

Report to Planning applications committee

Item

11 May 2017

Report of Head of planning services

Subject

Application no 17/00505/NF3 - Eaton Park South Park Avenue, Norwich, NR4 7AU

Reason

for referral

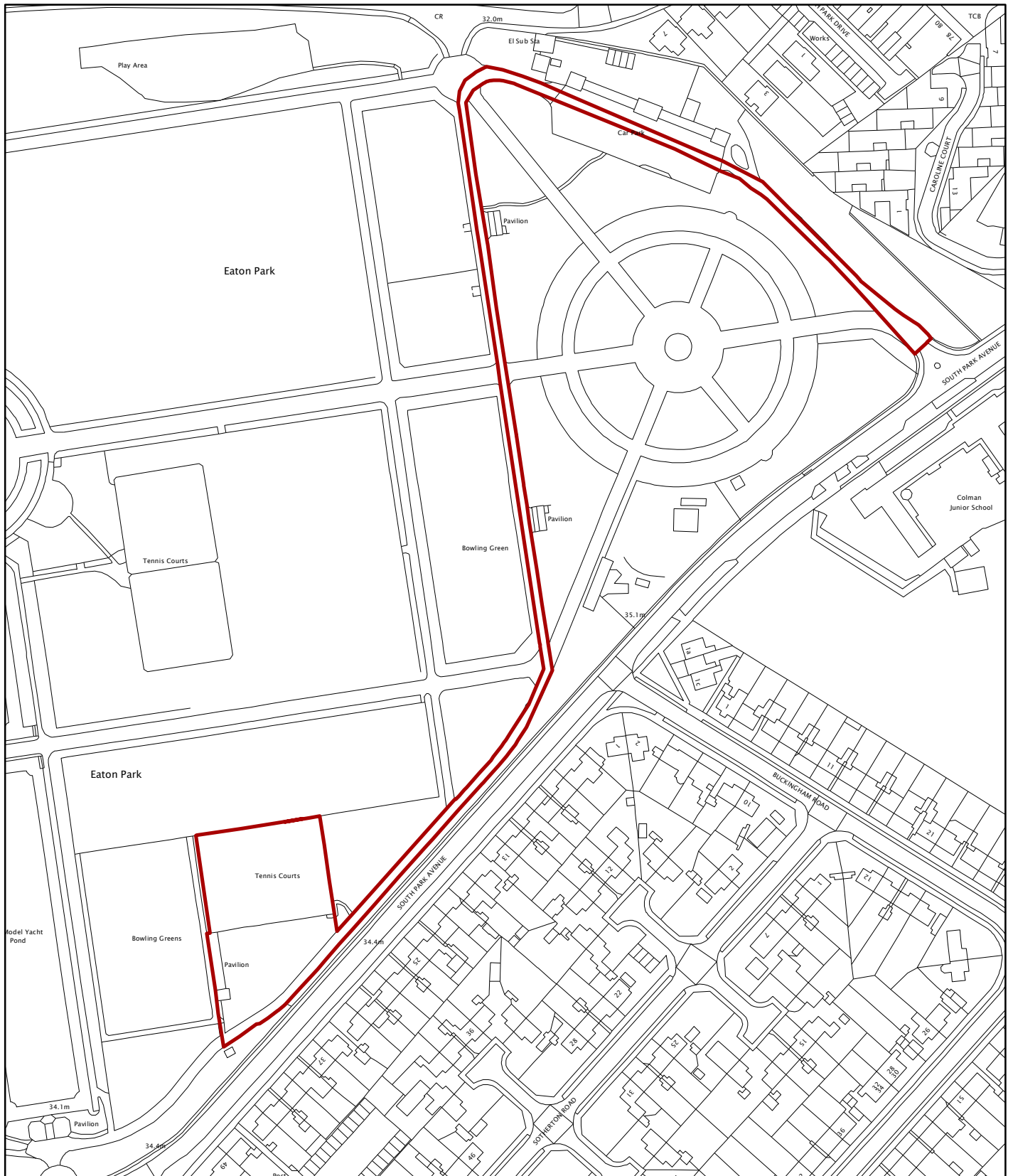
Objection / City council application or site

4(d)

