

Strategic Planning Board

Agenda

Date: Wednesday, 6th April, 2022
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

PLEASE NOTE - This meeting is open to the public and anyone attending the meeting is advised to wear a face covering when not seated (unless exempt).

Lateral Flow Testing: Anyone attending the meeting is asked to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting and must follow the latest advice on self-isolation.

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 live audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Apologies for Absence**

To receive any 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 a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 3 - 8)

For requests for further information

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies

To approve the previous minutes of the meeting held on 9 March 2022 as a correct record.

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 Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **21/2976M-Variation of condition 2 - approved plans on approval 17/6471M, Land Off Hazelbadge Road, Poynton, Cheshire for Mr Shaun McCarthy, Elan Homes Ltd (Pages 9 - 28)**

To consider the above application.

6. **21/4191C-Full planning application proposing the erection of a single sided employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure, Phase 4a Midpoint 18, Holmes Chapel Road, Middlewich for Magnitude Land LLP (Pages 29 - 48)**

To consider the above application.

7. **21/4194C-Full planning application proposing the erection of a cross docked employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure, Phase 4a Midpoint 18, Holmes Chapel Road, Middlewich for Magnitude Land LLP (Pages 49 - 68)**

To consider the above application.

Membership: Councillors S Akers Smith, A Critchley, B Burkhill, S Edgar, S Gardiner (Vice-Chair), P Groves, S Hogben, M Hunter (Chair), B Murphy, B Puddicombe, P Redstone and J Weatherill

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 9th March, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor S Gardiner (Chair)

Councillors S Akers Smith, A Critchley, B Burkhill, S Edgar, P Groves,
N Mannion (Substitute), B Murphy, B Puddicombe, P Redstone and
J Weatherill

OFFICERS IN ATTENDANCE

Mr D Evans (Planning Team Leader), Mr P Hurdus (Highways Development
Manager), Mr R Law (Planning Team Leader), Mr D Malcolm (Head of
Planning) Mrs P Radia (Senior Planning Officer) Mr R Taylor (Principal
Planning Officer) and Mr J Thomas (Planning Lawyer)

70 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Hunter and S
Hogben.

71 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 21/4490N, Councillor
N Mannion declared that until May 2021 he was the Portfolio Holder at
Cheshire East Council with responsibility for assets and therefore whilst he
was aware of the proposals for such a development he had not been
involved in the drafting of the planning application and was only aware of
the details when he read the agenda.

In the interest of openness in respect of application 21/4434N, Councillor
S Edgar declared he was the Ward Councillor for Haslington and the
Parish Councillor for Weston & Basford Parish Council. He had attended a
pre application meeting but had made no comments on the application or
pre-determined it.

In the interest of openness in respect of application 20/5700C, Councillor
S Edgar declared that he was a member of the Cheshire Brine Subsidence
Compensation Board.

In the interest of openness in respect of applications 20/5700C, 21/4434N,
21/4490N and 21/2589M, Councillor S Edgar declared that he was a
member of the Public Rights of Way Committee (PRoW) however he had
not discussed the applications or made any comments on them.

In the interest of openness in respect of application 20/5700C, Councillor A Critchley declared he knew Councillor J Parry who was speaking on the application.

In the interest of openness in respect of application 21/2589M, Councillor S Gardiner declared that whilst he did not know the agent speaking on the application, the speaker did work for a company he also used to be employed by and was a member of their pension scheme.

In the interest of openness in respect of application 21/4490N, Councillor P Redstone declared he had previously been involved in the PV industry but was no longer involved and he had no connection with the company connected to the application.

In the interest of openness in respect of application 20/5700C, Councillor S Akers Smith declared that she had met with Town Councillor G Orme who was speaking on the application the previous week but she had not discussed the application with him.

It was noted all Members had received correspondence in respect of application 21/4434N.

72 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the previous meeting held on 2 February 2022 be approved as a correct record and signed by the Chair.

73 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

(Prior to consideration of the following application, Councillor B Murphy arrived to the meeting).

74 20/5700C-RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOLLOWING OUTLINE APPROVAL 13/3449C FOR 405 DWELLINGS, RETAIL UNIT, PUBLIC OPEN SPACE, AND ASSOCIATED WORKS, GLEBE FARM, BOOTH LANE, MOSTON, MIDDLEWICH FOR MR G BANCROFT, TAYLOR WIMPEY UK LTD

Consideration was given to the above application.

(Councillor Jonathan Parry, the Ward Councillor, Town Councillor Graham Orme, representing Middlewich Town Council and Brian O'Connor, the

agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for the applicant to give further consideration to the housing mix notably the provision of 2 bedroom properties and for further clarification to be provided on the drainage and flooding issues.

(Prior to consideration of the following item, the meeting was adjourned for a short break).

- 75 **21/4434N-RESERVED MATTERS APPLICATION PROPOSING DETAILS OF LAYOUT, APPEARANCE, SCALE AND LANDSCAPING FOR THE RESIDENTIAL ELEMENT (C3 USE) OF THE OUTLINE DEVELOPMENT 15/1537N - OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED) FOR A MIXED-USE DEVELOPMENT COMPRISING RESIDENTIAL USE (USE CLASS C3) (UP TO 325 RESIDENTIAL DWELLINGS); EMPLOYMENT USE (USE CLASS B1), LOCAL CENTRE COMPRISING HEALTH CENTRE AND COMMUNITY FACILITY (USE CLASS D1), FOOD/NON FOOD RETAIL (USE CLASS A1), PUBLIC HOUSE/RESTAURANT (USE CLASS A4/A3) AND ASSOCIATED WORKS INCLUDING CONSTRUCTION OF A NEW ACCESS ROAD WITH ACCESS FROM THE CREWE GREEN LINK ROAD SOUTH, CREATION OF FOOTPATHS AND PROVISION OF PUBLIC OPEN SPACE AND LANDSCAPING, LAND TO THE WEST OF, DAVID WHITBY BAY, WESTON FOR ADAM DOHREN, TAYLOR WIMPEY UK LIMITED**

Consideration was given to the above application.

(Ian Harrison, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written and verbal update to the Board, the application be delegated to the Head of Planning in consultation with the Chair of the Strategic Planning Broad (or in their absence the Vice Chair) to approve subject to receipt of evidence that the development is eligible to join Natural England's District level Licencing Scheme, the provision of additional ecological information to ensure the mitigation of protected species and habitat and the subject to the following conditions:-

1. In accordance with outline permission
2. In accordance with approved plans

3. Notwithstanding the plans hereby approved, no consent is given for the area hatched in orange adjacent to Crotia Mill. This shall be the subject of a further reserved matters application
4. Submission/approval of facing and roofing materials
5. Details of hard surfacing treatments
6. Implementation of landscaping
7. Tree Protection Scheme and Arboricultural Method Statement
8. Management of veteran trees
9. Noise mitigation – Implementation
10. Design detail, specification and implementation of play areas/features
11. Cycle storage details – Apartments
12. Provision of public art/interpretation
13. Inclusion of pedestrian crossing points on the main east-west spine and southern avenue
14. Submission of working design/details for SuDS basins and rain gardens
15. Details of lighting and street furniture to be submitted
16. 25-year landscape management period
17. 10 years maintenance/retention of roadside trees
18. Remediation of Unexpected Contamination
19. Importation of soils
20. Appointment of Ecological Clerk of works
21. Liaison Group

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

(Prior to consideration of the following item, the meeting was adjourned for a short break. Councillor B Murphy left the meeting and did not return).

- 76 **21/4490N-ERECTION OF AN UP TO 5 MW SOLAR PV ARRAY AND CIRCA 25MW BATTERY STORAGE, COMPRISING GROUND MOUNTED SOLAR PV PANELS, BATTERY STORAGE COMPOUND, VEHICULAR ACCESS FROM THE EXISTING SITE ENTRANCE WITH INTERNAL ACCESS TRACKS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE INCLUDING SECURITY FENCING AND CCTV CAMERAS, LEIGHTON GRANGE FARM, MIDDLEWICH ROAD, LEIGHTON FOR DANIEL GRIFFITHS, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

(Daniel Griffiths, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Time limit
2. Approved plans
3. Submission and implementation of habitat creation method statement and 30-year management plan
4. Entry into Natural England's District Licencing Scheme for Great Crested Newts
5. Protection for breeding/nesting birds
6. Tree retention
7. Tree protection measures
8. Compliance with the submitted Flood Risk Assessment
9. Programme of archaeological observation during the groundworks for the battery storage and sub-station
10. Within 40 years following the development being brought into use or within 12 months of cessation of electricity generation, whichever is sooner, all equipment and structures shall be dismantled and removed from the site and the land restored to agricultural use

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

77 21/2589M-CONSTRUCTION OF AN ADVENTURE GOLF COURSE WITH ASSOCIATED WORKS (RE-SUBMISSION OF 20/2925M), ADLINGTON GOLF CENTRE, LONDON ROAD, ADLINGTON FOR ADLINGTON GOLF CENTRE LTD

Consideration was given to the above application.

(Gareth Salthouse, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

Green Belt - The site lies within the North Cheshire Green Belt. The proposed development, whilst not inappropriate development by definition, would lead to a loss of openness and encroachment in the Green Belt. The various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt. There are not considered to be material considerations that

clearly outweigh the harm to the Green Belt by reason of loss of openness. The proposal is therefore contrary to the National Planning Policy Framework, Policy PG 3 of the Cheshire East Local Plan Strategy and saved Policy GC1 of the Macclesfield Borough Local Plan.

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

The meeting commenced at 10.00 am and concluded at 2.14 pm

Councillor S Gardiner (Chair)

Application No: 21/2976M

Location: Land Off Hazelbadge Road, Poynton, Cheshire

Proposal: Variation of condition 2 - approved plans on approval 17/6471M

Applicant: Mr Shaun McCarthy, Elan Homes Ltd

Expiry Date: 08-Apr-2022

SUMMARY

The proposal seeks to vary condition 2 (approved plans) on planning permission 17/6471M to change the approved house types. The requirement for the change has arisen due to a change in housebuilder looking to bring the development forward on the site. The amount of development and overall layout of the dwellings remains very similar to that previously approved, and therefore most of the issues associated with the proposed residential development remain unchanged.

Small changes have been made to the design of the house types during the course of the application in order to better reflect the requirements of the CEC design guide, local and neighbourhood plan policies, and provide a proposal that delivers a specific sense of place, having regard to the local distinctiveness of Poynton.

The comments received in representation are acknowledged, however, as with the previous application, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay, with the same conditions and planning obligations as the extant permission 17/6471M.

RECOMMENDATION

Approve subject to s106 agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

The site is an 8.28 hectare greenfield site lying to the west Poynton. The site is located at the northern end of Hazelbadge Road, which is a residential cul-de-sac. Lower Park Primary School and its playing field is located at the end of Hazelbadge Road, and the application site borders the east, west and northern boundaries of the school. Hazelbadge Road runs between the school's eastern boundary and the application site. Poynton Brook runs along the eastern boundary of the site and the railway line runs along the western boundary beyond existing woodland on the western side of the site. The woodland is formally protected by Tree

Preservation Order and there is also a linear group of protected trees in the centre of the site. A number of public rights of way also cross the site. The site is allocated for housing development under policy LPS 48 in the CELPS, which allows for the delivery of around 150 new homes.

DETAILS OF PROPOSAL

This application seeks to vary condition 2 (approved plans) on permission 17/6471m, which granted full planning permission for approval for full planning permission for the erection of 133 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space.

There has been a change in housebuilder looking to bring the development forward, and therefore a change to the approved house types is now proposed.

RELEVANT HISTORY

10438P - RESIDENTIAL (OUTLINE) – Withdrawn 30.08.1977

10309P - RESIDENTIAL DEVELOPMENT (OUTLINE) – Withdrawn 1.09.1977

35818P – HOUSING – Refused 13.01.1984

17/6471M - 133 dwellings on land off Hazelbadge Road with associated access improvements, landscaping and public open space – Approved 02.11.2020

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 Heritage Assets
SE9 Energy Efficient development
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

LPS 48 Land adjacent to Hazelbadge Road, Poynton

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors
NE11 Nature conservation
NE16 Nature Conservation priority areas
NE17 Nature conservation in major developments
NE18 Accessibility to nature conservation
RT5 Open space standards
H9 Occupation of affordable housing
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC17 Water resources
DC35 Materials and finishes
DC36 Road layouts and circulation
DC37 Landscaping
DC38 Space, light and privacy
DC40 Children's play / amenity space
DC63 Contaminated land

Poynton Neighbourhood Plan (PNP)

EGB 1 Surface Water Management
EGB 4 Access to the countryside
EGB 5 Improving access to the countryside
EGB 7 Landscape Enhancement
EGB 8 Protection of Rural Landscapes
EGB 9 Nature Conservation
EGB 10 Wildlife Corridor
EGB 11 Development of Additional Facilities
EGB 15 Heritage Assets
HOU 2 Infrastructure for Strategic Housing Sites
HOU 6 Housing Mix
HOU 7 Environmental Considerations
HOU 8 Density and Site Coverage
HOU 9 Affordable Housing
HOU 11 Design
TAC 1 Walking & Cycling

Other Material Considerations

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Environment Agency – No further comments to add to previous response to 17/6471M - No objection subject to conditions relating to groundwater and contaminated land

United Utilities – No comments to make

Network Rail – Provide comments on the following: S106 funds should be sought for improvements to Poynton Railway Station; requirements for open space; risk assessment for works close to railway; no encroachment onto Network Rail land; safety of railway; scaffolding; vibro-compaction machinery / piling machinery; drainage; excavation and earthworks; noise/vibration mitigation; agreement between Network Rail and developer.

