

<b>Planning Reference No:</b>	07/1442/REM
<b>Application Address:</b>	Plot 51C Valley Court Pochin Way Middlewich
<b>Proposal:</b>	Erection of 16no. B1, B2 & B8 units (with possible future sub-division) contained within 3 terraces, associated service yards, car parking, central service/access road & landscaping. Units may have a trade counter.
<b>Applicant:</b>	Pochin Development Ltd
<b>Application Type:</b>	Reserved Matters
<b>Registered:</b>	19 <sup>th</sup> December 2007
<b>Grid Reference:</b>	371058 366073
<b>Ward:</b>	Middlewich
<b>Expiry Date:</b>	19 <sup>th</sup> March 2008
<b>Date Report Prepared:</b>	27 March 2009

**SUMMARY RECOMMENDATION:**

Approve subject to conditions.

**MAIN ISSUES:**

Principal of development, impact on the landscape, ecology and highways.

**1. REASON FOR REFERRAL**

Major development.

**2. DESCRIPTION OF SITE AND CONTEXT**

The site lies within the MidPoint 18 development area to the east of Middlewich. Over recent years, the surrounding areas has seen significant development with storage and distribution units from Tesco and Wincanton amongst other occupiers.

Although the land in question is greenfield, the surrounding area has been underdevelopment for a number of years as part of the wider MidPoint 18 employment site. This parcel of and has been included in the wider development are.

**3. DETAILS OF PROPOSAL**

The scheme is for the erection of 16no. B1, B2 & B8 units (with possible future sub-division) contained within three terraces, associated service yards, car parking, central service/access road and landscaping. The units may have a trade counter.

As indicated. the units are to be arranged in three blocks and form an extension of the existing development at MidPoint 18. The largest block has a floor area of approximately 2,275 sq.m. and a height of about 8.9m. The smallest unit has an area of 1,075 sq.m. and a similar height to the largest unit.

The scheme also includes appropriate landscaping and parking for each unit.

**4. RELEVANT HISTORY**

04/0451/REM - Erection of eight warehouses with associated service yards, car parking, central service/access road and landscaping. Permitted with Conditions 10 March 2005

05/0301/FUL - Proposed removal of condition 17 of approval number 04/0451/REM.  
Permitted 16 May 2005

06/1421/FUL - Erection of 17 (with possible future sub-division) B1, B2 & B8 units, contained within 4 terraces. Associated service yards, car parking, central service/access road and landscaping. Units may have a trade counter. Withdrawn 27 September 2007

8/31584/1 - Development of land for employment uses (use classes B1, B2 And B8), together with open space along Sanderson's brook and the continuation of the Middlewich Eastern Bypass. Outline Permission Granted

36207/3 - Access to plot 51. Permitted with Conditions 12 September 2003

## **5. POLICIES**

### **Congleton Local Plan First Review 2005**

GR1 General Criteria For Development

GR2 Design

GR6 Amenity and Health

GR21 Areas at Risk from Flooding

RC2 Protected Area of Open Space

E3 Employment Development in Towns

NR3 Habitats

S2 Shopping and Commercial Development Outside Town Centres

### **Other Plans and Policies**

PPS1: Delivering Sustainable Development

PPS25: Flooding

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

County Highways 21 Jan. 2009

No objections subject to development being in accordance with amended junction design.

United Utilities Limited 4 Feb. 2008

No objection subject to conditions on drainage arrangements, use of interceptors and control of potential spillage.

Natural England 1 April 2008

Concern over the initial survey work in respect of timing of the survey and proposed mitigation. No comments received at the time of the preparation of this report in respect of additional survey work undertaken May 2008.

Public Rights Of Way Unit 25 March 2009

No objection in principle however as the scheme has the potential to affect footpath Fp9 Middlewich, an informative is recommended to advise the applicants of their obligations to protect the footpath.

The Ramblers Association

No comments.

Planning Policy Team

No comment.

Senior Landscape and Tree Officer 25 March 2008

No objection in principle although concerns expressed that the rear elevations of units 20-22 will present a significant and dominating feature to the wildlife corridor.

CBC Greenscape Development Officer

No comment.

Environment Agency 19 March 2008

No objections subject to conditions ensuring that there is no possibility of contaminated water entering and polluting surface or groundwater and ground and foul water drainage are kept separate.

Environmental Health Section 15 Feb. 2008

No objection subject to conditions controlling noise, odours, lighting and contamination

CBC Streetscape Officer 28 Jan. 2008

No objections.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

Middlewich Town Council 26 Feb. 2008

No objection subject to a green travel plan being agreed and assessment of traffic impact.

## **8. OTHER REPRESENTATIONS:**

None received

## **9. OFFICER APPRAISAL**

### **Principal of Development**

The principal of commercial development has been established on this site through the granting of the initial outline application (reference 31584/1) and the subsequent approval of a reserved matters application on part of the wider area approved by the outline (reference 04/0451/REM).

Other than the development of MidPoint 18 site, the character of the area has not changed substantially since the initial approval was granted.

