

Report to Planning applications committee
Date 16 May 2013

Item
5(1)

Report of Head of planning services
Subject 12/00875/O Deal Ground Bracondale Norwich
12/00996/O Deal Ground, Trowse and north bank of River
Wensum to Hardy Road.

SUMMARY

12/00875/O	Outline planning application (full details of access) for a mixed development consisting of a maximum of 670 dwellings; a local centre comprising commercial uses (A1/A2/A3): a restaurant/dining quarter and public house (A3/A4); demolition of buildings on the May Gurney site (excluding the former public house); an access bridge over the River Yare; new access road; car parking; flood risk management measures; landscape measures inc earthworks to form new swales and other biodiversity enhancements including the re-use of the Grade II Listed brick Kiln for use by bats.
12/00996/O	Outline planning application for a pedestrian, cycle and emergency access bridge (4.3m aircraft to soffit) over the River Wensum with associated ramps and transitions on the Deal Ground and Utilities sites
Reason for consideration at Committee:	Major Development Objections received Departure from Development Plan
Recommendation:	12/00875/O Delegated approval subject to S106/access agreement and conditions 12/00996/O Delegated approval subject to conditions
Ward:	Thorpe Hamlet
Contact Officer:	Tracy Armitage Senior Planner - Development
Valid Date:	3 March 2012
Applicant:	Serruys Property Company Limited
Agent	Lanpro

INTRODUCTION

1. This report includes consideration of **two** planning applications:
2. 12/00875/O proposes the mixed use development of the Deal Ground. This application proposal although validated in March 2012 was substantially submitted in February 2011 under the reference 10/02172/O. Since first submission the proposal has been subject to various alterations and further documents and

supporting material have been submitted to both respond and or address issues raised. The development is cross- boundary, elements within the city will be determined by the City Council, elements within Trowse will be determined by South Norfolk Council (see plan).

3. 12/00996/O proposes a bridge over the River Wensum to provide a pedestrian, cycle and emergency access bridge over the R Wensum. This application is also cross- boundary, elements of the bridge spanning the river will be determined by the Broads Authority, whilst the remainder of the structure is within the city and will be determined by Norwich City Council.

The Site

Location and Context

4. The proposed development site is cross–boundary, including land known as the Deal Ground mostly within Norwich City and land operated by May Gurney, within the administrative boundary of South Norfolk Council (see plan 1). The Deal Ground, primarily a brown field site, was originally part of the Colman’s site (linked by a tunnel) and where deal soft wood was used to manufacture barrels and crates for the transportation of products. The site has no direct road frontage, being bounded to the north by the River Wensum, to the west by an asphalt plant and rail head and to the east by a County Wildlife site and the River Yare. Access to the Deal Ground is via a private road that exits on to Bracondale, to the immediate east of the railway bridge. This provides access to the aggregate plant operated by Lafarge, Trowse Anglian Water pumping station, a small number of residential properties and the Carrow Yacht Club.
5. The northern section of the Deal Ground comprises areas of hardstanding, consisting of the foundations of previously demolished industrial buildings, access roads and car parking areas. Beyond this the land comprises a range of semi-natural habitats of dry rank grassland and trees of varying maturity. The application extends into the extreme western and southern sections of the Carrow Abbey Marshes County Wildlife Site (see plan 1) – notified on the basis of mosaic tall fen and herb vegetation and the presence of the Desmoulin’ Whorl snail.
6. The May Gurney site lies to the south of the Deal Ground and the intervening River Yare. The site fronts on to The Street from where vehicular access is gained. The site predominately comprises a combination of buildings and hard-standing and marginal areas of scrub and scattered trees. This part of the development site lies entirely within South Norfolk along with a small section to the north-east of the Deal Ground adjacent to the Carrow Yacht club boundary.
7. Beyond the site boundaries and to the west of the site is the Lafarge stone coating operation served by a freight railhead leading from the main Norwich to London rail line. To the north, on the opposite bank of the River Wensum, immediate adjacent land uses are primarily industrial including; the Utilities site (former power station), Crown Point rail depot, Laurence Scott Engineering and a former gas storage facility. Beyond are the residential areas of Thorpe, rising to Thorpe Ridge conservation area beyond.

8. To the south and east of the site is grazing land and Whitlingham Lane serving residential properties, Norwich Ski Club and Whitlingham Country Park. The village of Trowse lies to the south of the site.

Constraints

9. The site is low lying and given its location at the confluence of the rivers Yare and Wensum is at risk of flooding. Flood risk varies across the site with changes in ground level but only a small area to the west of the Deal Ground is at low flood risk. Most of the Deal Ground is within flood zone 2 (medium probability of flooding) or zone 3a (high probability). Those parts of the site which extend into the western and southern sections of the County Wildlife site are within zone 3b, the functional floodplain.
10. Within the Deal Ground there is a former brick kiln, a designated Grade II Listed Building currently on the at risk register.
11. The Trowse railhead is the only railhead in Norfolk delivering crushed rock for use in the construction industry to the county. The railhead and the co-located asphalt plant are identified as safeguarded mineral infrastructure in the adopted Norfolk Core Strategy and Minerals and Waste Development Management DPD.
12. The Carrow Abbey Marshes County Wildlife Site(CWS) lies directly to the east of the site. The CWS is in private ownership of the applicant with no formal public access. The trees within the CWS are covered by a group Tree Preservation Order. In addition the application site lies immediately adjacent to the Broads, an internationally important wetland area and Whitlingham County Park.
13. The CWS is located within a larger Urban Green space which is also part of the River Valley local plan designation.
14. High voltage electricity cables are routed across the site supported by three pairs of high towers.
15. A small area of the application site lies within the outer consultation zone of the safeguarded gas storage facility on the Utilities site. This remains a designated Hazardous Installation.

Relevant Planning History

16. Broads Authority – BA/2011/0254/FUL : Erection of 2 No. floating pontoons on river, access ramps and fixed landing points on the North bank to the rear of Norwich City Football club and South bank at Deal Ground to enable temporary passenger and cycle ferry service. Approved 21/10/2011
17. South Norfolk (May Gurney site) - 2010/0343: Extension of time for permission 2006/1242/O. Approved 10/12/2010
18. South Norfolk (May Gurney site) - 2006/1242/O: Redevelopment of site into business park & associated hard/soft landscaping and car parking. Approved 23/10/2007

Equality and Diversity Issues

19. On the basis of the outline submission there are not considered to be any equality or diversity issues which would require detailed assessment at this stage, however a lifetime homes condition is suggested, this requirement goes beyond the requirements of building regulations.

The Proposals

20. The application seeks outline approval for a mixed development comprising up to 670 dwellings and a range of commercial uses. Approval for the matter of access (main access spine road) is sought in full with all other matters being reserved. The application details the whole cross-boundary development, elements within the Deal Ground will be determined by Norwich City Council. The site access, development of the May Gurney site and a small north-eastern part of the Deal Ground will be determined by South Norfolk Council. The proposals include the following elements:
21. Access: The existing access from The Street, serving the May Gurney Site, will provide primary access to the whole site. In order to facilitate access to the Deal Ground, a new vehicle/pedestrian/cycle bridge is proposed across the River Yare. A new spine road is proposed on a north-south alignment. The existing private access road serving the Deal Ground, exiting on to Bracondale, is proposed to serve as a secondary emergency access only.
22. Up to 670 dwellings are proposed across the whole site. Supporting documents submitted with the application, illustrate the broad distribution of housing numbers across the site and the two local authority areas. Most of the dwellings are proposed on the Deal Ground –approximately 600 dwellings with 60 – 80 dwellings on the May Gurney site.
23. A small local centre is proposed to serve the needs of the development. The supporting documents submitted with the application indicate a local centre comprising A1/A2/A3 uses, nine individual units between 71 – 200sqm (total area 1265sqm). The local centre is illustrated within the May Gurney site but precise location is not sought at this stage.
24. A specialist dining quarter, including a public house, is proposed as part of the Wensum Riverside proposals. The supporting documents submitted with the application indicate A3/A4 uses, six individual units between 105 – 400sqm (total amended area - less than 1000sqm).
25. The application is supported by a considerable amount of supporting documentation setting out and justifying the development approach. The development includes four distinct areas (see plan 2):

Area 1 – May Gurney site: Predominantly two storey housing/possible location of small local centre.

Area 2 – Marsh Reach: middle section of the site, comprising 2/3 storey houses integrated into a marsh landscape

Area 3 – Linear section of the site adjacent to the western boundary: comprising

managed car parking areas, landscaping and space for ancillary service buildings.

Area 4 – Wensum Riverside: Northern section of the site adjacent to the River Wensum/River Yare – High density residential development 2-8 storey: including terraced houses/ apartments/ duplexes, court yard parking, specialist dining quarter.

26. A comprehensive landscape strategy is proposed including formal and informal open space/recreational space and play areas. These include a multifunctional riverside walkway adjacent to the R. Wensum. The proposal also includes the restoration and future management of the Carrow Abbey County Wildlife site.
27. The renovation and adaption of the Listed Brick Kiln to serve as a bat hibernaculum is proposed.
28. In connection with flood alleviation measures, ground level changes are proposed across parts of the site. All of the access road and western parts of the Deal Ground are shown as being raised. In addition areas to the north and west of the County Wildlife Site are showed as being lowered to provide extended flood storage, marsh habitat and flow paths for flood water across the site.
29. The application has been submitted with an Environmental Statement and as such the proposal is EIA development. The Environmental Statement (ES) details the noise/vibration, transport, flood risk, archaeology, ecology, socio-economic, landscape and air quality impacts of the development. In relation to each technical area the ES considers the impact of the development both at construction and operational stage, the likely effects, mitigation measures and residual impacts. During the course of the application a number of addendums to the ES have been received as well as other additional information to respond to representations and comments of consultees.
30. The bridge application seeks outline approval for a new foot , cycle bridge and emergency access crossing over the River Wensum, aircraft to soffit height of 4.3m. This section of the River Wensum, is part of the navigable network administered by the Broads Authority to whom an identical application has also been submitted.
31. The outline proposals show an opening bridge with a soffit height of a minimum of 14' above mean high water located towards the western end of the Deal river frontage. The overall span of the bridge would be approximately 50m and the central section of approximately 17.4m would open. This would give an opening section across one third of the river's width at this point. Supports within the river channel would be required but these would be outside of the opening section. No final details of design have been included, but it is suggested that in order to achieve the opening arrangement the bridge would be of either a double bascule or sliding type. The bridge deck would be approximately 4.1m wide and would accommodate pedestrians and cyclists.
32. The application includes a route linking the bridge to the closest adopted highway. The application site therefore extends from Hardy Road, including land to the west and south of the existing Laurence Scott Electromotors building and land beneath and to the east of Trowse Railway bridge which would form the northern landing point of the bridge.

Representations Received

33. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 37 letters of representation from individuals have been received citing the issues as summarised in the table below.

Issues Raised : Deal Ground 12/00875/O	Response
Contrary to adopted Replacement Local Plan Policy EMP9 – designating the Deal Ground for employment development with a small number of houses. Scale of housing is excessive.	Para. 72 - 79
Transportation Impact Increase in Traffic – impact on road infrastructure already at over capacity at peak times e.g. Bracondale, County Hall roundabout, Martineau Lane, Riverside, King Street. Impact on Whitlingham Lane Single point of access insufficient to serve development Lack of parking will result in overspill problems in Trowse Submitted Transport Assessment – contains inaccuracies and inconsistencies Impact of traffic on highway / pedestrian safety	Para 117 - 125
Height of development Excessive height unacceptable – inappropriate for river gateway and the transitional zone between Broads and the City. Urbanisation of river corridor	Para. 117 -125
Impact on and loss of natural habitats Encroachment of development into marsh habitat unacceptable. Wildlife area should be retained. Impact of noise and urban activity on these natural habitats will be damaging. How will domestic and ecological spaces	Para. 161 – 177

<p>co-exist?</p> <p>Impact of dust on CWS and Broads ESA has not been properly assessed</p> <p>Impact on Whitlingham Country Park – request for S106 Contribution towards additional management costs</p>	<p>Para. 172</p> <p>Para. 224 -226</p>
<p>Unacceptable development in flood risk area</p> <p>Unsustainable for the future</p> <p>Site frequently floods</p> <p>Risk of flooding has not been fully assessed – impact of tidal surges and climate change</p> <p>Impact on Trowse</p>	<p>Para. 92-94 & para. 146-154</p>
<p>Residential development incompatible with adjacent land uses</p> <p>Noise associated with adjacent mineral and industrial operations has not been fully and properly assessed. (Lafarge/rail head/Carrow Works)</p> <p>Development during construction and operational stages could have significant adverse impacts on these adjoining commercial operations.</p>	<p>Para. 127 - 139</p>
<p>Impact on Trowse and Thorpe Hamlet</p> <p>Visual and noise impact during construction.</p> <p>Impact on views from and the character of these areas and Conservation Areas</p> <p>Impact on community, local school and medical services.</p>	<p>Para. 128</p> <p>Para. 115</p> <p>Para. 183 & 184, 186 - 188</p>
<p>Wider Landscape Impact</p> <p>Visible from Trowse, Whitlingham Country Park, Thorpe and the A47.</p> <p>Impact on Norwich Southern Bypass Landscape Protection Zone and the Yare</p>	<p>Para. 81-82, 106-116</p>

Valley.	
Scale of Commercial uses	Para. 83- 91
Need for sequential /impact tests	
Bridge link across the R Wensum essential	
Essential for safe pedestrian and cycle access to city centre. Connect2 project.	
Bridge connection to Whitlingham Country park should also be provided.	This is not proposed but the layout provides for such a link to be provided in the future.
Conflict with overhead power cables	Para. 199 - 208
Lack of marina	
Missed opportunity	Original plans included a proposed marina which was subsequently deleted. The applicant has indicated the provision of moorings along the River Wensum frontage and a possible slipway.

34. In addition representations from the following have been received:

35. David L Walker Limited (on behalf of Lafarge Aggregates Limited) several letters including noise report. Raise a number of detailed objections to the application in relation to planning policy, noise, dust, traffic, landscape/visual impacts and site layout. Seven letters from companies supporting the asphalt depot and objection to the scale of residential development proposed.

36. RWE npower (on behalf of Utilities Site owners): Support the application although raise timing issues regarding an access agreement.

37. EJW Planning (on behalf of ATB Laurence Scott): Support the principle of redevelopment of the Deal Ground but raise safety concerns about the connection of northern pedestrian/cycle access to Hardy Road

38. Harvey & Co (on behalf of Britvic Soft Drinks Ltd and Unilever UK Ltd): raise concerns over impact of manufacturing operations on residential development; highways; risk of contamination of ground water/aquifer

39. Nathaniel Lichfield & Partners (on behalf of capital Shopping Centres Plc): raise concerns over the proposed small local centre and dining quarter and failure to meet national and local planning policies in relation to sequential/impact assessment.

40. Cllr Lesley Grahame (on behalf of Thorpe Hamlet Councillors): Recognise the need for housing and support the principle of building on brownfield sites. Concerns over provision of sustainable transport links in the city; future parking demands; provision of bridge should be conditioned; school provision and quality of the development going forward.

41. Thorpe Hamlet Labour Party: Submit the results of a survey of the views of local

people on the proposals. Responses include: support the principle of developing derelict land and welcome new jobs/homes/new bridge and environmental improvements. Concerns regarding: flood risk/drainage/traffic/densities/need to protect wildlife. Support for the provision of a new school in the area and improved GP and community facilities.

