

Planning Applications Committee: 8 November 2018

Updates to reports

Application: 18/01082/F and 18/01083/L

Item: 5(a)

Address: Norwich Castle Museum, Castle Hill

Additional consultee response:

One further consultation response has been received from Norfolk Fire Service. This can be summarised as follows:

No objection. The following notes have been made:

1. The two proposed dry risers will require suitable water pressure for the designed height. Norfolk Fire and Rescue Service recommend the installation of 2 fire hydrants in respect of this application. The fire hydrants should provide a minimum sustained outlet discharge capable of delivering a minimum of 20 to 35 litres per second, and be installed on a minimum 120mm main. They could be situated on either side the medieval bridge, whichever solution is most acceptable taking into account the need to minimize the impact on this heritage building.
2. As proposed two protected escape routes are required to guarantee safe evacuation of the upper levels and permit firefighters safe efficient access in the event of fire, without delay. This has been achieved by the provision of a bridge through the keep wall allowing wheelchair users to progress horizontally to the lift within the existing 1960s section of the building. Existing medieval spiral stairs will not be acceptable as part of this provision as they significantly delay access/egress and are unsuitable for use by disabled persons or the general public in the event of an emergency.

Evacuation lifts and refuge areas must be provided for safe evacuation of non-ambulant persons from the roof platform, without this provision access will be severely restricted or potentially prohibited.

3. It is accepted that a full firefighting shaft (2 hours fire resistance) may not be possible, but provision of the firefighting lift and stairs will be required. A reasonable level of fire resistance must be provided and should be at least 60 minutes.

Officer response:

It is proposed that condition 3(k) of the listed building consent is amended to include details of any new fire hydrants.

Further information received:

Further information has been received from the applicant in respect of Norfolk Police's concerns regarding the design of the viewing platform and taking into account people in crisis. This is as follows:

"We are intending to retain the existing barriers across the crenellations. Following an assessment of their condition, it may be determined that they require replacing and in this instance we would propose a like-for-like replacement. We are proposing to remove the existing raised timber walkway. The new floor level would be much lower and effectively at the level of the stone battlements. The perimeter walkway will consequently be much safer and it will be more difficult to access the top edge of the merlons. New balustrades in all other areas of the roof platform will conform to Building Regulations. The approach being taken by the architects is to remove any 'steps' in front of any barriers and to ensure that there are no ledges on the barriers themselves to prevent anyone from stepping on them and climbing up and over.

Management measures will also be in place to monitor public behaviour and ensure public safety. We propose installing two HD security cameras to ensure full coverage of the roof. They would be affixed to new modern structures and not protrude above the parapet. There will also be staff regularly patrolling the roof. All Front of House staff are in radio contact with Building Services staff in the Castle control room who monitor the security cameras. Staff located within the Keep will be able to respond quickly to any incidents of concern."

Application: 18/01315/F

Item: 5(b)

Address: Barn Road Car Park, Barn Road

Additional consultee response:

Comments have been received from the Norwich Society which are as follows:

"The Committee supports the principle of development on this site, and with such a variety of buildings and landscapes surrounding it, we feel that a contemporary design like this is an appropriate design solution. We like the stepped approach from the traffic lights at the bottom of Grapes Hill and the large open courtyard concept.

1. Heritage

This proposal significantly affects the setting of the city wall at Barn Road. Whilst this development will lead to overshadowing of the city wall, the presence of this development would not significantly detract from its setting. However the proposal would also affect views of the Roman Catholic cathedral from Barn Road. Analysis should be undertaken to determine the extent of this, and whether this significantly detracts from the setting of the conservation area.

The County Historic Environment team argues that proper archaeological studies have not been undertaken because of a false assumption that wartime bombing would have destroyed most of what might remain on the site below ground. Whilst the car park proposal will return the ground to its current state, the process of

construction will involve considerable disruption of any remains below the site. This is therefore the opportunity for much closer examination of what might remain below ground and requires proper archaeological study of any areas of the site which are shown to have potential for important remains to be studied. This is an important matter for the Planning Authority to require further study and possible archaeological investigation to be required before development commences.

