

Planning Applications Committee
19 February 2009
Section

Agenda Number:	B1
Section/Area:	INNER
Ward:	MANCROFT
Officer:	Mark Brown
Valid Date:	17 December 2008
Application Number:	08/01296/F
Site Address:	Memorial Gardens St Peters Street Norwich
Proposal:	Removal of all stonework on the garden deck for conservation repair and reinstatement; demolition of the garden deck structure, low retaining walls and undercroft toilets; new garden deck structure, relocation of Lutyen's memorial to St Peter's Street; improved access from garden deck to St Peter's Street; repair and conservation of perimeter walls; provision of a new sculpture in the gardens; streetscene work to accommodate Lutyen's memorial; landscaping to the gardens.
Application Number:	08/01297/L
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Applicant:	Norwich City Council
Agent:	Mr Trevor Broome

THE SITE

The site is located to the east of St Peters Street between the Market to the east and City Hall to the west.

The Memorial Gardens were constructed in 1938 and were part of a replanned market place and building of City Hall. The Lutyens Memorial was relocated at the same time from its original position in front of the Guildhall. The Gardens have been closed since November 2004 for health and safety reasons due to the Gardens poor structural condition.

The historic, artistic and cultural significance of The Memorial Gardens is nationally recognised by its designation as a Grade II listed building. The Gardens incorporate a war memorial designed by Sir Edwin Lutyens. It lies within the “Civic” character area of the City Centre Conservation Area where it makes a very positive contribution to public urban space and to the setting and key reciprocal vistas between the Castle, a Scheduled Monument and City Hall a Grade a II* Listed Building. It also lies within the immediate setting of the Grade I Guildhall to the north and the Grade I Church of St Peter Mancroft to the south.

PLANNING HISTORY

There is no relevant recent planning history.

THE PROPOSAL

The proposed works include dismantling the raised deck of the Gardens to repair the failing support structure and subsequent reinstatement of the deck to incorporate a new central access ramp and steps from St Peters Street. The War Memorial is to be dismantled and later reinstated in a new location to face City Hall on St Peter’s Street. In its former place, as the new focal point for the Memorial Gardens, is to be a new plinth and specially commissioned bronze sculpture entitled “Breath”. The following is a slightly more detailed list of works:

- Removal of the fixtures and fittings to the garden deck level for storage and eventual reinstatement;
- Removal of the stone elements including the Lutyens memorial, to the Garden deck level for storage and eventual reinstatement. Elements to be carefully removed, numbered and protected whilst in storage, prior to reinstatement;
- Removal of: failing concrete beams and slab forming the garden deck, low retaining walls, vents, drainage etc;
- Repair and conservation of the remaining walls to the memorial gardens.
- Improving access to the Lutyens memorial by raising and turning it to face St Peters Street;

- Forming a new concrete deck at garden level, to a partly different design with new elements introduced to provide for the new sculpture and seating within the central area;
- Providing improved access down to the garden deck in the form of new steps and ramp around the Lutyens memorial;
- Carry out repairs and conservation works to the stonework together with the fixtures and fittings previously removed from the garden deck;
- Repair and conservation of perimeter walls;
- Carry out repairs and conservation works to the Lutyens memorial and erect in new position facing St Peters Street;
- To provide a new piece of sculpture in the garden area behind the relocated Lutyens memorial;
- Replanting the gardens;
- Adjusting balustrade to path in St Peters Street, Gaol Hill and railings along the eastern Market Place elevation.

The undercroft is to be cleared completely including removal of the toilet accommodation. The cleared space will be provided with lighting and power.

CONSULTATIONS

Neighbours

Advertised on site, in the press and adjacent neighbours notified. No Response.

The Royal Norfolk and Anglian Regiment Associations

'I have looked at the plan and it will be an impressive and fitting memorial. The repair and refurbishment will enhance the Memorial Gardens significantly.'

Eastern War Pensions Committee

'The completion of this project will provide a fitting memorial to those who gave their lives in two world wars and subsequent conflicts and the revamped Memorial Gardens will ensure a place of quiet contemplation for relatives.'

The Lutyens Trust

'Overall, the Trust welcomes the proposals as restoring an important civic monument, which originated in the initiative of Charles Bignold, Lord Mayor of Norwich in 1926, by setting up the Joint Hospitals and War Memorial Appeal, to which many citizens and ex-servicemen contributed. While the Trust still has reservations about the size and nature of the sculpture proposed for the podium facing the Gardens, we are heartened by the ease with which the project as a whole has been addressed. During the 90th anniversary year of the official Peace, concluded at Versailles in June 1919, we hope to see progress on implementation of this long awaited scheme.'

