

Application No: 14/3141C

Location: VALLEY COURT PHASE 2, SANDERSON WAY, MIDDLEWICH, CHESHIRE

Proposal: Variation of condition 2 of permission 13/0247C to amend the layout of plot B to create a single unit of 9000sqf

Applicant: Bob Nicholson, Pochin Land & Development Ltd

Expiry Date: 25-Sep-2014

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 application relates to a development with a cumulative floor space between 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

The application seeks to vary Condition 2 (approved plans) from the planning permission 13/0247C which was for the *'Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping.'*

Condition 2 of this approval reads as follows;

Condition 2

'The development hereby approved shall be carried out in total accordance with the approved plans entitled:

Proposed Site Layout

Proposed Elevations Unit A

Proposed Elevations Unit B1-B5

Proposed Elevations Unit C

Proposed Ground and First Floor Plan Unit A

Proposed Ground Floor Plan Unit B1 - B5

Proposed Floor Plans Unit C

Received by the Local Planning Authority on the 16th January 2013.

Reason: For the avoidance of doubt and to specify the plans to which the permission relates.'

The applicant seeks to vary the approved plans condition in order to amend the layout of a section of the development. The layout of the approved development site comprises of 3 sections; Unit A, x5 B Units and a Unit C.

The applicant seeks to re-arrange the layout of the site which comprises of the B Units. More specifically;

B Units

- Two separate buildings (Units B1, B2, B3, B4 and B5) to be replaced with 1 larger building (Unit B).
- Re-locate the turning circle to the rear of the site
- Reduce the number of parking spaces from 18 plus 5 accessible to 9 plus 1 accessible.

RELEVANT HISTORY

13/0247C - Erection of up to 7no. B1, B2 and B8 Units with associated access road, service yards, car parks and landscaping – Approved 22nd April 2013

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

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

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

37737/3 - Modifications of conditions 1,2,3,5 and 8 of outline planning permission 8/31584/1 – Approved 12th 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 29th 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)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Policies

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
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 and Woodland
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE13 – Flood Risk and Water Management
CO4 – Travel Plans and Transport Assessments
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections

Environmental Health – No comments received at time of report

Comments on 13/0247C:

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 comment (30th July 2014)

United Utilities – No comments received at time of report

Comments on 13/0247C:

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 comment (29th July 2014)

Network Rail – No comment (21th July 2014)

Canal & River Trust – No comments received at time of report

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council – No comments received at time of report

Comments on 13/0247C:

‘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:

None

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 overall development was determined by Local Plan Policies PS4 and E3 and considered acceptable under permission 13/0247C.

This application considers the re-arrangement of a section of this approved development only. More specifically; the replacement of 2 industrial units with 1 larger unit (40m depth x 22m width x 9m height); the re-positioning of a turning circle and the reduction in the number of parking spaces from 23 to 10.

As such, the principal considerations in the determination of this application are the impact these changes would have upon; design, amenity, highway safety, landscaping and trees, nature conservation and archaeology.

Design

The proposed development would involve the replacement of 2 smaller industrial units with 1 larger unit.

The larger unit would measure approximately 40 metres in depth and 22 metres in width and would consist of a dual pitched roof approximately 9 metres in height.

This unit would be screened to the east and west by other industrial units granted as part of this application and would be accessed via an extension to Sanderson Way to the north which has already been granted approval.

It is advised within the submission that the unit would be finished in horizontal metal profiled clad walls. The fenestration would be polyester powder coated aluminium fenestration and dual pitched roofs which would include roof lights. This finish and design would not appear incongruous within its setting sited adjacent to other similar units on Sanderson Way.

The extension of the hard standing to the rear of the proposed single B unit in order to re-locate the turning circle is considered acceptable for the purpose it would serve.

Given that the proposed changes to the approved scheme 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 advised, in response to the previous approval, 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 change in layout of the Unit B area to include the re-positioning of the turning circle and a reduction in the number of parking spaces from 23 to 10.

The Strategic Highways Manager has advised that although there is a reduction in the number of parking spaces, there will be one operator and not the multiple users that would come with multiple units. As such, the level of parking demand will be lower. As such, it has been advised that there are no highways objections to the changes sought.

As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

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 within the development site. 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 raised no objections in principle to the previously approved development subject to conditions. United Utilities 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 metred water supply to each unit will be required at the applicant's expense. Furthermore, it was recommended that the applicant contact United Utilities should the application be approved regarding connection to the water mains/public sewers. These were added as informatives. It is not considered that the changes sought to the approved scheme would significantly alter these conclusions.

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 previously approved development was accompanied by an Ecological Report. The Council's Nature Conservation Officer, in response to this report, advised that;

'Two badger setts have been recorded on this site. The submitted report concludes that one of the setts (sett 1) be lost to the proposed development and would require closure under a Natural England license prior to the commencement of development. The proposed development would also result in the loss of badger foraging habitat. It is proposed that the loss of this sett would be compensated for by the provision of a replacement artificial sett. I advise that the loss of foraging habitat could be mitigated for by the planting of fruit bearing trees.

I advise that the submitted mitigation report lacks detail, however I am satisfied that the adverse impacts of the proposed development on badgers can be appropriately mitigated in accordance with current best practise.

If planning consent is granted I recommend that conditions be attached to secure the following:

- *Detailed design and location of the proposed artificial badger sett*
- *Detailed proposals for the erection of badger fencing*
- *Detailed planting scheme including native fruit bearing trees '*

As such, subject to the conditioning of the above, it was considered that the proposed development would adhere with Policy NR2 of the Local Plan. It is not considered that the proposed changes would alter these conclusions.

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 Development Control 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

There would be no issues created with regards to Network Rail.

CONCLUSIONS

It is not considered that the proposed changes to the layout and built form of the approved industrial development would create any new issues in relation to design, amenity, 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 proposed changes would also adhere with the relevant policies within the submitted Cheshire East Local Plan Strategy – Submission Version and the policies within the NPPF.

As such, the proposed variation of the approved plans condition is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscaping (details – including buffer zone & native fruit bearing trees)**
- 5. Landscaping (implementation)**

6. Prior submission of a Schedule of works to improve Footpath 19 between Pochin Way and Brooks Lane within the development site only
7. Prior submission of surface-run off limitation measures
8. Prior submission of an implementation programme of archaeological work
9. Prior submission of detailed design and location of the proposed artificial badger sett
10. Prior submission of proposals for the erection of badger fencing

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her 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 Principal Planning Manager in consultation with the 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.

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