Housing Strategy & Needs Manager – No objection

Lead Local Flood Authority – No objection subject to conditions relating to FRA and surface water drainage as recommended under 17/6471M

Environmental Health – No objection subject to conditions relating to contaminated land

Education – No comments received

Public Rights of Way – Initially objected due to obstruction of 2 rights of way, but now remove objection as developer has submitted formal application to diverts PROWs.

Head of Strategic Infrastructure – No objection

ANSA – No comments received

Cheshire Archaeology Planning Advisory Service – No comments received

NHS Eastern Cheshire Clinical Commissioning Group – No comments received

Poynton Town Council – Maintains its opposition on following grounds:

- Access along Hazelbadge Road poses risk to pupils and other pedestrians
- Alterations to Chester Road junction also dangerous
- Poynton Neighbourhood Plan adopted since previous approval
- Are approved flood remediation measures still adequate (flooding incident in 2019)?
- Major differences in appearance and roof massing. Apartments have more institutional appearance
- Should be no increase in height, floor area, changes in overlooking or massing.
- Stub road that leads only to the northern boundary of the site should be removed and grassed over as with previous permission

OTHER REPRESENTATIONS

12 letters of representation have been received objecting to the proposal on the following grounds:

- Chester Road already over trafficked
- Congestion on Hazelbadge Road, cars block driveways
- Development too big
- Impact on health and safety of school pupils, staff, parents and carers
- Public should be notified of changes to all conditions
- Should this not be a new application not a variation?
- Flood risk
- Mitigation of underground tanks not sufficiently effective
- Opens up prospect of further developments towards Greater Manchester boundary
- Impact on wildlife
- Houses should be available to local people
- Meeting between residents and developer requested
- Road link to north should be removed
- Public footpath has been rerouted along the line of the former derelict colliery railway which is contaminated land. The footpath is elevated and will overlook houses on Hazelbadge Road.
- Plans do not cover what is intended for the large area of contaminated land to the west of the site next to the railway
- The flood retention/attenuation SUDS scheme does not appear on new plans
- Development of this size requires two highway access points
- Where is the traffic plan modelling data referred to justify the current proposal?
- Highway works proposed at the Hazelbadge Road/Chester Road intersection are not shown on the plans
- Parking by train passengers / school drop off already takes place on Hazelbadge Road and Wayside Drive – development will make this worse
- Proposal will push parking problem onto Wayside Drive / east section of Hazelbadge
- Impact of construction traffic on primary school pedestrians
- Impact of construction traffic parking
- Introduction of double yellow lines will not alone solve traffic and parking issues
- Any time limit on parking spaces needs to consider all potential users
- Hazelbadge currently has approximately 50 on street parking spaces. 12 short stay spaces are proposed and are not sufficient for those being lost
- Plans do not show how they differ from approved plans
- Cheshire East should take account of Neighbourhood Plan
- The visibility splays proposed between Hazelbadge Road and Chester Road remain inadequate to address the visibility issues
- Has a further review of wildlife been undertaken given time that has passed
- No response from planning officer or department to query
- No collation of data regarding pollution

7 letters have been received making the following general observations:

- Road link to north breaks wildlife corridor – should be removed
- What measures will prevent unwanted access to meadow and maintain wildlife corridor?
- Applicant should not interfere with public right of way
- Has due diligence been conducted on this new business to ensure they can deliver in line with all conditions
- Loss of privacy arising from diverted PROW along Hazelbadge Road
- Path adjacent to stream should be improved
- The play area has not been allocated any play equipment. Can the developer agree to include play equipment for the children to use?
- Some trees left on site will be located in gardens and will become very large taking up whole gardens

KEY ISSUES

PRINCIPLE OF DEVELOPMENT

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 48 states that the development of Land adjacent to Hazelbadge Road over the Local Plan Strategy period will be achieved through:

1. The delivery of around 150 new homes;
1. Incorporation of green infrastructure including:
 - i. An appropriate level of amenity open space and children's play space;
 - ii. The creation of links with footpaths to the north and east; and
 - ii. Pedestrian and cycle links to new and existing residential areas, employment areas, shops, schools and health facilities including improved pedestrian links to the town centre and the railway station.
2. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

The proposal for 133 dwellings has already been accepted as meeting the definition of “around 150 new homes” and is therefore considered to be acceptable in principle. The substantial detail of the proposal has also previously been found to be acceptable following the granting of permission 17/6471M. The key issue to consider with the current proposal is whether the changes to the proposed house types introduce any new issues.

HOUSING

Affordable Housing

Policy SC5 of the CELPS states that “in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.” Policy HOU 9 of the PNP requires 30% affordable housing to be provided and should be indistinguishable from open market housing.

Although in a different “house type”, the proposed affordable units remain the same as previously approved in terms of numbers, size and location. 40 units will be provided, with 26 affordable rent units and 14 units as intermediate tenure. As with the extant permission there

will be 13 x 1 bed, 16 x 2 bed and 11 x 3 bed units and are considered to be adequately indistinguishable from the open market units in terms of design and materials.

No objections are raised by the Housing Strategy and Needs Manager. The proposal is therefore considered to continue to comply with policies SC5 of the CELPS and HOU 9 of the PNP. The affordable housing provision will be secured as part of the s106 agreement.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Policy HOU 6 of the PNP seeks to ensure the delivery of a mix of housing types and tenures which meet the needs of current and future residents of Poynton, including young families and elderly people.

The approved scheme proposed:

16 x 5 bed units
25 x 4 bed units
37 x 3 bed units
27 x 2 bed units
28 x 1 bed units

The current proposal changes this to:

11 x 5 bed units
30 x 4 bed units
39 x 3 bed units
25 x 2 bed units
28 x 1 bed units

Taken together with the specifics of the affordable provision outlined above, the proposed residential mix is considered to meet the requirements of policy SC4 of the CELPS, and policy HOU 6 of the PNP.

OPEN SPACE

The local plan allocation (LPS 48) states that the development of this site should include “*an appropriate level of amenity open space and children’s play space*” and “*Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.*”

Public Open Space

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children’s play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites.

Policy EGB 11 of the PNP seeks the provision of small pocket parks, picnic areas and informal open spaces, in particular when new housing areas are being proposed and developed.

The open space proposals remain as previously approved with some on site provision, including an equipped children's play area, and substantial areas of amenity greenspace and green infrastructure. Contributions towards off site allotments are also required under the extant permission, which will be carried through as part of this proposal and secured by s106 agreement.

Policy SC2 of the CELPS requires major residential developments to contribute, through land assembly and / or financial contributions, to new or improved sports facilities where development will increase demand and / or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The contributions towards off-site provision of sports facilities (indoor and outdoor) secured as part of the s106 agreement on the extant permission will still apply to this latest proposal.

Given that no change is proposed to the secured open space and sports provision, the proposal is considered to comply with the open space and sport and recreation requirements of LPS 48, policies SC2 and SE6 of the CELPS and policy EGB 11 of the PNP.

EDUCATION & HEALTHCARE

One of the site-specific principles of LPS 48 in the CELPS is "contributions to education and health infrastructure". Policy HOU 2 of the PNP requires proposals on strategic sites in Poynton to make provision for infrastructure.

The same contributions towards primary, secondary and SEN places secured under 17/6471M will apply to the current proposal.

The same contributions towards Priorsleigh Medical Centre and McIlvride Medical Centre secured under 17/6471M will apply to the current proposal.

This continues to ensure compliance with this element of LPS 48 of the CELPS and HOU 2 of the PNP.

LIVING CONDITIONS

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located along the eastern spur of Hazelbadge Road and a separation distance of over 30 metres is achieved between these existing dwellings and the proposed development. One of the letters of representation notes that the public footpath has been re-routed along the line of the former derelict colliery railway (adjacent to the south east boundary of the site), and that the footpath is elevated and will overlook houses on Hazelbadge Road. This footpath diversion was approved as part of the previous permission, and therefore the proposed variation remains consistent with the extant permission in this regard. The footpath is also located further away than the existing footpath along Hazelbadge Road. Whilst the new footpath will be slightly elevated it is located over 14m from the front elevations of the nearest properties compared to the 7m of the existing footpath. As such the proposed footpath is not considered to result in a significant loss of privacy compared to the existing situation.

Properties to the east on Kirkstall Close, Furness Close, Whitby Close and Easby Close are over 45 metres from the nearest of the proposed dwellings on the opposite side of the vegetated Brook corridor. These relationships with the nearest existing dwellings are considered to result in acceptable standards of amenity for existing and proposed residents having regard to the distance guidelines set out above.

Similarly the layout within the site still ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants. As with the extant permission the development is therefore considered to be in accordance with policies DC3 and DC38 of the MBLP.

NOISE

Policy SE12 of the CELPS seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Policy DC14 of the MBLP states that development may be permitted provided that the effects of noise can be mitigated by soundproofing measures.

As part of the original application the applicant provided an acoustic report which considered the impact of the noise from the nearby road, rail and school on the proposed development in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for

Buildings Department of Transports (1988) Calculation of Road Traffic Noise (CRTN). This is an agreed methodology for assessing noise of this nature.

The noise report identified that railway noise is sufficiently low, and no mitigation measures are necessary in respect of railway noise. However, acoustic fencing was recommended for the gardens of houses that will be nearest to the school and its playing field. The proposed mitigation was secured by condition and will continue to apply to this development.

Subject to the conditions referred to above, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP.

AIR QUALITY

As noted above, policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. The proposed amendments raise no new concerns in terms of air quality.

As part of the original permission a number of mitigation measures were the subject of conditions, which will apply again. These include a travel plan for the site, the provision of electric vehicle infrastructure across the site, and the provision of anti-idling signage in order to prevent accumulations of poor air quality in the area around the school, particularly where the designated short stay parking bays will be. Subject to these conditions, the proposal will comply with the air quality aspects policy SE12 of the CELPS.

PUBLIC RIGHTS OF WAY

The requirements of PNP policies EGB 4 and EGB 5 relate to retaining and enhancing existing footpaths and cycle ways, and diversions of PROWs should demonstrate benefits for wider community.

There are three public rights of way within the site, and as part of the previous permission, following the receipt of revised plans, it was proposed to divert Public Footpaths Poynton with Worth nos. 43 & 46 (which head north-east and north west respectively) through the green infrastructure to the east of the site, away from estate roads. At the time Rights of Way team confirmed that these proposals achieved the requirement to seek off road diversion routes for the public footpaths affected by development and were therefore a welcome amendment. They also noted that there would be a number of details to iron out when an application to divert under s.257 TCPA is made. The proposals for the public rights of way situation remains the same with this application as it was for the previous permission. The diversion of footpaths 43 and 46 through the green infrastructure to the east of the site, away from estate roads is considered to represent a clear public benefit as an amenity feature for the wider community.

The other public right of way Footpaths Poynton with Worth no. 88 is unaffected by the proposal.

ACCESSIBILITY

Policy TAC 1 of the PNP expects new housing development to provide new footpath and cycle routes and prioritise safe accessibility considerations. The CELPS allocation for this site (LPS 48) requires “the creation of links with footpaths to the north and east; and pedestrian and cycle

links to new and existing residential areas, employment areas, shops, schools and health facilities, including improved pedestrian links to the town centre, and the railway station.”

Pedestrian and cycle access will be provided from the same location as the vehicular access off Hazelbadge Road, which will provide suitable links to those facilities specified in LPS 48. In addition to this, as noted above, the development includes diverted public rights of way routes through the green infrastructure within the site, which connect into the wider PROW network.

There are existing cycle lanes along Chester Road which start to the east of the pedestrian crossing on Chester Road and lead to the shared surface in the town centre. These lanes have faded over time and do require re-painting. Given that this will be the main route to the town centre for cyclists and having regard to the requirements for cycle lane provision in policy LPS 48, a financial contribution towards the painting of the cycle lanes was secured as part of the s106 attached to the extant permission, which again will apply to this application.

In terms of the accessibility of the site for pedestrians and cyclists, the proposal is considered to comply with the relevant requirements of LPS 48 and policy TAC 1 of the PNP.

