

# Southern Planning Committee

## Agenda

---

Date:	<b>Wednesday 4th September 2019</b>
Time:	<b>10.00 am</b>
Venue:	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 12)

To approve the minutes of the meeting held on 7 August 2019.

---

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/2086N - Laurels Farm, Crewe Road, Hatherton, CW5 7PE: Proposed Cold Store Extension for Mr M Heler, Joseph Heler Limited (Pages 13 - 26)**

To consider the above application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 7th August, 2019 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, J Bratherton, P Butterill, A Critchley, S Davies,  
H Faddes (for Cllr Rhodes), K Flavell, A Gage and A Kolker

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors S Brookfield and J Clowes

**OFFICERS PRESENT**

Andrew Goligher (Principal Development Control Officer - Highways)  
Susan Orrell (Principal Planning Officer)  
Gareth Taylerson (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor J Rhodes

**15 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness, Councillor M Benson declared that he had attended the Special Meeting of Cabinet the previous day, at which Danielle Bassi had spoken with regard to application number 18/5798N on behalf of Keyworker Homes. This had no impact in terms of his openness in dealing with the matter.

**16 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 3 July 2019 be approved as a correct record and signed by the Chairman.

**17 19/1648N LAND AT GRAND JUNCTION RETAIL PARK, MANCHESTER BRIDGE, CREWE CW1 2RP: APPLICATION FOR THE CREATION OF A NEW VEHICULAR ACCESS (INGRESS ONLY) FROM MANCHESTER BRIDGE FOR TRITON PROPERTY FUND**

Note: Councillors S Akers Smith and A Gage arrived at the meeting during consideration of this item and did not take part in the debate or vote.

Note: Councillor S Brookfield (Ward Councillor), Mr B Wye (objector) and Mr B Wiseman (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

### RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The construction of the proposed new vehicular access would create an additional pedestrian and cyclist give way section on this part of the shared pedestrian/cycle path. This would result in conflict between road users and users of the footpath and may force more cyclists to use the public highway rather than the shared footpath and would not therefore promote good pedestrian and cycle links to the town centre. The proposal is therefore contrary to Policies SD1, SD2, IN1, SE2, CO1, SC3 of the Cheshire East Local Plan, Saved Policies TRAN.3, TRAN.5 of the Crewe and Nantwich Local Plan, the adopted Cycle Strategy (a vision for the future in Cheshire East 2017-2027) and the NPPF.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms:

S106	Amount	Triggers
Highways	£,5000 for contribution towards TRO	Prior to commencement of development

**18 19/0357N FIELDS FARM, QUEENS DRIVE, NANTWICH CW5 5JL:  
OUTLINE PLANNING PERMISSION WITH SOME MATTERS  
RESERVED FOR DEMOLITION OF EXISTING BUILDINGS AND  
ERECTION OF PROPOSED HOUSING DEVELOPMENT OF UP TO 21  
DWELLINGS AT FIELDS FARM – ACCESS FOR MR D HEYS**

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a S106 Agreement to secure:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>																		
<b>Affordable Housing</b>	30% - 6 Dwellings (65% Affordable Rent / 35% Intermediate)	No more than 50% open market occupied prior to affordable provision																		
<b>Education</b>	Contribution of £49,028 towards secondary education	50% Prior to first occupation 50% at occupation of 50% dwelling																		
<b>Public Open Space</b>	Provision of Public Open Space of 40m2 per dwelling and to be maintained by a private management company	Open space on site prior to first occupation  Contribution – 50% Prior to first occupation 50% at occupation of 50% dwellings																		
<b>Health</b>	<p>Contribution to support Kiltearn Medical Centre, Tudor Surgery and Nantwich Health centre in Nantwich using the following formula;</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	<p>50% Prior to first occupation</p> <p>50% at occupation of 90% dwelling</p>
Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit																		
1 bed unit	1.4 persons	£504 per 1 bed unit																		
2 bed unit	2.0 persons	£720 per 2 bed unit																		
3 bed unit	2.8 persons	£1,008 per 3 bed unit																		
4 bed unit	3.5 persons	£1,260 per 4 bed unit																		
5 bed unit	4.8 persons	£1,728 per 5 bed unit																		

and the following conditions:

1. Time Limit (Outline)
2. Submission of reserved matters (Appearance, Landscaping, Layout and Scale)

3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Prior submission/approval of levels
6. Reserved Matters scheme should be supported by an updated AIA/Tree Protection Scheme in accordance with BS 5837
7. Reserved matters application to be supported by an updated bat and barn owl survey.
8. Nesting birds
9. Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts
10. Reserved matters to include noise mitigation measures
11. Prior submission/approval of a residents travel information pack
12. Provision of electric vehicle charging infrastructure
13. Prior submission/approval that any gas boiler installations proposed are to a certain emission standard
14. Prior submission/approval of a phase 2 contaminated land report
15. Submission/approval of a verification report
16. Submission/approval of a soil verification report
17. Unexpected contamination - works to stop if contamination is identified
18. Prior submission of a surface water drainage scheme and associated management and maintenance plan
19. Reserved matters to include plan showing culverted watercourse
20. Reserved matters to include link to PROW
21. Prior submission/approval of a Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority.
22. Provision of broadband infrastructure.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

(c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% - 6 Dwellings (65% Affordable Rent / 35% Intermediate)	No more than 50% open market occupied prior to affordable provision
<b>Education</b>	Contribution of £49,028 towards secondary education	50% Prior to first occupation 50% at occupation of 50%

		dwelling																		
<b>Public Open Space</b>	Provision of Public Open Space of 40m2 per dwelling and to be maintained by a private management company	Open space on site prior to first occupation  Contribution – 50% Prior to first occupation 50% at occupation of 50% dwellings																		
<b>Health</b>	Contribution to support Kiltearn Medical Centre, Tudor Surgery and Nantwich Health centre in Nantwich using the following formula;  <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation  50% at occupation of 90% dwelling
Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit																		
1 bed unit	1.4 persons	£504 per 1 bed unit																		
2 bed unit	2.0 persons	£720 per 2 bed unit																		
3 bed unit	2.8 persons	£1,008 per 3 bed unit																		
4 bed unit	3.5 persons	£1,260 per 4 bed unit																		
5 bed unit	4.8 persons	£1,728 per 5 bed unit																		

**19 18/5798N 414, NEWCASTLE ROAD, SHAVINGTON CW2 5JF: A DETAILED PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 44 RESIDENTIAL DWELLINGS (100% AFFORDABLE HOUSING) INCLUDING ANY ASSOCIATED INFRASTRUCTURE AND NEW SITE ACCESS FOR LAND SOUTH OF NEWCASTLE ROAD, SHAVINGTON CW2 5JF FOR KEYWORKER HOMES, THE GUINNESS PARTNERSHIP AND D & W WOOTON**

Note: Susan Orrell, Principal Planning Officer, read a representation from Councillor D Marren (Ward Councillor), who was unable to attend the meeting.

Note: Councillor J Clowes (Ward Councillor) and Ms G Shuker (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Before she spoke, Councillor Clowes declared that she had attended the Special Meeting of Cabinet the previous day, at which Danielle Bassi had spoken with regard to application number 18/5798N on behalf of Keyworker Homes. Councillor Clowes had not been involved in the debate and Ms Bassi's statement to Cabinet had not prejudiced what she was going to say.

Note: Ms D Bassi had registered her intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy.
  2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.
  3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and the requirements of the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% affordable housing	In accordance with details to be submitted and approved.



<b>Health</b>	£40,896	To be paid prior to first occupation of the development.
<b>Open Space Contribution – Improvements to children’s play area at Wessex Close</b>	£25,000	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.

**20 19/1653C LAND ADJACENT TO SWANWICK HALL DRIVE, OFF BOOTH BED LANE, GOOSTREY: PROPOSED NEW STABLE BLOCK, MANEGE, ACCESS TRACK AND CHANGE OF LAND USE TO COMBINED EQUESTRIAN AND AGRICULTURAL FOR MRS P TAYLOR**

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: Parish Councillor K Morris (on behalf of Goostrey Parish Council) and Mr A Woodward (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

**RESOLVED**

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reason:

The application site makes an important contribution to the setting of the grade II listed building, Swanick Hall. The importance of the driveway and its surrounds is considered high, given that it is the only access to the Hall. The introduction of built form would erode the current open, undeveloped character of the area. The proposed development would also intensify the appearance of infrastructure and activity, which would detract attention away from the Hall. As a result of the harm to the setting, the proposal would result in less than substantial to the significance of the designated heritage asset. There are no public benefits which would outweigh this harm. The proposal would fail to comply with the requirements of CELPS policy SE 7, CBLP policy BH4, GNP policy OECH3 and chapter 16 of the NPPF.

