

## **Application for Determination**

<b>Parish</b>	Trowse with Newton		
<b>Reference</b>	BA/2011/0404/OUT	<b>Target date</b>	24 May 2013
<b>Location</b>	The Deal Ground, Former May Gurney site, The Street, Trowse		
<b>Proposal</b>	Construction of opening bridge for pedestrian/cycle use only (Outline)		
<b>Applicant</b>	Serruys Property Company Ltd		
<b>Recommendation</b>	Approve, subject to conditions		
<b>Reason for referral to Committee</b>	Major application		

### **1 Description of Site and Proposals**

- 1.1 The Deal Ground site comprises 14 hectares of vacant previously developed (brownfield) land located to the south of the River Wensum in Trowse. It is bordered to the east and the south by the River Yare as this meanders up to the head of navigation at Trowse bridge, with Carrow Yacht Club situated at the north-east corner. To the west it is bounded by the railway line, beyond which is the Lafarge Aggregates depot.
- 1.2 To the north of the Deal Ground, on the northern bank of the River Wensum, lies the Utilities site, which is a roughly triangular plot and comprises 12 hectares of brownfield land.
- 1.3 To the south of the Deal Ground is the former May Gurney site which covers five hectares. This site fronts The Street at Trowse and is bordered to the north and west by the River Yare, which on the west side is at the head of navigation at Trowse bridge. Access to the Deal Ground is through the May Gurney site, the access from which gives directly on to The Street, Trowse and thence to the roundabout at County Hall. There is planning permission for a mixed-use redevelopment scheme on this part of the site and this includes a bridge to cross the River Yare and access the Deal Ground. The air draft height of this bridge has been set at a minimum of 6'.
- 1.4 Together, the Deal Ground and Utilities sites have been identified as strategically important and with the potential to provide major mixed use,

sustainable development to help to meet the Greater Norwich Development Partnership (GNDP) growth agenda in term of new housing and jobs and to regenerate east Norwich. Both sites suffer from a range of potential constraints, including contamination, access and flood risk and are in fragmented ownership. Both sites are within the area administered by Norwich City as LPA.

- 1.5 In May 2013 Norwich City Council resolved to grant planning permission for a major redevelopment of the Deal Ground site comprising the construction of a maximum of 670 residential units (594 on the Deal Ground site and 76 on the May Gurney site), a Local Centre comprising nine commercial units totalling 1,265 sq m within the May Gurney site, a restaurant dining quarter and a public house comprising five commercial units totalling 1,210 sq m within the Deal Ground site, landscaping measures to provide bio-swales, wetland habitats adjacent to the Carrow Abbey Marsh CWS plus access road, pedestrian and cyclist infrastructure. The Broads Authority was consulted on this planning application and a report was presented to Planning Committee on 26 April 2013.
- 1.6 Central to the development of the Deal Ground site is a requirement for an access to the site from the north, ie from across the Wensum. This is required to limit the volume of vehicle traffic accessing the site via the roundabout at County Hall (which is at capacity) by providing an easy alternative pedestrian and cycle access, to improve the sustainability of the development and to integrate the development fully into the surrounding urban area.
- 1.7 This application is in outline only, but sets out the principles of the proposal. The application site area extends from the junction of Hardy Road with Kerrison Road (adjacent to the eastern end of the Norwich City Football Club/Laurence Scott Electromotors site), south and then east along Hardy Road and under the Trowse Railway bridge to an area of land adjacent to the Network Rail land north of the river which would form the northern landing point of the bridge. On the southern bank the bridge would land within the Deal Ground site. The bridge would be located approximately 70m downstream of the Trowse Rail Bridge.
- 1.8 The outline proposals show an opening bridge with a soffit height of a minimum of 14' (4.3m) above mean high water springs. The overall span of the bridge would be approximately 50m across and the central section of approximately 17.4m wide would open, albeit only to 12m wide. 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 be of either a double bascule or sliding type. The bridge deck would be approximately 4.1m wide and would accommodate pedestrians and cyclists. There would be no vehicular access over the bridge.
- 1.9 No undertaking regarding the opening arrangements has been submitted, however it is understood from the agent that the bridge would be kept

normally in the 'closed' position and would open as required. The agent advises that in respect of opening arrangements the applicants are proposing to adhere to the requirements of Section 25 (4) of the Trowse Bridge Act which requires:

- (a) The new bridge shall be provided with adequate machinery, works and conveniences for opening and closing of the opening span of the bridge.
- (b) Unless prevented by unavoidable injury or accident to the new bridge, the Board shall open the new bridge when completed for the passage of vessels on request at any time of the day or night except when engines or carriages shall be about to pass over the new bridge and on any such occasions the new bridge shall not be closed so as to delay or detain any vessel for longer than shall be necessary to allow the passage of such engines and carriages;

## **2 Site History**

- 2.1 In December 2010 a planning application was submitted for the redevelopment of the Deal Ground site, including the provision of a marina and the bridge. In 2011 there were amendments to the application and the marina element was removed. In 2012 there were further amendments to the application and the bridge element was removed.
- 2.2 In October 2011 planning permission was granted for pontoons to facilitate the establishment of a riverbus service to run between the Deal Ground and land adjacent to Norwich City football ground to enable access to the Deal Ground in lieu (temporarily) of a bridge (BA/2011/0254/FUL). This development has not been constructed.
- 2.3 In May 2013 Norwich City Council resolved to grant planning permission for the mixed use development at 2.1. The planning permission has not been issued, pending resolution of the issue over access to the north.

