

**Report to** Planning applications committee

**Item**

12 January 2017

**Report of** Head of planning services

**Subject** Application no 16/01615/NF3 - Land adjacent to River Yare, Bowthorpe Southern Park, south of Mardle Street, Norwich

4(e)

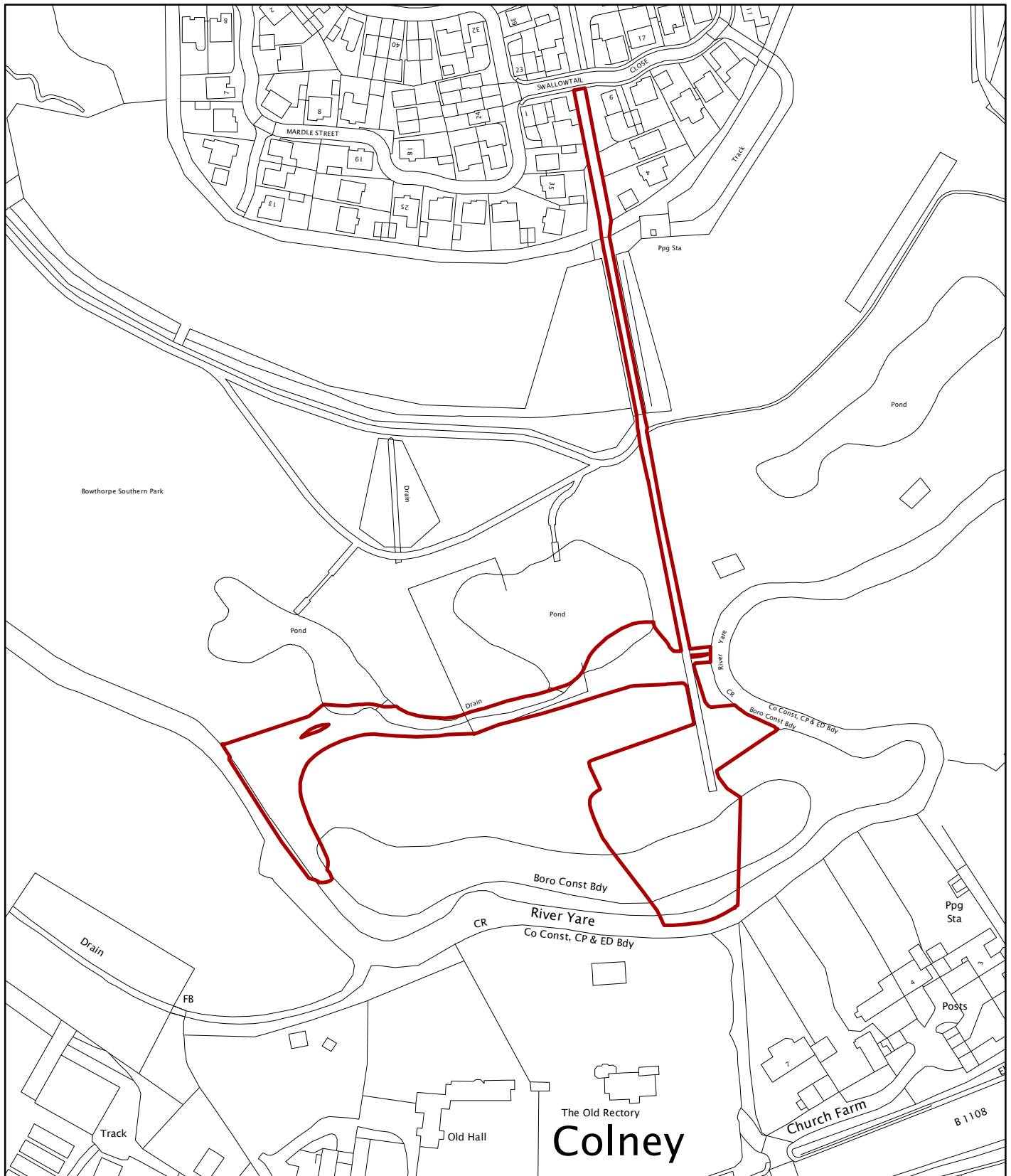
**Reason for referral** Objection and city council application

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<b>Ward:</b>	Bowthorpe
<b>Case officer</b>	Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a>

