

Application No: 21/4863C

Location: PLOT 51, POCHIN WAY, MIDDLEWICH, CHESHIRE

Proposal: 'The erection of a logistics depot / yard unit (Use Class B8 with ancillary Class E office) comprising 612 sq.m (GEA) floorspace with access, service yard, car parking, HGV parking, landscaping and associated works'

Applicant: Tilstone Industrial Ltd

Expiry Date: 11-Nov-2021

## SUMMARY

This proposal would bring economic benefits through the delivery of new 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.

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 subject to a contribution to the to the Middlewich Eastern Bypass.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement to provide a contribution to the Middlewich Eastern Bypass and off site habitat creation**

## SITE DESCRIPTION AND CONTEXT

The application site comprises 2.9 hectares of land on the Midpoint 18 employment site in Middlewich. It is an allocated Strategic Site in the Cheshire East Local Plan Strategy (LPS 44 – Midpoint 18, Middlewich).

The site would be accessed from Sanderson Way and is bound by a railway line to the west. A public footpath (Middlewich FP10) runs along the northern boundary of the site.

## **DETAILS OF PROPOSAL**

The proposed development is for the erection of a logistics depot / yard unit (Use Class B8 with ancillary Class E office) comprising 612 sqm (GEA) floorspace with access, service yard, car parking, HGV parking, landscaping and associated works.

Although the description of development refers to the development as a logistics depot, from viewing the plans it is clearly consists of a large HGV car-park and associated ancillary office building.

## **RELEVANT HISTORY**

20/3934C – Lawful development certificate for existing buildings – Positive certificate 3<sup>rd</sup> December 2020

14/3141C – Variation of condition on application number 13/0247C – Approved 28<sup>th</sup> August 2014

13/0247C – Seven B1, B2 and B8 units – approved 22<sup>nd</sup> April 2013

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

### **Development Plan:**

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP), the Revised Publication Draft Site Allocations and Development Policies Document (SADPD) and the saved policies from the Congleton Borough Local Plan First Review (2005).

## **POLICIES**

### **Development Plan**

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

PG1 – Overall Development Strategy  
PG7 – Spatial Distribution of Development  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN2 – Developer Contributions  
Site LPS 44 – Midpoint 18, Middlewich

## **Revised Publication Draft Site Allocations and Development Policies Document (SADPD)**

INF 6 – Protection of Existing and Proposed Infrastructure

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> 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 Borough Local Plan First Review (CBLPFR)**

PS4	Towns
GR5	Landscaping
GR6	Amenity and Health
GR7	Amenity
GR9	Accessibility, servicing and provision of parking
NR3	Habitats

The local referendum for the **Middlewich Neighbourhood Plan** was held on 14<sup>th</sup> March 2019 and returned a 'no vote'. As such it carries no weight.

## **Other Material Considerations**

Cheshire East Design Guide

Cheshire and Warrington Local Enterprise Partnership (LEP) – Mid-Cheshire and Middlewich Rail Study.

## **CONSULTATIONS:**

**Highways:** No objection subject to a contribution to the Middlewich Eastern Bypass.

**Natural England:** No objection.

**Flood Risk Management:** No objection.

**Environmental Protection:** No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

**Environment Agency:** No objection.

**Middlewich Town Council:** None received at the time of report writing.

**Network Rail:** No objection but request informatives are included relating to the railway.

**United Utilities:** No objection subject to drainage conditions.

**Cheshire Archaeology Planning Advisory Service:** No objection.

**Public Rights of Way:** No objection.

**Canal and River Trust:** No objection.

**Natural England:** No objection.

## **REPRESENTATIONS**

One representation has been received expressing concerns about the parking layout.

## **APPRAISAL:**

### **Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary and forms part of the Cheshire Local Plan Strategy Strategic Site 'LPS 44 Midpoint 18'. In respect of this the CELPS identifies that the development will be achieved with (amongst other things) phased delivery of up to 70 hectares of employment land, including the development of existing undeveloped sites: Midpoint 18 (Phases 1 to 3).