2. Built form and design

This proposal adds a significant new mass which will significantly change the character of this area, create shadows and disrupt the skyline. The proposed building is uncharacteristically tall for this part of the city, and will tend to create a canyoning effect along the roads which surround it. It will affect the conservation area and the listed buildings in the vicinity, of which there are a number of Grade I listed churches. Ideally, a lower form of development would be preferred on this site, more in keeping with the current building scales along St Benedict's Street and St Swithins Road. It is acknowledged that Caro Court has already set a precedent for taller forms of building in this area, however it does not have the same mass as this development and steps down to meet the buildings at the end of St Benedict's. Where taller buildings are accepted within Norwich, they should have exceptional character through their detailing and form as not to detract from the character of the city, and we feel that this development achieves this.

We would also raise concerns about the Northern elevation to the proposal. Historic England's comments include a statement that both East and Northern frontages are bland and flat frontages of considerable height, and this is one of their reasons for objecting to the application as detrimental to the City Centre Conservation Area. This proposal will significantly restrict the design opportunities for future development of the adjacent site, which is potentially imminent if ToysRUs is not replaced by a new tenant quickly. The prospect of a canyon between two tall buildings of some length and height would be severely detrimental to this part of the site and to the amenity of occupants in the student apartments overlooking this boundary. We would ask for more considered design proposals for the treatment of that facade.

Historic England is also seeking a reduction in height of the West elevation facing onto the City Wall, however we feel the latest proposals adequately address this.

3. The public environment

The addition of the trees and soft landscaping is welcome and necessary to soften and break up what could be very imposing façades. Access into and out of the cycle park at the loading bay needs to be considered to ensure that cyclists do not come into conflict with pedestrians (particularly those with disabilities), especially when the loading bay is in use. We also have concerns about the lack of any active frontage around the car park wall, but with the requirement to retain the ground level car park, this is probably unavoidable.

There is a 'desire-line' across the current site from south-east to north-west, which is well used to access properties to the west (off Heigham Street in particular) from the St Benedict Street direction. The proposals make very little provision for such movement, except that the car park layout does allow for pedestrian access to/from the north-west corner. We suggest that the layout incorporates a footpath along the

northern boundary; this will mean the loss of some parking spaces on that side, but may also mitigate the canyon effect raised above.

Both the Tree Officer and the Landscape team comment that there are several mature trees on the site at present, which are proposed to be removed and that the replacement trees do not amount to an adequate replacement. There is also a comment that the sites for proposed trees within the development scheme are undeliverable, because of the impact of root spread on the proposed development. We support those comments and seek improved tree planting proposals within the scheme.

4. Impact on character of Norwich

Whilst the design does not particularly reflect typical Norwich features, it is no more out of character than other development within this part of the city, and is a well-designed contemporary design solution.

5. Public benefits or lost opportunities

It has still not been demonstrated whether Norwich will have an ongoing demand for purpose-built student housing like this, and with several other student housing blocks being built within the city centre, a thorough analysis of student demand needs to be conducted and a policy developed for purpose-built student housing to provide a policy footing for planning decisions such as this.”

Officer response:

These issues have been covered within the committee report. See main issues 1, 2, 3, 4 and 5.

Additional representation received:

One further letter of representation has been received which can be summarised as follows:

- My flat faces north east so lacks natural sunlight. The car park provides a bright outlook with well-established trees and views of the city walls which this development will completely block.
- The proposed development will result in overlooking and a loss of privacy and with the main entrance being directly opposite my flat there will be lots of coming and goings.
- The loss of trees will not only affect outlook but they currently help to reduce the level of pollution.
- There is already a high foot fall on St Benedicts Street which generates a lot of noise especially at weekends. This will increase noise at night.
- The development will completely dominate the area opposite our flats.

Officer response:

These issues have been covered within the committee report. See main issues 2, 4, 5 and 7.

