

Report to Planning Applications Committee

Item

9 March 2023

Report of Head of Planning and Regulatory Services

Subject Application no 22/01500/NF3 - Homage to Sir Thomas Browne Statue Hay Hill and Elm Hill Gardens Norwich

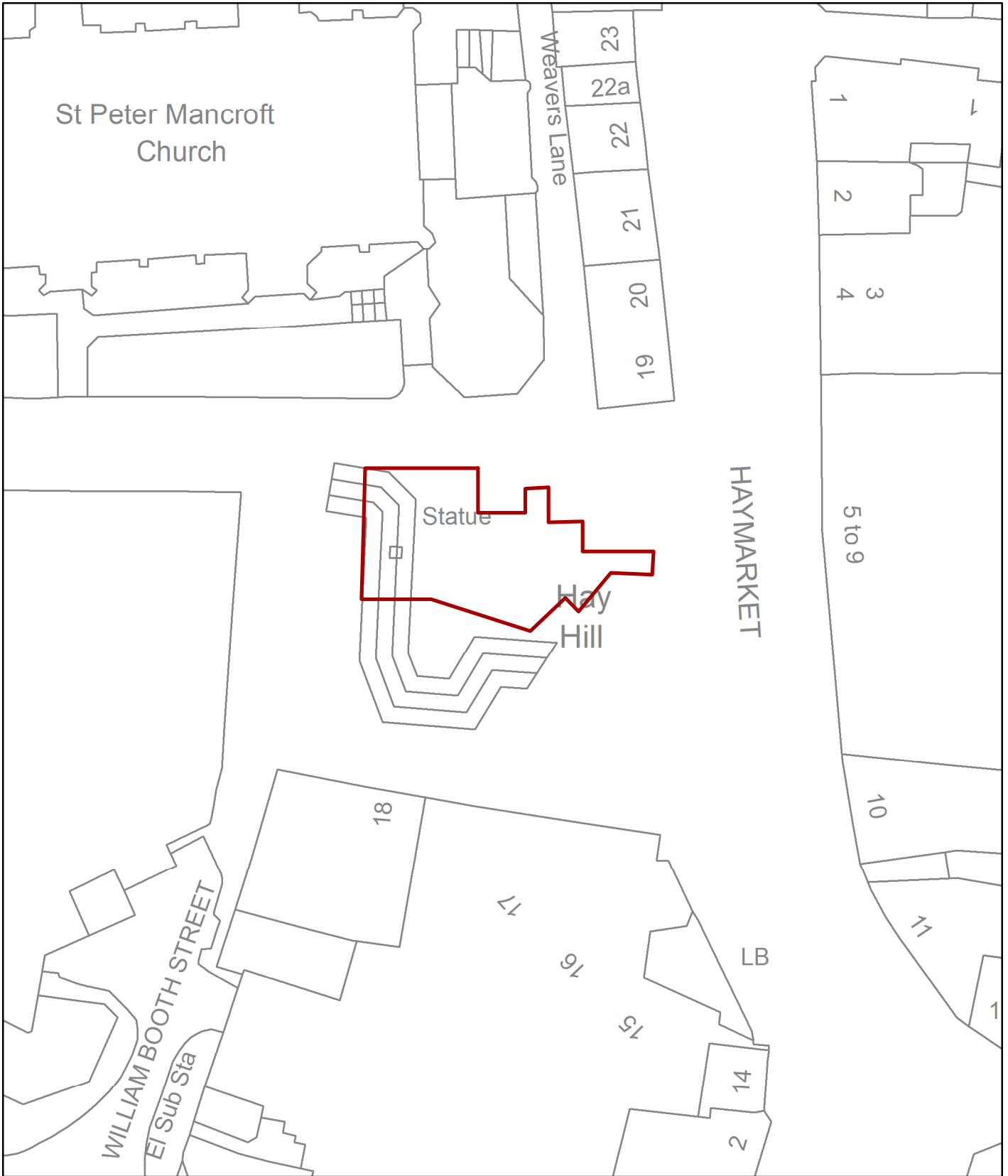
4b

Reason for referral Called in by an elected member / Objection

Ward:	Mancroft
Case officer	Lee Cook - 07917 175648 - leecook@norwich.gov.uk

Development proposal		
Demolition of Homage to Thomas Browne sculpture and removal into secure storage (revised proposal).		
Representations		
First Consultation		
Object	Comment	Support
7 + 7 after consultation closed	0	0
Second Consultation		
Object	Comment	Support
4	0	0
Third Consultation		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle	Acceptance of removal. Long term plans for storage and relocation
2 Heritage	Impact on designated and non-designated heritage assets. Interpretation.
3 Design	Setting of area. Impact of loss
4 Trees	Tree protection and site supervision
Expiry date	15 March 2023
Recommendation	Approve



