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| Report to | Cabinet | Item |
| | 13 June 2018 | |
| Report of | Director of regeneration and development | 7 |
| Subject | Applications for a neighbourhood area and neighbourhood forum for the Cathedral, Magdalen and St Augustine's area | |

KEY DECISION

Purpose

To set out the legal background to the designation of neighbourhood areas and neighbourhood forums, set out the issues regarding the proposed designations in Norwich, and to seek a resolution from Cabinet on the applications for designation of the proposed neighbourhood area and forum.

Recommendation

- (1) To refuse the application for designation of the Cathedral, Magdalen and St Augustine's neighbourhood area for the reasons set out at paragraph 57;
- (2) To refuse the application for designation of the Cathedral, Magdalen and St Augustine's neighbourhood forum as an appropriate body for neighbourhood planning for the reason set out in paragraph 73;
- (3) To designate the northern city centre area as an alternative neighbourhood area for the reasons set out in paragraph 63; and
- (4) To delegate power to the Director of Regeneration and Development, in consultation with the Portfolio Holder for Sustainable and Inclusive Growth to issue the decisions as recommended above, following the decision of the Broads Authority at its meeting on 22 June 2018.

Corporate and service priorities

The report helps to meet the corporate priority a prosperous and vibrant city.

Financial implications

There are several financial implications arising from the applications for designation of the proposed neighbourhood area and forum.

- a) The council has a statutory duty under the Town & Country Planning Act 1990 ("TCPA") to advise and assist prospective neighbourhood forums in the preparation of a neighbourhood plan. The approval of the applications for designation of a neighbourhood area and forum would have resource implications for the council over a lengthy period of at least 2-3 years. This would include the provision of professional planning input on the development of policies and proposals, carrying out public consultation on the emerging plan, and organising / facilitating the public examination and

referendum. It is not possible to identify precise costs at this stage but the neighbourhood planning process is likely to impact significantly on the work of the planning policy team over the next couple of years.

- b) The government provides financial support for local planning authorities dealing with neighbourhood plans. Local Planning Authorities (“LPAs”) can claim £5,000 upon designation of a neighbourhood area (this applies to the first 5 neighbourhood areas designated only) and can also claim £5,000 upon designation of a neighbourhood forum (again with a limit of 5 forums). LPAs can claim £20,000 once they have set a date for a referendum following a successful examination where a neighbourhood plan has not already been ‘made’ (i.e. adopted) for that area. The cost to the local authority of facilitating the neighbourhood planning process must be set against this potential income, however the grant income is likely to be a small portion of the total LPA resource required, and there is a risk that in some cases a neighbourhood plan may not have a successful examination. For clarification, the council will be able to claim £5,000 in 2018/19 if the northern city centre neighbourhood area is designated but will not be able to claim for the forum proposal if that is refused as recommended.
- c) Communities without a parish, town or community council, such as Norwich, currently benefit from 15% of Community Infrastructure Levy (“CIL”) receipts in their area for neighbourhood community infrastructure projects. This rises to 25% if a neighbourhood plan is ‘made’ (ie adopted). In non-parished areas, the charging authority (ie Norwich City Council) retains the levy receipts but should engage with the communities where development has taken place and agree how to best spend their neighbourhood funding. Planning Practice Guidance states that the use of neighbourhood funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans. Designation of the proposed neighbourhood area, which includes a number of significant regeneration sites (for example Anglia Square, Barrack Street, Mary Chapman Court, and Duke’s Wharf), has the potential to generate significant CIL receipts.

Ward/s: Multiple Wards

Cabinet member: Councillor Stonard - Sustainable and inclusive growth

Contact officers

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Background documents

None

Report

Introduction

1. Two applications have been submitted by the Cathedral, Magdalen and St Augustine's Neighbourhood Forum to Norwich City Council and the Broads Authority, as the first stage in the neighbourhood plan process for the proposed area. These are:
 - An application for designation of a Neighbourhood Area (under Part 2 Regulation 5 of the Neighbourhood Planning (General) Regulations 2012) – see plan attached at appendix 1; and
 - An application for the Neighbourhood Forum to become the Designated Body to produce a Neighbourhood Plan (under Part 3 Regulation 8 of the Neighbourhood Planning (General) Regulations 2012).
2. The proposed neighbourhood area falls within the city council and Broads Authority boundaries, and includes significant parts of Mancroft and Thorpe Hamlet wards, as well as a stretch of the River Wensum. It includes almost half of the city centre by area and has an approximate population of 4000.
3. The purpose of neighbourhood planning is to provide local people with a set of tools to enable them to set out a vision for an area and to shape development in a positive manner. Neighbourhood plans must be aligned with the strategic needs and priorities of the wider local area.
4. A neighbourhood plan, once 'made' or adopted, forms part of the development plan prepared by the local planning authority (LPA). The development plan for Norwich includes the Joint core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, with amendments adopted 2014), and the Norwich Development Management and Site Allocations plans (both adopted 2014). Decisions on planning applications will be made using both the development plan and the neighbourhood plan (unless material considerations indicate otherwise). To help deliver the vision for their neighbourhood, where an adopted (or 'made') local plan is in place the neighbourhood forum will benefit from 25% of the revenues from the Community Infrastructure Levy arising from development that takes place in their area.
5. Norwich currently has no neighbourhood plans and this is the first time that the city council has received applications for designation of a neighbourhood area and forum. There are many neighbourhood plans in surrounding local authority areas, including Broadland, South Norfolk and the Broads Authority areas. Typically the production of a neighbourhood plan in parished areas is undertaken by the relevant parish council, and they tend to cover the entire parish area, as is the case for the existing and emerging neighbourhood plans in the adjacent districts. Deciding on appropriate boundaries for neighbourhood areas within non-parished areas, such as Norwich city, is more problematic and involves an element of judgement as to which area is most appropriate for planning purposes. Planning Practice Guidance sets out considerations to assist with the definition of boundaries. This is referred to later in the report when considering the application for the neighbourhood area boundary.

Legal requirements

6. Local planning authorities have a statutory duty to advise and assist prospective neighbourhood forums in preparation of a neighbourhood plan. The Town and Country Planning Act 1990, as amended by the Localism Act 2011, sets out the requirements and considerations for LPAs in relation to applications for designation of a neighbourhood forum and designation of a neighbourhood area.

Designation of a neighbourhood area

7. The neighbourhood planning regulations set out the conditions for a valid application to include a map of the area, a statement explaining why the area is considered appropriate for designation as a neighbourhood area; and a statement that the body is a relevant body for the purposes of the Act.
8. A local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. Case law suggests such reasons must be robust and justified. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas. This means that it must designate at least part of the area refused as one or more neighbourhood areas.
9. National Planning Practice Guidance states that when a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan.

Designation of a neighbourhood forum

10. The basic conditions an application (set out in 61F(5) of the Act and in the neighbourhood planning regulations) must meet are:
 - that it is established for the express purpose of promoting or improving the social economic and environmental wellbeing of an area including or consisting of the neighbourhood area;
 - its membership is open to individuals who live in the area, work there, and local elected members for the area;
 - membership includes a minimum of 21 individuals meeting the above criteria; and
 - it has a written constitution.
11. In determining whether to designate the forum as an appropriate body to undertake neighbourhood planning, the LPA must have regard to the desirability of designating a body which
 - Has taken reasonable steps to ensure that its membership includes at least one individual within each of the membership groups listed in paragraph 10 above;

- Where membership is drawn from different places in the neighbourhood and from different sections of the community; and
 - Its purpose reflects in general terms the character of the area.
12. Both applications which are the subject of this report are considered valid in terms of the documentation provided, which includes a plan, a written constitution, and a list of 32 names of persons supporting the application, although see later discussion regarding the make-up of the forum.

