

Application No: 22/4662C

Location: COTTON FARM, MIDDLEWICH ROAD, HOLMES CHAPEL, CHESHIRE, CW4 7ET

Proposal: Development of 3 no. buildings, totalling 4,422m.sq (use class B8 – storage and distribution), associated infrastructure and landscaping

Applicant: B Newsham, C Evans, A Newsham, S Croker

Expiry Date: 02-Jun-2023

Summary

The proposed development is not essential within the open countryside, it has not been demonstrated that a countryside location is essential and as a speculative development there is no reason why the units require a site outside the settlement boundary. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

In addition to the principle of the development being unacceptable, the proposed development would cause harm to the character and appearance of the area and the wider landscape. Whilst the design and layout of the development would be poor and cramped. The proposal conflicts with policies SD2, SE4, EG2 and SE1 of the CELPS, ENV3, ENV4, GEN1 and RUR10 of the SADPD, CE5 of the HCNP.

In terms of built heritage there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

The proposed development would have a small shortfall in parking provision, but this is minor and would not sustain a reason for refusal. The impact in terms of traffic generation and highways impact is considered to be acceptable.

The proposed development would not cause harm to residential amenity, trees, ecology or Jodrell Bank and the proposed development complies with the relevant Development Plan policies in relation to these issues.

Insufficient information has been submitted in terms of the flood risk/drainage implications and this will form a reason for refusal.

The proposed development is unacceptable and as such is recommended for refusal.

Recommendation: REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Gilbert for the following reasons;

‘To consider whether the proposal is consistent with:-

- 1. Open countryside policies in the Local Plan*
- 2. The SADPD*
- 3. The Holmes Chapel Neighbourhood Plan*

If it is not compliant with policy, consideration is required as to whether there is justification for a departure from policy and the principle of plan-led development.’

DESCRIPTION OF SITE AND CONTEXT

The site comprises of an area of existing field which is located to the northern side of Middlewich Road and to the east of Junction 18 of the M6. The site lies adjacent to Cotton Farm which includes a dwelling and a number of buildings to the rear which are currently within employment uses.

The site is bound by hedgerows and trees. To the south it is relatively flat but towards the north levels drop significantly. To the north of the site is an existing moto-cross site. To the south are a number of residential properties to the opposite side of Middlewich Road.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 3 buildings which would be subdivided to form 7 units in Use Class B8 (Storage and Distribution). The application includes the associated access and infrastructure.

RELEVANT HISTORY

18/6204C - Change of Use from agricultural to storage and distribution as extension of Cotton Farm Storage and Distribution Estate – Approved 2nd April 2019

17/4867C - Increase size of vehicle and car parking area and regularising boundary – Approved 3rd January 2018

POLICIES

Local Plan Policies

Cheshire East Local Plan Strategy (CELPS)

PG6 Open Countryside
SD2 Sustainable Development Principles
SE1 Design
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE7 The Historic Environment
SE8 Renewable and Low Carbon Energy
SE12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
EG1 Economic Prosperity
EG2 Rural Economy
CO1 Sustainable Travel and Transport
Appendix C – Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG8 - Development at Local Service Centres
GEN1 – Design Principles
HER1 – Heritage Assets
HER4 – Listed Buildings
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV4 – River Corridors
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV16 – Surface water Management and Flood Risk
RUR10 – Employment Development in the Open Countryside
HOU12 – Amenity
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

The Holmes Chapel Neighbourhood Plan was made on 18th April 2017
ES2 – Encourage Greater Employment Opportunities
CE1 – Footpaths and Cycleways
CE2 – Connectivity Links around the Village
CE4 - Trees
CE5 – Character and Design
CE7 - Water Management on New Developments

TT1 - Promoting Sustainable Transport
TT2 – Congestion and Highway Safety
TT3 - Parking

National Policy

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

University of Manchester (Jodrell Bank): Do not intend to comment on this application.

Natural England: No specific comments to make on this application. Refer to the Natural England general advice.

Environmental Health: Conditions suggested relating to contaminated land and electric vehicle infrastructure.

Flood Risk Manager: Object to the application.

United Utilities: Drainage condition suggested.