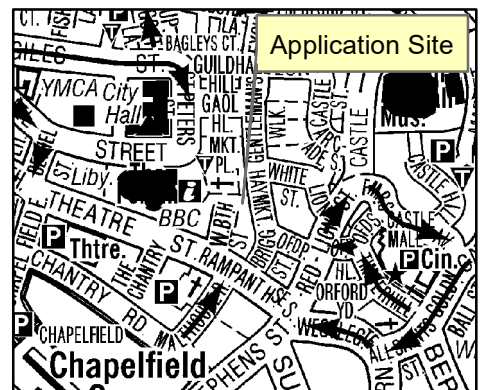
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Planning Application No 22/01500/NF3
 Site Address Hay Hill

Scale 1:500



NORWICH
City Council
 PLANNING SERVICES



The site and surroundings

1. The statues are located on the lower part of Hay Hill below the Grade II listed statue of Sir Thomas Browne within the City Centre Conservation Area. The area is within the northern section of the St Stephens character area which in turn is south of the central Civic character area, the border of which runs around the Grade I Listed church of St. Peter Mancroft. The areas are designated as of significance and of high significance respectively.
2. A number of listed buildings are located within the immediate vicinity both within the St Stephen and Civic Character Areas. A number of other non-designated assets are located around Hay Hill and along Gentlemans Walk to the east of the statue.
3. Within the St Stephens assessment the area is designated as urban space, containing important trees and is part of a positive vista looking northwest towards St Peter Mancroft and the Forum. Sir Thomas Browne is recorded as “an English polymath and author of varied works which reveal his wide learning in diverse fields including science and medicine, religion and the esoteric”. The area and church have links to the life of Sir Thomas Browne. The Homage obtains reference, in terms of its subject and location, from a number of nearby heritage assets, principal amongst which are the listed Statue itself and the church of St Peter Mancroft

Constraints

4. City Centre Conservation Area; listed buildings and locally listed buildings (policy DM9). A number of mature trees are sited within Hay Hill (policy DM7).

Relevant planning history

- 5.

Ref	Proposal	Decision	Date
07/00318/F	Installation of public art (homage to Thomas Browne) on Hay Hill	Approved	11/06/2007
22/01497/L	Relocation of grade II listed statue of Sir Thomas Browne within Hay Hill.	Approved	26/01/2023

The proposal

6. The original application proposal was for the demolition / removal of the Homage to Thomas Browne sculpture currently sited on Hay Hill and its relocation to Elm Hill Gardens adjacent to the river. The applicant, in response to comments received through the earlier planning consultations, and to address the concerns raised, has removed all references to the relocation of the sculpture to Elm Hill Gardens and amended the description of the above application.
7. The proposal is now for the demolition / removal of Homage to Thomas Browne sculpture into secure storage.
8. The applicant’s intention is also to revisit sites for relocation and submit a further planning application for a relocation site in due course. This also aligns with earlier

consultation comments from heritage or arts societies who wished to discuss further any options for finding suitable sites for the sculpture.

