

Application No: 21/2082N

Location: Wardle Camp, GREEN LANE, WARDLE, CHESHIRE, CW5 6BJ

Proposal: 5no. extensions to existing buildings on site to address urgent business protection measures brought about by Brexit/Covid

Applicant: Midwood, TI MIDWOOD & Co

Expiry Date: 06-May-2022

SUMMARY

The site is an existing employment site within the open countryside and part of the site is covered by Strategic Allocation LPS60. The principle of the proposed development is acceptable and complies with policies PG6, EG1, EG2 and EG3 of the CELPS.

The proposed development is of an acceptable design and would not raise any amenity issues. The development complies with Policies SD1, SD2 and SE1 of the CELPS and BE.1 of the C&NLP.

The highways impact is considered to be acceptable and complies with Policy CO2 of the CELPS and BE.3 of the C&NLP.

The development would have an acceptable landscape impact and is acceptable in terms of its ecological impacts. Subject to the imposition of planning conditions there is no conflict with Policies SE3 and SE4 of the CELPS and NE.9 of the C&NLP.

The drainage/flood risk implications are considered to be acceptable and comply with Policies SE13 of the CELPS and NE.20 of the C&NLP.

The application is recommended for approval.

RECOMMENDATION

Approve subject to a S106 Agreement and conditions

REASON FOR REFERRAL

This application is referred to Strategic Planning Board as the application site extends to more than 4 hectares and is classed as a Large-Scale Major Development.

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the northern side of Green Lane, Wardle within the open countryside. The site includes large warehousing to the south and an office to the north. The site is occupied by TI Midwood.

The application site includes an area of land which forms part of LPS60 (Wardle Employment Improvement Area).

DETAILS OF PROPOSAL

This is a Full Planning application for 5 extensions to the existing buildings at the TI Midwood site. At the time of the case officers site visit the extensions labelled B, C, D and E on the proposed site plan had been constructed. The extension labelled A had not commenced at the time of the case officers site visit.

To the north the application includes large extensions to the car parking and servicing areas. These works had commenced at the time of the case officers site visit. The extensions to the car parking/serving go beyond the existing site boundary and extend into the site allocated as part of LPS60.

The applicant has advised that the partially retrospective nature of the application is due to two main factors; the Covid Pandemic and Brexit. Covid and Brexit have affected the way in which the TIMco operates and it was anticipated that the additional storage would be required as soon as possible.

RELEVANT HISTORY

18/2028N - This reserved matters application seeks approval for a new spine road and other associated infrastructure works. The outline planning application was supported by an Environmental Statement and this reserved matters application has been designed to accord with the parameters set by the outline permission. – Approved 15th February 2019

18/1715N - Non material amendment to application 13/2035N – Approved 10th January 2019

17/2432N - Reserved matters application for approval of the site access works following outline approval 13/2035N – Approved 24th August 2017

17/1443N - Non-material amendment to 13/2035N – Approved 3rd April 2017

16/2270N - Approval of Reserved Matters (Landscaping) following Outline approval 16/1658N. Outline planning application was not an EIA application – Approved 22nd July 2016

16/1658N - Variation of Condition 4 on application 15/3163N - Outline application for extensions to the existing warehouse, the erection of a canopy and the construction of a delivery dock and replacement car parking, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of an existing office building – Approved 5th July 2016

15/3163N - Outline application for extensions to the existing warehouse, the erection of a canopy and the construction of a delivery dock and replacement car parking, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of an existing office building – Approved 1st October 2015

13/3871N - Reserved matters application, Landscaping of the proposed development – Approved 15th November 2013

13/2035N - Outline Planning Application Including Means of Access for Employment Development Comprising Light Industry, General Industrial and Storage and Distribution Uses (B1(C)/B2/B8 Use Classes) on Land at the Former Wardle Airfield, Cheshire – Approved 24th June 2014

12/4087N - The erection of a replacement storage and distribution unit, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of the existing building on the site – Approved 17th December 2012

