

Application No: 18/0319N

Location: Land Between Taylor Drive And Edmund Wright Way, NANTWICH

Proposal: Proposed vehicular and pedestrian link connecting Taylor Drive and Edmund Wright Way

Applicant: Mr Chris Hindle, Cheshire East Council

Expiry Date: 06-Apr-2018

SUMMARY:

The proposal seeks to join Taylor Drive to Edmund Wright Way by means of a link bridge. The proposed works will include the clearance of some vegetation and with appropriate conditions relating to construction management, ecological mitigation and landscaping it is considered that any impacts from the development can be mitigated.

The proposed funding for the works have been secured by means of a legal agreement tied to the Malbank Waters scheme and will help to alleviate pressure on the wider Highway Network in this area of Nantwich. There has been a public consultation which has largely supported the proposal.

Whilst there may be some impact on the nearest residential properties, it is considered that the improvements for the wider population of Nantwich outweighs the harm. It is therefore considered that the proposal is acceptable and is recommended for approval.

RECOMMENDATION: Approve with conditions

REASON FOR REFERRAL

This application is a minor proposal which would usually be decided under Delegated powers; however the Council are the applicant for the proposal and there have been significant levels of support and objection to the application. It has therefore been referred to the Southern Planning Committee for a decision.

DESCRIPTION OF SITE AND CONTEXT

The application site is positioned between Taylor Drive and Edmund Wright Way, and the proposal seeks to link the two roads together. There is a water course running through the site which links into the Shropshire Union Canal which runs parallel to Taylor Drive at the point. The site is currently a landscaped area with a number of trees running through the site with a cycle and pedestrian link across.

DETAILS OF PROPOSAL

The proposal seeks permission for a vehicular and pedestrian link to connect Taylor Drive and Edmund Wright Way. This will include the construction of a bridge over a culvert linking the two roads. The elevational plans show metal railings on either side of the road.

RELEVANT HISTORY

P96/0633 - O/A for residential development comprising 123 houses and 4 flats. - Land between Marsh Lane & Welsh Row, Nantwich – approved with conditions 28th January 1998

P98/0602 - Residential development comprising design and external appearance of 47 number dwellings - Land off Marsh Lane – approved with conditions 15th October 1998

P00/0043 - Erection of 9 dwellings (Reserved Matters) - Land off Welsh Row Nantwich – approved with conditions 25th May 2000

P00/0420 - Erection of 20 Dwellings (Reserved Matters) – approved with conditions 17th August 2000

P01/0072 - Erection of 56 No. Dwellings - Land between Marsh Lane and Welsh Row Nantwich – approved with conditions 2001

P01/0944 - Substitution of House Types on Plots 54-72 - Allotments adjacent to Marsh Lane Nantwich – approved with conditions 4th December 2001

P01/0974 - Outline Application for Residential Development - Allotment site adj Marsh Lane, Nantwich – Approved with conditions 6th February 2002

P02/0280 - 39 Dwellings - Land off Welsh Row. Nantwich – Approved 30th April 2002

P02/0815 - Resubmission of P02/0272 for the Relaxation of Conditions 5 and 8 of Planning Permission P01/0974, relating to the Number of Dwellings that may be constructed prior to the Completion of the Marsh Lane/Waterlode Link Road and the Provision of Affordable Housing - Residential Development of 17 Dwellings – approved with conditions 12th November 2002

P02/1012 - Retrospective Application for a Residential Development of 54 Dwellings, Parking and Associated Access Roads – approved with conditions 28th November 2003

P03/0791 - Construction of 64 Dwellings - Land off Welsh Row/Marsh Lane, Nantwich – approved with conditions 2nd March 2004

P04/0260 - Erection of 65 Dwellings, Garages, Landscaping and Public Open Space - Land to rear of Welsh Row, Nantwich – approved with conditions 7th April 2005

P05/1252 - Variation of Conditions (3, 4, 5, 7, 9, 10, 11, 12, 15, 16, 17 & 19) of P04/0260 in respect of Time Limit for Submission of Details for Erection of 65 Dwellings, Garages, Landscaping and Public Open Space - Land off Welsh Row, Nantwich, Cheshire – Approved with conditions 11th November 2005

P06/1204 - Deed of Variation to Section 106 Agreement Relating to P04/0260 to Permit 100% Staircasing – Land to rear of Welsh Row, Nantwich – approved 16th November 2006

POLICIES

National Policy

National Planning Policy Framework

Local Policy

Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in favour of sustainable development