Head of Strategic Transport: No objection subject to the imposition of conditions relating to;

- The provision of a dropped crossing for pedestrians
- The submission and approval of a Construction Management Plan

Cadent Gas: No comments received.

VIEWS OF THE PARISH / TOWN COUNCIL

Holmes Chapel Parish Council: [Revised Comments]

Holmes Chapel Parish Council have considered the revisions made to the above planning application and **have resolved** to continue to object on the following basis:

- The comments in the previous objection dated 21st December 2022 remain and are still valid supported by the CE Local Plan policies and by the SADPD and NPPF. These comments should be taken note of. The site area revisions do not address substantial issues related to highways and pedestrians.
- The Parish Council are very disappointed and shocked to see the latest response from the CE Head of Strategic Transport following the revised plans being issued and wonder whether CE Highways has visited the proposed application site.
- In the applicants own Design and Access statements, they point out that the entrance/exit is less than 200 yards from the M6 Junction 18.
- This road is extremely busy with a lot of HGVs and cars using the route to and from the M6 junction. It has been the subject of many traffic surveys in recent times and will be again due to the HS2 proposals currently before Parliament. In the applicants' statements and the CE Highways comment, there is no current assessment of traffic movements and how these will increase with the vehicles and people that will use the proposed site. The previous CE Highways statement refers to a forecast of additional trips daily which is unsupported by the application. The CE Highways statement mentions an additional 15

daily car trips, yet there will be 59 car spaces provided. There is no evidence of possible usage of the proposed buildings, yet their comments refer to 15 HGV trips daily. These possible movements must be challenged as no evidence has been provided by the applicant.

- Simply putting a drop crossing for pedestrians to provide site accessibility is allowing for a dangerous position to develop when the ability for pedestrians to cross this road will be extremely difficult. Entrance and exit of vehicles from the site will also be dangerous for them and other road users.
- The CE Highways response makes no allowance for the fact that the speed limit at this point is 60mph and typically traffic exiting or crossing the junction will be travelling at speed. The PC would ask that CE Highways review their response again. In addition, the Police and Highways Officers regularly use the verges in the vicinity of the proposed development which also would add to traffic issues and congestion around the proposed crossing.
- Regularly, and regrettably, there are frequent issues on the M6 which causes traffic to divert at the junction and use this part of A54. This exacerbates the potential conflicts for traffic movement and pedestrian access to this site.
- The Parish Council also wishes to raise concerns shared with us by local residents, that they were not informed of these revised plans in good time. They report finding out about them last weekend (13th), meaning they missed the deadline to respond.

[Original comments]

Holmes Chapel Parish Council object to this application to build on land, which is classified as open countryside, and is outside the Holmes Chapel Settlement Zone.

This application contravenes the policies of the Homes Chapel Neighbourhood Plan, the Cheshire East Local Plan Strategy (CELPS) and is contrary to the SADPD policies. The site was not identified in the SADPD as a potential employment site. Holmes Chapel as a Local Service Centre (LSC) is already supplying, through an extensive allocation on the A50, most of the employment land required by the SADPD and CELP for LSC's.

In addition, the Parish Council is concerned that the 'Technical Note' in the application, which is the proposed travel plan assessment, makes mention of up to 59 car parking spaces, articulated HGV traffic and out of hours traffic movement. The access to the site is a narrow single-track entrance and road which is not suitable for this expected substantial traffic movement.

The note also makes mention of 'pedestrian accessibility' – at present this requires pedestrians to cross the extremely busy A54, close to the M6 motorway junction and walk up a driveway with no pedestrian footpath.

The entrance to Cotton Farm is opposite existing houses and there is limited reference to the disturbance the proposed buildings will cause to these residents. The Parish Council disagree that this application is supported by the policy in the NPPF paragraph 85.

The application includes an appraisal of the visual exposure of the proposed buildings but makes little reference to the proposed height which would be visible from some distance away.

OTHER REPRESENTATIONS

Letters of objection have been received from 11 local households which raise the following points;

- Concern over the increase in traffic (employees and commercial vehicles)
- There is too much traffic through Holmes Chapel and the road network cannot cope with any further traffic.
- Increased traffic through Holmes Chapel will pass a primary school and secondary school. Increased risk in accidents.
- Pedestrian crossings are ignored
- Houses are impacted by noise and vibrations from traffic and commercial vehicles.
- If traffic from the site is heading to the M6 then it is difficult to cross Middlewich Road with the National Speed Limit.
- Impact upon biodiversity
- Potential increased risk of flooding
- The proposal is contrary to the Neighbourhood Plan
- Loss of property value
- There is too much development in Holmes Chapel
- Units off Manor Road are not occupied
- Concern over the access bridge over the River Dane and maintenance requirements
- Traffic disruption
- Construction traffic
- Increased pollution
- Unsociable operating hours
- Impact of signage and advertising
- Loss of landscaping
- Lack of a pedestrian walkway or protection to and from the site
- Sleep disturbance
- Light pollution
- Highway damage due to insufficient turning space from Middlewich Road
- Encroachment of traffic on neighbouring property
- Loss of a view
- The existing business is exceeding the site grounds in terms of vehicle access and visitation
- Impact upon outlook. The suggested mitigation measures would not reduce the impact
- Change in the character of the area from farmland to business
- Impact upon mental health
- The proposal is contrary to the Local Plan
- Loss of agricultural land
- Increased risk of pollution to the River Dane
- Harmful impact upon residential amenity
- Poor visibility at the site access point
- Believe that the site does not comply with the hours of operation conditions
- The access to the site is narrow and has resulted in an increase in accidents/incidents near the site entrance
- Impact upon wildlife
- The proposal is contrary to Development Plan policies as the development does not relate to an existing business operating on the site. The development is speculative and no end-users have been identified.
- The site is within open countryside and would cause harm to the open countryside.

- The previous permission on the site did not include the erection of buildings, covered only the rear portion of the site and it is not apparent if it was ever implemented. The current proposal is more visually prominent.
- Harm to residential amenity – noise disturbance from vehicle movements and activities carried out on site.
- Light pollution
- Dust pollution
- Cotton Farm House includes a number of windows which would be impacted by the development.
- The revised plans do not address the previous objections
- Further clarity is required for the proposed road crossing

OFFICER APPRAISAL

Procedural Matters

As noted within the planning history section and within the letters of objection the northern part of the site had an approval as part of application 18/6204C. This permission did not relate to the full extent of the current application site, related to the use of the land for storage and distribution (no buildings) and there is no evidence to show that the permission was ever lawfully implemented (this would need to be confirmed via a Lawful Development Certificate). On this basis, this permission can only be given limited weight as a material planning consideration.

Principle of the development

The site is located within the open countryside as defined in the Local Plan. Policy PG6 sets out that only development which is essential for the purposes of agriculture will be permitted. Exceptions may be made where (inter alia), 3(v) *for development that is essential for the expansion or redevelopment of an existing business*.

Policy EG 2 of the CELPS outlines where economic development is acceptable in rural area including the expansion of an existing business. The policy aims to support development which is sustainable and supports the rural economy and could not reasonable be expected to locate within a designated centre by reason of their products sold, would not undermine the delivery of strategic employment allocations; supported by adequate infrastructure; consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity; well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and does not conflict with other relevant policies of the plan.

Policy RUR10 of the SADPD states that development which is essential for uses appropriate to a rural area may be permitted. Employment development maybe appropriate where;

- i. its scale is appropriate to the location and setting;
- ii. the nature of the business means that a countryside location is essential; and
- iii. the proposals provide local employment opportunities that support the vitality of rural settlements.

Where employment development meets the points above, policy RUR10 then identifies a number of criteria which should be met.

Policy ES2 Point B of the HCNP states that *'proposals for new industrial and commercial use (Use Classes B1, B2 and B8) close to junction 18 of the M6 will be supported. Development should be landscaped so as to ensure that new development is well screened and does not harm the visual amenity of the approach into Holmes Chapel'*.

It is noted that the justification to Policy EG2 states at paragraph 11.20 that; *'Beyond farming, the rural economy in Cheshire East supports many businesses, including wholesale and retail trade, repairs, manufacturing, health and social work, horse-related enterprises (breeding, training and livery) and real estate, renting and business activities'*. On this basis it has to be accepted that the existing Trading Estate represents a rural business.

