilities and mobility issues; create safe, secure and attractive places, which avoid any conflict between users; allow for efficient delivery of good and emergency access, and be designed to enable charging of plug-in vehicles in safe, accessible and convenient locations.

- 5.31. Under 'Making effective use of land', Paragraph 120(d) states that decisions should *"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively"*.
- 5.32. Paragraphs 122 and 123 require decisions to reflect the changes in demand for land and explains that Councils are to take a positive approach to applications for alternative uses of land which is currently developed but not specifically allocated, where proposals would meet an unmet need for development in the area.
- 5.33. In respect of 'Achieving appropriate densities', Paragraph 124 outlines that the appropriate densities of proposal sites shall be determined based upon: the identified need for different housing; local market conditions and viability; the availability of infrastructure & services, both existing and proposed; the desirability of maintaining an area's prevailing character; and the importance of securing well designed, attractive and healthy places.
- 5.34. Paragraph 125 sets out that the potential of land should be optimised to sustain an appropriate amount of development.
- 5.35. Under 'Achieving well-designed places', Paragraph 130 requires developments to have a high-quality design which integrates and functions well with the surrounding area, to be visually attractive with good architecture, layout and appropriate landscaping, to be sympathetic to local character and heritage whilst not preventing higher densities, to contribute to local distinctiveness and sense of place, optimise site potential, and provide a good level of amenity for residents and not undermine amenity of neighbours.
- 5.36. Paragraph 131 highlights that trees make an important contribution to character and quality of an area, therefore opportunities to incorporate new trees into new streets and other spaces in a development and retain existing trees where appropriate.

5.37. Paragraph 134 states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

5.38. NCC have not adopted a design guide for the Site or surrounding area in the context of paragraph 134. However, the DAS confirms that the Proposed Development will conform to a set of specified Design Guidelines, and indicates how it complies with local design policies and government guidance on design, as addressed below.

5.39. Under ‘*Conserving and enhancing the historic environment, - Considering potential impacts*’, Paragraphs 199 to 208 set out requirements for assessing impact on heritage assets and how this is weighed in the planning balance. Paragraph 199 states that great weight should be given to the conservation of a designated heritage asset, and paragraph 200 states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: grade II listed buildings... should be exceptional... [and] assets of the highest significance, notably schedule monuments... grade I and II* listed buildings... should be wholly exceptional”*.

5.40. Paragraph 201 sets the test for assessing substantial harm:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

5.41. Paragraph 202 sets the test for assessing less than substantial harm:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

5.42. Paragraph 203 sets the test for assessing impact on non-designated heritage assets, such as locally listed buildings:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly ... affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

5.43. Paragraph 207 states:

“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

- 5.44. The Heritage, Townscape and Visual Impact forming Volume II identifies the significance, (sensitivity), of each heritage asset impacted by the Proposed Development, the significance of the impact, (magnitude of change) and the residual effect, (impact) on that significance. The consideration of the public benefits of the Proposed Development against the residual impact is addressed in Section 7 of this Statement

National Design Guide 2021

- 5.45. The Government’s design guidance is set out in the National Design Guide (NDG), published in January 2021. The NDG identifies ten characteristics of well-designed places, how those characteristics should be considered in the design of individual development proposals, wider masterplans or local design codes/policies, and provides examples of what is considered good practice. The ten characteristics are:

- **Context** – the starting point of design is contextual analysis of the location of a site and its surroundings to understand its character and consider how this informs the design.
- **Identity** – development should have a positive impact on local distinctiveness by drawing upon key aspects of local character in the design and create attractive places the occupants and other users are proud of.
- **Build form** – well designed places should have a compact form of development that are accessible via sustainable modes of transport and have safe, accessible and legible streets / public realm well defined by buildings and memorable features.
- **Movement** – development should prioritise walking, cycling and public transport over private car use and create safe, accessible and efficient movement networks incorporating green infrastructure.
- **Nature** – development should enhance biodiversity and encourage physical and mental wellbeing by providing landscaping and open spaces which incorporate existing and/or provide new natural features.
- **Public Spaces** – public realm should be well integrated with surrounding area, attractive for all users, feel safe, and incorporate trees and planting to benefit visual amenity and mitigating air quality and climate change.
- **Uses** – well designed places should have a mix of uses including local services and facilities to support daily life, and have a mix of housing tenure and types to suit all stages of life.
- **Homes and buildings** – homes and buildings should provide good quality internal and external environments for users that promote good health and wellbeing, and their

operation and servicing should be un-obtrusive and well-integrated into their neighbourhoods.

- **Resources** – developments should be designed to mitigate and adapt to climate change by minimising CO₂ emissions, conserving water and energy during operation, prevent overheating and minimise flood risk. Materials and design should minimise impact on the environment, be fit for purpose, adaptable and resilient to reduce need for future redevelopment and unnecessary waste. **Lifespan** – well designed places should be adaptable and resilient to change and be well managed and maintained to ensure places are built to last a long time.

- 5.46. The DAS addresses how the Proposed Development satisfies each of the characteristics of a well-designed place, demonstrating the successful scheme that would be delivered, as a public benefit to the wider community and the Northern City Centre.

6. Planning Considerations

6.1. The main planning considerations relating to the Proposed Development comprising this Application are considered to be the following, which are discussed below:

- Principle of Comprehensive Redevelopment;
- Principle and Quantum of Residential Use;
- Housing Mix;
- Affordable Housing;
- Residential Density;
- Residential Standards and Quality;
- Non-Residential Floorspace;
- Design, Heritage and Townscape;
- Landscape and Amenity;
- Transport, Accessibility and Car Parking;
- Air Quality;
- Archaeology;
- Arboriculture
- Demolition and Construction Management;
- Ecology;
- Energy;
- Flood Risk;
- Surface Water Drainage;
- Contamination;
- Noise;
- Socio-Economic;
- Sunlight and daylight; and
- Statement of Community Involvement.

Principle of Comprehensive Redevelopment

Presumption in Favour of Sustainable Development

6.2. The Site has a long history of being identified in Development Plan documents for comprehensive redevelopment to support the regeneration of the Northern City Centre. The existing buildings at Anglia Square are now significantly dated, with a deteriorating physical fabric and public realm. Whilst several planning permissions have been granted in recent years for the redevelopment of the Site in various forms, none of the proposals to date have been progressed, due to withdrawal of interest by the foodstore operator for such a large format store, viability issues and a lack of commercial deliverability. The fact that implementation of certain road network alterations approved under the later consent has occurred, meaning that the consent is extant, does not suggest that the actual scheme would happen in the future, for the reasons above. The Site is thus in need of significant investment and redevelopment in order to improve the shopping centre's vitality and function as the principal element of the LDC, underpinned by new residential and other uses, which will make effective and efficient use of this sustainable City Centre location. This is acknowledged by Policy JCS 11 – *Norwich City Centre*, which seeks to address years of decline by identifying the Northern City Centre for comprehensive redevelopment to achieve physical and social regeneration

and utilise significant redevelopment opportunities. Anglia Square is thus identified as an area of change within the Joint Core Strategy. This reflects the long-standing policy intention that was previously set out in the 2010 Northern City Centre Area Action Plan, which allocated Anglia Square for comprehensive mixed use redevelopment 14 years ago. The policy context and detailed vision for the Site has now changed, and the Area Action Plan expired in 2016, however this highlights that the principle of mixed use redevelopment of the Site has been established in policy for a considerable number of years.

- 6.3. Anglia Square represents the most significant redevelopment opportunity within the Northern City Centre, and the comprehensive mixed use redevelopment proposed by this Application is supported in principle by existing policy. The JCS specifically identifies (within the Key Diagram) Anglia Square as a mixed use redevelopment site, with a focus on a mix of retail, commercial and residential uses. These proposals for Anglia Square form part of a wider vision for the City Centre identified in JCS 11, which encourages diversification of the retail offer, the enhancement of an early evening economy via a greater quantum of leisure and hospitality uses, and an expansion of the employment function within the City Centre. It also indicates that residential development will be expected as part of mixed use developments wherever possible, alongside improvements to the public realm.
- 6.4. In respect of the Call in Scheme, which proposed residential-led mixed use redevelopment, the SoS concluded at paragraph 74 that *“the regeneration of Anglia Square is an important strategic objective”* and at 75 that *“the proposal would secure the regeneration of a strategic brownfield site, ... [a benefit that carries] significant weight in favour of the proposal”*.
- 6.5. Thus the principle of comprehensive redevelopment of the Site is supported by strategic policy, which the SoS has already acknowledged. This leaves the matter of whether the nature of the mixed uses proposed in this Application would accord with policy, and represent sustainable development.
- 6.6. The strategic JCS is not out of date, in a general sense, although the housing land provision is in need of review, evidenced by the emerging GNLP. This engages the NPPF paragraph 11 presumption in favour of sustainable development, although in the context of other policies in the Framework that protect areas or assets of particular importance, which in this case therefore invokes the paragraph 202 heritage balance assessment). The DMP, which contains the detailed policies against which the Application must be assessed has been confirmed as fit for purpose by NCC. The SAPPP is not relevant to this Application. The process of replacing the JCS with the GNLP, which, inter alia, will carry forward housing land allocations to 2036, has progressed since the decision on the Call in Scheme, when the SoS considered it could carry only very limited weight, (para 14). However, as noted, the policies most relevant to the Site, (including the Allocation GNLP 0506, again for a mixed use redevelopment, but now proposing an estimated 800 dwellings but subject to other considerations), will be the subject of Modification, which currently still limits their weight. Nevertheless, it is relevant that the entire Site is within GNLP 0506, and thus is highlighted for comprehensive mixed use regeneration, which was not challenged by any party **in principle** at the Hearings. This indicates that the emerging policy’s continuation of the long-standing objective of a comprehensive redevelopment, in respect of which the Application is in accord, indeed carries some weight.
- 6.7. The Modification will relate to acknowledging that the quantum of residential development will be dependent on a number of factors, including the quantum of non-residential uses, given the heritage constraints on the overall scale and massing potential for the Site, as well as viability considerations.

Since the Inspectors' recommendation on the Partnership's proposed Modification wording is pending, in view of outstanding submissions on housing provision and issues relating to other strategic sites, it is considered that at this stage, in regards to quantum of land uses, GNLP 0506 can only have limited weight.

- 6.8. For the reasons set out below, it is contended that the Proposed Development complies with relevant development plan policies, and comprises sustainable development as defined by NPPF paragraph 8 objectives. The ES that accompanies this Application also shows that there would be no unacceptable adverse residual impacts caused by the Proposed Development. Consequently, the Application should be approved, in accordance with the presumption in favour of sustainable development, as confirmed by the outcome of the paragraph 202 heritage balance assessment.

The Principle and Quantum of Residential Use

- 6.9. In addition to the retail and other commercial uses in the Proposed Development, the residential element forms a key part of the proposals and will underpin the viability and deliverability of the new shopping centre, as well as enhancing the vibrancy of the area and increasing footfall to support the commercial uses.
- 6.10. The principle of making efficient use of previously developed land by accommodating residential development has been a key priority for Government policy in recent years, as highlighted by NPPF paragraphs 120 and 124, and as illustrated by the £69 Million funding for the Brownfield Release Fund announced by the Department for Levelling Up in October and November 2021, with an emphasis on delivering new homes on underutilized and vacant sites. Meanwhile NPPF paragraph 86 highlights the important role that residential development can play in ensuring the vitality of town centres. As such, the principle of residential development to underpin the viability of the retail and commercial proposals is actively encouraged by national policy.
- 6.11. Furthermore, the residential development proposed will deliver a significant portion of the City's housing requirement for a number of years. At a regional level, JCS 4 sets out strategic housing delivery, for approximately 33,000 new dwellings across the Norwich Policy Area over the plan period 2008-2026. The PGN recognises the potential for the Site to accommodate significant levels of residential development within this sustainable City Centre location, in order to help meet Norwich's housing needs, and thus supports the intention to deliver significantly more residential development than was proposed by the previously approved plans for this Site.
- 6.12. Most recent records indicate that the Greater Norwich Development Partnership has performed well in housing delivery, in that the 2021 Housing Delivery Test demonstrated that 132% of the housing required over the past three years has been delivered. Nevertheless, although the Greater Norwich Development Partnership latest available Annual Monitoring Report 2019-2020 identifies a 6.16 year housing land supply, across the entire Greater Norwich area, in fact, **NCC in isolation** would only have a 4.35 year housing land supply. This situation reflects previous years of under delivery in Norwich itself, and continues the position which applied at the time of the Call in Scheme, whereby the SoS concluded at paragraph 15:

"...for the purposes of determining this application, the housing supply figure is calculated across the three Greater Norwich Districts and the most recent figure is 5.89 years. However, ... within Norwich it is just 4 years ...and this application represents the most significant housing project in

Norwich. In overall housing numbers this application would equate to around two years of Norwich's housing needs."

- 6.13. Therefore, whilst for the Greater Norwich area, the "tilted balance" in favour of approving sustainable development under NPPF paragraph 11d is not engaged, nevertheless, the facts demonstrate that there is a pressing need for more housing **within NCC's jurisdiction itself**. This is the reasoning why the GNLP is already being prepared as the replacement to the JCS, taking housing provision forward in a sustainable context to 2036, with new allocations for housing, including Allocation GNLP 0506 for the Site. Whilst the Inspectors' report on GNLP soundness, with proposed Modifications, in particular in respect of future housing land need and allocation, is yet to be prepared, the Site is identified as an allocation for approximately 800 dwellings along with a range of non-residential uses, and subject to other considerations.
- 6.14. In respect of whether the Call in Scheme was consistent with policies for delivering a sufficient supply of homes, the SoS concluded at paragraph 19 that he *"agrees with the Inspector that the proposal would accord with JSC 4. He therefore agrees with the Inspector that the proposal's significant contribution to meeting housing need in Norwich should attract significant weight."* It is contended that that 16 months on from that assessment, the position remains that a substantial housing provision on this Site would accord with adopted development plan policy, would support emerging GNLP strategic policy for the Site, and thus still attract significant weight in favour of the Application.

Housing Mix

- 6.15. Having regard to the requirements of Policy DM12 – *Ensuring well-planned housing development*, the Application proposals seek to provide a mix of dwellings in terms of size, type and tenure, as far as practicable within the constraints of the Site and the nature of this mixed use City Centre development. The illustrative mix included within the Design & Access Statement indicates an overall mix for the Site as a whole comprising 1-3 bedroom dwellings. As set out above, a range of unit types of those dwelling sizes is also proposed, with houses, flats and duplexes to provide variety as far as practicable given the urban, relatively dense nature of the proposals.
- 6.16. Accordingly, the proposals seek to provide for a mix of dwellings as required by Policy DM12. The provision of predominantly 1- and 2-bedroom flats, and a few houses is considered most appropriate to this scheme, whereby the proposals involve relatively dense residential development above commercial and community uses in a shopping centre with internal car parking, in a sustainable City Centre location. However, it is noted that the 2017 Central Norfolk Strategic Housing Market Assessment (SHMA) identifies that 36% of Norwich's objectively assessed housing need comprises 1 and 2+ bedroom flats, and consequently the proposals will make a valuable contribution towards meeting this section of housing need for the City. The provision of 11 x 3-bedroom terraced housing where the opportunity arises in terms of a suitable location for houses, backing on to existing houses in Block B (which will be affordable rent and shared ownership dwellings), ensures the diversity of dwelling types has been maximised as much as feasible on this particular site.
- 6.17. The Call in Scheme had a similar mix of 1 and 2 bedroom flats with one terrace of houses on Block B. In this regard, the SoS advised at para 16 that he had *"carefully considered the Inspector's analysis of the range of unit sizes and types ... [and] he agrees with the Inspector that the particular*

circumstances of the site justify the proposed housing mix, and that there is no conflict with policy DM12 (d)." It is contended that the same conclusion applies to the current proposed housing mix.

Affordable Housing

- 6.18. Reference should be made to the Affordable Housing Statement, (AHS), which sets out and justifies the scheme's proposals for affordable housing provision, in the context of the Viability Assessment. From a planning policy perspective regarding affordable housing, JCS 4 sets an overall objective of achieving 33% affordable housing provision for developments of 16 dwellings or more, with an approximate mix of 85% social rented and 15% intermediate tenures. The policy goes on to state however that the proportion of affordable housing sought may be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing, would render the scheme unviable in prevailing market conditions, taking account of the available public subsidy to support affordable housing. This is addressed in the AHS which confirms that the s106 Agreement would set out the tenure mix and mechanism for reviews of the viability assessment at prescribed stages of the construction programme.
- 6.19. NPPF paragraph 65 advises that planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, as part of the overall affordable provision, unless this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This would equal up to 110 out of 1100 dwellings. As indicated above and in the AHS, the Viability Appraisal demonstrates that Proposed Development is only (marginally) deliverable with a 10% affordable housing provision guaranteed at time of commencement. Given that JCS 4 identifies a strategic need for 85% social rent and 15% intermediate tenure, and the 2017 SHMA identifies need for 84% affordable housing for rent and 16% affordable home ownership, even if those percentages are not reached, as proposed in this case, with 76% (81) rented units, it is clear that delivering 10% of the total homes as affordable home ownership in accordance with NPPF paragraph 65 would prejudice delivery of the proposed affordable homes for rent, which are intended to contribute to meeting identified need. Accordingly, this NPPF requirement would not need to be met in this case.
- 6.20. In respect of the intermediate tenure units, the AHS identifies the current NPPF Annex 2 definition of affordable housing to include affordable home ownership (starter homes, discount market sales housing and other affordable routes to home ownership). The appropriate tenure type(s) will be discussed with NCC during the determination process, in the context of the Viability Appraisal submitted to justify the affordable housing provision.
- 6.21. This again closely reflects the proposition in the Call in Scheme, for 10% minimum affordable housing, with an 85% social rent and 15% intermediate tenure, all subject to staged viability appraisal reviews during the construction programme, to be set out in the s106 Agreement. In regards to that aspect of the scheme, the SoS noted at paragraphs 17 - 18 *"it was common ground between the applicants, the Council and Historic England that the scheme is marginally viable with 10% affordable housing. He also notes that the s106 Agreement includes a review mechanism and additional affordable housing could be secured if viability improves during the implementation period. He agrees with the Inspector that the amount of affordable housing is the most that could be achieved in current market conditions, and that the proposal accords with JCS 4. ... The proposal's*

significant contribution to meeting the need for affordable housing in Norwich should also attract significant weight.”

- 6.22. Thus, in summary, at this stage it is proposed to deliver at least 10% (which would be up to 106) of the new residential units as affordable dwellings within the Application proposals. The location of the affordable dwellings within the Proposed Development will be influenced by the need to construct separate groups of them during the various phases of the scheme, so as to maintain viability and distribute affordable units across the Site to foster social cohesion and integration. Thus Phase 1 delivers 21 affordable units, Phase 2 delivers 28 affordable units, Phase 3 delivers 25 affordable units, and the outline element will deliver a further 32 affordable units within the southern part of Site, the exact location to be established as part of reserved matters submission.
- 6.23. As set out above, the Proposed Development will thus comply with the requirements of JCS 4 and the NCC 2015 Affordable Housing SPD by maximising the provision of affordable housing as far as it would be viable to do so, and supported by the relevant viability evidence. Further details on the affordable housing provision are set out in the Affordable Housing Statement submitted to support the Application.

Residential Density

- 6.24. It is contended that the Proposed Development should not be assessed by consideration of a particular residential density as a target, since the NPPF and National Design Guide in fact identify requirements that must be satisfied by high quality well designed new development, in the context of site-specific considerations, to ensure appropriate densities are achieved.
- 6.25. The residential density of the Proposed Development is up to 266 dwellings per hectare, and therefore complies with the requirement of Policy DM12, which notes that at least 40 dwellings per hectare should be achieved unless this would have a harmful impact on character and local distinctiveness of the area or there are other exceptional circumstances which justify a lower density. In fact, the policy goes on to state that within the City Centre, District Centres and locations of high accessibility, higher densities will be accepted taking account of identified housing needs and the need to protect character, local distinctiveness and heritage significance. The emerging GNLP Policy 2 – *Sustainable Communities* hearing discussion secured confirmation from the Partnership that there should be explicit reference to allocated sites such as GNLP 0506 having significantly higher densities, although this will be the subject of a Modification, and thus has limited weight at present.
- 6.26. The Site is located within a highly accessible location within the Northern City Centre, within a designated Large District Centre which will provide a significant range of local shops and services to meet the everyday needs of residents. The Site is urban in nature and has the potential to accommodate a significant amount of development, having regard to relevant technical considerations discussed in the reports accompanying this Application, including the impact of the Proposed Development on townscape, heritage and urban design considerations, all of which are considered in the relevant supporting documents. Consequently, the Applicant considers that the density is appropriate and justified in the context of Policy DM12.

Residential Standards and Quality

- 6.27. The proposed residential dwellings will meet the relevant national minimum space standards, as well as relevant Building Regulations standards relating to accessible and adaptable dwellings (Part M4(2) and (3)), thereby ensuring an appropriately high standard of accommodation is delivered. As such, the Proposed Development will comply with the requirements of the Council's Internal Space Standards and Accessible and Adaptable Dwellings Standards Information Notes, which update Policy DM12(f).

Non-Residential Floorspace

- 6.28. The principle of delivering a replacement, upgraded shopping centre comprising flexible retail and complementary commercial floorspace is supported by local policy. The Application, being in hybrid form sets out a maximum quantum for:
- Total non-residential: up to 8,000 sqm (NIA)
 - Full element non-residential: 5,808 sqm (NIA)
 - Outline element non-residential: up to 2,192 sqm (NIA)
- 6.29. The Proposed Development seeks to provide a broadly equivalent amount of ground level retail and commercial floorspace as currently exists on the Site, but within an enhanced environment whilst strengthening the LDC's retail circuit between Magdalen Street to the east and St Augustines Street to the northwest. It is capable of flexibility to accommodate a more diverse retail and non-retail offer than the current shopping centre, whilst aiming to maintain its existing positive qualities. These qualities have been identified by the local community at public consultation events and via the Community Review Panel, and highlight a sense of demographic inclusion, where anyone can visit Anglia Square without the need to spend, just enjoying the activity from say the shelter of the canopy, or can take advantage of the budget retail offer and community-based businesses. Thus at present, Anglia Square supports social integration, and serves a wide demographic, which the proposals aim to maintain and indeed foster alongside a widening of the role of the LDC and its ability to host community events. This will ensure that as part of the LDC, Anglia Square serves the needs of its immediate and wider catchment and existing and new residents. A detailed assessment of the appropriateness of the Proposed Development's retail and commercial elements, having regard to market factors, relevant development plan policies, and the Council's latest retail evidence base, is included within the Commercial Strategy and Main Town Centre Uses Report, that accompanies this Application.
- 6.30. The Proposed Development will provide significant public benefits in seeking to fulfil the Council's vision for the mixed-use redevelopment of Anglia Square. The form of retail and commercial development proposed at the Site complies with policies within the development plan, and is supported by the Council's latest retail evidence base, as explained within the Commercial Strategy and Main Town Centre Uses Report. The scheme will provide a much-improved opportunity for the long-term viability of an established retail centre, whilst also representing a significant opportunity to realise wider retail, services, leisure and organized event objectives, for the benefit of all local residents. The scale and nature of the non-residential development is considered appropriate to the LDC's position in the retail hierarchy set out at Policy JCS 19– *The Hierarchy of Centres*, in accordance

with the requirements of Policy DM18 -*Promoting and Supporting Centres*. NCC will be able to control a specified quantum of retail use within Anglia Square, notwithstanding the new Class E category, and ensure an appropriate range of unit sizes, via provisions in planning conditions or the s106 Agreement, to be discussed during the determination process.

- 6.31. The inclusion of flexibility for an element of the floorspace to be delivered as business, (i.e. offices), services, food and drink premises, non-residential institutions, local community uses and other floorspace (Use Classes E/F1/F2/Sui Generis (public conveniences, drinking establishments with expanded food provision, bookmakers, nail bars, and dry cleaner), will be complementary to, and help ensure, the vitality and viability of Anglia Square and the wider LDC whilst the scale of such uses proposed will be commensurate with the LDC's position within the overall retail hierarchy, thereby ensuring compliance with Policy JCS 19. The inclusion of the Community Hub and Community Hall, and potential to include additional community uses is actively encouraged by Policy DM22 – *Planning for and safeguarding community facilities*, which directs such uses towards the City Centre and District Centres.
- 6.32. In terms of the phasing of the Proposed Development, the inclusion of Blocks A, M, K/L and J3 in the full element of the Application will enable a significant portion of the retail/ commercial floorspace to be delivered in the first stages of redevelopment, including a specified quantum of floorspace reserved for retail use within Class E, to be agreed with NCC, thereby ensuring a continuity of retail function throughout the construction phase and facilitating the decanting of existing tenants prior to demolition of existing units to the south and west of the existing Anglia Square. This will minimise any disruption to Anglia Square and the wider LDC, ensuring that their role within the retail hierarchy identified at Policy JCS 19 is not undermined during the construction phase, prior to approval of the relevant Reserved Matters applications and implementation of the later phases of development. It will also enable early delivery of the unit specifically suited for use as a foodstore.
- 6.33. Further detail on the various non-residential uses covered by the Application which will be able to occupy the flexible commercial and community floorspace is set out below.

Retail

- 6.34. A key aim of the Proposed Development is to maintain and enhance Anglia Square's role within the LDC by providing an enhanced shopping centre, which will be capable of attracting and retaining a diverse range of tenants, being those currently at Anglia Square as well as new national and independent operators. Policy JCS 19 identifies Anglia Square as part of a Large District Centre, emphasizing its important role within the retail hierarchy. The existing retail offer on-site, whilst important to meeting local needs, does not fully realize this role, as acknowledged within the 2017 Greater Norwich Town Centres & Retail Study produced to inform the emerging Greater Norwich Local Plan. The PGN further notes that Anglia Square lacks the diversity of uses required to fulfil its role as the focus of the LDC and identifies a need to create a new retail and leisure destination for the City. Since adoption of the PGN, town centre roles have changed notably, with existing trends accelerated by the pandemic, and therefore in preparing the scheme forming this Application, Weston Homes has reviewed the range of uses for which the Site should be used, and thus has changed Anglia Square's proposed role from including a substantial leisure destination, (which can no longer be supported due to market factors and therefore commercial viability), to the proposed delivery of an appropriately scaled shopping and multi-purpose environment for the LDC with a

wider range of facilities, including locally-focused community and leisure activities operating over a longer part of the day.

- 6.35. Consequently, the current Application seeks to deliver a range of new units suited to meet the needs of modern occupiers, with sufficient flexibility to accommodate a variety of retail and other complementary uses, so as to maximise the number of potential tenants that can be attracted to Anglia Square, and thereby strengthening the wider LDC's function. The accommodation of convenience based retailers, and the enhancement of this offer (including a new unit sized and located to suit a foodstore), form a core part of the proposals for Anglia Square, as explained within the Commercial Strategy and Main Town Centre Uses Report, which also sets out the justification for the quantum of retail space as part of the LDC, which will complement the comparison retailing in Norwich City Centre. Alongside this there is an opportunity to significantly enhance the choice and function of the retail provision, complementary to Magdalen Street and commensurate with the LDC designation. The associated improvements to the public realm will also assist in creating a higher quality retail environment to attract tenants and shoppers, in accordance with the aims of Policy JCS 11 – *Norwich City Centre*.

Other Commercial Uses

- 6.36. The inclusion of flexibility to accommodate other uses that would be complementary to the core retail function of Anglia Square as part of the LDC such as business (e.g. offices), services, food and drink premises, non-residential institutions, local community uses and the other sui generis land uses included in the Application description, will also assist in diversifying the role and vibrancy of Anglia Square, as indeed is necessary given the structural changes in the retail market. The new accommodation will provide sufficient flexibility to attract tenants whilst ensuring its long term viability and commercial success, which is critical to ensuring that units are productively occupied, thereby generating vitality and on-going investment in the area. The quantum of floorspace and its location throughout Anglia Square can be controlled alongside the provisions to reserve space for retailing, via planning conditions or the s106 Agreement, thereby ensuring an appropriate overarching role of the LDC.
- 6.37. The ability of the Proposed Development to attract café, restaurant and drinking establishment operators, will assist in diversifying the role of Anglia Square as the heart of the LDC and will expand the early evening economy, as advocated by Policy JCS 11. The provision of these types of leisure uses within the City Centre Leisure Area (which includes the Site) in particular, is supported by Policy DM23 – *Supporting and managing the evening and late night economy*.
- 6.38. With regard to the flexibility within the proposals for an element of the commercial floorspace to be delivered as employment floorspace, such as offices and workspace in the form of small 'start up' units, this complies with Policy DM19 – *Encouraging and promoting major office growth*, which permits development of office floorspace within LDCs of a scale appropriate to their location within the hierarchy. The PGN also notes that an element of employment use would be acceptable within the proposed redevelopment of Anglia Square, and would be supported by the Council as part of the mix of development, whilst acknowledging that any such provision is unlikely to replace the level of existing (vacant) employment floorspace on the Site, largely comprising the vacant Sovereign House and the partly vacant Gildengate House. Indeed, Weston Homes does not envisage the Site as being suited to a significant quantum of office floorspace, but a number of the flexible commercial units would be well located for such use, and this can be reflected in the s106 Agreement in respect of flexible commercial units' provisions. In particular, it is considered that Block L, forming the northern

frontage to Stump Cross, and adjoining the proposed Mobility Hub, would be suitable for office use on its 1st and 2nd floors, potentially leaving food and drink uses for the ground and 3rd floor. Equally, the ground floor unit in Block F, facing the St Crispins Road roundabout would have good visibility and connectivity for an office use.

- 6.39. The provision of employment floorspace is supported by Policy JCS 11, which advocates the expansion of employment uses within Norwich City Centre. The proposals do not exceed the indicative thresholds set out within Appendix 4 of the Development Management Policies Plan, and as such the scale of any potential office use within the current proposals is considered entirely acceptable and policy compliant.

Community Facilities

- 6.40. The flexibility to accommodate new community facilities or related social enterprise establishments that fall into a range of use classes (E/F1/F2 use) within the new floorspace provided by the Proposed Development, in addition to the proposed provision of the Community Hub, Community Hall, public conveniences and associated “Changing Places” facility, will assist with meeting the needs of local residents and indeed the wider community, thereby further enhancing the role and sustainability of Anglia Square.
- 6.41. The social enterprises currently occupying premises within the Site will have the opportunity to consider taking new units, ideally suited to their needs in terms of size, scope to enlarge or contract in future, and in terms of location. Weston Homes has already held discussions with these organizations, ensuring that appropriate units can be included. This will of course be the subject of contractual discussions between the enterprises and the Applicant at the appropriate phase of redevelopment.
- 6.42. Anglia Square previously provided public conveniences, regarding which, from the public consultation events, Weston Homes has acknowledged there is a strong desire to see included within the Development Proposals. Not only is this request to be met, but in fact enhanced, by the provision of a “Changing Places” facility, which is a WC for persons with specialized career requirements. The whereabouts of Changing Places facilities is publicized, and therefore they provide a service to a wide community. The public conveniences would be managed by the Anglia Square centre management.
- 6.43. The Community Hub and Community Hall will provide a place for both existing local residents and the future residents of the Proposed Development to meet and undertake activities together. These could include:
- a) hiring a work space, to enable people to work close to home if working within their home is not practical, or if they seek a more convivial communal environment;
 - b) attending a class or organized activity in the Community Hall;
 - c) hiring the Community Hall for a local social or personal event;
- 6.44. In addition, the Community Hub will operate as a convenient place for residents of the Proposed Development to collect or return parcels or receive food deliveries ordered on line or by phone, thus avoiding the need for couriers to find individual properties within the scheme. The proposed layby

on New Botolph Street and adjacent cycle racks would provide a convenient stopping place for couriers, next to Block D. This delivery facility would have the secondary benefit of bringing together residents from across the Site with opportunities for unplanned interaction. Together, the above opportunities for interaction within the Hub and associated Hall would promote well-being and social cohesion between the existing and new members of the wider local community.

- 6.45. The provision of community facilities is permitted and encouraged by Policy DM22 – *Planning for and safeguarding community facilities*, where they would positively contribute towards the well-being and social cohesion of local communities, and the policy identifies LDCs such as Anglia Square as appropriate locations for such uses, having regard to the nature and scale of the proposals and the centre’s position within the hierarchy. The PGN also identifies the objective of the redevelopment contributing towards the provision of enhanced community facilities. As such, it is contended that the inclusion of flexibility to accommodate such uses, and the actual provision of the Community Hub, Community Hall, and the public conveniences is not only compliant with relevant policies, but collectively represents a significant public benefit of the Proposed Development.

Design, Heritage and Townscape

- 6.46. The ground arrangement (layout), scale, height and massing and design (in the full element) of the Proposed Development has been influenced by extensive discussions with officers and relevant consultees over a one-year period, in addition to review of the SoS’s conclusions on the Call in Scheme. The scheme also takes full account of relevant considerations such as heritage and townscape impact, viability, retail requirements and other Site constraints and technical considerations.
- 6.47. The rationale for the layout, scale and proposed design of the full element is provided within the Design & Access Statement, (DAS). This also describes and explains the design concept for the outline element, expanding on the Parameter Plans submitted for approval. These reflect the Illustrative Masterplan and floorplans, and set out the maximum extents of building envelopes (scale and massing) and key parameters for the various development blocks across the Site, accompanied by Design Guidelines which provide additional detail regarding the design approach and quality.
- 6.48. The proposed layout for the Site is shown within the Illustrative Masterplan, with details for the full element, (Phase 1, 2 and part 3) provided within Drawing ZZ-00-DR-A-01-0100. The Illustrative Masterplan demonstrates how the Site has been planned as a whole and how the proposals will link with the surrounding area, as required by Policy JCS 2 – *Promoting Good Design*. In fact, in respect of the Call in Scheme, the SoS concluded at paragraph 28 that “*the new streets and squares would create a legible layout and greatly enhance permeability, and would be a benefit of the design*” The layout of the Proposed Development has been carefully designed to achieve a further significant enhancement of permeability for pedestrians and cyclists across the Site, compared to the Call in Scheme, with clear east-west and north-south routes linking to new public spaces, creating an improved public realm and successful retail environment, whilst reinstating historic street alignments and further improving connectivity to the surrounding streets. Consequently, the proposals are clearly superior in this respect to a scheme already supported by the SoS, and thus will comfortably comply with the requirements of Policy JCS 2, which inter alia promotes the creation of cycling and walking friendly neighborhoods as a key element of good design, and Policy DM3 –

Design Principles, which requires proposals to provide a permeable and legible network of routes and spaces.

- 6.49. The layout has also been carefully considered with regard to its impact on heritage assets within the immediate vicinity of the Site and across the City more generally. In particular, the layout and alignment of the proposed buildings will open up views from Anglia Square itself of St Augustine's Church to the west of the Site, as well as some longer distance views of the Anglican cathedral to the southeast from within the development. The layout has also had due regard to the need to maintain and enhance the contribution of Anglia Square to the LDC by ensuring the provision of a ground floor frontage of units suited to Main Town Centre Uses around an enlarged and landscaped public square and along the route between Magdalen Street and St Augustines Street, with demolition and construction phased in a manner that allows Anglia Square to operate continually as a shopping centre throughout the development process, so as to ensure the vitality and viability of the LDC is not compromised, and local shopping needs are met.
- 6.50. With regard to the scale, height and massing of the Proposed Development, it is important to note that the Site is located in a sustainable City Centre location, within an urban context. Furthermore, the viability assessment indicates that approximately the number of dwellings currently proposed is required in order to achieve the delivery of the comprehensive redevelopment of Anglia Square. Given the failure of previous approved proposals for this Site to be delivered, and the significant investment required in order to create a successful new retail-led commercial area appropriate to this Large District Centre location, as part of any redevelopment of Anglia Square, the need to ensure that a viable scheme can be delivered on this Site is essential. The provision of up to 1,100 dwellings, along with requirements to provide an appropriate quantum of non-residential mixed uses, and of levels of vehicular and cycle parking, servicing, landscaping and other infrastructure meeting scheme needs, results in a necessary volume of built form (mass), to be distributed across the Site.
- 6.51. The distribution of this scale and mass across the various development blocks has been informed by extensive heritage, townscape & visual impact assessment work, which has considered the potential visibility and impact of each iteration of the design on 40 key views from around the Site and the wider City, (as agreed with Council officers). This townscape advice, combined with extensive heritage impact assessment work in relation to identified heritage assets across Norwich, is set out in the Heritage, Townscape and Visual Impact Assessment, (HTVIA). As a direct result of this assessment work, development has been limited to 3-4 storeys on the most sensitive parts of the Site, such as the land northwest of New Botolph Street/ east of Edward Street and adjacent to Magdalen Street, as well as in other locations across the Site, with taller buildings of up to 6-8 storeys in the less sensitive parts of the Site, including the central and southwestern areas. In this way, the proposals have taken full account of the relevant requirements within Policy DM3 in terms of matters such as respecting long views of major landmarks, and achieving appropriate layout and siting. Full justification and detailed commentary relating to the scale, height and massing of the Proposed Development is provided within the Design & Access Statement, and the HTVIA.
- 6.52. With regard to the design of the proposals, the DAS explains how careful consideration has been given to creating a high quality development with appropriate detailing and articulation within the elevational treatment for the full element. A range of building typologies, shown on the Illustrative Masterplan for the entire Site, will help to create variety, break down the scale and mass, and importantly express the grain of the existing context. The use of appropriate materials, shown for the full element as brick, framed windows, cladding to dormers and some other features, and metal

balustrades, with detailing including brick feature banding, will create a high quality appearance that will be complementary to the existing context. Further details are provided within the DAS for the full element comprising Blocks A, B, C, D, J3, K/L and M, with key principles regarding the design approach for the outline element identified within the Design Guidelines, demonstrating that a high standard of design will be achieved, in accordance with the requirement of Policy DM3.

- 6.53. As gateway or landmark buildings, the scheme proposes two visually distinct buildings, namely Block L, the 4 storey commercial building at Stump Cross, and Block D, the 2 – 6 storey Community Hub fronting New Botolph Street. The design evolution and rationale of each is addressed in the DAS, noting their distinctive roles and locations, which warrant their respective architectural treatments. The supporting text to Policy DM 3 notes that landmarks can be achieved by design, (rather than height), and that the expectation of the policy is that gateway sites should be marked by development of exceptionally high quality which relies for its distinctiveness on design aspects other than size and height. It is contended that the two buildings fully comply with this expectation of Policy DM 3.
- 6.54. In respect of impact of the scheme on townscape, set out in the HTVIA, a key point is that the townscape assessment is quite different in its methodology to the heritage assessment, and can reach different conclusions on impact. This means that on some of the tested views, there is a finding of townscape enhancement overall, but recognition of heritage harm. The assessment is based on the judgement that the current ‘baseline’ position of the presence of the existing buildings, which are prominent in both close-to and wider city views, is wholly negative, and therefore that there is a natural position of enhancement by their removal. This also applies to the ‘removal’ of the unattractive open car parks by their redevelopment. Whereas for the Call in Scheme, this was countered by the visual impact of both the proposed tower and the 10 – 12 storey buildings around it, by comparison, the Proposed Development has less inter-visibility with the wider context and less visual prominence in the locality. Accordingly, and in order to be consistent with the SoS’s findings on the Call in Scheme, conclusions on the impact of the Proposed Development on townscape impact tend to move in the direction of the wholly positive. For example, in the case of an important view such as No 24, which is of high sensitivity, it is at least the case that the effect is ‘medium’ in terms of change, which represents a major *effect*. In that context, given the degree of visibility of Sovereign House at present as a negative impact, set against the quality that the scheme will deliver, even though visible, (but being no taller), the conclusion in pure townscape terms, is that the impact of the Proposed Development is beneficial. This results in a Major Beneficial effect on townscape for that view.
- 6.55. However, this townscape impact can be judged in a different way, with a different approach to the methodology, given that in respect of the heritage assets in that same view, the heritage impact assessment acknowledges harm to the significance of those heritage assets. Since heritage assets are townscape receptors, this weighs to an extent against the simple visual amenity enhancement that arises from the new development, since appreciation of the asset as a positive townscape feature is diminished to an extent. This would allow a conclusion that the overall (residual) impact in that view is neutral, in qualitative terms (so Major Neutral as the finding). This issue of the appropriate methodology and the resultant findings for townscape impact is set out in the HTVIA, but the townscape impact conclusions are that the Proposed Development will have a beneficial effect in terms of townscape and visual impact overall, both in terms of its effect on views, and on townscape character. In particular, the scheme will provide benefits in terms of the navigation of the streetscape of the Site and its connection with the wider townscape via the introduction of new

pedestrian routes and new and enhanced public spaces, as well as a positive impact in long distance views of the wider urban landscape of Norwich. Consequently, the proposals are considered to comply with the relevant requirements of Policy DM9.

- 6.56. Taking account of the impact of the buildings to be removed, and the proposed layout, scale and massing, (and for the full element, the architectural treatment), the heritage assessment within the HTVIA concludes that whilst the Proposed Development will fundamentally change the character of the Anglia Square locality, this is considered to be justified in heritage terms, given the beneficial impact the proposals will have on the physical townscape, and on the heritage significance of both the Norwich City Centre Conservation Area, (NCCCA), and on numerous listed buildings. Thus, similarly, in respect of the Call in Scheme, the SoS accepted at para 33, *“in principle, that replacement of [the] existing commercial buildings and car parks with well-designed modern buildings would be a significant benefit to the NCCCA, and the benefits of the specific scheme would include greater permeability and legibility, improved streets and squares within the site and framed views of the Cathedral and the Church of St Augustine.”* However, in conclusion, at para 57, he found that *“while the proposal would have elements of both beneficial and harmful effects ... on balance there would be a neutral impact on the character and appearance of the NCCCA.”* In respect of the Proposed Development, which is lower and has massing divided up into a finer grain, it is therefore quite consistent that the heritage assessment finds a beneficial impact on the NCCCA.
- 6.57. The heritage assessment considers that the proposals will result in harm at the lower end of ‘less than substantial harm’, (LTSH), to the significance of the setting of only two identified heritage assets (St Augustine’s Church (Grade I Listed Building) and 2-12 Gildengate (Grade II Listed Building)), and also to the setting of those assets in View 11. As such, any harm arising should be weighed against the public benefits of the proposals, as required by paragraph 202 of the NPPF. In this regard, as with the SoS for the Call in Scheme, the HTVIA also notes that there are substantial public benefits associated with the Proposed Development, in terms of beneficial heritage impact. In addition to cases where the scheme will result in an enhancement to the significance of heritage assets by improving views of and from them, the scheme delivers other heritage benefits, including the reinstatement of urban grain, built form and historic connectivity between St Augustines Street and Magdalen Street, the creation and opening up of key views, enhanced public realm, and the replacement of existing buildings with high quality development, thereby increasing positive appreciation of this part of the conservation area by the public. Consequently, the heritage assessment thus concludes that these benefits will outweigh the less than substantial harm arising from the proposals, both to each heritage asset affected by harm, and cumulatively to them all, and should therefore be considered acceptable in terms of heritage considerations and relevant policies including DM3 and DM9.
- 6.58. Further assessment of the potential impact of the proposals with regard to heritage, townscape and visual impact is provided within the ES. Volume II.

Landscape and Amenity

- 6.59. As detailed within the Landscape Strategy submitted in support of this Application, within the full element, the proposals include a reconfigured and enlarged Anglia Square public space to replace the existing Anglia Square space, which will include a new design for a canopy or possibly two canopies, adjoining areas of planting and trees for shade, with seating both under cover and in the

open. The square will thereby provide opportunities for a wide variety of events and street entertainment, in a large central open area as well as making use of the canopy/canopies for covered performance/event space and seating to allow year-round use. The layout of the new sections of Botolph Street either side of Anglia Square as reconfigured in relation to them, opens a new vista of St Augustine's Church from the square, and of the Anglican cathedral spire.

- 6.60. The landscape design also includes the creation of another large area of public realm, St Georges Gardens, incorporating a substantial area of planting and trees with incidental play opportunities and seating adjacent to the segregated cycle and pedestrian route linking north and south to St Georges Street. This will be fronted on both sides by residential properties with ground floor front doors to ground level units and residential lobbies to access upper floors, creating a residential character to this garden in contrast to the commercial activity of Anglia Square itself. The gardens would have a high level of natural surveillance from adjoining dwellings, ensuring a strong perception of safety. The designs of the buildings fronting this space will be presented as part of the Reserved Matters, and hence the full application landscape design stops short of the front elevations of each building, allowing the future alignment of landscape and elevational design.
- 6.61. There is also a small landscaped courtyard, Cat and Fiddle Yard, that the public are able to access, between Blocks J and J3. Anglia Square, St Georges Gardens and the other courtyard will be connected to the rest of the development and the surrounding area by new and enhanced pedestrian and cycle routes.
- 6.62. St Georges Street, Botolph Street, St Georges Gardens and Anglia Square provide an opportunity to create a 'play trail', with carefully designed incidental play features which can draw on the history of Norwich and the locality for design inspiration. These would enable play along routes to existing formal play spaces at Leonard Street Play Area and Gildencroft Park, to which improved and new pedestrian crossings of New Botolph Street and Pitt Street will provide enhanced access.
- 6.63. As well as amenity within public streets and squares, residents of the scheme would be able to access a variety of semi-private communal podium gardens and roof terraces, with planting, high quality paving and informal play, offering generous areas of landscaped amenity space, in addition to private amenity space (balconies / terraces). In addition to the podia and roof terraces, a series of green and brown roofs are provided, providing opportunities to enhance biodiversity on the Site.
- 6.64. With regard to the outline element, the Landscape Strategy further describes the intention to provide a combination of high quality public realm streets and semi-private spaces at ground floor level, along with private balconies and semi-private landscaped podium garden areas, spread throughout the development, thereby providing generous residents' amenity space.
- 6.65. This strategy of providing generous on-site amenity space, of varying character, and spread over public, semi-private and private areas will ensure compliance with the relevant aims of Policy DM8 - *Planning Effectively for open space and recreation*, which seeks to ensure large developments provide sufficient informal recreation and amenity space for the benefits of residents, as well as the further detailed guidance within the Council's 2016 Landscape and Trees SPD.

Transport, Accessibility and Parking

- 6.66. The Transport Assessment, (TA), submitted in support of this Application sets out the existing baseline conditions in relation to the Site's location and accessibility, and parking provision, and considers the potential impact of the Proposed Development on the local area in terms of traffic flows on the road network, parking requirements for the LDC and promotion of sustainable modes of transport.
- 6.67. With regard to the highway impact of the Proposed Development, the assessment considers each local junction in detail, with the modelling indicating the development impact on the operation of the surrounding highway network in the anticipated first year of operation of Phase 1 and on the first full year of operation following completion of the development in 2030. The proposals include improvements to the traffic signals at the junction of Pitt Street and New Botolph Street, which will enhance the operation of this junction. The TA finds that there would actually be a net decrease in traffic flows on the local road network, as it explains:

"The total public car parking available across the Site currently is 1,172 spaces. The Proposed Development includes 146 car parking spaces within the detailed element of the Application, and the Outline element could provide up to a further 304 car parking spaces (albeit in reality this number is likely to be lower). This equates to a total of 450 parking spaces, which is the limit set by the Application's description of development. Therefore, even if the full 450 parking spaces are to be provided, ... this would be a reduction of 722 spaces compared to what is at the Site currently, and also less than the total existing number of spaces in the public surface car parks currently open... Furthermore, it should be noted that the existing 1,172 spaces are public car parking associated with Anglia Square shopping centre and the other commercial facilities within the vicinity and will therefore have a much higher turnover than car parking associated with residential use. As such, the Proposed Development is expected to result in a net decrease in vehicular traffic on the local road network and this has been agreed with NCiC and NCoC during the scoping stage."

- 6.68. In relation to sustainable modes of transport, the proposals will generate high levels of pedestrian movements, given the commercial nature of the proposals and the sustainable location of the Site. The improved pedestrian facilities and infrastructure proposed as part of the development will represent a significant improvement to the walking environment and have an overall positive impact for pedestrians in the area. Meanwhile enhanced cycle routes will be provided through the development and cycling will be encouraged through the provision of appropriate cycle parking facilities. The network of pedestrian and cycle routes will tie into existing surface crossings along New Botolph Street, Magdalen Street and St Crispin's Road, together with the new and improved crossings proposed along Pitt Street and Edward Street, which will improve connectivity between the surrounding area and the Site.
- 6.69. With regard to bus travel, the Site is well served by existing bus routes and it is anticipated that the additional demand generated by the Proposed Development can be accommodated within existing capacity. NCC and Norfolk County Council are seeking to deliver a Mobility Hub along the section of Magdalen Street to the front of Block J3 and under the flyover, which will increase the number of bus stops in addition to other sustainable transport infrastructure. This would increase bus throughput and thus the capacity of the bus network. The Application project team have assisted with the early stages of design of the Mobility Hub and the Planning Obligations Draft Heads of Terms includes a

proposal for a financial contribution towards its delivery by NCC and Norfolk County Council. This would be a significant public benefit of the scheme.

- 6.70. The Transport Assessment also refers to various mitigation measures such as provision for a car club within the Site, the residential and employment travel plans, highways improvements and other measures to enhance the sustainability of the Proposed Development.
- 6.71. Consequently, the proposals comply with the relevant requirements of Policy DM28 – *Encouraging sustainable travel*, which seeks to maximise the use of sustainable modes of transport, and ensure that any anticipated increase in travel demand can be accommodated or diverted to non-car modes.
- 6.72. The existing public car parks on Site will be removed, with no replacement public car parking proposed. The TA indicates this is acceptable given the highly sustainable location of the Site and the measures noted above which will instead promote the use of sustainable modes of travel in the local area. The Car Park Survey Report, supporting the TA demonstrates sufficient capacity within local car parks to accommodate all existing parking demand for the LDC and people who need to travel to this part of the City Centre by car, without use of the car parks on the Site.
- 6.73. With regard to car parking, up to 450 car parking spaces are proposed, with at least 95% spaces for residential use (427-450 spaces / 0.38-0.41 spaces per dwelling), and up to 5% for non-residential uses (0-22 spaces). The management of the parking would be addressed by a car park management plan condition to be resolved prior to occupation of the relevant phase. The level of car parking provision is in accordance with Policy DM31 – *Car parking and servicing*, given the Site's location and public transport accessibility, as detailed in the TA, and the level of parking is below the maximum standard.
- 6.74. Servicing of commercial and residential units, including the operation of the Community Hub for residential delivery / pick up of on-line purchases is explained in the Design & Access Statement, and shown to meet the requirement, for both delivery and waste collection. It therefore also satisfies the requirements of Policy DM31.
- 6.75. Residential cycle parking provision includes 565 spaces allocated to the residential units within the full element. These are distributed throughout the seven blocks within secure cycle stores at ground floor level located as close as possible to entrances and main routes through the development to encourage use. Provision meets the requirements of policy DM31, which requires a minimum of 1 space per 1-bedroom unit and 2 spaces per 2/3-bedroom unit, and this standard will be applied to the outline element when Reserved Matters application comes forward in due course. A total of 110 visitor cycle parking spaces (55 Sheffield stands) are to be provided for throughout the Site to ensure convenient location for all visitors. Visitor cycle standards for residential use are 1 space per 10 dwellings, which would therefore require 110 spaces (55 Sheffield stands) for the entirety of the maximum 1,100 dwellings. The visitor cycle parking requirements would be provided to the residential standard, and will be shared with the commercial units, and monitored in terms of adequacy via the Travel Plan. This is detailed in the Transport Assessment, and the approach ensures there is not an over provision of Sheffield hoops occupying areas of public realm unnecessarily.

Air Quality

- 6.76. An Air Quality Assessment has been prepared by Aether in support of this Application. The report considers the impact of the Proposed Development on the surrounding local area and the Site, once completed, in the context of the Air Quality Management Area, which covers the centre of Norwich due to exceedances of the annual mean nitrogen dioxide objective.
- 6.77. The modelling work undertaken uses the results of NCC and Aether air quality monitoring within and around the Site, together with the TA traffic modelling, which as noted, predicts that there will be a net decrease in traffic flows on the surrounding network as a result of the Proposed Development, when completed. This outcome, together with the intended use of electric only heating and hot water within the Proposed Development, means that the scheme will have no impact on air quality in the surrounding area. Additionally, within the scheme itself, there will be no exceedances of air quality assessment targets for concentrations of nitrogen oxides and particulate matter at the samples of sensitive receptors, at ground level. Thus no mitigation measures to guard against unacceptable air quality within dwellings in the scheme will be required, although there will be compliance with good practice principles developed by the Institute of Air Quality Management, such as the use of electric vehicle charging points and the implementation of a travel plan, which would further reduce the impact of the proposals on air quality in the area.
- 6.78. As such, the Proposed Development complies with Policies JCS1 – *Addressing climate change and protecting environmental assets*, and DM2 -*Amenity*.

Archaeology

- 6.79. An Archaeological Impact Assessment has been prepared by RPS to supplement this submission. The assessment concludes that there will be no impact on any designated archaeological assets or their setting during the construction phase of the project, and that any impacts on undesignated buried archaeological remains will either be managed through design changes to allow preservation of important remains in situ or offset through a comprehensive programme of archaeological investigation, recording and dissemination, designed in consultation with the Norfolk County Council archaeological team, who note that this would represent “*the largest urban archaeological project in the East of England for many years, adding to the knowledge of history of Norwich*”. This work in itself would represent a notable public benefit of the scheme. No impacts are predicted on either designated or undesignated archaeological assets during the operational phase of the project. Consequently, the proposals are compliant with Policies DM1 *Achieving and delivering sustainable development* and DM9 *Safeguarding Norwich’s heritage*.

Arboriculture

- 6.80. An Arboricultural Survey, Impact Assessment and Protection Plan has been prepared by Barton Hyett in support of this Application. The report notes that the Site contains a limited number of trees, none of which are particularly high quality or the subject of statutory protection, (although they are within a conservation area). Whilst a very limited number of existing trees will need to be removed in order to facilitate the revised junction works for St Georges Street at St Crispins Road, the Proposed Development will include a comprehensive landscaping scheme involving a significant amount of new tree planting in mitigation.

- 6.81. Consequently, the report concludes that there are no overriding arboricultural constraints to development, subject to the implementation of recommendations and advice included within the report. As such, the proposal complies with Policy DM7 *Trees and development*, together with the guidance set out in the Landscape and Trees: SPD.

Ecology

- 6.82. An Ecological Assessment has been produced by Ecology Solutions, in order to assess the Site for any ecological features and designations, and impact of the scheme on Designated Sites in Norfolk identified by Natural England. The survey concludes that the Site has no protected species and very little ecological value, and also that it is not within or neighboring areas with designations for ecological protection. As such, there is an opportunity to increase the biodiversity of the Site and it is recommended to enhance the level of ecology on the Site through the provision of trees and other measures such as bird/bat boxes. The Ecological Assessment confirms that there is no anticipated harm to the Designated Sites both within Norwich and beyond. Consequently, the proposal complies with Policy DM6. Ecology is considered in detail in the eponymous chapter in the ES.
- 6.83. A Biodiversity Net Gain Report has also been submitted with the Application demonstrating the Proposed Development results in the required biodiversity gain.
- 6.84. It is noted that NCC now applies a RAMS tariff per dwelling to permissions for development of the nature of this Application. The payment will be payable upon commencement of development and will be secured via the s106 Agreement. The purpose of the tariff is to ensure that the Council continues to meet its legal duty under the Conservation of Habitats and Species Regulations 2017. This tariff is a mitigation deemed necessary where an adverse effect on the integrity of a habitat site cannot be ruled out, and where there are no alternative solutions, which means that the project can only proceed if compensatory measures are secured which obviate those adverse effects. Assessment work carried out in connection with the production of the Norfolk Strategic Planning Framework (NSPF) and as part of the GNLP has identified that residential, and other relevant accommodation will have a likely impact on designated habitat sites, and that this needs to be avoided as much as possible through local open space / green infrastructure provision, and also mitigated by a package of soft and hard mitigation measures at the habitat sites themselves.
- 6.85. Compensatory measures to mitigate the recreational impacts have been identified within the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) which was commissioned on behalf of all Norfolk authorities given the cross-boundary nature of this issue, as part of the Duty to Cooperate.
- 6.86. The tariff reflects the NCC adoption on 9th March 2022 of GIRAMS and the collection of related obligations from applications for residential development, and other relevant development proposals, in accordance with the GIRAMS evidence and Policy 3 of the emerging GNLP. The requirement to seek tariff contributions (referred to the RAMS tariff) towards mitigation measures at designated habitat sites themselves and to provide appropriate contributions to green infrastructure are included within Policy 3 of the emerging GNLP. Accordingly, by inclusion of this tariff payment in the s106, which will need to reflect the final number of dwellings approved by the Reserved Matters, the Proposed Development would be compliant with this emerging policy.

Energy Strategy

- 6.87. A comprehensive Energy Statement has been produced by Meinhardt in support of this Application. The Statement highlights the proposed measures that are to be used to satisfy both building regulations and NCC local plan policy on energy consumption. These will include efficient building fabric to maximise insulation, and the use of air source heat pumps for residential hot water heating. Consequently, the Proposed Development complies with Policy DM4- *Providing for Renewable and Low Carbon Energy*

Flood Risk

- 6.88. A Flood Risk Assessment has been prepared by Royal Haskoning DHV in support of this Application. The assessment indicates that 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. Furthermore, the Site is almost entirely impermeable, which would prevent groundwater emergence at the Site. It further notes that surface water flooding has been modelled in detail, which has helped to identify the most vulnerable parts of the Proposed Development, and quantify the risks, with appropriate mitigation measures proposed where necessary. The assessment thus concludes that the scheme is considered acceptable in terms of flood risk considerations, and thus the proposals comply with Policy DM5 -*Planning effectively for flood resilience*. Flood risk is considered in further detail as part of the ES.

Surface Water Drainage

- 6.89. The SuDS Strategy has been formulated by EAS in support of this Application. The report notes that due to the fact that groundwater levels at the Site are likely to be high, and having regard to the brownfield nature of the Site, SuDS solutions cannot include infiltration into the soil. Nevertheless, SuDS measures do include attenuation and controlled discharge into existing drainage as a strategy, which is recommended. Thus the proposals include green and brown roofs, podium landscaped areas, bio-retention swales and planters, permeable paving, as well as attenuation tanks. There is also the opportunity for re-use of water from the attenuation tanks, which will manage up to and including the 1 in 100 year (plus 40% for climate change) storm event. The proposed drainage strategy will ensure that the rate of surface water runoff will be lower than that of the existing Site. Consequently, the proposals are compliant with the relevant policy requirements including Policies DM3 and DM5.

Contamination

- 6.90. A Phase I Desk Study and Preliminary Risk Assessment has been prepared by Stansted Environmental Services. The research identified potential sources of contamination that may form a pollutant linkage. As such, these findings have shaped the recommendation for further intrusive investigations, which can be undertaken following clearance of each part of the Site. The recommendations include:

- i. Undertake an UXO Survey of the Site prior to the development due to the history of bombing on the Site during World War II;
- ii. Sinking boreholes for geotechnical and chemical samples; and
- iii. Installation and monitoring of gas and groundwater monitoring standpipes.

6.91. Consequently, the proposal complies with the Policy DM11 - *Environmental Hazards*.

Noise

- 6.92. A Noise Impact Assessment has been prepared by Stansted Environmental Services in support of this Application. The report and accompanying ES chapter detail the potential sources and significance of noise and vibration impacts in relation to both the construction and operational phases of the development. A range of mitigation measures are detailed, including the enforcement of noise and vibration limits for the construction phase, and acoustic ventilation solutions for the operational phase to attenuate noise levels calculated for residential interiors.
- 6.93. The assessment work concludes that with the utilisation of recommended mitigation measures where necessary, acceptable noise and vibration levels will be achieved. Consequently, the proposals comply with Policy DM2 *Amenity*.

Socio-Economic

- 6.94. A Socio-economic Assessment has been prepared by Iceni Projects in support of this Application. The assessment, detailed within the relevant ES chapter, considers the temporary construction employment generated by the proposals, the direct employment likely to be generated by the operational phase, the impacts on the local labour market, contribution to local housing provision, and the effect on local services facilities.
- 6.95. The assessment concludes that the Proposed Development will have a beneficial effect in terms of employment generation for both the construction and operational phases, and the new residential dwellings could generate significant benefits to the socio-economic conditions in Norwich, resulting in a reduction in deprivation levels. The impact of the proposals on the local labour market is also assessed to be positive, and the scheme will make a notable contribution towards the supply of housing in Norwich. Overall, the socio-economic impacts of the proposals are assessed as positive, and will contribute towards the social and economic success of the local area and the City more widely.

Sunlight and Daylight

- 6.96. The Sunlight, Daylight and Overshadowing Assessment has been prepared by GIA in support of this Application. The report demonstrates that the Proposed Development has been designed with careful regard to daylight, sunlight and overshadowing matters. Whilst the assessment notes that a development of this nature and scale will inevitably include areas that do not meet the guidelines, the results of the assessment work indicate that the majority of the scheme will comply with the

relevant British Research Establishment (BRE) guidelines in terms of impacts on neighbours. Meanwhile 86% of the habitable rooms will achieve or exceed their target thresholds for Average Daylight Factor, (ADF), whilst 93% of the development's habitable windows will receive a greater amount of sunlight than that recommended as a target by the BRE. With regard to overshadowing, there are few amenity areas that cannot benefit from at least two hours of sunlight, as proposed, on 21st March, (a worst case than during mid-summer), and this is considerably in excess of the BRE guidance. As such, the proposal complies with Policies DM2 *Amenity* and DM12 *Ensuring well-planned housing development*.

Statement of Community Involvement

- 6.97. The Statement of Community Involvement has been produced by Cratus in support of this Application. The report sets out the process of community engagement during the preparation of the planning application, setting out the methods of engagement, the feedback received and how it influenced the emerging design of the proposal. This Application's engagement process has thus complied with national policy (NPPF) together with NCC's Statement of Community Involvement SPD (November 2016).

7. The Heritage and Planning Balance

- 7.1. As noted above, NPPF Chapter 16 – *Conserving and enhancing the historic environment* sets out in section “*Considering potential impacts*”, within paragraphs 199 – 208, the steps LPAs should take when considering the impact of a proposed development on the significance of a designated heritage asset. Paragraph 201 states that “*where a proposed development will lead to substantial harm to, (or total loss of significance of) a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is **necessary** to achieve substantial public benefits that outweigh that harm or loss, ...*” (emphasis added).
- 7.2. A different test applies in instances of “less than substantial harm”, (LTSH), in that paragraph 202 states that where a development proposal will lead to such a level of harm to the significance of a designated heritage asset, “*this harm should be weighed against the public benefits of the proposal,...*” Thus the LTSH does not need to be demonstrated to be necessary, but rather the public benefits should be found to outweigh the harm. This exercise needs to be undertaken in respect of each heritage asset the subject of LTSH, and also cumulatively for the proposal.
- 7.3. Taking the Call in Scheme as a benchmark of a significantly taller scheme with larger massing derived from bigger block footprints, it is noted that the SoS stated under the heading “*Heritage Balance*” at paragraphs 65 -66 “*Given his findings on the scale, bulk and massing of the proposal as a whole, including the proposed tower, and given his findings on the scale of the less-than-substantial harm caused to the setting of the church of St Augustine and Nos 2 – 12 Gildencroft, [he] has concluded that the impact of the proposal on the NCCCA as a whole is neutral. ... Taking account of the wider heritage impacts of the scheme ...[he] finds that while the benefits of the scheme are sufficient to outweigh the less than substantial harm to the listed buildings when considered individually, they do not do so when considered collectively, given the range and number of heritage assets affected The benefits of the scheme are sufficient to outweigh the less than substantial harm to non-designated heritage assets, ... whether considered individually or collectively.*” Under the heading of *Planning Balance and overall conclusion*” in paragraphs 75 – 77, the SoS states that “*the proposal has a neutral impact on the character and appearance of the NCCCA. There would be minor benefits to the setting of some listed and non-designated assets, which carry limited weight. ... Although less-than-substantial in all cases, there would be harm to the setting of a number of listed buildings, in two cases towards the upper end of the scale. ... In addition, there would be harm to the setting of some non-designated assets, and a non-designated building would be demolished and lost entirely.*”
- 7.4. Thus, despite the larger scale and mass, including the tower, the SoS found no ‘Substantial Harm’, but rather LTSH in all cases of harm. There were however a large number of individual or groups of listed buildings in respect of which the SoS found a minor level of LTSH, including:
 - i. the Anglican Cathedral,
 - ii. the Church of St Clement
 - iii. Nos 3 – 5 Colegate
 - iv. The Fye Bridge Group
 - v. The Colegate Character Area
 - vi. 45-51 London Street

- vii. St Andrew's Church
- viii. St Helen's Church
- ix. St Augustines Street group

The impact on the NCCCA was neutral rather than causing any harm, and the impact on the loss of non-designated assets was no more than LTSH.

- 7.5. The HTVIA supporting this Application carried out an assessment of 45 identified heritage assets (categorized as individual and groups of assets), which was a reduced list agreed with NCC and Historic England based on the lesser extent of inter-visibility of the Proposed Development with heritage assets compared to the Call in Scheme. The HTVIA sets out the findings in respect of all heritage assets with which there is inter-visibility or an impact on the setting, as well as the non-designated assets. By reason of the lower height throughout and the smaller footprint of each block, there were also a reduced number of locations which NCC and Historic England agreed with Iceni needed verified view assessments. Similarly, the finer grain of the block sizes, and introduction of many more streets across the Site in all compass directions reduces the impact of the current scheme on its immediate setting within the NCCCA. Accordingly, it is to be expected that the HTVIA reports a reduced level of LTSH on a reduced number of assets. This reflects the outcome of Iceni's professional judgement and the adopted methodology; but it is noted that, particularly given the approach taken by the SoS, the Proposed Development generates a significant number of townscape enhancements which to an extent lessen the degree of harm to the significance of settings of heritage assets, all in the context of LTSH. This addresses the SoS's conclusion that whilst the LTSH was outweighed individually in the Call in Scheme, the number and range of heritage assets impacted resulted in this not being the case cumulatively.
- 7.6. The HTVIA finds, inter alia, the following residual impacts of the Proposed Development on a number of heritage assets which are either of high sensitivity or otherwise close enough to the Site:
- i. NCCCA: Minor Beneficial
 - ii. Six Strategic Landmarks: Moderate Enhancement as a group, with significance preserved individually
 - iii. St Augustine's Church and nearby 2 – 12 Gildencroft: previously considered by the SoS to be towards the upper end of LTSH, now LTSH at the low end
 - iv. 31 – 35 Magdalen Street and Gurney Court: Minor Beneficial
 - v. 71 Botolph Street: Moderate Beneficial
 - vi. Doughty's Hospital: Minor Beneficial
 - vii. Church of St James (Puppet Theatre): Moderate Beneficial
 - viii. Church of St Saviour: Moderate Beneficial
 - ix. Colegate group: Minor Beneficial
- 7.7. The HTVIA lists the many other assets where there would be no harm at all, (a neutral residual impact), or no effect (by lack of inter-visibility or experiential interaction between the Site and the assets in question), demonstrating conclusively that the number of assets impacted by the Proposed

Development would be far fewer than in the case of the Call in Scheme. Therefore, the number of instances of LTSH will be significantly fewer, and thus the public benefits of the Proposed Development, set out below, are contended to comfortably outweigh the cumulative harm

- 7.8. To identify the extent of public benefits accruing from the Proposed Development, these have been grouped under the NPPF paragraph 8 overarching objectives for sustainable development. In respect of the weighting to be given to such benefits, it is noted that there is no methodology of assessment set out by government, or in the development plan. Thus again, reference is made to the conclusions of the SoS in respect of the weight of these benefits as they applied to the Call in Scheme.

Economic – to help to build a strong, responsive and competitive economy

- 7.9. The SoS concluded in respect of the Call in Scheme, at paragraph 75 that from an economic perspective, the proposal would:
- i. secure the regeneration of a strategic brownfield site;
 - ii. make a significant contribution to meeting housing need in Norwich;
 - iii. make a significant contribution to meeting the need for affordable housing in Norwich;
 - iv. provide a significant net gain in employment;
 - v. help to create the conditions in which businesses can invest, expand and adapt;
 - vi. insofar as the current condition of the site is a barrier to investment, remove that barrier;
 - vii. support the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC.
- 7.10. The SoS concluded that *“each of these benefits carry significant weight in favour of the proposal.”* It is contended that all of these benefits apply equally to the Proposed Development, which has similar characteristics, and indeed now proposes the complete regeneration of the Site rather than leaving a significant corner unaltered. For the reasons set out below, these sustainable economic public benefits would still carry **significant weight**:
- a) As with the Call in Scheme, the Proposed Development will generate considerable employment opportunities at a range of skill levels during the construction phase, generating estimated 204 direct construction jobs per annum (1,635 in total), over an 8 -10 year period. This represents a notable increase in the number of construction jobs in Norwich for a significant timeframe. These direct employment benefits could also generate further indirect employment opportunities in the wider economy, resulting in an estimated 207 indirect and induced jobs per annum (1565 in total) that could be supported over the duration of the construction phase. The construction phase, which will last a number of years, will allow for the training of a local labour force, with the s106 Agreement incorporating measures to seek local employees first, and to offer apprenticeships or other training, thereby assisting in tackling unemployment longer term. This demonstrates the significance of this public benefit during the construction phase.

- b) The permanent employment levels of the scheme may be somewhat lower than previously estimated for the Call in Scheme due to the lesser quantum of proposed commercial floorspace, but the ES Socio-economic chapter reports a net employment impact of an additional 104 FTE jobs compared to existing (57% uplift), reflecting far superior and flexible space, which would be better attuned to current and future business needs. Indeed, one of the principal purposes of the proposals described above is to provide a significantly enhanced shopping and multi-purpose environment capable of attracting a diverse range of tenants that will cater to the needs of existing and future residents and the local area. The provision of a high quality and attractive retail environment will thus create a more commercially successful and economically resilient centre, with a more diverse mix of retail, leisure, other Main Town Centre Uses and indeed community facilities appropriate to the Large District Centre location. This will support the local economy through the generation of greater retail spend and tax revenue, the provision of enhanced employment opportunities and the direct and indirect investment generated by the enhanced centre. Those benefits will extend into the evening, with the potential presence of food and beverage establishments, a supermarket, the Community Hub and Community Hall, together with an immediate resident population, which would generate footfall and activity, and encourage more retail and service businesses to remain open for longer hours, thereby improving the economic performance of the centre, as well as the perceptions of safety and security in the evenings. Once operational, the new retail and commercial units will support a wide range of employment opportunities, with an estimated 288 FTE jobs being supported by the new centre to the significant benefit of the local economy. This is a significant increase over the circa 104 jobs, currently associated with Anglia Square and the other commercial buildings within the application Site, and is estimated to generate 112 indirect jobs within the Norwich Area, and 292 indirect jobs within East of England as a whole. The s106 Agreement can require future commercial tenants to commit to seeking local employees as a first option when offering employment, to support the local population, which would be an enhancement over the current lack of such obligations. Thus permanent employment opportunities of the scheme remain a significant benefit.
- c) The new residential dwellings proposed for this Site would increase the economically active population resident within the area by an estimated 2,321 persons. This represents a 1.6% uplift in the population of Norwich, and would increase number of economically active population in the local area by 1,478 economically, who would generate greater retail expenditure in the local area and across the City more widely, with the estimated gross spending of the new residents accommodated by the development totaling £21.9-36.4 million each year. This additional expenditure will provide a significant boost to the vitality and viability of the Large District Centre as well as to the wider City Centre economy.
- d) The additional dwellings would also provide a substantial increase in revenue to NCC, through Council Tax, given that the ES Socio-economic chapter has established that existing public service infrastructure has the capacity to accommodate the additional population without the need to underwrite the cost of extensive additional facilities, (e.g. schools, GP surgeries etc).

7.11. Consequently the Proposed Development will generate sustainable economic public benefits for the Site, the local area and Norwich's economy more widely, through the creation of a more resilient and commercially successful centre, a significant increase in job opportunities in a wider range of employment types and the creation of a significant number of new, high quality residential dwellings. It will also, as with the Call in Scheme, achieve the longstanding strategic policy objective

of regeneration of this brownfield site, and act as a catalyst for wider regeneration of the Northern City Centre.

Social – to support strong, vibrant and healthy communities

- 7.12. The NPPF seeks provision of a sufficient number and range of homes and the creation of well-designed, beautiful and safe places, and open spaces that support communities' health, social and cultural well-being. The SoS found significant weight in favour of the Call in Scheme's contribution to meeting overall housing need and affordable housing need, and promoting the long term vitality and viability of the LDC; found benefit from the legibility and permeability of the layout; found appropriateness in the proposal taking account of likely effects on health and living conditions, and found advantages relating to accessibility, and safety. It is contended that the Proposed Development would provide sustainable social public benefits in a number of ways, as follows:
- a) The creation of up to 1,100 new homes on this currently under-utilised and partially vacant site which contains no homes, will make a significant contribution towards the identified needs of Norwich and the wider Norwich Policy Area, as acknowledged by the SoS in respect of the Call in Scheme for 1,250 homes. The supply of 1,100 residential dwellings arising from this Site will contribute up to 12.8% or 2.3 years of supply against Norwich's requirements for the plan period 2008-26 identified in the Joint Core Strategy. There has been a significant shortfall in supply in recent years within Norwich against identified requirements, and Norwich itself is currently unable to identify a 5 year housing land supply. There is consequently a pressing need to meaningfully boost the supply of housing, as advocated by NPPF paragraph 60, in order to address the significant negative social consequences of failing to meet housing needs. In this regard, the current proposals could help to eliminate the historic shortfall and help to address the negative consequences of undersupply such as increasing unaffordability and market instability.
 - b) The provision of at least 106 of these dwellings as affordable, with a mix of predominantly 1 bedroom flats for affordable rent, and some shared ownership tenure, as needed in the area, together with some 3 bedroom houses for families, will result in the scheme meeting the widest range of households in need as can be managed in terms of viability. These would be spread across the scheme, in small clusters, which will also ensure that there is social integration of the new households in the development with both the other new households and the surrounding community, from where those in housing need could be drawn. The later stage viability reviews to be specified in the s106 Agreement will ensure that as the development is built out in phases, it continues to provide the maximum viable amount of affordable housing, with a guarantee for upwards-only reviews of numbers.
 - c) The economic public benefits described above will also assist with social public benefit needs identified within the Socio-Economic chapter of the ES. For example, it is noted that the application Site is located within one of the 10% most deprived neighbourhoods in the country. The creation of new employment and training opportunities and improved access to housing could be a catalyst in terms of assisting the reduction of this deprivation.
 - d) The proposals also provide the opportunity to accommodate a range of facilities that could benefit the wider local community. Specifically, a Community Hub and Community Hall are proposed within Block D which both the existing local community and new residents could

use, whilst the inclusion of flexibility for non-residential floorspace to accommodate class E/F1/F2 uses allows community social enterprises like the current “Men’s Shed” and the cycle repair workshops, together with other facilities such as health-related centres, to be accommodated, subject to demand, viability and practicalities. These will all offer opportunities for the wider community and residents from across the scheme to benefit from institutions and organisations which aim to support people, often not for profit. This will foster the scope for people to interact in a variety of circumstances, organized, informal or accidental.

- e) the provision of public conveniences, and in addition a “Changes Places” facility catering for those with specialized caring needs is an unquestionable social public benefit.
- f) The flexible commercial floorspace could also accommodate new food and drink establishments which will enhance the leisure provision for local residents in the whole of the Northern City Centre of Norwich, particularly into the evening, whilst the enhanced convenience retail offer including a unit suited to a new food store will better serve the everyday needs of the wider local area.
- g) The proposals will replace the dated and largely poor quality public realm on Site with a significantly enhanced environment for pedestrians and cyclists, providing enhanced permeability and legibility across the Site, the creation of a replacement large landscaped public square, a new landscaped public garden and wide, well designed pedestrianised routes, all with surveillance from dwellings at ground level and above the commercial ground floor. This will enhance opportunities for social interaction at events within Anglia Square, either of a formal or ad hoc nature, and generally improve the local environment for residents and visitors, and reduce the fear of, and potential for, crime and antisocial behavior.
- h) The proposals will seek to encourage the use of sustainable modes of transport such as walking and cycling through measures such as enhanced cycling routes and storage and a more pleasant public realm. The scheme will ‘donate’ space for the proposed Mobility Hub at Stump Cross, and the s106 Agreement will include a financial contribution towards its provision. As such, the development has the opportunity to improve the health of residents in the local area and visitors to the centre.

