

Application No: 23/2528N

Location: Yew Tree Farm, CLAY LANE, HASLINGTON, CW1 5SQ

Proposal: Construction of a new warehouse for B8 use, internal access alterations from the existing site, landscaping, and associated works

Applicant: Amic Haulage Ltd

Expiry Date: 31-May-2024

## **SUMMARY**

This is a retrospective application for full planning permission for the erection of a B8 (storage/distribution) use warehouse at Yew Tree Farm, Clay Lane, Haslington.

The principle of development in this Open Countryside location is acceptable as the proposal relates to the expansion and diversification of an existing business. The impact upon on the landscape and the visual amenity of the area is considered to be acceptable.

The proposal must also be assessed according to its impacts on residential amenity, pollution and land contamination, flood risk/drainage, ecological and arboriculture considerations. There is no objection to these technical issues and as such the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Edgar for the following reasons:

*The plans refer to a 'proposed temporary' building however the supporting information refers to an expansion of the established business on the site.*

The proposes building is 1500 sqm in floor area and yet it is not clear from the supporting information what it will be used for, B8, covers a lot of options and what the implications are for *not* only the business in terms of additional employment and traffic growth but impact on the immediate area, particularly the size and frequency of vehicles on the rural roads.

*More information is required and whilst this application will support a local business it is*

*important to understand what the wider implications of any expansion of the haulage operation on this site will have on the surrounding area.*

*As it stands a planning statement is lacking with regard to this information. At the very least this site needs a committee site visit to look at the intrusion onto the open countryside, highway implications, the established premises and permissions already granted.*

## **PROPOSAL**

This is an application for full planning permission for a warehouse which would measure 50m by 30m, with an eaves height of 6.3m, and a ridge height of 11.2m. The warehouse would be sited at the northeast of the wider Yew Tree Farm site. The warehouse would provide some 1500m<sup>2</sup> of storage space.

The rationale of the proposal is to provide required expanded secured storage space for the growth of the haulage business, and to minimise the need to store materials/goods externally. The proposal would also allow the business the flexibility to diversify in the future if required.

## **SITE DESCRIPTION**

The application relates to a site known as Yew Tree Farm which is located within the Open Countryside as defined by the Local Plan Policies Map. The site comprises a number of buildings, including buildings of traditional construction and portal framed buildings of varying ages. The site was formally part of farm but now is used occupied by a haulage company as a B8 (storage and distribution) business since June 2003.

## **RELEVANT HISTORY**

23/4825N Retrospective change of use from agricultural storage to creation of additional hardstanding for the storage of private vehicles - *Pending Consideration*

21/1730D Discharge of Conditions 6,7 & 8 on 20/4957N - Construction of single storey warehouse/storage unit and canopy extension to existing warehouse *Approved 22DEC/2021*

20/4957N Construction of single storey warehouse/storage unit and canopy extension to existing warehouse. *Approved with conditions 01/FEB/2021*

19/4143N Formation and change of use of hardstanding from agricultural to B8 use, change of use of former grain store to B8 use, formation of new access point from Clay Lane, and associated works *Approved with conditions 17/JUN/2020*

17/0607N – The construction of an extension to an existing agricultural building to house a tractor and for general store use. – *Refused 16th March 2017*

16/3499N - Certificate of lawful development for an existing use as haulage yard and agricultural use *Negative Certificate 16/MAR/1017*

14/4875N - Proposed detached storage unit for grain *Approved 26/JAN/2015.*

12/4229N - Prior notification for extension of hard standing for storage of bales, cattle feed and bedding - *approval not required - 11/12/12.*

12/3073N - Prior Notification of Agricultural Development - Regrade Boggy Agricultural Land for Relaying Land Drains - *approval not required - 08/10/12.*

7/03062 - Extension to existing repair garage - *approved - 03/08/77*

## **POLICIES**

### **National Planning Policy Framework (NPPF)**

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

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Stability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

IN 1 Infrastructure

PG 6 Open Countryside

EG 1 Economic Prosperity

EG 2 Rural Economy

EG 3 Existing and Allocated Employment Sites

### **Cheshire East Site Allocations and Development Policies Document (SADPD)**

GEN 1 Design Principles

HOU 12 Amenity

INF1 Cycleways, Bridleways and Footpaths

INF 3 Highway Safety and Access

INF 9 Utilities

ENV 2 Ecological Implementation

ENV 3 Landscape Character

ENV 5 Landscaping  
ENV 6 Trees, Hedgerows and Woodland Implementation  
ENV 7 Climate Change  
ENV16 Surface Water Management and Flood Risk  
PG 8 Development at Local Service Centres  
PG 9 Settlement Boundaries  
RUR 10 Employment Development in the Countryside

### **Haslington Neighbourhood Plan**

Regulation 7 stage (no weight)

