

**Report to** Planning applications committee

**Item**

8 November 2018

**Report of** Head of planning services

**Subject** Application no 18/01062/NF3 - Heigham Park,  
Recreation Road, Norwich

**5(f)**

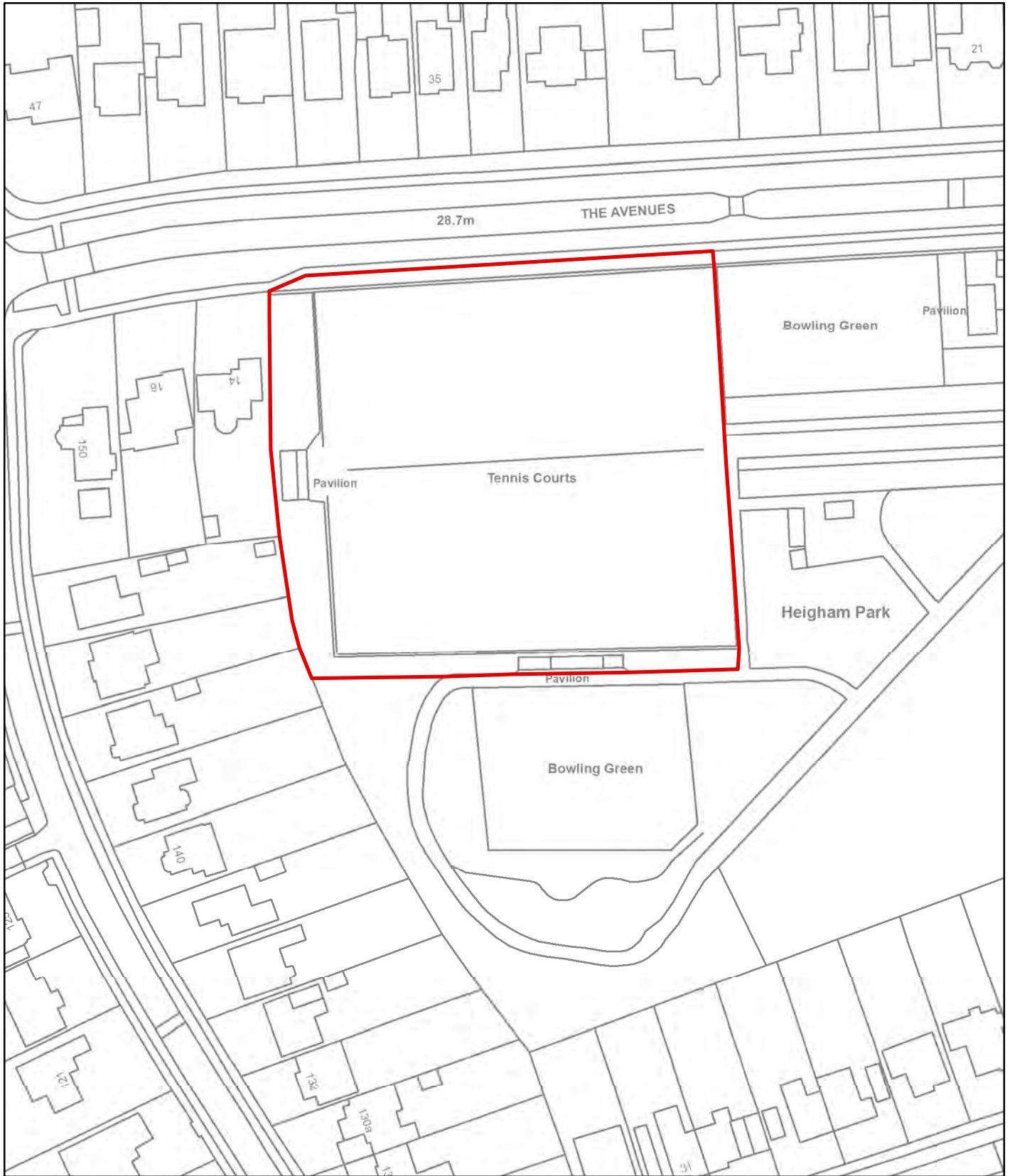
**Reason for referral** Objection / City council application or site

---

<b>Ward:</b>	Nelson
<b>Case officer</b>	Lee Cook - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

<b>Development proposal</b>		
Construction of 3 all-weather hard tennis courts with flood lighting, on the grass courts.		
<b>Representations</b>		
Object	Comment	Support
119	3	10

<b>Main issues</b>	<b>Key considerations</b>
1 Principle	Use of site for recreational use
2 Heritage	Historic park; view to pavilion; access; alternatives
3 Design and Landscaping	Scale; landscape setting
4 Trees	Tree protection and retention
5 Amenity	Light impacts; noise
6 Transport	Verge parking; access
7 Biodiversity	Habitat; protected species
<b>Expiry date</b>	12 October 2018
<b>Recommendation</b>	Approve

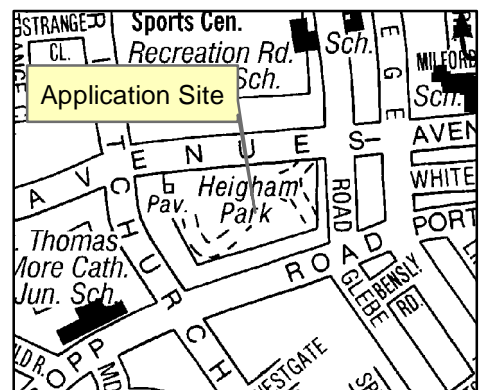


© Crown Copyright and database right 2018. Ordnance Survey 100019747.

Planning Application No 18/01062/NF3  
 Heigham Park  
 Site Address Recreation Road  
 Scale 1:1,000



**NORWICH**  
**City Council**  
 PLANNING SERVICES



## The site and surroundings

1. The application site is located within Heigham Park, a designated Historic Park, sited to the south of The Avenues. To the north and west of the application site lie residential properties, with a school and associated sports centre beyond to the north. To the east lies the bowling green within the Park. To the south lies the historic bowling pavilion and former grass bowling green.
2. The main access to the Park is located in the north-west corner of the Park adjacent to The Avenues/Recreation Road junction. A secondary access has been created off The Avenues close to the WCs, cycle parking and bowls pavilion to provide out of hours access to the Bowling Green.

## Constraints

3. The site is designated as a historic park (scheduled) (Policy DM9). The park is designated as open space (Policy DM8). The area is within a critical drainage area (Policy DM5). No. 21 The Avenues (opposite the bowls pavilion) is locally listed.

## Relevant planning history

4. As part of Norwich City Council's proposed Norwich Parks expansion project, improvements were approved by Members at the committee meeting in May 2017 for three other parks within the Norwich area at Harford Park, Eaton Park and Lakenham Rec. These works were approved under applications 17/00504/NF3, 17/00505/NF3 and 17/00506NF3. The related application at Heigham Park 17/00485/NF3 was withdrawn by the applicant enabling consideration of changes to that scheme.