PG 2 – Settlement Hierarchy

SD 2 – Sustainable Development Principles

SE 1 – Design

SE 2 – Efficient Use of Land

SE 3 – Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE12 – Pollution, land contamination and land instability

SE13 – Flood risk and water management

IN 1 – Infrastructure

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessment

*Saved Policies of the **Borough of Crewe and Nantwich Replacement Local Plan 2011:***

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

NE.9 – Protected Species

NE.17 – Pollution Control

TRAN3 – Pedestrians

TRAN11 – Non Trunk Roads

RT.9 – Footpaths and Bridleways

Other Material Considerations

Cheshire East Design Code

CONSIDERATIONS (External to Planning)

Highways: No objections

PROW: No objections, subject to informatives.

Environmental Health: No objections

Canal and River Trust: Raise concerns and requested additional information in relation to the impact on the Canal Embankment and culvert.

United Utilities: None received at time of writing this report.

Environment Agency: Consultation not required – not a main river.

Flood Risk: None received at time of writing this report.

Nantwich Civic Society: Support the new link

VIEWS OF THE PARISH / TOWN COUNCIL –

Nantwich Town Council - At the Nantwich Town Council meeting on 8 February 2018 a number of objectors to the above scheme attended to voice their concerns. The Council received their representations and resolved to forward a summary of objections to Cheshire East. The Council is also aware that the scheme has been the subject of prior consultation by Highways and the consultation results were in favour of the scheme. Accordingly, the main representations in support of the scheme are also summarised.

Representations against the proposed vehicular and pedestrian link connecting Taylor Drive and Edmund Wright Way Nantwich.

- The proposal will lead to increased noise and pollution.
- It will change the character of the existing quiet residential areas.
- There will be harm to road safety because of the increase in the risk of accidents.
- Edmund Wright Way has a drop off point for the school. The children will be at increased risk.
- The roads are not designed for through traffic and are not wide enough for two-way traffic.
- The curve of the road gives a limited line of sight.
- Visibility splays and turning radii for traffic accessing and exiting Edmund Wright Way and Marsh Lane are well below highway standards.
- The roads are not suitable for heavy traffic.
- Canal dwellers and Malbank School children's parents regularly use Taylor Drive for daily parking narrowing the carriageway down to one lane.

- The proposal will have an adverse effect on the canal embankment.
- There is no up to date traffic plan for Nantwich.
- The proposal will have an adverse effect on house prices and values.
- There has been inadequate consultation on the proposal.
- The proposal was not revealed on land charge searches.

Representations for the proposed vehicular and pedestrian link connecting Taylor Drive and Edmund Wright Way Nantwich

- The proposed road will offer a third route out of the area in addition to Queens Drive and Marsh Lane.
- However, if Marsh Lane is changed to one way southwards this proposal will offer a second route out of the area.
- The proposal will take some traffic from the new Malbank Waters development thus lessening the traffic flows on Queens Drive.
- The proposal was taken into account by the Planning Inspector when granting approval for Malbank Waters. The developer offered a sum of money in a unilateral undertaking. This was accepted by the Inspector as a material consideration in the granting of permission.
- The second phase of the Malbank Waters development has a planning condition requiring completion of the link and technically the developer is now in breach of this condition.
- The recent Highways consultation exercise indicates a majority of those who responded are in favour of the proposal.
- The link was shown in the original version of the Nantwich Local Plan and was only not implemented because of ownership issues.
- The new owners of houses on Malbank Waters have bought their houses in the expectation that the road will be provided.

Acton, Edleston and Henhull Parish Council - I write in support of the above application.

1. The proposed road has been included in approved development plans since the 1980's.
2. The link was included in approved applications for the housing areas off Edmund Wright Way and Taylor Drive. As such it has already been approved.
3. Money to provide this link was required as part of an approval by the Planning Inspectorate for a major housing development now known as Malbank Waters. Presumably the Inspectorate were aware of this earlier approval at the time of its decision to be able to include this condition. This money was paid by the developer some 2 years ago.
4. Traffic build up from the greater number of dwellings in the area has led to demonstrably more congestion on Queens Drive at certain times, as was anticipated, and thus the requirement of the planning permission for Malbank Waters that the money for link be provided.

I am concerned that notification of this application was limited to the area in the immediate vicinity of the proposed link. The public in the wider area who will benefit from its construction have only indirect knowledge of the application.

