

PART B - Representation

(You can comment on any part of the plan (paragraph, table, diagram, policy or map) but please complete a separate form for each representation you wish to make).

3. To which part of the Local Plan does this representation relate?

(Paragraph, table/diagram, policy, map etc)

Policy GNLP0409BR

4. Do you consider the Local Plan is:

Legally compliant	Yes	No
Sound	Yes	No ✓
Complies with the Duty to co-operate	Yes	No

(Please tick as appropriate)

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

1	Introduction
1.1	These representations are made on behalf of Jarrold & Sons in respect of site Policy GNLP0409BR land south of Barrack Street.
2	Background
2.1	Jarrold & Sons owns land south of Barrack Street and north of the River Wensum stretching from Whitefriars on its western boundary to and including the health and fitness club (currently occupied by Nuffield Health) at its eastern boundary.
2.2	The undeveloped land within Jarrold & Sons ownership is considered to be a key opportunity to redevelop a brownfield site within Norwich.
2.3	Jarrold & Sons has worked tirelessly over many years to attract inward investment into this part of the city. Completion of buildings between St James Mill and Whitefriars (1 St James Court and Carmelite House) fulfilled Jarrold's first office led investment objective. The next phase of Jarrold's redevelopment strategy required a package of elements to create a unique selling point in order to attract office occupiers to this area of the city. The concept of offices on the river frontage, views to Norwich Cathedral, links via a new bridge (the purpose built and forward funded Jarrold Bridge) and car parking, all contribute to the unique selling point. These have led to the construction and occupation of Kingfisher House and Dragonfly House adjacent to the river in the south east of the wider site and 3 St James Court adjacent to the Puppet Theatre in the north west of the wider site.

3 **Status of latest planning permissions for areas within proposed allocation GNLPO409BR**

3.1 **08/00538/RM** - Part Condition 2: (plots F1 and F2) layout, scale, appearance and landscaping (including 2c: materials; part 2d: car parking; 2h: typical doors and windows) for 8,079sqm office space (B1) comprising 198sqm of ancillary retail space (reserved matters application in respect of outline consent 06/00724/F) was approved on 5 September 2008.

3.2 Correspondence between Norwich City Council (NCC) and the then agents for the proposals for plots F1 and F2 establish that lawful commencement has taken place and therefore permission is in perpetuity. However, some years have passed since and whilst Jarrold & Sons has been actively marketing the site the proposal has not been progress towards completion.

3.3 **15/01927/O** - Outline application with all matters reserved for the erection of up to 200 dwellings, together with public open space and up to 127 car parking spaces for B1 office use and 150 residential parking spaces was approved on 12 August 2016. Reserved matters were not submitted within three years of the planning permission being granted and consequently the permission has lapsed.

3.4 The residential market is very different from when the design of the area east of the City Wall was conceived in 2006 (hybrid planning permission 06/00724/F granted on 21 March 2007); combining car parking for office tenants within the residential blocks is no-longer attractive to the market. Therefore, any allocation needs to include flexibility for a multi-storey car park to provide car parking for use by tenants of office accommodation within a specified area. Such an approach would acknowledge the historic and current use of a large area of surface car park and the mechanisms that have been incorporated into various planning permissions, which acknowledge a quantum of car parking for the sole use of tenants of the following office accommodation: St James' Mill; 1 St James' Court (Mills & Reeve); 2 St James Court (Carmelite House); 3 St James' Court; Zone F, Dragonfly House and Kingfisher House.

4 **Soundness of proposed policy GNLPO409BR**

4.1 Paragraph 35 of the National Planning Policy Framework (NPPF) states that, "*Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*

- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*
- b) **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework."*

4.2 Jarrold & Sons contends that the current wording of Policy GNLPO409BR would render the Greater Norwich Local Plan (GNLP) unsound on the following grounds.

4.3 **Mix of uses and quantum**

4.3.1 The current wording of the proposed GNLPO409BR allocation states, "**Land south of Barrack Street (approx. 2.17 hectares) is allocated for residential-led mixed-use**

development. This will include a minimum of 200 homes. Offices and managed workspace, ancillary retail and professional uses, restaurants, cafes and bars, and recreational open space will be accepted as part of a balanced mix of uses.” However, there is no evidence provided by the GNLP authorities which demonstrates that a mixed use development is viable and deliverable and thus it fails the “effective” test. Equally there is no evidence to demonstrate that this is the most appropriate strategy or why the alternative wording proposed by Jarrold & Sons (representations in response to Regulation 18C dated 16 March 2020) are not reasonable.

