

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject 14/01070/NF3 Heathgate Open Space, Heathgate Norwich

Item
4.6

SUMMARY

Description:	Erection of a cycle route from Hassett Close to Gurney Road with associated landscaping including a viewing 'mound' and tree planting.
Reason for consideration at Committee:	Council's own application.
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr Steve Fraser-Lim Planner 01603 212507
Valid Date:	6 August 2014
Applicant:	Norwich City Council
Agent:	Mr John Nuttall

INTRODUCTION

The Site

Location and Context

1. The application site comprises of a 0.6 hectare strip of land linking from Hassett Close to Gurney Road. The site includes grassed amenity space at the rear of Heathgate flats to the south and west close to Hassett Close, as well as scrub and heathland forming on the east side of the site adjacent to Gurney Road, forming part of Mousehold Heath. The site includes groups of mature trees within both grassed and scrub areas, as well as some concrete steps on the western side of the site adjacent to Hassett Close.
2. The surrounding area is characterised by residential development of varying styles, interspersed with significant areas of landscaping and open space. Residential development adjoins to the west, north and south, with allotment gardens to the north, and Mousehold Heath to the east.
3. The site is a publicly accessible open green space as identified by saved policy SR3 of the adopted Local Plan.

Constraints

4. Parts of the site are identified as forming part of: the Green Links Network (policy SR12); a site of nature conservation (NE7); publicly accessible open space (SR3); woodland (NE2); River Valley (NE1); and a strategic cycle network (TRA15), within the Replacement Norwich Local Plan 2004, where the above mentioned policies apply.
5. In addition the western area of the site comprises designated open space and the eastern corner of the site also comprises designated woodland within the emerging Development Management policies map.
6. The St James Pit Site of Special Scientific Interest (SSSI), designated due to its geological interest is located immediately to the south of the site, and Mousehold Heath on the opposite side of Gurney Road to the east is designated as a Local Nature Reserve and County Wildlife Site.

Topography

7. The site rises steeply from the west adjacent to Hassett Close, towards Gurney Road, adjoining the sites eastern boundary. Ground levels on the eastern part of the site rise above the road level before dropping sharply as at the junction with Gurney Road.

Planning History

8. No relevant planning history.

Equality and Diversity Issues

There are significant equality issues as the proposal will improve public access for all (see paras. 9 and 10).

The Proposal

9. A cycle route is proposed, comprising 3m wide asphalt hard surface from Hassett Close to Gurney Road. In order to overcome the significant level changes on the western part of the site mentioned above, a series of switch back ramps are proposed rising from Hassett Close, to the higher ground at the rear of the Heathgate flats. An alternative but similar alignment for the route is shown in this area of the site should technical problems arise within the preferred option. 1.1m high metal railings are proposed adjacent to the ramps and the removal of the existing non Disability and Discrimination Act (DDA) compliant steps and installation of new DDA compliant steps is also proposed adjacent to the cycle ramps.
10. A viewing platform is proposed on high ground above the cycle ramps affording panoramic views across the city centre. Access to this point would also be DDA compliant. The cycle route would cut across grassed amenity areas at the rear of the Heathgate flats before passing in a cutting through scrub heathland to join with

Gurney Road.

11. Motion sensitive lighting is proposed along the route and a footpath is also proposed linking the cycle part to existing footpaths surrounding the Heathgate flats. Up to three trees would be lost during construction of the ramps in the western section of the site (Scots Pine, Silver Birch and Hawthorn), and two Sycamore trees would be lost during construction of the cutting adjacent to Gurney Road. 50 replacement trees are proposed to be planted across this site in compensation.
12. The proposals are part of a wider programme to improve a cycle route from Norfolk and Norwich University Hospital and UEA, through the city centre, to Heartsease and Broadland. The programme, referred to as 'push the pedalways' will see a series of programmes for improvements to the pink pedalway and connections leading to it.