11/1598N – Change of use from Class B8 Storage and Distribution to Class B8 Storage and Distribution with ancillary trade counter and agricultural and builders merchants – Approved 10th August 2011

10/4333N – Non-material amendment following the grant of planning permission 09/3543N – Approved 29th November 2010

10/3679N - Change of Use to Turn Warehouse into an Agricultural Merchants, Horticultural Merchants, Machinery Merchants and Animal Feed Merchants – Withdrawn 6th December 2010

09/3543N - Proposed Internal Layout Changes, Revised Elevations and Parking Layout to the Storage Unit with Internal Office Space and Service Area – Approved 23rd December 2009

POLICIES

Cheshire East Local Plan Strategy

- LPS60 (Wardle Employment Improvement Area)
- PG2 (Settlement Hierarchy)
- PG6 (Open Countryside)
- PG7 (Spatial Distribution of Development)
- EG1 (Economic Prosperity)
- ED2 (Rural Economy)
- EG3 (Existing and Allocated Employment Sites)
- SD1 (Sustainable Development in Cheshire East)
- SD2 (Sustainable Development Principles)
- EG1 (Economic Prosperity)
- SE1 (Design)
- SE2 (Efficient use of Land)
- SE3 (Biodiversity and Geodiversity)
- SE4 (The Landscape)
- SE5 (Trees, Hedgerows and Woodland)
- SE6 (Infrastructure)
- SE8 (Renewable and Low Carbon energy)

SE9 (Energy Efficient Development)
SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)
CO1 (Sustainable Travel and Transport)
CO2 (Enabling Business Growth Through Transport Infrastructure)
CO3 (Digital Connections)
CO4 (Travel Plans and Transport Assessments)
IN1 (Infrastructure)
IN2 (Developer Contributions)

Local Plan policy

BE.1 – Amenity
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.6 – Development on Potentially Contaminated Land
BE.16 – Development and Archaeology
NE.5 – Nature Conservation and Habitats
NE.7 – Sites of National Importance for Nature Conservation
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.11 – River and Canal Corridors
NE.17 – Pollution Control
NE.20 – Flood Prevention
NE.21 – New Development and Landfill Sites
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists
RT.9 – Footpaths and Bridleways

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

National Planning Policy

The National Planning Policy Framework

Neighbourhood Plan

There is no Neighbourhood Plan in Wardle

CONSULTATIONS

CEC Strategic Highways Manager: No objection.

PROW: The development has the potential to affect Public Footpath Wardle No. 12, as recorded on the Definitive Map of Public Rights of Way. A Diversion Order is in progress for this footpath, but the legal process is not yet complete.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, an informative is suggested.

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

Flood Risk Manager: No objections in principle to this development. A condition is suggested in terms of drainage strategy and the associated management and maintenance.

United Utilities: Drainage conditions suggested.

Cadent Gas: No comments received.

VIEWS OF THE PARISH COUNCIL

Wardle Parish Council: No comments received.

OTHER REPRESENTATIONS

No representations received.

OFFICER APPRAISAL

Principle of Development

The existing TI Midwood site is located within the open countryside as identified within the CELPS. Policy PG6 does include the following exception *'development that is essential for the expansion or redevelopment of an existing business'*.

The site is a large-scale employment site which is located within the open countryside with employment units clustered around the site and fronting onto Green Lane. The smaller extensions (identified as B, D and E on the proposed site plan) would be seen in the context of the existing buildings on the site.

The larger extensions A and C are located to the north and adjoin the strategic allocation LPS60. LPS60 has outline consent for the entire site and the access roundabout and site access roundabout have been constructed. Units on 3 phases of the development at LPS60 are also constructed (with other units on the site under construction or with Reserved Matters approval). Extension C is located between one of those constructed phases at LPS60 and an existing building at the TI Midwood site.

