

Application No: 22/0720N

Location: Land North of Alvaston Roundabout Middlewich Road, Nantwich

Proposal: Proposed new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping (Resubmission of 20/2609N)

Applicant: Mr J Beeson, BLOK (UK) Ltd

Expiry Date: 31-Aug-2023

SUMMARY

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new commercial units is not one of these exceptions. The proposal also seeks the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS with no justification/need/lack of other sites demonstrated.

It is not considered therefore that the proposal has justified/requires an open countryside location and is not considered to be sited in the right location contrary to Policies EG1, EG2, EG3 of the CELPS & RUR10 of the SADPD.

The site is also not allocated for any development within the Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

As a result the proposal would represent a departure from the Local Plan and should not be approved unless material considerations indicate otherwise.

In this case, the development would provide positive planning benefits such as economic benefits during the construction phase and economic and social benefits associated with the proposed use.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and the visual harm by developing a site that is currently free from development. The loss of agricultural land.

The Impact of the proposals on ecology, flood risk, highways would be neutral.

As a result, on balance the benefits are not considered to outweigh the dis-benefits and there do not appear to be any material considerations which outweigh the harm caused. Therefore, the proposal should be refused.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

Due to the size of the floor space exceeding the threshold of 5000sqm.

DESCRIPTION OF SITE AND CONTEXT

The application site is a vacant parcel of land sited to the north-east of Alvaston Business Park, Nantwich.

To the south is a public house, to the west are commercial premise and open land to the north and east. The site is located off the Alvaston roundabout

The site is designated as Open Countryside as per the Local Plan.

DETAILS OF PROPOSAL

Proposed new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping (Resubmission of 20/2609N)

This consists of x6 free standing units consisting of 5633sqm of new office floor space.

The site area totals 1.11 hectares.

RELEVANT HISTORY

20/2609N – Proposed new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping – Refused 3rd March 2021

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG2 Settlement Hierarchy

PG6 Open Countryside

PG7 Spatial Distribution

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodlands

SE 12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG1 Economic Prosperity

EG2 Rural Economy

EG3 Existing and Allocated Employment Sites

EG5 Promoting a Town Centre First Approach to Retail and Commerce
CO1 Sustainable Travel and Transport

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG8 Development at Local Service Centres
PG9 Settlement Boundaries
GEN 1 Design Principles
ENV 1 Ecological Network
ENV 2 Ecological Implementation
ENV 3 Landscape Character
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV 7 Climate change
ENV16 Surface Water Management and Flood Risk
HOU10 Backland Development
HOU12 Amenity
INF3 Highways Safety and Access
INF 9 Utilities
RUR 10 Employment development in the open countryside
EMP 2 Employment allocations
RET 3 Sequential and impact tests
RET 7 Supporting the vitality of town and retail centres

National Planning Policy Framework (NPPF)

11. Presumption in favour of sustainable development.
80-82. Building a strong, competitive economy
124-132. Achieving well-designed places

Other Material Considerations

Cheshire East Design Guide
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS (External to Planning)

Environmental Health - No objection subject to conditions/informatives regarding contaminated land, working hours, boilers and working hours for construction.

Highways - No objection subject to conditions regarding the width of pedestrian and cycle footways and a construction management statement and contribution of 80k towards junction improvements at the Alvaston roundabout.

Flood Risk - No objection subject to condition requiring a drainage strategy.

United Utilities - No objection subject to conditions regarding details of a sustainable surface water drainage scheme and a foul water drainage scheme.

View of the Parish/Town Council:

Nantwich Town Council – No objection

Other Representations:

A representation has been received objecting to the application on the grounds summarised below ;

- loss of open countryside
- Already enough employment land in more suitable locations
- Flooding/drainage issues
- Loss of trees
- Capability of roundabout to deal with increased traffic
- Limited power supply to the existing businesses this will make it worse

5 letters of support have been received on the grounds that ;

- It is a suitable location for much needed employment space

OFFICER APPRAISAL

Principle of Development

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new commercial units is not one of those exceptions. Policy PG6 seeks to preserve the countryside for its scenic, recreational, aesthetic and productive qualities. It restricts development in those areas to that essentially linked to uses appropriate in the rural area. The development of the application site would have an impact upon the character and appearance of the open countryside. The introduction of buildings, surface infrastructure, landscaping and vehicles would potentially have an urbanising effect on the site.