The proposal would provide some opportunities for local rural employment as identified within Policy EG2 (point 1).

The supporting Planning Statement and the Design and Access Statement do not identify any end users for the proposed units and the D&A Statement states that the application would provide *'7 new units to compliment the 4 existing Use Class B8 Units found at Cotton Farm'*. The proposed development is considered to be speculative and it cannot meet the test of being 'essential' as defined by Policy PG6, or comply with Policy EG2 (vi & vii) and RUR10 which states that *'the nature of the business means that a countryside location is essential'*.

The proposal would be supported in principle by the HCNP Policy ES2 as it relates to a B8 use close to Junction 18 of the M6. However, this is not consistent with policies CELPS PG6 or EG2 and SADPD Policy RUR10. The Neighbourhood Plan was made in April 2017 prior to the adoption of the CELPS (July 2017) and the SADPD (December 2023). In scenarios such as this Paragraph 30 of the NPPF sets out that the policies of an adopted neighbourhood plan take precedence over the non-strategic policies of a local plan unless they are superseded by strategic or non-strategic policies which are subsequently adopted. As a result, policies of the CELPS and the SADPD take precedence over the policies within the HCNP.

Policy PG8 of the SADPD states that Local Service Centres are expected to accommodate in the order of 7 hectares of employment land (there are no figures for individual Local Service Centres). The position for Local Service Centres as at 31st March 2022 was that 6.92 hectares of employment land would be provided with a figure of 0.08 hectares remaining. Taking into account the SADPD allocations 7.35 hectares of employment land would be provided. This is above the indicative total development for all Local Service Centres.

The site allocated as part of HCH1 of the SADPD is not a strategic employment allocation, the nearest would be at Midpoint 18 in Middlewich (LPS44 – which is expected to deliver the phased delivery of 70 hectares of employment land). Given the scale of this development it is not considered that it would undermine the delivery of the Strategic Employment Allocation at Midpoint 18.

There is no evidence within this application as to why this development could not be located within the settlement boundary (specifically site HCH1 or Midpoint 18). As a result, the proposal fails to comply with Policy EG point ii in that it could reasonably be expected to be located within a designated centre by reason of their products sold.

In this case the proposal is not essential within the open countryside, it has not been demonstrated that a countryside location is essential or why the development could not be located within a settlement. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

Landscape

The site is located within Open Countryside to the west of Holmes Chapel close to junction 18 of the M6 motorway and is accessed off the A54 Middlewich Road. It is immediately east of Cotton Farm which comprises a traditional brick-built farmhouse and outbuildings plus more recent industrial units. The site is a long, relatively narrow field which extends northward, beyond the farm complex and into the Dane valley. The field is generally flat, but the levels fall quite steeply into the valley at the northern end. There's fairly tall hedgerow on the roadside and a lower, gappy hedgerow along the eastern boundary with 5 mature trees at its southern end close to the road. There are 8 residential properties immediately opposite the site on Middlewich Road. The grade II* listed Cotton Hall and associated Cotton Hall Barns are located around 300m to the east.

In the 2018 Landscape Character Assessment, the site lies mainly within the Cheshire Plain East Landscape Character Type (LCT) and in the Wimboldsley Landscape Character Area (LCA). The northern part of the site extends into the River Valleys LCT and The Lower Dane LCA. This part of the Dane valley is not within the Local Landscape Designation Area

The Cheshire Plain East LCT is described as a large expanse of flat and very slightly undulating land. Woodland cover is low with small coverts scattered intermittently across the area. It is a working farmed landscape. Settlement is predominantly low-density villages and dispersed farms although there are influences from adjacent urban areas. The lack of woodland cover enables long views across the plain. The Wimboldsley LCA is described as a predominantly flat, large-scale landscape with relatively few hedgerow trees or dominant hedgerows. This combines with a low woodland cover creating an open landscape with long views in all directions to a distant skyline. The Landscape Guidance for the Plain is to:

- Avoid the construction of large-scale buildings which will be widely prominent within the landscape, particularly those with a height above the treeline.
- Protect the setting of valued heritage features including listed buildings
- Retain the strong rural character of the landscape and mitigate/screen intrusive features where possible.