Ref	Proposal	Decision	Date
4/2000/0874	Alterations to bowls pavilion.	Approved	12/12/2000
05/01234/NF3	Alteration to existing public toilets.	Approved	28/02/2006
17/00485/NF3	3 No. all-weather hard courts with floodlighting.	Withdrawn	27/06/2017

## The proposal

5. The construction of 3 all-weather hard courts, associated secure fencing and flood lighting to replace ten existing grass surface courts together with a new pedestrian and cycle entrance created off The Avenues to allow access after the park has closed. This forms an additional phase of the Norwich Parks Tennis expansion.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total floor space	The red line area sits within the north western corner of the park and covers the extent of the existing grass tennis courts, an area of approx. 5800sq m.
Max. dimensions	Proposal uses part of the existing grass surface court area. Fencing ranging between approximately 3m and 1.2m high. Lighting columns 7m high plus lights
<b>Appearance</b>	
Materials	Various height weldmesh fencing and new gates to match. Bespoke design sunflower gates within Park. Black finish to lighting columns. 18 columns 14 lamps. Green coloured porous hard courts
<b>Operation</b>	
Opening hours	Hours of use are described as 08:00 to 22:00 hours throughout the week
Ancillary plant and equipment	Electrical feeder pillar on south side of site approximately 1180mm high, 1527mm wide and 300mm deep.
<b>Transport matters</b>	
Vehicular access	No new provision – existing maintenance access via entrance on The Avenues/Recreation Road
No of car parking spaces	No new provision
No of cycle parking spaces	Six new cycle parking stands are proposed to accommodate 12 cycles for those using the courts.
Servicing arrangements	Via the entrance on The Avenues/Recreation Road. Existing bins etc. located on the park

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Further notification was sent / advertised from 17<sup>th</sup> August due to comments received concerning the description of the application, the applicant agreed to amend this and omit the word ‘former’. 132 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<b>Support</b>	
Improves access for all user groups including those with disabilities. Enables whole family use relatively cheaply.	

<b>Issues raised</b>	<b>Response</b>
<b>Support</b>	
Support on condition closing time is 9pm. Object to annual fee - should be free of charge.	
Enables people of all ages to become more active. Provide year round opportunity to play tennis. Very local, easy to access. All weather courts would be an asset. Safe place to introduce young people to sport.	
3 hard courts would be welcomed by players that don't live on the Eaton side of Heigham Park.	
Financially self-sustaining. Hopefully makes investment for other parts of the Park.	
Grass courts are a great facility but woefully underused. Proposal makes better use of space than grass courts. Grass courts poorly maintained and rarely used - waste of space that could be used to enhance the park by using some as play area for children 6yrs-teens. Would like to see multi-use hard courts.	
Little value in maintaining a deteriorating asset.	
Use posts to prevent parking on verges.	

<b>Issues raised</b>	<b>Response</b>
<b>Objections</b>	
Parking on verges – health of trees (Council letting them die). Nothing left of Avenues will be green (verges are waste land and trees dying). Application shouldn't be considered until parking on verges is resolved, inhibits access and visibility. Parking already at dangerous levels. Highway safety – traffic danger to cyclists. Questions officer comment that proposal will lead to reduction in parking demand.	Para 25, 36 Main issue 2, 3, 4 and 6
People appear to be living in campervans on verge.	Not a relevant in this instance.
Park is a local park and increase in parked cars coming from outside area is not acceptable.	Para 24, 25, 76
Increased traffic = increased pollution. Noise pollution – car doors, shouting, increase in noise year round, especially in evenings , effect on peaceful atmosphere of park. Late finish time effect on amenity – reduce to 9pm. Hard surface lit area will lead to more anti-social behaviour.	Para 16 Main issue 5
Light pollution – will reduce natural ambience of park, disturb local wildlife, visual disturbance not acceptable in this area. Shouldn't be floodlit. Negative consequences to residents. Will pollute night sky.	Para 16, 31 Main issue 5 and 7
Contrary to original park design by Cpt Sandys-Winsch, completely out of keeping with historic park. Impact is high on less than substantial – Statutory consultee on heritage has objected. Agree with Gardens Trust comments. Still disrupts view of pavilion. Yet another part of original park will disappear – Rockery went long ago, Bowling Green and hut are a mess. Historic character and tranquillity will be ruined by unsightly fencing and flood lights.	Para 15, 17 to 23 Main issue 1, 2 and 3

Issues raised	Response
<b>Objections</b>	
Currently very quiet and peaceful area – will be considerable noise and disturbance – worse in summer. Tampering with original concept of park, irreversible gouging out of a significant part of local heritage. Fundamentally change nature, ambience and function of park. Irreversible impact on park. Tennis courts are part of what makes Heigham Park special.	
Hard surface and removal of yew hedge is environmentally insensitive.	Para 32 Main issue 3, 4 and 7
2m high fence is deemed adequate. Inconsistency in heights would not help aesthetics. Why is 3m fencing required?	Main issue 2 and 3
Will have detrimental effect on environment of park. Grass courts were (when open) a valuable local asset and city's amenities and eco-friendly part of park. Cost of returning to grass would be immense so they are effectively being destroyed. To cover grass with asphalt is contrary to ecological good practice. More and more of Norwich becoming concrete.	Main issue 1, 2 and 7
Council have allowed courts to become disused through poor monitoring and maintenance. Council decision lead to closure, not lack of interest. Incompetent and ill managed affair by Council.	Not considered to be a relevant planning matter in this instance.
Need processes to monitor maintain new courts. Grass courts should have had controlled access as proposed now. Do not believe Council knows how many people use grass courts – because no one on site to pay. £40k saving stated but no cost breakdown – financial grounds behind application are spurious. If it is a cost decision, local residents could voluntarily contribute. Unaware of evidence hard courts would be more popular. Questions user analysis, business model and consideration of alternatives. If agreed will be a politically motivated decision by a Council with an unhealthy majority.	Main issue 1 and 2 Norwich parks tennis is a means to provide good quality and affordable tennis facilities, including monitoring, in association with a third party provider.
Strange that LTA paying to destroy grass courts and complicit in eradication of lawn tennis.	Para 33 to 35
Last grass courts – people very attached to them. Loss of unique playing surface – special experience of playing on grass for all ages. Grass courts safe play to introduce children to tennis as softer landing and easier on joints. Has health benefits over hard court play. Green space encourages calm. Loss has an equalities impact for elderly and those with certain medical joint problems. .	Main issue 1 and 2
Adequate tennis courts at Eaton Park – rarely all in use at same time, unnecessary additional facility. Spend money on floodlights at Eaton Park or introduce tennis to other areas of city.	The sites are in various locations across Norwich. Each case is considered on its merits.
Hard surface courts are still not all weather and also need	Noted

<b>Issues raised</b>	<b>Response</b>
<b>Objections</b>	
maintenance.	
Strongly recommend council give due consideration to the alternative proposal submitted by Heigham Park Grass Courts Group. Support community based solution where local group takes on maintenance of grass courts. Better to maintain as grass area. Local business plan to take financial burden off Council.	Main issue 1 and 2
Council's job to provide varied and inclusive amenities for citizens – application will result in fewer people being able to play and Norwich Parks Tennis will make it more exclusive. Should encourage a variety of surfaces including grass.	Para 33 to 35 Main issue 1
Non-tennis players may have had ideas for area if they had been asked. Proposal for alternative play area with other facilities and planting. Should look first to other uses if grass tennis is to be lost. Local opinion is being ignored. Majority response at pre-app was to keep grass courts.	This is not part of this application. Each case is considered on its merits.
Money better spent on improving parking provision. Unrealistic to assume all would walk and cycle.	Main issue 6
Prevent natural water drainage. Grass courts absorb run off and reduce flooding. Heat Island effect of more hard surfaces.	Para 82
Consultation period should be extended – summer holidays. Cynical people may question timing. The way the application has been submitted – disingenuous, propaganda, during summer holidays.	Consultation including letters to adjacent properties, press and site notices has been undertaken in accord with protocol
Description of 'former' and 'disused' grass courts untrue and misleading – should be corrected and re-advertised.	Re-consulted on revised description.
Scheme is unchanged from last application.	Para 51 / 52

### **Friends of Heigham Park**

- The committee has asked its 34 members if they are for, against or neutral on this proposal for the park. 14 said they are against and 3 said they are for. Those who object to the proposal are against tarmac and floodlights in the area and would like to maintain the grass area in some form or another. Eight members specifically support the proposal put forward by Heigham Park Grass Courts Group. Members have been encouraged to express their individual views via the planning process.

### **CPRE Norfolk**

- Has concerns about the impact that the floodlighting associated with this development will have on local residents and its potential to increase light pollution. If permission is granted please ensure that the lighting is curfewed and the hours on

which the courts may be illuminated are restricted. It is also important that the floodlights involve the use of a white full-spectrum light source, mounted in full cut-off, flat glass fittings. The lights should be mounted horizontally to the ground and not be tilted upwards or outwards in any way.