The site is also not allocated for any development within the Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

As a result, the proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the policy objection.

Rural economy/employments sites

Policy RUR 10 of the SADPD (Employment development in the open countryside) advises that:

1. Employment development may be appropriate to a rural area 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.

2. Where it is demonstrated that the proposal is appropriate to a rural area under Criterion 1, employment development will be supported where it accords with other policies in the development plan and:
 - i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments;
 - iv. appropriate landscaping and screening is provided.

Policy EG1 of the CELPS advises that proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan.

The Policy also advises that proposals for employment development on non-allocated employment sites will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

The reference to right location and supporting the strategy, role and function of the town, as identified in the settlement hierarchy (amongst other things) refers to development being directed to higher order centres in the settlement hierarchy. This includes Nantwich, as a Key Service Centre, as defined by the settlement boundary on the Policies Map.

Policy EG2 of the CELPS advises that it will seek to provide opportunities for rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing business through the conversion of existing buildings and farm diversification and supports the wider strategic interest of economic development within the borough where:

- it would support the rural economy and could not be reasonably expected to locate within a designated centre by reason of their products sold
- would not undermine the delivery of employment allocations
- would not harm the character/landscape of the area.

Policy EG3 of the CELPS seeks to support existing and allocated employment sites. However, the site is not allocated for employment and as such is not supported by this policy.

Appraisal against these policies

In this instance the proposal is not sited within a Principal Town, Key Service Centre, Local Service Centres or employment land allocated in the Development Plan. It is sited purely within the open countryside outside of the settlement boundary.

The proposal would not appear to support the vitality of rural settlements or the rural economy as it seeks unrelated office development and users would likely use facilities/amenities within Nantwich itself with no connection to rural enterprise. No justification has been given to consider why the proposal must be sited in this open countryside location given the nature of the use (or nature of products sold) and should therefore be located within a designated centre or employment area.

The proposal would also not seek to convert existing buildings but the erection of new ones.

The proposal would also seek to develop a parcel of land that is currently free from development and thus would cause some visual harm to the area/landscape by losing its open nature.

It is not considered therefore that the proposal has justified/requires an open countryside location and is not considered to be sited in the right location.

As a result the proposal is contrary to Policies EG1, EG2, EG3 of the CELPS and RUR10 of the SADPD.

Employment Need

While the CELPS does encourage employment development on non-allocated sites (Policy EG 1), this policy makes it clear that employment sites will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development.

As noted in the above sections of this report, this is not considered to be the right location. Opportunities for commercial redevelopment and reuse of vacant buildings should be focused primarily on town centres in line with the Council's town centre first approach as per Policy EG5. These are the most sustainable locations from a public transport perspective and this policy approach is required to assist in retaining their vitality and viability, particularly in view of the need to address wider trends around rising shop vacancies resulting from the increase in on-line shopping.

The application is seeking the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS. Overall, the CELPS identifies over 380ha of land for employment purpose within the Borough to 2030 (Policy PG 1 & Appendix A), with some 65ha of this land being identified in Crewe and 3ha in Nantwich (Policy PG 7). Within this amount a total of up to 21.16ha of land is specifically allocated for B1 use within the Nantwich / Crewe area, comprising 2ha at Kingsley Fields, Nantwich (Policy LPS 46),

19ha at Basford East, Crewe (Policy LPS 12) and 0.16ha at Basford West, Crewe (Policy LPS 3).

No evidence of employment need for the area, of the type submitted by the Council and accepted by the Local Plan Inspector, has been included with the application to justify a departure from the identified employment land requirement and distribution evidence that underpins the land allocations in the adopted plan.

Annual Monitoring Report (AMR) Indicator MF7 reports on the net take-up of employment land, which over the plan period has been:

Year	Net employment land take-up
2010/11	0.73ha
2011/12	1.20ha
2012/13	1.94ha
2013/14	2.29ha
2014/15	1.66ha
2015/16	4.18ha
2016/17	5.07ha
2017/18	3.36ha
2018/19	11.60ha
2019/20	7.29ha
2020/21	6.56ha
2021/22	12.79ha
Total	58.67ha (average take-up 4.51ha per year)

Indicator PG 3 reports on the total gross supply of employment land, which at 31/03/22 was 390.80ha.