42. South Norfolk District Councillor (including Trowse ward): objections and comments in relation to: flooding, pedestrian access to Norwich, parking, schooling, power lines, form of development, noise and the Wensum bridge.

Consultation Responses: 12/00875/O

43. **Anglia Water:** In relation to the development they confirm capacity at the Sewage Treatment Works but the capacity constraints in the foul sewerage network. Conditions recommended in relation to foul drainage strategy and surface water disposal
44. **Broads Authority:** Strong objection to the increase in visitor pressure on Whitlingham Country Park, where facilities are inadequate to cater for current visitor numbers. Consider the development should make a contribution to mitigate its off site impact. Express concern over the scale and design of the proposed development and have strong reservations about the desirability of constructing 8 storey buildings. Consider a graded approach would be preferable and more detail is required in order to assess whether the quality of design is appropriate. Object to the adverse impact on the bio-diversity value of the river corridor, associated habitats and the wider Broads. In relation to the navigation impact, they consider the loss of the marina from the original proposals to be a missed opportunity and that it should be reinstated. They raise concerns about the existing plans which make no recreation provision but they are aware that the applicant has indicated his intention to include on- line moorings and a slip way, which would be welcomed.
45. **Broads Society:** make comments in relation to the absence of small scale employment zone and query the reservation of land for a rail freight depot.
46. **Carrow Yacht Club:** No objection – right of way across the site, suitable for a crane, must be maintained
47. **CABE Design Council:** reviewed earlier scheme (10/02172/O) and made comments regarding the design approach – Supported the scheme in principle, raised matters of detail regarding the design of the bus square, visualisations, extension of Marsh Reach area and relationship between public, communal and private space. Commented that planning permission should not be granted without the provision of new bridge connection across the River Wensum.
48. **English Heritage:** Raised design issues regarding the May Gurney site. Within Deal Ground highlight potential archaeological interest and the need for further investigation. Requested further long views of the River Wensum blocks. Comment that the proposed use of the brick kiln is appropriate and recommend a condition requiring remedial repairs in the early phases.
49. **Environment Agency** - No objection subject to the imposition of conditions relating to minimum finished floor level; details of a safe exit route; provision of compensatory flood storage works; further details of bridges and culverts; detailed

SUDS scheme and conditions relating to contamination and pollution control.

50. **Natural England:** Welcome the creation of green space, enhancement measures, the inclusion of swales and ponds and the restoration of the brick kiln as bay roost (subject to some tree screening). Recommend that river corridors should seek to retain function as networks of natural habitats corridors. In relation to loss of CWS habitat they comment that mitigation needs to be both effective and deliverable and that the proposed creation of new habitat will depend on a high degree of management which may not be achieved. They comment that off site mitigation should also be explored. Further comments made about the need to ensure adequate sewage treatment facilities are in place and water resources should be secured.
51. **Network Rail:** Make detailed comments regarding construction and landscaping matters close to Network Rail Infrastructure. Comment that developers should undertake their own investigations to establish any noise levels and vibration likely to originate from the railway and design mitigation accordingly.
52. **Norfolk Constabulary** - Consider that the scale of development requires financial contributions towards delivering Police services to address community safety, tackle the fear of crime and seek to achieve a reduction in crime.
53. Raise concerns regarding the location and design of parking areas, footpath provision and level of surveillance to such areas including play areas.
54. **Norfolk Fire and Rescue Services:** Need for the provision of fire hydrants
55. **Norfolk Wildlife Trust:** No objection in principal to the application and broadly support the proposals for biodiversity mitigation and compensation. Support the broad proposals within the proposed management framework for the Carrow Abbey Marsh County Site. Consider further clarification necessary regarding the managing the interface between the CWS and that buffering/fencing will be needed to minimise disturbance. Comments also made about the loss of fen habitat and that as well as the proposed translocation the potential for restoration of fen elsewhere on site should be explored. Value of the river corridors also highlighted.
56. **Norfolk County Council (Highways):** No objection subject to the Transport Strategy being implemented, imposition of conditions and S106 Obligation securing the funding and long terms operation of a Transport Management Association
57. **Norfolk County Council (Historic Environment Services):** No objection subject to the imposition of planning conditions relating to further archaeological investigations.
58. **Norfolk County Council (Minerals):** Object to the outline application consider that it is likely to prejudice the continued operation of a safeguarded mineral operation at Trowse and the location of the residential units would create conflict between these incompatible uses and unacceptable impacts on the residents of the proposed development, contrary to the national and adopted county council policy. Maintain the view that redevelopment of the Deal Ground is welcomed in principle, but that the current proposal is too heavily biased towards residential development and that a more balanced mix would provide the basis for a more suitable scheme, which is less likely to lead to conflict. Consider that this is a complex proposal and it would not be appropriate for this development to be determined without the

inclusion of further detailed matters including layout, scale, and appearance and landscaping.

59. **Thorpe St. Andrew Town Council:** No objection – considered S106 funds could provide a ferry crossing between Whitlingham Country Park and Thorpe Marshes to enable development of walks and pedestrian access to the two sites.
60. **Trowse Parish Council:** Recommend refusal of this application. Support the principal of development which enhances the surrounding area both in terms of visual impact and quality of life and consider that a mixed development could provide such an opportunity. Raise a number of concerns in relation to the application: revised planning policy for this site yet to be agreed; lack of account of the impact on the community and character of Trowse; development in flood risk area, residential amenity and impact of adjacent land uses; access and highway safety; impact of local services and surrounding areas; landscape impact.
61. **Norfolk County Council (Planning Obligations):** Seek commuted payments towards education and library provision as well as a monitoring charge and the provision of fire hydrants.
62. **Norwich Fringe Project:** Concern over the major impact on Carrow Abbey Marshes and future possible disturbance, Ideal option would be for the marshland habitat to be protected. Access should be restricted to limit disturbance. Future management needs to involve the residents and be an integrated part of the housing development. Raise general concerns about the impact of the development on local infrastructure; landscape and river corridor.
63. **Norwich Rivers Heritage Group:** Consider height of the development on Wensum Riverside as totally unacceptable and inappropriate for the river gateway. Lacks direct connection to Whitlingham which would provide access from the city centre to the park
64. **UK Power Networks** – Comment that discussions have taken place with the applicant regarding the diversion or placement underground of the two double circuit 132kV lines that cross the May Gurney and Deal Ground sites and a preferred option has been identified. Subject to securing first and third party land consents, obtaining the appropriate planning consent and reaching an agreement with the applicant on the matter of the 'division of costs' and 'engineering complexities' it is an option that could be achieved.
65. **Whitlingham Trust:** Raise a number of concerns regarding: scale of development prejudices prime objective of providing for quiet enjoyment for local residents and visitors; impact of increased visitor pressure no commitment to providing resources; visual impact detracting from the open rural character of the western end of the park; urbanisation of river corridor.
66. **Yare Valley Society:** Raise a number of concerns: relationship with County Wildlife Site, over development of the countryside landscape and the river valleys.

Representations and Consultation Responses:12/00996/O

Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below

Issues/comments raised	Response
Use of Hardy Road by pedestrian and cyclists raises safety concerns given the heavy industrial use of Gothic Works.	Para 196
Support - Extends the Sustrans route and improves access to Whitlingham Country park	

67. Carrow Yacht Club: No objection – right of way across the site, suitable for a crane, must be maintained.

68. Environment Agency: No objection subject to the imposition of conditions relating to contamination investigations and remediation.

69. Norfolk County Council (Highways Authority): No objection subject to imposition of conditions relating construction traffic management and routing.

70. Norwich Rivers Heritage Group: Support outline application.

71. Norfolk & Suffolk Boating Association: Essential that the bridge is an opening structure and 4.3m should be stated as at mean high water springs. Consider further information should be provided in relation to: method of opening; maintenance/operational responsibilities; whether open on demand; provision of dolphins or pontoons.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

Statement 4 – Promoting sustainable transport

Statement 6 - Delivering a wide choice of high quality homes

Statement 7 - Requiring good design

Statement 8 - Promoting healthy communities

Statement 10 – meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

Statement 12 - Conserving and enhancing the historic environment

Statement 13 - Facilitating the sustainable use of minerals

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 Addressing climate change and protecting environmental assets

Policy 2 Promoting good design

Policy 3 Energy and Water

Policy 4 Housing delivery

Policy 5 The economy

Policy 6 Access and transportation

Policy 7 Supporting communities

Policy 8 Culture, leisure and entertainment

Policy 9 Strategy for growth in the Norwich Policy Area

Policy 12 The remainder of the Norwich urban area, including the fringe parishes

Policy 19 The hierarchy of centres

Relevant policies of the North Norfolk Core Strategy Minerals and Waste Development Management Policies DPD 2011

CS 16 - Safeguarding mineral and waste sites and mineral resources

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE 1 Protection of environmental assets from inappropriate development

NE 3 Tree protection, control of cutting and lopping

NE8 Management of features of wildlife importance and biodiversity

NE9 Comprehensive landscaping scheme and tree planting

HBE4 Other locations of archaeological interest

HBE9 Listed Buildings and development affecting them

HBE 12 High quality of design in new development

EP 1 Contaminated land and former landfill sites

EP3 Health and Safety consultations

EP5 Air Pollution emissions and sensitive uses

EP16 Water conservation and sustainable drainage systems

EP18 Energy Efficiency in development

EP22 High standard of amenity for residential occupiers

EP6 Air Quality Management Areas

EMP9 Allocation Policy for Deal Ground – mix of uses

EMP14 Allocation policy for Former Utilities site

TVA3 River related tourism and moorings

SHO3 Criteria for assessment of retail proposals

SHO12 Development in or adjacent to District or Local Centre

SHO13 Allocation and policy for new District Centre proposal

SHO15 Change of use within District and Local Centres

SHO22 Food and drink uses in centres

HOU5 Accessible housing

HOU6 Development Requirements for Housing Proposals

HOU 13 Proposals for new housing development on other sites

SR1 Minimum standards for provision of open space

SR2 Provision within each sector of the city

SR3 Development resulting in loss of open space

SR4 Provision of open space to serve new development

SR7 Provision of children's equipped play

SR11 Riverside Walks provided through development

SR12 Green Links

TRA5 Approach to the design for vehicle movement and special needs

TRA3 Norwich Area Transport Strategy

TRA6 Parking standards – maxima

TRA7 Cycle parking standards

TRA8 Service provision

TRA9 Car free housing and car clubs

TRA 10 Contribution by developers for work required for access to the site

TRA11 Contributions for transport improvements in the wider area

TRA12 Travel Plans relating to development proposals

TRA 14 Enhancement of the pedestrian environment and safe pedestrian routes

Supplementary Planning Documents and Guidance

Energy Efficiency and Renewable Energy SPD Adopted 2006

Green Links and Riverside Walks SPD 2006

Open Space and Play Provision Adopted June 2006

Transport Contributions Draft for Consultation 2006

Accessibility and Special Needs Housing SPD Adopted 2006

Trees and Development Adopted September 2007

Other Material Considerations

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM1 Achieving and delivering sustainable development

DM2 Ensuring satisfactory living and working conditions

DM3* Delivering high quality design

DM4 Providing for renewable and low carbon energy

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

DM11* Protecting against environmental hazards

DM12 Ensuring well-planned housing development

DM13 Communal development and multiple occupation

DM16 Employment and business development

DM17 Supporting small business

DM18 Promoting and supporting centres

DM20 Protecting and supporting city centre shopping

DM21 Protecting and supporting district and local centres

DM22 Planning for and safeguarding community facilities

DM23 Supporting and managing the evening and late night economy

DM28 Encouraging sustainable travel

DM29 Managing car parking demand in the city centre

DM30* Access and highway safety

DM31 Car parking and servicing

DM32 Encouraging car free and low car housing

DM33 Planning obligations and development viability

Norwich local plan – Site allocations and site specific policies development plan documents – Pre-submission policies (April 2013)

R10*: The Deal Ground

R11: Utilities site, Cremorne Lane

R12: Kerrison Road/Hardy Road, Gothic Works

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its content.

Pre-application advice note 2009 (revised 2010) Ground and Utilities Site
The Localism Act 2011 – s143 Local Finance Considerations

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

Principle of Development

Policy Considerations

72. Norwich City Council is committed to the regeneration of the east Norwich area and has been working for a number of years to address the barriers to development on both the Deal Ground and Utilities sites. Collectively the sites comprise land with the capacity to accommodate strategic levels of employment and housing growth. Both sites are separated by and front the River Wensum, vehicular access being constrained by intervening water courses and rail lines. Development of both sites is therefore conditional on improved access through the provision of new bridge infrastructure.
73. The Deal site was initially allocated in 1995 in the City of Norwich Local Plan and is currently included in the City of Norwich Replacement Local Plan 2004 as a site for mainly employment use, with a small amount of housing in the northern part (Policy EMP9). In 2007, in recognition of the strategic importance of the Deal and Utilities sites, this council commissioned research into options for development (Buro Happold Study 2007), and a number of further CLG funded studies (2008). These assessments of development potential, viability, site constraints and the infrastructure investment required to overcome them, have demonstrated that an employment led scheme, as allocated under EMP9 in the adopted Local Plan (2004), is unlikely to be viable.
74. The City Council worked with the Broads Authority, South Norfolk District Council and Norfolk County Council to produce a pre-application advice note (initially published in 2009, and revised in 2010). The pre-application advice note is officer-level guidance, produced to assist developers preparing planning applications on both the Deal Ground and Utilities site. The overall objective of City Council and its partners in the pre-application advice note is the delivery of sustainable and comprehensive regeneration of both the Deal Ground and Utilities sites to support housing and employment growth in the wider Norwich. These shared objectives informed JCS Policy 12 and the identification of both sites as priorities for regeneration.
75. Since preparation of the advice note and JCS adoption, the National Planning Policy Framework (NPPF) has been published (March 2012) which includes a presumption in favour of sustainable development. The NPPF sets out core planning principles including promotion of mixed use development, encouraging the effective use of land by re-using brownfield land, and promoting sustainable transport. The primary objective of the NPPF is to deliver economic and housing growth. This focus on the planning system making development happen, requires

Local Planning Authorities to consider viability and market signals when making decisions on policy and planning applications. The NPPF in this regards states that sites allocated for employment purposes should not be protected long term where there is no reasonable prospect of a site being used for that purpose.