### **Councillor Carlo**

9. Has provided a detailed written comment related to the application. This covers points under the main headings Heritage: (Historic interest; Artistic interest; Communal value; Setting of Heigham Park; National and Local Planning Policy; Weighing 'Less Than Substantial Harm' to Significance of Heritage Asset Against Public Benefits; Lack of Consideration of Options for Conserving the Heritage Asset; Continuation of Grass Tennis being Feasible; and Comments on the Heritage Impact Assessment (HIA) Statement); Adverse impact on local amenity: artificial lighting and car parking; Adverse environmental impact: climate change; Impact on social equity.
10. Concluding - The proposal is contrary to national policy guidance on conserving heritage assets and to local policies on safeguarding heritage and achieving sustainable development. On these grounds, the application should be refused, although it would be advisable for the applicant to withdraw the application at this stage in view of the conflict with national and local policy and lack of support from The Gardens Trust. Council leaders should abandon their plans for developing all-weather tennis courts at Heigham Park altogether and work with the Heigham Park Grass Courts Group to support their offer of a community-led solution.
11. In addition has advised that the Gardens Trust representation and many objectors to the application have stated their support for the Business Plan (July 2018) put forward by the Heigham Park Grass Tennis Group. A copy of the Business Plan has been forwarded for information.
12. As re-iterated in the updated NPPF, "Heritage assets.....are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". (para 184). The Business Plan prepared by a community interest group proposes taking over the maintenance of four grass courts from the Council, with the remaining area used for grass-based recreation. The proposal was conceived with the help of a local gardens historian who is very familiar with Heigham Park. Speaking as someone with an interest in garden conservation, in my view the Plan would support the conservation of the heritage asset which is integral to the park design.
13. Representatives of the Heigham Park Grass Tennis Group would be pleased to meet and talk through their proposal.

### **Consultation responses**

14. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.



## **Design and conservation**

15. The proposal is not considered to impact upon the significance of No. 21 The Avenues. However, the proposal is harmful to the significance of the Grade II Park and Garden. The harm caused is 'less than substantial'. Provided we are satisfied that there are no feasible alternative solutions, the 'less than substantial' harm caused by the proposal should be considered against the public benefits provided by the proposal (provision of multi-season/all-weather tennis facilities), including (where appropriate) securing optimal viable use.

## **Environmental protection**

16. Have reviewed this application and have no comments. Further discussion – confirm light pollution can be considered a statutory nuisance under the Environmental Protection Act (as amended), however the lighting assessment has considered the properties in the vicinity and shows there to be no significant luminance impact at nearby addresses.

## **Gardens Trust**

17. Comments in its role as Statutory Consultee with regard to development affecting a site included by Historic England (HE) on the Register of Parks & Gardens (RPG). Appreciates the withdrawal of previous application 17/00485/NF3 and commissioning of a Heritage Impact Assessment (HIA) to look at the points raised in original response as well altering the lighting. Sympathise with the difficult financial balancing act the Council faces, urge to listen to our comments before you make a final decision.
18. The HIA is thorough and it is clear the author agrees with our assessment that the proposed hard courts would affect the significance of this RPG (5.35 and 5.49 – “impact on the asset, the Park, is high on the less than substantial side.”). Must therefore see whether a solution can be found which satisfies your Council’s need to provide sustainable and affordable tennis facilities without substantially destroying this valuable, nationally important heritage asset.
19. New hard courts are sited across and blocking the main vista to the Pavilion, even though the Pavilion is less obscured than in the previous application. Unable to support an application with this basic design flaw which impacts on significance and understanding of the original design intent. Sandys-Winch had national recognition in recognition of his achievements in laying out the Norwich Parks. Since the HIA was written a new NPPF has come into effect. In particular we would draw your attention to paragraph 194 - Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm to or loss of: (a) ... grade II RPG should be exceptional.
20. Proposals also do not comply with Para 195a & b : “the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation...” This is supported by the costed and carefully reasoned Business Case submitted by the Heigham Park Grass Tennis Group. Urge City Council to consider this very seriously. It would remove any costs for the running and maintenance saving the £40,000 mentioned in the Planning Statement (PS).

Their solution also has the benefit of having the pavilion within the securely fenced area, protecting it from vandalism.

21. Argue that applicant's comment (PS 1st para, page 2) "The introduction of new facilities is an opportunity to start to put the heart back into a number of Norwich's Parks" has only become necessary in Heigham Park because the council forcibly closing the grass courts in September 2017. Take issue with the term 'disused' and 'former grass tennis courts'. The PS makes clear that there is a huge demand for tennis facilities within Norwich. Would argue that a total of 46 hard courts (yet no other grass courts), strengthens the case for the retention of this facility as there is considerable alternative hard court provision nearby.
22. Accept that for most court operators, year round and evening play is a major factor within their business model, but in this instance, there is an operator ready and willing to take on the courts as they stand. Urge officers to give this particular heritage site a reprieve, and allow the Group five years to prove that they can maintain and keep this heritage asset. The money saved during this period, plus any additional funds from the Lawn Tennis Association or other bodies can be used to provide additional hard courts in less sensitive locations.

### **Norfolk Gardens Trust**

23. Supports the objections put forward by Conservation Officer for the Gardens Trust. Would like to bring the LPA's attention to Chapter 16 and paragraphs 194, 195, 196, 199 and 200 of the NPPF which have relevance to the proposal. The Grass Courts Group has produced a summary business case for the continuation of grass courts. Paragraph 200 of the NPPF is of particular relevance. Norfolk Gardens Trust are aware of financial constraints faced by the Council, but the proposals of the Group could benefit the Council and maintain a very important feature – as such they should be taken on board.

### **Highways (local)**

24. No objection on highway grounds. Provision of temporary vehicular construction access and a permanent new pedestrian access to The Avenues is acceptable. Temporary asphalt of the verge might be necessary but this would then need to be reinstated to grass verge. Given the reduction in tennis courts from 10 to 3 the potential traffic generation at any one time will be reduced significantly. Heigham Park does not have a dedicated car park, but unrestricted parking is currently available on The Avenues.
25. Aware of extant issues with parking on The Avenues causing concern to residents i.e. verge parking that damages the grass. This has been ongoing for many years but has worsened as local parking controls have been introduced. To respond to this suggest use of highway fund for a parking management. This scheme for consultation/implementation during the financial year 2018/19. will seek to prohibit parking on the grass verges adjacent to the park and provide two bays for short stay parking. This new arrangement should manage the known parking issues and provide a useful supply of parking.

## **Historic England**

26. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions. Suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

## **Landscape**

27. Generally the proposals are an improvement on the previous application and have responded well to concerns raised. The Heritage Impact Assessment and Planning Statement set out the thorough process to which the development of the project has been subject.
28. Replacement gates with replica sunflower railings and would this partially blocks the view of the pavilion is noted. The proposal has been modified to minimise visual impact with the impact being reversible as the removal of courts and reintroduction of grass or grass courts is possible in the future. The proposed sunflower gates are well designed and are therefore supported. The secure entry gate from The Avenues would have a rather functional appearance a higher quality design would be preferable. This would also have a better visual impact on the streetscape.
29. With the hours of court operation there is potential for unnecessary light pollution and disturbance. Further details should be conditioned to ensure that lighting is minimised and controlled. It is likely tennis courts will lead to an increase in trips by car to the park. Increased parking on highway verges with consequent negative impacts on the streetscape some measures to protect nearby verges should be provided. The 12 new cycle parking spaces are supported. The proposed interpretation panel would be worthwhile. However the location and details are unclear. A condition for this would be helpful.

## **Norfolk historic environment service**

30. Heigham Park is a grade II registered park. However, the replacement tennis courts have no known archaeological implications and we do not need to be formally consulted on this application. No comments to offer.

