

Report of the Chief Executive

18/00080/ROC**PROVISION OF PEDESTRIAN CROSSING ON HICKINGS LANE
CARPENTER COURT, SITE OF FORMER SINBAD PLANT LTD,
HICKINGS LANE, STAPLEFORD, NG9 8PJ**1 Details of the Application

1.1 Planning permission was granted in November 2016 to construct 48 retirement living apartments including communal facilities, landscaping and car parking (reference 16/00107/FUL). The application was accompanied by a Section 106 Agreement which included a payment of £40,000 to Broxtowe Borough Council towards the provision of a pedestrian crossing. The contribution has been paid in full to the Council.

1.2 Consultants were subsequently instructed to produce technical drawings for a crossing. The design of the crossing, a zebra crossing with flashing beacons, is the same in both locations. The drawings have been produced for a crossing in two potential locations along Hickings Lane:

- Option 1: Between Maranello Cars/ KAM Servicing and the Co-op (to the north east of Carpenter Court)
- Option 2: Between Washington Drive and Ewe Lamb Lane.

1.3 A decision now must be made regarding the preferred location for the crossing.

2 Site and Surroundings

2.1 The retirement living complex is now complete and fully occupied. It comprises a part two storey, part three storey building in a 'T' shape with parking to the front and side and a communal garden area to the rear.

2.2 There is an existing bus stop outside of the retirement complex. Opposite the site there are residential properties and a car sales business. Immediately to the north east there are commercial buildings and further to the north east lies a supermarket and a group of local shops. To the south and south west there are residential properties on Ewe Lamb Lane and Ewe Lamb Close.

Location of Option 1 (looking south west along Hickings Lane)



Location of Option 2 (looking south west along Hickings Lane)



3 Relevant Planning History

- 3.1 Following the granting of planning permission (reference 16/00107/FUL) for the 48 retirement living apartments, an application was submitted and granted (reference 18/00080/ROC) to remove condition 10 which stated that *“No part of the development hereby permitted shall be brought into use until the pedestrian crossing and any associated works to the adjacent footways have been constructed in accordance with drawing number 050.00323.002 RevC.”*

4 Policy Context

4.1 **National policy**

- 4.1.1 Paragraph 56 of the National Planning Policy Framework (NPPF) states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 4.1.2 The tests listed above are also contained within the Part 11 of The Community Infrastructure Levy (CIL) Regulations 2010.

4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 ‘Policy 19: Developer Contributions’ states that developments will be expected to meet the costs of new infrastructure and provide for the future maintenance of facilities.

5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority states that they have no strong preference regarding the location of the crossing. For both locations a speed survey and a lighting assessment would be required. Notwithstanding this, Option 2 would require residents within Carpenter Court to walk a longer and less convenient route to the Co-op and it would be questionable regarding the value of a crossing in this location for the residents. The bus stop outside of Carpenter Court would also need to be relocated further to the south west, which would result in a further walk for residents of Carpenter Court and needing to cross Ewe Lamb Lane. The new bus stop would also have to be funded. They note that Option 2 may be of use to the wider community however refer to the need for planning contributions to be directly related to the development.
- 5.2 A consultation process has been conducted regarding the two potential locations. This involved consulting 76 properties; those within the immediate vicinity of the two crossing locations, including residents within Carpenter Court, and those who had provided comments on previous applications.
- 5.3 Stapleford Town Council state that Option 2 should be favoured. The Town Council supports Option 2 as it provides an easy crossing for access to the bus routes on either side of the road, provides a crossing place for school children going to Wadsworth Fields Primary School and The Bramcote College, provides a crossing to New Stapleford Community Centre, the Post Office at Montrose Court, shops on Central Avenue, The Haven Centre, the church at Montrose Court, two local food banks and the Co-op for residents from Ewe Lamb Lane. They also state that Option 2 is the safer option as Option 1 would be in a dangerous location.
- 5.4 A petition containing 50 signatories has been received from the residents of Carpenter Court favouring Option 1. A petition from the Stapleford Community Group containing 374 signatories has been received favouring Option 2. 23 letters favouring Option 1 have been received. Three letters favouring Option 2 were received.
- 5.5 In favour of Option 1 (between Maranello Cars/ KAM Servicing and the Co-op), the following issues were raised:
- There are a number of disabled and frail residents living within Carpenter Court. The crossing is needed to enable residents to cross the road. Option 1 provides the shortest route to the Co-op for the residents.
 - The developer (McCarthy and Stone) has paid the money so that the crossing benefits the residents of Carpenter Court. Only Option 1 would achieve this.
 - The crossing should already be in place.
 - Option 2 would require residents of Carpenter Court crossing two roads to access the Co-op and a number of busy junctions. This would significantly increase the risk of an accident occurring.

