



29 January 2019

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: 7/2018/1007NCC

**PROPOSAL: CONSTRUCTION OF NEW PATH/WIDENING OF EXISTING PATHS TO
CREATE CYCLE PATHS AND SHARED-USE FOOTWAYS. ERECTION
OF LIGHTING**

**LOCATION: ARNO VALE LINK - CYCLE PATH AND SHARED USE FOOTWAY.
LAND BETWEEN MAPPERLEY PLAINS AND GEDLING ROAD,
ARNOLD, NOTTINGHAM**

APPLICANT: NCC PLACE DEPARTMENT

Purpose of Report

1. To consider a planning application for the construction of a lit cycle path, widening of an existing footpath to create lit shared-use footways and related landscape works on land between Mapperley Plains and Gedling Road, Arnold. The key issue relates to potential impact on the amenity of neighbouring residents, particularly from the introduction of column lighting. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. This application relates to a linear strip of land approximately 530m in length and generally 30-40m in width which was formerly safeguarded until 1998 for a new road to link Mapperley Plains and Gedling Road (Plan 1). The route would have been an extension of the Gedling Access Road between the A612 and B684 (Mapperley Plains) which is currently under construction.
3. The linear strip of land is bounded to either side by residential development and maintained as a grassed area of open space, crossed by Wembley Road. The land slopes steeply in places with a fall of 39m from Mapperley Plains to Gedling Road. The steepest section is between Mapperley Plains and Wembley Road, a fall of 14.5m over 130m at an average gradient of 11% (1 in 9). West of Wembley Road the gradient is shallower with a fall of 24.5m over a distance of 390m at an average gradient of 6% (1 in 16).



1. From Mapperley Plains end looking north-west 2. From Wembley Road looking south-east



3. From Wembley Road looking north-west 4. From Gedling Road looking east

4. A footpath runs for the most part along the northern edge of the open space and at its western end joins public footpath Arnold FP41 linking Ramsey Drive with Gedling Road. Access to the path is gained from the turning heads at the ends of culs-de-sac on Banks Close, Cohen Close, and Wilson Close (Plan 1).
5. Public footpath Arnold FP42 runs along the north-east boundary of the open space between Wembley Road and Mapperley Plains and is lit towards the eastern end. Access to the path is gained from the turning heads at the ends of culs-de-sac on Bonetti Close and Osgood Road. Public footpath Arnold FP42 is steepest between Osgood Road and Wembley Road with a gradient of 15% (1 in 6.5) An alternative path of a similar maximum gradient runs through the open space from Osgood Road emerging onto Wembley Road 20m to the south-west of the public footpath.
6. The property boundaries to either side of the open space are generally enclosed by fencing up to 2.0m in height or hedging. Properties at 14 Wilson Close, 11a Cohen Close, 12 Cohen Close, 6 Banks Close and 7 Banks Close at the end of culs-de-sac have windows in the elevations facing the open space. Although a two-storey flat roof extension at 12 Cohen Close does not have windows in the elevation facing the open space it does have south facing ground and first floor windows and windows in the front and rear elevations close to the boundary with the adjacent footpath.

7. A row of semi-mature ash trees (Category A1) is planted to either side of Wembley Road at the point at which the road crosses the open space (Plan 2).
8. The grassed area between Mapperley Plains and Wembley Road is designated as *Protected Open Space* in Gedling Borough Local Planning Document 2018 (LPD) Policy LPD 20.
9. The application site comprises existing footpaths and immediately adjoining land, land required for a new shared-use path and a grassed area to be used for the disposal of surplus soils and tree planting.

Background

10. The Department for Transport (DfT) aims to double cycle usage by 2025 throughout the country. Nottinghamshire County Council is currently improving cycling infrastructure and Carlton and Gedling Strategic Cycle Routes will help meet these targets at a local level. This proposal is one of eight schemes. The strategy aims to make cycling a viable choice for a significant proportion for local residents, improve the cycle infrastructure network to access large employment and housing sites, and create safe, direct, convenient, attractive and continuous cycle routes.

Proposed Development

11. Planning permission is sought: to create a new cycle path; to create a new path for use by both cyclists and pedestrians (shared-use); and, to widen an existing footpath to create a shared-use path (Plans 3-7).
12. (Plan 3) Along the length of public footpath Arnold FP42 the current 2.2m wide path would be widened to 4.0m between Mapperley Plains and Osgood Road, requiring vegetation to be cut back on the Mapperley Plains frontage. Existing bollards would be removed and a staggered barrier would be erected. A shared-use sign would be provided at either end of the link.
13. The alternative path between Osgood Road and Wembley Road would be widened from 2.3m to 3.0m in width on its southern side and marked by signage as a cycling-only route. The existing path link to Wembley Road would be closed and reinstated with fencing, and a new cycle path would return north before emerging through a staggered barrier onto Wembley Road approximately 5m to the south-west of public footpath Arnold FP42. Having regard to the gradient *Slow* markings would be provided on the path. A French drain would be provided on the up-side of the path where running across the slope, with some ground raising required on the lower side to support the path construction. The new point of access would require the removal of one Category A ash tree.