76. The scale of residential development proposed as part of this application does not comply with Policy EMP9 of the City of Norwich Local Plan. However, the local plan is only part of the development plan for Norwich, now updated in part by the JCS, and by the National Planning Policy Framework. Therefore in considering a departure from EMP9 relevant considerations are the updated evidence base regarding this site, the NPPF and the agenda for growth and possible broad economic, social and economic benefits of the proposed development.
77. The City Council is currently at an advanced stage in the preparation of its Site allocations and site specific policies development plan document (DPD) which was submitted for independent examination in April 2013. The draft DPD includes policy R10 which allocates the Deal Ground for major residential-led mixed use development. Taking account of para. 216 of the NPPF, weight can be given to Deal Ground policy R10 as the plan as recently been submitted and is in compliance with the NPPF. However, the fact that there are outstanding objections to the policy does limit the degree of weight that can be given to the submitted policy.
78. Although for the reasons given above at paragraph 77, relatively limited weight may be placed on the emerging Site Allocations DPD, it should be noted that the planning application proposals are generally consistent with this version of the plan. Proposed policy R10 allocates the Deal Ground for a major residential-led mixed use development – providing for a mix of uses including housing (in the region of 600 dwellings), small scale local employment, local shops and services and local community facilities. The scale of development proposed is consistent with Policy R10, and represents the second largest housing site in the draft DPD. Given this general consistency and the inclusion of the site in the JCS, as a priority for regeneration, the application, in terms of development mix is not considered prejudicial to the emerging allocations plan.
79. The current application was submitted in February 2011 and proposals have been in the public domain and available for comment for a considerable period of time. The applicant has submitted significant evidence and number of documents in support of the proposal and has an expectation that a decision can now be made without any further delay. The determination of this application, in advance of the examination of the Site Allocations DPD may be regarded as premature. However, it would not be justified to refuse planning permission on this basis, given the history of this application and site, the wider planning policy context which favours sustainable development and the scope to deliver economic and housing growth. The proposed development includes a significant number of new dwellings and is of a scale to make a substantial contribution to the delivery of housing in the city over the emerging plan period. The alternative of no development would result in a significant deficit of housing in Norwich and a failure to meeting housing targets within the JCS. The sustainability of the proposals is considered in detail in the remainder of the report.

Other Principle Policy Matters

80. The entire site is within a consultation area defined by Norfolk County Council around mineral infrastructure safeguarded under Policy CS16 of the adopted Norfolk Minerals and Waste Core Strategy. The safeguarded infrastructure, includes the rail head and the co-located asphalt plant and is discussed in detail in para. 127 - 139.

Yare Valley Character Area

81. The proposals involve land designated as 'River Valley', subject to Replacement Local Policy NE1 and emerging Development management policies DPD DM6. These policies seek to protect the green corridor associated with the river valley as an important natural environmental resource. The policy approach recognises the broad benefits associated with river corridors providing visual amenity, recreational resource, natural habitats and providing a green urban edge to the city. In this context development will only be permitted where it would not damage the environmental quality or character of the area and where it is for: agriculture or forestry, outdoor sport and recreation; or where it involves the limited extension of an existing building.
82. Development proposed within the River Valley area includes the southern end of the main access spine road and parts of the Wensum Riverside development including both residential blocks and recreational open space. Apart from the latter, these development types are not permitted by existing or emerging development plan policy within the River Valley designation. In considering whether a departure from adopted development plan policy is justified there needs to be due regard to other policy considerations, core strategic objectives and the extent to which development would damage the environmental quality, biodiversity and character of the area. These matters are considered later in the report.

Small Local centre

83. The proposals include provision of a small local centre, comprising up to nine A1/A2 and A3 uses, individual units ranging between 71 – 200sqm (total amended area 1000sqm). Supporting documentation indicates that the new provision is designed to be of a scale to serve the needs of the development and to reduce car dependency amongst future residents. A Retail and Leisure Impact Assessment has been submitted with the application and representations have been received challenging the extent to which this complies with national and local requirements to undertake a sequential assessment and to consider impact.
84. The NPPF, JSC Policy 19 and the shopping policies in the Replacement Local Plan, in particular SH03/12 and emerging Local Plan Policy DM18/21 set out the policy context for new retail proposals. These policies are centred on ensuring that retail development is located in a manner that accords with the existing hierarchy of centres and in a manner that supports their function, vitality and viability.
85. The Retail and Leisure Impact Assessment confirms that the site is outside of any defined centre and that there are no local centres within 800m of the site. The assessment examines outlying centres and considers them all beyond a reasonable walking distance for top up shopping needs. Part of the Riverside Retail Area lies within the 800m catchment, this contains a number of national multiples, potentially attractive to a sub regional catchment. The assessment indicates that

there were no vacant or available units within the centre to accommodate the retail uses proposed on the site.

86. Having regard to the scale and function of the proposed retail units it is considered that an appropriate range of sequentially preferable locations have been considered. In addition provided that the size and distribution of units is restricted the impact of the new small local centre would be low. JSC Policy 19 acknowledges the role that new local centres may play in serving new major growth areas and emerging Policy R10 allows scope on the Deal Ground for local retail provision to serve the immediate needs of the future residential population of the site. It is considered that given the scale of housing proposed and the vision to create a sustainable urban village, the provision of small scale retailing of the type proposed is considered justified and would have no significant detrimental impact on the vitality and viability of existing centres elsewhere subject to conditions relating to size and mix of units. In terms of providing a local focus, a number of possible locations within the development would be suitable for a small centre. It should be noted that the master plan currently illustrates the local centre on the May Gurney site and as such a decision on this element will be made by South Norfolk Council.

Dining Quarter

87. A specialist dining quarter, including a public house, is proposed as part of the Wensum Riverside proposals. The supporting documents indicate A3/A4 uses occupying up to 5 individual units between 105 – 400sqm (total area less than 1000sqm). Supporting documentation indicates that this specialist commercial development is intended to capture potential trade from river users and is designed to attract a specific sector of the leisure/ tourist market. Unlike the local centre uses, this specialist commercial quarter is predicated on attracting customers from a wider than local catchment.
88. National and local existing/emerging policies require such hospitality uses to be subject to a sequential assessment, with the aim of directing such uses to appropriate centres, in particular the city centre. The proposed site is outside of any defined centre and although a small local centre is proposed, it is intended that the dining quarter will operate as a discrete entity. The Retail and Leisure Impact Assessment states that there are no sequentially preferable sites given the intended focus of this development of attracting custom from river users and those using the riverside walk and cycleway.
89. The Pre-application advice note for this site highlights the objective of future development acting as a 'gateway' between the Broads and the City and being well connected with the urban area in a manner that promotes access by walking and cycling. Draft Policy R10 formalises these requirements and in addition refers to establishing a strong river frontage, along with the scope for moorings and development of water based leisure and recreation. It is envisaged that the regeneration of the Deal Ground and the Utilities site will create a vibrant urban extension of the city and provide a new positive link to the Broads. The proposed riverside dining quarter has the potential to facilitate this role and provide a destination for users of the river and riverside walkway, as well as future residents of the site. The principle of a specialist quarter is therefore considered acceptable given its potential to reinforce a strong sense of place, support the growth of new business, the mixed use nature of the development and the broader regeneration objectives for this site and the east Norwich area.

90. The application at present does not include a scheme for the provision of boat moorings along the Wensum site frontage. Given the proposed dining quarter and wider benefits of promoting the recreational use of the river, in the event of planning approval a condition would be imposed requiring the submission, agreement and provision of a mooring scheme.
91. It is considered justified to restrict the scale of the dining quarter to maximum area below 1000sqm gross internal floor space, a size unlikely to have an impact on the role of other centres or generate excessive traffic levels. No dedicated parking is proposed for the dining quarter with the aim of promoting sustainable access via the river/riverside walkway links.

Development in flood risk area

92. The National Planning Policy Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing that new development away from areas at highest risk. Only a small section of the application site is at low flood risk, the majority falling within zones classified at medium or high probability of flooding. Most of the County Wildlife site and the proposed location of the new Yare bridge is within the functional floodplain.
93. In these circumstances the National Planning Policy Framework requires consideration of whether the proposed development could be directed to another sequentially preferable site at lower risk of flooding. In accordance with this approach the 'sequential test' has been applied to the proposed development. Having regard to the strategic scale of the proposal it is considered there are no other available sites within the city limits that could accommodate such a scale of development, in particular the housing numbers proposed. In addition this former industrial site has been identified as a regeneration priority for a number of years and to not allow future development would jeopardise the delivering of wider sustainability benefits associated with economic growth of the east Norwich area.
94. In accordance with para. 102 of the NPPF the development has been further subject to the Exceptions Test and consideration of whether the development provides wider sustainability benefits to the community that outweigh flood risk, whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall. It is considered that the proposed development passes the exceptions test and detailed consideration of these matters is set out elsewhere in the report (para. 146 - 154). It should be noted that the Environment Agency have raised no objection to this application on the basis that the sequential/exceptions tests have been passed and given the comprehensive flood management and mitigation measures proposed.
95. On the basis of the above it is considered that the principle of developing in a flood risk area has been established and is justified in accordance with the NPPF, JCS Policy 1.

Alternatives

96. Alternatives in this case are considered to be limited. The alternative of no development would result in a significant deficit of housing in Norwich and a failure to meeting housing targets within the JCS. Within Norwich there are no other sites or even a collection of identified sites which could provide for a similar housing numbers and which are not already allocated. In addition there is evidence that an

alternative employment led redevelopment of this site is unlikely to be viable as studies have indicated that site development costs will be very similar regardless of type of scheme.

97. The site is considered a brown field site in need of major physical regeneration and integral to unlocking the development potential of the Utilities site. Alternatives would fail to deliver comparable strategic economic benefits to east Norwich.

Design

Design Concept

98. The planning application has been accompanied by a comprehensive Design and Access Statement which details the design process. The design approach has been informed by a detailed appraisal of the site, the setting, the constraints and consideration of opportunities that the site presents. The constraints associated with the site are significant; flood risk, the presence of a County Wildlife Site, limited accessibility and an industrial backdrop. The development strategy is founded on identifying sustainable and innovative solutions to these constraints.

99. The Design and Access Statement establishes an overarching Vision for the site

- To create a unique, ecologically rich, waterside development and a transition between the city of Norwich, Trowse and the Broads
- The regeneration of the Deal Ground and May Gurney sites will be an exemplar sustainable and flood resilient development, potentially a showcase of national and international importance
- It will bring regeneration to the to the east of Norwich through the creation of a new urban village

100. The Design and Access Statement sets out in detail the design principles behind delivering this vision. The design concept and masterplan (see plan 3 + 4) that emerge are well evidenced and commendable. The masterplan strives to provide an integrated response to the challenges of the site and proposes a landscape- led development with a strong urban connection. Key to the development concept are the following guiding principles:

- To create a landscape led development, in which the boundaries between dwellings are blurred and forming a transitional urban area as a feathered edge to the City:
- To locate the development in the areas of least flood risk and create a visual buffer to the railway
- Extend the marsh between development to create a multi-functional landscape than can provide flood storage, ecological enhancement and semi-public space
- To create a series of new neighbourhoods each with its own unique identify – May Gurney, Marsh Reach and Wensum Riverside character areas.
- To promote modal shift and sustainable travel through the provision of high quality pedestrian/cycle and transport links, through a car club and through

restricting car parking within the site.

- To create a development that seeks to adapt and mitigate to climate change

101. The Vision, Design Principles and Design Concept are considered commendable and a sound basis for guiding the high quality sustainable development of this site. The design approach has been broadly supported by the City's design and landscape specialists as well as CABI who reviewed proposals for the site in 2011. CABI at the time commented that the landscape based approach was 'founded on a strong methodology and an intelligent design, taking advantage of the site's riverside setting'. The broad design approach is considered entirely consistent with the core development principles set out in Pre-application advice note, the JCS, current and emerging local plan policies and the NPPF. Notwithstanding this broad support some of the details of the approach have raised comment and these are considered elsewhere in the report.

Quantum and distribution of development

102. The development approach seeks to create an urban rather than suburban environment. The proposed development areas, May Gurney, Marsh Reach and Wensum Riverside will have distinct characters and will be linked via a network of external green spaces. Housing density will vary between the areas, increasing from south to north and the transition from 2- storey housing to three storey town houses to multi-storey apartment blocks.

103. Housing and car parking areas will be separate, car parking spaces being provided in communal designated areas rather than in front of people's homes and on- streets. The proposed landscape strategy is designed to provide a network of external spaces throughout the development and bring together private, public and communal open space. Private amenity space will be limited but this is compensated for by the landscape-led scheme which seeks to provide local and central open spaces for social interaction, pedestrian and cycle routes through the open space network and green play friendly streets. The approach facilitates a high density scheme and the scope to create a strong and distinctive sense of place.

104. The Wensum Riverside area includes a central area of public open space which will link the proposed Wensum riverside walk with the Carrow Abbey CWS. This central open space comprises 'River Park' and an immediately adjacent 'Flood Park' which are designed to be multi-functional, providing landscaped amenity areas with seating, children's play, space for water and wildlife habitat creation. These areas would be publically accessible, although access to the County Wildlife would be restricted

105. It should be noted that the Norfolk Constabulary have raised security concerns about certain aspects of the design particularly in relation to the approach to parking and footpath provision. However, as will become apparent in the remainder of the report, the proposed development strategy is an integrated response to a number of on-site constraints and guiding planning principles and the approach to parking and desire to promote cycling and walking is central to this. However, safety is an important matter and will be taken into account in assessing the detailed layout at reserved matters stage.

Scale and Landscape Impact

106. From a landscape perspective the proposal will result in the regeneration of a vacant semi-derelict industrial site with a high density housing led development. The character of the surrounding area is highly varied and this is acknowledged in the accompanying Landscape and Visual Impact Assessment (VIA). To be expected in an urban fringe area, the VIA identifies a complex grouping of landscape and townscape characters. These character areas include those associated with commercial, industrial and derelict industrial sites along with those landscapes associated with the Broads river corridor, Whitlingham Country Park and the Yare Valley.

107. In terms of visual impact the VIA suggests:

- that due to the topography in the neighbourhood, the high tree coverage to the east and the existing built form of the Norwich Fringe to the west, the visibility to the site will be relatively local.
- at a local level, the proposed development will potentially have an adverse impact on the visual amenity from certain vantage points and that the impact on views from the River Wensum and Yare and the edge of the Country Park is considered major and long term.
- that actual impact from these locations will be dependent on the quality of the final detailed design and that the opportunity exists to create a vibrant new gateway to the city.
- in relation to more long distance views, including from Norwich Castle and Thorpe Ridge conservation area, the site becomes a recessive element of the landscape.

108. The landscape impact of this development is a significant consideration in the assessment of this proposal. Albeit outline, the application seeks to establish the broad quantum, distribution and height of development and buildings in the Wensum Riverside zone are shown up to 8 storeys. The possible adverse visual impact of high density /high rise development in this urban fringe location is a focus of a number of objections and concerns expressed about the proposed scheme, in particular from the Broads Authority, Whitlingham Trust and Trowse Parish Council and residents of Trowse.

109. Policy 2 of the Joint Core Strategy and existing and emerging local plan policies require development proposals respect the local distinctiveness and the setting of settlements including the urban/rural transition. The character of the Yare and Wensum valleys is recognised along with the need for new development to reinforce and complement the character and townscape of the city. Objections to the application consider the proposals excessively urban and question the degree to which the proposed high storey buildings respect the local distinctiveness of this site, the edge of city location and proximity to the Broads/Whitlingham Country Park

110. Recognising the varied landscape setting of the site, the design approach includes a single development concept comprising distinct character areas. The overarching vision is a landscape led development, in which the boundaries between dwellings are blurred and form a transitional urban area. The design approach towards the centre of the site, described as Marsh Reach, is one of integrating low rise development into the surrounding marsh landscape (see plan 5). Dwellings in this location will share modest communal amenity areas that blend into natural swale areas and the connecting County Wildlife site. In landscape

terms this integration will successfully mitigate the impact of development particularly when viewed across the marshes from Whitlingham Lane.