Public consultation

13. Facilitation of the neighbourhood planning process includes publicising the applications, and making a decision within a specified period (which is 20 weeks given that 2 local planning authorities are involved), resulting in approval or refusal.
14. Given that the proposed area boundary includes part of the River Wensum, the Broads Authority is also involved in the consultation and decision-making process, with the city council as the lead authority. The design of the consultation was therefore agreed by both authorities.
15. A 6 week period of public consultation commenced on 8 February and ended on 21 March 2018. Under the regulations the minimum publicity requirement is for the city council and the BA to publicise the applications on their websites and seek comments within a 6 week period. In addition to this, the city council and BA sent emails to approximately 300 consultees to draw attention to the consultation.
16. In deciding who to consult on the proposals, the starting point was relevant consultees in both authorities' local plan consultation databases. However, given that the proposed neighbourhood area represents about half the city centre by area and contains a number of key regeneration sites (including Anglia Square), and major cultural attractions including Norwich Cathedral and other historic buildings, it is considered to have an influence that extends far beyond its boundaries, with potential implications for the northern suburbs and the city centre as a whole. For this reason, a number of organisations, stakeholders and individuals were identified for consultation both within the proposed area boundary and in the wider area of influence.
17. These included: major landowners in or adjacent to the neighbourhood area, selected agents acting on behalf of landowners in or adjacent to the area, businesses including major retail interests and related representative organisations including Norwich BID and Chamber of Commerce, institutions including Norwich University of the Arts and relevant schools, community groups in the area and the wider area of influence, representative organisations and charities with an interest in the area, and civic societies (eg Norwich Society).

Consultation responses

18. 22 responses were received in total, 20 within the consultation period, and 2 several days later. All comments are available in full on the council's [website](#). In addition appendix 2 contains a summary of all representations received.

19. The responses can be broken down as follows:

- Neighbourhood area boundary: 5 respondents supported the proposed boundary, 6 opposed it or suggested a revision, and 11 were neutral in response (eg no comment).
- Neighbourhood forum: 6 respondents were in support, 5 opposed and 11 neutral.
- 19 of the 22 responses were received by Norwich City Council in response to its consultation emails, and 3 by the Broads Authority.
- 4 individuals responded including one city councillor (Lesley Grahame, in her capacity as city councillor at the time of the consultation) and 2 members of the proposed neighbourhood forum. 18 organisations responded including organisations representing the business community such as Norwich BID and Late Night Norwich, individual businesses such as Norcom, statutory consultees such as Natural England and Historic England, representatives of key local landowners and developers (Iceni Developments on behalf of the Anglia Square landowners/ developers, and CODE Development Planners representing Jarrold & Sons), and community organisations (St Augustine's Community Together Residents Association and Surrey Chapel). This is not an exhaustive list.

20. The level of response to the consultation is relatively low considering that over 300 individuals and organisations were consulted, and the fact that the proposals relate to a large part of the city centre. However as noted above a good spread of responses was received from organisations representing the business community, landowners and developers, community groups and other stakeholders in the area.

21. Representations of support are generally very brief with limited justification of the reasons for support (Ian Gilles, Norwich Over the Water Group, and St Augustine's Community Together Residents' Association in relation to both applications, and Savills on behalf of Hill Residential Ltd in relation to the forum application only). One respondent states that they 'have no objection' to the applications rather than stating support (Sustrans). The more substantive comments are summarised below:

- The area is very diverse but cohesive, with a vibrant and unique character. Much work has been done to engage people and considerable interest generated (Cllr Grahame).
- The creation of the Forum is invaluable to this part of the city which is subject to developments that do not necessarily reflect community needs. The area covers a number of urban villages and one of Norwich's secondary large districts. The connections between St Augustine's,

Magdalen Street and Tombland provide a solid foundation for the Forum to develop considerations for the area (Amelia Sissons).

22. 'No comments' responses were received from 6 organisations - the Cruising Association, BPA Pipelines, the Water Management Alliance, Highways England, Natural England, and Surrey Chapel. A late representation from National Grid was neutral and stated that it wishes to be involved in the preparation of any plans for the area that might affect its assets.
23. The consultation attracted a number of representations making comments critical of the proposed designations, and several which suggest changes to the proposed area boundaries. Comments are summarised below separately in relation to the proposed area and forum designations :

Proposed neighbourhood area designation

- Jarrold & Sons objects to the proposed boundary. It lacks coherence and appears to disregard the relationships between particular local areas and the catchments they serve, ignoring both physical and cultural characteristics. Of specific concern is inclusion of land within Jarrold ownership at Barrack Street / Whitefriars which the company has been working to bring forward for development. The site is a strategic opportunity to deliver a range of benefits and should remain within the wider planning policy structure of the city where it can be dealt with properly and comprehensively, rather than treated in an ad hoc fashion with insufficient integration with the vision and strategic objectives of the city. Given the complex nature of the site with well-established development proposals, Jarrold requests that it is excluded from the neighbourhood area boundary (see plan at Appendix 3).
- Hill Residential Ltd is a development partner of Jarrold & Sons for a parcel of land at Whitefriars / Barrack Street which it is proposing to develop for housing with some retail floorspace. The representation proposes that the wider Barrack Street site is excluded from the neighbourhood area boundary (on the same boundary as proposed by Jarrold) so this is treated as an objection.
- Norwich BID represents the business community within the inner ring road. Its membership includes a wide range of Norwich businesses and institutions. The BID objects to the geography and size of the proposed neighbourhood area. The BID suggests that the area is already covered by the existing Business Improvement District and the designation of a neighbourhood area will impact on business engagement. They state that the area does not follow logical boundaries, economic areas, or physical infrastructure areas, and that it does not make sense to include Prince of Wales Road and the Cathedral Close alongside the northern city centre – there is not a consistency of building style or period, or in terms of proposed development areas. The BID recommends revisiting the area boundary to include only the area across the water [ie the northern city centre] and not Prince of Wales Road, Tombland and Cathedral Close.
- The BID's comments are echoed by Late Night Norwich, a trade led organisation representing the majority of operators in the city council's

designated Late Night Activity Zone as defined on the local plan policies map (including Prince of Wales Road and part of Riverside). LNN does not support the proposed neighbourhood area, and in particular is concerned that the proposed neighbourhood area does not include the whole late night activity zone and thus could result in hindrance and confusion between venues located either side of the proposed boundary.

- A local business, Norcom, considers the area boundary to be very arbitrary. For example the neighbourhood forum states that the area is based on the old historic boundary so the respondent queries why King Street is not included on that basis. The inclusion of Anglia Square is queried as it is very different in feel to areas like the Cathedral Close.
- Icenl acts on behalf of Weston Homes PLC and Columbia Threadneedle who have submitted a planning application for the comprehensive redevelopment of Anglia Square for residential and retail/commercial floorspace, covering 4.1 ha of land within the proposed neighbourhood area. Icenl considers that the proposed boundary includes a wide range of diverse parts of the city centre, and suggests that it would not be possible to prepare a neighbourhood plan that would be relevant to each part of the area and capable of addressing needs. It concludes that the proposed boundary is not a sufficiently coherent and logical area to be covered by the neighbourhood plan having regard to the criteria set out in planning practice guidance. Icenl considers the Norwich City Council Policy Guidance Note for Anglia Square to be appropriate and up-to-date guidance to shape the development of this area. Timing of the neighbourhood planning process is also a concern; the preparation and adoption of any future neighbourhood plan including the Anglia Square site should be timed to capitalise on the proposals for the site rather than pre-empting the final scheme.
- Historic England suggests a modification to the neighbourhood area boundary, to realign it to follow Bull Close Road, to ensure that it includes a section of the city wall's historical alignment (including a surviving section of the wall and one of its towers).