HIGHWAYS

The proposed variation to the approved plans does not include any changes to the approved highways details, including the Chester Road / Hazelbadge Road junction. The previously approved plans will therefore still apply to any permission granted for this application. Parking within the site will continue to be compliant with current Cheshire East parking standards which state that for a principal town or key service centre, the following apply:

- 1 parking space per 1 bedroom dwelling
- 2 parking spaces per 2/3/more bedroom dwelling

The extant permission also secured the following highways related planning obligations:

- £5,000 towards the provision of a bus stop opposite Hilton Grove
- £10,000 towards the upgrading of existing cycleways
- £731,500 towards the construction of the Poynton Relief Road
- £7,000 towards enabling a Traffic Regulation Order for works to Hazelbadge Road

These obligations will still apply to the current application, and any permission subsequently granted.

As they did at the time of the previous application, Network Rail has provided extensive comments on the application, which again include a request for financial contributions towards:

- *Level access to the ticket office area – Currently access is via the gate adjacent to the station building, this would require mods to the door & potentially ramps - £15k*
- *Cycle hoops adding to both sides of the station – £10k*
- *Resurfacing of the road leading up to the station building with additional car parking & traffic management - £30k*
- *Improve platform surfaces - £30k*
- *Store room to be converted for community use - £10k*
- *Overall cosmetic investment in the station facilities (painting, glazing in windows, new fencing etc) - £25k*

These appear to be existing issues that are not necessary to make the development acceptable in planning terms; not directly related to the development; and not fairly and reasonably related in scale and kind to the development. Accordingly, they cannot be sought from the applicant. The other comments raised by network rail can be addressed by an informative / note on the decision notice to make the applicant aware of their obligations towards the railway. This same conclusion was reached with the original application.

The proposed variation raises no significant highway safety or traffic generation issues, in accordance with policy DC6 of the MBLP.

TREES / LANDSCAPE

Trees

The majority of the mature trees associated with the site are protected as part of the MBC (Poynton – Lower Park Road) Tree Preservation Order 1974. The Arboricultural officer has confirmed that the proposed variation does not result in any significant arboricultural implications compared to the extant permission, and no objections are raised to the proposal subject to the same conditions as 17/6471M. The proposal is considered to comply with policy DC9 of the MBLP and SE5 of the CELPS.

Landscape

Policies EGB 7 and EGB 8 of the PNP require the diverse landscape, and landscape features of Poynton to be conserved and enhanced. Similar requirements are set out in policy SE 4 of the CELPS.

Given that the layout of the proposed development remains almost identical to that previously approved, there is no significant change to the landscape impact of the proposal. The standard landscape conditions on 17/6471M remain relevant to the current proposal to ensure compliance with the above landscape policies.

ECOLOGY

Policy SE 3 of the CELPS seeks to ensure that all development positively contributes to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policies EGB 9 and EGB 10 of the PNP expect development to avoid adverse impacts on the nature conservation value of sites, or if this is not possible minimise such impact and seek mitigation of any residual impacts, and also seek to protect the biodiversity of the identified wildlife corridor (areas along Poynton Brook).

The nature conservation officer has confirmed that the proposed variation to the approved plans raises no significant nature conservation issues. The proposal will continue to comply with the above policies.

LAYOUT / DESIGN

Policy HOU 11 of the PNP lists similar criteria for any new housing development to meet in order to achieve a high standard of design and new development should be compatible with

the existing character of Poynton. HOU 8 of the PNP requires proposals for new dwellings to reflect the height, form, extent and pattern of surrounding development and character of the local area including site coverage by hard surfaced areas, and policy HOU 7 is a general policy that seeks to protect heritage assets, landscape and biodiversity, recreational areas and open space, and to ensure surface water flooding is not exacerbated.

Amongst other criteria, policies SE1 and SD2 of the CELPS expect all development to contribute positively to 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 development - the balance between built form and green/public spaces; green infrastructure; and relationship to neighbouring properties, street scene and the wider neighbourhood.

Paragraph 135 of the NPPF states that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. Therefore it is important to ensure that there is no dilution of design quality in the proposed amendments in terms of scale, materiality, architectural detailing, etc.

The principle and substantial detail of the proposal has previously been accepted by the granting of permission 17/6471M, and given the layout remains virtually the same there is no reason to reach an alternative conclusion with the current proposal in terms of how well connected the site is, accessibility to the facilities and services of Poynton and public transport.

As noted above in the Housing section of this report, the proposal seeks to provide a broad and balanced range of housing to meet local requirements, which comprises 11 x 5 bed units, 30 x 4 bed units, 39 x 3 bed units, 25 x 2 bed units, 28 x 1 bed units. These units incorporate 30% affordable housing and are provided in a range of house types and apartments.

In terms of character, some concern was initially raised regarding the detailing on the proposed house types and whether they projected the high-quality architectural details evident within the local area. As a result, amended plans have been submitted following a review of the vernacular of Poynton.

Elevations to several of the house types have been amended to include minor changes to the fenestration in terms of wider or taller windows, flat roof bay windows, introduction of more brick detailing, changes to porches and a reworking of dual aspect units.

Feature / wayfinding house types are provided at key nodes within the site. The house types used as landmarks, header buildings and corner turners utilise a mix of Tudor boarding, Cheshire brick, proud brick patterns and render as well as exposed rafter ends. Some incorporate Juliette balconies, such as the dual aspect Hartland, adding addition activity to the streets on which they are located. Bays are also used on the primary and secondary elevations on a number of dual aspect properties.

The houses that make up the majority of the site use simpler elevations. Cheshire brick forms the main body of the elevation, broken up with a banded course of brickwork with a saw-toothed detail. Exposed rafter ends are used to eaves with barge boards to the gables. Simple, unfussy

gabled porches or lean-to porches are included of a number of these units. Same gables incorporate a vent detail to add interest.

Sections have also been provided to demonstrate that the massing of the proposed units is similar to existing properties that border the site.

The density of the development remains as previously approved – 31 dwellings per hectare of the developable area of the site, or of the entire site it is 16 dwellings per hectare.

A variety of building heights are proposed, up to 10.7m for the tallest of the three-storey apartments, which is lower than the tallest building in the approved scheme, which had a height of 11.2. Some properties have chimneys which help to create an interesting and varied roofscape and skyline.

The existing features within the site which are predominantly the tree cover to the east alongside the Brook, the woodland to the west, and the central belt of protected trees, continue to be retained in the proposed layout, given the similarity to the extant permission.

Similarly, the defined street hierarchy remains as approved with streets, lanes and shared drives identified, and areas of public space are well defined. The woodland to the west will continue to be fenced off with railings in the interests of public safety due to the contamination issues associated with this area; however, the ecological value of the woodland will be retained, and will provide an attractive green buffer to the railway line beyond.

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles, and a mix of different parking solutions is provided across the site, very similar to that previously approved. Also, as with the extant permission, features that encourage sustainable forms of transport, such as secure cycle provision has been provided for those properties that do not have garages, including the apartments.

For the reasons outlined above it is considered that the proposal will comply with policies HOU 7, HOU 8 and HOU 11 of the PNP policies SE1 and SD2 of the CELPS and the Cheshire East Design Guide.

ARCHAEOLOGY

Policy SE 7 of the CELPS and EGB 15 of the PNP seek to ensure that development aims to conserve and enhance heritage assets, including their setting.

The heritage aspects of the proposal relate to the western part of the application site, which includes brick works and brick kilns and to the south west a gas works, which are located within the area proposed for landscaping, where no development is proposed. The level of impact on these areas of archaeological potential was previously found to be acceptable and the proposed variation raises no reason to adopt a different view now.

Accordingly, the proposal is considered to comply with the archaeological / heritage aspects of policy SE7 and LPS 48 of the CELPS, and policy EGB 15 of the PNP.

FLOODING

Policy SE13 of the CELPS states 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. Policy EGB 1 of the PNP identifies that Poynton is at risk of flooding, and states that a local Flood Risk Mitigation Plan should be coordinated by the relevant authorities.

The LLFA and the EA would be the appropriate authorities to be involved in a Flood Risk Mitigation Plan as and when it is prepared. Both these organisations were consulted on the previous and the current application and are satisfied that the flood risk can be managed on site. The proposed variation to condition 2 raises no additional flood risk concerns.

CONTAMINATED LAND

There are areas of contaminated land within the site, most notably to the western side of the site, within the area of the former Poynton Brick Works and Poynton Gas works, which appears to have undergone no demolition or remedial works since closure.

The proposed variation of the plans condition raises no new contaminated land issues, and the same advice and conditions are recommended by the contaminated land officer.

Subject to these conditions relating to a remediation strategy, a verification report, the testing of imported soil, and a condition relating to any unforeseen contamination, the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

OTHER MATTERS

Many of the points raised in representation to the application, not addressed above, relate to the principle of the development, such as traffic generation, highway safety, flood risk, scale of development, impact on wildlife, etc. This application is to vary the approved plans condition on the extant permission to introduce new house types, the principle of the development has already been accepted, and cannot be re-visited as part of this application.

However, one of the issues raised does relate to the provision of the access road leading to the field to the north of the site. This was removed as part of the previous permission. The current plans do show a short section of carriageway leading to the north, but between it and the northern boundary there is 15m of grassed open space. This is considered to show the road link to the field removed. The section of carriage way shown on the plans is required for the turning of coaches for the school, as it was at the time of the original application.

S106 HEADS OF TERMS

A deed of variation to the existing s106 agreement will be required to relate it to the current application. The s106 agreement will secure:

- 30% affordable housing
- Off site ecological mitigation contribution of £46,137
- Open space provision and management
- Education contributions of:

- £260,311 (primary)
- £310,511 (secondary)
- £91,000 (SEN)
- Indoor sports contribution of £22,500
- Recreation and outdoor sport contribution of £96,000
- Allotments and community gardens contribution of £61,875
- Healthcare contribution of £132,336
- Contribution to Poynton Relief Road of £731,500
- £7,000 to fund TRO
- £5,000 to fund bus stop opposite Hilton Grove
- £10,000 contribution towards cycle lane improvement

CIL regulations

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

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

The provision of affordable housing, off site ecological mitigation, indoor and outdoor sport (financial) mitigation, Highways (financial) mitigation, the cycle lane contribution and healthcare (financial) mitigation are all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary school within the catchment area which currently have no projected spare capacity. In order to increase the capacity of the school which would support the proposed development, a contribution towards secondary and SEN school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS

The proposal seeks to vary condition 2 (approved plans) on planning permission 17/6471M to change the approved house types. The requirement for the change has arisen due to a change in housebuilder looking to bring the development forward on the site. The amount of development and overall layout of the dwellings remains very similar to that previously approved, and therefore most of the issues associated with the proposed residential development remain unchanged.

Small changes have been made to the design of the house types during the course of the application in order to better reflect the requirements of the CEC design guide, local and

neighbourhood plan policies, and provide a proposal that delivers a specific sense of place, having regard to the local distinctiveness of Poynton.

The comments received in representation have been given due consideration in the preceding text, however, as with the previous application, the proposal is considered to comply with the development plan as a whole and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the proposals should therefore be approved without delay, with the same conditions and planning obligations as the extant permission 17/6471M.