111. In contrast the design approach in the Wensum Riverside zone is more urban, centred on providing a high quality waterfront development (see plan 6). Building heights in this part of the site are shown as, ranging in height from 5 to 8 storey along the River Wensum and dropping down to three storey adjacent to the River Yare. Spaces between the buildings provide informal and formal open space, including a linear landscaped riverside walkway and River and Flood Parks. In this location, the development will be prominent from both rivers and from parts of Whitlingham Country Park.
112. The design approach that includes the stepping up of building height from north to south is considered justified in both a landscape and urban context. However, the scale of development across the width of the Wensum River frontage has generated a broad range of opinion. Central to those expressing concerns is the transitional location of the site and the present role that Trowse swing bridge plays in acting as a gateway between this urban fringe zone and the city itself. The Broads Authority have commented that the proposed development in this location will be both 'visible and an abrupt contrast from the mainly boatshed development to the east'. The proposed design approach recognises this 'abruptness', by seeking to create a bold new gateway both into the city and out of the city into the countryside. The approach therefore seeks to combine 'port heritage' scale of building with a strong landscape setting. The master plan indicates buildings in this location arranged in a broken form, allowing views through the site and for landscape to play an integral role in the urban design. CABE who reviewed the proposals in 2011 supported the broad design approach and inclusion of 8 storey buildings in the Wensum Riverside area and commented that the additional height provides a positive presence along the riverside.
113. An alternative design approach and one advocated by some, would be to limit the height at the east end of the site giving a more graduated interface between city and countryside. In appraising the validity of the design approach advocated compared to this alternative, there are a number of key considerations:
 - The approach needs to be considered in the context of plans for the wider regeneration and transformation of east Norwich. The Utilities Site is considered a regeneration priority and redevelopment is being actively promoted. The emerging Site Allocations DPD allocates the site for a mix of uses including housing (approx. 100), employment and power generation. As such in this location, significant future development is planned on both sides of the River Wensum and a new 'river gateway' is envisaged.
 - The 'Vision' for the development, as described in para.99, is the creation of a new 'urban village'. A guiding design principle is the creation of a 'village' that will feel part and be connected to the city. This sense of connection is identified as an essential element in supporting the sustainability of the development - encouraging future residents to adopt urban patterns of behaviour by choosing to undertake most journeys by walking, cycling or by public transport.
 - The physical constraints of the Deal Ground result in abnormal development costs and a restricted developable area. Delivery therefore relies on a quantum of development that will be economically viable. Viability is considered later in this report but it should be noted that creating development value on this site

relies on achieving densities/economies of scale and this dictates a design approach that includes multi-storey building.

114. With these considerations in mind it is considered that the broad design approach to Wensum Riverside is justified. The creation of a bold gateway is a valid design approach and one which provides the scope for a strong architectural statement. It is acknowledged that the success of such an approach will rely on the reserve matters stage securing consistent high quality design of buildings and of the public and private spaces between them.
115. In reaching this view, account has been taken of the impact of the development on the historic environment, including long views from Norwich Castle and Thorpe Ridge and on the character and appearance of Trowse Millgate and Trowse conservation areas. Despite the proposed height, over long distances, the development is recessive given the wide angle of views and intervening features. The effect is that the new development will not significantly alter the character of these conservation areas. In relation to the Trowse Millgate conservation area, this abuts the May Gurney site and the southern extent of the Deal Ground. The scale of development proposed in these locations will not detract from the character appearance of this conservation area, which historically has had links to the city given the sewage works, the railway and the marshalling yards. The May Gurney site also abuts the boundary of Trowse conservation area, developed by Colman's in the late nineteenth century as a 'model' village for their employees. Similarly two storey development would not detract from this conservation area. Development on the Deal Ground would be focused to the north of the site and separated from the conservation area by the River Yare, its tributary ditches and the meadow on the north side of Whitlingham Lane. This separation minimises direct impacts.
116. On this basis it is considered that the masterplan and the parameters that relate to scale provide a sound framework for development of the site. The design approach which seeks to respond to the fringe location by advocating a landscape led but strong urban form is considered appropriate. Although it is acknowledged the visual change will be significant it is not considered that it will be adverse. The scope exists for the change to be positive and for a development to be created with a strong sense of place and identity.

Transport and Access

Transport Assessment and Impact

117. A Transport Assessment and Travel Plan have been submitted with the application and provide an analysis of the travel and transport implications associated with the development. The impact of additional traffic associated with the scale of developed proposed is a focus of a number of objections given concerns over the existing local highway network including Martineau Way, Martineau roundabout, Bracondale and King Street.
118. The Transport Assessment has examined the existing and projected functioning of the local highway network, having regard to the without-development scenario and implementation of the extant business park permission for the May Gurney site, compared with the impact of the proposed development. Both the Transport Assessment and the response from County Council Highways acknowledge the constraints imposed by the local highway network and that existing peak traffic demand exceeds the available capacity at critical junctions resulting in congestion

and significant queuing and delay.

119. These limitations were highlighted at the pre-application stage when the Highway Authority agreed the scoping of the Transport Assessment and have been a significant factor influencing the design concept. The design concept set out in the Design and Access Statement is centred on the creation of sustainable 'smart growth', an approach that seeks to concentrate development in locations and in a manner that promotes a modal shift, from reliance on the car, to cycling and walking being the preferred means of travel. The transport strategy therefore includes a range of measures to promote walking and cycling along with measures to suppress car ownership, by limiting parking spaces on the site and charging for use. Despite the site's edge of city location the provision of a new river crossing will facilitate good access from this site to a full range of key services and facilities, including public transport hubs and employment. A pedestrian and cycle bridge over the River Wensum, will provide a strong urban connection (application ref: 12/00996/O) and has been identified by County Highways as critical infrastructure necessary to support development of this site. The design approach seeks to reinforce this urban connection and 'urban village' concept, through a high density scheme, high quality pedestrian environment and the provision of on-site local shopping and dining facilities.
120. In terms of car parking, a ratio of 85% is proposed ie a total of 570 spaces to serve the 670 dwellings. These spaces would be organised in communal designated areas and would not be owned by households but leased at a charge from a 'Transport Management Association' (TMA), a management body that would be established to manage the parking and fund delivery of Travel Plan initiatives. Currently the Travel Plan is at draft stage but would be likely to include a comprehensive package of measures including funded car club/bike schemes and access to public transport concessions. On site parking facilities include free secure and water proof cycle parking for each unit either within the property, within dedicated and secured areas or within back gardens – in all cases it is intended that cycle parking will be closer to a property than car parking provision.
121. Public transport services would be accessible on The Street and at Carrow Road and there may be scope to extend existing service routes into the site. It should be noted that linked to the Broadland Housing Association Development (north bank of River Wensum) there are plans to extend the no. 25 service route.
122. The Transport Assessment concludes that the change between the 'without' and 'with development' scenarios on the local road network is insignificant and that any change that does occur can be accommodated by 'peak spreading'. This is in effect the spreading or extension of the congested conditions over a longer time period. Norfolk County Council Highway Authority have confirmed that the local road network will be made busier by the development but consider that adverse impact will be avoided by the car suppression measures proposed, the quality of the pedestrian and cycle links being provided and establishment of the TMA which will promote sustainable travel behaviour. Neither the County nor the City Highway engineer have raised an objection to the application on highway safety grounds and have indeed indicated that the problems associated with the local network will play a role in discouraging car travel – the transport strategy for the site seeks to create pedestrian and cycle linkages to the city that are more direct and quicker than car travel at peak times.

123. In order to secure the effective and timely implementation of the Transport Strategy the Highway Authority have recommended the imposition of a number of planning conditions and are seeking car club contributions and the funded establishment of the Transport Management Association via a S106 Obligation. In particular they have advised that in order to achieve modal shift from the start, there must be pedestrian and cycle bridge access over the River Wensum, prior to first occupation of any dwellings on the Deal Ground.
124. This approach to managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development in locations which are or can be made sustainable is fully compliant with the NPPF, the JCS and existing and emerging Local Plan policies.
125. It should also be noted that the proposed access arrangements including the provision of the Wensum bridge have wider public benefits of: extending the riverside walkway network improving accessibility between the city, Trowse and Whitlingham Country Park and allowing the safer re-routing of National Cycle Route 1.

Environmental Issues

Site Contamination

126. Given the historic commercial use of this site and the objective of redevelopment, there have been various investigations into contamination carried out over a number of years. These investigations have indicated generally low levels of contamination but elevated levels of some metal contaminants were found in various locations. The Environment Statement therefore recommends that further site investigations are undertaken to establish the extent of remediation required. The Council's Environmental Health Officer and the Environment Agency have reviewed the information submitted and have recommended the imposition of conditions in relation contamination in order to fully safeguard the water environment and public health.

Noise

127. The noise reports submitted with the application have assessed the likely effects of noise and vibration from the proposed development on existing and proposed receptor properties during both the construction and operational phases. In addition the assessments have considered the impact of noise generated from adjacent land uses on the amenity of future occupiers of the site.
128. In relation to the impact of the proposed development, noise associated with the construction programme has been considered including from : ground works (including piling) and construction itself. The assessments indicate that there will very likely be a negative effect on local residents from construction noise at the site and mitigation is proposed that would minimise the significance of the likely effects. Proposed mitigation includes; defined construction site operating hours, careful location of plant away from sensitive receptors, careful selection of construction plant having regard to noise generation and possible use of temporary barriers or hoardings during construction to provide additional noise attenuation. With this mitigation in place it is predicted that construction noise will have a moderate to major negative effect on the closest receptor properties although the effect will be temporary and will occur during construction hours only.

129. Operational noise from the development once constructed is completed, is likely to be predominantly from road traffic and it is indicated that the predicted flows associated with the development will have a negligible effect on traffic noise levels on local roads around the site.
130. In relation to the impact of noise from adjacent land uses there are a number of potential sources. Noise sources include the aggregate plant adjacent to the site, the operation of the co-located railhead, the main Norwich – London rail line, including the passage of trains over Trowse swing bridge, Carrow Works to the west and the engineering works to the north of the R. Wensum.
131. Norfolk County Council have advised that the Trowse railhead is the only railhead in Norfolk delivering crushed rock, which is a vital component of asphalt products for road buildings. Norfolk produces no hard rock suitable for coated roadstone and therefore all supplies have to be brought into the county, almost entirely by rail. The railhead also brings in recycled materials which are used as secondary aggregate in the production of asphalt. The associated asphalt plant, operated by Lafarge, is the largest of four in the county and is long established with permissions dating back to the 1966. The operation of the railhead and the discharging of aggregate are unrestricted by planning conditions. There is the potential for trains to arrive at any of time of the day but currently deliveries take place in the afternoon and early evening. Unloading can take up to 4 hours and involves the shunting of wagons and the discharging of the aggregate into a sunken hopper. The aggregate is transferred from this hopper to storage bays via an external conveyor system.
132. The operation of the asphalt plant has been subject to a recent planning application C/4/2010/4003 and is subject to numerous planning conditions. These include hours of operation restrictions (05.00 hours - 17.00 hours Monday to Saturdays) as well boundary noise level limitations. These noise limits vary across the site but at the highest allow for noise levels up to 75 dB (LA eq 12 hours) and 78 dB (LA eq 1 hour). Noise associated with the asphalt plant operations include; the coating plant (motors/pumps/fans and compressors), lorry noise and noise from the use of a loading shovel.
133. The importance of railheads and coated stone plants to economic growth is explicitly recognised in the National Planning Policy Framework through the safeguarding statement set out in para 143. Entirely consistent with the NPPF, Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD 2011 safeguards the Trowse railhead and the co-located asphalt plant. Both the asphalt plant operators and the County Council Minerals section have objected to this application and to the proposed allocation of this site. They raise serious concerns regarding the mix of development proposed and the compatibility of the scale of residential development with the Trowse operations given the risk of noise pollution, the likelihood of complaints from future residents and the possible imposition of operational constraints. To constrain the potential future use of this safeguarded site would be contrary to Policy CS16 of the Norfolk Minerals and Waste Core Strategy and the NPPF para. 143 and 144 which seek to avoid such impacts.
134. A key consideration in the assessment of this application is, given this safeguarded minerals infrastructure, whether the proposed scale and extent of residential development is acceptable. This acceptability is dependent on future

residents having reasonable and acceptable levels of amenity and not being subject to a level of noise disturbance that may result in justifiable noise complaints. Acceptability is also dependent on the existing minerals operators being able to develop in continuance of their business without being at risk of unreasonable restrictions being imposed because of changes in nearby land uses. It should be noted that the County Council has advised that this aggregate plant is very likely to be the main source of the majority of the asphalt required for the planned development set out in the Joint Core Strategy.

135. Although layout is a reserved matter the submitted details indicate the broad distribution and scale of development. Development in the Marsh Reach area would be most susceptible to noise emitting from the safeguarded site. The Design and Access Statement and accompanying drawings illustrate 2/3storey dwellings to the east of the proposed spine road within approximately 38m of the boundary with the minerals site. These plans also illustrated a multi-storey apartment block to the west of the spine road in the vicinity of the rail sidings/discharge hopper. Following discussions, the most recently submitted plan entitled 'Amount, massing and accommodation', indicates this building removed. In addition to the north of the site within the Wensum Riverside area, development would be in close proximity to other existing noise sources, in particular Carrow Works and the Trowse Swing bridge, over which trains pass in to the late evening/ early hours of the morning.
136. These matters have been carefully considered by the Council's Environmental Protection Officer who over the course of the application has required additional noise assessments to be undertaken in order to ensure that noise and vibration associated with the aggregate site, other adjacent industrial sites and the rail line and bridge is fully appraised. The minerals operator and the County Council have been critical of these assessments, challenging both the assumptions made and the assessment criteria. However, despite these criticisms the Council's Environmental Protection Officer is satisfied that the approach taken by the applicant's Noise Consultant is robust.
137. The Noise Assessment recommends a range of mitigation measures which vary according to the proximity of development to noise sources. The recommendations have regard to all noise sources. In addition they are based on noise in excess of existing levels recorded emitting from the safeguarded site and on a possible worst case scenario of noise levels reaching maximums allowed by boundary noise conditions (C/4/2010/4003) and the possible overnight operation of the railhead. Mitigation includes high performance glazing, mechanical and trickle ventilation specifications and recommendations regarding the internal layout of dwellings. The Council's Environmental Protection Officer is broadly in agreement with these recommendations although has advised that they should be extended in some locations to allow for possible changes of ground level and reduced performance of boundary treatments. She has also recommended that it will be important at reserved matters stage to ensure that in sensitive locations, fenestration, internal layout of rooms and positioning of private amenity spaces, are designed to maximise amenity levels. These measures in combination with landscaping and boundary treatments providing both visual and noise attenuation, will substantially mitigate adverse noise impact.
138. On this basis the Council's Environmental Protection Officer has advised that it would be possible to protect residents on the site from unacceptable noise disturbance and existing operators from future noise complaints. In the event of this

application being approved it is recommended that planning conditions are imposed to ensure at reserve matters stage: the layout does not include residential development to the west of the spine road (area 2); restrictions of the future changes of use of any proposed building in area 2; site layout within the Marsh Reach/Wensum Riverside areas and the appearance, internal room layout, and glazing and ventilation specifications shall be informed by the need to mitigate the impact of noise from adjacent sources (in particular the aggregate plant/rail head/swing bridge) in order to ensure satisfactory levels of amenity for future residents; landscape details shall include a comprehensive landscape scheme that shall seek to mitigate the visual and environmental impacts of the adjacent minerals site and railhead.

139. On this basis the proposals would comply with the NPPF, existing and emerging local plan policies related to noise (EP22, EMP9, DM2, DM11) and not prejudice the safeguarded site protected by Policy CS16 of the Norfolk Minerals and Waste Core Strategy .