## **3 Consultation**

Highways Authority – No objections, recommends conditions covering traffic management and routeing, temporary wheel cleaning facilities and technical approval of works.

Environment Agency – No objections, recommends conditions covering groundwater and land contamination.

NSBA – Further information should be provided in respect of the design of the bridge, responsibility for maintenance and opening of the bridge, whether the bridge opening will match that set out in the Trowse Bridge Act 1985, provision of dolphins and pontoons upstream and downstream. The NSBA would welcome the reinstatement of a slipway and provisions of online moorings particularly downstream.

Navigation Committee – At their meeting on 28 February 2013 members of the Navigation Committee raised no objections to the proposal, but were concerned that no details were provided in respect of the operational arrangements (particularly whether the bridge would remain primarily in the open or closed position, plus the arrangements for the opening of the bridge and where the responsibility for this would lie. They were also concerned about the absence of de-masting and on-line moorings and considered that a new slipway should be provided.

#### **4 Representations**

- 4.1 None specific to the bridge application.

#### **5 Policies**

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

##### **Broads Core Strategy adopted September 2007**

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS16 – Access and Transportation

##### **Development Management Policies DPD adopted November 2011**

[DMP DPD - Adoption version.pdf](#)

DP11 – Access on Land

- 5.2 The NPPF is a material consideration in the determination of this application.  
[NPPF](#)

#### **6 Assessment**

- 6.1 The key considerations in the determination of this proposal are the principle of the construction of a bridge in this location, the impact on the navigation, including the opening and management arrangements and flood risk. The issues relating to the design of the bridge are reserved and are not a matter for consideration at this stage.

##### The Principle

- 6.2 There are no policies in the current development plan which specifically cover the development of bridges, however policies are generally supportive of improvements to transportation links to and between facilities within the Broads, particularly where these offer opportunities for sustainable modes of transport. In this case, the proposed bridge would facilitate access across the Wensum for cyclists and pedestrians and thereby improve links between

Norwich and the Broads to the south, including to Whitlingham Country Park, and this is welcomed in principle.

- 6.3 As set out at 1.4 above, the Deal Ground site is identified as location for major growth for the period to 2008 - 2026 and the provision of a bridge is central to the delivery of this growth. Development plan policies for the Broads do not specifically cover the issues of growth adjacent to the Broads, other than in the context of landscape and other impacts on the protected area of the Broads which may be a consequence of that growth, however it is necessary to be mindful of the policy support for this growth in both the Joint Core Strategy and the NPPF. On this basis, the role of the bridge in facilitating this planned growth lends the proposal considerable weight.
- 6.4 It is also necessary to be mindful that paragraph 14 of the NPPF advises that "...where the development plan is absent, silent or relevant policies are out of date [LPAs should grant permission] unless: adverse effects of doing so would significantly and demonstrably outweigh the benefits [of the proposal], when assessed against the policies in this Framework taken as a whole ...". On this basis and given that there are no specific policies in the development plan which cover bridges, the application should be supported unless there are strong adverse effects.

#### Impact on navigation

- 6.5 The maintenance of navigation has been one of the key drivers of the design of the bridge, with the minimum requirement being a navigable height under the bridge of no less than 4.3m MHWS, which is equivalent to that offered by the bridges further upstream. The objective in setting this minimum height is to ensure no further impediment to navigation. Whilst it is accepted that the Trowse Rail Bridge is currently at a lower height, it is the aspiration of the Authority to improve the bridge height here over time and there have been negotiations with Network Rail regarding this. Construction of the bridge at this height would provide an air draft sufficient to maintain navigation at a standard no less than the current standard in this reach, although it is accepted that there would be a much longer bridge hole for vessels to pass through before being restored to unimpeded water (ie the 4.1m of the new bridge, plus the approximately 70m to the Network Rail bridge, plus the length of that).
- 6.6 Whilst in principle the air draft is acceptable, there remain a number of outstanding uncertainties and concerns.
- 6.7 There is concern over the width of the opening section, which at 12m wide is less than the opening section of Trowse Rail Bridge which is 12.9m. The preferred opening width would be 15m, to allow turning and manoeuvring space before Trowse Rail bridge, and amendments to the scheme have been requested. Members will be updated. In the event that further information is not provided, this matter will need to be covered by planning condition.
- 6.8 A more fundamental concern relates to the management arrangements for the opening of the bridge, and historic problems with the opening of the Trowse Rail