- 7.13. Achieving success in meeting the social element of sustainable development is an important aspect of creating new places that support their communities, and are socially integrated. At Anglia Square, and within the Northern City Centre, it is important that the existing community continues to believe that the place is part of their lifestyle, somewhere that they can afford to be and afford to use, and that it meets their needs. However, the scheme should embrace the concept of ‘leveling up’, by enhancing the environment and encouraging opportunities for people to mix. By achieving the above effects, it is contended that the Proposed Development would secure sustainable social public benefits of **significant weight**.

Environmental – to protect and enhance the natural, built and historic environment

- 7.14. In this regard, the NPPF seeks effective use of land, improving biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change. In respect of the Call in Scheme, the SoS identified the sustainable environmental public benefits to include:
- i. replacement of the existing commercial buildings and open car parks with well-designed modern buildings, (a significant benefit to the NCCCA);
 - ii. the greater permeability and legibility within the site;
 - iii. improved streets and squares;
 - iv. the framed views of the cathedral and St Augustine's church;
 - v. the improvement to the character of Magdalen Street north of the flyover (moderate weight, due to the taller elements of then Block A, which rose to 11 storeys);
 - vi. improvement to the character and appearance of Edward Street, (significant weight);
 - vii. minor heritage benefits to the settings of some listed buildings and non-heritage assets, (limited weight);
 - viii. air quality benefits, (limited weight).
- 7.15. It is contended that in respect of each of those matters, the Proposed Development would deliver **at least equal and, in many instances, more significant benefits**, for the reasons set out below:
- a) The removal of all the existing buildings comprising the Anglia Square development, now including Gildengate House and the retail building fronting Magdalen Street, (an enlargement over the Call in Scheme area), and their replacement with new buildings of acceptable scale and mass, and high quality design, would be at least equal to the significant benefit to the NCCCA found by the SoS;
 - b) The scheme layout, now covering a larger area than the Call in Scheme, with the introduction of more streets, and smaller footprint blocks with greater articulation to create a finer grain complementary to the historic morphology of Norwich, have collectively been found in the HTVIA to create townscape benefits, and would thus be a benefit of greater significance than that found by the SoS in respect of the Call in Scheme;
 - c) The landscape proposals for Anglia Square itself are improved, with the space being larger, and so having space for potentially two canopies and tree cover; the proposals for St Georges Gardens are to form a green space rather than a hard surfaced space for café seating, due to changes to the role of that area. These changes, together with the introduction of more streets and courtyards, with more green landscape opportunities, mean that the significance of the benefit is increased;
 - d) The changes to the scale of buildings along Botolph Street allow a greater emphasis on the new framed view of the tower of St Augustine's church. The inclusion of the area for Block J3 allows a better composition for the new view of the cathedral spire from ground level.

- e) The increase in space to recreate Stump Cross; the proposed gateway Block L of high quality distinct design; the proposed elevational treatment to Blocks J3 and K, together with the lower height of Block A to the rear, collectively further enhance the townscape character of Magdalen Street, and the HTVIA finds Minor Beneficial heritage impact, thus confirming an overall notable public benefit;
- f) The smaller mass and scale of Blocks M and A, with their articulation into smaller elements, and the introduction of a new street as the extension to Beckham Place within the Site are collectively considered to further improve the townscape and conservation area heritage character of Edward Street compared to the Call in Scheme, which the SoS already found to represent a benefit of significant weight. Accordingly, this could now be considered to be of very significant weight;
- g) The HTVIA now identifies a significant number of heritage assets – the NCCCA and listed buildings, (including a number having ‘high sensitivity’), as being the subject of Minor or Moderate Beneficial residual heritage impact from the scheme, which thus increases the significance of the public benefit to notable rather than limited;
- h) The scheme will have no air quality impact on its surroundings, and will not require any mitigation measures to ensure all proposed dwellings satisfy target levels for air quality characteristics. This is again at least a limited public benefit;

7.16. In addition, further sustainable environmental public benefits of **notable or significant weight** flowing from the Proposed Development are:

- a) Archaeology: the opportunity for the largest investigation in the East of England for a considerable time, which would assist in understanding the history of Norwich is only possible with the comprehensive redevelopment of the Site, which would now encompass the entire site, not just the Call in Scheme area; it will not be possible if a comprehensive scheme cannot be delivered. This a **notable public benefit**;
- b) The Proposed Development supports the delivery of a Mobility Hub by provision of additional land, a focal building for Stump Cross, and the principle of a financial contribution, and will thus further enhance the capacity of public transport in the northern part of the City Centre and interconnect with other sustainable modes of travel to further reduce dependency on the private car by residents and the local community to the benefit of air quality, and combatting climate change. This addresses Policy JCS 1 and is thus a **notable public benefit**.
- c) The proposed creation of a sustainable, mixed use community will reduce the need for the new residents to travel to access services and facilities, thereby delivering a highly sustainable form of development and reducing the potential impact of new residential development on the environment. With regard to commuting patterns, it is noted that Norwich has a large net inflow of labour (approximately 26,967 workers). The Proposed Development could help to achieve a more sustainable pattern of development by locating new dwellings within the City Centre, in close proximity to employment opportunities, thereby reducing commuting into the City and the associated dependency on the private car, again addressing Policy JCS 1, and being a **notable public benefit**.

- d) Importantly, the Proposed Development seeks to redevelop and make efficient use of an under-utilised, partially vacant brownfield site within the City Centre, thereby reducing the pressure to release greenfield land outside Norwich, as demonstrated by its allocation in the emerging GNLP. As noted above, the creation of up to 1,100 new dwellings on this Site will represent a significant boost to the City's housing supply, and will assist in maximizing the proportion of the housing requirement across the Joint Core Strategy / GNLP area that is accommodated on brownfield land. NPPF paragraph 120(c) indicates **substantial weight** should be applied to the value of redeveloping brownfield land to deliver homes.
- e) The Proposed Development also includes the potential for **notable** ecological and environmental improvements to the Site, through the creation of large areas of landscaped amenity space and public realm resulting in biodiversity net gain, as well as the identification and appropriate remediation of any historic contamination as necessary.
- f) The proposals have been designed to ensure that sustainability measures are prioritised wherever feasible, such as the use of renewable energy via air source heat pumps and efficient building fabric throughout, whilst the construction phase will also be carried out in a sustainable manner, as described within the Development Programme, Demolition and Construction chapter of the ES and the Construction Environmental Management Plan. This is an expectation of new development, but will enhance the sustainability credentials of the Site, by removing carbon emissions from the current buildings which would not be replaced, and by introducing the option of 100 % EV charging to parking spaces on the Site. This is a sustainable environmental public benefit of **significant weight**.

7.17. In summary, the level of LTSH to heritage assets identified by the HTVIA is thus significantly less, (only occurring at St Augustine's Church and 2 – 12 Gildencroft, and now at a low level of residual harm), compared to that identified by the SoS on the Call in Scheme (see paragraph 33-59 of the SoS Call in Decision (Appendix A)), who identified upper end scale of LTSH to St Augustines Church and 2-12 Gildencroft and minor harm to the setting of a large number of listed buildings (including the Anglican Cathedral) .. However, although the SoS found that overall, the LTSH was outweighed in each and every case by the substantial public benefits of the Call in Scheme, the cumulative number of cases of LTSH was not outweighed by those benefits. In the case of the Proposed Development, LTSH is identified for only two designated heritage assets, and this is now much lower, so as before, in both cases, it must be outweighed individually by the very extensive list of sustainable public benefits of the scheme identified above., Given that no other heritage asset is found to have residual harm at all, it is contended that the cumulative LTSH in this scheme, is also now outweighs those sustainable public benefits of significant or notable weight, identified above. The SoS found in respect of the loss of non-designated 43-45 Pitt Street, that the benefits of the scheme were sufficient to outweigh the LTSH whether considered individually or collectively, and this must therefore remain the case with the Proposed Development Accordingly, NPPF paragraph 202 instructs that the balancing assessment allows support of the proposal in respect of heritage impact.

8. Overall Planning Balance and Conclusions

- 8.1. As noted above, paragraph 11 of the NPPF identifies the presumption in favour of sustainable development as being at the heart of the planning process. It explains that this entails approving proposals that accord with the development plan without delay. As set out above, we consider that overall, the proposals comply with relevant policy requirements of the up to date development plan, and having regard to the key principles set out in local policy and other material considerations identified, the proposed development is judged to be acceptable. As noted, the relevant policies of the emerging GNLP are to be subject to proposed modification, consideration by the Inspectors, actual modification and consultation before adoption, and so NPPF guidance is that at present, those policies are of limited weight.
- 8.2. This Statement has summarised above the findings of the HTVIA in respect of the residual impact of the scheme on designated and non-designated heritage assets, whereby only the settings of two heritage assets would experience LTSH with a low level of LTSH as residual impact. Set against this, the Statement has identified the various ways in which the Proposed Development satisfies the overarching economic, social and environmental objectives of sustainable development set out at NPPF paragraph 8, and highlighted the significant or notable public benefits that would result from this scheme to regenerate Anglia Square and the remainder of the Site. This satisfies the balancing assessment of heritage impact required by NPPF paragraph 202 in cases where LTSH is identified.
- 8.3. The various technical reports and the ES submitted in support of this Application consider in significant detail the various impacts of the Proposed Development on a wide range of different technical matters. These detail any anticipated adverse impacts of the proposals and identify mitigation measures were required to reduce to an acceptable level, or to completely avoid any such impacts. This technical assessment work has been an iterative process and has influenced each aspect of the design of the current Application proposals. Where residual adverse impacts are anticipated, these must be balanced against the significant benefits of the proposals, as part of the overall planning judgement when determining a planning application. However, it is important to note that in the case of the Proposed Development, the various technical assessments and the ES chapters highlight that any such impacts will be limited in their scope and magnitude. Balanced against this, the benefits of the current proposals in terms of delivering a sustainable development are identified as being significant. Consequently, the limited adverse impacts are judged to be significantly outweighed by the substantial benefits of the scheme.
- 8.4. The Proposed Development will secure the long-awaited redevelopment of this under-utilised brownfield site and provide significant investment to enhance the physical appearance, the retail and leisure function and overall vibrancy of the Site, as well as acting as a catalyst for the wider regeneration of the Northern City Centre. The development seeks to create a successful shopping and multi-purpose environment that will maintain and enhance Anglia Square's position within the retail hierarchy, whilst complementing the rest of the Large District Centre, including Magdalen Street and meeting the everyday needs of local residents from the wider area in addition to new residents of the scheme. In particular, the proposals include a unit suitable for a new foodstore, and other new modern units suitable for a range of convenience and comparison retailing, local independent retailers, community facilities, services and an enhanced leisure offer to serve the needs of the existing community as well as the new residents, alongside employment floorspace for a range of businesses and social enterprises. The new homes created will provide a significant boost

to the City's housing supply for a number of years, including in respect of affordable housing provision, and underpin the viability of the new shopping centre.

- 8.5. Thus, the proposals are considered to satisfy the three aspects of sustainable development identified within the NPPF and accord with the relevant requirements of the development plan. Consequently, it is contended that planning permission should be granted, having regard to relevant guidance and the clear planning justification for the development.

Appendices

[Appendix A – SoC Call in Decision Ref. APP/G2625/V/19/3225505](#)

[Appendix B - Phasing Plan](#)

[Appendix C - Policy Matrix](#)

Appendix A – SoC Call in Decision Ref. APP/G2625/V/19/3225505

From: PCCUSER <PCC@communities.gov.uk>
Sent: 12 November 2020 17:03
To: PCCUSER
Subject: Called-in planning application: Anglia Square, Norwich, Ref. 3225505

Please find attached the Final Decision letter, Inspector's Report and Right to Challenge advice note for the above named case.

This decision will shortly be listed with previous decisions on the MHCLG website at:

<https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals>



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Ministry of Housing,
Communities &
Local Government

Peter Luder
c/o Weston Homes Plc
Weston Group Business Centre
Parsonage Road
Takeley
Essex
CM22 6PU

Our ref: APP/G2625/V/19/3225505
Your ref: -

12 November 2020

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY WESTON HOMES PLC, COLUMBIA THREADNEEDLE B/O
SACKVILLE UK PROPERTY SELECT II (GP) NO 3 LIMITED, AND SACKVILLE UK
PROPERTY SELECT II NOMINEE (3) LIMITED (AS TRUSTEES FOR THREADNEEDLE
UK PROPERTY SELECT II SUB-PARTNERSHIP NO 3 LP)
ANGLIA SQUARE, NORWICH, NR3 1DZ
APPLICATION REF: 18/00330/F**

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Prentis BA BPI MRTPI, who held a public local inquiry between 28 January 2020 and 28 February 2020 into your client's 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, with the full description of development set out at Annex B of this decision letter, in accordance with application ref: 18/00330/F, dated 6 March 2018.
2. On 21 March 2019, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be approved and planning permission granted.
4. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions, and disagrees with his recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Andrew Lynch, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3594
Email: PCC@communities.gov.uk

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR590, the Secretary of State is satisfied that the Environmental Statement, and other additional information provided, complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. As set out at IR2, the application was subject to a number of amendments following the original submission to the Council, with a revised application form, dated 28 August 2018, subsequently submitted. The Secretary of State has made his decision based on this version of the application.
7. The Secretary of State notes that the Inquiry proceeded on the basis of these revised proposals (IR2). Given this, he does not consider that these changes raise any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application, and he is satisfied that no interests have thereby been prejudiced.

Matters arising since the close of the inquiry

8. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter. In the representation dated 14 September, points were made which sought to draw the Secretary of State's attention to emerging medical evidence with regard to air quality and the incidence and severity of Covid-19, and also to a Pre-Action Protocol letter seeking an early review of the Government's Clean Air Strategy. Given that the outcome of any challenge to the Clean Air Strategy is not yet known, and given his decision is to refuse this application, the Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate referral back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments adopted in January 2014 (JCS), the Norwich Development Management Policies Local Plan (December 2014) (DM), and the Norwich Development Site Allocations Local Plan (December 2014) (SA). The Secretary of State considers that relevant development plan policies include those set out at IR23-28.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Norwich City Centre Conservation Area (NCCCA) Appraisal 2007, and the Anglia Square Policy Guidance Note (2017) (PGN).

12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
13. The application site is located within the Norwich City Centre Conservation Area (NCCCA). In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

14. The emerging plan comprises the Greater Norwich Local Plan. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As this plan is at an early stage, with the required publication and consultation stages still to be completed, and is not expected to undergo public examination until late 2021, the Secretary of State considers it can carry only very limited weight in the determination of this application.

Main issues

The extent to which the proposed development is consistent with policies for delivering a sufficient supply of homes

15. The proposal is for up to 1250 homes (IR31) in total. For the purposes of determining this application, the housing land supply figure is calculated across the three Greater Norwich Districts, and the most recent figure is 5.89 years (IR431). However, the Secretary of State notes the Inspector's comments that within Norwich it is just 4 years, that there has been historic under-delivery against the targets of the JCS (IR431), and that this application represents the most significant housing project in Norwich. In overall housing numbers, this application would equate to around two years of Norwich's housing needs (IR432).
16. The Secretary of State has carefully considered the Inspector's analysis of the range of unit sizes and types at IR433-435. For the reasons given there, he agrees with the Inspector that the particular circumstances of the site justify the proposed housing mix, and there is no conflict with policy DM12(d).
17. There would be 120 affordable homes, equating to 10% of the total, with a tenure split of 85% social rent, 15% affordable rent or another form of intermediate housing (IR8). A provision of 10% affordable housing is below the target of 33% in large developments set out in policy JCS4, but the Secretary of State notes that this may be reduced where the development would be unviable in current market conditions (IR436), and that it was common ground between the applicants, the Council and Historic England that the scheme is marginally viable with 10% affordable housing (IR437). He also notes that the Section 106 agreement includes a review mechanism, and additional affordable housing could be secured if viability improves during the implementation period (IR439). For the reasons given at IR436-440, the Secretary of State agrees with the Inspector at IR598

that the amount of affordable housing is the most that could be achieved in current market conditions, and that the proposal accords with JCS4.

18. The Secretary of State notes that concerns were raised at the Inquiry around the number of single-aspect dwellings in the proposal. For the reasons given at IR441, he agrees with the Inspector that the approach taken with regard to the provision of residential accommodation would inevitably result in significant numbers of single aspect units, accessed by corridors which would not have natural light, and he agrees that this would be a disadvantage of the design. While the Secretary of State recognises that the flats would meet the technical standards required and have been carefully designed to overcome as far as possible the disadvantages of single-aspect dwellings (with floor to ceiling glazing, balconies and access to communal outdoor roof gardens), he considers that the disadvantages cannot entirely be overcome in this way. He considers that the use of single-aspect dwellings in such large quantities is a significantly sub-optimal design solution in this scheme, and is not outweighed by the advantages relating to access, frontages and safety (IR441). He therefore finds, contrary to the Inspector at IR612, that the proposal would conflict with the requirements in policy DM13 and DM2 for a high standard of amenity for future residents.
19. For the reasons given here, the Secretary of State agrees with the Inspector that the proposal would accord with JCS4 (IR598). He therefore agrees with the Inspector that the proposal's significant contribution to meeting housing need in Norwich should attract significant weight, and the proposal's significant contribution to meeting the need for affordable housing in Norwich should also attract significant weight (IR544). With regard to Policy DM12, the Secretary of State disagrees with the Inspector at IR611 that the proposal accords with the policy. Policy DM12 sets out principles for all residential development, and criteria b) within that policy states that proposals should have no detrimental impacts upon the character and amenity of the surrounding area (including open space and designated and locally identified natural environmental and heritage assets) which cannot be resolved by the imposition of conditions. The Secretary of State considers that the proposal does have a detrimental impact on heritage assets, and sets his findings out with regard to this in more detail in the relevant section of this decision letter.

The extent to which the proposed development is consistent with policies for building a strong, competitive economy

20. The Secretary of State has carefully considered the Inspector's assessment of the economic impacts of the proposal at IR 444-451. He notes that evidence given at the inquiry stated that there is over 16,000 sqm of vacant commercial floorspace (IR444), and that the decline of Anglia Square has continued in recent years, with the closure of the cinema and the loss of two long-standing businesses (IR444).
21. The application site is currently supporting around 180-230 jobs (IR444), and it is projected that this would increase to 536-693 jobs once the site is fully operational, and that it is estimated that the increased vitality of the centre would generate a further 60 – 118 jobs in the local economy (IR445). It is also estimated that construction of the proposed development would generate 250 – 300 jobs on site, plus a further 275 indirect jobs (IR445).
22. For the reasons given at IR444-451, the Secretary of State agrees with the Inspector at IR452 that Anglia Square is not fulfilling its potential to contribute to the local economy, having regard to its size, its strategic location and its designation as part of a Local

District Centre (LDC). He notes that, while the proposal would result in some existing employment being displaced, overall there would be a significant net gain in employment (IR452). He agrees that the flexibility in relation to permitted uses would help Anglia Square respond to changes in economic circumstances (IR452). He agrees with the Inspector that, insofar as the current condition of the site is a barrier to investment, that barrier would be removed (IR452). For these reasons, the Secretary of State agrees with the Inspector at IR452 that the proposal would therefore be in accordance with those policies of the Framework which seek to create a strong, competitive economy, and he attaches significant weight to these benefits.

The extent to which the proposed development is consistent with national and local policies for ensuring the vitality of town centres

23. Policy JCS19 defines a hierarchy of town centres where the development of new retailing, services, offices and other town centre uses will be encouraged. Anglia Square/Magdalen Street is identified as a Large District Centre (LDC) within the second tier. Policy DM18 states that retail, leisure and other town centre uses will be permitted at the defined centres where their scale is appropriate to the position of a centre in the hierarchy set out in JCS19 (IR453). Policy DM18 also states that such uses will be permitted where the proposal would not conflict with the overall sustainable development criteria set out in policy DM1. Those criteria include that development proposals will be expected to protect and enhance the physical, environmental and heritage assets of the city and to safeguard the special visual and environmental qualities of Norwich for all users.
24. The proposal includes 11,000 sqm of flexible commercial floorspace at the ground floors, with retail uses focused around the reconfigured Anglia Square, and the new St George Square including leisure uses (IR455).
25. The Secretary of State notes that this represents a reduction in retail floorspace (IR455) but agrees with the Inspector that this would be offset by improvements to the quality of that space, linked to the enhanced leisure offer (IR461).
26. For the reasons given at IR453-461, the Secretary of State agrees with the Inspector that the proposal would be appropriate to the position of Anglia Square in the retail hierarchy and would support the role that the LDC plays in the hierarchy of centres, promoting its long term vitality and viability (IR461-462). He therefore agrees with the Inspector that the proposal would accord with the policies of the Framework relating to the vitality of town centres (IR462), as well as with policy JCS19 (IR602), and that this benefit should attract significant weight. However, while he agrees with the Inspector at IR615 that the proposal, by supporting the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, and by promoting the long term vitality and viability of the LDC accords with some elements of policy DM18, the Secretary of State finds that for the reasons given in paragraphs 28-59 below, the proposal does not protect and enhance the physical, environmental and heritage assets of the city. Given the importance of the heritage assets affected and the location of the site within the NCCCA, he concludes overall that the proposal does not accord with Policy DM18.

The extent to which the proposed development is consistent with policies for conserving and enhancing the historic environment

27. For the reasons given at IR463-465 the Secretary of State agrees with the Inspector's conclusions on the significance of the Norwich City Centre Conservation Area (NCCCA).

He has therefore gone on to consider the design of the proposal and its impacts both on the NCCCA as a whole, and on individual assets.

The design of the proposed development

28. For the reasons given in IR466-467, the Secretary of State agrees with Inspector that the new streets and squares would create a legible layout and greatly enhance permeability, and would be a benefit of the design.
29. The Secretary of State has carefully considered the Inspector's assessment at IR468-469 of the building typologies proposed, and their height. While he recognises that there has been an effort to place the taller buildings within the site rather than on the edges, the Secretary of State considers that the bulk and massing of the built form proposed is not sympathetic to its context. In particular, he is concerned that the frontage to St Crispins Road would include 8, 10 and 12 storey buildings, and he finds, like the Inspector at IR607, that Block F, which would have frontages to Pitt Street and St Crispins Road, would appear strikingly different and unfamiliar, to an extent that would cause harm. The Secretary of State also concurs with the advice of Design South East as quoted in the evidence of Historic England (IR269 and IR474) that:

“with blocks of over 10 storeys, it is only in comparison with the tower that these could be considered low rise, and in the context of the wider city they are very prominent. These blocks are not just tall, but also very deep and wide, creating monoliths that are out of scale with the fine grain of the surrounding historic urban fabric”

30. In respect of the tower, the Secretary of State recognises that there have been some amendments made to the proposed tower in terms of number of storeys and a more slender design. Policy DM3(a) states that proposals in major gateways must respect the location and context of the gateway. Landmark buildings should be of exceptional quality. The supporting text to Policy DM3 notes that landmarks can be achieved by design (rather than height) and that the expectation of the policy is that gateway sites should be marked by development of exceptionally high quality which relies for its distinctiveness on design aspects other than size and height. In addition, excessively tall or large buildings would be inappropriate in most gateway locations.
31. For the reasons given in IR475-478, the Secretary of State agrees with Inspector that in policy terms there is nothing that expressly supports a tall building at Anglia Square, nor is there anything that rules it out (IR477). However, for the reasons set out above, he disagrees with the Inspector, and finds that the tower would be of an excessive size in relation to its context, and does not demonstrate the exceptional quality required by Policy DM3(a).
32. The Secretary of State has considered the Inspector's assessment of the criticisms made of the design at IR472-474. He agrees with the Inspector at IR472 that the prevailing scale at the edge of the scheme of 7 to 10 storeys, when combined with the large footprints of the individual blocks, would be uncharacteristic in the NCCCA (IR474). While he recognises that there have been attempts to relate the proposal to its context, in relation to the movement pattern and the creation of new views, in the Secretary of State's view these do not outweigh his concerns with regards to the scale, bulk and massing of the individual blocks and the tower, and the extent to which the height and mass of the proposal would be uncharacteristic of the NCCCA, as set out above. He

therefore concludes that the proposal fails to comply with policies JCS2 and DM3(c) and (f).

Impacts on the Norwich City Centre Conservation Area

33. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact on the site and immediate surroundings with reference to the NCCCA at IR479-487. For the reasons given at IR479 he agrees with the Inspector that many of the application site's current buildings and car parks are identified as negative features in the NCCCA Appraisal. He accepts in principle that replacement of existing commercial buildings and car parks with well-designed modern buildings would be a significant benefit to the NCCCA, and that the benefits of the specific scheme before him would include greater permeability and legibility, improved streets and squares within the site and framed views of the Cathedral and the Church of St Augustine (IR480).
34. For the reasons given at IR481-482, The Secretary of State agrees with the Inspector that the proposal would improve the character and appearance of Magdalen Street north of the St Crispins Road flyover. However, he finds that the taller elements of Block A seen from Cowgate would constitute a harmful change in comparison to the current position. While the Inspector found there would be no harm in this respect, and Historic England found the impact severely harmful, the Secretary of State considers there would be moderate harm, and that there would be a discordant relationship created there. Therefore, while he considers that there is an improvement in the character and appearance of Magdalen Street north of the St Crispins Road flyover, he considers this improvement to be moderate rather than significant. For the reasons given at IR483, the Secretary of State agrees that the proposal would significantly improve the character and appearance of Edward Street.
35. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact on the Church of St Augustine and on St Augustines Street (IR484-485). For the reasons given at IR484, he agrees the proposal would detract from the green space and the buildings within it, and therefore would result in harm to the character and appearance of the NCCCA. He also agrees at IR485 that the impact on St Augustines Street would be harmful to the NCCCA, however, given his findings in paragraph 31 of this letter in respect of the size of the tower, he disagrees with the Inspector regarding the level of harm, and finds moderate harm would be caused.
36. The Secretary of State has carefully considered the Inspector's analysis of the proposal's impact along St Crispins Road (IR486-487). He agrees with the Inspector at IR486 that recladding Gildengate House and replacing Sovereign House have the potential to improve the NCCCA, subject to reserved matters approvals. He further agrees with the Inspector that the scale and mass of Block F at this location would appear strikingly different and unfamiliar, to an extent that would cause harm to the NCCCA (IR487).
37. The Secretary of State has gone on to carefully consider the Inspector's assessment of the proposal's impact on middle distance views at IR488-491. For the reasons given at IR488, he agrees with the Inspector that, although the site would be visible from parts of Tombland, this would appear as part of a rich and varied townscape and there would not be a material impact on the NCCCA. He also agrees that, where the new buildings would be visible at the junction of Wensum Street and Elm Hill, they would create a new and uncharacteristic focal point, resulting in harm to the NCCCA (IR488).

38. For the reasons given at IR489, the Secretary of State also agrees with the Inspector that there would be a broadly neutral effect at Fye Bridge, and for the reasons given at IR490-491, there would be a neutral effect on the Colegate character area.
39. The six strategic landmarks are all designated heritage assets of high significance in their own right, and collectively they help to create the skyline which is such an important feature of the NCCCA. DM Plan Policy DM3(c) seeks to protect long views of the six strategic landmarks, with a number of specific viewpoints identified (IR492). The Secretary of State has carefully considered the Inspector's assessment of the proposal's impact on views from these locations at IR493-494.
40. For the reasons given at IR493, the Secretary of State agrees with the Inspector that the composition of the six strategic landmarks as seen in the view from Mousehold Avenue would not be harmed by the proposal. Although he has found that the tower would be of an excessive size in relation to its context, while the proposed tower would break the skyline when seen from St James' Hill, the rest of the development would not, and the Secretary of State agrees with the Inspector that there would be sufficient separation from the strategic landmarks to avoid competition with or distraction from those assets (IR494). The Secretary of State notes that, in the view from Kett's Heights, the landmarks appear closely grouped, and the proposed tower would be well over to the right hand side. He agrees with the Inspector that it would not affect the ability to appreciate the grouping at this location (IR494). For these reasons, the Secretary of State agrees with the Inspector that the proposal would not harm the ability to appreciate the NCCCA in distant views.

Conclusions in relation to the NCCCA

41. For the reasons given above, the Secretary of State disagrees with the Inspector's conclusions at IR496-499 that the proposal would result in a net benefit to the character and appearance of the NCCCA. The Secretary of State, considering the benefits and harms he has set out above, considers that the scheme would have a broadly neutral impact on the NCCCA. He agrees that whether considered individually or collectively, the harms amount to 'less than substantial harm', with any harm to the NCCCA being a matter of considerable importance and weight (IR498).

Impacts on listed buildings and other designated heritage assets

42. There are no designated heritage assets within the application site, no such assets would be physically affected by the proposal, and in all cases the impacts (or potential impacts) would be on the setting of the asset in question (IR500).
43. The Secretary of State has carefully considered the Inspector's assessment of the impacts on listed buildings within the immediate environs of Anglia Square at IR501-506. He agrees with the Inspector at IR501 that the improvements to the townscape along Magdalen Street would enhance the setting and significance of 75 Magdalen Street (Grade-II listed), alongside slight enhancement to Grade-II listed buildings further to the north on Magdalen Street.
44. He agrees with the Inspector for the reasons given at IR502 that there would be a harm caused to the Church of St Augustine (Grade-I listed) and the almshouses at Nos 2 – 12 Gildencroft (Grade-II listed). However, he disagrees with the Inspector regarding the level of harm. Given the height and bulk of the tower and Blocks E and F rising above the existing roofline of the almshouses, and given the tower would compete with and

distract from an important view of the church tower, the Secretary of State considers that the harm caused here would be substantial (and in Framework terms, at the upper end of the 'less than substantial' scale). For the reasons given at IR503, he agrees that there would be minor harm to the Grade-II listed buildings along St Augustines Street.

45. For the reasons given at IR504-505, the Secretary of State agrees with the Inspector that the proposal would result in no effect on the listed buildings along Sussex Street, 71 New Botolph Street (Grade-II* listed), and the section of city wall at Magpie Road that is a scheduled monument. For the reasons given at IR506, the Secretary of State agrees with the Inspector that there would be a neutral effect on St Saviour's Church (Grade-II* listed) and other listed buildings further south along Magdalen Street.

Impact on the Six Strategic Landmarks

46. There are six strategic landmarks set out in the NCCCA:

- the Cathedral,
- the Castle,
- the RC Cathedral,
- the Church of St Peter Mancroft,
- the Church of St Giles, and;
- the City Hall clock tower

47. All of these are Grade-I listed, except for the City Hall clock tower, which is Grade-II* listed as part of City Hall as a whole. As set out at paragraph 40 of this Decision Letter, the Secretary of State agrees with the Inspector that the proposal would not be harmful in relation to distant views from high ground to the east, but notes that there are further views to take into account (IR507).

48. For the reasons given at IR508-509, the Secretary of State agrees with the Inspector that, although the newly created view of the spire from Anglia Square would enhance the ability to appreciate the Cathedral, there would be minor harm overall to the Cathedral's significance due to the effect of the proposal on the view from Castle Meadows.

49. The Secretary of State agrees with the Inspector that, while the extent of new development would be apparent from the Castle, the articulation of the blocks and variations in height would help to assimilate it (IR511). While the tower would break the skyline in views of the strategic landmarks from the battlements, the Secretary of State does not consider it would be harmful, notwithstanding that he has found the tower to be of excessive size in its context (IR510). For the other reasons set out overall at IR510-511, the Secretary of State agrees with the Inspector that the proposal would not cause harm to the setting or significance of the Castle.

50. For the reasons given at IR512, the Secretary of State agrees with the Inspector that the proposal would not result in harm to the settings of the Castle, the RC Cathedral, the Church of St Peter Mancroft, the Church of St Giles or City Hall.

Impacts on listed buildings and other designated heritage assets

51. For the reasons set out at IR513-516, the Secretary of State agrees with the Inspector that, while there would be harm to the settings and the significance of the Church of St

Clement, Nos 3 - 5 Colegate and the other listed buildings in the Fye Bridge group, the degree of harm would be minor in each case (IR516).

52. For the reasons set out at IR517-523, the Secretary of State agrees with the Inspector that, where there would be harm to assets in the Colegate Character Area (IR517, IR520), it would be only minor in each case.
53. For the reasons set out at IR524, the Secretary of State agrees with the Inspector that there would be no harm to the settings of the assets along Elm Hill and Princes Street.
54. For the reasons set out at IR525-529, the Secretary of State agrees with the Inspector that there would be minor harm to Nos 45-51 London Street (IR528) St Andrew's Church (IR528), and St Helen's church (IR529).
55. For the reasons set out at IR530-531 the Secretary of State agrees here would not be any harm to either Waterloo Park or Catton Hall Park.
56. The Secretary of State agrees with the Inspector's assessment of the impacts on non-designated heritage assets (IR532-533).

Conclusions on the historic environment

57. For the reasons set out above, the Secretary of State concludes, contrary to the Inspector at IR535, that while the proposal would have elements of both beneficial and harmful effects on the character and appearance of the NCCCA, on balance there would be a neutral impact on the character and appearance of the NCCCA. In addition, there would be minor benefits to the significance of locally listed buildings on Magdalen Street (IR538), and minor benefits to the settings of some individual listed buildings (IR543). As these are all only minor, the Secretary of State considers they attract only limited additional weight in favour of the proposal.
58. The Secretary of State has concluded that there would be harm at the upper end of less than substantial to the settings of the two listed assets at IR536, and minor harm to a larger number (IR537), but that this would be less than substantial in terms of the Framework in all cases. There would also be a loss of locally listed buildings (IR538), and the proposal would not integrate with the context and grain of its surroundings in some important respects (IR540). The Secretary of State considers that these harms would also be less than substantial in terms of the Framework.
59. The Framework requires any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) to require clear and convincing justification. It requires that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. In paragraph 41 of this letter, the Secretary of State found that the harm to the NCCCA would be a matter of considerable importance and weight. This will be returned to in the Planning Balance section of this Decision Letter.

Air quality

60. In 2012 the Council declared an Air Quality Management Area (AQMA) covering the whole of the city centre, including the application site, due to exceedances of the annual mean objective for NO₂ (IR548). For the reasons given in IR549-559, the Secretary of

State agrees with the Inspector that the information before him is sufficient for air quality to be properly taken into account in this decision (IR559).

61. For the reasons given in IR560-567, the Secretary of State agrees with the Inspector that the proposal would be appropriate for its location taking account of likely effects on health and living conditions, and that no conflicts with the Council's Air Quality Action Plan have been identified. He further agrees that opportunities to mitigate impacts have been identified, that the proposal would contribute towards compliance with relevant national objectives, and that the air quality benefits of providing housing in this accessible site should be given limited weight (IR566). The Secretary of State agrees with the Inspector that the proposal would accord with the Framework and with DM11 (IR610), and that air quality is not a matter that weighs against the grant of planning permission (IR567).

Ecology

62. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and for the reasons set out at IR588 he agrees with the Inspector that he is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. Those sites are the Broadland Special Protection Area (SPA), Ramsar site and Special Area for Conservation (SAC), and the River Wensum SAC.
63. The Secretary of State agrees with the assessment and findings in the Inspector's Addendum Report (AR), included at Annex F of the Inspector's Report. He therefore adopts the AR as the necessary Appropriate Assessment in his role as the Competent Authority on this matter, and agrees that there would be no adverse effect on the integrity of the designated sites.

Other benefits of the Scheme

64. As well as the benefits set out at paragraphs 19, 57 and 61 above, the Secretary of State agrees with the Inspector at IR544 that there would be other benefits from the proposal, comprising: securing the regeneration of a strategic brownfield site; a significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt, and insofar as the current condition of the site is a barrier to investment, that barrier would be removed; and supporting the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. He agrees with the Inspector and attaches significant weight to each of these public benefits.

Heritage balance

65. Given his findings on the scale, bulk and massing of the proposal as a whole, including the proposed tower, and given his findings on the scale of the less than substantial harm caused to the setting of the church of St Augustine and Nos 2-12 Gildencroft, the Secretary of State has concluded that the impact of the proposal on the NCCCA as a whole is neutral. He disagrees with the Inspector on the scale of the heritage benefits of the proposal set out in IR542, specifically the second bullet given his concerns over the design of the proposal. Taking account of the wider heritage impacts of the scheme as set out in paragraphs 27 to 59 of this letter, the Secretary of State disagrees with the Inspector and finds that, while the benefits of the scheme are sufficient to outweigh the less than substantial harm to the listed buildings identified at IR536-540, when considered individually, they do not do so when considered collectively, given the

range and number of heritage assets affected, and given the increased harm found in comparison to the Inspector. He therefore finds, like the Inspector, that the proposals would conflict with policy DM9. He has also found conflict with elements of policies JCS1 which states that heritage assets, and the wider historic environment will be conserved and enhanced through the protection of their settings, and conflict with elements of policy DM1 which states that development proposals will be expected to protect and enhance the physical, environmental and heritage assets of the city.

66. For the reasons given at IR546, the Secretary of State agrees with the Inspector that the benefits of the scheme are sufficient to outweigh the less than substantial harm to non-designated heritage assets identified at that paragraph, whether considered individually or collectively.

Other matters

67. For the reasons given at IR568-572, the Secretary of State agrees with the Inspector's conclusion (IR573) that if planning permission is granted there is a reasonable prospect that the scheme would be delivered as a whole, and that viability considerations do not weigh against the proposal.
68. For the reasons given at IR574-582, the Secretary of State agrees that the application site is well placed to offer a range of modes of transport, the proposal has taken the opportunities to promote sustainable transport modes, and there would be no severe impacts on the highway network and no significant impacts on highway safety (IR582). He agrees with the Inspector that proposal would accord with policies DM31 (IR577) and DM29 (IR578), and with the policies of the Framework insofar as they seek to promote sustainable transport (IR582), and that transport considerations do not weigh against the proposal (IR582).
69. The Secretary of State has carefully considered the Inspector's assessment of the alternatives presented at the Inquiry (IR583-585). For the reasons given there, he agrees with the assessment that to do nothing would not offer environmental improvements and could result in further deterioration in the condition and appearance of Anglia Square (IR583), that the other options and proposals for the site were not viable or deliverable (IR583-584), and that the Goldsmiths Street scheme does not offer a precedent or pattern in terms of the scale or form of development appropriate at Anglia Square (IR585).
70. For the reasons given at IR586-587, the Secretary of State agrees with the Inspector that the proposal accords with policy JCS3 concerning meeting energy requirements from decentralised and renewable or low-carbon sources.
71. The Secretary of State has considered the Inspector's assessment of how the proposals comply with development plan policies in IR593-IR624. For the reasons given in this letter, he finds that the proposal does not comply with policies JCS1 and DM1 in relation to the preservation and enhancement of heritage assets, JCS2, DM2, DM3(a)(c) and (f), DM9, DM12(b), DM13 and DM18 as it relates to DM1. The Secretary of State agrees with the Inspector, for the reasons given at IR593-624, that the proposal complies with all other development plan policies.

Planning conditions

72. The Secretary of State has given consideration to the Inspector's analysis at IR412-425, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy tests set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

73. Having had regard to the Inspector's analysis at IR7-9 and at IR622, the planning obligation dated 12 March 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given at IR7-9 and at IR622 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

Planning balance and overall conclusion

74. The Secretary of State recognises that the regeneration of Anglia Square is an important strategic objective, and he is supportive of the benefits in terms of economic development and housing that such a regeneration could bring. However, for the reasons given above, and given the importance of the affected heritage assets and the nature of the design flaws he has identified, the Secretary of State considers that the application is not in accordance with Policies JCS1 and DM1 in relation to the preservation and enhancement of heritage assets nor with DM9. Nor is it in accordance with JCS2 and DM3(a)(c) and (f) concerning design, DM12(b) in relation to heritage impacts, DM18 as it relates to DM1, and DM2 and DM13 in relation to residential amenity. The Secretary of State concludes that the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

75. The proposal would secure the regeneration of a strategic brownfield site, make a significant contribution to meeting housing need in Norwich, make a significant contribution to meeting the need for affordable housing in Norwich, provide a significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt, and insofar as the current condition of the site is a barrier to investment, that barrier would be removed, and support the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. Each of these benefits carry significant weight in favour of the proposal. The proposal has a neutral impact on the character and appearance of the NCCCA. There would be minor benefits to the setting of some listed and non-designated assets, which carry limited weight, as do the air quality benefits identified.

76. Although less-than-substantial in all cases, there would be harm to the setting of a number of listed buildings, in two cases towards the upper end of the scale. In accordance with the s.66 duty, the Secretary of State attributes considerable weight to the harm. In addition, there would be harm to the setting of some non-designated assets, and a non-designated building would be demolished and lost entirely.

77. The Secretary of State has concluded in paragraphs 62 and 63 of this Decision Letter that the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 is not outweighed by the public benefits of the proposal.
78. Overall the Secretary of State concludes that the benefits of the scheme are not sufficient to outbalance the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 and in paragraphs 27-59 above. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.
79. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan. The Secretary of State therefore concludes that the application should be refused planning permission.

Formal decision

80. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for the development as set out in Annex B of this letter.
81. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

82. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
83. A copy of this letter has been sent to Norwich City Council, and to Historic England, Save Britain's Heritage, the Norwich Society and the Norwich Cycling Campaign. Notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Andrew Lynch

This decision was made by the Secretary of State and signed on his behalf

Annex A – Schedule of representations

Annex B – Full description of development

ANNEX A - SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Jeremy Brettingham	3 February 2020
George Mahood	11 February 2020
Jennifer Aldous	11 February 2020
Miriam Barnett	13 February 2020
Dr Ksenija Ivir-Ashworth	28 February 2020
Rebecca Rose	3 March 2020
Simon Jervis	29 April 2020
Alex Russell-Davis	31 May 2020
Andrew Boswell	14 September 2020

ANNEX B – FULL DESCRIPTION OF DEVELOPMENT

Hybrid (part full/part outline) application on site of 4.51 ha for demolition and clearance of all buildings and structures except Gildengate House and the phased, comprehensive redevelopment of the site with 7 buildings and refurbished Gildengate House for a maximum of 1,250 residential dwellings (Use Class C3); 11,350 sqm hotel (Use Class C1); 9,850 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers up to 250 sqm GIA and public conveniences)); 1,150 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yards, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2); 1,300 sqm place of worship (Use Class D1); and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/bus stop laybys and other associated highway works on all boundaries, maximum of 940 car parking spaces for Use Classes C1/C3/B1/D1, (of which maximum of 40 spaces for C1/B1/D1), hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping including existing streets surrounding the site, service infrastructure and other associated work; (all floor areas given as maximum gross external area except where indicated as GIA);

comprising;

Full planning permission on 1.78 ha of the site for demolition and clearance of all buildings and structures, erection of 1 and part of a 2nd building for 393 residential dwellings (Use Class C3) (323 flats in Block A and 70 flats with cycle store in tower within Block E (tower only, 20 storeys)), and for 4,420 sqm ground floor flexible retail, services, food and drink, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme, and public conveniences)), 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms, other ancillary space and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), within Block A with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/laybys and other associated highway works on Edward Street, widened footway, bus stop layby and other associated highway works on Magdalen Street, 333 covered car parking spaces for Use Class C3, hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping, service infrastructure and other associated works; (all floor areas given as maximum gross external area except where indicated as GIA);

And

Outline planning permission on 2.73 ha of the site, with all matters reserved, for demolition and clearance of all buildings and structures except Gildengate House, erection of 4 and part of 5th buildings (Blocks B and D – H, with Block E to incorporate tower with full planning permission) and refurbishment and change of use from Use Class B1(a) to C3 of Gildengate House (Block J), for a maximum of 857 residential dwellings (Use Class C3), 11,350 sqm hotel (Use Class C1), 5,430 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme)), 770 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard,

cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2), with associated means of access, widening of footways, formation of service/taxi laybys and other associated highway works including shared cycle/pedestrian path on New Botolph Street, Pitt Street and St Crispins Road, a maximum of 607 car parking spaces for C1/C3/B1/D1, of which circa 593 covered spaces (with a maximum of 40 for C1/B1/D1), and circa 14 open spaces for C3 (on west side of Edward Street for Block B), landscaping, service infrastructure and other associated works; and erection of building for 1,300 sqm place of worship (Use Class D1) (Block C), on north side of Edward Street with associated on site car parking and landscaping; (all means of access reserved; all floor areas given as maximum gross external area except where indicated as GIA).



Report to the Secretary of State for Housing, Communities and Local Government

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Date June 8th 2020

TOWN AND COUNTRY PLANNING ACT 1990

NORWICH CITY COUNCIL

APPLICATION BY WESTON HOMES PLC AND OTHERS

REGARDING

ANGLIA SQUARE, NORWICH

Inquiry Opened on 28 January 2020

File Ref: APP/G2625/V/19/3225505

File Ref: APP/G2625/V/19/3225505**Anglia Square, Norwich NR3 1DZ**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 March 2019.
- The application is made by Weston Homes Plc and Columbia Threadneedle B/O Sackville UK Property Select II (GP) No 3 Limited and Sackville UK Property Select II Nominee (3) Limited (as trustees for Threadneedle UK Property Select II Sub-Partnership No 3 LP) to Norwich City Council.
- The application Ref 18/00330/F was originally dated 6 March 2018.
- The development proposed 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.

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PRELIMINARY MATTERS

1. The Inquiry sat for 15 days between 28 January 2020 and 28 February 2020. By agreement with the parties, my visits to Anglia Square and various off-site locations referred to in the evidence were carried out during and after the Inquiry on an unaccompanied basis. Most of these locations were in the public domain. On 10 March 2020 I inspected vacant buildings at Anglia Square and saw the view from the Castle battlements on an access required basis. At each location an appropriate member of staff, unconnected with the Inquiry, was present to enable me to gain safe access.
2. The application was initially submitted in March 2018. It was subject to a number of amendments following submission, including a reduction in the height of the tallest of the proposed buildings. A revised application form dated 28 August 2018, description of development, plans and supporting information were subsequently submitted. This material was subject to further consultation prior to consideration of the application by the Council. The Inquiry proceeded on the basis of the revised proposals and my assessments and recommendation have also been prepared on that basis.
3. The description of development set out above is a summary. The application is a hybrid, in that part of it is submitted as a full application and part in outline. The full description of development, as amended in August 2018, is at Annex D.
4. On 6 December 2018, the Council's Planning Applications Committee resolved to grant planning permission, subject to the imposition of planning conditions and the completion of a section 106 planning obligation. On 21 March 2019 the Secretary of State confirmed his decision to call in the application. His letter stated that, in deciding whether to call in this application, the Secretary of State had considered his policy on calling in planning applications which gives examples of the types of issues which may lead him to conclude that an application should be called in.
5. The call in letter 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:
 - 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.
6. At the Inquiry I identified the other matters that I considered to be relevant under item (f) as follows:
- the effect of the proposal on air quality;
 - viability and the prospects for delivery of the scheme as a whole; and
 - the extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport.
7. A section 106 Agreement between the applicants and the Council was submitted at the Inquiry. The Agreement was finalised during the course of the Inquiry and it had not yet been signed. I allowed a further period after the Inquiry for a signed version to be submitted, on the basis that the text of the Agreement would be unchanged from that discussed at the Inquiry¹. The main provisions of which may be summarised as follows:
- Financial obligations:
- car club contribution;
 - green infrastructure contribution to mitigate impacts on European protected sites (in the event that the project is exempt from Community Infrastructure Levy (CIL) by way of Exceptional Circumstances Relief);
 - under the flyover contribution (in the event that the applicants do not themselves carry out works to facilitate meanwhile uses in the area under the flyover); and
 - under the flyover maintenance contribution (in the event that the applicants do not themselves undertake the maintenance).
8. Non-financial obligations:
- affordable housing – phasing and delivery of 120 units of affordable housing, of which 85% would be social rented housing and 15% would be affordable housing for rent or another form of intermediate housing, in accordance with an affordable housing scheme which is to be approved for each phase;
 - arrangements for reappraising viability at defined stages of the development, or in the event of substantial delay, with provision for additional affordable housing if viability has improved over time;
 - delivery of works to facilitate meanwhile uses in the area under the flyover, either in accordance with the scheme which is already approved or an alternative scheme;

¹ PID1

- provision of discounted commercial units to small and medium enterprises (SME) currently occupying premises at Anglia Square and/or other SMEs in accordance with a discounted commercial workspace plan which is to be approved by the Council;
 - employment and skills strategy - measures to optimise local labour supply and procurement and to offer training;
 - measures for supporting existing businesses through the construction phase, including enabling continued occupation where practicable, ensuring continued access to their premises and supporting them in finding alternative premises nearby, in accordance with an Anglia Square management plan which is to be approved by the Council;
 - provision for the design, phased delivery, management, maintenance and use of the public realm, to include unrestricted use by pedestrians and cyclists at all times (subject to temporary closures for maintenance works or other permitted uses), in accordance with a public realm strategy which is to be approved by the Council; and
 - implementation of a sustainable communities plan which is to be approved by the Council.
9. The Council submitted a CIL Regulations compliance statement² which sets out its reasons for concluding that the obligations would accord with Regulation 122 of the CIL Regulations. The Council and the applicants agreed that all of the obligations would meet the relevant tests. Although the amount of affordable housing was a controversial matter at the Inquiry, the obligations themselves were not controversial. I agree that the obligations meet the relevant tests and I have taken them into account accordingly.
10. The application was accompanied by an Environmental Statement (ES). Supplementary environmental information was provided with the scheme amendments in August 2018. On 17 July 2019 the Planning Inspectorate (on behalf of the Secretary of State) issued a Regulation 25 notification under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Although a response was received on 2 October 2019, the Planning Inspectorate considered that this did not fully address the points raised. An updated assessment of the likely significant effects resulting from demolition activities was sought, together with a draft of the Site Waste Management Plan relied upon in the ES. This information was subsequently provided.
11. I have taken all of the environmental information into consideration in my assessment and recommendation. I also note that, insofar as part of the scheme is submitted in outline, any permission could be subject to conditions to ensure that subsequent details for the outline elements would be within the parameters that have been assessed in the ES.
12. Historic England, Save Britain's Heritage, the Norwich Society and the Norwich Cycling Campaign were given Rule 6 status and were represented at the Inquiry.

² NCC20

THE SITE AND SURROUNDINGS

Location and description

13. The site and surroundings are described in the evidence and in the Statement of Common Ground (SoCG). The site extends to approximately 4.5 hectares. Most of this is accounted for by the Anglia Square shopping centre and adjoining land which is enclosed by St Crispins Road, Pitt Street, Edward Street and Magdalen Street. Two smaller parcels of open land are located to the north of the main site, adjacent to Edward Street. Anglia Square comprises retail, leisure and office buildings developed during the 1960s and 1970s following the construction of St Crispins Road. The shopping centre is arranged around a pedestrian precinct and includes large format stores together with smaller units occupied by a mix of national and independent retailers.
14. At the upper levels are Sovereign House and Gildengate House, two substantial office buildings of 6 - 7 storeys. Neither of these buildings has been used as offices since the late 1990s. Gildengate House is currently used as temporary studio space by artists whilst Sovereign House has remained unused. A former cinema, a nightclub and a large multi-storey car park are also now vacant. Within the south western part of the main site is Surrey Chapel Free Church and premises fronting Pitt Street which are occupied by businesses and social enterprises. The buildings at Nos 43 - 45 Pitt Street are locally listed.
15. To the east, the site is bounded by Magdalen Street. This is an important radial route leading from the northern suburbs to the city centre, under the St Crispins Road flyover. The street is fronted by predominantly older two and three storey buildings with retail uses at ground floor level. There is also a modern four storey building accommodating a department store, post office and a bar. There are a number of bus stops on Magdalen Street adjacent to the flyover. The area to the north of Edward Street includes some larger scale buildings, including four storey apartment buildings at Dalymond Court and the Epic Studios building.
16. The area to the north west of the site is largely residential, characterised by two-storey 19th century terraced housing. St Augustines Street is fronted by two and three storey buildings, many of which have retail or other commercial uses at ground floor level. Many of the properties in and around St Augustines Street are statutorily or locally listed. These include the Grade I listed Church of St Augustine and the Grade II listed residential terrace at Nos 2 -12 Gildencroft. To the south of Gildencroft is Gildencroft Park, which includes a children's play area. The application site is bounded to the south by St Crispins Road, which is elevated so as to pass over Magdalen Street. The southern side of St Crispins Road is fronted by larger scale commercial buildings up to 6 storeys in height and the 19th century almshouses of the Grade II Listed Doughty's Hospital.
17. The application site is within the Norwich City Centre Conservation Area. There are several statutorily and locally listed buildings in the vicinity. In addition to the buildings identified above, the Grade II listed No 75 Magdalen Street is located opposite the site. There are three further Grade I listed churches nearby, namely St Saviour's, St Martin at Oak and St Mary's Coslany. Heritage assets are discussed further in the sections on historic environment.

Planning history

18. The land occupied by Anglia Square was cleared as part of the construction of an inner ring road in the 1960s. This included the clearance of land to the west of the shopping centre. Additional phases of development were designed for the western part of the site but were never built. Much of this land has remained open and undeveloped and is in use as surface car parking.
19. In October 2009 planning permission was granted for the comprehensive redevelopment of Anglia Square including 200 residential units and retail uses. A condition of that permission required off-site highway works to create a gyratory system at St Augustine's Road. Those works have been carried out so this permission has been commenced. However, it has not been implemented further.
20. In March 2013 planning permission was granted for a phased redevelopment. The first phase was to include an enlarged Anglia Square and a new food store of 7,792 sqm together with car parking, changes to access arrangements, retail and other town centre uses and residential uses. Planning permissions were subsequently granted for later phases, including external refurbishment of Gildengate House, further residential units, retail and town centre uses, and works to facilitate the development. However, these planning permissions have now expired.

PLANNING POLICY

21. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments that were adopted in January 2014 (the JCS); the Norwich Development Management Policies Local Plan (December 2014) (the DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014) (the SA Plan)³. The most important policies of the JCS and the DM Plan are identified below. No party identified any relevant policies of the SA Plan.
22. The Council has adopted a number of relevant Supplementary Planning Documents which are listed in the overarching Statement of Common Ground⁴. The Greater Norwich Local Plan will plan for development up to 2036. The Council and the applicant agreed that very limited weight could be attached to this emerging plan at this stage of its preparation and I share that view.

Joint Core Strategy for Broadland, Norwich and South Norfolk

23. The Council and the applicants agree that the following are the most important JCS policies for determining this application. Policy 1 seeks to address climate change and protect environmental assets, including European designated sites and the historic environment. Policy 2 promotes high design standards, creating a strong sense of place and respecting local distinctiveness. Policy 3 seeks to maximise use of decentralised and renewable or low-carbon energy sources. For developments of more than 10 dwellings, at least 10% of energy requirements should be met from such sources.

³ CD2.2, CD2.3 and CD2.4 respectively

⁴ SoCG1

24. Policy 4 seeks the delivery of 33,000 new homes in the Norwich Policy Area between 2008 and 2026. Proposals should contribute to the creation of mixed and balanced communities and 33% of the units should be affordable (with 85% social rented and 15% intermediate tenures), subject to viability considerations. Policy 5 seeks to develop the local economy to support jobs, including by increasing the proportion of higher value knowledge economy jobs. Policy 7 states that development should maintain or enhance quality of life and the well-being of communities, promote equality and diversity and strengthen community cohesion. Healthier lifestyles are to be promoted by maximising access to walking and cycling and providing opportunities for social interaction and access to green spaces.
25. Policy 11 seeks to enhance the regional role of Norwich city centre, which is to be the main focus for retail, leisure and office development. The northern city centre is identified as an area for comprehensive regeneration, in accordance with its Area Action Plan⁵, to achieve physical and social regeneration, facilitate public transport corridor enhancements and utilise significant redevelopment opportunities. Policy 19 states that retailing and other town centre uses will be encouraged at a scale appropriate to the hierarchy of centres, as defined in the JCS. Anglia Square/Magdalen Street is placed on the second tier of that hierarchy (after Norwich city centre) as a large district centre (LDC).

Norwich Development Management Policies Local Plan

26. The Council and the applicants agree that the following are the most important DM Plan policies for determining this application. Policy DM1 seeks to achieve sustainable development, including through sustainable economic growth, protecting environmental assets, combating climate change, maximising well-being and promoting inclusive and equitable communities. Policy DM2 seeks to protect the living conditions of existing residents and future occupiers, including through provision of adequate internal and external space. Policy DM3 sets out design principles, including protection of long views and local distinctiveness. Policy DM8 requires residential development to provide informal recreational open space and children's play space. Policy DM9 states that development shall maximise opportunities to preserve, enhance or better reveal the significance of heritage assets. Locally identified heritage assets should be retained where practical and viable.
27. Policy DM11 requires that development in an air quality management area should take particular account of the air quality action plan. Where air quality is poor, development shall include measures to mitigate the effects of local air quality. Noise mitigation measures will be required where a development would be a source of environmental noise or where future occupiers would be adversely affected by noise. Policy DM12 sets out principles for residential development, including providing a mix of dwellings (subject to the size and configuration of the site) and achieving a density in keeping with the existing character and function of the area. Policy DM13 sets out criteria for the conversion of existing buildings to flats. Policy DM16 supports employment and business development. Policy DM17 seeks to retain (in Class B use) premises providing for small and

⁵ The Area Action Plan has now expired

medium scale businesses, other than in specific circumstances including where there would be an overriding community benefit from the new use.

28. Policy DM18 promotes retail, leisure and other main town centre uses⁶ in specified centres, where their scale is appropriate to the centre's position in the hierarchy. Policy DM19 supports development of offices in specified centres, where their scale is appropriate to the centre's position in the hierarchy. Policy DM20 sets out the approach to managing change in defined retail frontages. Policy DM28 seeks to encourage sustainable transport. It states that cycle and pedestrian links should be an integral part of the design, accessibility and permeability for pedestrians should be maximised and provision should be made for travel planning and car clubs. Policy DM29 sets a limit of 10,000 on the total number of off-street public car parking spaces in the city centre. It also sets criteria for new public off-street parking. Policy DM31 sets upper and lower limits for car parking. Policy DM32 states that residential development must be car free in specified circumstances, which do not apply to the application site. Car free or low car housing will be acceptable in other defined locations, which would include the application site. Policy DM33 sets out criteria for seeking planning obligations to deliver essential infrastructure.

Other sources of guidance

29. The Norwich City Centre Conservation Area (NCCCA) Appraisal 2007⁷ describes the features that contribute to the special architectural and historic interest of the NCCCA. The designated area is large and varied. To assist the detailed appraisal, 13 character areas are identified. For each character area there are descriptions of important features including important frontages, landmarks and positive and negative vistas. Measures of management and enhancement are set out for each character area. At the Inquiry, all parties attached significant weight to the NCCCA Appraisal as a description of the area and its special interest. I share that view and have taken it into account accordingly. However, the management and enhancement measures that it sets out do not have the status of planning policy.
30. The Anglia Square Policy Guidance Note (PGN)⁸ was published by the Council in 2017. The PGN is clearly stated to be non-statutory guidance. It is intended to be a material consideration, albeit with less weight than an adopted supplementary planning document, and I have taken it into account on that basis. The PGN sets out a vision for a rejuvenated Anglia Square, with a distinctive identity that complements the neighbouring area and reflects its location in the historic northern city centre. The development is to have a clear relationship in built form with the surrounding area. A number of objectives are set out, including reinvigorating the local economy, revitalising retail and service provision and providing a significant level of residential development to make effective use of this city centre location.

⁶ The policy refers to the definition in the Framework, which includes retail, leisure, entertainment, cinemas, restaurants, pubs, nightclubs, offices and hotels amongst other uses

⁷ CD2.10

⁸ CD2.11

THE PROPOSAL

31. The application proposes the demolition of the existing buildings and a mixed use scheme of redevelopment. This would include up to 1,250 dwellings, 70 of which would be in a 20 storey tower, up to 11,000 sqm of flexible retail/commercial floorspace, a replacement cinema, a replacement multi-storey car park, a new facility for Surrey Chapel and a hotel. This is a hybrid planning application. Full details have been submitted for Block A, public realm works and the tower (which would be in phase 2). Outline planning permission is sought for the remainder of the site. A series of parameter plans are submitted for approval, covering matters such as building heights, land use, access and public realm. As noted above, any permission could be subject to conditions to ensure (by reference to the parameter plans) that subsequent details for the outline elements remained within the parameters that have been assessed in the ES.
32. The detailed element of the planning application seeks full planning permission for:
- demolition of the multi-storey car park, cinema and associated ground and first floor elements of this sector of the shopping centre;
 - 428 residential dwellings (Use Class C3) in Block A and the tower;
 - 4,420 sqm⁹ of flexible ground floor retail, services, food and drink and non-residential institutional floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers and/or nail bars, up to a maximum of 550 sqm within the entire scheme));
 - 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1);
 - public conveniences with disabled and Changing Places facility;
 - multi-storey car park with 600 public parking spaces and 300 residential spaces, means of access, landscaping, and service infrastructure; and
 - public realm works comprising two squares and two streets.
33. Block A would create new street frontages to Edward Street and Magdalen Street. Phase 1 would include an east/west pedestrian and cycle route across the site linking Magdalen Street to St Augustine's Street via the new Anglia Square. There would also be a north/south pedestrian and cycle route along a new St George Street, linking Edward Street in the north to the existing St George Street to the south via a recently constructed pedestrian and cycle crossing on St Crispins Road.
34. The outline element of the planning application seeks planning permission for:
- a maximum of 822 residential dwellings (Use Class C3), including the refurbishment and change of use of Gildengate House from office to residential;

⁹ Floor areas are Gross External Area unless otherwise stated

- at least 120 of the above dwellings would be affordable housing, with a tenure split of 85% social rented and 15% intermediate tenure;
 - a hotel of 11,350 sqm (Use Class C1);
 - 5,430 sqm of flexible retail, services, food and drink, office and non-residential institution floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers and/or nail bars, up to a maximum of 550 sqm));
 - 770 sqm of flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1);
 - a cinema of 3,400 sqm (Use Class D2);
 - a place of worship of 1,300 sqm (Use Class D1); and
 - means of access, car parking, landscaping and service infrastructure.
35. The parameter plans¹⁰ show 4 storey buildings fronting Magdalen Street, stepping up to 9 and 11 storeys within the site. Block A would be 7 storeys on the frontage to Edward Street, stepping up to 9 storeys behind. Block D, fronting New Botolph Street, would be 4 and 5 storeys. Block E would be 5 storeys on the frontage facing the junction of Pitt Street and St Augustines Street, stepping up to 6 and 7 storeys behind and to either side. Block F would have frontages to Pitt Street and St Crispins Road. It would step up from 9 storeys fronting Pitt Street to 12 storeys facing the roundabout on St Crispins Road. Block G would be 8 and 10 storeys where it faces St Crispins Road, with varying heights within the site. The 20 storey tower would be set within the site, more or less at the point where the line of St Augustines Street would intersect with the new St George Street.

AGREED MATTERS

36. The Council had resolved to grant planning permission, subject to a section 106 Agreement. Consequently, there was broad agreement between the Council and the applicants across most of the matters that the Secretary of State wishes to be informed about and also in relation to the further matters identified by me. Specific points of agreement are set out in the overarching SoCG¹¹. The main differences between the Council and the applicants related to the degree of harm or benefit to specific heritage assets. The respective assessments are summarised in Appendix 4 to the overarching SoCG. However, the Council and the applicants agreed that, in all cases where there would be harm to the significance of a designated heritage asset, this would be less than substantial harm in the terms of the National Planning Policy Framework (the Framework). The Council and the applicants also agreed that the harm to designated heritage assets would be outweighed by the public benefits of the proposal.
37. The Council, the applicants and Historic England (HE) agreed a supplementary SoCG on the significance of the heritage assets affected by the proposal¹². This provides a brief account of the significance of each asset, noting that there is

¹⁰ Building heights are shown on A01-PP-100 A (CD7.22)

¹¹ SoCG1

¹² SoCG2

further information in the evidence. This SoCG does not cover the contribution of setting to significance, which was a controversial matter between the parties.

38. The Council, the applicants and HE agreed a SoCG on viability matters¹³ which set out the extent of agreement/disagreement at the start of the Inquiry on various inputs to the viability assessments. Following further discussions during the Inquiry, the parties agreed a viability position statement¹⁴ to the effect that the Secretary of State could proceed on the basis that the viability of the scheme is marginal. This position reflects the award of Marginal Viability funding of £15 million. It also assumes successful applications for CIL exemptions, which would be awarded by the Council on a phased basis.
39. Bearing in mind the inherent sensitivity to changes in inputs to viability models, the parties agreed that the decision maker would not need to consider detailed evidence on matters such as costs, values and benchmarks. On the basis of that agreement HE did not call Mr Rhodes (HE's viability witness) to give oral evidence, although his written evidence remained before the Inquiry.
40. During the Inquiry the Council, the applicants and Norwich Cycling Campaign (CYC) agreed a SoCG on air quality¹⁵. This indicates a high level of agreement between the Council and the applicants on air quality matters. Whilst CYC agreed some matters relating to guidance and objective levels for NO₂ and PM_{2.5}, for the most part this document served to clarify points of disagreement between the Council/applicants and CYC.

THE CASE FOR THE APPLICANTS¹⁶

Foreword

41. Norwich has as its by-line "*A Fine City*" and no-one could fail to be impressed by the range, depth and quality of its architecture and historic environment. At every corner of the city it is easy to stumble upon one Grade I listed church after another. These are set in medieval (and earlier) street patterns which are lined by scores of listed buildings from all stages of the City's history. Norwich is not a city preserved at a single stage of its history. Due to its pre-eminent regional importance to the economy and cultural life of East Anglia, it has never been frightened of accepting the new. The city has reinvented and renewed itself to meet the changing spatial needs of the time. On a grand scale, the city reacted to the consequences of Catholic emancipation by the construction of a second cathedral high on a hill above its Anglican predecessor. It responded to the needs of post-war civic reorganisation by the construction of its Nordic City Hall.
42. The commercial boom of the 1890s brought smaller but important interventions, including the Jarrold department store and the art nouveau shopping centre at Prince's Arcade. Each of these interventions has been rooted in a socio-economic imperative, to meet the spatial requirements of the time.

¹³ SoCG3

¹⁴ ID10

¹⁵ ID11

¹⁶ The full closing submissions, which are summarised here, are at WH28

43. Not all such interventions have been successful. Anglia Square is a notable example of failure. However, that is no reason to stop planning for change in the public interest. To do so would prevent past mistakes from being remedied and would fail to meet present day needs. The time has come to assist a part of Norwich that the 20th century left behind.

Something must be done...something can be done

44. The present state of Anglia Square is a poor reflection of the planning system. The site lies within the defined city centre and should be at the heart of the city's strategy for sustainable strategic growth. It is the best placed significant brownfield site for the delivery of much needed housing. For decades, Anglia Square has been identified as the most important strategic regeneration site in Norwich. Its current condition represents a failure of the planning system to deliver regeneration and repair. This failure has real world consequences:

- The inability to regenerate Anglia Square is harming the image of Norwich as a modern, economically vibrant city. The evidence of Ms Tilney (the Council's economic development officer) was clear and compelling. Ms Tilney stated that inward investment is being lost as a result of the impact of Anglia Square. The appearance of the site is both ugly and depressing. Moreover, it sends out a negative message to potential investors about the ability of Norwich to deliver beneficial change.
- The site contains a collection of large, poorly designed buildings which are no longer fit for purpose. They are largely vacant and are becoming derelict. This is a significant harm that blights the surrounding area. Local people have done all they can to make the area function in as vibrant a way as possible. However, Anglia Square is architecturally atrocious and functionally deficient. This part of Norwich, and its people, deserve better.
- The buildings have been identified as significant detractors from the Norwich City Centre Conservation Area (NCCCA). Demolition would be a public benefit by itself.
- The retail and economic function of the site lacks vitality and is failing quickly.
- Anglia Square is unable to help a catchment population that falls within the bottom 10% of England's poorest areas.
- The site is becoming a hotspot for crime. It is uncomfortable and unsafe to visit after dark.
- Despite being the City's most sustainable site for new housing, it is making no contribution to meeting an acute need for housing, including affordable housing.

45. Anglia Square gives the impression that this is a city which may have different priorities for different communities. The Council's own officers are able to describe the area as forgotten and left behind, even though it is a part of the city centre. Moreover, the Inquiry heard that they choose to hide it from potential inward investors by avoiding locations from which it can be seen. Unsurprisingly, all parties to this Inquiry have accepted that the planning system should remedy

this wholly unacceptable position. Most parties accepted that this will require substantial redevelopment.

46. However, such redevelopment will not happen by itself. An acceptance that the planning system must do something is meaningless without a recognition that it can only deliver the deliverable. Developments which are undeliverable are not sustainable. So, accepting that redevelopment and regeneration is urgently necessary, the planning system must search for solutions which are both sustainable and deliverable. For almost all major developments, the concept of sustainable development involves a balance between some potentially harmful effects and the broader public interest in securing necessary development.
47. It is unrealistic to suppose that large scale city centre regeneration will be completely harm-free. Hence the need for a balanced approach, particularly in historic cities which also have powerful spatial duties to perform. The Framework has provided a mechanism by which such impacts fall to be considered. Various balances appear throughout the Framework. The two most relevant here are the heritage/public interest balance and the overall planning balance. The Framework recognises that there are circumstances where some harm to heritage assets simply cannot be avoided in the overall search for the public interest.
48. If these tests are applied, and a proposed development is found to be justified, then it will be sustainable development in the terms of the Framework. This was accepted by Mr Neale, (the heritage witness for HE) in cross-examination. The Courts have made clear that, where there is the potential for harm to heritage assets, if the tests in the Framework are applied properly, the decision maker will also be taken to have applied the necessary legal tests. This includes the presumptions raised by the statutes referred to in closing by Mr Williams (Counsel for HE). On this key issue, the test in paragraph 196 of the Framework is clear, well understood and simple to operate.
49. The development plan has been drafted to be consistent with the Framework. It is unthinkable that policies which protect Norwich's heritage step outside the approach that the Courts have held must be adopted. Thus it is inconceivable that the development management policies of the plan would drive a different outcome from those of the Framework.
50. The Council has recognised the validity of these propositions and has provided cogent, consistent and thorough evidence to this Inquiry. It has:
 - recognised the urgent need for the existing deficiencies to be remedied by regeneration;
 - recognised the need for a deliverable solution which will only be achieved through substantial redevelopment;
 - understood that there will need to be a balance between the impacts of such a substantial redevelopment and the public benefits it would bring; and
 - undertaken that balance in accordance with the Framework.

Moreover, the Council is the only statutory body with the relevant expertise to have undertaken that balance.

51. The Council's conclusion was that planning permission should be granted. That conclusion has been scrutinised through the Inquiry process and has been stoutly defended by a group of very senior Council officers. Of course the Council's conclusion is not binding on the Secretary of State. Nevertheless, the fact that the democratically elected body responsible for spatial planning in Norwich has found that planning permission should be granted must weigh heavily in favour of the proposals. No other party has carried out this balancing exercise. HE has not attempted it and Save Britain's Heritage (SBH) recognises that it does not have the expertise to undertake the balance in a full and proper way. The Norwich Society (NS) also carried out a partial balancing exercise.
52. The Council has played a very active role in seeking to ensure that the regeneration of the area is actually delivered. It has secured Housing Infrastructure Fund (HIF) funding for the development. The purpose of HIF funding was to ensure the delivery of housing projects which needed to be unlocked by the provision of Government monies. The maximum funding envisaged under the Marginal Viability head was £10 million. Larger awards could only be granted if the bid was found to be "*exceptional*" and could demonstrate "*widespread and transformational delivery of new homes*". In fact, this scheme was awarded £15 million.
53. The HIF award was the subject of intense and detailed scrutiny on behalf of the Treasury, DHCLG and Homes England. The level of that scrutiny is demonstrated by the fact that the assessors visited the offices of Weston Homes to better understand the cost assumptions contained in the bid. This background shows the care that the Council and Government have taken in relation to the issue of deliverability. Whilst the HIF award is not determinative of the merits of the scheme, nor of the Secretary of State's own conclusions on deliverability, it is a very material consideration. In short, Government does not award £15 million of HIF funding without being satisfied that the scheme in question is deliverable.
54. Turning to the other evidence before the Inquiry, it is important to note the agreed position statement on viability¹⁷. No party is now arguing that the proposals are not viable and would not be delivered as a whole. The evidence of Mr Truss (the applicants' viability witness) was that the scheme would deliver a profit of 16.4% on cost or 14.7% on gross development value. It would also generate an internal rate of return of 20.2%¹⁸. Mr Truss commented that, for a regeneration scheme of this scale, it is reasonable to assume that, with successful place-making in the early phases, later phases could achieve a step change in residential values. His overall assessment was that the scheme is a credible and deliverable proposition on a difficult site. The landowner has an incentive to proceed because of the need to reposition the existing shopping centre which is coming to the end of its economic life.
55. The potential for the scheme to stall part way through the development process was raised by the Inspector. No doubt this matter was also considered by those who assessed the HIF bid. In any event, Mr Truss responded to the Inspector's question and explained how such a risk would be minimised. Mr Luder (the

¹⁷ ID10

¹⁸ Section 6 of WH3/1

applicants' planning witness) described how the particular circumstances of the joint venture between Weston Homes and Columbia Threadneedle Ltd would reinforce the points made by Mr Truss:

- The high abnormal costs of demolishing the existing structures, remediation and site preparation would be incurred at the beginning of the project. This front-loading of major capital expenditure would provide a powerful incentive to continue, in order to recoup those costs. The circumstances are quite different to previous schemes where profitable elements could be delivered early on.
- Unlike retail-led development, the marginal costs of a housing-led redevelopment reduce as every unit is completed. Thus, most of the profit would be garnered from the last of the delivered units. Successive phases of the development would provide a significantly enhanced sense of place, which would be reflected in sales values.
- The terms of the HIF award are such that it would be repayable if the specified number of units were not delivered. The requirement to pay back such a substantial capital sum would be onerous and would create a huge incentive to complete the project.
- Weston Homes is both a developer and a contractor. It is therefore able to be more flexible than some other housebuilders in terms of its marginal returns. It has substantial fixed costs relating to its wider operation which will be incurred whether or not it is delivering new units. As Mr Truss and Mr Luder explained, Weston Homes can therefore accept a lower level of marginal return than other contractors, meaning that remaining on site to completion is an easier proposition.
- The nature of the joint venture is that Columbia Threadneedle Ltd would, in effect, surrender the site to the development on the basis that it would get its asset back post completion. The anticipated internal rate of return on the project is defined by the understanding that the retail units will be returned to it as a going concern. In all of these circumstances there is no easy route out for either of the joint venture partners. Both partners are incentivised to complete the whole project.

56. The applicant's viability assessment has been reviewed by the Valuation Office Agency on behalf of the Council. The valuation of the various components of the scheme was found to be appropriate. The elemental cost figures presented with the HIF bid have been used as the base figure. For the purposes of the Inquiry, this has been tested against the Building Cost Information Service data base. In most cases that would be sufficient. In this case, the Inquiry had the added benefit of assessments by Gardiner and Theobald and Homes England. The overall conclusion is clear. The scheme is marginally viable but, when all of the circumstances are taken into account, it is deliverable. These circumstances include a healthy internal rate of return, HIF funding, CIL relief and the involvement of a joint venture partnership between two of the most active developers in the UK.

57. The ability to secure the much needed regeneration of Anglia Square has never been closer at hand. The Council has recognised and acted upon the confluence

of circumstances which make this possible. Over the last 20 years no-one has come close to establishing even the potential for a deliverable alternative solution to meeting the urgent planning issues raised at Anglia Square.

58. The Ash Sakula alternative was relied on by HE and SBH as something which could deliver most of what the Council would seek from the site¹⁹. In fact, it is the best evidence that a significantly lower level of development would not be deliverable. The Inquiry process established that:

- it is now accepted by HE and SBH that the Ash Sakula alternative is not viable or deliverable at present²⁰;
- it is now accepted that there is no evidence of market conditions changing such as to alter this conclusion in a realistic timeframe;
- although HE chose to produce no evidence on this concession, it was made with the benefit of a qualified RICS valuer as part of the team;
- SBH appear to have been aware of this conclusion;
- there is no contrary evidence to that of Mr Truss to the effect that a significant reduction in development volume compared with the application scheme means that (in his professional opinion) he can see no way in which the alternative would be either viable or deliverable;
- his conclusion is consistent with HE's acceptance that the application scheme is marginally viable and requires significant central and local government assistance to be built;
- the alternative is also unviable in planning terms, reflecting the fact that it was not discussed with the local planning authority; and
- in closing, SBH forgets that its statement of case and evidence²¹ proceeded on the basis that this was a viable alternative and consequently ought to be given significant weight.