Development proposal		
Bridge link re-instated, fish fry refuge, dyke network re-instated and spillway.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle	Impact on open space and Yare Valley Character Area
2 Design and heritage	Design of bridge and impact on adjacent heritage assets
3 Landscaping, trees and biodiversity	Impact on trees, biodiversity enhancements
4 Amenity	Loss of privacy, security
5 Flood risk	Water compatibility of development
<b>Expiry date</b>	21 December 2016 extended to 19 January 2017
<b>Recommendation</b>	Approve



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Planning Application No 16/01615/NF3

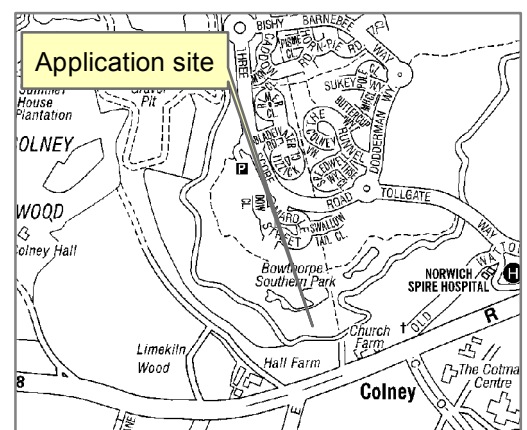
Site Address Land adjacent to River Yare  
Bowthorpe Southern Park

Scale 1:2,000



**NORWICH**  
City Council

PLANNING SERVICES



## **The site and surroundings**

1. The site is located within Bowthorpe Southern Park and straddles the River Yare. To the north of the river the land lies within Bowthorpe Southern Park and within the Norwich City Council district area. The area providing the landing point for the new bridge on the southern side of the river lies within the district of South Norfolk and forms the route of a bridleway between number 7 Church Close and the 'Old Rectory'.
2. The area of the site to the north of the river is in the ownership of Norwich City Council and is managed by the Norwich Fringe Project as open space and for biodiversity purposes.

## **Constraints**

3. The site is subject to the following constraints:
  - Flood zone 2/3
  - Designated Open Space (DM8)
  - Yare Valley character area (DM6)
  - The river corridor is a County Wildlife Site.
  - The Old Rectory located to the south-west of the site is a grade II listed building.

## **The proposal**

4. The application involves the reinstatement of a bridge link between the park and Colney, the creation of a fish fry refuge, dyke network reinstatement and the construction of a spillway.
5. The main objective of the proposal is the re-connection of two existing public rights of way through the construction of a new footbridge. The proposal for the bridge is part of a wider project for improvements to green space in Bowthorpe associated with the development of Three Score. The river crossing and footpath improvements will provide a direct link between housing in Bowthorpe, Bowthorpe Southern Park and major employment locations at the NRP and the NNUH.

## **Representations**

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two 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
Harm to the character of the area resulting from the erection of the bridge	Main issue 2
Impact on the Old rectory which is a listed building	Main issue 2
Loss of privacy	Main issue 4
Harm to security of properties adjacent to Watton Road from increased activity which will follow from the erection of the bridge	Main issue 4
Potential problem with people beginning walk at entrance to the path shared with the Rectory and Church Farm which is private land with no scope for parking	Main issue 4
Impact on biodiversity	Main issue 3
“The Planning Statement refers to a wider range of improvements of green space in Bowthorpe. I would submit that the further development of Three Score will inevitably result in the reduction of green space in Bowthorpe while there is very little in the nature of development which can actually ‘improve’ green space which already exists”	Noted
The proposal is unnecessary and a link already exists between the north end of the proposed new link to the pedestrian crossing at the lights at the end of Colney Lane	In considering the bridge link alone, the proposal will shorten the route from Bowthorpe to Colney Lane and will encourage greater use of the park as a result. The proposal will provide improved connection to Colney and Norwich Research Park where significant future growth is anticipated and in turn the improved link should encourage people to use more sustainable modes of transport
The financial expenditure on the project is not justified	CIL money expenditure has the support of the Greater Norwich Growth Board (Broadland District Council, Norwich City Council, South Norfolk Council, Norfolk County Council, and the New Anglia Local Enterprise Partnership (LEP))

## Consultation responses

7. 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

8. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### Environment Agency

9. We have no objection to this application providing that you have taken into account the flood risk considerations which are your responsibility.