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 14 letters of representation have been received on the first round of consultation (7 after closing); 4 on the second round; and 2 on the third citing the issues as summarised in the tables 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
<p>Hay Hill is a perfect and highly relevant position for this sculpture 'Homage to Thomas Browne'. It has 'an intrinsic relationship' with the main listed statue and St Peter Mancroft Church. In this site they get used as street furniture, as intended. It is a major site-specific artwork for the city of Norwich. Installation of the work in Elm Hill Gardens would therefore have no relevance to the life and history of Sir Thomas Browne. Sir Thomas Browne is one of the great cultural figures in the heritage of Norwich. He should be commemorated more obviously, rather than less, and the removal of the Poirier artworks would only help bury him in obscurity.</p>	<p>Main issue 1, 2 and 3</p>
<p>There are few pieces of modern sculpture in Norwich city centre. It seems wrong, given this dearth, to remove such a significant one from the city centre</p>	<p>Main issue 1</p>
<p>Notes the original commission for the artists in 2002 stated: "This work is distinctive for Norwich and Hay Hill - it does not belong anywhere else".</p>	<p>Main issue 1, 2 and 3</p>
<p>The sculptures would benefit from the intended changes to Hay Hill and improvement to the backdrop and setting of the stone pieces – as such should be retained in this space.</p>	<p>Main issue 3</p>
<p>Know that the planning team have considered other locations, and that there are complications with insurance and maintenance which restricts the options for re-siting this work. Wherever it is finally sited, it should be properly interpreted to explain this often-misunderstood artwork to people.</p>	<p>Main issue 1</p>
<p>If the work is moved suggest conditions in relation to recording by a full-size 'imprint' etched into the paving; interpretation information at Hay Hill; the removal is documented; other opportunities should be made to interpret Browne on Hay Hill; a budget to re-site has been allocated and ring-fenced; a timeframe for discussion is set; a list of alternative sites is agreed before removal.</p>	<p>Main issue 1 and 2. Some of the conditions would not meet relevant tests of reasonableness</p>

Issues raised	Response
The Thomas Browne Society remain committed to working with the Council to enhance the interpretation of Thomas Browne wherever and whenever possible.	Noted, Main issue 1, paragraph 8
Norfolk Contemporary Art Society would be pleased to work with Norwich City Council to establish a solution agreeable to all.	Noted, Main issue 1, paragraph 8
The artists, Anne and Patrick Poirier are internationally renowned and well respected and the artwork itself is valuable.	Noted
The wording of this proposal is ambiguous / incorrect - it is a proposal to dismantle carefully to conservation standards so 'Demolition' should be corrected before any contractor specification.	The application description reflects the works proposed
It would be better to sell the work to another town or city that appreciates public sculpture more fully and would give it a better, central setting	Not directly relevant
Removal and relocation are wasteful and unnecessary, in times where we really need to spend wisely and well.	Not directly relevant
Funded by Arts Council England East and Norwich City Council, commissioned in 2005 and only opened July 2007 - what has changed significantly in that short time? Can this Towns Fund money not be utilised to rejuvenate the Hay Hill space successfully without taking this culturally and financially costly removal/relocation action.	Not directly relevant
This artwork was commissioned as a permanent site-specific public artwork and is well-used in the ways the artists intended. There is a risk that clearing the sculptures from the square will open it up for more commercial activity as used to happen with demo cars sometimes parked there and stalls promoting window sales and double glazing which would be a negative use	Noted but future use of the space does not form part of the application
Observations made in relation to Hay Hill main scheme of works - plans fail to replace the statues with an appropriate homage to Thomas Browne; historical sculpture is in a better position than it was; contemporary scheme isn't going to age well; scheme doesn't address anti-social behaviour; benches and oddly shaped planters do not fit with Haymarket; led to believe there would be provision for a fountain replacing the old fountain; no objection to the 'tidying up' of Hay Hill and the placing of an information panel outlining Browne's place in the City's history.	Noted but main refurbishment works do not form part of the application

The following comments received are not now directly relevant to the proposal as revised – see paragraph 6, 7 and 8

Issues raised
The size of the statue is too large for Elm Hill gardens. The placement of these would reduce the grassy areas currently well used by local residents who have no garden of their own, by students of NUA and tourists/visitors. It would be unfair to remove/reduce this recreational amenity. The large arrangement of pieces crammed into Elm Hill Gardens destroys the current amenity of the small gardens
The sculpture works as an ensemble and relies on being visible from a distance allowing the eye to travel from one element to another and take in the fragments of text, this subtle effect will not be as available to visitors in the Gardens
Will overshadow the fine Barbara Hepworth sculpture
The macabre quality of the piece is completely out of keeping with aesthetic of the area and children's playground and outlook from adjacent areas and buildings. It is not suitable for confined urban areas where relaxation and recreation are the main activities. Combining both gardens and artwork will be to detriment of both.
Placement in the gardens would be to the visual detriment of the backs of the Tudor buildings overlooking the gardens, which in themselves are a tourist attraction.
The pieces are extremely ugly and are no advertisement for the studies at the University of the Arts – comment retracted by resident
These do not belong in the public arena and need to be cited on private grounds
Elm Hill would appear to have little or no connection to Sir Thomas Browne, and so site chosen because there is an empty space in the conservation area not occupied by anything else
siting this sculpture in the gardens would not enable the work to be seen by 'the people of Norwich who daily cross the site' and would limit the space available for those who do currently use the gardens.
Illumination of these left-over statues will encourage additional anti-social behaviour and increase light pollution.
Concession on lighting is nothing more than a cost cutting opportunity
Will act as a beacon for anti-social behaviour street drinkers to congregate and urinate. These sculptures would surely invite even more graffiti, necessitating greater expense for this additional graffiti removal and possibly even damaging the statues themselves.
concerned with lack of information on proposal and where this statue is sited
New LED lights will impact on the presence of a substantial number of bats using this area
Should be making more of Thomas Browne as a son of Norwich rather than sidelining him to a part of the city that relatively few people use. Might be some NUA student use but compared to its current position on Hay Hill, this would be minimal.
Public objections will, as has been the experience with similar grant funded 'transformations', such as those in Tombland, carry little weight, things have already been decided