English Heritage

'Although this proposal constitutes a major intervention into the historic fabric of the War Memorial Gardens and the alterations are highly significant it is a

sensitive scheme based on a sound understanding of the character and special interest of the building that will preserve its essential qualities. I would therefore support the grant of listed building consent and planning permission, subject to conditions being placed on the consent.'

The Garden History Society

'The Garden History Society inevitably has concerns when it receives an application such as this for making significant alterations to the structure of an important historic garden. However, from the supporting documentation we are satisfied that there is sufficient justification for these changes, and that the applicant has sensitively addressed the implications of the proposal for the historic designed garden.'

Norfolk Landscape Archaeology

The proposed works will affect the Grade II listed Memorial Gardens. The structure has been recorded in line with Norfolk County Council Brief for Historic Recording (Heywood, 27/2/07). It is possible, however, that previously undetected archaeological remains may be revealed by the renovation work. If planning permission is granted we therefore ask that this be subject to a condition for a programme of archaeological work in accordance with Planning Policy Statement 16.

Norfolk Constabulary

Comment that the Memorial Gardens have a history of crime and disorder up to the time of its closure to the public and raise concerns that this will return when it is reopened. They also comment that the success of the refurbishment should also be judged on reduced crime and disorder and the perceptions of safety which visitors enjoy. The following recommendations and comments are made:

- The proposed rotation, raising and ramp will allow some natural surveillance from St. Peters Street into the memorial. Increasing the width of the ramp, stairs and break in the boundary wall would allow a better view by pedestrians on the street, improve any forward view of people too potential problems on entering the gardens and reduce the opportunity for small groups to dominate / intimidate less able people from using the access and memorial gardens;
- The plinth which is proposed to display the new sculpture is flat and level. The public should be discouraged from climbing / sitting on this wall. The sculpture will be vulnerable to damage and sitting on the wall will encourage others to obstruct the access routes. Children might also be encouraged to walk on and around the wall and fall from the higher locations. Methods that could be used to deter improper use could be a shaped or sloping top surface. Install a low rail metal bar or encourage foliage growth across the coping are examples;
- The bronze breath sculpture should be identifiable by internal DNA material to deter theft;
- The proposed planting has little defensible property (not spiky or woody) to keep individuals off;

- Planting along the central walk should remain low to encourage natural surveillance;
- Lighting schemes should include appropriate lamps which provide good colour rendition over the entire area without pools of light and dark. Good lighting enables effective CCTV images in colour. Additional closed circuit TV would enable constant surveillance of the area;
- Recommends simple clear signage to deter misuse of the Gardens. Such signage will empower legitimate users to challenge inappropriate use of the area;
- The provision of litter bins is a difficult problem which should be addressed. When the gardens were open the ground was often strewn with food wrappings and discarded food. Provision of bins would encourage proper disposal. Litterbins have been used for terrorist purposes so I suggest that suitable materials are used to reduce and absorb blast effect;
- Appropriate gating of the memorial gardens four entrance points would define the area during certain times when fewer people are about and deter inappropriate behaviour.

PLANNING CONSIDERATIONS

Relevant National Planning Policy

PPS1 – Delivering Sustainable Development

PPG15 – Planning and the Historic Environment

PPG16 – Archaeology and Planning

PPG17 – Planning for Open Space, Sport and Recreation

Relevant East of England Plan Policy:

Adopted East of England Plan Regional Spatial Strategy:

ENV6 – The Historic Environment

WM6 – Waste Management in Development

Relevant Local Plan Policies:

Adopted City of Norwich Replacement Local Plan Saved Policies:

NE9 – Comprehensive Landscaping Scheme and Tree Planting

HBE3 – Archaeology

HBE8 – Conservation Area

HBE9 – Listed Buildings

HBE12 – High Quality of Design

HBE19 – Design for Safety and Security Including Minimising Crime

SR3 – Retention of Existing Sports Grounds and Public Open Space

TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes

City Centre Conservation Area Appraisal (September 2007)

Conservation Implications

Government guidance contained in PPG 15 sets a general presumption in favour of the preservation of listed buildings in their original unaltered form. Where alterations are proposed a convincing case must be presented for the alterations which seeks to retain the special interest of the building. PPG15 supports the maintenance and repair of listed buildings to retain them in good condition.