### Lead Local Flood Authority

10. No objections have been raised.

### Public Rights of Way (Norfolk County Council)

11. No objections to the joining together of the two existing Public Rights of Way – Norfolk Bridleway no.2 and Public Footpath no.3 and to include all necessary ramps and abutments to the north and south of the river. Recommendations are set out for the final design of the bridge.

### Landscape

12. In principle the proposal is acceptable in landscape terms, subject to any approval taking account of the recommendations for ecology protection and mitigation.

### Natural England

13. Natural England has no comments to make on this application.

### Norfolk historic environment service

14. The proposed development is located within an area known to contain heritage assets with archaeological interest. If the development contains heritage assets with archaeological interest, groundworks associated with the construction of the bridge and creation of the pond and dykes have potential to disturb them. Conditions are proposed in mitigation.

### Natural Environment Team (Norfolk County Council)

15. If you are minded to approve this application, we recommend that Sections 6.10-6.14 are conditioned as part of the decision. This includes enhancements to the site which specifically should include at least 2 bat boxes and 1 hibernacula (the latter to be constructed from timber retained on site) to be erected on suitable locations on or close to the site. Lastly, a water vole survey should also be completed within 1 month of the commencement of works.

## **Natural areas officer (Norwich City Council)**

16. Provided that the mitigation measures outlined in the ecology report are implemented, these proposals are likely to have negligible ecological impacts. Once construction of the proposed bridge is completed, the accompanying ecological enhancement measures outlined in the ecology report are likely to bring minor positive biodiversity benefits to the site.

## **Tree protection officer**

17. No objection to the proposed tree removal needed to construct the link bridge. All tree work should be carried out to BS3998.

## **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
  - JCS6 Access and transportation
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM8 Planning effectively for open space and recreation
  - DM9 Safeguarding Norwich's heritage
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety

### **Other material considerations**

20. **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

## 21. Supplementary Planning Documents (SPD)

- Trees, development and landscape 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 paragraphs – DM6 and DM8, NPPF paragraphs 73-75.
24. Policy DM8 seeks to protect areas of designated open space in the interests of “enhancing local amenity, helping to promote better health and well-being and fostering community cohesion, as well as providing essential green infrastructure, establishing habitats and networks of ecological and wildlife value and contributing greatly to the character and appearance of the city.”
25. The proposal involves no loss of open space and will enhance access to Bowthorpe Southern Park, including biodiversity enhancements associated with the fish fry refuge and works to reinstate the river bank and construct the spillway. The works to reinstate the river bank and construct the spillway will result in the floodplain functioning properly, providing extra capacity during peak flows and enabling greater public access across the year.
26. The biodiversity impacts of the development and design of the bridge are discussed in more detail later in this report, but the proposal is not considered to carry any negative implications to the Yare Valley Character Area.
27. In summary therefore, the principle of the development is considered to be acceptable owing to the enhancements in public access to the park and biodiversity enhancements that will result from the associated works.

### **Main issue 2: Design and heritage**

28. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
29. The bridge is to be constructed at the south of the site and will provide a link between ‘Norwich public footpath No.3’ and ‘Colney bridleway No.3’ across the River Yare. The bridge is stated to have been designed to national and European standards with the exception of the gradient exceeding 1 in 12 due to the arched profile, the width being reduced to 2 metres and the height of the parapets reduced to 1.15m.
30. The river is very likely to provide a key foraging habitat for bats, in particular the Daubenton’s bat which feeds close to the river surface. The bridge has been

designed to provide sufficient space for bats to navigate underneath and takes account of the levels associated with peak flows. The space beneath the bridge has been assessed on this basis and will provide sufficient flight space so that any impact upon Daubenton's bats will be negligible. The curved design of the bridge will also prevent the need to significantly raise the levels of the banks on either side of the river which could otherwise carry implications for less ambulant users and to the ecology of the site from the engineering works that would be required.

31. The width of the bridge has been reduced to two metres in agreement with the British Horse Society and this will mean that should a horse need to cross the bridge, it will have to do so in single file. Opportunities for appropriate signage will be conditioned to provide instruction for horse riders wishing to cross the bridge.
32. The design of the bridge has now been amended to raise the parapets to 1.4 metre to meet the height standard for cyclists and this approach has been approved by the Public Rights of Way Group at county Council.
33. The balustrades of the bridge are to be constructed of steel and painted, with timber deck blanks laid for the footway. Final details of the bridge will be conditioned to ensure appropriate paint colour and material for the footway. The design of the bridge is otherwise considered to be unobtrusive and will not result in any significant harm to the setting of 'The Old Rectory' which is grade II listed. Screening to the listed building is also provided in the form of existing mature trees planted adjacent to the southern bank of the river.