## **Natural areas officer**

31. No objection in principle. The Phase 1 Ecology and Protected Species Assessment has been produced by suitably qualified Ecologists. The conclusions and recommendations are generally accepted. Specifically, the impacts of lighting are considered to be of negligible significance for bats. Raised issue of proposed fencing and small mammal access - could create a trap for animals that enter the area. To avoid this scheme should consider catering for movement through the fenced area and existing fencing within and around the park by use of access points through or beneath fences.
32. Preferable for works to remove the hedgerow to be undertaken outside of the nesting bird period with alternative for a watching brief to protect nesting birds. It would be reasonable to expect the development to include some modest ecological enhancements to provide net gains in biodiversity. Suggested the removal of existing fencing around the area south of the courts to enable movement of wildlife and improve the potential for future ecological improvements in this area of the

park; hibernacula such as log piles located in quiet spots around the park; and bird nesting and bat boxes elsewhere in the park.

### **Sport England**

33. Sport England has consulted the LTA on these revised proposals, and they have responded ... *"We support this planning application but this does not guarantee funding support at this stage"*. Sport England is satisfied that the proposals will meet an identified local need for pay and play tennis facilities in Norwich, and that the design of these courts meets Sport England/LTA technical design guidance.
34. Sport England offers its support for this this application, as it is considered to meet its sport Objectives, in that the scheme will provide enhanced tennis facilities for the local community, and are part of a wider programme to improve access to tennis in Norwich. A planning condition will need to be imposed with regard to the hours of use of the facility, given that floodlighting is to be installed.

### **Sport and leisure development manager (City Council)**

35. The proposal for three all- weather hard courts with floodlighting on Heigham Park is a key element of the Norwich Parks Tennis expansion project which aims to deliver tennis provision on a sustainable basis for the future. The project which has the support of The Lawn Tennis Association and Sport England will enable tennis to be played all year round and will help meet existing and future demand for the sport.

### **Tree protection officer**

36. No objection in principle. No trees will be removed and, as long as protection measures are put in place and maintained during development, this proposal is achievable from an arboricultural perspective. Raised the issue of verge parking and asked for assurances that this will be given due consideration to help prevent further tree damage by ground compaction.

## **Assessment of planning considerations**

### **Relevant development plan policies**

37. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
38. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **39. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF 8 Promoting healthy and safe communities
- NPPF 9 Promoting sustainable transport
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 Conserving and enhancing the natural environment
- NPPF 16 Conserving and enhancing the historic environment

#### **40. Supplementary Planning Documents (SPD)**

- Landscape and trees SPD adopted June 2016
- Heritage interpretation SPD adopted December 2015

### **Case Assessment**

41. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

#### **Main issue 1: Principle of development**

42. Key policies and NPPF sections – JCS1, JCS2, DM1, 2, 6, 7, 8 and 9 NPPF sections 2, 8, 12, 15 and 16

43. There are various main policies within the DM Plan relevant to this site. Policy DM1 promotes the economic, environmental and social dimensions of sustainability including promoting mixed, diverse, inclusive and equitable communities, by increasing opportunities for social interaction, community cohesion, cultural participation and lifelong learning.

44. Policy DM9 seeks to protect the character and historic form of locally identified heritage assets including unscheduled historic parks from any development that would adversely affect their character. Development resulting in harm or loss will only be permitted where there are demonstrable and overriding benefits from development or where it is demonstrated there is no viable means of retaining the asset within development. Policy DM8 seeks to prevent the loss of open space or adverse impacts on such spaces and policy DM6 and DM7 seeks to limit impacts in terms of the natural environment, whilst policy DM2 has regard to impacts on amenity. Policies DM30 and DM31 seeks to ensure suitable parking, servicing and access arrangements for new development.
45. The policies are generally permissive of recreational and sports development in the Park, providing that it can be demonstrated that this will not detract from its historic character, setting, space provision, transport implications and biodiversity interest or have an adverse impact in terms of amenity. Overall the proposed development will still keep the site for suitable recreational use and; therefore, there is no policy objection in principle.

## **Main issue 2: Heritage**

46. Key policies and NPPF sections – JCS1, DM9, NPPF sections 2 and 16.
47. The Park was designed and built between 1921 and 1924 on the Heigham playing field, by Sandys-Winsch offering formal as well as informal recreation with a central bowling green and pavilion, 10 grass tennis courts and pavilion, pergola, rockery, fountain, rose garden and linked radial paths for non-sporting pursuits all within a formal geometric layout. The Park together with three other Sandys-Winsch Parks have been registered as historic parks since 1993. The Park is registered grade II. The grass courts at Heigham Park closed in 2017 and are no longer maintained for tennis.
48. Historic England in the designation description, states:

“The western half of the site is bisected by a walk which leads from the central bed, between borders and flower beds set in grass and backed by yew hedging, to an ironwork screen and gate decorated with a sunflower motif. Beyond is the yew-hedged square of tennis lawns which occupy the north-west corner of the site. The line of the west walk continues across the centre of the courts to a pavilion.”

This proposal lies within the existing ‘tennis sector’ which appears to have been clearly designed around the standard sizes of courts at the time.

49. The sunflower railing/gates to the tennis courts are said to be originally designed as part of a pagoda style ‘Lawn Pavilion’ for the Philadelphia Centennial Exhibition in 1876. Following the exhibition the Pavilion was exhibited in Paris and then relocated to Chapel Field Gardens in 1880 where the Pavilion survived until ‘bomb damaged’. There is conflicting evidence as to the date of the relocation of the sunflower screens to Heigham Park but these have since formed a characteristic part of the Park.
50. A detailed heritage assessment has been submitted with the application to help consider the impacts on heritage assets of the Park and within the immediate

locality. The report, along with consultee comments received on this application, indicates that impact on the Park in evidential, design and aesthetic value is high on the less than substantial scale, overall. The impact on the illustrative and associative values will have a neutral impact, overall. This impact will need to be weighed, on balance, against the public benefits of the scheme as required under para. 196 and as appropriate para 193 and 194 of the NPPF.

51. The proposals have been revised from the previously withdrawn scheme ref. 17/00485/NF3 and include: The fencing to the courts has been reduced in height or removed, when compared to the standard, were possible; The fencing and gates to the new access and the existing access have been reduced to a minimum; The courts' external 'run-off' areas have been reduced; The north-south alignment of the courts and their position within the former grass courts has been arranged to avoid blocking views along the principle axis of the Park; Replacing the existing gates with replica sunflower gates; Introduction of an interpretation panel for the Park.
52. The fencing along the side of the courts has been lowered so it will sit below hedge height. The height at the corners has to be kept high to retain balls and so the courts have been realigned so that the high fence returns and lighting columns are not in the line of view down the path between the herbaceous borders through to the pavilion. A bespoke sunflower gate will be manufactured to replace the industrial type gate to complement the view down the path, as suggested by the Gardens Trust. Replacement of the existing gates with replica sunflower railings would partially block the important view of the pavilion from the east along the east-west vista.
53. The proposal has been modified to minimise visual impact on the east west axis of the original layout, maintaining the inter-visibility as much as possible between the long border and the pavilion. The impact is reversible as the removal of courts and reintroduction of grass or grass courts is possible in the future. The proposed sunflower gates are well designed, historically appropriate and made of quality materials.
54. The conservation and design officer has raised issue with the potential for these new gates to obscure views of the pavilion when closed. Historically the only obstruction across the view from the 'central point' towards the thatched tennis pavilion is believed to be the gates across the pathway. To his knowledge these gates have been left open during the open hours of the park. If correct then for these gates to be closed during the opening hours of the courts would be harmful to the view along the pathway. Options to open the gates or redesign the court enclosure, reintroducing a higher fence when viewed through the gates, has been discussed with the applicant. They confirm that an arrangement could be considered to leave the gate open when the operator is present and this would be explored further when considering final details of management arrangements.
55. The installation of a new entrance into the proposed tennis courts from The Avenues would be harmful to the Historic plan form and circulation of the park. Historically the only access into the Park has been from the corner of the Avenues and Recreation Road. However; there has been a later insertion of an opening onto The Avenues serving the Bowling Green outside of normal park opening hours. This sets a precedent for the acceptability of the 'less than substantial' harm caused by an opening serving the tennis courts. The cumulative impact of these two openings does not cause concerns in terms of visual amenity when viewed along

The Avenues. Subject to details being agreed for this new gate the impact of the opening within the hedge line is considered to be acceptable in the circumstances.