Accordingly a recommendation of approval is made subject to conditions and the prior completion of a s106 agreement to secure the following:

	Requirement	Triggers
Affordable Housing	30% (40 units) of total dwellings to be provided (65% (26 units) Affordable Rent / 35% (14 units) Intermediate)	No more than 80% open market occupied prior to affordable provision within each phase
Off site Ecological Mitigation	£46,137 towards Kerridge Hill Nature Reserve	Prior to commencement
Open Space	a) Open space scheme to be submitted a) Management scheme to be submitted	Prior to commencement Prior to occupation
Indoor Sports Contribution	£22,500 towards Poynton Leisure Centre	Prior to occupation
Recreation & Outdoor Sports Contribution	£96,000 towards Deva Close Playing Fields, Poynton	Prior to commencement
Allotments & Community Gardens Contribution	£61,875 towards existing facilities and new opportunities in Poynton	Prior to commencement
Education	Primary £260,311 Secondary £310,511 SEN £91,000	50% Prior to first occupation 50% at occupation of 67 th dwelling

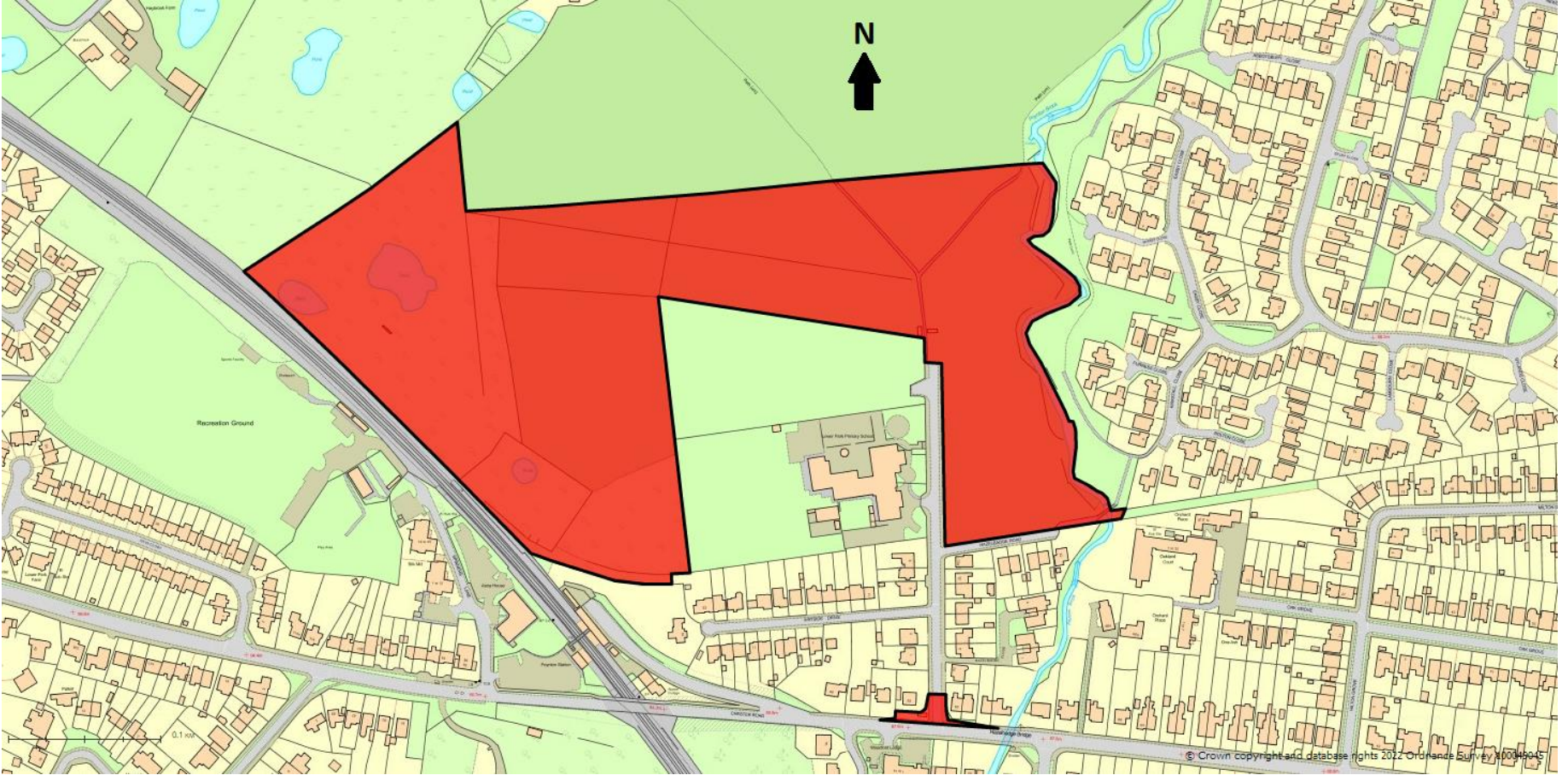
Healthcare	£132,336 towards development of Priorsleigh Medical Centre and McIlvride Medical Centre	50% Prior to first occupation 50% at occupation of 67 th dwelling
Poynton Relief Road Contribution	£731,500 towards Poynton Relief Road	50% Prior to first occupation 50% at occupation of 67 th dwelling
Traffic regulation Order Contribution	£7,000 to fund the required traffic regulation order for works on Hazelbadge Road	Prior to occupation
Bus Stop Contribution	£5,000 to facilitate the provision of a bus stop opposite Hilton Grove	Prior to occupation
Cycle Lane Contribution	£10,000	Prior to occupation

And subject to the following conditions:-

1. Commencement of development by 2 November 2023
2. Development in accord with approved plans
3. Submission of details of building materials
4. Landscaping submission of details
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement for access road serving Plots 1-4 and for footpath adjacent to trees T24- T46
9. Arboricultural method statement
10. Levels details to be submitted which provides for the retention of trees on the site
11. Service / drainage layout which provides for the long term retention of the trees to be submitted
12. Implementation of noise mitigation measures
13. Electric vehicle infrastructure to be provided
14. Anti idling signage to be provided
15. Remediation Strategy to be submitted
16. Verification report to be submitted

17. Testing of any imported soil
18. Reporting of any unforeseen contamination
19. Implementation of Highway improvements
20. Construction management plan to be submitted
21. Amended travel plan to be submitted
22. No infiltration of surface water drainage into the ground is permitted
23. Development to be carried out with GCN mitigation strategy (to include 5m buffer zone to north of site)
24. Implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment Report (bats)
25. Development to be carried out in accordance with the submitted badger mitigation strategy.
26. Nesting birds survey to be submitted
27. Implementation of Reptile Reasonable Avoidance Measures
28. Details of proposed external lighting scheme to be submitted
29. Foul and surface water shall be drained on separate systems.
30. Surface water drainage scheme to be submitted
31. Development to be carried out in accordance with submitted Flood Risk Assessment
32. Obscure glazing to be provided
33. Construction Environmental Management Plan to be submitted
34. Details of railings to western boundary of site to be submitted. Railings to be retained in perpetuity.
35. Construction Management Plan to demonstrate out how any indirect adverse impact on Poynton Brook will be avoided to be submitted.

In the event of any changes being needed to the wording of the Board'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 or Vice Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.



Application No: 21/4191C

Location: Phase 4a Midpoint 18, HOLMES CHAPEL ROAD, MIDDLEWICH

Proposal: Full planning application proposing the erection of a single sided employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure

Applicant: Magnitude Land LLP

Expiry Date: 03-Nov-2021

SUMMARY

The proposed development of this site for B2/B8 (and Ancillary E(g)) uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

This is one of two applications on this agenda for alternative commercial proposals, but essentially similar schemes.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on the Great Crested Newt License will be provided prior to the meeting.

Whilst no comments have been received from the Flood Risk Team, the Environment Agency, the main authority in this case, have raised no objections subject to conditions.

Impacts on environmental matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

Recommendation

Approve subject to a Section 106 Agreement and conditions.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an irregularly shaped piece of land, 6.71 hectares in area with boundaries to the approved Middlewich Eastern Bypass (MEB) to the east; to an area of low-lying land and watercourse to the north; to an existing commercial development to the west,

and finally to a recently approved commercial development to the south, which would share the same access point. The site falls entirely within Cheshire East but is close to the Cheshire West boundary.

The site consists of much of an existing field, and a small part of another field to the south, separated by a hedgerow and pond. There are trees, and/or hedgerows to all boundaries, but the most notable trees are to the north. As noted above, a watercourse, the River Croco, runs to the north of the site boundary, and the site is separated from the adjacent warehouse by a smaller unnamed watercourse on the western side.

Whilst there are no public footpaths within the site, one runs parallel to the eastern boundary roughly north-south following the Cheshire East/West boundary, and a further footpath crosses the site access on the ERF Way frontage.

The Midpoint 18 industrial estate lies to the east accessed off ERF Way, and there are sizable industrial/warehousing units close to the site.

The western and northern parts of the site fall within flood-zones of the adjacent water courses.

A main underground gas pipeline is known to run to the east of the site, but this would be located to the far (eastern) side of the bypass.

DETAILS OF PROPOSAL

The application seeks full permission for the erection of a single sided employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure.

The development consists of a warehousing unit measuring some 22,785 sqm Gross External Area (GEA) – which includes a security gatehouse (24 sqm), and first and second floor office accommodation (650 sqm for each floor). The main building would have a maximum ridge height of 23m and measure 200m x 105m.

The building is typical of other buildings in the vicinity and those recently approved, using different coloured cladding panels in both horizontal and vertical forms to break up the outline of the building. The office area faces the site frontage and uses areas of glazing to mark this point and highlight the building entrance. The roof would be a series of curved features.

The site would consist of the main building running parallel to the MEB and the main car-parking/loading areas being to the north and west, with a smaller area to the south. A band of planting would be provided along the boundaries to the west, north and east, with an attenuation basin to the north. A gatehouse would be sited to the south-west corner of the site, adjacent to the site access, which as described above would be shared with the approved development to the south.

The application site has been amended from that originally submitted, with an area of the site on the south-eastern boundary removed from the site edged red. This area contains a pond, which is now to be retained as part of the adjacent site and not removed as originally proposed. The original plan included a proposal for a “potential energy centre” on the layout plan, but this

is no longer included. The remaining layout including parking etc remains unchanged, and the area of landscaping would be increased in the area left over.

RELEVANT HISTORY

18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works. Land at Pochin Way, Middlewich – Approved 19-Jul-2019

Immediately to the south of the site is a recent planning approval;

20/0901C Part full/part outline application proposing: 1: Full planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 floorspace), and security gatehouse and weighbridge, the provision of associated infrastructure, including a substation, plant, pumping station, service yards, car and HGV parking, cycle and waste storage, landscaping, ecological enhancement area, drainage attenuation, access from Erf Way and re-alignment of the River Croco tributary. 2: Outline planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 floorspace) with all detailed matters except for access reserved for future determination - Phase 4B and 1B Ma6nitude, Off ERF Way, Middlewich – Approved 6 April 2021

In addition, close to the site on the far side of ERF Way is another approval for a similar development:

17/5116C Erection of 2 no. employment buildings (Use Classes B2 and B8) including a security gatehouse, vehicle access off Pochin Way and ERF Way and associated car parking, trailer parking and landscaping. Plot 1A, Ma6nitude 160, Midpoint 18, Pochin Way, Middlewich. Approved 18-Sep-2018

Finally, also on this agenda is an application on the same site for a similar but different form of employment development:

21/4194C Full planning application proposing the erection of a cross docked employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure. - Phase 4a Midpoint 18, Holmes Chapel Road, Middlewich

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth Through Transport Infrastructure

LPS44 – Midpoint 18, Middlewich. The policy reads as follows:

The development at Midpoint 18 over the Local Plan Strategy period will be achieved through a masterplan led approach with:

1. Phased delivery of up to 70 hectares of employment land, including the development of the existing undeveloped sites: Midpoint 18 (Phases 1 to 3), with provision expected to continue for the remaining site beyond the plan period; and
2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.
3. Provision of land set aside to enable the future construction of a new station – in terms of lineside infrastructure, parking and access.

Site Specific Principles of Development

- a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.
- c. Contributions to education and health infrastructure.
- d. Provision of floorspace to accommodate B1, B2 and B8 uses.
- e. Future development should safeguard the River Croco and other watercourses and deliver significant ecological mitigation areas for protected and priority species and habitats on site.
- f. A pre-determination desk based archaeological assessment will be required, with targeted evaluation as appropriate.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27 July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Congleton Local Plan (Saved policies)

The saved Local Policies are consistent with the NPPF and should be given full weight.

PS8 - Open Countryside

PS12 - Strategic transport corridors

GR6 – Amenity and health

GR7 & GR8 – Amenity and Health

GR13, GR14, GR 15 & GR 16 – Public transport/cycling/footpaths

GR18 – Traffic Generation

NR2, NR3, NR4 & NR5 - Nature Conservation

BH4 – Heritage Assets

Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'. As such policies within the plan cannot be given any weight as part of this application.

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council: No comments received

CONSULTATION RESPONSES – External to Planning

Environment Agency: No objections, but recommend a condition which requires:

- Built development to be restricted to Flood Zones 1 & 2 only
- Finished floor levels to be set to 31.27metres AOD (above Ordinance Datum)
- Flood resilience construction & materials shall exist up to 31.4m AOD
- Discharge of surface water into watercourses limited to greenfield rates

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The proposed development is within the vicinity of Sandbach Flashes SSSI. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified. Advisories are included within their comments.

United Utilities: No objections are raised, but 3 conditions are recommended, relating to surface water drainage, requiring foul and surface water to be drained on separate systems and requiring a sustainable drainage management and drainage plan.

Cheshire Brine Subsidence Compensation Board – They write:

“The Board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be discounted. In addition, a past claim for damage due to subsidence from brine pumping have been filed and accepted for the Site.

We have fully studied the SGi Phase 3 report and there are a number of contradictions and misconceptions within the report which would need to be addressed or fully justified prior to the Board accepting the report. The Cheshire Salt Search (ref: GS-7405626, dated 6th January 2021) is absent from the report and should be submitted. With the report, SGi suggest that the underlying 45m of competent marl would act to mitigate the surface subsidence events, however, in the very next paragraph identify that a PNOD was filed and accepted by the Board on the site between 1960 to 2005. Furthermore, the report does not offer a foundation solution to site, only states that a raft foundation is not required. CBSCB does not agree with this conclusion and a raft would be required for the Site.”

The applicant has responded to these questions and submitted a further report which concludes there are no geological constraints on the site, however it recommends the Brine Board are consulted on the foundation design. No reply has been received from the Brine Board, but it is considered that this can be conditioned.