Air Quality

140. The application has been accompanied by an Air Quality Assessment. This considers existing air quality, suitability of this location for residential development and impact of construction and the operation of development on air quality.
141. In terms of the existing environment there are number of existing sources of potential air pollution and odour. Sources are largely associated with the adjoining minerals operation and relate to particulate emissions and odour emitting from the bitumen plant stack and dust associated with the storage and movement of aggregate. In addition located to the south-west of the site there are sewage overflow tanks operated by Anglian Water.
142. In terms of the suitability of this environment to residential development the Council's Environmental Protection Officer is satisfied that there will be no issues with air pollution or odour which would affect future residents that can not be overcome with good working practices and preventative maintenance regimes. The minerals operations site is subject to a Local Authority Pollution Prevention Control (LAPPC) Permit the purpose of which is to minimise emissions to air. The stack and associated filtration systems are subject to formal inspections by this Council's Environmental Protection team. In addition within the scope of the permit is a ring main water dust suppression system located in the southern yard. This, along with the design of storage bays and the conveyor minimises the risks of wind whip and dust lifting into the air. In the northern yard there is no in situ water suppression in place but earth bunding proposed by the operator will significantly minimise emissions beyond the site boundary. In addition the Anglian water sewage overflow tanks are used only infrequently, when there is a fault at the Whitlingham WwTW and the risk of regular unacceptable odour from this facility is therefore low.
143. The Council's Environmental Protection Officer has recommended landscape planting along the western boundary of the site to further minimise the likelihood of any nuisance from odour or dust.
144. In addition the Council's Environmental Protection Officer has recommended the need for planning conditions requiring the prior approval of construction methodology statements in order to ensure that dust pollution during the development is managed to a minimal level, by the adoption of good and effective

work practices. Air quality impacts resulting from the operation of the development are predicted to be negligible. In reaching this conclusion account has been taken of the Air Quality Management Area including the Bracondale/King Street area.

145. In relation to air quality the development is therefore considered to comply with relevant policies of the NPPF and Policy EP5 the Replacement Local plan and the emerging Policy (EP22,DM2, DM11) of the draft Development management policies DPD.

Flood Risk

146. As referred to in para 92 - 94 the site is at risk of flooding and consequently the application has been accompanied by a Flood Risk Assessment. Flood risk is a significant constraint to development and as previously cited the NPPF requires very careful consideration of flooding matters before applications are approved.
147. In relation to the application of the sequential and exceptions tests. Both the Deal Ground and the Utilities site are identified in the JSC as priority sites for major physical regeneration. Both sites present significant challenges, lack of access combined with other constraints impose considerable costs that render most types of development unviable. A residential led scheme for the Deal Ground, including an element of commercial development, offers the best prospect for the regeneration of the site and delivers scope for unlocking access to the Utilities site. The two sites taken together are of strategic importance to the economic growth of east Norwich and offer the scope to accommodate around 20% of the city's future housing need identified in the JSC. The NPPF allows consideration of these matters along with other community benefits when applying the exceptions test to development in flood risk areas. Additional considerations in this case include: provision of new pedestrian and cycle bridge crossing facilitating sustainable access into and out of the city; the improved /safer routing of the national cycle route 1 and the opportunity for enhancement and long term management of the Carrow Abbey County Wildlife site. The NPPF allows these benefits to be considered and weighed against the flood risk associated with a proposed development.
148. The proposed masterplan has been informed by consideration of the variation in flood risk across the site and the vulnerability of different types of development to flood risk. No development is proposed in flood zone 3b, the functional floodplain, other than the new access bridge over the River Yare. Essential infrastructure, such as bridges, are considered appropriate land uses within zone 3b (table 3 NPPF). Development in this highest risk area is therefore minimised and additionally the proposals include the extension of the functional flood3b zone, through the lowering of current land levels, to provide increased flood storage.
149. The residential and commercial aspects of the development are shown on land within flood zone 3a and flood zone 2 (both of which allow for the addition of climate change). The proposals include a wide range of measures designed to keep people and property safe. A design flood of 1 in 100 year flood level (including climate change) has been used to establish safe finished floor level of the development and extreme 1 in 1000 year flood event have been used to inform other flood mitigation measures.
150. All of the main access road and the main areas for housing will be raised above the design flood level - finished floor levels varying between 2.4m AOD and

4.0mAOD. In a 1:100 flood event none of the buildings or proposed parking areas would be flooded and all foundations would be designed to allow ground water to permeate through or around the substructure. Flood resilient construction is proposed within all the buildings up to a level of 3.1mAOD (extreme 1:1000 year flood level).

151. The EA does not require finished floor levels to be set relative to extreme 1:1000 year events but safety is considered. Residential properties above the 3.1m AOD would remain dry and those below all have two storeys and access to a higher refuge. The main north-south spine road would remain dry and safe and minor roads including the emergency access road would be passable and a very low hazard. One area to the north of the Deal Ground and also the May Gurney site would require early evacuation during extreme events as later these locations would become unsafe.
152. These flood protection measures involve land levels in the western part of the Deal Ground being part raised and part excavated. In the north of the Deal ground land levels will be maintained and buildings elevated above design flood level. Areas of 'cut' (lowering) are proposed between the blocks of development indicated in the Marsh Reach section of the site and to the north. These areas will serve as multi-functional open spaces and allow for the storage and movement of water when required. The proposed changes in land levels result in an overall net gain in compensatory flood storage. This will reduce the risk of flooding within the flood plain and accords with NPPF which advocates reducing flood risk through new development.
153. The Flood Risk Assessment also considers surface water management and SUDs. The proposed SUDs scheme is designed to manage run off associated with the increase in impermeable surfaces on the site and takes account of the superficial geology and the high water table. The proposed approach relies on underground storage facilities, with additional filter strips and non-permeable swales, to channel and direct surface water into the adjacent water courses. This approach includes a pumping system to regulate discharge according to volumes and rates of flow.
154. The Environment Agency has considered the application in the context of the National Planning Framework and raised no objection to the proposals subject to the imposition of planning conditions. Suggested conditions include measures to address possible contamination of the water environment (including the underlying aquifer) during the construction phase. Therefore the considerations set out in Para 102 of the NPPF in relation to the Exception Test are satisfied and on the basis of the above, the development will be safe for its lifetime and will not result in increased flooding elsewhere.

Archaeology/Heritage

155. The application has been accompanied by an archaeological desk-based assessment and the results of an archaeological window sampling exercise. No undesignated remains are known from within the study site although there are records from the surrounding 500m buffer zone that attest to human occupation of the area from the Palaeolithic through to the modern day. The topographical location of the site, situated on the flood plain of the Rivers Yare and Wensum makes it an unlikely location for any past settlement activity. It is likely that the site has been used for seasonal grazing of livestock for much of its history. Site is

considered to have a generally low potential for significant buried archaeological monuments predating the modern period although there is a slightly higher potential for isolated artefacts of prehistoric date and this was confirmed by the borehole analysis.

156. The application contains a proposal to convert a grade II listed bottle Kiln into a bat hibernaculum. The kiln is on the Council's Buildings at Risk Register and the proposal would have the benefit of securing necessary remedial work to the structure and an appropriate future use.

Energy Efficiency and Renewable Energy

157. The proposal incorporates a range of sustainable measures to reduce the environmental footprint of the development. These include; solar orientation, solar thermal, green roofs, low car dependency, resilient construction and where appropriate the use of timber frame construction.

158. JCS policy 3 requires developments of this scale to provide at least 10% of the expected energy requirements from decentralised and renewable or low carbon technology, to demonstrate if it viable or practical to exceed this minimum percentage and to demonstrate that the scheme has seized any opportunities to make the most of any local economies of scale to maximise provision.

159. Supporting documentation commits to the JCS 3 requirements and a varieties of technologies have been considered including solar thermal and photovoltaic panels, biomass heating and ground source heat pumps. Given the scale of proposed development and the proximity of the Utilities site, the opportunity exists for a combined /linked heat and power plant. Given the scope to achieve such economies of scale it is considered appropriate to condition the detailed energy and renewable strategy for consideration at reserved matters stage.

160. Water conservation measures in line with JCS3 requirements will also be conditioned.

Trees and Landscaping

Ecological Impact

161. There are a number of significant ecological considerations in relation to this site. Firstly the River Wensum which abuts the northern boundary of the site along with most land to the east of the River Yare, is within the Broads, a wetland area of national and international importance. Land to the east of the Yare forms Whitlingham Country Park, managed by the Whitlingham Trust. Under the Environmental Impact Assessment Regulations 2011, the whole of the Broads is identified as a 'sensitive area' and all development within it has to be screened for EIA. In terms of statutory ecological designations the Broads Special Area of Conservation (SAC) and the River Wensum (SAC) are located 4km (downstream) and 5.5km (upstream) respectively.

162. Secondly, part of the application site extends onto Carrow Abbey Marsh, a County Wildlife Site, a non- statutory nature conservation designation. Carrow Abbey Marsh CWS covers approximately 10.4 ha and supports a mosaic of tall fen and herb vegetation, notable for a population of Desmoulin's Whorl Snail. The CWS is in private ownership, currently unmanaged and therefore in a state of decline.

Approximately 2.8ha of the CWS will be directly affected by the development.

163. It should be noted that the application site includes land that extends beyond that proposed to be allocated in the draft Site Allocation DPD. This additional land principally includes land within the CWS.
164. The National Planning Policy Framework requires development to minimise impacts on biodiversity and provide, where possible net gains. The importance of ecological networks including international, national and locally designated sites for biodiversity is recognised along with the objective of protecting such natural assets. Policy 1 of the Joint Core Strategy is consistent with this approach and requires that development should minimise the fragmentation of habitats and seek to conserve and enhance existing environmental assets of acknowledged regional or local significance but where harm is unavoidable it requires appropriate mitigation or replacement with the objective of achieving long-term maintenance or enhancement of the local biodiversity baseline. Local plan Policy NE7 and emerging Policy DM6 both seek to safeguard the nature conservation interests of sites and only allow development where there are overriding benefits, effective mitigation is provided and where harm is caused biodiversity off-setting is provided. In addition in reaching planning decisions Local Planning Authorities must have regard to duties placed on them and have regard to the Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006.
165. The Environment Statement assesses the likely ecological impacts arising from the proposed development both during the construction and operational phases. Surveys undertaken identified that the fen supports a mosaic of vegetation communities, with the majority of the fen best described as a species poor tall-herb fen, dominated by sedge or grass species, of a high quality. A strong population of the notable species Green Figwort was present. Entropic flood plain fen is a UK BAP habitat and considered of moderate to high ecological importance at a county level. The site was recorded as supporting a diverse faunal assemblage of particular value for breeding bird and invertebrate populations and for its value as a foraging habitat for bats. Recorded species include: Soprano Pipistrelle bat (European Protected Species, The Conservation of Habitats and Species Regulations 2010) Cetti's Warbler (Schedule 1, Wildlife and Countryside Act) and several UK BAP species including Common Bullfinch, Song Thrush, Mouse Moth and Dark Brocade Moth.
166. The biodiversity value of the CWS is centred on the fen habitat. In terms of the area of the CWS directly effected by the proposals 0.1ha of that land is classified as a fen. The majority of the CWS affected consists of scrub/trees, tall ruderal vegetation and invasive species including Japanese Knotweed. These areas are considered of low ecological value at a local level. The ecological strategy for the site includes a number of enhancement and mitigation measures.
167. Firstly the proposals include the creation of new swale areas amounting to 0.12ha, in the Marsh Reach part of the site. These areas, created by the lowering of existing land levels will function along with the existing fen as part of the flood plain. It is proposed that the 0.1ha of fen affected by the development will be translocated to these new wetland areas. These newly created habitats have the potential to be of medium ecological value.

168. Secondly the Ecology strategy includes the long term management of 9.8ha of land to meet nature conservation objectives. Management will seek to arrest and reverse the decline of the retained CWS site and ensure that the fen, the ditches and the wet woodland are managed in a way that optimises their ecological value. These management techniques will be extended to cover the areas of newly created habitat. These works will be funded by the developer and maintained and funded long term by a new residents management company. Management will include, restricted public access, grazing of the fen, rotational clearance of ditches, coppicing of woodland, and controlled management of scrub areas to benefit particular species (ie Cetti's Warbler).
169. Thirdly, mitigation is proposed in relation to specific species eg bats, grass snakes and the Desmoulin's Whorl Snail. A single bat was found roosting in a tree in the vicinity of the proposed main access road. In compensation for the loss of this roost, bat boxes are proposed on trees with good roosting potential and it is also proposed to provide enhancement by renovating the existing listed brick kiln on the site to offer a potential roosting environment. In addition where justified translocation of certain species (ie grass snake) and habitat manipulation is proposed to safeguard populations.
170. Given the proposed development will involve the felling of a tree identified as potentially supporting a single of roosting Soprana Pipistrelle bat, a European Protected Species, the LPA has a duty to take into account the three derogation tests contained within Article 16 the Habitat Directive 1992 at the application stage. These tests that include; Imperative Reasons of Overriding Public Interest, No satisfactory Alternative and Favourable Conservation Status of the species must be maintained, are considered to be met.
171. In addition to the area proposed to be managed for nature conservation purposes, multifunctional open green spaces are proposed within the development. These include a public park and play area, linear riverside open spaces/walkways, boundary planting and tree planting associated with the road and parking areas.
172. Lastly the strategy recognises that during the construction phase the CWS and water courses may be subject to the impacts of hydrological and water quality changes, possible pollution events, dust and disturbance resulting from the provision of services. Although these impacts are likely to be temporary in their duration, it is recommended that control and monitoring measures are put in place. These would include a number of specific measures and include those recommended by relevant Environment Agency Pollution Prevention Guidelines. These will seek to minimise the risk of contamination, sediment or other leachates from reaching sensitive areas.
173. In relation to ecological impacts the Environment Statement concludes that overall, residual effects following mitigation are positive at the local/county level and of minor to moderate significance. In addition the mitigation and enhancements proposed seek to ensure that the proposals will lead to a net gain for biodiversity.
174. The consultation responses received from nature conversation bodies, including Natural England, in common with the Council Natural Areas Officer, generally support the original and imaginative landscape-led scheme and the treatment of the CWS and the connecting open spaces. Comments do however highlight a number of areas of concern.