59. By the end of the Inquiry no party was proposing an alternative solution which could come close to being demonstrably viable or deliverable. Planning works on the basis of evidence and it is not sufficient to suggest that there might be an alternative out there. In this case there is no such evidence. Moreover, there is clear evidence that the proposal is on the margins of viability and that a lower volume of development is not likely to be viable, now or in the future. This is a site where the Council has been seeking redevelopment for decades and where HIF partners have concluded that there is no alternative to the injection of exceptional amounts of public money.

¹⁹ Paragraph 1.19 of Mr Neale's proof (HE1/1)

²⁰ Inspector's note – Mr Neale (for HE) accepted these points in cross examination by Mr Harris. Mr Forshaw (for SBH) accepted the concessions made by HE and agreed that there was no contrary evidence to that of Mr Truss

²¹ Paragraphs 105 to 110 of Mr Forshaw's proof (SBH1/1)

Architectural quality: Why the need for assessment?

60. A thorough understanding of the architectural quality of a proposal is, in almost all cases, critical to a proper assessment of its impact. Impact is about more than simple visibility. Particularly in a city centre location, the fact that a building is visible does not make it harmful. The nature of its effect will depend, in part, on its quality as a building in context. Every consideration of a large development by the Secretary of State involves a consideration of the quality of the scheme's architecture, having regard to its context. The requirement for an assessment of architectural quality runs through government policy at all levels.

61. In this case the objectors have not undertaken any coherent, objective assessment of architectural quality. The written evidence of HE and SBH does not contain any examination of the detail and quality of the architecture. At the Inquiry HE commented only on the heatmap element of the design evidence, together with the general arguments in support of a tall building in this location. Mr Neale stated in evidence that an assessment of the nature and quality of the proposed buildings was not necessary because of the development plan position which (in his view) meant that a tall building was inappropriate in this location. However, there is no such development plan position because:

- all parties accept that, in policy terms, the application site is capable of acting as a gateway site;
- there is no development plan policy identifying areas generally (or this area in particular) as inappropriate for tall buildings; and
- the development plan states that "*it is considered that excessively tall or large buildings would be inappropriate in most gateway locations*" (emphasis added)²².

62. There is nothing in the development plan which rules out an appropriately designed tall building at Anglia Square. Nor is there anything that justifies failing to consider architectural quality. Indeed, in relation to gateway markers, the policy context requires such a consideration.

63. Building for Life (BfL) is a government endorsed industry standard for well-designed homes which aims to ensure that the assessment of design quality is as objective as possible. The Council has assessed the proposals by reference to BfL and the applicants have assisted in this systematic process. The proposal performs well, as recorded in the evidence of the Council and the overarching SoCG. The attack on the Council's approach by NS was poorly aimed, involving a rewriting of the rules of the assessment. Its criticism of the density of the scheme, compared with permissible densities in Leeds and London, lacked cohesion and accuracy. It should be given little weight. What is important is the quality of the architecture and the nature of the effect of the proposals on interests of acknowledged importance. These include heritage assets and their settings.

64. The Council's officers have concluded that:

²² Paragraph 3.6 of the DM Plan (CD2.3)

- The proposal would create legible new streets that would (to a significant degree) reflect and restore historic routes across the site. At present the site is wholly impermeable. The suggestion in HE's written evidence that the existing site is more permeable than that which is proposed was dropped during evidence in chief.
- There would be good enclosure of surrounding streets and an appropriate mix of uses with active frontages.
- The massing of the blocks would create a varied form which would add interest and modulate scale through layering.
- The use of marker buildings at important entrances and the adoption of mansion block and warehouse typologies would reflect, not ape, its context.
- The use of different linking blocks to set off the taller tower element would be appropriate and proportionate.
- The creation of two large and well-proportioned public squares which would be well landscaped, usable and of high quality would represent high quality placemaking.

65. The Council has carefully considered the rationale for a taller element at this location, in the context of the development plan and its aspirations for achieving redevelopment. The analysis drew on expert knowledge of the site, its constraints and the needs of the area. It accepted the value of marking a site which represents the place of people's arrival in the city centre from the north. The regeneration case for a tall building as a symbol of renewal was also accepted. The Council's careful position on this matter includes the following:

- The Council does not see the existing pattern of Norwich as fixed. This approach is consistent with the NCCCA Appraisal's assessment of the need for radical change in this locality and HE's advice on the role of tall buildings which can play an important part in the shape of cities.
- The officers' report notes that *"a strategically positioned tower to the north of the city would be justified in terms of denoting how the area to the north of the river is no longer a 'poor relation' to the south. There is a need to address and to heal the demotion of this part of the city centre through neglect and lack of investment... the construction of a tower that advertises a focus of activity in this part of the city centre would further encourage people who do not live in the area to treat Anglia Square as part of the city centre...."*²³
- The officers' report emphasises the fact that *"Anglia Square has been uniquely blighted by the damaging legacy of previous development...[leading to] a perception amongst many...that this is a place to be avoided. This site unlike any other is integral to the regeneration of an entire sector of the city. Development of Anglia Square has the scope to deliver transformative change and to allow the northern city centre to*

²³ Paragraph 367 of the officers' report (CD2.15)

*contribute and strengthen the wider Norwich city centre economy. A tall building on this site would recognise this stage in the evolution of the city."*²⁴ As noted above, achieving transformative change is one of the criteria for HIF funding.

66. The potential for a tall building to be an important marker of regeneration is not new and has been accepted by the Secretary of State in a variety of cities across England. The ability of a tall building on the application site to act as a way-marker was also accepted by officers as indisputably true. Norwich is characterised by intricate and varied topography and street patterns, best understood on foot. A universal element of the experience of the city is that there is Norwich 'over the water' with its own distinctive character. However, the area beyond the bypass is hidden away, physically and psychologically separated from the rest of the city centre. Providing this area with its own character and identity would be an important public benefit.
67. This careful analysis was left unconsidered by HE. It was waved away on the false premise that the development plan precludes tall buildings in this location. The officers' report described the reasoning for locating the tower adjacent to St George Square as logical and appropriate. No party has argued for an alternative location within the site for a tall building. The report also considered the way in which the design of the tower has been given vertical emphasis. The concave faceted facades were identified as a particularly interesting feature, likely to have more effect in reality than the visualisations suggest. This would address the need for the tower to appear sufficiently slender whilst making it different to those in other cities.
68. Other elements of the design that would emphasise its slenderness and articulation were described in the evidence of Mr Vaughan (the scheme architect). These included the use of colour and vertical columns, opening the corners of the building and the tripartite arrangement of base, middle and top. Mr Vaughan's assessment is commended to the Secretary of State. The way in which these elements would be seen and appreciated at distance is an important part of the assessment. The photographs help but cannot do justice to what would be seen in reality. The architectural details of City Hall and the Anglican Cathedral can be appreciated from elevated vantage points to the east of the city centre. So too would the details of the proposed tower, which would be seen off to the right of the main nesting of city landmarks.
69. Dr Miele (the applicants' heritage witness) undertook an independent and comprehensive assessment of the tower, of a type that no objector has, by reference to three city scales:

On the primary scale

- The proportion of the tower and its height give the building a vertical scale, such that it would be sufficient to mark the location of the new centre, adding legibility to the city.

²⁴ Paragraph 368 of the officers' report (CD2.15)

- The height of the tower is proportionate to the scale of the city as a whole as perceived in more distant views.

On the secondary scale

- The open quality of the building where it meets the sky is distinctive and deliberately softens the effect of the top of the building.
- The open corners providing balconies would reduce visual impact and give direction and orientation to the building.
- The language of vertical piers introduced by the facades would be secondary to the corner slots and would modulate the scale of the building, reinforcing verticality.
- The diamond brickwork patterns at the top of the building would add to the articulation and would be appreciable in longer views, especially from the south.
- The folded or inflected plan form would be expressed as a vertical and very noticeable fold in each of the facades.
- All or most (depending on the viewpoint) of these architectural features would be apparent and readable across those parts of the NCCCA (and beyond) where the building would be seen.

On the tertiary scale, there are details of quality which are appreciated closer to. These details would be subject to approval of details.

70. Both Dr Miele and the Council have also carefully considered the rest of the proposals. The articulation of the buildings and the modelling of the lower blocks has been undertaken with care and skill. It is consistent with the guidance of the NCCCA Appraisal which calls for transformational development in respect of Anglia Square. As noted above, an understanding of architectural quality is essential to any assessment of impact and to the application of the policies of the development plan. Such assessments have, rightly, featured largely in decisions of the Secretary of State. However, no such assessment has been made by any of the objectors to this application. The dismissive approach of HE to these matters is particularly unfortunate. In closing for HE the suggestion was made that Mr Neale had indeed taken account of architectural quality. That submission was simply not supported by the written or oral evidence of Mr Neale.
71. Overall, the buildings have been very well designed in conjunction with the Council's design and conservation team. The design reflects the position of the site as a new residential quarter, the need to provide sufficient development to be deliverable and the need to effect the transformation of the area which is called for by the HIF criteria.

Identifying accurately the impact of the proposal: the need to avoid hyperbole and exaggeration

72. Closing submissions are not the place to engage with a view by view assessment. The decision maker will have the relevant images and will be guided by the Inspector's report. However, it is appropriate to consider matters of approach. HE's written evidence asserts that the proposals would "*cause severe harm to the*

character of the city". Mr Neale accepted that, on his analysis, the harm would be *"bumping along the bottom of substantial harm on the spectrum of less than substantial harm"*. Others have suggested that what is at stake in this Inquiry is the very *"character of Norwich as an exceptional historic city"*. These are demonstrably overstated positions which, on reflection and having regard to the legal tests and the evidence, are clearly incorrect and disproportionate.

73. The impact on the NCCCA is discussed below. For now, it is relevant to note that Dr Miele finds a direct enhancement to the conservation area on the balance of impacts (close and distant). The issue of whether there could be 'severe' harm to the NCCCA as a whole raises important matters of approach that are relevant to all the heritage assets in question. It is common ground that the public benefit needed to outweigh any harm will depend upon the nature and extent of the harm. The more significant the harm, the more significant will be the public benefit required. If that were not the case, the balancing exercise would become relativistic and rootless.
74. Mr Neale accepted that knowing where you sit on the spectrum of less than substantial harm is important in understanding what type of public benefit might be sufficient to outweigh such harm. It follows that a qualitatively defensible approach to weighing harm is needed. Given that this is not a case where HE suggests that there would be substantial harm, it is important that this conclusion is not subverted by a hyperbolic characterisation of the actual level of harm.
75. Large parts of the NCCCA would not be impacted at all by the proposals. This may be seen from the locations of the agreed viewpoints which show that there are large parts of the very extensive NCCCA that would be unaffected. Moreover, Dr Miele produced a zone of visual impact²⁵ which demonstrates that topography and the street pattern of Norwich are such that the proposal would not be seen at all from most of the NCCCA. In these circumstances the impact on the asset as a whole is unlikely to be severe.
76. Of course, impacts that affect only part of a conservation area are still important. In the right circumstances they might even amount to substantial harm. That would be a matter of judgement as to what level of significance is harmed or drained away by the impact of the proposal and what level is retained. It is accepted as a matter of law by all parties that, for an impact to amount to substantial harm, then *"much if not all of its significance as an asset would need to be drained away"*. In assessing where on the spectrum of less than substantial harm an impact lies, it is important that the logic of assessing what significance is lost and what significance is retained is not forgotten.
77. In his written evidence, Mr Neale asserts that less than substantial harm is not a qualitative concept at all²⁶, rather that it merely distinguishes such harm from substantial harm. That is not the correct approach. Less than substantial harm is, of necessity, a wide concept. As discussed above, the nature of the public benefit necessary to outweigh any less than substantial harm must depend on the qualitative extent of that harm. In this case, the assessment of harm to the

²⁵ Dr Miele's Appendix 11 (WH2/3)

²⁶ Paragraph 5.12 of Mr Neale's proof (HE1/1)

NCCCA must entail an examination of any significance lost and also any that is retained. Once this is done rationally and clearly, in the circumstances of this case, the characterisation of harm to the NCCCA as severe (or bumping up against the bottom of substantial harm) is not even close to being made out.

78. The adoption of the correct approach to assessing harm is even more important when considering impacts on the settings of listed buildings. Much of the significance of Norwich's exquisite listed buildings lies in their intrinsic value, including their fabric, form, function and interiors. In this case there would be no direct impact upon any listed building of any grade. This wealth of intrinsic significance, including the qualities which make the fabric of the city special, would all be preserved.
79. Whilst it is acknowledged that there would be listed building impacts, these would all be setting impacts. Applying the policy and law appropriately, none of the setting impacts of the proposal can truly be said to be severe. Nor can the impacts on the NCCCA. The fact that HE and SBH characterise them as such demonstrates an error of approach which fails to have proper regard to the nature and extent of the significance which is altered. This has resulted in an overblown and exaggerated analysis of harm.

The suggestions of substantial harm to the NCCCA

80. Some objectors, including SBH, go further than HE and allege substantial harm. The closing submissions of Mr Dale-Harris (Counsel for SBH) were surprising in that they echo submissions that were rejected very recently by the Secretary of State in the Chiswick Curve case²⁷. In that case the Secretary of State has carefully considered the distinction between substantial and less than substantial harm. In the Framework the concept of substantial harm is deliberately twinned with "*or total loss of significance*". The Secretary of State has consistently found (in line with the High Court in *Bedford*²⁸) that substantial harm occurs only when "*much if not all of the significance of an asset is drained away*" or when the significance of an asset is "*vitiated or very much reduced*." The Court held that 'substantial' and 'serious' are interchangeable in this context. In this case there is no impact which comes close to meeting that test.
81. The similarity of approach between HE and SAVE is notable. Great care needs to be taken with HE's characterisation of the impact on the significance of Norwich as a whole, and on several individual heritage assets, as 'severe' harm (but less than substantial or serious). Having recognised that the harms identified could not be 'substantial' in the terms of the Framework, it is not appropriate to put aside the reasons for this conclusion and then to characterise the nature of less than substantial harm as 'severe'.

²⁷ CD12.9

²⁸ CD12.10

Where and when to undertake the heritage balance

82. At the Inquiry HE referred to a recent High Court decision²⁹ which appears to suggest that, for the statutory duty, the balance should be carried out internally as part of the assessment of whether an asset is harmed or preserved while for the Framework, if there is any harm (however minor) the paragraph 196 test should be applied with the alleged harms being tested against the public benefits as a whole, including the heritage benefits. Creating a position where there is a different statutory and policy test does not, on the face of it, appear consistent with *Mordue*³⁰. That case indicated that if the decision maker follows the tests in the Framework then he will have correctly navigated the statutory tests.
83. Whatever the correct approach, it makes no practical difference in a case such as this where the heritage harms are all less than substantial. If heritage benefits outweigh heritage harms, then the outcome will be the same whichever path is followed.

What is a heritage benefit in a conservation area?

84. The proposition that the townscape benefits of the proposal are not to be regarded as heritage benefits is artificial. The existing buildings are identified in the NCCCA Appraisal as being negative features. They are harmful to its character and appearance. Removing them and replacing them with something that enhances the character and appearance of the conservation area would be a heritage benefit, just as their existing condition is a heritage harm. The creation of squares and re-establishing street patterns would be improvements to the fabric, character and appearance of the NCCCA. These would be both townscape benefits and heritage benefits.

The wider views of Norwich

85. Turning to the effects on the settings of listed buildings, all parties have adopted a form of tripartite assessment. These submissions start with the wider views then consider mid-distance and more local effects.
86. It is common ground that NCCCA contains landmarks which are relevant to understanding its significance. These landmarks, which are identified in the development plan, have settings. The nature of the landmarks is that their settings are extensive, including much of the city. The decision maker has a statutory duty to have regard to the effect of the proposal on each and all of these listed buildings and their settings as a whole. This assessment will also be relevant to a consideration of the effect of the proposal on the conservation area as a whole. However, not all elements of the setting will be equally important to the significance of an asset. Moreover, the setting is not itself a heritage asset. Settings are important insofar as they contribute to the significance of an asset.
87. The previous development plan sought to identify corridors of vision to the landmarks from particular vantage points. These corridors were to be definitively identified in a landmark views SPD. Whilst that document was never produced,

²⁹ City and Country Bramshill Ltd v SSHCLG - Waksman J [2019] EWHC 3437, appended to closing submissions for HE (HE11)

³⁰ CD10.14

DM Plan Policy DM3 requires that proposals pay careful attention to the need to protect and enhance significant long views of the major landmarks. Specific views are identified in Appendix 8. These views are directional in their extent, insofar as the compass of each differs to reflect what is most important to that particular view. The focus of each view is the nest of significance created by the Roman Catholic Cathedral, the Anglican Cathedral and the Norman Castle. Within that nest the significance of other landmarks, including the Church of St Peter Mancroft and City Hall, can be seen and appreciated.

88. The way in which the development plan identifies significant long views of the major landmarks excludes Anglia Square. When one visits the vantage points in question this is wholly understandable. Although the wider city is in view at each vantage point, the focus of the view, and the repository of most significance, is the nest of heritage assets described above. Of course, the identification of significant views does not limit the extent of the decision maker's consideration. Nevertheless, it is highly relevant to note that the proposal falls outside the identified views when examining the proposition that the proposal would have a 'severe' impact on this element of the significance of the city. Moreover, in all of the works of art produced by Mr Neale, the focus of the views is on the main nest of significance. None of those views shows the site of Anglia Square.
89. In any event, the position of Anglia Square means that the impact of the proposal on the significance of the city landmarks as experienced from these vantage points can only ever be limited. This is because Anglia Square is significantly off to the north of the main nest of significance. The experience of visiting the relevant vantage points is the only true way of understanding the relationships at play. However, the larger scale print of the panoramic view³¹ better reflects the nature of the visual relationships as seen by the human eye and is very helpful in this respect. It also demonstrates the way fine architectural details can be appreciated, even at a distance. Moreover, it shows significant modern development to the south of the nest of significance described above, development which has recently been added to by the construction of Pablo Fanque House³².
90. In all of these circumstances, there would be no harm to the settings of the landmarks identified in the development plan, as seen in wider views.

The wider pattern of development and the arguments against a tall building north of the river

91. In its statement of case, HE refers to Norwich as a work of art. The impression is given that Norwich is a completed canvas which is not to be altered. We are told that the great landmarks are all buildings which represent church, state or municipality and that all are to the south of the river. HE mistakenly believed that this approach is embedded in the development plan. In planning terms this description is inaccurate. Norwich has long been identified as a focus for significant growth in the East of England for new homes and jobs, leisure, cultural and educational development. That growth is to be focussed on the city centre

³¹ Enlarged print of view 8 panorama (WH21)

³² Inspector's note – Pablo Fanque House has been recently completed and is not shown in WH21 which pre-dates its construction

and in particular on its brownfield sites. This means accepting and embracing significant change in the city.

92. There is nothing in the development plan to suggest that the pattern of the city is fixed or that a taller building to the north of the river is a concept which would be profoundly at odds with the character of Norwich as a whole. That is a policy some might wish to see but it is not one which actually exists. Nor is there any need for tall buildings to be reserved for ecclesiastical, state or civic uses. That would be an anachronistic approach in a modern spatial context. Meeting housing need is the most significant social and spatial imperative of our time and the Secretary of State, in decision after decision, has accepted that high quality housing developments can include tall buildings. HE's suggestion that housing is, in principle, an inappropriate use for a tall building in Norwich is simply wrong.
93. HE's approach to these matters is best illustrated by its evidence in relation to the view from the castle and the view of the Cathedral across playing fields³³. Views from the castle encompass the varied history of a modern, regional mercantile city. Buildings of all scales and types are present, some break the skyline and some do not. HE points out, correctly, that most of the tall buildings are to the south of the River Wensum. However, whilst all post-date the castle, none are identified as harming its predominance or significance. The application scheme would be almost a kilometre away. The composition of the view would remain the same and the extent of the view over the river valley would be unaltered. Dr Miele is right to say that there would be no interference with the ability to appreciate the castle's elevated position and its defensive purpose.
94. Turning to the view from Cathedral Meadow, Dr Miele assesses the harm to the significance of the Cathedral as being towards the bottom end of less than substantial harm³⁴, noting that:
- the proposal would sit within the tree canopy line, which has been designed to frame views of the Cathedral;
 - the proposal would be well over a kilometre away;
 - the view would be part of a kinetic experience in which the focus of attention is constantly shifting; and
 - the light colouration and form of the proposed tower would assist in neutralising its impact overall.
95. To conclude on the wider impacts, the proposal would be visible and deliberately so. It would mark a new and successful residential and district centre to the north of the river Wensum. In so doing, it would not harm the views identified in the development plan. Nor would it detract from the ability to appreciate Norwich's great landmarks. The proposal would be located well to the north of the city landmarks in the same way (but with greater separation) that there are taller buildings to the south of the city centre. It would add incident to the wider view but would not cause harm. To the extent that there would be some very limited

³³ Views 12, 54 and 60 (CD7.81 SEI t)

³⁴ Paragraph 9.75 of Dr Miele's proof (WH2/1)

harm to kinetic views from Cathedral Meadow, these would fall to be weighed in the balance with heritage and other benefits.

Effects upon the middle-distance heritage assets

96. All relevant impacts upon the NCCCA and listed buildings must be considered on their merits. Nevertheless, it is important to note that the NCCCA Appraisal identifies specific views (both positive and negative) that are important to an understanding of the significance of the area. DM Plan Policy DM3(b) requires decision makers to pay careful attention to the need to protect these particular views. The impact of the proposal on these views is clearly an important material consideration (among others) when assessing the effects of the proposal. However, despite the policy requirement to do so, none of the objectors have done this assessment. Mr Neale does not even mention them. A conclusion of 'severe harm' without reference to these views is clearly deficient. The applicants have shown that, of the many views identified in the NCCCA, only two would be affected at all³⁵.

97. These closing submissions do not seek to rehearse the evidence in full. They will however identify what the applicants' case is and where in the documents the relevant evidence is to be found. The middle-distance effects can be described by reference to 4 groups of assets:

Group 1 - Millennium Plain and Market Place

Group 2 - St Andrew's Hall, Elm Hill and St Peter's Hungate

Group 3 – Tombland, Wensum Street and Fye Bridge

Group 4 – Colegate

98. Group 1 includes the Guildhall, the Church of St Peter Mancroft and City Hall, which are amongst the most powerful and iconic listed buildings in the city³⁶. Their ability to accommodate change is exemplified by the way in which they co-exist with the Forum development, which is very different in terms of scale, materiality and use. The proposal would be seen fleetingly and at a distance. It would not impact upon any of the significant views identified in the NCCCA Appraisal and/or the development plan. The huge embodied significance in the assets in this area would be left untouched, as would the greater part of the setting of each asset. Dr Miele was right to conclude that there would be no material harm here.

99. Group 2 consists of St Andrew's Hall, Elm Hill and St Peter's Hungate³⁷. The application site presently makes no contribution to the significance of the relevant assets. The townscape is varied and is not uniformly medieval. There is a modern student accommodation block within this group of buildings. The proposal would not impact on any of the significant views identified in the NCCCA Appraisal and/or the development plan. The alteration to the settings would be

³⁵ The NCCCA Appraisal views and the corresponding TVIA views are shown in WH14

³⁶ Views 11 and 53

³⁷ Views 22 and 55

slight, distant and transient, seen in the backdrop of a strongly defined historic townscape which is powerful, layered and complex. Dr Miele identified no harm.

100. Group 3 comprises Tombland, Wensum Street and Fye Bridge³⁸. There would be no inter-visibility between the proposal and Cathedral Close. None of the significant views identified in the NCCCA Appraisal would be affected. The setting of the Maid's Head Hotel is already rich, varied and powerful. There would be glimpsed and transitory views of the tower from a limited number of vantage points, all in the context of a busy urban environment. In this context any harm to the setting of this building would be negligible. Dr Miele identified harm in relation to Wensum Street and Fye Bridge (as elements within the NCCCA) and to associated listed buildings. However, he found the harm to be towards the lower end of less than substantial harm because the intrinsic significance of the assets would be unharmed, the proposal would be at some distance and it would be seen as a high quality piece of townscape.
101. Group 4 lies in and around Colegate³⁹. At this distance the ugly existing buildings at Anglia Square are apparent. Moreover, there are existing large modern buildings (with consent for extensions) between this group and Anglia Square which form part of the current character and appearance of the area. The Council and applicants agree that the settings of the magnificent pair of listed buildings of the Church of St George and Bacon's House would be enhanced. Dr Miele concluded that there would be limited harm to Doughty's Hospital, within the category of less than substantial harm⁴⁰. Any harm in these locations falls to be weighed against the benefits of the proposal, including benefits to the NCCCA.

Local impacts

102. The starting point for assessing the local impacts is the unremittingly negative impact of the existing buildings on the NCCCA and other heritage assets. Their replacement with buildings of architectural quality would be, in principle, a significant benefit. The Council and the applicants find that there would be significant heritage benefits flowing from the development but also some harms due to its volume and height. Dr Miele finds limited harm to the setting of the Church of St Augustine and the adjacent almshouses, even after factoring in the benefit to their settings arising from the removal of Sovereign House⁴¹. It is important to note here that the two dimensional images of the TVIA cannot do justice to the eventual relationship between the proposal and the almshouses. The images give the impression that all of the proposed buildings would appear to sit close behind the almshouses. In fact, as Mr Vaughan explained, the closest of the proposed buildings would be some 45m away whereas the tallest of the frontage buildings (appearing at the right hand side of the image) would be around 170m away. In reality, the experience of distance would be readily apparent to the observer.

³⁸ Views 23, 25 and 26 and the animation (WH27)

³⁹ Views 36, 37 and 38

⁴⁰ Paragraph 8.148 to 8.154 of Dr Miele's proof (WH2/1) and view 44

⁴¹ Paragraph 7.62 (and following) of Dr Miele's proof (WH2/1) and views 32 and 33

103. Dr Miele also identified very limited/negligible harm identified to the ability to appreciate a partial view of the Cathedral when seen from Aylesham Road⁴². In closing, Mr Williams (for HE) referred to Dr Miele accepting harm *"even to the Cathedral"*. However, the limited nature and extent of that harm must be properly borne in mind. Again, it is relevant to note that none of the views discussed in this section are identified as significant views in the NCCCA Appraisal.

Overall judgements

104. Dr Miele's overall judgment on the impact of the proposal is that, on balance, there would be benefit to the NCCCA as a whole. This is because of the massive beneficial effect of the proposal in comparison with the awful existing buildings together with the limited areas of harm elsewhere. Such a benefit should be given significant importance and weight. He finds limited to moderate harm, within the category of less than substantial harm, to the settings of listed buildings as set out above. This is on the basis that there would be no intrinsic harm to any listed building. Moreover, any impacts on settings would not be on parts of the settings which are critical to an appreciation of the asset.
105. The Council finds greater harm. This is not surprising because, given the nature and extent of the assets under consideration, it seems unlikely that the respective findings would be completely in line. In this case the Council's findings of higher levels of harm is actually of assistance to the decision maker. This is because the Council still found that the harm would be outweighed by the benefits of the proposal. Moreover, it is important to recall that Mr Webster (the Council's heritage witness) frankly observed that his 'sensitivity to harm dial' was set too high. On reflection, in the light of discussion at the Inquiry, he felt that some of his judgements were overstated⁴³.
106. HE and SBH, on the other hand, have clearly overstated the impacts. They have made no proper assessment of the architectural quality of the scheme and they have not had regard to the extent of significance that would be retained by the heritage assets in question. This is not a case where harm would be substantial or *"bumping along the bottom of substantial"* in relation to any heritage asset. As an example of this overblown approach, Mr Neale asserted that the proposal would harm *"every single medieval church in the City"*. The Inspector asked for clarification of this remarkable claim in the context of the Secretary of State's statutory duty. No response was ever forthcoming.

The public benefits of the proposal

107. Where less than substantial harm to designated heritage assets is identified, such harm (which is to be given considerable weight and importance) falls to be weighed against the public benefits of the proposal which include heritage and all other public benefits. HE chose not to engage in the overall balance between

⁴² View 49

⁴³ Inspector's note – in answer to my question regarding the level of harm to the Cathedral, as recorded in the officers' report, Mr Webster stated that he no longer took such a critical view, having listened to the arguments put at the Inquiry regarding the degree of significance that would be retained following an impact on setting.

harm and benefit and its limited attempts to challenge the weight given to various benefits by the local authority were not supported by evidence. In truth, HE is not in a position to be an objector, or to *"recommend that permission is refused"*. It has neither the evidential basis nor the expertise to undertake the necessary balancing exercise. Whilst SBH sought to engage in the balance, in a very limited way, they did so from an inexperienced and inappropriate position.

108. The Council is the party best placed to identify and weigh the public benefits of the proposal to its administrative area and its careful and balanced approach is commended to the Secretary of State. The Council's conclusions on benefits are especially pertinent bearing in mind that it identifies a more extensive basket of harm to be outweighed than the applicants did. In addition to the significant townscape and heritage benefits (discussed above), the Council has identified the following key matters:

- The regeneration of a strategically significant site. The council accurately describes the proposal when it says that it will *"enhance the physical appearance, the retail and leisure function and overall vibrancy of the site, create a new residential quarter at Anglia Square which will have good connectivity to the existing surrounding community, and boost the city's housing supply and confidence in the northern city centre as a location for wider re-development"* consistent with the ambitions of JCS11.
- The contribution to meeting the housing needs of the city. At the time of the officers' report the Council did not have a 5 year land supply. Despite the calculation of the housing land supply by way of a different methodology, the actual need for housing in the city is now greater. No doubt the Secretary of State will give substantial weight to the amount of housing that would be delivered by this proposal.
- The provision of 120 much needed affordable housing units, which the council has correctly identified as the minimum number to be provided in the circumstances of this large scale redevelopment.
- Economic development and support for vitality. There is currently over 16,000 sqm of vacant retail and commercial space at Anglia Square, just over half of the total space for retail, commercial and town centre uses⁴⁴. The proposal would create a vibrant mix of uses and up to 762 new jobs (in addition to the up to 800 construction jobs). It would support the long term vitality and viability of the Magdalen Street/Anglia Square district centre and the role of the northern city centre in meeting the growth aspirations of the city as a whole.
- The absence of any evidence of any realistic deliverable alternative to the meeting of these powerful strategic imperatives.

109. Whilst the list of benefits ranges much wider, these 5 very weighty benefits go to the heart of the role that this important site should play in Norwich. They are clearly sufficient to outweigh any reasonable assessment of the less than

⁴⁴ Section 3 of WH6/1

substantial harm occasioned by the proposal. Indeed, the weight to be given to the benefits has increased during the course of the Inquiry:

- the ability of the city to meet its housing land supply position has significantly reduced in recent months;
- it is now much worse than the position as at the date of the officers' report, as confirmed in the Council's closing submissions;
- it is clear from recent decisions that the Secretary of State will now give very significant weight to the provision of housing and affordable housing, especially in circumstances where there is evidence of pressing and unmet need. The profound real world consequences of a failure to meet housing need include:
 - households having no settled home, representing a failure of the planning system to meet its most fundamental of duties;
 - house prices increasing in an unsustainable way;
 - families having to be split up because children cannot afford to live near their parents;
 - employers being unable to find a local workforce;
 - employees having to travel unsustainable distances for work;
- the air quality evidence (discussed below) has disclosed an improved position in relation to the site and its surroundings compared to that assessed in the officers' report; and
- matters relating to permeability and cycle access have all been resolved. CYC is no longer making any objections on these grounds.

110. In these circumstances the Council's conclusion that the public benefits outweigh the identified heritage harms is more than made out. The requirements of the Framework would be met and the proposal should be regarded as sustainable development in heritage terms.

Other matters

Affordable housing and housing mix

111. The proposal would provide 10% affordable housing, in accordance with the Council's requirement to secure an appropriately mixed and balanced community. On the basis of national and local policy, which has regard to viability, the proposal cannot be required to provide more. The viability position statement agreed with the Council and HE⁴⁵ underscores this position.

112. The Council's rebuttal evidence⁴⁶ shows how the mix proposed (for both market and affordable housing) best meets the most pressing needs of the city. That evidence is compelling.

⁴⁵ ID10

⁴⁶ NCC1/4

Air quality

113. This was not one of the matters which the Secretary of State indicated that he particularly wished to be informed about, notwithstanding his consideration of the representations made by CYC. This is relevant because Professor Peckham, one of the authors of the written evidence for CYC, has argued in the Court of Appeal that the Secretary of State is obliged to call in all planning cases where there is potential for exceedances of the nitrogen dioxide (NO₂) limits identified in the relevant Air Quality Directive. The Courts did not accept Professor Peckham's case.
114. The case made against this proposal was based on 3 main propositions. As the potential for these arguments to fail became clear, new and different arguments took their place during the Inquiry. These submissions deal first with the case as originally advanced and then as it evolved, before setting out the applicants' positive case.

The air quality case for CYC as originally advanced

115. First, it was argued that the Secretary of State is under a duty to ensure compliance with the national air quality limit values "*within the shortest possible time*" and as a result "*any development [in the UK] which does not reduce air pollutants to legal compliance levels....will be found unlawful*". However:
- This proposition is hopelessly incorrect and has already been dismissed by the Court of Appeal.
 - Thus in the case of *Shirley*⁴⁷, Professor Peckham argued that, because the national air quality targets for NO₂ had not been met, there was a duty on the Secretary of State to call in (and to refuse) any application where there was an issue about compliance with air quality standards.
 - The court was clear that this proposition was incorrect. It is a shame that there is no reference to *Shirley* in the evidence for CYC.
 - The Court held that, where there was a breach of the Directive, the "*single prescribed means of addressing the breach is the preparation of an air quality plan*". It went on to say that there was nothing in case law that supported Professor Peckham's assertion that "*land use planning powers and duties have to be exercised in any particular way - such as by imposing a moratorium on grants of planning permission for particular forms of development or for development of a particular scale whose effect might be to perpetuate or increase exceedances of limit values.*"
 - The Court went on to explain that, where air quality was an issue, the appropriate approach was to take it "*into account alongside other material considerations weighing for or against the proposal*" in the ordinary way.
116. The failure of this first limb was recognised in the opening statement for CYC when Dr Boswell (one of CYC's witnesses on air quality) stated that it was not

⁴⁷ CD10.24, see in particular paragraph 33

his case that permission could not be granted where there were exceedances but, rather, that such exceedances ought to be reduced as soon as possible.

117. Second, it was suggested in the statement of case and the original proofs that the Secretary of State is obliged to ignore potential enhancements in air quality as a result of regulations and policy during the lifetime of the project. However:

- This second proposition relies on a misunderstanding of the *Gladman*⁴⁸ case and is patently incorrect. Again, Professor Peckham was involved.
- The Court of Appeal found that, in the absence of any evidence on the potential quantum of improvements, the Inspector was entitled to place little reliance on them. In particular, *"He was entitled to rely on the evidence before him rather than the evidence that might have been produced but was not"*.
- The Court also referred to the fact that there was no evidence before the Inspector regarding the possible consequences of government policy in relation to NO₂ concentrations.
- The position here is very different. The Government has now issued vehicle emission regulations and specific evidence-based guidance on fleet emission factors and likely background concentrations. This guidance is designed to enable the assessment of the relevant levels in future years.
- The Planning Inspectorate has recently given clear guidance that a failure to take into account anticipated improvements in air quality when establishing a future baseline for emissions would now be legally unsound⁴⁹.
- This Inquiry has evidence-based guidance on how to approach likely future background concentrations of NO₂ and particulate matter (PM₁₀). It must use this evidence, which establishes that the proposal can proceed consistent with the relevant air quality policy.
- This Inquiry also has the CURED v3A⁵⁰ sensitivity test for NO₂, which was recently described by the Wealden Inspector and Natural England as appropriately precautionary.
- The use of either of these scientifically credible tools establishes that there is no air quality reason for withholding permission at this sustainable site.

118. Third, it was argued that planning permission should be refused on air quality grounds because the existing and predicted levels of NO₂ and other pollutants are such that the site is not appropriate for housing at all⁵¹. Dr Mills confirmed in his evidence in chief that this was his position. He suggested that new

⁴⁸ CD15.118

⁴⁹ Inspector's interim findings on Wealden Local Plan examination (CD10.23)

⁵⁰ Calculator Using Realistic Emissions for Diesels – an emissions factor calculator issued by Air Quality Consultants (CD15.27)

⁵¹ Paragraph 4 of the proof of Professor Peckham/Dr Mills (the proof was written jointly and Dr Mills attended the Inquiry to give evidence) (CYC3/1)

housing would be “*best placed out in the fields*” where it would have a reduced air quality impact and that the application site could become a park.

119. However, the application site affords a high degree of accessibility to all modes of travel. It is likely to be the best available brownfield site in the Norwich urban area in transport and overall sustainability terms. It would be ironic if such a site were lost to housing development due to an air quality objection driven by existing vehicle emissions, particularly when one of the key benefits of the scheme is that it would improve the ability for new residents to make sustainable transport choices.
120. CYC’s alternative suggestion was that the quantum of development should be reduced and a 13m grass and woodland border should be provided around the entire proposal. The status of this suggestion is now unknown⁵². For the reasons identified above, such a suggestion would make redevelopment undeliverable.

Use of CURED 3A is reasonable and precautionary

121. Turning to the new points that emerged during the Inquiry, there was an extraordinary volte face in CYC’s case regarding the use of CURED v3A. The applicants’ air quality evidence followed guidance from the Department for Environment, Food and Rural Affairs (DEFRA) that decision makers should have regard to Emissions Factor Toolkit (EFT) v9 when identifying the impact of policy changes on vehicle emissions of NO₂. CYC accepted that it was right to have regard to such policy changes and argued that, in addition to EFT, it would be reasonable and precautionary to use CURED v3A as a sensitivity test in this case. This was the unambiguous position of this Rule 6 Party in its rebuttal proof of evidence⁵³.
122. The applicants then re-ran the assessment using the CURED v3A toolkit to provide a sensitivity test, as suggested by CYC. This exercise showed that, when considered with the most up-to-date measured baseline figures and in line with policy, the proposal gives rise to no air quality issues⁵⁴. When this outcome became known to CYC its previously unambiguous position on the use of CURED v3A was jettisoned. In closing, CYC now says that the CURED v3A dataset should not be used at all⁵⁵. This inability to accept that which was uncomfortable for its case characterised the air quality element of CYC’s case.

Use of bias factors

123. At the start of the Inquiry CYC was arguing that the Council had inappropriately used local bias factors when carrying out its duties under the Environment Act. CYC suggested that the Council should have used the national bias factors. When it became apparent that using the most up-to-date national figures would have made no difference to the results, the suggestion was advanced that an

⁵² Inspector’s note – this suggestion is contained in the summary of the proof. When asked about it in cross examination by Mr Harris, Dr Mills said that it could be disregarded

⁵³ Inspector’s note – row 36 of the Air Quality Statement of Common Ground (ID11) records that CYC considered that CURED v3A is a “*valuable tool for sensitivity testing*” in an AQA. CYC disagreed that it should be regarded as precautionary.

⁵⁴ The results are set out in WH20 and WH24

⁵⁵ Paragraph 73 of the closing submissions (CYC14)

adjusted national figure ought to be used. This adjustment was made unilaterally by Dr Boswell, without reference to DEFRA or the Council. This is a hopeless approach. The Council is required to use either local or national figures (and to explain why) as part of its submission to DEFRA. The Council's Air Quality Management Area (AQMA) Report was undertaken in accordance with the regulations and guidance, it has been approved by DEFRA and there has been no challenge to that approval.

124. If the approach suggested by Dr Boswell in closing were to be adopted, it is difficult to see how any local air quality authority could make any realistic assessment of air quality under the present regime. Dr Boswell was asked by the Inspector how he thought the analysis should be done, given his criticisms of both local and national data sets. No realistic answer was forthcoming. If Dr Boswell is right then every single AQMA report submitted to DEFRA in accordance with the Environment Act would be incorrect and unreliable.
125. In any event, the most up-to-date measured levels of pollutants fall so far below the limit levels that there is no realistic prospect (having regard either to CURED v3A or to EFT v9) of even CYC's typical range of bias factors making any difference to the conclusions to be reached in the circumstances of this case.

The applicants' case on air quality

126. Air quality is to be considered on its merits alongside all of the other benefits and harms of the proposal. That has been confirmed by the *Shirley case*. The limit values applicable for NO₂ and PM₁₀ for planning purposes are clear and well understood. CYC may prefer alternative levels but that is not a matter for this Inquiry. At the time of the officers' report, it was accepted that there was likely to be an increase in concentrations of relevant pollutants as a result of the proposals. In a 'no policy world' this would have included modelled exceedances for NO₂ in some locations, including at Edward Street. At all locations the modelled concentrations of PM₁₀ fell well below the relevant limit values.
127. However, these results were not seen as justifying a refusal of planning permission when considered in the overall planning balance. Moreover, the Council's air quality officer considered that the results at Edward Street were anomalous. This was because the concentrations modelled there were higher than some of the highest readings at the city centre bus interchange. An air quality condition requiring further modelling and mitigation was therefore put in place.
128. Following the resolution to grant planning permission the application was called in. Air quality was not identified as a reason for the call in and no further specific air quality measurements were taken. However, during the course of the Inquiry, the Council's latest readings for the AQMA as a whole became available. These are the fullest and most up-to-date readings before the Inquiry and should therefore be used. The measured figures for Edward Street are well below the previously modelled figures and also well below the relevant limits for NO₂, confirming that the modelled figures were (as suspected) anomalous. Given that these were measured figures, Dr Boswell's detailed criticisms of the model are irrelevant.

129. Having regard to the EFT guidance and the Wealden Inspector's interim findings, the Council now accepts that the impact of policy on vehicle emissions must be taken into account. When the up-to-date baseline readings are used and either the EFT v9 toolkit or the CURED 3A dataset are used, then the concentrations of both NO₂ and PM₁₀ fall well below the relevant limit levels at all relevant receptors⁵⁶. Taken together with the fact that development in this location has the potential to reduce significantly overall vehicle mileage in the AQMA, then the conclusion that it should be developed as proposed and not left fallow becomes compelling.
130. The redevelopment of this sustainable urban site should not be halted by air condition concerns. All air quality matters have been minimised as far as practical and/or can be dealt with by way of conditions. Rather than being an air quality problem, this site forms an essential part of the solution to the challenge of accommodating significant and sustainable growth in housing and jobs in the city centre.

Overall conclusion

131. The proposal before the Inquiry represents an opportunity for the planning system to address the dilemma that is Anglia Square and to unlock the potential of a site which lies at the heart of the spatial strategy for Norwich. That opportunity must now be taken.

THE CASE FOR THE LOCAL PLANNING AUTHORITY - NORWICH CITY COUNCIL⁵⁷

Introduction

132. The application was considered with great care in the report of the Head of Planning Services⁵⁸ and it was recommended, on balance, that planning permission should be granted. The Planning Applications Committee resolved to accept that recommendation on 6 December 2018. It was right to do so. It remains the Council's case that the proposal should be permitted. These submissions deal with the following:

- Background
- The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment
- The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes
- The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy
- Air quality

⁵⁶ WH20 and WH24

⁵⁷ The full closing submissions, which are summarised here, are at NCC/23

⁵⁸ CD2.15

- Viability and the prospects for delivery of the scheme as a whole
- The extent to which the proposed development is consistent with the development plan for the area
- Overview and conclusions

Background

133. Anglia Square is the most significant development opportunity in the northern part of the city centre and one of the Council's most important priorities for regeneration. Development plan policies have reflected this objective since 2004. Anglia Square is a large and highly prominent brownfield site. It is probably the most sustainably located development site in Norfolk both as a destination and a place to live⁵⁹. Its redevelopment is integral to meeting the strategic objectives for the northern city centre and the city as a whole.
134. The Council's vision has not been delivered. The physical condition of Anglia Square and levels of vacancy have continued to decline and worsen. Although the shopping centre remains important for the local community, its image is poor. Out of hours, it is unused, unwelcoming and attracts anti-social behaviour and heightened levels of crime. It blights this part of the city and undermines the role and viability of the Anglia Square/Magdalen Street LDC.
135. The Council's strategic objectives for Anglia Square and JCS Policy 11, which deals with the city centre, remain sound and consistent with Government policy in terms of promoting significant growth in sustainable locations and supporting the economic and social roles that city centres play. Following sustained decline over the last two decades the need to unlock this site for comprehensive redevelopment is now more pressing than ever. Continued dereliction is not a sustainable option and great weight should be attached to delivering the regeneration objectives for the site. The application proposal would indeed deliver those objectives.

The extent to which the proposal is consistent with the Government's policies for conserving and enhancing the historic environment

Introduction

136. At the Inquiry there was universal agreement that Norwich is one of England's great historic cities and a place of exceptional significance⁶⁰. The desirability of redeveloping Anglia Square is also common ground. Mr Neale said that Anglia Square has proved a misconceived venture and has long been seen as having harmed the character of Norwich. Mr Forshaw (SBH's heritage witness) described Anglia Square as sitting like a cuckoo in the nest within this remarkable medieval city⁶¹. Although Mr Forshaw said that Anglia Square has moderate/high archaeological/historical value, he agreed in cross-examination that he was not suggesting that this value justified failing to redevelop the site.

⁵⁹ Paragraph 3.1 of Mr Bentley's proof (NCC3/1)

⁶⁰ Paragraph 6.4 of Mr Neale's proof (HE1/1)

⁶¹ Paragraph 103 of Mr Forshaw's proof (SBH1/1)

137. The proposal would impact on the significance of NCCCA and other designated heritage assets and would result in less than substantial harm. The extent and nature of this impact has been considered in detail in the committee report and in the evidence. Contrary to the suggestion put in cross-examination of Mr Webster, the Council has assessed the effects on designated heritage assets in the light of the relevant statutory duties⁶². The Council has judged that the impacts vary in magnitude. In some cases, the impacts relate to assets which are of the highest national importance. However, in all cases the impacts amount to less than substantial harm in the terms of the Framework.
138. Overall, the Council's view is that the level of harm to heritage assets is lower than that assessed by HE, SBH and NS, although higher than that assessed by the applicant. Nevertheless, given the designated heritage assets involved, great weight should be given to conservation of those assets. Paragraph 194 of the Framework states that harm requires clear and convincing justification.
139. The Council has had regard to the heritage benefits of the scheme, the circumstances which have resulted in the deterioration of Anglia Square, the desirability that development should come forward without further delay and the prospects of an alternative form of development which would avoid or result in less harm being delivered. Having considered all these factors, the Council concludes that the harm is justified, albeit that great weight should be attached to the less than substantial impact of the development on heritage assets.

General approach

Judgements as to the extent of any harm, and in particular whether any harm is substantial or less than substantial, should be made in accordance with the *Bedford*⁶³ case and the Chiswick Curve⁶⁴ appeal decision. The Inspector in the Chiswick Curve set out the threshold for substantial harm:

"The High Court in Bedford addressed that question head-on concluding that: one was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced. To put it another way, substantial harm would be caused if: very much if not all of the significance of the asset was drained away."

140. The Inspector also gave guidance on setting impacts:

"Having regard to the conclusions in Bedford, notwithstanding questions of scale, design and prominence, substantial harm could only be caused if the heritage asset concerned derived most of its significance from its setting. It is difficult to see how very much if not all of the significance could be drained away otherwise. One can think of examples such as fortifications, eye-catchers or follies, or lighthouses, perhaps, where a good deal of the asset's significance

⁶² Paragraphs 375, 376, 425 and 587 of the officers' report (CD2.15). These paragraphs (as well as the rest of the extensive consideration of design and heritage) show that any suggestion that the committee was not properly advised is wholly misconceived

⁶³ CD12.10

⁶⁴ CD12.9, see paragraphs 12.137 and 12.145 of the report and paragraph 25 of the Secretary of State's decision

would be contained in its setting. On that basis, the PPG is not wrong, in general terms."

141. The Secretary of State accepted this reasoning. Although that decision was later challenged, the challenge is not in relation to this point. It follows that substantial harm is a high test, particularly where the impacts are confined to settings. As the Chiswick Curve Inspector observed, it is hard to see how a setting impact can cause substantial harm unless the asset concerned derives most of its significance from its setting. It follows that a judgement about the extent of harm can be made only in the context of an analysis of the significance remaining after the impact of the proposal in question. Mr Neale accepted this point in cross-examination. However, there is no evidence that either Mr Neale or Mr Forshaw carried out this part of the analysis in relation to the NCCCA or the relevant designated assets.
142. It was also agreed that the impact of the application proposals in any particular view must take account of the impact of the existing Anglia Square and the fact that such impact would be removed. The existing buildings, which would be removed, form the baseline for any assessment.

Local policy and guidance

143. Although Mr Neale suggested that the scheme had not been produced in response to the Local Plan⁶⁵, in fact local policy supports the redevelopment of Anglia Square, including tall buildings. The Northern City Centre Action Area Plan allocated the Site for comprehensive mixed-use redevelopment⁶⁶. That plan has expired. Nevertheless, JCS Policy 11 promotes comprehensive regeneration within the northern city centre. The key diagram for the city centre specifically identifies Anglia Square as an area of change with mixed-use development⁶⁷.
144. Policy DM3(a) of the DM Plan⁶⁸ promotes major development at the main gateways to the city, as shown on the proposals map⁶⁹. At the Inquiry it was common ground that the application site is a gateway site in the terms of the DM Plan. Whilst Mr Neale and Mr Forshaw expressed regret that the site is so identified, that is what the development plan says. It is clear from Policy DM3(a) and the explanatory text⁷⁰ that gateways may be marked by landmark buildings. These are defined as buildings that stand out from their surroundings. Mr Neale suggested during cross-examination that the DM Plan has a preference against tall buildings in this location. That is plainly not the case. Landmarks or tall buildings are explicitly contemplated so long as they are not "*excessively tall or large*".
145. The NCCCA Appraisal, which is consistent with the DM Plan, contains management and enhancement principles for Anglia Square⁷¹. Principle 1 is that

⁶⁵ Paragraph 9.69 of Mr Neale's proof (HE1/1)

⁶⁶ Page 67 of CD2.12,

⁶⁷ Pages 70 and 73 of CD2.2

⁶⁸ CD2.3

⁶⁹ CD12.11

⁷⁰ Paragraph 3.6 of CD2.3

⁷¹ Page 48 of CD2.10

the scale of existing buildings should be respected where the redevelopment meets existing development along Magdalen Street. However, that does not require the scale of buildings within the redevelopment to be the same as buildings along Magdalen Street. Principle 2 says that large scale buildings are appropriate near the Ring Road. The PGN (adopted in 2017) states that the rejuvenated Anglia Square should have a distinctive identity. It expressly contemplates tall buildings⁷². It is clear that the PGN does not envisage a redevelopment that would have the same form as the immediate surroundings.

The impact of the proposals – relevance of retained significance

146. The four heritage witnesses at the Inquiry have set out their conclusions and reasoning in detail. These submissions seek to assist the Secretary of State's own judgements on the evidence of the experts and on the overall heritage impact. As discussed above, a judgement as to the degree of harm can only be reached once one considers how much of the significance of an asset would be retained. Mr Webster undertook this exercise, observing that:

*"It seems logical to suggest that the conclusion of severe harm to the character of the entire city could only be reached if a much larger proportion of individual assets were experiencing major harm. There are large parts of the city centre conservation area where no view of the development can be obtained and the setting of heritage assets will be unaffected. This can be seen from the spread of verified viewpoints in figure 2."*⁷³

When the retained significance of the NCCCA (and individual heritage assets) is taken into account, it is plain that the degree of harm falls short of substantial harm.

The need to take account of benefits as well as adverse impacts

147. It is important to take account of any heritage benefits as well as heritage impacts, whether that is done as an internal balance for each asset (as *Bramshill*⁷⁴ suggests is appropriate in the context of sections 66 and 72 of the Listed Buildings Act) or as part of the public benefits which are to be balanced against any heritage harm that has been identified before considering any benefits under paragraph 196 of the Framework (as *Bramshill* suggests when applying Framework policy).

148. The heritage benefits would be substantial. It is common ground that Anglia Square blights the city. Mr Neale and Mr Forshaw agreed with the view expressed in the NCCCA Appraisal that Anglia Square is of very poor townscape quality. It severs the housing areas to the north from the rest of the historic centre and has a negative impact on the character and appearance of the wider conservation area⁷⁵. Mr Webster considered that the removal of the existing buildings, together with the undeveloped wasteland off Pitt Street, would be a

⁷² Paragraph 7.91 of CD2.11

⁷³ Paragraph 5.2 of Mr Webster's proof (NCC2/1)

⁷⁴ *City and Country Bramshill v Secretary of State* [2019] EWHC 3437 (Admin), appended to HE's closing submissions (HE11)

⁷⁵ Pages 43 and 44 of CD2.10

substantial benefit. Mr Neale accepted that the replacement would be a development of far higher quality⁷⁶.

149. The scheme would provide new streets and squares with high quality landscape treatment. Combined with the new residential accommodation, this would attract people to the area. Mr Neale accepted that the alignment of the new streets would be close to those which previously existed⁷⁷. This would increase permeability and provide a clear relationship with surrounding streets.
150. The proposal would create framed views of St Augustine's Church and the Cathedral⁷⁸, thereby contributing to the ability to experience these heritage assets. Mr Forshaw contested these benefits, arguing that the Church and Cathedral can already be seen from within the site. Even so, the present view of the Church is dominated by ugly buildings and a surface car park. The proposal would focus the view along an attractive public route. The present view of the Cathedral is from an unattractive and largely unused upper deck so it is likely to be appreciated by few. Moreover, the proposal would improve the settings of the Church and the Gildencroft almshouses by removing Sovereign House, the multi-story car park and the surface car parks. It would also bring better quality development to the west side of Magdalen Street, improving the street scene and the settings of the assets within it⁷⁹.
151. Neither Mr Neale nor Mr Forshaw took sufficient account of the effect of the existing buildings on longer views. For example, Anglia Square is very prominent in the panorama from St James' Hill (view 8). Any assessment of the impact of the scheme must take account of whether the proposal would cause greater harm than the existing buildings. It is not clear that HE or SBH have done that. For example, Mr Forshaw commented on the effect of the proposal on views 7, 8 and 10 but made no acknowledgement of the impact of the existing buildings⁸⁰.

Views identified in the Local Plan and Conservation Area Appraisal

152. Policy DM3(b) of the DM Plan states that the design of new buildings must pay careful attention to the need to protect and enhance significant long views of the major city landmarks that are identified in appendix 8 (of the DM Plan) and those identified in conservation area appraisals. The appendix 8 views specifically protect cones of vision of the major landmarks. The proposal would not impinge on any of those cones of vision and it would remain possible to appreciate the landmarks.
153. There was agreement between the experts as to the viewpoints that should be included in the compendium of views. However, few of those are referred to as positive views in the NCCCA Appraisal⁸¹. None of the views referred to in Mr

⁷⁶ Paragraphs 8.14 and 8.22 of Mr Neale's proof (HE1/1)

⁷⁷ They would also be close to the Anglo Scandinavian street pattern (WH26)

⁷⁸ Page 53 of Mr Vaughan's proof (WH1/1)

⁷⁹ Paragraphs 405 to 408 and 419 to 422 of the officers' report (CD2.15) and paragraph 3.3 of Mr Webster's rebuttal (NCC2/4)

⁸⁰ Page 7 of Mr Forshaw's proof (SBH1/1)

⁸¹ CD2.10

Neale's section on Anglia Square and its environs⁸² as experiencing negative effects is identified as a positive view in the NCCCA Appraisal. In his section on '*Intimacy of the City*'⁸³, none of the views is referred to in the NCCCA Appraisal as a positive view. Finally, in his section on the '*Image of the City*' emphasis is placed on views from the castle ramparts⁸⁴. However, again, this is not identified as a positive view in the NCCCA Appraisal.

Norwich is not immutable

154. National policy recognises that the setting of heritage assets can change over time. HE's guidance on settings recognises that changes to settings may enhance significance⁸⁵. Norwich is bound to change given its role in the development plan as a regional centre. Norwich has changed throughout its history. All periods of architecture are represented in the NCCCA, including the 19th century shoe factories north of the Wensum, the 20th century City Hall and the more recent Forum (by Michael Hopkins, much commended by Mr Neale and Mr Forshaw) facing St Peter Mancroft.
155. Mr Neale recognised this character of change, producing images of buildings of more than six storeys within the city. Whilst he said that some of those buildings affect the City negatively, he accepted that this does not mean that there must never be anything built in the north of the city which breaks the roof scape⁸⁶. Views may reasonably differ on the effects of particular tall buildings. Pablo Fanque House was permitted following a supportive design review by Design South East. Mr Webster, in contrast to HE, considers this to be a successful addition to the skyline of Norwich. There is no policy support for Mr Neale's view that any tall buildings should be ecclesiastical or civic in function. There is no reason why tall buildings (in sustainable locations) should not be residential and no reason why a tall building should not mark the regeneration of this part of the city.

Taking account of design

156. An appreciation of the design of the scheme is an important part of any assessment of its heritage impact. Mr Neale accepted that an understanding of the design of the proposal was relevant⁸⁷. HE's Guidance on Tall Buildings confirms the importance of design to the acceptability of tall buildings, including form and massing, proportion and silhouette, facing materials and detailed surface design⁸⁸. However, in contrast to Mr Webster⁸⁹, neither HE nor SBH made any detailed assessment of design. Mr Webster's approach, which assesses the heritage impact in the light of the detailed design, is the correct

⁸² Paragraphs 8.7 to 8.41 of Mr Neale's proof (HE1/1)

⁸³ Paragraphs 8.45 to 8.58 of Mr Neale's proof (HE1/1)

⁸⁴ Paragraph 8.69 of Mr Neale's proof (HE1/1) and view 12

⁸⁵ Page 4, CD11.18

⁸⁶ Mr Neale's Appendix 4 (HE1/5) and paragraphs 6.77 and 7.20 of his proof (HE1/1)

⁸⁷ Inspector's note – asked by Mr Harris whether the quality of design is relevant to the issue of impact, Mr Neale commented that it can be

⁸⁸ Paragraph 4.8 and checklist at page 8 of CD11.19

⁸⁹ Paragraph 371 of the officers' report (CD2.15)

one. Moreover, he said that particular design characteristics of the proposed tower would be seen over a considerable distance.

The need for a fair and balanced approach

157. The Council commends Mr Webster as a balanced and independent assessor of the heritage impacts. He was a conspicuously careful and fair witness, prepared to reconsider his initial conclusions in the light of others' views. For example, he said in his rebuttal evidence⁹⁰ that the impacts on Doughty's Hospital and St Augustine's Church should be amended from negligible to minor harm, having regard to the evidence of Mr Neale and Mr Forshaw. On the other hand, he said in oral evidence⁹¹ that he felt he had set his 'control dial' too sensitively. His opinion of the impact on various assets was not now quite as critical as formerly⁹².

158. The evidence of Mr Forshaw was lacking in balance. He alone asserted that the effect on the NCCCA would be substantial. Moreover, he identified what he described as a 'serious' impact on individual heritage assets in the vicinity of Anglia Square. In relation to six of the seven assets, his evidence was seriously flawed:

- In relation to St Augustine's Church and Gildencroft, he took no account of the benefit to the settings of these assets from removing the existing buildings and car parking at Anglia Square;
- In relation to the churches of St Martin at Oak and St Mary Coslany, he took no account of the extant planning permissions for redevelopment of St Mary's Works and extension of St Crispin's House, both of which would mean that the impact of the application proposals would be much reduced; and
- In relation to St George Colegate and Bacon's House he said that the new development would "*completely break the spell of being in a medieval city*" whereas modern development is already visible in views north from these assets⁹³.

159. Mr Webster considered that Mr Neale's evidence was more balanced than that of Mr Forshaw. Even so, Mr Neale's view that every medieval church in Norwich would be harmed by the proposals, a view not supported by evidence, suggests that his assessment was not wholly fair⁹⁴.

Whether there would be a substantial impact

160. No party suggested that there would be substantial harm to any listed building. Mr Forshaw, alone, contended that there would be substantial harm to the

⁹⁰ Paragraph 2.6 of NCC2/4

⁹¹ In cross-examination by Mr Williams

⁹² Inspector's note – Mr Webster made this comment in response to my questions about long views of the Cathedral

⁹³ Paragraphs 46 to 50 of Mr Forshaw's proof (SBH1/1), see also WH15 and the animation at WH27

⁹⁴ Mr Neale's Appendix 6 (HE1/7)

NCCCA. Applying the proper test, in line with the Chiswick Curve decision, that is plainly wrong. The correct approach requires an examination of the heritage interest retained as well as consideration of what is lost. Mr Forshaw relied on the Smithfield appeal decision. In that case replacement of the General Market Hall with a large block of offices and the addition of a tall office block on the Annex Market was held to cause substantial harm to the significance of the Smithfield Conservation Area as a whole. However, these buildings were part of the Western Market Buildings, of which the Inspector said:

*"This outstanding group of market buildings is of central importance to the distinctive character and appearance of the Smithfield CA, and as its most significant defining characteristic, makes a vital contribution to the significance of the CA as a whole."*⁹⁵

161. In the Smithfield case the harm arose from fundamental physical change to a set of buildings which was the most significant defining characteristic of the conservation area. The facts here are far removed from the circumstances in the Smithfield case. The contention that there would be substantial harm to the NCCCA from the present proposal is untenable.

The extent to which the proposal is consistent with the Government's policies for delivering a sufficient supply of homes

162. It is a core objective of the Framework to significantly boost the supply of homes. There is a great need for housing in Norwich. The proposal represents the most significant housing project within the city that is capable of being delivered over the next decade. It has the scope to deliver two years of Norwich's housing needs, significantly boosting the supply of homes. Furthermore, it would make a significant contribution to meeting identified local housing need in terms of size, type and tenure. Although the amount of affordable housing would be below the policy target, the 102 social rented properties and 18 intermediate homes would nevertheless make a very substantial contribution to addressing housing need in this part of the city.
163. Paragraph 117 of the Framework states that planning decisions should promote the effective use of land in meeting the need for homes and other uses and that as much use as possible should be made of previously-developed land. Paragraph 118 states that planning decisions should give substantial weight to the value of using brownfield land within settlements for homes to meet identified needs. Anglia Square is the highest profile brownfield site in the city centre. The proposal would unlock this under-used site and focus residential development in an accessible location which offers a genuine choice of transport modes, consistent with paragraph 103 of the Framework.
164. Until the introduction of the standard method of calculating housing need, the 5 year supply was measured in relation to the Norwich Policy Area⁹⁶ (NPA), which is the area of the county centred on and strongly influenced by Norwich. Since the introduction of the standard method, supply has to be calculated by reference to whole districts. The three Greater Norwich districts (Norwich,

⁹⁵ Paragraphs 408 and 433 of the Inspector's report (CD12.6)

⁹⁶ The NPA is defined in the glossary at appendix 9 of the JCS (CD2.1)

Broadland and South Norfolk) calculate the 5 year supply by reference to the Greater Norwich area, which comprises those three districts. Greater Norwich meets the 5 year supply requirement, with 5.89 years.

165. However, there is a substantial shortfall in supply in the urban area centred on Norwich. Norwich itself has just over 4 years' supply⁹⁷. If supply is calculated in relation to the JCS housing requirement the NPA has 3.36 years⁹⁸. There has been historic under-delivery against the targets set out in the JCS⁹⁹. Housing need remains high and the proposed scheme would make a major contribution to meeting the housing needs of Norwich and the surrounding urban area.

Housing mix

166. The most recent Strategic Housing Market Assessment (SHMA)¹⁰⁰ shows that about 36% of the predicted need for market and affordable housing (over 15,000 dwellings) is for one and two-bedroom flats. The housing mix proposed is mainly one and two-bedroom flats, with nine three-bedroom houses. There is therefore a significant need for housing of the type and size proposed and the development is capable of meeting a substantial part of this identified need. Moreover, 10% would be built to meet 2015 Building Regulations M4(2) for accessible and adaptable dwellings.

167. Dr Boswell argued that the scheme would not contribute sufficiently to affordable housing needs¹⁰¹. However:

- It is clear from the viability evidence that the scheme is only marginally viable and the maximum reasonable affordable housing would be provided.
- Contrary to Dr Boswell's assertion, the scheme is likely to deliver affordable housing sooner than 2024. The section 106 Agreement provides that no more than 200 units in Block A could be occupied until Block D has been completed and transferred to a Registered Provider¹⁰².
- Dr Boswell argued that the affordable housing should contain a higher proportion of two-bedroom units. Mr Turnbull (the Council's interim housing manager) showed that demand for two-bedroom flats is very low and the greatest need is for one-bedroom flats¹⁰³.
- Dr Boswell contended that houses, not flats, should be provided. Mr Parkin explained that, within the Anglia Square LDC, commercial uses need to be provided at ground floor level. It is not therefore possible for the scheme to focus on provision of houses.

168. Overall, the delivery of housing would positively support the objectives of the development plan and the Framework. Great weight should be given to the

⁹⁷ Pages 9 and 12 of the latest annual monitoring report (NCC15)

⁹⁸ As set out in NCC16, this represents a worsening of the position since the officers' report, when the supply in the NPA was reported as 4.61 years (paragraph 192 of CD2.15)

⁹⁹ Paragraph 9.5 of Mr Parkin's proof (NCC1/1)

¹⁰⁰ Figure 83, CD2.21

¹⁰¹ NGP1

¹⁰² Schedule 2 of the s106 Agreement (PID1)

¹⁰³ Paragraph 23 of Mr Turnbull's statement, at appendix 1 to Mr Parkin's rebuttal (NCC1/4)

scheme's contribution to boosting the supply of homes in Norwich. Significant weight should be given to the provision of homes of a size, type and tenure which would meet locally identified housing need, make effective use of a brownfield site and enable major residential development to be focused in a highly sustainable site.

The extent to which the proposal is consistent with the Government's policies for building a strong, competitive economy

169. The proposal would bring significant direct economic benefits together with indirect benefits through boosting the attractiveness of the city to inward investment, thereby stimulating wider changes. As it stands, Anglia Square detracts from the image of the city. Ms Tilney (the Council's economic development manager) said that she had never encountered anyone with anything positive to say about the site in its current state. The vitality of Anglia Square centre has also declined. In the early 1980s around 2,400 people worked for HMSO at Sovereign House. Gildengate House was also fully occupied. The proposal would enable new and existing businesses to invest, expand and adapt to economic change¹⁰⁴.
170. This is the largest development proposal in the city centre since the Chapelfield shopping centre, which opened in 2005. The investment of £270 million would enhance the retail and leisure functions of Anglia Square and the vitality and viability of the LDS as a whole, boost confidence in the northern city centre and help to reduce levels of deprivation in this part of Norwich.
171. There would be around 250 - 300 people directly employed during the construction phase plus a further 275 indirect jobs. Moreover, the job density on the site would be permanently increased. It is predicted that 536 - 693 full time and part time jobs could be created with a further 60 - 118 jobs generated by the increased vitality of the centre, a substantial increase on the present level of employment¹⁰⁵. The section 106 Agreement would secure a local employment strategy creating the conditions for local people and businesses to benefit from the redevelopment¹⁰⁶. Moreover, an estimated £40 million annual expenditure by over 1200 new households should also be taken into account.
172. The proposal would be a catalyst for further investment. By contrast, the existing semi-derelict empty buildings and undeveloped brownfield sites send a message of neglect and underinvestment¹⁰⁷. Some objectors suggest that the proposal would harm the image of Norwich. It is a matter of subjective judgement whether or not the City would be improved. However, the poor condition of the existing site is beyond argument. Moreover, the proposal would bring clear benefits in terms of employment and vitality, providing homes where highly skilled workers will want to live.
173. The proposal would support the economic objectives of the development plan and the Framework. Great weight should be attached to the fact that it would

¹⁰⁴ Paragraphs 3.4, 3.6 and 5.4 of Ms Tilney's proof (NCC4/1)

¹⁰⁵ Paragraphs 5.4 to 5.6 of Ms Tilney's proof (NCC4/1)

¹⁰⁶ Schedule 7 of the Agreement (PID1), see also support for existing tenants in schedule 8

¹⁰⁷ Paragraph 6.1 of Ms Tilney's proof (NCC4/1)

deliver permanent economic growth within the northern city centre regeneration area and across Norwich as a whole. Significant weight should be attached to the contribution it would make to addressing deprivation in this part of the city.

The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres

174. Anglia Square is located both within Norwich city centre¹⁰⁸ and within the Anglia Square/Magdalen Street LDC. However, it is outdated and has limited capacity to serve the LDC function. Mr Parkin explained that, whilst it performs a local function, an LDC should serve a wider catchment. The recent Greater Norwich Employment, Town Centre and Retail Study¹⁰⁹ found that the centre is aesthetically unpleasing with poor anchor stores. The study recommended that the Council should promote redevelopment incorporating retail floor space with a mixture of sizes, including larger units to enable national retailers currently located in the centre to remain, together with a new cinema.
175. The proposal would address these deficiencies. The mix of premises for shopping, leisure, hotel and office uses would create substantial new job opportunities. Together with the new residential neighbourhood, this would support the long-term viability and vitality of the LDC and enable this part of Norwich to contribute to the city's regional role. The proposed planning conditions would limit the total quantum of commercial floor space, limit the amount of floor space available for the sale of comparison goods, provide suitable premises for existing and future SMEs and bring qualitative improvement to the convenience goods retail offer.
176. The conditions suggested on behalf of Chapelfield shopping centre and Castle Quarter¹¹⁰ are unnecessary because the scheme would not compete against the main city centre. It would not be reasonable to limit the range of commercial occupiers, or to restrict the ability to merge and sub-divide units, because this would reduce the ability of the LDC to respond to changing market forces. Moreover, the suggested conditions would restrict town centre uses that are supported in policy terms and prevent relocation within the scheme of some tenants already present at Anglia Square.
177. Significant weight should be attached to the benefit of the proposal in positively supporting the long-term vitality and viability of the LDC.

Air quality

178. Having carefully considered this matter, the Council has concluded that any concerns over air quality would be addressed by measures to minimise and mitigate the impacts. National and local policy strongly supports the redevelopment of this sustainable city centre site. Any such redevelopment

¹⁰⁸ Policy 11 of the JCS

¹⁰⁹ CD2.9, quoted at paragraph 10.8 of Mr Parkin's proof (NCC1/1)

¹¹⁰ CD21.1 and CD22.19 respectively

would result in a degree of impact on air quality. In this case the impacts have been minimised to an acceptable level.

The law

179. There is no moratorium on development where air pollution levels in an area are higher than limit values. In *Shirley*¹¹¹ the Court of Appeal decided that where levels of pollutants in ambient air exceed limit values, the only obligation is to produce an Air Quality Plan. Article 23 of the Air Quality Directive provides:

"1. Where, in given zones or agglomerations, the levels of pollutants in ambient air exceed any limit value or target value, plus any relevant margin of tolerance in each case, Member States shall ensure that air quality plans are established for those zones and agglomerations in order to achieve the related limit value or target value specified in Annexes X1 and XIV.

In the event of exceedances of those limit values for which the attainment deadline is already expired, the air quality plans shall set out appropriate measures, so that the exceedance period can be kept as short as possible. The air quality plans may additionally include specific measures aiming at the protection of sensitive population groups, including children..."

180. Article 23 is transposed into UK law by Article 26 of the Air Quality Standards Regulations 2010¹¹², which provides that the Air Quality Plan must:

"include measures intended to ensure compliance with any relevant limit value within the shortest possible time..."

181. The Court in *Shirley* held that where there is a breach of limit values:

"[32] The preparation of an air quality plan is the single prescribed means of addressing the breach....

[33] This does not mean that Member States may not also adopt other measures to address a breach of [limit values], in addition to preparing and putting into effect an air quality plan complying with article 23. But nor does it mean that Member States are compelled by any provision of the Air Quality Directive to do that. A demonstrable breach of [limit values] does not generate some unspecified obligation beyond the preparation and implementation of an air quality plan that complies with article 23. The case law does not suggest, for example, that in such circumstances a Member State must ensure that land use planning powers and duties are exercised in a particular way, such as imposing a moratorium on grants of planning permission for particular forms of development, or for development of a particular scale, whose effect might be to perpetuate or increase exceedances of limit values, or by ensuring that decisions on such proposals are taken only at ministerial level."

182. The Court went on to say:

"[48] This is not to deny that the likely effects of a proposed development on air quality are material considerations in the making of the decision on the

¹¹¹ CD10.24

¹¹² SI 2010/1001

application for planning permission, to be taken into account alongside other material considerations weighing for or against the proposal...."

183. Contrary to the case put by CYC, *Gladman*¹¹³ does not affect the ruling in *Shirley* even though it was decided a few months later. This is because *Gladman* related to an appeal decision made in 2016, before there was a national Air Quality Plan or any known measures for improving air quality. In *Gladman* the Court found that the Inspector:

"[39] had to form his own judgement on these questions without knowing what measures the Government's new national air quality plan would contain - where, for example, clean air zones would be introduced - or when compliance with limit values would be secured. Nor did he know how measures taken at the national level would translate into local measures...."

[40] In the circumstances he cannot be criticized for not speculating about unknown measures to improve air quality at either national or local level, or for not venturing an opinion on any improvement in local air quality. He was entitled to rely, as he did, on the evidence before him, rather than the evidence that might have been produced but was not...."

[41] It was not within the Inspector's duty as decision maker to resolve the 'tension'....between the Government's responsibility as decision maker to comply swiftly with the limit values for air pollutants and the remaining uncertainty over the means by which, and when, the relevant targets would be met...."

184. *Gladman* established only that the decision maker could not be faulted for deciding not to speculate on the possible effects of a National Air Quality Plan and other measures to control air pollution. The situation at this Inquiry is entirely different because there is now a National Air Quality Plan¹¹⁴, there is also a plan for Norwich¹¹⁵, the Government has introduced restrictions relating to the vehicle fleet and there is guidance on emission factors¹¹⁶.
185. Dr Boswell argued that planning permission could not be granted in an AQMA unless there was clear evidence that legal levels of air quality would be delivered¹¹⁷. Dr Mills stated that, as the proposed development would be in an existing AQMA, it is imperative that it makes no addition to current pollution levels¹¹⁸. Neither proposition has any foundation in law or policy. *Shirley* establishes that, where air pollution breaches limit values, the only duty is to produce an Air Quality Plan. There is no duty to refuse planning permission unless legal levels of air quality will be delivered with a particular development. Air quality is but one of the material considerations which the decision maker must take into account¹¹⁹. The Institute of Air Quality Management advises that:

¹¹³ *Gladman Developments Ltd v SSCLG* [2019] EWCA Civ 1543, appendix 3 to Dr Boswell's proof (CYC1/3)

¹¹⁴ CD15.28

¹¹⁵ CD15.105

¹¹⁶ WH23

¹¹⁷ Paragraph 31 of opening for CYC (CYC10) and row 33 of SoCG on air quality (ID11)

¹¹⁸ Paragraph 37 of Peckham/Mills proof (CYC3/1)

¹¹⁹ Paragraph 48 of *Shirley* (CD10.24)

*"The presence of an AQMA should not halt all development, but where development is permitted, the planning system should ensure that any impacts are minimised as far as practicable."*¹²⁰

The relevance of limit values

186. CYC argued that there is no safe limit for NO₂ or particulates. Dr Mills referred to a report of the Royal College of Physicians¹²¹ and suggested that a safe level for NO₂ could be 5 micrograms/m³. However, there is a need for development and the Government has set limit values for pollutants in paragraph 181 of the Framework. These are the limits which are to be used for planning purposes. In setting them, the Government would have been aware of the research referred to by CYC. Moreover, the limit values are kept under review. The recently published Clean Air Strategy 2019¹²² sets an aspiration to reduce the number of people experiencing PM_{2.5} levels greater 10 micrograms/m³ by 50%. However, it does not set new limit values, either for particulates or for NO₂. The application should be assessed by reference to the current limit values.

The application site is the most sustainable location

187. Norwich needs development, including a significant amount of new housing. If a substantial part of that need cannot be met within the city then these homes are likely to be built on less sustainable sites in the Greater Norwich area. There was no challenge to the Council's evidence that this is the most sustainable major development site in the City¹²³. Its location on the fringe of the city centre enables high levels of accessibility by all modes of travel and its proximity to facilities and transport hubs creates the very best conditions for promoting sustainable travel behaviour.