- 4.3.2 As referenced in paragraph 2.3 above Jarrold & Sons has worked tirelessly over many years to attract inward investment into this part of the City of Norwich. It represents an important opportunity to redevelop a brownfield site in a prominent location within Norwich. Jarrold & Son contend that due to the context of the remaining area of land available for development the land use is less important than the quality of development and that the remaining areas are developed.
- 4.3.3 There are easier sites to develop for either employment or residential uses within the GNLP area, and therefore policy restrictions which specify a use or that the uses should be mixed when there is no evidence for this, renders the GNLP unsound (it is not justified or effective). The GNLP0409BR allocation as currently worded undermines other policies within the GNLP. For example, policy 1 of the GNLP – The sustainable growth strategy, whereby *“Growth is distributed in line with the settlement hierarchy to provide good access to services, employment and infrastructure. It is provided through urban and rural regeneration, along with sustainable urban and village extensions. Most of the housing, employment and infrastructure growth is focussed in the Strategic Growth Area illustrated on the Key Diagram. This includes Greater Norwich’s part of the Cambridge Norwich Tech Corridor, including the Norwich urban area”*
- 4.3.4 Without suitable mechanisms to support city centre development it is unlikely growth will follow the distribution set out in the settlement hierarchy as outlined in GNLP policy 1 or that the GNLP will deliver the 30.8ha of city centre employment sites as outlined in GNLP policy 6: The economy.
- 4.3.5 Supporting text at paragraph 293 of the GNLP: Strategy document offers support for the principle of office development in the city centre. Paragraph 294 states *“The report [Employment Town Centre and Retail Study (GVA 2017) and the Avison Young 2020 addendum] highlights key trends in employment activity including a re-urbanisation of business activity back to locations that can offer a broader range of services to employees, and the rise of in new start-ups in the creative and media sector which is fuelling demand for space in specific locations allowing for greater interactions including Norwich City Centre. Given that the report also identifies an underlying demand for good quality office and employment space there is a risk that this may lead to new such development going to less sustainable locations with serious impacts on the vitality of the city centre”* Paragraph 295 of the Strategy explains *“A key part of retaining and growing employment in the city centre will be to reverse the loss of office accommodation in the city centre, as required by policy 1 of this plan, which has experienced a 29% reduction since the start of the Joint Core Strategy plan period in 2008”.*
- 4.3.6 Variations in parking standards across the three local authorities, and the resultant uneven playing field has likely contributed to the loss of city centre office accommodation and its relocation to sites such as Broadland Business Park. The discrepancy between parking standards within Norwich city centre and Broadland is notable with class B1 development in Broadland able to provide up to six times the level of on-site car parking permitted in the city centre.
- 4.3.7 However, evidence in the Employment, Town Centre and Retail study (GVA 2017), updated in the Greater Norwich Employment Land addendum (Avison Young 2020), demonstrates that committed employment land is more than sufficient in quantity and quality to meet the potential for enhanced growth. While the plan provides for significantly more employment land than is required for the scale of jobs growth, it states a range of justifying factors (paragraph 289 of GNLP Strategy document). Whilst it is acknowledged that some sites are

more suited to specific types of future employment than others the report points to multiple site clusters suited to office based employment such as professional, business and financial services and digital and tech industries including the Norwich city centre but also Broadland Business Park. In the situation where supply far outstrips demand potential tenants have ample opportunity to identify multiple suitable sites in search of not only their specific requirements but also prices, rates and the provision of on-site facilities such as car parking.

4.3.8 Without support from policy, Jarrolds & Sons feels that as paragraph 294 of the GNLP: Strategy document explains “*Given that the report also identifies an underlying demand for good quality office and employment space there is a risk that this may lead to new such development going to less sustainable locations with serious impacts on the vitality of the city centre and undermining policies to encourage modal shift.*”). Therefore, to avoid being found unsound the GNLP, through a combination of carrot and stick policies, needs to ensure that high density employment uses are concentrated in locations aligned to the growth/settlement hierarchy otherwise market forces will continue to direct office development away from the city centre. The rhetoric in the currently worded GNLP does not appear to lead to allocations which reflect a greater Norwich philosophy, instead there remains strategic tension between the locations which have historically been the singular focus of each of the authorities when acting individually. Unless the GNLP addresses the conflict within its documents and evidence base it fails the tests of soundness.

4.3.9 Policy 7.1 addresses specific issues relating to Norwich city centre and a specific paragraph on the economy states, “*to ensure a strong employment base, development should provide a range of floorspace, land and premises as part of mixed-use developments. Development should promote more intensive use of land to meet identified needs for start-up and grow-on space for small and medium sized enterprises including the digital creative industries, technology, financial and cultural and leisure services clusters.*” This does little to promote the development of office facilities in the city centre when considered against the alternative options. Jarrold & Sons feels that simply because policy specifies office space it does not mean that it will come forward and there has been little evidence produced to suggest otherwise.

5 **Parking**

5.1 The Norwich Development Management Policies Local Plan, December 2014 (NDMPLP) contains the car parking standards for specific development uses across various city locations. Of interest to the site at Barrack Street are use classes B1 office and C2 residential (pre-2020). Located in the City Centre Parking Area the maximum allowance for parking for class B1 office development is one space per 200m² and for residential one parking space per dwelling. Broadland Business Park is within the administrative area of Broadland District Council and as such is subject to different parking standards. When these standards are compared the contrast is stark. Detailed in the Parking Standards SPD (2007) the maximum standard for class B1 development is one space per 30m² gross floor area. This makes Broadland Business Park highly attractive to potential tenants. In terms of residential provision, the minimum standard is one space per dwelling and up to two spaces for three bed dwellings.