175. Firstly, the importance of the rivers as significant natural environmental features is highlighted along with the need to avoid the urbanisation of these corridors. This is considered to be of particular importance given the location of the site on the fringes of the city, immediately adjacent to Whitlingham Park. Detailed hard and soft landscaping is not a matter for determination at this stage but illustrative material is suggestive of an approach that provides for soft planted river edges and the naturalised landscaping of the linear open spaces created along both the Wensum and Yare. It is considered important to ensure that these design parameters influence reserved matters applications going forward, to secure final schemes that allow for multifunctional use but optimise biodiversity value. The success of such a design approach to some extent will be limited by the degree of set back of built development and concerns have been expressed that as illustrated certain blocks are shown excessively close to the river edge – in particular that of the Yare. Excessive height and proximity of development has the scope to result in overshadowing, disturbance and light pollution which could reduce the effectiveness of any landscaping measures provided. It is therefore considered appropriate at outline stage to fix set back from the river edge as a key parameter.
176. Secondly, concerns have been raised regarding the likely success of the long term nature conservation management that is proposed and whether it alone, without any off site compensation, is sufficient mitigation/enhancement for the loss of the physical extent /composition of the CWS. Natural England, Broads Authority and Norfolk Wildlife Trust have raised concerns on this basis. It should be noted that Natural England have not raised concerns over wider impacts on the Broads ecosystem. In relation to JCS 1 and emerging DM 6 off site compensation/off-setting would be justified if it was not possible on site to achieve long-term maintenance or enhancement of the local biodiversity baseline.
177. The CWS is currently unmanaged and in decline, the introduction of long term management will allow the natural succession of the fen to woodland to be arrested and deliver significant ecological benefit. It is accepted that the success of this will rely on: the developer funding of effective and early remedial works to the site; implementation of the package of mitigation and enhancement measures proposed; effective protection of the CWS during the construction phase; and effective and funded management in the long term. The success of the latter and the long term ecological functioning of the CWS will be largely dependent on securing a management regime which manages the interface of the development with the CWS. The use of livestock for grazing, along with the characteristics of the fen flora and associated fauna, necessitates controls that limit public access and that of domestic pets. A draft management plan for the site indicated a fence would be provided to form a physical barrier but this is considered insufficient by the council's Natural Areas Officer given the close physical proximity and the predatory behaviour of domestic cats. It is considered that a more defensible and effective measure would be a wet ditch/moat, which combined with buffer planting, would provide both protection and biodiversity value. In the event of planning approval, it is recommended that planning conditions be imposed to agree the full details of an Environment Action Plan for the site. This would require the prior agreement of: all remediation, mitigation and enhancements informed by up dated ecological baseline surveys; phasing plans; protection/safeguarding and management regimes during the construction and operational phases. These measures should ensure long-term maintenance and enhancement of the local biodiversity baseline in accordance with JSC policy 1, existing and emerging local plan policies and the

NPPF.

Health Impact

178. JCS policy 7 requires the consideration of health impacts in relation to new development. It is considered that the proposed development approach will promote healthy lifestyles by positively encouraging walking and cycling as the primary means of travel within and from the site. High quality pedestrian and cycle routes and connections will be provided and the Transport Management Association will promote healthy travel choices by offering incentives. The public open space available on and close to the site and the ease of access to the countryside will allow for active leisure. The broad layout of the site will create communal space and the opportunities for social interaction. The design approach which seeks to embed the development in to the marsh landscape, provides the scope for a high quality living environment, attractive countryside views and a sense of connection with nature.

179. Noise and air quality impacts are addressed in other sections of the report.

180. In accordance with HOU5 it is proposed to seek at reserve matters stage the inclusion of lifetime homes as part of the accommodation mix. Such homes allow from the outset or through simple and cost effective adaptation, design solutions that meet the existing and changing needs of diverse households.

Socio-economic Impact

181. The Environmental Statement includes reference to socio-economic impact of the development particularly in relation to the potential direct and indirect impacts on employment, local spending and public amenity impacts.

182. The construction phase is predicted to deliver significant beneficial economic impacts associated with a construction project of an estimated capital cost in excess of £111 million. The construction phase alone is predicted to create in the region of 148FTE jobs in the construction sector over a period of 8 – 10years. Post construction job creation associated with the local centre/dining quarter and in the maintenance and servicing of the wider site has the capacity to deliver in the region of 168FTE jobs. In addition it is also envisaged that the associated provision of public moorings, riverside dining quarter and improved pedestrian/cycle connectivity between the city and the Broads will deliver long term tourism benefits.

183. In terms of social impacts the development will have the significant long term benefit of bringing forward 670 new homes and making a substantial contribution to meeting the general and housing needs of Norwich identified in the JSC Policy 12. The growth in population associated with this scale of growth of around 1450 people creates additional demand for local services ie health/dental services. Capacity of such services tends to vary across the city and there is the risk that additional demand can create adverse local pressures on provision. However, the location of the site and the proposed pedestrian/cycle and public transport connections allows future residents the choice to access services beyond those locally available and therefore the overall impact is predicted to be minimal.

184. Norfolk County Council have considered the education needs arising from the development and highlighted a shortfall in the required number of primary school places. The closest existing school to the Deal Ground is in South Norfolk, Trowse Primary School. Normally the education needs arising from development within

Norwich are addressed through schools within the city boundary. However, in this case where development is cross boundary and where the aim is to create a cohesive community, it is considered that a single, local destination school should be identified. In addition the closest city primary school is Lakenham, and the walking route is neither direct nor attractive, given the need to cross Bracondale or Martineau Lane. Such locational constraints may result in parents preferring to drive their children to school, potentially undermining the Transport Strategy for the development. Trowse Primary School has no existing or predicted spare capacity and Norfolk County Council have identified the need to expand provision. On this basis they are seeking a pro-rata developer contribution to the provision of a new 315 place expandable to 420 place primary school within the village of Trowse.

185. The development includes the provision of green infrastructure and local shopping amenities that will promote the concept of the development as an urban village. The linkage of the development to the riverside walkway network, the proximity to Whitlingham Country Park, provision of on site amenity and play space and the sense of integration with nature conservation areas, are considered to offer significant benefits in terms of health and well being.
186. A number of representations have expressed concerns about the impact of this development on the function, appearance and character of the village of Trowse. The village is situated 2km south-east of Norwich and is within the administrative boundary of South Norfolk, with areas round Whitlingham Lane falling also within the Broads. Most of the village is covered by a conservation area designation and it owes its character to its development by Colman's in the late nineteenth century as a 'model' village for their employees. Despite its close proximity to Norwich and the A47, Trowse retains its village character and enjoys local amenities including a public house, local primary school and village store. Representations refer to the impact of the development on this village community given the scale, proximity and associated traffic.
187. The proposed development will inevitably have some impact on Trowse. However, the vision for the Deal Ground development is to create a place that will function as an urban village in its own right. The emphasis is on providing a sustainable community with its own local shops and amenity areas, not a development that tries to directly relate or act as an extension to Trowse. As a development it looks to the city – and proposed links are designed to promote a strong urban connection. The bulk of the development is on the island created by the railway/R.Wensum/R.Yare and this location will continue to promote a sense of separation. Although traffic in Trowse will increase, particularly along The Street, significant efforts have been made to suppress the level of traffic generated by the development.
188. This additional traffic and activity may decrease the sense of isolation of the village but the proximity of Trowse to the city boundary makes this difficult to negate. This additional activity is also likely to bring direct benefits to established businesses within the Trowse, local activities and community groups. For these reasons it is not considered that the development would have negative effect.

Wensum Bridge (12/00996/O)

189. The bridge is proposed to the western end of the Deal Ground approximately 70m to the east of Trowse rail bridge. The application description includes reference to the bridge providing a pedestrian, cycle and emergency access

function. A bridge in this location has been identified as key infrastructure in unlocking the development potential of both the Deal and Utilities sites and in providing wider public benefit, by significantly improving cycle and pedestrian access in the south-east of the city.

190. In relation to the Deal Ground and as already described in para. 119 the bridge is considered key to the proposed development functioning as an extension to the urban environment, rather than a suburban car dependent housing estate. The bridge will provide a physical and psychological link to the city and is seen as integral to the transport strategy for the site, encouraging and allowing future residents to adopt urban patterns of behaviour ie choosing walking and cycling as the primary means of travel. The Deal Ground proposals include two emergency access routes (from The Street /Bracondale) and therefore the development does not require emergency vehicle access from the north/across the river.
191. The Utilities Site, a site of 6.9 hectares, is largely inaccessible to the public, the only access roads being Hardy Road, (which passed under a very low rail bridge next to the river), and Cremorne Lane, which crosses the railway on a single track bridge and level crossing. The draft Site Allocation DPD in line with JCS Policy 12 allocates the Utilities site for mixed use development, including reference to housing, employment and power generation from renewable sources. Future development of this site is conditional on access issues being resolved and draft Policy R11 requires the provision of a bridge over the Wensum to provide vehicular/pedestrian and cycle access.
192. The JCS and the draft Site Allocation DPD seek to deliver the comprehensive regeneration of both of these sites and an overarching core objective is to facilitate the unlocking of both sites rather than prejudicial piecemeal development. For this reason draft policy R10 in connection with the Deal Ground requires the provision of a Wensum river bridge that provides for emergency vehicular use.
193. The bridge application is outline with all matters reserved, but does include a Design and Access Statement and indicative illustrative drawings. These depict a cycle and pedestrian bridge with a straight approach ramp leading from the Deal Ground and a straight ramp set at a 90 degree angle on the Utilities site. Although the width of the bridge (3.7m) potentially allows emergency vehicular access, the ramp access on the Utilities site would not be suitable. A key consideration is therefore whether this bridge proposal would jeopardise delivery of the Utilities site and whether it is justified for vehicle access to be a specific requirement at this stage.
194. In considering this matter regard needs to be had of the current Deal Ground application and the scale of infrastructure being provided which would also serve future development of the Utilities site. This infrastructure includes a fixed road bridge over the Yare and a spine road leading from The Street to a proposed bus square. The details allow for a road link between the bus square and the proposed landing position of a bridge over the Wensum bridge. An Access Agreement is currently being negotiated between the Deal Ground, Utilities site and river owners (Norwich City Council) to grant reciprocal access rights. In the event of both sites being developed over the plan period it is anticipated that a single bridge will be provided to serve the needs of both developments. Such an approach would see both developments contributing to the provision of mutually required and necessary infrastructure. However at this present time, there are no formal development

proposals for the Utilities site and there is clear evidence that it would not be viable for the Deal Ground development to fund and deliver the entire infrastructure package for both sites. In this context a pedestrian and cycle bridge to facilitate delivery of development on the Deal Ground is considered acceptable and would not be prejudicial, provided that there is scope for replacement /alteration of the bridge in the event of Utilities site being developed at a later date. This is provided for in the access agreement. However, it would clearly be preferable for the most appropriate form of bridge to be provided from the outset. This would minimise expense and both the disruption and waste caused by removal.

195. Turning to more detailed matters, the bridge structure will be seen in the context of the adjacent Trowse railway bridge, the industrial setting of the Utilities Site as well as the rural setting of the broads. The application includes only indicative design details at this stage but these illustrate the scope for the visual impact of the structure to be successfully managed.

196. As submitted the bridge application indicates a northern connecting pedestrian and cycle route to Hardy Road, currently the closest adopted highway. This route would require access across the privately owned Gothic Works site. Given the industrial use of this land, the operators have raised safety concerns. The preferable and more direct route would be to connect to the riverside walk, which has the benefit of planning permission between Carrow Bridge and the western boundary of the Gothic Works site. The City Council is currently involved in discussions regarding a scheme which would connect this route with the Utilities Site. This riverside route will provide a preferable connection and avoid possible conflict associated with the Hardy Road option.

197. Given the navigation function of the River Wensum the Broads Authority have highlighted the need to secure the future operation of the bridge. In order for the bridge not to act as a permanent impediment to navigation, opening arrangements for the bridge must be secured at this outline stage. The agent advises that in respect of opening arrangements the applicants are proposing to adhere to those of the Trowse Bridge, which are set out in an act of parliament. The Broads Authority require this to be secured through a legal agreement. They also require at this outline stage that provision is made both upstream and downstream for moorings to provide facilities for de-masting. The current bridge application does not include or provide these moorings but it should be noted that the Deal Ground application includes river frontage that could provide both upstream and downstream de-masting facilities .

198. On the basis of the above the proposed bridge is considered acceptable. As well as providing key infrastructure to serve the Deal Ground the bridge will provide wider public benefit by significantly improving cycle and pedestrian access in the south-east of the city. The bridge provides the opportunity to link to the river walkway network providing an attractive safe link in to and out of the city, a route to Whitlingham Country Park and the countryside beyond and a safer route for the National Cycle Route No.1. Such connectivity has broad sustainability benefits, promoting green travel patterns, healthy active lifestyles and improving quality of life by facilitating access to green open spaces and the countryside. In addition improving access to local recreational opportunities reduces visitor pressure on more sensitive locations including parts of the Broads. For all of these reasons providing improved access in this part of the city has been a key objective for a number of years and a feature of Norwich Connect2 schemes and Sustrans funding

applications.

Overhead Power lines

199. The Deal Ground and May Gurney sites are traversed by two dual circuit 132,000 Volt overhead power transmission lines, as well as several 33,000Volt and 11,000Volt underground cables. These circuits supply power to the eastern part of the city of Norwich as well as much of the Broads and the rural area to the northeast. The electricity network in England and Wales is owned by the National Grid Company plc and electricity Distribution Network Operators, in this case UK Power Networks.

200. Within the application site the overhead cables are supported by five pylons (1 within May Gurney and 4 within the County Wildlife Site). These structures and connecting power lines are on land owned by the applicant and it is understood that there is no licence or wayleave in place giving the network operators formal rights.

201. The proposed development on the May Gurney site is directly beneath the power lines and UK Power Networks have advised that it may not be possible to construct with the lines in situ. On the Deal Ground the electricity infrastructure is predominantly to the east of the proposed development, with the exception of the southern extremity of the Wensum Riverside zone. Since the network operator does not own the land, it cannot prevent development close to or under overhead lines, although safe electrical clearances must be maintained.

202. The applicant has commenced discussions with UK Power Networks regarding the underground of electricity cables where they pass over the site. These discussions are on going and a precise scheme has yet to be determined or agreed. However, UK Power Networks have advised that subject to necessary first and third party land consents and agreement in relation to division of costs, the overhead cables could be removed from most/all of the site.

203. A current preferred option being discussed would involve the erection of two new terminal towers within County Wildlife site and on land adjacent to St Andrews Church, Trowse and to underground the 132kV lines between these points. The underground route would predominantly follow the line of the proposed access roads but would also involve a northern section of the County Wildlife Site. Four existing pylons within the Deal Ground would be removed along with one within May Gurney and two existing pylons adjacent to St Andrews Church.

204. The works described above would not require formal planning permission since electricity operators have extensive permitted development rights. Neither would the work require consent under section 37 of the Electricity Act 1989. However, given that the development would be a consequence of the comprehensive development of the Deal Ground and May Gurney sites the Environment Statement has been updated to include consideration of these operations.

205. A scheme is likely to include four broad operations: accessing the pylons; undergrounding cables; dismantling the existing pylons/building terminal pylons and removing the cables. These operations have the potential to cause possible ecological effects, including pollution/disturbance/injury/killing/habitat loss or damage. The ecology report concludes that the possible impact of these works could be satisfactorily mitigated through the creation and implementation of a Construction Environmental Management Plan this would be informed by updated faunal and habitat survey prior to the commencement of work and would promote

good working practise and construction safeguards to minimise adverse effects on the CWS.

206. The existing pylons are approximately 26m in height and are prominent features within a flat marshland landscape. Removal of the pylons and an approximate 750m stretch of overhead high-voltage cables from the site would have a positive impact, and views, particularly from across the marsh from Whitlingham Lane would be enhanced. Although the extent of visual benefit would be dependent on the final agreed scheme and whether new terminal towers will be required, the removal of these existing features would assist in optimising the quality of the landscaping setting of the new development and levels of visual amenity.
207. These benefits need to be balanced against the potential temporary impacts associated with the alterations to the electricity infrastructure itself. Although it is considered preferable that any future scheme should avoid or minimise disturbance of the CSW it is considered that it would be possible to minimise effects through comprehensive environmental construction measures and through post construction remediation and mitigation.
208. Under section 38 of the Electricity Act 1989, network operators have a duty in formulating proposals for new development to “have regard to the desirability of preserving natural beauty, of conserving flora, fauna andshall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna’. UK Power Networks has advised prior to the works ecological surveys are carried out and used to inform the design and implementation of proposals.