### **Main issue 3: Landscaping, trees and biodiversity**

34. Key policies and NPPF paragraphs – JCS1, DM3, DM6, DM7, DM8, NPPF paragraphs 9, 17-18, 56, 109 and 118.
35. It's anticipated that in order to facilitate access for the construction of the bridge and to provide the footpath route to the bridge deck, between 11 and 14 trees will need to be felled on the north side of the river and several trees will need to be pollarded or coppiced. The trees are understood to have originally been planted as visual mitigation for the gravel extraction works that took place in the valley. They were not planted with management in mind and several were planted very close together. Several Willow trees can be seen to have recently fallen down naturally.
36. The works to the trees will open up both the canopy and the growth potential of the understorey, helping to create a more diverse habitat and greater range of tree heights. It is not therefore considered necessary to require replacement planting of the trees to be felled. The site is managed by the Fringe Project which in turn is funded in part by both the City Council and South Norfolk District Council. Should it be determined that any replacement planting is necessary then it would be arranged directly by the City Council as the applicant. The felled trees will be recycled on site and integrated within river enhancement projects.
37. A fish fry refuge is to be created via a dyke which is to be culverted beneath the footpath. The fish fry refuge has been suggested by the Environment Agency and will provide a warmer and shallower area of water where fish fry can gather away from predation from larger fish. The refuge will mimic backwater conditions more akin to the natural state of a river and this element of the proposal represents a clear biodiversity enhancement.



38. The earth excavated for the fish fry refuge will be recycled on site in the construction of the path/ramp to the new bridge which will reduce the need to import materials from elsewhere.
39. Part of the river has breached its banks, understood to have occurred during the 2015/16 winter period. Since then the surrounding area has flooded regularly and the flooding has not abated in the summer period. This has led to concerns that the main river levels could drop which would result in harm to fish habitats. The scheme included works to reinstate the bank and install a spillway upstream which will restore the floodplain to its previous state and provide extra capacity in peak flows. The dykes will provide new habitats for water voles and the ponds will benefit from receiving oxygenated water from the river. Details of spillway construction will be secured by condition to ensure proper functioning.
40. The application includes an ecological assessment which identifies the potential for Kingfisher, Crayfish and Water Vole habitat adjacent to where the bridge is to be constructed. Planning consent will be conditioned to require a pre-works survey for protected species and compliance with the recommended mitigation measures and enhancements set out in section 6.10 - 6.14 of the ecological assessment.
41. In summary therefore, while the proposal will involve the loss of several trees on the site, the loss of the trees is justified and the overall biodiversity benefits of the proposal are substantial.

#### **Main issue 4 : Amenity**

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
43. The proposal will increase pedestrian activity adjacent to residential properties, notably to the south of the river along the bridleway between 'The Old rectory' and number 7 Church Farm. It is noted that while the bridleway is an existing public right of way, its use is limited owing to the fact that it is rarely possible to cross the river unless in drier summer periods when the levels can be low enough to walk across. Any increase in activity along the bridleway will therefore increase the opportunity for pedestrians to look into the rear gardens of neighbouring properties. However, the bridleway is an existing public right of way and there has to be an expectancy therefore of people using the path. 'The Old Rectory' is well screened by trees and vegetation adjacent to the bridleway path but clear views would be possible into the rear garden number 7 Church Farm. It is understood that the applicant offered to install a new fence along the boundary with 7 Church Farm to provide additional screening but that the offer was declined.
44. Security concerns have been raised with the impacts of more people using the Bridleway and potential for criminal activity. Incidents of people accessing private gardens 'looking for the bridleway' have also been reported. The potential for improved signage and interpretation is recognised and this would help to ensure that users of the route do not stray onto private land and that car parking would not be permitted on private land. However, it is also noted that much of the land adjacent to the Bridleway entrance at Church Farm is private and depending on where signage is located, landowner consent may be needed. A condition is therefore proposed for a signage/interpretation feasibility scheme (and potential implementation) to explore opportunities for improved signage at the site. The signage will also include guidance for horse riders adjacent to mounting blocks that

the bridge is single file only, which has been requested by the Public Rights of Way Group.