- (b) That, 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 Development Management be granted delegated authority to do so

following consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**21 19/2396N SITE OF FORMER LODGEFIELDS SCHOOL, LODGEFIELD DRIVE, CREWE, CHESHIRE: ERECTION OF A NEW TWO-STOREY SEND (SPECIAL EDUCATION NEEDS AND DISABILITY) SCHOOL AND ASSOCIATED LANDSCAPING FOR HENRY BOOT CONSTRUCTION LTD**

Note: Mr N Brindle attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1. Standard
  - 2. Approved Plans
  - 3. Details of Materials
  - 4. Contaminated Land - Submission and approval of gas protection measures
  - 5. Contaminated Land - Submission of Verification for installed gas remediation measures
  - 6. Contaminated Land - Verification of importation of soils and forming materials
  - 7. Contaminated Land - Works to stop if unexpected contamination is discovered on site
  - 8. Details of external lighting
  - 9. Breeding Birds – timing of works
  - 10. Inclusion of features to increase biodiversity
  - 11. Provision of secure, covered cycle storage
  - 12. Notwithstanding submitted plans, details of the hard and soft landscaping to be submitted and approved
  - 13. Implementation of the landscaping scheme
  - 14. Boundary treatments
  - 15. Development to be carried out in accordance with approved FRA
  - 16. Submission of details of surface water drainage scheme and implementation
  - 17. Submission, approval and implementation of a Construction Management Plan
  - 18. Tree protection measures during construction
  - 19. Electric vehicle charging
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be

delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 1.15 pm

Councillor J Wray (Chairman)

**This page is intentionally left blank**

Application No: 19/2086N

Location: Laurels Farm, Crewe Road, HATHERTON, CW5 7PE

Proposal: Proposed cold store extension

Applicant: Mr M Heler, Joseph Heler Limited

Expiry Date: 04-Sep-2019

**SUMMARY**

The site lies in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made for development that is essential for the expansion or redevelopment of an existing business

In this instance the proposal relates to an existing business and it has been demonstrated in the supporting statement that the extension is essential to the growth of this existing business. Therefore the proposal is acceptable in principle from a pure land use perspective.

The benefits of the proposal would be the economic benefits through the expansion of the existing local business, jobs in construction and further economic benefits to the construction industry supply chain.

The development would have a neutral impact upon, ecology, flood risk, highway safety, flooding, living conditions and design contaminated land.

The dis-benefits would be the landscape harm, albeit this harm would be mitigated overtime by the landscaping scheme and the loss of agricultural land.

Applying the tests within paragraph 11 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

**RECOMMENDATION****APPROVE**

## REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Clowes. The call-in request refers to a separate PDF document extending to 5 pages including a number of photographs. The PDF document includes the following summary;

*'It is requested that this application be REFUSED on the grounds that it fails to comply with aspects of the NPPF (2018), multiple policies within the CELPS and the Wybunbury Combined Parishes Neighbourhood Plan'*

The call-in form states that the application is contrary to policies SD1 (paras 3, 4, 5, 6, 13, 14, 15 and 17), SD2 (para ii, iii, v, viii: paras 2 & 3), EG2, PG6 para 5 and PG7 para 4. There are also issues related to post-construction noise nuisance (24/7), cumulative transport & HGV activity (not considered by highways), non-compliance with PROW regulations and Diversion applications.

## PROPOSAL

The proposal seeks full planning permission for the erection of a cold store extension to the east of the site to assist with the storage of cheese produced on site.

It measures 73m by 28m and 8.5m high to the eaves and 10m to the ridge. With a gross external floor area of 2,329sqm.

The area to house the extension is currently undeveloped land.

## SITE DESCRIPTION

The application relates to an existing commercial operation involved in the making and storage of cheese.

The area is not densely populated but there are residential properties to the north and west. There is a farm to the east and open land to the south.

The site to be developed is fairly flat.

A public right of way (Hatherton FP8) runs through the site.

