

Report to Planning applications committee

Item

8 December 2016

Report of Head of planning services

Subject Application no 16/01628/NF3 - Hardy Road, Norwich

Reason

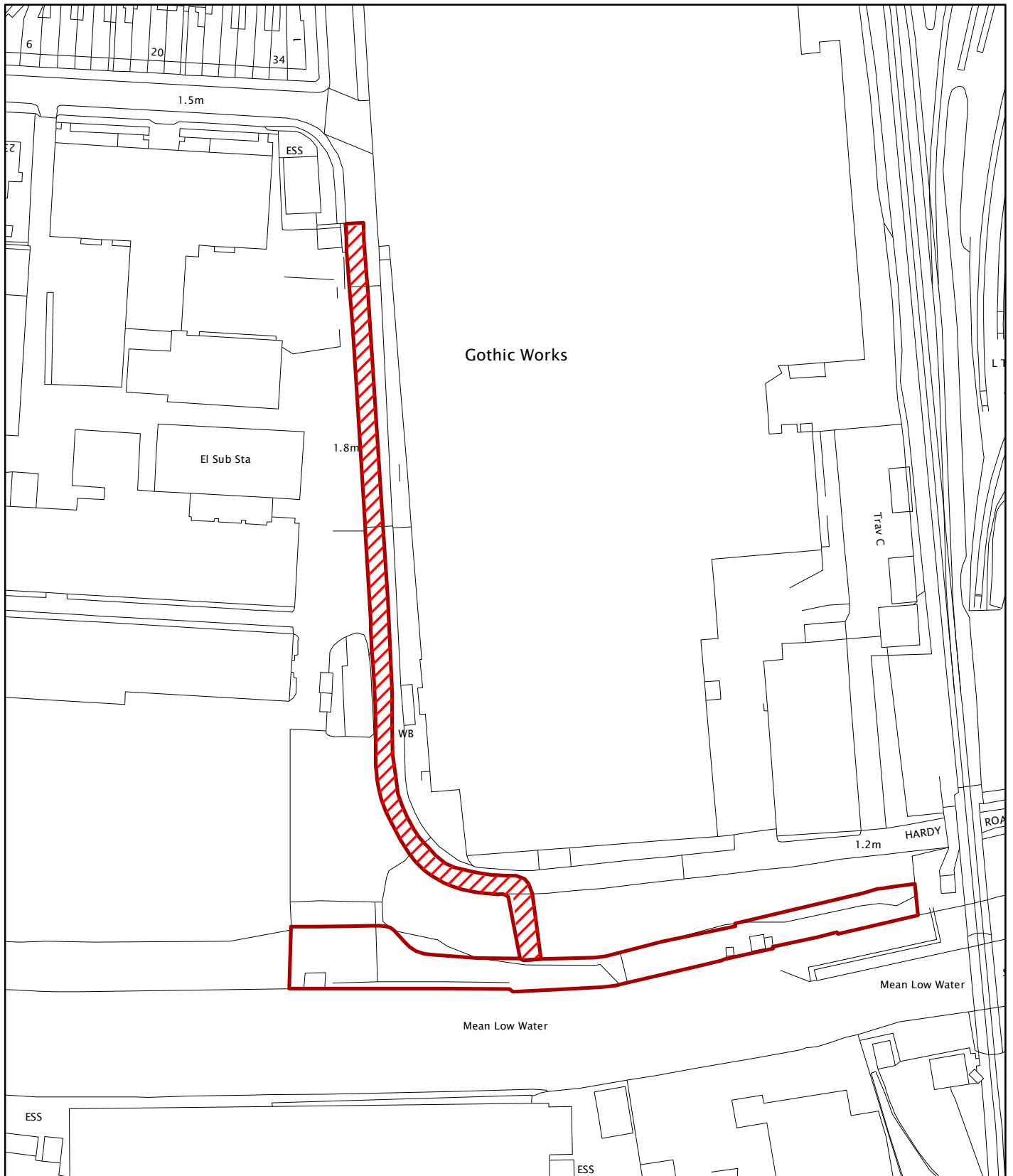
for referral City council application

4(g)