The Lower Dane LCA is described as a shallow valley, where large to medium arable fields slope gently towards the watercourse. The landscape is quite open in aspect and settlement has a very low density with a number of isolated substantial farmsteads that provide local landmarks. A number of woodland blocks are prominent in this large-scale, open landscape but tree cover overall is relatively low. The Landscape Guidance for the River Valleys is to:

- Avoid locating development (buildings and other structures) in visually prominent locations, particularly on the valley slopes.
- Utilise trees and woodland to screen the visual and audial effects of intrusive infrastructure where appropriate

The proposed development consists of three large industrial buildings separated by two service yards for HGV vehicles plus car parks to the north and south of the development. The buildings

are set back a reasonable distance from Middlewich Road but are sited close to the eastern boundary. The buildings are over nine metres high (around 2 metres higher than the industrial units at Cotton Farm) and have large footprints, particularly the central building which is 70 metres long. The buildings and hardstandings extend well beyond the existing farm complex to the north. The northernmost building and car park area encroach into the sloping Dane valley landscape and require retaining structures to achieve a level platform.

The application includes a Landscape and Visual Appraisal by Environmental Associates and a Proposed Landscape Planting Plan which aims to mitigate adverse visual effects in the immediate locality and the wider landscape. The landscape proposals mainly comprise:

- An earth mound on the roadside frontage planted with native woodland species plus some heavy standard specimen trees.
- Gapping-up of the eastern boundary hedge including some feathered trees and eleven heavy standard Oak trees.
- To the south of the development, five heavy standard trees, a native hedgerow with feathered trees on the northern side of the car park and along the base of the proposed retaining wall, and a belt of native woodland on the regraded valley slope.

The Landscape and Visual Appraisal concludes: *'In summary, the impact on the local landscape would be very minor and the largely open, rural character of the area around Middlewich Road, between J18 and the edge of Holmes Chapel will not be undermined by the proposed development. All visual impacts would reduce to minor or negligible with time. Visual impacts on nearby receptors can be mitigated through proportionate landscape planting works which will also improve biodiversity in the mid to long term.'*

The proposed large-scale buildings in the flat, open landscape of the Cheshire Plain East and particularly on the slopes of the Dane Valley would be contrary to the Landscape Character Assessment Guidance and would adversely affect the character and appearance of the local landscape.

- There are no PROWs in the area with views towards the site, but the Dane Valley Way long-distance footpath crosses the A54 onto Broad Lane and there would be a glimpsed view of the development from that junction.
- Cotton Hall and Cotton Hall Barns are screened by vegetation. The conservation officer can comment on any potential impacts on the setting of the Grade II* Hall.

Following completion, the development would be visible from the following areas:

- The eight residential properties on Middlewich Road immediately opposite the site.
- Middlewich Road when approaching from the east.
- The play area, the open space, and a few properties on the edge of the Cotton Fields residential estate to the east.
- A short section of the M6 and the exit slip road.
- Distant views from the edge of the Cranage Hall Hotel complex located 1km to the northeast, but not from the grade II listed Hall itself.
- Potential distant views from residential properties on Armistead Way on the western edge of Cranage.

The development would be prominent in the flat, open landscape until the mitigation planting matured. The northern building and hardstanding would be particularly intrusive and conspicuous in the landscape of the Open Countryside. In the long-term, if the landscape

scheme was properly managed to maturity, the proposed landscape scheme would probably screen or filter views from the residential properties opposite the site on Middlewich Road, from the M6 motorway and from the Cranage area. But, due to the scale of the buildings and their proximity to the eastern boundary, the gapped-up hedgerow and trees would provide some intermittent filtering, but the development would likely remain conspicuous in the long-term in views from Middlewich Road to the east, and possibly from the edge of the Cotton Fields estate, particularly during the winter.

The proposed development would have adverse landscape and visual effects and is contrary to policies SE4 of the CELPS, ENV3 and ENV4 of the SADPD and CE5 of the HCNP.

Built Heritage

As noted within the landscape section above Cotton Farm which lies approximately 320m to the east is a Grade II* Listed Building (together with its curtilage listed barns). The Case Officer has discussed this application with the Councils Built Heritage Officer who has confirmed that due to the separation distance involved and intervening vegetation that there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

Design

As noted above the proposed development is unacceptable in terms of the impact of the proposed development upon the character and appearance of the open countryside and the wider landscape.