Cheshire East Council have been holding the funds to construct the link for some two years it is now incumbent on the Council to complete the work as a matter of urgency.

OTHER REPRESENTATIONS – *All comments in full can be read on the planning file.*

- Around 40 letters of support have been received from neighbouring properties. The main issues raised are;
 - Useful/essential link to avoid the congested Marsh Lane and Queens Drive,
 - Will tidy up the area which has been a mess for some time,
 - Development will allow for the re-balancing of traffic in and out of Nantwich along 3 roads rather than the existing 2.
 - Support the development of Nantwich in the future
 - Link was clearly shown on plans when the estate was being developed
 - Raise questions why it has not already been carried out given the level of congestion on Marsh Lane, Queens Drive and Welsh Row,
 - Will allow drivers to access the A51 without using Welsh Row,
 - Support but wider traffic management scheme needs to be considered,
 - Will enable the conditions associated with the Malbank Waters Estate to be implemented
 - Provide a safer crossing for residents of Mill House Care Home
 - Improve traffic in Marsh Lane for safer access to Millfields School,
 - Will help relieve traffic congestion on Queens Drive
 - Objectors are largely occupiers of Salt Meadows, Edmund Wright Way and Taylor Drive most other occupiers in the wider area are in support
 - Occupiers of Marsh Lane and Queens Drive also have children and should also be able to enjoy safer roads/reduced traffic
 - Taylor Drive and Edmund Wright Way are wider in parts than Marsh Lane
 - Most properties on Taylor Drive do have parking to the rear they just choose to park on the road
- A petition in support of the proposal has been submitted with 297 signatures.
- 3 Letters of general support but make the following observation have been received from neighbouring properties. The main issues raised are;
 - Concerns over the potential loss of specific cycle route, this should be clarified
 - Traffic flow at the Edmund Wright Way/ Marsh Lane/Millfields junction and potential ways to improve visibility/flow etc
 - Taylor Drive should be widened at pinch points
 - The road should be limited to 20mph
 - It is unfortunate that residents were not made aware, however the link should have been constructed years ago
- Approximately 100 letters of objections have been received from neighbouring properties. The main issues raised are;

- Separate pedestrian walkway required for school children,
- Concerns over safety impact on Children and Pets
- Excess noise
- Increase in Pollution/air quality
- Bought the house due to cul-de-sac position
- Current road network system works
- Concerns that proposal was not picked up on land charges surveys
- Concerns that funding was raised before planning permission and local consultation carried out,
- Impact on wildlife,
- The public consultation results where not a significant majority
- Concerns raised that the road is not wide enough for two way traffic
- Road would impact negatively on house values,
- Concerns raised over the works already commencing on site before planning permission given
- Robust and up-to date traffic surveys have not been carried out
- Issues with inaccuracies within the reports
- Impact on privacy
- Impact on neighbouring amenity, noise/stress/anxiety/pollution/general health
- Bridge and road over the culvert would be unsuitable for HGV's
- A link road around the other side of the canal would be a safer option,
- Houses on Taylor Drive park on the road due to lack of parking provision within the estate,
- Members of the public, canal boat owners, employees of Malbank school all also park on Taylor Drive,
- Road unsafe due to parked cars, currently have to drive at 5mph to exit Taylor Drive,
- Concerns over speeding cars
- Temporary bridge is not safe
- Concerns over impact on children at the Primary School,
- Contrary to the Cheshire East Design Guide Volume 1 section i23
- Impact on Dog Walkers
- The recent installation of MOVA control at the Welsh Row/Waterlode/High Street Junction has not been considered as part of the highway study,
- Concerns raised over transparency of link road proposal
- If the relief road is required due to the construction of Malbank Waters Development the developers should be made to construct a relief road on their land/opposite side of the canal
- Concerns raised over the consultation event and lack of record taken at the event
- Study carried out by Campaign to Protect Rural England suggests majority of road applications create induced traffic flows
- Impact on canal embankment
- Concerns raised regarding the perceived commencement on site prior to receiving planning permission
- Subsidence of the bank of the stream will worsen with increased use
- Land no in Cheshire East Highways ownership
- Too many new houses in Nantwich causing highways issues
- Road surface on Taylor Drive is poor and in need of improvement after 20 years of light use,

- School drop off area is dangerous at drop off and pick up times,
 - Alternative solution should be sought
 - The Curtins Report 2014 – Traffic and Impact Survey forecasts 590 vehicles per hour would use the road – this is a significant increase in use of the road,
 - Impact on house values
 - Will the occupiers affected be compensated?
 - Question why the background reports and studies have not been submitted with the application/lack of public information
 - S106 agreement did not meet the CIL tests on previous application and therefore is not lawful
 - Removal of the footpath requires a demolition order
 - Construction Management Statement required
 - Vehicle tracking plans required
 - Insufficient number of technical plans
- Two petitions against the proposal have been submitted one with 91 signatures and the other with 376 signatures.