### **Main issue 5: Flood risk**

45. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
46. As referred to in Main issue 3, the proposed works to reinstate the river bank and construct the spillway will have the effect of increasing the capacity of the river in times of peak flow. This is because the river will not be flooded so regularly and so the floodplain will have greater capacity to absorb overflows.
47. The site is located within Flood Zone 3 but the proposed development is considered to 'water compatible' as defined within National Planning Practice Guidance. The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have both been consulted and raise no objections to the proposal.

### **Equalities and diversity issues**

48. There are no significant equality or diversity issues.

### **Local finance considerations**

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

## **Conclusion**

52. 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. 16/01615/NF3 - Land Adjacent To River Yare Bowthorpe Southern Park South Of Mardle Street Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to include final design of bridge (including colour of paint, material for footway and design of gates) and details of the gravel or hoggin path;

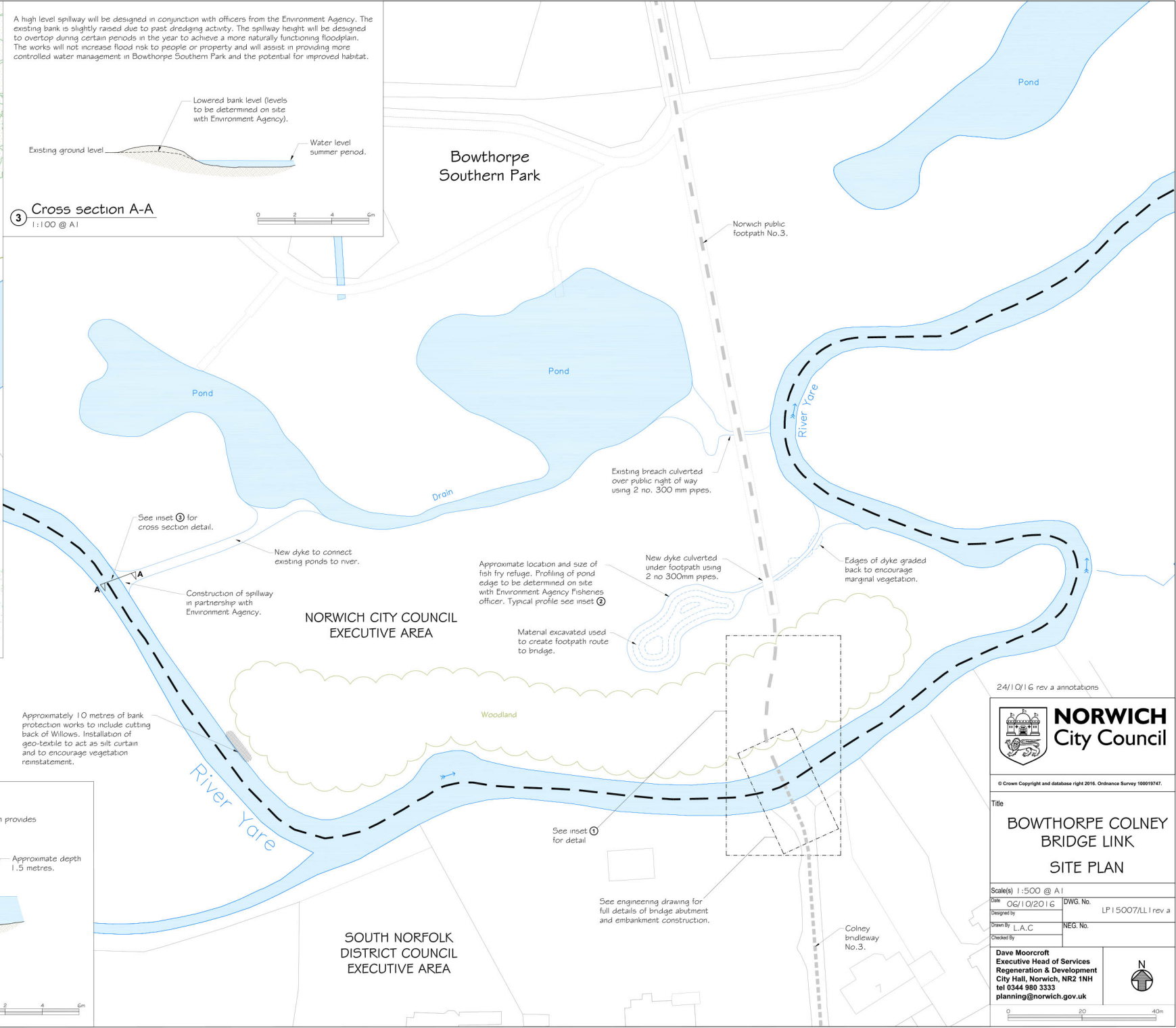
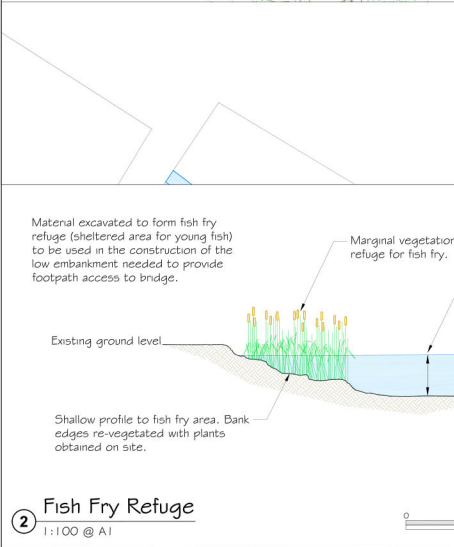
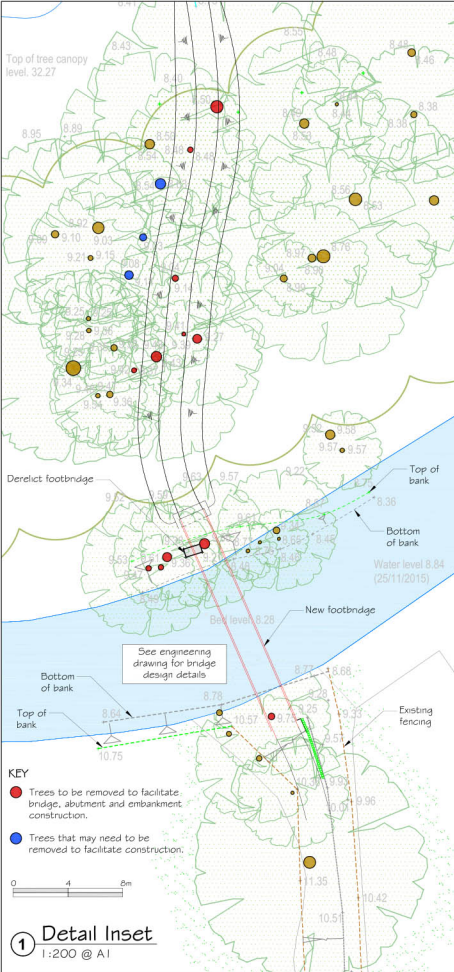
4. Landscape details;
5. Details of spillway construction;
6. Construction method statement;
7. Feasibility study and associated scheme for the installation of signage and interpretation at the site to include direction to the bridleway, notification that surrounding land is private and not available for public car parking, and guidance for horse riders adjacent to mounting blocks;
8. Compliance with the mitigation measures and enhancements outlined in section 6.10-6.14 of the ecology assessment to include a pre-works survey to ensure that no disturbance to nesting Kingfishers will occur.
9. Archaeology – no development until a written scheme of investigation has been submitted to and approved by the local authority;
10. Archaeology – no development unless in accordance with the written scheme of investigation;
11. Archaeology – post investigation assessment.