188. Locating development on highly sustainable brownfield sites such as this minimises vehicle emissions because it reduces the need to travel by car. Future residents of Anglia Square would be less likely to use their cars for work, shopping and other trips because public transport is excellent and facilities are available nearby. Existing residents in the surrounding area would have a better range of shops and other facilities within walking distance. However, CYC's case on air quality took no account of the need for development or the sustainability of this location. Dr Mills suggested that the site would be better developed as a park¹²⁴ and that, if development was needed, it should be located away from the urban area. If that approach were adopted the result would be more vehicle emissions and more air pollution, not less.

189. Planning policy prioritises development in sustainable urban locations, particularly on brownfield sites. Locations such as this are likely to experience greater levels of air pollution than green field sites out of town. That is inevitable and is not a reason to reverse the policy presumption in favour of

¹²⁰ Paragraph 8.3 of Land-Use Planning & Development Control: Planning for Air Quality (CD15.108)

¹²¹ Every Breath We Take (CD15.11)

¹²² CD15.28

¹²³ Paragraph 485 of the officers' report (CD2.15)

¹²⁴ Paragraph 41 of Peckham/Mills rebuttal (CYC3/4)

developing sustainable urban sites. The issue here is whether, having regard to the existing urban context, there is any air quality reason to refuse permission. No such reason exists.

Taking account of the impact of Government policy on emission factors

190. In the officers' report, future air quality was assessed without taking account of potential reductions in vehicle emissions associated with changes in engine and fuel technology¹²⁵. It is now clear that this approach is too conservative. CYC accepted that the assessment with the development in place should take account of future reductions in accordance with Government policy. The Government has stated that EFT is a tool which allows emissions for a particular year to be calculated¹²⁶. This amounts to a clear Government policy that anticipated reductions in emissions should, indeed, be taken into account.
191. It is therefore unsurprising that the Inspector examining the Wealden Local Plan concluded that it would be unreasonable and lacking in scientific credibility to assume no improvements over time. The Inspector referred to reservations about EFT v9 and commended use of CURED v3A as being conservative and consistent with the precautionary principle established in relation to Habitats Regulations Assessment¹²⁷. (In this case there is no statutory requirement to take a precautionary approach). Moreover, Dr Mills himself suggested using CURED v3A as a sensitivity test¹²⁸. On any reasonable view, it is appropriate to predict air quality with the development in place using CURED v3A. Dr Boswell's criticism of CURED v3A was not credible.

The results of the assessment of NO₂

192. The evidence of Ms Hobson shows the impacts of the proposal¹²⁹. The assessments take account of monitoring data from 2017 (provided by the applicant) and 2018 (provided by the Council), as used in versions 2 and 3 of the air quality assessment, as well as the Council's full year's monitoring for 2019¹³⁰. There was no suggestion of exceedances of NO₂ limit values in relation to any of the first floor residential accommodation within the scheme.
193. The only ground floor residential accommodation in the scheme would be in Block B, which corresponds to receptor location H (Edward Street). The assessment examined NO₂ levels at that location and also at existing housing at Edward Street and Dalymond Court. CURED v3A modelling based on the 2018 and 2019 monitoring shows NO₂ well below the limit value of 40 micrograms/m³ at all these locations¹³¹. Only the modelling based on the 2017 monitoring suggests levels in any location higher than the limit value.

¹²⁵ Paragraphs 509 to 525 (CD2.15)

¹²⁶ Emissions Factor Toolkit v9 (WH23)

¹²⁷ Paragraphs 7 and 8 of CD10.23

¹²⁸ Paragraph 21 and 22 of Peckham/Mills rebuttal (CYC3/4)

¹²⁹ WH20 and WH24

¹³⁰ Appended to the Air Quality SoCG (ID11)

¹³¹ The same outcome is reached when Edward Street is assumed to be a canyon, although Ms Hobson stated that this assumption makes a difference of only 0.1 microgram/m³

194. The 2017 monitoring at Edward Street was carried out for only three months (contrary to guidance in TG16¹³²) and is therefore less reliable than the Council's 2019 monitoring which was for 12 months. This showed an annual mean NO₂ level of 26 micrograms/m³, confirming the view of Ms Oldfield (the Council's Public Protection Officer) that the 2017 results were not representative¹³³. Overall, the assessments show that air quality in Edward Street, at receptors within the scheme and at existing residential accommodation, would be well within the limit values and entirely acceptable.
195. The 2017 monitoring showed a high result at a location in Magdalen Street¹³⁴. However, that result was also unrepresentative. The monitoring location was at the kerbside, in front of a bus stop where bus movements may be expected to create a hotspot. The 2019 monitoring at various locations on Magdalen Street¹³⁵ shows all results below the limit value of 40 micrograms/m³. The assessments also considered the effect on ground floor residential accommodation in St Augustines Street. There is no cause for concern here. With the development in place, the CURED v3A modelling shows NO₂ levels well below the limit value, whether based on 2018 or 2019 monitoring data.

Bias factors

196. The Council's 2019 Air Quality Annual Status Report¹³⁶ applied a local bias factor (as opposed to the national bias factor) to the 2018 monitoring data. This approach was criticised by CYC. Dr Boswell submitted a note on the topic, to which the applicants and the Council have submitted a joint response¹³⁷. In summary, use of a local bias factor was appropriate because of good correlation between diffusion tube results and the Lakenfield chemiluminescent analyser (which is part of DEFRA's Automatic Urban and Rural Network) and because there was only a limited number of results within the national database. Moreover, DEFRA has approved the Annual Status Report and must therefore have been satisfied with the use of a local bias factor.
197. In any event, even if the national bias factor of 0.89 had been used (rather than the local bias factor of 0.86 applied by the Council), it would have changed the results by only 3%, which would make no material difference. Dr Boswell suggested that a higher "national" bias factor should be derived by excluding from the national database results from Redcar and Cleveland. This would be a misuse of the national dataset which is published by DEFRA with the intention that it be used in a consistent way.

Particulate matter

198. All projections show levels of PM₁₀ and PM_{2.5} well below the current Government target levels. The 2019 Annual Status Report results for Lakenfield and Castle

¹³² Paragraph 7.123 (CD11.37)

¹³³ Paragraph 3.4 of Ms Oldfield's rebuttal (NCC6/4)

¹³⁴ 70 micrograms/m³ at monitoring location H

¹³⁵ Results for DT6 at table 3 on page 9 of Air Quality Assessment v3 (location shown on the plan at page 14) (WH8/3); the Council's 2019 monitoring at points DT2 and DT3, shown in the table appended to the Air Quality SoCG (ID11)

¹³⁶ CD15.126

¹³⁷ CYC11 and ID17 respectively

Meadow (which has the worst air quality in the city) show PM_{2.5} levels no higher than the World Health Organisation limit of 10 micrograms/m³. As Ms Oldfield said, these results are encouraging for Norwich.

Conclusion on air quality

199. Overall, the evidence shows clearly that planning permission for the proposed development should not be refused because of air quality concerns.

Viability

200. It is now agreed between the valuers advising the applicant, the Council and HE that the scheme is viable, albeit marginally so¹³⁸. The Council has carefully considered viability throughout the planning process, with input from Mr Williams (Head of Viability at the Valuation Office Agency). At the time the Council considered the application Mr Williams thought that the scheme would be viable and deliverable. Having reviewed the updated valuation evidence from the applicant, and the evidence of HE, he remains of that view.

201. Following a review of costs and values by Deloitte, on behalf of Homes England, the Government has decided to make an exceptionally high HIF grant of £15 million. Mr Luder described the detailed level of scrutiny exercised by Deloitte. The outcome of the HIF process supports the conclusion that the scheme is deliverable. Although this is dependent on relief from CIL, the Council has a policy for granting relief in exceptional circumstances¹³⁹. Mr Truss explained that putting such a policy in place was a condition of the HIF grant. Given the Council's support for the scheme, there must be a good prospect of CIL relief being granted. Overall, the Council remains of the view that the proposal is both viable and deliverable.

The prospects for completion of the scheme as a whole

202. There is every reason to think that the scheme would be completed as a whole, for the following reasons:

- Planning Practice Guidance refers to an appropriate return being in the range 15 to 20%. The return of 15% anticipated here is within that range.
- The internal rate of return would be 20%, which is also healthy. Mr Truss said that this return could only be achieved if the project is completed.
- The greatest costs, including demolition of the car park and Sovereign House, relocation of Surrey Chapel, works to Pitt Street, archaeology and decontamination, would be incurred early in the development process. These works would be supported by HIF funding.
- Thereafter (as all three valuers agreed) the scheme would be largely de-risked, such that the profit would arise particularly in later stages of the scheme.

¹³⁸ ID10

¹³⁹ CD2.16

- Removal of the existing car parking early on would increase the value of the car parking to be provided within the scheme itself.
- The phasing would militate against the project stalling. Blocks E and F would be of high value to the developer, because no demolition is required.
- The contract governing the HIF funding¹⁴⁰ provides that the funds could be clawed back if the development is not completed.
- Weston Homes is a vertically integrated company, acting as developer and contractor. The commitment of significant staff resources to the project would incentivise Weston Homes to continue selling homes and to complete the project.
- The landowner, Columbia Threadneedle, is participating with Weston Homes in a joint venture, with both organisations taking a long-term view.

203. In summary, the Council is satisfied that there is a good prospect that the scheme would be completed as a whole.

The extent to which the development is consistent with the development plan for the area

Strategic regeneration

204. Securing redevelopment of Anglia Square is a long held strategic objective. Policy 11 of the JCS establishes the regeneration of the northern city centre, including Anglia Square, as a planning policy objective. The site is highly constrained and supports an operational shopping centre. The costs of developing this site are exceptionally high, the time-lag between costs being incurred and new development being sold is considerable and current values are low. Consequently, viability constraints are such that any regeneration of the site will require compromises to be made.

205. Nevertheless, the Council considers that delivery of the proposal would positively support the objectives of JCS Policies 4 (housing delivery), 5 (the economy), 7 (supporting communities) and 11 (Norwich city centre). It would also support DM Plan Policies DM1 (achieving sustainable development), DM12 (ensuring well-planned housing), DM16 (supporting the needs of business), DM18 (promoting and supporting centres) and DM28 (encouraging sustainable travel). The proposal is viable and would enable the strategic regeneration objectives for the site to be achieved. Great positive weight should be attached to this factor.

Sustainability

206. The application site is the most sustainable development site in Norwich. Development plan policies relating to sustainability include JCS Policies 1 and 3 and DM Plan Policies DM1, DM3, DM6, DM7, DM8 and DM28. New residents would have direct access to shops, cafes and other services within Anglia Square. They would be able to walk easily into the city centre. Cycle networks and bus routes passing along Magdalen Street would benefit residents, shoppers

¹⁴⁰ NCC18

and visitors. This location provides the very best opportunities for reducing the overall need to travel and reducing dependency on private cars¹⁴¹.

207. The amount of residential parking proposed (0.75 spaces per unit) is within the range contemplated by policy. There is provision for a review of parking after the first phase, so that there is no overprovision in the later stages. The new 600 space public car park would be a reduction in the current total of 1,192, albeit that spaces in the multi-storey car park are now closed. The proposal would increase the usable provision on the site by about 100 spaces. This would not take the overall public car parking in the city centre over the 10,000 limit set by Policy DM29 because temporary planning permissions for alternative parking would expire before that limit is reached¹⁴².
208. Measures to promote sustainable travel would include 3m pedestrian/cycleways along Edward Street and Pitt Street, residential and commercial travel plans, cycle parking, the provision of car club vehicles and electric vehicle charging points. The energy strategy includes the provision of heat pumps to meet 18% of the energy for the whole development, exceeding the requirements of JCS Policy 3. The Addendum to the Energy Statement¹⁴³ indicates that it would be feasible to use communal air source heat pumps for the flats, rather than gas boilers.
209. A substantial level of tree planting is proposed within and around the scheme, which would enhance the streetscape and assist in mitigating air pollution. The landscape strategy includes podium gardens and extensive green roof provision. This would result in a substantial ecological enhancement of a site which is currently devoid of green areas, consistent with DM Plan Policy DM6. Significant weight should be attached to the sustainability benefits of focusing mixed-use development in this location and minor weight to the environmental benefits of the proposed landscape strategy.
210. Policy DM1 is an overarching policy which seeks to achieve sustainable development. One of its objectives is to protect and enhance heritage assets. However, although heritage harm has been identified, it does not follow that there would necessarily be conflict with DM1 overall. Having regard to all the objectives of the policy, Mr Parkin (the Council's planning witness) concluded that there would be no conflict with DM1 or with the development plan as a whole. In any event, even if there were a conflict with the development plan by reason of heritage harm, the public benefits of the scheme would still have to be weighed against such harm pursuant to paragraph 196 of the Framework.

Healthy, safe and inclusive communities

211. Development plan policies promote healthy and safe communities, seeking to maximise opportunities for improved health and well-being and to safeguard the interests of the elderly and vulnerable groups. The proposal would create well used streets and public spaces which would discourage crime and antisocial

¹⁴¹ Paragraph 485 of the officers' report (CD2.15); paragraph 3.1 of Mr Bentley's proof (NCC3/1)

¹⁴² Paragraphs 5.7 to 5.10 and 5.13 of Mr Bentley's proof (NCC3/1)

¹⁴³ Appendix 3, WH4/3

behaviour. The public realm and communal gardens would be accessible spaces for sitting, socialising and play. The proposal includes new homes (including affordable homes), a replacement chapel, new shops and leisure facilities, public toilets and a Changing Places facility. Provision would be made for mobility scooters. Taken together, these measures would be beneficial to health, well-being and inclusivity. Significant weight should be attached to the creation of a healthy, inclusive and safe place in accordance with JCS Policy 7 and DM Plan Policies DM1, DM2 and DM3.

212. A Building for Life assessment has identified substantial strengths of the design. The proposal would replace negative features with a new neighbourhood with its own distinct character. It would create a bold, modern, high density and unashamedly urban mixed-use quarter for Norwich. Public spaces would be animated by public activities, creating connections for pedestrians and cyclists and opening up the site¹⁴⁴. The tower would give further distinction, symbolising the regeneration of this part of the city. Moderate weight should be given to the benefits of the design approach and its impact on its surroundings.

Policy relating to preservation of heritage assets

213. JCS Policy 2 and DM Plan Policy DM9 deal with the preservation of heritage assets. Policy DM9 states that development:

"shall maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets and that of any other heritage assets"

214. Policy DM3(a) allows for development of tall buildings at gateways but the DM Plan emphasises the need for sensitivity and the need to avoid *"excessively tall buildings."* Mr Webster¹⁴⁵ agreed that he had identified harm to views from the approach to the city along St Augustines Street. Policy DM3(b) requires the design of new buildings to pay careful attention to the need to protect and enhance the long views identified at appendix 8 and DM3(c) requires respect for character and local distinctiveness. Mr Webster agreed there was tension in relation to those policies. In relation to DM3(b) he commented that, although the proposals would provide a degree of distraction from the views at appendix 8, in some ways they would enrich those views. In relation to DM3(c) he emphasised the efforts the applicants had made to integrate the development within its surroundings. He said that as much as possible had been done having regard to the need to produce a viable scheme.
215. Mr Webster also agreed that there would be some conflict with the guidance in the NCCCA Appraisal¹⁴⁶, although he drew attention to the benefits of removing the existing buildings, reinstating the historic street pattern and providing views of the Church of St Augustine and the Cathedral. Overall, whilst there would be some heritage benefits, these would be considerably outweighed by the less than substantial harm to heritage assets. Policy DM9 allows for harm to the significance of heritage assets but makes clear (in relation to designated assets)

¹⁴⁴ Illustrated by images at NCC14

¹⁴⁵ Inspector's note – these points were agreed by Mr Webster in answer to questions from Mr Williams

¹⁴⁶ CD2.10

that this should be in "*exceptional*" circumstances. The Council considers that the justification for the scheme meets this test. Nevertheless, it is accepted that great weight should be attached to the harm identified, in accordance with national policy.

Conclusions on the development plan

216. In summary, the proposal is broadly consistent with the development plan. Where conflict arises there are material considerations of sufficient weight to justify granting planning permission.

Overview and conclusion

217. This is the most sustainable development site in Norwich, capable of making a great contribution to meeting housing needs. As part of an LDC, it should also be meeting the retail and service needs of a wider catchment. At present it is not fulfilling any of these roles. Moreover, it is unsightly and its semi-derelict appearance can only worsen over time. The proposal would regenerate the site with a scheme of architectural distinction, contribute to meeting housing needs and enhance its retail role.
218. There is no reasonable prospect of any alternative scheme being practicable. Mr Neale accepted that the Ash Sakula proposals are not viable¹⁴⁷ and that there is no reason to think that the position will change. The choice is, therefore, to permit the proposal or contemplate the continuation of the existing situation with the prospect of further decline. The Council's view is that continuance of the present situation is not tolerable and the merits of the proposal before the Inquiry are sufficient to justify the grant of planning permission.
219. Anglia Square has detracted from the NCCCA for far too long. Attempts to secure redevelopment have failed over the past 20 years. The HIF funding that has been agreed comes from a fund that is now closed and is not transferable to other projects. There is now a real opportunity to regenerate the site through a joint venture between the landowner and a developer, with support from the Council. That opportunity should be taken.
220. In conclusion, the proposal would deliver great economic, social and environmental benefits, meeting all of the Government's sustainability objectives. Of course, the Council recognises that Norwich has a remarkable historic centre and that great weight should be given to the conservation of the historic environment. However, the benefits of the scheme are, cumulatively, sufficient to outweigh the harm to the historic environment and planning permission should therefore be granted.

THE CASE FOR HISTORIC ENGLAND (RULE 6 PARTY)¹⁴⁸

Introduction

221. HE attended the Inquiry to inform the Secretary of State of its views on the extent to which the proposed development is consistent with national and local

¹⁴⁷ Paragraph 10.13 of Mr Neale's proof (HE1/1)

¹⁴⁸ This is a summary of the closing submissions which are at HE11

policy on conserving and enhancing the historic environment. HE's duties include securing the preservation of ancient monuments and historic buildings and promoting the preservation and enhancement of the character and appearance of conservation areas. It is the Government's principal adviser on the historic environment. Evidence on behalf of HE was given by Mr Neale (Head of Development Advice for HE).

Statutory duties and relevant legal principles

222. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA1990) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 69(1) of LBA1990 requires local planning authorities to designate as conservation areas those parts of its area that are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Section 72(1) then requires a planning decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
223. The Court of Appeal in *Barnwell Manor*¹⁴⁹ reiterated that preserving means doing no harm. If any harm is caused, including to the setting of a listed building, the decision maker must give that harm considerable importance and weight. The effect of the duty is to raise a strong presumption against granting planning permission for development that causes harm precisely because the desirability of preserving the character or appearance of the area – or the listed building and its setting – is a consideration of considerable importance and weight.
224. If harm is caused to such assets there is a need to consider alternative less harmful uses of the same site (see *Gibson*¹⁵⁰ and *Forge Field*¹⁵¹). In *Gibson*, the judgement says:

"[69]....I do not doubt the correctness of what was said by Lindblom J, as he then was, in the context of heritage harm in [Forge Field] when he said this at [56]:

If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.

[70] Whilst that observation was made in the context of harm to heritage assets and the need to consider alternative sites, I accept that there is a need to consider alternative, less harmful, uses of the same site when evaluating a

¹⁴⁹ Paragraphs 22 to 23 of *East Northamptonshire DC and Barnwell Manor Wind Energy Ltd v SSHCLG* (CD11.21)

¹⁵⁰ *R(Gibson) v Waverley BC* [2015] EWHC 3784 (Admin) per Foskett J (appended to HE11)

¹⁵¹ *R (Forge Field Society) v Sevenoaks DC* (CD11.21)

proposal that would cause harm to a heritage asset: R (Langley Park School for Girls Governing body) v Bromley LBC [2010] 1 P&CR 10 at [44-46]. However, the way in which that evaluation may be carried out will vary from case to case. The planning history from 2005 onwards in this case spoke for itself and it was fully articulated in the officers' report. It was, of course, a "material consideration" in any event."

225. The force of the point is that where a statute raises a strong presumption against harm to designated heritage assets, and the decision maker finds a proposal would cause harm to such assets, he should consider whether that harm could be avoided or reduced. That is part of the balancing exercise that results from the presumption.
226. In *Mordue*¹⁵² the Court of Appeal held that, generally, a decision maker who works through paragraphs 192 to 196 of the Framework will comply with the above statutory duties. In *Bramshill*¹⁵³ the High Court found that the correct approach under the Framework was not to undertake a net or internal heritage balance but, instead, to lay out all of the harm and all of the benefits. However, in relation to the duties under sections 66 and 72 of LBA1990, it is permissible to take an overall view of the heritage effects in relation to a particular asset.
227. The Framework addresses the particular desirability of preserving heritage assets. Whilst other benefits are clearly identified as relevant to the balancing of harm and benefit under paragraph 196, they have no stipulated weight. Paragraph 193 of the Framework requires decision makers to give great weight to the asset's conservation – the more important the asset the greater the weight. Paragraph 194 states that any harm to the significance of a designated asset requires a clear and convincing justification. Conservation is defined as:

"the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance."
228. HE has published Guidance Notes on The Setting of Heritage Assets (GPA3) and Tall Buildings¹⁵⁴ which are relevant and referred to by all heritage witnesses.
229. To apply the Framework properly, the decision maker should clearly identify any heritage harm and any heritage benefits. The harm and benefits should not be netted off, but each should be quantified and weighed, bearing in mind the need to give considerable importance and weight to the harm. Any benefits should be taken into account as part of the balancing exercise under paragraph 196. However, Dr Miele (the applicant's heritage witness) and Mr Webster (the Council's heritage witness) have given quantifications of impact that balance benefits against harm. This must be recognised because, when separated, the harm found will inevitably be greater.

The quantification of harm

¹⁵² *Mordue v SSCLG* [2016] 1 WLR 2682 (appended to HE11)

¹⁵³ *City and Country Bramshill Ltd v SSHCLG* [2019] EWHC 3437 (Admin) 3437 (appended to HE11 and paragraphs 118 to 120 of the judgement reproduced at paragraph 10 of HE11)

¹⁵⁴ CD11.18 and CD11.19 respectively

230. There is no need to overcomplicate this exercise which is a matter of judgement for the decision maker. That judgement must however be reached in line with the law set out above and having regard to policy. The Framework sets out different balancing exercises in relation to substantial harm and less than substantial harm. HE considers that the harm caused to designated heritage assets in this case would be less than substantial.

231. Planning Practice Guidance advises that:

*"what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting....within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."*¹⁵⁵

232. The first task is therefore to identify the significance of the asset, including the contribution to significance made through setting. In *Bedford*¹⁵⁶ the concept of substantial harm was found to require the significance of the asset to be vitiated altogether or very much reduced. That is a matter of judgement. It should be recognised that *Bedford* was a decision considering the meaning of substantial harm having regard to previous guidance (which no longer exists) on the facts of that individual case. The existing guidance is set out in the Planning Practice Guidance, which is a material consideration.

233. It was put to Mr Neale that, where an asset retains considerable significance in its fabric, then there could hardly ever be substantial harm through development in the setting as its significance would not be altogether vitiated (or something close to that). This was then used to set the upper boundary of less than substantial harm at close to total vitiation of the significance of the asset. This approach makes the decision maker's task unnecessarily complicated. The critical exercise is to understand significance (including the contribution of setting) and then reach a judgment as to the degree of harm caused to that significance. Mr Neale agreed that, whilst it is relevant to understand the extent of significance retained, that cannot define the impact. The impact is the extent to which the significance is reduced.

234. In this case there would be direct harm to the NCCCA and indirect harm to a large number of listed buildings. In relation to the listed buildings, it is common ground that the approach in GPA3 is correct. This requires the assessment of the degree to which the setting contributes to significance before the assessment of the impact on significance.

235. The applicants refer to the Chiswick Curve appeal decision¹⁵⁷. There, the Inspector noted that substantial harm to a conservation area could be caused by the removal of an important building within it. It must follow that introduction of a new important (but harmful) building could do the same. Giving examples of when there may be a serious reduction in significance is not

¹⁵⁵ Reference ID: 18a – 18 -20190723

¹⁵⁶ CD12.10

¹⁵⁷ CD12.9

particularly helpful from one case to another and does not reflect Government policy or Planning Practice Guidance. What matters is the assessment of significance and the impact to it. This is also true of the Smithfield Market decision¹⁵⁸ (referred to by SBH) where a very different judgement was reached on the facts of that particular case. In this case HE does not find substantial harm. The real question is the degree of harm to the significance of various heritage assets.

236. The relevant impact on the NCCCA is the impact on its significance, which means:

"the value of a heritage asset to this and future generations because of its heritage interest".

What needs to be understood is the heritage or historic interest of the NCCCA. Section 72 of LBA1990 is not seeking to preserve the general character and appearance of the NCCCA but that which confers on it its special interest. It is for this reason that Dr Miele was correct to distinguish heritage benefits (such as the enhancement of the significance of the conservation area) from general townscape benefits. For example, he argues that the tower would be beneficial in townscape terms for its intrinsic architectural qualities and its wayfinding function¹⁵⁹. That would be a public benefit but not a heritage benefit.

237. This distinction is important because the justification for the harm caused to designated heritage assets rests heavily on the arguments of wayfinding and legibility. Harm to the special interest of the NCCCA attracts considerable importance and weight. The same is not true of a general townscape benefit. Nor can such a general benefit mitigate or reduce such harm. It can only be put on the other side of the balance. It is also worth pointing out that the wayfinding arguments only relate to a justification for the tower. No such argument is advanced in relation to the overall bulk and height of the other blocks which (on HE's case) would also cause considerable heritage harm.
238. It is agreed that the baseline for the assessment is the existing situation, within which Anglia Square is a negative influence on the significance of the NCCCA. If the proposal would cause additional harm to the significance of the NCCCA, or to the significance of any listed building, then LBA1990 raises a strong presumption against it. In addition, the redevelopment of a negative site presents an opportunity to enhance the significance of the conservation area.

Local policy

239. The DM Plan contains policies that establish a number of development control tests. Taken together, the policies require the protection and enhancement of the historic environment and that opportunities for its enhancement are maximised. Anglia Square is seen as a significant opportunity for enhancement. On the Council's case, the proposal would fail to enhance the NCCCA. Indeed it would cause harm to the NCCCA and harm (up to major harm) to listed buildings. That would represent significant non-compliance with the

¹⁵⁸ CD12.6

¹⁵⁹ Paragraph 8.86 of Dr Miele's proof (WH2/1)

development plan. The evidence of Mr Neale sets out the policies of particular relevance to heritage issues¹⁶⁰. The following are highlighted:

- DM1 seeks to achieve sustainable development. It expects development to (among other things) protect and enhance the physical, environmental and heritage assets of the city.
- DM3(a) states that proposals in major gateways must respect the location and context of the gateway. Landmark buildings should be of exceptional quality. Paragraph 3.6 notes that landmarks can be achieved by design (rather than height) and that the expectation of the policy is that gateway sites should be marked by development of exceptionally high quality which relies for its distinctiveness on design aspects other than size and height.
- DM3(b) states that the design of new buildings must pay careful attention to the need to protect and enhance the significant long views of the major landmarks (which are identified in appendix 8).
- DM3(c) states that proposals should respect, enhance and respond to the character and local distinctiveness of the area. The design of all development must have regard to the character of the surrounding neighbourhood and the elements contributing to its overall sense of place, giving significant weight to the uses and activities around it, the historic context of the site, historic street patterns, plot boundaries, block sizes, height and materials.
- DM9 states that development shall maximise opportunities to preserve, enhance, or better reveal the significance of designated heritage assets.

240. There are development control tests that relate to heritage assets in DM1, DM3 and DM9. These are reinforced by JCS Policies 1 and 2. The supporting text to DM3 recognises that the character of Norwich is a product of its 1,000 year history, characterised by a tight urban form and a historic townscape of particularly high quality. The requirement to protect the historic environment runs throughout the development plan. The second bullet point of Policy DM1 is to

"protect and enhance the physical, environmental and heritage assets of the city."

In determining applications, equal weight must be afforded to the economic, environmental and social dimensions of sustainability. Paragraph 1.8 identifies that development and economic growth, though desirable and necessary, is not by itself sustainable – Norwich will not benefit from badly designed, inappropriately located or poorly conceived proposals.

241. This essential balance runs through the development control tests for residential and economic development. For example, DM18 states that development for main town centre uses in LDCs will be permitted where it does not conflict with the overall sustainable development criteria set out in policy DM1. The same

¹⁶⁰ Paragraph 5.21 (and following) introduces the relevant policies and paragraph 9.30 (and following) considers compliance (HE1/1)

balancing consideration is found in DM19 (relating to office development) and DM12 (relating to residential development). The overall sustainability balance is to be struck with heritage protection at the forefront, which is unsurprising in such a historic city centre.

242. There is nothing in the development plan that waters down the clear protection to heritage assets afforded by policies DM1, DM3, DM9, JCS Policy 1 and JCS Policy 2. There will only be compliance with DM12, DM18, and DM19 if there is also compliance with the criteria of DM1. This is important to bear in mind when considering whether the proposals comply with the development plan as a whole. Each application must be assessed against DM3 and DM9. If they fail these policies there will be a breach of the plan. Mr Parkin confirmed that these policies provide a strong basis for refusal¹⁶¹.
243. There is nothing in development plan policy that identifies Anglia Square as appropriate for a tall building. It is identified as an area for change in the City Centre Key Diagram¹⁶² but there is no requirement that it must deliver a particular amount of development. Working through the JCS policies, the protection of the historic environment is a constant theme:
 - Policy 1 states that heritage assets and the wider historic environment will be conserved and enhanced;
 - Policy 2 requires development proposals to respect the historic environment taking into account conservation area appraisals;
 - Policy 11, whilst identifying areas for comprehensive regeneration, requires such regeneration to enhance the historic city, including its distinctive character as identified in conservation area appraisals; and
 - There is no policy which specifies a quantum, scale or form of development for Anglia Square.
244. The more recent PGN, which was developed alongside the pre-application proposals, has not changed this position. It makes clear that the site provides an opportunity for significant enhancement of the NCCCA. The PGN does not express any tolerance for harm, rather it speaks in positive terms of improving views, respecting the existing scale of development and respecting the settings of historic assets. The PGN is intended to guide the redevelopment of Anglia Square in a way that accords with the development plan¹⁶³. For the reasons set out above, the proposal does not meet that intention.
245. The NCCCA Appraisal is also highly relevant. It contains a summary of the key characteristics of the NCCCA together with policies and guidance that have been framed to protect these characteristics¹⁶⁴. Dr Miele and Mr Webster agreed that considering a proposal against these policies and guidelines would provide a good basis for assessing whether that proposal protects the significance of the NCCCA. However, it is not an exercise that Dr Miele has undertaken. Mr Webster

¹⁶¹ Paragraph 12.3 of Mr Parkin's proof (NCC1/1)

¹⁶² Page 73 of the JCS (CD2.2)

¹⁶³ Paragraphs 7.86, 7.88, 7.96 and 9.2 of the PGN (CD2.11)

¹⁶⁴ Pages 26 to 30 of CD2.10

has done so, identifying numerous shortcomings¹⁶⁵. The policies of particular significance are:

- B2 - retain historic street patterns and reinstate building lines. In areas of low significance historic building lines must be reinstated.
- B4 - enhance the setting of the city walls.
- C1 - removal of negative landmarks.
- C2 - preserving and enhancing views of citywide and local landmarks. Redevelopment proposals which block or detrimentally affect views of the citywide landmarks (the Castle, the Anglican Cathedral, the Roman Catholic Cathedral, St Peter Mancroft, City Hall and St Giles Church) will not be approved.
- D2 - appropriate scale of new buildings. Development proposals must respect their context and be of an appropriate scale. In 'Significant areas' and areas of 'Low significance'¹⁶⁶ the prevailing scale of existing traditional buildings should be respected, but the careful siting of taller buildings and use of larger scaled buildings in appropriate locations will be encouraged, provided that they do not negatively impact on important views of citywide and local landmarks or affect the setting of Listed Buildings.
- D3 - integration with context/grain. Design and access statements must demonstrate how the development proposal respects the surrounding buildings, landscape features and movement routes and how it integrates with its surroundings. For large scale redevelopment proposals it may be a case of showing how the proposals will be reinstating a lost context or urban grain.

Impact on significance - overview

246. There is a considerable body of evidence before the Inquiry relating to a large number of heritage assets. These submissions do not seek to summarise that evidence. Rather, they consider the critical steps of the assessment and the matters which indicate that the judgements of Mr Neale are to be preferred. This is an unusual case in that all parties find material harm to assets of the highest significance. The disagreements are about the degree of harm and the number of assets affected. The proposed tower would be the second tallest building in Norwich after the Cathedral.

247. Dr Miele finds the least harm. Nonetheless, he finds material harm to the Cathedral, Church of St Simon and St Jude, Church of St Clement, Church of St George and Church of St Augustine, all of which are Grade I listed. He also finds harm to Nos 11 and 13 Fye Bridge Street and Bacon's House, which are Grade II* listed.

¹⁶⁵ Paragraph 428 of the officers' report (CD2.15)

¹⁶⁶ Inspector's note – the terms 'significant areas' and 'low significance' are used and defined in the NCCCA Appraisal which pre-dates the Framework.

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248. Mr Webster¹⁶⁷ finds harm to 4 of the 6 city landmarks, including moderate harm to the Anglican Cathedral and the Roman Catholic Cathedral and material harm to the Castle and City Hall. He finds net material harm to 11 out of the 16 Grade I listed buildings affected, including major harm to the Church of St Clements. He finds material harm to all 3 scheduled ancient monuments affected by the proposal. He also finds major harm to a number of groupings within the NCCCA – the St Augustines Street group, the Fye Bridge Street group and the Wensum Street group. Even including his assessment of benefits, he finds minor to moderate harm to the NCCCA as a whole.
249. Mr Neale¹⁶⁸ sets out harm and benefit separately rather than presenting a net or internal balance. His assessment includes harm to 16 Grade I listed buildings, and 3 Scheduled Ancient Monuments. He finds severe harm to the NCCCA as a whole. This is equivalent to Mr Webster's major harm, the highest of his three tiers of less than substantial harm.
250. Mr Forshaw¹⁶⁹ (on behalf of SBH) finds substantial harm to the significance of the NCCCA and serious harm to a number of assets. Compared with the assessments of HE and the Council, he finds harm to a higher degree and harm to additional assets. The assets in question include the Church of St Augustine, Gildencroft, St Martin at Oak, St Mary's Coslany, St George's Colegate, Bacon's House and Doughty's Hospital.
251. Whilst there is a range of views, one has a sense of the implications of this development when all of the heritage experts find material harm to the Cathedral, an asset of universally acclaimed exceptional significance. The Framework seeks to protect all designated assets, the strength of the presumption being greater in relation to assets of the highest significance. The development plan gives explicit protection to views of the city landmarks. The biggest failing of this scheme is that the site presents an opportunity to enhance the NCCCA but the proposal would do the very opposite. The chosen form and scale of the proposal would cause harm to the special interest and significance of the NCCCA and to the city landmarks.

Significance - listed buildings

252. There is little between the experts regarding the significance of the listed buildings. The differences relate more to the assessment of the contribution made to significance by setting, which in turn affects the degree of impact.
253. HE commends the analysis of Mr Neale as a thorough understanding of significance including an explicit application of GPA3. This enables one properly to understand how setting contributes to the significance of the asset. Mr Neale identifies the attributes of setting (listed in step 2 of GPA3¹⁷⁰) that can contribute to significance. For example, in relation to the Cathedral, one must

¹⁶⁷ Appendix 1 of Mr Webster's rebuttal (NCC2/4)

¹⁶⁸ Appendix 6 of Mr Neale's proof (HE1/7)

¹⁶⁹ Paragraphs 45 to 51 of Mr Forshaw's proof (SBH1/1)

¹⁷⁰ Page 8 of CD11.18

consider where the cathedral is seen from, how it was designed to be seen and how it is seen¹⁷¹. This includes not only from the Cathedral Close and the higher land to the east¹⁷² but also from the approach to the city from the north¹⁷³. Mr Neale recognises that the visual and monumental role of the Cathedral, both symbolic and pre-eminent, is very much part of its significance. Dr Miele's evidence¹⁷⁴ does not assess the significance of the main listed buildings under consideration or carry out step 2 of GPA3.

254. The Castle is another good example. Among the finest Norman castles in the country, it is of exceptional significance. As a defensive structure, strategically positioned where a ridge overlooks the river valley below, setting is fundamental to its significance. Mr Neale anchors his assessment by reference to the relevant attributes from GPA3, which include topography, functional relationships, views towards and from the asset, intentional inter-visibility with natural features and visual dominance. He recognises that in views out from the Castle, which include the river valley and the wooded ridges which rise above it, the importance of topography and functional relationships can still be readily appreciated¹⁷⁵. In short, Mr Neale's assessment is robust, transparent and justified.

Significance - the conservation area

255. As noted above, it is agreed that the NCCCA Appraisal contains an objective description of its special interest. Mr Neale addresses the significance of the NCCCA in section 6 of his proof, considering its attributes in detail. This enables him to be clear as to its significance and special interest. Mr Neale has identified three perspectives that help to convey the special interest of the NCCCA in order to understand how it may be affected - the local character north of the Wensum, the wider intimacy of the city and the image of the city, which reflects its history, pattern and hierarchy. The key characteristics identified in the NCCCA Appraisal include the *"tight intimate network of streets and alleys"*, the citywide views of the city landmarks and important views of local landmarks¹⁷⁶.
256. There is no such analysis at the heart of Dr Miele's analysis. Mr Webster accepted (in cross-examination) that the officers' report had not identified the particular significance of the NCCCA and he should have undertaken a more rigorous analysis. Similarly, his proof of evidence does not assess or describe the significance or special interest of the NCCCA, although it does conclude that it would be harmed (characterised as minor-moderate harm). Dr Miele agreed that in order to understand the impact of the proposal one must understand the special interest of the area in which it would be placed. Mr Neale's analysis is closely tied to the NCCCA Appraisal and is entirely consistent with it. HE submits that Mr Neale's approach is to be preferred.

¹⁷¹ Paragraph 6.23 and footnote 88 of Mr Neale's proof (HE1/1)

¹⁷² Viewpoints 60, 8, 9 and 10

¹⁷³ Viewpoints 14 and 15

¹⁷⁴ Section 6 of Dr Miele's proof (WH2/1)

¹⁷⁵ Paragraphs 6.10 and 6.11 and footnotes 80 and 81 of Mr Neale's proof (HE1/1)

¹⁷⁶ Points 19, 22 and 23 on page 26 of CD2.10

257. The following points may be made in relation to Northern City character area, as described in the NCCCA Appraisal¹⁷⁷:

- Magdalen Street and St Augustines Street represent key historic approaches to the city centre from the north;
- those streets are relatively narrow and intimate, the typical grain being 2 - 3 storey domestic scale properties on the edge of the footpaths. One of the management principles is to restrict new development to 2 - 3 storeys;
- there are no negative markers in this area and no large-scale buildings;
- several listed buildings line Magdalen Street and St Augustines Street;
- positive frontages include the entirety of Magdalen Street and St Augustines Street as one approaches Anglia Square;
- positive views include the view to the Castle along Magdalen Street;
- there is also a view along St Augustines Street to the Cathedral; and
- the Church of St Augustine is a local landmark.

258. The key characteristics of the Colegate character area include¹⁷⁸:

- the medieval street pattern of the city centre south of the river;
- views of the city landmarks to the south;
- the area to the south of Anglia Square has the character of small, intimate streets, narrow alleys and courtyards;
- the prevailing scale in this part is 2.5 to 3 storeys;
- the extent of listed buildings, including along Magdalen Street;
- positive frontages include Magdalen Street, Calvert Street and St George Street (streets from which the development would be highly visible);
- a positive view south from Calvert Street and a negative one north from Magdalen Street; and
- the management principles include connecting the area to the other side of the ring road, which would once have been a continuation of the medieval street pattern.

259. These are the local characteristics that proposals must respect and enhance to comply with the development plan. DM Plan Policy DM3(c) requires design to give significant weight to the historic context. These street patterns, plot boundaries, block sizes and heights are key elements of that context.

260. These two character areas represent the immediate context in which the development would sit. Moreover, they are consistent with the special character

¹⁷⁷ Pages 35 and following in CD2.10

¹⁷⁸ Pages 57 and following in CD2.10

of the NCCCA as a whole. The key characteristics of intimacy, enclosure, scale and grain pervade the historic city. For example, the Elm Hill and Maddermarket character area (to the south of the River Wensum) is described as

"one of the most attractive in the city with a grid of often very narrow and intimate streets generally running north - south and linked by more major routes running east - west."

261. All witnesses agree that the impacts along Wensum Street would be materially harmful. Mr Webster considers that there would be major harm to the assets in question¹⁷⁹. Dr Miele agreed that significant harm would arise because the development would create an uncharacteristic focal point in views north from this historic area. This would detract from the intimacy and enclosure of the Elm Hill and Maddermarket character area, an area of the highest significance, where the characteristics of intimacy, enclosure and domestic scale are strongly appreciated. There would also be harm to the significance of many listed buildings within these views, including the Grade I listed Church of St Clements¹⁸⁰.
262. Intimacy is a defining quality of the NCCCA. It is readily appreciable from a large number of locations, including those close to the site and those further away, such as Wensum Street, where the effects would be experienced. The fact that there may be some differentiation across a wider conservation area does not dilute special characteristics where they are found. This is why the guidelines set out in the NCCCA Appraisal place such emphasis on development being appropriate in scale to the locality and not negatively impacting on important views or landmarks. Whilst Anglia Square does not itself demonstrate intimacy, when assessing the effect of the proposal one must consider the impact on key characteristics and see how successful the proposal is in respecting them and taking the opportunities for enhancement.
263. The third perspective identified by Mr Neale is the image of the city, which includes its pattern and hierarchy. Mr Neale does not suggest that the pattern is fixed. The image and pattern of the city is a key characteristic of the NCCCA, as is the role of the city landmarks. Change should be managed in a way that protects that significance. Mr Neale emphasised that change can be positive. The question is whether change brings enhancement or harm to significance. The significance of the citywide landmarks is enhanced by the interplay between them. Collectively they give visual and architectural meaning to the hierarchy and pattern of the city, which has been established over a thousand years. They are all set within the southern part of the city centre, responding to its topography, and were intended to reflect the power of the church and the state.
264. The northern part of the city centre forms a consistent (though contrasting) element of the pattern of the city. It continues the medieval street pattern and the general domestic scale of the historic buildings, with some Victorian industrial buildings to the west. There is a clear pattern and hierarchy to the medieval city north and south. An element of this is the absence of tall buildings in the north. The dramatic views of the citywide landmarks, as seen from the

¹⁷⁹ Table appended to Mr Webster's rebuttal

¹⁸⁰ Viewpoints 25 and 56

east, disclose their status and interplay and the concentration of power to the south. The northern part appears as a continuum of the same medieval city, but of lower status, looked over and ruled from the south. The spread of historic buildings is very strongly felt but their scale is domestic within the medieval street pattern, including through the numerous medieval churches.

Impact

The given justification for the scheme

265. There are some clear inconsistencies in the justification for the scheme which indicate that the proposals are not justifiable when considered properly against the significance of the affected heritage assets. The Design and Access Statement (DAS)¹⁸¹ seeks to respond to the heritage assessment carried out by CgMs¹⁸². That assessment gave initial recommendations as to how to avoid heritage harm by providing buildings of comparable scale to the existing. It includes a heat map that indicates thresholds which, if exceeded, are likely to have a major impact on heritage assets. However, it recognises that the methodology cannot assess cumulative harm. Specific advice is given for individual groups of assets. For example, a threshold of 3.5 to 4 storeys is suggested along Magdalen Street, rising to 5 storeys behind¹⁸³. Reference is made to the:

"intimate urban quality of Magdalen Street with its strong sense of enclosure, narrow pavements and sinuous north - south route. Views along Magdalen Street are likewise important, particularly those towards the south in which Norwich Castle figures prominently"

266. Five storeys is recommended for the street frontage of Pitt Street, (blocks D and E), where the scheme adjoins the Church of St Augustine, Gildencroft and St Augustines Street. Development above this level is identified as being likely to have a major impact on the heritage assets, including the Grade I listed church. Despite this advice, the proposal would significantly exceed the thresholds in a number of places. The effect of these exceedances can be seen in the photomontages¹⁸⁴. It is useful to compare the existing building heights¹⁸⁵ with the exceedances¹⁸⁶. Along Magdalen Street, 7 storeys are proposed in the 5 storey zone, with 9 and 11 storey elements in the 8 storey zone behind. At Pitt Street, 6 and 7 storeys are proposed in blocks D and E in the 5 storey zone. The 20 storey tower would be in a zone where the threshold is 10 to 12 storeys.

267. It is not surprising that the result is major heritage harm. This is consistent with the heritage assessment. The officers' report commented that a reduction in height and massing would have created a more sympathetic relationship with the surroundings¹⁸⁷. However, Mr Vaughan (the applicants' architect) explained

¹⁸¹ Page 77 of CD4.10

¹⁸² CD4.86.3(i)

¹⁸³ Page 74 of CD4.86.3(i)

¹⁸⁴ Viewpoints 32, 34 and 35

¹⁸⁵ Page 59 of the DAS (CD4.10)

¹⁸⁶ Page 77 of the Addendum DAS (CD7.10)

¹⁸⁷ Paragraph 311 of CD2.15

that the design reflected architectural choices, made as part of an iterative discussion, rather than a pre-determined brief to deliver a fixed amount of development¹⁸⁸. It is hard to see how heritage harm deriving from such choices, rather than commercial necessity, can be regarded as justified.

Advice from Design South East

268. Both the officers' report and Mr Vaughan refer to Design South East as supporting the design¹⁸⁹. However, there was a series of reviews. Mr Vaughan accepted that Design South East had:

*"serious concerns about the bulk and mass of the proposals and how this will relate to the streets immediately surrounding the development and affect views across the wider city"*¹⁹⁰

The strength of the concerns, which relate to both the tower and the surrounding blocks, is clear from the language used. They have not been overcome by changes to the scheme and Mr Vaughan provides no response in his proof.

269. In relation to the surrounding blocks, Design South East said:

*"with blocks of over 10 storeys, it is only in comparison with the tower that these could be considered low rise, and in the context of the wider city they are very prominent. These blocks are not just tall, but also very deep and wide, creating monoliths that are out of scale with the fine grain of the surrounding historic urban fabric"*¹⁹¹

These concerns remained at the end of the process¹⁹². Mr Webster conceded that the officers' report was remiss in not drawing later reviews and these continuing serious concerns to the attention of the committee.

Justification for the tower

270. The justification put forward by Dr Miele¹⁹³ is a townscape one. He acknowledged that there is nothing in the CgMs work that justifies the proposed tower. There has never been a tall building in this part of the historic city. CgMs attempted to justify the tower as a *"strong visual counterpoint"* to the Cathedral¹⁹⁴. However, they went on to assess the tower as causing moderate harm to the significance of the Cathedral in the very views that would enable the counterpoint to be appreciated. It is plain that, in heritage terms, the tower is out of place and has no justification. The DAS¹⁹⁵ explains the role of the tower as:

¹⁸⁸ Inspector's note – confirmed by Mr Vaughan in answer to questions from Mr Williams

¹⁸⁹ Page 112 and following and paragraph 9.4 of Mr Vaughan's proof (WH1/1)

¹⁹⁰ Page 4 of CD11.16

¹⁹¹ Page 4 of CD11.16

¹⁹² Page 2 of CD11.17

¹⁹³ Paragraph 7.21 of Dr Miele's proof (WH2/1)

¹⁹⁴ Page 85 of CgMs (CD4.86.3(i))

¹⁹⁵ Pages 78 to 80 of CD4.10

- a pivotal landmark and a way finder for Anglia Square;
- a gateway marker to the City from the north, serving an important civic function;
- a strong visual counterpoint to historic landmarks in Norwich, particularly those south of the river Wensum, the most important of which is Norwich Cathedral;
- a key marker on the skyline of Norwich, which would celebrate place and space; and
- introducing an element of time depth to the Cathedral's extended setting.

271. In summary, the heritage analysis which was intended to guide the design process itself suggests the causation of major harm. The independent design reviews show that Design South East had serious concerns about the overall bulk and scale of the proposals and found no underlying rationale for the tower. The design justification of creating a pivotal landmark, prominent in distant views, is fundamentally at odds with the pattern and hierarchy of the city. Indeed it sets out to re-balance that hierarchy, by providing a rival to the pre-eminence and significance of the Cathedral and the other city landmarks clustered in the southern part of the city. Rather than providing a justification, it actually underscores the harm that would be caused.

The root of the problem

272. The heritage harm stems from the overall scale of the proposal as a whole, not just the tower. It would comprise blocks with very large footprints, of very significant height and bulk. This would be entirely uncharacteristic of the grain of the medieval northern city and wholly at odds with the character of the NCCCA. Whilst it is necessary to recognise the negative features of the existing Anglia Square, the approach set out in the Framework allows for this. On the Council's case, the proposal would cause harm to the significance of designated heritage assets over and above the status quo, taking account of heritage benefits. The Council also finds material harm to the significance of the NCCCA. This may be contrasted with the PGN, which identifies an opportunity for significant enhancement to the character of the conservation area as well as to the setting of local heritage assets¹⁹⁶.

Impact assessment

273. Mr Neale's assessment of the impacts is set out in his proof and summarised in his appendix 6. The Secretary of State is invited to consider his assessment as fair and justified by underpinning analysis. Rather than rehearsing the impacts, these submissions highlight some issues that are contentious. In many respects there is agreement between the Council and HE that there would be material harm. The differences relate to the degree of harm.

274. With regard to the NCCCA, it is necessary to analyse the key characteristics that give rise to its special character. Although the NCCCA covers an extensive area,

¹⁹⁶ Paragraph 7.86 of CD2.11

the true effect is not judged by considering a zone of visual influence. Particular attention should be paid to those areas in proximity to the site and to those characteristics that pervade the city, as Mr Neale has done. Whilst there are areas that would not be affected at all by the proposal, the image of the city is widespread and is appreciated from distant viewpoints.

275. The applicants' approach pays insufficient attention to the impact of the proposal on significance. Focussing on some specific positive views (identified in the NCCCA Appraisal) is not an assessment of impact. Such views reflect the present situation. They are not intended to guide an assessment of a new tall building. For example, a positive view is identified from the north of Calvert Street looking south¹⁹⁷. This is a view towards the Castle from an enclosed street with an intimate, domestic scale. The proposed development would be highly visible to the north if one turned around¹⁹⁸. The fact that the view south adds to the character of the NCCCA (through what Mr Neale calls the image of the city) supports Mr Neale's argument, it does not undermine it.
276. Although Anglia Square is of a larger scale than its surroundings, the Council finds that the overall height and massing of the proposal would create a form of development that would be "*strikingly different and unfamiliar*"¹⁹⁹. The officers' report commented that the failure of the development to harmonise with its surroundings, in terms of the height and the size of the block footprints, was a significant weakness²⁰⁰. Mr Neale endorses the description (used in the officers' report) that the proposal would be seen as a "*city within a city*". This would represent a clear failure to be in keeping with the character of the NCCCA. Mr Webster finds that there would be a benefit to Magdalen Street whereas Mr Neale considers that there would be severe harm²⁰¹. However, the officers' report recognises that a discordant relationship would be created here²⁰².
277. As set out above, the principles of the NCCCA Appraisal provide a good touchstone for considering the effect of the proposals. HE submits there are very clear breaches of these policies and guidelines, in particular B2, B4, C2, D2 and D3, demonstrating harm to the special character of the NCCCA.

City landmarks

278. The officers' report finds that the impact on the central group of iconic heritage assets would be major adverse in some views although this would not quite amount to substantial harm to the setting of the Cathedral²⁰³. HE submits that the concept of a strong visual counterpoint to these iconic landmarks (as described in the DAS) would make it inevitable that the ability to appreciate them would be diminished. The preservation of the city landmarks is fundamental to the image of the city and is embedded within a specific policy

¹⁹⁷ Marked with a blue arrow on page 59 of CD 2.10

¹⁹⁸ Viewpoint 38 gives an indication (Inspector's note – the viewpoints are not the same, viewpoint 38 being further south on Calvert Street)

¹⁹⁹ Paragraph 4.2 of Mr Webster's proof (NCC2/1)

²⁰⁰ Paragraph 593 of CD2.15

²⁰¹ Viewpoints 34 and 35

²⁰² Paragraph 330 of CD2.15

²⁰³ Paragraph 394 of CD2.15

(DM3(b)). Even on the applicants' case, the proposals fail to achieve this. The harm stems from an architectural choice to provide a pivotal landmark. Design South East were clear from an early stage that there was no rationale for doing so.

Heritage benefits

279. There is disagreement as to the weight to be given to heritage benefits. The Council²⁰⁴ and the applicants attach greater weight to these than Mr Neale²⁰⁵ does. Whilst the removal of the existing buildings and surface parking would be positive, the weight to be attached is limited by the fact that their removal would be a necessary part of any process to replace them. The creation of a street on an alignment similar to a historic street must be assessed having regard to the bulk and scale of the buildings on either side. The benefit of framing views of landmarks requires consideration of the quality of the development framing such views. When assessed in context, HE considers that the benefits would do very little to weigh against the harm caused by the scheme.

Townscape benefits

280. Mr Neale has based his appraisal on all the material presented by the applicants and has judged the impacts of that particular design on the significance of the heritage assets in question²⁰⁶. That is an entirely reasonable approach and HE rejects the notion that one can only assess the heritage harm properly if one undertakes a freestanding architectural appraisal. The more generic townscape benefits, such as way finding, which Dr Miele relies on serve a different purpose which relates to the proposed tower, the justification for which has been addressed above. Any such townscape benefits do not reduce or offset the heritage harm.

Planning balance

281. HE does not strike the overall planning balance, which will involve material considerations outside its area of specialism. However, HE does advise the Secretary of State on the proper legal and policy approach. This requires a strong presumption to be applied against development that would harm designated heritage assets. The presumption is strongest in relation to assets of the highest significance, which is undoubtedly the case here. HE's evidence is that there would be severe harm to the significance of the NCCCA, a designated asset of the highest significance.

282. There would be harm, to varying degrees, to a range of designated assets of the highest significance including the Cathedral (considerable harm), the Castle (considerable harm), the Roman Catholic Cathedral (marked harm), City Hall (considerable harm), Church of St Peter Mancroft (marked harm) and the Church of St Giles (marked harm). These are citywide landmarks which, together with views from and towards them, form a key part of the character of

²⁰⁴ Paragraph 4.12 of Mr Webster's proof (NCC2/1)

²⁰⁵ Paragraphs 8.7 to 8.15 of Mr Neale's proof (HE1/1)

²⁰⁶ Paragraph 8.4 of Mr Neale's proof (HE1/1)

the NCCCA. In terms of national policy and development plan policy, the highest protection should be afforded to them. Norwich has an exceptional number of medieval churches which play a remarkable role in the townscape. Mr Neale described how these towers "*articulate the roofscape of the city*"²⁰⁷. The scale of the proposal would create a radical disparity with the coherence of the cityscape, harming the city and causing marked harm to the significance of the individual medieval churches.

283. The proposal would be entirely out of keeping with the historic character of the area to the north of the river, causing harm to a number of assets of the highest significance. This would include the Grade I Church of St Augustine (severe harm and minor benefit), the Grade I Church of St George's Colegate (marked harm), the scheduled ancient monument of the City Walls at Magpie Lane (marked harm) and the Grade II* Bacon's House (minor harm).
284. The starting point for an overall planning balance is an assessment against the development plan, which in this case comprises the JCS and the DM Plan. The Framework is a material consideration but does not obviate the need for detailed assessment against the adopted development plan. The relevant policies, which have been addressed above, contain a recurring requirement to protect and enhance the historic environment (JCS Policies 1, 2 and 11). The requirement in Policy DM3(b) to protect long views of the landmarks flows from analysis within the NCCCA Appraisal and is bespoke for Norwich. Similarly, Policy DM3(c), which requires significant weight to be given to protecting local distinctiveness, flows from analysis of Norwich's history and its tight urban form. Policy DM9 specifies that development in Norwich shall maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets. On Mr Neale's analysis all of these policies would be breached.
285. Moreover, the DM Plan ensures that the criteria for sustainable development in DM1 are embedded in the policies for main town centre uses in large district centres (DM18), office development (DM19), and residential development (DM12). This means that the proposal must be sustainable development within the meaning of DM1 for it to be compliant with those policies. The critical role of DM1 is to ensure that potentially competing strands of sustainable development are given equal weight, such that the need to protect heritage assets is not weakened to pave the way for economic development.
286. Mr Parkin's compartmentalisation of compliance with the development plan does not allow for this rounded consideration²⁰⁸. Mr Luder focused on the economic aspects of JCS Policies 11 and 19²⁰⁹, ignoring the need to read the policy as a whole. The development plan requires the regeneration of the northern city to be done in a way that enhances the NCCCA, as does the PGN. The capacity of the site is left for detailed consideration in the light of the constraints²¹⁰. It is

²⁰⁷ Paragraphs 8.897 – 8.91, 104 of HE1/1

²⁰⁸ Paragraphs 19.26 to 19.40 of Mr Parkin's proof (NCC1/1)

²⁰⁹ Paragraph 3.5 of Mr Luder's proof (WH4/1)

²¹⁰ Paragraph 7.10 of CD2.11

clear from the officers' report that the proposal fails badly against this important strand of sustainable development²¹¹.

The relevance of viability

287. HE accepts that viability and deliverability are relevant to the planning balance and to the exercise under paragraph 196 of the Framework. The viability of the proposal is marginal in current economic conditions, as reflected in the award of marginal viability funding of £15 million. The applicants have confirmed their intention to deliver the scheme on the basis of the current viability assessments²¹². This bears on the balancing exercise. It does not amount to a freestanding consideration in favour of the scheme. The heritage harm caused by the proposal would be permanent. The rationale for considering alternative schemes is to see whether that harm could be avoided or reduced. HE submits that:

- Do nothing is an option that should not be ruled out because the proposal would cause considerable harm to the historic environment. As Mr Parkin acknowledged, if permission is refused there would then be a period of reflection during which the Council would work towards a solution. The present consideration of alternatives has taken place against current economic conditions.
- The Council's analysis of alternatives has not considered relative heritage harms, it looks only at whether the same benefits could be produced. In the officers' report Option 4 (do minimum, demolish and convert) was not ruled out on viability grounds. It was accepted as producing heritage benefit rather than heritage harm²¹³.
- The Ash Sakula proposals²¹⁴ show that an alternative approach can provide a mixed use scheme consistent with the uses appropriate for the LDC. It is not contested that these proposals would represent a significant enhancement in heritage terms and that there would be an appropriate mix of uses. Mr Vaughan acknowledged that there are elements of the plans that have merit but he said that they failed to address the detail of the brief²¹⁵. However, the brief was not prescriptive.
- The Ash Sakula scheme has not been put forward as an alternative, deliverable planning application. Rather, it demonstrates an alternative approach that would produce heritage benefit while delivering a development consistent with an LDC. It is not inevitable that there will be harm in order to deliver policy objectives²¹⁶.

288. The absence of an alternative fully drawn up scheme that has been shown to be deliverable does not mean that this application proposal is the right scheme at the right time. That can only be decided by performing carefully the balancing

²¹¹ Paragraphs 579 to 587 of CD2.15

²¹² Agreed position statement on viability matters (ID10)

²¹³ Paragraph 161 of CD2.15

²¹⁴ Appendix 1 to Mr Neale's proof (HE1/2)

²¹⁵ Paragraph 9.5 of Mr Vaughan's proof (WH1/1)

²¹⁶ Paragraphs 10.14 and 10.16 of Mr Neale's proof (HE1/1)

exercises required under section 38(6) and paragraph 196 of the Framework. If the balance is against the proposal then it must be refused.

THE CASE FOR SAVE BRITAIN'S HERITAGE (RULE 6 PARTY)²¹⁷

289. The planning system places an emphasis on the preservation and enhancement of the UK's built heritage. Great weight must be given to the conservation of designated assets. The more important they are the greater the weight should be. The Framework states that any harm to designated heritage assets requires "*clear and convincing*" justification²¹⁸. Decision makers should clearly articulate the extent of harm (however categorised) so that any justification can be properly weighed. It is also necessary to establish whether harm to each designated asset falls within the category of "*substantial*" or "*less than substantial harm*". The policy duties set out in the Framework give effect to the statutory duty to have special regard/attention to the desirability of preserving the special features of listed buildings and conservation areas. Together they create a "*strong presumption*" against proposals which will cause harm to significant assets²¹⁹.
290. It is a striking feature of this case that all parties accept that the proposal would cause harm to a range of Grade I and II* listed assets. This is even more extraordinary when it is recognised that of one of these is the Cathedral, a building described by HE and Mr Forshaw (SBH's heritage witness) as being of exceptional, European level importance. Mr Webster (the Council's heritage witness) describes the harm as being in the moderate range of less than substantial harm.

Significance of affected designated heritage assets

291. There is little dispute about the significance of the NCCCA and the affected listed buildings. Mr Forshaw emphasised the quality of Norwich's historic environment. In addition to the Cathedral, which dominates the city and creates its distinctive skyline, the city is blessed with an unrivalled collection of parish churches and other monuments. The settings of these assets overlap and include a well preserved street plan which forms a key part of the character of the interwoven, low rise city centre. That historic urban environment is protected in its own right by designation as the NCCCA. It also makes a major contribution to the significance of the individual buildings by allowing them to be experienced in a context which reflects and respects their historic, aesthetic and architectural significance²²⁰.
292. Overall, it is clear that Norwich has an "*extraordinary historic character*"²²¹. Faced with all this richness, there may be a temptation to lose focus on the individual assets and under-appreciate the range of impacts which the scheme may have. Mr Forshaw emphasised the significance which he saw even in the

²¹⁷ The closing submissions, which are summarised here, are at SBH12

²¹⁸ Paragraph 194 of the Framework

²¹⁹ *Barnwell Manor Wind Energy Ltd v Secretary of State* [2015] 1 W.L.R. 45 at [16]-[29] (CD11.21) and *Jones v Mordue* [2016] 1 WLR 2682 at [26]-[28] (CD10.14)

²²⁰ Paragraphs 8, 12 and 23 of Mr Forshaw's proof (SBH1/1)

²²¹ Paragraph 1.4 of Mr Neale's proof (HE1/1)

Anglia Square character area. Although it is less significant than other parts of the NCCCA, it is still protected by section 72 of LBA1990. There are also locally listed buildings at Pitt Street which are to be demolished. These should not be undervalued.

Impact of the proposed development

293. Mr Forshaw showed how the bulk and scale of the proposal, including the tower, would lead to a serious, even massive, disruption to this historic urban environment. This would cause some of its key distinctive features, most notably the skyline, to be lost or harmed. There would be a serious erosion of key elements that comprise the significance of the NCCCA. At the Inquiry, Mr Forshaw explained his views primarily by reference to the visualisations but he was clear that his assessments had been drawn from his site visits.
294. A major area of difference between Mr Forshaw and Mr Webster/Dr Miele related to the benefits of replacing the existing buildings. Whilst Mr Forshaw accepted that there would be some townscape benefits, these are different in kind to heritage benefits which would attract great weight. This point appears to have been accepted by Dr Miele²²². Mr Forshaw commented that, whatever the design merits of the proposal in isolation, they fall at the first hurdle in terms of failing to respect context. He also pointed out the fundamental tension between the applicants' argument that the tower would bring townscape benefits (such as wayfinding or legibility) and their suggestion that the visibility of the tower would not unduly harm the significance of the Cathedral and other landmarks whose primacy it would compete with.
295. The prominence of the proposal, in a location which is not appropriate in terms of the historic environment, would cause harm. The officers' report referred to the design as lumpen and harmfully unfamiliar in its surroundings. Its bulk would form a barrier within the historic city and it would loom over St Augustines Street and Wensum Street in a disturbing manner. The proposal would fail to restore the historic street pattern. The removal of harmful aspects of Anglia Square would be outweighed by the much more harmful impacts of the new and more prominent buildings.
296. It is difficult to see how the design can be justified by reference to the surrounding historic environment. Dr Miele accepted that it would significantly exceed the parameters identified by CgMs in the Built Heritage Statement²²³. It is hard to understand why this happened in the light of Mr Vaughan's evidence that his design brief included no specific number of units which needed to be provided²²⁴. The applicants have not sought to justify the particular design choices made in terms of viability. It seems that the only real justification for the height and bulk of the proposed buildings is that the applicants believe them to be of townscape value.

²²² Inspector's note – in answer to questions from Mr Williams, Dr Miele accepted that there is a distinction between townscape benefits and heritage benefits

²²³ Paragraph 7.1 and following of CD4.86 Vol 3(i)

²²⁴ Inspector's note – confirmed by Mr Vaughan in answer to questions from Mr Williams

297. However, as Mr Parkin accepted, there are significant weaknesses in the design. Design South East had fundamental concerns about the rationale for the tower and over-development which remain unresolved²²⁵. Given the applicants' commitment to a rationale for the tower based on "*an express desire for the building to be visible and punctuate the skyline*"²²⁶, they appear to be irresolvable. The problem with the applicants' approach is that the concept of a regeneration landmark is simply not appropriate for the sensitive historic environment of Norwich.
298. The Ash Sakula design (presented by HE) is a powerful reminder of a better way in which Anglia Square could be redeveloped. Whilst it is accepted that it is not viable, it still shows how a different concept could be evolved which would deliver heritage benefits rather than harms, in accordance with DM Plan Policy DM9 and the PGN²²⁷. SBH submits that net heritage benefits should be a minimum requirement for any acceptable scheme on this site. The proposal fails to achieve that, resulting in a significant failure to comply with DM Plan Policies DM3 and DM9.

Approach to substantial harm, as that term is used in the Framework

299. Mr Forshaw concluded that the proposal would lead to a range of serious (albeit less than substantial) harms to individual buildings of the highest importance. It would also lead to substantial harm to the NCCCA as a whole. This conclusion was subject to particular criticism by the applicants, who suggested that Mr Forshaw's assessment was flawed because he had not undertaken a detailed assessment of the significance that would remain in the NCCCA. This follows on from an argument put in opening²²⁸, to the effect that, because large parts of the NCCCA would be untouched by the proposal, there cannot be substantial harm. It was argued that such an assessment depends on how much significance is left in the asset. SHB submits that this is obviously wrong.
300. The Judge in *Bedford* made clear that the function of what is now paragraphs 195 and 196 of the Framework is to provide a varying test of consent according to "*the quantum of harm to significance*"²²⁹. It is therefore the quantum of what is lost, not the quantum of what remains, that is the primary focus of any analysis. Dr Miele accepted this point in cross examination. The NCCCA is itself extensive and contains a range of important assets. If it has to lose most or all of its significance before substantial harm arises, rather than just a serious reduction such that significance is "*very much reduced*"²³⁰, then the practical effect would be that substantial harm could never arise. Even the construction of the Shard on the footprint of Anglia Square, or demolition of the Cathedral, would not result in the NCCCA having no or little significance left.
301. The applicants' approach would lead to the surprising result that the more significant an asset is, the harder it will be for a development to substantially

²²⁵ CD11.16 and CD11.17

²²⁶ Page 112 of Mr Vaughan's proof (WH1/1)

²²⁷ Page 40 of CD2.11

²²⁸ Paragraphs 70 and 74 of the applicants' opening (WH12)

²²⁹ Paragraph 17 of *Bedford v SSCLG* [2013] EWHC 2847 (Admin) (CD12.10)

²³⁰ Paragraph 25 of *Bedford* (CD12.10)

harm it. Taking that to its logical conclusion, this proposal could only cause substantial harm to the NCCCA if the NCCCA were smaller and less significant. The way in which *Bedford* has been applied in the Smithfield²³¹ decision shows that this approach is obviously wrong. There, the Inspector found that the partial demolition of a group of unlisted buildings within the Smithfield Conservation Area would amount to substantial harm. This was due to the loss of key distinctive features, notwithstanding that the proposal did not touch on other highly significant character areas, including St Bartholomew's Hospital and Priory. On the applicants' approach, no finding of substantial harm would have been possible.

302. The Smithfield decision is a better indicator of the correct approach to the current situation than the Chiswick Curve decision²³². In that case the development proposals were not within a conservation area, nor even within the buffer zone for the World Heritage Site, but some distance away. In this case the proposal would be within the NCCCA and would harm key characteristics of the designated area, in particular through disruption of the iconic skyline.
303. The correct approach to substantial harm is to ask whether the overall cumulative impact of the proposal on the NCCCA would result in a very significant or serious reduction in its significance. A useful touchstone for this will be whether the proposal would result in full or partial loss of key elements. For the reasons advanced in Mr Forshaw's evidence, SBH submits that it would. The Inspector is therefore invited to find that substantial harm would be caused to the NCCCA.

Planning balance

304. Under section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the application falls to be considered against the statutory development plan and all other material considerations. These will include the Framework. For the above reasons, SBH considers that there is clear conflict with the heritage policies of the development plan. This means that, considered as a whole, the proposal fails to accord with the development plan. Other material considerations largely weigh in favour of refusing permission. Under paragraph 195 of the Framework, substantial harm to a designated asset should lead to refusal unless it can be demonstrated that substantial public benefits exist and cannot be provided elsewhere or in a less harmful manner.
305. SBH has not undertaken a full assessment of the benefits but Mr Forshaw was able to comment on the basis of his long experience as a planning officer. He accepts there would be benefits, in terms of housing and affordable housing, but considers that these benefits have been overstated. There are other sites where the same benefits can be provided. Mr Forshaw suggests that the public realm benefits would be limited due to shortcomings of the spaces to be created. He also considers that the heritage benefits claimed by the applicant are overstated. Overall, he considers that the benefits would be modest and

²³¹ CD12.6

²³² CD12.9

insufficient to outweigh the heritage harm, regardless of whether such harm is considered under paragraph 195 or 196 of the Framework.

306. Opening submissions for the applicants suggested that the Council is best placed to identify and weigh the public benefits of the scheme²³³. However, it should be noted that officers described the proposal as "*finely balanced*"²³⁴ and that the Committee only voted to approve by 7 to 5²³⁵. That narrow decision was on the basis of the Council's assessment of heritage harm, which SBH takes issue with.
307. In conclusion, it is submitted that there is no justification for departing from the development plan. The Inspector is asked to recommend that the Secretary of State refuses to grant planning permission for the application.

THE CASE FOR THE NORWICH SOCIETY (RULE 6 PARTY)²³⁶

308. Anglia Square is in the NCCCA, at the entrance to Magdalen Street which leads to the historic core of Norwich. The massive and dense development proposed, with its out-of-scale bulk, would significantly diminish the unique identity of the city. The proposal meets neither national nor local planning guidance.
309. The Framework states that:

*"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*²³⁷

Far from maintaining a strong sense of place, the proposal would create an 'anywhere' environment.

310. While judgements on what makes good design are somewhat subjective, the Design South East (2017) review of a previous version of the scheme expressed concern that it constituted overdevelopment and that it would not be possible to resolve a scheme sensitively in this location with this level of density. The review raised concerns about the way that the proposed buildings would relate to the surrounding historic fabric, the extent of overshadowing of public spaces and the proliferation of single aspect flats. That version of the scheme varied very little from the current proposal, apart from the tower having now been reduced from 25 storeys to 20. At the application stage the Design South East review focussed on the tower. However, the revised scheme has done little to mitigate the other concerns raised earlier in the process.
311. The Council's PGN for Anglia Square states that any development should have a clear relationship in built form with the surrounding area, which is clearly not the case with the current proposal. It goes on to say that:

²³³ Paragraph 91 of WH12

²³⁴ Paragraph 604 of CD2.15

²³⁵ CD9.2

²³⁶ The closing submissions, which are summarised here, are at NS12

²³⁷ Paragraph 124 of the Framework

*"the height and traditional character of buildings and streets to the north and east of the site (most immediately Magdalen Street, St Augustine's Street and Gildencroft) needs to be respected in the redevelopment to ensure the buildings, streets and their settings are not unduly dominated or harmed by the new buildings. Proposals should achieve a density in keeping with the existing character"*²³⁸

312. The Council's most recent policy for the area (the Norwich City Council Area Action Plan) indicates that a minimum of 250 houses would be acceptable within the Anglia Square site, less than a quarter of the number now being proposed. The proposed density of 285 dwellings per hectare is grossly over-intensive, being in excess of that for a well serviced urban area in London. It is totally inappropriate for a local centre in Norwich. In the immediate vicinity of this site the density ranges from 19 dwellings per hectare (around Oak Street) to 80 per hectare (in Magdalen Street and the surrounding flatted courts such as Magdalen Close). Whilst a density higher than the surrounding area may be appropriate, it is clear that a jump in density of this magnitude will substantially change the character of the area.
313. The high density has serious implications for the design quality of the scheme. When assessed against the full 29 Building for Life criteria, rather than the 12 main questions used in the officers' report, we contend that 9 would be marked as negative. Concerns identified in NS's Building for Life assessment²³⁹ include:
- service bays and car park accessed from the congested gyratory system at Pitt Street;
 - loss of Ann's Walk, an existing pedestrian route between Cowgate and Pitt Street;
 - poor relationship to existing development around the edges of the site, including discordant changes in scale;
 - excessive parking provision, given that the site is well served by public transport;
 - the mix of one and two bedroom flats (and 9 houses) being proposed would be poorly aligned with the need for a range of unit sizes identified in the Strategic Housing Market Appraisal;
 - the proposal is not distinctive from developments elsewhere (such as Canary Wharf) and would not have any local identity;
 - harmful impacts on numerous longer views;
 - streets and spaces within the scheme would feel cavernous; and
 - long single sided corridors to access individual flats, which would feel oppressive.

²³⁸ CD2.11

²³⁹ Appended to Mr Boon's proof (NS1/1)

314. The applicants suggest that the tower would be a beneficial waymarker, helping to orientate people moving around the city. NS strongly disagrees with this argument. The idea that people need a residential tower to orientate themselves is absurd. Local people would know where they are anyway and visitors would have no idea of the relationship of the tower to where they wish to go.

Economic considerations

315. The claimed economic benefits could be achieved by a less dense and better designed development. This could provide a wider range of housing types, attracting more well-off residents who would spend at least as much in the local economy, even if they were fewer in number. The Office for National Statistics estimates that the average household expenditure in 2018 was just under £30,000 a year. This would suggest an annual spend of around £37 million for the residents of the proposed scheme, near the top end of the Council's estimate. In view of the type of homes proposed, the lower end of the range suggested by the Council would be more likely.

316. Crucially, a poorly designed scheme that is totally out of character with the surrounding area would damage the vitality of the city centre by making Norwich a less attractive place to work or visit. International research has demonstrated that the quality of place has an impact on the local economy, especially by its influence on the ability of businesses to recruit essential specialist and professional staff who increasingly look for a good place to live before searching for a job. For many local people on low incomes, the likely loss of the value shopping currently available in Anglia Square could harm their quality of life.

317. Visitor spending accounts for around 10% of the city's GDP. Visitors are attracted by the city's rich heritage and lively centre. Anglia Square marks the entrance to the city from the North Norfolk coast and the airport. It should give a foretaste of the quality of modern architecture in Norwich that complements its historic heritage. An alien tower and massive anywhere development is not the first impression that the city should be giving. When approached from the north, the bulk of the tower would often not be ameliorated by any decorative detailing as it would be seen in silhouette against the sun.

Conclusions

318. NS recognises that Anglia Square is in desperate need of redevelopment. However, replacing it with such a high density, bulky development is unacceptable within the NCCCA. The proposed tower would intrude into a skyline that is almost entirely free of tall buildings, other than those that serve a religious or civic purpose. It would be preferable to leave the site vacant in the expectation that a better proposal will come forward at some point. With such excellent modern buildings as the Forum, Winnalls Yard student accommodation and the Stirling Prize winning Goldsmith Street housing development, it is clear that Norwich is capable of supporting good modern design.

319. Support for the scheme within the Council has not been overwhelming. The officers' report describes the recommendation for approval as being '*finely balanced*' and the committee itself only approved the scheme by 7 votes to 5.

For these reasons, NS believes that the proposal meets neither national nor local guidelines and should be refused.

THE CASE FOR NORWICH CYCLING CAMPAIGN (RULE 6 PARTY)²⁴⁰

General conclusions

320. CYC supports the objections by HE, SBH, NS and others regarding the height, mass and density of the proposal. Whilst the news that priority will be given to the removal of asbestos from Sovereign House is welcomed, there is concern that this matter will be left to NCC to resolve. CYC welcomes the provisions in the section 106 Agreement relating to cycle and pedestrian routes, although it is regretted that this matter was not resolved by consultation before the Inquiry.
321. The Environment Bill 2020 passed its second reading on 26 February. It will now pass to the Committee stage and to the House of Lords. The Bill states that, when setting targets on air quality, the Secretary of State must seek advice from independent persons with relevant expertise. An expert body should be formed prior to the new Office of Environmental Protection to provide the Secretary of State with advice on targets. This advice must be published and will be subject to some pre-legislative scrutiny. The targets themselves are unknown and may not be set until October 2022.