Ward:	Thorpe Hamlet
Case officer	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal		
Construction of riverside walk comprising 3m wide shared use cycle and pedestrian path, structural repairs to existing river bank and associated landscape enhancement works. Related works include the demolition of existing disused ancillary building and clearance of existing trees and scrub. Change of use of car parking to public access path.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Principle of development	Policy objective to promote the creation of a of continuous riverside walk route
2 Design	Design of the scheme and impact on trees, landscape
3 Flood risk	Whether the development is acceptable within a flood risk area
4 Ecology	Control of invasive species
5 Heritage	Impact on non-designated heritage assets
6 Contamination	Risk to water course
Expiry date	26 December 2016
Recommendation	Approve subject to conditions



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Planning Application No 16/01628/NF3

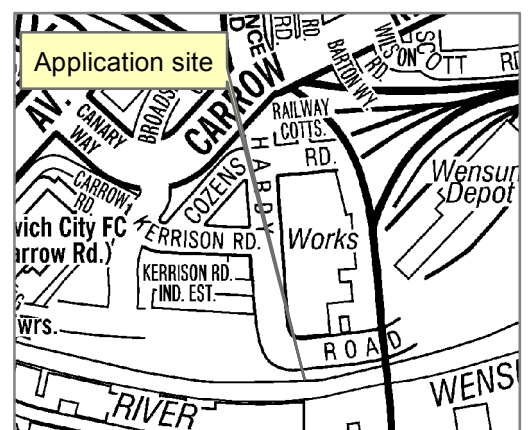
Site Address Hardy Road

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site comprises a 130m length of river frontage adjacent to Gothic works, operated by ATB Laurence Scott (ATBLS). The nature and condition of the river bank varies across the frontage. In parts the bank is graded and semi-naturalised with reinforcement concrete bags visible at lower levels. The remainder is clad with timber cladding which is in poor condition exposing a wall of concrete bags behind.
2. There are a number of existing trees along the frontage most of which are self-sown, four are categorised as B and the remainder are category C trees. A number of these trees are located on a raised mound which was constructed as part of a flood defence consent.
3. The site has no other features apart from a small building and associated structure located near the Trowse Swing Bridge. There is evidence that this dates to the 1940's and may have been used as a World War Two barrage balloon site. The building comprises Fletton brick with a concrete slab roof and associated steel frame work.

Constraints

4. The site is subject to high flood risk - zone 3

Relevant planning history

5. No planning relevant planning history

The proposal

6. The proposal relates to the construction of a shared use cycle and footpath along the river frontage. It is proposed to set this new section of riverside walk back from the river edge by approximately 3.5m, diverting around the back of an existing mound at the west end of the site. The path will be constructed as a macadam surface course with timber spline edging and will be surfaced with resin bonded aggregate finish.
7. Engineering works are proposed to stabilise the river bank and these are the subject of a duplicate planning application to the Broads Authority. Timber cladding reinforcement is proposed in front of the existing concrete headwall to retain a 20m stretch of bank in poor condition. This section contains a service outfall which will be retained. Along the remainder of the site frontage the existing concrete bagwork will be retained, repaired and replaced where necessary. In these areas it is proposed to remove the upper layers and reduce the frontage height to 0.8m AOD, allowing for the regrading of the ground profile down towards the water.
8. Green plastic coated weld mesh fencing at 1.2m high with posts at 3m intervals is proposed to define the site boundary to the north of the path. This fence is intended to provide separation and define the boundary between the publically accessible route and ATBLS site.

9. A landscaping scheme is proposed. The majority of trees will require removal to facilitate the construction of the new path. Replacement tree planting is proposed along with native soft planting of the river edge margin.
10. It is proposed to demolish the existing building and that interpretation referencing the history of the site be provided.

