

## **SOUTHERN PLANNING COMMITTEE – 10<sup>th</sup> June 2015**

**APPLICATION NO:** 15/0876N

**PROPOSAL:** Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary

**ADDRESS:** 447 Newcastle Road, Shavington

**APPLICANT:** Prospect GB Ltd

### **REPRESENTATIONS**

Three additional letters of representation have been received which raise the following points:

- Residents are shocked that the application is recommended for approval after many other applications on this site have been refused
- A great deal of money and effort has been spent in refusing other applications on this site
- Many valid points of objection have been brushed aside
- Loss of open countryside and Green Belt
- Contrary to the Cheshire East Local Plan
- The access would be opposite the approved development to the opposite side of Newcastle Road which will cause vehicular conflict and was a previous reason for refusal
- The agent for the site opposite has stated that the proposed access will be directly opposite this site
- The required separation distance for the access points should be 40 metres
- The Flood risk team visited the ditch and stated the connection of ditch to sewer was clearly unacceptable
- The developer hasn't asked permission to allow surface water to come across adjacent property into an unlawful connection to the sewer
- The UU reports stated they have three options. These include obtaining the permission of the owners of the watercourse way or constructing a new sewer outlet. The developer has not spoken to us, so they have no permission to use the watercourse way
- The water connection is not adopted by UU and they have stated that the connection is the responsibility of Cheshire East to move surface water and steams
- The watercourse way is not adopted and therefore not maintained by UU. It is privately owned and maintained by the residents and the other land owners. It is not currently in a condition to accept any increased level of water
- It is unreasonable to consider it would be acceptable to connect a new system to an existing, unadapted watercourse, that has never been

assessed or tested by either the developer or UU. The pipe work is in a condition of disrepair. The pipe has holes in it, broken pieces and has old drainage rods stuck under the patio of 22 Crewe Road, UU are fully aware and have a recording of the blockage.

## **APPRAISAL**

### Planning History

The recent planning history for this site is identified within the officer report. This identifies that the site has been subject to a number of appeals under a previous national policy (in this case PPG3). This issue is referred to within the landscape section of the report and there are important differences between the previous appeal schemes and this application together with current national planning guidance in the form of the NPPF.

### Access

The points raised regarding the position of the access are covered within the main report.

### Flood Risk/Drainage

In response to the additional representations further advice has been obtained by the Councils Flood Risk Manager who has responded directly to one of the objectors. However it should be noted that the discussions are currently ongoing.

The watercourse of concern is a non-main (ordinary) watercourse for which Cheshire East as Lead Local Flood Authority have regulatory powers of control under Land Drainage ACT 1991. Section 72(1) of the act defines watercourse as:-

Section 72(1) - *“watercourse” - includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.*

Cheshire East has an interest in any proposed activity on such watercourses which may have a flood risk implication. This would include any restrictions or blockages (existing and/or any wilful blockage) which may require formal intervention through notices to resolve flooding problems. Associated enforcement costs would also be recoverable by the Council and any riparian owner should consider very seriously any actions, such as blocking up of a watercourse referred which may require the Councils prior approval and consent. The Councils Flood Risk Manager has stated that such proposals would be unlikely to be granted unless it could be demonstrated that there was no resultant increase in flood risk to third party land.

United Utilities (UU) also have interests in the matter since this system also outfalls to their adopted systems.

The comments regarding the state of the connection from the ditch to the sewer have been noted. However these maintenance obligations rest in the first instance with the riparian owners and not any other third party.

As it stands, the developer will be required to restrict flows from the developed site to existing greenfield flows and provide provision for all excess flood flows up to and including the extreme 1 in 100 year plus climate change event horizon. Additionally, flood compensatory storage measures are required on the watercourse (and wholly within their land ownership) to reflect current at risk areas within the site boundary and as such, the impacts of the development site are managed.

**RECOMMENDATION:**

**There is no change to the recommendation within the main report.**