A sustainable site depends what you do with it

322. It has been suggested that Anglia Square is the most sustainable site in Norwich, due to its proximity to the city centre and the potential for expanding public transport. However, a sustainable site does not necessarily lead to a sustainable development. That depends on the nature of the development that takes place. CYC wants to see a truly sustainable development that is low carbon, provides good housing meeting the needs of the city, fits the heritage and historic character of the city and is healthy. This means reaching low levels of air pollutants as quickly as possible. The proposal does not tackle air pollution as quickly as possible, therefore it is not sustainable and would not be good for Norwich.
323. It is clear from the annual average daily traffic data used for the air quality assessment (AQA) that traffic would increase, particularly on the west and north west side of the development²⁴¹. The St Augustines Street gyratory is a key transport feature which distributes traffic in this part of Norwich, from the south and city centre, from the inner ring road and from the north (Aylsham Road and Sprowston Road). Without the development, the clockwise flow of traffic would increase slightly by 2031. With the development, traffic levels around the gyratory would increase significantly.
324. There would be a 15.5% increase in traffic approaching the development area down Edward Street (north), and a 53.6% increase in traffic approaching and

²⁴⁰ The closing submissions, which are summarised here, are at CYC14

²⁴¹ Appendix B of Ms Hobson's proof (WH8/3)

leaving the car park in Edward Street (south). Other streets show increases too, such as Pitt Street (9.6%)²⁴².

325. The western and north western edges of the site are close to locations where air quality is of most concern, including the proposed ground floor dwellings in Block B, the existing flats at 8 to 22 Edward Street and Dalymond Court and existing dwellings on St Augustines Street, which is already congested at peak times. The annual NO₂ objective applies to numbers 13 and 52 St Augustines Street, which have been monitored by the Council for years²⁴³. DT11 has never been legal. Even with the low bias factor used for the 2018 data, it still measured 44.4 µg/m³. For the previous 5 years it was always above 48 µg/m³. The Council's uncorrected 2019 data has it as 52 µg/m³. These are serious on-going exceedances.
326. The proposal would attract traffic to this part of the city. It would increase traffic levels in St Augustines Street by over 8%, or over 13% if background traffic growth is included. This is not appropriate or sustainable. It would be preferable to refuse consent for this proposal and allow planners and other developers to come forward with a design for a truly sustainable development.

What is the destination for air quality?

327. CYC called Dr Ashley Mills to give evidence on public health issues so that the wider issues of human health could be considered. The Inquiry heard conclusive evidence on the medical impacts of air pollution. It also heard that the current regulatory levels under EU and UK law, and the World Health Organisation recommendations, do not offer sufficient protection. The Royal College of Physicians report "Every breath we take: the lifelong impact of air pollution"²⁴⁴ states:

"Neither the concentration limits set by government, nor the World Health Organisation's air quality guidelines, define levels of exposure that are entirely safe for the whole population."

328. This report was written by a committee of the foremost UK medical and scientific experts on the impacts of air pollution. The Secretary of State cannot ignore them. The Inquiry also heard evidence from a local resident regarding concerns within the community about air quality in the area around Anglia Square. Residents are concerned that the proposal would lead to an increase in traffic which would, in turn, increase pollution. It is those who are old, young, or vulnerable with some illness who are most at risk and for whom there is no safe level of air pollution.
329. The destination is for air pollutants to be eliminated completely. In contrast, the Inquiry has only heard from the applicants about whether pollutants can be brought to current regulatory levels, despite the evidence that these levels give little protection to public health. A demonstration of compliance is just the first

²⁴² Further information on increases in particular streets is provided in a table on page 4 of CYC14

²⁴³ DT9 and DT11

²⁴⁴ CD15.11

step on a long road. The destination for air quality must be considered as well, bearing in mind that the Framework states that²⁴⁵:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health..."

330. This wider perspective on air quality matters underwrites the need for a trustworthy scientific process and for a precautionary approach in assessing the air quality impacts of the development. However, CYC does not just rely on the wider perspective. For reasons set out below, CYC considers that the proposal does not even pass the first step of compliance with regulations and planning guidance.

History of air quality in this application

331. Version 2 of the AQA was reported to the planning committee in December 2018. This predicted that by 2028, with the development in place, there would be increased levels of NO₂ at all but one of the 9 receptors modelled. Receptor H, outside the ground floor of Block B (where the NO₂ annual objective limit of 40 µg/m³ applies) was modelled to be 59.0 µg/m³. Two receptors were found to exceed the 1 hour mean objective of 60 µg/m³. Receptor B on Magdalen Street was modelled to be 63.4 µg/m³ and receptor G, which is close to residential properties at 8 to 22 Edward Street and Dalymond Court, was modelled to be 70.6 µg/m³.

332. These breaches are of significant concern on public health grounds. However, no indication was given to the planning committee that this should indicate an unacceptable level of NO₂. CYC considers that immense complacency was shown by the Council and the applicants at this stage. It is only due to the call-in that the issue has been examined more closely. This complacency continued in the applicants' Statement of Case (August 2019) which states that²⁴⁶:

"the modelling predicts that in all locations (with the exception of location C) the development (2028) will lead to an increase in NO₂ concentrations ... the annual NO₂ target is predicted to be exceeded in both the 'with' and 'without' 2028 development scenarios"

The associated public health risks are acknowledged:

"In locations where exceedance of the hourly NO₂ level is predicted, there is the risk that the development could give rise to a wider detrimental public health impact"

333. As of August 2019 the applicants could have chosen to amend the proposal to reduce its impact on air pollutants, such that in the target year (now 2031) levels with the development would be less than levels without the development. For example, the transport plan could have been changed and the amount of residential car parking reduced. These options have not even been tested.

²⁴⁵ Paragraph 180

²⁴⁶ Inspector's note – the submission refers to the applicants' Statement of Case but the references to paragraphs 518 and 521 appear to come from the officers' report (CD2.15)

334. Everything that has happened since air quality became an item on the agenda for this Inquiry amounts to a retrospective campaign by the Council and applicants to do a complete U-turn on their original positions. Three AQAs have been presented, which has been confusing for all concerned. The one thing that remains true throughout is that air pollutant levels, both NO₂ and PM₁₀, are always greater with the development than without.

The quality of the modelling

335. Each new model has further confused the issues around air quality. This can be seen from the variation between AQA results based on 2018 monitoring data and 2019 monitoring data²⁴⁷. According to the applicants, the only difference is the input data from the Council's monitoring. There is huge variation in the modelled values for each receptor, with 4 of the 14 being more than 10 µg/m³ different (equivalent to 25% of the annual mean limit value for NO₂).

336. This shows that the outputs for any data point are significantly dependent on the input set of monitored data used to seed the model, proving that:

- the selection of input calibration data is crucial; and
- changing the input calibration data changes the outputs and renders comparisons between different air quality models meaningless.

337. The input data has changed three times during this process, demonstrating the 'garbage in, garbage out' principle before our very eyes. The applicants' own evidence shows that all the models are inconsistent with each other. Despite the data showing these huge internal inconsistencies, the Secretary of State is asked to accept that all the models are correct in different aspects and that different data items from each can be picked out to prove points about air quality, regulatory compliance and ultimately public health.

338. CYC concludes that none of the models can be trusted. The quality of the work is low and decisions around compliance and public health cannot be trusted based on any of this data.

Inherent optimism in the modelling

Extremely optimistic bias factors applied

339. CYC has particular concerns about AQA Version 3, the model presented in the applicants' evidence²⁴⁸, relating to the optimism inherent in the modelling. Those concerns were set out in opening and in rebuttal evidence²⁴⁹. The Council and the applicants submitted a joint note on bias adjustment factors²⁵⁰. The following points are made in response:

- The joint note fails to mention that the Council has historically rejected using a local bias adjustment factor due to the co-location site being

²⁴⁷ There is a summary table at page 8 of CYC14 which presents figures drawn from WH24

²⁴⁸ Ms Hobson's proof (WH8/1)

²⁴⁹ CYC10 and CYC11

²⁵⁰ ID17

described as a canyon like street. There is no evidence that the site has changed.

- The joint note is wrong to say that CYC suggested a bias adjustment factor of 0.92 based on an outdated spreadsheet. In fact the source of that figure is the Council's 2019 Annual Status Report.
- CYC's note sought to present concerns about the method for generating national bias factors, which can be skewed by even one outlier result. The joint note ignores this concern and refers to a national bias factor of 0.89 which is itself skewed by bad data. The figure is not robust and cannot be relied on.
- The joint note fabricates a reason for CYC's change of approach in relation to the selection of bias factors. In fact CYC only investigated the national bias factor spreadsheets at the time the SoCG was being drafted. This was new evidence which, correctly, led to an updated position.
- The summary of CYC's position on the use of the national spreadsheet is misleading. CYC does not advocate arbitrarily excluding one piece of data. The fundamental point is that the whole national bias factor spreadsheet system is untrustworthy and sorely in need of review by DEFRA.
- Whilst it is right to say that CYC rejects both the local bias factor and the national factors, this situation arises because the DEFRA system is untrustworthy. Professor Peckham and Dr Mills have already shown that the tool improves accuracy in around 70% of cases but degrades it around 30%. Where it degrades accuracy it tends to reduce the original NO₂ measurement, making it more optimistic, as in this case.
- The Norwich 2019 Annual Status Report illustrates that there is no gatekeeping on data fed into the DEFRA spreadsheet. This is another factor enabling untrustworthy national bias factors to be generated.
- CYC's conclusion that neither local nor national bias factors can be trusted is based on the evidence, it is not a deliberately awkward or arcane position.
- The crucial implication for the Secretary of State is that the Norwich 2019 Annual Status Report, and both the local and national bias factors within it, cannot be trusted. Nor can AQA Version 3 which is based upon it.
- CYC accepts that the Council followed guidance in LAQM TG16²⁵¹ in selecting a bias factor. However, the Council has not been placed in a good position by the DEFRA guidance, as the evidence shows that neither bias factor can be trusted.

340. Turning to the local bias factor, it has been noted above that the Council deviated from its approach in previous years in selecting a local bias factor for its 2019 Annual Status Report. It also deviated from clear trends in previous years:

²⁵¹ CD11.37

- Local bias adjustment factors in the years 2013 (2012 data) to 2018 (2017 data) have all been in the range 1.04 to 1.14. The 2019 (2018 data) value of 0.86 is out of kilter. The issues with rogue data²⁵² clearly play a part in this deviation from previous years.
- The national bias factors chosen in Norwich for the years 2013 (2012 data) to 2018 (2017) have all been between 0.96 to 1.02. The 2019 (2018 data) value of 0.86 is out of kilter in this respect too.

341. Two examples show the effect of the Council's choice. If the national bias factor of 0.92 (taken from the 2019 Annual Status Report) was chosen instead of the local bias factor, the outputs of AQA Version 3 would have been 7% higher. If a national bias factor of 0.98 (which is within the range of factors used by the Council between 2013 and 2018) was chosen, the outputs of AQA Version 3 would have been 14% higher²⁵³.

342. CYC submits that the Secretary of State cannot ignore the fact that a local bias factor was chosen which was out of kilter with previous factors used by the Council. Moreover, given the fiasco with the national bias factors for 2019 (2018 data), there is no way to assess the validity of either the local or national bias factor. The uncomfortable conclusion is that the data taken forward to AQA Version 3 cannot be trusted.

ADMS Model configuration

343. The applicant has taken note of CYC's observations regarding street canyons and has re-run the model. However, it was also pointed out that the control parameters which calibrate the meteorological data were set at the default values²⁵⁴. The surface roughness factor was set the same for the reference meteorological site (Norwich airport) and the modelled area. In this case the setting of the default parameters creates higher wind speeds, and correspondingly greater dispersion of pollutants, at Anglia Square. This introduces another optimistic skew to the data. Further model runs would be required at the correct settings to establish what impact this has on the results.

The precautionary principle and emissions factors

344. The applicants argue that the recent example at Wealden sets a precedent for the use of emission factors. At Wealden, the use of CURED emission factors was accepted by the Inspector and Natural England as a precautionary approach. However, it does not follow that the use of CURED here would be precautionary. The scientific quality and integrity of the air quality models is very different. The Wealden AQA was undertaken by leading consultants Air Quality Consultants and broke new scientific ground in modelling a complex habitat. It runs to some 500 pages (with a 500 page appendix) which gives an idea of the depth of the undertaking.

345. The key attribute of the Wealden AQA is that there was a single consistent model, in contrast to the situation at Anglia Square where there have been

²⁵² CYC11

²⁵³ The graph at page 9 of CYC11 shows the impacts of these choices

²⁵⁴ Section 6.3 of Dr Boswell's rebuttal (CYC1/4)

three differently configured models giving diverse results. The Wealden model was calibrated with 106 reference diffusion tubes (compared with 3 in Anglia Square AQA Version 3) measured for 24 months (Anglia Square AQA Version 2 only measured for 3 months). The Wealden model was extremely robust and it was therefore reasonable for results using the CURED emission factors to be considered as a precautionary sensitivity test.

346. It would not be reasonable to transfer this assessment of a precautionary approach to Anglia Square. In the current case optimism accumulates through the modelling, which must be considered as a whole. The outputs²⁵⁵ based on CURED are subject to this optimism. They cannot therefore be taken as a precautionary assessment. The Anglia Square modelling is no comparator to the Wealden modelling. Given the level of uncertainty and the deviation of the outputs from the different Anglia Square models, it would not be scientifically credible to accept CURED as precautionary in this case. Moreover, it has never been the case that one specific situation automatically generalises to other situations, each case should be looked at on its merits.

Conclusions on modelling

347. The retrospective campaign by the Council and the applicants to do a complete U-turn on their position up to December 2019 has been unsuccessful. Although more modelling and more evidence has been provided through the inquiry process, this has not narrowed the differences between the parties. It has done the opposite. The latest AQA proves CYC's point that the quality of calibrating input data is key to the modelling. The models create a diverging set of results and clearly demonstrate the garbage in, garbage out effect. There is huge uncertainty in the modelling that has been carried out. It cannot be trusted.

Overall conclusions

348. The only singular truth is that every model shows that air pollutant levels (both NO₂ and particulates) are always greater with the development than without. This results primarily from increases in traffic. A development which sought to reduce traffic levels in the area would bring down air pollutant levels faster and would thus meet the legal requirement to reduce air quality as quickly as possible. This development does not.
349. It is not possible to reach a clear, trustworthy conclusion that legal levels of air quality will be delivered with the development. Nor is it possible to determine by when legal levels could be delivered. The air quality modelling presented has been confusing and the key issue of optimism across all the modelling has not been addressed by the applicant.
350. CYC submits that the development does not meet the test in the *Gladman* case²⁵⁶ that:

"In different circumstances, and on different evidence, an inspector might be able to assess the impact of a particular development on local air quality by taking into account the content of a national air quality plan, compliant with the

²⁵⁵ As shown in the summary tables at WH24

²⁵⁶ CD15.117

Air Quality Directive, which puts specific measures in place and thus enables a clear conclusion to be reached on the effect of those measures."

In passing, these are words of Lord Justice Lindblom who recently made a historic judgement on Heathrow at the Court of Appeal.

351. The proposal does not even meet the first step of demonstrating that regulatory compliance can be achieved on the path towards the destination for healthy air quality. However, given the very clear health impacts of lower than regulatory levels of air pollutants (both NO₂ and particulates) and the Framework's requirement that development decisions should take account of the likely effects of pollution on health, CYC submits that the Secretary of State would be justified to go beyond the first step. Despite the overwhelming evidence from Professor Peckham and Dr Mills, the Council and applicants show no inclination to go beyond just trying, albeit not conclusively, to meet regulatory compliance. The application must be refused on the basis that the crucial first step has not conclusively been met.

OTHER PARTIES WHO APPEARED AT THE INQUIRY

Norwich Green Party²⁵⁷

Heritage

352. The height, bulk and design would be harmful to the settings of numerous heritage assets and to the NCCCA. Loss of the locally listed buildings at Pitt Street would sweep away the final vestiges of the former historic neighbourhood. The medieval street pattern, including open spaces, markets and river crossings, gives the historic core its distinctive shape and is a key characteristic of the NCCCA. The route between the former Saxon market at Tombland and the junction of Colegate/Magdalen Street is at the heart of the historic street pattern, including numerous heritage assets. These historic streets are relatively unharmed by modern development, such that we can feel a connection to our forebears who travelled them over the past 1,000 years. The applicant has underestimated the impacts. The cumulative harm would be at the high end of less than substantial, if not substantial, and would merit refusal of the application.
353. The intact street pattern reflects the Anglo-Scandinavian pre-conquest town and the Norman town. The north/south axis including Magdalen Street and Wensum Street is an ancient route, possibly Roman, with several medieval churches standing on sites of pre-conquest churches. Contrary to the applicants' assertion, the street pattern has been relatively fixed since the middle ages. Dr Miele focussed on the main character areas rather than considering this key characteristic of the NCCCA. He has not assessed the full impact of a colossal modern tower, interrupting the skyline, on important heritage assets along this route. Mr Webster found major harm to the St Clements Church/Fye Bridge Street/Wensum Street group.

²⁵⁷ Summary of comments made orally by Cllr Carlo and Dr Boswell and their respective notes at NGP1, NGP10 and CD16.8

354. The tower is intended to act as a waymarker. Its impact would be felt across the historic city. The officers' report was ambivalent about three of the four arguments in favour of a tall building, although waymarking was accepted as a benefit. The tower and associated blocks would isolate the historic city beyond St Augustine's Church. In seeking to emulate the city landmarks to the south, the applicants are endeavouring to re-engineer the historic character of the north city. This would contradict the purpose of the NCCCA. Norwich over the water has a rich variety of historic buildings and development has remained low rise apart from 19th century industrial buildings along the river. Overall, the impact on numerous heritage assets and the NCCCA would be at the high end of less than substantial harm. The NCCCA would neither be preserved nor enhanced.

Housing

355. JCS Policy 4 sets a single affordable housing target (33%) for the whole plan area. This target is outdated and has failed to deliver enough affordable housing, particularly in Norwich. The Strategic Housing Market Assessment (SHMA)²⁵⁸ provides a robust and strategic evidence base for appraising the development. The overall need for affordable housing in Norwich is 38.3% of the total need, significantly higher than the JCS policy suggests. Both the SHMA data and the housing queue data for the NR3 postcode indicate that more than 25% of affordable homes should be 2 bedroom units. The delivery of just 10% affordable housing is very poor compared with the JCS requirement and extremely poor compared with the need identified in the SHMA.

356. The SHMA data shows that 66% of 1 bedroom flats and 51% of 2 bedroom flats need to be affordable. The affordable flats proposed would almost all be 1 bedroom flats (plus 9 houses). The proposal would not even deliver 10% of the affordable housing required because 2 bed units make a greater contribution to meeting housing need than 1 bedroom units. This amounts to a hidden subsidy to the developer. Moreover, no housing would be delivered in the first phase so the proposal would jam up the housing queue for at least another 5 years.

357. The planning committee was led to believe that the scheme would make a significant contribution to the need for 1 and 2 bedroom flats up to 2036. However, this is only true for market housing. It would make only a 3.4% contribution to the need for affordable 1 and 2 bedroom flats. The proposal would create a structural imbalance between affordable and market housing in Norwich which could not be corrected by other developments during the plan period. The ability to meet the needs identified in the SHMA would be undermined, contrary to the housing policies set out in the Framework²⁵⁹.

Climate change and energy

358. The Framework states that the planning system should support the transition to a low carbon future, contribute to reducing greenhouse gas emissions and support renewable and low carbon energy²⁶⁰. The proposal lacks a positive

²⁵⁸ CD2.21

²⁵⁹ Paragraphs 59, 61, 64 and 65 of the Framework

²⁶⁰ Paragraphs 148, 150 and 151 of the Framework

environmental vision that would support these objectives. JCS Policy 3 requires 10% of energy in new developments to be from renewable or decentralised sources. This policy is out of date and much higher requirements are achieved in other plans. An aggregate energy saving of 23% is proposed. The renewable energy element comes from air source heat pumps for the commercial units. The renewable energy level for the housing (photovoltaic panels on the 9 houses) is much less than 10% and does not meet Policy 3.

359. The Chancellor's 2019 Spring statement sought to phase out gas for domestic heating with no new gas installations from 2025, yet the scheme proposes 1200 gas boilers. Other options should be considered, including ground source heat pumps, electric heating and greater use of photovoltaic panels. The proposal should be refused because it is contrary to the Framework and the housing element does not meet JCS Policy 3. Gas should not be installed in any of the units.

Other objections

360. The commercial retail units would threaten the distinctive shopping offer of Magdalen Street and harm a thriving artistic community. The level of parking (1,540 spaces in total) is excessive in such an accessible location. The additional traffic generated would increase community severance, air pollution and carbon emissions. The scheme lacks play space for children and green space for residents. There would be excessive hard surfacing and a pathetic biodiversity gain.

Conclusion

361. Norwich has always accommodated change. Destruction on the scale of Anglia Square is not typical. That damage could be mitigated by sympathetic redevelopment but this proposal would not do that. Overall, the benefits of the scheme would be considerably outweighed by the disbenefits. NGP wants to see a development where housing, shops, employment and green spaces are blended to create a strong community that fits with its surroundings. It should be ready for net zero carbon. The Goldsmith Street housing development, which won the Stirling Prize for 100 social houses built to passivhaus standards, is an example of what can be done. Norwich is often said to be 'A Fine City' – it should not be allowed to turn into 'A Once Fine City'.

Norwich Over the Water Society²⁶¹

362. The existing pagoda was constructed in the 1980s to improve the attractiveness of the square and has been popular with the public, being used for plays, musicians, charity events and carol singing. There is no equivalent facility in the scheme. Losing this all-weather facility would be a significant loss and would harm the commercial potential of the square by discouraging its use in wet weather. The proposals make insufficient provision for security. The flyover is poorly lit and puts people off. A security office placed next to the flyover, together with adequate lighting, would encourage people to visit the square. More secure cycle parking is needed for those visiting or working at Anglia

²⁶¹ Summary of comments made orally by Mr Scruton and others and in NOTW1.

Square. Car parking should be provided underground, with computer controlled car stacking avoiding the need for vehicles to drive round in search of a space. The Under the Flyover scheme looks promising and should go ahead at an early stage.

363. There has been a lack of regard for the culture of the area. It is unlikely that a new cinema company would be interested in this location. This presents an ideal opportunity to replace the Opera House in Norwich which was demolished some 50 years ago. There is also an opportunity for an art gallery, which would complement the Castle Museum. The artists currently based in Gildengate House should be accommodated in the development. The name of the square should be changed to something that is truly locally distinctive. Possibilities include Stump Cross Square (for reasons of local history), Hansard Square and The Squares Over the Water.

Hugo Malik²⁶²

364. Mr Malik is a former Norwich City councillor and member of the planning committee. Norwich is not a wealthy city in an economic sense although it is rich in many other ways. It is built on communities that thrive in Victorian and Edwardian terraces, spacious suburban bungalows and fantastic low-rise Council estates. These communities overlap in Norwich's historic lanes, vibrant artistic scene, outdoor market (the largest in Europe) and independent cafes and restaurants. NS was correct to point out that the proposed density would be four times that thought to be acceptable in Leeds. The developers told the Council they would only proceed if they could apply for exemption from CIL. This would amount to some £8.8 million which could have been put into local infrastructure and services. Together with the HIF funding, this amounts to over £22 million of public money. Even so, the scheme is only marginally viable. There is good chance that it will end up as a white elephant or a half finished empty tower.
365. Norwich has a proud history of supplying affordable housing. However, over the last five years private developments have regularly been granted planning permission despite being in breach of development plan policies on affordable housing. This has mainly been on grounds of viability and claimed economic benefits. The current proposal is almost entirely flatted. This mix does not meet the housing needs assessment and conflicts with the housing policies of the Framework. The 120 affordable units amount to less than 10% of the dwellings, compared with a policy requirement for 33%. The quality of the homes is also a matter of concern, as identified by Design South East who highlighted limited access to daylight and natural ventilation and corridors that mostly lack external windows.
366. There are numerous discrepancies in the officers' report which concludes that either approval or refusal could be justified. This was hardly a ringing endorsement. The report was hardly glanced at by the planning committee. Significant concerns on behalf of Design South East were only briefly touched on. The summary of the Council's heritage evidence to this Inquiry is that the harm (in heritage terms) is greater than that claimed by the applicants and

²⁶² Summary of comments made orally and in HM1 and OD23

greater than the heritage benefits of the proposal. This is an appalling application which breaches every policy in the JCS and DM Plan. It would be vastly detrimental to the heritage of Norwich and would set a national precedent for a dystopian future for similar sized towns and cities.

New Anglia Local Economic Partnership²⁶³

367. New Anglia Local Economic Partnership supports the application. Anglia Square presents a significant opportunity to create an iconic skyline for Norwich which would reflect the modern ambitions of a digitally creative city. The scheme would provide a significant number of construction and supply chain jobs during the construction phase and a broader mix of employment in the longer term. Norwich benefits from strong technical, digital and creative sectors which are growing fast. The scheme would drive jobs and investment, helping to deliver the Norfolk and Suffolk Economic Strategy.

Cathedral, Magdalen and St Augustine's Forum²⁶⁴

368. Cathedral, Magdalen and St Augustine's Forum (CMSA) represents residents, businesses and community interests across the north city. It opposes the application, which would be out of keeping with the historic mixed-use nature of the city centre. The proposal would undermine the present role of Anglia Square in supporting the community and foreclose on the opportunity for appropriate regeneration of the wider area as a thriving mixed creative industries quarter. The scheme is overly dense and its negative impacts have been severely underestimated. It would inflict substantial harm on the historic environment and CMSA supports others who have given evidence on this matter. CMSA was set up to initiate a neighbourhood plan for the north city. It offered to facilitate dialogue between the developer and the community. That offer was not taken up but the developer agreed to receive a community brief to articulate the aspirations of the community in terms of use, scale and place making. CMSA undertook a community design weekend in January 2018, engaging local people in a co-design exercise. The resulting community vision was submitted to the Council and to the Inquiry²⁶⁵. It is commended to the Secretary of State.

369. Previous proposals were overtaken by changes in the retail sector. Following the property crash the site was frozen within Ireland's National Asset Management Agency. The new owners have promoted a scheme which is an opportunistic response to the delivery of housing numbers rather than addressing the needs of the local area. These include the needs of those engaged in the creative, entrepreneurial and cultural industries, (including live/work/sell accommodation), older people and young families wishing to trade up from Victorian terraced houses. The way in which the scheme is designed makes it inherently unaffordable to the local market, such that it would not contribute to building a strong and vibrant community. It would be a dormitory development.

370. Traders are concerned about the impact on existing small scale shops and niche businesses. The scheme fails to respond to the needs of the growing digital and

²⁶³ Summary of comments made orally by Ellen Goodwin and in CD21.33

²⁶⁴ Summary of comments made orally by Mr McGlyn and in CD21.5

²⁶⁵ CD21.6

creative sector, due to an unsympathetic development format and a lack of place making. The shops at Anglia Square serve the needs of the local community well and are highly cherished. A standard mixed use shopping centre would compete with the Castle Quarter and Chapelfield centres. The proposed units would be ill matched to retaining and growing the local convenience retail component. The LDC designation needs to be urgently re-examined in the light of changing retail trends. The proposal would conflict with development plan policies relating to sustainable development, amenity, design, heritage, energy and climate change.

John Howkins²⁶⁶

371. Although Anglia Square has the scope for transformational change this scheme would not deliver that. Less than 20% of the workforce now works 9 to 5 in an office. The national emphasis is on creative, digital and technological innovation. The developer seems to have no awareness of the needs of these sectors. The scheme would not be attractive to these people, who look for low rise flexible spaces suitable for work and living. Barriers between uses are becoming blurred and the need is for flexibility. This would be a brutal and insensitive form of development, demonstrating a lack of appreciation of Norwich as a historic city and as a commercial, social and cultural ecosystem. It ignores the fact that the adjacent streets have developed a vibrant economy based on independent shops and restaurants and a growing creative hub. The proposed design and density are in direct contradiction to this kind of local development.

Dr Judith Ford²⁶⁷

372. Nowhere else has such a diverse selection of independent eateries as Magdalen Street. The independent shops are equally diverse, with a wide range of food and non-food products. These are proper High Street shops that the rest of the country seems unable to support. This is an eclectic and vibrant multi-cultural area that should be supported. In contrast, the proposal is for a soulless London-style development. The 10 and 12 storey flats in Blocks F and G would create a wind tunnel. Natural light would be very poor to the lower flats, resulting in depressing living conditions. Many of these flats would be accessed by long internal corridors. The proposal makes no contribution to community facilities.

373. The scale of the buildings would be out of proportion to the surroundings. This would be a dormitory area, destined for the buy-to-let market, with many transient residents. It would not be a community. There is no need for more shops, there are already two shopping malls in the city. Anglia Square itself is the best outdoor performance space in Norwich, being covered and sheltered from the wind. Plays put on there have been very well attended. This is not an area that needs to be brought upmarket. The existing shops are flourishing because they are affordable to local people. The tower blocks of the 60s should tell us that this is not the way to go. We could do so much better. The area needs a greener, more exciting future, building on the real strengths of what is already there.

²⁶⁶ Summary of comments made orally and in CD21.37

²⁶⁷ Summary of comments made orally and in OD20

Dr Alison Dow²⁶⁸

374. There are dramatic inequalities in health, employment, financial stability and even life expectancy within Norwich. Earnings in Norwich are lower than the regional average. Despite the image of Norwich as a dynamic city with a prestigious university, a teaching hospital and a world-class research park, it is the second most deprived local authority area in the east of England. The three wards closest to Anglia Square have the highest levels of deprivation in Norwich, leading to increased incidence of disease, drug use and child safeguarding issues. Anglia Square is the 'go to' destination for the local community, offering affordable shopping and a social hub. The proposal is disrespectful to local residents. It would bring only high density, small units (not conducive to good health), high priced shops and very little affordable housing. This is a development that would exclude local people and do nothing to improve health outcomes in the wider community.

Ian Gibson

375. Mr Gibson was Member of Parliament for Norwich North for 20 years. In general, the public have not responded much to this Inquiry process. However, there is great opposition to this scheme in the wider community. There was an amazing response to a recent play staged in Anglia Square. Norwich is not the same as London and comparisons with the Shard, as a catalyst for regeneration, are not relevant here. The Forum is a successful modern development within the historic city. It has worked because of the particular uses, including the BBC, that it accommodates. Historically, north Norwich has been disadvantaged compared with the south of the city, for example in relation to access to higher education and health facilities. For many years Council investment has been diverted to the south. People here are worse off and feel powerless. Norwich is effectively two cities. The proposal contains minimal affordable housing and would not deliver the things that local people want and need. There is fierce opposition to the crude 20 storey tower block. This is something that no other historic city in England would even contemplate.

Joanna Smith

376. Ms Smith spoke first on behalf of Clive Lewis MP. It is accepted that Anglia Square needs investment but this proposal is unacceptable. The Chapelfield shopping centre makes adequate provision for national retail chains. Something more local is needed at Anglia Square. Norwich is a living and evolving city where there is a delicate balance between new and old. This would be an insensitive and characterless scheme. It would not represent good quality or sustainable development. The developer states that the proposal would not be viable without exemption from CIL. Viability is being used cynically as a lever for an oversized, poorly designed scheme that would provide only limited affordable housing. It would do nothing for the long term well-being of the area. The Goldsmith Street development sets a standard that should be followed for sustainable and beautiful development.

²⁶⁸ Summary of comments made orally and in OD21

377. Ms Smith then spoke in a personal capacity. This area is already meeting the needs of its people. The Council is desperate to replace an eyesore but local people do not want this development, which would tower over St Augustines Street. The traffic generated would cause gridlock in surrounding streets. The public spaces would be in shadows, rather than being light and sunny. The flats would be served by long, dark corridors. This would not be a people friendly place, nor would it create a new community. This part of Norwich has already suffered from wartime bombing and 1960's planning. It must not see a third wave of destruction. The city deserves better.

Norfolk Gardens Trust²⁶⁹

378. The Trust is concerned about the settings of the Grade II* Catton Hall Park, the Grade II* Waterloo Park and views from Mousehold Heath and Kett's Heights. Catton Hall Park was the first park landscaped by Humphry Repton, who used the Cathedral spire as a key feature in his design. Waterloo Park was the last of the parks designed by Captain Arnold Sandys-Winsch. The centrepiece of the park is a listed pavilion from where there are magnificent views across the city. The Cathedral spire stands out in views from the upper path. The proposal would be in view, especially in the winter, rivalling the view of the Cathedral from the heart of the park. The prospects from Mousehold Heath and Kett's Heights have inspired numerous works of art. The proposal would forever destroy these famous views. An unfortunate precedent would be set. The standard of excellence demonstrated by the Goldsmith Street development should be extended to this site.

Jan McLachlan

379. Up and down the country there are examples of gentrification at the expense of established communities. This is multi-cultural working class community. Anglia Square may not be pretty but people can afford to shop there. With homelessness on the increase and over 4,000 on the housing waiting list there is a great need for truly affordable housing. A completely different type of development is needed here.

Cllr Martin Schmierer

380. Cllr Schmierer represents Mancroft ward on Norwich City Council. Whilst Anglia Square is in a sorry state there is a risk of repeating the mistakes of the past. Regeneration must meet the needs of residents and local businesses. This proposal would do neither. With so much public money going into the scheme through HIF and CIL relief it is despicable that so little affordable housing would be delivered. There would be no green spaces for the community. Roof gardens do not meet the policy requirements of DM Plan Policies DM3 or DM8. Off-site space, on the other side of a busy road, does not make up for the lack of space on site. The height of the scheme would result in overshadowing of adjoining streets.

381. Paragraph 85 of the Framework states that planning policies should look at least 10 years ahead. There is a crisis on the High Street with even major department

²⁶⁹ Summary of comments made orally by Peter Woodrow and in OD22

stores struggling with the trend towards online shopping. There has been a loss of retail space at Castle Quarter. The proposal would be detrimental to vitality because it would compete with the existing shopping centres. The existing shops at Anglia Square are well used and serve a local function but it is questionable whether there will be demand for the new shops.

382. Norwich has an iconic skyline which is, in the main, low rise. The 20 storey residential tower would in no way equate to the Cathedral. It is not just the tower that is of concern. The mass and height of the surrounding blocks would dominate the area. The very high density of the scheme would conflict with DM12. The design is disappointing and pays no regard to the character of the NCCCA. The PGN identifies Anglia Square as a negative feature. This scheme would be a missed opportunity to reconnect the site to its surroundings. It is necessary to listen to the community and go back to the drawing board.

Ian Couzens²⁷⁰

383. Mr Couzens is a former Councillor and Leader of Norwich City Council. The massive scale and bulk of the scheme would be out of keeping, particularly the tower which would impact on the skyline and degrade the setting of historic buildings. Norwich has a long and successful record of city centre regeneration projects which fit well in their surroundings. In this case there are many objectors including community groups and civic organisations. It was rash of Homes England to ignore their own guidelines which state that local support is needed where HIF funding is awarded.
384. The Council considers that the scheme would bring major economic benefits, such as to outweigh the effects on the historic environment. The reports focus on deprivation within the Council's administrative area. However, Norwich has long outgrown its boundaries. In adjoining parts of Broadland and South Norfolk there are thriving business parks, low unemployment and significant housing growth. It is misleading to compare employment in the construction sector in Norwich with the regional average. In reality construction labour is highly mobile. There may be around 18,000 working in construction across the three local authority areas. The scheme would have a marginal impact on construction employment. Turning to the operational phase, total jobs in hotels, shops and leisure facilities are governed by spending power. Over time, it is likely that the jobs position would be neutral, whether or not the scheme is built. Moreover, the very concept of an LDC looks dangerous when the bricks and mortar retail sector is going through such convulsions.
385. There have been dire warnings that not proceeding with the scheme would send the wrong message to investors. However, property developers will get a clear message that poor design is unacceptable and will come back with more appropriate proposals. Businesses seeking new premises would consider a whole range of priorities and it is hard to see how the future of Anglia Square would be a determining factor. Norwich is not bad at retaining graduates, even though starting salaries are low. Graduates find the city attractive and are keen to stay if they can. There is a need to attract higher value jobs but this does not require such a radical change in the built environment. If the scheme does not proceed

²⁷⁰ Summary of comments made orally and in OD36

the impact on the economy would be insignificant. However, if it does proceed, the impact on the built environment would be dramatic and destructive.

Norwich Conservative Federation²⁷¹

386. The proposal would be wholly out of place within the city walls of Norwich. The evidence of HE and SBH is fully supported. There should be greater ambition to create destination architecture. The city has an abundance of one bedroom apartments. Creating over 1,200 flats lacks social balance. Such schemes are designed as investment vehicles, not for local ownership. A more specific assessment of housing demand is needed. The alternative schemes put forward show that around 650 residential units could be built in an acceptable way. There is no need for a further 600 units to meet housing requirements across the Greater Norwich area.
387. The Council's evidence on economic development shows little understanding of how to achieve appropriate solutions. There is no market need for the type of commercial space proposed. The demand is for small, flexible, cheap start-up units. This project would do nothing to build a stronger or more competitive Norwich. The proposed retail spaces fail to respond to the needs of the economy. Existing large retail spaces are at risk with the moves towards online retailing. Creating retail space that competes with the city centre will simply cannibalise the existing market. The attempt to create a competing retail centre in this secondary area (rather than complementary retail/commercial areas) is not appropriate and conflicts with the Framework in this regard.
388. The proposal is not sustainable, either at an environmental or a social level, with low quality retail jobs and a limited housing offer. The alternative visions put forward by CMSA and HE show that there are less harmful ways of achieving housing delivery and economic growth. There is an opportunity here to create a thriving new quarter of human scale. Overall, the proposal would drive a coach and horses through the Framework, the Greater Norwich Local Plan, the JCS and the DM Plan. It is impossible to see how this project passes any of the tests in the recent document 'Living with beauty, promoting health, well-being and sustainable growth'. It should be rejected.

Michael Innes²⁷²

389. Mr Innes is an architect who has worked in Norwich for many years. Norwich has a unique physical and cultural identity. It has 1,560 listed buildings including 32 medieval churches. Anglia Square (and the inner ring road) was invented at a time of great pressure in the post-war period, including a desire to get the Stationery Office to relocate to Norwich. This scheme is oblivious to the architectural and historical values that could bring real gains. The pace of housing development is set to continue, so we need to be more careful than ever, especially in Norwich. Conversions of offices and warehouses have largely been successful but there is a limited supply of such sites. It is ironic that this Inquiry should come at the same time as the plaudits for Goldsmith Street. These proposals should be refused to make way for a policy of repair and

²⁷¹ Summary of comments made orally by Mr Oxley and in OD27

²⁷² Summary of comments made orally and in OD28

extension of the community, with a scale that sits comfortably within Norwich over the water. There is a need for a considered brief and a design competition.

Gerard Stamp

390. Mr Stamp is an artist. The 1960s development of Anglia Square had the effect of severing and ghettoising part of the city. There is an opportunity to repair that damage. The 'Living with beauty' report recommends a fast track for applications that enhance beauty. This proposal would bear no relation to its context and would be worse than Anglia Square. The 20 storey tower would do immense damage to Norwich. If similar harm were inflicted on Bath or York there would be an international outcry. 'Living with beauty' aims to change the nation, creating places rather than faceless architecture. Norwich should aspire to that, rather than repeating the mistakes of the past.

Cllr Danny Douglas²⁷³

391. Cllr Douglas is a Norfolk County Councillor and a Transport Manager. The community is positive about the need for development on the site but most have expressed concerns about the scale of the tower. Many are also concerned about the lack of green space, traffic congestion and air pollution. The local plan outlines our shared ambitions to use and enhance the historic fabric of the city to support the economy. However, this proposal runs contrary to many policies, including by impinging on views from Mousehold Heath. The collapse of retail on the High Street has continued since the application was submitted. Retail space within the development is likely to appeal to chains rather than independent small traders.

392. Providing retail space at Anglia Square risks the sustainability of the fragile bus ecosystem. There are no direct services from communities to the south, west and east of Norwich so driving would be more attractive. This would undermine the commercial viability of the bus network. The underutilised retail locations at St Stephens and Castle Quarter have direct bus links to much of Norfolk as well as improved walking routes to the railway station. A successful retail development at Anglia Square would damage these retail locations and cause a modal shift to car use. The proposals contain insufficient affordable housing, in the wrong phase and the wrong types of unit. In summary, the proposal does not conform to our shared vision as expressed in the local plan.

Anna Brass and Paul Fenner

393. Ms Brass and Mr Fenner are artists who have studios in Gildengate House. There is great energy in the Norwich art scene which includes many graduates from the local art school. Norwich over the water is an artistic quarter due to the availability of affordable studio space. Gildengate House accommodates some 80 artists, the biggest concentration of artists in the city. Loss of this space is a threat to the wider cultural life of the city. The quality of the proposed design is poor and would be destructive to the townscape of Norwich.

Phillipa Clements²⁷⁴

²⁷³ Summary of comments made orally and in OD35

²⁷⁴ Summary of comments made orally and in OD29

394. Ms Clements is a local resident and business owner. There has been what looks like a standard consultation exercise but this falls short of a full and proactive consultation. However, the community is willing and able to engage. There have been many objections made during the planning process along with petitions, community activities, theatre and song. The current poor state of Anglia Square is a constant theme in responses, particularly from the relatively small number of supporters. The comments of the Magdalen Street Traders Association reflect a fear that the developer will walk away. The Council's evidence also reflects a fear of sending the wrong signal to potential investors. However, fear is not a good reason to accept a poor plan. Had there been fuller engagement, a more sensitive and sustainable plan could have been developed. This Inquiry seems to be testing how far away from what the community wants can be got away with. The Inquiry should test the strength of the Framework, which seeks development appropriate to its location that engages with community aspirations.

Jeff Jordan²⁷⁵

395. Mr Jordan is a local resident. The applicants' transport witness suggested that there is no correlation between car ownership and car use. However, those with one or more cars are likely to drive more than those who do not own one. Car clubs are proposed but there is no guarantee that additional bays could be provided, if the need is greater than the 9 bays initially planned. No information was given about the increase in bus services necessary to accommodate the new residents. The car park is likely to add to congestion at times when it is full and cars are trying to enter already congested roads. Cycling would be an excellent way for residents and visitors to travel but there was no mention of cycle storage space for residents and a minimal number of bike racks would be available for the public. There is likely to be insufficient space for the delivery vehicles needed to service a huge increase in online shopping.

Helen Leith²⁷⁶

396. Ms Leith is a trustee of the Norfolk Historic Buildings Trust. The proposed tower and some of the blocks would do unacceptable and unnecessary harm to the skyline. The design could have been more sensitive, with more contextual references, more affordable housing, more family housing, more community space and more facilities. It is a 'could be anywhere' design that relies too much on retail provision which is unlikely to be fully realised. This design could be modified to make it more acceptable. The application was only narrowly approved by the Council, notwithstanding severe reservations about impacts on the historic environment and conflict with the PGN. The 'Living with beauty' report is timely. It identifies a disconnect between what communities want and what architects and developers wish to impose.

397. The historic skyline of Norwich has remained largely unchanged for 1,000 years. The most important buildings on the skyline are civic, historic or religious. A residential tower cannot be compared with these historic buildings. The recent Pablo Fanque House is a disaster. The gulf between what the architect/

²⁷⁵ Summary of comments made orally and in OD30

²⁷⁶ Summary of comments made orally and in OD34

developer wants and what the public wants is clear from the aggressive language of ego used by the applicants (*'unashamedly urban'*, *'strong visual landmark'*, *'punctuates the sky'*). Norwich does not need markers punctuating the sky and ruining key views of the city.

398. The DM Plan says heritage harm will only be allowed where there are over-riding benefits. There is no evidence of such benefits here. The Council's conservation officer has identified weaknesses of the scheme. Good modern design, such as the Forum and Goldsmith Street, is welcomed in Norwich. This scheme should be modified to create a beautiful and sustainable development that will benefit the city in the long term.

Cllr Jamie Osborn

399. Cllr Osborn is a Norwich City Councillor. The scheme would not provide a sufficiently good quality of life. It is disproportionately reliant on cars with over 1,000 parking spaces. There should be low (or zero) parking provision in this location. The streets are already choked with traffic and air quality is a serious concern. The proposal would not build on the unique character of Norwich's independent retail sector. A mainly flattened scheme would not represent good place making. We need to take the climate emergency seriously and come up with an alternative scheme.

Matthew Williams²⁷⁷

400. Mr Williams is a geologist and local historian. We can learn a lot from recent history, for example, understanding the medieval routes which developed across the city can help plan cycling and walking networks for a low energy future. Ultimately geology drives everything, including the form and topography of the city and its reason for being here. There is a coherent linkage from subterranean conditions through multiple phases of human intervention to produce the heritage we see today. Over centuries, new developments have taken place in accordance with the grain of the city.
401. Anglia Square goes against that grain. It is a large east/west monolith, imposed on earlier more subtle patterns of routes and property boundaries, bearing no relation to the previous texture. Mass clearance snuffed out the life of part of the city centre that was previously intensively used, leaving unusable triangular peripheral plots. The proposal attempts to restore an echo of original diagonal routeways. However, this is a feeble gesture in the face of the scale and 'against the grain' impact of a scheme. It would repeat and indeed amplify the errors of the 1970s with an even more massive intrusion into the landscape of a low rise area. The proposal will not work spatially, culturally or in terms of the needs of the community. A different approach is possible. We need to work with the grain of the city.

Neil Cooke

402. Mr Cooke is a local resident and retired conservation architect. The applicants first sought to justify the proposed tower as a landmark or waypoint. It is now said to be a symbol of regeneration. In reality it would be a marker of 1960s

²⁷⁷ Summary of comments made orally and in OD31

vandalism, when potential listed buildings were demolished to make way for the ring road and Anglia Square. Visitors have difficulty finding Elm Hill but the solution is not to build a tower there. Why does Anglia Square need one? The clock tower on City Hall is a landmark but people found the market for 1,000 years before it was built. The Council should admit its mistake and work with local people. Norwich needs a Tate East or a concert hall. Regeneration should support the arts and the digital sector, promoting better long term jobs. Norwich over the water needs to be healed and Anglia Square needs a better design.

Kate Murphy²⁷⁸

403. Ms Murphy is a local resident and has a studio in Gildengate House. Approaching Anglia Square on foot, by bike or on the bus is a source of intense enjoyment, contributing to well-being on a daily basis. Such uplifting experiences can be experienced from St Augustines Street, Aylesham Road (from where the Cathedral spire is seen) and Gildencroft Park. The Norwich skyline is exciting. Key features appear around corners where one might not have expected to see them. These benevolent features, which are low in height, are connectors to past populations. They give the viewer a sense of being woven into the city, its views and its long lifespan. The glass roofed pagoda at Anglia Square invites you to sit, relax and look around. It is a place to feel connected to one another and spend time together without spending money.
404. These are positive emotional feelings of being in and around Anglia Square that will not exist for a person in and around the proposed development. Inevitably, redevelopment will take place. However, the Council should take a lead in protecting the unique emotional and community sustaining features that are facilitated by the existing structures, when the structures themselves are changed. This proposal would obliterate those features, degrading the area socially and physically. Norwich should be protected from this.

Charlotte Helliwell

405. Ms Helliwell is a local resident. Norwich is a fascinating city. In 1967 it gained the first pedestrian shopping street in the UK. It is the largest city to survive without losing its medieval structure. It has evolved into a modern city without losing its character. Anglia Square is an eyesore and a mistake. Any replacement should enhance the local area and Norwich as a whole. The proposal would not do that. The bulk, density, homogeneity and mediocrity of the design would be a bigger eyesore than the existing buildings. The scheme includes little affordable housing and would cause an influx of people from elsewhere. Different priorities are needed, including low rise housing, green spaces, small business units and a cinema. Car access should be limited. The community should be much more involved. The Council has seriously underestimated the harm to the city skyline and views. The site presents a wonderful opportunity but this scheme would be a huge mistake.

Victoria Penn

²⁷⁸ Summary of comments made orally and in OD32

406. Ms Penn spoke on behalf of a local resident, who was unable to attend, and Car Free Norwich. The local resident is concerned about poor air quality generally. Pollution levels at Anglia Square, Magdalen Street and St Augustines Street are of particular concern. The prospect of the additional traffic that would be generated by the proposal is frightening because of the effect it would have on air quality. Car Free Norwich sees an opportunity for Norwich to become one of the great car free cities of Europe. The concentration of car parking in the application scheme is regressive and would reduce the uptake of sustainable travel modes.

Philip MacDonald

407. Mr MacDonald is part of the leadership team at Surrey Chapel, which has been at its present location (within the application site) for 35 years. There is an option to relinquish the site in favour of relocation. Negotiations with the applicants have been positive and all parties have worked hard to develop an alternative building. Surrey Chapel is conscious of the deterioration of Anglia Square. Whilst it is understood that there are conflicting views, the proposal provides an opportunity to regenerate the site, provide new jobs and create a new community. It is hoped that the applicants will get the opportunity to carry out this sustainable and inclusive development.

WRITTEN REPRESENTATIONS

408. The representations received by the Council when it considered the application are summarised in the officers' report which notes that there were 939 representations from individuals in addition to representations from statutory bodies and community groups²⁷⁹. A wide range of points of objection and some points of support were noted. In general, these related to matters covered elsewhere in this report.

409. Numerous written representations were submitted in response to the call in. These included around 12 of letters of support from individuals. These mentioned the need to reverse a long period of decline, to remove an eyesore and improve the area and to promote new housing and employment²⁸⁰. The Magdalen Street Area and Anglia Square Traders Association, whose membership includes over 100 businesses in the locality, supports the application and is keen to see it go ahead without delay²⁸¹. It comments that there has been further decline over the last three years with the closure of the cinema and loss of two long standing businesses fronting Anglia Square. The developer has assured the traders that Anglia Square would be developed in stages, such that it would remain open throughout. It would be retained as a community based centre. Anglia Square cannot survive much longer. This is a deprived area and there is a desperate need for the work, homes and sustainability that this scheme would provide.

410. Representations have also been received on behalf of two shopping centres in central Norwich. The owners of the Castle Quarter centre object to the

²⁷⁹ Paragraph 37 and following of CD2.15

²⁸⁰ For example, CD21.38 to CD21.41; CD21.46 to CD21.50 and CD21.52 to CD21.55

²⁸¹ CD21.60

application on the basis that there would be a significant increase in main town centre uses. They argue that this would not be consistent with the role of the site in the retail hierarchy, contrary to JCS Policy 19²⁸². Planning conditions are suggested to limit the range of commercial occupiers and prevent the merging and/or subdivision of units. The owners of the Chapelfield Shopping Centre do not object to the principle of the scheme but are concerned about the retail element. They suggest that it would compete with the primary retail area of Norwich, rather than complementing it as required by the PGN²⁸³. Conditions are suggested requiring that at least 3,000 sqm of the retail space be restricted to convenience goods and that at least 70% of the flexible commercial space be for retail use. They also seek restrictions on occupation by any retailer who is currently occupying floorspace in the primary shopping area of Norwich.

411. The majority of written representations submitted in response to the call in, and those submitted at the Inquiry, were from objectors²⁸⁴. The grounds of objection generally related to matters covered elsewhere in this report.

CONDITIONS

412. The suggested conditions were discussed during the course of the Inquiry. The final schedule of suggested conditions²⁸⁵ was agreed between the Council and the applicants and was not disputed by other parties present at the Inquiry. I have considered the suggested conditions in the light of Planning Practice Guidance. I have made some changes to detailed wording in the interests of clarity. However the conditions set out in Annex G are, in substance, the same as those suggested. Conditions 25 and 28 require matters to be approved before development commences. This is necessary because these conditions address impacts that would occur during construction. The applicant has agreed to the pre-commencement conditions²⁸⁶.
413. Conditions 1 to 12 relate to the detailed element of the hybrid application. Condition 1 is a standard condition, modified to reflect the fact that the tower would not be constructed as part of the first phase. Condition 2 requires development to be carried out in accordance with the plans in the interests of clarity. Condition 3 restricts construction of the tower until such time as the reserved matters for the buildings that would be physically attached to it have been approved. Condition 4 requires approval of materials and other building details in the interests of the character and appearance of the area. Condition 5 requires approval of hard and soft landscaping in the interests of the character and appearance of the area, biodiversity and the living conditions of future residents.
414. Condition 6 requires approval of a car park management plan. Condition 7 requires connection to the city wide variable message signs. Condition 8 requires the use of existing surface level public parking within the site to cease.

²⁸² CD21.1

²⁸³ CD21.2 and CD22.19

²⁸⁴ CD21.3 to CD21.64; CD22.1 to CD22.44 and Inquiry documents in OD series (noting that some representations of support are also included in this set of documents)

²⁸⁵ ID13

²⁸⁶ WH25

Together, these conditions are necessary to ensure that the public car parking accords with development plan policies promoting sustainable transport choices. Condition 9 provides for monitoring of the use of residential car and cycle parking. Condition 10 requires a proportion of the spaces in Block A to be held back for use by residents of later phases. Together, these conditions are necessary in the interests of sustainable transport. Condition 11 requires the provision of a foodstore in Block A, in the interests of enhancing the function of the LDC. Condition 12 secures the delivery of public toilets and a Changing Places facility in the interests of inclusivity.

415. Conditions 13 to 15 relate to the outline element of the hybrid application. Condition 13 is a standard time condition, modified to reflect the phased nature of the development. Condition 14 requires development to be carried out in accordance with the plans and that the reserved matters comply with the parameter plans. This is necessary to ensure that the scheme is consistent with the impacts assessed in the ES. Condition 15 requires some further assessments related to specific development parcels. This reflects the phased implementation of the scheme and will enable effective mitigation of impacts at reserved matters stage.
416. The other conditions relate to all phases. Condition 16 limits the floorspace for specific uses to ensure that the scheme is consistent with the impacts assessed in the ES. Condition 17 requires a minimum amount of Class A3/A4 floorspace, condition 18 requires a minimum amount of floorspace for a cinema and condition 19 requires the provision of some smaller commercial units. Together, these conditions are necessary to ensure a balanced mix of town centre uses and unit sizes within the LDC. Condition 20 provides for phased implementation of the development, enabling co-ordinated delivery of infrastructure and mitigation measures during the course of the development. Condition 21 requires approval of a Demolition Method Statement to mitigate demolition impacts and to enable the LDC to continue to operate throughout the construction phase.
417. Condition 22 provides for the relocation of Surrey Chapel, to ensure satisfactory retention of a community facility. Condition 23 provides for the timely demolition of Sovereign House, a prominent building which blights the surrounding area, in the interests of securing the economic and environmental improvement of the area. Condition 24 ensures that demolition of Nos 43 to 45 Pitt Street is followed by redevelopment in a reasonable time, so as to protect the character and appearance of the NCCCA. Condition 25 requires the approval of a Demolition and Construction Traffic Management Plan, condition 26 requires further details of highway improvements to be submitted and condition 27 secures early delivery of the Edward Street cycle improvements. Together, these conditions are necessary in the interests of highway safety.
418. Condition 28 requires the approval of a Construction and Environmental Management Plan in the interests of highway safety, air quality and the amenity of the surrounding area. Condition 29 requires approval of a Written Scheme of Investigation and condition 30 sets out the procedure if there are unexpected archaeological finds during construction. These conditions are needed to protect the archaeological potential of the site. Condition 31 requires approval of measures to deal with contamination and condition 32 sets out the procedure if

unexpected contamination is found during construction. These conditions are needed to manage risks of pollution. Condition 33 restricts infiltration of surface water drainage, without express approval, to manage risks to groundwater quality.

419. Condition 34 requires approval of a Piling Method Statement in the interests of protecting the living conditions of neighbouring properties and managing risks to groundwater quality. Condition 35 requires the certification of imported soil in the interests of managing risks of pollution. Condition 36 requires approval of updated flood risk strategies (on a phased basis), condition 37 requires approval of surface water drainage and condition 38 requires approval of a flood warning plan. Together, these conditions are needed to manage flood risk. Condition 39 requires approval of fire hydrants in the interests of health and safety. Condition 40 requires the approval of a crime prevention strategy in the interests of community safety.
420. Condition 41 requires the approval of further noise assessments and condition 42 requires further air quality assessments, in the interests of protecting the living conditions of future occupiers. Condition 43 requires that 10% of the residential units are accessible and adaptable dwellings in the interests of inclusivity. Condition 44 sets a water efficiency standard for the dwellings and condition 45 requires approval of water conservation measures for the non-residential uses, in the interests of sustainable development. Condition 46 requires the approval of an Energy Scheme for the commercial units and condition 47 requires implementation of measures for the residential units contained in the submitted reports. These conditions are needed to reduce carbon dioxide emissions and to contribute towards climate change adaptation. Condition 48 requires approval of external lighting in the interests of amenity, biodiversity and aviation safety.
421. Condition 49 requires approval of a Travel Information Plan for the commercial units and condition 50 requires a similar plan for the dwellings. Condition 51 requires approval of electric vehicle charging points. These conditions are needed in the interests of sustainable transport. Condition 52 ensures that the residential parking is reserved for residents, condition 53 requires approval of cycle parking and refuse storage for the dwellings and condition 54 requires the same details for the commercial units. These conditions are needed in the interests of sustainable development and highway safety. Condition 55 requires approval of a Delivery and Servicing Management Plan to secure satisfactory servicing arrangements and protect the living conditions of future residents.
422. Condition 56 sets hours of operation for the Class A3/A4 units, condition 57 requires approval of screening times at the cinema, condition 58 requires approval of measures to control fumes/odours and condition 59 sets noise limits for fixed plant/machinery. These conditions are needed in the interests of protecting the living conditions of future residents. Condition 60 removes permitted development rights for communications apparatus in the interests of the character and appearance of the NCCCA. Condition 61 restricts the ability to increase the commercial floorspace through future alterations, to ensure that the scale of main town centre uses remains consistent with the position of the LDC in the retail hierarchy.

423. Condition 62 removes permitted development rights to change from Class A3 to Class A1/A2 and condition 63 removes permitted development rights to change commercial space to dwellings. Together these conditions are necessary to ensure that the scheme provides a balanced mix of town centre uses in support of the LDC role and (for condition 63) to ensure that the effects of noise and air quality on potential future residents are appropriately assessed. Condition 64 requires approval of a Public Space Strategy. This is necessary to ensure that the new public realm supports the new residential community and the vitality and viability of the LDC. Condition 65 requires approval of a Shop Mobility Scheme in the interests of inclusivity. Condition 66 sets space standards for the residential flats to ensure high quality living space for future residents.
424. The owners of two shopping centres in the centre of Norwich have suggested additional conditions relating to the proposed retail floorspace. This matter is discussed in more detail below, in the section dealing with town centres, where I conclude that these additional conditions should not be imposed.
425. If the Secretary of State is minded to grant planning permission, I recommend that the conditions set out in Annex G be imposed.

INSPECTOR'S CONCLUSIONS

The numbers in square brackets [n] refer to earlier paragraphs in this report

426. Taking into account the oral and written evidence, the Secretary of State's reasons for calling in the application and my observations on site, the main considerations are:

- the extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes;
- the extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy;
- the extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres;
- the extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment;
- the effect of the proposal on air quality;
- viability and the prospects for delivery of the scheme as a whole;
- the extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport; and
- the extent to which the proposed development is consistent with the development plan for the area.

Policy context

427. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) together with amendments that were adopted in January 2014 (the JCS); the Norwich Development Management Policies Local Plan (December 2014) (the DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014) (the SA Plan). With regard to the SA Plan, no party identified any policies of relevance to this application. The Council and the applicant agreed that very limited weight could be attached to the emerging Greater Norwich Local Plan at this stage of its preparation. I share that view. [21, 22]

428. The following are the most important JCS policies for determining this application:

- Policy 1 - Addressing climate change and protecting environmental assets
- Policy 2 - Promoting good design
- Policy 3 - Energy and water
- Policy 4 – Housing delivery
- Policy 5 - The economy
- Policy 7 - Supporting communities

- Policy 11 – Norwich city centre
- Policy 19 – The hierarchy of centres [23 to 25]

429. The following are the most important DM Plan policies for determining this application:

- DM1 – Achieving and delivering sustainable development
- DM2 – Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- 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 - Offices
- DM20 – Protecting and supporting city centre shopping
- DM28 - Encouraging sustainable travel
- DM29 – Managing car parking demand in the city centre
- DM31 – Car parking and servicing
- DM32 – Encouraging car free and low car housing
- DM33 – Planning obligations [26 – 28]

430. Turning to other sources of guidance, the Norwich City Centre Conservation Area Appraisal describes the features that contribute to the special architectural and historic interest of the area. Whilst I have taken it into account, I note that the management and enhancement measures that it sets out do not have the status of planning policy. The Anglia Square Policy Guidance Note (PGN) is non-statutory guidance. It is intended to be a material consideration, albeit with less weight than an adopted supplementary planning document. I have taken it into account on that basis. [29, 30, 245, 255]

The extent to which the proposed development is consistent with the Government's policies for delivering a sufficient supply of homes

The need for housing in Norwich

431. The calculation of housing land supply is carried out in relation to the three Greater Norwich Districts, namely Norwich City Council, Broadland District

Council and South Norfolk District Council. The most recent Annual Monitoring Report indicates that, by reference to the standard methodology, the supply of housing land is 5.89 years. Whilst it is relevant to note that this meets the requirements set out in paragraph 73 of the Framework, that is only part of the picture. Within the Council's administrative area the supply is just 4 years. Moreover, there has been historic under-delivery against the targets of the JCS. If supply were calculated in relation to the JCS targets for the Norwich Policy Area, (an area centred on and influenced by Norwich, as defined in the JCS), supply would be just 3.36 years. This is evidence of significant need in the Council's area, notwithstanding that the requirements of paragraph 73 are met. [164, 165]

432. The application represents the single most significant housing project in Norwich and is capable of delivering a substantial amount of housing over the next decade. It would deliver up to 1,250 dwellings. In terms of overall housing numbers, this would equate to around two years of Norwich's housing needs. [162]

Contributing to a mix of unit sizes and types

433. The proposal would deliver nine three-bedroom houses, with the great majority of the dwellings being one and two-bedroom flats, including a small number of duplexes. NS (and others) argued that this mix would be poorly aligned with the need for a range of unit sizes identified in the Strategic Housing Market Assessment (SHMA). The Council accepted that this would be a rather narrow range of unit types. The SHMA indicates that 36% of the total need for market and affordable dwellings is for one and two-bedroom flats. However, the SHMA is part of the evidence base for a plan that is currently being prepared. It is not itself policy and there is no policy requirement for an individual scheme to mirror the proportions of dwelling types and sizes set out in the SHMA. [166, 313]
434. DM Plan Policy DM12(d) states that proposals should provide a mix of dwelling types, including a proportion of family houses and flats. However, this is subject to considering whether the size and configuration of the scheme makes this aim practicable. No numerical targets are set within the policy. It is important to note that the application site is within a Large District Centre (LDC) where the Norwich City Centre Key Diagram (in the JCS) indicates that the focus of change at Anglia Square will include commercial, retail and residential uses. I accept the Council's argument that the strategic need to provide for retail and commercial uses at ground floor level significantly limits the opportunities to provide houses. Moreover, there would be a need to create active frontages to the new streets and public spaces within the scheme. With regard to need, the SHMA indicates a need for over 5,000 flats (over the period 2015 – 2036) so the proposal would make a substantial contribution to meeting that particular need. [167]
435. Some local residents argued that the housing mix would lead to the site having a dormitory function, with transitory residents, which would not contribute to building a community. On the other hand, the SHMA shows that there is a need for a substantial number of flats in Norwich. This site, which is highly accessible to the city centre, would be attractive to those working locally. For the same

reasons, it may prove attractive to those wishing to downsize to an accessible location. Moreover, the proposals include affordable housing, as discussed below. Drawing all this together, I consider that the particular circumstances of the site justify the housing mix proposed and I find no conflict with Policy DM12(d) in this respect. [373]

Affordable housing

436. The section 106 Agreement makes provision for 120 affordable dwellings, comprising 9 three-bedroom houses and 111 one-bedroom flats, representing around 10% of the total number of units. Of these, 85% would be social rented and 15% would be intermediate. JCS Policy 4 requires 33% of dwellings on large developments to be affordable, although this proportion may be reduced where the development would be unviable in current market conditions. The proposed social rented/intermediate split would accord with Policy 4. Several representations, both oral and written, questioned the amount of affordable housing. Norwich Green Party (NGP) argued that the SHMA data shows that there is a need for 38.3% of total housing need to be delivered as affordable housing. It was suggested that the proposed delivery of just 10% affordable housing would compare poorly with the requirements of the JCS and extremely poorly with the need identified in the SHMA. NGP also submitted that the affordable units would not be delivered early enough in the development programme. [8, 355, 356, 357]
437. Viability is discussed further below. In summary, it is common ground between the applicants, the Council and HE that the scheme is marginally viable with 10% affordable housing, after taking into account marginal viability funding of £15 million and the anticipated grant of exceptional circumstances relief from Community Infrastructure Levy (CIL). Some argued that, with public funding on this scale, it is wrong that so little affordable housing would be achieved. However, there was no evidence to counter the position as agreed in the SoCG on viability matters. The justification for awarding marginal viability funding is not a matter for me to comment on. The factual position is that the funding has been agreed. On the evidence before me, I conclude that 10% affordable housing is the most that can be achieved in current market conditions. [38, 167, 380]
438. Paragraph 64 of the Framework seeks the provision of 10% of units on larger housing schemes as affordable home ownership. However, I consider that this is a case where, having regard to the evidence on viability and housing need, meeting that aim would significantly prejudice the affordable housing needs of those specifically requiring social rented housing in this part of Norwich.
439. It is also relevant to note that the section 106 Agreement includes a review mechanism, such that additional affordable housing could be secured if viability improves during the implementation period. The Agreement also links the delivery of affordable housing to the phases of the development. For example, no more than 200 market units could be occupied in Block A until the affordable units in Block D had been completed and transferred to an affordable housing provider. I consider that these provisions are appropriate to the circumstances of the application scheme, which would be delivered over a number of phases, and would ensure timely delivery of the affordable housing.

440. NGP referred to SHMA data and housing waiting list data which, it was suggested, indicated that 25% of the affordable units should be two-bedroom flats. However, as discussed above, the SHMA data is not a statement of policy. Whilst it provides evidence of need, that evidence relates to Norwich as a whole. The Council's Housing Development Manager provided evidence of the difficulties of letting two-bedroom flats above ground level to families in this locality. He supported the approach whereby all the affordable flats would be one-bed units because, in his view, this would address the greatest housing need. I consider that the Council is well placed to judge the way in which the affordable element could best be deployed to meet local needs and I accept the Council's evidence on this point. [167]

Whether the proposals would create satisfactory living conditions

441. The Norwich Society drew attention to the density of the scheme which, at 285 dwellings per hectare, would be very much higher than densities typically found in Norwich. However, density alone is not a measure of the quality of the residential accommodation that would be provided. NS commented that access to flats via long single sided corridors would be oppressive. It is a feature of the design that the residential accommodation would be wrapped around multi-level car parking. This approach would inevitably result in significant numbers of single aspect units, accessed by corridors which would not have natural light. Whilst that would be a disadvantage of the design, I consider that there is a balance to be struck between having more residential accesses and maximising active frontages at street level. Future residents would benefit from having legible entrances directly off active public spaces and the design would perform well in terms of community safety. [312, 313]

442. Looking at living conditions in the round, it is important to note that the flats would have reasonable internal space standards. The one-bedroom flats would meet the technical standard for one-bedroom/two person units and the two-bedroom flats would meet the standard for two-bedroom/four person units. (This would be secured by suggested condition 66). The living areas would benefit from floor to ceiling glazing and the flats would have balconies as well as access to communal outdoor roof gardens. Overall, I consider that the proposed flats would provide a good standard of residential accommodation and would create satisfactory living conditions for future occupiers.

Conclusions on housing

443. I conclude that the proposal would significantly boost the supply of housing in Norwich. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. There is a section 106 Agreement in place which contains appropriate provisions relating to the phasing of affordable housing and review mechanisms which could enable more affordable housing to be provided in the event that viability improves. The scheme would create satisfactory living conditions for future occupiers. Overall, I consider that the proposal would accord with the housing policies set out in the Framework and I attach significant weight to the benefit of housing delivery, including affordable housing.

The extent to which the proposed development is consistent with the Government's policies for building a strong, competitive economy

444. In the early 1980s some 2,400 people were employed at Sovereign House. Large numbers would also have been employed in the adjoining Gildengate House at that time. Neither building has been let on commercial terms for many years although parts of Gildengate House are in temporary use as studios for local artists. There is currently over 16,000 sqm of vacant commercial floorspace, amounting to around half of all the floorspace for retail, commercial and other town centre uses. The application site currently supports 180 – 230 jobs, mostly in the retail and creative sectors. This figure includes employment in social enterprises occupying premises fronting Pitt Street. The Magdalen Street Area and Anglia Square Traders Association comments that the decline of Anglia Square has continued in recent years, with the closure of the cinema and loss of two long-standing businesses. On the other hand, local residents stress that the shops at Anglia Square are still much valued by the community. [108, 169, 373, 409]
445. It is estimated that construction of the proposed development would generate 250 – 300 jobs on site, plus a further 275 indirect jobs. Once operational it is projected that the site would support 536 – 693 jobs. It is estimated that the increased vitality of the centre would generate a further 60 – 118 jobs in the local economy. The Council considers that this would have a substantial positive effect on job opportunities for local residents, and the city as a whole, and would contribute to addressing deprivation in this part of the city. The Council also believes that the proposal would act as a catalyst for further investment. This view is supported by the New Anglia Local Economic Partnership, which comments that the scheme would provide a significant number of construction and supply chain jobs and a broader mix of employment in the longer term. The Local Economic Partnership notes that Norwich has strong technical, digital and creative sectors which are growing fast. [171, 172, 173, 367]
446. However, some parties challenged the claimed economic benefits of the scheme. For example, Cathedral, Magdalen and St Augustine's Forum (CMSA) argued that the scheme fails to respond to the needs of the digital and creative sectors due to an unsympathetic development format and a lack of place making. Others commented that the scheme would not be attractive to these sectors because they look for low rise, flexible spaces suitable for working and living. It was also argued that the economic benefits have been overstated and that, due to the highly mobile nature of the construction workforce, the effect on construction employment would be marginal. [315, 370, 371, 384]
447. The proposal aims to respond to the changing nature of shopping and employment by seeking flexibility in the uses of the commercial units. The scheme would include some 11,000 sqm of flexible retail/commercial uses. This would be subject to conditions designed to support the role of the LDC, as discussed below. Nevertheless, this flexibility could accommodate a wide range of employment generating uses. The applicants intend to retain as many as possible of the existing tenants of Anglia Square. The phasing of the scheme has been designed to enable Anglia Square to continue trading during construction. The section 106 Agreement provides for an Anglia Square Management Plan, to be approved by the Council, which would contain

measures to support existing tenants remaining at the site, assist those seeking alternative premises nearby and support continued trading at Anglia Square. [8, 31 – 34]

448. The proposal includes flexible commercial units fronting Pitt Street and Edward Street which would be made available to small and medium enterprises as discounted commercial units. The section 106 Agreement provides for these units to be offered at 20% below the average market rents for existing commercial units in the locality, excluding those within the scheme. The Agreement sets out a cascade approach, whereby these units would be offered first to those displaced by the scheme, then to social enterprises, artists and makers and then to small and medium enterprises generally. [8]
449. The availability of affordable studio space at Gildengate House has no doubt been of benefit to the art scene of Norwich and to the local economy. I note that Gildengate House would not be required for development until around 2029, so the artists with studios there would have time to seek alternative studio space. This was only ever intended as a temporary use of a vacant building, pending redevelopment. Consequently, I do not think that loss of the temporary use should weigh significantly against the proposals.
450. The scheme would accommodate retail and commercial uses at ground floor level and residential flats on the upper floors. It does not appear to cater for live/work units. However, an important planning policy consideration here is the designation of Anglia Square as part of an LDC. The design of the scheme prioritises the revitalisation of the shopping centre, in accordance with the development plan. That said, I consider that the provision for flexible uses, together with support for relocating tenants within the scheme and the provision of discounted commercial units, would help to maximise the benefits to the local economy and may well provide some opportunities for the digital and creative sectors. With regard to the construction phase, the section 106 Agreement makes provision for an employment and skills strategy which would support local employment and training.
451. The figures for future employment set out in the ES are based on standard floorspace multipliers. It is not unusual for socio-economic assessments to be done in this way, particularly where (as in this case) future occupiers are not known. In my view they give a useful indication of future employment levels, expressed as a range, but should not to be taken as precise forecasts.
452. In conclusion, it is clear that Anglia Square is not fulfilling its potential to contribute to the local economy, having regard to its size, its strategic location and its designation as part of an LDC. The proposal would result in some existing employment being displaced. However, overall there would be a significant net gain in employment. I consider that the application scheme would help to create the conditions in which businesses can invest, expand and adapt. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. Insofar as the current condition of the site is a barrier to investment, that barrier would be removed. The proposal would therefore be in accordance with those policies of the Framework which seek to create a strong, competitive economy. I attach significant weight to these economic benefits.

The extent to which the proposed development is consistent with the Government's policies for ensuring the vitality of town centres

453. Policy 19 of the JCS defines a hierarchy of town centres where the development of new retailing, services, offices and other town centre uses will be encouraged. This approach is consistent with paragraph 85 of the Framework which states that such hierarchies should be defined so that their long term viability can be promoted. Norwich city centre is at the top of this hierarchy. Anglia Square/Magdalen Street is identified as a large district centre (LDC) within the second tier. DM Plan DM18 states that retail, leisure and other town centre uses (as defined in the Framework) will be permitted at the defined centres where their scale is appropriate to the position of a centre in the hierarchy set out in JCS Policy 19. For an LDC, there is no specific numerical threshold for individual units or for the centre as a whole. [25, 28]
454. The PGN states that Anglia Square has a limited, value-led offer and that it lacks the diversity of uses needed to fulfil the LDC role. There is said to be a major opportunity to create a new shopping area alongside complementary leisure uses. The Greater Norwich Employment, Town Centre and Retail Study described Anglia Square as aesthetically unpleasing, performing a retail function that is little more than functional. The recommendations of the Study were that, to meet day to day shopping needs, redevelopment should continue to incorporate retail floorspace at ground floor level. This should include a mix of unit sizes, including larger units to enable current national retailers to remain alongside smaller units for more specialist operators. [174]
455. The officers' report notes that Anglia Square currently has 13,570 sqm of Class A1 (retail), A3 (cafes/restaurants) and sui generis uses. The proposal includes a total of 11,000 sqm of flexible commercial floorspace. Even if the maximum retail component were provided, this would be a significant reduction on the current level of provision. There would also be a significant decrease in B1 (office/business) use. The inclusion of the proposed hotel (11,350 sqm) would be a significant new town centre use. The retail strategy is to focus retail uses around the reconfigured Anglia Square, anchored by a food store. The new St George Square would include the cinema and leisure uses, including food and drink outlets.
456. Although the application seeks flexibility in the permitted uses, the suggested planning conditions set out parameters which are intended to ensure that the LDC role is fulfilled. These are:
- An overall limit of 11,000 sqm for the flexible commercial floorspace (condition 16);
 - Block A is to include a food store with a minimum floorspace of 800 sqm (condition 11);
 - The flexible commercial floorspace is to include a minimum of 1,500 sqm of Class A3 (cafes/restaurants) and Class A4 (drinking establishments), of which 75% is to be around the leisure square, with the total of such uses not exceeding 3,500 sqm (condition 17);

- The flexible commercial floorspace is to include at least 5 units between 75 sqm and 150 sqm and at least 5 units between 150 sqm and 250 sqm (condition 19);
- The overall limit on flexible commercial floorspace is not to be exceeded by subsequent extensions or alterations (condition 61); and
- A restriction on changes of use that would result in the amount of Class A3 and A4 floorspace around the leisure square falling below 1,125 sqm (condition 62).

