

Application No: 13/0247C

Location: SANDERSON WAY, MIDDLEWICH, CHESHIRE

Proposal: Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping.

Applicant: Bob Nicholson, Pochin Land and Development Limited and

Expiry Date: 22-Apr-2013

#### **SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions

##### **Main issues:**

- Principle of development
- The impact of the design
- The impact upon landscaping / trees
- The impact upon amenity and health
- The impact upon highway safety / parking / traffic
- The impact upon footpaths / cycleway
- The impact upon public utilities and flooding
- The impact upon nature conservation
- The impact upon archaeology

#### **REASON FOR REFERRAL**

This application has been referred to Southern Planning Committee because the cumulative floor space created by the development is within 1,000 and 9,999 square metres.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is on scrubland located to the northwestern end of Sanderson Way, Middlewich within the Middlewich Settlement Boundary.

The site is classified as Grade 3 farmland although it is currently not used for grazing livestock. It is relatively flat but slopes downwards generally towards the southern and

western edges of the site. Beyond the eastern boundary of the application site is the initial phase of the Valley Court development which comprises eleven industrial units.

The application site is bounded along its south-western boundary partially by the Crewe rail link and partially by Sanderson's Brook which forms part of an environmental corridor. Prosperity Way runs roughly parallel to the northern boundary of the site, which provides access to the sewage works which is positioned to the north-west. To the north of Prosperity Way is an area of green open space through which runs the River Croco.

## **DETAILS OF PROPOSAL**

Planning permission is sought for the erection of 7No. B1, B2 and B8 industrial/storage units with associated access road, service yards, car parks and landscaping.

The site would be split into three plots; Plot A, Plot B and Plot C. Each plot would have its own access point, unit, parking, service area and landscaping and will function independently. All three units will be in B1, B2 and B8 use. This is consistent with all other uses within Midpoint 18 and has been established as an acceptable use under application ref: 07/1442/REM.

Units A and C will consist of a small office element (B1) at the front of the unit to provide a visually enhanced front elevation on to the warehouse / industrial (B2 / B8) elements behind. Plot B is a courtyard scheme that would consist of smaller units to let.

## **RELEVANT HISTORY**

**07/1442/REM** – Reserved Matters. Erection of 16no. B1, B2 & B8 units (with possible future subdivision) – Approved 28<sup>th</sup> July 2009

**37594/3** – Construction of access road to serve future employment development – Approved 27<sup>th</sup> August 2004

**34743/3** - Application under S73: Development of Land without Compliance with Condition 11 of Outline Planning Permission 31584/1 – Approved 2<sup>nd</sup> September 2002

**37737/3** - Modifications of conditions 1,2,3,5 and 8 of outline planning permission 8/31584/1 – Approved 12<sup>th</sup> October 2004

**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 – Approved 29<sup>th</sup> April 2002

## **POLICIES**

### **National policy**

National Planning Policy Framework (NPPF)

## **Local Plan policy**

PS4 – Towns  
E3 – Employment development in towns  
GR1 – New Development  
GR2 – Design  
GR4 - Landscaping  
GR6 – Amenity and Health  
GR9 – Accessibility, Servicing and Parking Provision  
GR11 – Development involving new roads and other transportation projects  
GR13 – Public Transport Measures  
GR14 – Cycling Measures  
GR15 – Pedestrian Measures  
GR16 – Footpath, Bridleway and Cycleway Networks  
GR17 – Car Parking  
GR18 – Traffic Generation  
GR19 – Infrastructure  
GR20 – Public Utilities  
GR21 – Flood Prevention  
NR1 – Trees and Woodlands  
NR2 – Wildlife and Nature Conservation (Statutory sites)  
NR3 – Wildlife and Nature Conservation (Habitats)  
NR4 - Wildlife and Nature Conservation (Non-statutory sites)

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

**Strategic Highways Manager** - No comments received at time of report

**Environmental Health** – No objections, subject to the addition of conditions relating to; hours of construction and the prior submission of any proposed lighting.