Representations Received

13. Advertised on site and in the press. No letters of representation have been received.

Consultation Responses

14. Natural Areas Officer: The ecological issues have, in general, been adequately addressed and catered for in the proposed mitigation measures. In particular, the measures outlined in sections 5.6 – 5.11 of the ecological report should be implemented, and also the measures to eradicate the highly invasive Variegated Yellow Archangel in section 5.12.
15. Additional comments are made in relation to the design and access statement: Section 3.11 states both that the heathland habitat will be encouraged and trees planted. This seems to be a contradiction, in that planting trees will reduce the value of any heathland habitat and may well jeopardise the heathland's continued existence, although perhaps some spatial separation between different areas is intended here. This should be clarified.
16. Section 5.07 states that motion sensors will be provided for the proposed new lighting, but the way this is phrased seems to indicate that this technique is still somewhat experimental. Will any monitoring arrangements be put in place to ascertain the effectiveness (or otherwise) of this system? Motion sensor controlled lighting, if it is effective, could largely address potential concerns about lighting disrupting bat foraging activities but if the motion sensor controlled lighting does not work properly it could be replaced with a less 'bat friendly' alternative. As suggested in the ecological appraisal, the wider question of bats and lighting associated with this proposal should be adequately addressed.
17. It should be noted that use of tree species that are invasive on heathland, especially Scots pine and Silver birch, should be avoided in new planting.
18. Arboricultural Officer: There will be direct and indirect impacts on trees; the direct impacts such as tree removals have been mitigated in the landscape scheme's proposed planting. The indirect impacts require an arboricultural method statement

to cover those parts of the proposed cycle route that impinge on or are close to root protection areas of trees along that route, particularly where changes in soil level are indicated. This should include any compensatory mitigation/amelioration methods that may be appropriate as well as the suitable level of physical tree protection measures expected.

19. Transportation: The provision of a new cycle and pedestrian route to Mousehold Heath is a welcome addition to the sustainable transport infrastructure of the city and could be implemented as proposed.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 4 – Promoting sustainable transport
- Section 7 – Requiring good design
- Section 8 – Promoting healthy communities
- Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 6 – Access and transportation
- Policy 7 – Supporting communities
- Policy 11 – Norwich City Centre
- Policy 12 – Remainder of Norwich area

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- NE1 – River valleys
- NE2 - Woodland
- NE3 - Tree protection, control of cutting and lopping
- NE8 - Management of features of wildlife importance and biodiversity
- NE7 – Other sites of nature conservation interest
- NE9 - Comprehensive landscaping
- HBE12 - High quality of design in new developments
- EP22 – Protection of residential amenity
- SR3 – Criteria for development of Urban Greenspace and Recreational Open Space
- SR12 – Green links
- TRA3 – Modal shift measures in support of NATS
- TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 - Cycle network and facilities

Supplementary Planning Documents and Guidance

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6 Natural environmental assets
DM7 Trees and development
DM8 Open space
DM9 Safeguarding Norwich's heritage
DM6* Protecting and enhancing the natural environment
DM8* Planning effectively for open space and recreation
DM28* Encouraging sustainable travel
DM30 *Access and highway safety

*This policy is currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Principle of Development

20. The push the pedalways programme aimed at improving links between major development sites in the city to the cycle network and encouraging more people to travel by bicycle in a safe environment. In this respect the proposal will chime positively with the Norwich Area Transport Strategy (NATS), part of which seeks to provide new links to help to improve pedestrian and cycle environment.
21. The proposed cycle route will support the development of a network safe and convenient cycle routes throughout the city. This will encourage travel by sustainable modes of transport into and out of the city centre, promote healthier patterns of living and reduce carbon dioxide emissions. As such the proposals are strongly encouraged by JCS policies 1, 6, 7 and 11, and Local Plan policies TRA3 and TRA15. The principle of proposed cycle route is therefore supported, subject to the following planning considerations.

Impact of the proposals upon designated Open Space

22. The western section of the site comprises designated Open Space within the Local

Plan 2004 and emerging Development Management Policies document. Local Plan Policy SR3 states that proposals for development within areas of publicly accessible recreational open space or urban greenspace will not be permitted if there is an overriding amenity or biodiversity interest in retaining the site in its existing open form. Where there is no overriding amenity or biodiversity interest, proposals for development on publicly accessible recreational open space or urban greenspace (whether on sports pitches, children's' play areas or not) will be evaluated for their contribution to the amenity of the local community, to biodiversity, to a qualitative improvement to any remaining open space.

23. Emerging policy DM8 sets out a similar presumption against development upon open space unless this is for sport / recreation, would improve recreational facilities and would not result in significant biodiversity impacts.
24. The proposed cycle route would be sited within this designated open space. However the nature of the proposed development, comprising a 3m wide cycleway and lighting would occupy only a small amount of available open space, and would not significantly affect the overall recreational value of this space. The designated area of open space comprises predominantly mown grass of limited biodiversity value (with the exception of some trees which are considered in a separate section below). The proposed cycleway would also facilitate access through and to the open space and Mousehold Heath to the east, which would be of benefit to the local community, as well as the wider public interest. As such the proposals are considered to accord with the requirements of Local Plan policy SR3, and emerging Development Management Policy DM8.

