

# **Southern Planning Committee**

## **Updates**

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**Date:** Wednesday, 7th August, 2019  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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The information on the following pages was received following publication of the committee agenda.

7. **18/5798N 414, Newcastle Road, Shavington CW2 5JF: A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF for Keyworker Homes, The Guinness Partnership and D & W Wooton (Pages 3 - 6)**
  
8. **19/1653C Land Adjacent To Swanwick Hall Drive, Off Booth Bed Lane, Goostrey: Proposed new stable block, manege, access track and change of land use to combined equestrian and agricultural for Mrs P Taylor (Pages 7 - 8)**

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Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**SOUTHERN PLANNING COMMITTEE UPDATE – 7<sup>th</sup> August 2019**

**APPLICATION NO:** 18/5798N

**PROPOSAL:** A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF.

**ADDRESS:** 414 Newcastle Road, Shavington, CW2 5JF

**APPLICANT:** Keyworker Homes, The Guinness Partnership and D & W Wooton

**Policies**

Since the officer report was written the Wybunbury Combined Neighbourhood Plan has moved to Regulation 16 stage and consultation will take place from 26<sup>th</sup> July to 6<sup>th</sup> September. The plan is still given limited weight at this stage.

**Additional Consultation Response**

**Education:** The calculations have been redone based on the reduced number of houses and the new forecasts and there is no longer a request for an education contribution.

**Additional Representations**

An additional representation has been received which raises the following points;

- There is a land drain which runs within the curtilage at 396 Newcastle Road very close to the boundary. The residents of 396 would not want any hedging or shrubs along this boundary which may cause damage to the drain.
- Flooding is a problem in the area and this should be taken into consideration.

**Officer Response**

The points raised in the representation response relating to the landscaping along the boundary with 396 Newcastle Road could be controlled via the imposition of a planning condition.

The number of family homes has been reduced on this development. The Education Officer has confirmed that there is now capacity at the local secondary school to serve this development and no contribution is required.

In terms of SEN the development would no longer generate a contribution as the development would not generate an SEN child.

**RECOMMENDATION:**

**REFUSE** for the following reasons;

1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy.
2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.
3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and the requirements of the NPPF.

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

Should the application be the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% affordable housing	In accordance with details to be submitted and approved.
<b>Health</b>	£40,896	To be paid prior to first occupation of the development.
<b>Open Space Contribution – Improvements to</b>	£25,000	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.

<b>children's play area at Wessex Close</b>		
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**SOUTHERN PLANNING COMMITTEE – 7 August 2019**

**UPDATE TO AGENDA**

**APPLICATION REFERENCE**

19/1653C

**LOCATION**

Land adjacent to Swanick Hall Drive, Off Booth Bed Lane, Goostrey

**UPDATE PREPARED**

5 August 2019

**PUBLIC RIGHTS OF WAY COMMENTS**

Comments received on 5 August 2019:

Our previous comments still stand:

If granted consent, the increased vehicular traffic would have a direct affect on Public Footpath Goostrey No. 12, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way (please find a working copy of the Definitive Map attached).

Should the development be granted consent we would recommend that the business owner satisfy themselves that any risk of conflict between vehicles and pedestrians is mitigated through the use of pedestrian refuge passing places, signage, recommended speed limit or other such measures.

**Informatives**

The Public Rights of Way team would seek the following informatives to be applied to any planning consent granted:

- a) No change to the surface of the Public Right of Way can be approved without consultation with the Public Rights of Way team of the Highway Authority. The developer should be aware of their obligations not to interfere with the Public Right of Way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:
  - i. there is no diminution in the width of the Public Right of Way available for use by members of the public;
  - ii. no building materials are stored on the Public Right of Way;
  - iii. no damage or substantial alteration, either temporary or permanent, is caused to the surface of the Public Right of Way;

- iv. vehicle movements are arranged so as not to unreasonably interfere with the public's use of the Public Right of Way;
  - v. no additional barriers (e.g. gates) are placed across the Public Right of Way, of either a temporary or permanent nature;
  - vi. no wildlife fencing or other ecological mitigation measures are placed across the Public Right of Way or allowed to interfere with the Public Right of Way (note that 'RSJ' solutions may be acceptable); and,
  - vii. the safety of members of the public using the Public Right of Way is ensured at all times.
- b) Any variation to the above will require the prior consent of the Public Rights of Way team of the Highway Authority. If the development will permanently affect the Public Right of Way, then the development must apply for a diversion of the route under the Town and Country Planning Act 1990 concurrent with the planning application process. The attention of developers is drawn to the timescales involved in any Public Right of Way legal process and to the guidance notes available at [www.cheshireeast.gov.uk/prow](http://www.cheshireeast.gov.uk/prow).
- c) The Public Rights of Way team of the Highway Authority will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of a Public Right of Way both during and after development work has taken place.

Please note the Definitive Map and Statement is a minimum record of Public Rights of Way and does not preclude the possibility that Public Rights of Way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as Public Footpaths and Bridleways.

### **CONCLUSION**

The PROW comments are noted. If the planning application had been recommended for approval, an informative could have been added regarding works affecting the public right of way.