Ward:	Eaton
Case officer	Lee Cook - leecook@norwich.gov.uk

Development proposal		
Provision of floodlighting and installation of new gate to existing tennis courts.		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Principle	Use of site for recreational use
2 Design and Landscaping	Scale; landscape setting
3 Heritage	Historic park
4 Trees	Tree protection and retention
5 Amenity	Light impacts; noise
6 Biodiversity	Habitat; protected species
Expiry date	16 May 2017
Recommendation	Approve



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Planning Application No 17/00505/NF3

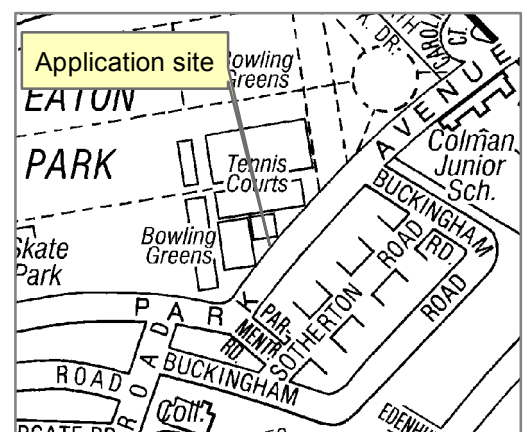
Site Address Eaton Park

Scale 1:2,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is located within Eaton Park, a designated Historic Park, sited to the north of South Park Avenue. Pedestrian pathways and access points are located around the Park and main vehicle access and parking is located on the east and west side of the central Park area. The nearest residential properties to the south-east on South Park Avenue adjacent to the site are some 31 metres away from the nearest corner of the tennis courts.
2. The application site is to the south east of the central pavilion buildings at the Park and is bordered by tree and hedge lined footpaths. At present existing chain link fence enclosures to the tennis courts run close to the edge of footways to this side of the pavilion
3. The park is one of five listed Sandys Winch parks and the most important park for recreation out of these. Facilities include tennis courts, a boating lake, crazy golf, and sports pitches. Historically there were a number of lawn tennis courts and further hard surface courts. In more recent years a cycle speedway track and a skateboard park and upgraded Norwich Parks Tennis courts have been provided across the park, continuing the park's importance in terms of providing a sporting and recreational resource for the whole city, not just the local area.

Constraints

4. The site is designated as a historic park (scheduled) (Policy DM9). The area to the north-east around the tennis court area is with a critical drainage area (Policy DM5).

Relevant planning history

5. There are no recent applications relating to this part of the site. Other recent development on the park includes:

Ref	Proposal	Decision	Date
08/00424/NF3	Proposed construction of wheeled (skate park) sports facility with floodlighting.	Approved	15/10/2008
11/00208/NF3	Construction of 4 No. porous Macadam tennis courts with floodlighting and fencing, including associated access path and lighting.	Approved	25/05/2011
13/00631/F	Creation of crazy golf course and putting green on existing crown bowling green.	Approved	26/06/2013

The proposal

6. The Eaton Park scheme involves provision of floodlighting and works including installation of new gate, service access and feeder pillar.

Summary information

Proposal	Key facts
Scale	
Total floorspace	Existing hard surface court area
Max. dimensions	Existing fencing approximately 2.75m high. Lighting columns 6.7m high plus metal halide lights.
Appearance	
Materials	Adapted fencing and new gates to match existing. Galvanised lighting columns. 12 columns 14 lamps
Operation	
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.
Transport matters	
Vehicular access	Maintenance access via the car park to the south
No of car parking spaces	No new provision – existing car park to south
No of cycle parking spaces	No new provision – see report for discussion
Servicing arrangements	Via the car park to the south. Existing bins etc. located on the park

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 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
The number and height of the floodlights will be obtrusive as they will be only 30 metres from our property. The light pollution could impact negatively on our sleep because of the vertical glare emitted, our property being directly opposite. The artificial light pollution	Paragraph 40 to 42