Impact upon designated woodland and areas of nature conservation interest:

25. The eastern area of the site comprises designated woodland a site of nature conservation, and adjoins a designated Local Nature Reserve and County Wildlife Site (Mousehold Heath). Policies NE1, NE2 seek to prevent development which harm the environmental quality of Mousehold Heath and result in a loss of woodland. Policies NE7 and NE8 also seek to protect areas of wildlife quality, and where conflicts of interest are unavoidable appropriate mitigation measures are required.
26. The proposals would result in the loss of areas of overgrown scrub and two sycamore trees within this area, as well as excavation of a cutting for the cycle path. The removal of these trees and vegetation would therefore conflict at face value with policy NE2, with regard to loss of woodlands. However this area of the site forms part of Mousehold Heath, an area traditionally comprising acidic grassland and heath, which provide favourable habitat for reptiles and invertebrates. More recently the area has been colonised by invasive tree species such as Sycamore and Silver Birch, which introduced a secondary woodland habitat. The removal of existing scrub vegetation and some invasive trees will help to restore heathland habitat in this location, which is considered to be of greater biodiversity value and more appropriate in this location than the existing secondary woodland.
27. In addition further mitigation measures in the form of motion sensitive lighting to reduce lighting levels when not required are proposed, and minimise impact on bat foraging routes. Replacement tree planting and landscaping is also proposed.

Details of these elements are proposed to be secured by condition, which would address the issues raised by the Council's natural areas officer. The submitted ecological survey also mentions the need to carefully time and undertake the works to minimise disruption of nesting birds. In addition it is recommended that trees are inspected prior to felling by a qualified bat worker to ensure that no bat roosts are disturbed. These issues are also proposed to be addressed by condition. Subject to these measures it is considered that the proposals are not considered to detract unduly from the biodiversity and ecological value of the surrounding area and would accord with policies NE1, NE7 and NE8 or result in harm to any protected species.

28. In addition as the proposals would bypass the nearby Site of Special Scientific Interest they are not considered to detract from the geological interest of this site.

Impact on Living Conditions

29. The proposed cycle route is a sufficient distance from adjoining properties to ensure that it would not detract unduly from the amenities of neighbouring properties in terms of noise and disturbance, or light pollution.

Trees and Landscaping

30. The proposals would result in the loss of two sycamore trees in the eastern section of the site and three trees are proposed to be removed in the western section of the site adjacent to the proposed ramps. However this is considered to be acceptable as the Sycamore trees are considered to be invasive species within Heathland and replacement tree planting of at least 50 trees, with potential for planting of edible species would mitigate losses. A condition is proposed requiring submission of details of landscaping and tree planting and an Arboricultural Method Statement to ensure that the proposals would not harm the root systems of retained trees. Subject to these conditions the proposals would be in accordance with Local Plan policies NE3, NE9 and emerging Development Management Policy DM7.

Design

31. The proposed cycle way would be simply designed with asphalt surface and associated lighting, and simple metal railings surrounding the switchback ramps. They would be similar to other paths and railings in the surrounding area and would not detract from the appearance of the site or its surroundings.

Transport and Access

32. Saved policy TRA3 of the adopted Local Plan seeks to encourage a modal shift from car use to walking and cycling. The proposal would enhance both the pedestrian and cycling environment connecting the park to the surrounding area. It is hoped that as part of the wider 'push the pedalways' project, this will encourage more people to adopt cycling as a mode of transport, which in turn will carry benefits for health, the environment and the economy.

33. The proposals would also include pedestrian linkages with new DDA compliant steps rising from Hassett Close and a pedestrian path linking the cycle route to

Heathgate. As such the proposals will improve the quality of both the pedestrian and cycling environment in accordance with TRA14 and TRA15 of the adopted Local Plan.

Conclusions

34. The proposals would improve pedestrian and cycling facilities, support sustainable modes of transport and healthier patterns of living as supported by JCS and Local Plan policies. They would not harm the quality of existing open space on the site. Whilst the proposals would result in the loss of some secondary woodland, this habitat is alien to the surrounding heathland and its removal would have some biodiversity benefits. Loss of trees on site is mitigated by replacement tree planting and landscaping. The proposals would also not result in harm to residential amenity or the appearance of the surrounding area. As such the proposals would be in accordance with the aforementioned policies.

RECOMMENDATIONS

Grant planning Permission subject to the following conditions:

- 1) Standard time limit
- 2) Development in accordance with approved plans
- 3) Landscaping (to include details of paving materials, replacement tree planting)
- 4) Development in accordance with the AMS
- 5) Details of lighting to be submitted and agreed. The hereby approved lighting shall be retained and maintained on site unless otherwise agreed by the local planning authority.
- 6) No removal of trees and vegetation to be carried out outside of the main bird nesting season (March-September)
- 7) Trees to be felled to be inspected by licenced bat worker prior to felling.