5.2 Until this imbalance is addressed through the inclusion of specific policies, the Strategy of the GNLP is unsound as there is no evidence that the Strategy will facilitate the delivery of city centre development and therefore be in compliance with Policy 7.1 which states “*Norwich city centre’s strategic role as key driver for the Greater Norwich economy will be strengthened. Development in the city centre will provide a high-density mix of employment, housing, leisure and other uses.*”

5.3 Jarrold & Sons contends that specific parking provisions should be included within the policy allocations for the area covered by the suggested policy allocations map (drawing 8436-FM-DR-2001-A00). 180 car park spaces for the sole use of tenants of office accommodation within St James Place and Gilders Way office developments. This figure is arrived at to accommodate the 127 residual car parking spaces as part of Condition 10 15/01927/O and the 53 spaces as part of the design of area F.

6 **Policy map amendment**

- 6.1 The area of the proposed allocation does not reflect the up to date position in relation to extant planning permission 08/00538/RM (refer to paragraph 3.1 above) and therefore needs to be updated.
- 6.2 Table G.1.1 on page G3 of Appendix G of the SA states as the reasons for the mix of uses of policy GNLP0409BR as inter alia, *“This key regeneration site in the city centre is long term vacant. Outline and detailed consents on this site provide for 200 homes”* It goes on to state, *“The allocated site is expected to deliver an equal number of homes to the existing consent although it is understood that this may come forward through a revised application for the site.”*
- 6.3 The assessment is inaccurate and misleading; there are no extant or detailed consents on the site relating to residential development. The fact that part of planning permission 06/00724/F granted in March 2007, has been followed by subsequent planning permissions for 200 new homes, and that all have elapsed emphasizes Jarrold & Sons concerns that policy GNLP0409BR which specifies the site is **“allocated for residential-led mixed-use development. This will include a minimum of 200 homes.”** is not justified and history has proven is not effective. It therefore fails the tests of soundness.
- 6.4 Table G.1.1 on page G3 of Appendix G of the SA also states in respect of policy GNLP0409BR that, *“Alternative versions of this site have been considered through the assessment process – see unallocated sites table.”* However, the reasonable alternative submitted by Jarrold & Sons to the Regulation 18c GNLP plan does not appear be considered.

(Please continue on a separate sheet if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matter you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

7 Modifications required to the GNLP

- 7.1 Jarrold & Sons contends the in order for the GNLP team to remedy the failure of the Regulation 19 GNLP to satisfy the tests of soundness the following modifications are required. The deletion of a specified number of homes removes the failings of the GNLP against the 'justified' and 'effective' tests of soundness. Other amendments have been made to remove inaccurate wording/ambiguity.

Policy GNLP0409BR

Land south of Barrack Street (approx. 2.17 hectares) is allocated for residential-led mixed-use development. Homes (including residential care homes and elderly persons accommodation), This will include a minimum of 200 homes. Offices and managed workspace, ancillary retail and professional uses, restaurants, cafes and bars, and recreational open space will be accepted as part of a balanced mix of uses.

The development will achieve the following site-specific requirements:

1. Achievement of a high quality, locally distinctive design of a scale and form which respects and takes advantage of its riverside context and location adjacent to the City Centre Conservation Area.
2. Proposals will provide a suitable setting for designated heritage assets affected by the proposals on and off site including key views from and into the site in particular the significant long views across the site towards Norwich Cathedral.
3. Ensures a high level of flood resilience and incorporates appropriate flood mitigation measures (including addressing identified risks from flooding from rivers and surface water flooding);
4. The office element of the scheme should be located to extend and consolidate the existing completed phases of ~~the St James' Place~~ development at Gilders Way;
5. Provision of integral and well-designed parking areas to serve existing offices at Gilders Way, ~~St James' Court and St James' Mill and St James' Place~~ as well as proposed office users together with segregated areas of residents parking (this could include a private multistorey care park). Car free or low-car housing development in accordance with Policy 2 is appropriate in this location.
6. Incorporates views across, from and of the river. Retain the existing embankment line and historic features. Enhancement of river access including provision for the extension and maintenance of the riverside walk in accordance with policy 7.1 and the 'River Wensum Strategy'. The establishment and improvement of pedestrian and cycle routes north-south across the site from Jarrold Bridge to Barrack Street and improve east-west links to connect with the existing cycle network.
7. A noise impact assessment and air quality assessment will be required, and the development must be designed to mitigate the impact of noise from the main road.
8. High quality landscaping, planting and biodiversity enhancements including protection of trees along the river edge;
9. Provision of public realm enhancements including the provision of open space and playspace of an appropriate form and character for the enjoyment of residents and visitors;
10. Protection of bankside access for maintenance purposes.
11. Vehicular access should be from Barrack Street via Gilders Way.

Policy Map GNLP0409BR to identify 'commitment' for the area of the site covered by extant planning permission 08/00538/RM for 8,079sqm office space (B1) comprising 198sqm of ancillary retail space.