Issues raised	Response
is a statutory nuisance as highlighted in the Clean Neighbourhood and Environment Act 2005 Section 102	
Light pollution from existing tennis courts, that are flood-lit already cause a just bearable disruption to health and ability to sleep currently. Additional light pollution will greatly affect health and be very detrimental to quality of life. During winter, when there are no leaves on the trees, which shield from the light pollution and the darker longer nights a lack of ability to sleep will be utterly unbearable. Existing floodlighting on numerous occasions have remained on throughout the night, causing much stress.	Paragraph 40 to 42
The yew hedge should be retained, information provided on how this could be done/managed	Paragraph 31, 32
The system operated by Norwich Parks Tennis means that only those who have a smart phone and a computer can access the booking scheme. This will exclude many people, especially the less well off and the elderly among whom many (my husband and I are 70), there are many players who still delight in the game. This is essentially rewarding privilege and denying many in an undemocratic manner	Review of booking facilities could be undertaken by the applicant to ensure wider community access. Not considered to be a relevant planning matter in this instance.
The application submissions are incomplete in terms of information or lacking in terms of necessary information and are not in line with similar application submissions.	The application has gone through validation review and submissions include information as requested within the Councils validation checklist and are considered to be sufficient to make an informed planning decision.
Permission should be in line with statutory policy objectives	Relevant policies listed in the report below
Questions business model, cost benefit and clarity of submitted figures. Query evidence of flood lights enhancing/increasing tennis use and use in winter; cost of usage of lights; business plan; applicant appears to know it has a weak case; transparency of the accounts should be availed.	Norwich parks tennis is a means to provide good quality and affordable tennis facilities, including monitoring, in association with a third party provider. Whilst this has been questioned in local representations the detail of the financial model for provision is not considered to be a relevant planning matter in this instance.
Booking arrangements are not accessible unless you are a member which limits community access to use the sites.	Review of booking facilities could be undertaken by the applicant to ensure wider community access. Not considered to be a relevant planning matter in this instance.

Issues raised	Response
Costings have not yet been carried out for all of the works so financial benefits cannot be known – applications should be deferred for all information to be made available to members.	Not considered to be a relevant planning matter in this instance.
Coaching scheme is lacking in available access and types of coaching	Not considered to be a relevant planning matter in this instance.
Query where/how asset management will be involved in terms of maintenance and running facilities	Not considered to be a relevant planning matter in this instance.
Planning policies are not readily available to allow assessment of proposal	Planning policies are published on the councils website and relevant policies listed in the report below
Should be looking for less lights not more to protect environment and reduce light pollution and energy use which are global issues	Paragraph 46 This does not form part of the submitted application
Council should consider schemes without floodlights. Promotion of single applications and separate assessment should not occur. Requests deferral to consider issue of lighting per se.	The sites are in various locations across Norwich. Each case is considered on its merits.
Questions extent of consultation and ability for local residents to comment. Requests Council to undertake wider consultation on initiatives	Consultation including letters to adjacent properties, press and site notices has been undertaken in accord with protocol
Community could adjust to playing in daylight hours and inclement weather rather than rely on new floodlit facilities – this has eco/carbon neutral benefits	Noted

Consultation responses

8. 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

9. Provision of floodlighting; the installation of floodlighting will enable the expanded use of the tennis facilities within Eaton Park. This is of public benefit and assists in the continued optimal beneficial use of the park.
10. There is likely to be a detrimental impact upon the aesthetic of the park, primarily in the long views across the park when walking south past the bowling green or south from the pavilion past the lilly pond and model yacht pond. There is precedent for the installation of floodlighting within the park; both applications 11/00208/NF3 & 08/00424/NF3 considered the provision of floodlighting to be a minor impact to the significance and historic interest. The provision of further floodlighting will have a

cumulative effect, but as this proposal is along the boundary of the park where street-lighting is positioned, this impact is negligible.

11. Installation of new gate; the installation of new pedestrian and vehicle access gates will allow for the provision of secure and maintained facilities. The works required for this provision include removal of a 6.5m wide section of hedge and the installation of grass grid for vehicle access. These works will be undertaken where a current gate and pathway from the edge of the park boundary exist, so the impact is minimal in that it does not introduce a new walkway/entrance but enlarge/upgrade an existing.
12. The works as described above will negatively impact upon the design aesthetic of the park, which is a Grade II* registered park & garden. This negative impact is less than substantial and is outweighed by the positive public benefit of providing updated outdoor sports facilities which also allow for the continued beneficial use of the park within a historically accurate context.
13. It is considered that the proposal will cause less than substantial harm to the character and special historic interest of the designated heritage asset. This harm is outweighed by public benefit and allows for its continued beneficial use. In line with Chapter 12 of the NPPF and NCC LPP DM1, 3 & 9 this proposal is considered acceptable.