The site was also formally identified under Policy E2 of the adopted Local Plan as an employment commitment within Middlewich. It should be noted however that this policy has not been saved as part of the process of moving towards the new LDF for the Council.

It is noted that the application seeks approval for the possible inclusion of trade counters. Whilst small sales counters have historically been accepted as part of a manufacturing business, there has been a trend in recent years to utilise the majority of the floor space in the building as warehousing and then offering sales direct to the public from a smaller retail area at the front. This business model has predominantly been used in the building supplies market for companies such as the Plumb Centre or Screwfix Direct. As a result, these units take on a more retail character compared to a similar building more in line with the Class B uses.

To address any concerns over the development of the units for more retail orientated uses, a condition on the level of floor space that can be used for trade sales is suggested.

### **Highways**

Concern was initially expressed by the County Highways Engineer in respect of the access arrangements into the site. The wider highways issues of impact on the local highway network and contributions to the Middlewich By-Pass have been considered as part of the outline application.

Following discussions, the entrance details have been amended to the satisfaction of the County Highways Engineers who have confirmed that subject to the development being undertaken in accordance with the amended details, they have no objection. The works themselves will be managed through a separate s278 agreement if consent is granted.

### **Wildlife and Ecology**

One of the key concerns of the Council at the outline planning stage was the impact that the development would have on the Sanderson Brook Valley which is in the vicinity of the site and protected wildlife including Great Crested Newts.

Updated surveys were undertaken and submitted as part of the application but following comments from Natural England additional work was undertaken in May 2008 to address concerns over the timing of the original surveys and further work was provided on the mitigation strategy for dealing with any wildlife.

At the time of the preparation of the report, no comments has been submitted by Natural England in respect of the additional work however if any information is received prior to the Committee meeting this will be conveyed to Members.

### **Flooding**

The Environment Agency have been involved in the development of this site since the outline stage and have confirmed that development in the vicinity of the Sanderson Brook should not breach the 1 in 100 year flood level.

The Agency has considered the details of the submitted scheme and have confirmed that subject to the buildings being built at a level of 36.5m AOD (above ordnance datum) as shown on the submitted drawings, they have no objection to the scheme.

### **Impact on Neighbours**

The site is in a relatively isolated location with no immediately neighbouring residential dwellings or other properties. Accordingly, there are no perceived issues of impact on residential or other amenity levels.

### **Design**

The buildings themselves are of a functional appearance with large roller shutter doors to facilitate deliveries by goods vehicles. The buildings are to be covered in profile sheeting and profile panels for the walls. The only break to the some what austere façade is the inclusion of some tall window units allowing natural light into each unit.

In a more exposed location or an area with closer neighbouring properties, the basic design and appearance of the buildings would be unacceptable. However in this instance,

consideration is given to the nature of the surrounding commercial buildings which are similar in nature to those currently under consideration.

It is accepted that the buildings can be seen from the Sanderson Brook Valley and will have a bearing on the setting of this part of the town, for that reason, it is therefore felt appropriate that the colour of the buildings should be regulated to ensure that the impact of the buildings is mitigated against through a more appropriate colour scheme than the simple grey walls and dark grey roof scheme proposed. This matter can be addressed through an appropriate condition.

## **10. CONCLUSIONS**

In summary, it is felt that subject to the use of appropriate conditions on the materials uses, landscape management and the control of goods sold, the scheme is in accordance with the principles set out in the outline consent and the policies in the Congleton Local Plan and nationally.

## **11. RECOMMENDATION**

**APPROVE** subject to the following conditions:-

- 1. Time limit following approval of reserved matters**
- 2. Development to be undertaken in accord with numbered revised plans**
- 3. Details of materials to be submitted prior to development**
- 4. Construction of access to be in accordance with scheme to be agreed by Local Planning Authority**
- 5. A scheme to be submitted in respect of the provision of car parking**
- 6. A scheme to be submitted in respect of the provision of cycle parking**
- 7. Details to be submitted in respect of drainage and surfacing of hard standing areas**
- 8. Submission of a landscaping scheme required**
- 9. Landscaping condition to ensure implementation of the approved landscaping scheme**
- 10. Prior to the commencement of development, a scheme for noise insulation shall be submitted**
- 11. Prior to the commencement of development, a scheme for lighting details to be submitted**
- 12. Development to be undertaken in accordance with the submitted ecological report**
- 13. Prior to the commencement of development, a scheme for the drainage layout to be submitted**
- 14. Petrol interceptors required**
- 15. The drainage scheme shall include a water regulation system (SUDs scheme)**
- 16. Refuse storage facilities to be approved prior to the commencement of development**
- 17. Detail to be submitted in respect of the decontamination of land and future monitoring**
- 18. Floor levels of the buildings to be set at a minimum level of 32.5m AOD**
- 19. Prior to the occupation of each unit, details shall be submitted to, and approved in writing by the Local Planning Authority, in respect of the amount of floor space to be used for trade sales purposes. The development shall thereafter be undertaken in accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority**

# LOCATION PLAN:

