

Application No: 21/5514C

Location: Land Off, FAULKNER DRIVE, MIDDLEWICH

Proposal: Proposed erection of a single warehouse unit (Use Class B8) with ancillary office space, associated parking, access, landscaping and other works.

Applicant: British Salt Limited and Stoford Properties Limited

Expiry Date: 25-Jan-2022

SUMMARY

This proposal would bring economic benefits through supporting the operations of an important local employer in Middlewich.

There would be a loss of biodiversity and this is to be compensated for by the provision of a financial contribution for off-site habitat creation. When balanced against the employment/economic benefits, this is considered to be acceptable.

The proposal is compatible with the surrounding development and the design, scale and form of the building would be acceptable.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION: Approve subject to conditions and a Section 106 Agreement to secure a contribution of £241,147.72 for off-site habitat creation.

SITE DESCRIPTION AND CONTEXT

The application site comprises 4.6 hectares of land on the British Salt site to the east of Booth Lane, Middlewich. The factory is located on the southern side of Middlewich between the A533/Trent and Mersey Canal to the south and the railway line to the north.

The factory is accessed from Faulkner Drive off Cledford Lane which provides access to Booth Lane (A533) and Middlewich.

The British Salt site consists of several large industrial buildings, tanks, pipes, other structures, storage areas and handstanding. The application site is an area of land largely made up of woodland with a parking area and storage yard to the eastern part of the site.

The factory site borders onto other industrial development to the north. To the east is a railway line, beyond which is farmland. To the south is vacant handstanding and vegetation. The Trent and Mersey Canal forms the western factory site boundary with the A553 Booth Lane located on the opposite side of the canal. Residential areas of Middlewich are located to the west of Booth Lane. The closest properties are located approximately 52m from the nearest part of the proposal. Rump Lock House on the eastern side of the canal is approximately 45m from the nearest part of the proposal.

DETAILS OF PROPOSAL

The proposed development is for the proposed erection of a single warehouse unit (Use Class B8) with ancillary office space, associated parking, access, landscaping and other works.

The proposals would lead to a loss of biodiversity on the site and this should be balanced against the economic/employment benefits.

RELEVANT HISTORY

The wider British Salt site has an extensive planning history dating back to 1972. Relevant permissions include:

- | | |
|---------------|--|
| 21/1575C | Construction of new salt manufacturing facility comprising: the removal of tanks and associated equipment; the construction of new tanks and associated equipment; external alterations to existing Evaporation Building; erection of pipe bridge; construction of new Drying / Packing Building; and associated ancillary development.
Approved 18 th August 2021 |
| 21/1436C | Prior approval for demolition of garage building
Approval not required 7 th April 2021 |
| 19/1133C | Installation of new boiler plant, pipebridge and flue stack.
Approved 24 th April 2019 |
| 13/1052W | Pipeline corridor and associated development between Warmingham and Lostock via the British Salt factory
Approved 15 th October 2013 |
| 7/2007/CCC/13 | Brine extraction and underground gas storage, gas processing plant, pipelines and associated infrastructure with connections to British Salt factory. |

Approved 1st October 2008

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Development Plan:

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP) and the saved policies from the Congleton Borough Local Plan First Review (2005).

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG7 – Spatial Distribution of Development
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG3 – Existing and Allocated Employment Sites
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows, Woodland
SE12 – Pollution, Land Stability and Land Contamination
SE13 – Flood Risk and Water Management
IN2 – Developer Contributions

Congleton Borough Local Plan First Review (CBLPFR)

PS4 - Towns
GR6 - Amenity and Health
GR7 - Amenity and Health
GR9 - Accessibility and parking provision
GR18 - Traffic Generation
BH5 - Heritage
BH9 - Conservation Areas
NR2 - Statutory Sites
E11 – Owner-specific Employment sites

The local referendum for the **Middlewich Neighbourhood Plan** was held on 14th March 2019 and returned a 'no vote'. As such it carries no weight.

CONSULTATIONS:

Highways:

No objection subject to conditions requiring secure cycle parking and the approval being tied to British Salt.

Cheshire Archaeology:

No objection subject to a condition relating to a programme of archaeological investigation.

Canal and River Trust:

No objection subject to conditions for protection of the canal from pollution and protection of an existing culvert.

Environmental Protection:

No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

United Utilities:

No objection subject to drainage conditions.

Environment Agency:

No objection.

Middlewich Town Council:

None received at the time of report writing.

REPRESENTATIONS:

One representation has been received expressing concerns about the amount of vehicles already using Cross Lane and increases in traffic. Also concerns over hours of construction.