Environmental protection

14. 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 by the legislation quoted below), however the lighting assessment has considered the properties in the vicinity and shows there to be no luminance of the vertical plane at nearby addresses.

Highways (local)

15. No objection on highway/transportation grounds.

Historic England

16. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Landscape

17. Generally acceptable. It would be useful to condition the appearance of the lighting units and columns. Provision of a few cycle stands would help reduce the number of car trips which the facility will inevitably generate. Cycle parking could also benefit the nearby shops.

Sport England

18. Has not commented specifically in relation to this application but has considered proposals which are part of a Norwich City Council initiative 'Norwich Parks Tennis' which is seeking to improve public access to pay and play/free to use tennis courts in the city's main parks.

19. Sport England considers that these application are consistent with our following policy objectives: Planning Policy Objective 2: enhance the quality, accessibility and management of existing facilities Planning Policy Objective 3: provide new facilities to meet existing and future demand. This being the case, Sport England offers its support to this application which will bring significant improvements to the stock of public tennis courts within Norwich and will meet an identified need as set out in the GNDP Playing Pitch Strategy (2015), as well as being a very high priority for the LTA in the East of England.

City Council Sport & leisure development manager

20. The proposal which includes the provision of floodlighting on Eaton 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 considerably extend the availability of court time which will help to meet existing and future demand for the sport.

Tree protection officer

21. Has reviewed this application and has no objections to the proposal.

Assessment of planning considerations

Relevant development plan policies

22. **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
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - 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
 - DM22 Planning for and safeguarding community facilities
 - DM28 Encouraging sustainable travel
 - DM31 Car parking and servicing

Other material considerations

24. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

25. Supplementary Planning Documents (SPD)

- Landscape and trees SPD adopted June 2016

Case Assessment

26. 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

27. Key policies and NPPF paragraphs – JCS1, JCS2, DM1, 2, 6, 7, 8 and 9 NPPF 0, NPPF 8. NPPF paragraphs 7, 9, 14, 17, 56, 109, 118 and 126
28. 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. Policy DM9 seeks to protect the character and historic form of locally identified heritage assets including unscheduled the 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.
29. The policies are generally permissive of recreational and sports development in the park, providing that they can demonstrate that they will not detract from its historic character, setting, space provision 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: Design and Landscaping

30. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
31. The development makes use of existing hard surface facilities and enclosures. Changes to the fence arrangement and external landscape areas are minimal and involve the insertion of new access control and maintenance gate. Leading to the gate would be a new grass mat access route. An electrical feeder pillar would be located on the south side of the site close to the court entrance. With the exception of the inclusion of a small section of reinforced grass for access and part removal of the yew hedge to the south to positioning of a larger feeder pillar there are no significant changes to the landscape setting of the area. The principal change in visual terms is the introduction of floodlighting. These changes have very limited visual or operational impact within the area.
32. 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 3: Heritage

33. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
34. The park was originally designed principally to provide facilities for outside recreation in the city with only a small area given to aesthetic landscaping. The park was divided up into 'sectors' of activity, with different sports occupying different areas. The plan of the park was arranged to create the central axis and pavilion, but was also planned around providing the required spaces for activities to maximise the use of the space. The park and its landscaping was based around the space needs for each recreational activity with the space requirements for the types of sports introduced contributing to the landscape design of the park. The overall landscape design dictated where the various activities would be located within the plan. This proposal lies within the existing 'tennis sector' which appears to have been clearly designed around the standard sizes of courts at the time. This proposal is maintaining the historic recreational use of this part of the park, albeit in a modernised form adopting new space standards.
35. Some degree of change to both the existing historic landscape of the Park and the setting of the pavilions is unavoidable. However, the location of the courts; away to the south-east of the pavilions, and the presence of existing landscaping in this area means that the changes main impact will be on views within the Park in the very localised area where they are positioned. As with other existing floodlit recreational uses this "new" change will in turn mean that this part of the Park will form its own character, which will add further to the character of the Park as a 'recreational resource' rather than detracting from it. The proposals respect the historic use and character of the Park and are merely updating the facilities so that it can continue to function as one of Norwich's recreational spaces. It is considered that the most significant part of the character of the Park is formed by its

recreational use around which the Park was designed, not the aesthetic appearance of the Park itself. This proposal in design and appearance will be similar to existing courts elsewhere.