Given that these relatively low levels of take-up have facilitated an average jobs growth rate of 1.4% per year during the plan period (against a planned 0.7% jobs growth rate) and there remains a very substantial supply of employment land, it is not considered that additional employment land in the open countryside is needed to deliver the plan strategy.

Economic prosperity and town centre first approach

The application site sits outside of the town centre or other designated centre and is located within open countryside and is not allocated for employment use in the Local Plan.

Policy EG5 of the CELPS advises that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will be considered where:

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.

iii. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.

There are some subtle differences in wording between CELPS Policy EG 5 and the NPPF/SADPD Policy RET 3 in relation to impact and sequential tests.

Under the NPPF and SADPD RET 3, there is no requirement for an impact test for out of centre office development so it is considered that the applicant's basic summary of the matter is sufficient to address the need for an impact test. The LPS Policy on this matter seems to be out of line with the Framework and the subsequent SADPD Policy.

Similarly, under the NPPF and SADPD RET 3, an allocated out of centre site is not sequentially preferable to an unallocated out of centre site (it is just that an allocated out of centre site wouldn't itself be subject to the sequential test). The wording of CELPS Policy EG 5 is quite ambiguous as to whether an allocated out of centre site is sequentially preferable to a non-allocated one, but even if that is what it means, then it is out of line with the NPPF and subsequent SADPD policy. On that basis, it is also considered the applicant's brief look at allocated sites for the sequential test is also sufficient.

As such the proposal accords with Policies RET5 of the SADPD.

Landscape

The application has been supported by a Landscape and Visual Appraisal report which advises that the landscape can accommodate the proposal with only a minor/moderate impact.

This has been assessed by the Council's Landscape Officer who objections advising that the application proposes unacceptable landscape effects.

The Landscape Officer concurs with the previous landscape comments for the previous refusal, which is a very similar application to this one regarding scope, scale, context and impacts, planting mitigation. Having reviewed the relevant plans and documents, and makes the following additional comments.

A winter site visit was carried out to assess the site and the existing/proposed landscape capacity to mitigate the development impacts.

It must be noted that Units 4, 5 and 6 are quite close to an existing highway, a public house, a busy part rural roundabout and a business park.

The proposals rely in part on existing deciduous trees and hedges to help screen the proposals. The proximity to these green infrastructure elements of the buildings means that in summer months the proposals will be more than likely seen above the hedges, through branches both close up and somewhat afar. But something not really stressed enough in the application is the visibility in winter months through said deciduous trees and hedges into the site, especially from footpaths and the public house which will further lead to an 'urbanising effect' of what is currently an open field. In the darker months the buildings with internal estate lighting will undoubtedly create a illumination effect upon the visual impacts, thus even in the darker hours the proposal

will probably glint, maybe shine through the deciduous trees and hedges, from what at present is a darkened field drastically altering the night time character.

The suggested tree proposals within carpark areas are a little on the light side leading to large areas of open hardstanding's/parking' Forming a weak designed car park landscape scheme with regards to mitigation visually and as a quality space. There are also limited spaces for outside enjoyment in a quality landscape setting say at lunch time. There are no every green trees listed in the 'Tree Planting' table to assist winter month visual affects. The scheme relies only on 46 holly bushes within the hedgerows for evergreen screening. There are substantial beech hedgerows proposed along the 'front' of the development very close to the buildings leading to the presumption they will be in practical terms maintained below the eaves heights of the buildings and more than likely no more than 2-3m which will not massively reduce the visual impacts of the facades. Especially beyond from important receptors such as the public house, footpaths and roads. C4 visualisations demonstrate these impacts on image page 28 (see doc 17021-C4P-XX-XX-RP-A-0001_DAS ver P1).

A change from a field to a built-up business park on this site, if viewed from the many positions around the area, from various receptors is in view of the Council's Ecologist more than that of 'Not Significant'. He considers these will be quite perceptible changes in the viewpoints even after 15 years, especially in the winter months, so disagrees with the findings of the submitted LVIA. The proposals are therefore considered to result in a perceptible urbanising effect and will be significantly visible. They are certainly not hidden from public view after 15 years.

This proposal is therefore contrary to policies Policy PG6 (Open Countryside), SE2 (Efficient Use of Land) and SE4 (Landscape) & ENV3 & ENV5 of the SADPD.

Ecology

Bats

The submitted Ecological Survey & Assessment report (ERAP, June 2020) identified the trees known as T13, T16 and T17 as offering potential for roosting bats. It appears from the site masterplan that these trees will be retained. Should this change bat surveys of any of the impacted trees will be required.