**Environment Agency** - No objections, subject to conditions relating to the prior submission of a scheme to limit the surface water run-off generated by the proposal and the prior submission of a landscape management plan. In addition, a number of informatives relating to the fact that the nearby brook is a 'main river', vehicle loading/unloading bays and storage areas involving chemicals shall not be connected to the surface water drainage system and the provision of an oil interceptor.

**Natural England** - No objections, subject to the LPA's consideration of the impact of the development upon protected species.

**United Utilities** – No objections, subject to conditions that the site must be drained on a separate system, that the applicant must sign a water agreement and the supply of general information for the applicant regarding contact details.

**English Heritage** – Application should be determined on the basis of the Council's specialist conservation advice.

**Public Rights of Way (Cheshire East Council)** – Request the applicant provide upgrades to the condition of the footpath between Pochin Way and Brooks Lane.

**Archaeology (Cheshire East Council)** – Request that the applicant submit an implementation programme of archaeological work prior to the commencement of development due to the local findings of *‘Roman Structures, field boundaries, a pottery kiln, and salt-making debris.’*

**Brine Compensation Board** – No objections, but remind the LPA that it is up to the applicant to demonstrate that they have assessed the overall ground stability issues and designed the foundations accordingly.

**Network Rail** – Request the applicant be informed of their responsibilities with regards to encroachment, drainage, excavations and earthworks.

#### **VIEWS OF THE TOWN COUNCIL:**

**Middlewich Town Council** – Support the extension to the expansion of the Employment Estate, but subject to a condition for an archaeological study or watching brief, in view of previous finds in the locality and proximity of the site to the Scheduled Murgatroyd’s Brine Pump off Brooks Lane

#### **OTHER REPRESENTATIONS:**

No comments received at time of report

#### **APPLICANT’S SUPPORTING INFORMATION:**

Flood risk assessment  
Ecological report  
Design & Access Statement

#### **OFFICER APPRAISAL**

##### **Principle of development**

The application site is positioned within the Middlewich Settlement Boundary on a site historically allocated for employment purposes which currently forms scrubland. As such, the principal acceptability of the proposal is determined by Local Plan Policies PS4 and E3.

Policy PS4 advises that within the settlement zone lines, there is a general presumption in favour of development providing it is in keeping with the towns scale and character and does not conflict with other policies in the Local Plan.

Policy E3 of the Local Plan refers to employment development in towns. It is advised that development will be permitted provided that; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal is appropriate to the local character in terms of its use, intensity, scale and appearance; the proposal complies with Policy GR1 and that the proposal accords with other relevant local plan policies.

Historically this site was committed to employment development as the next phase of the Midpoint 18 development. As such, this development would be utilised for the purpose it was intended.

The site is surrounded by industrial and commercial development. As such, the addition of 7 new units for B1, B2 and B8 uses would be appropriate to the local character in terms of its proposed use.

With regards to intensity, scale and appearance, the amount of development proposed would be in keeping with the general intensity of the surrounding sites, particularly the other development on Sanderson Way. The height of the proposed units would be between 8.8 and 9.7 metres from ground floor level. This height would respect the height of the closest units on Sanderson Way.

The units would all be finished in built up profiled metal clad and composite clad panelled walls, polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. Again, this finish and design would not appear incongruous within their setting sited adjacent to other similar units on Sanderson Way.

As a result of the above, it is considered that the proposed development would adhere with Policies PS4 and E3 of the Local Plan and be acceptable in principle.

Paragraph 19 of the NPPF advises that *'significant weight should be placed on the need to support economic growth through the planning system.'* As such, the NPPF largely supports the principle of the development and the above Local Plan Policies that apply in this case.

