

Application No: 20/2609N

Location: Land North Of, Access To Alvaston Business Park, Nantwich

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

Applicant: J Beeson, BLOK (UK) Ltd

Expiry Date: 04-Mar-2021

SUMMARY

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELP) 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.

The site is also not proposed to be allocated for any development within the emerging 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.

Issues relating to ecology flood risk, highways would be neutral.

As a result, on balance it would not appear that the benefits 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

The proposed office floor area to be created exceeds the threshold of 5000sqm

DESCRIPTION OF SITE AND CONTEXT

The application site is a vacant part 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

The proposal seeks consent for new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping.

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

The site area totals 1.105 hectares.

RELEVANT HISTORY

No relevant planning history.

POLICIES

National Policy

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

Local Policy

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

The following are considered relevant material considerations as indications of the emerging strategy:

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

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity
BE3 Access and Parking
BE4 Drainage, Utilities and Resources
E2 New Employment Allocations
BE21 Hazardous Installations

Supplementary Planning Documents:

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

CONSIDERATIONS (External to Planning)

CEC Environmental Health (Cheshire East): No objection subject to conditions/informatives regarding contaminated land, working hours, boilers and working hours for construction

CEC 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

CEC Flood Risk: No objection subject to condition requiring a drainage strategy

United Utilities – No objection subject to conditions regarding foul and surface water drainage and SUDS

View of the Parish/Town Council:

Nantwich Town Council – No comments received at the time of writing the report

Other Representations:

X2 letters of support advising of a need for further employment on the back of HS2 and existing available office space does not meet the needs of the end user. They also consider the current site an ideal location for office development.

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.

The site is also not proposed to be allocated for any development within the emerging 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 material consideration to outweigh the policy objection.

Rural economy/employments sites

Policy EG1 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.

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.

Policy EG5 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.

Rural economy/employment sites

In this instance 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) which could 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.

As a result the proposal be contrary to Policies EG2 & EG3 of the Local Plan.

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.

The site is located at the northern edge but outside of the settlement limits for Nantwich identified in the adopted Local Plan Strategy (LPS). Therefore, Policy PG 6 applies which seeks to protect open countryside from urbanising development. The proposal does not meet the required provisions of this policy. While the LPS does encourage employment development on non-allocated sites (Policy EG 1), this is intended to be on sites within the existing settlement limits for urban areas such as Nantwich. 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 LPS 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. While the application does include a market commentary on the B1 office market around Crewe and Nantwich (that comments on some development sites and the current supply of vacant office accommodation), this represents a snapshot of the existing position without a proper overview of B1 development potential. There is no mention of the B1 allocations at Kingsley Fields and Basford West within this commentary and the reasons given for the dismissal of the strategic site at Basford East is not supported. By their nature, large strategic employment sites take time to be built out. A masterplan for the site was approved a few years ago and it is considered that nearby competing development on unallocated sites outside of existing settlements (of the type proposed by this development) will not assist in bringing forward these plans in a timely manner.

The supporting statements do not provide justification for not complying with the provisions of policy PG6 to that identified in paragraph 7.02 of the original statement. The argument seems to be that as long as development is next to existing employment land then settlement limits can be ignored. This overlooks the fact that there is already an existing allocated employment site (Kingsley Fields) located within the settlement limits of Nantwich that is suitable for this purpose. In addition, national planning guidance is clear that open countryside should be protected for its own sake (recognising its intrinsic character and beauty) and hence the reason for policy PG6.

It is not accepted that the additional justification that is used to show that the proposal conforms with policy EG1. It refers in isolation to the second criterion of the policy. The first criterion sets the framework for the second criterion. The support it identifies for employment proposals are for those “within” the settlement limits of the main towns within the settlement hierarchy (including Nantwich). The reference to “right location” in the second criterion is therefore to sites within the settlement limits except for those settlements in open countryside which don’t have settlement limits.

The additional information seeks to show that there is sequentially no suitable alternative to the application site and hence it conforms with policy EG5. However, the analysis is flawed as it fails to take account of the allocated employment site within the Kingsley Field development (which is within settlement limits) as part of its area of search in paragraph 3.02 of the additional information document. The Kingsley Field site is not only a sequentially better site

but the site which the Council has set aside in an adopted plan for this purpose. In a plan led system this is the site that takes precedence should there be a need for office development in the town. No evidence is provided to show that this allocated site will not come forward and be developed within the plan period to satisfy office demand in the town.

Kingsley Fields is referred to in paragraph 3.19 of the additional information. It comprises two elements. The first is a statement that the site is mostly housing and as such would not be attractive to office users. Mixed use sites are encouraged by guidance for sustainability reasons, as they have the potential to reduce the need for vehicular travel. The A51 is actually being diverted so that the employment element of the site is one side of the road and the housing the other, so it will not be “set amidst a residential development” as claimed. This is a more sustainable site than the application site.

The second element refers to “the availability and deliverability of the land is in question as it is owned by Reaseheath College who it is understood are currently working on an Estate strategy as a whole and may therefore require the land for their own future growth needs rather than it being made available to the open market”. This is speculation. As already stated, there is no evidence that this allocated site will not come forward and be developed within the plan period to satisfy office demand in the town. Should such problems emerge they will be identified as part of the next local plan review. As is appropriate for a plan led system, such issues will be addressed through allocations in a new local plan rather than through unplanned individual planning application approvals.

As such the proposal does not accord with Policies EG1 or EG5 of the Local Plan.

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 Councils Landscape Officer who advises that the application proposes unacceptable significant adverse landscape effects, including:

- loss of agricultural land which would directly reduce our ability to provide food for public consumption. The Council encourages the re-development / re-use of previously developed land and buildings but no evidence has been submitted to show whether brownfield or previously-developed sites have been considered for this development.
- loss of natural soils which are a finite non-renewable resource and which have been preserved and improved for agricultural purposes which sustain the public benefits of ecosystem services (providing food, oxygen, climate-control etc.).
- loss of open rural character of the site and erosion of open rural character of the local landscape.
- visual intrusion over open rural landscape, particularly to the north and east of the site where the existing overhead powerlines prevent trees from reaching their growth-potential and the proposed buildings' locations would preclude mitigative-planting.

This proposal is therefore contrary to policies Policy SE2 (Efficient Use of Land) and SE4 (Landscape).

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 Councils 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 Councils 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 Councils 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.

Trees

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 by Bowland Tree Consultancy Ltd dated June 2020.

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.

Design

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

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 pedestrian/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 80k 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.

Flooding & Drainage

The enquiry 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 Councils 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.

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 BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

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, no significant harm to living conditions of residential properties.

Agricultural Land

Policies SE2, SD1, 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.

The site is also not proposed to be allocated for any development within the emerging 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.

Issues relating to ecology flood risk, highways would be neutral.

As a result, on balance it would not appear that the benefits 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 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) of the Cheshire East Local Plan Strategy 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.

2. The proposal seeks to provide additional office development outside of any defined centre and it has not been proven sequentially why other sites are not available to justify this out of centre location. The site is also not allocated for employment use in either the Local Plan or the emerging Site Allocations Development Policies Document and there is enough employment land allocated in the Local Plan. The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), EG1 (Economic Prosperity), EG2 (Rural Economy), EG5 (Promoting a Town Centre First Approach to Retail and Commerce) & SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, Saved Policy E2 (New Employment Allocations) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework.

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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 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 3rd Unit