- Option 2 would not be used by the residents of Carpenter Court, increasing the probability of an accident occurring.
 - Option 2 would result in a crossing outside houses and flats which would result in a loss of privacy; noise pollution from vehicles stopping and starting; air pollution from vehicles stopping outside; and light pollution from the flashing beacons. Residents could claim compensation under the Land Compensation Act 1973 and related Noise Insulation Regulations 1975.
 - The crossing must be 'directly related' to the development (the retirement apartment complex at Carpenter Court) and be one which the residents of the development will use. Should Option 1 not be selected the Section 106 statutory requirement will fail to be met and this may lead to further challenge.
- 5.6 In favour of Option 2 (between Washington Drive and Ewe Lamb Lane), not including the comments raised by Stapleford Town Council above, the following issues were raised:
- Children attending The Bramcote School have to cross Hickings Lane twice a day. Option 2 would provide a safe crossing.
 - Option 1 is close to busy junctions and the mini roundabout and would not be in a safe location.
 - Option 2 would provide a crossing for people accessing food banks, churches and the community centre.

6 Assessment

- 6.1 As part of the assessment of the planning applications for Carpenter Court, it was evident from consultation responses and from the Planning Committee that there are opposing viewpoints regarding where the crossing should be sited. Therefore, it was considered that a further consultation exercise should be conducted specifically related to the location of the crossing. Two sets of drawings were subsequently produced for a crossing. The design of the crossing, a zebra crossing with flashing beacons, is the same in both locations.
- 6.2 The consultation responses received, particularly from residents within Carpenter Court, show a preference for Option 1. The responses state that Option 1 would provide a safer and more direct route to the Co-op compared to Option 2. Concern is also expressed regarding the impact of Option 2 on existing residents living in Carpenter Court and Hobart Drive, particularly in respect of noise, pollution and loss of privacy.
- 6.3 Those in favour of Option 2 highlight the benefits to the wider community of a crossing in this location, particularly for school children crossing the road.
- 6.4 The Highways Authority has not raised any specific highway safety concerns regarding a crossing in either location although further survey work is required. However, they highlight that, for Option 2, the bus stop outside of Carpenter Court would have to be relocated, resulting in a longer walk for residents and additional expense for the project.

6.5 The financial contribution has been paid to the Council from the developer of Carpenter Court for the provision of a pedestrian crossing. Paragraph 56 of the NPPF and the CIL Regulations require financial contributions to be directly related to the development and this requirement has been highlighted within consultation responses and by the Highways Authority.

6.6 Taking into consideration the consultation responses, it is considered that Option 1 would be of direct benefit to the residents of Carpenter Court and it would also be set further away from existing residential properties, reducing the potential impact. Whilst Option 2 could benefit the wider community, Option 1 would be in accordance with the requirements of the NPPF and the CIL Regulations as it is directly related to the development. Therefore, it is recommended that the Council should proceed with Option 1.

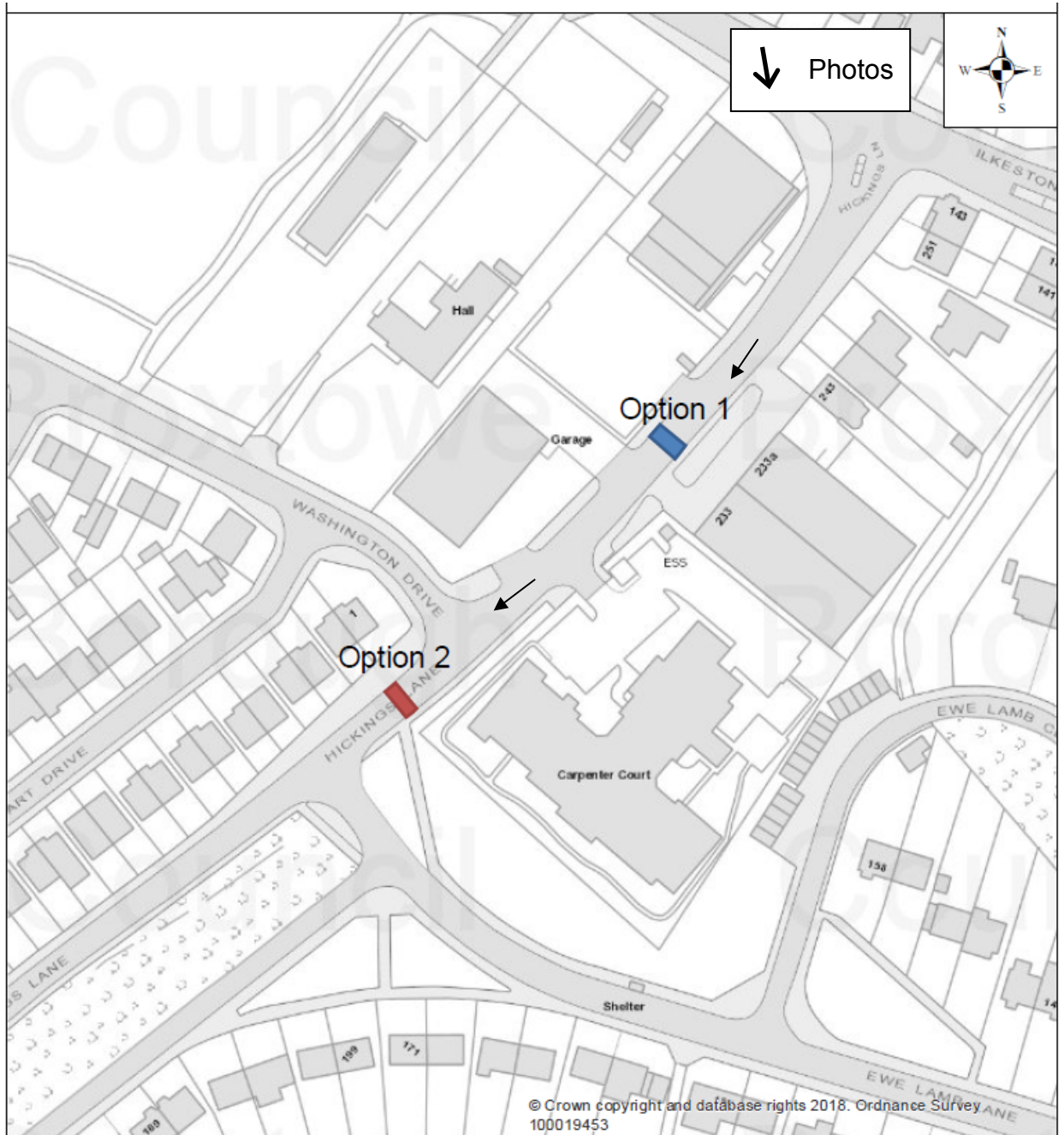
7 Conclusion

7.1 The consultation responses show a preference for Option 1 and it is considered that a crossing in this location would be directly related to the Carpenter Court development. It is therefore concluded that Option 1 should be the preferred location for the crossing and the consultants should be instructed to carry out the necessary works to provide a crossing in this location.

Recommendation

The Committee is asked to RESOLVE that the Council progresses with Option 1 (between Maranello Cars/ KAM Servicing and the Co-op) and consultants should be instructed to carry out the necessary works to provide a crossing in this location.

Background papers
Application case file



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