5. Steep path to Wembley Road to be closed

6. Right tree to be removed (Wembley Road north side)

14. (Plan 4) Dropped kerbs would be provided on either side of Wembley Road and the carriageway would be provided with red anti-skid surfacing and marked with cycle symbols to draw the attention of motorists to the cycle crossing point.
15. A dedicated 3.0m wide cycle route would be provided parallel to the path running along the north of the open space. The existing path would be signed for pedestrian-only use. An ash tree (Category A) at the north-east end of the row of trees would need to be removed to accommodate the cycle route (pictured). A French drain with soakaways would be formed along the southern side of the cycle path. Soils would need to be excavated to form a level area of the cycle route construction and arisings would be spread on the adjacent open space, raising levels by up to 0.7m. The raised area would be re-seeded and five extra-heavy standard oak trees would be planted on the raised ground in mitigation for the loss of the two ash trees (Plan 5).
16. (Plan 6 and Plan 7) A 4.0m wide shared-use footway at an average gradient of 4% (1 in 24) would be constructed between public footpath Arnold FP41 and Gedling Road with signage provided at either end of the route. The path would vary from 5.7m (8 Ramsey Drive) – 14.3m (22 Ramsey Drive) from the rear boundary of properties on Ramsey Drive. Localised ground re-profiling would be required to accommodate the shared-use footway with levels increasing by up to 0.5m close to the junction with Gedling Road. At the point at which the path would join Gedling Road the highway level would be 1.4m above the ground level at the boundary with 8 Ramsey Drive immediately to the north.
17. The new cycle routes would be lit along their whole length by lamps mounted on 5m high lighting columns. It is proposed that the lamp output would be dimmed by 50% between 22:00-07:00 hours. An assessment of the impact of lighting at ground level, night-time lighting with lamps dimmed by 50%, and at a height of 3m to replicate impact at first floor level, has been submitted in support of the application. The extent of the 1 lux contour is shown on Plans 8-10.
18. A *Toucan* crossing (suitable for use by both pedestrians and cyclists without dismounting) would be provided on Mapperley Plains at the point where the shared-use path would emerge onto the highway. The existing *Puffin* crossing (pedestrian crossing with sensor detection) at the junction of Gedling Road and Arno Vale Road would be upgraded to a *Toucan* crossing.

Consultations

19. **Gedling Borough Council** – No objection following consultation with Gedling Borough Council Public Protection and Parks and Street Care.
20. **NCC Highways Development Control** – No objection. *The proposal would provide improved pedestrian/cycle links compared to that currently available on-street or off-street.*
21. **NCC Access Officer** – No objection. *DETR Guidance on the use of Tactile Paving Surfaces and Inclusive Mobility* provide guidance on the use of tactile surfaces. In addition, *Nottinghamshire County Council Cycling Design Guide 2006* and *DfT Local Transport Note 1/12 - Shared Use Routes for Pedestrians and Cyclists* give guidance on tactile surfaces and cycle routes.
22. **PEDALS (Nottingham Cycling Campaign)** – The proposals are appropriate in terms of path width, lighting and signage. Suggestions are made as to how to improve the route including re-routeing the path to a shallow gradient, to introduce a one-way system to make the up-hill route easier for cyclists (Plan 11) and comments are also made about how the cycle route will continue towards Arnold Hill School.
23. **NCC Countryside Access** – No objection. The surface of the affected footpaths will only be maintained by the Rights of Way Team to the standard of a footpath. Who will maintain the surface used by cyclists and staggered barriers to be erected on the public footpaths? Signs should be provided at the junction where the footpaths and cycle paths meet to warn pedestrian users.
24. **Cadent (Gas)** – Gas apparatus has been identified on Mapperley Plains, Wembley Road and Gedling Road.
25. **Western Power Distribution** – A high voltage and low voltage cable have been identified on the site.
26. **NCC Safer Highways** and **Severn Trent Water Limited** – No response received.

Publicity

27. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
28. Representations have been received from two properties, one on Ramsey Drive and the other on Cohen Close which raise the following issues:
 - a) Lighting lux levels will increase in the rear gardens of residents on Cohen Close and Banks Close Can they be amended so as to impact the front and sides of houses instead?

[Comment: The lighting proposals have subsequently been amended and no further comments have been received from the affected resident.]