An existing belt of trees/woodland is located to the north of the area to be developed.

## RELEVANT HISTORY

17/0982N – Proposed Cold Store – approved 14-Aug-2017

Various other alterations and extension but not considered relevant to the current application

## **ADOPTED PLANNING POLICY**

### **Development Plan**

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan.

#### Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development  
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 and Woodland  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
IN1 – Infrastructure  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
EG1 – Economic Prosperity  
EG2 – Rural Economy  
EG3 – Existing and Allocated Employment Sites

#### Crewe and Nantwich Local Plan Saved Policies:

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
E4 (Development on Existing Employment Areas)

#### Wybunbury Combined Parishes Neighbourhood Plan WCPNP (Regulation 16 stage so limited weight)

Policy E1 – Woodland, Trees, Hedgerows and Boundary Fencing  
Policy E3 – Biodiversity  
Policy E5 - Landscape Quality, Countryside and Open Views  
Policy F1 -PROW  
Policy LE1 -New and Existing Business  
Policy TI3 -Traffic Generation

Policy TI4 - Drainage

### **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

- 11. Presumption in favour of sustainable development.
- 124-132. Achieving well-designed places
- 80-82. Building a Strong Competitive Economy
- 83-84. Supporting a Prosperous Rural Economy

### **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection subject to condition that the cold store building shall only be used for storage purposes ancillary to the operation of Laurel Farm

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; working hours for construction sites & environment act

**CEC Flood Risk** – No objections subject to drainage conditions

**CEC Public Rights of Way** – No objection to the revised layout of the PROW subject to conditions regarding the rerouting

**United Utilities** – No comments to make

**Hatherton and Walgherton Parish Council** – Objects on the following grounds:

- Contrary to Policy EG2 as harms character of the area and the landscape
- Contrary to Policy SD2 & SE2 given the loss of agricultural land
- Contrary to Policy SE4 given landscape impact
- Contrary to Policy LE1 of the Wybunbury Neighbourhood Plan given the harm to amenity of local residents and the use should be sited in an urban area

### **REPRESENTATIONS**

Letters of objection received from 7 households on the following grounds:

- Loss of agricultural land
- Light pollution
- Noise from machinery
- No employment benefit
- Increased vehicular movement/highway safety impact
- Landscaping for the earlier application has never been planted
- Proposed landscaping is inadequate
- Photographs in the design and access statement are out of date
- Will make worse existing power shortages
- Noise from the use



- Plan revised close to closing dates for comments
- Approved cold store was supposed to address capacity at the site, why is now no longer the case after just 2 years
- Viewpoints in the LVIA are misleading
- Impact to local wildlife
- 2<sup>nd</sup> batch of ecology comments relate to a different site
- Drainage/flooding issues
- Should be located in a designated centre as per Policy EG2

### APPRAISAL

#### Principle of Development

The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 emphasises that 'significant weight' should be placed on the need to support economic growth and productivity. Paragraph 82 then goes on to state that;

*'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations'*

The site lies largely in the Open Countryside as designated by the CELPS, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made for the following:

- For development that is essential for the expansion or redevelopment of an existing business

Policy LE1 (New and Existing Business) of the WCPNP states that proposals which extend existing appropriate rural employment will be supported where it can be demonstrated that the development will positively benefit the local economy and provides opportunity for local employment and training, subject to the following;

- Having no adverse impact on amenity of local residents
- The local highway network is capable of accommodating the additional traffic generated
- There are no environmental impacts on the local area such as contamination, air quality, light pollution and noise.

The proposal seeks an extension to an existing business involved in cheese production, packing and dispatch and as such complies with the first part of this criteria in so far as relating to an existing business. It is now necessary to consider whether or not the proposed extension is essential for its expansion.

It is noted that consent was granted at the site for a similar cold store extension back in 2017. This was granted on the basis that the extension would allow all cheeses manufactured on site to be stored without the need for it to be transported off site to the units in Crewe and Whitchurch for maturing purposes before being brought back to the current site for packing and dispatch.

The supporting statement advises that the cold store has now been built and whilst successful only allows 65% of the cheeses produced to be stored on the site with the remainder still needing to be stored off site and brought back after maturing. It further advises that whilst the existing cold store is in full use there remains 1200 tonnes of cheese which cannot be stored on site.