## **Design**

The proposed development would involve the extension of Sanderson Way in a north-westerly direction along the north-westerly boundary of the site inset by approximately 3.5 metres to be clear of a public footpath. To the southwest of this access road Unit A and Units B1, B2, B3, B4 and B5 are sited, each accessed from Sanderson Way and supported by associated car parking. The new access road would then turn in a westerly and south-westerly direction to eventually run parallel with the B units where it would open up into a courtyard and serve the larger unit proposed, Unit C. Open scrubland would remain to the western end and south-western side of the site. It is considered that this layout in terms of its intensity and grouping would respect the character of the surrounding area.

In terms of the built structures themselves, Unit 'A' would measure approximately 1,117.2 metres squared and be approximately 9.7 metres in height. The 'B' units would be split into 2. One unit would consist of two units (B1 and B2). In total this would measure approximately 483 metres squared and be approximately 8.8 metres in height. The second unit would consist of three units (B3 – B5) and would measure approximately 767 metres squared and be approximately 9 metres in height. Unit 'C' would measure approximately 1,749 metres squared and be approximately 9.7 metres in height.

As advised, the units would all be finished in built up profiled metal clad and Microrib composite clad panelled walls, polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. Again, this finish and design would not appear incongruous within their setting sited adjacent to other similar units on Sanderson Way.

Given that the proposed units would be sited amongst other industrial and commercial development and would be constructed from materials that would not appear incongruous within this industrial setting, it is considered that the design of the scheme would be acceptable and would adhere with Policy GR2 of the Local Plan.

## **Amenity and Health**

There are no residential properties within the vicinity of the proposal. As such, it is not considered that the proposal would create any notable amenity issues with regards to loss of privacy, loss of light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Health Team have advised that they would have no objections to the proposal, subject to conditions relating to hours of construction and lighting. Given that there are no residential properties within close proximity of the development site, it is not considered that such conditions are necessary in this instance.

As such, it is considered that the proposed development adheres with Policy GR6 of the Local Plan.

## **Highways**

The proposed development would involve the extension of Sanderson Way into the development site and the provision of extensive hard standing for the parking of cars and the manoeuvring of lorries.

Although the Strategic Highways Manager has not provided any comments at the time of writing, given the nature of the site and surrounding uses it is not expected that there will be any significant concerns..

## **Landscaping & Trees**

The proposed submission does not include an associated landscaping plan. Furthermore, the Environment Agency have requested that a landscaping plan be supplied prior to the commencement of development in order to protect biodiversity. As such, should the application be approved, it is proposed that details of landscaping and the subsequent implementation of such a scheme be submitted to and approved in writing by the LPA and the Environment Agency.

Subject to these conditions, it is considered that the proposed development would adhere with Policy GR4 of the Local Plan.

### **Footpath, cycling and pedestrian measures**

Public Footpath 19 in Middlewich is located within the development site. The path runs between Brooks Lane and Pochin Way via Sanderson Way and is shown on the plans within the application.

The Council's Public Rights of Way Officer has advised that the proposed development provides *'...an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.'*

It has been requested that the physical condition of the footpath between Pochin Way and Brooks Lane be upgraded. *'Works would include surfacing to an agreed width and specification, drainage, the removal of existing path furniture and the installation of possible new furniture.'*

In order to secure these upgrades / improvements, it is proposed that a schedule of works to improve / upgrade the footpath be conditioned. Once conditioned, it is considered that the proposed development would adhere with Policies GR14, GR15 and GR16 of the Local Plan.

### **Public Utilities and Flooding**

The Environment Agency has advised that they have no objection in principle to the proposed development, but have proposed a number of conditions.

The proposed buildings are to be located on land that is within Flood Zone 1, which carries a low probability of river/tidal flooding. However, it is proposed that the applicant, prior to commencement of development, submit a scheme to limit the surface water run-off generated by the proposal.

In addition, in the interests of biodiversity, it has been proposed that a landscape management plan be conditioned that will include a buffer zone between the development and the watercourses.

Subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy GR21 of the Local Plan.

United Utilities have also raised no objections in principle to the proposed scheme subject to conditions. United Utilities have requested that the site be drained on a

separate system with only foul drainage connected to the sewerage system. It has also been advised that a separate metered water supply to each unit will be required at the applicant's expense. Furthermore, it is recommended that the applicant contact United Utilities should the application be approved regarding connection to the water mains/public sewers. It is proposed that these be added to informatives.

As such, subject to the addition of these informatives, it is considered that the development would adhere with Policy GR20 of the Local Plan.

## **Nature Conservation**

The proposed development was accompanied by an Ecological Report. The Council's Nature Conservation Officer has advised that:

*'Two badger setts have been recorded on this site. The submitted report concludes that one of the setts (sett 2) will require closure under a Natural England license prior to the commencement of development. The loss of this sett will be compensated for by the provision of a replacement artificial sett.'*

*It is however unclear whether sett 2 will be lost to the development or whether the development will simply fall within close proximity of the sett. In addition no information is provided as to what impacts of the proposed development will have on Sett 1 which appears to be in close proximity to the proposed development.*

*To allow the Council to make a fully informed assessment of the potential impacts of the proposed development upon badgers I recommend that the applicant submits the following additional information:*

- *Assessment of the potential impacts of the proposed development upon sett 1 and mitigation proposals for any adverse impacts.*
- *Indicative location for the proposed artificial sett.*
- *Proposals to mitigate/compensate for the loss of badger foraging and commuting habitat.'*

As such, the proposed development would adhere with Policy NR2 of the Local Plan, subject to conditioning of the above.

## **Archaeology**

The proposed development site lies just beyond the southern limits of Middlewich's Area of Archaeological Potential. Archaeological work in advance of the development of previous phases of the Midpoint 18 site has revealed evidence of Roman Structures, field boundaries, a pottery kiln, and salt-making debris.

It is noted by the Council's Archaeologist that the archaeological potential of the site is limited and not sufficient to justify an objection to the development. However, it would be reasonable to secure some further mitigation in the event that planning permission is granted. As such, a prior to commencement condition for an implementation programme of archaeological work is recommended.



## **Other matters**

The application site is bound to the southwest by a railway line. As such, Network Rail have provided information regarding encroachment, drainage and excavations / earthworks. All of these will be added as informatives to the decision, should the application be approved.

## **CONCLUSIONS**

It is considered that the proposal would bring positive planning benefits by creating new jobs and boosting the local economy. The scheme is of an acceptable design that would have a minimal impact upon the amenities of the surrounding residential properties, landscaping, highway safety, public footpaths, utilities, flooding or nature conservation.

As such, the proposal would adhere to Policies PS4 (Towns), E3 (Employment development in towns), GR1 (New Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR11 (Development involving new roads and other transportation projects), GR13 (Public Transport Measures), GR14 (Cycling Measures), GR15 (Pedestrian Measures), GR16 (Footpath, Bridleway and Cycleway Networks), GR17 (Car Parking), GR18 (Traffic Generation), GR19 (Infrastructure), GR20 (Public Utilities), GR21 (Flood Prevention), NR1 (Trees and Woodlands), NR2 (Wildlife and Nature Conservation (Statutory sites)), NR3 (Wildlife and Nature Conservation (Habitats)) and NR4 (Wildlife and Nature Conservation (Non-statutory sites)). The proposal also accords with the NPPF.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping (details – including buffer zone)**
- 5. Landscaping (implementation)**
- 6. Prior submission of a Schedule of works to improve Footpath 19 between Pochin Way and Brooks Lane**
- 7. Prior submission of surface-run off limitation measures**
- 8. Prior submission of a report assessing the impact of the development upon Badgers, associated mitigation measures, the location of an artificial sett and compensation for a loss of badger habitat**
- 9. Prior submission of an implementation programme of archaeological work**

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