



**14 July 2020**

**Agenda Item: 8**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**BROXTOWE DISTRICT REF. NO.: 5/20/00265/CCR**

**PROPOSAL: CONSTRUCTION OF NEW HIGHWAY JUNCTION AND  
MODIFICATIONS TO JUNCTION AT WALKER STREET/THREE TUNS  
ROAD**

**LOCATION: WALKER STREET, EASTWOOD**

**APPLICANT: NCC PLACE DEPARTMENT**

**Purpose of Report**

1. To consider a planning application for the construction of a new highway junction and modifications to the facing junction at Walker Street, Eastwood. The key issues relate to the adequacy of the proposed junction geometry to serve future development and potential impact on the delivery of key aspirations identified in the Broxtowe Borough Council Part 2 Local Plan (2019). The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The application is reported to Committee for determination at the request of the local Member.

**The Site and Surroundings**

3. Walker Street is located to the north of Nottingham Road and lies approximately 500m to the east of Eastwood town centre (Plan 1). This application relates to land at the outside of a gentle bend on Walker Street and includes land required to form a new junction to access a housing site allocated in the Broxtowe Borough Council Part 2 Local Plan (2019) (BLP) (Plan 2). The site lies on the west side of Walker Street almost opposite the junction with Three Tuns Road. The proposed works require modifications to the opposing junction which are also included in the red line of the application site.
4. Recent residential development lies to the south of the application site, separated from the housing allocation by a public footpath (Eastwood FP26), and houses lie opposite on the frontage to Walker Street and Three Tuns Road. A repair garage is located on the northern side of the junction of Walker Street with Three Tuns Road. An adjoining car sales premises is accessed from

Walker Street (Plan 3). The vehicular access to Lawrence View Primary School is located on the inside of a relatively sharp bend in Walker Street.

5. Land to the west of the proposed access is the site of the former Eastwood Comprehensive School which has been cleared awaiting re-development. Part of the former school site has been developed with Lawrence View Primary School which replaced Lynncroft Primary School.
6. At the point of proposed access, the site level of the former Eastwood Comprehensive School is approximately 0.3m below that of the Walker Street footway. A stone wall runs along the Walker Street frontage behind bow-top fencing with self-set vegetation behind. A sycamore tree is situated close to the Walker Street frontage adjacent to public footpath Eastwood FP26 and is within the red line of the application site (Plan 4).
7. Walker Street is subject to a Traffic Regulation Order with double yellow lines from the junction with Nottingham Road continuing beyond Lawrence View Primary School (Plan 5).
8. Walker Street is on 'The Blue Line Trail' linking various points of interest related to D H Lawrence (Plan 4).

## **Proposed Development**

### Background

9. BLP Policy 6.1 - *Walker Street Eastwood* sets out Key Development Requirements for development of the site including (amongst other criteria): attractive and usable walking and cycling routes through the site; and provision of a 0.4ha site in the south west corner of the site for a new community hub including health facility. A Key Development Aspiration is the provision of a vehicular access point from Wellington Place with potential to extend this into the remainder of the site. The plan policy is set out in full in *Figure 1*.
10. BLP Policy 6.1 - *Walker Street Eastwood* includes a plan showing Indicative Land Use Designations within the allocation (Plan 6). The area indicated for a *Community hub including health facility* covers 1.1ha.
11. Planning permission has been granted for a highway junction and drainage infrastructure connections on Lynncroft (reference 5/20/00279/CCR) to provide access to a lower tier of the allocated housing site, which is similar in terms of its scope to the access proposed in this application.

### Proposed Development

12. Planning permission is sought to create a highway junction to adoptable standards suitable, in terms of its design, to serve up to 150 dwellings where taking access from a residential access road. Although for a future application, the area that would be accessed would be 1.45ha. which has been assessed as being suitable for approximately 90 dwellings. The access would be provided with 2.4m x 54m visibility splays. Areas not currently public highway required to

## **Policy 6.1: Walker Street Eastwood**

**6.4** The site is located centrally within Eastwood urban area. The site is within the ownership of Nottinghamshire County Council and is predominantly brownfield. The site contains the former Lynncroft Primary School which has been relocated within the site to the south.