The detailed design of the units is utilitarian, they have simple pitched roofs, with limited fenestration and loading bay doors.

Units 1 and 2 would be most prominent from Middlewich Road and they are orientated so that they face Middlewich Road, behind the parking provision. Travelling north along the access road the long elevation of units 3 and 4 would appear prominent, and although windows are provided to this elevation, they do little to break up the bulk and mass of this elevation. At the head of the access the elevation of Unit 5 would appear prominent, and this is dominated by the servicing area, loading bay and bin storage area.

Other than to the southern and northern boundaries the development appears cramped and the buildings would be sited in close proximity to the site boundaries, there is limited landscaping provision within the site or to the eastern boundary. As a result, the proposed development fails to create high quality, beautiful and sustainable buildings and places and the proposed development conflicts with policies SD2, EG2 and SE1 of the CELPS, GEN1 and RUR10 of the SADPD, CE5 of the HCNP and the NPPF.

Access and Parking

The proposed development will provide 7 units in three buildings with a total floorspace of 4,422 Sq.m. The existing access would be used to access the site from the A54.

The existing access is 7m wide and would be retained for this development. Swept paths have been submitted for both light vehicles and articulated vehicles to access the site and the highways officer has not raised any objection to this.

The previous permission had consent for 40 commercial trips per day and 40 car trips to and from the site. The proposed forecast trip generation 15 HGV trips daily and 15 car trips which would be additional to the previous consent. The level of traffic generation as predicted, spread out throughout the day would not result in any capacity issues on the local road network. Consideration has been given to the provision of a right turn facility; however, the level of traffic generation from the proposed development falls below the threshold where such provision would be required. It is likely that the vast majority of trips to and from the site will be made to west of the site towards the M6 motorway.

The location of the site is isolated outside the central residential area of Holmes Chapel and as such the majority of trips to the site will be vehicle based. However, it is important that sites are made as accessible as possible to both pedestrians and cyclists, the revised site plan now shows, a section of footway would be provided along the initial section of the main access road for pedestrians together with a segregated pedestrian link provided to a crossing point on Middlewich Road. The Head of Strategic Transport has confirmed that the proposals are considered acceptable, and no objections are raised.

There are 59 parking spaces in total on the site which includes 7 disabled spaces, this is slightly below the CEC standards (a shortfall of 6 spaces) based on floorspace. Despite this the Head of Strategic Transport has stated that the level of parking provision is acceptable level for the development proposed. Covered cycle storage is provided at the northern and southern sections of the site and this would be controlled via the imposition of a planning condition in the event of an approval.

In highway terms, the location of the site is well placed for commercial development, with direct access to a principal road and close to the motorway network. The increased floorspace results in a minor traffic impact on the local road network over and above the previous consent and does not result in any capacity problems. The slight shortfall in parking provision is noted and a reason for refusal on these grounds could not be sustained.

There are no objections to the application in terms of its highways impacts and the proposed development complies with Policy INF3 of the SADPD.

Amenity

The nearest residential properties are Cotton Farm which is located to the west of the site and the dwellings fronting Middlewich Road to the south.

The dwelling to the west of the site at Cotton Farm. Plots 1 and 2 would have a separation distance of 25m from the side elevation of Cotton Farm. It is acknowledged that the side elevation of Cotton Farm includes a number of openings at ground floor, first floor and second floor (including rooflights to the outrigger), these are largely secondary and given the separation distance, intervening driveway and tall boundary treatment the proposal would not cause harm to the residential amenity of Cotton Farm.

In terms of the dwellings to the south, there would be a separation distance of 83m between the nearest parts of units 1 and 2 and the nearest dwellings. This separation distance would mean that there would be no harm in terms of loss of privacy, light or outlook.

The proposed development would comply with policy HOU12 of the SADPD.

Noise/Vibration

In support of this application a Noise Impact Assessment (NIA) has been provided. The NIA assesses the background noise levels which exist at the site, which are dominated by road traffic noise from traffic (Middlewich Road and the M6).