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Broads Authority

13. **Operational Considerations:** Section A-A shows the height of the bag work to be reduced to 0.8m, this is below MHWL and therefore unacceptable for navigation. The height needs to be increased to at least 1.1m, which should be above all normal high waters, but would preferably be increased to 1.31m as shown on section C-C and on the elevation. Given that this will increase the difficulty of egress from the river it is also suggested that there should be appropriate safety features incorporated i.e. safety chains/ handholds, ladders and throwlines at appropriate centres. The other concern is on the timber faced section. Here the concrete bag wall looks to be vertical and supported by treated softwood timber piling which may only last around 10 years. If the stability of the concrete bag wall relies on the timber piling then it is recommended that the use of hardwood is considered for longevity and there will need to be a maintenance plan in place with clear understanding of responsibility by the City Council.
14. **Arboricultural Considerations:** trees are poor quality with short term useful longevity and cannot therefore reasonably be retained. It is noted that the better trees T23, T25 and T30 are being retained and sections of the proposed path close to these trees are subject to additional landscape improvement (including tree planting). Given the above there is no objection to this proposal. In consideration of the current poor quality of the visual and arboricultural quality of the site, it is our judgement that the proposals can only be seen as an improvement.
15. **Invasive Species Removal:** Prior to any works commencing on site a management plan/ method statement should be submitted to the LPA outlining the full eradication programme of the invasive species Japanese knotweed (*Fallopia japonica*). This must include preventative measures to prevent its spread during the proposed works and any safe disposal of soil to be dug out around these plants. This should be undertaken by a specialist invasive species eradication company.
16. **Retention of Hoary Mullein:** This plant has significance in the Norwich area but is under pressure from continued development. Reseeding should be sown from a

local brownfield source. **Breeding Birds:** No removal of hedgerows, trees, shrubs or climbing plants should take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of vegetation for active bird's nests not more than seven days before vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Written confirmation should be submitted to the LPA before works commence.

17. **Enhancements:** The Broads Authority supports the enhancement recommendations outlined in the Ecological Report to enhance the site particularly for invertebrates. This should be undertaken given the development pressure in the area. Habitat enhancements will help link the site with other important habitats in the vicinity including two County Wildlife Sites and other invertebrate rich brownfield sites. Habitat improvements as part of the proposal (as outlined in the Ecological Report 2016) Native tree and shrub planting should also be undertaken as part of the development to compliment the habitat improvements outlined above and to benefit birds particularly house sparrows which are under significant development pressure. Native tree planting should include silver birch (*Betula pendula*) and native willow (*salix spp*).
18. **Design and conservation:** I note that the Norfolk Heritage Explorer website does mention that the site in question was used as a World War Two barrage balloon site. As this building appears to date from the period being constructed in a very utilitarian manner with Fletton bricks and concrete lintels and slab roof.
19. The single storey structure is not of great aesthetic or architectural merit – however it may benefit from some heritage historic and evidential heritage value as a result of its potential association with the World War Two barrage balloon site and the defence of Britain during the Second World War. However this evidence is inconclusive.
20. I also note that the building is suffering from structural problems as a result of dis-use and neglect and that no funds for the demolition and re-build or restoration of the structure are available. I also note that the building does not benefit from any statutory protection, in that it is not listed, locally listed or located within a Conservation Area.
21. Local Plan policy DM9 and Paragraphs 135 and 136 of the NPPF are relevant to this case. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Para 136 of the NPPF states 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'. In the light of this, I would recommend that the structure is fully recorded prior to demolition and that the recording information is provided to the local studies library for their information. I recommend a condition to be imposed on any consent to ensure that this is undertaken. A further condition should be applied to the consent to ensure that the structure is not demolished without the scheme for

re-development proceeding. Another condition should ensure that the heritage interpretation offered is completed prior to the riverside walkway being opening to the public.