The reasoning for this are stated as being due to major changes to the cheese market, in particular there is a larger demand for cheeses which take much longer to mature than traditional cheeses (e.g. Cheshire and Wensleydale cheese need to be matured for 6-8 weeks where as newer cheeses in demand can take between 9-18 months to mature with special Christmas cheese taking up to 24 months). This means that there is not enough room on site to store cheese for longer periods as this has a knock on effect to cheese which does not require as long to mature. The business is also expecting an increase in demand for cheese currently available in Europe once the UK leaves the European Union. Customer demand also requires cheeses that have been matured to be stored at lower temperature than cheeses still maturing. This puts further pressure over storage space as cheese is stored for longer periods of time.

The existing business is also planning to undergo investment to allow the modernisation of methods, equipment, reduce manual handling and to deal with the growing demand for cheese. The extension would also enable the success of this investment and allow the existing operation to be expanded by 15% from its existing level. All of these reasons are stated in the supporting statement as justifying the need for a further extension.

The consequences for not being able to expand would be to increase costs of off-site storage and transportation making the business less competitive. There would be no reduction in 44 tonne HGV movements to and from the site that would have resulted from the proposed additional on-site storage. Instead, the need to store off-site the extra product resulting from investment in modernising the dairy due to come on stream in September will increase HGV movements to and from the site. The logistical benefits of storing all the cheese in one location would not be achieved making it more complex to meet customer requirements for cheese to be stored in one location under strict temperature controls.

It is therefore clear that despite the previous approval, further storage needs remain given the issues highlighted above and the proposed extension would be essential to the expansion of the existing business by allowing existing and future storage needs to be met fully on site. This would benefit not only the business by preventing stock being damaged or affected by changing temperatures but would also reduce vehicular movements associated with the use as cheeses would not need to be stored off site. This would also constitute an environmental benefit.

As a result the proposal is considered to be acceptable in principle from a pure land use perspective.

### **Residential Amenity**

The main residential properties affected by this development are those on Hunsterson Road to the north-east, Hatherton Farm Cottage to the East and Holly Farm to the west.

#### Holly Farm (to the west) & Hatherton Farm (to the east)

The extension would be sited over 240m away with intervening buildings in between as such would not cause any harm through overbearing impact or overshadowing. As the proposal would provide a storage area only which would reduce existing number of vehicular movements it is not expected that the

proposal would pose any further harm to living conditions through noise and disturbance over and above the existing situation.

### Properties on Hunterson Road

The extension would be sited 140m away to the nearest property. This distance is considered sufficient to prevent significant harm to living conditions through overbearing impact of overshadowing. As the proposal would provide a storage area only which would reduce existing number of vehicular movements it is not expected that the proposal would pose any further harm to living conditions through noise and disturbance over and above the existing situation. It should also be noted that the Environmental Health Officer has raised no objection to this application.

Therefore the proposal could be accommodated without significant harm to living conditions of neighbouring or proposed occupants.

### **Contaminated Land**

The application has been assessed by the Councils Environmental Protection Team who have not suggested any conditions regarding contaminated land.

### **Highways**

The proposal cold store extension would utilise an existing access onto Crewe Road with no changes to access or existing parking arrangements.

Whilst additional B8 storage would usually be expected to generate additional HGV trips the proposal seeks to create an additional storage area only and would reduce the need for HGVs to transport goods between this site and the applicant's other site further afield.

As a result the highways impact will therefore be negligible.

The Councils Highways Engineer has also been consulted and has not raised any objection subject to condition imposed on the previous application which restricted the use of the building to storage purposes only to prevent any intensification of vehicular movements.

Therefore it is considered that the proposal could be accommodated without significant harm to the existing highway network.

### **Landscape**

The site has no statutory national landscape designation and forms part of a large field laid to pasture. A young woodland block is located to the north. There is a single mature Oak tree to the south. There is a farm complex at Hatherton Lodge Farm to the south east and a number of residential properties on Hunterson Lane which adjoin the northern boundary of the field. Public right of way Hatherton FP8 crosses the site and would require diversion. There are other scattered residential properties and several other public footpaths in the vicinity.

The proposed extension would extend the existing cold store to the east, approximately double the existing footprint. In mitigation, a landscape scheme is proposed with a belt of tree and shrub planting wrapping round the development to the south and east.