OFFICER APPRAISAL

Principle of Development

The application site is situated within Nantwich settlement boundary where there is a presumption in favour of sustainable development. Nantwich is a Key service centre where the Local Plan Strategy states that growth is important to ensure its future vitality and prosperity of the area.

The proposal seeks permission to link Taylor Drive to Edmund Wright Way with a link of around 30m in length, with a 6.2m wide carriage way consisting of two lanes allowing two cars to pass one another and a 3m wide footway on the eastern side of the bridge. The applicant states that this link is one element of wider scheme of improvements to the Highway network on the western side of Nantwich.

Original plans for the estate, in the early 1990/2000's included a link road between the two sites, however the scheme was never secured, due to land ownership issues and funding constraints and was therefore never implemented. Furthermore, physically on site the appearance of the Taylor Drive end of the road junction would suggest a continuation was envisaged when constructed.

However, in more recent years wider consideration of the Nantwich highway system has been carried out, and the proposed link was considered as part of two residential developments south of Queens Drive in the southwest of Nantwich. Phase 1 of the development (12/2440N) and Phase 2 development (14/5841N) relating to a housing scheme known as Malbank Waters. During the Public Inquiry for the appeal against the refusal of planning permission for the Phase 1 development, it was agreed, as part of the mitigation package by the Planning Inspector that the implementation of the Taylor Drive/Edmund Wright Way link would, in part mitigate for the impacts of traffic associated with the development. As such, the Planning

Inspector allowed the appeal and £235,000 was secured by way of Planning Obligation towards the implementation of the road link.

This application seeks to implement the proposal which was agreed at the appeal and is therefore required to mitigate the housing development approved at Malbank Waters by the Planning Inspector.

It is therefore considered that the principle of the link has already been accepted in part by the Inspector at the above appeal which was then further agreed by the Secretary of State.

The applicant has carried out a public consultation prior to the submission of the scheme and the response was generally supportive of the scheme, although it is noted that the closest respondents were not supportive of the scheme.

However, it is therefore considered that subject to compliance with all other relevant planning policies of the development plan the proposal is acceptable in principle.

Highways Impact

It is proposed to provide a vehicular and pedestrian link between Taylor Drive and Edmund Wright Way. There are existing residential developments served from both Taylor Drive and Edmund Wright Way and it was intended that these developments had a road link between them. However, as the sites had different developers the road link was never completed. As part of the recent development at Queens Drive, the completion of the road link was required in mitigation of the traffic impact of the development and also the implementation of a one way section of Marsh Lane.

The Taylor Drive/Edmund Wright Way link forms an integral part of wider traffic management proposals for the west side of Nantwich. Capacity analysis undertaken on the existing road network without any changes indicate that the Waterlode junction and Queens Drive junction with Welsh Row would be operating over capacity and suffer from congestion problems. The introduction of the road link would redistribute the trips on the road network and would improve the operation of both the traffic signal junction at Waterlode and also the Welsh Row/Queens Drive junction.

The provision of this road link has also been subject to public engagement and the results of the survey show that 54% of respondents support the introduction of the link.

The Strategic Highways Officer considers that the provision of the Taylor Drive/Edmund Wright Way link is required and plays an important function in the local road network to distribute traffic effectively. The road link in association with other proposed traffic management measures will reduce the level of congestion on Welsh Row and at the Waterlode and Queens Drive/Welsh Row junctions.

The Strategic Highways Officer therefore raises no objections to the application, and supports the proposal.

It is not considered that the proposed development would have any greater impact on pedestrian, including school children using the route or highway safety in the area.

Landscape Impact

There is a hedge, trees, grass verge and a ditch together with a watercourse in the vicinity of the proposed works. The additional information provides elevational plans and sections of the structure and provides details of the proposed ground modelling, although specific existing/proposed levels data is not provided. It is considered reasonable for this element to be sought by condition.