Proposed neighbourhood forum

- Jarrold & Sons objects to the proposed forum. It is concerned at the lack of accountability in the decision-making process of an unelected forum, although it would anticipate fully engaging with the forum and area if they are designated as proposed.
- Norwich BID does not support the proposed forum: business involvement is limited to a few small businesses and it is not representative of the wider business community. The BID is concerned at the business and commercial implications of not having any formal business vote in the process of the referendum on the eventual neighbourhood plan. The process is therefore not representative. This is of concern as the neighbourhood plan could have widespread implications for growth, economics and site availability that could impact on profitability or viability of businesses in the area.
- Late Night Norwich repeats the BIDs concerns about the proposed forum's representativeness, and adds that if the late night business community

overall has no say in the process then the process cannot be representative, and that its outcomes may affect profitability or viability of businesses in the area. It does not support the proposed forum.

- Norcom queries the representativeness of the Forum body and its mandate. Norwich is not parished so there is no democratic representation of neighbourhoods unlike in parished rural areas. Norcom is within the BID area and queries the need for another organisation for this area. The proposed forum has not approached Norcom and the membership list suggests that just a few select people have been approached – it is questionable whether the group will represent the view of the whole community.
- Icení notes that it has not been invited to play a more active part in the development of the neighbourhood plan given the inclusion of Anglia Square in the proposed area. It highlights the importance of undertaking appropriate consultation and engagement to ensure that the entire community is involved in the plan-making process including key stakeholders like the landowner / developer of Anglia Square.

Process for determining the applications

24. The 20 week timescale for determination of the applications is taken from the start of the consultation and will end on 27th June.
25. The approach that has been agreed with the Broads Authority is to prepare a joint report that goes to the city council's Cabinet on 13 June and to the Broads Authority's Planning Committee meeting on 22 June (which has delegated authority for decision-making on neighbourhood planning matters) so that the decision of both authorities is made prior to the 20 week deadline of 27 June.
26. In the case of the application for the designation of the area boundary each authority will make a decision on the basis of the area as a whole rather than on their individual parts of it.
27. The applications for neighbourhood area and forum have relatively greater significance for the city council than for the Broads Authority given the size of the proposed boundary and its strategic importance. The portion of the River Wensum included is a small part of the proposed area and includes no land and therefore no strategic sites. Therefore although river related issues have to be considered in the assessment, reflecting the Broads Authority's status (equivalent to that of a national park), the applications do not have strategic implications for the Broads Authority as they do for the city council.

Consideration of the neighbourhood area application

28. The proposed neighbourhood area boundary set out at appendix 1.
29. National Planning Practice Guidance states that the LPA should take into account the relevant body's (i.e. the neighbourhood forum's) statement explaining why the area applied for is considered appropriate to be designated as such. It states that a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the

local planning authority must give reasons (under the Town and Country Planning Act (1990) section 61G(5)), and must designate an alternative neighbourhood area as referred to in paragraph 8 above.

30. The supporting information supplied with the applications includes a statement setting out the key aim for neighbourhood planning in this area, which is '*to stitch back together those areas that have been divided by infrastructure and through industrial change. It will further aim to bring a new cohesion to the area to attain its full potential as a series of interlinked urban village neighbourhoods; as the focus of the creative and cultural industries, educational experience, professional life and as an important visitor destination*'.
31. In considering the application for designation of a neighbourhood area, this report looks at both strategic and local impacts, some of which are cross-boundary in nature. The assessment takes into consideration comments made through the public consultation process.

Potential strategic impacts of the neighbourhood area designation

32. The proposed neighbourhood area boundary is located within Norwich City Centre and represents about half of the city centre by area, which means that its designation may have strategic impacts.
33. As stated above, neighbourhood plans are required to be aligned with the strategic needs and priorities of the wider local area. The strategic importance of the city centre in planning terms is set out in the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, with amendments adopted 2014) and this is reflected in Norwich's Development Management Policies Plan and Site Allocations Plan (both adopted 2014). The Broads Authority boundary extends into the city centre, up to New Mills, and is tightly defined at this point to include only the river. The JCS does not apply to the Broads Authority however there may be strategic implications for the river running through Norwich arising from the JCS given that the river is directly adjacent to the city council area on both sides.
34. The JCS acknowledges and promotes the strategic role of the city centre in its objectives and policies. For example objective 3 acknowledges the city centre's role as a powerful economic influence over the growth of the wider Greater Norwich area, and objective 4 promotes development and growth in specific locations in Norwich to bring benefits to local people, especially those in deprived communities. Objective 8 stresses Norwich's role as the cultural capital of East Anglia and objective 9 highlights the need to protect enhance and manage Norwich's remarkable historic centre. The JCS objectives are replicated in Norwich's local planning documents – the Development Management Policies and Site Allocations Plans (both adopted 2014).
35. Policy JCS 11 seeks to enhance the city centre's regional role by taking an integrated approach to economic, social, physical and cultural regeneration to enable greater use of the city centre, including redevelopment of brownfield sites. The policy proposes the comprehensive regeneration of the northern city centre in order to achieve its physical and social regeneration, facilitate public transport corridor enhancements, and utilise significant development opportunities. The key diagram identifies Anglia Square as an 'area of change',

with a split focus of change on residential, commercial and retail development. Policy JCS 19 sets out the hierarchy of centres in Greater Norwich and identifies Anglia Square as a large district centre which serves a catchment to the north of the city centre.

36. The JCS and in particular policy JCS 11 treats the city centre as an entity which requires an integrated approach to ensure its economic, social, physical and cultural regeneration. The designation of a neighbourhood area covering around half of the city centre could therefore have strategic impacts. A key concern is that the development of a neighbourhood plan for this area could lead to a disjointed approach to delivery of strategic planning and transportation policy, as set out in the JCS.
37. For example public realm and transportation improvements are planned and delivered through the JCS and the Norwich Area Transportation Strategy (NATS). JCS policy 11 proposes improvements to the public realm, walking and cycling provision, and sustainable transportation access to and within the city centre in accordance with NATS. The development of a neighbourhood plan for the proposed area, representing such a large part of the city centre, could impact on the integrated approach to planning and delivering such improvements. Current arrangements already involve detailed public consultations including with key representative bodies such as Norwich BID, the Norwich Society, residents' associations, and ward councillors representing Mancroft and Thorpe Hamlet ward. A further layer of consultation with a neighbourhood forum for half of the city centre, and a boundary that is different to the BID, could hamper the existing process and affect both planning and delivery of such improvements.
38. Another concern about the proposed neighbourhood area boundary relates to its strategic sphere of influence which extends far outside its boundary. For example the Anglia Square shopping centre serves residents in the northern suburbs, well outside the neighbourhood area boundary, while the Cathedral Precinct is of regional and national significance. Inclusion of key regeneration sites within the proposed boundary, including Anglia Square, adds to the area's strategic significance.
39. Anglia Square is the most significant development opportunity in the northern part of the city centre and one of Norwich's most important priorities for regeneration. National and local planning policy supports redevelopment of Anglia Square as a suitable location for a significant amount of residential development in a comprehensive mixed use, high density scheme in recognition of its highly sustainable location.
40. Concerns about the inclusion of the Anglia Square redevelopment site in the neighbourhood area were raised by Icenl in its consultation response on behalf of the Anglia Square owners and developer, in particular the timing of the neighbourhood plan in relation to the planning application.
41. The timing of a neighbourhood plan prepared for the area proposed is very unlikely to significantly affect consideration of the pending planning application for Anglia Square. It is very unlikely that the neighbourhood plan will have progressed sufficiently to have any significant weight in determination of the application, due to the time it takes to prepare a neighbourhood plan and the

anticipated timescale for determination of the current planning application (assuming the determination is by the city council rather than being called in by the Secretary of State). However it is reasonable to note that the outcome of the pending application could have a significant impact on any neighbourhood plan covering the proposed area. Should the application be approved and implemented shortly thereafter there would appear to be little purpose in producing planning policies seeking to cover the Anglia Square area itself, and any subsequent neighbourhood plan would be best to focus on guiding the development of other sites in the area in the light of the changing environment in this part of the city. Should the application be refused, or not get implemented, there may then be merit in seeking to bring forward new planning policies for Anglia Square. Whilst Icení's concerns about the timing of the neighbourhood plan process are noted, these are not considered appropriate to influence the outcome of either the neighbourhood area and forum applications.