### **CONSULTATIONS (External to Planning)**

**Haslington Parish Council:** Object to the application on the following grounds:

- The proposed development is within the open countryside and should be protected for its own sake. The proposal does not fall within the policy exceptions and conflicts with policies PG6 and EG2 of the CELPS and NE13 of the C&NLP.
- The applicant has placed hardcore on the site, and this was refused permission as part of 21/1300N.
- Encroachment into the open countryside has taken place without any planning permission.
- Large vehicles are parked on the areas of hardstanding and no planning permission has been granted for this.
- The site plan does not reflect the unauthorised development which has taken place at this site.
- The appearance of the building is not in keeping with this rural location. The building is bright white and is visible from Clay Lane.
- The applicant states that the site benefits from visual screening (hedgerows and trees). However, the PC are of the view that this does not adequately screen the site.
- The application does not state what materials will be stored within the building. If outdoor storage is moved to being within the building, what will happen with the redundant external storage areas. The application will just make the site larger.
- Loss of agricultural land (grade 1-3) which has a value to the local farming community. The site is not within a sustainable location.
- The site was previously undeveloped.
- There would be conflict with policies SD1, SE2 and PG6.
- The application is retrospective and should be refused.

**United Utilities:** No objection

**Environmental Protection:** No objection subject to standard contaminated land condition.

**Lead Local Flood Authority (LLFA):** No objection subject to conditions

**CEC Highways:** No objection

## **REPRESENTATIONS**

No further representations received.

## **APPRAISAL**

### **Principle of Development**

The application site is situated in the Open Countryside, outside of any settlement boundary.

The applicant Amic Haulage Ltd has operated a haulage business on this site since June 2023. The application advises that Amic Haulage is part of the local supply chain and is used by Mornflake for its haulage and ancillary storage and distribution.

Policy PG6 of the CELPS 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. Policy PG6 then goes on to identify a number of exceptions including for development that is essential for the expansion of an existing business (point v).

Policy EG2 of the CELPS then goes onto identify that encourage the retention and expansion of an existing business (particularly through the conversion of existing buildings and farm diversification) will be supported where they meet a number of requirements.

Policy RUR10 of the SADPD states that under CELPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Employment development may be appropriate to a rural area where:

- i. its scale is appropriate to the location and setting.
- ii. the nature of the business means that a countryside location is essential; and
- iii. the proposals provide local employment opportunities that support the vitality of rural settlements.

In terms of the scale of the building, the proposed use involves the storage of materials transported by haulage trucks which necessarily involve a fairly large quantum of floorspace and in the context of the overall site is not disproportionate in footprint.

In terms of criteria 1ii and 1iii of this policy the use of the business is established, with an existing haulage firm operating from the site with some 14 full time employees. This proposal would enhance an existing employment site with access to the A534 trunk road outside of, but in fairly close proximity to, the settlement of Crewe. These aspects would further support the expansion of this existing business in this location.

Criterion 2 of policy RUR10 of the SADPD states that where it is demonstrated that the proposal is appropriate to a rural area under Criterion 1, employment development will be supported where it accords with other policies in the development plan and:

- i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;
- iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and
- iv. appropriate landscaping and screening is provided

The proposals would make use of the existing access and would be built to the north and east and behind existing development on this B8 use site, the proposed building, although large in scale, is not disproportionate for the stated purpose and relates clearly to the existing and planned operation of the business and would be well related visually to the surrounding development. Finally, the proposal would have no adverse amenity of character impacts as elaborated on further in the report.

In terms of criterion 2iii as identified by the Local Planning Authority's landscape architect the existing large sheds screen views into the site from the southern roadside areas, however upon travelling north along Clay Lane, beyond the site, occasional over hedge views and through gate hedge openings do occur towards the farm. Due to the location of the site, the building in question is visible in various ways as highlighted below. However, views become more screened north of Haslington FP 40 junction with Clay Lane. It must be noted that occasional views are possible from Haslington FP 40 and FP 25.

The proposed application is mostly visible from near and mid-range views from the west, north and east of the site occasionally, with topography, mature trees and hedgerows intervening/screening, filtering in places. The nearer landscape also has occasional intervening mature hedgerows and trees which do break up views directly to all of the proposal. Views into the proposed site are further framed and set by both the existing haulage buildings and a large-scale pylon high voltage line and a smaller overhead line. The proposal although set within open countryside is nevertheless adjacent to a harder and more industrial elements.

The proposed (built out) building is white in colour, a rather foreign colour for a large shed/barn within or nearby to this location. Large sheds/barns close to the site located on other farms typically have a darker finish (dark green). These local buildings being dark green sit more comfortably into the green landscape. The proposal in its current colour state stands out due to its colour quite prominently in places. Therefore, a condition requiring submission of details of painting/colour scheme at the walls should be appended to assure compliance with this policy criterion.

Criterion 3 of this policy states that the design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future. It is considered that the proposal clearly accords with this requirement subject to the condition as identified above.

As noted above policy EG2 of the CELPS states that outside the Principal Towns, Key Service Centres and Local Service Centres, developments that encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification (case officer's emphasis) will be supported where the proposal:

- i. Meets sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the Local Plan Strategy;
- ii. Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- iii. Would not undermine the delivery of strategic employment allocations;
- iv. Is supported by adequate infrastructure;
- v. Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- vi. Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and vii. Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6 and SE 7 of the Local Plan Strategy.

Subject to an assessment of visual and residential amenity below it is considered that this policy requirement would be broadly complied with in terms of this proposal for a single industrial unit on an existing B8 use site.

Finally, the application makes reference for the building being required for a temporary period of 10 years. This is not considered to be temporary, and it is in essence a permanent structure (the application should be treated on this basis).

### **Residential Amenity**

Policy HOU12 on amenity states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development.

There is a dwellinghouse within the wider site to the southwest but this would be sited well away from the warehouse and no closer than existing B8 uses. As such it is not considered that there would be an unacceptable interface here. There is no further residential development in close proximity and the site is isolated, precluding any material residential amenity impacts.

The development complies with SADPD Policy HOU12.

## **Land Levels**

Land levels details have been provided as part of this application in the form of elevations with levels from sea level and a topographical survey, and as the application proposal has been built out this matter does not need to be controlled via the imposition of a planning condition.

## **Contaminated Land**

A standard condition is recommended by Environmental Protection and this will be attached to the decision notice.

## **Highways Issues**

The construction of a new building, of some 1500m<sup>2</sup>, is proposed to be used as B8 storage and distribution.

This site has an existing commercial site, and it is indicated that there will be no additional traffic generation arising from the building. There are no changes proposed to the existing access to the site and sufficient parking is available within the site.

There are no objections to the application from the highways officer and the proposal is considered to clearly comply with policy INF3 of the SADPD and policy CO1 of the CELPS

## **Trees & Hedgerows**

No trees would be impacted by the development. The proposed site plan includes a proposed hedgerow which will be controlled for by condition.

## **Design and Impact on Visual Amenity, the Landscape**

Cheshire East Local Plan Strategy Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and, wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy GEN1 (Design Principles) sets a number of design principles that development proposals should meet. This includes the following; 1. create high quality, beautiful and sustainable buildings and places, avoiding



the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place; 2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development; 3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings.

Policy SE4 builds on these matters by requiring an acceptable visual impact on the landscape.

As identified above the Landscape Officer has requested a change in colour of the entire external finished to the building proposed to a darker green tone similar to other large sheds onsite which is considered reasonable and necessary to condition.

Given that the existing cluster of buildings on site it is not considered that the proposed additional building as proposed in this application would appear sufficiently incongruous to incur a reason for refusal on these grounds.

Subject to this condition the proposed development would therefore comply with policies SE1, SE4, SD1 & SD2 of the CELPS and Policy GEN1 of the SADPD.

## **Ecology**

Policy SE 3(5) of the CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. The Council's ecologist has reviewed the proposal and in light of the proposed hedgerow on the proposed site plan has no objection to the proposal.

## **Flood Risk/Drainage**

Policy SE13 of the CELPS states, inter alia, that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. The applicant has submitted a drainage strategy which has been assessed by the LLFA. Conditions will be attached requiring further detail within three months of the date of permission to ensure an acceptable impact on water management on the site.

United Utilities have recommended informatives related to drainage which are considered necessary and reasonable to append to the Decision Notice in the event of a grant of planning permission.

## **PLANNING BALANCE**

The wider site is an established B8 storage/distribution use, and the proposed building would fit into that use class. The site is within the Open Countryside where development that is essential for the expansion of an existing business is acceptable in principle subject to material considerations.

The highways impact is considered to be acceptable, and no objection has been raised by the Councils Highways Officer. The parking provision and access to serve the development complies with INF3 of the SADPD and CO2 of the CELPS.

The design would be acceptable (subject to a condition relating to the colour of the building) and the landscape officer is of the view that the proposed development would not harm the character and appearance of the open countryside.

Due to the location of the site there would be no harm to residential amenity, trees or ecology.

The matters of flood risk and drainage would be controlled with the imposition of planning conditions.

The proposed development would comply with the Development Plan when it is read as a whole.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Approved Plans**
- 2. Materials as Application**
- 3. Submission of Details of Colour of Facing Materials (within 3 months of date of permission). To be implemented within 5 months of the date of decision.**
- 4. Submission of Updated Drainage Strategy (within 3 months of date of permission)**
- 5. Submission of Details of Petrol/Oil Separators in Drainage Strategy (within 3 months of date of permission)**
- 6. Within 3 months of the date of this decision, any soil or soil forming materials brought to site for use shall be submitted and approved.**

**In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Planning and Enforcement Manager in consultation with the Chair of Southern Planning Committee (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.**