The submission is supported by the Landscape and Visual Impact Assessment (LVIA) provided for the existing building with an addendum relating to the extension intended to be read as an appendix to the original document.

The LVIA concludes that the development will slightly change the landscape character of the area. It concludes the proposed package of mitigation will greatly reduce or remove the impact of the new and existing buildings in the longer term.

The alternative locations examined for the building were considered to result in greater visual and physical harm. It acknowledges that there would be a specific impact on users of Public Right of Way Hatherton FP8 and that the footpath would require diverting to accommodate the building. It also references impacts on other visual receptors including residential properties in the vicinity. Proposed new landscaping would add to native tree and shrub cover, act to screen view and enhance the area. The planting would also create new habitats and encourage biodiversity. All retained and new landscape would be subject to management.

The Councils Landscape Officer has also been consulted who advises that she broadly agree with the findings of the LVIA although it is important to be aware that whilst proposed new planting would help to mitigate the visual effects of the building; this would take time to establish. She also advises that at a pinch point to the north east corner, the proposed diverted route of the public footpath would run very close to the building, leaving insufficient space for screen planting.

In the event of approval the landscape officer has suggested a landscape implementation condition and a specific condition to secure a landscape management plan would be appropriate. Cladding and roof colour should match the building to be extended. It would also be important to establish how any excess spoil would be handled.

It is accepted that the proposal would clearly have some impact on the landscape as it seeks to develop a section of land that is currently free from development and would sit forward of the confines of the existing built form. It is also accepted that any landscaping would take some time to develop in which to mitigate the visual impact of the extension.

However both the submitted LVIA and the Councils Landscaping Officer advise that the landscaping scheme when fully established would provide suitable mitigation against the visual impacts of the extension. Therefore whilst the most severe visual impacts will be felt at the beginning of the development, this would be suitably mitigated over time. It is also accepted that some visual impact is inevitable as Policy PG6 supports development that is essential to the expansion of an existing business.

Subject to conditions regarding landscaping, it is considered that the proposal could be accommodated without significant landscape impact.

### **Trees**

This application is supported by an Arboricultural Impact Assessment and Method Statement and a Tree Survey Report and Tree Survey & Root Protection Areas plan. The statement is broadly in accordance

with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

The application seeks to erect a cold store extension to an existing storage facility. The Arboricultural Statement has identified 1 individual tree within the application site, 1 Oak of high quality (A Category) and one group of mixed species of low quality (C Category).

The Councils Arborist is satisfied that the proposal will not present any significant implications for T1 Oak tree; a section of proposed hard standing will extend slightly into the Root Protection Area (RPA) of T1. BS5837:2012 makes provision and design recommendations for incursions into the RPA of trees (para 5.3.1 and 7.4.2) which has been addressed in the submitted report.

The incursions within the RPA of the Oak tree are relatively minor and taking into account the species characteristics, age and the low impact expected caused by the development, in addition to the proposed amelioration of the soil surrounding the tree, the Councils Arborist is satisfied that the tree will remain viable in the long term subject to the condition requiring the development to be carried out in accordance with tree protection measures.

Therefore no significant harm to existing tree stock.

### **Design**

The proposed extension would attach to the existing extension to the eastern boundary of the site. It would result in a similar projection to the existing extension and would have the same ridge height as the existing extension. As a result the bulk and portions would not be out of character with the existing buildings on site.

The appearance would also be identical to that of the existing extension being from green metal cladding. This would not only ensure that the extension matches the appearance of the existing extension but the green colour also assist to soften the visual impact of the proposal when viewed from the wider setting.

Where the proposal is seen from the wider setting it would latest be read against the confines of the existing development rather than an isolated structure.

Direct impact when viewed from the public right of way would occur given the close proximity but most of this impact can be mitigated by the proposed landscaping. However a pinch point to the north east corner of the proposed diverted route of the public footpath would run very close to the building, leaving insufficient space for screen planting. Given that this represents a small area it is not considered that this would warrant a refusal in its own right and this needs to be balanced against the benefits of the proposal.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

## **Ecology**

### Breeding Birds

The Councils Ecologist has advised that any impact to breeding birds could be suitably mitigated by condition which prevents any works taking place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds and condition requiring features for breeding birds to be incorporated into the scheme.