Additional information received:

A phase II Geoenvironmental Assessment was submitted to the Council and was forward to the Environment Agency for their review. Based on the report it appears that there is no currently identifiable sources of contamination present on or beneath the site and therefore the Environment Agency agree that no specific remediation works are required although a strategy should be in place in the event that currently unidentified contamination is discovered during the works being undertaken.

Officer response:

Conditions 6 and 7 have been satisfied and these can be removed although conditions 8 and 9 which relate to contamination and piling need to be retained.

Pre commencement conditions:

Discussions have been ongoing with the applicant with regards to the pre commencement conditions. It is now proposed that condition 9 requires a piling method statement (including precise details of the positioning of the piles) rather than precise foundation details.

Application: 16/01889/O**Item: 5(c)****Address: Land west of Eastgate House, Thorpe Road**

A further response has been received from Norfolk Fire and Rescue Service which raises no objection providing adequate provision is made for a fire appliance to access all parts of the building and also on the understanding that additional fire hydrants are provided. An additional condition is therefore recommended to secure the agreement and provision of these measures.

Application: 18/000062/F & 18/00063/L**Item: 5(d)****Address: Rear of St Faiths House, Mountergate**

Paragraph 84 of the report (page 146) incorrectly states that “all of the proposed residential units accord with the minimum space standards set out within policy DM2”. Flat 7 within the Mountergate block measures 33m², below the required 37m². The rest of the flats are well above the space standards so in this instance a single unit falling slightly below the space standards is not considered sufficient reason for refusal.

Application: 18/01104/F**Item: 5(e)****Address: 2 Quebec Road**

7 additional letters of representation have been received outside of the consultation period. 3 of these offer support for the proposals. 4 of the letters object to the proposals (only 1 from a new contributor). These objections raise the same issues as raised previously - see summary in the committee report.

Page 164 of the report incorrectly notes that there have been 5 objections to the revised scheme. This should be 3 (all within the consultation period).

Paragraph 1 (page 163) incorrectly refers to the property as being detached when it is in fact semi-detached due to being attached to number 30a St Leonards Road along part of the site's western boundary. This does not affect the assessment of the scheme.

Application: 18/01062/NF3
Item: 5(f) Page: 177-200
Address: Heigham Park

Additional representation (summarised):

Correspondence has been received from Councillor Carlo which can be summarised as follows:

Having read the report, could you advise where in the report the:

- actual impact on the designated heritage asset as against re-stating the Historic England description contained in the Gardens Register of the western half/NW corner of Heigham park is described?
- public benefits of all-weather courts in comparison to 'less than substantial harm is discussed?
- nuanced definition of high end of 'less than substantial harm' as stated by The Garden Trust, the sole statutory consultee, in relation to the public benefit test is discussed?

Councillor Carlo also sent an email direct to Members of committee on 7th November 2018 indicating the Planning Report has not carried out the above.

Officer response:

The matters raised are addressed in the report on the application.

The extent of the application proposal courts; fences; lights etc. is described within the report and potential for harm arises from all elements of the proposal. Various impacts are considered throughout the report including in the main issues for heritage and design. A detailed heritage impact assessment (HIA) has been submitted and this and consultee comments referenced in the report. Details of comments are available on the Council website. The resultant level of harm is generally agreed by consultees as being "less than substantial".

The conclusion of the HIA is broadly accepted in recommending the application. The possible exception to the accuracy of the HIA is the current status of the alternative business plan proposed by the Heigham Park Tennis Group. This model is considered within the report at paras 56 and 57. Various revisions to lessen the impact on the view through to the pavilion and boundary gate design have been discussed with the applicant and conditions suggested to seek to improve design and operation to further improve the current scheme.

The current vista to the pavilion is interrupted by gates and a fence.