- b) Proposed lighting levels would be unduly intrusive. Lighting is not necessary having regard to levels of use.
- c) The operating hours of the lighting should be considered with an option that lighting is switched off during non-peak hours.
- d) Light pollution will impact on dark skies (2). The area is not currently lit.
- e) Visual intrusion of 5m lighting columns.
- f) Lighting will attract assembly and anti-social behaviour.
- g) Loss of two healthy mature trees. Proposed tree planting will not mitigate tree loss for at least 10 years.
- h) The path could follow the alignment of public footpath FP41 (Plan 6) to meet Gedling Road rather than run adjacent to Ramsey Drive.
- i) The strip of land between the path and residential boundaries (2-30 Ramsey Drive) will not be maintained, become overgrown and attract litter.

Other matters

- j) Additional emissions through electrical power generation.
- k) Lighting maintenance costs.
- l) Lack of justification for the proposal and the cost of the scheme.

Other matters are raised by one objector raising a Freedom of Information (FOI) Request which has been passed to the FOI Team for response.

- 29. Councillor Michael Payne and Councillor Pauline Allan have been notified of the application.
- 30. The issues raised are considered in the Observations Section of this report.

Observations

- 31. Gedling Borough Local Planning Document Part 2 Local Plan (LPD) Policy 20 *Protection of Open Space* will not allow development on allocated areas of open space except where (amongst other criteria) the development would enhance or improve the recreational use of the site; the loss would be replaced by better provision in terms of its usefulness, attractiveness, quantity and quality in a suitable location; the development would be ancillary to the use of the site and would not have an adverse impact on how it is used; or the development is for an alternative open space use, the need for which clearly outweighs the loss of the open space.
- 32. The proposed cycle route would help deliver the strategy for improved cycle routes in Carlton and Gedling and would enhance use of the open space, opening up the area to use by both pedestrians and cyclists. It is considered that

the proposal would be in compliance with LPD Policy 20 *Protection of Open Space*.

33. The alignment of the proposed cycle route would result in the loss of two semi-mature Category A ash trees. As a principle, Category A trees should be retained and incorporated in to development but where that is not feasible justification should be provided for the loss of trees. The trees on Wembley Road have amenity value as a group. The topography of the site is such that the existing path with 'A' frame on Wembley Road is to be closed (Photograph 5) and, in order to provide a new access to the highway, it would be necessary to remove one tree.
34. The applicant has responded to the representation from PEDALS (Paragraph 22), explaining that the suggested widening of the footpath on Wembley Road (Plan 11) may still impact on the trees while the suggested junction would be restricted by high and low voltage cables close to the surface. The changes suggested by PEDALS would also affect land outside of the planning application site and cannot be considered as part of this planning application. However, the applicant has indicated that improvements to the cycle route beyond the area of the application can be looked at. Such improvements would require a separate planning application.
35. The loss of two trees, both at one end of a row on either side of Wembley Road, would not significantly detract from their group value and it is considered that satisfactory justification for the removal of the trees has been provided, subject to the planting of replacement specimens. A condition is recommended that the trees are felled outside of the bird nesting season unless first being inspected to confirm an absence of nesting birds (Condition 4).
36. It is noted that the trees to be removed are ash and whilst not evident may experience ash die-back. The planting of five extra-heavy standard oak trees would provide suitable mitigation for the loss. An appropriate tree-pit detail has been provided in support of the application.
37. Soils arising from excavation are to be distributed across the site and the increase in ground level by up to 0.7m on land between Wembley Road and public footpath FP41 will not give rise to material impacts to the amenity of neighbouring occupiers. The re-graded area is to be seeded. A condition is recommended to require the submission of a specification for grass seeding and the establishment of newly sown areas and the oak trees (Condition 5).
38. LPD Policy 32 *Amenity* will allow development that does not have a significant adverse impact on the amenity of nearby residents taking in to account potential mitigation measures, and includes overlooking, noise, level of activity on the site, residential visual amenity, impact on amenity space, and other forms of pollution amongst the criteria to be considered.
39. It is considered reasonable that lighting is provided so that the cycle route is adequately illuminated. Lighting columns are of slim construction, commonly seen in the streetscene, would not be regarded as an alien feature and their

siting would not have a significant adverse impact on residential amenity. Being a common feature in the streetscene, whilst raised as a concern there is no evidence to suggest that the introduction of lighting in this location would attract anti-social behaviour. It is considered that the provision of a lit route could reduce user vulnerability and fear of crime.