42. Another potential strategic impact (with cross-boundary implications) arising from the proposed area boundary relates to the River Wensum Strategy, due for adoption by Norwich City Council at this meeting. The River Wensum Strategy Partnership is led and project managed by Norwich City Council working alongside the Broads Authority, Norfolk County Council, the Environment Agency, and Wensum River Parkway Partnership. The strategy has been subject to two rounds of public and stakeholder consultation and its delivery will commence upon adoption by all partners in summer 2018.
43. The strategy seeks to enhance management of the river corridor, improve opportunities for access, leisure, heritage and the environment. The river corridor covered by the strategy stretches from Hellesdon to Whitlingham Country Park with only a relatively short stretch of the Wensum included in the proposed neighbourhood area boundary as shown in Appendix 1 (from Foundry Bridge to New Mills). There may be some impacts arising on the implementation and coordination of the strategy through expenditure of neighbourhood CIL influenced by a designated neighbourhood forum with a focus on a small section of the river rather than the whole of the River Wensum Corridor from Hellesdon to Whitlingham Country Park.

Appropriateness of the proposed area boundary

44. Planning Advisory Service (PAS) guidance states that the starting point for a neighbourhood area boundary is that it should make sense to the community and be logical in spatial terms. National planning practice guidance (NPPG) sets out a number of potential considerations when deciding the boundaries of a neighbourhood area, which include:
- the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities;
 - the area where formal or informal networks of community based groups operate;
 - the physical appearance or characteristics of the neighbourhood, for example buildings may be of a consistent scale or style;

- whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway;
- the natural setting or features in an area; and
- the size of the population (living and working) in the area.

45. The proposed boundary includes several very disparate areas in terms of function and character, environment, socio-economic background and regeneration potential.

- The northern city centre area, focused on Magdalen Street and St Augustine's Street, is a historic part of the city centre and includes the city's primary regeneration opportunity of Anglia Square (currently at planning application stage). This northern city centre area was the subject of an area action plan (the Northern City Centre Area Action Plan, 2010), developed as a response to the area's regeneration potential and which expired in 2016. At present this area has an unattractive mixture of styles and functions of buildings with many derelict sites and buildings. The area is however highly accessible with most of the routes to the north of the city going through the area. The Anglia Square and Magdalen Street area is designated as a District Centre in the adopted Norwich local plan and is a shopping / leisure focus for residents in the north of the city as well as complementing the primary retail area in the city centre.
- The Cathedral precinct is also within the proposed boundary and is of major cultural and religious significance, regionally and even nationally. It retains the appearance of an enclosed cathedral quarter, with open spaces, houses, the Norwich School playing fields, riverside walk, and other features, including a number of local businesses. The scale of building typifies the area's character, dominated by the structure of the Cathedral whilst most of the rest of the precinct is domestic in scale. The planning policy applying to this area is primarily to protect its archaeological features and retain its character.
- The proposed boundary excludes Norwich city centre's primary retail area but includes the area around St Andrew's Street / Duke Street including the Duke Street car park serving the city's retail centre. In addition to the Cathedral Precinct it also includes some important historic areas such as St Andrew's and Blackfriars Halls and the Elm Hill area which are key visitor attractions, a range of businesses on St Andrew's Street, and the campus of Norwich University of the Arts. It also includes the Jarrolds and Duke's Wharf regeneration sites.

46. The proposed boundary is considered to be inappropriate and does not address the considerations in planning practice guidance. For example the physical appearance, character and function of the area varies markedly between the different parts of the area as discussed above, and natural boundaries do not help to define the boundary for the most part.

47. The diverse nature of the proposed area in terms of character is demonstrated by the fact that it contains 7 different conservation character areas as defined in the Norwich City Centre Conservation Area Appraisal (2007). These are

Northern City, Anglia Square, Northern Riverside, Colegate, Cathedral Close, Elm Hill and Maddermarket, and Prince of Wales character areas. These areas vary in terms of their significance, ranging from low significance (Anglia Square), to significant (Northern City, Northern Riverside and Prince of Wales), high (Colegate) and very high (Cathedral Close, and Elm Hill and Maddermarket)

48. The southern boundary in particular is not clearly justified. It runs down Prince of Wales Road which is the main thoroughfare leading from the train station to the city centre, a focus for commercial and leisure activity. There is no clear justification given for why the north side of Prince of Wales Road is included and not the south side, or on the other hand why the boundary excludes land further to the south, such as Mountergate and King Street which has significant regeneration potential.
49. The area boundary also does not appear to address local catchments for walking to local services. For example those who live in the Cathedral / Prince of Wales Road area have many local convenience shopping options open to them and are more likely to shop at Riverside or the city centre than in Magdalen Street and Anglia Square.
50. The area contains a disparate range of local communities / neighbourhoods, many of which have very little relationship with each other. Analysis of Indices of Multiple Deprivation (IMD) data and CACI paycheck data set out in appendix 3 highlights the level of disparity within the proposed neighbourhood area in terms of socio-economic characteristics. The IMD data measures relative deprivation of residents based on a number of indicators including their education, employment, housing and income profile, and shows that deprivation varies significantly between parts of the area, most markedly between Cathedral Close and the northern city centre. Parts of the northern city centre area are within the most 10% of deprived areas in the UK on a wide variety of indicators. Although the IMD shows a significant part of the proposed neighbourhood area (including the Cathedral precinct) as being within the 30% of most deprived areas overall, this classification is based on specific measures, particularly crime, and is considered likely to be a result of being in the area of the city with a vibrant nightlife. The CACI Paycheck income data further highlights this disparity with the most deprived areas having low income and the least deprived areas within the boundary classed as having high income.
51. The types of business throughout the area help to underscore this disparity, with a vibrant mix of independent shops, ethnic foodstores, cafes, restaurants and budget shopping in the Magdalen Street area, compared with a more traditional range of small shops and offices along Tombland for example.
52. Icení, on behalf of Anglia Square landowners and developer, considers that it would not be possible to prepare a neighbourhood plan capable of meeting the needs of this area given its diverse nature. To some extent it is to be expected that there will be a range of people, communities and business within a neighbourhood area however the level of disparity in the Cathedral, Magdalen and St Augustine's area suggests that it might be very challenging to develop a plan to satisfy the needs of all residents and businesses in the area.