Foul Drainage

209. There are capacity issues both at the Whitlingham Waste Water Treatment Works (WwTW) and in the foul drainage network being the Yare Valley Sewer. Anglian Water have advised that at present the WwTW has capacity for the development however with the extent of the development to the South of Norwich upgrades are likely in the long term at the treatment works to cope with development.
210. In relation to the foul sewerage network Anglian Water have advised that the existing network is seriously constrained and that the Yare Valley Sewer serving the south of Norwich is currently under review. The cumulative impact of developments in the south of the city including the development of the Deal Ground requires additional sewerage network capacity in order to avoid unacceptable downstream flooding. Anglian Water have requested a pre-commencement planning condition for a suitable scheme to be agreed.
211. It is understood that the main Yare Valley sewer passes under the Carrow Abbey County Wildlife Site. At this present time it is envisaged a scheme is likely to include on site sewage storage which would allow the regulation of sewage flows to the existing main sewer – i.e. sewage being stored at times of heavy rainfall when the sewer is highly charged and risk of flooding is greatest. Such storage facilities tend to be located within the boundaries of the development and the recommended planning condition would allow control to be exercised and if required for mitigation to be secured.

Local Finance Considerations

212. Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. In this case this would be through the potential generation of S106 monies (although it should be noted that these are considered to be mitigating the impacts of the development in question), council tax and grant money from the New Homes Bonus. The completion of the development would lead to significant grant income for the councils. Where this is spent and the extent to which the spending of monies would be linked to this development of the Deal Ground area is currently unknown. This is a material planning consideration but in the instance of this application it is not as significant as the development plan and other material considerations detailed earlier in this report are considered to be of far greater weight.

Development viability, deliverability and affordable housing

213. Development of the scale proposed triggers the need for a wide range of planning policy requirements to be met. The delivery of affordable housing is a core planning objective and JCS Policy 4 requires that on sites of this scale 33% of the new dwellings provided should be affordable. This requirement not only seeks to address the growing need for affordable homes in the city but also to deliver balanced, mixed communities. Other requirements for housing development are set out in Policy HOU6 and emerging Policy DM33, include essential infrastructure including possible contributions to green, social and transport infrastructure.

214. Policy compliant requirements for the whole cross boundary development include:

Affordable housing: 221 dwellings

County Council education requirements: £1,782,850

County Council library requirements: £40, 200

Site specific requirements:

Sustainable travel measures

Car club - £54,000

Transport Management Association – £100,000 (min).

215. In addition to the above, the development triggers a requirement for payments towards both transport improvements and play/open space enhancements (Policy HOU6). However, these contributions are not sought in this instance given the requirement of this development to deliver a Wensum pedestrian/cycle crossing which has broad sustainable travel benefit and the package of on-site recreational and ecological enhancements being provided.

216. A commercially confidential open book Viability Appraisal submitted with this application sets out the estimated development costs and projected values. On the basis of these figures and current market conditions it is not viable for this development to provide affordable housing or other contributions at the level that policy requires. Development of the Deal Ground would not be viable or deliverable if all these contributions were to be sought as profit would drop well below 10%.

217. Where it has been agreed that the development in question is unviable with the full package of planning obligations, the planning obligations will be prioritised on

the basis of the Council's Prioritisation Framework. This prioritises site specific critical requirements over other essential policy requirements. Site critical requirements include on and off highway works and key items of infrastructure such as bridges and riverside walks. The Framework requires these to be provided and as such the full cost of these items must be included. In relation to essential policy requirements the Prioritisation Framework states where these are not met, development should not normally be granted unless there are exceptional benefits in terms of regeneration.

218. It is accepted that the Deal Ground is highly constrained and indeed evidence suggests that the costs associated with overcoming these constraints render the current employment – led designation unviable. The proposed development, in terms of scale /mix of uses and master planning, seeks to overcome these barriers but in doing so projected development costs are abnormally high.

219. Where the costs of bringing a site forward are abnormally high it is accepted that the scope for development to deliver the normal package of developer contribution is compromised. In the case of the Deal Ground, this has to be considered in context of the broad social, economic and environment benefits of the development:

- Redevelopment of a predominantly vacant brown field site
- Strategically significant and critical to the City being able to deliver JCS housing targets
- key to unlocking development potential on the Utilities site;
- key to providing high quality sustainable transport links between Trowse and the City Centre;
- Part of a priority area for regeneration specifically referred to in JCS12.

220. In the interests of delivering a priority regeneration site and not subjecting development to an unacceptable scale of obligations and policy burdens, officers are in the process of negotiating a S106 Obligation that will seek to secure:

1) Initial viable contributions under the following headings

- Affordable housing: serviced land for 27 units of affordable housing on the May Gurney Site (shared nomination rights)
- Education: £302 744 (primary provision)
- Sustainable Travel: £154,000(min)

2) Deferred 'top up' payments

Paid in the event of viability improving over the course of the development. In the event of top up payments being triggered the proceeds would be used for the delivery of affordable housing (off site, with option for an element of shared equity on site) and for education. The top up payments would be capped at the level current policy would require and be divided on a pro-rata basis between Norwich City, South Norfolk Council and Norfolk County Council according to the contribution deficit.

221. These levels of obligations reflect the challenge of bringing forward this site in current market conditions and there would be no certainty going forward whether any 'top up payment' would be triggered. This will be determined by future trends in development costs and values. In relation to predicted costs, these may be subject to variation in the event of development proceeding on the Utilities Site. In relation to development value, these will be largely determined by trends in property values in the future, the quality of the scheme and the extent to which the Vision for the

development is achieved. There is certainly the scope to create a unique and distinctive extension to the city with a strong landscape connection. This quality of place and the scope to optimise values will be strengthened by the removal of the existing electricity pylons and overhead cables. These variables, contribute to the complexity of the site and to some uncertainty regarding the speed and rate at which the site would be delivered. However, they also offer the possibility of viability improving over the course of the development and the prospect of 'top up payments' being triggered.

222. At this current time however, it has to be assumed that there is a very real prospect for the Deal Ground development to include only market housing and this would be contrary to the objective of creating mixed, balanced communities. However, there is clear evidence that requiring affordable housing above the current level proposed would render development unviable, with the outcome of the site remaining undeveloped for potentially a considerable period of time. Although the lack of affordable housing is a significant matter, the broad benefits of regenerating this site are considerable. In addition although the tenure mix may be limited, the development will deliver a broad range of dwelling sizes as well as life time homes, in a form which will create a strong sense of community and belonging.

Other S106 matters

223. Norfolk Constabulary have indicated that they are currently obtaining information/guidance from each of the District Commanders and Local Service Inspectors regarding the policing impact of the development. They have indicated that they are likely to require financial contributions towards delivering police services although no such request has been received. JCS policies 7 and 20 refer to the need to provide police facilities and infrastructure to support new development. However, the policies do not detail the specific funding source for new infrastructure and there is no supporting supplementary planning document relating to these policies to expand or support the provision of developer contributions to police facilities. In this case no specific infrastructure or facilities which would be necessary as a result of the development have been identified either on or off site.
224. Both Whitlingham Trust and the Broads Authority have indicated that the proposed development is likely to create a demand for recreational space and that this is likely to be met in the immediate area by Whitlingham Country Park. They indicate that Whitlingham Country Park is a facility of significant size, however it serves a wide catchment and currently operates at capacity, with facilities such as toilets and catering provision proving inadequate at times of peak visitor numbers. It is suggested that any significant increase in visitor numbers will exacerbate this shortfall and that the proposed development should mitigate this off site impact.
225. The proposed development would be integrated into a green open space setting and some of this would provide a formal recreation and play function (flood park and riverside area). The provision of the Wensum bridge allows easy access from the site to walking and cycling routes. It is likely and indeed seen as beneficial, for residents to look to the adjacent countryside for leisure pursuits and Whitlingham Country Park would be a local and attractive destination. The extent and impact of this use is however difficult to quantify and there is no substantive evidence that the impact would be adverse and require mitigation. Although there may be an argument that it would be appropriate for the development to contribute to the management of the Country Park, this could not be justified on the basis of existing

deficiencies in facilities – as this would not satisfy the tests for developer contributions.

226. In order to meet the tests of necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development it is considered that the relevant infrastructure or facilities required directly as a result of the development would need to be identified and costed. In the absence of such information and in the case of policing, a clear policy basis for a commuted sum, it is not considered that such requests would meet the relevant tests, nor in this case be viable.

Regeneration of East Norwich

227. JSC policy 12 identifies east Norwich, city centre to Deal and Utilities, as a priority for major physical regeneration. The Deal Ground and Utilities site are key sites to realising the broad economic, social and environment benefits foreseen for this part of the city. Both sites are identified as development sites in the emerging Site Allocation DPD with the expectation that development will come forward over the emerging plan period. Delivering is considered a priority, given the capacity of the sites to accommodate a mix of development including around 20% of the city's housing target. The development proposals for the Deal Ground represent substantial progress towards beginning this process, given the quantum of development proposed and the substantial road and bridge infrastructure which will serve the site and extend to the south side of the R. Wensum.

228. As previously referred to, both the Deal Ground and Utilities site are currently highly constrained by existing road access arrangements. In order for both sites to be fully developed in a manner that optimises flexibility and viability both require barriers to access to be removed. In this regard a bridge over the R. Wensum has been identified as infrastructure key to the deliver of development of both sites. In providing such a bridge the landowners either side of the river will require the consent of the other, both to land a bridge and for access in perpetuity for users of their respective developments to pass over the other party's land. Norwich City Council as owner of the river bed is also a relevant land owner and has been working with the adjoining owners in agreeing a formal access agreement which provides reciprocal access rights for all parties. Given the complexity of both brownfield sites, uncertainty over the formulation of proposals and the timing of future development, the access agreement also provides reciprocal step in rights. These rights seeks to ensure that neither development is prejudiced or held up by the other by allowing all parties to construct infrastructure on the other parties land if this has not been provided by the time it is needed to serve their own development.

229. A letter of representation has been received from the owners of the Utilities Site supporting the Deal Ground application but indicating that the access agreement should be signed by relevant parties prior to the issuing of a planning approval. In making this comment that they are aware that a pedestrian and cycle bridge has been identified as necessary for development of the Deal Ground and that their consent will be required for development to substantially proceed. However, they believe that without the access agreement and reciprocal having being established, the timing of this consent would be dependent solely on the intention and development decisions of the Deal Ground owners/house builders. In this context, if development of the Deal Ground was for any reasons to be delayed, this would

prejudice the earlier delivery of their development by depriving them of the right to step in and provide the necessary infrastructure to unlock access to the Utilities Site.

230. Commercial arrangements between landowners are not relevant to the consideration of the merits of a planning proposal (apart from possibly in the calculation of top up payments). However, in relation to the regeneration of these two sites there are significant material planning advantages to enabling the preferable bridge infrastructure to be in place from the start to: minimise the risk of sterilisation of the Utilities site; minimise development costs/assisting viability and minimising the waste and disruption associated with a replacement bridge being provided. However, it is not considered reasonable to seek to prevent redevelopment of the Deal Ground in the longer term if proposals to redevelop the Utilities Site, which need a road bridge, cannot be brought forward. In these circumstances it is considered both appropriate and reasonable to require an access agreement to be signed providing for; reciprocal access rights and rights to provide infrastructure over each parties' land ; a period of not less than 5 years and no more than 7 years in which an opportunity is given to progress redevelopment of the Utilities site along with the detailed design work, approval and delivery of a road access bridge. This may marginally delay the build out of the Deal Ground site but as a lead in period of a number of years is likely, to carry out preparatory works and build out the May Gurney site, it is not considered significant.

Conclusions

231. The Deal Ground comprises an extensive area of disused industrial land and has been identified for many years as a strategic priority for re-development. The site along with the adjoining May Gurney and Utilities site provide the potential for the major physical regeneration of east Norwich by bringing forward mixed development and enhanced green linkages and this is identified as a key objective in JCS 12. Although the proposals depart from Policy EMP9, the application is considered compliant with the NPPF by providing for a sustainable mix and scale of development which will facilitate this regeneration and make a substantial contribution to accommodating a strategic level of housing growth.
232. It is recognised that the site has significant constraints in terms of access, flood risk, noise environment, landscape and ecology. However, it is considered that the proposed development represents a comprehensive and integrated response to these constraints which manages and mitigates environmental impacts to an acceptable level.
233. The vision of creating an 'urban village', well connected with the city but integrated into a natural landscape provides the scope for a distinctive and sustainable development. The small local centre and dining quarter will provide local employment and assist the creation of a mixed vibrant development, but be of a scale to not result in an adverse impact elsewhere. The proposed transport strategy is considered a robust response to mitigating the transport impact of the development through actively promoting sustainable travel. The success of this approach will rely on the early provision of the Wensum Bridge and the effective and long term performance of the Transport Management Association.
234. Although the site is at risk of flooding the substantial regeneration benefits associated with this development, which could not be achieved elsewhere, and the

ability to make it safe, justify the development. Managing flood risk has informed the entire design concept with the result that property and people will be safe and that over all flood risk would be reduced in this location through the creation of a net gain in flood storage.

235. The landscape-led approach provides the opportunity for the creation of a high quality, distinctive residential environment with a strong sense of place. Although development will be high in density, there are opportunities for good amenity levels accruing from the sense of landscape integration and views across the marshes to Whitlingham. It is recognised that noise associated with the adjacent asphalt plant, rail head and bridge has the potential to have a negative impact on parts of the site. However, it is possible to mitigate this impact at reserve matter stages through careful design, which seeks to use building orientation, insulation and landscaping to create psychological separation and reduced noise levels. On this basis the broad distribution and quantum of development is considered justified and not prejudicial to the adjacent safeguarded minerals site.
236. The design approach responds to the rural fringe location by creating a multi-storey urban form within a strong landscape setting. Although it is acknowledged the visual change will be significant it is not considered that it will be adverse. The development will form part of a new gateway to the city created through the regeneration of east Norwich. The height of development, the loss of open space and the local impact on the Yare Valley character area have been balanced against the wide social and economic benefits associated with the regeneration of a brown field site.
237. Most of the development is proposed on land with low biodiversity value but there are direct impacts on the existing Carrow Abbey CWS, a entropic flood plain fen and a UK BAP habitat of moderate to high ecological importance at a county level. The development strategy minimises direct impact on the fen habitat and includes mitigation and enhancements. Long term management will be introduced to arrest the current decline of the fen habitat and reverse the natural succession of the habitat to woodland. The ecological approach proposed to the CWS and wider site will result in a net gain in the biodiversity baseline
238. The proposed bridge over the river Wensum is essential infrastructure for the sustainable development of the Deal Ground. The river crossing provides a direct and attractive pedestrian and cycle route towards the rail way station and the city centre. The provision of this route provides the opportunity to encourage sustainable travel and allows large scale development in this part of the city which otherwise would not be acceptable. In addition the bridge provides the opportunity to deliver wider public benefits by significantly improving cycle and pedestrian access in the south-east of the city and for the safer re-routing of the National Cycle Route No.1.
239. Taking the above matters in to account and the environmental information submitted it is considered that on balance given the need to provide housing and subject to conditions and the content of the S106 Obligation the proposals are considered to be acceptable

Recommendations

Recommendation 12/00875/O

To approve Application No 12/00875/O and grant planning permission, subject to:

- 1) South Norfolk Council approving those elements within their administrative boundary
- 2) The completion of a S106 Obligation to include the provision of affordable housing and contributions to transport and education
- 3) The signing of an access agreement

and subject to the conditions below.