Environment Agency

22. Awaited

Natural Areas Officer

23. As a general comment, this proposed extension of the Riverside Walk is welcomed, especially as it may help to progress a long-standing city council aim to provide a direct walking route between the city centre and Whitlingham Country Park.
24. From a biodiversity viewpoint, the recommendations of the ecological survey should be implemented with particular reference to hoary mullein, house sparrow and invertebrates. The survey report states that the small brick built building is not suitable as a bat roost, although the reason(s) for this are not given. From the photographs supplied, the building's interior walls appear to be smooth and thus offering a lack of purchase for any roosting bats, which could be a contributing factor, but the reasons for the conclusion reached should be stated. The possibility of retaining the brick built building and converting it into a bat roosting facility should be considered. There are many successful precedents for the conversion of World War II pillboxes and similar structures into bat roosts, and it might be possible to achieve this here.

Tree protection officer

25. The majority of the trees on site are of a low quality, and I have no objections to removing the ones identified on drawing no. LP15/006/PLA03. I do feel however, that mitigating the loss of these trees (approx. 20, including 2 category 'B' trees) justifies more replacement tree planting than shown. However, I am aware that there are a series of constraints on this site which limit the ability to replant. These include underground electricity supplies which run parallel to the site on the western edge and the bagwork construction of the river frontage which is easily undermined by tree roots. With these constraints in mind I am satisfied with the approach which proposes tree planting (3x Alnus and 3x Weeping Willow) in the less constrained part of the site this will allow scope for the new trees to significantly increase the group value of trees retained on the mound.
26. A planning condition requiring a 'site specific' Tree Protection Plan for the retained trees, as well as a method statement, detailing the construction method of the path

Assessment of planning considerations

Relevant development plan policies

27. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets

- JCS2 Promoting good design
- JCS6 Access and transportation
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS18 The Broads

28. Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)

- Insert any relevant site specific of area policies

29. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM28 Encouraging sustainable travel

30. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)

- R11 Kerrison Road/ Hardy Road, Gothic Works: Mixed use development

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

32. Supplementary Planning Documents (SPD)

- Heritage Interpretation (Dec 2015)
- Trees, development and landscape SPD adopted June 2016

Case Assessment

- 33.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The

following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

34. Key policies and NPPF paragraphs – R11, DM28
35. The site falls within the boundary of land allocated in the SA Plan for housing led mixed use development – Policy R11: Kerrison Road/Hardy Road, Gothic Works. This site along with: land adjoining Norwich football club; the Utilities Site and the Deal Ground form a swathe of land identified for comprehensive regeneration (JCS 11). Policies for each site require the provision of a section of riverside walk to facilitate the creation of a pedestrian and cycle route connecting new development to the city centre and creating an eastern route serving the wider city to Whitlingham and the countryside beyond. This eastern section of the riverside walk is shown on the adopted Proposals Map and subject to the requirements of DM 28. The proposed section of riverside walk will form part of the route between the Trowse and Carrow bridges. Part of this route is already in place, having been constructed in association with the Allison Bank, Ashman Bank and NR1 residential schemes. A further section has been approved as part of the Broadland Housing Carrow Quarter development. The proposed section will complete this section of the network.
36. The development will allow the timely delivery of this section of riverside walk and allow future connection to a new river crossing linking the city with Trowse and Whitlingham Country Park. The creation of the route is strongly supported by adopted development plan policies and on this basis the Norwich River Gateway group has taken the decision to utilise Sustrans funding to deliver this work
37. Future development of the Gothic works site will need to be designed to fully integrate with the riverside walk. As such it expected that future schemes will positively support the amenity value of the river frontage and the function of the riverside walk as a key access route serving the development.
38. The work is likely to be programmed at around the time that the Carrow Quarter is developed allowing the two sections of riverside walk to come forward together. The alignment of the proposed riverside walk has been designed to avoid interference with the planted mound which has a flood defence function. In order to allow the two adjacent section of walkway to connect a minor amendment will be required to the proposed walkway on the adjacent site. The adjoining owners are aware of this and have indicated their agreement to work with the council.