Cadent & National Grid: No comments received to this application, but on the adjacent site they raised no objections, but wanted to draw attention to the High-Pressure Gas Pipeline –

Feeder, running to the east of the site, and if there was to be any works in the vicinity of that asset then works would need to be agreed in advance.

Health & Safety Executive: Do not advise against but highlight location of pipeline referred to above.

Highways: No objections subject to a financial contribution towards the Middlewich Eastern Bypass.

Environmental Protection: No objections subject to conditions. They recommend a series of conditions relating to noise, air quality and contaminated land. Informatives relating to construction hours, pile foundations, dust management, floor floating the Environmental Protection Act are also recommended.

Flood Risk: No comments received. Members will be updated if comments are received in advance of the committee meeting.

Public Rights of Way: No comments received

OTHER REPRESENTATIONS

None received.

OFFICER APPRAISAL

Principle of Development

The whole site falls within site LPS 44 Midpoint 18, and the policy section above sets out the Local Plan Strategy policy and the criteria any development needs to address. In principle the proposed development of employment uses in Classes B2 (General Industrial) and B8 (Warehousing) are in accordance with this policy.

Highway Safety / Access / Parking

Under policy LPS 44 it states that development shall make:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

In addition under the Site Specific Principles of Development under the policy:

- “a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.”

Access

The site is accessed from an extension to the access road that serves the 4B site and this access connects directly with ERF Way.

Development Traffic impact

The scope of assessment was agreed with the applicant that focused on two main junctions where capacity problems would likely occur on the road network. The junctions assessed are Pochin Way/A54/Centurion Way roundabout and also the A54/Leadsmithy Street signal junction.

The traffic impact has been based using B2 trip rates as these are higher than B8 rates and represents the worse-case in terms of impact on the road network. The capacity assessments have been undertaken in both the AM and PM peaks on the network and will likely generate 75 trips am and 63 trips pm. Clearly, the site will generate substantially more movements during the 24hr period but it is the peak hour impact that requires assessment.

There have been a number of approved developments on Midpoint 18 and the traffic from these developments have been included in the assessments, although the sites that rely on the MEB for access have been excluded.

The roundabout junction of Pochin Way/A54/Centurion Way has been modelled by the applicant and indicates that it will operate within capacity in 2026 with development included. This junction has been modelled as part of other applications and the results of this capacity assessment does compare well with other independent assessments and indicates that the junction will operate within capacity.

The signal junction of A54/Leadsmithy Street in Middlewich has for some time had high levels of congestion and long queues, an improvement scheme is planned for this junction but has not currently been implemented. A capacity assessment has been undertaken by the applicant at this junction assuming that an improvement scheme is in place and would therefore work satisfactory.

The construction of the MEB has been shown to significantly improve congestion levels by redistributing through traffic away from the A54/Leadsmithy Street junction and as such requires contributions from Midpoint 18 for its delivery. A policy requirement of LPS 44 (which includes this site) requires a financial contribution to the MEB.

Accessibility

The site is linked to the footpath network, there are footways on both side of ERF Way and also Pochin Way has two footways. There are pedestrian facilities to the town centre from Pochin Way and the site can be accessed by pedestrians from Middlewich. Pedestrian and cycle facilities will also be provided as part of the MEB scheme.

The nearest available public transport is in Middlewich which is some 2.6km distance from the site and there is no rail station in Middlewich. It is expected that the majority of trips to this employment site will be vehicle based although trips can be made by walking and cycling and there are cycling parking facilities provided within the site.

Car Parking

The car parking provision is 241 car parking spaces that includes 7 accessible spaces, there are 58 HGV trailer spaces provided within the site. No specific details on staff numbers have been submitted but it is suggested that there would be 1 employee per 77 sqm resulting in 288 employees. It is likely that staff will work shift patterns and that not all employees will be on site at any one time. The car parking provision is below current CEC standards for B2/B8 development although the applicant has parking accumulation assessments based upon Trics data that indicates that the amount of parking provision 205 car parking spaces is well in excess of the likely parking demand resulting from a B2/B8 use.

Summary

The site access is an extension to approved access to phase 4B and 1B which is suitable design to accommodate HGV and light vehicles. The access links to ERF Way/Pochin Way which are existing established highways to access the Midpoint 18 development.

The site is accessible by pedestrians and cyclists from the existing road network.

The level of parking is considered acceptable for a B2/B8 use as proposed.

The results of the capacity assessments undertaken shows that the Pochin Way/A54/Centurion Way roundabout junction will operate within capacity in 2026 with some spare capacity. The operation of this roundabout as standalone junction is not the major concern of the Highway Authority, it is existing congestion in Middlewich especially at the Leadsmithy Street/Kinderton St signal junction that has long traffic queues that needs to be addressed.

The results of the capacity assessment of the A34/Leadsmithy Street junction undertaken as part of the Cheshire Fresh planning application has been submitted in this Transport Assessment to indicate that this junction would operate within capacity. However, this does rely upon the CEC improvement scheme at this junction being in place, there are a number of issues regarding the deliverability of this scheme and it is by no means certain that this scheme will be in place at the time of occupation. It therefore, cannot be concluded that there would no impact arising from the development at this junction.

The construction of the MEB would link Pochin Way with the A533 and will provide much improved access to Midpoint 18 and also will reduce traffic congestion levels in Middlewich. Policy LPS 44 of the CEC Local Plan has indicated that contributions to the MEB will be required as part of development on the Midpoint 18 site. The level of contributions have been calculated from the likely amount of developable floorspace within the Midpoint 18 site allocations and in regard to this particular application a contribution is currently being discussed with the applicant.

In summary, this is an allocated employment site within Midpoint 18 and subject to a S106 contribution there are no objections to the application.

Ecology:

Designated sites

The application site falls within Natural England's SSSI impact risk zones. It is noted that Natural England have been consulted and raised no objections to the application.

Great Crested Newts

The most recent surveys of the ponds on site specifically for Great Crested Newts did not record any evidence of this species. Presence of this species was however confirmed during the Lesser Silver Diving Beetle surveys of the ponds on and adjacent to the site.

It is advised that the proposed development is likely to result in a significant adverse impact upon this species as a result of the loss of suitable habitat and the risk of animals being killed during the construction phase.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2017
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

In order to address the impacts of the proposed development on this species the applicant has expressed an intention to enter the development into Natural England's District Level licencing scheme for the species.

It is advised that entry of the development into the licencing scheme would be sufficient to maintain the favourable conservation status of the species. The applicant must however submit a copy of the countersigned agreement with Natural England as evidence that the development is eligible to join the licencing scheme prior to the determination of the application.

This process is in hand and it is hoped that the signed agreement will be submitted shortly.

Kingfisher, Otter and Water Vole

No evidence of these species was recorded during the submitted surveys. Otters are however known to be present in this broader location and so are likely to occur on the water course adjacent to the application site on occasion. Based on the current status of these species the proposed development is however unlikely to result in a significant adverse impact on these species.

The proposed development involves the construction of an outfall to the adjacent watercourse, this could potentially result in an adverse impact on these species if they colonised the site after the grant of planning permission. It is therefore advised that if planning consent is granted a condition should be attached requiring updated surveys to be completed prior to the commencement of development.

The submitted Ecological Assessment recommends a CEMP is produced to manage pollution and contamination of the watercourse during the construction phase. It is recommended that the CEMP also includes the retention and fencing-off of an 8m undeveloped buffer adjacent to the watercourse. This matter may be dealt with by means of a condition if planning consent is granted.

Common Toad

This priority species, which is a material consideration for planning, has previously been recorded at 'Pond 2' on site. The proposed development would result in the loss of this pond and the loss of an area of low value terrestrial habitats for this species. It is advised that this loss would result in an adverse impact upon this species.

The submitted ecological assessment includes recommendations for reasonable avoidance measures to reduce the risk of toads being killed or injured during the construction phase.

The creation of an off-site pond is also proposed as compensation for the loss of the existing pond on site. This pond would be delivered at the same location as the off-site habitat creation works required to deliver Biodiversity net Gain (as discussed below). A legal agreement will be required to secure the delivery of the off-site pond in the event that planning permission was granted.

Bats

No evidence of roosting bats was recorded during the surveys submitted with the application. Bats are however active on site. Most activity was recorded along the stream corridor on the site boundary and around the ponds. The proposed development would therefore result in a localised adverse impact on foraging bats as a result of the loss of habitat. The proposed offsite pond creation would potentially provide some compensation for this loss.

The lighting of the application has the potential to have an adverse impact upon foraging and commuting bats. The application is supported by a lighting scheme. The currently proposed scheme would result in light spill of greater than 1 lux on the retained watercourse corridor and new planting adjacent to the consented Middlewich bypass.

In order to avoid an adverse impact upon foraging and commuting bats it is advised that the proposed lighting scheme must be revised to ensure that no light spill of greater than 1 lux falls upon retained or newly created woodlands, hedgerows, boundary trees or the adjacent watercourse.

If a revised lighting scheme has not been received at the time of determination it is recommended that a condition be attached as a means of reducing the potential adverse impact of the lighting of this site:

Lesser Silver Diving Beetle and Ponds

This priority/protected species is present at Pond 1 on site that is located just outside the revised red line of the application. It is advised that whilst this pond would be retained, the change of land use in the vicinity of the pond and potential changes to the ponds hydrology resulting from the development, would result in a significant adverse impact upon this species which is a material consideration for planning. The pond supporting this species would also be regarded as a priority habitat and hence a material consideration in its own right.

The applicant's ecologist has suggested that a management plan be submitted to maintain the retained ponds suitability for this species as a means of reducing the potential impacts of the proposed development upon this species.

It is recommended that if planning consent is granted a condition be attached to safeguard the pond.

Badger

No evidence of badger was recorded during the submitted survey. However, as badgers can excavate new setts within a short time scale, It is recommended that if consent is granted a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

Grass snake

This priority species is known to occur in this broad location. The majority of habitat on site is of low value for this species; however, the species may utilise the stream corridor on the site boundary. The submitted Ecological report recommends the implementation of reasonable avoidance measures (in appendix 7) to minimise the risk to grass snakes.

As with Common Toad a condition would be required to secure the implementation of these measures in the event that planning consent was granted.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed development would result in the loss of a length of existing hedgerow.

Compensatory planting is proposed as part of the submitted landscaping scheme. It is advised that in the event that the loss of the existing hedgerow is considered unavoidable the proposed planting is sufficient to compensate for that lost and to deliver a minor gain for hedgerow biodiversity.

Nesting birds

The habitats on site are likely to provide opportunities for a number of species of breeding birds potentially including priority species which are a material consideration for planning. The loss of habitats from the site would potentially result in an adverse impact upon nesting birds, only partially mitigated through the provision of replacement hedgerow planting on site.

If planning consent is granted a condition is required to safeguard nesting birds.

Biodiversity Net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

For the most part, the Council's Ecologist agrees with the submitted metric. The ponds on site have however been entered as non-priority habitat. This is incorrect as the ponds support protected/priority species as so must be considered as priority habitat. This does not however alter the result of the metric.

The metric calculation as submitted shows that the proposed development would result in a net loss of biodiversity amounting to -7.89 units.

In order to address the loss of biodiversity the applicant is proposing habitat creation at a nearby off-site location sufficient to provide a 3.61% net gain. Outline proposals have been submitted for the habitat creation and management required and a suitable illustrative location identified.

If planning consent is granted a legal agreement will be required to secure the following in relation to the offsite habitat creation area:

- Confirmation of the location of the required off-site habitat creation
- Submission and implementation of Habitat Creation Method Statement for the delivery of 8.45 biodiversity units. Including the provision of an additional wildlife pond.
- Submission and implementation of 30 year habitat management and ecological reporting strategy.

Habitat creation is also proposed on site that contributes to reducing the net loss of biodiversity. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and

ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam on site.

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

It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

This condition can be avoided if proposals are submitted prior to the determination of the application.

Water course and hydrology/flooding

Members may recall this was a significant issue with the development to the south, as the area is low lying and there were concerns about potential flooding and proposed modifications to the water courses in that case.

Whilst no comments have been received from the Council's flood Risk Team, the Environment Agency – who are the lead authority as the River Croco is designated as a "Main River", have raised no objections – subject to a condition as detailed above. As such there are no objections in this regard.

Impact on Trees

The application has been supported by an Arboricultural Impact Assessment (AIA) and Method Statement by Tyler Grange (13319_R04b_JJ_HM). The report considers all trees on the site and provides recommendations for two development options on the area within allocated site LPS44 of the Cheshire East Local Plan.

The AIA has identified a total of 13 individual and 8 groups of trees and 6 hedgerows which comprise of 6 individual and 1 group of moderate quality B Category trees, with all other trees and hedgerows classified as low-quality C Category.

Both Scheme layouts propose the same tree removals to accommodate each proposal comprising of 2 individual and 1 group of moderate quality B Category trees (T1, T3 and G1) and 1 low quality C Cat tree (T2) and 2 sections of hedgerow equating to a total of 182 linear metres. While regrettable and if unavoidable, the extent of replacement tree planting and new hedgerows proposed within the landscape scheme is considered to adequately mitigate for the losses.