Additional representation (summarised):

Correspondence has been received from a resident which can be summarised as follows:

The conclusion goes beyond planning 'the scheme will provide an essential recreation and outdoor sports facility'. It is not essential. I object because I like playing tennis on grass: - the courts are the last public grass courts in Norwich. There are 23 hard courts within one mile of Heigham Park. Furthermore, the council's preferred option for tennis requires membership or pre-booking which is good for more regular players and coaching groups, but not good for casual players. Just as you should not reject the proposal because I dislike the Norwich Parks tennis model; you should not approve the proposal because it is believed to be essential. It is not. Reject this proposal for planning reasons.

Officer response:

Policy DM1 promotes mixed, diverse, inclusive and equitable communities, by increasing opportunities for social interaction, community cohesion, cultural participation and lifelong learning. The proposal provides an option to bring this recreational area back into use to provide for sporting facilities within the Norwich area and services for residents across the City.

Additional consultee response (summarised):

Consultee: Transport Officer

Comments: Are planning to consult the local area on a CPZ that will include:

- 1) Limited waiting bays next to the park for visitors
- 2) Grass verge restrictions to protect verges
- 3) Double yellow lines on the remaining kerbside space

Additional consultee response (summarised):

Consultee: Gardens Trust

Comments: The Gardens Trust (GT) is the statutory consultee for Grade II Registered Parks & Gardens, so our comments on this important historic site within Norwich are extremely important. We are anxious that your Planning Committee is fully aware of our strong OBJECTION to this application.

We would stress the irreversible harm that 18/01062/NF3 would cause to Sandys-Winch's nationally important design. There are gradations in the amount of harm caused by any particular application. We feel that this has not been fully understood in the report. In our opinion, as stated in my email of 22nd August 2018, the complete loss of all the grass tennis courts and replacement with hard courts which obstruct and effectively destroy Sandys-Winch's main vista to the Pavilion, would cause harm which is very "high on the less than substantial side' to the significance and understanding of S-W's design intent for this designated heritage asset. It is therefore directly contrary to the revised NPPF para 195 and as such we disagree with Para 57 "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." We also maintain that it fails the public benefit test within Para 195 as it is clear that ".23 hard courts within one mile of Heigham Park, a further 18 within 2 miles and a total of 46 hard courts within the city of Norwich (yet no other grass courts)," indicates more

than sufficient hard court provision nearby. The submission of Heigham Park's Grass Tennis Group's Business case, which removes any running and maintenance costs from Norwich City Council also means that this application clearly fails NPPF Para 195, paras b & c.

Norwich CC's own Urban Conservation & Design response states that "it should be clearly demonstrated that there are no other feasible alternatives to enable the.. hardcourt tennis facilities.' The materiality of the sound Business case is valid on principle as being relevant to the application of para 194: the loss and harm to the significance of Heigham Park is not clearly or convincingly justified.

The GT finds it hard to understand how the report can recommend approval when it so clearly fails key NPPF conditions as well as your own Policy DM9. The development results in great harm to this heritage asset and the Business Plan demonstrates a viable alternative. We also refute Para 53 as it is highly unlikely that if the ten grass courts are replaced with hard courts, these will ever be removed in future.

We would be grateful if you could please put both our letters of objection regarding this application before your Committee and urge your officers to REFUSE this application.

Officer response:

The matters raised are addressed in the report on the application and earlier GT comment referenced. The conservation and design officer comments appear to be misquoted by GT.

All development must have regard to the historic environment and take account of the contribution heritage assets make to the character of an area and its sense of place. Paragraph 195 of the NPPF clearly separates "less than substantial" and "substantial" harm and the relevant criteria for assessment. In positively determining this application this does not prevent the applicant from considering alternative options if these are considered suitable in the future. The alternative business proposal by the Group would install / retain 4 grass courts and provide an area of open space. This includes new access control gates and fencing. These works in themselves are likely to cause less than substantial harm which would require assessment in any future application required for such works.

In terms of the removal of a hard surface and lighting this would likely be relatively straightforward and connections taken back to the feeder pillar. The works would not require deep excavation. The works are therefore considered to be reversible. In future decisions about the Park it is assumed that there would continue to be an appropriate degree of assessment in the approach taken in ensuring the maximum beneficial and public use of a public park.