Main issue 2: Design

39. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
40. The design includes the re-grading of the river bank to create a soft natural margin between the proposed pathway and the river. Given this and the extent of necessary remediate works to make the bank safe, 20 x self-sown trees along the frontage will require removal. These trees are predominantly category C young/semi-mature, multi-stemmed alder and sycamore specimens. Larger single stem category B trees (Weeping Willow, Norway Maple and Silver Birch) located on the mound will be retained and supplemented by the planting of three *Alnus glutinosa* multistem

specimens and three Weeping Willow. The council's Tree Protection Officer has indicated that it would be preferable to provide more replacement trees to mitigate the numbers lost. However, he is aware that there are a series of constraints on this site which limit the ability to replant. These include underground electricity supplies which run parallel to the site on the western edge (leading from the Utilities site) and the bagwork construction of the river frontage which is easily undermined by tree roots. With these constraints in mind he is satisfied with the approach which proposes tree planting in the less constrained part of the site. The new tree planting will increase the group value of the trees to be retained on the mound and their prominence as a landscape feature. The re-graded bank will be seeded with a Tussock grass mix and the mound feature seeded with a species rich grassland mix.

41. The design approach will result in a semi- naturalised appearance to the river frontage and although the tree loss is regrettable the proposed soft planting proposals have been informed by the recommendations set out in the Ecological Survey accompanying the application. The survey identified species groups of particular importance in the vicinity namely invertebrates of brown field habitat, hoary mullein and breeding birds (House Sparrow). The creation of areas of open habitat and grassland are beneficial to these groups and considered acceptable mitigation to the tree loss.
42. The design of the riverside walk is considered acceptable in landscape and ecological term and will achieve a durable section of the river walkway network. Although the profile and semi- naturalised form of the river bank is unsuitable for the provision of moorings, the benefits outlined above provide sufficient public gain. The Broads Authority have advised that for operational reasons the height of the retaining bag work should be at least 1.1m above MHWL. Amended plans indicating this minor increase in bank height are awaited along with an indication of proposed safety features. Imposition of planning conditions requiring tree protection measures, agreement of detailed planting mix, ecological enhancement measures and long term maintenance are recommended.

Main Issue 3: Flood risk

43. Key policies and NPPF Paragraphs: DM 5, NPPF para 100
44. The pathway has been designed as a 3m wide shared surface suitable for pedestrian and cycle use. The resin bonded finished macadam surface provides a durable and accessible finish. The pathway is in a zone identified as being at a high risk of flooding (zone 3). A footpath /cycle path designed to promote recreational access falls within a 'Water Compatible development' category set out in National Planning Policy Guidance. On this basis the proposed pathway is acceptable development in the flood risk area. Although the pathway will flood in a 1:100 year fluvial flood event this is considered acceptable since it is not required to function as an evacuation route.

Main issue 4: Ecology

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

46. The ecological survey of the site identified a small stand of Giant Knotweed on the site. This is an invasive species and subject to legislation such that it is an offence to cause it to grow. The Ecological Survey recommends that the knotweed is eradicated and that a specialist contractor will need to undertake the work. A planning condition is recommended to secure this work.
47. Following comments from the council's Natural Areas Officer consideration has been given to the possible use of the existing building on the site as a bat hibernacula. However, the applicant's ecologist has advised that the single skin construction of the building makes it unsuitable as temperatures would always fluctuate inside, and in very cold weather it would become too cold.

Main issue 5: Heritage

48. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
49. It is not clear as to the precise historic use of the existing building on the site, however as referred to in para 3 there is evidence that the site was used as a WW2 barrage balloon site. The building is therefore considered an undesignated heritage asset and subject to DM 9 which seeks to safeguard Norwich's heritage. Although there is a presumption in favour of retaining such structures the building is known to be in a poor structural condition and increased access to the building would raise management and health and safety concerns. It is therefore proposed to replace the building with a heritage interpretation feature, compatible with the site's use as a publically accessible area. The feature will retain the steel framework and incorporate an interpretation panel sign within the frame. The outline of the building will be recorded at ground level, using concrete inlays and stonework along with naturalised low maintenance planting.
50. This approach is considered justified and in line with policy DM9 and SPD relating to Heritage Interpretation.

