

Strategic Planning Board

Updates

Date: Wednesday, 25th October, 2023
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

5. **22/0872M - LAND BETWEEN JUNCTIONS 7 AND 8 OF THE M56: Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works. (Pages 3 - 6)**

6. **23 2225N - BENTLEY MOTORS LIMITED, PYMS LANE, CREWE, CW1 3PL: Construction of a new paint shop on the site of an existing colleague carpark including a four story office annex. Work includes the construction of two bridge links over Sunnybank Road, plant annexes and a roof terrace. (Pages 7 - 8)**

7. **23 2349N - BENTLEY MOTORS LIMITED, PYMS LANE, CREWE, CW1 3PL: Demolition of an existing temporary industrial warehouse and construction of an Integrated Logistics Centre including a covered logistics route, internal amenity and office annex. (Pages 9 - 10)**

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APPLICATION NO: 22/0872M

LOCATION: Land between Junctions 7 and 8 of the M56

PROPOSAL: Erection of a Motorway Service Area (MSA), demolition of all existing buildings except for the retention and conversion of one residential building (existing farmhouse) and the part retention and conversion of the Eastern Barn for MSA operational purposes, including associated access and buildings (Amenity Building, MSA Hotel and Fuel Filling Station including photovoltaics and ancillary structures), Service Yard, parking for all categories of vehicle (including electric vehicle charging), open space, landscaping and planting, drainage, vehicular circulation, pedestrian and cycle links (including diversion of cycle track) and earthworks/enabling works

KEY ISSUES

Need

The second paragraph on p55 of the agenda refers to the “*maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles*”. It should be clarified that this 14-mile distance only relates to areas where there is an identified need. Circular 01/2002 explains that that this need will be informed by the Department for Transport’s National Lorry Parking Survey.

The areas of England with “identified need” for additional HGV parking due to higher demand have not yet been confirmed. However, the National Survey of Lorry Parking 2022 refers to the East Midlands, the South East and the East of England as showing the highest levels of excess vehicles against capacity, which the report suggests indicates the regions in most need of more on-site capacity. The North West is not specifically identified as a region in need of additional on-site capacity and is not currently an area of identified need.

Biodiversity Net Gain (BNG)

An omission from the original report was to clarify that the additional BNG information that was submitted in May 2023 is considered to satisfactorily address the points raised by Cheshire Wildlife Trust in their objection dated May 2022. The proposed BNG exceeds the minimum 10% gain established under the Environment Act 2021 (from January 2024) and provides an increase of 12% in hedgerow units and 17% increase in habitat units. The nature conservation officer raises no objections to the BNG proposals.

Minerals

The draft Minerals and Waste Plan is a material consideration in the determination of this application. The site lies within a Mineral Safeguarding Area and forms part of an Area of Search for sand and gravel.

Draft Policy MIN1 provides for the protection of minerals from permanent sterilisation from non-mineral development and requires applications for non-mineral development to satisfy at least one of the following criteria:

- i) The applicant has demonstrated that the mineral has no current or potential future value; would not be needlessly sterilised; or it would be inappropriate/not viable to extract in this location.
- ii) The mineral can be extracted prior to the development taking place.
- iii) The proposal is temporary and the land will be restored in a timely manner.
- iv) There is overriding and exceptional strategic need for the incompatible development which outweighs the need for mineral safeguarding when balanced against all mineral planning considerations.

The Minerals Assessment submitted with the application notes that the extraction of minerals on this site could potentially adversely affect internationally / nationally designated sites in the area (such as Rostherne Mere Ramsar). Additionally, the land is surrounded on all sides by roads and the buffer required along the highway boundaries to ensure slope stability would reduce the extent of viable mineral extraction. The site investigations also found a maximum thickness of 3m of useable material which would limit the volumes able to be extracted in this area and makes viability more uncertain. It is also noted that sand and gravel mineral reserves are present at surface in the wider region and there are other areas where extraction would be more practicable / viable.

The land was submitted under the Call for Sites exercise as a new mineral extraction site, a preferred area, and an area of search, and it has been proposed in the emerging Minerals and Waste Plan as an Area of Search for sand and gravel. Whilst there is evidence of mineral resources at the site which are achievable and potentially viable, there are several constraints associated with working this site that are likely to give rise to impacts on sensitive receptors, international, national, and local designations, landscape designations, highways, and heritage and archaeological impacts. As such, it was considered that the site could only be considered as a potential Area of Search.

The Cheshire East Council Draft Minerals Site Selection Report has assessed all sites submitted in the Call for Sites exercise in order to inform the potential allocations in the emerging Plan. Following publication of this report, the site promoter has now requested that land to the east of the A556 incorporating Yarwood Heath Farm and surrounding land be excluded from consideration for mineral extraction as, due to the presence of A556 and M56 junction, it is unviable and unnecessarily convoluted to attempt to extract this area. This

includes the land subject to this planning application. As such, it is likely that this site will not be taken forward as a potential Area of Search through the emerging Plan.

There are clearly a number of factors that would potentially affect the deliverability of minerals extraction on this site. Furthermore, any implications of the recent announcement regarding the cancellation of the later phases of HS2 upon the draft plan, and any potential changes to the plan arising from this, are unknown at this time. Consequently, only limited weight can be afforded to the draft policies within the emerging Minerals and Waste Plan. The Minerals and Waste Officer raises no objections to the proposal. Accordingly, having regard to all of the above, no significant minerals issues are raised.