56. In terms of the alternative business model the community group management of the court has been discussed with the applicant who has advised that they have explored this option with a group previously. The requirements for consideration and relevant guidance were provided but the group did not pursue the matter further. The delay resulted in missed funding deadlines. The LTA funding level has changed since then, is less favourable and requires matched funding. The sum for which is approaching deadline for spend. Their decision is to progress with the project as proposed to avoid further delays and avoid a risk of no improvement to the park and being unable to expand Norwich Parks tennis further, as Heigham is a key part of a larger project.
57. They have reviewed the second expression when received and advise that it was evident that there were omissions which need querying and predictions of membership and costs which needed greater exploration to understand the rationale behind them. The costings seemed on the low side based on the applicant's experience. The business case did not deliver the council's objectives behind the provision of Norwich Parks Tennis. Quality, affordable, year round tennis on a sustainable basis into the future. The Gardens Trust and other consultees have agreed that the proposals result in less than substantial harm. The test to require refusal or support for alternative management under para. 195 of the NPPF falls away. However; in positively determining this application this does not prevent the applicant from considering alternative options if these are considered suitable.
58. The submissions set out that Norwich Parks Tennis model offers to increase participation in tennis, manages and runs successful hard courts in other Norwich parks. The partnership working with the Parks and Open Spaces attracts grant aid from the Lawn Tennis Association, although match funding is required. This model allows for the self-financing of the courts in the long term, a sustainable model.
59. This proposal is maintaining the historic recreational use of this part of the park, albeit in a modernised form adopting new space standards. It is noted that the reintroduction of public grass courts within the city at some time in the future could be possible where this becomes a viable option. The proposed interpretation panel would be worthwhile. However the location and details are unclear. A condition is suggested in order to agree siting and content.
60. The revised proposal reintroduces tennis to the park, whilst protecting the historic environment where possible and offering mitigation and public benefits. Any harm is considered in this instance to be outweighed by the public benefits arising from improved recreational facilities and enhanced use of the site.

### **Main issue 3: Design and Landscaping**

61. Key policies and NPPF sections – JCS1, JCS2, DM3, NPPF sections 12 and 16.
62. The development introduces new hard surface facilities and enclosures within the existing grass tennis area. Changes to the fence arrangement and external landscape areas are minimal and involve the insertion of new access control and maintenance gate from The Avenues. Leading to the gate would be a new mat access route. An electrical feeder pillar would be located on the north side of the



site close to this court entrance. The hard courts would be finished in a green colour which would aid impact on the area. Conditions are suggested for submission of final details to ensure an appropriate design finish to surfaces and equipment is provided.

63. Fencing has been designed to minimise its heights were possible to help maintain open views across the courts. Replacement gates with replica sunflower railings would be placed at the east entrance. The secure entry gate from The Avenues would have a rather functional appearance and final details of both gates are suggested to be sought by condition to ensure their quality. The proposal has been modified to minimise visual impact and the proposed courts and sunflower gates are appropriately designed.
64. Increased parking on highway verges with consequent negative impacts on the streetscape has led to discussion about funding to help introduce measures to protect nearby verges. The principal change in visual terms is the introduction of floodlighting. These have been designed to allow views through to the pavilion and kept at a minimum for the number of courts proposed. The changes have limited visual or operational impact within the area.
65. The design of the new courts is such to meet modern standards in order to attract users and to be of a form which will be more likely to attract financial support for its use. Accessible, well-lit and secure hard courts should attract players from across the city, have more use all year round, thereby generating income to maintain the courts and ensuring the use of the park throughout the year. Floodlighting will also allow the courts to be used in the early evening, again promoting activity in the park and making the area more secure.

#### **Main issue 4: Trees**

66. Key policies and NPPF sections – DM7, NPPF sections 2 and 15.
67. No trees are significantly affected by the proposal. Work to create hardstanding surface tennis courts are located outside of the RPA's of the trees located within the park and on the highway. Areas for construction exclusion zones have been identified within the submitted report and plans. Installation of protective fencing is to be agreed prior to work starting and should be retained for the duration of the works. The location of the service cables also does not conflict with the root protection area (RPA) of any tree. It is suggested that the storage of materials, machinery, excavations, the locations of any site huts, parking etc. are located away from any trees within the Park and details of this agreed under any initial site meeting with the tree officer.
68. To prevent further ground compaction within the application site adequate ground protection is suggested to be used both in the access area and also where vehicles are to be loaded and unloaded with materials and spoil from the construction. An assessment of the height of the proposed fence and the canopy spread is required to assess if facilitation pruning is needed. Facilitation pruning work may be also required to prevent mechanical damage from high sided vehicles or loading /unloading activities. Conditions are suggested in terms of requirement for a site meeting and submission of any required site plans and statements for subsequent works etc. and compliance with any agreed tree protection information.

69. The tree officer has raised the issue of verge parking, and the damage already caused to the trees along some parts of the grass verge, by ground compaction. It is difficult to directly associate an increase in parking activity and requirements for off-site works within the parameters of this application. However; options to control parking along the grass verge are discussed in the transport section below which could help in reducing the potential for further tree damage by compaction

### **Main issue 5: Amenity**

70. Key policies and NPPF sections – DM2, DM11, NPPF sections 2 and 12.
71. The potential impact on neighbouring properties from noise and floodlighting has been considered by the pollution control officer and has no observations to make. It is noted that artificial light pollution can be a statutory nuisance and this aspect has been discussed with the pollution control officer previously. The lighting assessment has considered the properties in the vicinity and discusses luminance of the vertical plane. The report shows compliance with the control of obtrusive light. Also, given that the nearest residents are a minimum of about 31.5 metres away to the west and 43.3 metres to the north, there are existing lights within this area, the site lies within an existing park and sports facilities and there are mature trees and hedges surrounding the area proposed for the tennis courts and lighting it is considered that the proposal will have only minimal impact on the amenities of existing residents. To further control amenity impact a condition is suggested to control the hours of use of the facility.
72. Lighting specifications and floodlight location details have been submitted with the application. Floodlighting for such activities is normally between 6 and 10 metres high. The scheme proposes a total of 18 lamps on twelve 7 metre nominal height columns to provide a balance between light provision and visual impact on the area. Light spill assessment indicates that the lighting can be designed to limit excess levels of illumination outside the area of sport activity typical of such facilities.
73. The operation of similar facilities in Norwich has been to configure floodlights so that individual courts can be lit at any one time and lights defaulted to be off and only come on when operated by a coach or a hirer which further limits any impact should all courts not be in use. Final details of lighting are suggested to be covered by planning condition.

### **Main issue 6: Transport**

74. Key policies and NPPF sections – JCS6, DM28, DM30, DM31, NPPF sections 2 and 9.
75. A number of concerns have been raised in relation to verge parking along The Avenues and resultant damage to verges and trees in this area. Heigham Park does not have a dedicated car park, but unrestricted parking is currently available on The Avenues. Transportation officers are aware that there are extant issues with parking on The Avenues that is a cause of concern to residents, i.e. verge parking that damages the grass. This parking issue has been ongoing for many years when the park and its tennis courts were operational, but the issue has worsened as local parking controls have been introduced.