Policy ENV6 of the East of England Plan and policies HBE8 and HBE9 of the Local Plan are consistent with this and seek to protect, conserve and, where appropriate enhance the historic environment.

The necessity for the works is driven by the failing structure of the Gardens. Structural repairs to the building are considered to be essential and desirable alterations in order to return the Gardens to a good condition. The method of repair has been subject to much pre-application discussion over options. The option proposed involves significant intervention and includes complete removal of the deck, replacement of the underlying structure and the repair and replacement of the visible stone elements above this new structure. However, it is considered that this option provides the greatest long term benefit to the building.

For many years there has been a desire to turn the Memorial to face St Peters Street, primarily to improve access to the Memorial and for it to be more accessible during ceremonial activities. This has been included within the proposed scheme along with access, including disabled access, from St Peters Street and the provision of a new sculpture in the void behind the turned Memorial. These works represent significant alterations to the listed building.

The proposal is to puncture the Clipsham stone wall along St Peters Street, turn the Memorial through 180° and provide access to the Gardens either side of the memorial. The breaks in the wall and the ramped access are as short as is safe and practical which minimises the impact on the fabric of the building. The turned Memorial maintains the alignment of the external wall.

With regard to disabled access PPG15 states that 'it is important in principle that disabled people should have dignified easy access to and within historic buildings' and that 'it should normally be possible to plan suitable access for disabled people without compromising a building's special interest'.

It is not considered that the special interest: the historic, aesthetic, communal or evidential value of the Memorial Gardens or the War Memorial will be fundamentally harmed by this scheme. In so far as changes are proposed they represent a new interpretation of these values for our own time which both builds upon and complements those of the original design.

It is considered that the proposals would further enhance the relationship between the Memorial Gardens and civic space and to broaden the scope for

public access. Although the proposals will include an adaptation of the original design they will not obliterate or conceal the overall plan or character of the Gardens and so will not cause harm to the historic interest of this structure. There will be a degree of alteration which will affect the historic importance but this may be mitigated by the provision of a complete programme of building recording.

Memorial and Sculpture

There is no doubting that the aesthetic heart and design focal point of the Gardens is the War Memorial. It was not specifically designed for this Garden space, being previously located at the east end of the Guildhall, but the Gardens were conceived around this specific War Memorial and it certainly was intended to give the whole meaning to the space. The designer, Sir Edwin Lutyens is an architect of considerable note. Under normal circumstances the re-location of his work and the removal of this kind of focal point would not be considered compatible with preserving the special interest of this listed structure and would not find support from bodies concerned with historic building conservation. In this case, the Memorial has already been moved once and the substitution of a new contemporary sculpture "Breath" carefully designed to be integrated with the new location for the War Memorial on St Peters Street, goes some way to creating a powerful design of equal, though different, force: a new interpretation and updated aesthetic which is arguably no less valid than that of the original composition.

The Memorial Gardens and the War Memorial exemplify very well the aesthetic values and stylistic language of their era and give a coherent sense of place, by the use of proportion, order, symmetry, quality of materials and restrained use of the decorative arts. The proposals compliment the design qualities and language of the Gardens and War Memorial and the new sculpture "Breath" specifically makes reference to Lutyens use of solidity and proportion.

Landscaping & Railings

The landscaping scheme proposed is for a formal planting style with Box, Japanese Box and Lavender being some of the more dominant varieties proposed.

The most recent planting scheme within the Memorial Gardens bore little resemblance to the original planting scheme which was predominately floral and high maintenance. This is of some historic interest but not of sufficient significance to warrant considering its replication. The proposed planting scheme re-interprets the historic scheme and is considered to be appropriate to the context.

In relation to seating, most of the original seats in the Garden have been lost, those which do exist are to be repaired with new seats provided to match the

original. Two new seats are proposed to be introduced in the central area of the Gardens orientated towards the new "Breath" sculpture.

Two circular planters will be lost in the central area as a result of the turning of the Memorial and provision of access from St Peters Street.

For Health and Safety Reasons it is proposed to raise the railings along the eastern boundary of the Gardens (the Market elevation). It is not considered that the aesthetic value of the railings will be compromised by the proposed alterations to raise their height. The new design successfully takes its design language from the 1930s and the existing railings detail. The applicant has asked that the works to the railings can be undertaken outside any pre-commencement conditions, in order for these works to be carried out at the earliest opportunity. As the information submitted for the railings is considered sufficient, this is considered appropriate and detailed conditions can be worded appropriately.