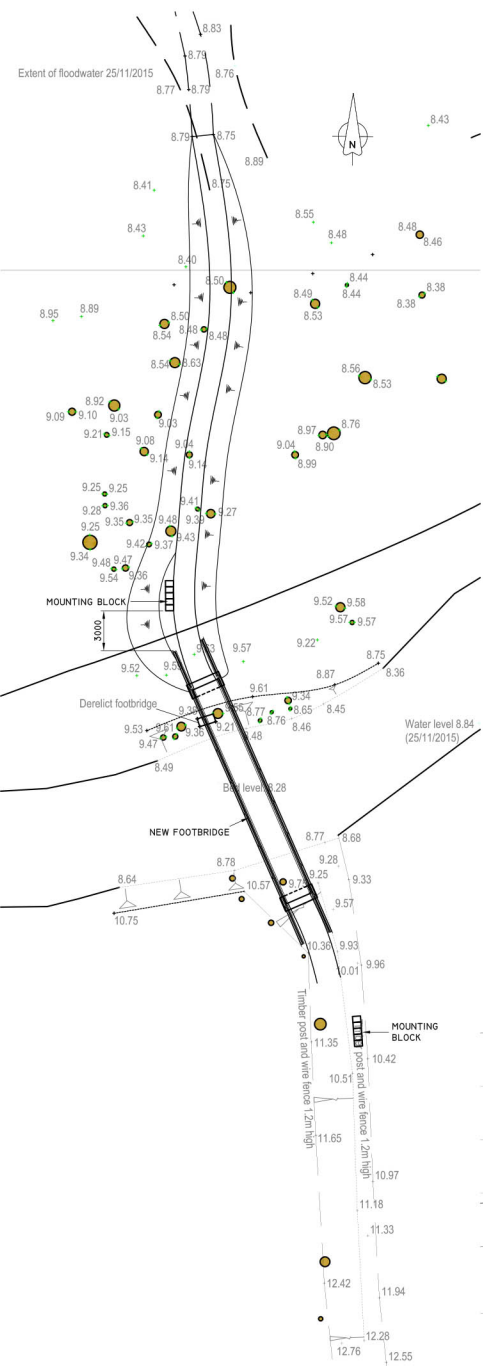
**Informatives:**

- 1) The applicant is advised that they will need to apply for temporary traffic orders to close the routes to the public for the duration of the works.
- 2) The applicant will need a bespoke permit for the footbridge works for '(a) Erecting structures (whether temporary or permanent) in, over or under a 'main river'. Application forms and further information can be found at:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>  
Anyone carrying out these activities without a permit where one is required, is breaking the law.
- 3) The applicant is advised to explore opportunities for the handrails to be as open as possible, within the confines of ensuring adequate pedestrian safety, in order to reduce the likelihood of debris causing a blockage during a flood event.

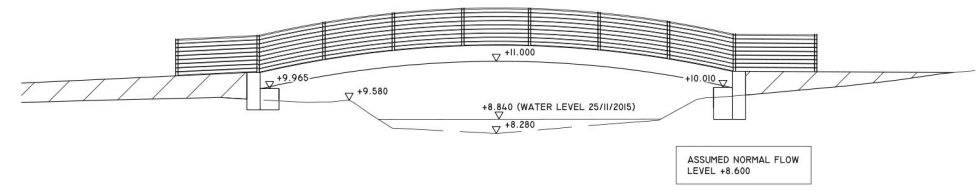
**Article 35(2) statement**

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 has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