36. The main impact will be from the lighting but these design elements seek to limit any potential visual impacts by way of numbers, position, materials and height. Therefore the degree of harm in this instance is considered to be less than substantial when considering the preservation of the significance of the heritage asset. 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 4: Trees

37. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
38. No trees are affected by the proposal. Areas for the storage of materials, machinery, excavations, the locations of any site huts, contractor parking and space for machinery storage are suggested within the submitted report as being required to be identified and agreed prior to work starting and should be located away from any trees within the Park. A condition is suggested in terms of requirement for a site meeting and submission of any required site plans and statements for subsequent location of works buildings etc.

Main issue 5: Amenity

39. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
40. The potential impact on neighbouring properties from noise and floodlighting has been considered by the pollution control officer. It is also noted that artificial light pollution can be a statutory nuisance as highlighted in the Clean Neighbourhood and Environment Act 2005. The lighting assessment has considered the properties in the vicinity shows there to be no luminance of the vertical plane. Also, given that the nearest residents are a minimum of about 35 metres away, there are existing lights within this area, the site lies within an existing park with 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.
41. 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 14 lamps on twelve 6.7 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.
42. 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: Biodiversity

43. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.

44. The submitted ecology report notes that site is within Eaton Park which is included on the Register of Parks and Gardens of Special Historic Interest and contains mature trees and ornamental planting. Component sites of the Yare Valley are within 150m of the western extremity of the park and links in with other open space along the river valley.
45. The report indicates that the existing hard courts of about 0.175ha in area have negligible wildlife value. It is surrounded on two sides by a non-native hedge of about 1m in height. The surrounding trees and buildings are considered to have low potential for roosting bats. The site itself is relatively dark but with areas of higher illumination bounding it, including street lights on South Park Avenue and pedestrian paths alongside paths within Eaton Park itself. It is not thought that any features potentially used by nesting birds will be affected by the scheme and the report reasonably concludes that the direct and indirect ecological impacts of this scheme will be negligible.

Compliance with other relevant development plan policies

46. 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.
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 hard court is being reused and there is no change in surface. There should be no change in terms of surface water impacts

Equalities and diversity issues

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

Local finance considerations

48. 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.
49. 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.
50. In this case local finance considerations are not considered to be material to the case.

Conclusion

51. 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 more people to use the Park. 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 of Arboricultural site meeting, Method Statements including site layout for construction works to be agreed and implemented;
5. Works in accord with condition 4 outcomes and Arboricultural Implications Assessment, Tree Survey and Tree Protection Plan during construction. Retention and no changes within areas;
6. Details of landscaping including - hard surfacing materials to paths and access areas, implementation programme, planting schedules and landscape maintenance to be agreed and implemented;
7. Details of cycle storage/parking; site lighting; operation of any site lighting to be agreed and implemented;
8. No use of lights after 22:00 hours or before 08:00 hours on any day.