Minor alterations will also be required to the steps and ramp at the corner of St Peters Street and Goal Hill to allow sufficient space between them and the turned Memorial.

In relation to lighting, the original lighting columns will be reinstated and provide general lighting to the Gardens. The lighting scheme is not detailed in full within the application and therefore will need to be a condition of any consent.

Conditions

As the scheme essentially includes the substantial dismantling, removal from site and reinstatement, in a modified form, of a listed structure, there will need to be conditions in place to protect the heritage values from any potential harm and mitigate any impacts which might have an adverse effect on the special historic, evidential, aesthetic and community interest of the place.

It will therefore be essential that the existing structures are fully recorded; that there is a detailed method statement for the works which elaborates on the submitted Outline Method Statement and a Schedule of Works for the stone cleaning and repair.

Evidence of how the Gardens and the War Memorial were constructed will need to be preserved by recording the works throughout the disassembly process. It is considered that the special aesthetic interest of the Gardens and the Memorial will be altered to some extent by the proposal but that this impact can satisfactorily be mitigated by preserving the existing design and configuration by record. There will also be the potential for harm to the physical fabric of the structures as they are dismantled and re-instated which could have an adverse aesthetic impact. This harm may be mitigated by working to an agreed detailed method statement.

It is important to ensure that the evidential value of the Gardens is retained. The War Memorial contains a commemorative cask. This is referred to on a plaque as “a copper cask containing the names of every person who died”. This important evidence should be carefully retained and re-instated when the memorial is placed in its new location and safeguarded by an agreed plan for its protective keeping for the duration of the works.

Urban Space

It is desirable, not only in listed building terms, but also in terms of the Gardens role as an urban space with regard to PPG17 that it is restored to a state of good repair and open for public use. The Gardens are placed at the very heart of civic life and were always intended to act as part of a wider scheme which included the City Hall; to align with it and compliment its setting.

It is considered that the proposals would retain and enhance the communal value of the Memorial Gardens and compliment the setting of the surrounding Conservation Area. All of the proposals, particularly the repair of the garden deck are designed to ensure that there is a sustainable future for the Memorial Gardens as a place invested with memories and communal significance.

Safety, Security and Minimising Crime

A number of concerns have been raised within the consultation response from Norfolk Constabulary in relation to crime and disorder prevention. This is a material consideration when determining a proposal such as this. Saved policy HBE19 of the Local Plan details that developments should minimise the threat of crime to the public, although goes on to state that crime prevention measures such as security cameras and gates must avoid visual intrusion.

There is a conflict between many of the suggestions within the consultation response and the desire to preserve the character and historic importance of the listed building. Given the Grade II listing of the Gardens and their locational context in the Civic Heart of the City Centre Conservation Area and in the setting of a Scheduled Ancient Monument, two Grade I listed buildings and one Grade II* listed building, it is considered that greater weight should be given to the need to preserve the listed building.

Recommendations such as further opening up of the boundary wall along St Peters Street, widening the steps and ramp, signage, gating and bins are considered to have an unacceptable impact on the Gardens. Indeed certain measures such as gating may not have the suggested affect and may increase unauthorised use.

It is considered that the proposals are an improvement, in crime prevention terms. The access from St Peters Street improves permeability through the

Gardens and aids overlooking as does the absence of the back row of market stall which were removed when the market was redeveloped. Planting in the Gardens is proposed to be kept low to aid surveillance. Lighting will also be improved and, as discussed previously, should be the subject of a condition.

In relation to security cameras, there are currently 3 security cameras which cover in their scan the Memorial Gardens site. One of these cameras (Guildhall) is due to be decommissioned as it has recently been superseded by a better unit with an increased range.

With reference to seating around the plinth for the new sculpture a broad edging stone is proposed which can be given a profile to make it an uncomfortable seating edge, the planting cover behind has been chosen as it has the ability to regenerate itself.

The bronze for the 'Breath' sculpture is to be securely fixed to the plinth internally and be treated with smart water which contains a DNA code which will identify the bronze as belonging to Norwich City Council.

In relation to the defensible property of the landscaped areas, the planting beds are relatively shallow and raised. Whilst it is possible that people may venture onto the turfed areas, it is not considered likely that the beds would be trampled on a regular enough basis to suffice thorned species which may not be as aesthetically appropriate or as easy to maintain.