Policy EG1 of the CELPS also states that proposals for employment development (use classes B1, B2 and B8) will be supported in principle within key service centres (which includes Middlewich) as well as on employment land allocations in the Development Plan.

At a national level the NPPF (paragraph 81) also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

### **Design and Landscape**

Policy SE1 of the CELP advises that the proposal should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, livability/workability and safety.

The character of the Midpoint 18 employment site is one of industrial premises of designs in keeping with their use. The building would be utilitarian in appearance and is designed for functionality rather than form. The proposed 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 Principal Landscape Architect considered that, as originally submitted, there was insufficient shrub and tree planting proposed and therefore the proposed landscaping was unacceptable. As such a condition is required to secure alternative landscaping for the site.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

## **Amenity**

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 103 of the NPPF and the Government's Air Quality Strategy.

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, no significant adverse impacts are anticipated in respect of noise and disruption, visual intrusion and loss of daylight/sunlight or privacy subject to appropriate conditions.

This proposal is for the development of a logistics depot. Whilst this scheme itself is of a scale which would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. As such conditions should be imposed relating to air quality, including a Travel Information Pack and ultra low emission boilers.

Middlewich has two Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The Contaminated Land team has no objection to the application subject to conditions relating to assessments and investigations for contamination on the land.

Informatives are recommended in relation to travel plan, low emission boilers, EV charging, construction hours, piling, floor floating and dust management.

The proposal is therefore considered to be in compliance with Policies GR6 and GR7 of the CBLPFR and Policy SE12 of the CELPS.

## **Highways**

This site has been previously approved for an industrial development in application 20/3934C that had a total floorspace of 4,459Sq.m. The site was accessed via an extension to the access road serving the adjacent commercial development.

This application is for a logistics depot in B8 use with ancillary office 612 Sqm GEA floorspace and a service yard, car parking and HGV parking.

## **Access**

Sanderson Way will be extended to provide access to the site, there are two access points the western access is for car use being 6m wide and the eastern access is 11.4m wide and is intended for HGV access. The 2m footway will also be extended to access point on the frontage of the site and there is also a pedestrian gate to Sanderson Way.

### *Parking*

The parking provision has 32 standard car parking spaces, 20 EV spaces and 5 disabled spaces, a total of 57 spaces. There are 67 HGV parking spaces provided. 10 cycle stands are provided. The level of car parking is in accordance with the CEC requirements for parking to be provided on the site.

### *Development Traffic Impact*

As there is a significant reduction in floorspace in this application from the floorspace previously approved on the site, the peak hour traffic generations will be lower and will have a reduced impact on the local road network. In these circumstances, the traffic impact of this application is acceptable.

### *Cycle Provision*

The submitted site plan does show secure cycle parking provision for 20cycles. The plans however do not show any shower facilities for cyclists and this should be secured by condition.

### *Highways Summary*

There are no highway objections to the application as there will be a reduced traffic impact on the road network compared to the previously approved scheme. However, whilst the previously approved 13/0247C did not provide a contribution to the MEB, the policy requirement was for one to be provided. Given that this is a new application, a contribution is required in line with contributions made on other development sites within Midpoint 18. The amount of the contribution is currently being calculated and an update will be provided to committee prior to a decision being made.

The proposal is therefore considered to be in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

## **Nature Conservation**

### *Reptiles, Great Crested Newt and other Amphibian Species*

It is considered that these species are not reasonably likely to be significantly affected by the proposed development.

### *Other Protected Species*

Other Protected Species are known to be present in this locality and setts have previously been recorded on the application site. No evidence of activity was however recorded during the submitted survey. Therefore, based on the current status of other protected species on site it is considered that the proposed development is unlikely to have a significant adverse impact upon this species.

As the status of other protected species at a site can change in a short timescale, it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated survey if development has not commenced by the 13th August 2022.

#### *Otter and Water Vole*

No evidence of otter was recorded during the submitted survey. Otters are however known to occur in this locality and so the species is likely to occur on the Sanderson's Brook, to the south of the application site, on a transitory basis.