Bridge have illustrated the issues which arise when opening cannot be reliably achieved. The Authority has worked hard with Network Rail to resolve these historic issues and would not want to introduce a new impediment having now made progress in reaching agreement on resolving the historic problems. This was an issue raised by the Navigation Committee. The agent for the applicant advises that they can offer an identical arrangement to that set out in the Trowse Bridge Act – ie an on demand opening – and requests that this be covered by planning condition. The Authority's solicitor advises that this matter can be dealt with by a Grampian condition to the effect that the development must not begin until a bridge opening plan (including arrangements for ensuring that the obligations for the opening of the bridge are complied with) has been submitted to and approved by the Broads Authority and that thereafter the bridge opening plan must be complied with. A similar condition could be imposed covering the maintenance arrangements.

- 6.9 The application as originally submitted showed no provision shown for dolphins or pontoons upstream and downstream, either to protect the bridge supports or to provide de-masting or other moorings, however a subsequent drawing has shown indicative de-masting/embarking/disembarking moorings on the downstream true right bank, plus a 60m length each of online visitor and private moorings downstream on the frontage of the Deal Ground site. Further information has been sought from the agent as to the construction, operation and management of these, particularly given that the de-masting/embarking/disembarking moorings are on the site of the consented riverbus pontoon, and members will be updated. In the event that further information is not provided, these matters will need to be covered by planning condition.
- 6.10 As identified by the Navigation Committee and the NSBA, slipway provision here would be welcome and the agent has indicated that this will be provided on the River Yare frontage, adjacent to the site boundary. This is welcomed in principle, although further details will be required regarding construction, maintenance, management and parking. This would be expected to be provided as part of a reserved matters application in connection with the main Deal Ground site.
- 6.11 Finally, the issue of the illumination of the bridge is pertinent to navigation, as any illumination should not be positioned so as to create glare on the river as this would be a hazard to vessels as well as disturbing nocturnal and crepuscular species. It is recommended that the details of illumination be subject of a planning condition.
- 6.12 Subject to all the above matters being satisfactory addressed by the provision of further information or by planning condition, the impact of the proposal on the navigation are acceptable.

#### Flood risk

- 6.13 Bridges have the potential to create or exacerbate flood risk by creating an obstacle to the free flow of water which can be significant and serious in times of

spate; in addition the bridge structures can trap debris which further impedes flow. In this case, however, due to the height of the air draft, the height above the 1:1000 year flood level and the open construction of the bridge it is not considered that it would create or exacerbate flood risk. The Environment Agency are satisfied that there is no risk and raise no objection on these grounds.

#### Other issues

- 6.14 The application currently under consideration is for a pedestrian and cycle bridge in connection with the development of the Deal Ground. Should development proposals come forward for the land to the north (the Utilities Site) a delivery and emergency access vehicular bridge would be required and the bridge currently proposed would not suffice. Clearly it would not be desirable (or sensible in cost terms) to construct two bridges so the likely outcome would be that the pedestrian/cycle bridge would be replaced by the vehicular bridge. A further planning application would be required for the vehicular bridge.
- 6.15 This application covers that part of the bridge in the Broads Authority's executive area only and due to the nature of the boundary here (which is drawn along the riverbank) this covers only the area over the water and does not therefore include the landing points of the bridge or the land on which these are situated. These aspects are in Norwich and have been covered by the part of the application which was submitted to Norwich City Council. Accordingly a number of matters which would ordinarily need to be considered, such as hours of opening and archaeology, are for Norwich City Council to deal with in that application and are not relevant to this application.

### **7 Conclusion**

- 7.1 The construction of a new pedestrian and cycle bridge over the River Wensum here will be instrumental to unlocking the growth potential of the Deal Ground and is supported in principle. There are a number of issues however which have not been resolved and will need to be the subject of detailed planning conditions to ensure that all impacts on the broads and on navigation are adequately addressed.

### **8 Recommendation**

- 8.1 That planning permission be granted subject to conditions to include:
1. Time limit and submission of reserved matters.
  2. Reserved matters approval covering access, layout, scale, external appearance, landscaping, materials.
  3. In accordance with submitted and agreed details, including air draft, opening width, management structure and maintenance arrangements.
  4. Opening arrangements (in accordance with arrangements for Trowse Swing Bridge as set out in the Trowse Bridge Act 1985).
  5. Bridge to provide a permanent route for pedestrian and cyclists, other than when required to open in accordance with condition 4.

6. Details and provision of de-masting and on-line mooring facilities.
7. Links to either the adopted highway or the formal Riverside Walk.
8. Illumination.
9. traffic management and routeing.
10. temporary wheel cleaning facilities.
11. technical approval of works by Highways Authority.
12. groundwater contamination.
13. Land contamination.

List of Appendices: APPENDIX 1 – Location Plan

Background papers: Planning file BA/2011/0404/OUT

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## APPENDIX 1