76. Transportation officers have suggested the use of the members' annual highway fund for a parking management scheme for The Avenues, that will extend from Christchurch Road to Recreation Road, for consultation/implementation during the financial year 2018/19. The emerging proposal will seek to prohibit parking on the grass verges for the entire length of The Avenues adjacent to the park and provide two on-street bays for short stay parking (provisionally 4hrs 7 days a week) these bays can be used by any visitor to the area, including park and tennis court users. We are confident that this new arrangement will manage the known parking issues and provide a useful supply of parking for users of the new tennis courts and other park users.
77. Construction access, servicing and future cycle parking provision are adequately provided for within the scheme and conditions are suggested in relation to details of cycle parking, hard surface treatments for the new gate access area and in the protection of trees during construction phase.

### **Main issue 7: Biodiversity**

78. Key policies and NPPF sections – JCS1, DM6, NPPF sections 2 and 15.
79. The submitted ecology report notes that site is within Heigham Park which is included on the Register of Parks and Gardens of Special Historic Interest and contains mature trees and ornamental planting. There are no designated sites within 1km. The nearest County Wildlife Site is Earlham Cemetery CWS, which is 450m to the north.
80. The report indicates that the existing grass courts of about 0.51ha in area have negligible wildlife value. It is surrounded by a yew hedge of varying height. The surrounding trees are considered to have low potential for roosting bats and buildings to have no potential. The site has areas of higher illumination bounding it, including street lights. The site itself is not considered likely to be used by commuting bats, with any such bats using areas away from the existing enclosed area and shielded from light trespass. To protect bird species it is preferred that the works to breach the hedgerow are undertaken outside of the nesting bird period (March to August inclusive). The report reasonably concludes that the direct and indirect ecological impacts of this scheme will be negligible.
81. The natural areas officer has additionally asked for the development to include some modest ecological enhancements to provide net gains in biodiversity. To avoid the possibility of hedgehogs or other mammals becoming trapped within the fenced area of the courts it would be helpful if the applicant's Ecologist could consider catering for movement through the fenced area and existing fencing within and around the park by use of access points through or beneath fences. It has also been suggested that the existing fencing around the area south of the courts is removed to enable movement of wildlife and improve the potential for future ecological improvements in this area of the park. Hibernacula such as log piles located in quiet spots around the park and bird nesting and bat boxes elsewhere in the park (away from lit tennis court area) are also suggested to be sought by way of condition.

## Compliance with other relevant development plan policies

82. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition. Improved provision of cycle parking within this section of the park has been suggested which could be positioned to serve the tennis courts without significant impact on the area. The agent is open to this suggestion and a condition is suggested requiring details of cycle parking to be submitted and agreed.
Car parking provision	DM31	Yes subject to condition. No new parking is proposed but as part of the overall tennis strategy it has been suggested that travel information could be developed to encourage modal shift away from car usage when booking and using the enhanced courts. Funding measures for off-site works have also been suggested to control verge parking.
Refuse Storage/servicing	DM31	Not applicable – existing facilities are provided
Energy efficiency	JCS 1 & 3 DM3	The lighting will have energy usage implications but it is expected that lighting design and control will seek to limit energy use in line with other initiatives such as redesigned street lighting with LED and demand responsive lighting as part of carbon reduction policies
Sustainable urban drainage	DM3/5	Existing court area is being reused with a new porous hard surface and no change in grass surface surrounding the new courts. There should be no change in terms of surface water impacts.

## Equalities and diversity issues

83. There are no significant equality or diversity issues. The scheme provides for accessible facilities.

## Local finance considerations

84. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

85. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

86. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

87. In terms of the principle of development and the siting of the facility, the scheme will provide an essential recreation and outdoor sports facility that will encourage people to use the Park and for more parts of the year. Subject to further submission and approval of details in accordance with the planning conditions listed below the proposal represents an acceptable development that will enhance recreational facilities for the city as a whole whilst limiting impacts on the historic park, local amenity, access, biodiversity interest and landscape features. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 17/00505/NF3 - Eaton Park, South Park Avenue, Norwich NR4 7AU and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to be submitted of travel information plan;
4. Details to be submitted for heritage interpretation
5. Details of Arboricultural site meeting, Method Statements including site layout for construction activities / buildings, ground protection mats and for any facilitation pruning to be agreed and implemented;
6. Works in accord with condition 4 outcomes and Arboricultural Implications Assessment, Tree Survey and Tree Protection Plan during construction. Retention of tree protection and no changes within areas;
7. Details of landscaping including - hard surfacing materials to paths and access areas, ecological enhancement; mitigation strategy for hedgehogs or small mammal access programme, planting schedules and landscape maintenance to be agreed and implemented;
8. Details of cycle storage/parking; access gates and use; site lighting; operation of any site lighting to be agreed and implemented;
9. No use of lights after 22:00 hours or before 08:00 hours on any day.

### **Article 35(2) statement**

The local planning authority in making its recommendation has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.



NOTES



Proposals Key

- Proposed all weather surface - finished green laid to falls
- Proposed floodlighting column 7m high, with single LED fitting
- Proposed floodlighting column 7m high, with double LED fitting
- Proposed 1.2m high fence with pedestrian access gates in locations as shown, and 1.2m high panes separating courts, all finished green
- Proposed fence, weldmesh 3m high
- Proposed 2m high fence with pedestrian access gate in location as shown
- Proposed cycle stands

Summary of layout, design amendments and mitigation

Court block moved south in order to remove lighting columns from the view from gate to thatched pavilion.

Grass area to the west of court block enclosed within tennis court zone with 3m fence in order to enable lower fencing across the court sides and to protect thatched pavilion

Height of side fencing reduced to 1.2m to reduce the height of fencing obstructing the view of the thatched pavilion- some fencing is necessary for safety reasons

Northern fence to court block reduced from 3m to 2m to reduce impact from highway but also retain balls

Separate recreational zone to the south bounded by 3m fence (enables lower fences along court sides) with a new access point formed through the new hedge adjacent to the old pavilion for park users to access space

High fence along the side return as far as the base line lighting column will aid ball retention in the corners

Existing court entry gates replaced with approx. 2.5m high bespoke design incorporating automatic entry system and sunflower design to compliment the view along the central westward path

Lighting columns to be finished black.

Additional cycle stands provided to accommodate total of 12no cycles

Heritage interpretation board to be supplied as part of a signage strategy for the park.

© Crown Copyright and database right 2017. Ordnance Survey 100019747.