The road radius and junction of the new footpath and Salt Meadow to the south east appear rather tight and the footway may require a dropped kerb. It is considered that the impact of the development can be mitigated and subject to the surrounding area being reinstated and landscape works undertaken to mitigate proposed vegetation losses the proposal is acceptable. A landscape scheme could be sought by condition.

Design

Policy SE1 seeks to create a sense of place, managing design quality, sustainable urban, architectural and landscape design, liveability/workability and designing in safety. Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

Whilst the bridge is relatively functional in its appearance, with the inclusion of a landscaping scheme to mitigate the overall visual impact of the development it is considered that the proposal is acceptable and will not have a detrimental impact on the streetscene or the character of the area.

Amenity

Saved Policy BE.1 of the Crewe and Nantwich Local Plan advises that development would not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity with regards to overlooking, overshadowing or visual intrusion.

It is considered that the physical works will not have a detrimental impact on neighbouring amenity due to its siting away from the residential dwellings across the culvert.

It is acknowledged that concerns have been raised by the nearby neighbours regarding noise and visual amenity impact, during the construction phase this will be relatively short lived as the application states the works are scheduled to take around 3 months. Any statutory disturbance during this time would be covered by Environmental Protection legislation.

The link road will increase traffic flows along Taylor Drive/Edmund Wright Way but given the residential nature of the area and the narrow street design this will help reduce the speed of cars. The plans show the link will 'give way' at the section adjoining Edmund Wright Way and therefore further help reduce vehicle speed.

Whilst there will be some increase in impact very locally, it is important to consider impact as a whole,, and the benefits it will bring in particular Marsh Lane and Queens Drive.

It is therefore considered that although there may be some increased traffic along the route, the impact of the development will not have a significantly detrimental impact on neighbouring amenity to warrant refusal of the development.

The Environmental Protection department have been consulted and have raised no objections to the proposal in relation to Air Quality and noise impact. It is therefore considered that the proposal will not have a significantly detrimental impact on neighbouring amenity.

Drainage/Flood Risk

United Utilities and the Council's flood risk team have been consulted however their responses are still outstanding, although it is not expected that the bridge will cause any concerns. Their responses will be reported in an update.

Ecology

The plans show a relatively small footprint for the proposed works and limited potential wildlife conflict is anticipated from the required removal of vegetation. However, the Council's ecologist has reviewed the ecology report submitted and has raised no ecology objection to the proposal, subject to a condition relating to breeding birds.

Impact on the Canal

The proposals are in close proximity to an embankment that supports the Shropshire Union Canal. The Canals and River Trust therefore are concerned with the potential structural stability of the adjacent embankment is maintained during the construction works, and to ensure that the loading from the new bridge itself would not impact negatively on the structural stability of the canal embankment or result in damage to the culvert below.

The Canal and River Trust requested that detailed information of the foundations of the bridge structure, a slope stability assessment, and a Construction Methodology Statement and Construction Management Plan should be provided in order to demonstrate that the works will not undermine or result in damage to the canal embankment. Although the above has not been provided, it is considered that a condition for a Construction Management Plan would be sufficient. The applicant has confirmed that the closest excavation works to the canal embankment would be 5m from the toe of the bank, and would be under 1m in depth, at a height above the base of the embankment. Should this be the case, the Canal and River Trust have confirmed that the risk to the embankment could be successfully managed, by means of a condition.

Other Issues

It is noted that a number of issues raised within the objections are not material planning considerations, these include impact on property values, potential compensation, land searches and land ownership, and therefore these issues have not influenced the recommendation of the application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal seeks to join Taylor Drive to Edmund Wright Way by means of a link bridge. The proposed works will include the clearance of some vegetation and with appropriate conditions relating to construction management, ecological mitigation and landscaping it is considered that any impacts from the development can be mitigated.

The proposed funding for the works have been secured by means of a legal agreement tied to the Malbank Waters scheme and will help to alleviate pressure on the wider Highway Network in this area of Nantwich. There has been a public consultation which has largely supported the proposal.

Whilst there may be some impact on the nearest residential properties, it considered that the improvements for the wider population of Nantwich outweighs the harm. It is therefore considered that the proposal is acceptable and is recommended for approval.

Recommendation: Approve with conditions

Conditions

- 1. Standard Time**
- 2. Approved plans**
- 3. Surfacing Materials**
- 4. Landscaping – prior to first use**
- 5. Landscaping implementation**
- 6. Existing and Proposed levels**
- 7. Construction management plan**
- 8. Boundary Treatment**
- 9. Breeding bird survey**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