Main issue 6: Contamination

51. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
52. Historic maps indicate that the site frontage was historically in use as agricultural land and allotments. Previous investigations have shown that the land has subsequently been made up with material comprising sand, gravel and rubble. The works involve the excavation of the upper surface and where regrading is proposed this will be to a maximum depth of around 600mm. On this basis the risk of contamination is considered low.

Other matters

53. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: archaeology.

Equalities and diversity issues

54. There are no significant equality or diversity issues.

Local finance considerations

55. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
56. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
57. In this case local finance considerations are not considered to be material to the case.

Conclusion

58. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

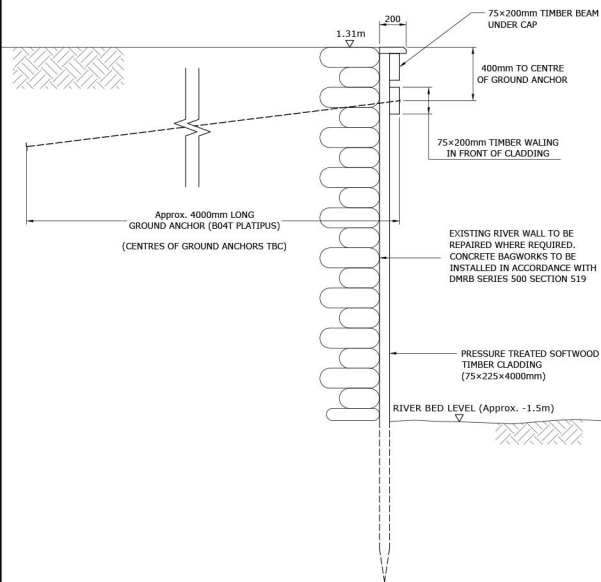
Recommendation

To approve application no. 16/01628/NF3 - Hardy Road, Norwich and grant planning permission subject to the following conditions:

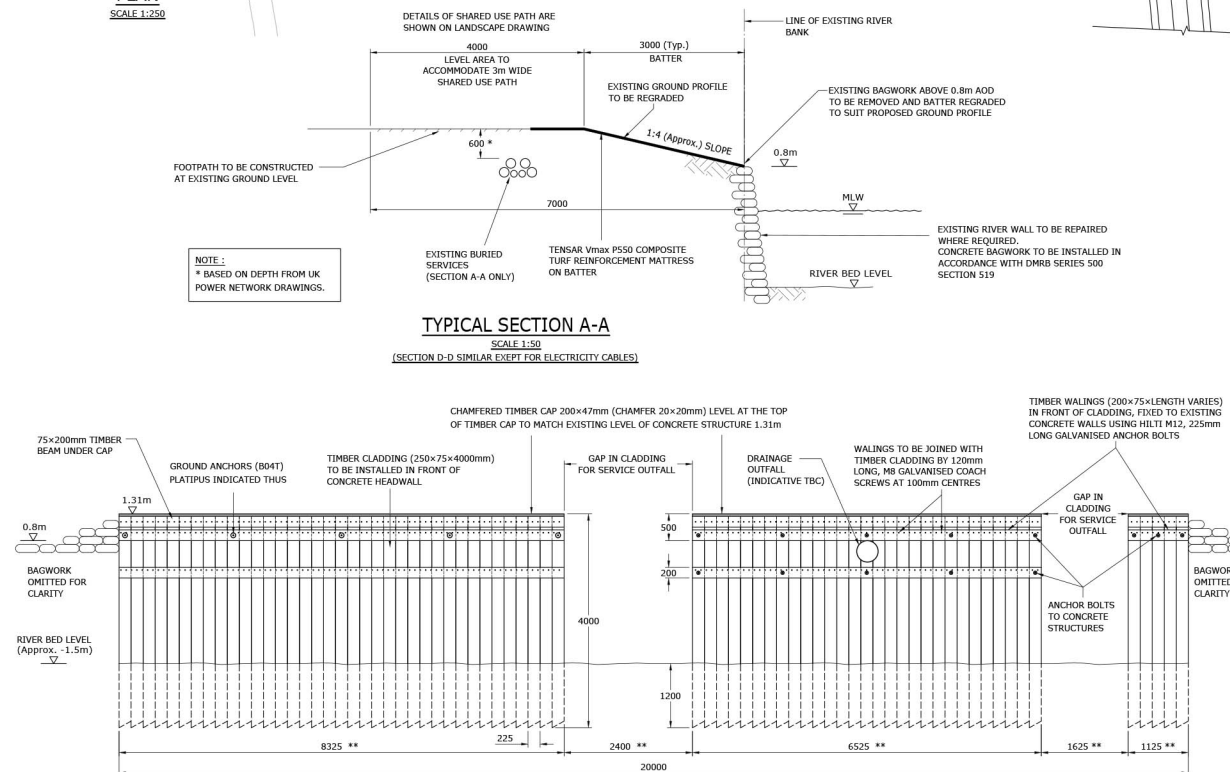
1. Standard time limit;
2. In accordance with plans;
3. Public access for pedestrians and cyclist into perpetuity
4. Tree removal - outside nesting season
5. Tree protection plan and method statement
6. Standard unknown contamination
7. Detailed landscaping, including maintenance and management plan
8. Structure shall be fully recorded prior to demolition
9. Structure shall not be demolished without the scheme for re-development proceeding.
10. Implementation of ecological mitigation – including eradication of Giant Knotweed