Issues raised
The dishonest pretext to grab some more grant money are bodged and offensive in the illustration of the depths those who are charged with protecting our environment will sink to in order to unlock some funding
Questions applicants' response to earlier consultee comments; consultation timing; and system of decision making. Assume, contrary to the wishes of the public, the application will be approved.
Proposal remains contrary to the wishes of the local community and all those who enjoy the grass areas and seating

Consultation responses

10. 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

11. No objections in principle. Has recommended conditions in respect of the location of the proposed storage site, the removal methodology, transport method, and the necessary measures to protect the pieces from harm in their secure storage.

Landscape

12. No objections in principle to either removal or relocation. An appraisal of impact on Elm Hill Gardens made within comments. Has recommended conditions related to tree protection and interpretation which includes the Hay Hill element of the application. No comments on third consultation.

Norfolk historic environment service

13. No comments to offer

Norfolk police (architectural liaison)

14. No comments in principle to the removal from Hay Hill. Raised concerns in relation to amenity and safety for any proposals to relocate within Elm Hill Gardens. No comments on third consultation.

Natural areas officer

15. No comments to offer outside of Landscape Officer appraisal of Elm Hill Gardens

Parks and Open Spaces

16. Comments principally in relation to support for relocation to Elm Hill Gardens

Tree protection officer

17. No objections in principle. Has recommended conditions related to tree protection and site supervision. No comments on third consultation.

Assessment of planning considerations

Relevant development plan policies

18. **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
 - JCS5 The economy
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre

19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM3 Delivering high quality design
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

20. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
 - NPPF 2 Achieving sustainable development
 - NPPF 4 Decision-making
 - NPPF 6 Building a strong, competitive economy
 - NPPF 12 Achieving well-designed places
 - NPPF 15 Conserving and enhancing the natural environment
 - NPPF 16 Conserving and enhancing the historic environment

21. **Supplementary Planning Documents (SPD) and Other Guidance -**
 - Landscape and trees SPD adopted June 2016

Case Assessment

22. 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

23. Key policies and NPPF sections – JCS1, JCS2, JCS5, JCS8, JCS11, DM1, DM3, DM7, DM9, NPPF sections 2, 6, 12 and 16.

24. The Hay Hill area is to be subject to refurbishment and the public space reimagined as part of a scheme for improving public access and use. This includes moving the listed statue within the space and opening up new areas for circulation and community use. Whilst the Homage statues contribute to some extent to the existing layout on Hay Hill, their relevance and benefit to the area will be much reduced in the new proposals and it is seen as appropriate to seek to relocate the sculptures to a new home within the city.
25. Various societies have come forward as part of the consultation on the application and on the refurbishment proposals and whilst regretting and giving strong comment on the artistic merit and worth of retaining the sculptures in-situ have in some respects also put forward options to condition the removal of the Homage subject to further discussion on alternative locations and options for heritage interpretation on Hay Hill to mark the former presence of the sculptures.
26. Options for interpretation seem feasible and could build in further links between the Hay Hill site and surrounds and possible future location of the sculpture. Such a condition appears to be appropriate and potentially opens up or furthers a discussion with various interest groups for the re-use of the sculptures. Details of the long-term storage arrangements for the sculpture are also suggested to be agreed by condition to help ensure its safe retention. In principle the proposed removal of the sculpture is therefore considered to be appropriate.