Breeding Birds

If planning consent is granted, the Council's Ecologist requires a condition preventing removal of vegetation between 1st March and 31st August in any year to protect nesting birds.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted The Council's Ecologist recommends a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

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.

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. The Council's Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Therefore any impact to ecology can be suitably mitigated by conditions and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

Trees

Policy SE 5 of the LPS and ENV6 of the SADPD require that retained trees should be successfully integrated into the development design and take into account the ultimate mature size of trees and their relationship to buildings and private amenity space to avoid future conflict with residential amenities.

The application site benefits from established tree cover to the boundaries of the western side of the site. The trees make an important contribution to the amenity of the area and are considered to be former field boundary trees as indicated on the 1875 Ordnance Survey map of the area. The trees are visible from the Nantwich Bypass A51 and Middlewich Road A530.

The application has been supported by an Arboricultural Constraints Appraisal and Arboricultural Impact Assessment.

The AIA has identified that three U category trees will be removed regardless of the proposal. Three C category hawthorn (T8, T9 & T10,) two of which are sited outside the site edged red, and hedgerow H1 will be removed to accommodate the development; all other trees are shown to be retained. Trees T13, T16, T17, and T18 Oak have been surveyed as B category trees and it is considered that they have important collective value as a group.

Revised plans and an updated Arboricultural Impact Assessment by Bowland Tree Consultancy Ltd dated August 2020 (Rev A) have been submitted. The proposal has moved Unit 4 approximately 2.5 metres to the south and a little over 2 metres to the east which has moved the direct impacts associated with construction of the proposal to just outside the root protection areas of the trees. Revised drainage detail has not been submitted but if it were placed at 1.8 metres to the west of the elevation of Unit 4 as indicated in the original plans, this would still arise in excavations within the root protection areas of retained trees.

Notwithstanding this, the above ground relationship of B category trees T17 and T18 is still considered close, does not allow for future growth, is likely to require regular maintenance to

maintain an acceptable clearance and to arise in issues of shading and reduced light levels to the west facing glazed units of the unit.

The amount of hard surfacing within the root protection areas of retained trees has been slightly reduced to accord with best practice and it's noted that both H1 and H2 are now shown to be retained with just 7 metres removed from H1 to facilitate access to the adjoining field.

The site layout as amended does represent an improvement on the original submission and is now considered to be defensible in terms of trees.

As such the proposal complies with SE 5 of the CELPS and ENV6 of the SADPD

Design

Policy SE1 (Design) of the CELPS states that development proposals should make a positive contribution to their surroundings.

The design/appearance of the units are not untypical of modern office developments with large, glazed areas to all elevations. When assessed on their own they are not considered to cause any significant harm to the mixed-use character of the immediate area.

However, the siting of units 1 and 2 in close proximity to the northern boundary would result in a greater visual impact when viewed from the wider setting and would appear cramped to the northern boundary.

Given that this site is within the open countryside and backs onto further open countryside, this boundary is very visually sensitive, therefore the buildings should be set away from this boundary and consideration given to the landscaping of this boundary to provide a visual screen to ensure a smooth rural transition. As it stands the site also appears overdeveloped with large areas of hard surfacing and not much room left to secure any meaningful landscaping.

Highway Safety

Access

As indicated, the current access is unadopted and is a 5.5m wide carriageway and no footway provision on both sides of the road. There is one access point to the development, this serves the internal parking areas, sufficient visibility is available at the access.

As part of the development, a new 2m footway is proposed on the development side of the access linking the site to the existing footway/cycle provision at the Alvaston roundabout. Whilst the provision of the footway is welcomed this should be a 3.0m shared ped/cycle footway at least up to the site access point.

Parking Provision

The total number of parking spaces is 153 spaces which includes 19 disabled spaces, there are no electric charging spaces currently indicated. Applying CEC standards the recommended number of spaces is 188 for a B1 office development of this size, the applicant has submitted

a Trics parking accumulation assessment to indicate that 153 spaces is sufficient for the B1 office use.

There are 21 cycle parking spaces proposed for the site which is in excess of CEC cycle standards.

Development Traffic Impact

The traffic generated by the proposals have been based upon the Trics database for traffic generated by similar business parks. The development is expected to generate 80 two-way trips (worse case) in the am peak.