APPRAISAL:

Principle of Development

CELPS policy MP1 and the NPPF have a presumption in favour of sustainable development. Proposals that accord with the development plan and which support sustainable development principles will be approved. Policy SD1 supports development which contributes to a strong, responsive and competitive economy, prioritises investment and growth in key service centres and provides access to local jobs. Middlewich is identified as a key service centre in which development which is of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported (CELPS policy PG2).

CELPS policy EG1 also supports in principle employment development within key service centres. Proposals for employment development on non-allocated employment sites are also supported where they are in the right location and support the strategy, role and function of the town.

Similarly, Congleton Borough Local Plan First Review (CBLPFR) saved Policy PS4 contains a general presumption in favour of development within the settlement zone line of Middlewich provided

it is in keeping with the town's scale and character. Development which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance. Policy E11 relates to owner-specific employment sites and supports development for employment uses appropriate to the business or operations on site.

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

Landscape and Visual Impacts

CELPs Policy SE4 requires all new development to conserve landscape character and quality and, where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness. Development will be expected to (amongst others) incorporate appropriate landscaping, preserve local distinctiveness and protect and/or conserve the historical and ecological qualities of an area. CBLPFR Policy GR6 does not permit development which would have an unduly detrimental effect on amenity due to visual intrusion.

It is acknowledged that there would be a loss of tree cover, however a buffer would be retained along the canal, screening the development. It is considered that the retention of this buffer would limit the visual impact from this viewpoint. The Principal Landscape Architect considers that the proposals would not result in any significant landscape or visual impacts.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Forestry

The site is located immediately to the north east of the Trent & Mersey Canal, Middlewich – Kent Green Conservation Area and benefits from an area of woodland clearly visible from Booths Lane and the Canal. While the application site is located outside the Conservation Area boundary the established tree cover abutting is considered to contribute to the landscape character of the area. As stated above, there would be a loss of trees from this area, but this would be quite localised and a buffer would be retained, minimising the impact on the character of the area.

The application has been supported by an Arboricultural Report which has considered trees on and adjacent to the development area. The report has surveyed a total of 7 individual and 2 groups of moderate quality B Category trees, 20 individual, 19 groups and 1 woodland of low-quality C Category trees and 2 poor quality, U Category trees considered unsuitable for retention irrespective of development. Whilst tree loss is regrettable, given that a buffer is to be retained on the side of the canal, it is considered that on balance, the loss of trees is acceptable when viewed in the context of the economic benefits that the proposal would bring.

Amenity

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or

cumulative impact upon air quality. This is in accordance with paragraph 103 of the NPPF and the Government's Air Quality Strategy.

The area is predominately industrial in character being positioned between the Council's Environmental Hub and existing British Salt buildings. There are properties on the other side of Booth Lane but given the distance between them and the proposed building, there would not be any significant impact in terms of light, privacy and outlook.

This proposal is for a warehouse building for storage and distribution of British Salt products. Whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in any locality. In particular, the impact of transport related emissions on Local Air Quality.

Middlewich has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. As such conditions should be imposed relating to air quality, including ultra-low emission boilers and electric vehicle charging infrastructure.

The Contaminated Land team has no objection to the application subject to conditions relating to assessments and investigations for contamination on the land.

Informatives are recommended in relation to construction hours, piling, floor floating and dust management.

The proposal is therefore considered to be in compliance with Policies GR6 and GR7 of the CBLPFR and Policy SE12 of the CELPS.

Highways

The site is vacant land with little traffic movement associated with it and the proposal is for a B8 warehouse with a floor area of 18,375sqm. The applicant is British Salt who already operate from the adjacent site.

Sustainable Access

The site is within an acceptable walking distance from a large number of residential areas within the southern part of Middlewich. Within a 10 minute walk there are bus stops on Booth Lane and Cross Lane, a short distance from the signal junction, providing approximately 2 buses per hour from early morning through to late evening.

The National Cycle Route 51 runs along Cledford Lane past Faulkner Dr, providing a cycle connection to the Middlewich area and neighbouring areas of Winsford and Sandbach.

The applicant has also included a Travel Plan which includes targets and measures to promote sustainable modes of travel.

Safe and Suitable Access

The existing access off Faulkner Drive will be utilised and with a width of over 7m is sufficient to cater for the development. Faulkner Drive and Cledford Lane also have sufficient widths and the Booth Lane/Cledford Lane signalised junction has been designed to cater for HGV movements.

Faulkner Drive is currently accessed by the wider British Salt site and the junction with Cledford Lane has had no recorded traffic accidents associated with it over the last 3 years.

There is a footway along the length of Faulkner Drive to Cledford Lane and along Cledford Lane into Middlewich providing suitable pedestrian access to the wider Middlewich area.

