

Application No: 15/2609C  
Location: PLOT 74, Midpoint 18, ERF WAY, MIDDLEWICH  
Proposal: Proposed BI office/B2/B8 warehouse and yard facility for Scottish Power  
Applicant: Mr Bob Nicholson, Pochin Property Ltd  
Expiry Date: 26-Aug-2015

**SUMMARY:**

This proposal would bring economic benefits through the delivery of 67 full time jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality. Subject to update, the impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Suitable alternative provision would be made for the existing Middlewich Footpath no. FP19 through diversion. Subject to confirmation from the Council's Nature Conservation Officer that the submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy. The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION:**

**APPROVE with conditions**

**PROPOSAL:**

This application seeks full planning permission for the erection of a B1 office / B2 / B8 warehouse measuring 1337 square metres floor-space with an associated yard facility and parking. It is indicated that the end user of the building would be Scottish Power and would bring with it 67 full time jobs.

**SITE DESCRIPTION:**

The application site is located on the northern side of ERF Way, within the Middlewich settlement boundary. The site presently comprises of scrubland but is situated on and

established commercial / industrial trading estate at Midpoint 18 Industrial Park. The site is flanked to the north, south and west by other industrial premises, whilst on the remaining side to the east is more scrubland. Middlewich Public Footpath no. FP19 passes through the site.

### **RELEVANT HISTORY:**

N/A

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs 17 and 28.

#### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the Middlewich Settlement Zone Line under Policy PS4.

The relevant Saved Policies are: -

PS4 Towns  
GR1 New Development  
GR2 Design  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
NR1 Trees  
NR3 Habitats  
E3 Employment Development in Towns

### **Cheshire East Local Plan Strategy – Submission Version**

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **CONSULTATIONS:**

#### **Highways:**

No comments received.

**Public Rights of Way Unit:**

No objection subject to conditions / informatives.

**Environmental Protection:**

No comments received.

**Natural England:**

No objection

**TOWN COUNCIL:**

No comments received

**REPRESENTATIONS:**

None

**APPRAISAL:**

**Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary. The site is not allocated for any purpose in the Local Plan. Local Plan Policy E3 allows for the redevelopment of sites for employment purposes providing that the development is appropriate to the local character in terms of its use, intensity, scale and appearance and complies with all other relevant local plan policies. The proposal is for 1337 square metres floor-space of B1 / B2 and B8 employment uses within an existing employment commitment in the adopted local plan. The site would sit amongst other commercial and industrial uses and therefore would conform to the surrounding land uses.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, this view is further supported in the Council's emerging Local Plan Strategy Submission Version, namely Policy EG1. The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

**Design**

Policy GR2 (Design) states that proposals should not adversely affect the street-scene and where possible, should enhance the environment. The design, scale and layout of the building is typical of modern industrial units with shallow pitched roofs and profile sheet cladding. The floor-space will be distributed across 2 floors and the building will measure 10.6 metres high to the ridge of the apex roof.

The proposed building would be well set back into the site with the foreground given over to parking for vehicles. It must be acknowledged that the character of the street is one of

industrial premises with similar arrangements and similarly designed frontages. The buildings are uniform and utilitarian in appearance and are designed for functionality rather than form. The building is similar in design and size to other units in the vicinity and it is considered that it will not appear as an alien or incongruous feature within the street-scene. The proposal complies with policy GR2 (Design).

## **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, it is not considered that a refusal could be sustained on grounds of incompatibility with neighbouring uses or impact on neighbouring residential amenity.

The Council's Environmental Protection Unit has yet to comment on the application. Any comments received will be reported by way of an update. Subject to this, proposal is considered to be appropriate and as such the proposal is in accordance with policy GR6 (Amenity and Health).

## **Highways**

The site fronts directly onto ERF Way, which is an internal road serving this part of the industrial estate. The proposal is small in terms of size and scale relative to the existing vehicle movements generated by the existing businesses on the industrial park. Consequently, it is considered that the proposed access arrangements and the associated vehicle movements would not result in 'severe harm' to the local highway network.

With respect to the proposed use, it is considered that the site is located in a sustainable location and can be reached by a variety of modes of transport. Therefore, it is considered that the proposed car parking spaces are sufficient to cater for the demand. There is sufficient space within the site for vehicles to enter and leave in a forward gear. The proposal is therefore considered to be acceptable in terms of highways and parking.

## **Public Right of Way**

Middlewich Public Footpath FP19 crosses directly through the site. However, the applicant has been in discussions with the Council's Public Rights of Way Unit (PROW) to arrange a diversion of the existing footpath. They have confirmed that subject to diversion, the proposal would be acceptable and would provide suitable alternative from the dedicated public right of way.

## **Ecology**

The application is supported by an extended Phase 1 habitat survey. There is a pond nearby which does support Great Crested Newts (GCN). Accordingly, there is a mitigation strategy and

suite of 'reasonable avoidance measures' (RAMs). The Council's Nature Conservation Officer (NCO) has not yet commented on the submitted mitigation. This will be reported to Members by way of an update.

## **PLANNING BALANCE & CONCLUSIONS**

This proposal would bring economic benefits through the delivery of 67 full time jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality. Subject to update, the impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Suitable alternative provision would be made for the existing Middlewich Footpath no. FP19 through diversion. Subject to confirmation from the Council's Nature Conservation Officer that the submitted mitigation strategy is acceptable, the proposal is therefore considered to comply with the relevant policies of the adopted Congleton Borough Local Plan First Review 2005 and advice contained within the NPPF and emerging local policy. The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Standard time limit (3 years)**
- 2. Accordance with plans**
- 3. Accordance with submitted materials**
- 4. Parking provided prior to first use**
- 5. Access constructed in accordance with submitted details prior to first use**
- 6. Development to be carried out in strict accordance with Ecological mitigation**
- 7. Survey for nesting birds**
- 8. Details of foul water drainage to be submitted**
- 9. Surface water drainage strategy to be submitted**
- 10. Landscape in accordance with submitted scheme**
- 11. Landscape implementation**

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

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