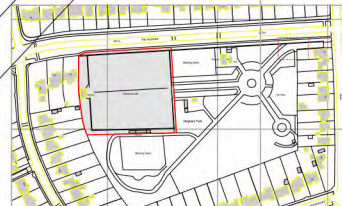
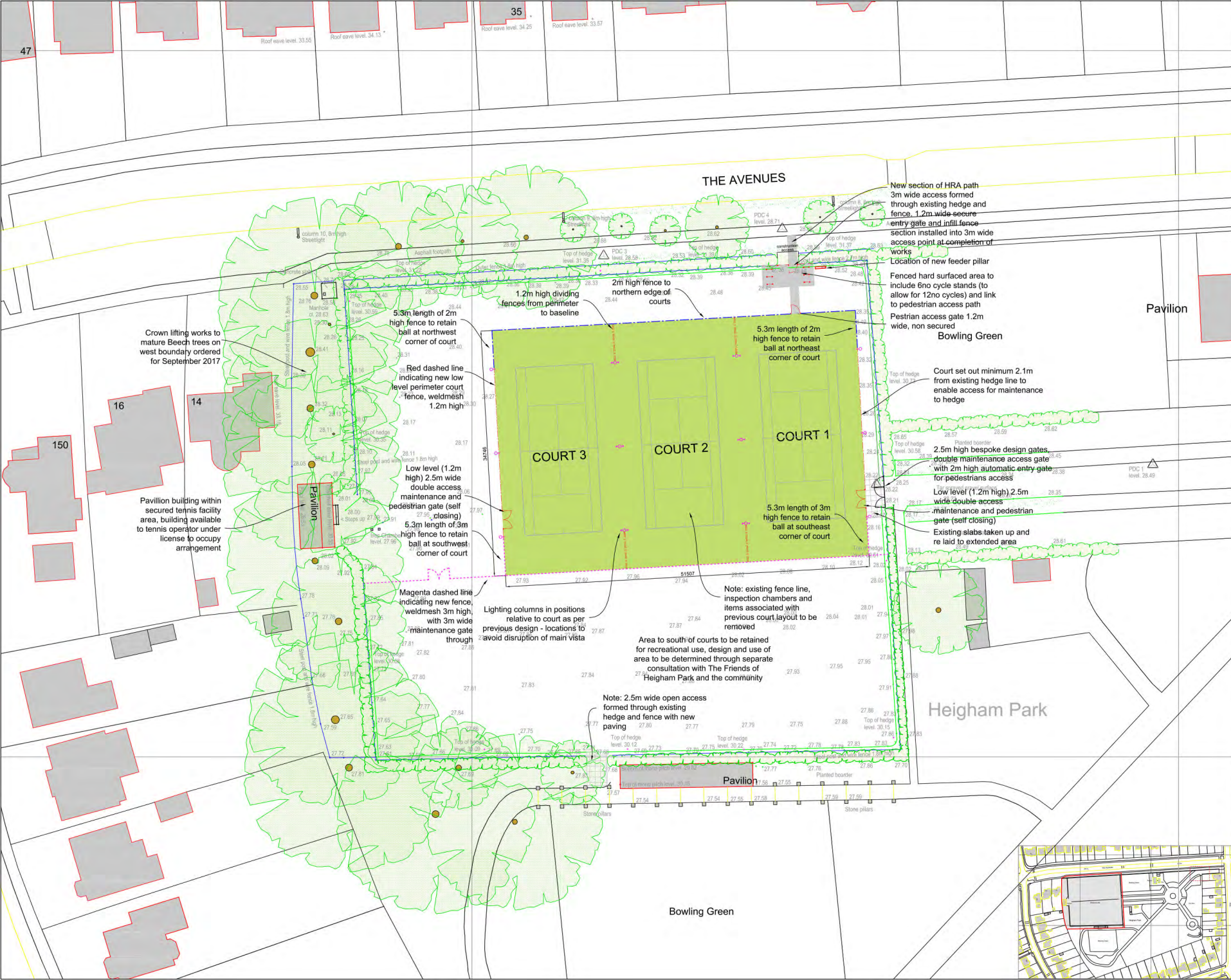
REVISIONS

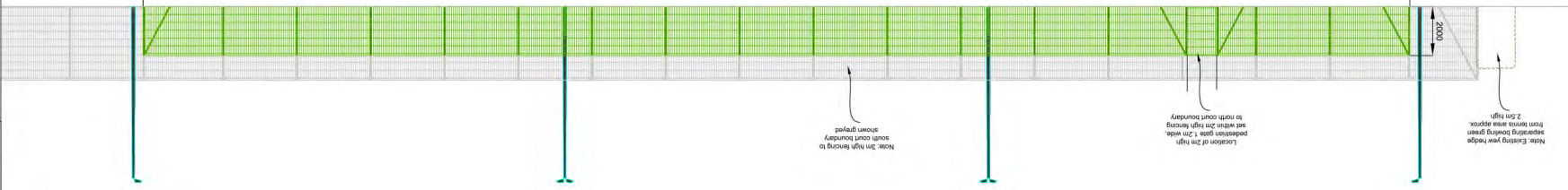
No.	Date	Notes	rev.	Ord.
A	June 17	Amendments to fence heights and layout to suit sport consultants advice	EL	EL
B	June 17	Further amendments	EL	EL
C	July 17	Additional info added to plan	EL	EL
D	July 18	Interpretation board note amended	LH	
E	4.7.18	Red line amended	LH	

Title  
**Norwich Parks tennis Expansion Project**  
**Heigham Park**  
 Revised Proposed Layout Plan  
 Option One  
 Adjusted court position with low level fencing

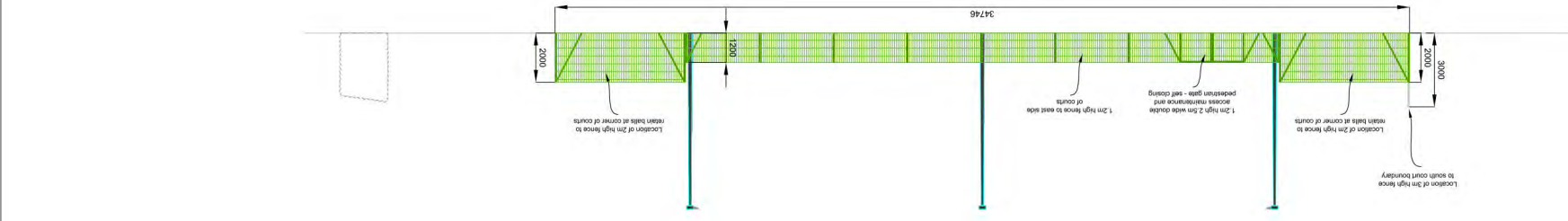
Scale(s) 1:250 @ A1  
 Date 06/06/17 DWG. No. LP17/001/P104 rev E  
 Designed by SM/MF  
 Drawn by EL  
 Checked by EL  
 NEG. No.

**Dave Moorcroft**  
 Executive Head of Services  
 Regeneration & Development  
 City Hall, Norwich, NR2 1NH  
 tel 0344 980 3333  
 planning@norwich.gov.uk

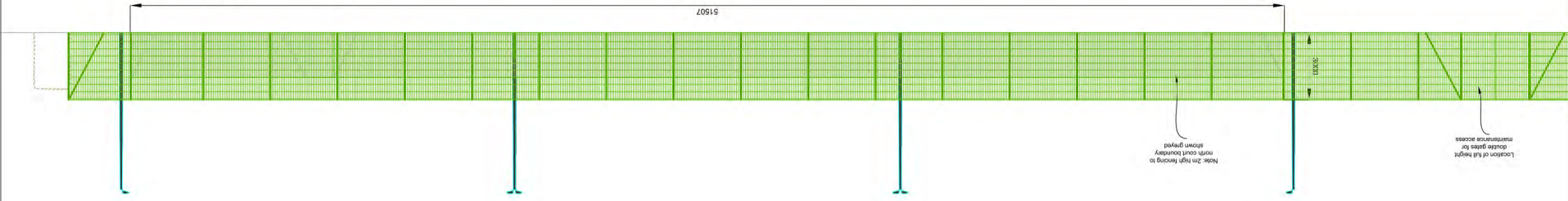




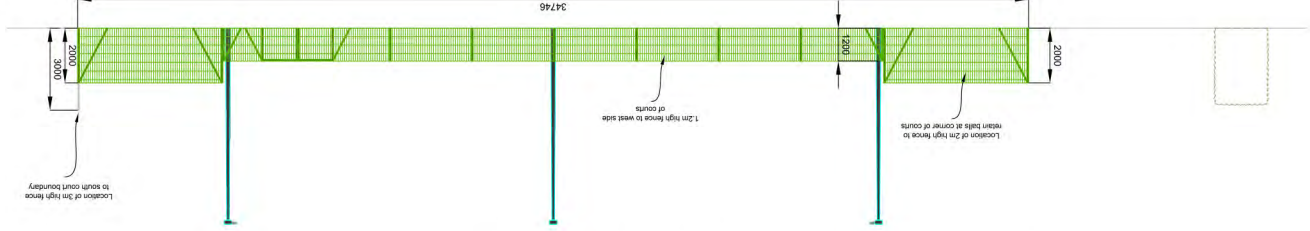
North Elevation (of courts only within yew hedge)



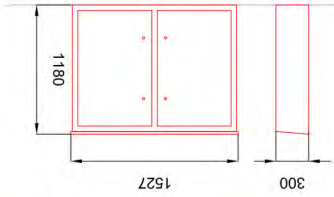
East Elevation (of courts only within yew hedge)



South Elevation (of courts only within yew hedge)



West Elevation (of courts only within yew hedge)



Typical feeder pillar detail  
Scale 1:25

**Materials Schedule:**

New fencing - 2m high walmesh to south end of courts, 2m high to north end of courts with matching gates in location shown and 2m high panels returned at corners to retain ball. 1.2m high panels to sides of courts and separating courts, all finished green.