53. The delineation of the proposed area boundary impacts on the delivery of Norwich local plan policy. As noted in the consultation response from Late Night Norwich, the proposed boundary bisects the Late Night Activity Zone on Prince of Wales Road which is designated under policy DM23 in the Development Management Policies Plan. A Cumulative Impact Policy was adopted by the city council in 2015 which seeks to control anti-social impacts of new/amended licenses to sell alcohol or late night refreshments in this area. The purpose of the Late Night Activity Zone is to enable effective management of late night and other uses in the zone as a whole.
54. Designation of the neighbourhood area boundary as proposed could therefore potentially hamper delivery of policy DM23 and the CIP, and cause confusion for businesses/venues located either side of the proposed boundary.
55. Several suggestions have been made to amend the proposed boundary. Two consultees proposed removing the Barrack Street site, while Historic England proposes a modified northern boundary on Bull Close Road. Norwich BID go further and recommends including only the area 'across the water' in the boundary (ie only the northern city centre area) as a more coherent area for planning purposes.
56. The proposal to include only the northern city centre (NCC) area within the neighbourhood area is a compelling one and its merits are discussed in more detail below in relation to an alternative neighbourhood area designation. The NCC area excludes both the Barrack Street site and the land between Bull Close Road and Silver Road. The council would have no objection in principle to removal of the Barrack Street site from the neighbourhood area proposed at appendix 1, given its relatively peripheral nature to that boundary, and accepts there is merit in modifying the northern boundary to include currently excluded land on Bull Close Road. However both suggestions are superseded by the alternative designation proposed below.

Recommendation on the application for designation of a neighbourhood area

57. The recommendation to Cabinet is that the application for a neighbourhood area for area shown in appendix 1 be refused for the following reasons:
- 1) The area proposed is of a size and strategic influence that makes it inappropriate for neighbourhood planning. It covers approximately 50% of Norwich City Centre which is a key economic driver for the City and sub-region. Development of a neighbourhood plan for this area could lead to a disjointed approach to delivery of city centre planning policy that could frustrate the objectives of the JCS and Norwich's local plan;
 - 2) It is a very disparate area encompassing a number of different neighbourhoods within the city centre with very different physical, economic and social characteristics and relatively weak connections between them. The differences are particularly stark between the area north and south of the River Wensum which are also physically separated by the river. It is

considered unlikely that a neighbourhood plan would be relevant to each part of the area and capable of addressing needs;

- 3) Having a separate neighbourhood plan covering the stretch of the River Wensum from Foundry Bridge until a point north of St Crispin's Road may undermine implementation of the River Wensum Strategy;
- 4) At a local level some of the boundaries proposed are considered to be illogical, in particular having a southern boundary running down the middle of Prince of Wales Road may create difficulties in implementing consistent policies toward late night economic activities consistently.

58. As stated earlier in this report, where a local authority refuses to designate a neighbourhood area, in addition to giving its reasons it must use its powers of designation to ensure that some or all of the area applied for forms part of one of more designated neighbourhood areas. This means that it must designate at least part of the area refused, potentially including land outside that area, as one or more neighbourhood areas. Legal advice on the timing of such a designation concludes that it should be undertaken simultaneously with the refusal of the neighbourhood area.

59. The council has considered the proposed boundary and responses to the public consultation and considers that there are several options open to it in relation to an alternative neighbourhood area designation. These include:

- Designation of the northern city centre area, and /or;
- Designation of the Cathedral Quarter and Tombland; or
- Designation of the city centre as a whole.

60. In addition, when modifying or designating a neighbourhood area the LPA must consider whether it should designate it as a business area under the Town and Country Planning Act 1990 s61H(1), (2). This power can only be exercised if the LPA considers the area to be "wholly or predominantly business in nature". This is a discretionary power and there is no duty to designate.

61. Looking at the options in turn:

- The designation of the northern city centre area as a neighbourhood area has a number of merits. This area is already established as a regeneration area in the Joint Core Strategy. Policy JCS11 proposes its comprehensive regeneration in order to achieve its physical and social regeneration and to utilise its significant development opportunities. The JCS also identifies Anglia Square as the focus of new residential, commercial and retail development. In addition the area was the subject of the Northern city centre area action plan (2010, now expired) and as such is an established planning unit. A neighbourhood plan for this area could positively build on its significant regeneration potential. This area does not include the River Wensum, so the Broads Authority would not be directly involved in the decision-making process, however it would want to be involved in any emerging neighbourhood plan given the proximity to its executive area.
- A neighbourhood area could be proposed for designation based on the Cathedral Quarter and Tombland to reflect that area's major cultural and

religious significance. However planning policy applying to this area is primarily focused on protecting its archaeological and historic features and retaining its character. There are very limited opportunities for development within this area, so it is not clear what the focus of a neighbourhood plan for this area would be and how it would differ from the approach already taken by the current development plan.

- A neighbourhood area could potentially be proposed for the city centre as a whole. However given the issues raised in this report it is considered that this area is too large and diverse to be appropriate as a neighbourhood area, and its designation could frustrate the objectives of the JCS and Norwich's local plan.

62. On the basis of this assessment it is proposed that the northern city centre area (as defined in the northern city centre action plan and set out at Appendix 4) is designated as a neighbourhood area. Although this area contains many businesses and the Large District Centre based on Anglia Square, Magdalen Street and St Augustine's Street, it also includes a significant residential population (approximately 2,600) which is likely to grow substantially if Anglia Square is redeveloped as proposed. The area is not considered to be "wholly or predominantly business in nature" and is therefore considered inappropriate for designation as a business area.

63. The reasons for designation of the northern city centre as a neighbourhood area are:

- 1) The area is already established as an appropriate area for planning purposes;
- 2) The area is well-defined with the River Wensum as its southern boundary and follows the line of the historic city walls as the northern boundary for the most part.
- 3) A neighbourhood plan for this area can positively build on its significant regeneration potential.

Consideration of the neighbourhood forum application

64. There is nothing in law to prevent an application for a neighbourhood forum from being considered even though a relevant neighbourhood area application is refused. The forum application has to be considered on its own merits and provided it meets the necessary conditions.

65. The key considerations in reaching a decision on the designation of the proposed neighbourhood forum are set out above in paragraphs 10-12.

66. The membership of the proposed forum body at the time of the application and its constitution are available on the council's [website](#).

67. The constitution sets out the purpose of the Cathedral Magdalen and St Augustine's neighbourhood forum to be "to produce a Neighbourhood Plan to protect and enhance the inherent qualities of the Area and to further the cultural, creative, social, economic and environmental well-being of the Area as shown on the attached plan...(or as amended by agreement with the local

authority) and such other purposes as the Executive Committee may from time to time decide.”

68. The constitution demonstrates that the neighbourhood forum is established for the expressed purpose of promoting or improving the social, economic and environmental well-being of the area. It also states the terms of membership of the forum which is open to residents living in the area, individuals who work there, and local members. The constitution therefore satisfies the key requirements of the Neighbourhood Planning regulations set out in S.61F(5).
69. The Neighbourhood Planning regulations state amongst other things that a local planning authority must have regard to the desirability of designating an organisation or body whose membership is drawn from different places in the neighbourhood area and from different sections of the community in that area (S7(a)(ii)).
70. The list of membership supplied by the forum at the time of the application shows that the proposed forum is not representative of the proposed area, as can be seen from appendix 5. The majority of residents live in the Cathedral Close with very few in the Magdalen Street area whereas a greater proportion of business members are located in the Magdalen / St Augustine's street area. It has limited representation from key institutions / organisations active in the area.
71. This is echoed by comments received through the consultation process which include concern that the forum is not representative of the wider business community, that local businesses who would have expected to be invited to be involved in the process were not, and concerns at the fact that the forum would be an unelected body. The BID states that the unrepresentative nature of the forum is of concern as the neighbourhood plan could have widespread implications for growth, economics and site availability that could impact on profitability or viability of businesses in the area.
72. Since the original application was made for designation of the neighbourhood forum, the forum membership has been growing. The forum states that it currently has 87 members although a number live outside the area shown in appendix 1. Analysis of information supplied to the council shows that current membership is 68 in total within the area. There is some overlap between categories of membership, however overall the membership comprises 38 residents, 21 businesses, 9 organisations, and no current local authority members. Unfortunately the Forum is unable to make this information available publicly at present which means that this application for designation needs to be made on the basis of the information that is currently in the public domain.