Due to a lack of features suitable for shelter and protection it is considered that the proposed development is not reasonably likely to result in an offence in respect of Otters. The submitted ecological assessment includes proposals to minimise the risk to Otters.

It is therefore considered that Water Vole are not reasonably likely to be present or affected by the development.

#### *Hedgehog and Brown Hare*

The submitted ecological assessment advises that the application site may provide opportunities for these two priority species. It is considered that if present the proposed development would result in a localised adverse impact as a result of the loss of suitable habitat. The proposed development would also present the risk of killing or injuring any animals present during the construction phase. Measures to minimise this risk have been included in the ecological assessment.

If planning consent is granted that a condition is required to ensure the implementation of measures to minimise the risk to Otters, Hedgehogs and Brown Hares.

#### *Lighting*

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent and otters may pass through the site on occasion. To avoid any adverse impacts on bats and otters resulting from any lighting associated with the development It is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

#### *Barn Owls*

This priority bird species is known to be present in the vicinity of the application site and is likely to use the rough grassland habitats on site for foraging. The proposed development is therefore likely to have an adverse impact upon this species as a result of the loss of suitable foraging habitat. If the Council is minded to grant permission for this proposed scheme it is recommended that a commuted sum be secured to enable off-site habitat creation works for barn owls to be completed. This could be delivered in tandem with any measures required to deliver biodiversity net gain.

#### *Nesting Birds*

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

## *Biodiversity Net Gain*

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3 must be undertaken and submitted with the application.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered 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 and this should be secured by condition.

The proposal is therefore considered to be in compliance with Policy SE3 of the CELPS.

## **Flood Risk and Drainage**

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

United Utilities have no objection subject to drainage conditions.

## **Archaeology**

The area of proposed development has previously been subject to consultation and archaeological investigation.

The previous archaeological investigation took the form of a supervised Metal Detector survey undertaken by Oxford Archaeology North in 2017. This work produced a formal report outlining the findings of the survey, highlighting the artefacts recovered and the potential underlying archaeological deposits.

The findings within the report suggest that there is likely to be little remaining below ground archaeological deposits within the proposed development area, therefore, there are no further archaeological requirements for this proposed development.

## **S106 contributions:**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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.

In this case, a contribution to the Middlewich Eastern Bypass and off site habitat creation are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The trigger for payment should be first occupation of the building.

## **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new 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.

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 subject to a contribution to the Middlewich Eastern Bypass.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

## **RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement to secure a contribution to the Middlewich Eastern Bypass and off site habitat creation and the following conditions:**

- 1. Time limit (3 years)**
- 2. Development in accordance with the approved plans**
- 3. Materials**
- 4. Submission and implementation of an Electric Vehicle Infrastructure plan**
- 5. Submission and approval of details ultra low emission boilers**
- 6. Submission of Phase II ground investigation and risk assessment and any mitigation measures required**
- 7. Submission and approval of a verification report in accordance with the remediation strategy**
- 8. Testing of soil and soil forming materials to be brought on to the site**
- 9. Ceasing of works if during the course of development, contamination not previously identified is found**
- 10. Development to be carried out in accordance with the submitted Flood Risk Assessment**
- 11. Submission of detailed drainage strategy**
- 12. Submission and approval of details of ground levels and finished floor levels**
- 13. Submission and implementation of a detailed landscape plan**
- 14. Submission of an updated Badger Survey if development does not commence before 13<sup>th</sup> August 2022**

- 15. Development in accordance with the mitigation measures set out in paragraphs 5.4, 5.7 and 5.15 of the submitted Ecological Impact Assessment**
- 16. Submission of details of any additional external lighting**
- 17. Submission of an Ecological Enhancement Strategy**
- 18. Submission of a revised landscaping scheme**
- 19. Submission of a plan showing shower facilities**

**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, in consultation with the Chair (or in their absence the Vice Chair) of the 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 in consultation with the Chair (or in their absence the Vice Chair) 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.**

- 1. Contribution to the Middlewich Easter Bypass (amount to be confirmed)**
- 2. Contribution to off site habitat creation**