It is recognised that there are existing peak capacity problems at the Alvaston Roundabout with some arms experiencing very long queues. CEC have identified Alvaston roundabout as requiring improvement and have considered a range of alternative options to increase the capacity of the roundabout. A number of schemes have been shortlisted and these are detailed below:

Option 2/3: Part signalisation with A530 to A51 South filter lane;

Option 5: Fully signalised roundabout; and

Option 9: Wider approaches only.

Although there have been contributions secured from other developments for Alvaston roundabout further funding is required for the improvement works. Although, the peak hour generation is relatively low there would still be over 500 daily trips to and from the site and the highway authority would not wish to see any extension in queues or congestion at the roundabout. The applicant has confirmed that the roundabout will be operating at over capacity levels in 2025 with development added and with extensive queues on some arms.

Given that this development has a direct impact onto the Alvaston roundabout it should provide funding towards the improvements at this junction and a contribution of £80,000 is required.

Summary

The site is accessed from the Alvaston roundabout via an existing private access road. The level of parking proposed for the office use is appropriate and would not likely lead to overspill parking problems on the adopted highway road network.

Improvements to connectivity have been proposed although these should be enhanced by the provision of shared pedestrian/cycleway that connects to the existing facilities at the Alvaston roundabout.

Alvaston roundabout has existing problems with capacity and this leads to queuing and congestion, the development does have a direct impact on the junction and as such it should contribute to planned improvements via a S106 contribution.

There are no objections raised subject to a S106 contribution and conditions.

The proposal is therefore considered to comply with Policy SD1 & CO2 of the CELPS, INF3 of the SADPD.

Flooding & Drainage

The site lies within a Flood Zone 1. Therefore, if the site area is 1 hectare or more in size a Flood Risk Assessment (FRA) would be required to accompany any subsequent planning application.

An FRA has been provided which concludes that the development will provide betterment compared to the existing situation with acceptable consequences for flooding.

The Council's Flood Risk Team have been consulted and have raised no objection subject to condition requiring a drainage strategy.

United Utilities have also been consulted and have also raised no objection subject to conditions regarding foul and surface water drainage and a SUDS.

Therefore drainage/flood risk issues could be addressed by conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

Economic & Social role

There are economic benefits to be derived from the construction of the commercial units in terms of boost to the economy and job creation during construction and employment from use of the offices.

Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

In this instance the site appears to be sited over 150m away from the nearest residential properties. This distance would appear sufficient to prevent any visual intrusion from the proposed buildings or noise/disturbance from their eventual use.

Therefore, the proposal would not have an adverse impact on residential amenity and as a result complies with Policies HOU12 and HOU13 of the SADPD.

Agricultural Land

Policies SE2, SD1 and SD2 advise that development should safeguard natural resources including high quality agricultural land.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance no report has been provided in which to assess the agricultural land quality or to consider the ability of the site to fulfil any agricultural purpose, nor has any justification been given to justify the loss of the agricultural land or evidence of any overriding need for employment development to justify its loss.

Planning Balance

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new commercial units is not one of these exceptions. The proposal also seeks the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS with no justification/need/lack of other sites demonstrated.

It is not considered therefore that the proposal has justified/requires an open countryside location and is not considered to be sited in the right location contrary to Policies EG1, EG2, EG3 of the CELPS and RUR10 of the SADPD.

The site is also not allocated for any development within the Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

As a result the proposal would represent a departure from the Local Plan and should not be approved unless material considerations indicate otherwise.

In this case, the development would provide positive planning benefits such as economic benefits during the construction phase and economic and social benefits associated with the proposed use.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside, the visual harm by developing a site that is currently free from development and the loss of agricultural land.

The Impact of the proposals on ecology, flood risk, highways would be neutral.

As a result, on balance the benefits are not considered to outweigh the dis-benefits and there do not appear to be any material considerations which outweigh the harm caused. Therefore, the proposal should be refused.