Recommendation on the application for designation of a neighbourhood area

73. Consideration of the designation of the neighbourhood forum for the originally proposed neighbourhood area is largely academic now that this area is recommended to be refused and subsequently modified. However, on the basis of the above information and assessment, the application for designation of the Cathedral, Magdalen and St Augustine's neighbourhood forum as an appropriate body for neighbourhood planning is recommended for refusal. The reason for refusal is:

- 1) That the membership of the proposed body at the time of submission is not representative of the proposed neighbourhood area.

74. Given the proposed designation of the northern city centre neighbourhood area, the CMSA Forum may wish to consider adapting its membership and constitution based on the modified area, and to come back with an application for designation as a neighbourhood forum on this basis. The council is keen to work with community groups to assist with this process. It should also be noted that there is considerable scope for further neighbourhood areas to be identified, in addition to the northern city centre, within the area proposed in appendix 1 and outside it, and the city council remains open to discussing such proposals.

Integrated impact assessment



NORWICH
City Council

Report author to complete

| | |
|-----------------------------------|---|
| Committee: | Cabinet |
| Committee date: | 13 June 2018 |
| Director / Head of service | Dave Moorcroft |
| Report subject: | Neighbourhood area and forum applications |
| Date assessed: | 24 May 2018 |

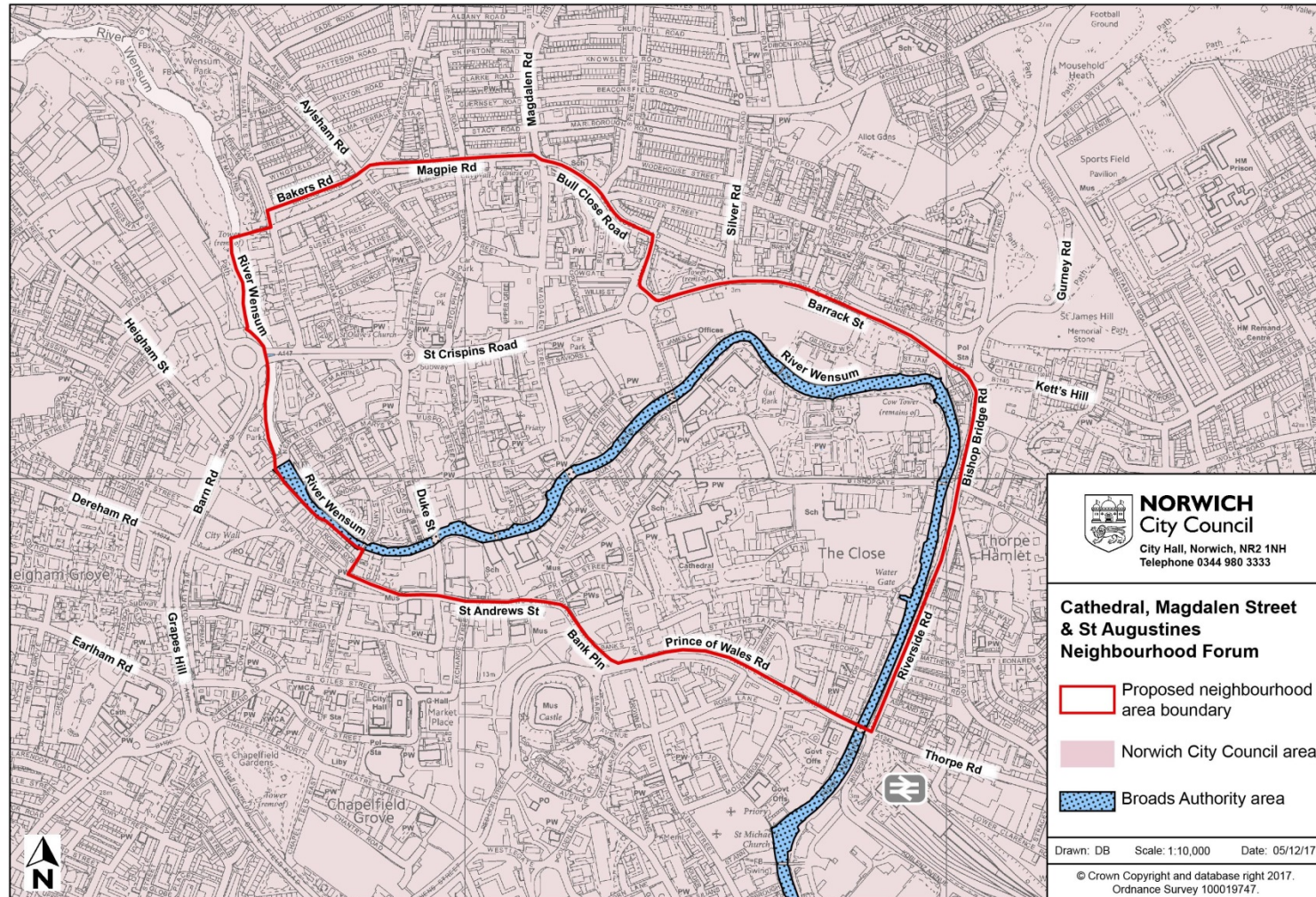
| | Impact | | | |
|--|-------------------------------------|--------------------------|--------------------------|--|
| Economic (please add an 'x' as appropriate) | Neutral | Positive | Negative | Comments |
| Finance (value for money) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Designation of neighbourhood area will have resource implications for the city council but this should be partially offset by government grant. The extent of the impact is not known so it is assessed as neutral at present. |
| Other departments and services e.g. office facilities, customer contact | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| ICT services | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Economic development | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Financial inclusion | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| | | | | |
| Social (please add an 'x' as appropriate) | Neutral | Positive | Negative | Comments |
| Safeguarding children and adults | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| <u>S17 crime and disorder act 1998</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Human Rights Act 1998 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Health and well being | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| | | | | |

| | Impact | | | |
|--|-------------------------------------|--------------------------|--------------------------|---|
| Equality and diversity (please add an 'x' as appropriate) | Neutral | Positive | Negative | Comments |
| Relations between groups (cohesion) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation but preparation of a neighbourhood plan in future may improve community cohesion |
| Eliminating discrimination & harassment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Advancing equality of opportunity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| | | | | |
| Environmental (please add an 'x' as appropriate) | Neutral | Positive | Negative | Comments |
| Transportation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation at this stage but there may be impacts from a future neighbourhood plan |
| Natural and built environment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation at this stage but there may be impacts from a future neighbourhood plan |
| Waste minimisation & resource use | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation but there may be impacts from a future neighbourhood plan |
| Pollution | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Sustainable procurement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |
| Energy and climate change | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation at this stage but there may be impacts from a future neighbourhood plan |
| | | | | |

| | Impact | | | |
|------------------------------------|-------------------------------------|--------------------------|--------------------------|--|
| (Please add an 'x' as appropriate) | Neutral | Positive | Negative | Comments |
| Risk management | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | No direct impact arising from neighbourhood area designation |

| Recommendations from impact assessment |
|---|
| Positive |
| None at this stage |
| Negative |
| None at this stage |
| Neutral |
| All impacts are assessed as neutral as there are no direct impacts arising from the designation of a neighbourhood area at this stage (aside from impact on resources). |
| Issues |
| There are likely to be direct impacts once a neighbourhood plan is prepared. |

Appendix 1: proposed Cathedral, Magdalen and St Augustine's neighbourhood area boundary