Main issue 2: Heritage

27. Key policies and NPPF paragraphs – JCS1, DM9, NPPF section 16.
28. Within the full extent of the City Centre Conservation Area, there exist several distinct Character Areas. The Site lies within the defined St. Stephens Character Area of the Conservation Area. The St. Stephens Character Area is considered to be Significant; the area has a concentration of historic buildings with c. 50% of these being either statutorily or locally listed. The area evidences a high instance of features from historical periods and retains some evidence of historic street patterns and views of local landmarks. The area retains some consistency in the use/diversity of high-quality building materials and architectural details.
29. Hay Hill includes the Sir Thomas Browne statue, which is statutorily Listed as a Grade II Listed Structure (NHLE: 1051258), it is therefore considered to be a structure of importance. Local Plan Policy DM9 requires development to respect the character and setting of Conservation Areas and have regard to impacts on heritage assets. This reflects the approach taken within section 16 of the NPPF including guidance at paragraph 198 in relation to statues and other memorials or monuments. The Homage to Sir Thomas Browne statue is a modern addition at the Site. The Homage comprises several pieces in Carrara marble and black granite that are arranged in front of the main listed statue and reference the work of Sir Thomas Browne. The Homage is not statutorily listed and is not considered to be curtilage listed with the Sir Thomas Brown statue.
30. The wider rejuvenation works comprise the reinvention and reinterpretation of the Hay Hill public realm area, and specifically comprises the repositioning of the Statue within the Site, and the removal of the collection of small statues known collectively as the Homage to Sir Thomas Browne. The wider redevelopment of the

area has the stated aim of improving the space and enhancing the area to encourage extended use and host cultural activities and events.

31. It is noted that the collection of sculptures representing the Homage were ideally intended to remain with the Statue, reflecting the subjects work and positioned with reference to main viewpoints for the Statue. It is considered that the Homage today is largely appreciated in isolation from the Statue, no interpretation is provided in the immediate vicinity of the Homage to communicate this association, and instead is remote from the pieces, therefore the connection between the Statue and the Homage pieces is not strong and is of little or no enhancement to an understanding of the significance of the Statue. With the repositioning of the Statue within Hay Hill, the link between the Statue and the Homage is further eroded. The explicit link between Sir Thomas Browne and St. Peter Mancroft made with the listed Statue at Hay Hill will remain unchanged by the removal of the Homage.
32. The removal and relocation of the Homage is considered to result in no harm to the significance of the Grade II Listed Statue, the Grade I Listed church of St. Peter Mancroft or the wider City Centre Conservation Area.

Main issue 3: Design

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
34. The sculpture was originally installed to reflect and relate to the Sir Thomas Browne sculpture. The Homage pieces add interest to the space and the current arrangement of the pieces of the Homage are noted as being related to the main listed statue itself. However, the layout of the various sculptural pieces arranged in a quincunx pattern is not readily perceivable, with no interpretation present, and therefore this relationship is not strong or helps create a sense of place within the area.
35. Given the wider refurbishment and reorientation of the main sculpture their presence if retained would be weakened further and lose any of the very limited design impact their current positioning has within the space. Removal is therefore not considered to result in any significant impact in terms of the future design of the area and retention would likely undermine the redesign and reconfiguration of this important urban space. Their removal therefore would not cause significant harm to the quality or character of the space and their retention and repositioning on Hay Hill is unlikely to create any design benefit for either the area or the setting of the sculptures themselves.

Main issue 4: Trees

36. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
37. The Tree Officer has inspected the submitted arboricultural impact information (AIA) and confirmed that he has no objections from an arboricultural perspective subject to conditions that the works are carried out on site in accordance with submitted AIA and that suitable arboricultural supervision is incorporated into the scheme for any works within root protection areas. Subject to conditions the proposal should have no impact on the existing trees on site.

Equalities and diversity issues

38. There are no significant equality or diversity issues.

Local finance considerations

39. 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.
40. 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. In this case local finance considerations are not considered to be material to the case.

Conclusion

41. 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.