With these conditions in place, the Council considers that the proposal responds positively to the recommendations of the Study described above and would address the steady decline of the centre, thereby supporting the long term vitality and viability of the LDC. [175]

457. CMSA and others drew attention to the value placed on the existing shops by the local community, expressing concern that the new shops would not be suited to expanding the local convenience sector. It is important to note that, in policy terms, Anglia Square and Magdalen Street are not separate centres. Magdalen Street is part of the LDC as defined in the development plan. The conditions described above aim to secure an anchor food store, to provide a range of unit sizes (including some smaller uses) and to create a new leisure destination at St George Square which would enhance the evening economy. It seems to me that these measures would benefit existing businesses in Magdalen Street through increased footfall and greater use of the centre in the evening. [370, 372, 374]
458. As discussed in the previous section, the section 106 Agreement includes measures to support the existing retail tenants at Anglia Square with a view to relocating those who wish to remain and keeping the centre open during construction. Retaining existing tenants who are trading successfully would also be beneficial to the LDC as a whole, including Magdalen Street, and to the community. The Magdalen Street Area and Anglia Square Traders Association supports the proposal and is keen to see it go ahead without delay, to reverse the decline of recent years. [409]
459. Representations drew attention to the well-publicised challenges facing high street retailing in general, arguing that there is no need for additional retail floorspace at Anglia Square. However, it is important to note that this is not a proposal to increase the total amount of retail floorspace. There would in fact be a reduction, although the new space would be in modern units in a much more accessible and attractive environment. As discussed above, subject to the above conditions, there would be flexibility both in the uses proposed and in the unit sizes. This would help the LDC to adapt to changing economic conditions. [381, 387]
460. The owners of the Castle Quarter centre object to the application on the basis that there would be a significant increase in main town centre uses, which they argue would be contrary to JCS Policy 19. Conditions are suggested to limit the range of commercial occupiers and prevent the merging and/or subdivision of units. The owners of the Chapelfield Shopping Centre have suggested further restrictions on the use of the flexible commercial space and a restriction on

occupation by any retailer who is currently occupying floorspace in the primary shopping area of Norwich. Whilst there would be an increase in the total floorspace devoted to town centre uses, this is attributable to the proposed hotel and an increase in the size of the cinema. As discussed above, the retail component would decrease. JCS Policy 19 and DM Plan Policy DM18 are supportive of retail development within the LDC, subject to consideration of scale. In my view the provision of less retail floorspace than is already there would be appropriate to the position of the centre in the hierarchy, provided that there is enough of it to maintain the LDC function. [410]

461. In this case the reduction in the amount of retail floorspace would be offset by improvements to the quality of that space, linked to an enhanced leisure offer. The proposal would therefore be appropriate to the position of Anglia Square in the retail hierarchy, consistent with JCS Policy 19 and DM Plan Policy DM18. I see no reason to think that these enhancements to the functioning of the LDC would undermine the viability and vitality of the much larger Norwich city centre. To my mind there is no justification for the additional restrictions sought by the owners of the Chapelfield and Castle Quarter centres. Such restrictions would serve no planning purpose and would limit the ability of Anglia Square to adapt to changing economic conditions. [176]
462. I conclude that the proposal would support the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. This would accord with the policies of the Framework relating to the vitality of town centres. It is a benefit of the scheme to which I attach significant weight.

The extent to which the proposed development is consistent with the Government's policies for conserving and enhancing the historic environment

The heritage assets

463. The Norwich City Centre Conservation Area (NCCCA) is a large and varied area. The NCCCA Appraisal notes that Norwich has developed over almost 1,000 years. The legacy of the Anglo-Scandinavian settlers is visible at Tombland, which was the city's first market place. The Castle and Cathedral date from the Norman era and the city walls are from the medieval period. The centre of Norwich is quite hilly, adding drama to the townscape. The Appraisal identifies six strategic landmarks:

- Cathedral of the Holy and Undivided Trinity (the Cathedral)
- Norwich Castle (the Castle)
- Cathedral of St John the Baptist (the RC Cathedral)
- Church of St Peter Mancroft
- Church of St Giles
- City Hall clock tower

464. The NCCCA Appraisal divides the conservation area into 13 character areas. The application site is in the Anglia Square character area, which is described as

being dominated by 20th century commercial development of very poor townscape quality. The character area is assessed as having 'low significance'²⁸⁷. The Northern City character area, which is assessed as 'significant', wraps around Anglia Square to the west, north and east. Magdalen Street and the northern part of St Augustines Street are described as relatively narrow and intimate streets. The Colegate character area, to the south of Anglia Square, is assessed as being of 'high significance'. The Appraisal notes that there is a contrast between small intimate streets, alleys and courtyards and larger factory buildings, creating a dramatic juxtaposition. The tight grain of the buildings is said to enclose the streets well, creating an intimate feel.

465. Overall, I consider that the special interest of the NCCCA, and its significance (in the terms of the Framework) derives from many factors. These include a well preserved medieval street pattern (with earlier influences), a dramatic topography, the six strategic landmarks, a wealth of listed buildings, numerous well-defined historic street frontages and qualities of enclosure and intimacy which are found in many locations across the designated area. The individual designated heritage assets include several Grade I and II* listed buildings and also scheduled monuments. There are many historic parish churches. The significance of the designated assets potentially affected by the application was agreed between the respective heritage witnesses at the Inquiry, as set out in the supplementary Statement of Common Ground (SoCG) on the significance of heritage assets. I agree with those assessments. [262, 291]

The design of the proposed development

466. It is convenient to start with an overview of the design, to inform an assessment of the way it would relate to its context. I will return to some more detailed aspects of the design in the relevant sections of the report. The evolution of the design is described in the evidence. It is important to bear in mind that only Block A and the tower have been submitted in detail. The other blocks are in the outline element of the hybrid application. The full details of those blocks, which would be subject to approval by the Council at reserved matters stage, would need to accord with the parameter plans. [60, 156]
467. One of the key determinants of the design has been the creation of two pedestrian and cycle routes through the site. One would run approximately north/south, linking Edward Street to a newly created pedestrian/cycle crossing point on St Crispins Road at George Street. The other would run approximately east/west, linking Magdalen Street to St Augustines Street. Two public squares are proposed, one at the intersection of these two routes and one in the location of the present Anglia Square. The new routes would not precisely replicate the alignment of the street pattern that was lost when the area was comprehensively redeveloped. Nor would the once fine grain of alleyways and courts be reproduced. Even so, the new routes would be close to the line of the lost sections of St George Street and Botolph Street and, importantly, would do much to reinstate the former movement pattern. This would create a legible

²⁸⁷ The NCCCA Appraisal pre-dates the Framework so reference to 'significance' in the Appraisal does not necessarily read across to the way the term is used in the Framework

layout and greatly enhance permeability. The new squares would create attractive public spaces. [64, 149, 259]

468. The proposal is for a mixed use scheme. Most of the ground floor would be devoted to retail, leisure and commercial uses. There would be active frontages to Magdalen Street and along the public routes within the scheme, animating the public realm. The Design and Access Statement (DAS) describes the building typologies that would make up the new street blocks as 'mansion block', 'warehouse' and 'town house'. These typologies seek to relate to the scale of building types found in the locality, rather than replicating the appearance of such buildings. The DAS also describes the approach to facing materials as being formal and contextual on the outward facing elevations and more informal and contemporary on the elevations within the scheme. For example, it is proposed to use red brick on the Magdalen Street elevation. [64]
469. Building heights would vary throughout the scheme, seeking to make a transition to the scale of adjoining development. For example, development would step down to 4 storeys on Magdalen Street (with the upper floor being set back) and 5 storeys on the frontage of New Botolph Street at the junction of St Augustines Street. In general the taller buildings would be within the site rather than on the edges. However, the frontage to St Crispins Road would include 8, 10 and 12 storey buildings.
470. Detailed elevations have been submitted for Block A. These show that, on the southern elevation (facing into the scheme), the bay widths and window proportions would give a vertical emphasis to the facade. Variations in brick colour and materials for balconies could be used to differentiate the blocks, providing articulation to the long elevation. Full details of materials would be subject to approval under conditions. On the Edward Street elevation, the residential blocks would project well forward of the visible elements of the multi-storey car park. This would strengthen the vertical proportions of the three residential blocks, giving them prominence in oblique views along the street, thereby helping to break up the perceived bulk of Block A. The upper levels of Block A would be set back from the main elevations and faced with a light weight cladding system.
471. Detailed elevations have also been submitted for the proposed 20 storey tower, which would be sited well within the scheme beside the proposed St George Square. The design of the tower was amended in the light of comments from Design South East. It would have clear base, middle and top zones. The base would be expressed by double height piers marking the entrance. The top would be marked more subtly, with diamond patterning in the brickwork. The DAS indicates that a pale brick would be used to reduce visual impact. Brickwork piers would run up the full height of the structure, emphasising its vertical proportions. The amendments included a 'pinched' plan form, creating a fold in each elevation. This would be a distinctive feature which would also help to emphasise the verticality of the tower. Overall, I consider that the tower would be well proportioned and would create a focal point within the scheme. [69]
472. NS and others criticised the design on the basis that it lacks local distinctiveness, describing it as an 'anywhere design'. I would agree that there are features of the proposal that may well call to mind large scale regeneration

projects in other cities. In particular, the prevailing scale (at the edge of the scheme) of 7 to 10 storeys, when combined with the large footprints of the individual blocks, would be uncharacteristic of the locality. [309, 313]

473. On the other hand, I consider that there are features of the design that would help to relate the proposal to its context. In particular, the movement pattern described above would reunite the site with the surrounding urban fabric. Moreover, the layout would create views of important buildings outside the site. A new ground level view of the Cathedral spire would be created from Anglia Square and views along the main east/west pedestrian route would be focused on the Church of St Augustine. The tower would be a new and distinctive feature. The approach to materials and building typologies would also have the potential to help integrate the scheme into its surroundings, subject to the further approvals that would be required. [150]
474. Overall, I do not agree that this would be an 'anywhere design'. To my mind the design is a considered response to the surrounding urban fabric. It would create a distinctive new identity, rather than seeking to replicate that which surrounds it. That said, the overall height and mass of the proposed development is of concern to many parties. For example, NS drew attention to the high density of the proposal as compared with nearby areas. Design South East had concerns about the bulk and mass of the proposal, commenting that blocks of 10 storeys could only be considered low rise by comparison with the tower. They went on to say that as well as being tall, the blocks would be very deep and wide. I agree that the height and mass of the proposal would be uncharacteristic in the NCCCA. It seems to me that a key question is the extent to which the features of the design described above would be successful in integrating the proposal into its surroundings. I return to that question below, in relation to the NCCCA as a whole and in relation to individual designated heritage assets. [268, 269, 312]

Arguments for and against a tall building

475. Several representations argued that Anglia Square is inherently unsuitable for a tall building, on the basis that (it was suggested) there are very few tall buildings in Norwich and/or that tall buildings only serve state, civic or ecclesiastical purposes. In fact, there are several tall buildings in Norwich, as shown in the evidence of Historic England (HE). Some of these are identified as negative features in the NCCCA Appraisal and others, such as the recently completed, have divided opinion. Whilst it is right to say that the strategic landmarks have state, civic or ecclesiastical functions, other tall buildings in Norwich have a range of functions. In any event, there is no policy support for the proposition that a tall building must fulfil a particular function. [155]
476. HE drew attention to the DAS, where it is suggested that the tower would be a pivotal landmark, a way finder and a strong 'visual counterpoint' to the strategic landmarks. HE (and others) argued that this approach would inevitably result in competition with the strategic landmarks, thereby harming the ability to appreciate them. At the Inquiry, the applicants did not pursue the 'visual counterpoint' argument with any vigour. Instead, the applicants' case emphasised the role of the tower as an important marker of regeneration and as

a feature that would help give the scheme its own character and identity. [66, 270, 278]

477. DM Plan Policy DM3(a) refers to landmark buildings at gateways, such as the Pitt Street roundabout, but the supporting text makes clear that excessively tall buildings would not be appropriate because of the sensitive historic townscape. The expectation of the DM Plan is that landmarks at gateways would be marked by developments of high quality, relying on design aspects other than size and height to achieve distinctiveness. In policy terms there is, therefore, nothing that expressly supports a tall building at Anglia Square. Nor is there anything that rules it out. [239]
478. In my analysis, I have not attached any weight to the concept of a 'visual counterpoint'. Moreover, Anglia Square is easy to find, being located at a convergence of routes, so I do not regard any potential way finding role as significant. However, for the reasons given above, I consider that the tower would be a distinctive feature which would create a focal point within the scheme, thereby contributing to its new identity.

Impacts on the Norwich City Centre Conservation Area

The site and immediate surroundings

479. The 20th century commercial buildings within the application site have been identified as negative features in the NCCCA Appraisal. Sovereign House and the multi-storey car park are particularly dominant, due to their scale, poor design and dilapidated appearance. In addition, the bulk and blank elevations of the cinema dominate views from Magdalen Street. Part of the existing development projects out over the western footway to Magdalen Street, creating an oppressive and uncomfortable pedestrian environment. In the south west corner of the site there are some 19th century buildings fronting Pitt Street which make a modest positive contribution to the NCCCA. However, most of the area west of the Anglia Square buildings is given over to surface car parking. [102]
480. The replacement of the existing commercial buildings and car parks with well-designed modern buildings would be a significant benefit to the NCCCA. As discussed above, I consider that the benefits of the scheme would include greater permeability and legibility, improved streets and squares within the site and framed views of the Cathedral and the Church of St Augustine. I do not agree with those who suggested that, in this context, townscape benefits can be separated from heritage benefits. I consider that the removal of features which detract from the character and appearance of the NCCCA and their replacement with well-designed buildings set in an attractive public realm is both a heritage benefit and a townscape benefit. [84, 102, 148 – 150, 294]
481. Magdalen Street is an important thoroughfare leading from the city centre and the eastern side is identified as a positive frontage in the NCCCA Appraisal. The proposal would widen the footway on the western side, replacing the unattractive overhanging section with well-designed frontage development. The upper level of the frontage block would be set back such that, as seen from street level, the three storey elevation would be predominant. This would be in

keeping with the general scale of Magdalen Street. From some viewpoints²⁸⁸ some of the taller elements of Block A would also be seen. HE argued that this would create a discordant relationship which would be severely harmful. However, I consider that the taller buildings would be set back far enough into the site to avoid such harm. Overall, I consider that the proposal would significantly improve the character and appearance of that part of Magdalen Street which is north of the St Crispins Road flyover. [276]

482. The taller elements of Block A would be quite prominent as seen from Cowgate²⁸⁹. However, the stark nature of the existing multi-storey car park is also very evident from this angle, such that the change would not be harmful.
483. Edward Street is currently dominated by the bulk of the multi-storey car park, resulting in a very poor townscape quality. Block A would be of comparable scale where it fronts Edward Street, with the upper levels being set back. However, as noted above, although elements of the new multi-storey car park would be visible, the three projecting residential blocks would be the most prominent in views along the street. New Botolph Street and the northern part of Pitt Street lack enclosure by buildings, resulting in a street scene that is dominated by highway infrastructure and surface parking. The proposal would enclose the frontages with buildings and there would be landscaping and public realm improvements. The character and appearance of these streets would be significantly improved.
484. The Church of St Augustine, its surrounding green space and the adjoining almshouses at Gildencroft are an important grouping at the southern end of St Augustines Street. The existing buildings at Anglia Square already detract from this grouping to some extent. However, the height and bulk of the proposed tower would compete with and distract from the church tower. Blocks E and F, stepping up towards the southern end of Pitt Street, would rise above the ridgeline of Gildencroft²⁹⁰. Even allowing for the fact that the tallest buildings in Block F would be some 170m away, I consider that this would detract from the green space and the buildings within it, resulting in harm to the character and appearance of the NCCCA. [102]
485. The NCCCA Appraisal identifies positive frontages, containing numerous listed and locally listed buildings, on both sides of St Augustines Street. Views towards the city along St Augustines Street are terminated somewhat abruptly by Sovereign House. The introduction of appropriately scaled buildings creating a new frontage facing St Augustines Street would be an improvement in this regard. The proportions and design details of the new tower would be appreciated in these views. Even so, the height of the tower would make it quite a dominant feature. On balance, I consider that the impact on St Augustines Street would be harmful to the NCCCA, albeit the level of harm would be relatively low. [295]

²⁸⁸ Views 34 and 43 – these and subsequent references relate to the Compendium of Views Revision A (CD7.81 SEI t)

²⁸⁹ View 35

²⁹⁰ Views 32 and 33

486. On St Crispins Road, the recladding of Gildengate House and replacement of Sovereign House have the potential to improve the NCCCA, subject to approval of detailed designs at reserved matters stage. However, Block F would rise to 12 storeys at the south west corner of the site. The officers' report referred to the overall height and massing of the proposal creating a form of development that would be "*strikingly different and unfamiliar*". In my view that comment is particularly pertinent to Block F because the height and large floorplate of that block would be prominent at the corner of Pitt Street and St Crispins Road. [276]
487. Block F would be at one of the gateway locations where DM Plan Policy DM3(a) refers to new landmark buildings. The immediate context includes the Pitt Street/St Crispins Road roundabout and modern office buildings at St Crispins House. Planning permissions have been granted for the conversion and increase in height of St Crispins House and for redevelopment at St Mary's Works, to the south west of the roundabout. Moreover, the heritage assessment suggested that buildings of 10 to 12 storeys at this point would be likely to have a moderate impact on the settings of heritage assets. These factors indicate that a building of some scale could be appropriate here. However, even allowing for these factors, I consider that the scale and mass of Block F would indeed appear strikingly different and unfamiliar, to an extent that would cause harm to the NCCCA. [265]

Middle distance views

488. Tombland, Wensum Street, Fye Bridge and Magdalen Street form an important route leading north from the city towards Anglia Square. Moving along this route, parts of the proposal would come into and out of view. From parts of Tombland²⁹¹ the top of the tower would be glimpsed above the roof of the Maids Head Hotel. It would be a small element, at distance, in a rich and varied townscape. As such, I do not think there would be a material impact on the NCCCA. The greatest impact would be experienced at the junction of Wensum Street and Elm Hill. This is a characteristic view of high quality townscape, which is currently terminated by part of St Clement's Church and the easternmost building in Colegate²⁹². The tower and the upper parts of some of the taller block would rise above those buildings. Being central to the view, the new buildings would create a new and uncharacteristic focal point, resulting in harm to the NCCCA. [100, 261]
489. A little further north, at Fye Bridge, only the top of the tower would be visible so the impact would be less. The proposal would then be out of sight until the viewer approached the flyover. At this point the existing cinema (together with the flyover) is a significant detractor from the view along the street²⁹³. The removal of the cinema and replacement with parts of Block A would have a broadly neutral effect.
490. The NCCCA Appraisal notes that the medieval street pattern is an important feature of the Colegate character area. The Appraisal refers to a tight urban

²⁹¹ View 23

²⁹² View 25

²⁹³ View 42

grain with enclosed streets creating an intimate feel. Colegate itself runs east/west and there are narrower streets leading north which afford glimpsed views towards Anglia Square. Although the sense of being in an historic environment is particularly strong in Colegate, these glimpsed views include some modern development at St Crispins House and Anglia Square. For example, the view along St George Street²⁹⁴, between the Church of St George Colegate and Bacon House, provides a glimpse of St Crispins House. The proposed tower would also be seen in this view, albeit behind the extended St Crispins House. [101, 258]

491. The view north on Calvert Street²⁹⁵ also encompasses modern development, including the highest part of Sovereign House. Again, the proposal could be seen here but, to my mind, would not have sufficient impact to detract materially from the experience of being in Colegate. Overall, I consider that the proposal would have a neutral effect on the Colegate character area.

Distant views

492. The topography of Norwich is such that there are extensive views over the city centre from high ground to the east. The six strategic landmarks identified in the NCCCA Appraisal can be seen together in these views. DM Plan Policy DM3(c) seeks to protect long views of the major landmarks and specific viewpoints are identified in appendix 8. Three of these viewpoints equate to the viewpoints in the townscape and visual impact appraisal (TVIA) which are discussed below. The strategic landmarks are all designated heritage assets of high significance in their own right. Collectively, they help to create the skyline which is such an important feature of the NCCCA. It follows that the grouping of these assets makes a highly significant contribution to the significance of the NCCCA as a whole. [86, 87]
493. The existing buildings at Anglia Square are readily apparent in the view from Mousehold Avenue²⁹⁶. Sovereign House and the multi-storey car park stand out strongly as negative features. Other than the tower, the proposed development would appear below the skyline. Whilst the tower would break the skyline, this would not be harmful because of the improved design and appearance of the scheme as a whole. The strategic landmarks are not all in view from the TVIA viewpoint but they can be seen from a nearby informal open space. From this angle the strategic landmarks are seen interspersed with other tall buildings. Insofar as they can be appreciated as a group from this location, that composition would not be harmed by the proposal.
494. The view from St James' Hill includes a particularly picturesque grouping of the strategic landmarks²⁹⁷. There are tall buildings on the skyline in the vicinity of All Saints Green but these appear clearly to the left of the strategic landmarks. The proposal would appear well to the right. Although the proposed tower would break the skyline the rest of the development would not. I consider that the distinctive shape and detailing of the tower would be appreciable at this

²⁹⁴ View 37

²⁹⁵ View 38

²⁹⁶ View 7

²⁹⁷ View 8

distance and that there would be sufficient separation from the strategic landmarks to avoid competition with or distraction from those assets. There is a fine view of the Cathedral from Kett's Heights²⁹⁸. From this angle the strategic landmarks appear closely grouped. The proposed tower would be well over to the right hand side and would not affect the ability to appreciate the grouping. [88, 152]

495. In summary, I conclude that the proposal would not harm the ability to appreciate the NCCCA in distant views. [278]

Conclusions in relation to the NCCCA

496. The proposed development would be visible from other locations in the NCCCA, some of which are discussed below in relation to individual heritage assets. However, I do not think that any of these other views would result in a material impact on the NCCCA. The proposal would result in important benefits to the character and appearance of the NCCCA, in particular:

- the removal of large scale 20th century commercial buildings which are perceived as strongly negative features over a wide area;
- the replacement of those buildings, and underused parking lots, with well-designed buildings;
- creation of an attractive new public realm within the site;
- creation of framed views of the Cathedral and the Church of St Augustine from within the site; and
- significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.

497. The proposal would also cause harm to the character and appearance of the NCCCA in the following ways:

- The scale of development would harm the group comprising the Church of St Augustine, the green space of the churchyard and Gildencroft;
- The development would create an uncharacteristic focal point, distracting from views along Wensum Street;
- The scale of Block F would be strikingly different to its surroundings, creating an uncharacteristic feature on a prominent corner location;
- The tower would be a dominant feature in views along St Augustines Street; and
- Locally listed buildings fronting Pitt Street would be lost.

498. Whether considered individually or collectively, having regard to the significance of the NCCCA as a whole, I assess the harms to amount to less than substantial harm in the terms of the Framework. Any harm to the NCCCA is a matter of

²⁹⁸ View 9

considerable importance and weight, a matter that I return to below. That said, I do not think the items above are of equal importance. In my view the first two items would result in the most important harms. This is because of the high significance of the affected assets and the coherence and characteristic nature of the historic environments that would be affected. In relation to the others, I note that the impact of Block F would be experienced in the context of other modern development at a location where a development of some scale could reasonably be expected. In relation to St Augustines Street, there is a balance of considerations as discussed above. The locally listed buildings make only a modest contribution to the NCCCA.

[80 - 83, 160, 161, 226, 230, 249, 300 – 303]

499. Drawing all this together, I consider that the benefits would outweigh the harms, such that the proposal would result in a net benefit to the character and appearance of the NCCCA.

Impacts on listed buildings and other designated heritage assets

500. There are no designated heritage assets within the application site and no such assets would be physically affected by the proposal. In all cases the impacts (or potential impacts) would be on the setting of the asset in question. As noted above, the significance of the assets was agreed. It is set out in the SoCG on the significance of heritage assets. At the Inquiry, no party argued that there would be substantial harm to any designated heritage asset, with the exception of the suggestion by Save Britain's Heritage (SBH) that there would be substantial harm to the NCCCA (which I have considered above). I agree that, in all cases where there would be harm to the significance of a designated heritage asset, that harm would be less than substantial in the terms of the Framework. In considering impacts on setting I have been mindful of the staged approach set out in HE's publication GPA3 The Setting of Heritage Assets. [253]

The environs of Anglia Square

501. No 75 Magdalen Street is a Grade II listed building (LBgII) on the east side of the street, facing Anglia Square. The improvements to the townscape of Magdalen Street would enhance the setting and significance of this asset. Buildings further to the north on Magdalen Street²⁹⁹ (LBgII) would also see some enhancement to their settings, although the effect would be slight as they are not as directly affected as No 75.
502. The Church of St Augustine (LBgI) is a medieval church set within a green space which enables the building to be appreciated in the round. To the south, the churchyard is enclosed by the almshouses at Nos 2 – 12 Gildencroft (LBgII). The height of the proposed tower would compete with and distract from an important view of the church tower³⁰⁰, harming the ability to experience the asset. The height and bulk of the tower and Blocks E and F would rise above the roof line of the almshouses, competing with and distracting from the asset and eroding the secluded feel of the green space. Although the existing buildings at Anglia Square detract from the green space to some extent, this effect is limited

²⁹⁹ Cat and Fiddle (No 105), Nos 107, 109, 113, 115 and 117

³⁰⁰ View 32

by distance. The proposals would improve the existing view of the church from Anglia Square but this would not outweigh the harmful effect I have identified. Overall, I consider that there would be a moderate level of harm to both assets. [102]

503. The listed buildings (LBgII) along St Augustines Street³⁰¹ include houses and shops which form coherent and characteristic frontages on both sides of the street. Insofar as the settings of these buildings contribute to their significance, that contribution comes mainly from being part of those frontages, which would be unchanged. The existing buildings at Anglia Square detract from views along the street but this has limited impact on the ability to experience individual listed buildings. Consequently, although the tower would be a dominant feature as discussed above, the impact on individual buildings would be limited. The harm to each of the assets would be minor.
504. There are listed buildings along Sussex Street, from where there is a potential view of the proposed development at the junction with The Lathes³⁰². However, even allowing for seasonal effects, I consider that the degree of visibility would be limited by vegetation and intervening buildings such that there would be no harm to these assets. The significance of No 71 New Botolph Street (LBgII*) relates to a 15th century brick undercroft. This is beneath a 20th century structure which is itself of no interest. The historic fabric is not visible in the street scene so setting makes no contribution to the significance of this asset. It would therefore be unaffected.
505. A section of the city walls, about 20m in length, at Magpie Road is part of a scheduled monument. The nearby buildings add nothing to the ability to experience the asset. Its significance resides mainly in the historic fabric and the evidence it provides, together with other remaining sections of the walls, of the medieval defences. However, the immediate setting has benefitted from a simple landscape treatment which allows one either to stand back and look at the form and scale of the wall, or to approach and inspect it close up. Although the tower would be seen above the wall³⁰³, in my view it would have no effect on the ability to experience the asset.
506. St Saviour's Church, Magdalen Street (LBgI) is located to the south of the flyover which carries St Crispins Road over Magdalen Street. The flyover is a strongly negative feature which detracts from the setting of the church and the street generally. There are other listed buildings further south on Magdalen Street³⁰⁴. These buildings are seen as part of coherent and characterful frontages on either side of Magdalen Street, a factor which contributes positively to their significance. Those frontages, and that contribution, would not be altered. The street scene is abruptly terminated by the flyover, such that nothing to the north of it contributes positively to the settings of these assets.

³⁰¹ Nos 1 – 11 (odd), rear of Nos 13 and 15, 21 – 29 (odd), 55, 22 – 36A (even), 42 to 52 (even), Catherine Wheel Public House, St Augustines Street

³⁰² View 51, Nos 1A – 11, 13 – 19, 21, 27 and 29 Sussex Street (LBgII)

³⁰³ View 17

³⁰⁴ Block to rear of No 24, Nos 42, 44, 46, 48, 29, 41, 47 and 49 Magdalen Street (LBgII) and Gurney Court, 31 – 35 Magdalen Street (LBgII*)

The existing cinema, which is seen above the flyover, is a further detractor³⁰⁵. Removal of the cinema, as proposed, would therefore be a benefit. Whilst parts of Block A would be in view, the scale of development would step up from Magdalen Street as described above. Overall, I consider that the effect of the proposal on these listed buildings would be neutral.

The strategic landmarks

507. The strategic landmarks identified in the NCCCA are the Cathedral (LBgI), the Castle (LBgI), the RC Cathedral (LBgI), the Church of St Peter Mancroft (LBgI), the Church of St Giles (LBgI) and the City Hall clock tower (City Hall as a whole is LBgII*). Setting makes an important contribution to the significance of these assets, all of which stand out on the Norwich skyline. As discussed above, I do not consider that the proposal would be harmful in relation to distant views from high ground to the east. There are however some further views to take into account for some of these assets.
508. The Cathedral can be seen across the open playing fields of Castle Meadow³⁰⁶, rising above a line of mature trees. This is a picturesque view of the Cathedral in which its scale and proportions can be well appreciated. The proposed tower would be visible, although it would be well below the general line of the tree canopy. It is likely to be more visible in winter. Even so, the effects of relative scale and distance are such that it would in no way compete with the Cathedral. Moreover, there would be only a small element of distraction from the asset. Even so, given the importance of this view, I think that would amount to material harm, albeit at a low level.
509. The Cathedral spire can be seen in distant views from Aylesham Road and St Augustines Street³⁰⁷. In these views Sovereign House appears close to the spire and detracts from it. The proposal would be taller but with greater separation from the spire, resulting in a neutral effect. The newly created view of the spire from Anglia Square would enhance the ability to appreciate the Cathedral to some extent but this would not outweigh the harm to the view from Castle Meadow. Overall, I consider that there would be minor harm to the significance of the Cathedral due to the effect of the proposal on the view from Castle Meadow. [103]
510. In relation to the Castle, it is necessary to consider views out from the ramparts and battlements³⁰⁸ as part of the assessment of setting. The Castle is sited on a spur of high ground and there are sweeping panoramic views out over the valley of the River Wensum. It is a commanding position, in both a military and a symbolic sense. The existing buildings at Anglia Square exert a negative influence but they form a relatively small element in the overall sweep of the view. From the battlements there are fine views of the other strategic landmarks which would be unaffected by the proposal. The proposed tower would break the skyline. However, I consider that the distinctive shape and detailing of the tower would be appreciated in this view.

³⁰⁵ View 42

³⁰⁶ View 60

³⁰⁷ Views 14, 15 and 49

³⁰⁸ Views 12 and 54

511. The lower blocks would also be clearly in view, together with new development at St Crispins House and St Mary's Works. As seen from the battlements, they would not break the skyline. As seen from the ramparts, some of the blocks would be level with or slightly above the skyline. At present, the strongly horizontal emphasis of the existing commercial buildings is evident. Whilst the extent of new development would be apparent, the articulation of the blocks and variations in height would help to assimilate it. Overall, although the proposal would be clearly visible, I do not think that it would harm the ability to appreciate the relationship between the Castle, the river valley and the city. The proposal would not therefore cause harm to the setting or significance of the Castle. [254]
512. A small part of the tower would be visible from the area in front of the Forum in a view which also includes City Hall and the Church of St Peter Mancroft³⁰⁹. However, it would be a small and distant element in a busy urban scene. It would not affect the ability to experience the assets in question. I conclude that the proposal would not result in harm to the settings of the Castle, the RC Cathedral, the Church of St Peter Mancroft, the Church of St Giles or City Hall. [98]

Tombland, Wensum Street and Eye Bridge

513. From Tombland, part of the tower would appear above the roof of the Maids Head Hotel (LBgII)³¹⁰. However, the striking black and white architecture of the Hotel attracts the eye and the slight visibility of the tower would not materially distract from the asset. Erpingham Gate (LBgI and scheduled monument), which is not seen from the TVIA viewpoint, faces this part of Tombland and its significance would also be unaffected. The Cathedral Close includes some highly graded heritage assets³¹¹. Following the amendment to the height of the tower, the proposal would not be visible to any extent that would affect the appreciation of the Close so none of these assets would be affected.
514. The Church of St Simon and St Jude (LBgI), No 40 Elm Hill (LBgII) and Nos 11 - 13 Wensum Street (LBgII) are all close to the junction of Elm Hill and Wensum Street³¹². As noted above, the proposal would create an uncharacteristic focal point in views along Wensum Street, causing harm to the NCCCA. This streetscape is part of the surroundings in which the assets are experienced so there would be some harm to their respective settings. However, the assets are very close to the viewer and it is the nearby buildings that enable them to be experienced as an integral part of the intimate streetscape of the city. Thus although the long view would be harmed, the harm to the significance of the individual assets would be minor. [100]

³⁰⁹ View 11

³¹⁰ View 23

³¹¹ Nos 69 and 70 Upper Close (LBgI), No 71 Upper Close (LBgII*), Carnary Chapel (LBgI and scheduled monument)

³¹² View 25

515. In views northwards along Wensum Street, part of the Church of St Clement (LBgI) is seen in front of Nos 3 - 5 Colegate (LBgII)³¹³. As noted above, the extent of visibility of the proposal would reduce as the viewer moves north along Wensum Street. As seen from Fye Bridge³¹⁴, the proposed tower would appear incongruously above the ridge of Nos 3 - 5, which would cause an element of distraction from the assets. However, only a small part of the church, and very little of Nos 3 - 5, is visible at this point so this is not a view which is particularly important to the ability to experience these assets. There are closer and better views available further along Fye Bridge Street, and from Colegate, which would be unaffected by the proposal.
516. Fye Bridge itself is listed (LBgII) and there is a cluster of listed buildings on the north side of the bridge³¹⁵ which are seen in the view described above. Together, these buildings form a lively and varied townscape which (as seen from the bridge) would be only slightly impacted by a glimpse of the proposed tower. The proposal would be barely visible, or invisible, in closer views. There is also a partial view of the Church of St Clement from the riverside walk to the west of Fye Bridge. The church tower appears in a gap in the riverside buildings. Part of the proposed tower would appear in the same gap, resulting in an element of distraction³¹⁶. In conclusion, whilst there would be harm to the settings and the significance of the Church of St Clement, Nos 3 - 5 Colegate and the other listed buildings in the Fye Bridge group, I would characterise the degree of harm as minor in each case.

Colegate character area

517. St George's Church (LBgI) and Bacon's House (LBgII*) stand in Colegate, either side of St George Street. As discussed above, the view along St George Street³¹⁷ provides a glimpse of modern office buildings at St Crispins House, which are to be extended in height. The proposed tower would also be seen in this view, behind the extended St Crispins House. The listed buildings are experienced in the context of Colegate, which has a strong sense of enclosure and historic character. This setting contributes to their significance. The glimpse of modernity currently experienced at St George Street does little to undermine the historic character because it is experienced only fleetingly. Moreover the listed buildings, which are themselves powerful features, and the street scene of Colegate are very much closer to the viewer. The effect of the proposal would be to increase, slightly, the sense that there is some modern development to the north. There would be very little by way of distraction from the assets, resulting in no more than minor harm to their significance.

³¹³ Nos 3 to 5 Colegate are at the corner of Colegate and Fye Bridge Street and it is convenient to discuss them here rather than in the section on Colegate

³¹⁴ View 56

³¹⁵ Nos 2, 7, 9 and The Mischief Public House, Fye Bridge Street (LBgII), Nos 11, 13 and 15 Fye Bridge Street (LBgII*)

³¹⁶ View 27 in the March 2018 Verified Views Study (CD4.86 Volume 3 j), noting that this view shows the earlier design for a 25 storey tower

³¹⁷ View 37

518. Muspole Street leads off Colegate and the setting of the listed buildings here³¹⁸ includes the historic character and enclosed nature of Colegate. There are also views of modern development to the north at St Crispins House. The proposed extensions to St Crispins House would be readily apparent from here³¹⁹. Part of the proposed development would appear behind those extensions. I do not think that any additional impact would materially affect the ability to experience these assets.
519. For Octagon Chapel (LBgII*) and Nos 27 and 29 Colegate (LBgII), any visibility of the proposed development in views of these buildings would be too limited to have any material impact. There are listed buildings in Calvert Street³²⁰, the northern end of which is bridged by modern development. Their setting within Calvert Street adds to their significance but the application site makes no contribution. Although the view along the street would change, there would be no effect on the ability to appreciate these buildings. Nos 63, 80 and 82 (LBgII) St George Street are located between Colegate and St Crispins Road. There are modern commercial buildings on the south side of St Crispins Road which lie between these buildings and the application site. Consequently, they would be unaffected.
520. Doughty's Hospital (LBgII) is inward-facing, built on three sides of a courtyard. Insofar as setting contributes to its significance, the ability to experience the asset is largely confined to the courtyard³²¹. Gildengate House dominates the skyline in the view northwards from within the courtyard. Its strong horizontal lines and generally poor design and materials stand in stark contrast to the architecture of the listed building, resulting in considerable harm to its significance. Recladding Gildengate House, as proposed, offers the potential to mitigate this impact (subject to subsequent approval of reserved matters). That would be a benefit. However, the height and mass of Block G would add to the sense of this modest building being dwarfed by its neighbours. On balance, the effect would be harmful. However, as much harm has been done already, the proposal would cause only minor harm to the significance of the asset.
521. St Mary's Church at St Mary's Plain (LBgI) is set within an oval churchyard which allows it to be viewed in the round, both close up and from surrounding streets and footpaths³²². This setting, which would be unaffected, makes a strong positive contribution to its significance. The wider surroundings are varied in character with modern development to the north, between the church and the application site. These wider surroundings add nothing to the ability to experience the asset. Visibility of the proposal would be very limited and would not be harmful to the setting or the significance of the asset.
522. The Church of St Martin at Oak (LBgI) is set within a small enclave of green space which enables it to be appreciated from the adjoining streets, thereby contributing to its significance³²³. Beyond that, setting adds little to the

³¹⁸ Nos 1 – 9 and the Woolpack, Muspole Street (LBgII)

³¹⁹ View 36

³²⁰ Nos 2 to 9 Octagon Court (LBgII*), Nos 9, 11, 20 and 22 Calvert Street (LBgII)

³²¹ View 44

³²² View 52

³²³ View 29

significance of the asset. It is hemmed in by a factory building on one side and the nearby townscape is fragmented and lacking in coherence. The proposed development would terminate the view along St Martin's Lane, which passes alongside the church. Whilst that would be a significant change in the view, it would not be harmful because the change would affect something which does not currently contribute to the significance of the listed building. Nos 47 and 49 (LBgII) are located further along St Martin's Lane. The townscape here is similarly lacking in coherence, such that setting contributes very little to the significance of these assets. Again, the surroundings would be changed but this would not be harmful to the listed buildings.

523. Nos 98 – 100 Oak Street form part of a characterful frontage to Oak Street which contributes to their significance. The nearby large scale highways infrastructure of St Crispins Road is a detractor. That relationship would not change. The application site makes no contribution to the significance of these listed buildings. Although views along St Crispins Road would change³²⁴, this would have no impact on the ability to experience these assets.

Elm Hill and Princes Street

524. There is a concentration of designated assets around the junction of Elm Hill and Princes Street³²⁵. These include St Peter Hungate (LBgI), the Former Dominican Friary (Blackfriars), St Andrew's Hall and Blackfriars Hall (LBgI and scheduled monument), the Briton's Arms (LBgII*) and Nos 2, 4, 6 and 8 Elm Hill (LBgII). The buildings are experienced within a street scene that is tightly enclosed, creating a strong historic character. Although it would be possible to obtain some glimpses of the proposed tower, these would be fleeting views for a person moving along the street whose attention would be focused on the powerful historic environment around them. If such a person was aware of the proposal at all, the very small degree of visibility combined with the effects of distance would mean that there would be no harm to the settings of these assets. [99]

Other listed buildings

525. HE argued that there would be harm to the medieval churches of Norwich as a group. These are most densely concentrated in the slopes down towards the river. I agree that the medieval churches make an important contribution to the townscape. However, I have concluded above that the proposal would not be harmful to the long views of the strategic landmarks from high ground to the east of the city centre. For the same reasons, I do not think that there would be harm to the medieval churches, other than those where I have specifically identified harm in this report. [282]
526. The setting of St James' Church (LBgI) is dominated by large scale highways infrastructure and contributes very little to the significance of the asset³²⁶. From in front of the church the existing commercial buildings at Anglia Square are visible. The proposed development would be similarly visible. That would be a

³²⁴ View 30

³²⁵ Views 22 and 55

³²⁶ View 19

change in the view but it would have no impact on the ability to experience the asset.

527. The Guildhall (LBgI), No 1 Guildhall Hill (LBgII) and the War Memorial (LBgII*) can be seen in views from Millennium Plain (in front of the Forum)³²⁷ in which a small part of the tower would be visible on the skyline. However, there are many closer and better views of these assets, all of which would be unaffected. Even in this particular view, the limited extent of visibility and the effects of distance are such that there would be no harm to the setting of these assets.

528. Nos 45 – 51 London Street (former National Westminster Bank) (LBgII) has a domed cupola. The building is mainly experienced from the adjoining streets and these views would be unaffected. However, the cupola can also be seen against the sky from the Castle ramparts³²⁸. The proposed tower would appear behind the cupola, distracting from it. Having regard to the overall significance of the asset, I consider that this would amount to minor harm. In the same view, the tower of St Andrew's Church (LBgI) appears close to the cupola. There are many closer and better views of the church. Nevertheless, in this particular view there would be an element of distraction from the view of the church tower, resulting in minor harm to the significance of St Andrew's Church.

529. St Helen's Church (LBgI) can be seen in the view across Cathedral Meadow³²⁹. This is discussed above in relation to the Cathedral, where I concluded that the proposed tower would result in only a small element of distraction. Even so, given the importance of this view, I found that there would be minor harm to the Cathedral. For the same reason I consider that there would be minor harm to the significance of St Helen's Church.

Registered parks and gardens

530. Waterloo Park is a Grade II* registered park³³⁰. The Cathedral spire is visible from some points within the park, as a distant feature in a gap in a line of trees. This is a glimpsed view which does not have a strong influence on the way the park is experienced. Although the park is bounded by trees there are also views of buildings, such that one is aware of being in a park within a wider urban area. There would be filtered views of the proposed development, which is likely to be more visible in winter. However, the effect of distance is such that I do not think that there would be harm to the registered park. [378]

531. Catton Hall Park is also a Grade II* registered park. Norfolk Gardens Trust comments that Humphry Repton used the Cathedral spire as a key feature of his design for the park. However, there is no evidence that the spire is visible today. In any event, the TVIA concluded that the proposal would not be visible³³¹ and, from what I saw, I have no reason to doubt that finding. [378]

Impacts on non-designated heritage assets

³²⁷ View 11

³²⁸ View 12

³²⁹ View 60

³³⁰ View 48

³³¹ Views 61 and 62

532. The locally listed buildings at Nos 43 – 45 Pitt Street would be demolished. They comprise a pair of 19th century houses, with No 43 having a pub frontage. They are of local architectural and historic value, which would be lost.
533. All other impacts on known non-designated heritage assets would arise from impacts on setting. There would be some harm to the significance of locally listed buildings in St Augustines Street and Wensum Street. For the reasons discussed in relation to the listed buildings in those streets, the degree of harm would be minor. On Magdalen Street, there would be some benefit to the significance of locally listed buildings north of the flyover and no impact on those to the south. This would be for the same reasons discussed in relation to listed buildings in Magdalen Street. I consider that there would be sufficient separation from the proposed development to avoid harm to the locally listed buildings at Malzy Court.
534. The application site has the potential to contain archaeological assets which are as yet unknown. Any impacts on such assets could be managed through appropriate conditions requiring a scheme of archaeological investigations.

Conclusions on the historic environment

535. The proposal would have both beneficial and harmful effects on the character and appearance of the NCCCA. On balance, there would be a net benefit so the character and appearance of the NCCCA would be enhanced.
536. In all cases where there would be harm to designated heritage assets this would be less than substantial harm in the terms of the Framework. There would be harm that I would characterise as moderate to the following:
- The Church of St Augustine (LBgI)
 - Nos 2 – 12 Gildencroft (LBgII)

537. There would be harm that I would characterise as minor to the following:

Grade I

- Cathedral
- Church of St Simon and St Jude
- Church of St Clement
- Church of St George
- St Helen's Church
- St Andrew's Church

*Grade II**

- Bacon's House
- Nos 11 – 13 Fye Bridge Street

Grade II

- St Augustines Street group
- Nos 11 – 13 Wensum Street
- No 40 Elm Hill
- Nos 3 – 5 Colegate
- Nos 2, 7 and 9 Fye Bridge Street
- The Mischief public house, Fye Bridge Street
- Fye Bridge
- Doughty's Hospital
- Nos 45 - 51 London Street (former National Westminster Bank)

I have found that there would be some benefits to the settings of listed buildings, in particular the Cathedral, the Church of St Augustine and No 75 Magdalen Street.

538. The significance of the locally listed buildings at Nos 43 – 45 Pitt Street would be lost. There would be some minor harm to the significance of locally listed buildings in St Augustines Street and Wensum Street. There would be some minor benefit to the significance of locally listed buildings in Magdalen Street north of the flyover.
539. The PGN is not part of the development plan although it is a material consideration. Insofar as the PGN relates to heritage, I consider that the proposal would enhance the NCCCA and would create or enhance views from public spaces to local landmarks. The NCCCA Appraisal is not part of the development plan although it is referred to in JCS Policy 11. With regard to the guidance in the Appraisal, the proposal would remove negative landmarks and reinstate historic street patterns, albeit not in precisely the same alignments. It would, in the main, preserve views of city wide landmarks (noting that there would be some harm to the setting of the Cathedral). It would respect the scale of buildings in Magdalen Street and create significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.
540. On the other hand, it would not integrate with the context and grain of its surroundings in some important respects. In particular, the scale of development would harm the group comprising the Church of St Augustine, the green space of the churchyard and Gildencroft, it would create an uncharacteristic focal point, distracting from views along Wensum Street, the scale of Block F would be strikingly different to its surroundings, creating an uncharacteristic feature on a prominent corner location and the tower would be a dominant feature in views along St Augustines Street. Overall, there would be some accordence with the guidance set out in the Appraisal and some conflict.

Harm to designated heritage assets – the balance required by the Framework

541. Any harm to a designated heritage asset is a matter of considerable importance and weight. Where there would be less than substantial harm, paragraph 196 requires this to be balanced against the public benefits of the scheme. Public benefits are not limited to heritage benefits.

542. I have identified the following heritage benefits relating to the character and appearance of the NCCCA:

- the removal of large scale 20th century commercial buildings which are perceived as strongly negative features over a wide area;
- the replacement of those buildings, and underused parking lots, with well-designed buildings;
- creation of an attractive new public realm within the site;
- creation of framed views of the Cathedral and the Church of St Augustine from within the site; and
- significant improvements to the townscape of Magdalen Street (north of the flyover), Edward Street, New Botolph Street and the northern part of Pitt Street.

I attach significant weight to these heritage benefits.

543. In addition, I have identified benefits to the settings of individual listed buildings, namely the Cathedral, the Church of St Augustine and No 75 Magdalen Street. The degree of benefit in each case is minor in relation to the overall significance of the asset. I have also identified minor benefits to the settings of some non-designated heritage assets on Magdalen Street (north of the flyover).

544. I have identified the following social, economic and environmental benefits:

- Securing the regeneration of a strategic brownfield site;
- A significant contribution to meeting housing need in Norwich;
- A significant contribution to meeting the need for affordable housing in Norwich;
- A significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt. Insofar as the current condition of the site is a barrier to investment, that barrier would be removed; and
- Supporting the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC.

I attach significant weight to each of these public benefits.

545. My overall assessment is that the public benefits are sufficient to outweigh the harm to the listed buildings identified above. The conclusion is the same whether the listed buildings are considered individually or collectively.

Harm to non-designated heritage assets

546. The Framework requires harm to non-designated assets to be taken into account. The significance of the locally listed buildings at Nos 43 – 45 Pitt Street would be lost. There would also be some minor harm to the significance of locally listed buildings in St Augustines Street and Wensum Street, through development in their settings. The public benefits are the same as those discussed above. In my view they outweigh the harm to non-designated heritage assets.

Conclusion on the historic environment

547. I conclude that the character and appearance of the NCCCA would be enhanced. However, there would be harm to a number of individual listed buildings through development in their settings. The settings of the buildings in question would not be preserved. Having weighed the public benefits against the harm to significance, I find that the public benefits are sufficient to outweigh the harm, thereby providing the clear and convincing justification required by the Framework. The conclusion is the same whether the listed buildings are considered individually or collectively. There would also be harm to some non-designated heritage assets which would be outweighed by the public benefits. Overall, the proposal would therefore accord with the policies of the Framework relating to the historic environment.

The effect of the proposal on air quality

The air quality assessments

548. The UK Air Quality objective for Nitrogen Dioxide (NO₂) is an annual mean of 40 µg/m³ and the objective for particulate matter (PM₁₀) is also an annual mean of 40 µg/m³. In addition, there is an hourly objective for NO₂ and a 24 hour objective for PM₁₀. In 2012 the Council declared an Air Quality Management Area (AQMA) covering the whole of the city centre, including the application site, due to exceedances of the annual mean objective for NO₂. Various iterations of the Air Quality Assessment (AQA) were before the Inquiry. It is convenient to start with AQA version 3, which was submitted with the proofs of evidence.

549. AQA version 3 uses monitoring data collected by the Council in 2018 at three monitoring points in Magdalen Street and St Augustines Street. The data was collected by diffusion tubes (DT). When DT data is used a bias correction factor is usually applied. Either a locally derived factor or a national factor can be used and in this case the Council applied a local bias correction factor. Modelling was then undertaken, taking account of traffic and weather data, to provide a baseline for 9 receptor points around the periphery of the application site. This showed that, in the baseline situation, the annual mean NO₂ objective was being exceeded at monitoring point DT11 (St Augustines Street) and at 4 receptors on the edge of the site.

550. The AQA then modelled future levels of NO₂ in various scenarios. The 'policy applied' scenario uses the Emissions Factor Toolkit version 9 (EFT) published by the Department for Environment, Food and Rural Affairs (DEFRA) in May 2019. The EFT seeks to represent anticipated improvements to the road vehicle fleet

resulting from Government policy, for example in relation to vehicle exhaust emissions standards. The modelling for the year 2031 with the development in place showed that, in the policy applied scenario, all of the monitoring and receptor points would meet the annual mean objective for NO₂. However, if no account is taken of improvements to the vehicle fleet, there would be exceedances at ground floor level at monitoring points DT9 and DT11 (St Augustines Street) and 4 receptor points. There would be no exceedances at first floor level or above, where the great majority of the proposed residential units would be located.

551. During the course of the Inquiry the Council's monitoring data for 2019 became available. This showed that measured NO₂ levels at two locations in Magdalen Street and at Edward Street were in fact lower than the modelled levels (based on 2018 data) in similar locations and were meeting the annual objective. The modelling was updated using the 2019 baseline data together with the Calculator Using Realistic Emissions for Diesels, version 3A (CURED v3A), to represent the 'policy applied' scenario. On this basis, with the development in place, all of the monitoring points and all but one of the modelled receptors would meet the annual objective in 2031. Although Receptor B (Magdalen Street) would not meet the objective at ground level, there would be no residential accommodation at this point so the objective would not apply.

The objections raised to the AQA

552. Norwich Cycling Campaign (CYC) argued that having three versions of the AQA before the Inquiry was confusing. It was suggested that the differences between the modelled values in each version were so great that any comparison between them is meaningless and none of the models is to be trusted. [335 – 338]
553. CYC was particularly concerned about the Council's use of a local bias correction factor in its Air Quality Annual Status Report 2019 (AQASR), on the basis that previous AQASRs had used a national bias correction factor. It was suggested that the factor chosen was out of kilter with those used in previous years and that this resulted in undue optimism being built into the modelling for AQA version 3. Further concerns were expressed that a calibration factor used in the modelling, relating to meteorological data, also imported undue optimism into the modelling. At the Inquiry the applicants referred to comments of the Inspector examining the Wealden Local Plan to the effect that the use of CURED v3A would represent a precautionary approach. CYC disputed this on the basis that the scale and nature of the AQA carried out for the Wealden Local Plan was very different, and (in their view) more trustworthy, than the AQAs before this Inquiry. [339, 343, 344 - 346]

Discussion of the AQA methodology

554. It is no criticism of the applicants to say that there were three versions of the AQA before the Inquiry. The work was originally done in connection with the ES. Subsequently, the application was called in and it became apparent that air quality would be an issue at the Inquiry. Moreover, the time frame for implementation of the scheme had changed. It was therefore reasonable to update the AQA at that point. The Council's 2019 monitoring data then became available during the Inquiry process so it was reasonable to take that into account as well. I note that the monitoring locations were not the same at each

stage so it would not be appropriate to compare the three AQAs as if they were done on the same basis. [128, 192]

555. My approach is to take the AQA version 3 as a starting point because the modelling is based on 2018 monitoring data which has been formally reported to DEFRA in the Council's AQASR. It is relevant to note that AQA version 2 was based on 2017 monitoring which did not include a full year's data in all locations. This is a further reason for taking AQA version 3 as my starting point. I take account of the modelling based on the 2019 monitoring data as a sensitivity test. In submitting its AQASR the Council was required to use either a local or a national bias correction factor and to give reasons for that choice. Cogent reasons have been given for the Council's choice of a local factor, relating to good correlation between DT results and a chemiluminescent analyser. I see no reason to doubt that the choice of correction factor was made for proper scientific reasons, notwithstanding that a different factor was used in previous years. [123, 194, 196, 198]

556. There was no evidence before the Inquiry as to the significance of the disputed calibration factor relating to meteorological data. Consequently, whilst I note that CYC has a concern on this point, there is nothing before me to support a conclusion that the results of the assessment should be set aside on this basis.

557. At the Inquiry there was discussion as to whether, in principle, it is right to take account of anticipated improvements in air quality as a result of Government policy. Although the Council did not take account of such improvements at the time it considered the application, it now considers that it is right to do so. I agree. The EFT User Guide 2019, which is published by DEFRA, states that:

"It is a tool that allows users to calculate road vehicle pollutant emission rates for oxides of nitrogen and particulate matter for a specified year, road type, vehicle speed and vehicle fleet composition". (emphasis added)

To my mind that makes it clear that DEFRA is expecting anticipated changes in vehicle emissions to be factored in to assessments such as this. The Wealden Local Plan examination, where the Inspector commented that it would be unreasonable to assume no improvements over time, is an example of this approach in action. [190]

558. The Wealden Local Plan examination Inspector characterised CURED as being conservative and consistent with the precautionary principle in the context of reservations that had been expressed about EFT version 9 at that event. For present purposes it matters not whether CURED is characterised as 'precautionary'. At Wealden, the Habitats Regulations were relevant to the air quality issues under discussion. Whilst the Habitats Regulations are also relevant to this application, air quality is not at issue in that context. The relevance of the Wealden example to this case is that CURED was found to be conservative by comparison with EFT. Indeed, CYC accepted in the Air Quality SoCG that CURED v3A could properly be used as a sensitivity test. I conclude that it is appropriate to use CURED v3A as part of a sensitivity test, as the applicants have done. [117, 121, 191]

559. The essence of CYC's case on the AQA methodology is that the outputs are untrustworthy and should not be relied on by the decision maker. For the

reasons given above, I do not share that view. I consider that the information before the Secretary of State is sufficient for air quality to be properly taken into account in this decision.

Other matters raised by Norwich Cycling Campaign

560. CYC argued that the proposal would lead to increased traffic in the St Augustines gyratory system, including at locations which already exceed the annual mean objective for NO₂, adversely affecting existing residential properties at Edward Street and St Augustines Street. On this basis the proposal was said to represent unsustainable development. CYC submitted that whichever of the AQA versions is considered, the level of pollutants is always higher with the development than without. [323 – 326, 348]
561. Whilst it is true that traffic would increase in some locations that are currently not meeting the annual mean objective, it is not the case that any development that increases traffic in an AQMA is inevitably unlawful or in conflict with national or local policy. The appropriate approach is to take air quality into account alongside other material considerations, consistent with the *Shirley* case. Those considerations include the fact that the application site contains a great deal of vacant floorspace and a large unused multi-storey car park. Traffic levels in the baseline situation are lower than they would be if the site were fully in use. Moreover, there is a policy imperative to put this strategic brownfield site to better use in accordance with the development plan. That will inevitably result in some additional traffic compared to the existing situation. Important considerations include the scale and effect of any increase in air pollution and whether this particular proposal provides appropriate mitigation, including through taking opportunities to promote sustainable travel choices. [115, 181, 182, 183, 187]
562. CYC also drew attention to scientific evidence that air pollution can lead to health impacts at levels below those reflected in the current regulatory limits. However, paragraph 181 of the Framework states that planning decisions should sustain and contribute towards relevant limit values or national objectives for pollutants. It is therefore the national objectives that are relevant to planning decisions such as this. [186, 327 – 330]

Conclusions on air quality

563. The impacts on air quality during construction were considered in the ES. They were not controversial at the Inquiry. At the request of the Planning Inspectorate, on behalf of the Secretary of State, the applicants provided an updated assessment of the likely effects of demolition. Suggested condition 28 would require the submission of a Construction and Environment Management Plan which would include consideration of construction traffic and dust suppression measures. I consider that this would provide a suitable means of managing impacts on air quality during construction. [10]
564. The pollutants of concern during the operational phase are NO₂ and PM₁₀. Whichever of the AQAs is considered, the levels for PM₁₀ would be well below target levels. With regard to NO₂, I consider that it is right to take account of anticipated improvements to the vehicle fleet. AQA version 3 shows that at the completion date for the proposed development the annual mean objective would

be met at all relevant locations. Consideration of the 2019 monitoring data, together with use of CURED v3A, is a helpful sensitivity test which adds confidence to this conclusion. [198]

565. The proposals include consideration of mitigation measures. Within the scheme there is an option for mechanical ventilation for any facades that are subject to elevated levels of NO₂ at early stages of the development process. Suggested condition 42 requires updated AQAs, informed by further monitoring, for each phase of the development. This would enable any mitigation within the scheme to be fine-tuned in the light of up to date information. With regard to impacts outside the scheme, the proposals include measures to promote sustainable transport choices. These are discussed further below.
566. Taking a broader view, there is a need for a great deal of new housing in Norwich, South Norfolk and Broadland. Locating 1,250 dwellings at the application site, which is in a very accessible location, is likely to reduce vehicle trips in the plan area as a whole in comparison with locating those dwellings elsewhere. This is likely to be beneficial in terms of air quality. The extent of this benefit is not quantifiable on the evidence before the Inquiry, so I attach only limited weight to it. Nevertheless, it is still a point in favour of the scheme within the overall assessment of air quality. [118, 119, 187]
567. Drawing all this together, I consider that the proposal would be appropriate for its location taking account of likely effects on health and living conditions. No conflicts with the Council's Air Quality Action Plan have been identified. Opportunities to mitigate impacts have been identified and the proposal would contribute towards compliance with relevant national objectives. I conclude that the proposal would accord with the Framework and that air quality is not a matter that weighs against the grant of planning permission.

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

568. The applicant has submitted a viability assessment which has been reviewed on behalf of the Council by the Valuation Office Agency. The various inputs to the assessment were found to be appropriate. On the applicant's assessment the scheme would provide a profit on cost of 16.4%, a profit on gross development value of 14.7% and an internal rate of return of 20.2%. The position agreed between the Council, the applicants and HE is that the viability of the scheme is marginal in current economic conditions. On the basis that the applicants have confirmed their intention to deliver the scheme, these parties agreed that the decision maker does not need to consider detailed evidence on matters such as costs, values and benchmarks. I share that view. No other party provided evidence on these matters. [38, 39, 54, 56, 200]
569. The assessment reflects a confirmed grant of £15 million, awarded under the Housing Infrastructure Fund. I have no doubt that the viability of the scheme, and its ability to deliver the promised housing, was subject to close scrutiny by those responsible for awarding this very substantial grant. That is not determinative of itself but it is a further factor adding weight to the evidence of the viability witnesses who gave evidence at the Inquiry. [53, 201]
570. The assessment also assumes that exemption from CIL would be granted by the Council. Applications for exemption cannot be considered in advance of the

grant of planning permission. Whilst the outcome of that process cannot be certain, the Council has put in place a policy on exceptional circumstances relief from CIL. Given the Council's support for the scheme there is a reasonable prospect that the exemption would be granted. It is therefore reasonable to take it into account. [201]

571. Whilst the profit level is at the bottom of the range typically seen in assessments of this sort, the internal rate of return is supportive of the agreed position on viability. Moreover, such assessments are done using current values, making no allowance for enhanced values in later phases arising from successful completion of earlier phases. In a large scale regeneration scheme such as this it is likely that there would be some uplift as the scheme progresses. [54, 202]
572. The possibility that the scheme might stall was explored at the Inquiry. There are some high abnormal development costs which would be incurred early on. These would include the demolition of the multi-storey car park and the existing commercial buildings, relocation of Surrey Chapel and decontamination. Front-loading these major capital costs would create an incentive to complete the scheme so that they could be recouped. Moreover, the terms of the Housing Infrastructure Fund grant are such that it would have to be repaid if the housing is not delivered. Given the amount of grant, that would be a considerable incentive to ensure that the scheme is completed. The partnership between Columbia Threadneedle Limited (the site owner) and Weston Homes (a house builder) is also relevant. The site owner has a long term interest in the success of the retail and commercial elements of the scheme which is dependent on the whole scheme being delivered. The housebuilder is likely to benefit from improved values in later phases. [55, 202]
573. I conclude that if planning permission is granted there is a reasonable prospect that the scheme would be delivered as a whole. Viability considerations do not weigh against the proposal.

The extent to which the proposed development is consistent with the Government's policies for promoting sustainable transport

574. The site is well placed to offer a range of modes of transport. Most of the city centre is readily accessible either on foot or by cycle. Magdalen Street is a key bus route for services running northwards from the city. [206]

Pedestrians and cyclists

575. The design prioritises the needs of pedestrians and cyclists by creating new north/south and east/west routes through the scheme. The section 106 Agreement secures the use of these routes by pedestrians and cyclists at all times, subject only to any temporary closures for maintenance. These new routes connect to the existing city cycle network. The Yellow Pedalway, which runs from the city centre to the northern suburbs, currently passes through the site and would be incorporated in the new St George Street. In addition, new 3m pedestrian/cycleways would be provided along the northern section of Edward Street and along Pitt Street. The Pitt Street section would offer a choice to cyclists on a north/south route, for example if they wanted to avoid the site when it is busy with pedestrians. Early delivery of the Edward Street section would be secured through suggested condition 27. [208]

576. The Blue Pedalway runs along Magdalen Street and would connect with the east/west route through the site. Although CYC was initially concerned about provision for cyclists, these concerns were addressed once the full details of the section 106 Agreement became available. Cycle parking for residents would be provided in secure ground floor areas inside the main entrances. Cycle parking for visitors would be distributed throughout the public realm. [208, 320]

Car parking

577. In total the scheme would include around 1,500 parking spaces. NGP and others argued that this level of provision would be excessive in such an accessible location. Residential parking would be provided at a ratio of 0.75 spaces per dwelling. DM Plan Policy 31 (together with appendix 3) states that housing in the city centre primary retail area is required to be car free. However, elsewhere in the city centre, such as at the application site, the parking ratio can be between zero and one. The residential element is therefore policy compliant. [207, 360]

578. The proposed public car park would have 600 spaces. There are currently 1,192 public parking spaces within the site, although with the multi-storey car park being closed not all of this is usable. The proposal would have the effect of increasing the number of useable spaces by 100. DM Plan Policy DM29 seeks to manage parking demand across the city centre. It states that the total number of off-street spaces will not exceed 10,000. Although the proposal would take the total over this limit, the officers' report notes that some temporary planning consents for car parks in the city centre will have expired before the new multi-storey car park would be operational. Consequently, the public parking would accord with the DM Plan. [207]

579. The suggested conditions include measures relating to car parking:

- approval of a car park management plan, ensuring (amongst other matters) that the tariff structure supports the function of the LDC (condition 6);
- requiring the car park to be linked to the city wide variable messaging system to advise drivers of the availability of spaces (condition 7);
- ensuring that use of the existing surface level public parking within the site ceases (condition 8);
- monitoring the use of residential car parking to establish whether provision can be reduced in later phases (condition 9); and
- holding back 25% of the residential spaces in Block A for use by occupiers of later phases (condition 10).

Taken together, I consider that these conditions would ensure that the parking operates in a way that supports the objectives of the DM Plan.

Network impacts

580. The officers' report records that a transport assessment submitted with the application set out the traffic impacts of the development, having been carried out in accordance with the advice of the strategic highway authority. The local highway authority agreed that the proposal would not have a severe impact on

the strategic highway network in Norwich. The County highway authority commented that the traffic impact on the network would be minimal. Whilst some representations referred to traffic congestion in the locality there was no technical evidence before the Inquiry to contradict the findings of the transport assessment and the conclusions of the highway authorities.

Promoting sustainable transport

581. The following further measures are proposed:

- the section 106 Agreement makes provision for a financial contribution to car club vehicles and the layout incorporates designated car club bays;
- 5% of the parking spaces would be equipped for charging electric vehicles, in accordance with a scheme to be approved under suggested condition 51;
- a new bus layby on Magdalen Street; and
- travel information plans for the residential and commercial elements, to be approved under suggested conditions 49 and 50.

Conclusions on transport

582. The site is well placed to offer a range of modes of transport and the proposal has taken the opportunities to promote sustainable transport modes. The scheme would provide safe and suitable access for all users. There would be no severe impacts on the highway network and no significant impacts on highway safety. I conclude that the proposal would accord with the policies of the Framework insofar as they seek to promote sustainable transport. Transport considerations do not weigh against the proposal.

Other matters

Alternatives

583. The officers' report sets out the alternatives to the application scheme that were considered in the ES together with additional options arising from public consultation³³². The 'do nothing' option was assessed as offering no environmental improvement. Moreover, there would be the prospect of further deterioration in the condition and appearance of Anglia Square. It was noted that the 'do nothing' option would generate an income but would require ongoing capital investment in the repair of dated buildings and structures. The other options considered included retaining and converting Sovereign House. Whilst these options offered varying levels of environmental improvements, none were assessed as being viable.

584. At the Inquiry discussion of alternatives focussed on a scheme prepared by Ash Sakula on behalf of HE. This scheme was not put forward as a deliverable planning application. It was said to demonstrate an alternative approach that would produce heritage benefits whilst catering for development consistent with an LDC. However, both HE and SBH accepted that the Ash Sakula scheme is not

³³² Paragraphs 160 to 164 of CD2.15

viable or deliverable in present economic conditions. Nor is that situation likely to change in a realistic timescale. Consequently, whatever the design merits of the Ash Sakula scheme, there is no evidence that it could actually deliver the regeneration of the site that is promoted in the development plan. I therefore attach limited weight to it. [58, 59, 287, 298]

585. Several representations referred to a recent housing development at Goldsmith Street, suggesting that this scheme sets a standard that should be followed. There was little detailed evidence about Goldsmith Street before the Inquiry. However, I was able to visit it and, from what I saw, it is fully deserving of the awards it has received. Nevertheless, it appears to be wholly or mainly residential and is in a part of the city with different characteristics to those of Anglia Square. In contrast, Anglia Square is a strategic site within the city centre which is required by the development plan to deliver a range of land uses. Whilst appreciating the design merits of Goldsmith Street, I do not think that it provides a precedent or pattern in terms of the scale or form of development appropriate at Anglia Square. [376]

Energy

586. JCS Policy 3 requires that 10% of the scheme's energy requirements should be met from decentralised and renewable or low-carbon sources. The officers' report records that this requirement would be exceeded. The Energy Statement submitted with the application proposed an energy saving of 23%, achieved by using air source heat pumps for the commercial units³³³. NGP argued that the JCS requirement is out of date and that the residential element would not meet Policy 3. NGP was particularly critical of a proposal to install gas boilers in the flats. [358, 359]
587. Policy 3 requires an assessment of the scheme as a whole, including both commercial and residential elements. On that basis the scheme would meet 18% of the total requirement from decentralised and renewable or low-carbon sources, thereby complying with the policy. An addendum to the energy statement states that there is flexibility in the design, such that it would be possible to use communal air source heat pumps for the flats rather than gas boilers. Suggested condition 46 requires an Energy Strategy to be approved for each phase of the development. This would ensure that the scheme remains policy compliant and could take account of any regulatory changes, for example to the Building Regulations, and technological advances that may take place during the construction period.

Habitats Regulations

588. It will be necessary for the Secretary of State to undertake an appropriate assessment under the Habitats Regulations in respect of designated sites. At the Inquiry all parties agreed that there would be no likely significant effects on relevant sites, subject to mitigation secured through the section 106 Agreement. Information to inform an appropriate assessment is at Annex F.

³³³ Paragraph 545 of CD2.15

Conclusion on other matters

589. None of the other matters considered in this section weigh against the proposal.

Environmental Statement

590. The application was accompanied by an Environmental Statement (ES) and further environmental information was provided. The Council is satisfied that the ES meets the requirements of the relevant regulations and I see no reason to disagree. I have had regard to the environmental information in my assessments and recommendation. The suggested conditions would ensure that the outline elements of the scheme would be within the parameters assessed in the ES. [10, 11]

Public Sector Equality Duty

591. There was no formal equalities impact assessment before the Inquiry. However, equalities and diversity issues were addressed in the officers' report³³⁴. The report did not identify any negative impacts that would have a disproportionate effect on groups sharing protected characteristics.

592. The following features of the scheme would advance equality of opportunity for those sharing relevant protected characteristics:

- an accessible public realm prioritising the needs of pedestrians;
- 10% of dwellings to meet requirement M4(2) of the Building Regulations for accessible and adaptable dwellings (condition 43);
- Changing Places facility (condition 12); and
- shop mobility scheme (condition 65).

I am satisfied that the proposals take account of equalities issues and that there is adequate information before the Secretary of State for him to have due regard to equalities in his decision.

The extent to which the proposed development is consistent with the development plan for the area

593. The development plan comprises the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) (JCS) together with amendments that were adopted in January 2014; the Norwich Development Management Policies Local Plan (December 2014) (DM Plan) and the Norwich Development Site Allocations Local Plan (December 2014). No party identified any relevant policies in the Site Allocations Local Plan. The Council and the applicant agreed that very limited weight could be attached to the emerging Greater Norwich Local Plan at this stage of its preparation and I share that view. The most important policies for determining this application are therefore to be found in the JCS and the DM Plan.

³³⁴ Paragraph 563 of CD2.15

The Joint Core Strategy

594. Policy 1 seeks to address climate change and protect environmental assets. I have concluded that the proposal would accord with the JCS in relation to energy. It would make efficient use of land, delivering a high density of development in a designated centre on a public transport route. It would minimise the need to travel, give priority to low impact modes of transport and have no impact on designated nature conservation sites. The proposal would accord with the policy in all these respects.
595. Policy 1 also requires heritage assets and the wider historic environment to be conserved and enhanced. In that regard I have found that there would be a net benefit to the NCCCA. However, there would be harm to the significance of a number of listed buildings through development in their settings. I have characterised the degree of harm as moderate in two instances and in all other cases I have characterised the degree of harm as minor. Overall, I consider that the ways in which the proposal would accord with the policy outweigh the degree of conflict that would arise. On balance I find that the proposal would accord with Policy 1.
596. Policy 2 promotes good design and seeks to ensure that development respects local distinctiveness. I have concluded that the proposed design is a considered response to the surrounding urban fabric. It would create a distinctive new identity and a strong sense of place, rather than seeking to replicate that which surrounds it. The design would also create a high quality public realm, encouraging walking and cycling. On the other hand I have found that the height and mass of the proposal would be uncharacteristic. Having assessed the ways in which the design would help to integrate the development into its surroundings, I conclude that this factor is not sufficient to outweigh the positive aspects I have identified. On balance I find that the proposal would accord with Policy 2.
597. Policy 3 requires that at least 10% of the energy requirement for the scheme would be derived from decentralised and renewable or low carbon sources. This requirement would be met.
598. Policy 4 deals with housing delivery. The proposal would make a significant contribution to housing delivery. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. There is a section 106 Agreement in place which contains appropriate provisions relating to the phasing of affordable housing and review mechanisms which could enable more affordable housing to be provided in the event that viability improves. I conclude that the proposal would accord with Policy 4.
599. Policy 5 seeks to develop the local economy in a sustainable way. Anglia Square is not currently fulfilling its potential to contribute to the local economy. The proposal would result in some existing employment being displaced but overall there would be a significant net gain in employment. The proposal includes measures to support small and medium enterprises. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. The proposal would overcome constraints to developing a key site. In my view it would accord with Policy 5.

600. Policy 7 seeks to maintain or enhance the quality of life and the well-being of communities. The proposal would provide 120 affordable dwellings, which would be a valuable contribution to meeting housing needs in a part of the city with high levels of deprivation. It would promote healthier lifestyles by prioritising walking and cycling. Communal open space, a high quality public realm and new leisure facilities would provide opportunities for social interaction. Provision would be made for accessible and adaptable dwellings, a Changing Places facility and a shop mobility scheme. I consider that the proposal would accord with Policy 7.
601. Policy 11 seeks to enhance the regional role of Norwich city centre. This includes promoting the comprehensive regeneration of the northern city centre at Anglia Square. Whilst the policy refers to an Area Action Plan which is no longer extant, the objective of securing comprehensive regeneration is still an important policy objective. The proposal would enhance the retail function of the LDC, expand the use of the centre (including the evening economy), extend leisure and hospitality uses, expand the employment function of the site and provide housing. Whilst the amount of family housing would be limited, the housing mix is justified by the particular circumstances of the site. Policy 11 also requires the distinctive character of the historic city to be enhanced. As noted above, I have found that there would be a net benefit to the NCCCA but there would be harm to the significance of a number of listed buildings through development in their settings. Nevertheless, the main thrust of Policy 11 is to secure comprehensive regeneration. Overall, I consider that the proposal would accord with Policy 11.
602. Policy 19 encourages new retailing, services, employment and other town centre uses at LDCs such as Anglia Square/Magdalen Street, subject to the scale of development being appropriate to the form and functions of the retail hierarchy. I have found that the proposal would support the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. It would therefore accord with Policy 19.

Development Management Plan

603. Policy DM1 seeks to achieve sustainable development. The proposal would support sustainable economic growth in the Norwich economy. The section 106 Agreement would make provision for an employment and skills strategy. The scheme would contribute to minimising the need to travel and reducing dependency on the private car. It would make provision for car club vehicles and electric vehicle charging points. It would provide for safety and security and increased opportunities for social interaction through an attractive and well-designed public realm and through the provision of communal open space. The proposal would accord with the policy in all these respects.
604. Policy DM1 also requires the protection and enhancement of heritage assets. In that regard I have found that there would be a net benefit to the NCCCA. However, there would be harm to the significance of a number of listed buildings through development in their settings. Overall, I consider that the ways in which the proposal would accord with the policy outweigh the degree of conflict that would arise. On balance I find that the proposal would accord with Policy DM1.

605. Policy DM2 seeks to ensure satisfactory living conditions for future occupiers and for neighbouring occupiers. I have concluded that the proposed flats would provide a good standard of residential accommodation and would create satisfactory living conditions for future occupiers. Any potential impacts on neighbouring occupiers could be appropriately managed through conditions. The proposal would accord with Policy DM2.
606. Policy DM3 sets out design principles. The proposal would protect the long views of strategic landmarks identified in Appendix 8 and the NCCCA. With regard to local distinctiveness, I have concluded that the proposed design is a considered response to the surrounding urban fabric that would create a distinctive new identity and a strong sense of place. The proposed layout would make efficient use of land and would provide a permeable and legible network of routes and spaces, linking effectively with existing routes. The public realm would be attractive, overlooked and secure. The layout includes space for cycle and refuse storage. Whilst the density of development would be high, the policy allows for higher densities in the city centre and district centres. The DAS has set out an appropriate approach to materials, which would be subject to later approval under conditions or reserved matters. Tree planting, green walls and green roofs would contribute to biodiversity. Energy efficiency measures would be incorporated. The proposal would accord with the policy in all these ways.
607. On the other hand, the policy also refers to height, mass, scale and form and calls for exceptional design quality at gateway locations. Block F would be at one of these gateway locations. I have concluded that the scale and mass of Block F would appear strikingly different and unfamiliar, to an extent that would cause harm. In assessing the importance of that point, it is relevant that the immediate context includes the Pitt Street/St Crispins Road roundabout and modern office buildings at St Crispins House. Planning permissions have been granted for the conversion and increase in height of St Crispins House and for redevelopment at St Mary's Works, to the south west of the roundabout. Overall, I conclude that this factor is not sufficient to outweigh the positive aspects of the design that I have identified. On balance I find that the proposal would accord with Policy DM3.
608. Policy DM8 relates to open space. The proposal would provide multi-functional public spaces of an appropriate form and character to support social interaction and make provision for children's play. It would accord with Policy DM8.
609. Policy DM9 relates to the historic environment and heritage assets. No designated heritage assets would be physically affected. There would be a net gain to the character and appearance of the NCCCA. Whilst there would be a loss of locally listed buildings at Pitt Street, that loss would be outweighed by the benefits of the scheme. Any unknown archaeological assets would be appropriately protected by the approval of a written scheme of archaeological investigation. The proposal would accord with the policy in all these ways. On the other hand, the policy requires that development should maximise opportunities to preserve the significance of designated heritage assets. I have found that there would be harm to the significance of a number of listed buildings through development in their settings. Having regard to the effect on those listed buildings, I conclude that, on balance, the proposal would conflict with policy DM9.