- 1) Spine road – non-standard 10 years full time limit
- 2) With the exception of off-site highways works, the spine road shall be in accordance with the plans and details submitted
- 3) Full technical details of the spine road, Yare bridge associated footways/cycleways/foul and surface water drainage/implementation
- 4) No development until Highway Improvements offsite submitted and agreed.
- 5) Details of landscape treatment of spine road
- 6) Arboricultural Implications Assessment/ Method Statement submitted and approved
- 7) Non-standard outline time limit for the remainder of the site
- 8) Reserved matters to relate to layout, appearance, landscaping and scale.
- 9) Reserve matter to be in line with the parameters set out in the outline application plan Amount, Massing and Accommodation and the design concept described in the Design and Access Statement in respect of the quantum, transport strategy, biodiversity mitigation and enhancement measures, approximate layout, height parameters, routes and open spaces within the site
 - Notwithstanding illustrative materials submitted with the application reserve matters shall exclude 8 storey block (Marsh).
 - Reserve matters shall include a scheme for moorings on the R. Wensum frontage (including de-masting facilities)
 - Notwithstanding the illustrative materials submitted with the application the detailed site layout within the Marsh Reach/Wensum Riverside areas and the appearance, internal room layout, and glazing and ventilation specifications shall be informed by the need to mitigate the impact of noise from adjacent sources(in particular the aggregate plant/rail head + bridge) in order to ensure satisfactory levels of amenity for future residents
 - Notwithstanding the illustrative materials - set back from River Yare and Wensum to be in accordance with parameters plan.
 - Notwithstanding the illustrative materials landscape details shall include a comprehensive landscape scheme /boundary treatment that shall seek to mitigate the visual and environmental impacts of the adjacent minerals site and railhead.
- 10) Submission of an Environmental Action Plan. The development shall be undertaken in accordance with the approved mitigation measures
- 11) Prior to submission of any reserve matters applications relating to blocks facing/adjacent to River Yare/Wensum – submission of design code/approval in writing
- 12) Phasing plan to be agreed covering the whole site, including all areas of green infrastructure
- 13) Timetable for the provision of green infrastructure
- 14) Management plan submitted and all open spaces including details of management

responsibilities

- 15) Reserve Matters shall include Energy , Water and Construction Strategy – to meet JCS requirements
- 16) Precise details ground levels/changes/slab levels.
- 17) 10% of dwellings to be designed to lifetime homes standard
- 18) Restrictions small local centre – no more total 9 units/total gross floor area 1265sqm/unit size limit <500sqm/mix of uses PD restrictions
- 19) Restriction dining quarter – total gross space <1000sqm/mix/unit size max. PD/hours restrictions
- 20) No development until scheme for the undergrounding of the overhead power cables and removal of overhead line has been agreed in consultation with LPA
- 21) No occupation of the May Gurney dwellings until over head cables/infrastructure have been removed (SNC condition)
- 22) No commencement of dwellings on the Deal Ground until consent and full access arrangements are in place with all necessary landowners to facilitate public pedestrian and cycle access into perpetuity from The Street over the new Wensum Bridge to either the adopted highway or to the formal Riverside Walk network on the northern side of river
- 23) No occupation of any dwelling on the Deal Ground until Yare and Wensum bridges are in place /available for use and linked to adopted highway or formal Riverside Walk network
- 24) Details of design, construction and surfacing of roadways/footpaths and cycleways and phased delivery
- 25) Provision of parking, cycle and bin storage
- 26) Traffic regulations orders to support parking and access arrangements
- 27) External lighting of details
- 28) Conditions regarding management of construction traffic on and off site
- 29) Construction and Environmental Management Plan (including timing of works) be submitted and agreed
- 30) Provision and implementation of travel Plan
- 31) Foul water strategy to be submitted and approved/no occupation until work implemented
- 32) The development shall be constructed with a minimum finished floor level of 2.4mAOD, as detailed in the approved Flood Risk Assessment
- 33) Details of a safe exit route – submitted and approved, implemented prior to first occupation
- 34) Scheme for provision and implementation of compensatory flood storage works – constructed and completed prior to first occupation
- 35) Modelling of proposed bridges and culverts – constructed and completed prior to first occupation
- 36) Full surface water drainage scheme for the site submitted and approved/phased provision.
- 37) Full details of flood resilient construction measures submitted and approved
- 38) Flood warming and evacuation plan submitted and approved – implementation prior first occupation
- 39) Conditions regarding contamination and pollution
- 40) Archaeology conditions
- 41) Provision of fire hydrants
- 42) Condition removing PD rights relating to conversion of any buildings to residential within the landscape buffer area
- 43) Scheme /provision of bus facilities
- 44) Condition in relation to brick kiln – remedial work/detailed scheme including setting

Reasons for approval: The environmental information submitted with the application has been taken into account in the determination of the application and the decision has been made with particular regard to the policies referred to in this report, including the National Planning Framework and other material considerations.

The Deal Ground comprises an extensive area of disused industrial land and has been identified for many years as a strategic priority for re-development. The site along with the adjoining May Gurney and Utilities site provide the potential for the major physical regeneration of east Norwich by bringing forward mixed development and enhanced green linkages and this is identified as a key objective in JCS 12. Although the proposals depart from Policy EMP9, the application is considered compliant with the NPPF by providing for a sustainable mix and scale of development which will facilitate this regeneration and make a substantial contribution to accommodating a strategic level of housing growth.

It is recognised that the site has significant constraints in terms of access, flood risk, noise environment, landscape and ecology. However, it is considered that the proposed development represents a comprehensive and integrated response to these constraints which manages and mitigates environmental impacts to an acceptable level.

The vision of creating an 'urban village', well connected with the city but integrated into a natural landscape provides the scope for a distinctive and sustainable development. The small local centre and dining quarter will provide local employment and assist the creation of a mixed vibrant development, but be of a scale to not result in an adverse impact elsewhere. The proposed transport strategy is considered a robust response to mitigating the transport impact of the development through actively promoting sustainable travel. The success of this approach will rely on the early provision of the Wensum Bridge and the effective and long term performance of the Transport Management Association.

Although the site is at risk of flooding the substantial regeneration benefits associated with this development, which could not be achieved elsewhere, and the ability to make it safe, justify the development. Managing flood risk has informed the entire design concept with the result that property and people will be safe and that over all flood risk would be reduced in this location through the creation of a net gain in flood storage.

The landscape-led approach provides the opportunity for the creation of a high quality, distinctive residential environment with a strong sense of place. Although development will be high in density there are opportunities for good amenity levels accruing from the sense of landscape integration and views across the marshes to Whitlingham. It is recognised that noise associated with the adjacent asphalt plant, rail head and bridge has the potential to have a negative impact on parts of the site. However it is possible to mitigate this impact at reserve matter stages through careful design, which seeks to use building orientation, insulation and landscaping to create psychological separation and reduced noise levels. On this basis the broad distribution and quantum of development is considered justified and not prejudicial to the adjacent safeguarded minerals site.

The design approach responds to the rural fringe location by creating a multi-storey urban form within a strong landscape setting. Although it is acknowledged the visual change will be significant it is not considered that it will be adverse. The development

will form part of a new gateway to the city created through the regeneration of east Norwich. The height of development, the loss of open space and the local impact on the Yare Valley character area have been balanced against the wide social and economic benefits associated with the regeneration of a brown field site

Most of the development is proposed on land with low biodiversity value but there are direct impacts on the existing Carrow Abbey CWS, a entropic flood plain fen and a UK BAP habitat of moderate to high ecological importance at a county level. The development strategy minimises direct impact on the fen habitat and includes mitigation and enhancements. Long term management will be introduced to arrest the current decline of the fen habitat and reverse the natural succession of the habitat to woodland. The ecological approach proposed to the CWS and wider site will result in a net gain in the biodiversity baseline

Taking the above matters in to account and the environmental information submitted it is considered that on balance given the need to provide housing and subject to conditions and the content of the S106 Obligation the proposals are considered to be acceptable.

Article 31 (1) (cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Framework as well as the environmental information submitted, the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments to the Environmental Statement the application has been approved subject to appropriate conditions and for the reasons outlined above.

Recommendation Application 12/00996/O

To approve Application No 12/00996/O and grant planning permission, subject to:

- a. Broads Authority approving those elements within their administrative boundary
- b. To give delegated authority to the Head of Planning Services to agree either a planning obligation or conditions to align with any decision of the Broads Authority in relation to opening and mooring arrangements.

And subject to the following conditions, unless modified by clause 2) above:

1. Non -standard reserve matter time conditions
2. Reserve matters to include all matters /including technical construction of structure and mooring provision.
3. Bridge provides for public access for pedestrian and cycle traffic into perpetuity (may not required if included within legal agreement)
4. Scheme for future management of the structure
5. Conditions regarding groundwater and land contamination
6. Conditions regarding construction including traffic management

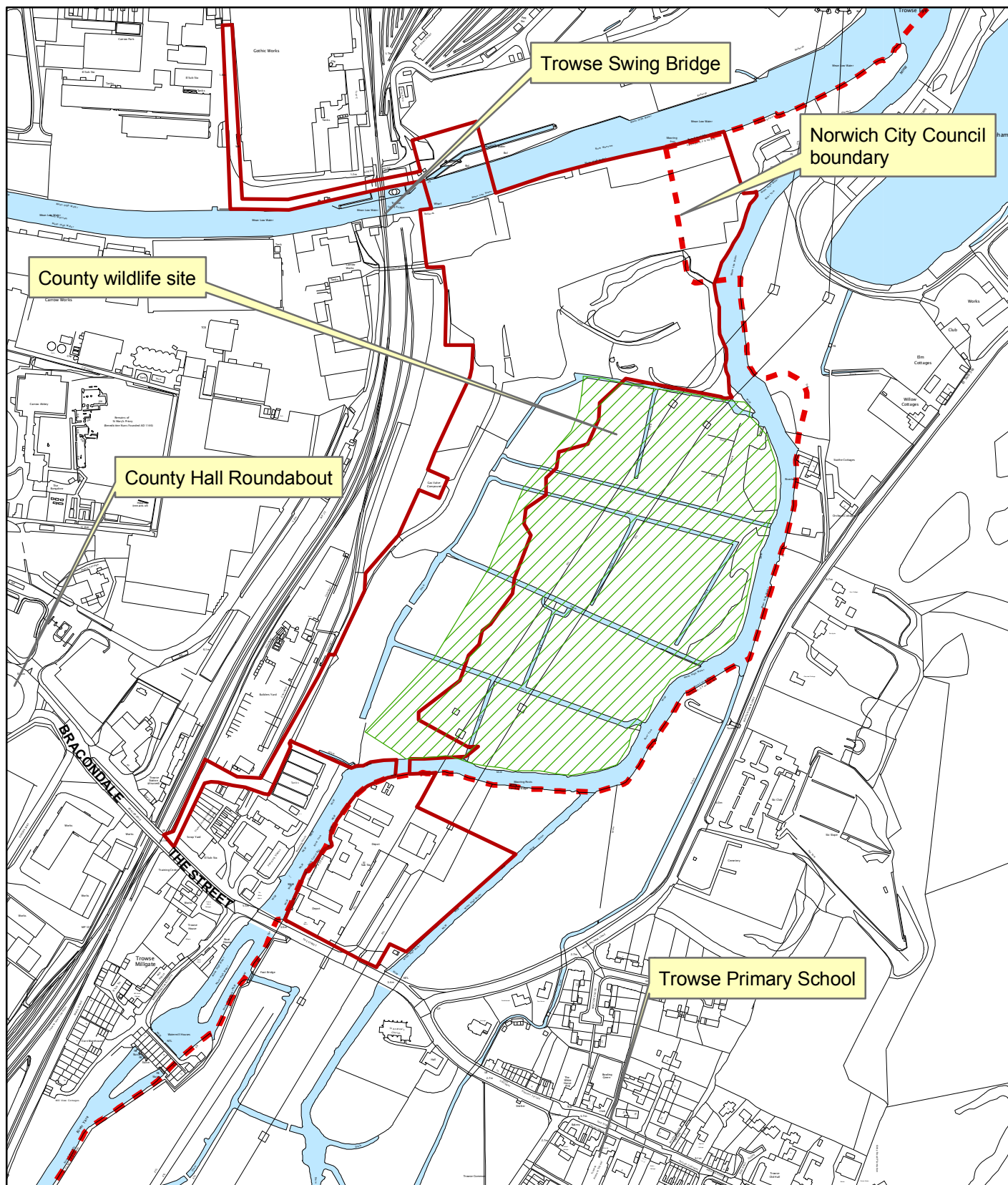
Reasons for Approval:

The proposed bridge over the river Wensum is essential infrastructure for the

sustainable development of the Deal Ground. The river crossing provides a direct and attractive pedestrian and cycle route towards the rail way station and the city centre. The provision of this route provides the opportunity to encourage sustainable travel and allows large scale development in this part of the city which otherwise would not be acceptable. In addition the bridge provides the opportunity to deliver wider public benefits by significantly improving cycle and pedestrian access in the south-east of the city and for the safer re-routing of the National Cycle Route No.1. Proposal is considered to be in accordance with the NPPF and other policies referred to in this report.

Article 31 (1) (cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and has been approved subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 12/00875/O & 12/00996/O

Site Address Deal Ground

Scale 1:5,000



NORWICH
City Council

PLANNING SERVICES



Deal Ground - Proposed Development Areas



Area	Development Areas	Types of Development	Quantity	Height
1.	May Gurney	Residential	60-80 Dwellings	2 Storey
2.	Landscape Buffer	Car Parking & Service Buildings	No dwellings (Ancillary buildings only i.e. bin stores)	1 Storey
3.	Marsh Reach	Residential	160-200 Dwellings	2-3 Storey
4.	Wensum Riverside	Residential Restaurants (Class A3) Public House (Class A4)	400-450 Dwellings Up to 5 commercial units totalling 1210 sqm	2-8 Storey
1, 3 or 4	May Gurney Marsh Reach or Wensum Riverside	Local centre, serving the needs of the development comprising a range of units within Use Classes A1, A2 and A3	Up to 9 commercial units totalling 1265 sqm	

Total
Maximum of 670 dwellings over the whole site.



- Core Habitat
- Terrace Houses and Town Houses
- Apartments
- Gardens
- Commercial Space
- May Gurney Headquarters

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3. The plan is based on the information provided by the client and is not intended to be used for any other purpose. It is subject to the final decision of the planning authorities.

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Rev B - 30.03.2012 - Service path added and path across Kinn Park added
Rev A - 06.09.2011 - River Park and path

Deal Ground and
May Gurney Site
Master Plan

project 0904
scale 1:3000 at A0
1:2000 at A2
date 13/12/2010
drawing 084/200/02B

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Rev A - 06/09/2011 - Wensum Bridge Area

Deal Ground and
May Gurney Site

Aerial View from the
North

project 0904
scale NTS at A3

date 13/12/2010
drawing 084/200/07A

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Deal Ground and
May Gurney Site
View of a Fen Swale
in Marsh Reach

project	0904
scale	NTS at A3
date	13/12/2010
drawing	084/200/010

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Deal Ground and
May Gurney Site

View from the River
Wensum

project	0904
scale	NTS at A3
date	13/12/2010
drawing	084/200/014

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