Appendix 2: summary of consultation responses

| Name | Organisation | Proposed Neighbourhood Forum | Proposed Neighbourhood Plan Area | Other Comments |
|----------------------------------|--|--|--|----------------|
| Nicki Farenden | BPA Pipelines | Neutral Not in Zone of Interest | Neutral Not in Zone of Interest | |
| Hugh McGlyn | Cathedral, Magdalen & St Augustine's Neighbourhood Forum | Support Forum has robust & well drafted constitution | Support | |
| Ian Gilles | Cathedral, Magdalen & St Augustine's Neighbourhood Forum | Support | Support | |
| Helen Adcock | Code (For Jarrolds) | Object Requests member status of the forum if their site is retained within the boundary | Object Requests revision of boundary to exclude site at Barrack street/Whitefriars | |
| Former Councillor Lesley Grahame | Norwich City Council - Thorpe Hamlet Ward | Support | Support The area is a diverse but cohesive community. | |
| David Broad | Cruising Association | Neutral | Neutral | |
| Davina Galloway | Highways England | Neutral | Neutral | |

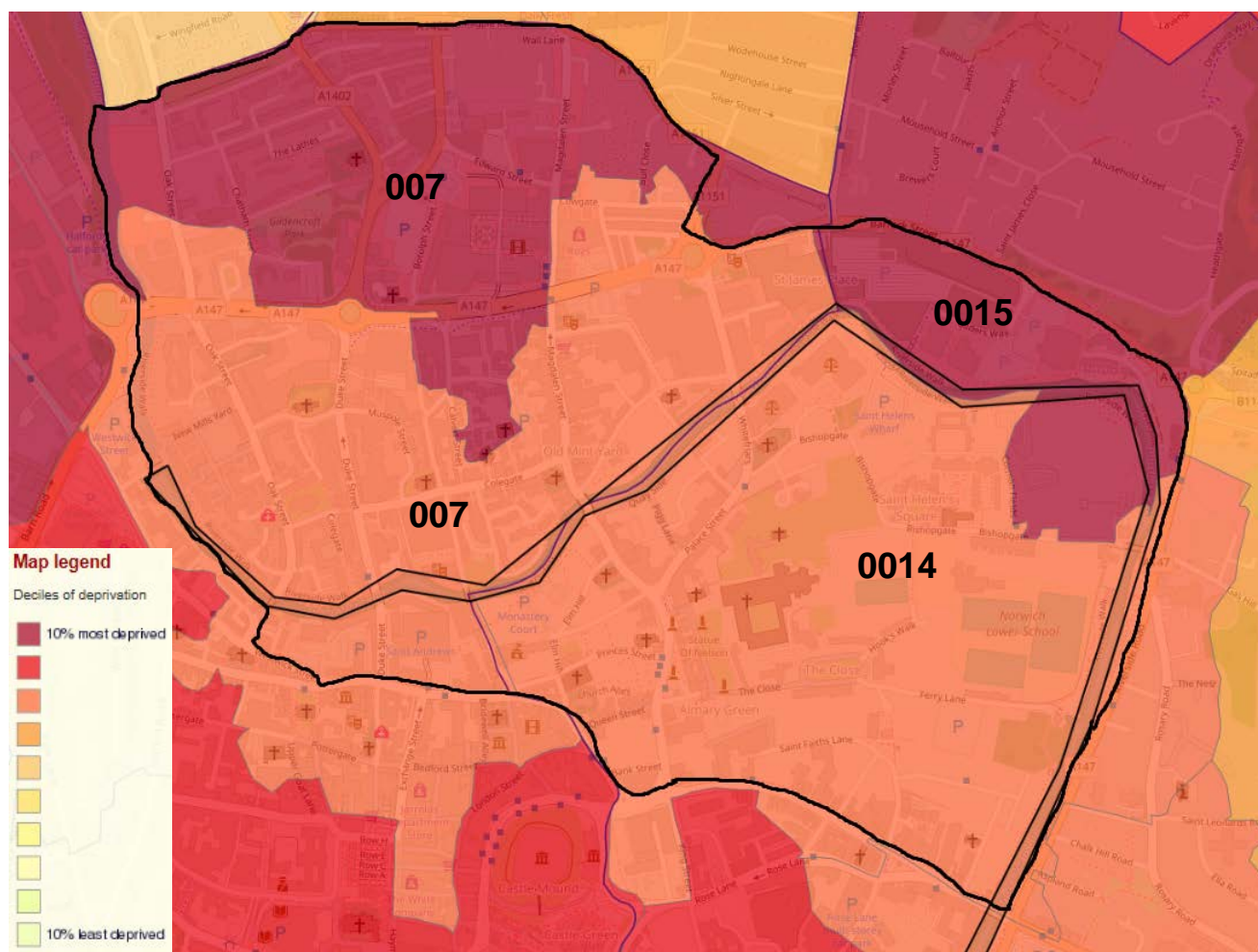
| Name | Organisation | Proposed Neighbourhood Forum | Proposed Neighbourhood Plan Area | Other Comments |
|-----------------------------------|--|--|---|--|
| Edwards James | Historic England | Neutral | Object Alignment with city wall 'abandoned' between Bull Close Road & Silver Road. | |
| Ian Anderson (Chief executive) | Iceni (on behalf of Weston Homes & Columbia Threadneedle) | Object Encourage wider representation of demographics within the forum. | Object Diverse area, not sufficiently coherent & logical boundary. Timing in relation to Anglia square redevelopment is inappropriate. | |
| Andy Gotts | Late Night Norwich | Object Area conflicts with BID boundary, conflicts with Late Night Activity Zone designation/does not include the wider Late Night Economy operation, not a consistent character/need across area. | Object Group is limited in its representation of parties & concern is raised about its implications. | |
| Joanne Widgery | Natural England | Neutral | Neutral | General advice provided on information sources useful in developing a neighbourhood plan |
| Phil Harris | Norcom (Managing Director) | Object Insufficient community representation, narrow representative group; not a democratic forum - questions mandate & need. | Object proposed boundary arbitrary without logic - should have had greater consultation before formal proposal, different characteristics in proposed area, | |

| Name | Organisation | Proposed Neighbourhood Forum | Proposed Neighbourhood Plan Area | Other Comments |
|-----------------------|--|---|--|----------------|
| Stefan Gurney | Norwich BID | Object Not representative of the business interests in the area, yet could have significant impact. | Object Proposed area has overlap/conflict with BID boundary. Not a logical boundary. | |
| Paul Scruton | Norwich Over the Water Group | Support | Support | |
| Stuart McLaren | St Augustine's Community Together Residents' Association | Support | Support | |
| Lydia Voyias | Savills on behalf of Hill Residentil Ltd. | Support | Object Regarding the site south of Barrack Street: Given the complex nature of the site & well established redevelopment proposals it is requested that it is omitted from the boundary. | |
| Philip Broadbent-Yale | Sustrans | Neutral | Neutral | |
| Cathryn Brady | Water Management Alliance | Neutral | Neutral | |
| Amelia Sissons | | Support Individual respondent feels the forum will enable community members to be considered more in future planning of the area. | Support The historic and modern connection between these areas forms a solid foundation for the proposed area. | |