### Native species planting

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. Therefore if planning consent is granted the Councils Ecologist suggests a landscape condition should be attached that includes the creation of a native species hedgerow along the building's east boundary.

The above conditions are considered both reasonable and necessary to mitigate the impact on breeding birds. As a result the proposal could be accommodated without significant ecological impacts.

## **Flood Risk/Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps.

The Councils Flood Risk Team have been consulted as part of this application and their initial comments advised that they raised no objection to the proposed development subject to drainage conditions and requiring a Flood Risk Assessment (FRA). Since these comments an FRA has been provided for review which has been deemed acceptable by the drainage team subject to condition ensuring compliance with the FRA and requiring a drainage strategy.

United Utilities have also been consulted and have advised that they do not wish to comment on the application.

Therefore subject to the acceptability of the FRA it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

## **Public Right of Way (PROW)**

The Hatherton FP8 runs through the north-eastern tip of the site and continues past the eastern boundary. This will require diverting as a result of the proposal. As such a plan has been provided which shows that the section of footpath to at the north-eastern tip of the site will be diverted further to the east to the side of the proposed extension.

The Councils PROW Team have commented on the proposal and have raised no objection subject to conditioning regarding the diversion methods/standards.

As a result the proposal would mitigate the impact to the PROW given the proposed rerouting.

## **Agricultural Land Quality**

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 an Agricultural Land Quality Survey has been provided. This concludes that all of the 1.4 ha site is classified as Grade 2 agricultural land.

The proposal would therefore result in the loss of Grade 2 agricultural land which weighs against the proposal.

## **Economic Benefits**

With regard to the economic role of sustainable development, the proposed development will help to provide economic benefits through expansion of the existing business function, jobs in construction and further economic benefits to the construction industry supply chain.

## **Other Issues**

The majority of representation comments have been addressed above in the report. However a number of issues remain which are now accessed below:

- Light pollution – Any lighting would require separate planning consent
- Landscaping for the earlier application has never been planted – This would not be a reason to withhold planning permission. Issues regarding compliance with previous approvals should be addressed by the Councils Planning Enforcement Team separately from this current application
- Photographs in the design and access statement are out of date – The case officer has visited the site and has taken their own photographs of the site so has not been misled in any way
- Will make worse existing power shortages – This is not a consideration relevant to the determination of a planning application.
- Noise from the use – The site already operates as a cheese manufacturing, packaging and distribution enterprise so some noise and disturbance would already occur and is it not expected that this proposal to provide a storage area would make this significantly worse.
- Plan revised close to closing dates for comments – The revised plan related to the diversion of the Public Right of Way only and has not affected the siting of the extension, thus no further consultation was required.
- 2<sup>nd</sup> batch of ecology comments relate to a different site – This was an admin error and has been removed.

## PLANNING BALANCE

The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 emphasises that 'significant weight' should be placed on the need to support economic growth and productivity. Paragraph 82 then goes on to state that;

*'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations'*

The site lies in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made for development that is essential for the expansion or redevelopment of an existing business

In this instance the proposal relates to an existing business and it has been demonstrated in the supporting statement that the extension is essential to the growth of this existing business. Therefore the proposal is acceptable in principle from a pure land use perspective.

The benefits of the proposal would be the economic benefits through the expansion of the existing local business, jobs in construction and further economic benefits to the construction industry supply chain.

The development would have a neutral impact upon, ecology, flood risk, highway safety, flooding, living conditions and design contaminated land.

The dis-benefits would be the landscape harm, albeit this harm would be mitigated overtime by the landscaping scheme and the loss of agricultural land.

Applying the tests within paragraph 11 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## RECOMMENDATION

**Approve subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Public Rights of Way scheme of management**
- 5. Drainage strategy and management plan**
- 6. Nesting birds survey**
- 7. Feature for nesting birds**
- 8. Landscaping scheme to include native species hedgerow along the building's east boundary.**
- 9. Landscaping scheme implementation**



**10. Landscaping management scheme**

**11. The cold store building to only be used for storage purposes ancillary to the operation of Laurel Farm**

**12. Details of how excess soil will be**

**13. Lighting details**

**14. Tree protection**

**15. Compliance with the FRA**

**16. Drainage strategy**

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