The scheme as indicated within Phase 4A does not therefore present any significant arboricultural impacts and it has been demonstrated that all other trees and hedgerows can be successfully retained subject to compliance with the tree protection and construction methodologies proposed. Conditions are recommended.

Landscaping

The application site covers an area of approximately 6.71 hectares within the area LPS44 - Midpoint 18 strategic employment allocation, now identified as Ma6nitude. The site is currently two fields divided by a hedgerow with a pond in the northern part of the site and the River Croco to the north.

A Landscape and Visual Impact assessment has been submitted as part of the submission. The LVIA indicates that it has been undertaken following the methodology set out in the third edition of Guidelines for Landscape and Visual Impact assessment (GLVIA3). The LVIA indicates that the site has low sensitivity and that there will be some adverse and some minor landscape impacts. It also identifies that a number of sensitive residential properties will experience adverse effects, and that users of some footpaths will also experience some moderate effects.

The Council's Landscape architect broadly agrees with the conclusions of the submitted LVIA and that the proposals are consistent with the existing pattern, scale and grain of land use nearby. As such no objections are raised to the proposals.

Amenity

The proposed site is on the edge of a commercial area, with the nearest residential property – Kinderton Lodge Farmhouse, being more than 450m away, and significantly on the far side of the MEB. Environmental Protection recommend a series of Informatives to cover the construction phase of the development.

Noise

In support of the application, the applicant has submitted an acoustic report ref 50-015-R2-4 dated July 2021.

The Noise Impact Assessment (NIA) relates to the proposed site layout is detailed at appendix III of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly.

The impact of the noise from HGV movements, loading and unloading of vehicles on the proposed development has been assessed in accordance with:

- BS4142:2014 Methods for rating and assessing industrial and commercial sound

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from HGV activity, loading and unloading

The reports methodology, conclusion and recommendations are accepted.

Lighting

Impacts in relation to ecology are set out above, and it is considered that will address any general amenity issues at the same time.

Air Quality

This is a proposal for a new employment building and is part of a simultaneous application by the developer for a similar scheme covered by application no. 21/4194C. It should be noted that only one of these schemes will be completed. Air quality impacts of both schemes have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2019 - Verification;
- Future year Do-Minimum (DM) (predicted traffic flows in 2035 should the proposals not proceed);
- Scheme 1 Opening year Do-Something (DS) (predicted traffic flows in 2035 should the Scheme 1 development be completed);
- Scheme 2 Opening year DS (predicted traffic flows in 2035 should the Scheme 2 development be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be not significant with regards to NO₂ and PM₁₀ concentrations. None of the receptors are predicted to experience greater than a 1% increase.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal.

Therefore, Environmental Protection would recommend a condition relating to ultra-low emission boilers be attached to any decision notice.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.

- A Phase I Geoenvironmental Site Assessment has been submitted in support of the planning application.
 - o No significant potential sources of contamination have been identified within the report. A ground investigation has been recommended however, should any adverse ground conditions be encountered during these works or during development works, all work in that area should cease and we should be contacted for advice.
 - o A brief report outlining the findings during these works, if any, should be provided prior to first occupation/use of the development.
- Should any soil be imported to site for use in areas of landscaping, this should be demonstrated to be chemically suitable for its proposed use in line with our Developer's Guide, in the absence of any other agreement for the site.

As such, and in accordance with the NPPF, Environmental Protection recommends that conditions, reasons and notes be attached should planning permission be granted.

Public Right of Way

Whilst no comments have been received from the Rights of Way Team, as noted above there are no PROW's directly affected by the proposed development. As noted on the application to the south, Middlewich Field Footpath 19 runs along the western and southern boundaries of that site – which shares the access, utilizing ERF Way for a short stretch before crossing fields to the south. Whilst the footpath would not be directly impacted by the development, the proposed site access would cut across the footpath (where it runs along the highway) and as such a condition was considered necessary to ensure the works are managed to ensure minimum impact on the PROW. This however is dealt with on the other application, and a condition is not considered appropriate here.

Conclusions

The proposed development of this site for B2/B8 (and Ancillary E(g)) uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

This is one of two applications on this agenda for alternative commercial proposals, but essentially similar schemes.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on the Great Crested Newt License will be provided prior to the meeting.

Whilst no comments have been received from the Flood Risk Team, the Environment Agency, the main authority in this case, have raised no objections subject to conditions.

Impacts on Environmental Matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

SECTION 106

In line with other recent approvals on Midpoint 18, and in line with policy LPS 44 the development shall:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

Highways have not indicated a figure in their comments and discussions remain ongoing over the final figure due to further assessment of the floorspace likely to come forward. Members may recall that on the most recent application for similar development on land south of Cledford Lane (21/1065C) a contribution of £53/sqm floorspace was requested and it is anticipated the figure will be at least this amount. This should be provided prior to the signing of the contract for the MEB.

In addition, there is a requirement for ecological mitigation prior to commencement requiring the following:

- Secure the delivery of the off-site pond
- Confirmation of the location of the required off-site habitat creation
- Submission and implementation of Habitat Creation Method Statement for the delivery of 8.45 biodiversity units. Including the provision of an additional wildlife pond.
- Submission and implementation of 30 year habitat management and ecological reporting strategy.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement to secure:

Heads of Terms	Amount	Trigger
Contribution to the MEB	TBC (At least £53/sqm)	On signing of contract for the MEB
Ecological Mitigation		Prior to occupation

and subject to the following conditions;

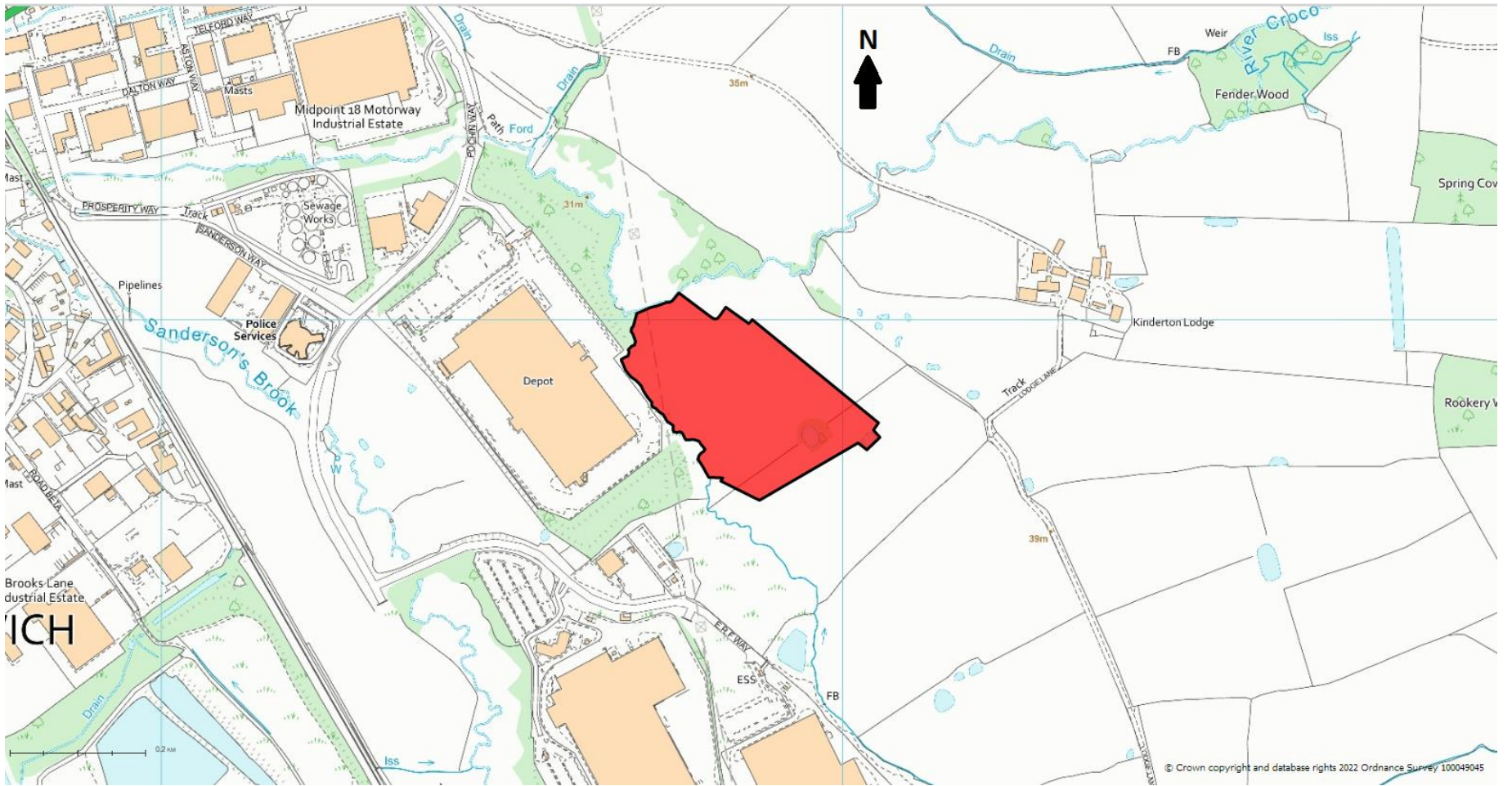
1. 3 Year start date
2. Approved plans/documents
3. Materials
4. Landscape maintenance
5. Tree Retention
6. Tree protection and construction measures
7. Noise mitigation
8. Ultra-Low Emission Boiler(s)
9. Importation of soils
10. Measures to deal with unexpected contamination
11. Foul and surface water on separate systems
12. Environment Agency condition
13. Development to be entered into Natural England's District level licencing scheme (once signed agreement has been received).
14. Updated badger, water vole, kingfisher and Otter survey prior to commencement.
15. Submission and implementation of CEMP for safeguarding of adjacent brook during construction process including safeguarding of undeveloped 8m buffer.
16. Implementation of avoidance measures to minimise impacts on toads and reptiles.
17. Lighting condition.
18. Lesser silver diving beetle mitigation and management strategy.
19. Safeguarding of nesting birds
20. Habitat creation and management plan for on-site biodiversity delivery.
21. Incorporation of biodiversity features (bird boxes etc.)
22. Brine Board foundation design

Informatives

- NPPF
- Hours of working
- Pile foundations
- Dust management
- Floor floating
- EPA
- Land drainage Act

In the event of any changes being needed to the wording of the Board'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 or Vice Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

1. Newt license
2. Update surveys
3. CEMP for brook
4. Avoidance measures
5. Lighting
6. Diving beetles
7. Nesting
8. Habitat creation
9. Biodiversity features



Application No: 21/4194C

Location: Phase 4a Midpoint 18, HOLMES CHAPEL ROAD, MIDDLEWICH

Proposal: Full planning application proposing the erection of a cross docked employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure

Applicant: Magnitude Land LLP

Expiry Date: 03-Nov-2021

SUMMARY

The proposed development of this site for B2/B8 (and Ancillary E(g)) uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

This is one of two applications on this agenda for alternative commercial proposals, but essentially similar schemes.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on the great Crested Newt License will be provided prior to the meeting.

Whilst no comments have been received from the Flood Risk Team, the Environment Agency, the main authority in this case, have raised no objections subject to conditions.

Impacts on environmental matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

Recommendation

Approve subject to a Section 106 Agreement and conditions.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an irregularly shaped piece of land, 6.71 hectares in area with boundaries to the approved Middlewich Eastern Bypass (MEB) to the east, to an area of low lying land and watercourse to the north, to an existing commercial development to the west,

and finally to a recently approved commercial development to the south, which would share the same access point. The site falls entirely within Cheshire East but is close to the Cheshire West boundary.

The site consists of much of an existing field, and a small part of another field to the south, separated by a hedgerow – and pond. There are trees, and/or hedgerows to all boundaries, but the most notable trees are to the north. As noted above, a watercourse, the River Croco, runs to the north of the site boundary, and the site is separated from the adjacent warehouse by a smaller unnamed watercourse on the western side.

Whilst there are no public footpaths within the site, one runs parallel to the eastern boundary roughly north-south following the Cheshire East/West boundary, and a further footpath crosses the site access on the ERF Way frontage.

The Midpoint 18 industrial estate lies to the east accessed off ERF Way, and there are sizable industrial/warehousing units close to the site.

The western and northern parts of the site fall within flood-zones of the adjacent water courses.

A main underground gas pipeline is known to run to the east of the site, but this would be located to the far (eastern) side of the bypass.

DETAILS OF PROPOSAL

The application seeks full planning application proposing the erection of a cross docked employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure.

The development consists of a warehousing unit measuring some 19,394 sqm GEA – Gross External Area which includes a security gatehouse (24 sqm), and first floor office accommodation (1,068 sqm). The main building would have a maximum ridge height of 23m and measure 198m x 90m.