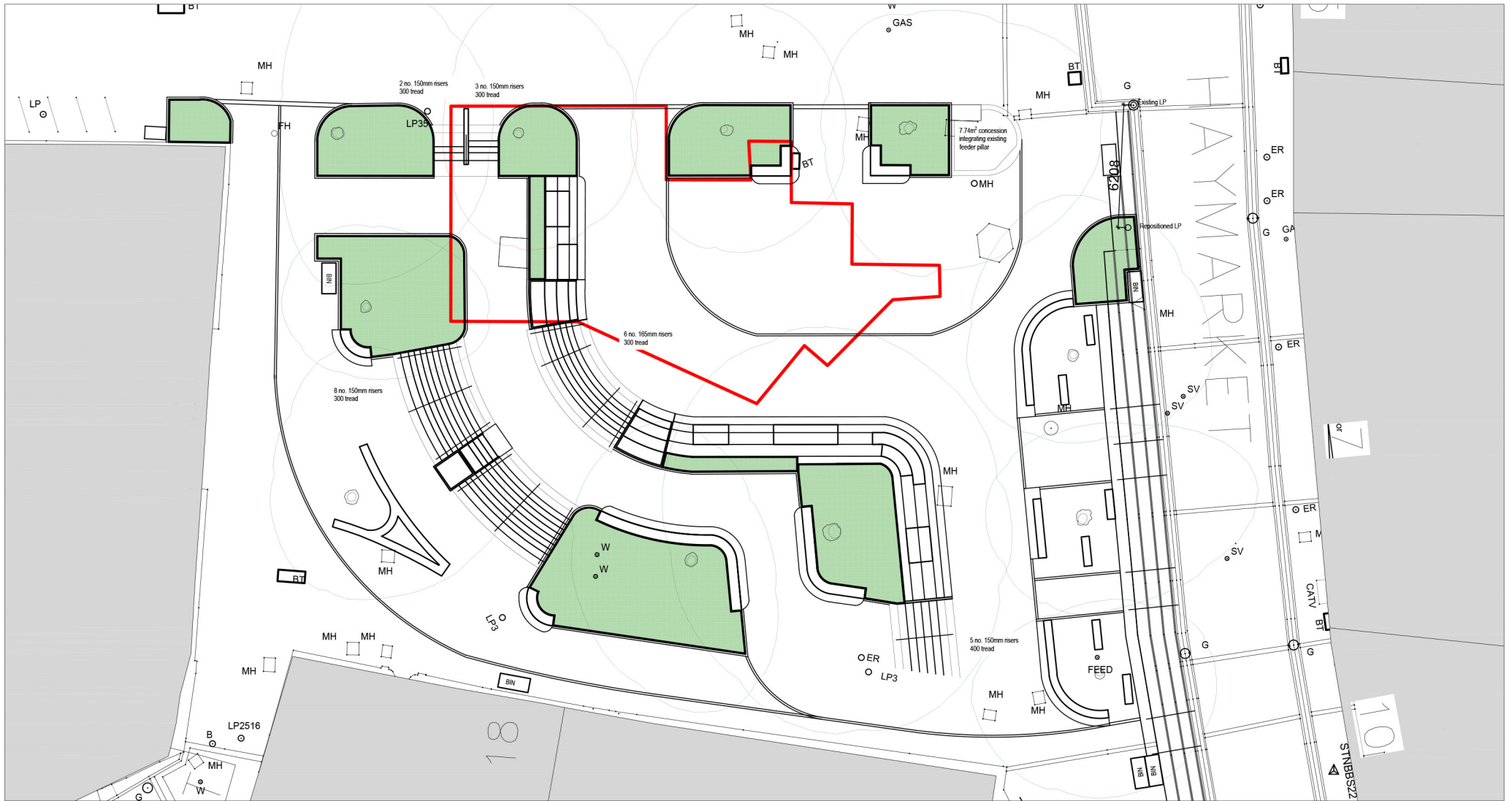
Recommendation

To approve application no. 22/01500/NF3 - Homage to Sir Thomas Browne Statue, Hay Hill, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of future storage of the sculpture
4. Details of Heritage Interpretation
5. Tree protection in accord with AIA
6. Details of arboricultural supervision within root protection areas

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and following assessment and discussions at the application stage has approved the application subject to appropriate conditions and for the reasons outlined within the officer's report with the application.



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008

Site plan
Scale 1: 200 @A3

rev	details	by	date

Notes
1.0 Use only dimensions shown.

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**Towns Fund, Hay Hill
Proposed site plan**


Drawing
**Proposed relocation of
sculpture**

Homage to Sir Thomas Browne, 2007, by Anne and Patrick Porter

Drawing number LP-2020-004-008	
Revision	
drawing status PLANNING	
Date 04.10.2022	Scale As shown @ A3
Drawn ZT	Checked LH

Client

Norwich City Council Towns Fund
Graham Nelson, Executive director of
development and city services



**NORWICH
City Council**