**6.5** The following key development requirements must be met.

### **Key Development Requirements:**

#### **1. New Homes:**

- a) 200 homes

#### **2. Connections and Highways:**

- a) Provide attractive and usable walking and cycling links through the site.

#### **3. Green Infrastructure and Open Space:**

- a) Retain 'the Canyons' as open space.
- b) Enhance Green Infrastructure corridors through the site including enhancing the wildlife corridor to the rear of houses on Garden Road and connect to the wider area via the D H Lawrence heritage trail.
- c) Ensure that development does not increase the risk of flooding elsewhere.
- d) Provision of SuDS at the northern edge of the site.

#### **4. Heritage:**

- a) Maintain views of D H Lawrence heritage from Walker Street as part of the D H Lawrence heritage trail.

#### **5. New Facilities:**

- a) Provide a 0.4 hectare site at the south west corner of the site for a new community hub including a health facility.

### **Key Development Aspirations:**

1. Sustainable transport measures will be fully utilised to reduce reliance on the private car. Where there are residual cumulative impacts on the highways network these should be mitigated to ensure that they are not severe.
2. Provide vehicular access points from Lynncroft (via the former school access) and from Wellington Place with the potential to extend this into the remainder of the site.

### **Justification**

**6.6** The provision of two or more access points on different road frontages is an important principle. This is a matter that can appropriately be addressed as part of a planning application particularly given the £1million funding secured for the provision of the new access road(s) and the need to ensure that this is spent in a timely manner.

*Figure 1.*

achieve suitable visibility for emerging traffic are included in the red line of the application site. Gullies are proposed at the current highway boundary, and falls would be such that surface water from the short length of road construction beyond the current extent of adopted highway would be directed on to the former Eastwood Comprehensive School site and not connected to existing highway drainage.

13. The sycamore tree adjacent to public footpath Eastwood FP26 would be removed.
14. Having regard to the proximity and configuration of the opposing junction, the carrieway of the bell-mouth junction of Three Tuns Road would be re-aligned and reduced in width and a wider footway provided on its southern side.

## Consultations

15. Broxtowe Borough Council – No objection to the principle of an access road into the higher tier of the housing allocation subject to the requirements of the Development Plan to bring the development site forward with regard to the additional preferred access onto Wellington Place. To be fully compliant with Local Plan policy there needs to be one access into the site from Wellington Place and one from Lynncroft.
16. *Walker Street site has been allocated within Broxtowe Borough Council's Part 2 Local Plan for residential development (Policy 6.1) and a new community hub at the south of the site. There are a number of 'Key Development Requirements' set out within this policy. Whilst the proposal doesn't appear to jeopardise the provision of these requirements one of the 'Key Aspirations' for the development is that one access point will be from Wellington Place rather than Walker Street. It is considered that the two access points included in the Local Plan [Wellington Place and Lynncroft] are necessary for the holistic regeneration opportunity for this part of Eastwood which would include a direct access to the centre of Eastwood via a re-configured Wellington Place that would be of greater benefit to the local community.*
17. *There may be some conflict between the vehicles reversing from the driveways at 12a Walker Street and 1 Three Tuns Road and would ask that the Highways Authority ensure that there are no safety issues related to the proximity of these to the junction modifications and new access.*
18. Eastwood Town Council – Strongly object on the following grounds:
  - a) *Most importantly, there are ongoing negotiations and proposals currently being discussed for the future use of this site. It is believed that this proposal will compromise any future decisions that may need to be taken. Eastwood Town Council are currently working on their Neighbourhood Development Plan, and this proposal is premature to any recommendations and proposals which may be made in the plan. Proposals for this site will include access from Nottingham Road.*
  - b) *Loss of amenity to local residents due to the expected large increase in traffic in this area.*
  - c) *The junction is very close to the local school and church [Percy Street], which would make this area increasingly dangerous for pedestrians, as vehicular visibility will be compromised.*
  - d) *Existing parking in the area is already a problem, and this proposal would increase the number of vehicles, making parking even more difficult.*
19. **NCC Highways Development Control** – No objection subject to conditions to: ensure the removal of the tree; and construction of the highway junction in accordance with Nottinghamshire County Council's Highway Design Guide. *The proposed junction on Walker Street will comprise a 5.5m wide carriageway with 2m wide footways on both sides. This type of arrangement is sufficient for a*