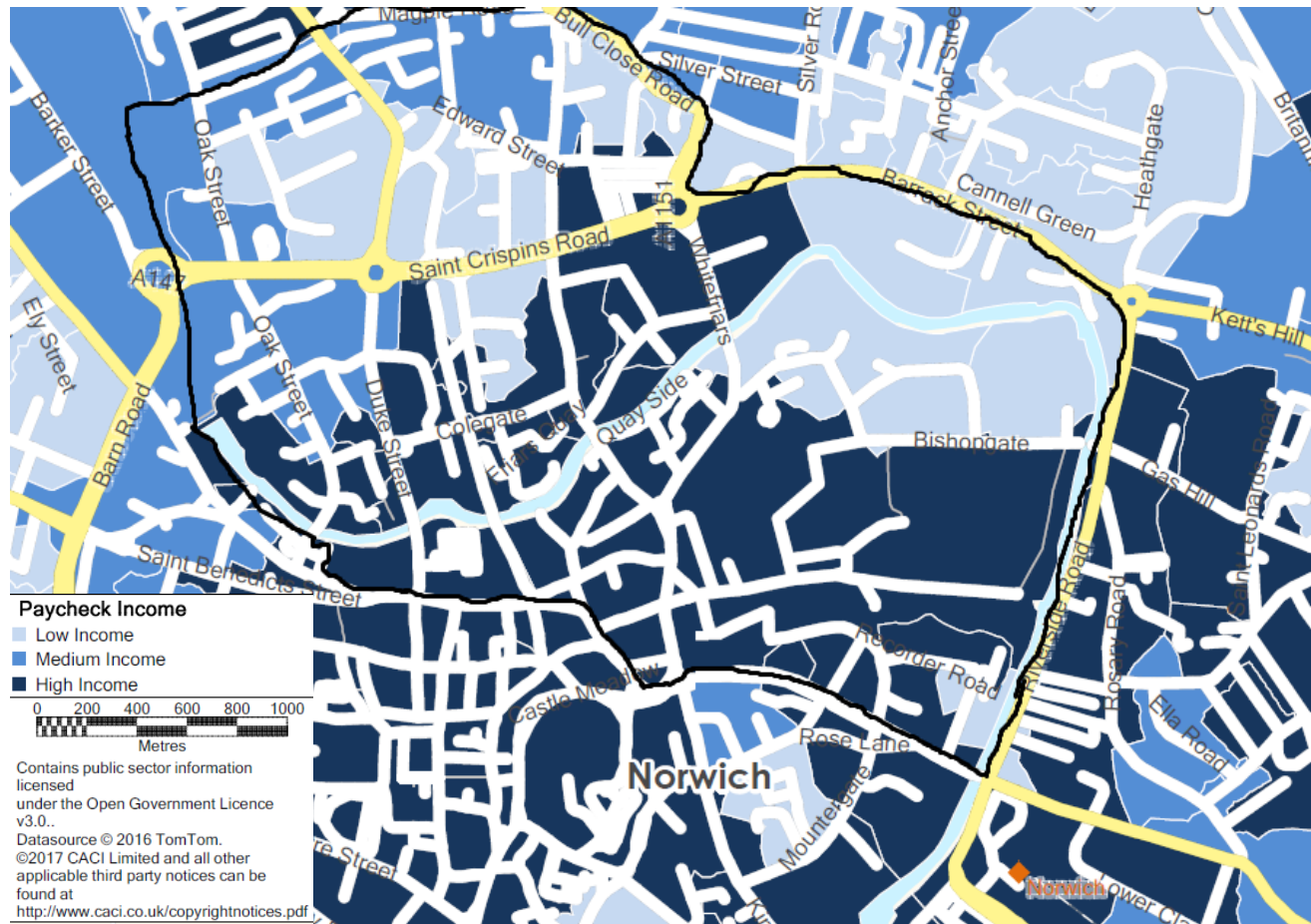
| Name | Organisation | Proposed Neighbourhood Forum | Proposed Neighbourhood Plan Area | Other Comments |
|----------------------|--|------------------------------|----------------------------------|---|
| Late Representations | | | | |
| Charlotte Jarvis | Historic Environment | Neutral | Neutral | General/Factual advice given for next stages |
| Hannah Bevins | Amec Foster Wheeler on behalf of National Grid | Neutral | Neutral | National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect its assets. National Grid has identified that it has no record of specific apparatus within the Neighbourhood Plan area. |

Indices of Multiple Deprivation data

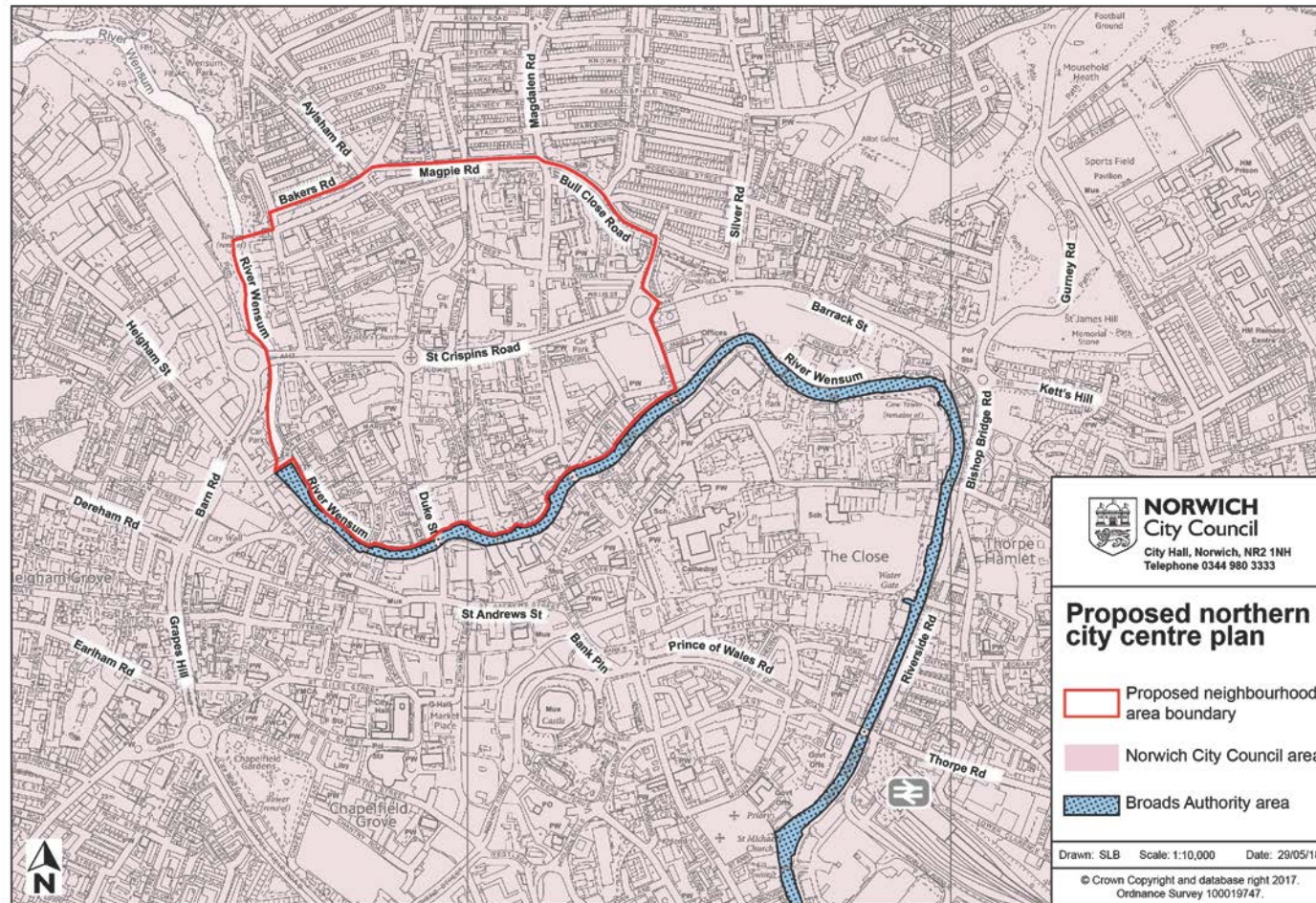
Indices of Multiple Deprivation data



CACI Paycheck data



Appendix 4: proposed northern city centre neighbourhood area boundary



Appendix 5: Cathedral Magdalen St Augustine's neighbourhood forum: distribution of membership