No bins are proposed to be provided within the Gardens, for aesthetic reasons and as they were not included within the original design. Previously people would sit in the gardens to eat their lunch as this was the only open space available to them. This need is now better provided for with the removal of the back row of market stalls and location of a number of seats and bins in this location along with improvements in adjacent areas such as Hay Hill and Millennium Plain. The intention of the applicants is that the Gardens should revert back to an area of contemplation and reflection rather than an area for the consumption of food.

Nevertheless, it is considered inevitable that some consumption of food and litter creation will occur within the Gardens. Therefore, whilst it is accepted that bins within the site is inappropriate, it is recommended that details of waste management be agreed via condition, this should include details for litter collection from the site and/or provision of bins within the near vicinity.

Referral of Listed Building Consent to the Secretary of State

Under Section 12 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Section 13 of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended, where a Local Planning Authority require listed building consent in their area the authority shall make

application to the Secretary of State for that consent. Therefore, if the committee are minded to approve the listed building consent subject to the conditions listed the application must be referred to the Secretary of State for decision.

Conclusion

It is not considered that the special interest of the Memorial Gardens or the War Memorial will be fundamentally harmed by this scheme. In so far as changes are proposed they represent a new interpretation of these values for our own time which both builds upon and compliments those of the original design.

The scheme will enhance the function of the Gardens as a key urban space within the heart of the City and will facilitate commemorative ceremonies and disabled access. It is also considered that the proposals would represent an improvement, in crime prevention terms.

As this scheme essentially includes the substantial dismantling, removal from site and reinstatement, in a modified form, of a listed structure, there will need to be conditions in place to protect the heritage values from any potential harm and mitigate any adverse impacts, these conditions are detailed in the recommendations below. Subject to these it is considered that the proposals are in line with development plan policy and other material considerations.

RECOMMENDATIONS

Planning Application

APPROVE PLANNING PERMISSION subject to the conditions:

1. Standard Time Limit;
2. Provision of an agreed lighting plan and fittings;
3. Samples of all new stone to be agreed;
4. Mortar mix and pointing to be agreed;
5. Submission of a Waste Management Plan;
6. An implementation timetable for the landscaping scheme to be submitted, including a management and maintenance plan which includes details of irrigation and formative pruning;
7. Submission of a Programme of Archaeological Work.

Reason for Recommendation

The recommendation has been made with regard to policies ENV6 and WM6 of the adopted East of England Plan Regional Spatial Strategy, saved policies NE9, HBE3, HBE8, HBE9, HBE12, HBE19, SR3 and TRA14 of the adopted City of Norwich Replacement Local Plan, PPS1, PPG15, PPG16, PPG17 and all other material planning considerations.

Subject to the conditions listed, it is not considered that the special interest of the Memorial Gardens or the War Memorial will be fundamentally harmed by this scheme. In so far as changes are proposed they represent a new interpretation of these values for our own time which both builds upon and compliments those of the original design.

The scheme will enhance the function of the Gardens as a key urban space within the heart of the City and will facilitate commemorative ceremonies and disabled access. It is also considered that the proposals would represent an improvement, in crime prevention terms.

Listed Building Consent Application

If the committee are minded to APPROVE LISTED BUILDING CONSENT subject to the conditions listed below, refer the application to the Secretary of State for a decision.