*development of up to 150 dwellings and is therefore appropriate for its intended use.*

20. *It has been noted that visibility splays at the new access may be restricted by the canopy of an adjacent sycamore tree if left to mature. However, the tree has now been identified for removal and so such occurrences will be avoided.*
21. *This application has been made to support future aspirations to develop the former school site which will be served from two access points on Lynncroft and Walker Street. Consideration has been given to the geometry of these access points being able to absorb the anticipated levels of traffic. The wider issues raised in the Transport Assessment will be addressed if/when a formal submission is made to progress the scheme.*
22. *The close proximity of the access to the Three Tuns Road junction has raised concerns that its presence will increase the risk of vehicle conflicts when opposing drivers merge onto Walker Street at the same time. The alignment of Three Tuns Road has therefore been modified so that drivers negotiating the junction will do so at slower speeds to reduce the severity and likelihood of such events taking place.*
23. *With reference to the highway concern raised in the response by Broxtowe Borough Council the realignment of the Three Tuns junction would not change the existing situation for drivers exiting their property, other than 1 Three Tuns Road will now have more space to reverse out before merging onto the carriageway. There are many examples of private drive access points being located opposite a junction that do not result in a highway safety issue.*

## **Publicity**

24. The application has been advertised by site notice and neighbour notification in accordance with the County Council's Adopted Statement of Community Involvement.
25. No representations from members of the public have been received.
26. Cllr Tony Harper has requested that the application is reported to Committee for determination and raises the following matters:
  - a) *The local Borough Council have plans for a leisure centre which would be built on this particular piece of land. The proposal would prejudice this future development.*
  - b) *Visibility of traffic from the junction.*
  - c) *Close proximity of a Primary school.*
27. The issues raised are considered in the Observations Section of this report.

## Observations

28. The proposed junction would form an access to the higher tier of the site allocated for residential development in Policy 6.1 of the Broxtowe Borough Council Part 2 Local Plan (2019) (see *Figure 1* above), the development of which would be the subject of a separate planning application to be submitted to Broxtowe Borough Council.
29. The Local Plan allocation is identified as a site suitable for 200 homes. The development is to be accessed from two points, with another application for a junction on Lynncroft (reference 5/20/00279/CCR) recently granted planning permission by the County Council under authority delegated to officers. The intention is that the two residential access roads would not join and would not become a through-route for vehicular traffic.
30. BLP Policy 6.1 - *Walker Street Eastwood* sets out a requirement for a site of 0.4ha for community hub although the plan showing Indicative Land Use Designations within the Local Plan allocation is an area of 1.1ha. Without being prescriptive as to its precise location a 0.4ha community hub can be located within the indicative larger area, leaving scope for residential development on the remainder of the Indicative Area.
31. Broxtowe Borough Council refer to the need for there to be one access into the site from Wellington Place and one from Lynncroft in order for development to be fully compliant with BLP Policy 6.1 - *Walker Street Eastwood*. However, the Key Development Aspiration that the site is accessed from Wellington Place is not part of the policy wording. That does not exclude alternative or additional points of vehicular access subject to proposals not prejudicing delivery of the development set out in the Local Plan.
32. BLP Policy 6.1 - *Walker Street Eastwood* seeks to provide attractive and usable walking and cycling links through the site, which can be achieved by connecting new residential development through the new community hub site via Wellington Place to Nottingham Road and Eastwood town centre beyond. Although master planning of the area is under development and is not publicly available, the location of the proposed access would not prejudice the ability to deliver the community hub and appropriate linkages for non-car travel modes. It is concluded that the proposed junction would not prejudice delivery of development envisaged in the Local Plan and therefore does not need to be considered or advertised as a Departure from the Development Plan.
33. Construction of the junction would facilitate the early delivery of housing envisaged in the Local Plan. The proposed Walker Street junction design and related visibility splays would be suitable to accommodate up to 150 dwellings. The (approximately) 90 dwellings that would gain access from Walker Street is comfortably less than the junction design maximum and the geometry is appropriate for the number of anticipated vehicle trips. The junction design will need to be constructed to adoptable standard, the detail of which is the subject of recommended Condition 4.