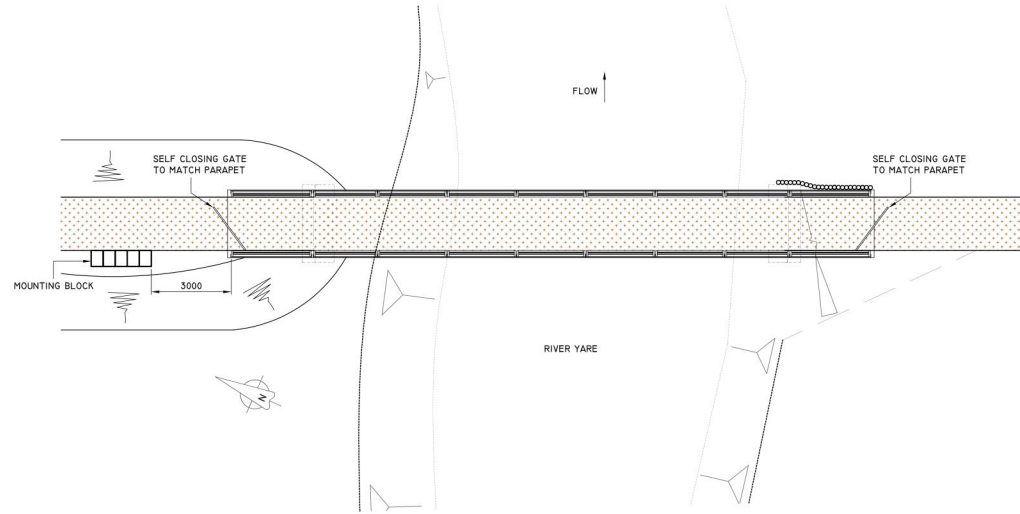




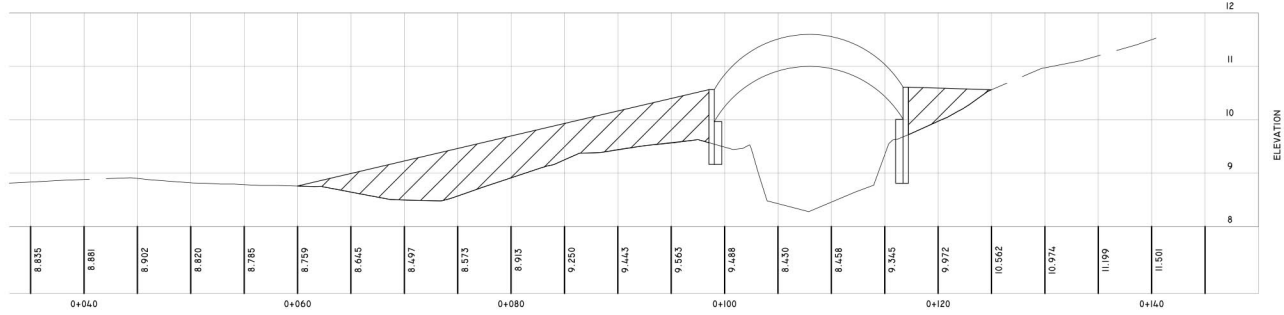
**BRIDGE LOCATION PLAN**  
(1:200)



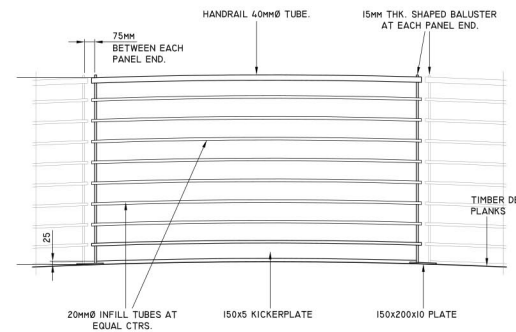
**BRIDGE ELEVATION (400MM RISE)**  
(1:100)



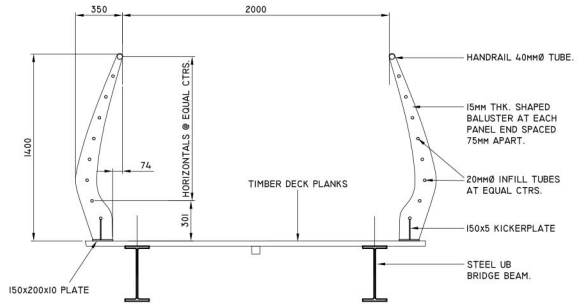
**INDICATIVE BRIDGE PLAN**  
(1:100)



**LONG SECTION ALIGNMENT**  
(HORIZONTAL 1:250, VERTICAL 1:50)



**TYPICAL HANDRAIL PANEL**  
(1:20)



**INDICATIVE SECTION**  
(1:20)

REV	DESCRIPTION	BY	CHK	DATE
P5	GUARDING REVISED TO REFLECT CLIENTS CURRENT REQUIREMENTS.	TN	MA	07.12.16
P4	ADDITIONAL PARAPET PANELS & MOUNTING BLOCKS ADDED.	SJR	MA	20.10.16
P3	INDICATIVE SECTION, INDICATIVE BRIDGE PLAN AND LONG SECTION ALIGNMENT ADDED. WALKWAY SLOPE AMENDED.	JG	MA	29.07.16
P2	PARAPET PANEL DETAILS ADDED. GENERAL LEVELS AMENDED.	TL	MA	01.06.16
P1	BRIDGE LEVELS ADJUSTED.	CP	MA	11.05.16

PROJECT  
**COLNEY TO BOWTHORPE RIVER LINK.**

DRAWING TITLE  
**PROPOSED FOOTBRIDGE DETAILS.**

**PINNACLE**  
CONSULTING ENGINEERS

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DRAWING STATUS			
PRELIMINARY			
SCALE	DATE	DRAWN BY	CHECKED
SHOWN	01.03.16	CP	MA
DRG NO.	REVISION	P5	SHEET SIZE
160110 - 201			A1

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