610. Policy DM11 relates to environmental hazards, including air quality. I have found that the proposal would be appropriate for its location taking account of likely effects on health and living conditions. No conflicts with the Council's Air Quality Action Plan have been identified. Opportunities to mitigate impacts have been identified and the proposal would contribute towards compliance with relevant national objectives. Potential hazards relating to contamination, water quality and noise could be appropriately managed through conditions. The proposal would accord with Policy DM11.
611. Policy DM12 sets out principles for residential development. The proposal would not compromise regeneration proposals and it would achieve a diverse mix of uses. Potential impacts on the amenity of the surrounding area could be managed by conditions. The mix of housing types is justified by the particular circumstances of the site and the amount of affordable housing would be the most that could be achieved in current market conditions. Whilst the density of development would be high, the policy allows for higher densities in the city centre and district centres. At least 10% of dwellings would meet the requirements for accessible and adaptable dwellings. I consider that the proposal would accord with Policy DM12.
612. Policy DM13 relates specifically to the construction of flats (amongst other types of accommodation). The proposal would achieve a good standard of amenity and living conditions for future occupiers without causing any unacceptable impacts on the living conditions of neighbouring occupiers. Satisfactory provision would be made for servicing, parking and amenity space. The proposal would accord with Policy DM13.
613. Policy DM16 relates to employment and business development. The proposal would result in a significant net gain in employment. I have found that the application scheme would help to create the conditions in which businesses can invest, expand and adapt. It would provide flexibility in relation to permitted uses, which would help Anglia Square to respond to changes in economic circumstances. The proposal would accord with Policy DM16.
614. Policy DM17 seeks to protect small and medium scale business premises. The proposal would result in some existing employment being displaced. However, there would be a significant net gain in employment. This is a case where retaining existing businesses where they are would compromise the regeneration of the wider area in accordance with the development plan. The proposal includes measures to facilitate relocation of some existing businesses and to support small and medium enterprises generally. There would be overriding community benefits from the new uses which could not be achieved by locating those uses elsewhere. Overall, the proposal would accord with Policy DM17.
615. Policy DM18 supports development for retail, leisure and other main town centre uses within LDCs, where their scale is appropriate to the centre's position in the hierarchy. I have found that the proposal would support the role that Anglia Square/Magdalen Street plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. It would therefore accord with Policy DM18.

616. Policy DM19 allows for development of Class B1 office space at an LDC provided the scale is appropriate to the centre's position in the hierarchy. There is currently a great deal of vacant office floorspace at Anglia Square. The scheme includes scope for considerably less office floorspace. However, the scale and location of the new units would be appropriate to small and medium enterprises, consistent with the new role of Anglia Square. The proposal would accord with Policy DM19.
617. Policy DM20 seeks to manage changes of use in LDCs and other retail locations. In this case the proposal would create wholly new retail frontages so the policy is not directly relevant. However, planning conditions are proposed to ensure that future uses accord with the retail strategy for Anglia Square. This would be consistent with the objectives of the policy which seeks to maintain vitality and viability.
618. Policy DM28 seeks to encourage sustainable travel. The proposal includes cycle and pedestrian links as an integral part of the design. The layout would be coherent and legible, creating permeability and accessibility for pedestrians. Off-site cycle and pedestrian links would be enhanced and there would be easy access to bus stops. Vehicle parking would not dominate the public realm but would be safe and convenient to occupiers. Travel planning would be incorporated and provision would be made for car club vehicles and parking. The proposal would accord with Policy DM28.
619. Policy DM29 relates to public off-street parking in the city centre. The proposed public parking would be consistent with the overall limit of 10,000 spaces set by the policy. It would consolidate existing parking, make efficient use of land by being included in the built form of wider development, have a tariff structure to support the LDC and be linked to the city wide variable messaging system. The new car park would be secure and easily accessible by vehicles and on foot. Provision would be made for electric vehicle charging. The proposal would accord with Policy DM29.
620. Policy DM31 applies the upper and lower limits for parking provision which are set out in appendix 3. For residential units at the application site the upper limit is one space per dwelling. The proposed ratio of 0.75 spaces per unit is within that limit. Provision would be made for disabled drivers, cycle parking, electric vehicle charging, refuse storage and collection and car club vehicles. The proposal would accord with Policy DM31.
621. Policy DM32 would allow car free housing at the application site but this is not a policy requirement. The proposed residential parking does not therefore conflict with this policy.
622. Policy DM33 sets out principles for planning obligations. The justification for the obligations contained in the section 106 Agreement has been set out in the Council's CIL compliance statement. I conclude that the proposal would accord with this policy.

Conclusions on the development plan

623. I have identified those policies of the JCS and the DM Plan that I consider to be most important to the determination of this appeal. Having assessed the

proposal against those policies I find it would accord with all but one. Although the proposal would result in a net benefit to the NCCCA, on balance it would conflict with DM Plan DM9 because of harm to a number of designated heritage assets through development in their settings.

624. On the other hand the proposal would deliver the comprehensive regeneration of Anglia Square, which is an important strategic objective. It would also make a significant contribution to other development plan objectives including promoting large district centres, delivering housing and supporting economic development. It would comply with a range of other relevant policies which are set out above. My overall assessment is that the proposal would accord with the development plan as a whole.

Overall conclusion and planning balance

625. Having found that the proposal would accord with the development plan as a whole, it is necessary to consider whether there are other considerations that indicate a decision other than in accordance with the development plan.
626. The proposal would cause harm to a number of listed buildings through development in their settings. In all cases this would be less than substantial harm in the terms of the Framework. Nevertheless, in each case that is a matter of considerable importance and weight. It should be noted that there would be harm that I would characterise as moderate to the Grade I listed Church of St Augustine and the Grade II listed Nos 2 – 12 Gildencroft. In respect of the other assets, there would be harm that I would characterise as minor. Even so, a number of highly graded assets would be affected, including the Cathedral, the Church of St Simon and St Jude, the Church of St Clement, the Church of St George, St Helen's Church and St Andrew's Church (All Grade I) and Bacon's House and Nos 11 to 13 Fye Bridge Street (Grade II*).
627. Having carried out the balancing exercise required by paragraph 196 of the Framework I have found that the public benefits of the proposal would outweigh the harm. I have not identified any other considerations which indicate an outcome other than in accordance with the development plan. I shall therefore recommend that planning permission is granted.

RECOMMENDATION

628. I recommend that the application be approved and planning permission be granted for the development described in Annex D subject to the conditions set out in Annex G.

David Prentis

Inspector

ANNEX A - APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Corner	Queen's Counsel, instructed by Trowers and Hamlins
He called	
Ben Webster	Design, Conservation and Landscape Manager,
MA MPhil MRTPI	Norwich City Council
Tony Williams	Head of Viability (Technical), the Valuation Office
BSc MRICS	Agency
Bruce Bentley	Principal Planner (Transportation), Norwich City
BSc BTP	Council
David Parkin	Area Development Manager, Norwich City Council
PGDip MRTPI	
Andrew Turnball	Interim Housing Development Manager, Norwich
	City Council
Ellen Tilney	Economic Development Manager, Norwich City
	Council
Lesley Oldfield	Public Protection Officer, Norwich City Council
BSc Dip Acoustics	

FOR THE APPLICANT:

Russell Harris	Queen's Counsel, instructed by Peter Luder of Weston Homes/Columbia Threadneedle
He called	
Dr Chris Miele	Montagu Evans LLP
MRTPI IHBC	
Peter Vaughan	Broadway Malyan
BA DipArch RIBA ARB	
Francis Truss	Carter Jonas
BA MSc MRICS	
Martin Paddle	WSP
BSc CEng CWEM MICE	
FCIHT MCIWEM	
Peter Luder	Weston Homes plc
BA MUP MRTPI	
Chris Watts	Cushman and Wakefield
MTCP MRTPI	
Melanie Hobson	Aether Ltd
MSc BSc	

FOR HISTORIC ENGLAND:

Guy Williams	Of Counsel, instructed by Andrew Wiseman
He called	
John Neale	Head of Development Advice, Historic England
MA IHBC	

FOR SAVE BRITAIN'S HERITAGE:

Matthew Dale-Harris	Of Counsel, instructed by Henrietta Billings
He called	
Alec Forshaw	Heritage consultant
MRTPI IHBC	

FOR THE NORWICH SOCIETY:

Paul Burall	
He called	
Jon Boon RIBA	Chartered Architect
Dr Peter Doll	Canon Librarian, Norwich Cathedral
Simeon Jackson MSc	Architectural designer

FOR THE NORWICH CYCLING CAMPAIGN:

Anthony Clarke	
He called	
Dr Andrew Boswell	Climate Emergency Planning and Policy
Dr Ashley Mills	Systems engineer
BSc MSc PhD	

INTERESTED PERSONS:

Cllr Denise Carlo	Norwich City Councillor
Hugo Malik	On behalf of a group of current and former City and County Councillors
Dr Andrew Boswell	On behalf of Norwich Green Party (in respect of housing) and in a personal capacity in respect of energy
Ellen Goodwin	New Anglia Local Economic Partnership
John Howkins	Local resident
Paul Scruton	Norwich Over the Water
Jane Moir	Norwich Over the Water
Stacey Wilson	Norwich Over the Water
High McGlyn	Cathedral, Magdalen and St Augustine's Forum
Dr Judith Ford	Local resident
Dr Alison Dow	Local GP
Ian Gibson	Local resident and former MP

Joanna Smith	On behalf of Clive Lewis MP and, separately, in a personal capacity as a local resident
Peter Woodrow	Norfolk Gardens Trust
Jan McLachlan	Local resident
Cllr Martin Schmierer	Norwich City Councillor
Ian Couzens	Local business owner and former leader of Norwich City Council
Mark Oxley	Norwich Conservative Association
Michael Innes	Architect
Gerard Stamp	Artist
Cllr Danny Douglas	Norfolk County Councillor
Anna Brass	Artist and occupier of Gildengate House
Paul Fenner	Artist and occupier of Gildengate House
Phillipa Clements	Local resident and business owner
Jeff Jordan	Local resident
Helen Leith	Local resident
Cllr Jamie Osborn	Norwich City Councillor
Matthew Williams	Local resident, geologist and historian
Neil Cooke	Local resident
Kate Murphy	Artist and occupier of Gildengate House
Charlotte Helliwell	Local resident
Victoria Penn	On behalf of a local resident and Car Free Norwich
Philip MacDonald	Surrey Chapel

ANNEX B – ABBREVIATIONS USED IN THE REPORT

AQMA	Air Quality Management Area
AQA	Air quality assessment
AQASR	Air quality annual status report
BfL	Building for Life
Castle	Norwich Castle
Cathedral	Cathedral of the Holy and Undivided Trinity
CMSA	Community, Magdalen and St Augustine's Forum
CIL	Community Infrastructure Levy
CURED v3A	Calculator using realistic emissions for diesels, version 3A
CYC	Norwich Cycling Campaign
DAS	Design and access statement
DEFRA	Department for Environment, Food and Rural Affairs
DM Plan	Norwich Development Management Policies Local Plan
DT	Diffusion Tube
EFT	Emissions Factor Toolkit
ES	Environmental Statement
Framework	National Planning Policy Framework
GPA3	Good practice advice note 3 – The Setting of Heritage Assets
HE	Historic England
HIF	Housing Infrastructure Fund
JCS	Joint Core Strategy for Broadland, Norwich and South Norfolk
LBA1990	Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
LBgI, LBGII*, LBGII	Listed Building, Grade I, II* or II respectively
LDC	Large district centre
NCCCA	Norwich City Centre Conservation Area
NGP	Norwich Green Party
NO ₂	Nitrogen dioxide
NPA	Norwich policy area
NS	Norwich Society
PGN	Planning guidance note
PM ₁₀	Particulate matter with an aerodynamic diameter less than 10 µm
RC Cathedral	Cathedral of St John the Baptist
SA Plan	Norwich Development Site Allocations Local Plan
SBH	Save Britain's Heritage
SHMA	Strategic Housing Market Assessment
SME	Small and medium enterprises
SoCG	Statement of Common Ground
TVIA	Townscape and Visual Impact Assessment

ANNEX C – DOCUMENTS

Documents received during the Inquiry

Ref	Description
	<i>Submitted by the applicant</i>
WH10	Appearances
WH11	Supplementary CGIs (Mr Vaughan)
WH12	Opening submissions
WH13	Draft S106 Agreement
WH14	TVIA viewpoints shown on CAA plans
WH15	Proposals for St Crispins House
WH16	Norwich Visitor Map
WH17	Slides from Mr Vaughan's presentation
WH18	Plans showing affordable housing
WH19	Plan showing discounted commercial units
WH20	Note on updated air quality data (Ms Hobson)
WH21	Enlarged print of view 8 panorama
WH22	UK air quality limit values
WH23	Emissions Factor Toolkit v9 User Guide
WH24	Air quality – summary maps and tables (Ms Hobson)
WH25	Consent to pre-commencement conditions
WH26	Application in relation to Anglo Scandinavian street pattern
WH27	Animations (data stick) (Dr Miele)
WH28	Closing submissions
	<i>Submitted by the Council</i>
NCC10	Opening submissions
NCC11	Leeds Core Strategy (extract)
NCC12	Selected images (Mr Webster)
NCC13	Draft SoCG on air quality (2019 monitoring data attached)
NCC14	Slides from Mr Bentley's presentation
NCC15	Norwich Annual Monitoring Report
NCC16	Note on updated 5 year housing land supply
NCC17	Norwich shopping floorspace monitor
NCC18	Statement on Housing Infrastructure Fund
NCC19	Schedule of suggested planning conditions (version 2)
NCC20	CIL Compliance Statement
NCC21	Note of Mr Parkin's evidence in chief
NCC22	Location plan for Malzy Court
NCC23	Closing submissions
	<i>Submitted by Historic England</i>
HE10	Opening submissions
HE11	Closing submissions
	<i>Submitted by Save Britain's Heritage</i>
SBH10	Opening submissions
SBH11	Suggestions for site visit

SBH12	Closing submissions
	<i>Submitted by the Norwich Society</i>
NS10	Opening submissions
NS11	Location plan for Cook's Hospital (now known as Malzy Court)
NS12	Closing submissions
	<i>Submitted by Norwich Cycling Campaign</i>
CYC10	Opening submissions
CYC11	Note on bias adjustment factors (Dr Boswell)
CYC12	Garbage in, gospel out? – Air Quality Assessment in the UK planning system (Dr Mills)
CYC13	Guidance on the Assessment of Dust from Demolition and Construction
CYC14	Closing submissions
	<i>Submitted by Norwich Green Party</i>
NGP10	Cllr Carlo - presentation (6 February 2020)

	<i>Submitted by other parties</i>
OD1	Brian Faulkner 28 January 2020
OD2	Sir Marcus Setchell 29 January 2020
OD3	Wendy Pritchard 28 January 2020
OD4	Desmond Higgins 28 January 2020
OD5	Roger Carter 28 January 2020
OD6	Roger Bradbury 28 January 2020
OD7	Seb Frichot 28 January 2020
OD8	Todd Longstaffe-Gowan 28 January 2020
OD9	John Duffield 28 January 2020
OD10	Nigel Hargreaves 27 January 2020 (with letter)
OD11	Bob Baker 27 January 2020
OD12	Christopher Horwood 27 January 2020
OD13	Keith and Nicole Roberts 27 January 2020
OD14	Jacqueline Middleton 30 January 2020
OD15	Margaret Goodyear 30 January 2020
OD16	Sir Nicholas Bacon 28 January 2020
OD17	Shirley Bailey 30 January 2020
OD18	Gerard Stamp 24 January 2020
OD19	Hugh and Mirabel Cecil 21 January 2020
OD20	Dr Judith Ford's presentation (6 February 2020)
OD21	Dr Alison Dow's presentation (6 February 2020)
OD22	Norfolk Gardens Trust's presentation (6 February 2020)
OD23	Hugo Malik's presentation (6 February 2020)
OD24	Graham Martin 10 February 2020
OD25	George Mahood 11 February 2020
OD26	Jennifer Aldous 11 February 2020
OD27	Mark Oxley 26 February 2020
OD28	Michael Innes 26 February 2020
OD29	Phillipa Clements 26 February 2020

OD30	Jeff Jordan 26 February 2020
OD31	Matthew Williams 26 February 2020
OD32	Kate Murphy 26 February 2020
OD33	Julia Colley 26 February 2020
OD34	Helen Leith 26 February 2020
OD35	Cllr Danny Douglas 26 February 2020
OD36	Ian Couzens 26 February 2020
	<i>Inquiry documents</i>
ID10	Viability position statement
ID11	Statement of Common Ground on Air Quality
ID12	Schedule of suggested planning conditions (version 3)
ID13	Schedule of suggested planning conditions (version 4)
ID14	Description of development (agreed by Council and applicants)
ID15	Schedule of plans
ID16	Final draft S106 Agreement
ID17	Note on bias adjustment factors (Ms Hobson and Ms Oldfield)
	<i>Post-Inquiry Documents</i>
PID1	Section 106 Agreement dated 12 March 2020

Proofs of evidence

The Applicant		
Peter Vaughan - Architecture	Proof Appendices Rebuttal	WH1/1 WH1/3 WH1/4
Dr Chris Miele – Historic environment	Proof Summary Appendices Rebuttal	WH2/1 WH2/2 WH2/3 WH2/4
Francis Truss – Viability	Proof Summary Appendices Rebuttal	WH3/1 WH3/2 WH3/3 WH3/4
Peter Luder – Planning policy and planning balance	Proof Appendices Rebuttal	WH4/1 WH4/3 WH4/4
Chris Watts – Town centres and retail	Proof Summary Appendices	WH5/1 WH5/2 WH5/3
Chris Watts Local economy	Proof Appendices	WH6/1 WH6/3
Martin Paddle – Transport	Proof Summary Appendices Rebuttal	WH7/1 WH7/2 WH7/3 WH7/4
Melanie Hobson – Air quality	Proof Appendices	WH8/1 WH8/3

	Rebuttal	WH8/4
Norwich City Council		
David Parkin – Planning policy and planning balance	Proof Summary Appendices Rebuttal	NCC1/1 NCC1/2 NCC1/3 NCC1/4
Ben Webster – Historic environment	Proof Summary Rebuttal	NCC2/1 NCC2/2 NCC2/4
Bruce Bentley - Transport	Proof Summary Appendices	NCC3/1 NCC3/2 MCC3/3
Ellen Tilney – Economic development	Proof Summary	NCC4/1 NCC4/2
Tony Williams – Viability	Proof Appendices Rebuttal	NCC5/1 NCC5/3 NCC5/4
Lesley Oldfield – Air quality	Proof Rebuttal	NCC6/1 NCC6/4
Historic England		
John Neale	Proof Appendices	HE1/1 HE1/2 to HE1/7
Jonathan Rhodes	Proof Appendices Rebuttal	HE2/1 HE2/2 to HE2/5 HE2/6
Save Britain's Heritage		
Alec Forshaw	Proof Summary Appendix	SBH1/1 SBH1/2 SBH1/3
Norwich Society		
Jon Boon – Historic environment	Proof Appendices	NS1/1 NS1/2 and NS1/3
Paul Burall – Economy and town centres	Proof	NS2/1
Simeon Jackson – Planning policy and planning balance	Proof	NS3/1
Dr Peter Doll – Economy and town centres	Proof	NS4/1
Norwich Cycling Campaign		
Dr Andrew Boswell – Air quality	Proof Appendices Rebuttal	CYC1/1 CYC1/3 CYC1/4
Anthony Clarke – Cycle and pedestrian routes	Proof	CYC2/1
Anthony Clarke – Sovereign House	Proof	CYC2/2

Anthony Clarke – Edward Street car park	Proof	CYC2/3
Prof Stephen Peckham and Dr Ashley Mills – Air quality	Proof Rebuttal	CYC3/1 CYC3/4
Written Statements		
Dr Andrew Boswell – Housing – for Norwich Green Party		NGP1
Norwich Over the Water Society		NOTW1
Hugo Malik – Housing		HM1
Statements of Common Ground		
Overarching SoCG		SoCG1
Heritage assets		SoCG2
Viability		SoCG3

Core Documents

	Reference	Title
A. GOVERNMENT GUIDANCE AND RELEVANT LEGISLATION	CD1.1	National Planning Policy Framework (February 2019)
	CD1.2	National Planning Practice Guidance (PPG)
	CD1.3	Planning Practice Guidance on viability (updated May 2019)
	CD1.4	DCLG - Technical housing standards – nationally described space standard
	CD1.5	Building Regulations 2010 - Access to and Use of Buildings
	CD1.6	The DCLG Appraisal Guide
	CD1.7	Introduction to Housing Infrastructure Fund
B. DEVELOPMENT PLAN, EMERGING PLAN AND EVIDENCE BASE DOCUMENTS	CD2.1	City of Norwich Replacement Local Plan (adopted Nov 2004)
	CD2.2	Joint Core Strategy for Broadland, Norwich and South Norfolk, ('JCS') (adopted March 2011 with amendments adopted January 2014)
	CD2.3	Norwich Development Management Policies Local Plan, ('DM Plan') (adopted December 2014)
	CD2.4	Norwich Development Site Allocations Local Plan, ('SA Plan'), (adopted December 2014)
	CD2.5	Greater Norwich Local Plan ('GNLP'), Regulation 18 Draft Plan Consultation
	CD2.6	GNLP Call for Sites (May-July 2016) (NORWICH EXTRACT ONLY)
	CD2.7	GNLP Regulation 18 Growth Options and Site Proposals Consultation (January-March 2018) (EXTRACT)

	CD2.8	GNLP Regulation 18 Consultation on New, Revised and Small Sites (October-December 2018) (NORWICH EXTRACT ONLY)
	CD2.9	Greater Norwich Employment, Town Centre and Retail Study (December 2017)
	CD2.9(a)	Greater Norwich Town Centres & Retail Study: Volume 1 Main Report (October 2017) (prepared by GVA)
	CD2.9(b)	Greater Norwich Town Centres & Retail Study: Volume 2 Study Area & Market Share Plans (October 2017) (prepared by GVA)
	CD2.9(c)	Greater Norwich Town Centres & Retail Study: Volume 3 Quantitative Need Tables (October 2017) (prepared by GVA)
	CD2.9(d)	Greater Norwich Town Centres & Retail Study: Volume 4 Household Survey Results (October 2017) (prepared by GVA)
	CD2.10	Norwich City Centre Conservation Area Appraisal (2007)
	CD2.11	Anglia Square Policy Guidance Note ('PGN') (adopted 2017)
	CD2.12	Northern City Centre Area Action Plan 2010 ('NCCAAP') (now expired)
	CD2.13	Local Development Scheme (revised October 2018)
	CD2.14	Annual Monitoring Report 2017 - 2018
	CD2.15	Planning Applications Committee Report and Minutes 6 December 2018 (Application Ref 18/00330/F)
	CD2.16	Community Infrastructure Levy Guidance Note 7: Exceptional Circumstances Relief Policy (July 2019)
	CD2.17	Car Parking Standards
	CD2.18	Cycle Parking Standards
	CD2.19	Norfolk County Council Local Transport Plan
	CD2.20	Travel Plan Guidance, Norfolk County Council, May 2019
	CD2.21	Central Norfolk Strategic Housing Market Assessment (ORS June 2017)
	CD2.22	PROMIS Retail Report for Norwich (14 October 2019)
	CD2.23	High streets and town centres 2030: Eleventh Report of Session 2017-19 (February 2019)
	CD2.24	HCA Employment Density Guide: 3rd edition (November 2015)
	CD2.25	Norwich City Centre Shopping Floorspace Monitor & Local & District Centres Monitor (June 2018)
C. SUPPLEMENTARY PLANNING GUIDANCE	CD3.1	Affordable housing SPD (adopted March 2015) (superseded)
	CD3.2	Affordable housing SPD (adopted July 2019)
	CD3.3	Open space and play space SPD (adopted October 2015)
	CD3.4	Landscape and trees (adopted June 2016)
	CD3.5	Heritage Interpretation SPD (adopted December 2015)
	CD3.6	Main town centre uses and retail frontages SPD (adopted December 2014)

D. PLANNING APPLICATION DOCUMENTS (REF: 18/00330/F) (MARCH 2018)	CD4.1	Application Form
	CD4.2	CIL Form
	CD4.3	Affordable Housing Statement
	CD4.4	Planning Obligations Statement Rev A
	CD4.5	Planning Statement
	CD4.6	Town Centre Uses Statement
	CD4.7	Retail Strategy Report
	CD4.8	Illustrative Ground Level Plan for Retail Strategy_31467-A03-P2-054
	CD4.9	Statement of Community Involvement
	CD4.10	Design and Access Statement
	CD4.11	31467-1401-Drawing Register
	CD4.12	180205_01 Illustrative Masterplan Ground Floor_A01-P2-001
	CD4.13	Access - 31467-A01-PP-300
	CD4.14	Development Parcel - 31467-A01-PP-400
	CD4.15	Land Use Ground Floor - 31467-A01-PP-200
	CD4.16	Land Use First Floor - 31467-A01-PP-201
	CD4.17	Land Use Third Floor - 31467-A01-PP-202
	CD4.18	Land Use Fourth Floor - 31467-A01-PP-203
	CD4.19	Land Use Level Seven - 31467-A01-PP-204
	CD4.20	Land Use Ninth Floor 31467-A01-PP-205
	CD4.21	Land Use Twelfth Floor - 31467-A01-PP-206
	CD4.22	Land Use Fifteenth Floor - 31467-A01-PP-207
	CD4.23	Proposed Building Heights - 31467-A01-PP-100
	CD4.24	Public Realm - 31467-A01-PP-500
	CD4.25	Detailed Application Boundary - 31467-A02-P2-101
	CD4.26	Existing Buildings - 31467-A02-P2-200
	CD4.27	Existing Buildings Demolition Plan - 31467-A02-P2-201
	CD4.28	Hybrid Application Boundary - 31467-A02-P2-100
	CD4.29	Illustrative Phasing Strategy - 31467-A02-P2-400
	CD4.30	Block A Ground Floor 31467-A03-P2-A-000
	CD4.31	Block A 1st Floor 31467-A03-P2-A-001
	CD4.32	Block A 2nd Floor 31467-A03-P2-A-002
	CD4.33	Block A 3rd Floor 31467-A03-P2-A-003
	CD4.34	Block A 4th Floor 31467-A03-P2-A-004
	CD4.35	Block A 5th Floor 31467-A03-P2-A-005
	CD4.36	Block A 6th Floor 31467-A03-P2-A-006
	CD4.37	Block A 6 th Floor Parking 31467-A03-P2-A-006A
	CD4.38	Block A 7th Floor 31467-A03-P2-A-007
	CD4.39	Block A 8th Floor 31467-A03-P2-A-008
	CD4.40	Block A 9th Floor 31467-A03-P2-A-009
	CD4.41	Block A 10th Floor 31467-A03-P2-A-010
	CD4.42	Block A Roof Level 31467-A03-P2-A-011
	CD4.43	Block E Tower 31467-A03-P2-E-000
	CD4.44	31467-A03-P2-000 Ground Floor M Plan
	CD4.45	31467-A03-P2-0B1 Basement Floor

CD4.46	31467-A03-P2-001 First Floor
CD4.47	31467-A03-P2-002 Second Floor
CD4.48	31467-A03-P2-003 Third Floor
CD4.49	31467-A03-P2-004 Fourth Floor
CD4.50	31467-A03-P2-005 Fifth Floor
CD4.51	31467-A03-P2-006 Sixth Floor
CD4.52	31467-A03-P2-007 Seventh Floor
CD4.53	31467-A03-P2-008 Eighth Floor
CD4.54	31467-A03-P2-009 Ninth Floor
CD4.55	31467-A03-P2-010 Tenth Floor
CD4.56	31467-A03-P2-011 Eleventh Floor
CD4.57	31467-A03-P2-012_020 12-20th Floor
CD4.58	31467-A03-P2-021_022 21-22nd Floor
CD4.59	31467-A03-P2-023_024 23-24th Floor
CD4.60	31467-A03-P2-050 Storey Height Res Only
CD4.61	Block A Section 1-3_31467-A04-P2-A-001
CD4.62	Block A Section 4, 5 & 6_31467-A05-P2-A-002
CD4.63	Block A Elevations 1-3_31467-A05-P2-A-001
CD4.64	Tower 31467-A05-P2-E-001 Elevation 1 & Section 1
CD4.65	Tower 31467-A05-P2-E-002 Elevation 2 & Section 2
CD4.66	Tower 31467-A05-P2-E-003 Elevations 3 & 4
CD4.67	Illustrative Sections 1-3 31467-A04-P2-001
CD4.68	Illustrative Sections 4-6 31467-A04-P2-002
CD4.69	Phase 2 Elevation 1&2_31467-A05-P2-001
CD4.70	Phase 2 Elevation 3&4_31467-A05-P2-002
CD4.71	Phase 2 Elevation 5&6_31467-A05-P2-003
CD4.72	Phase 2 Elevation 7&8_31467-A05-P2-004
CD4.73	Illustrative Street Elevations_31467-A05-P2-A-100
CD4.74	Commercial Area Schedule_31467-1800-1807-002
CD4.75	Cycle Provision Schedule_31467-1800-1807-005
CD4.76	GIA All proposed buildings_31467-1807-1809
CD4.77	GIA Area Schedule_31467-1807-013
CD4.78	Proposed Car Parking Schedule_31467-1800-1807-003
CD4.79	Refuse Provision Schedule_31467-1800-1807-004
CD4.80	Residential Accommodation Schedule_31467-1800-1807-001
CD4.81	Air Quality Assessment
CD4.82	Arboricultural Impact Assessment Report and Protection Plan
CD4.83	Contamination Desk Study and Preliminary Risk Assessment (Phase 1) Report
CD4.84	Daylight and Sunlight Report
CD4.85	Energy Statement
CD4.86 ES Volume 1	Environmental Statement Volume 1: Non-Technical Summary
CD4.86 ES Volume 2	Environmental Statement Volume 2: Main Text

CD4.86 ES	
Volume 2 (a)	1. Introduction
CD4.86 ES	
Volume 2 (b)	2. EIA Methodology
CD4.86 ES	
Volume 2 (c)	3. Description of Site and Background
CD4.86 ES	
Volume 2 (d)	4. Proposed Development and Alternatives
CD4.86 ES	
Volume 2 (e)	5. Construction Programme and Methodology
CD4.86 ES	
Volume 2 (f)	6. Highways, Traffic and Transport
CD4.86 ES	
Volume 2 (g)	7. Built Heritage
CD4.86 ES	
Volume 2 (h)	8. Archaeology
CD4.86 ES	
Volume 2 (i)	9. Noise
CD4.86 ES	
Volume 2 (j)	10. Air Quality
CD4.86 ES	
Volume 2 (k)	11. Socio-Economics
CD4.86 ES	
Volume 2 (l)	12. Ecology
CD4.86 ES	
Volume 2 (m)	13. Townscape and Visual
CD4.86 ES	
Volume 2 (n)	14. Cumulative Effects, Impacts and Mitigation
CD4.86 ES	Environmental Statement Volume 3: Technical
Volume 3	Appendices
CD4.86 ES	
Volume 3 (a)	1.1 Site Location Plan
CD4.86 ES	
Volume 3 (b)	1.2 Phasing Plan
CD4.86 ES	
Volume 3 (c)	1.3 Parameter Plans
CD4.86 ES	
Volume 3 (d)	1.4 Glossary of Common Terms
CD4.86 ES	
Volume 3 (e)	1.5 Final Scoping Response (17/00434/EIA2)
CD4.86 ES	
Volume 3 (f)	4.1 Illustrative Masterplan
CD4.86 ES	
Volume 3 (g)	5.1 Phasing Plan Drawing A02-P2-400
CD4.86 ES	
Volume 3 (h)	6.1 Transport Assessment
CD4.86 ES	
Volume 3 (i)	7.1 Built Heritage Statement
CD4.86 ES	
Volume 3 (j)	7.2 Compendium of Verified Views
CD4.86 ES	
Volume 3 (k)	8.1 Archaeological Impact Assessment
CD4.86 ES	
Volume 3 (l)	9.1 Noise Assessment

	CD4.86 ES Volume 3 (m)	10.1 Air Quality Assessment (duplicate of CD4.81)
	CD4.86 ES Volume 3 (n)	11.1 Socio-Economic Policy Appraisal
	CD4.86 ES Volume 3 (o)	11.2 Community Infrastructure Audit
	CD4.86 ES Volume 3 (p)	11.3 Supporting Maps
	CD4.86 ES Volume 3 (q)	11.4 Glossary and Abbreviations
	CD4.86 ES Volume 3 (r)	12.1 Ecology AA
	CD4.86 ES Volume 3 (s)	13.1 TVIA
	CD4.87	Flood Risk Assessment Part 1: Flood Risk Model and Hydraulic Study
	CD4.88	Flood Risk Assessment Part 2: Proposed Drainage Strategy
	CD4.89	Health Impact Assessment Report
	CD4.90	Landscape General Arrangement_PL1581-GA-001-02
	CD4.91	Roofplan General Arrangement_PL1581-GA-002-03
	CD4.92	Landscape Strategy PL1581-ID-001-01
	CD4.93	Water Efficiency Statement March Submission
	CD4.94	Ecology Phase 1 Habitats Survey
	CD4.95	Verified Views Methodology
	CD4.96	Marketing Views March Submission
E. LPA DOCUMENTS AND CORRESPONDENCE REGARDING PLANNING APPLICATION 18/00330/F	CD5.1	Leave blank
F. OTHER RELEVANT BACKGROUND DOCUMENTS	CD6.1	Leave blank
G. APPLICATION DOCUMENTS (SEPTEMBER 2018)	CD7.1	Application Form
	CD7.2	CIL Form
	CD7.3	Affordable Housing Statement (Rev A)
	CD7.4	Planning Obligations Statement (Rev A)
	CD7.5	Response to Consultation Comments
	CD7.6	Town Centre Uses Statement
	CD7.7	Retail Strategy Report (Rev A)
	CD7.8	Illustrative Ground Level Plan for Retail Strategy_31467-A03-P2-054 (Rev A)
	CD7.9	Statement of Community Involvement Addendum
	CD7.10	Design and Access Statement Addendum
	CD7.11	Rev A_31467-1401-Drawing Register
	CD7.12	Rev A Illustrative Master Plan 31467 A01P2001
	CD7.13	Rev A_Access - 31467-A01-PP-300
	CD7.14	Rev A_Development Parcel - 31467-A01-PP-400

	CD7.15	Rev A_Land Use Ground Floor - 31467-A01-PP-200
	CD7.16	Rev A_Land Use First Floor - 31467-A01-PP-201
	CD7.17	Rev A_Land Use Third Floor - 31467-A01-PP-202
	CD7.18	Rev A_Land Use Fourth Floor - 31467-A01-PP-203
	CD7.19	Rev A_Land Use Seventh Floor - 31467-A01-PP-204
	CD7.20	Rev A_Land Use Eighth Floor - 31467-A01-PP-205
	CD7.20A	Land Use 10th Floor 31467-A01-PP-206
	CD7.21	Rev A_Land Use 12–19 Floor 31467-A01-PP-207
	CD7.22	Rev A_Building Heights - 31467-A01-PP-100
	CD7.23	Public Realm - 31467-A01-PP-500
	CD7.24	Rev A_Detailed App Boundary B31467-A02-P2-101
	CD7.25	Existing Buildings - 31467-A02-P2-200
		Existing Buildings Demolition Plan - 31467-A02-P2-201
	CD7.26	
	CD7.27	Hybrid Application Boundary - 31467-A02-P2-100
		Rev A_Illustrative Phasing Strategy - 31467-A02-P2-400
	CD7.28	
	CD7.29	Rev A Block A Ground Floor 31467-A03-P2-A-000
	CD7.30	Rev A Block A 1st Floor 31467-A03-P2-A-001
	CD7.31	Rev A Block A 2nd Floor 31467-A03-P2-A-002
	CD7.32	Rev A Block A 3rd Floor 31467-A03-P2-A-003
	CD7.33	Rev A Block A 4th Floor 31467-A03-P2-A-004
	CD7.34	Rev A Block A 5th Floor 31467-A03-P2-A-005
	CD7.35	Rev A Block A 6th Floor 31467-A03-P2-A-006
	CD7.36	Rev A Block A 6 th Floor Park 31467-A03-P2-A-006A
	CD7.37	Rev A Block A 7th Floor 31467-A03-P2-A-007
	CD7.38	Rev A Block A 8th Floor 31467-A03-P2-A-008
	CD7.39	Rev A Block A 9th Floor 31467-A03-P2-A-009
	CD7.40	Rev A Block A 10th Floor 31467-A03-P2-A-010
	CD7.41	Rev A Block A Roof Level 31467-A03-P2-A-011
	CD7.42	Rev A Block E Tower 31467-A03-P2-E-000
	CD7.43	Rev A G Floor M Plan 31467-A03-P2-000
	CD7.44	Rev A Basement Floor 31467-A03-P2-0B1
	CD7.45	Rev A 1st Floor 31467-A03-P2-001
	CD7.46	Rev A 2nd Floor 31467-A03-P2-002
	CD7.47	Rev A 3rd Floor 31467-A03-P2-003
	CD7.48	Rev A 4th Floor 31467-A03-P2-004
	CD7.49	Rev A 5th Floor 31467-A03-P2-005
	CD7.50	Rev A 6th Floor 31467-A03-P2-006
	CD7.51	Rev A 7th Floor 31467-A03-P2-007
	CD7.52	Rev A 8th Floor 31467-A03-P2-008
	CD7.53	Rev A 9th Floor 31467-A03-P2-009
	CD7.54	Rev A 10th Floor 31467-A03-P2-010
	CD7.55	Rev A 11th Floor 31467-A03-P2-011
	CD7.56	Rev A 12-19 1467-A03-P2-012-019
	CD7.57	Rev A Storey Height 31467-A03-P2-050
	CD7.58	Rev A Retail plan 31467-A03-P2-054
	CD7.59	Rev A_Block A Section 1-3_31467-A04-P2-A-001

CD7.60	Rev A_Block A Sections 4-6_31467-A05-P2-A-002
CD7.61	Rev A_Block A Elevations 1-3_31467-A05-P2-A-001
CD7.62	Rev A_Tower 31467-A05-P2-E-001 Elev1 & Sec1
CD7.63	Rev A_Tower 31467-A05-P2-E-002 Elev2 & Sect2
CD7.64	Rev A_Tower 31467-A05-P2-E-003 Elev 3 & 4
CD7.65	Rev A_Illustrative Sections 1-3 31467-A04-P2-001
CD7.66	Rev A_Illustrative Sections 4-6 31467-A04-P2-002
CD7.67	Rev A_Phase 2 Elevation 1&2_31467-A05-P2-001
CD7.68	Rev A_Phase 2 Elevation 3&4_31467-A05-P2-002
CD7.69	Rev A_Phase 2 Elevation 5&6_31467-A05-P2-003
CD7.70	Rev A_Phase 2 Elevation 7&8_31467-A05-P2-004
CD7.71	Rev A_Illustrative Street Elevations_31467-A05-P2-100
CD7.72	Rev A_Commercial Area Schedule_31467-1800-1807-002
CD7.73	Rev A_Cycle Provision Schedule_31467-1800-1807-005
CD7.74	Rev A_Proposed Car Parking Schedule_31467-1800-1807-003
CD7.75	Rev A_Refuse Provision Schedule_31467-1800-1807-004
CD7.76	Rev A_Residential Accommodation Schedule_31467-1800-1807-001
CD7.77	Revised Air Quality Assessment
CD7.78	Daylight and Sunlight Report Addendum
CD7.79	Energy Statement (Rev A)
CD7.80	Fire Safety Overview
CD7.81	Environmental Noise Assessment Addendum
CD7.81 SEI	Supplementary Environmental Information
CD7.81 SEI (a)	1. Introduction
CD7.81 SEI (b)	2. EIA Methodology
CD7.81 SEI (c)	3. Description of Site and Background
CD7.81 SEI (d)	4. Proposed Development and Alternatives
CD7.81 SEI (e)	5. Construction Programme and Methodology
CD7.81 SEI (f)	6. Highways, Traffic and Transport
CD7.81 SEI (g)	7. Built Heritage
CD7.81 SEI (h)	8. Archaeology
CD7.81 SEI (i)	9. Noise
CD7.81 SEI (j)	10. Air Quality
CD7.81 SEI (k)	11. Socio-Economics

	CD7.81 SEI (l)	12. Ecology
	CD7.81 SEI (m)	13. Townscape and Visual
	CD7.81 SEI (n)	14. Cumulative Effects, Impacts and Mitigation
	CD7.81 SEI (o)	Appendix SEI 1.6 Revised Parameter Plans
	CD7.81 SEI (p)	Appendix SEI 4.2 Revised Illustrative Masterplan
	CD7.81 SEI (q)	Appendix SEI 4.3 Alternative CT Scheme Illustrative Layout
	CD7.81 SEI (r)	Appendix SEI 6.2 Transport Assessment Addendum
	CD7.81 SEI (s)	Appendix SEI 7.3 Addendum to Built Heritage Statement
	CD7.81 SEI (t)	Appendix SEI 7.4 Compendium of Verified Views Addendum
	CD7.81 SEI (u)	Appendix SEI 9.2 Noise Assessment Update and Response to Consultee Comments
	CD7.81 SEI (v)	Appendix SEI 10.2 Air Quality Assessment Version 2 (duplicate of CD7.77)
	CD7.81 SEI (w)	Appendix SEI 12.1 Dog Licence Data
	CD7.81 SEI (x)	Appendix SEI 13.2 TVIA Addendum
	CD7.82	Flood Risk Assessment Addendum
	CD7.83	Landscape General Arrangement_PL1581-GA-001-03
	CD7.84	Roofplan General Arrangement_PL1581-GA-002-04
	CD7.85	Landscape Strategy Addendum
	CD7.86	Visitor Cycle Parking Strategy_PL1581-GA-006
	CD7.87	Viability Report
	CD7.88	Wind Assessment and Desk Review
	CD7.89	Summary of Amendments
	CD7.90	Marketing Views August Submission
	CD7.91	Water Efficiency Statement September Submission
H. FURTHER SUPPORTING DOCUMENTS (NOVEMBER 2018)	CD8.1	Historic England Advice
	CD8.2	Ecology Note of Clarification
	CD8.3 (a)	Correspondence with T Armitage (Air Quality - Anglian Square with Addendum)
	CD8.3 (b)	Correspondence with T Armitage (Anglia Square Air Quality - Note of Clarification)
	CD8.3 (c)	Correspondence with T Armitage (Comments on consultation response from Save Britain's Heritage)
	CD8.3 (d)	Correspondence with T Armitage (Electric Vehicle Charging)
	CD8.3 (e)	Correspondence with T Armitage (Historic England advice on Anglia Square)
	CD8.3 (f)	Correspondence with T Armitage (Re Mr Hussain)
	CD8.3 (g)	Correspondence with T Armitage (Secure by Design Response)
	CD8.4	Ecology Phase 2 Bat Survey Report, August 2018

	CD8.5	Surface Water Drainage Correspondence
	CD8.6	Air Quality and Traffic Generation 10 October 2018
I. LPA DOCUMENTS AND CORRESPONDENCE REGARDING PLANNING APPLICATION 18/00330/F	CD9.1	Committee Report - Report to Planning Applications Committee 6 December 2018 (duplicate of CD2.15)
	CD9.2	Minutes of Planning Applications Committee 6 December 2018 (duplicate of CD2.15)
	CD9.3	Report to Norwich City Sustainability Panel 25 September 2019
	CD9.4	DVS Review of Development Viability Assessment (dated 9 November 2018)
J. FURTHER SUPPORTING DOCUMENTS	CD10.1	Supplementary Environmental Information (SEI) Non-Technical Summary (NTS)
	CD10.2	Assessment of the Likely Significant Effects Resulting from Demolition Activities Version 2 Nov 2019
	CD10.3	ENV001-ANGL-049; Site Waste Management Plan; Version 2; FINAL
	CD10.4	2019 Air Quality Annual Status Report (ASR)
	CD10.5	CIHT Creating better streets Inclusive and accessible places (2018)
	CD10.6	Transport Energy Model (2018)
	CD10.7	The Road to Zero (July 2018)
	CD10.8	Manual for Streets (2007)
	CD10.9	Manual for Streets 2 (Sep 2010)
	CD10.10	Local Transport Note - Shared Space (Oct 2011)
	CD10.11	The Inclusive Transport Strategy (July 2018)
	CD10.12	Palmer v Herefordshire Council & ANOR [2016] EWCA Civ 1061
	CD10.13	R (app. Shimble) v Bradford Metropolitan District Council [2018] EWHC 195 (Admin)
	CD10.14	Jones v Mordue [2015] EWCA Civ 1243; [2016] 1 WLR 2682
	CD10.15	Safe Rottingdean Ltd v Brighton and Hove City Council [2019] EWHC 2632
	CD10.16	Financial Viability in Planning – Royal Institution of Chartered Surveyors (GN 94/2012)
	CD10.17	Financial Viability in Planning - Royal Institution of Chartered Surveyors: conduct and reporting (1st Edition, May 2019)
	CD10.18	Waste management in buildings - Code of Practice BS5906-2005
	CD10.19	NCC DMP Internal Space Standards Information Note
	CD10.20	NCC DMP Accessible And Adaptable Dwellings Information Note
	CD10.21	Article by Pettit et al.
	CD10.22	Article by Abhijith et al.
	CD10.23	Inspector's conclusion after stage 1 of Wealden District Council Local Plan Examination
	CD10.24	Court of Appeal Decision- Shirley & Anor, R (On the Application of) V SoS for Housing, Communities and Local Government ([2019] EWCA Civ 22)
K. NORWICH CC's CORE DOCS	CD11.1	Statement of Case Norwich City Council
	CD11.2	Statement of Case Weston Homes /Columbia Threadneedle

CD11.3	Statement of Case Historic England
CD11.4	Historic England - GL Hearn Report
CD11.5	Historic England - Alternative scheme (Ash Sakula)
CD11.6	Statement of Case Norwich Society
CD11.7	Statement of Case Save Britain's Heritage
CD11.8	Statement of Case Norwich Cycling Campaign
CD11.9	Statement of Common Ground (Nov 2019)
CD11.10	Statement of Common Ground - Heritage
CD11.11	Statement of Common Ground - Viability
CD11.12	Report to Sustainable development panel - Norwich City Council – Reg. 10A review of DM policies Government response to the technical consultation on updates to national planning policy and guidance. Ministry of Housing, Communities and Local Government
CD11.13	Greater Norwich City Deal
CD11.14	Design South East - Review 1
CD11.15	Design South East - Review 2
CD11.16	Design South East - Review Tower
CD11.17	Historic Environment Good Practice Advice in Planning Note 3 : The Setting of Heritage Assets
CD11.18	Tall Buildings: Historic England Advice Note 4 (2015)
CD11.19	Building for Life 12: Third edition (January 2015)
CD11.20	Building for Life 12: 2018 edition
CD11.20A	Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843,
CD11.21	The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin)
CD11.22	Land at Razor's Farm, Chineham, Basingstoke RG24 8LS. Appeal Reference: APP/H1705/A/13/2205929, Secretary of State for Communities and Local Government letter
CD11.23	Historic England's response to the planning application consultation
CD11.24	Planning(Listed Buildings and conservation Area) Act 1990
CD11.25	Norwich Economic Strategy 2019-2024 - Norwich City Council
CD11.26	The Great British Brain Drain: An analysis of migration to and from Norwich, Centre for Cities.
CD11.27	Manual for Streets: Department for Transport (duplicate of CD10.8)
CD11.28	Manual for Streets 2: Department for Transport (duplicate of CD10.9)
CD11.29	Norwich Area Transportation Strategy (as amended)
CD11.30	- Norfolk County Council and Norwich City Council

	CD11.31 CD11.32 CD11.33 CD11.34 CD11.35 CD11.36 CD11.37	Local Transport Note 1/04: Policy, Planning and Design for Walking and Cycling. Department of Transport Homes England – HIF Offer letter Homes England - HIF Availability period Attracting Talented People to come to work in Norwich: The Challenge, the Norwich Society (2017) Letter from Ministry of Housing, Communities & Local Government dated 21 March 2019 (Call-in Letter) Representation submitted by the Magdalen Street Area and Anglia Square Traders Association (MATA) Local Air Quality Management Technical Guidance (TG16) DEFRA February 2018
L. SAVE BRITAIN'S HERITAGE CORE DOCS	CD12.1 CD12.2 CD12.3 CD12.4 CD12.5 CD12.6 CD12.7 CD12.8 CD12.9 CD12.10 CD12.11	Historic England: Managing Significance in Decision Taking in the Historic Environment (Good Practice Advice in Planning Note 2, 2015) English Heritage: Conservation Principles, Policies and Guidance 2008, reissued by Historic England 2015 Cathedral Cities in Peril March 2015: Executive Summary, Foster & Partners and English Heritage Cathedral Cities in Peril March 2015: Full Report, Foster & Partners and English Heritage Anglia Square Character Area Appraisal (2017) 140707 - Secretary of State Summary of decision Letter- Smithfield General Market (Application Reference - 1300150FULEIA) Map showing nearby churches, surface car parks and other proposed large-scale development sites Norwich 'The City of Stories' leaflet, published by Visit Norwich 190719- Secretary of State Summary of decision Letter- Chiswick Curve (Application Reference- APP/F5540/W/3180962) 130726- Bedford Case Judgment Norwich Development Management Proposals Map
M. HISTORIC ENGLAND CORE DOCS	CD13.1 CD13.2 CD13.3 CD13.4 CD13.5	Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (Second Edition, 2019) Increasing Residential Density in Historic Environments - Report; Arup on behalf of Historic England (2018) Constructive Conservation: Sustainable Growth for Historic Places; English Heritage 2013 reissued by Historic England 2015 National Design Guide: Planning practice guidance for beautiful, enduring and successful places; Ministry of Housing, Communities & Local Government (2019) Norwich North City Vision: St Augustine's & Anglia Square Regeneration Community Brief; Cathedral Magdalen and St Augustine's Forum (CMSA) and St Augustine's Community Together (ACT) Residents Association

N. THE NORWICH SOCIETY CORE DOCS	CD14	Leave blank
O. NORWICH CYCLING CAMPAIGN CORE DOCS	CD15.1	ADMS Roads Software (website)
	CD15.2	ADMS Urban Software (website)
	CD15.3	Ambient air pollution and daily hospital admissions for mental disorders in Shanghai
	CD15.4	Air pollution: outdoor air quality and health Quality standard [QS181] (website)
	CD15.5	Air Quality A Briefing for Directors of Public Health Central Norwich AQMA (Norwich City Council)
	CD15.6	(website)
	CD15.7	Reports and statements from the Committee on the Medical Effects of Air Pollutants (COMEAP) (website) National air quality objectives and European Directive limit and target values for the protection of human health
	CD15.8	Environment Act 1995 (website)
	CD15.9	Every breath we take: the lifelong impact of air pollution - a call for action
	CD15.10	Every breath we take: the lifelong impact of air pollution. Report of a working party
	CD15.11	Health effects of particulate matter (World Health Organisation)
	CD15.12	Review of interventions to improve outdoor air quality and public health
	CD15.13	The Lancet Commission on pollution and health
	CD15.14	Air pollution: outdoor air quality and health (NICE)
	CD15.15	Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report
	CD15.16	Associations of long-term average concentrations of nitrogen dioxide with mortality
	CD15.17	Norwich City Council 2018 Air Quality Annual Status Report (ASR)
	CD15.18	Estimating Local Mortality Burdens associated with Particulate Air Pollution
	CD15.19	Review of evidence on health aspects of air pollution
	CD15.20	Leave blank (duplicate of CD11.37)
	CD15.21	UK Government Guidance
	CD15.22	Impacts of Vegetation on Urban Air Pollution
	CD15.23	Air quality guidelines. Global update 2005. Particulate matter etc
	CD15.24	Local Air Quality Management Policy Guidance (PG16)
	CD15.25	The Road to Zero Next steps towards cleaner road transport and delivering our Industrial Strategy, UK Govt 2019
	CD15.26	Initial Comparison of EFT v9 with EFT v8 and CURED v3A, Air Quality Consultants, 2019
	CD15.27	DEFRA Clean Air Strategy 2019
	CD15.28	DEFRA Air Quality damage cost update (Ricardo, 2019)
	CD15.29	Dealing with Uncertainty in Vehicle NO _x Emissions within Air Quality Assessments, IAQM, 2018
	CD15.30	

	CD15.100	Norwich City Council 2012 Air Quality Annual Status Report
	CD15.101	Gladman, Kent case: Planning Inspector's Decision letter, January 2017
	CD15.102	Norwich City Council 2013 Air Quality Annual Status Report
	CD15.103	Norwich City Council 2014 Air Quality Annual Status Report
	CD15.104	Norwich City Council 2018 Air Quality Annual Status Report
	CD15.105	Norwich City Council 2015 Air Quality Action Plan
	CD15.106	Norwich City Council 2016 Air Quality Annual Status Report
	CD15.107	Norwich City Council 2017 Air Quality Annual Status Report
	CD15.108	IAQM: Land-Use Planning & Development Control: Planning For Air Quality
	CD15.109	Leave blank (duplicate of CD10.4)
	CD15.110	British Medical Journal editorial, Nov 2019, "The health effects of fine particulate air pollution: The harder we look, the more we find"
	CD15.111	ClientEarth3 judgement, February 2018
	CD15.112	ClientEarth2 judgement, December 2015
	CD15.113	DEFRA Air Quality Statistics in the UK 1987 to 2018
	CD15.114	DEFRA Air Quality Damage Cost Guidance
	CD15.115	DEFRA website: Public Health: Sources and Effects of PM2.5
	CD15.116	British Heart Foundation: Environment Bill must go further to protect against air pollution
	CD15.117	Gladman, Kent case: Appeal Court judgement, 2020
	CD15.118	Gladman, Kent case: High Court judgement, 2017
	CD15.119	Press report (Guardian, Nov 2019): Living near busy road stunts children's lung growth
	CD15.120	Press Report (Eastern Daily Press, May 2019): Old buses dumped in Norwich after other cities get new buses
	CD15.121	Press Report (airqualitynews.com, April 2019): PM10 and NO2 levels not improved since 2015
	CD15.122	ClientEarth1 Supreme Court judgement, 2015
	CD15.123	Norwich City Council 2015 Updating & Screening Assessment
	CD15.124	WHO Europe website: Update of WHO Global Air Quality Guidelines (accessed Dec 2019)
	CD15.125	WHO 2005: Air Quality Guidelines, Summary of risk assessment
	CD15.126	Norwich City Council 2019 Air Quality Annual Status Report
	CD15.127	A review of biases in the measurement of ambient nitrogen dioxide (NO2) by Palmes passive diffusion tube, Air Quality Consultants, 2019
	CD15.128	Investigation into Diffusion Tube Bias Adjustment Factors, Air Quality Consultants, 2019
	CD15.129	Average CO2 emissions of cars sold in UK up for third year in row, Guardian, Jan 2020

	CD15.130	NAEA Propertymark on Air Quality
P. NORWICH GREEN PARTY REPRESENTATIONS	CD16.1	Sustainability Appraisal Scoping Report for the Greater Norwich Local Plan (March 2017)
	CD16.2	Joint Core Strategy for Broadland, Norwich and South Norfolk: AMR 2016-17
	CD16.3	Eastern Daily Press news article
	CD16.4	Letter from Councillor Denise Carlo to PINs dated 21 October 2019
	CD16.5	Letter of Objection from Councillor Martin Schmierer
	CD16.6	Statement by Dr Andrew Boswell on Affordable Housing (June 2019)
	CD16.7	Statement by Dr Andrew Boswell on Air Quality (June 2019)
	CD16.8	Statement by Dr Andrew Boswell on Climate Change and Energy
Q. NORWICH OVER THE WATER SOCIETY REPRESENTATIONS	CD17.1	Norwich Over the Water Group
	CD17.2	N O T W Statement 03 12 19
	CD17.3	N O T W Proposals for consideration at calling in of AS plans May 2019
	CD17.4	N O T W Objections 1-5 April 2018 (1)
	CD17.5	N O T W Booklet Contents Page (1)
	CD17.6	N O T W Booklet 1 December 2016
	CD17.7	N O T W Booklet 2 April 2017
	CD17.8	N O T W Booklet 3 March 2018 (1)
	CD17.9	N O T W Schedule of Documents 12 12 19
R. NORWICH CC AND NORFOLK CC LABOUR PARTY REPRESENTATIONS	CD18.1	Email from labour current and ex councillors dated (2 December 2019)
	CD18.2	Written statement on behalf of labour and ex councillors
S. CLIVE LEWIS MP REPRESENTATIONS	CD19	Leave blank
T. LOCAL RESIDENTS REPRESENTATIONS	CD20	Leave blank
U. THIRD PARTY REPRESENTATIONS	CD21.1	Castle Mall full objection
	CD21.2	Pegasus Group
	CD21.3	Comments on case - Churches Conservation Trust
	CD21.4	Email from Norfolk Gardens Trust (2 December 2019)
	CD21.5	CMSA representation
	CD21.6	CMSA - Appendix A. Brief for Anglia Square Site and Community Vision Document
	CD21.7	CMSA - Appendix B. Comparative Note on Skyline and Views Protection Policies Norwich and York
	CD21.8	CMSA - Appendix B (2) Heritage Gap Analysis Study for Neighbourhood
	CD21.9	Alan Selwyn
	CD21.10	Tim Marshall
	CD21.11	Merlin Waterson
	CD21.12	Edwin Hall
	CD21.13	Benedict Foley
	CD21.14	Val Hart
	CD21.15	Chris Corrin

CD21.16	Cicely Taylor
CD21.17	Dr Henry Crawley
CD21.18	Sue Tideswell (with attachment)
CD21.19	Mrs Airlie Inglis
CD21.20	Gaia Shaw
CD21.21	Dr Jennifer M. Freeman
CD21.22	Rosemary Charles Chairman Norwich Conservative Federation (with attachment)
CD21.23	Richard Broadbent
CD21.24	Email from Hugo Malik – 10 November 2019
CD21.25	Letter from Mrs M Hall - 24 May 2019
CD21.26	Email from Ian Couzens dated 1 August 2019 enclosing Letters to Homes England and Secretary of State
CD21.27	Email from Denise Carlo – 16 July 2019
CD21.28	Letter from Ian Gibson – 20 June 2019
CD21.29	Email from the Reverend Dr Peter Doll dated 12 June 2019 enclosing letter of 11 October 2018
CD21.30	Email from Nina Trick – 6 June 2019
CD21.31	Email from Barbara Dinnage – 2 April 2019 (with images)
CD21.32	Letter from Chris Starkie (New Anglia Local Enterprise Partnership) - 21 May 2018
CD21.33	Letter from Michael Rayner (CPRE Norfolk) - 24 April 2019
CD21.34	Email from Jo Smith dated 1 May 2019 enclosing letter from MP Clive Lewis of 15 January 2019
CD21.35	Email from Ian Gibson – 4 May 2019
CD21.36	Letters from John Howkins – 7 May 2019
CD21.37	Email from Jim Durrant – 27 May 2019
CD21.38	Email from Lisa Prior – 26 May 2019
CD21.39	Email from David Kitchen – 25 May 2019
CD21.40	Email from Gordon Reynolds – 25 May 2019
CD21.41	Email from Peter Jones – 25 May 2019
CD21.42	Submission by Tony Clarke (Norwich Cycling Campaign) - 22 May 2019
CD21.43	Email from Caroline Harington – 8 April 2019
CD21.44	Email from Cadent Gas Ltd - 11 April 2019
CD21.45	Email from Alison Ward – 29 May 2019
CD21.46	Comments on case – Mr Toby Nicholson
CD21.47	Comments on case – Dr Alun Wyburn-Powell
CD21.48	Comments on case – Mr Cedric Lusher
CD21.49	Comments on case – Mr Andrew Brummell
CD21.50	Comments on case – Mr Roger Connah
CD21.51	Comments on case – Mrs Diana Arseneau-Powell
CD21.52	Comments on case – Mrs Catherine O'Ryan
CD21.53	Nicholson
CD21.54	Comments on case – Mrs Penelope Mounser
CD21.55	Comments on case – Mr Philip Mounser
CD21.56	Comments on case – Mrs Angela Reynolds
CD21.57	Letter from Mrs Julie Barfield – 24 May 2019

	Letter from Stuart McLaren (St Augustine's Community Together Residents' Association) – 29 May 2019
CD21.58	
CD21.59	Letters from Ben Hughes – 29 May 2019
	Submission by MATA received 29 July 2019 (duplicated with CD11.36)
CD21.60	
CD21.61	Letter from Anthony Rossi – 17 May 2019
CD21.62	Letter from Mrs S Holmes received - 13 May 2019
CD21.63	Letter from Richard E Hollox – 7 May 2019
	Letter from Norwich Over the Water Group – 19 April 2019
CD21.64	

V. ADDITIONAL INTERESTED PARTIES' REPRESENTATIONS Circulated after 12PM on Tuesday 21 January	CD22.1	Mrs Sally Martin
	CD22.2	J M Thomas
	CD22.3	Norwich Conservative Federation
	CD22.4	John Howkins
	CD22.5	George Carter
	CD22.6	Henry G Cator
	CD22.7	Anne and Stephen Restorick
	CD22.8	Michael Gurney
	CD22.9	Victoria Manthorpe
	CD22.10	Gerard Stamp
	CD22.11	Peter Woodrow
	CD22.12	Dr Hugh and Mrs Mirabel Cecil
	CD22.13	Paul Binski
	CD22.14	Charlotte Crawley DL
	CD22.15	Rhona Bulwer Long
	CD22.16	Professor Clive Lloyd
	CD22.17	Councillor Denise Carlo
	CD22.18	Richard Broadbent 2
	CD22.19	Pegasus Group 2
	CD22.20	Norwich Green Party Representation
	CD22.20A	Norwich Green Party - Covering Letter
	CD22.20B	Norwich Green Party Representation - Summary
	CD22.20C	Norwich Green Party Representation - Statement
	CD22.20D	Norwich Green Party Representation - Appendix 1
	CD22.21	Norwich Green Party - Cllr Martin Schmierer
	CD22.22	Mrs Anne Olivant
	CD22.23	Julia Edgeley
	CD22.24	Mr and Mrs Hollingsworth
	CD22.25	Mrs Helen Burrell
	CD22.26	Catholic Church in Norwich (with letter)
	CD22.27	Jenny Roberts
	CD22.28	Keith Day
	CD22.29	Andrew Brown
	CD22.30	Andrea Cope (with photos)
	CD22.31	Keith and Gaik-Im Harrison
	CD22.32	Chris Mardell
	CD22.33	Sally and Michael Fowler
	CD22.34	David Baker
	CD22.35	Tim Knox
	CD22.36	Susan Elliott
	CD22.37	Jan Cassidy

	CD22.38	Diana Don
	CD22.39	Dr David Preston
	CD22.40	The Norfolk Churches Trust
	CD22.41	Colin Willis
	CD22.42	Bolton Agnew
	CD22.43	Anna Restorick
	CD22.44	Anne Page

Annex D – Description of development

Hybrid (part full/part outline) application on site of 4.51 ha for demolition and clearance of all buildings and structures except Gildengate House and the phased, comprehensive redevelopment of the site with 7 buildings and refurbished Gildengate House for a maximum of 1,250 residential dwellings (Use Class C3); 11,350 sqm hotel (Use Class C1); 9,850 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers up to 250 sqm GIA and public conveniences)); 1,150 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yards, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2); 1,300 sqm place of worship (Use Class D1); and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/bus stop laybys and other associated highway works on all boundaries, maximum of 940 car parking spaces for Use Classes C1/C3/B1/D1, (of which maximum of 40 spaces for C1/B1/D1), hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping including existing streets surrounding the site, service infrastructure and other associated work; (all floor areas given as maximum gross external area except where indicated as GIA);

comprising;

Full planning permission on 1.78 ha of the site for demolition and clearance of all buildings and structures, erection of 1 and part of a 2nd building for 393 residential dwellings (Use Class C3) (323 flats in Block A and 70 flats with cycle store in tower within Block E (tower only, 20 storeys)), and for 4,420 sqm ground floor flexible retail, services, food and drink, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme, and public conveniences)), 380 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms, other ancillary space and multi-storey car park (public element: 600 car spaces, 24 motorcycle spaces), within Block A with associated new and amended means of access, closure of existing means of access, widening of footways, formation of service/taxi/car club/laybys and other associated highway works on Edward Street, widened footway, bus stop layby and other associated highway works on Magdalen Street, 333 covered car parking spaces for Use Class C3, hard and soft landscaping of public open spaces comprising 2 streets and 2 squares for pedestrians and cyclists, other landscaping, service infrastructure and other associated works; (all floor areas given as maximum gross external area except where indicated as GIA);

And

Outline planning permission on 2.73 ha of the site, with all matters reserved, for demolition and clearance of all buildings and structures except Gildengate House, erection of 4 and part of 5th buildings (Blocks B and D – H, with Block E to incorporate tower with full planning permission) and refurbishment and change of use from Use Class B1(a) to C3 of Gildengate House (Block J), for a maximum of 857

residential dwellings (Use Class C3), 11,350 sqm hotel (Use Class C1), 5,430 sqm ground floor flexible retail, services, food and drink, office, non-residential institution and other floorspace (Use Classes A1/A2/A3/A4/B1/D1/Sui Generis (bookmakers, up to a maximum of 250 sqm GIA within entire scheme)), 770 sqm ground floor flexible commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1), service yard, cycle and refuse stores, plant rooms and other ancillary space; up to 3,400 sqm cinema (Use Class D2), with associated means of access, widening of footways, formation of service/taxi laybys and other associated highway works including shared cycle/pedestrian path on New Botolph Street, Pitt Street and St Crispins Road, a maximum of 607 car parking spaces for C1/C3/B1/D1, of which circa 593 covered spaces (with a maximum of 40 for C1/B1/D1), and circa 14 open spaces for C3 (on west side of Edward Street for Block B), landscaping, service infrastructure and other associated works; and erection of building for 1,300 sqm place of worship (Use Class D1) (Block C), on north side of Edward Street with associated on site car parking and landscaping; (all means of access reserved; all floor areas given as maximum gross external area except where indicated as GIA).

Annex E – Schedule of application plans

Planning Application Documents (Ref: 18/00330/F) (March 2018)

CD4.26	31467-A02-P2-200 - Existing Buildings
CD4.27	31467-A02-P2-201 - Existing Buildings Demolition Plan
CD4.28	31467-A02-P2-100 - Hybrid Application Boundary

Application Documents (September 2018)

CD7.12	31467 A01-P2-001 - Rev A Illustrative Master Plan
CD7.13	31467-A01-PP-300 - Rev A Parameter Plan - Access
CD7.14	31467-A01-PP-400 - Rev A Parameter Plan - Development Parcel
CD7.15	31467-A01-PP-200 - Rev A Parameter Plan Land Use Ground Floor
CD7.16	31467-A01-PP-201 - Rev A Parameter Plan Land Use First Floor
CD7.17	31467-A01-PP-202 - Rev A Parameter Plan Land Use Third Floor
CD7.18	31467-A01-PP-203 - Rev A Parameter Plan Land Use Fourth Floor
CD7.19	31467-A01-PP-204 - Rev A Parameter Plan Land Use Seventh Floor
CD7.20	31467-A01-PP-205 - Rev A Parameter Plan Land Use Eighth Floor
CD7.20(a)	31467-A01-PP-206 - Rev A Parameter Plan Land Use 10 th Floor
CD7.21	31467-A01-PP-207 - Rev A Parameter Plan Land Use Floor 12-19
CD7.22	31467-A01-PP-100 - Rev A Parameter Plan Proposed Building Heights
CD7.23	31467-A01-PP-500 - Rev A Parameter Plan Public Realm
CD7.24	31467-A02-P2-101 - Rev A Site Layouts - Detailed App Boundary
CD7.28	31467-A02-P2-400 – Rev A Site Layouts - Illustrative Phasing Strategy
CD7.29	31467-A03-P2-A-000 - Rev A Block A Ground Floor
CD7.30	31467-A03-P2-A-001 - Rev A Block A 1st Floor
CD7.31	31467-A03-P2-A-002 - Rev A Block A 2nd Floor
CD7.32	31467-A03-P2-A-003 - Rev A Block A 3rd Floor
CD7.33	31467-A03-P2-A-004 - Rev A Block A 4th Floor
CD7.34	31467-A03-P2-A-005 - Rev A Block A 5th Floor
CD7.35	31467-A03-P2-A-006 - Rev A Block A 6th Floor
CD7.36	31467-A03-P2-A-006A - Rev A Block A 6thFloor Parking
CD7.37	31467-A03-P2-A-007 - Rev A Block A 7th Floor
CD7.38	31467-A03-P2-A-008 - Rev A Block A 8th Floor
CD7.39	31467-A03-P2-A-009 - Rev A Block A 9th Floor
CD7.40	31467-A03-P2-A-010 - Rev A Block A 10th Floor
CD7.41	31467-A03-P2-A-011 - Rev A Block A Roof Level
CD7.42	31467-A03-P2-E-000 - Rev A Block E Tower
CD7.43	31467-A03-P2-000 - Rev A Ground Floor - Masterplan
CD7.44	31467-A03-P2-0B1 - Rev A Basement
CD7.45	31467-A03-P2-001 - Rev A 1st Floor
CD7.46	31467-A03-P2-002 - Rev A 2nd Floor
CD7.47	31467-A03-P2-003 - Rev A 3rd Floor
CD7.48	31467-A03-P2-004 - Rev A 4th Floor
CD7.49	31467-A03-P2-005 - Rev A 5th Floor
CD7.50	31467-A03-P2-006 - Rev A 6th Floor
CD7.51	31467-A03-P2-007 - Rev A 7th Floor
CD7.52	31467-A03-P2-008 - Rev A 8th Floor
CD7.53	31467-A03-P2-009 - Rev A 9th Floor
CD7.54	31467-A03-P2-010 - Rev A 10th Floor

CD7.55	31467-A03-P2-011 - Rev A 11th Floor
CD7.56	A03-P2-012-019 - Rev A 12th to 19th Floor
CD7.57	31467-A03-P2-050 - Rev A Storey Height
CD7.58	31467-A03-P2-054 - Rev A Retail plan
CD7.59	31467-A04-P2-A-001 - Rev A Block A Section 1, 2 & 3
CD7.60	31467-A05-P2-A-002 - Rev A Block A Section 4, 5 & 6
CD7.61	31467-A05-P2-A-001 - Rev A Block A Elevations 1, 2 & 3
CD7.62	31467-A05-P2-E-001 - Rev A Tower Elevation 1 & Section 1
CD7.63	31467-A05-P2-E-002 - Rev A Tower Elevation 2 & Section 2
CD7.64	31467-A05-P2-E-003 - Rev A Tower Elevations 3 & 4
CD7.65	31467-A04-P2-001 - Rev A Illustrative Sections 1, 2 & 3
CD7.66	31467-A04-P2-002 - Rev A Illustrative Sections 4, 5 & 6
CD7.67	31467-A05-P2-001 - Rev A Phase 2 Elevations 1 & 2
CD7.68	31467-A05-P2-002 - Rev A Phase 2 Elevations 3 & 4
CD7.69	31467-A05-P2-003 - Rev A Phase 2 Elevations 5 & 6
CD7.70	31467-A05-P2-004 - Rev A Phase 2 Elevations 7 & 8
CD7.71	31467-A05-P2-100 - Rev A Illustrative Street Elevations
CD7.83	PL1581-GA-001-03 Landscape General Arrangement
CD7.84	PL1581-GA-002-04 Roof plan General Arrangement
CD7.86	PL1581-GA-006 Visitor Cycle Parking Strategy

Further Supporting Documents (November 2018)

CD8.5	SK11-A – Overall Drainage Strategy (within Surface Drainage Correspondence.pdf)
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Annex F – Information to inform the Secretary of State’s Habitats Regulations Assessment

INTRODUCTION

The application relates to Anglia Square, Norwich. It proposes the demolition of the existing buildings at Anglia Square and a mixed use scheme of redevelopment. This would include up to 1,250 dwellings, 70 of which would be in a 20 storey tower, up to 11,000 sqm of flexible retail/commercial floorspace, a replacement cinema, a replacement multi-storey car park, a new facility for the Surrey Chapel and a hotel.

Article 6 of the Habitats Directive, which has been transposed into UK law through the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (for plans and projects beyond UK territorial waters (12 nautical miles)), requires that where a plan or project is likely to result in a significant effect on a European site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site’s conservation objectives.

PROJECT LOCATION

Anglia Square is located on the northern side of Norwich city centre. The site extends to approximately 4.5 hectares. Most of this is accounted for by the Anglia Square shopping centre and adjoining land which is enclosed by St Crispins flyover, Pitt Street, Edward Street and Magdalen Street. Anglia Square comprises retail, leisure and office buildings developed during the 1960s and 1970s following the construction of St Crispins Road. The shopping centre is arranged around a pedestrian precinct and includes large format stores together with smaller units. At the upper levels are Sovereign House and Gildengate House, two substantial office buildings of 6 - 7 storeys. Neither of these buildings has been used as offices since the late 1990s. Gildengate House is currently used as temporary studio space by artists whilst Sovereign House has remained unused. A former cinema, a nightclub and a large multi-storey car park are also now vacant.

The following European designated sites are present in the vicinity of the site:

- Broadland Special Protection Area (SPA), Ramsar site and Special Area for Conservation (SAC)
- The River Wensum SAC

Broadland SPA, Ramsar site and SAC

A number of Site of Special Scientific Interest (SSSI) designations underpin the SPA/Ramsar/SAC designations. Yare Broads and Marshes SSSI and Crostwick Marsh SSSI are around 7.5 km from the site and Bure Broads and Marshes SSSI is about 10.3 km from the site.

The qualifying features of the SPA include bittern and marsh harrier in the breeding season and Bewick's swan, bittern, hen harrier, ruff and whooper swan over winter. It also qualifies by supporting populations of migratory bird species and by regularly supporting at least 20,000 waterfowl.

The qualifying features of the Ramsar site include calcareous fens, alkaline fens and alluvial forests. Annex II species include Desmoulin's whorl snail, otter and fen orchid. Populations occurring at levels of international importance include tundra swan, gadwall and northern shoveler.

The Broads SAC hosts a range of habitats and species, overlapping with the above designations.

River Wensum SAC

The River Wensum SAC is around 3.2 km to the northwest of the site at its closest point. It hosts the habitat *rivers with floating vegetation often dominated by water-crowfoot*. Annex II species include white-clawed crayfish, bullhead, brook lamprey and Desmoulin's whorl snail.

HRA IMPLICATIONS OF THE PROJECT

There is no likelihood of direct impacts on the designated sites given their geographical separation from the application site and the absence of hydrological or air quality pollution pathways. Potential effects are limited to increased recreational use of the designated sites by new residents at the application site. This needs to be considered cumulatively with anticipated residential development in the area covered by the Greater Norwich Joint Core Strategy (JCS).

PART 1 - ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

The Appropriate Assessment (AA) of the JCS highlighted the need for green infrastructure (GI) to mitigate potential in-combination and cumulative effects associated with recreation impacts on Natura 2000 sites resulting from the JCS growth proposals. The mitigation measures suggested were the implementation of GI and the allocation of greenspace to protect specific natural assets and designated sites.

The application site is not within the boundary of a designated site nor within a buffer area identified by Natural England (NE). During the EIA screening exercise NE advised that the development may potentially impact on designated sites, namely the Broads SAC, Broadland SPA and Broadland Ramsar site, as a result of recreational disturbance due to in combination impacts with other housing development.