Article 35(2) statement

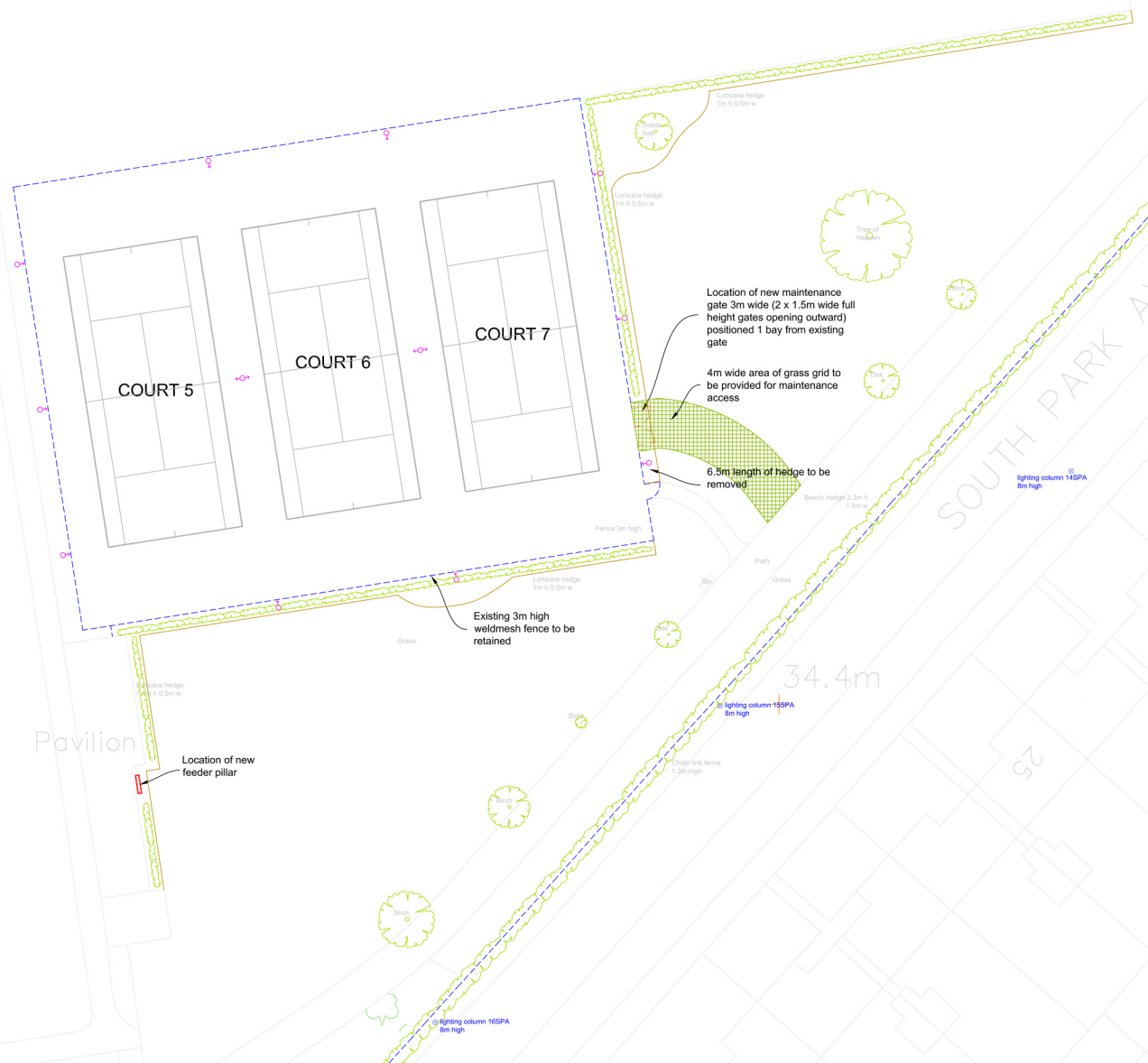
The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

Eaton Park

Tennis Courts

Bowling Greens

Pavilion



NOTES

Proposals Key

- Proposed metal gates
- Proposed floodlighting column 6.7m high, with single metal halide fitting
- Proposed floodlighting column 6.7m high, with double metal halide fitting
- Area of grass matt for maintenance access

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REVISIONS

No.	Date	Notes	Int.	Ctd.
A	06/03/17	Lighting column positions added	EL	EL
B	10/03/17	Column heights noted, key shown	EL	EL

Title
**Norwich Park Tennis
Expansion Project**

Eaton Park
Proposed Site Plan

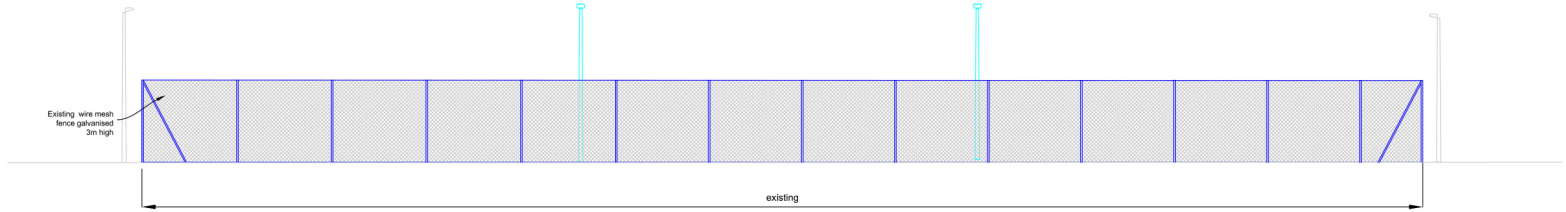
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Date	01/03/2017	DWG. No.	LP17/001/P202 B
Designed by	MF	NEG. No.	
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Checked by	EL		