Article 35(2) Statement

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



SECTION C-C
SCALE 1:20



ELEVATION B-B
SCALE 1:50

NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEER'S, ARCHITECT'S AND SPECIALIST'S DRAWINGS AND THE SPECIFICATION.
- DO NOT SCALE** FROM THIS DRAWING MANUALLY OR ELECTRONICALLY. WRITTEN PERMISSION MUST BE OBTAINED FROM HWR PRIOR TO SCALING ELECTRONICALLY OR USING THIS ELECTRONIC FILE.
3. EXISTING TREES ALONG THE RIVER BANK TO BE REMOVED TO FACILITATE REGRADING OF EXISTING BANK.
4. REGRADING TO BE UNDERTAKEN ALONG 4m WIDE STRIP AS SHOWN ON PLAN ()
5. EXISTING OUTFALLS TO BE EXTENDED THROUGH THE TIMBER CHLADDING (CONTRACTOR DESIGN).
6. TIMBER TO BE DOUGLAS FIR OR EUROPEAN OAK, PRESSURE TREATED, STRENGTH CLASS C24.
7. ALL STEEL FIXINGS TO BE GALVANISED UNLESS STATED OTHERWISE.

CONSTRUCTION (DESIGN AND MANAGEMENT)
REGULATIONS 2015

DESIGNERS HAZARD INFORMATION FOR CONSTRUCTION

1. IF YOU DO NOT FULLY UNDERSTAND THE RISKS INVOLVED DURING THE CONSTRUCTION OF THE ITEMS INDICATED ON THIS DRAWING ASK YOUR MANAGER, HEALTH & SAFETY ADVISOR OR A MEMBER OF THE DESIGN TEAM BEFORE PROCEEDING.
2. WORKING IN WATER.
3. LIVE SERVICES (ELECTRICITY).
4. GROUND EXCAVATIONS.
5. LEPTOSPIROSIS.
6. PUBLIC NAVIGABLE RIVER.

THE ABOVE NOTES REFER SPECIFICALLY TO THE INFORMATION SHOWN ON THIS DRAWING.

REFER TO THE HEALTH AND SAFETY PLAN FOR FURTHER INFORMATION.

A	06.09.16	FOR PLANNING APPLICATION	LP	MW
Rev	Date	Description	Made	Checked

FOR PLANNING APPLICATION

MLM

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Website: www.mlm.uk.com



Project	
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PROPOSED RIVERBANK WALL
TROWSE RIVERSIDE WALK, NORWICH

REPAIR OF EXISTING RIVER BANK WALL
AND INSTALLATION OF TIMBER CLADDING

Drawn	LP	Date	SEPTEMBER 2016	Scales	As shown @ A
Checked	MW	Approved	IH		

Drawing No. 617370-DWG-CIV-003

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