Responding to consultation on this application NE advised the Council that an adverse effect on integrity could not be ruled out when considered in combination with other

housing developments. NE made referred to research by Panter et al (2016)³³⁵ which found that increased recreation pressures can cause impacts to designated interest features. For the sites surveyed there would be a predicted increase of 14% in access by Norfolk residents as a result of new housing during the current plan period. The primary recreational activity was dog walking (41%) and walking (26%). For the designated sites in the Broads the impacts identified related to disturbance caused to breeding, wintering and passage birds, trampling and erosion, eutrophication and contamination.

The applicants submitted further information relating to predicted levels of dog ownership within the proposed development, an audit of parks and open spaces within walking distance (or a short drive) from the site as well details of GI projects identified in the Greater Norwich Infrastructure Plan 2018 (GNIP). The GNIP supports the delivery of growth identified in the JCS and identifies schemes to contribute to the protection and enhancement of the strategic green infrastructure network. Based on comparison with other (mainly flatted) developments the applicants concluded that there would be a low level of dog ownership at the application site. They also considered that new residents wishing to walk, with or without dogs, would have access to a wide range of options and would not need to rely on the designated sites. They noted that the measures set out in the GNIP relating to the provision of GI are planned and in the process of delivery, and that these measures will mitigate the impact of new development across the Greater Norwich area. They concluded that likely significant effects could be ruled out, either alone or in combination.

Having considered this information NE agreed that the effects from the development alone are not likely to be significant. However, without suitable mitigation being secured, NE advised that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question in combination with other new housing proposals.

The Council proceeded on the basis that mitigation would be required and that an AA would need to be carried out.

CONSERVATION OBJECTIVES

Broadland SPA

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely
- the population of each of the qualifying features, and
- the distribution of the qualifying features within the site.

³³⁵ Visitor Surveys at European Protected Sites across Norfolk during 2015 and 2016, Footprint Ecology

Broadland SAC

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species
- the structure and function (including typical species) of qualifying natural habitats
- the structure and function of the habitats of qualifying species
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- the populations of qualifying species, and
- the distribution of qualifying species within the site.

River Wensum SAC

Ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species
- the structure and function (including typical species) of qualifying natural habitats
- the structure and function of the habitats of qualifying species
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- the populations of qualifying species, and
- the distribution of qualifying species within the site.

PART 2 - FINDINGS IN RELATION TO ADVERSE EFFECTS ON INTEGRITY

The potential for an adverse effect on integrity arises from increased recreational pressure, specifically dog walking and walking. The nature of the proposed development is such that dog ownership is likely to be low. The proposed mitigation is the implementation of GI measures which would be attractive and more convenient to new residents than travel to the designated sites.

The Council has commented that the GNIP includes measures which have been specifically identified to deliver enhanced local recreational opportunities within Norwich. These include schemes to enhance walking routes leading out of the city, in particular Marriott's Way and the Riverside Walk, which provide access to the countryside and the Norfolk Trails network. These schemes will provide suitable and appropriate recreational opportunities for people, including dog walkers.

The GI initiatives identified in the GNIP are funded through Community Infrastructure Levy (CIL). This means that all housing development in the greater Norwich area makes a proportionate contribution. The summary of NE's advice is as follows:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would, in combination with other housing developments in the Greater Norwich area, lead to increased recreational pressures which would:

- have an adverse effect on the integrity of The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland Ramsar; and*
- damage or destroy the interest features for which the component Sites of Special Scientific Interest of the above sites have been notified.*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- on site green infrastructure measures as described in the application documents should be secured; and*
- a proportionate financial contribution to the existing off-site GI and local GI initiatives, to help to reduce the effects of recreational pressures on designated sites.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

The application is hybrid, in that it contains detailed and outline elements. The public realm works within the scheme would fall within the detailed element. Detailed design and implementation of the GI would be covered by a landscaping scheme which would be approved under suggested condition 5. Public access to the public realm works would be secured through schedule 10 of the section 106 Agreement.

If the proposed development is subject to CIL then it would make a proportionate contribution to the GI mitigation through that means. However, the viability assessment submitted to the Inquiry assumes that the scheme will be exempted from CIL under the Council's exceptional circumstances relief policy. Applications for CIL relief would be made on a phased basis. Schedule 9 of the section 106 Agreement provides that, if any phase of the development is granted exemption from CIL, then a GI contribution would be payable for that phase at a rate of £50 per dwelling. This has been agreed by the Council to be an appropriate and proportionate level of contribution.

HRA CONCLUSIONS

These conclusions represent my summary and assessment of the evidence presented to me. This is not an appropriate assessment. That will be a matter for the Secretary of State to undertake as the competent authority.

It is not possible to exclude the possibility of an adverse effect on the integrity of European sites in the absence of mitigation. This is due to the potential for in combination effects of increased recreational pressures from new housing.

Mitigation measures have been identified which will deliver enhanced local recreational opportunities within Norwich, thereby avoiding additional recreational pressures on the designated sites. Arrangements are in place for all housing schemes to make a proportional contribution to such measures through the collection of CIL. In the event that all or part of the application scheme is exempt from CIL, the section 106 Agreement makes provision for appropriate and proportionate contributions to be made.

With mitigation having been secured, it would be reasonable to reach a finding of no adverse effect on the integrity of the European sites in question.

Appendix

Relevant documents submitted by the applicants:

- ES Chapter 4: Ecology (SEI Chapter 4)
- Appendix 12.1 Ecology - information to inform AA
- Appendix SEI 12.1 - Dog licence data
- Note of Clarification (dated November 2018)

ANNEX G – CONDITIONS

Conditions relating to the detailed element – Block A, tower and ground floor external areas (including highway works and public realm)

- 1) The development hereby permitted and identified within the red line boundary shown on plan A01–P2–101A shall be begun before the expiration of THREE years from the date of this permission, except for the tower element on development parcel E/F which shall be begun before the expiration of FIVE years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the plans, drawings and details as specified in the attached schedule.
- 3) No above grounds works in relation to the tower element of development parcel E/F hereby permitted shall commence until the local planning authority has approved all reserved matters for development parcel E/F, as identified on Parameter Plan A01–PP-400A.
- 4) Before their first use or application in the construction of block A or the tower element of development parcel E/F hereby permitted the following details (including manufacturer, product, colour finish, samples and sample panel where necessary) shall be submitted to and agreed in writing by the local planning authority:
 - a) external materials (to include bricks, metal cladding of the upper level and rooftop plant, window frames, doors, rainwater goods, balcony balustrades, car park ventilation panels, green vegetated walls);
 - b) external decoration and patterning to brickwork, render, joinery and metalwork;
 - c) brick bond and mortar;
 - d) large scale cross-sectional plans showing depth of window reveals, depth of recesses offering vertical subdivisions in the façade bays and the projection of balconies;
 - e) external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air; and
 - f) shopfront components and assembly through the submission and approval of a Shopfront Design Guide.

The development shall be carried out in accordance with the details as approved.

- 5) With the exception of any site clearance works, works of demolition, archaeological work, tree protection works, ground remediation and ground investigations, no development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing by the local planning authority.

The landscaping scheme shall include all external areas, public realm areas (including within the adopted highway) and for Block A, all external amenity areas and biodiverse roofs forming part of that block (and for the

avoidance of doubt the scheme shall not include areas within the outline area of the application as landscaping is a reserved matter). The scheme shall include the following details:

Hard landscape details:

- a) materials for paved areas, including manufacturer (where relevant), product type and colour or sample;
- b) existing and proposed functional services above and below ground (e.g. power and communication cables, pipelines, manholes, supports);
- c) all new boundary treatments at the site, including the material and colour finish of any walls, fences or railings;
- d) proposed finished levels;
- e) any minor artefacts and structures (e.g. external cycle parking, bollards, seating, litter bins, signage);
- f) play trail scheme – including demonstration that the strategy has been directly influenced by heritage interpretation and the incorporation of public art features;

Soft landscape details:

- g) planting plans showing the location, species and numbers of proposed new trees and the locations of areas of shrubs and other planting;
- h) planting schedules, noting species, planting sizes and proposed numbers and densities where appropriate;
- i) written specifications (including cultivation and other operations associated with tree, plant and grass establishment);

Implementation and management details:

- j) ecological enhancement scheme;
- k) for Block A details of the provision for bird (Swift) and bat boxes in accordance with the recommendations within Section 14 of the Phase 1 Habitat Survey (extended)
- l) an implementation programme clearly indicating a timescale for the completion of all landscaping and ecological enhancements; and
- m) a landscape management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas following implementation.

The development shall be carried out in full accordance with the agreed details and implementation programme and the communal residential landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. Management of the landscaping shall commence immediately after planting in accordance with the agreed details. All hard and soft landscaping works shall thereafter be retained as such.

If within a period of FIVE years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted or is destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place no later than the end of the first available planting season (October-March inclusive), unless the local planning authority first gives its written consent to any variation.

- 6) Prior to first use of the public multi-storey car park hereby approved a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following details:
- a) tariff structure - this shall support the function of the large district centre by the public and discourage all day city centre commuter car parking; and
 - b) details of the number and location of the disabled and electric vehicle charging car parking spaces. The details shall include the specification of the public electric vehicle charging stations along with management and maintenance arrangements.

The public car park shall be operated in accordance with the approved Car Park Management Plan unless otherwise agreed in writing by the local planning authority.

- 7) The public car park shall not be brought into use until the entry and exit systems have been configured to provide a data feed to enable the display of available spaces on the city wide variable message sign (VMS) system and that data feed is fully operational, connected to the VMS system and the available spaces are displayed. The data feed and connection to the VMS system shall thereafter be retained.
- 8) Within two calendar months of the first use of the public multi-storey car park hereby approved all use of the surface level parking within the application site boundary by members of the public shall permanently cease. For the avoidance of doubt this does not preclude essential operational parking during the construction phase which may be approved under condition 28.
- 9) Prior to first occupation of any dwelling within block A hereby approved a scheme for monitoring the usage of residential car and cycle parking within the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include a survey methodology, a timescale for carrying out the agreed methodology, and details of how the results are reported to the local planning authority.
- 10) No more than 75% of residential parking spaces in block A hereby approved shall be available for residential occupiers of that block, unless following full occupation of the remainder of the development there remain parking spaces in Block A which are not allocated to any unit.
- 11) Block A hereby permitted shall include the provision of a foodstore with a minimum floor area of 800 sqm (Gross Internal Area). Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning General Permitted Development Order

2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification), a minimum 80% of the net sales area of the foodstore shall be used for the sale of convenience goods and no more than 20% of the net sales area for the sale of non-convenience goods, where convenience goods are defined as everyday essential items, including food, drinks, newspapers/magazines and confectionery.

- 12) Prior to first use of the ground floor of Block A for commercial purposes the public toilets, including the 'Changing Places' shall be installed and brought into use. The facilities shall be permanently retained thereafter.

Conditions relating to the outline element

- 13) Application for the approval of all reserved matters shall be made to the local planning authority not later than the expiration of five years beginning from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Within any phase (as approved under condition 20) no construction associated with the development hereby permitted shall take place within the Hybrid Application Boundary shown on plan 31467-A02-P2-100 (excluding land identified by the Detailed Application Boundary 31467-A02-P2-101 A) in pursuance of this permission until approval of the reserved matters for the relevant phase of the development approved under condition 20 has been obtained from the local planning authority. The reserved matters shall relate to access, layout, scale, external appearance and landscaping (communal amenity areas and green roofs only).

- 14) The development hereby approved shall be carried out in full accordance with the application forms, supporting documents and plans as specified within the attached schedule and the reserved matters shall comply with the parameters of the submitted details in terms of the approximate layout of the buildings, routes and open spaces within the site, the parameters for height, width and length of each building and its scale, and the area or areas where access to the development will be situated.
- 15) The following details and assessments shall be submitted at the relevant reserved matters stage:
- a) Development parcels E/F and G/H: Residential Parking Monitoring Report (see condition 9);
 - b) Development parcel B: updated Air Quality Assessment. The Assessment shall be informed by a further period of Nitrogen Dioxide monitoring (details of which shall be agreed in writing with the local planning authority) and include full details of air quality mitigation measures for residential development within that phase; and
 - c) Formation of vehicular access from St Crispins Road: Arboricultural Impact Assessment and Arboricultural Method Statement.

Conditions relating to all phases

- 16) The development hereby approved shall be limited to a maximum quantum of floorspace or numbers as follows:

- a) Housing (Use Class C3): 1250 residential units;
 - b) Flexible commercial floorspace (Uses Classes A1, A2, A3, A4, B1, D1 and specified sui-generis use (betting offices): 11,000 sqm (Gross External Area (GEA)), with specified sui-generis use being limited to maximum of 250 sqm Gross Internal Area (GIA);
 - c) Place of worship (Use Class D1): 1,300 sqm (GEA);
 - d) Public car park: 600 car spaces, 24 motorcycle spaces;
 - e) Hotel (Use Class C1): 11,350 sqm (GEA);
 - f) Cinema (Use Class D2): 3,400 sqm (GEA); and
 - g) Other parking (for Use Classes C1, C3, B1 and D1): 950 car spaces (of which a maximum of 40 spaces shall be available for operational use within Use Classes C1, B1 and D1).
- 17) The flexible commercial floorspace hereby approved and referred to in the Retail Strategy Report (Rev A) shall include a minimum of 1,500 sqm Gross Internal Area (GIA) of floorspace for purposes within Use Classes A3 and A4. A minimum of 75% of this Class A3/A4 floorspace shall be located around the new 'leisure' square enclosed by the floorspace coloured purple on drawing A03-P2-054 within the Retail Strategy Report (Rev A) and shall not exceed an overall total floorspace across the development of 3,500 sqm (GIA).
- 18) The reserved matters application for development parcel G/H as identified on Parameter Plan A01-PP-400A hereby approved shall include a cinema of around 3,400 sqm Gross External Area in the location illustrated on drawing A03-P2-054 '03 Plans - Illustrative Ground Level Plan for Retail Strategy' with a primary entrance facing into St George's Street as shown on the same plan.
- 19) The commercial floorspace identified in blue on drawing A03-P2-054 (contained within the Retail Strategy Report Revision A) shall include a minimum of five units, each with a ground floor area between 75 and 150 sqm Gross Internal Area (GIA) and a further five units, each with a ground floor area between 150 and 250 sqm GIA.
- 20) The development shall be carried out in accordance with drawing A02-P2-400 or an alternate phasing plan which has been submitted to and approved in writing by the local planning authority prior to the commencement of development or of any subsequent phase of the development.
- 21) Prior to the commencement of any demolition works within each phase (as approved under condition 20) a Demolition Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include a detailed methodology for the retention and protection of any retained frontages during the construction phase and shall be substantiated by a structural engineer's report. In the case of phase 1 (as agreed under condition 20) the statement shall include a detailed methodology for the retention of 100 Magdalen Street and include detailed plans indicating remediation works for the retained frontages and details of temporary and permanent access arrangements for the premises.

- 22) There shall be no demolition of Surrey Chapel until a permanent replacement facility has been provided in accordance with the reserved matters for development parcel C (required to be approved under condition 13) and the facility is available for use.
- 23) There shall be no occupation of any part of development parcel E/F as identified on drawing A01-PP-400A until demolition of Sovereign House is complete.
- 24) There shall be no demolition of numbers 43 to 45 Pitt Street until reserved matters have been approved for development parcel E/F and a contract or sub-contract for carrying out the structural works of redevelopment on that development parcel has been entered into.
- 25) Prior to any demolition or the commencement of any works a Demolition and Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, shall be submitted to and approved in writing by the local planning authority, together with proposals to control and manage demolition and construction traffic using the 'Demolition and Construction Traffic Access Route'.

For the duration of the demolition and construction period all traffic associated with the development shall comply with the Demolition and Construction Traffic Management Plan and use only the 'Demolition and Construction Traffic Access Route' and no other local roads, unless approved in writing by the local planning authority, or as directed (without written approval) by the emergency services, highway authority, statutory undertakers or other body authorised to direct traffic.

- 26) Notwithstanding the details indicated on the submitted drawings no construction works above slab level shall commence on site until the following details have been submitted to and approved in writing by the local planning authority:
 - a) detailed drawings for the off-site highway improvement works as indicated on drawings 1072878-D15/16-003-TP P12; 1072878-D26-001-TP P13; 1072878-D18-003-TP P03;
 - b) an implementation plan for the off-site highway works; and
 - c) a long term management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas.

The highways works shall be completed as approved in accordance with the approved implementation plan.

- 27) Notwithstanding condition 26, the Edward Street Cycle Improvements (details of which are required to be agreed under that condition) shall be completed prior to the commencement of any above ground level construction works in pursuance of the development of block A hereby approved.
- 28) No development shall take place within any phase (as agreed under condition 20), including any works of demolition, in pursuance of this permission until a Construction and Environmental Management Plan

(CEMP) (which shall take account of the cumulative impact of other nearby development taking place, at the time of submission) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include the following:

- a) a statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken;
- b) vehicle parking for site operatives and visitors;
- c) proposals for loading/unloading plant and materials;
- d) protocol for managing scheduling and timing of construction traffic arriving and leaving the site;
- e) protocol for managing vehicles that need to wait for access to the site;
- f) temporary site access;
- g) signing system for works traffic;
- h) site access warning signs;
- i) storage of plant and materials;
- j) measures for the prevention of dust, suppression of noise and abatement of other nuisance arising from development works;
- k) location of all ancillary site buildings;
- l) erection and maintenance of security hoardings, including decorative displays and facilities for public viewing where appropriate; and
- m) a scheme for recycling/disposing of waste resulting from demolition and construction.

The details and measures included within the CEMP shall ensure pedestrian routes through the site (consisting of one east-west route and one north-south route) are provided and the Anglia Square Shopping Centre remains open for business, insofar as possible, and safely accessible to members of the public and tenants throughout the construction period.

The approved CEMP shall be adhered to throughout the construction period, unless an amendment is approved in writing by the local planning authority.

- 29) No development, other than demolition down to existing ground level, shall take place in any phase in pursuance of this permission until an archaeological Written Scheme of Investigation for the site has been submitted to and approved in writing by the local planning authority. The Written Scheme of Investigation shall include an assessment of significance and research questions and for each phase:
- a) the programme and methodology for site investigation and recording;
 - b) the programme for post investigation assessment;

- c) provision to be made for analysis of the site investigation and recording;
- d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) provision to be made for archive deposition of the analysis and records of the site investigation;
- f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development, other than demolition down to existing ground level, shall take place within any phase unless in accordance with the approved archaeological Written Scheme of Investigation.

No phase of the development shall be occupied until, in respect of that phase, the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

- 30) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within two working days. Works shall be halted in the area of the building affected until provision has been made for retention and/or recording in accordance with details submitted to and approved in writing by the local planning authority.
- 31) No development, other than demolition down to existing slab level, shall take place in any phase in pursuance of this permission until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the local planning authority:
 - a) a site investigation scheme, based on the Phase 1 Desk Study and Preliminary Risk Assessment (Reference CON01-NORW-045 Version 2 dated 16 March 2018) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and
 - b) a written report containing the site investigation results and the detailed risk assessment of the risk to all receptors that may be affected and, based on these, if required, an options appraisal and remediation strategy for each phase giving full details of the remediation measures required and how they are to be undertaken.

Any works on site within each phase shall be in accordance with the scheme as approved and any changes to any of the details specified above would require the further express consent of the local planning authority.

No occupation of any phase of development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan for that phase have been submitted to and approved in

writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in the approved remediation strategy are complete for that phase and shall identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.

- 32) If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved in writing by local planning authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk can development continue.
- 33) No drainage system for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 34) Prior to the commencement of any piling operations in any phase a Piling Method Statement shall be submitted to and approved in writing by the local planning authority. The Piling Method Statement shall detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration, a demonstration that there is no resultant unacceptable risk to groundwater and a plan showing where the piles are to be installed. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration. Piling shall only be undertaken in accordance with the approved Piling Method Statement unless an amended method statement has been approved in writing by the local planning authority.
- 35) All imported topsoil and subsoil for use within any phase on the site shall either be certified to confirm its source and that it is appropriate for its intended use or, in the absence of suitable certification, be subject to analysis of the imported material along with evaluation against the derived assessment criteria for this site. No occupation of any completed part of that phase of the development shall take place until a copy of the certification has been submitted to the local planning authority.
- 36) At each reserved matters stage the following information and measures, together with an updated Flood Risk Assessment (FRA) and Drainage Strategy for the entire site (taking account of approved updated FRA and Drainage Strategies for previous phases), shall be submitted to and approved in writing by the local planning authority:
 - a) Detailed specific tables and corresponding plans of flood depths and proposed mitigation of flood resistance and resilience measures to be included in each building, highway, pedestrian area and loading

bay (to expand on that information provided in Table 5 and section 7 of the FRA (part 1)). This shall include first fit infrastructure in commercial buildings to ensure any conduits between commercial areas to provide electricity and water are set above the flood depths expected at each location (expanding in more detail from Figure 3 and Table 2 of the FRA (part 1)).

- b) Additional surface water flood modelling taking account of any approved updated FRA and Drainage Strategies for previous phases and any flood barriers or flood proof walls proposed to prevent water entry into ground floor properties.
- c) An assessment of the cumulative impact of the development on off-site flood risk to existing properties within the Study Impact Area. The assessment should include:
 - an assessment of changes in flood depths off-site at more frequent flood events to include 3.33% Annual Exceedance Probability (1:30) and 1.3% Annual Exceedance Probability (1:75) to assess the impacts of the changes in flood routing from the site;
 - a ground truthing exercise on the assumed thresholds of properties within the surface water model;
 - a property level protection survey and provision of retrofit of flood resistance/resilience measures subject to access being made available to the relevant properties at reasonable times within a period of 4 weeks prior to submission of the FRA;
 - details of mitigation measures, where this is shown to be necessary, along with a timescale for implementation of the works.
- d) Information to show how any phasing of the development will affect the overall drainage strategy and what arrangements, temporary or otherwise, will need to be in place at each stage of the development in order to ensure the satisfactory performance of the overall surface water drainage system for the entirety of the development.
- e) Information regarding the location of utility plant and specific design flood levels for those locations. Details of appropriate mitigation and/or evidence that freeboard will be in place to ensure continued operation during a design flood event.

The development shall be undertaken in accordance with the agreed details (both temporary and permanent) which shall be implemented prior to first occupation of each component part of that phase.

- 37) Prior to the commencement of works breaking existing ground or slab level in any phase (as approved under condition 20) detailed designs of a surface water drainage scheme for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with additional details submitted in relation to condition 36 and the submitted Flood Risk Assessment (FRA) (Part 1 Flood Risk, Hydraulic Modelling Study

and Impact Study Final Version dated 9 March 2018 by EAS) and Drainage Strategy (Part 2 Proposed Drainage Strategy Final Version dated 9 March 2018 by EAS). The scheme shall address the following matters:

- a) Surface water brownfield runoff rates will be attenuated to 242l/s combined at Edward Street, Pitt Street and St Crispins Road as agreed with Anglian Water and stated within section 4.15 of the FRA/Drainage Strategy.
- b) Detailed designs and provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% Annual Exceedance Probability (AEP) return period, including allowances for climate change. Green roofs shall be designed to maximise available storage attenuation within the structural design of the building.
- c) Detailed designs, modelling calculations and plans of the drainage conveyance network in the:
 - 3.33% AEP critical rainfall event to show no above ground flooding on any part of the site from the drainage network alone.
 - 1% AEP critical rainfall plus climate change event to show the depth, volume and storage location of any above ground flooding from the drainage network alone ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- d) The design of any drainage conveyance and storage structures should include appropriate freeboard allowances and will use up-to-date rainfall data and appropriate use of FEH descriptors, considering the critical rainfall duration expected.
- e) Details of how all surface water management features are to be designed in accordance with The SuDS Manual (CIRIA C697, 2007) or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge (such as green roofs and tree pits).
- f) A maintenance and management plan detailing the activities required and details of who will adopt and maintain the surface water drainage features for the lifetime of the development. This will include any pumped drainage system and any additional maintenance required considering the additional water from off-site (which is likely to be poorer quality and contain debris) which may cause blockage.

The approved surface water drainage scheme for that phase shall be implemented prior to the first occupation of the corresponding phase and shall thereafter be managed and maintained as approved.

- 38) No occupation of any phase of the development shall take place until a flood warning and evacuation plan for that phase has been submitted to

and approved in writing by the local planning authority. The plan shall provide details of the procedures for flood warning and evacuation and shall include details of flood warning notices to be erected, including their content and locations. No occupation of any part of that phase shall take place until the notices have been erected for that part of that phase and thereafter the notices shall be kept legible and clear of obstruction for the lifetime of the development.

- 39) Prior to the commencement of above ground level construction works within each phase (as approved under condition 20) details of fire hydrant provision (served by mains water supply) for that phase of development shall be submitted to and approved in writing by the local planning authority. No occupation of any phase hereby approved shall take place until the hydrants for that phase have been provided and made available for use as approved. The hydrants shall be retained as such thereafter.
- 40) Prior to the commencement of above ground level construction works within each phase (as approved under condition 20) a crime prevention strategy shall be submitted to and approved in writing by the local planning authority in consultation with the Police. The strategy shall demonstrate how the development makes reasonable endeavours to meet 'Secured by Design' standards in the context of the approved external layout and internal building general arrangements. The strategy shall include details of the following:
- a) Secured by Design physical protection measures to be incorporated in the commercial premises, residential blocks and units, residential and public car parks and communal service areas and stores;
 - b) external and courtyard communal lighting (to BS 5489);
 - c) CCTV arrangements;
 - d) plant rooms to be lockable with robust security rated doors;
 - e) bin stores to be lockable;
 - f) cycle stores to be lockable; and
 - g) security rated doors and windows for each unit (as relevant to the position of the window).

Each phase shall be constructed and the development thereafter managed in accordance with the approved strategy.

- 41) With the exception of phase 1, no above ground development of any further phase (as approved under condition 20) shall commence until a Noise Impact Assessment to establish the noise environment and the required attenuation performance relevant to each residential façade within that phase has been submitted to and approved in writing by the local planning authority. The Noise Impact Assessment shall be informed by a further period of noise monitoring (details of which shall first be approved in writing by the local planning authority) and shall include full details of noise mitigation measures for the residential development within that phase.

Mitigation measures (including details of sound attenuation between commercial spaces and adjoining dwellings, trickle vents, mechanical ventilation and glazing) shall result in attenuation to an internal level of 30dB at night and 35dB during the daytime for habitable rooms as demonstrated at the date of approval of the mitigation measures.

The approved mitigation measures shall be implemented prior to occupation and retained as such thereafter.

- 42) Prior to the commencement of above ground level construction works within each phase, with the exception of Phase 1 and block D in phase 2, a further Air Quality Assessment shall be submitted to and approved in writing by the local planning authority. The Air Quality Assessment shall be informed by a further period of Nitrogen Dioxide monitoring (details of which shall first be agreed in writing with the local planning authority) and shall include full details of air quality mitigation measures for commercial and residential development within that phase.

The approved mitigation measures shall be implemented in full for each part of each phase prior to occupation of each part of each Phase and retained thereafter.

- 43) At least 10% of the residential dwellings (applicable to free market and affordable dwellings separately) within the development hereby approved shall be designed and built to meet requirement M4(2) of the 2015 Building Regulations for accessible and adaptable dwellings.
- 44) The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
- 45) Prior to the commencement of above ground level construction works within each phase, details of water conservation measures designed to maximise water conservation for non-residential uses shall be submitted to and approved in writing by the local planning authority. No commercial use in any phase of the development hereby approved shall take place until the measures for that phase have been installed as approved and brought into use and such measures shall be permanently retained thereafter.
- 46) Prior to first occupation of any commercial floorspace (excluding public car parking) within each phase (as approved under condition 20) an Energy Scheme for that phase shall be submitted to and approved in writing by the local planning authority. The Energy Scheme shall set out the measures to provide energy from decentralised, renewable or low-carbon sources to achieve at least the equivalent estimated renewable contribution of the Baseline Energy for the site as set out in section 8.01(ii) of the Energy Statement Report – Revision A.
- No use of the commercial floorspace in that phase shall take place until the agreed measures have been installed and brought into use and such measures shall be permanently retained thereafter.
- 47) The residential development hereby permitted in any phase (as approved under condition 20) shall incorporate the sustainable design and construction measures to achieve the estimated energy and carbon emissions reductions specified in section 8.00 of the Energy Statement

Report – Revision A or such other measures (which shall achieve at least the equivalent estimated energy and carbon emissions) as may be submitted to and approved in writing by the local planning authority prior to works above ground level on that phase.

- 48) No occupation or use of any part of any phase of the development hereby approved shall take place until details of all external lighting, including any security or other intermittent lighting, relevant to that part of that phase have been submitted to and approved in writing by the local planning authority.

Such details shall include specifications for the proposed lighting, its location and position within the site, height and levels of illumination. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly.

The external lighting shall be specified having regard to the need to minimise the risk to aviation and should be of a flat glass, full cut-off design, and should be horizontally mounted to prevent light spill above the horizontal.

The development shall be carried out in accordance with the details approved for that part of that phase and retained as such thereafter.

- 49) No use of any commercial premises (including public car parking) within any phase (as approved under condition 20) shall take place until:
- a) an Anglia Square Shopping Centre Travel Information Plan has been submitted to and approved in writing by the local planning authority. The Travel Information Plan shall:
 - make provision for travel information to be publicised to existing and potential future staff, customers and visitors; and
 - specify the different methods to be used for publicity and the frequency of review; and
 - b) the travel information has been made available in accordance with the Plan as approved.

This information shall include details of the public transport routes (including particular reference to Norwich Park and Ride) and services available within 800 metres walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car. Once made available it shall be maintained thereafter in accordance with the agreed review details.

- 50) No residential occupation of any dwelling within each phase (as approved under condition 20) shall take place until:
- a) a Residential Travel Information Plan has been prepared and submitted to and approved in writing by the local planning authority. The Travel Information Plan shall:
 - make provision for travel information or information sources to be publicised to residents; and

- specify the different methods to be used for publicity and the frequency of review; and

- b) the travel information or information sources have been made available in accordance with the Plan as approved.

This information shall include details of the public transport routes and services available within 800 metres walking distance of the site, on site cycle parking provision, city wide cycling route network, car club provision and any other measures which would support and encourage access to the site by means other than the private car. Once made available it shall be maintained thereafter in accordance with the agreed review details.

- 51) Prior to first occupation of any dwelling within each phase (as approved under condition 20) a detailed scheme for the provision of Electric Vehicle Charging Points (EVCP) shall be submitted to and approved in writing by the local planning authority. The scheme shall make EVCP provision in accordance with the table on page 39 of the Design and Access Statement - Addendum and additional information provided in the email from the applicant dated 8th November 2018.

No occupation of any dwelling within each phase shall take place until the EVCP provision for that part of that phase has been installed as approved and brought into use. Such provision shall be permanently retained thereafter.

- 52) The residential car parking provision within the development hereby permitted shall be used only for the vehicles of the residents of the development or their visitors and for no other purpose, including public, commuter or contract parking.
- 53) Prior to first occupation of any dwelling within each part of each phase (as approved under condition 20) a detailed scheme for secure bicycle parking and refuse and recycling storage within that part of that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of that part of that phase of the development and shall be retained and maintained in this condition thereafter.
- 54) Prior to first occupation of any commercial floorspace within each phase (as approved under condition 20) a detailed scheme for secure staff bicycle parking and refuse and recycling storage within that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of that phase of the development and shall be retained and maintained in this condition thereafter.
- 55) Prior to first occupation of each phase (as approved under condition 20) a Delivery and Servicing Management Plan for permanent delivery and servicing arrangements in that phase and any completed phases and interim arrangements (operational during the construction phase) for phases yet to be completed shall be submitted to and approved in writing by the local planning authority. The Plan shall include operational arrangements for delivery areas, bays and routes through the site.

The development shall be operated in accordance with the agreed details.

- 56) The floorspace for purposes within Use Classes A3 and A4 hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises other than at the following times:

07:00 hrs to 24:00 hrs Friday to Sunday

07:00 hrs to 23:30 hrs Monday to Thursday

- 57) The cinema hereby permitted shall not be open to the public until a scheme setting out screening times and any other measures to safeguard the living conditions of local residents has been submitted to and approved in writing by the local planning authority. The cinema shall thereafter be operated in accordance with the approved scheme.
- 58) Prior to first use of any premises for purposes within Use Class A3 or A4 a scheme for the effective control of fumes and odours from the premises, or to justify that there will be no fumes or odours generated by the occupier, shall have been submitted to and approved in writing by the local planning authority.

The detailed scheme shall include where required the position of ventilation, extraction, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance.

The use shall not commence until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.

- 59) Notwithstanding the provisions of Schedule 2, Part 7, Class I of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no plant or machinery shall be installed or erected on the site unless details have first been submitted to and approved in writing by the local planning authority. The details shall include:
- a) evidence that the rating level of the noise from plant/machinery shall be at least 5dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to the nearest window at the nearest residential façade. Measurement and assessment shall be made according to British Standard BS8223 and shall take into account cumulative impact from other plant requirements of the development;
 - b) details of any enclosure or screening; and
 - c) details specifying the maintenance procedure and schedule.

Once installed, any such plant or machinery shall thereafter be retained and maintained in accordance with the approved details.

- 60) Notwithstanding the provisions of Schedule 2, Part 16, Class A, B, C and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no communication apparatus or antennae shall be installed

on any building hereby approved without express grant of permission by the local planning authority.

- 61) Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning General Permitted Development Order 2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification), the development hereby approved permits a maximum of 11,000 square metres Gross External Area of flexible commercial floorspace and this shall not be exceeded by internal or external alteration of the buildings without the specific grant of a further permission.
- 62) Notwithstanding the provisions of Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), the change of use of floorspace falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule which results in the reduction of Class A3 and A4 floorspace within the identified Leisure Square bounded by the units shaded in pink and yellow on drawing A03-P2-054 '03 Plans- Illustrative Ground Level Plan for Retail Strategy' falling below 1,125 sqm Gross Internal Area (as required by condition 17) shall require the express grant of permission by the local planning authority.
- 63) Notwithstanding the provisions of Schedule 2, Part 3, Class M and Class O of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), the change of use of floorspace falling within Use Classes A1, B1a and specified sui-generis uses (betting offices) to a use falling within Use Class C3 (dwelling houses) shall require the express grant of permission by the local planning authority.
- 64) Prior to the first use of any commercial floorspace within each phase (as approved under condition 20) an Anglia Square Public Space Strategy covering public spaces associated with that phase and taking into account any such strategy agreed for an earlier phase shall be submitted to and approved in writing by the local planning authority. The Strategy shall include management and maintenance arrangements for all public realm spaces as completed for that phase (routes and squares) and shall include:
- a) terms of use for tenants including outdoor seating;
 - b) events strategy;
 - c) external noise management arrangements;
 - d) security and anti-social behaviour management arrangements;
 - e) signage scheme; and
 - f) litter bins and litter collection.

The public spaces shall be managed in full accordance with the agreed Strategy thereafter unless otherwise agreed in writing by the local planning authority.

- 65) Prior to the first use of any commercial floorspace within the development a Shop Mobility Scheme including facilities and arrangements to make the large district centre more accessible to people who have mobility difficulties shall be submitted to and approved in writing by the local planning authority. The Scheme shall include details of long term management arrangements. The development shall be operated in accordance with the approved Scheme.
- 66) The open market residential flats hereby approved shall be designed to meet the standards in 'Technical housing standards – nationally described space standard' dated March 2015 for, in so far as the 1 bedroom flats are concerned, 1 bed 2 person 1 storey dwellings or, in so far as the 2 bedroom flats are concerned, 2 bed 4 person 1 storey dwellings'.

End of schedule of conditions



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

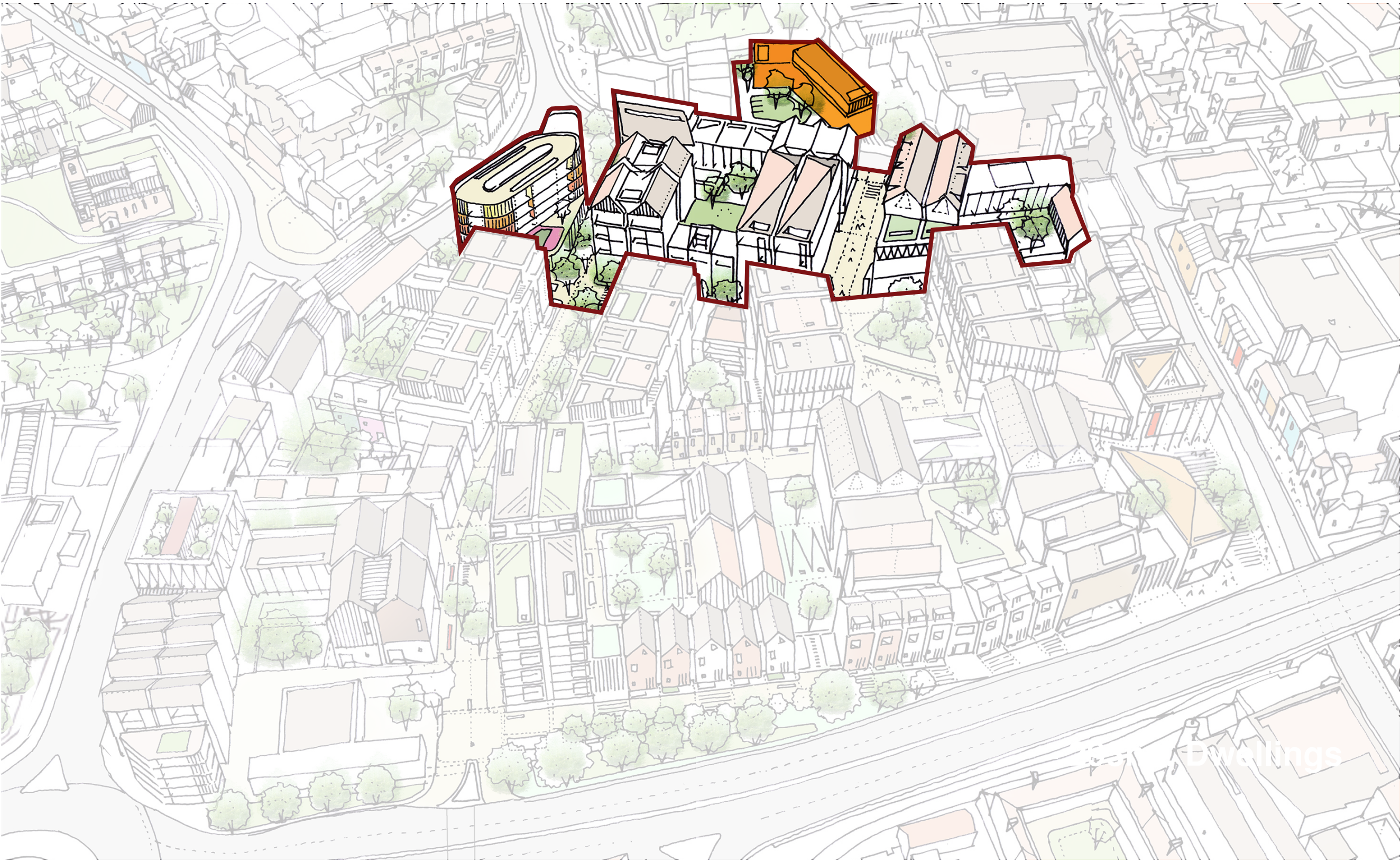
A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix B - Phasing Plan

PHASE 1



PHASE 2



PHASE 3



PHASE 4



Appendix C - Policy Matrix

POLICY	Summary	Assessment of Proposed Development
National Planning Policy Framework (NPPF) 2021		
Paragraph 11	States plans and decisions should apply the presumption in favour of sustainable development, which for decision making means either approving applications that accord with the development plan or where policy is absent or out of date grant planning permission unless there are adverse impacts that would significantly and demonstrably outweigh the benefits	The Proposed Development constitutes sustainable development. Please see the Planning Statement and ES for details.
Chapter 4	Sets out the manner in which engagement, decision making and planning conditions and obligations should be undertaken	<p>The applicant has undertaken significant amount of pre-application engagement with Norwich City Council, other stakeholders and the public which has informed design evolution, and has been commended by the independent design review panel Design South East. See the Statement of Community Involvement, Planning Statement and Design & Access Statement for further details.</p> <p>As demonstrated by the application supporting material, unless material considerations indicate otherwise, the Proposed Development is in accordance with the development plan. Where the need for planning conditions and obligations are identified during the application process, the applicant will work with Norwich City Council to ensure they are necessary, related to the development and reasonable.</p>
Chapter 5	Encourages support of the governments objective to significantly boost the supply of homes. Identifies that local planning authorities should provide a mixture of housing based on current and future demographic trends. Furthermore, they should identify the size, type and tenure range of housing required in particular locations.	Opportunities have been taken wherever possible to optimise the number of new homes delivered and maximise the diversity of unit type and mix as far as practical and viable. The scheme facilitates the provision of at least 110 affordable housing units, which is fully justified by the relevant viability work submitted with the application. A range of typologies are proposed. The supporting Design & Access Statement and Socio-Economic chapter in the ES identify how issues such as the identity of the place, how a sense of community will be promoted and how the scheme will integrate with the existing community.

Chapter 6	Sets out that development proposed should create an environment that businesses can invest, expand and adapt to support economic growth of the area.	<p>The Proposed Development introduces up to 1,100 new households and 8,000sqm flexible commercial/non-residential floorspace within the northern part of Norwich City Centre and Large District Centre. The potential of the scheme to act as a catalyst for economic growth in the northern city centre, and the significance of the direct and indirect economic benefits, is addressed in the Socio-Economic chapter of the ES.</p> <p>The flexibility of the non-residential floorspace will allow the Large District Centre to adapt to economic changes in future.</p>
Chapter 7	Seeks to ensure the vitality and viability of town centres through promoting competitive and adaptive town centre environments that provide customer choice and diverse retail offers, whilst reflecting the individuality of town centres. This includes a range of leisure, commercial, office, cultural, community and residential development.	<p>Redevelopment of this long underutilised and partially vacant previously developed site will contribute to the economic, social, physical and cultural regeneration of the city centre. The existing retail facilities perform provide a limited retail offer to the local population, whilst the physical appearance of Anglia Square significantly detracts from the local area and the wider setting of many heritage assets and does not integrate well with the surrounding area. The proposed redevelopment will significantly enhance the function and appearance of the site and provide wider socio-economic and regeneration benefits to the northern city centre and will make efficient and effective use of the site.</p> <p>The non-residential units have flexible use classes, which will allow the Large District Centre to adapt to different economic/consumer trends to ensure long term vitality and viability of the Large District Centre.</p>
Chapter 8	States policies and proposals should seek to achieve healthy, inclusive and safe places which are attractive, well designed, accessible, discourage crime / fear of crime, and support healthy life styles.	<p>The proposed development promotes sustainable modes of transport and incorporates enhanced public realm, with open spaces to host events and providing places to meet. Large areas of amenity space are also provided for residents. The design will reduce the fear of crime and discourage anti-social behaviour. The incorporation of at least 110 affordable dwellings will encourage social integration. Please refer to Planning Statement, Design & Access Statement, ES, Affordable Housing Statement and further technical work for further details.</p>

Chapter 9	Promotes sustainable transport, encouraging patterns of development that maximise sustainable transport solutions. Development should be focused in locations that encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities.	The mixed-use nature of the scheme will in itself be highly sustainable, with new residents living in close proximity to/ immediately above a range of local shops, food and drink establishments, and services which offer employment. Please refer to the accompanying Planning Statement, the Transport Assessment and Travel Plan, as they set out a range of measures to deliver a sustainable urban community which shifts ways of living and travel behaviour as far as practical.
Chapter 11	States policies and decisions should promote and support redevelopment of previously developed and under-utilised land to deliver new homes and other identified need, with substantial weight given to the value of redeveloping brownfield land. Development proposals should make efficient use of land, optimising the level of development with consideration of matters of identified need for housing, viability, quality of design, infrastructure capacity, and desirability of maintaining or altering the character of the area.	The Proposed Development involves the redevelopment of brownfield land, which is partly vacant and under-utilised given its sustainable location with the city centre, optimising the Site to provide much needed housing and commercial floorspace to enhance the Site's contribution to the Large District Centre. The application material demonstrates the Proposed Development is of high quality design that can be accommodated without adverse impacts to the heritage and townscape (that outweigh the benefits) and amenity of the local area, and infrastructure.
Chapter 12	Sets out that achieving high quality design is fundamental to the planning and development process. Development proposals should function well and improve quality of the area for its lifetime, good architecture, layout and appropriate and effective landscaping, sympathetic to local character and heritage whilst not preventing and discouraging change (such as higher densities), establish or maintain strong sense of place, optimise site potential to accommodate and sustain appropriate amount and mix of development, and create safe, inclusive, accessible places to live that promote health and well-being. A clear emphasis is given that new streets are required to be tree lined unless there are clear, justifiable and compelling reasons why this would not be appropriate	<p>See Design & Access Statement for details of the approach to a design and layout that creates a sense of place reflecting local building typologies and materials; and the influence of the Built Heritage Assessment on the massing, scale and height in relation to the surroundings. The Landscape Strategy shows a high quality and appropriate landscaping scheme that incorporates tree lined streets.</p> <p>The design evolution of the Proposed Development has been informed by extensive pre-application engagement with Norwich City Council, stakeholders, public, and independent design review who have collectively sought to refine the design quality of the scheme, in addition to an environmental impact assessment, heritage and townscape assessments being undertaken to ensure the Site can accommodate the amount and mix of development without adverse effects outweighing benefits of the development.</p>

Chapter 14	Deals with meeting the challenge of climate change, flooding and coastal change, stating that Local Planning Authorities should plan for new development in locations and ways which reduce greenhouse gas emissions and should encourage layouts that minimise energy consumption	See Supporting Planning Statement, ES, Energy Statement, Flood risk assessment, and ES for details. The scheme proposes efficient building fabric and Air Source Heat Pumps as renewable energy, to reduce energy consumption and carbon footprint; SuDS measures will attenuate rain water drainage run-off.
Chapter 15	Focuses on the conservation and enhancement of the natural environment. The planning system should deliver net gain in biodiversity, protect and enhance valued landscapes, and minimise pollution and other adverse impacts on the local and natural environment	The proposals have been designed to enhance biodiversity across the site and to minimise impacts on the natural environment, as explained within the Ecological Assessment for the Site, the Appropriate Assessment covering EU Designated Sites, the Phase I Desk Study and Preliminary Risk Assessment in respect of ground conditions, and various other technical documents submitted in support of this application, including the ES. The application site comprises a previously developed site of limited ecological and environmental value, where previous ground contamination can be addressed via mitigation. There will be negligible impact on the Designated Sites in Norfolk.
Chapter 16	Sets out the approach for identifying the significance of a heritage asset, and assessing development proposals in terms of their impact on the significance of an asset, with greater weight being given to assets of greater significance. Paragraph 207 notes that not all elements of a Conservation Area will contribute to its significance, whilst paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that make a positive contribution should be treated favourably.	The proposal has been designed having full regard the identified potential heritage assets within the immediate and surrounding area. Please refer to the accompanying Built Heritage Assessment, Townscape & Visual Impact Assessment and Design & Access Statement for further details.

Joint Core Strategy for Broadland, Norwich, and South Norfolk (2014) ('JCS')		
Policy 2	The policy seeks to promote good design, stating that development should respect local distinctiveness, including a range of factors such as the historic hierarchy of Norwich, and the townscape and its character. Proposals should seek to achieve cycling and walking friendly neighbourhoods, promote the increased use of public transport, and design out crime.	The development proposals incorporate the principles of good design. Please refer to the accompanying Design & Access Statement, Landscaping Scheme, and Planning Statement for further details.
Policy 3	Seeks to ensure that where possible, development will aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of decentralised and renewable/ low-carbon energy sources and sustainable construction technologies. The policy refers to the aim of developments providing at least 10% of the scheme's energy requirements from decentralised and renewable or low carbon sources, and that sustainable construction methods are maximised.	The proposals seek to maximise the use of sustainable design and construction methods to minimise energy consumption. Additionally, Air Source Heat Pumps for all dwellings and non-residential floorspace will meet the renewable energy objective. A full assessment of the proposals against the relevant policy requirements is included within the Energy Statement submitted in support of this application, whilst the identifies measures to ensure sustainable construction methods are maximised.
Policy 4	Identifies a strategy for the delivery of at least 36,820 new residential dwellings between 2008 and 2026. The policy sets out strategic guidance for housing: - Housing Mix: Provide balanced communities and meet the needs of the area as set out in recent housings needs study and/or Housing Market Assessment. - Affordable Housing provision: Should be based on the most up to date needs assessment for the plan area. The target provision on sites for 16 dwellings or more (or over 0.6 ha) is 33% with approximate 85% social rented and 15% intermediate tenures (numbers rounded, upwards from 0.5). The policy provides room for movement, stating the provision may be reduced if a viability assessment proves the development not financially viable.	The proposal will accommodate up to 1,100 dwellings, which will make a significant contribution towards the City's housing needs. Whilst the nature of the site and the proposals will inevitably involve the provision of mainly flats, opportunities have been taken wherever possible to maximise the diversity of unit type and mix as far as practical and viable. The scheme provides at least 110 affordable housing units, which will be fully justified by the relevant viability work submitted with the application. Consideration of how the mix and tenure respond to existing housing needs and the socio-economic impact of the proposals is appropriately addressed in the Affordable Housing Statement, the Planning Statement, and the ES Socio-Economic chapter.

Policy 5	<p>The policy highlights a target job growth of at least 27,000 additional jobs in the period 2008 – 2026, with an increased proportion of higher value knowledge economy jobs, whilst ensuring provision of all types and levels of jobs in all sectors. The policy sets out the need for small to medium start-up businesses and promotes flexible building design and innovative approaches to encourage local working and business opportunities. The policy also seeks to promote leisure and cultural industries.</p>	<p>The broad economic benefits of the development are quantified within the Socio-Economic chapter of the ES. These quantified as substantial both during the construction and operational phases.</p> <p>The potential of the scheme to act as a catalyst for economic growth in the northern city centre, and the significance of the direct and indirect economic benefits, is addressed in the Socio-Economic chapter of the ES. The mixed uses in the scheme will provide a broad range of job categories.</p>
Policy 6	<p>The policy sets out to make improvement to the bus, cycling and walking networks. Including the concentration of development close to essential services and facilities, promoting sustainable modes of transport. The policy also sets out the need to provide IT links and telecommunications to reduce the need to travel.</p>	<p>The scheme provides enhanced pedestrian and cyclist permeability through the Site in improved public spaces; ample cycle storage for resident, employees and visitors, and improved bus stop provision. Please refer to the accompanying Transport Assessment and Planning Statement.</p>
Policy 7	<p>The policy seeks to maintain or enhance the quality of life and wellbeing of communities, through: enhancing accessibility to appropriate health facilities; providing sufficient, appropriate and accessible education facilities; and to ensure equitable access to new and improved community facilities to improve cohesion.</p>	<p>The proposed development incorporates enhanced public realm, with open spaces to host events and providing places to meet. The ES Socio-Economic Chapter details that education facilities, indoor sports halls, play areas and healthcare facilities in the locality will be able to accommodate the additional population.</p> <p>The Proposed Development includes a community hub and community hall that provides place for new and existing members of the community to meet and participate in activities together to improve community cohesion.</p> <p>Please refer to Planning Statement, Design & Access Statement, ES and further technical reports for further details.</p>

Policy 8	Promotes development to maintain and enhance cultural and leisure facilities with provision of improved facilities that support street events, the arts, concerts and creative industries.	The Proposed Development delivers a reconfigured Anglia Square with a landscaping scheme designed to allow events to take place all year round. The non-residential floorspace provided has flexible use classes applied enabling units to be utilised as studio and exhibition spaces by art and creative industries subject to demand, viability and practicalities. The Community Hall provides an indoor space that any member of the public can hire, which could be utilised by groups to practice and perform in year round.
Policy 11	In order to promote Norwich City Centre, the policy seeks to improve the early evening economy through extending leisure and hospitality uses. In addition to this, the policy sets out to enhance its retail function and expand its function as an employment centre, whilst providing higher housing densities and the provision of family housing to achieve a social mix. In order to support city centre uses, the policy seeks to make improvements to; the public realm, open spaces and green links; walking and cycle provision; sustainable transport access.	<p>Redevelopment of this long underutilised and partially vacant previously developed land will contribute to the economic, social, physical and cultural regeneration of the city centre, by broadening its uses to provide a wider range of retailers (e.g. service retail uses [Comparison Goods]), and also cafes and bars, as well as a larger cinema. In addition, the hotel will add public facilities. All of this will assist the leisure and hospitality economy.</p> <p>The physical appearance of Anglia Square significantly detracts from the local area and the wider setting of many heritage assets, and does not integrate well with the surrounding area, all of which would be addressed by the high quality public realm fronted by the retail and leisure uses. The flats above would be high density housing in a sustainable location.</p> <p>The proposed redevelopment will significantly enhance the function and appearance of the site and provide wider socio-economic and regeneration benefits to the northern city centre and will make efficient and effective use of the site, with good pedestrian/cyclist permeability</p>

Policy 19	New retailing, services, offices and other town centre uses as defined by government guidance will be encouraged at a scale appropriate to the form and functions, with Norwich City Centre being at the top of the hierarchy.	The proposal seeks to regenerate the site to ensure the level of retail, service, office and other town centre uses appropriately reflect its Large District Centre allocation. Please refer to the Commercial Strategy Report for further details.
Norwich Development Management Policies (2014) ('NDMP')		
Policy DM1	<p>Sets out overarching guidance for developments to achieve and deliver sustainable development, in terms of the economic, environmental and social dimensions of sustainability. The policy promotes the following:</p> <ul style="list-style-type: none"> - Employment opportunities; - Protection of city assets and safeguard the special visual and environmental qualities of Norwich; - Help combat the effects of Climate Change through achieving national and local carbon reduction targets by making the most efficient practicable use of resources, minimising the overall need to travel reducing dependency on the private car and high-emission vehicles and ensuring ease of access to facilities and services for all users both now and in the future; - Protect and enhance the physical, environmental and heritage assets of the city and to safeguard the special visual and environmental qualities of Norwich; - Improving the security, health and wellbeing of the elderly and vulnerable groups; and - Promote mixed, inclusive and diverse communities, by increasing opportunities for social interaction, community cohesion, cultural participation and lifelong learning. - 	<p>The proposals constitute sustainable development, as demonstrated in the supporting Planning Statement, Environmental Statement, and other supporting Statements. The sustainability points of the development are as follows:</p> <ul style="list-style-type: none"> - Wider permanent employment categories will be provided; - The Built Heritage Assessment and Townscape and Visual Impact Assessment demonstrate the acceptable impact on 40 viewpoints agreed with NCC for the assessment. - The Energy Statement details the compliance with aims for reduction in energy usage and the use of renewable energy systems; - The mix of uses and sustainable location minimise the need to travel. - The dwellings will include wheelchair adaptable units, and the public realm works including the crossings will improve the less mobile to traverse and visit the Proposed Development; - The affordable housing will be well integrated with other units, and the entire scheme will encourage use by the surrounding community.

Policy DM2	<p>Seeks to protect the amenity of neighbouring occupants and uses through preventing overlooking, overshadowing, loss of light and preventing disturbance from pollution (light, noise, odour, vibration, air and light). The policy also aims to provide high standards of living for future occupiers and to ensure dwellings are designed to meet the demands of everyday life, expecting internal space standards to exceed the City Council's indicative minimum guidelines. In terms of amenity space, the policy highlights appropriate external private or communal amenity space should be provided, with communal amenity areas landscaped to a high standard, in accordance with DM3. Bin and cycle storage should not be detrimental to the provision of private and communal amenity space</p>	<p>An appropriate standard of residential amenity will be achieved, as discussed within the Design & Access Statement, ES and technical reports submitted in support of this application.</p> <p>The Daylight and Sunlight Report demonstrates a high proportion of targets being met, resulting in generally positive results with minimum impact on existing surrounding dwellings. Internal space standards meet the national minimum, as well as Building Regulations relating to accessible and adaptable dwellings.</p> <p>The Noise Impact Assessment and Air Quality Assessment, both appendices to eponymous ES chapters, demonstrate acceptable residual impacts on the new dwellings and no significant impact on surroundings.</p> <p>Amenity space for the new residents will be provided in the form of private balconies and large, communal landscaped roof gardens, as discussed in the Landscape Strategy. The Phase I Contamination Report confirms the suitability of the Site with mitigation for the proposed uses, thus avoiding issues for adjoining uses.</p>
Policy DM3	<p>The policy sets out the overarching guidance on design, including principles on matters such as key views, layout and siting, density, height, scale and form, and materials and details.</p>	<p>The design principles set out within this policy have been fully considered in the formulation of the development proposals. A full explanation and assessment of the design approach and its compliance with relevant principles is set out within the Design & Access Statement.</p>

Policy DM4	Renewable energy generation schemes are encouraged where reasonably practicable and their scale, siting and cumulative effects do not have significantly adverse impacts on neighbouring uses or amenity; visual amenity; heritage assets; and highway safety.	The proposals seek to maximise the use of sustainable design and construction methods to minimise energy consumption via efficient construction materials, and the use of Air source Heat Pumps. A full assessment of the proposals against the relevant policy requirements is included within the Energy Statement submitted in support of this application, whilst the ES identifies measures to ensure sustainable construction methods are maximised.
Policy DM5	The policy outlines all development proposals are assessed having regard to the need to manage and militate against flood risk. New development is required to incorporate mitigation measures to deal with surface water to minimise flood risk within the surrounding areas, and include sustainable drainage measures appropriate to the scale and nature of the development should be installed. The use of permeable materials and soft landscaping to increase infiltration should be maximised.	Measures to minimise flood risk and maximise the use of sustainable drainage methods have been incorporated into the proposals wherever feasible. The Flood Risk Assessment and Drainage Strategy explains that infiltration is not possible on the Site, but they set out the SuDS measures proposed to attenuate rainwater run-off to an acceptable level. The impact of the development on its surroundings in respect of surface water flooding is demonstrated to be minimal. The Site and its surroundings lie within Flood Zone 1, so other mitigation is not required
Policy DM7	Seeks to ensure that tree planting is considered as an integral part of the design of a development, and indicates that existing trees should be protected where possible.	Whilst a limited number of existing trees will need to be removed in order to facilitate the development, the proposals retain the principal group of trees on St. Crispin's Road, and the necessary tree protection measures are detailed in the Arboricultural Survey, Impact Assessment and Protection Plan, and Landscape Strategy Statement. The scheme will include a comprehensive landscaping scheme involving a significant amount of new tree planting.
Policy DM8	In terms of new open space provision, new developments are required to contribute to the enhancement, or provision of local open space either through on-site provision or indirect contribution where appropriate.	The proposals include significant enhancements to the public realm on the site, including the creation of two major, landscaped public squares. Amenity space for residents will be provided in the form of large, landscaped podium and roof gardens. Please refer to the Design & Access Statement and Landscape Strategy documents for further details.

Policy DM9	States that development must have regard to the historic environment and take account of the contribution heritage assets make to the character of an area and its sense of place. Development should maximise opportunities to preserve, enhance, or better reveal the significance of heritage assets.	The proposals have been designed with careful regard to the potential impact of development on heritage assets, and any impacts have been minimised as far as practicable. The proposals will also result in a number of significant public benefits. Please refer to the Heritage, Townscape and Visual Impact Assessment, along with the eponymous ES chapters for detailed consideration of these matters.
Policy DM12	Sets out a range of general principles to be applied to residential development. Proposals should protect the amenity and character of the surrounding area, and should provide for a mix of dwellings, in terms of size, type and tenure. An appropriate density should be achieved, having regard to relevant constraints, the sustainability of the location, and the need to make efficient use of land.	The proposals seek to maximise the provision of a range of unit sizes and types and include dual aspect units as far as practical. The proposed residential dwellings will meet the relevant national minimum space standards, as well as relevant Building Regulations standards relating to accessible and adaptable dwellings (Part M4(2) and (3), thereby ensuring an appropriately high standard of accommodation is delivered. Further details are provided within the Planning Statement, Design & Access Statement and other relevant technical work.
Policy DM16 & DM19	Seek to promote high quality employment and business development and inward investment, including the provision of office floorspace within major developments.	The development proposals include a range of retail, service and leisure - related employment opportunities within the flexible commercial floorspace, an element of which could be used for office/ maker/ community use, thereby supporting the local economy and enhancing the vitality and long-term sustainability of the Large District Centre. Please refer to Planning Statement and ES for further details.
Policy DM18	The policy outlines that retail development must be at a scale appropriate to the centre's position in the hierarchy as set out in the JCS Policy 19.	The nature and scale of development proposed is considered to be entirely appropriate to the site's location within a Large District Centre. Please refer to the Commercial Strategy and Main Town Centre Uses Report and Planning Statement for further details.

Policy DM20 & DM21	This policy seeks to manage uses within the city centre and its network of district centre and defined retail frontages to ensure the mix and scale of uses are main town centre uses appropriate to position within the retail hierarchy and maintain or enhance the vitality and viability of the centre. The units fronting onto Anglia Square and principle east-west route between Magdalen Street and New Botolph Street are defined retail frontages.	The Proposed Development comprehensively redevelops the Site, whilst retaining the key retail frontage onto Anglia Square and the east-west route to new Botolph Street. The Commercial Strategy Report demonstrates the proposed scale and mix of uses and their layout maintains and enhances the vitality and viability of the Large District Centre.
Policy DM22	The policy highlights new or enhanced community facilities will be permitted and encouraged where they contribute positively to the well-being and social cohesion of local communities. Preference is given to locations within or adjacent to existing or proposed local or district centres. Proposals in centres will be accepted where their location is appropriate to and their scale and function is compatible with the centre.	The proposals provide the opportunity to accommodate a range of facilities that could benefit the local community. Specifically, a new purpose-built Community Hub and Community Hall within the Block D, and public toilet/changing places facility within Block A, whilst the inclusion of flexibility for an element of Class E/F1/F2 Non-Residential Institution and local community floorspace allows community facilities to be accommodated, subject to demand, viability and practicalities
Policy DM23	In order to enhance the vibrancy of district centres, leisure, hospitality and late-night uses are permitted by this policy where they do not give rise to unacceptable amenity and environmental impacts. Leisure and hospitality uses are permitted within the city centre leisure area.	The proposals include the flexibility to accommodate a range of leisure-focused retail uses, in accordance with the site's location within the City Centre Leisure Area. This will enhance the vitality and long-term viability of the Large District Centre, and help to generate an evening economy for Anglia Square. The proposed retail and leisure strategy is detailed and fully assessed against relevant policy within the Commercial Strategy Report. Residential amenity for the new dwellings and surrounding area can be assured by planning conditions addressing hours of operation and external noise limits.

Policy DM28	With regards to sustainable travel, this policy states new development is expected to meet the criteria for sustainable development set out in DM1, with particular focus in reducing the overall need to travel. Development proposals must ensure, as far as practicable that they would not result in overall net growth across the city in travel by private car, and any anticipated increase in travel demand can be accommodated or diverted by non-car modes.	The development proposals have been designed to maximise the use of sustainable modes of travel, including the provision of new cycle routes through the scheme, the inclusion of significant areas of cycle parking, and the use of public transport having regard to the sustainable location of the Site. Provision for car club parking on site are also included. Residential and commercial Travel Plans will be approved. Full details are included within the Transport Assessment.
Policy DM29	Sets out a range of criteria for public off-street parking, which will be permitted in the City Centre Parking Area.	The application site is located within the City Centre Parking Area and Areas for Reduced Parking. Therefore, the policy allows the redevelopment of public car parks to other uses. Nearby local car parks remain to accommodate people that visit Local District Centre and who need to use a vehicle. One of the proposed layby along Edward Street allows restricted 20min car parking outside of refuse and delivery times to compliment the existing 20min car parking laybys along Magdalen Street and local car parks.
Policy DM30	Sets out a range of guidance regarding the creation of new routes and access points to developments.	The relevant guidance has been taken into account within the design of the application proposals, as explained within the Transport Assessment.

Policy DM31	Seeks to ensure appropriate levels of parking are provided in accordance with the relevant adopted standards. A range of criteria are set out which should be complied with when planning parking and servicing arrangements.	<p>The existing public car parks on Site will be removed, with no replacement public car parking proposed. This is considered acceptable given the highly sustainable location of the Site and will instead promote the use of sustainable modes of travel in the local area.</p> <p>The number of residential parking spaces represents a ratio of approximately 0.39 spaces per dwelling overall (depending on Reserved Matters details). This satisfies the policy given the site's location and public transport accessibility, as detailed in the Transport Assessment submitted in support of this application. Servicing of commercial and residential units is explained in the Design & Access Statement, and shown to meet the requirement, for both delivery and waste collection.</p>
Policy DM33	Requires developers to make appropriate provision for affordable housing and other facilities and infrastructure improvements which are fairly and reasonably related in scale and kind to the development.	Any necessary planning obligations, which meet the tests of the CIL regulations. The affordable housing offer is detailed in the Affordable Housing Statement. This includes the elements to be covered by the S106 Agreement. The ES Socio-Economic chapter identifies those facilities that can already accommodate the additional households, and so do not need contributions. Other matters are set out in the Obligations Statement. The Heads of Terms set out in the Obligations Statement will be discussed with the Council and relevant statutory bodies.
Anglia Square Policy Guidance Note (2017) ('ASPGN')		
Paragraph 5.1	The council is committed to ensuring the comprehensive redevelopment of Anglia Square which has the potential to act as a catalyst for wider change within the wider northern city centre area.	The proposals seek to deliver the comprehensive redevelopment of Anglia Square and will act as a catalyst for wider economic growth in the northern City Centre. Further details are provided within the Socio-Economic chapter of the ES.
Paragraph 5.4	Identifies the aim that the redevelopment of Anglia Square will enhance the strong and diverse District Centre function, serving	The proposal provides a wide range of uses which strengthens the level of choice and diversity of the District Centre's function

	the wider suburban areas of North Norwich, an improved convenience offer, and enhanced leisure offer with a new cinema, cafes and restaurants to continue the use of area into the evening.	including all those listed Please refer to the accompanying Commercial Strategy Report, Design & Access Statement and Planning Statement for further details regarding this provision.
Paragraph 5.5	<p>States that development on the site should reinvigorate the local area's economy, including providing for new employment opportunities. Furthermore, the proposed objectives set out to:</p> <ul style="list-style-type: none"> - Revitalise the retail and service provision of Anglia Square as a key element of the Large District Centre serving the wider area of North Norwich – in order to act as a catalyst for the wider economic regeneration of the northern city centre; - Provide enhanced tourism, arts and cultural provision including potential for hotel and student accommodation, as well an enhanced evening economy that will include restaurants, cafes, bars and a cinema; - Regenerate its physical environment, including open spaces and public areas, and help to preserve or enhance the historic character of the surrounding area and key views 	<p>The proposal provides a wide range of uses which strengthens the level of choice and diversity of the District Centre's function. Please refer to the accompanying Commercial Strategy Report, Design & Access Statement and Planning Statement for further details regarding these provisions. The top floor of the Stumps Cross building within Block K/L will be specifically for restaurant, café or drinking establishment use, and a flexible range of potential uses is identified for the non-residential floorspace within the development which could accommodate restaurants, cafes and drinking establishments with elsewhere within the site, to enhance the evening economy of the Site, and could also accommodate arts and cultural uses.</p> <p>The reconfigured Anglia Square and Botolph Street will assist improving key views from the Site of St. Augustine's Church and Norwich Cathedral. The replacement buildings will relate better to the surroundings than those they will replace, and the positioning, scale and massing has been carefully considered and informed by heritage and townscape assessments to ensure key views across the city are not adversely affected.</p>
Paragraph 7.18	Notes that the emerging convenience and comparison retail, cafes, restaurants, leisure uses, and an increased residential offer, would be complemented by an element of offices within the scheme, and potentially an element of flexible studio/workspace accommodation, subject to demand and viability.	A flexible range of potential uses is identified for the non-residential floorspace within the development which could accommodate an element of office or flexible studio/workspace use, subject to demand and viability. Further details are provided within the Commercial Strategy and Main Town Centre Uses Report and Planning Statement.
Paragraph 7.24	Anglia Square currently comprises a limited, predominantly value-led retail offer. It lacks the diversity of uses required to	The proposed redevelopment of the site allows the opportunity to enhance the retail offer for convenience and comparison retail,

	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. There is significant scope to improve the quality and mix of the existing retail offer to not only better suit local needs, but to create a new destination retail and leisure location for the City that will compliment rather than compete with the City Centre	including a foodstore. This would contribute to creating a place which serves the local community and improves the Large District Centre retail offer. Please refer to the accompanying Commercial Strategy Report and Planning Statement.
Paragraph 7.25	Notes that whilst historic planning policy envisaged a large supermarket on this site, the need for convenience retail in the city has largely been met and thus the PGN anticipates a more limited offer.	The application proposals have been designed to accommodate within the first phase of development a foodstore c.512sqm (NIA), with an adjoining service yard to make the unit attractive to prospective foodstore operators. This will meet the operator's perception of unmet foodstore capacity in the locality. Please refer to the Commercial Strategy Report for further details.
Paragraph 7.32	States that it would be desirable for redevelopment proposals include a range of retail unit sizes to ensure a mix of retail provision and help to provide jobs and support a distinctive and independent local shopping character.	The development proposals have been designed with sufficient flexibility to accommodate a range of different retail unit sizes. Please refer to the Commercial Strategy Report and application drawings for further details.
Paragraph 7.36	Development proposals will be expected to deliver enhanced pedestrian and cycle access within the proposed development to tie into existing routes and cycle networks, together with	The application proposals provide new and enhanced cycle and pedestrian routes through the development, including a cycle path from Edward Street to St Crispins Road, which will tie into existing

	facilitating enhanced public transport facilities adjacent to the site.	routes in the surrounding area via new and improved crossings from the surrounding roads, and widening of pavements along Edward Street, Magdalen Street, St Crispins Road, and Pitt Street. Furthermore, the Proposed Development sets back Block J3 from Magdalen Street to allow the delivery of a 'Mobility Hub' which Norfolk County Council and Norwich City Council seek to implement in that location in the near future, the Planning Obligations Draft Heads of Terms includes financial contribution towards it's delivery. Please refer to the Transport Assessment for further details.
Paragraph 7.54	New areas of public open space will be key to the development, acting as a new focal point that is recognised across the City as a place to meet.	The proposal creates two new public open spaces (one a reconfigured Anglia Square), and a significantly enhanced public realm throughout the development. Please refer the accompanying Landscape Strategy and the Design & Access Statement.
Paragraph 7.63 & 7.66	Provides comprehensive guidance on improving connectivity and transport links / nodes through the site.	Please refer to the accompanying Design & Access Statement, Transport Assessment and Travel Plan for further details of the permeability through the Site, the nodes created at the squares, and the improved crossings into the Site.
Paragraph 7.80	Encourages the provision of appropriate community facilities.	The proposals provide the opportunity to accommodate a range of facilities that could benefit the local community. Specifically, a new purpose-built Community Hub and Community Hall within the Block D, and public toilet/changing places facility within Block A, whilst the inclusion of flexibility for an element of Class E/F1/F2 Non-Residential Institution and local community floorspace allows community facilities to be accommodated, subject to demand, viability and practicalities.
Paragraph 7.86 - 7.87	Highlights the opportunity for significant enhancement to the character of the Conservation Area as well as to the setting of local heritage assets. The character area appraisal provides guidance for redevelopment of the site, including the need to	The potential impact on heritage assets and townscape has been fully considered within the design of the development proposals, and opportunities have been taken to provide enhancements where possible such as the opening up of key views. The buildings to front

	respect the existing scale of development on Magdalen Street and St Augustines Street, and states that large-scale buildings would be appropriate near the ring-road. Proposals will need to address how development can successfully integrate and improve upon the existing townscape character.	Pitt Street, New Botolph Street and Magdalen Street have been scaled to reflect the scale of surrounding buildings, whilst those within the centre and south-west of Site are taller. Any potential impacts should be considered against the significant public benefits of the proposals. Please refer to the Heritage, Townscape and Visual Impact Assessment and their eponymous ES chapters for further details.
Landscape and Trees SPD (2016)		
-	<p>This SPD provides further guidance in regards to the NPPF and Local Plan policies relating to trees, landscaping and development. The general design principles seek to promote stronger sense of place and character, ultimately achieving a higher quality environment. Key principles include:</p> <ul style="list-style-type: none"> - Integrate development into its surroundings; - Making good use of the site and existing features; - Incorporating open space; - Environment and green infrastructure considerations; - Street layout; and - Future maintenance. 	<p>The Landscape Strategy submitted in support of this application identifies how the landscaping scheme reinforces the design principles in the public realm, in addition to:</p> <ul style="list-style-type: none"> - Creating a high quality of soft landscaping in Anglia Square, and throughout the scheme in addition to supplementing the current very low levels of biodiversity/ecology on the site; - Demonstrating how the landscaping supplements the improved public realm and proposed new open spaces; - Using different materials to reinforce a high-quality design and urban design principles for pedestrians moving through the site; and - Incorporating a high quality edge to the proposal to integrate the development into the surrounding urban realm.
Heritage Interpretation SPD (2015)		
-	This SPD supports and interprets policy DM9 of the NDMP.	Please refer to the Built Heritage Assessment and eponymous ES chapters for further consideration of heritage matters.
Affordable Housing SPD (2019)		
-	This SPD provides detailed guidance on how policy 4 of the JCS and policy DM33 of the NDMP, both relating to delivery of affordable housing. This SPD includes guidance on the design of	Affordable housing will be provided to the maximum extent of policy compliance possible, subject to viability, in accordance with the relevant guidance as part of the development proposals. This scheme

	affordable housing and expands on off-site and on-site provision.	proposes at least 120 units of affordable housing, with a tenure mix of 85% social rented/15% intermediate, specified in JCS4, and with a unit size mix of primarily 1 bedroom and a small number of 3-bedroom family homes, as agreed with officers to reflect need in the locality. The scope to increase the number of units (but not decrease them, via subsequent viability appraisals, is set out in the Affordable Housing Statement and the Obligations Statement which lists the Heads of Terms of the S106 Agreement.
Open Space and Play SPD (2015)		
-	This SPD supports and interprets policy DM8 of the NDMP and aspects of Policy 1 of the JCS. The Council expects, in most circumstances, open space and playspace should be provided on site for larger schemes. Where there is already a play area within 400m of the site (or there are other factors precluding on site provision) developments may provide for improvement, enhancement or re-provision to compensate for increased demand. The SPD provides additional guidance on; the circumstances where commuted payment may still be sought in lieu of on-site provision; the approach to negotiation developer contributions for play if not on-site; and mechanisms for funding open space and playspace from the CIL.	Appropriate open space will be provided for the benefit of residents in the form of large landscaped communal podium and roof gardens, and private balconies. Meanwhile at street level, enhanced public realm and new public spaces will be provided. The communal gardens will include opportunities for informal play, and there are two large play areas located nearby, at Gildencroft Park and Leonard Street play area. Refer to the Landscape Report and Planning Statement for further details.
Internal Space Standards Note (2015)		
-	This note reflects post adoption changes to national policy as a result of the housing standards review and the subsequent	The internal space standards for all dwellings have been met in accordance with the Nationally Described Space Standards, exceeding them where possible.

	<p>ministerial statement of March 2015 which affect the implementation of policy DM2.</p> <p>Table 1 outlines the minimum gross internal floor areas and storage for each residential unit type.</p>	
Main Town Centre Uses and Retail Frontages SPD (2014)		
-	<p>This SPD supports and interprets policy DM20 of the NDMP and Policy 11 of the JCS. The SPD outlines that shops continue to make up the majority of the primary shopping area and encourages a range of beneficial supporting services such as cafés and restaurants contributing to the diversity and attractiveness of the city centre for residents and visitors. The SPD also provides a description of the character and function of different areas of the centre and how they may evolve and develop in the future, which are used in assessing and determining planning applications.</p>	<p>The scheme will strengthen the Large District Centre function and support the vitality and viability of the centre's retail function. Please refer to the Commercial Strategy and Main Town Centre Uses Report for further details.</p>
Accessible and Adaptable Dwellings Standards Note (2016)		
-	<p>The note highlights that Building Regulations M4(2) replace lifetime Homes standards, as mentioned in Policy DM12 of the NDMP.</p>	<p>The development proposals will meet relevant Building Regulations standards relating to accessible and adaptable dwellings (Part M4(2) and (3), thereby ensuring an appropriately high standard of accommodation is delivered. Please refer to the Design & Access Statement for further details.</p>