40. Having regard to the topography of the site the private amenity areas to the rear of many properties can be overlooked, at distance, from the area of open space or the public highway. The proposed cycle path between Wembley Road and public footpath FP41 would run parallel to the existing pedestrian path and would not result in the significant overlooking of properties and consequential loss of privacy. Whilst providing an additional facility (by allowing cyclists to cycle on paths) it is not anticipated that the routes will be used intensively to such an extent that noise from activity would significantly detract from residential amenity.
41. The path would generally follow existing site topography and would be formed at a level above that of the rear of properties on Ramsey Drive adjoining the open space. An alternative route further from properties on Ramsey Drive raised in representations (Paragraph 28h)) has been considered by the applicant. The applicant has responded that *the proposed new path across the area to the south of Ramsey Drive will provide a direct route to the improved Toucan crossing on Gedling Road. Aligning the path along the route of the public footpath FP41 would bring cyclists out onto the footway where it is narrower. There is a bus stop to the rear of the footway where people boarding/alighting a bus would be potentially stepping into the path of cyclists and could potentially result in collisions.* Users of the shared-use surface will generally be walking or cycling parallel to the properties rather than walking towards neighbouring properties for a prolonged period and it is considered that use of the path would not significantly detract from residential amenity and would be in compliance with LPD Policy 32 *Amenity*.
42. The consideration of 'other forms of pollution' referenced in LPD Policy 32 *Amenity* includes the impact of lighting. The Institute of Lighting Professionals (ILP) *Guidance for the Reduction of Obtrusive Light* provides guidance by which to assess lighting impact. Although the site is in a suburban location, residential properties currently back onto a relatively dark unlit area. With reference to the ILP guidance the most appropriate classification for the location is Environmental Zone E2 which is applicable in *relatively dark outer suburban locations*. In Zone E2 light intrusion in to windows should not exceed 5 lux, or 1 lux post-curfew (after 23:00 hours).



7. 7 Banks Close



8. 12 Cohen Close

43. Lighting proposals have been revised during the consideration of the application. The applicant has demonstrated the impact of proposed lighting at ground level and a first floor window level (at 100% brightness). The assessment shows that the 1 lux contour does not extend to windows of residential properties although the contour would extend to the south facing wall of 7 Banks Close and 12 Cohen Close at ground level. It is considered that the lighting proposals would comply with ILP *Guidance for the Reduction of Obtrusive Light*, would not unacceptably detract from the amenity of residents and that the scheme would be in compliance with LPD Policy 32 *Amenity*.
44. Suitable infiltration measures are proposed for surface water run-off at the side of the new routes and the proposal would not increase risk of surface water flooding.
45. With reference to the representation raised at Paragraph 28i) about lack of future maintenance the applicant has advised that Nottinghamshire County Council will continue to cut the grassed area. Gedling Borough Council are responsible for emptying bins in the area. In response to the future maintenance of paths raised by NCC Access Team at Paragraph 23 the applicant has confirmed that shared-use signs are to be erected and that 'corduroy' hazard paving will be laid at the junctions where footpaths meet shared-use paths or cycle paths to warn pedestrians of the presence of cyclists. The new paths will be adopted by Nottinghamshire County Council, as highway authority, who will be responsible for the future maintenance of the paths, lighting, signage and barriers etc.
46. Issues are raised as Other Matters at Paragraph 28j)-l) related to energy usage and maintenance which are a matter for the applicant. It is considered that the dis-benefit of use of resources used to generate power would be outweighed by the community benefits that would arise from the proposal. The County Planning Authority has a duty to determine submitted planning applications. The applicant's reason for submitting an application or the funding of the project is not material to the determination of this proposal.

Other Options Considered

47. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

48. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

49. The existing footpath network would be enhanced and the provision of street lighting may reduce user vulnerability and fear of crime.

Data Protection and Information Governance

50. Every member of the public who made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

51. There are no financial implications arising from a grant of planning permission. The applicant would be expected to cover all legal costs incurred by the County Council associated with the temporary closure or diversion of public footpaths.

Human Rights Implications

52. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts such as loss of amenity to neighbouring residents from the introduction of street lighting. However, these potential impacts need to be balanced against the wider benefits of the proposals through the provision of enhanced and new sustainable travel routes. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

53. The topography of the local area makes the provision of a level access route impracticable and Public Sector Equality Duty implications have not been raised in the consultation response from NCC Access Officer. Although gradients are steep in places along the proposed route, alternative cycle routes are available on the public highway.

Implications for Sustainability and the Environment

54. The development would enhance facilities for cycling and walking encouraging travel by sustainable transport modes.
55. There are no Human Resources, Safeguarding of Children and Adults at Risk implications, or implications for Service Users.

Statement of Positive and Proactive Engagement

56. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

57. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 21.01.2019]

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 21.01.2019]

The financial implications are set out in paragraph 51 of the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Members Affected

Arnold North	Councillor Michael Payne
	Councillor Pauline Allan

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