CONCLUSION

As in the original report, a recommendation of approval is made subject to a s106 agreement, conditions and referral to the Secretary of State.

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APPLICATION NO: 23/2225N

LOCATION: Bentley Motors Limited, PYMS LANE, CREWE

PROPOSAL: Construction of a new paint shop on the site of an existing colleague carpark including a four story office annex. Work includes the construction of two bridge links over Sunnybank Road, plant annexes and a roof terrace.

CONSULTATIONS

Lead Local Flood Authority (LLFA) – The LLFA/Flood Risk team has reviewed the additional detail submitted by the applicant and now has no objection subject to the 2no. suggested conditions as detailed in the consultation response and bullet pointed below.

KEY ISSUES

Conditions – for the purposes of clarity the 4no. contaminated land conditions as suggested by the Environmental Protection consultation response dated 18th July 2023 will be appended to the draft list of conditions. These relate to:

- Submission of Phase I preliminary risk assessment.
- Submission of verification report.
- Soil or soil forming materials to be tested for contamination.
- Reporting of any further contamination found to Local Authority.

An additional 2no. conditions as suggested by the LLFA response dated 23rd October 2023 will be appended to the draft list of conditions. These relate to:

- Submission of sustainable drainage management and maintenance plan for the lifetime of the development- pre commencement.
- provision of a drawing showing the extent of surface water flooding anticipated and any overland exceedance flow routes – pre occupation.

CONCLUSION

There are no proposed changes to the recommendation to **APPROVE the application subject to section 106 and conditions** listed in the main report, plus the additional conditions listed below:

11. Submission of Phase I preliminary risk assessment
12. Submission of verification report
13. Soil or soil forming materials to be tested for contamination
14. Reporting of any further contamination found to Local Authority
15. Submission of sustainable drainage management and maintenance plan for the lifetime of the development- pre commencement
16. Provision of a drawing showing the extent of surface water flooding anticipated and any overland exceedance flow routes (pre-occupation)

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APPLICATION NO: 23/2349N

LOCATION: Bentley Motors Limited, PYMS LANE, CREWE

PROPOSAL: Demolition of an existing temporary industrial warehouse and construction of an Integrated Logistics Centre including a covered logistics route, internal amenity and office annex

CONSULTATIONS

Lead Local Flood Authority (LLFA) – The LLFA has been re-consulted and, following the submission of additional detail from the applicant, removes 2no. of their suggested conditions and requests conditioning of the submission of a sustainable drainage management and maintenance plan for the lifetime of the development as a pre-occupation condition.

KEY ISSUES

Lead Local Flood Authority (LLFA)

The LLFA previously advised that a condition requiring *“Provision of Phase II Ground Investigation to demonstrate the ground is unsuitable for infiltration, and the provision of the infiltration test which has been shown to have taken place as per Page 16 on the Phase I Ground Investigation (ref. 16-703-R1-1).”*

Following provision of information in Ground Investigation Phase 2 Report ‘16-703- R2-1’ the LLFA has removed their objection as the ground has been shown to be unsuitable for infiltration.

The LLFA previously advised that a condition requiring *“Provision of UU Building Over Agreement approval for building over their assets (combined sewer)”*.

Following the provision of United Utilities’ response of their agreement, the LFA has stated that they are happy to remove this objection.

Finally, a condition requiring the submission of a sustainable drainage management and maintenance plan for the lifetime of the development as a pre-occupation condition has been recommended, which will be appended to the decision notice as bullet pointed below.

United Utilities

There has been correspondence between the applicant with United Utilities with respect to construction of the new ILC building over the existing deep public sewer, with UU confirming in an email on 5th July 2023 that they *“would not object to the build over agreement if the following is in place:*

- No production line machinery over the internal manhole.

- No storage over the internal manhole.
- *Any maintenance / repair work United Utilities need to carry out that may impede the factory production and create profit loss is not liable to United Utilities.*
- *We would recommend the use of a suitable BS EN 124 access cover with a double seal to reduce the potential for the escape of sewer gases within the building. Bolt down seal plates should not be used.*

A copy of the correspondence with UU has been provided to the Local Planning Authority.

The applicant has stated that technical approval of the Building Over Agreement will be developed in due course following successful receipt of planning approval for the development, final design and detailing of the foundation solution and appointment of the main contractor.

Legal approval of the Building Over Agreement will follow technical approval and will be in the form of a contract between Bentley Motors and UU.

Provided the LPA conditions the further United Utilities suggested conditions as detailed in their consultation response and bullet pointed below, this aspect of the scheme involving the build over agreement can be adequately dealt with outside of the scope of planning control and as such it is considered that the proposal is now acceptable in planning terms from a drainage standpoint.

RECOMMENDATION

The final recommendation has been omitted from the agenda papers.

The recommendation is to APPROVE the application subject to the following conditions:

- 1. Time Limit (3 years)**
- 2. Approved Plans**
- 3. Materials**
- 4. Submission of Biodiversity Strategy**
- 5. Breeding Birds condition**
- 6. Submission of Noise Impact Assessment**
- 7. Submission of Phase I preliminary risk assessment**
- 8. Submission of verification report**
- 9. Soil or soil forming materials to be tested for contamination**
- 10. Reporting of any further contamination found to Local Authority**
- 11. Foul and Surface Water Drainage**
- 12. Submission of SUDs scheme prior to occupation**
- 13. Submission of a sustainable drainage management and maintenance plan for the lifetime of the development (pre-occupation)**