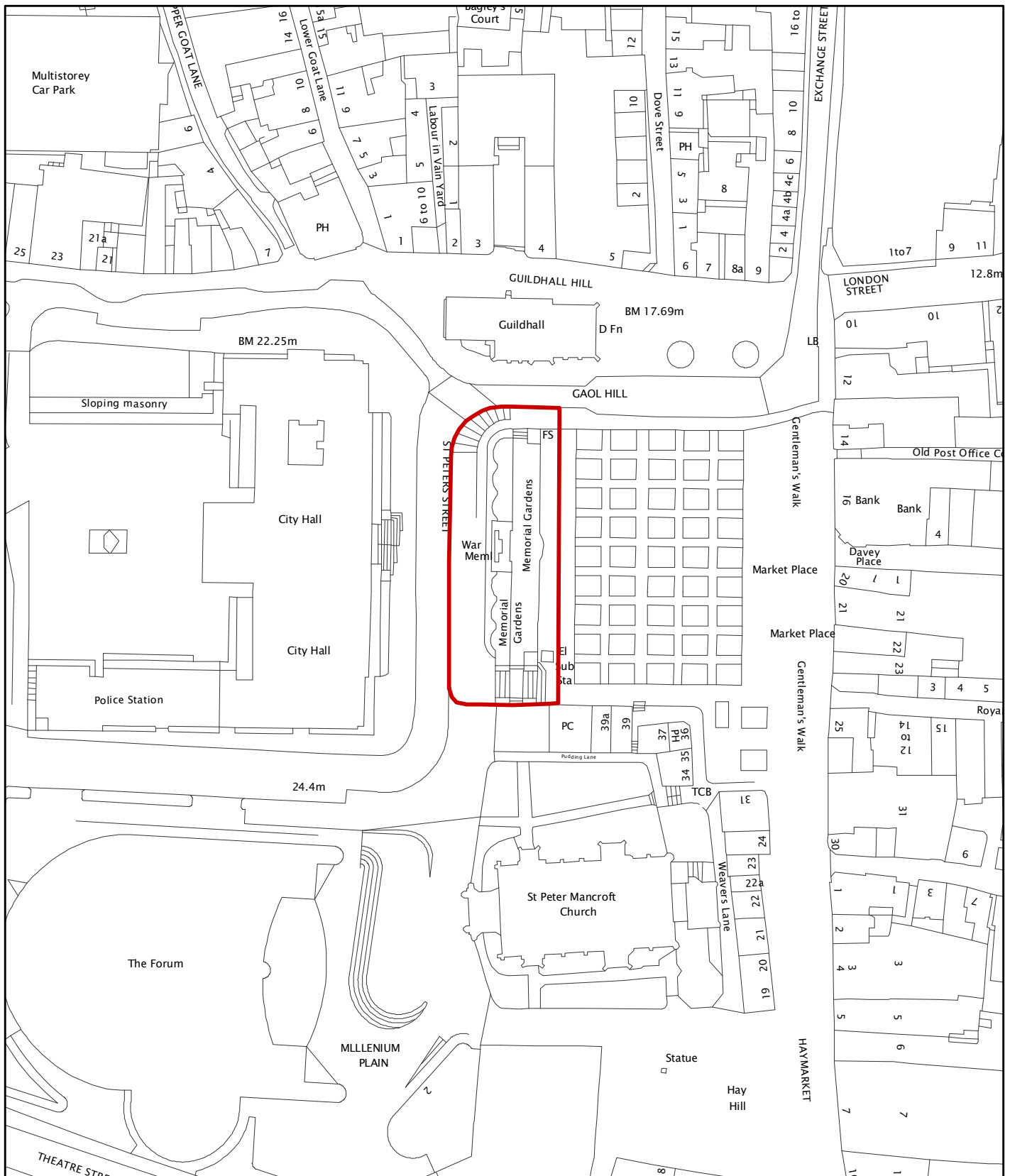
1. Standard Time Limit;
2. Provision of a comprehensive Level 4 Record;
3. Provision of a detailed Method Statement for the dismantling, labelling, transportation, storage and re-instatement of the War Memorial and the Memorial Garden fabric;
4. Provision and agreement to a Specification and Method Statement covering the extent and nature of stonework repairs and cleaning to be agreed based on detailed Defects Report submitted as part of the application;
5. Details to be agreed concerning fixings for War Memorial flag poles and storage for the repaired poles when not in use;
6. Details of the restoration of the painted crest and lettering and the reinstating of functioning flambeaux on the Lutyens Memorial to be agreed;
7. Details of an agreed plan and location for the safe keeping and possible conservation repair of the contents of the Cask in the War Memorial and the reinstatement in the new location;
8. Provision of an agreed lighting plan and fittings;
9. Samples of all new stone to be agreed;
10. Mortar mix and pointing to be agreed;

Reason for Recommendation

The recommendation has been made with regard to policies ENV6 of the adopted East of England Plan Regional Spatial Strategy, saved policy HBE9 of the adopted City of Norwich Replacement Local Plan, PPG15 and all other material considerations.

Subject to the conditions listed, it is not considered that the special interest of the Memorial Gardens or the War Memorial will be fundamentally harmed by this scheme. In so far as changes are proposed they represent a new interpretation

of these values for our own time which both builds upon and complements those of the original design.



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Site Address - Memorial Gardens, St Peters Street, Norwich

Scale - 1:1250



NORWICH
City Council

DIRECTORATE OF REGENERATION
AND DEVELOPMENT