Extension A is to be sited on the existing car-park area and in order to facilitate this extension the application proposes an extension of the car-park and service yard to the north to land which forms part of LPS60.

These extensions clearly relate to an existing business within the open countryside. There is support for extensions to businesses within the open countryside within policies PG6, EG1, EG2 and EG3 of the CELPS. Although cumulatively large in scale the siting of the extensions between existing employments sites along Green Lane and the consented development at LPS60 means that any impact upon the wider open countryside is acceptable.

On this basis the principle of the proposed extensions is acceptable.

Highway Implications

This application is for 5 warehouse extensions within use class B8, the proposed new floor area totals 5,733sq.m.

There is a new access proposed to serve the development from Airfield Road (the new spine road for the Wardle development) which is to the north of the site.

The parking provision is in accordance with CEC standards, there are 103 new spaces and 65 existing spaces on the site. Additionally, there are 15 covered cycle spaces provided within the site (the agent has confirmed that the existing site has changing and shower facilities for staff).

The proposed extensions do not raise highway concerns as access will not be from Green Lane but from the newly established industrial access road to the north that links the site to the A51 Nantwich Road.

The Head of Strategic Infrastructure has raised no objection to this proposed development.

Amenity

Due to the location of this development and the separation distance to the nearest dwellings it is not considered that there would be an impact upon residential amenity. The proposed development complies with Policy BE.1 of the C&NLP.

Air Quality

This proposal is not of a scale to require the submission of an Air Quality Impact Assessment. However, in order to mitigate the impact upon air quality a condition to require the provision of electric vehicle infrastructure will be required should the application be approved.

Contaminated Land

The issue of contaminated land has been the subject of discussions between the Councils Environmental Health Officer and the applicant's consultant. An updated gas risk assessment has been provided and the Environmental Health Officer has stated that there is 'unlikely to be a significant ground gas risk to the proposed development, based on the lines of evidence presented'. On this basis there is no objection in terms of contaminated land subject to the imposition of two conditions.

Design

This is a large existing employment site with large utilitarian buildings. The proposed buildings largely follow the existing utilitarian design and are seen in the context of the existing buildings on and adjoining the site.

To the north Extension A would be visible from Airfield Road (the spine road serving LPS60). The front elevation of Extension A faces east and would be seen as Airfield Road bends in a westerly direction. The northern elevation is largely blank but would be set back from Airfield Road by between 63-52m, with intervening car-parking areas and landscaping.

The design and layout of the proposed development is considered to be acceptable and would comply with Policy SE.1, SD1 and SD2 of the CELPS.

Landscape

A landscaping scheme has been provided with this application and the Councils Landscape Architect considers that the scheme is acceptable.

Ecology

Great Crested Newts

A number of ponds are located some distance from the proposed development. The application site offers relatively limited habitat for great crested newts and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Bats and Lighting

No evidence of roosting bats was recorded during the submitted survey. Bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of an existing length of hedgerow from the interior of the site. The hedgerow planting shown on the submitted landscape plan would be sufficient to compensate for its loss.

Nesting Birds

If planning consent is granted a condition could be attached to safeguard breeding birds.

Biodiversity Net Gain/Defra Metric

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

The submitted biodiversity metric report advises that the proposed development would result in the loss of 6.62 biodiversity units which is -78.13% of the existing biodiversity value of the application site.

In order to address this loss and deliver a net gain for biodiversity the applicant is proposing habitat creation and long-term management of an area of land within the control of the Adlington Estate. The Councils Ecologist has advised that this approach is acceptable.

If planning consent is granted a legal agreement will be required to secure the submission and implementation of the following in respect of the offsite habitat creation area:

- Habitat Creation Method Statement
- 30-year habitat management plan
- 30-year monitoring and reporting strategy
- Biodiversity metric calculation as evidence that the proposals deliver the required biodiversity net gain of 6.7 units.

If planning consent is granted a condition requiring the submission and implementation of a 30-year habitat management plan will also be required for the on-site habitat creation proposed.