The building is typical of other buildings in the vicinity, and those recently approved, using different coloured cladding panels in both horizontal and vertical forms to break up the outline of the building. The office area faces the site frontage and uses areas of glazing to mark this point and highlight the building entrance, although in this case with more glazing on the southern elevation. The roof would be a series of curved features.

The site would consist of the main building running slightly off set from the MEB and differs from the other proposal in that the car-parking/loading areas would be to all sides of the building, with a bigger stand-off to the new road. The reference to cross-docked refers to having loading bays on both sides of the building. A band of planting would be provided along the boundaries to the west, north and east, with an attenuation basin to the north. A gatehouse would be sited to the south west corner of the site, adjacent to the site access, which as described above would be shared with the approved development to the south.

The application site has been amended from that originally submitted, with an area of the site on the south-eastern boundary removed from the site edged red. This area contains a pond,

which is now to be retained as part of the adjacent site and not removed as originally proposed. The original plan included a proposal for a “potential energy centre” on the layout plan, but this is no longer included. The remaining layout including parking etc remains unchanged, and the area of landscaping would be increased in the area left over.

RELEVANT HISTORY

18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the ‘Middlewich Eastern Bypass’, together with associated highway and landscaping works. Land At, Pochin Way, Middlewich – Approved 19-Jul-2019

Immediately to the south of the site is a recent planning approval;

20/0901C Part full/part outline application proposing: 1: Full planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 floorspace), and security gatehouse and weighbridge, the provision of associated infrastructure, including a substation, plant, pumping station, service yards, car and HGV parking, cycle and waste storage, landscaping, ecological enhancement area, drainage attenuation, access from Erf Way and re-alignment of the River Croco tributary. 2: Outline planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 floorspace) with all detailed matters except for access reserved for future determination - Phase 4B and 1B Ma6nitide, Off ERF Way, Middlewich - Approved 6 April 2021

In addition, close to the site on the far side of ERF Way is another approval for a similar development:

17/5116C Erection of 2 no. employment buildings (Use Classes B2 and B8) including a security gatehouse, vehicle access off Pochin Way and ERF Way and associated car parking, trailer parking and landscaping. Plot 1A, Ma6nitide 160, Midpoint 18, Pochin Way, Middlewich. Approved 18-Sep-2018

Finally, also on this agenda is an application on the same site for a similar but different form of employment development:

21/4191C Full planning application proposing the erection of a single sided employment building (Use Class B8, B2 and Ancillary E(g)) with associated landscaping, drainage and infrastructure. - Phase 4a Midpoint 18, Holmes Chapel Road, Middlewich

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth Through Transport Infrastructure

LPS44 – Midpoint 18, Middlewich. The policy reads as follows:

The development at Midpoint 18 over the Local Plan Strategy period will be achieved through a masterplan led approach with:

1. Phased delivery of up to 70 hectares of employment land, including the development of the existing undeveloped sites: Midpoint 18 (Phases 1 to 3), with provision expected to continue for the remaining site beyond the plan period; and
2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.
3. Provision of land set aside to enable the future construction of a new station – in terms of lineside infrastructure, parking and access.

Site Specific Principles of Development

- a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.
- c. Contributions to education and health infrastructure.
- d. Provision of floorspace to accommodate B1, B2 and B8 uses.
- e. Future development should safeguard the River Croco and other watercourses and deliver significant ecological mitigation areas for protected and priority species and habitats on site.
- f. A pre-determination desk based archaeological assessment will be required, with targeted evaluation as appropriate.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27 July 2017. There are however policies with the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Congleton Local Plan (Saved policies)

The saved Local Policies are consistent with the NPPF and should be given full weight.

PS8 - Open Countryside

PS12 - Strategic transport corridors

GR6 – Amenity and health

GR7 & GR8 – Amenity and Health

GR13, GR14, GR 15 & GR 16 – Public transport/cycling/footpaths

GR18 – Traffic Generation

NR2, NR3, NR4 & NR5 - Nature Conservation

BH4 – Heritage Assets

Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'. As such policies within the plan cannot be given any weight as part of this application.

Other Material Considerations

The National Planning Policy Framework
National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council: No comments received

CONSULTATION RESPONSES – External to Planning

Environment Agency: No objections, but recommend a condition which requires:

- Built development to be restricted to Flood Zones 1 & 2 only
- Finished floor levels to be set to 31.27metres AOD (above Ordinance Datum)
- Flood resilience construction & materials shall exist up to 31.4m AOD
- Discharge of surface water into watercourses limited to greenfield rates

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The proposed development is within the vicinity of Sandbach Flashes SSSI. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified. Advisories are included within their comments.

United Utilities: No objections are raised, but 3 conditions are recommended, relating to surface water drainage, requiring foul and surface water to be drained on separate systems and requiring a sustainable drainage management and drainage plan.

Cheshire Brine Subsidence Compensation Board – They write:

“The Board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be discounted. In addition, a past claim for damage due to subsidence from brine pumping have been filed and accepted for the Site.

We have fully studied the SGi Phase 3 report and there are a number of contradictions and misconceptions within the report which would need to be addressed or fully justified prior to the Board accepting the report. The Cheshire Salt Search (ref: GS-7405626, dated 6th January 2021) is absent from the report and should be submitted. With the report, SGi suggest that the underlying 45m of competent marl would act to mitigate the surface subsidence events,

however, in the very next paragraph identify that a PNOD was filed and accepted by the Board on the site between 1960 to 2005. Furthermore, the report does not offer a foundation solution to site, only states that a raft foundation is not required. CBSCB does not agree with this conclusion and a raft would be required for the Site.”

The applicant has responded to these questions and submitted a further report which concludes there are no geological constraints on the site, however it recommends the Brine Board are consulted on the foundation design. No reply has been received from the Brine Board, but it is considered that this can be conditioned.

Cadent & National Grid: No comments received to this application, but on the adjacent site they raised no objections, but wanted to draw attention to the High-Pressure Gas Pipeline – Feeder, running to the east of the site, and if there was to be any works in the vicinity of that asset then works would need to be agreed in advance.

Health & Safety Executive: Do not advise against but highlight location of pipeline referred to above.

Highways: No objections subject to a financial contribution towards the Middlewich Eastern Bypass.

Environmental Protection: No objections subject to conditions. They recommend a series of conditions relating to noise, air quality and contaminated land. Informatives relating to construction hours, pile foundations, dust management, floor floating the Environmental Protection Act are also recommended.

Flood Risk: No comments received, and Members will be updated if comments are received in advance of the committee meeting.

Public Rights of Way: No comments received

OTHER REPRESENTATIONS

None received.

OFFICER APPRAISAL

Principle of Development

The whole site falls within site LPS 44 Midpoint 18, and the policy section above sets out the Local Plan Strategy policy and the criteria any development needs to address. In principle the proposed development of employment uses in Classes B2 (General Industrial) and B8 (Warehousing) are in accordance with this policy.

Highway Safety / Parking

Under policy LPS 44 it states that development shall make:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

In addition under the Site Specific Principles of Development under the policy:

- “a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.”

Access

The site is accessed from an extension to the access road that serves the 4B site and this access connects directly with ERF Way.

Development Traffic impact

The scope of assessment was agreed with the applicant that focused on two main junctions where capacity problems would likely occur on the road network. The junctions assessed are Pochin Way/A54/Centurion Way roundabout and also the A54/Leadsmithy Street signal junction.

The traffic impact has been based using B2 trip rates as these are higher than B8 rates and represents the worst case in terms of impact on the road network. The capacity assessments have been undertaken in both the AM and PM peaks on the network and with likely generate 64 trips am and 54 trips pm. Clearly, the site will generate substantially more movements during the 24hr period but it is the peak hour impact that requires assessment.

There have been a number of approved developments on Midpoint 18 and the traffic from these developments have been included in the assessments, although the sites that rely on the MEB for access have been excluded.

The roundabout junction of Pochin Way/A54/Centurion Way has been modelled by the applicant and indicates that it will operate within capacity in 2026 with development included. This junction has been modelled as part of other applications and the results of this capacity assessment does compare well with other independent assessments and indicates that the junction will operate within capacity.

The signal junction of A54/Leadsmithy Street in Middlewich has for some time had high levels of congestion and long queues, an improvement scheme is planned for this junction but has not currently been implemented. A capacity assessment has been undertaken by the applicant at this junction assuming that an improvement scheme is in place and would therefore work satisfactory.

The construction of the MEB has been shown to significantly improve congestion levels by redistributing through traffic away from the A54/Leadsmithy Street junction and as such requires contributions from Midpoint 18 for its delivery. A policy requirement of LPS 44 (which includes this site) requires a financial contribution to the MEB.

Accessibility

The site is linked to the footpath network, there are footways on both side of ERF Way and also Pochin Way has two footways. There are pedestrian facilities to the town centre from Pochin Way and the site can be assessed by pedestrians from Middlewich. Pedestrian and cycle facilities will also be provided as part of the MEB scheme.

The nearest available public transport is in Middlewich which is some 2.6km distance from the site and there is no rail station in Middlewich. It is expected that the majority of trips to this employment site will be vehicle based although trips can be made by walking and cycling and there are cycling parking facilities provided within the site.

Car Parking

The car parking provision is 205 car parking spaces that includes 6 accessible spaces, there are 103 HGV trailer spaces provided within the site. No specific details on staff numbers have been submitted but it is suggested that there would be 1 employee per 77 Sq.m resulting in 288 employees. It is likely that staff will work shift patters and that not all employees will be on site at any one time. The car parking provision is below current CEC standards for B2/B8 development although the applicant has parking accumulation assessments based upon Trics data that indicates that the amount of parking provision 205 car parking spaces is well in excess of the likely parking demand resulting from a B2/B8 use.

Summary

The site access is an extension to approved access to phase 4B and 1B which is suitable design to accommodate HGV and light vehicles. The access links to ERF Way/Pochin Way which are existing established highways to access the Midpoint 18 development.

The site is accessible by pedestrians and cyclists from the existing road network.

The level of parking is considered acceptable for a B2/B8 use as proposed.

The results of the capacity assessments undertaken shows that the Pochin Way/A54/Centurion Way roundabout junction will operate within capacity in 2026 with some spare capacity. The operation of this roundabout as standalone junction is not the major concern of the Highway Authority, it is existing congestion in Middlewich especially at the Leadsmithy Street/Kinderton St signal junction that has long traffic queues that needs to be addressed.

The results of the capacity assessment of the A34/Leadsmithy Street junction undertaken as part of the Cheshire Fresh planning application has been submitted in this Transport Assessment to indicate that this junction would operate within capacity. However, this does rely upon the CEC improvement scheme at this junction being in place, there are a number of issues regarding the deliverability of this scheme and it is by no means certain that this scheme will be in place at the time of occupation. It therefore, cannot be concluded that there would no impact arising from the development at this junction.

The construction of the MEB would link Pochin Way with the A533 and will provide much improved access to Midpoint 18 and also will reduce traffic congestion levels in Middlewich. Policy LPS 44 of the CEC Local Plan has indicated that contributions to the MEB will be required as part of development on the Midpoint 18 site. The level of contributions have been calculated

from the likely amount of developable floorspace within the Midpoint 18 site allocations and in regard to this particular application a contribution is currently being discussed with the applicant but is not currently agreed.

In summary, this is an allocated employment site within Midpoint 18 and subject to a S106 contribution there are no objections to the application.

Ecology:

Designated sites

The application site falls within Natural England's SSSI impact risk zones. It is noted that Natural England have been consulted and raised no objections to the application.

Great Crested Newts

The most recent surveys of the ponds on site specifically for Great Crested Newts did not record any evidence of this species. Presence of this species was however confirmed during the Lesser Silver Diving Beetle surveys of the ponds on and adjacent to the site.

It is advised that the proposed development is likely to result in a significant adverse impact upon this species as a result of the loss of suitable habitat and the risk of animals being killed during the construction phase.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2017
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the

requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

In order to address the impacts of the proposed development on this species the applicant has expressed an intention to enter the development into Natural England's District Level licencing scheme for the species.

It is advised that entry of the development into the licencing scheme would be sufficient to maintain the favourable conservation status of the species. The applicant must however submit a copy of the countersigned agreement with Natural England as evidence that the development is eligible to join the licencing scheme prior to the determination of the application.

This process is in hand and it is hoped that the signed agreement will be submitted shortly.

Kingfisher, Otter and Water Vole

No evidence of these species was recorded during the submitted surveys. Otters are however known to be present in this broader location and so are likely to occur on the water course adjacent to the application site on occasion. Based on the current status of these species the proposed development is however unlikely to result in a significant adverse impact on these species.

The proposed development involves the construction of an outfall to the adjacent watercourse, this could potentially result in an adverse impact on these species if they colonised the site after the grant of planning permission. It is therefore advised that if planning consent is granted a condition should be attached requiring updated surveys to be completed prior to the commencement of development.