34. The proposed road/junction construction would raise ground levels beneath a significant area of the canopy of the sycamore tree. The tree would overhang the footway and could become a future maintenance issue. A supporting statement comments that the tree is in a poor condition due to its proximity to the adjacent new dwellings. It has been poorly pruned in pollard form and its long-term safe retention is reduced due to the likelihood of branch failures from the pollard points. The reason for pollarding is unknown but could be due to its structural condition as it was pollarded before the dwellings were built. The tree is not considered to be a good specimen and is not worthy of retention.
35. The re-alignment of the opposing junction of Walker Street and Three Tuns Road is required in order to achieve a satisfactory arrangement between the two junctions. BLP Policy 17: *Place-making, Design and Amenity* criterion I) requires consideration of the amenity impacts of development. The consultation response from Councillor Tony Harper and representations from Eastwood Town Council (Paragraph 18) identify concern related to the amenity impacts of increased traffic, junction visibility and proximity to a school and church.
36. The proposed development is for a highway junction, not for a specific proposal for residential development. In determining the application consideration needs to be given to whether this application would have a detrimental impact on highway safety as well as being generally satisfied that the junction layout would be of suitable geometry and provided with visibility splays. The detailed traffic impacts of any future housing development would be considered in the determination of an application which follows (and which would be determined by Broxtowe Borough Council), and this is referenced in the response received from Highways Development Control.
37. The Walker Street highway frontage is already subject to double yellow lines (Plan 5) and residential amenity would not be unacceptably eroded through on-street parking in proximity to the junction. The proposed junction would be suitably sited from the school access and provided with satisfactory visibility splays. The church referenced is on Percy Street, a side road around the bend on Walker Street beyond the school access. Whatever development takes place on the land to be accessed by the junction should be provided with satisfactory parking, and would be assessed by Highways Development Control when considering that future application. The re-alignment of the carriageway and provision of a widened footway adjacent to 1 Three Tuns Road would not detract from residential amenity. The NCC Highways Development Control consultation response addresses the potential highway safety concern raised by Broxtowe Borough Council.
38. The new junction and visibility splays (where not already within the adopted highway) will need to form part of a s38 (adoption) agreement under the provisions of the Highways Act 1980 (Note 1).
39. The objections received from Councillor Tony Harper and Eastwood Town Council point to other proposals (a leisure centre) which may come forward on the land that would be accessed by this development. Although the Town Council refer to working on their Neighbourhood Plan, such a plan would need to be consistent with the Development Plan. BLP Policy 6.1 - *Walker Street*

*Eastwood* makes reference only to the allocation of a site of 0.4ha for a community hub whereas a leisure centre would require a much larger site and may impact on the number of residential units which could be delivered. Should a proposal for a leisure centre come forward, Broxtowe Borough Council as the relevant planning authority would need to determine whether the application would be a departure from the Development Plan.

40. On information currently available there is no reason not to approve the application in accordance with the provisions of the Development Plan. A grant of planning permission would not prejudice an ability to develop the site for some other purpose or with an alternative access. An alternative proposal would simply supersede any development that has already been granted/taken place.

### **Other Options Considered**

41. 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**

42. 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

43. Provision of the access will potentially open the adjacent land to trespass. The applicant will need to consider appropriate site security measures, but these are outside the scope of this planning application.

#### Data Protection and Information Governance

44. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Human Rights Implications

45. 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 (Right to a Fair Trial) are those to be considered. In this case, however, there are no

impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Implications for Sustainability and the Environment

46. The proposed development would facilitate the delivery of residential development allocated in the Broxtowe Borough Council Part 2 Local Plan.
47. There are no Financial, Human Resources, Public Sector Equality Duty, Safeguarding of Children and Adults at Risk implications or implications for Service Users.

#### **Statement of Positive and Proactive Engagement**

48. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

49. 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 [SG 18.06.2020]**

The recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference.

#### **Financial Comments [RWK 15.06.2020]**

There are no specific financial implications arising directly from 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 Member Affected**

Eastwood

Cllr Tony Harper

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For any enquiries about this report, please contact the report author.

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