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.

The Councils Ecologist recommends that the applicant submits an ecological enhancement strategy and this can be secured via the imposition of a planning condition.

Flood Risk/Drainage

In this case the application site is located within Flood Zone 1, as identified by the Environment Agency Flood Maps. This defines the site as having less than 1 in 1000 years annual probability of flooding in any 1 year.

In this case both United Utilities and the Councils Flood Risk Officer have raised no objection to the development subject to the imposition of conditions relating to drainage.

Impact upon Listed Buildings and the Heritage of the site

There are a number of Listed Buildings within the vicinity of the application site (at Wardle Bridge Farm and Wardle Pinfold). However, given the separation distances involved and the level of screening it is not considered that the development would have a harmful impact upon the setting of these Listed Buildings.

Impact upon the Public Right of Way (PROW)

Public Footpath Wardle FP12 runs to the north of the site through the wider allocation of LPS60. This development would not impact upon the PROW and an informative will be attached to any approval.

Energy Efficient Development

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

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

The submitted plans show the provision of solar panels to the roof of the building. However, the supporting Planning Statement acknowledges that the anticipated energy demands of the development have not been calculated and as such this issue will be controlled via the imposition of a planning condition.

CIL Compliance

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the losses and gains of biodiversity from the proposed development site the applicant has undertaken an assessment using the Defra biodiversity offsetting 'metric' methodology. In order to address this loss and deliver a net gain for biodiversity the applicant is proposing habitat creation and long-term management of an area of land within the control of the Adlington Estate. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

CONCLUSIONS

The site is an existing employment site within the open countryside and part of the site is covered by Strategic Allocation LPS60. The principle of the proposed development is acceptable and complies with policies PG6, EG1, EG2 and EG3 of the CELPS.

The proposed development is of an acceptable design and would not raise any amenity issues. The development complies with Policies SD1, SD2 and SE1 of the CELPS and BE.1 of the C&NLP.

The highways impact is considered to be acceptable and complies with Policy CO2 of the CELPS and BE.3 of the C&NLP.

The development would have an acceptable landscape impact and is acceptable in terms of its ecological impacts. Subject to the imposition of planning conditions there is no conflict with Policies SE3 and SE4 of the CELPS and NE.9 of the C&NLP.

The drainage/flood risk implications are considered to be acceptable and comply with Policies SE13 of the CELPS and NE.20 of the C&NLP.

The application is recommended for approval.

RECOMMENDATIONS

Approve subject to the completion of a S106 Agreement to secure offsite habitat creation and long-term management.

And the following conditions;

- 1. Approved Plans**
- 2. Within 2 months of the date of permission a detailed drainage strategy / design, associated management / maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority**
- 3. Within 2 months of the date of permission 9 Mode 3 compliant Electric Vehicle Charging Points with cabling provided for a further 9 units (to enable the easy installation of further units) shall be provided and thereafter retained.**
- 4. Unexpected land contamination**
- 5. Importation of soil**
- 6. Implementation of great crested newt mitigation**
- 7. Wildlife Sensitive lighting scheme to be submitted within 2 months of the date of decision**
- 8. Within 2 months of the date of decision a Habitat Creation method statement, 30-year management plan, ecological monitoring strategy and biodiversity metric for offsite habitat creation (secured by legal agreement).**
- 9. Within 2 months of the date of decision a 30 year habitat management plan for on-site habitats**
- 10. Within 2 months of the date of decision a strategy for the incorporation of features such as bird/bat boxes, brash piles etc.**
- 11. Landscape Implementation**
- 12. Covered cycle parking (15 spaces) to be provided within 2 months of the date of permission**
- 13. Materials to match**
- 14. Within 2 months of the date of decision a scheme to secure at least 10% of the predicted energy requirements for that unit from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.**

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

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

- The completion of a S106 Agreement to secure offsite habitat creation and long-term management.**