The submitted Ecological Assessment recommends a CEMP is produced to manage pollution and contamination of the watercourse during the construction phase. It is recommended that the CEMP also includes the retention and fencing-off of an 8m undeveloped buffer adjacent to the watercourse. This matter may be dealt with by means of a condition if planning consent is granted.

Common Toad

This priority species, which is a material consideration for planning, has previously been recorded at 'Pond 2' on site. The proposed development would result in the loss of this pond

and the loss of an area of low value terrestrial habitats for this species. It is advised that this loss would result in an adverse impact upon this species.

The submitted ecological assessment includes recommendations for reasonable avoidance measures to reduce the risk of toads being killed or injured during the construction phase.

The creation of an off-site pond is also proposed as compensation for the loss of the existing pond on site. This pond would be delivered at the same location as the off-site habitat creation works required to deliver Biodiversity net Gain (as discussed below). A legal agreement will be required to secure the delivery of the off-site pond in the event that planning permission was granted.

Bats

No evidence of roosting bats was recorded during the surveys submitted with the application. Bats are however active on site. Most activity was recorded along the stream corridor on the site boundary and around the ponds. The proposed development would therefore result in a localised adverse impact on foraging bats as a result of the loss of habitat. The proposed offsite pond creation would potentially provide some compensation for this loss.

The lighting of the application has the potential to have an adverse impact upon foraging and commuting bats. The application is supported by a lighting scheme. The currently proposed scheme would result in light spill of greater than 1 lux on the retained watercourse corridor and new planting adjacent to the consented Middlewich bypass.

In order to avoid an adverse impact upon foraging and commuting bats it is advised that the proposed lighting scheme must be revised to ensure that no light spill of greater than 1 lux falls upon retained or newly created woodlands, hedgerows, boundary trees or the adjacent watercourse.

If a revised lighting scheme has not been received at the time of determination it is recommended that a condition be attached as a means of reducing the potential adverse impact of the lighting of this site:

Lesser Silver Diving Beetle and Ponds

This priority/protected species is present at Pond 1 on site that is located just outside the revised red line of the application. It is advised that whilst this pond would be retained, the change of land use in the vicinity of the pond and potential changes to the ponds hydrology resulting from the development, would result in a significant adverse impact upon this species which is a material consideration for planning. The pond supporting this species would also be regarded as a priority habitat and hence a material consideration in its own right.

The applicant's ecologist has suggested that a management plan be submitted to maintain the retained ponds suitability for this species as a means of reducing the potential impacts of the proposed development upon this species.

It is recommended that if planning consent is granted a condition be attached to safeguard the pond.

Badger

No evidence of badger was recorded during the submitted survey. However, as badgers can excavate new setts within a short time scale, It is recommended that if consent is granted a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

Grass snake

This priority species is known to occur in this broad location. The majority of habitat on site is of low value for this species; however, the species may utilise the stream corridor on the site boundary. The submitted Ecological report recommends the implementation of reasonable avoidance measures (in appendix 7) to minimise the risk to grass snakes.

As with Common Toad a condition would be required to secure the implementation of these measures in the event that planning consent was granted.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The proposed development would result in the loss of a length of existing hedgerow.

Compensatory planting is proposed as part of the submitted landscaping scheme. It is advised that in the event that the loss of the existing hedgerow is considered unavoidable the proposed planting is sufficient to compensate for that lost and to deliver a minor gain for hedgerow biodiversity.

Nesting birds

The habitats on site are likely to provide opportunities for a number of species of breeding birds potentially including priority species which are a material consideration for planning. The loss of habitats from the site would potentially result in an adverse impact upon nesting birds, only partially mitigated through the provision of replacement hedgerow planting on site.

If planning consent is granted a condition is required to safeguard nesting birds.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 2 methodology.

For the most part, the Council's Ecologist agrees with the submitted metric. The ponds on site have however been entered as non-priority habitat. This is incorrect as the ponds support protected/priority species as so must be considered as priority habitat. This does not however alter the result of the metric.

The metric calculation as submitted shows that the proposed development would result in a net loss of biodiversity amounting to -7.89 units.

In order to address the loss of biodiversity the applicant is proposing habitat creation at a nearby off-site location sufficient to provide a 3.61% net gain. Outline proposals have been submitted for the habitat creation and management required and a suitable illustrative location identified.

If planning consent is granted a legal agreement will be required to secure the following in relation to the offsite habitat creation area:

- Confirmation of the location of the required off-site habitat creation
- Submission and implementation of Habitat Creation Method Statement for the delivery of 8.45 biodiversity units. Including the provision of an additional wildlife pond.
- Submission and implementation of 30 year habitat management and ecological reporting strategy.

Habitat creation is also proposed on site that contributes to reducing the net loss of biodiversity. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam on site.

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

It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

This condition can be avoided if proposals are submitted prior to the determination of the application.

Water course and hydrology/flooding

Members may recall this was a significant issue with the development to the south, as the area is low lying and there were concerns about potential flooding and proposed modifications to the water courses in that case.

Whilst no comments have been received from the Council's flood Risk Team, the Environment Agency – who are the lead authority as the River Croco is designated as a "Main River", have raised no objections – subject to a condition as detailed above. As such there are no objections in this regard.

Impact on Trees

The application has been supported by an Arboricultural Impact Assessment (AIA) The report considers all trees on the site and provides recommendations for two development options on the area within allocated site LPS44 of the Cheshire East Local Plan.

The AIA has identified a total of 13 individual and 8 groups of trees and 6 hedgerows which comprise of 6 individual and 1 group of moderate quality B Category trees, with all other trees and hedgerows classified as low-quality C Category.

Both Scheme layouts propose the same tree removals to accommodate each proposal comprising of 2 individual and 1 group of moderate quality B Category trees (T1, T3 and G1) and 1 low quality C Cat tree (T2) and 2 sections of hedgerow equating to a total of 182 linear

metres. While regrettable and if unavoidable, the extent of replacement tree planting and new hedgerows proposed within the landscape scheme is considered to adequately mitigate for the losses.

The scheme as indicated within Phase 4A does not therefore present any significant arboricultural impacts and it has been demonstrated that all other trees and hedgerows can be successfully retained subject to compliance with the tree protection and construction methodologies proposed. Conditions are recommended.

Landscaping

The application site covers an area of approximately 6.71 hectares within the area LPS44 - Midpoint 18 strategic employment allocation, now identified as Ma6nitude. The site is currently two fields divided by a hedgerow with a pond in the northern part of the site and the River Croco to the north.

A Landscape and Visual Impact assessment has been submitted as part of the submission. The LVIA indicates that it has been undertaken following the methodology set out in the third edition of Guidelines for Landscape and Visual Impact assessment (GLVIA3). The LVIA indicates that the site has low sensitivity and that there will be some adverse and some minor landscape impacts. It also identifies that a number of sensitive residential properties will experience adverse effects, and that users of some footpaths will also experience some moderate effects.

The Council's Landscape architect broadly agrees with the conclusions of the submitted LVIA and that the proposals are consistent with the existing pattern, scale and grain of land use nearby. As such no objections are raised to the proposals.

Amenity

The proposed site is on the edge of a commercial area, with the nearest residential property – Kinderton Lodge Farmhouse, being more than 450m away, and significantly on the far side of the MEB. Environmental Protection recommend a series of Informatives to cover the construction phase of the development.

Noise

In support of the application, the applicant has submitted an acoustic report ref 50-015-R2-4 dated July 2021.

The Noise Impact Assessment (NIA) relates to the proposed site layout is detailed at appendix III of the NIA and corresponds to the applicants Planning Layout. Any amendments to the planning layout must comply with the NIA or the NIA maybe required to be reviewed accordingly.

The impact of the noise from HGV movements, loading and unloading of vehicles on the proposed development has been assessed in accordance with:

- BS4142:2014 Methods for rating and assessing industrial and commercial sound

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from HGV activity, loading and unloading

The reports methodology, conclusion and recommendations are accepted.

Lighting

Impacts in relation to ecology are set out above, and it is considered that will address any general amenity issues at the same time.

Air Quality

This is a proposal for a new employment building and is part of a simultaneous application by the developer for a similar scheme covered by application no. 21/4194C. It should be noted that only one of these schemes will be completed. Air quality impacts of both schemes have been considered within the air quality assessment submitted in support of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2019 - Verification;
- Future year Do-Minimum (DM) (predicted traffic flows in 2035 should the proposals not proceed);
- Scheme 1 Opening year Do-Something (DS) (predicted traffic flows in 2035 should the Scheme 1 development be completed);
- Scheme 2 Opening year DS (predicted traffic flows in 2035 should the Scheme 2 development be completed).

The assessment concludes that the impact of the future development on the chosen receptors will be not significant with regards to NO₂ and PM₁₀ concentrations. None of the receptors are predicted to experience greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal.

Therefore, Environmental Protection would recommend a condition relating to ultra-low emission boilers be attached to any decision notice.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.
- A Phase I Geoenvironmental Site Assessment has been submitted in support of the planning application.
 - o No significant potential sources of contamination have been identified within the report. A ground investigation has been recommended however, should any adverse ground conditions be encountered during these works or during development works, all work in that area should cease and we should be contacted for advice.
 - o A brief report outlining the findings during these works, if any, should be provided to us prior to first occupation/use of the development.
- Should any soil be imported to site for use in areas of landscaping, this should be demonstrated to be chemically suitable for its proposed use in line with our Developer's Guide, in the absence of any other agreement for the site.

As such, and in accordance with the NPPF, Environmental Protection recommends that conditions, reasons and notes be attached should planning permission be granted.

Public Right of Way

Whilst no comments have been received from the Rights of Way Team, as noted above there are no PROW's directly affected by the proposed development. As noted on the application to the south, Middlewich Field Footpath 19 runs along the western and southern boundaries of that site – which shares the access, utilizing ERF Way for a short stretch before crossing fields to the south. Whilst the footpath would not be directly impacted by the development, the proposed site access would cut across the footpath (where it runs along the highway) and as such a condition was considered necessary to ensure the works are managed to ensure minimum impact on the PROW. This however is dealt with on the other application, and a condition is not considered appropriate here.

Conclusions

The proposed development of this site for B2/B8 (and Ancillary E(g)) uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

This is one of two applications on this agenda for alternative commercial proposals, but essentially similar schemes.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on the Great Crested Newt License will be provided prior to the meeting.

Whilst no comments have been received from the Flood Risk Team, the Environment Agency, the main authority in this case, have raised no objections subject to conditions.

Impacts on environmental matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

SECTION 106

In line with other recent approvals on Midpoint 18, and in line with policy LPS 44 the development shall:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

Highways have not indicated a figure in their comments and discussions remain ongoing over the final figure due to further assessment of the floorspace likely to come forward. Members may recall that on the most recent application for similar development on land south of Cledford Lane (21/1065C) a contribution of £53/sqm floorspace was requested and it is anticipated the figure will be at least this amount. This should be provided prior to the signing of the contract for the MEB.

In addition, there is a requirement for ecological mitigation prior to commencement requiring the following:

- Secure the delivery of the off-site pond
- Confirmation of the location of the required off-site habitat creation
- Submission and implementation of Habitat Creation Method Statement for the delivery of 8.45 biodiversity units. Including the provision of an additional wildlife pond.
- Submission and implementation of 30 year habitat management and ecological reporting strategy.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement to secure:

Heads of Terms	Amount	Trigger
Contribution to the MEB	TBC (At least £53/sqm)	On signing of contract for the MEB
Ecological Mitigation		Prior to occupation

and the following conditions;

- 1. 3 Year start date**
- 2. Approved plans/documents**
- 3. Materials**
- 4. Landscape maintenance**
- 5. Tree Retention**
- 6. Tree protection and construction measures**
- 7. Noise mitigation**
- 8. Ultra-Low Emission Boiler(s)**
- 9. Importation of soils**
- 10. Measures to deal with unexpected contamination**
- 11. Foul and surface water on separate systems**
- 12. Environment Agency condition**
- 13. Development to be entered into Natural England's District level licencing scheme (once signed agreement has been received).**
- 14. Updated badger, water vole, kingfisher and Otter survey prior to commencement.**
- 15. Submission and implementation of CEMP for safeguarding of adjacent brook during construction process including safeguarding of undeveloped 8m buffer.**
- 16. Implementation of avoidance measures to minimise impacts on toads and reptiles.**
- 17. Lighting condition.**
- 18. Lesser silver diving beetle mitigation and management strategy.**
- 19. Safeguarding of nesting birds**
- 20. Habitat creation and management plan for on-site biodiversity delivery.**
- 21. Incorporation of biodiversity features (bird boxes etc.)**
- 22. Brine Board foundation design**

Informatives

- **NPPF**
- **Hours of working**
- **Pile foundations**
- **Dust management**
- **Floor floating**
- **EPA**
- **Land drainage Act**

In the event of any changes being needed to the wording of the Board'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 or Vice Chair of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