Main court entry gates (within park) - Bespoke design 2.5m high incorporating automatic entry system and sunflower design, finished black.

New floodlighting - 7m high columns, finished black with LED fittings (see lighting consultants drawing and information pack for additional details).

Cycle stands - 6 'M' shaped stands from cyclehoop, finished black.

Court surfacing - All weather court surface, finished green and laid to falls for water runoff.

Other surfacing - Main pedestrian access surfaced in HRA with concrete flat-top edging. Existing slabs re-laid to eastern entrance, with additional slabs to match existing if required.

© Crown Copyright and database right 2017. Ordnance Survey 100019172.

REVISIONS		
No.	Date	Notes
B	20.6.18	PLANNING SUBMISSION PLAN
A	20.6.17	Revisions amended to suit layout changes
EL		
EL		
LH		

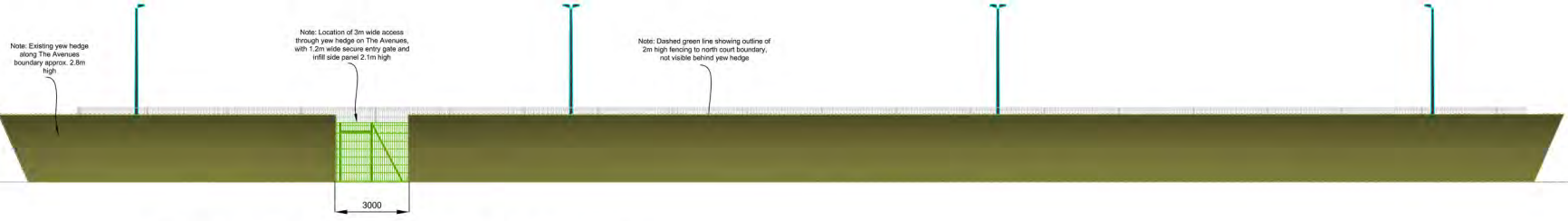
Norwich Parks tennis Expansion Project	
Heigham Park	
Proposed Elevations	

Scale(s) 1:100 @ A1	
Date	DWG. No.
09/03/17	LP17/001/P101 B
Drawn by: MF	
Checked by: EL	
NEC No.	

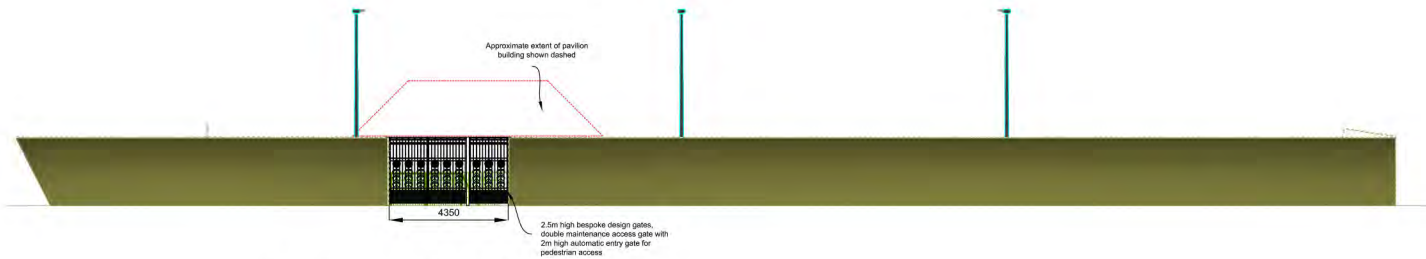
Dave Moorcroft  
 Executive Head of Services  
 Regeneration & Development  
 City Hall, Norwich, NR2 1NH  
 tel 0344 980 3333  
 planning@norwich.gov.uk



NOTES

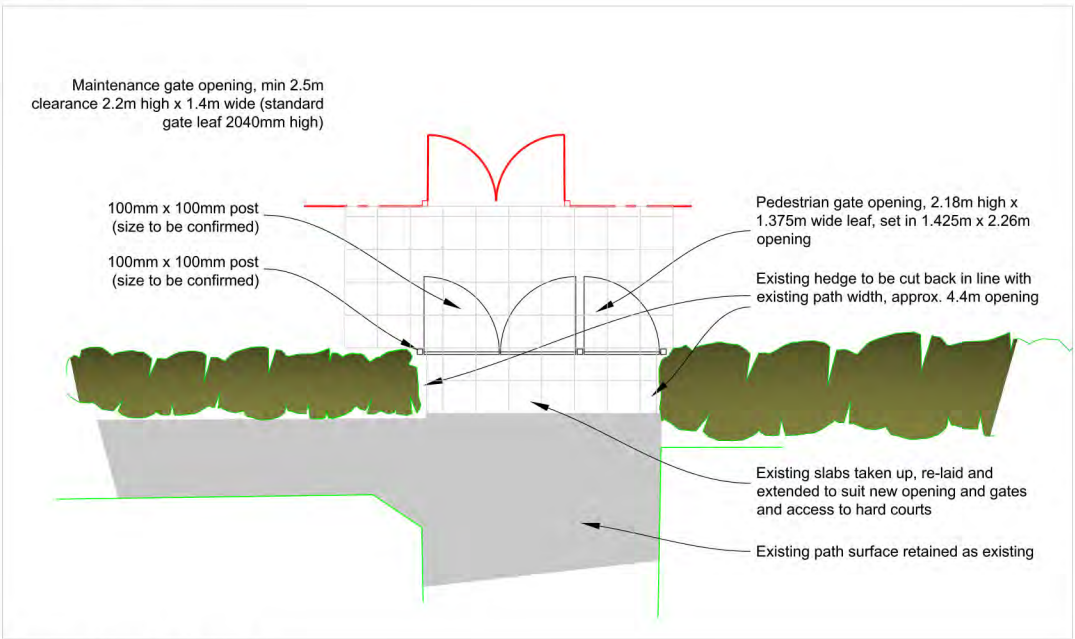


Partial North Elevation (view from The Avenues)

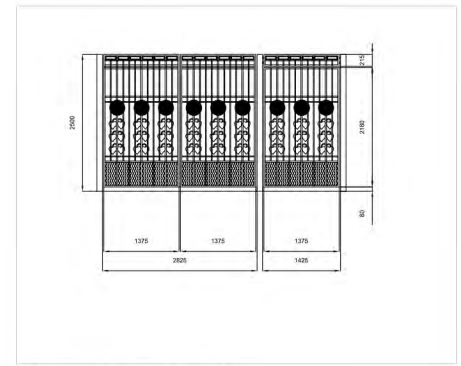


East Elevation (along central vista)

Elevations including hedge  
Scale 1:100



Proposed Gate Plan Details  
Scale 1:50



Proposed Gate Elevation  
Scale 1:50

© Crown Copyright and database right 2011. Ordnance Survey 100019747.

REVISIONS

No.	Date	Notes	Rev.	Ctd.
30.06.17		Elevations amended to suit layout changes	EL	EL
A	20.6.18	PLANNING SUBMISSION DRAWING	LH	LH

Title  
**Norwich Parks tennis Expansion Project**  
**Heigham Park**  
 Proposed Partial elevations and Gate details

Scale(s) 1:100 & 1:50 @ A1  
 Date 09/03/17 DWG. No. LP17/001/P106 A  
 Designed by MJF  
 Drawn by EL  
 Checked by EL

Dave Moorcroft  
 Executive Head of Services  
 Regeneration & Development  
 City Hall, Norwich, NR2 1NH  
 tel 0344 980 3333  
 planning@norwich.gov.uk