The NIA states that the predicted noise levels for the development for the proposed B8 use would be HGV movements, unloading/loading activities and car usage (a worse-case assessment for most operations especially B8). The predicted noise levels would fall below the existing typical background sound levels during daytime and night-time periods at the closest residential receptors. As a result, no noise mitigation measures are required for this development and no objection has been raised by the Councils Environmental Health Officer.

The issue of vibration has been raised by a number of residents objecting to the application. This is an existing issue arising from traffic using Middlewich Road and potentially the M6, it is not considered that demonstrable harm would arise in terms of vibration from this proposed development given the size of the development and the units proposed.

Purely in terms of the noise impact the proposed development complies with the policy SE12 of the CELPS and RUR10 and HOU12 of the SADPD.

Light Pollution

Should the application be approved a condition could be imposed to secure details of any external lighting prior to its installation.

Air Quality

This application is of a small scale, and as such would not require an air quality impact assessment. However, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area and in particular, the impact of transport related emissions on Local Air Quality. The application has been considered by the Councils Environmental Health Officer who has raised no objection to the application subject to the imposition of a condition relating to electric vehicle charging points.

Purely in terms of the noise impact the proposed development complies with the policy SE12 of the CELPS and RUR10 and HOU12 of the SADPD.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The Councils Environmental Health Officer has also stated that she is aware of a potential Foot and Mouth burial pit for this farm, from the 1967 outbreak. According to

available records 52 cattle were culled as part of this outbreak. The Environmental Health Officer has no records relating to the exact location of any burial pit, and as such further information regarding this possible pit should be obtained. A risk assessment should be undertaken into this aspect and submitted to us prior to development commencing, if the application is approved and this could be secured via the imposition of a planning condition.

Flood Risk/Drainage

The application site lies within Flood Zone 1 and has a low risk of flooding. However the Flood Risk Officer has objected to the application due to insufficient surface water drainage information being submitted with the application.

Detailed surface water management information is required if the local planning authority is to make an informed planning decision. The absence of the following drainage details is therefore sufficient reason for the refusal of planning permission;

- Cross sections are submitted that show the site from the existing ditch across the area of development. This is so the Flood Risk Officer can assess the difference between the height of the ditch and height of the area of development. The Flood Risk Officer requires three cross sections to be submitted, one for each block of buildings (this should also include the proposed external levels and finished floor levels)
- It is not clear whether there is a 5 metre stand off from the proposed soakaway to the buildings
- A full hydraulic model for the proposed surface water drainage system that indicates the size of the pipes to be used. This is to make sure the all-surface water flows can be dealt with.

Insufficient information has been submitted to demonstrate that adequate drainage could be secured. The proposed development is contrary to Policies SE13 of the CELPS, ENV16 of the SADPD and CE7 of the HCNP.

Trees

The site benefits from established boundary hedgerows and boundary trees, none of which are afforded any statutory protection. The proposal has been supported by an Arboricultural Report which confirms the presence of 1 individual and 1 group of high quality A Category trees, 15 individual and 1 group of moderate quality B Category trees, 3 individual and 1 group of low-quality C Category trees and 3 low quality hedgerows. Of these 100 metres of hedgerow is shown for removal (H4) in addition to 7 moderate quality trees although these are noted to comprise of semi mature and early mature ornamental trees which are not of such significance that they would be considered worthy of formal protection.

While the proposals seem acceptable in principle, the latest updated plans received 18th April show some alterations to the site layout that are evident in the latest Landscape Plan and these revisions would need to feature in an amended Arboricultural Report in the event the application were approved. The alterations include the retention of more of hedgerow H4 with just 15 metres now shown for removal (as opposed to 100m) to accommodate access to parking areas which is welcomed. A small section of hedge is also shown for removal from H3 to the Middlewich Road frontage to accommodate a pedestrian access. Tree T16 a moderate quality Oak, formally shown for removal is now also indicated for retention which would reduce the

extent of tree losses in the site to 6. The existing tree protection plans do not make provision to afford protection to boundary hedgerows and given the extent of hedgerow to be retained, proximity of construction and potential excavation for services and landscaping, its considered that protection to hedgerows should feature in any amended tree protection plan.