21 car parking and 39 HGV spaces have been included in the proposal. These numbers are based upon the numbers of staff that British Salt know will be present at the site once operational, rather than on CEC car parking standards. Based on CEC standards, they are considerably below requirements and a condition or legal agreement which will allow only British Salt to use the site will be required. If another operator wished to use the site, then planning permission should be required and the parking provision reassessed. Subject to this requirement, the parking is considered acceptable.

Cycle parking has now been shown on the plans and is acceptable.

Network Capacity

The applicant has forecast that the site will generate 32 two-way HGV and 40 two-way car movements per day, and only a few of these during the peak hours. A sensitivity test for a generic B8 user was also carried out that forecast approximately 10 HGV movements and 30 car movements during the peak hour. These forecasts were used to test the Cledford Lane/Booth Lane signal junction which found it to operate within capacity.

Highways Conclusion

The proposal is acceptable and no objection is raised by the Head of Strategic Infrastructure, subject to conditions requiring secure cycle storage to be provided and requiring the development to only be for the benefit of British Salt.

The proposal is therefore considered to be in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

Nature Conservation

Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones associated with Sandbach Flashes SSSI. Therefore Natural England must be consulted on this application to advise on the potential impacts of the proposed development upon statutory designated sites. This has been done but a response has not yet been received. An update on this will be provided to Members prior to the meeting.

Priority Woodland

The woodland habitats on site appear on the national inventory or priority woodland. Habitat of this type are a material consideration for planning and receive protection under Local Plan Policy. The proposed development would result in the removal of much of the woodland on site with a corresponding significant loss of biodiversity.

Open Mosaic Habitats on Previously Developed Land

Part of the application site appears on the national inventory of this priority habitat type, albeit with a Low confidence that the site meets the definition of this habitat. Habitats of this type are a material consideration. This part of the site was dominated by bare ground at the time of the latest assessment. The submitted ecological assessment concludes that the habitats on site do meet the definition of this priority habitat albeit not being a particularly good example of the habitat type. The Council's Principal Nature Conservation Officer concurs with this conclusion.

The proposed development would result in the loss of the existing open mosaic habitat with a corresponding loss of biodiversity.

Otter

This protected species is known to be present on the watercourses in this locality and is likely to pass through the site on a transitory basis. The retention of a buffer of woodland adjacent to the canal is likely to be sufficient to avoid a significant impact upon this species.

Reptiles and Great Crested Newts

Grass snakes and Great Crested Newts are known to be present in Middlewich. No evidence of reptiles or great crested was however recorded during the submitted surveys therefore these species are not reasonably likely to be affected by the proposed development.

Polecat

This priority species has been recorded on the application site in the past. The level of usage of the site by this species is however unknown. It is considered that the proposed development would result in the loss of suitable habitat for this species, which is likely to result in a localised adverse impact.

Hedgehog

No evidence of this species was observed on-site during the submitted surveys and no historical records were returned during the desk study. The submitted ecological assessment advises that the habitats on-site are suitable for the species. It is considered that there is a low risk that this species may occur on site. If this species did occur on site the proposed development would result in the loss of suitable habitat that would result in a localised adverse impact

Bats

Bat surveys of the structures on site were undertaken in 2019. No evidence of roosting bats was recorded during this survey, but only limited information is available on the survey method used and the conditions under which the survey was undertaken. A further survey of this building was undertaken in 2020, again with no evidence of roosting bats recorded. It is considered that on balance roosting bats are unlikely to be affected by the proposed development.

Bat activity surveys of the application site have been undertaken to establish the level of bat activity occurring. Surveys were however only completed in September and October, so only autumn data is available. Few bats were recorded, but those that were recorded were associated with the woodland which would be affected by the proposed site clearance.

Based upon the submitted bat survey data the application site may meet the Local Wildlife Selection Criteria for mammals. This is primarily due to the presence of *Nathusius pipistrelle*, an uncommon bat species. Regular presence of the species is however required for a site to meet the selection

criteria. Sites that meet the Local Wildlife Site selection criteria receive protection through Local Plan Policy SE3 (6).

There is insufficient survey information available to establish whether the recorded bat species are regularly present as required by the Local Wildlife Site selection criteria.

Woodland/tree clearance from the site to facilitate the development would therefore result in the loss of potentially Local Wildlife Site quality habitat for bats.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site including the rarer species referred to previously. The lighting of the proposed warehouse is likely to result in light spill onto the retained woodland edge to the detriment of bats. The submitted lighting scheme shows light spill of 1lux falling onto the retained woodland edge to the south of the proposed warehouse unit. It is considered that this would result in a localised adverse impact upon foraging bats.