RECOMMENDATION:

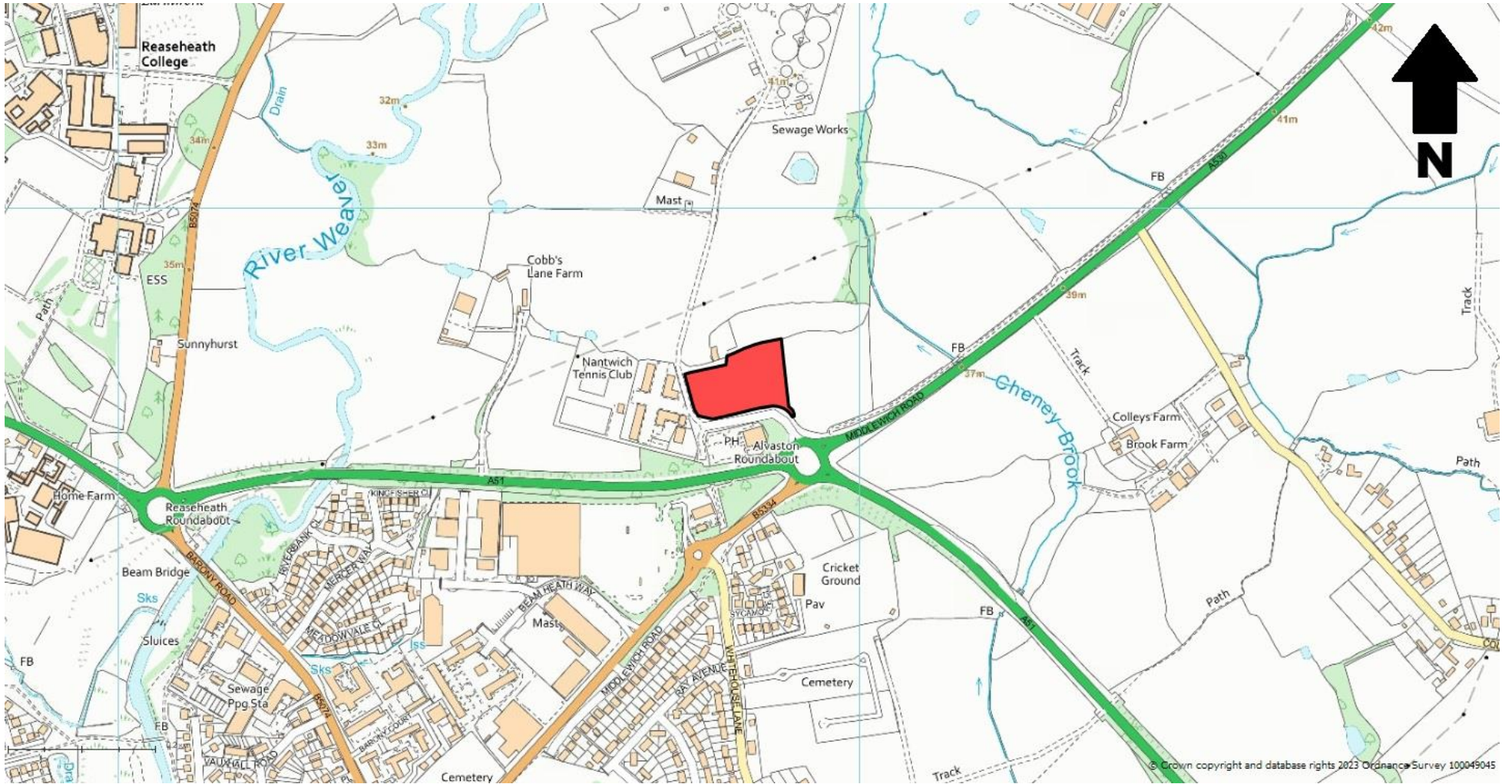
REFUSE for the following reasons:

1. The proposed development is not an appropriate form of development in the open countryside as per Policy PG6 nor does not fall within any of the exceptions listed in this policy and thus constitutes an unwarranted form of development in the open countryside. This would result in an urban encroachment into the open countryside which would harm the character and appearance of the area and the landscape. The proposal does not justify this open countryside location and is not considered to be sited in the right location. The proposal has not been supported by sufficient information regarding the agricultural land grading and no justification has been provided for the loss agricultural land or evidence provided of any overriding need for employment land to warrant its loss. The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG6 (Open Countryside), PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land), EG1 (Economic Prosperity), EG2 (Rural Economy), EG3 (Existing and Allocated Employment Sites) of the CELPS & RUR10 of the SADPD 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. As such it creates harm to interests of acknowledged importance.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Highways	Contribution of 80k towards junctions improvements at the Alvaston roundabout	50% Prior to first use 50% at occupation of 3 rd Unit

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 Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.



OFFICIAL