The Landscape Plan appears to make provision for replacement planting of 22 heavy standard trees which demonstrates a commitment to maintaining and enhancing tree cover on the site in accordance with Policy SE5.

There are no objections to the proposal in terms of the impact upon trees/hedgerows subject to the provision of updated Arboricultural Information which could be secured via the imposition of planning conditions.

Ecology

SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. In this case Natural England have been consulted on the application and have not raised an objection in terms of the impact upon the SSSI.

Breeding Birds

If planning consent is granted, a standard condition could be imposed to safeguard breeding birds.

Other Protected Species

The submitted Preliminary Ecological Appraisal report makes recommendations relating to other protected species. The Councils Ecologist has no objection to this application subject to the imposition of a condition requiring compliance with the recommendations made in Preliminary Ecological Appraisal report.

Biodiversity Net Gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity, an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 has been undertaken and submitted with the application.

The submitted Biodiversity Net Gain Assessment and associated biodiversity metric calculator shows, after proposed onsite habitat creation is completed, a gain of 0.15 (2.48%) habitat units and 0.10 (2.08%) hedgerow units is predicted. The proposed habitat creation works could be secured by the imposition of a planning condition.

Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (*Bats and Artificial Lighting in the UK*), prior to the commencement of development details of the proposed lighting scheme should be

submitted to and approved in writing by the Local Planning Authority and this could be secured via the imposition of a planning condition.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

'non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.'

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

Jodrell Bank

This site is located within the Jodrell Bank consultation zone and in this case the University of Manchester stated that they do not wish to comment on this application. As no objection has been received the proposed development is considered to be acceptable in terms of its impact upon Jodrell Bank.

Other issues

The letters of objection refer to the impact upon property value and the loss of views across the application site. Neither issue is a material planning consideration, and these matters cannot be considered as part of this application.

Planning Balance and Conclusion

The proposed development is not essential within the open countryside, it has not been demonstrated that a countryside location is essential and as a speculative development there is no reason why the units require a site outside the settlement boundary. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

In addition to the principle of the development being unacceptable, the proposed development would cause harm to the character and appearance of the area and the wider landscape. Whilst the design and layout of the development would be poor and cramped. The proposal conflicts

with policies SD2, SE4, EG2 and SE1 of the CELPS, ENV3, ENV4, GEN1 and RUR10 of the SADPD, CE5 of the HCNP.

In terms of built heritage there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

The proposed development would have a small shortfall in parking provision, but this is minor and would not sustain a reason for refusal. The impact in terms of traffic generation and highways impact is considered to be acceptable.

The proposed development would not cause harm to residential amenity, trees, ecology or Jodrell Bank and the proposed development complies with the relevant Development Plan policies in relation to these issues.

Insufficient information has been submitted in terms of the flood risk/drainage implications and this will form a reason for refusal.

The proposed development is unacceptable and as such is recommended for refusal.

Recommendation

REFUSE for the following reasons;

- 1. The proposal constitutes an urban encroachment into the open countryside which would harm the character and appearance of the area and the wider landscape. The proposal relates to a speculative form of development which does not require a countryside location and is not essential development within the open countryside. The proposal is contrary to Policies PG2, PG6, SD1, SD2, SE4 and EG2 of the Cheshire East Local Plan Strategy, RUR10, ENV3 and ENV4 of the Site Allocations and Development Policies Document, ES2 and CE5 of the Holmes Chapel Neighbourhood Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.**
- 2. The proposal represents a utilitarian design which would appear cramped and in addition to the loss of open countryside and landscape harm the proposal fails to create high quality, beautiful and sustainable buildings and places. The proposed development conflicts with policies SD2, EG2 and SE1 of the Cheshire East Local Plan Strategy, GEN1 and RUR10 of the Site Allocations and Development Policies Document, CE5 of the Holmes Chapel Neighbourhood Plan and the NPPF.**
- 3. Insufficient information has been provided with the application to demonstrate that an acceptable drainage solution could be secured for this proposed development. The proposed development is contrary to Policies SE13 of the Cheshire East Local Plan Strategy, ENV16 of the Site Allocations and Development Policies Document and CE7 of the Holmes Chapel Neighbourhood Plan and the NPPF.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