Badgers

Evidence of badger activity was recorded on site. No setts were recorded however part of the site where a sett had previously recorded was not accessible at the time of the latest survey. It is considered that a further badger survey to include the previously inaccessible parts of the site must be undertaken and a report submitted prior to the determination of this application. It is understood that the required further badger survey is in hand and will be completed this week. An update on this will be provided prior to the meeting

Nesting Birds

The application site is likely to support a number of breeding bird species potentially including more widespread priority species associated with woodland and scrub habitats. The removal of these habitats to facilitate the development would result in an adverse impact upon these species. If planning consent is granted conditions are required to safeguard nesting birds:

Construction Environmental Management Plan (CEMP)

If planning consent was granted a condition would be required to secure the submission of a CEMP to ensure retained habitats and safeguarded during the construction process.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 3 methodology.

The Council's Principal Nature Conservation Officer has revised the metric to reflect the distinctiveness of the priority woodland lost to the development and amended the targets for some of the habitats to be created. The revised metric shows a loss of biodiversity amounting to -10.54 biodiversity units. If the scheme was to aim to deliver 10% net gain, a total of additional biodiversity 12.52 biodiversity units would be required.

The application is not supported by any habitat creation proposals to deliver the required additional biodiversity units. The applicant has proposed the payment of a commuted sum as a means of delivering the required units.

The cost per biodiversity units for habitat creation detailed in the Council's draft Biodiversity SPD are currently being revised. The costs are however likely to be £19,261 (£18,061 plus a £1,200 admin fee) per biodiversity unit. If approved, this application would require a commuted sum to ensure that the proposed scheme delivered a net gain for biodiversity of $12.52 \times £19,261 = £241,147.72$.

If a commuted sum is accepted this would be utilised to deliver habitat creation at an offsite location. There are no projects identified in Middlewich at present, so Habitat Creation is likely to be delivered at a location within Cheshire East identified as a priority in accordance with the draft CEC Biodiversity Net gain SPD.

Some limited habitat creation is proposed on-site that contributes to reducing the net loss of biodiversity, this takes the form of wildflower/meadow planting to the east of the proposed parking area. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam and Japanese knotweed on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Archaeology

A desk based archaeological assessment has been submitted with the application. This desk based assessment outlines effectively the historical background of the proposed development area, and the potential archaeological deposits within the proposed development boundary. There are some archaeological considerations within the development area, mostly small buildings associated with the Electrolytic Alkali Works seen on the third edition OS Map. Associated with these buildings is a small section of rail track, some remains of which are noted and photographed within the Desk Based Assessment.

Given the remains of the rail track and the potential remains of the outbuildings, it would be advisable for a programme of archaeological observation be undertaken during key elements of the proposed development in order to identify and record any below ground remains relating to these structures. This programme of archaeological observation may take the form of a developer funded watching brief, during key stages of development. These key stages include the removal of topsoils and excavations for foundations and services. This work can be secured by condition.

S106 contributions:

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, a contribution to off-site habitat creation is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The trigger for payment should be commencement of development other than site clearance works.

CONCLUSIONS – Planning Balance

This proposal would bring economic benefits through supporting the operations of an important local employer in Middlewich.

There would be a loss of biodiversity and this is to be compensated for by the provision of a financial contribution for off-site habitat creation. When balanced against the employment/economic benefits, this is considered to be acceptable.

The proposal is compatible with the surrounding development and the design, scale and form of the building would be acceptable.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement for:

Heads of Terms	Amount	Trigger
Biodiversity - off-site habitat creation	£241,147.72	Prior to commencement development

and the following conditions:

1. **Time limit (3 years)**
1. **Development in accordance with the approved plans**
2. **Materials**
3. **No development other than site clearance works to take place prior to submission and approval of a detailed drainage plan**
4. **No development other than site clearance works to take place prior to submission and approval of surface water drainage details**
5. **No development other than site clearance works to take place prior to submission and approval of an archaeological written scheme of investigation**

6. No development other than site clearance works to take place prior to submission and approval of a construction management plan
7. No development other than site clearance works to take place prior to submission and approval of Phase II ground investigations and risk assessments
8. The development shall not be occupied until a verification report (contaminated land) has been submitted
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing of the Local Planning Authority prior to the occupation of any buildings.
10. Details of any external plant and machinery shall be submitted prior to installation
11. Provision of low emission boilers
12. Provision of electric vehicle charging points
13. Submission of details of any piling operations
14. Construction hours: 09:00 – 17:30hours Mon to Fri, 09:00 – 14:00 hours Sat, with no working on Sundays or public holidays
15. Submission and approval of a site specific dust management plan
16. Nesting bird protection
17. Provision of a construction environmental management plan (nature conservation)
18. Each reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development
19. The development hereby approved shall only be occupied in connection with operations at British Salt

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

1. £241,147.72 contribution to off-site habitat creation