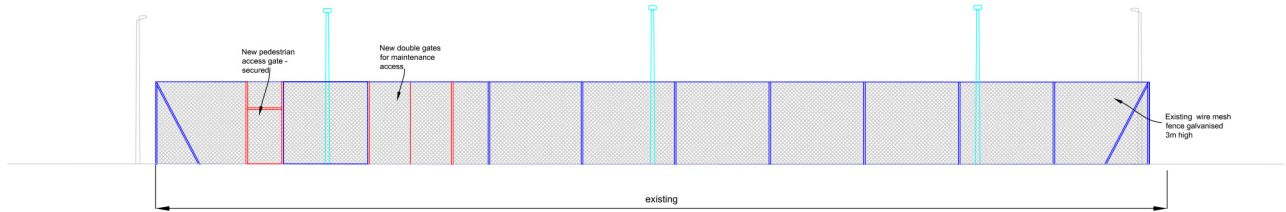
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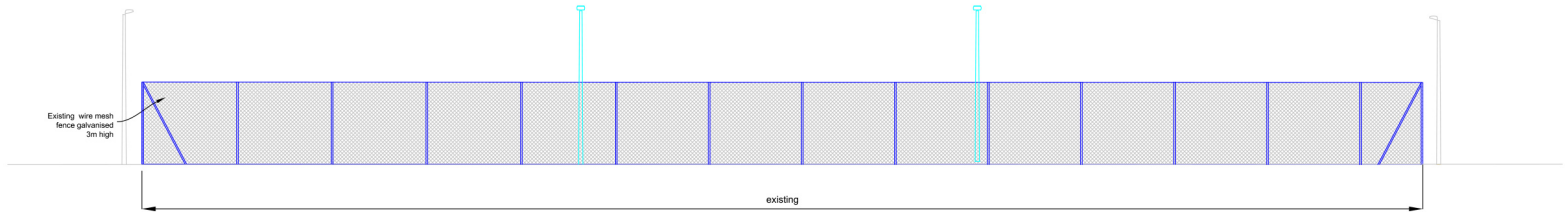
NOTES



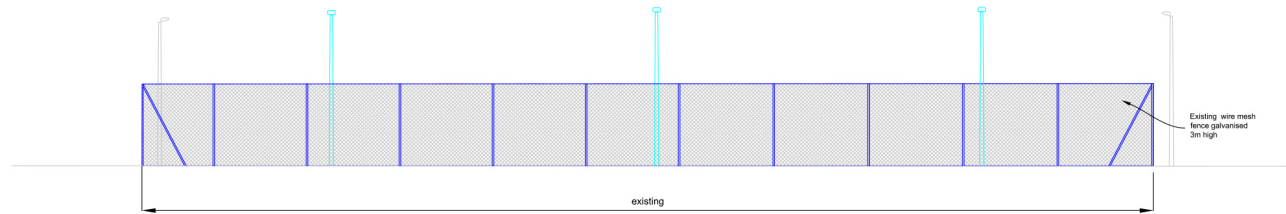
North Elevation



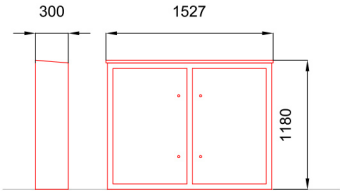
East Elevation



South Elevation



West Elevation



Typical feeder pillar detail
Scale 1:25

Materials Schedule:

- Existing fencing - 3m high weldmesh, finished green
- New fencing - adapted fencing and new gates in locations shown, galvanised metal wiremesh to match existing
- New floodlighting - 7m high columns with metal halide fittings (see lighting consultants drawing and information pack for additional details)
- Other - Maintenance access to have grass grid installed.

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REVISIONS

No.	Date	Notes	Int.	Ctd.

Title
**Norwich Park Tennis
Expansion Project**

Eaton Park
Proposed Elevations

Scale(s) 1:100

Date	01/03/2017	DWG. No.	LP17/001/P203
Designed by	MF	NEG. No.	
Drawn by	EL		
Checked by	EL		

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