

STRATEGIC PLANNING BOARD – 15th June 2016

UPDATE TO AGENDA

APPLICATION NO: 16/2006C

LOCATION: MIDPOINT 18 (Phase 3) POCHIN WAY/CLEDFORD LANE,
MIDDLEWICH

PROPOSAL: Application for variation of conditions 1,3,4,5,7,12,14,15,18,20,21,22,23,25,26, & 28 and removal of conditions 2 & 24 on application 11/0899C for extension to time limit on application 07/0323/OUT (Midpoint 18 phase 3: proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the southern section of the Middlewich eastern bypass & associated landscaping mitigation and enhancement works)

UPDATED CONSULTATION RESPONSES

United Utilities - United Utilities have no comments to make.

KEY ISSUES

Archaeology

Condition 21 of the outline permission currently prevents any construction on the development taking place until an archaeological survey dig has been undertaken on the area identified as Site 9 which was identified in previous archaeological investigations as a roman enclosure. This application has applied to vary this condition to state that:

*‘No construction shall take place **on phase 2** until an archaeological survey dig has been undertaken on Site 9.....’* thus enabling the applicant to construct the Bypass (which is phase 1) without undertaking the survey dig.

The Council archaeologist has identified that Site 9 lies partly within the road corridor (phase 1), with the bulk lying within Phase 2. As such the area within phase 1 must be excavated prior to the construction of the road to avoid damage to this cultural asset. Consideration has been given to splitting the excavation so that only the investigations necessary to facilitate the road are required prior to any development commencing. There is concern from the Council archaeologist however that the unexcavated archaeological remains not addressed under phase 1 could be at significant risk during the construction of the Bypass. On this basis and given that the site to be excavated is relatively small (c.0.2ha) it is considered that the whole of the area should be excavated prior to any development commencing. This variation is therefore not considered acceptable and the applicant has agreed to retain the existing wording of condition 21.

Members should note the variation to condition 20 (archaeological watching brief) remains as per the main committee report and the Council archaeologist makes no comment on this revision.

Flood Risk

Condition 24 of the outline permission currently states:

‘Prior to the occupation of Unit 101, the flood attenuation associated with Phase 1 of the development shall be constructed in accordance with plans approved under application number 070323/OUT for the storage lagoon reference numbers CL(50)01 and CL(50)05 and the Midpoint 18 Phase III Flood Risk Assessments Volumes one and two dated April 2007’.

Condition 25 states *‘Where identified in the Environmental Statement submitted with application 07/0323/OUT, flood attenuation schemes for each other building to be submitted to and approved in writing by the local planning authority and shall be carried out in accordance with the approved details’.*

The applicant has applied to delete condition 24 and revise condition 25 so that it states:

*‘Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes **for each of the phase 2** buildings shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details’.*

Following consultation with the Flood Risk Manager it is identified that the flood attenuation referred to in condition 24 is required to serve the Bypass as well as the Phase 2 buildings. Thus the deletion and variation proposed to these two conditions would not provide the necessary flood alleviation measures required for phase 1. The Flood Risk Manager also notes that the flood attenuation drawings referred to in the condition are now out of date.

The Flood Risk Manager therefore recommends that condition 24 is not deleted but is varied to read:

‘The Phase 1 development hereby permitted shall not be commenced until such time as a scheme for the provision, implementation and management of a surface water regulation system has been submitted to, and approved in writing by the Local Planning Authority. It shall be fully implemented and subsequently maintained, in accordance with the approved details, prior to the opening of the road scheme.’

In order to ensure flood attenuation measures for each building in phase 2 are secured and implemented prior to the development of each building, the officer recommends condition 25 is varied to read:

‘Where identified in the Environmental Statement submitted with application number 07/0323/OUT, a flood attenuation scheme for each building in phase

2 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the development of that building, and shall be implemented in accordance with the approved details prior to the occupation of that building’.

Revised Recommendation

For the avoidance of doubt, the revised recommendation (incorporating the suggested wording identified above by consultees) is set out below and any amendments to the conditions are shown in bold and underlined.

RECOMMENDATION:

That the application be approved subject to the following conditions:

1. The development hereby approved shall be implemented as follows:
Phase 1: the bypass
Phase 2: The remainder of the development (including unit 101) or part thereof.
2. **DELETED**
3. **The approval of reserved matters** relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of **the permission reference 11/0899C (granted 11 July 2011)**. The landscaping shall be carried out in accordance with the approved plans.

The approved landscaping works shall commence within 9 months of the commencement of the Phase 1 development; and shall be substantially completed within 9 months of the substantial completion of the Phase 1 development.

Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

4. The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission **reference 11/0899C (granted on 11 July 2011)**, or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.
5. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development or part thereof (hereinafter called “the Phase 2

- reserved matters”) shall be obtained from the Local Planning Authority in writing before the development **of Phase 2** is commenced.
6. Application for approval of the Phase 2 reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
 7. The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of **permission reference 11/0899C (granted on 11 July 2011)**, or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the earlier.
 8. None of the buildings hereby approved, shall be occupied until the whole of the Middlewich Eastern bypass has been opened to traffic.
 9. Prior to the commencement of each phase of the development hereby approved, a scheme for the protection of those trees proposed to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be implemented prior to construction and retained during the construction work on each phase.
 10. An Ecological and Landscape Management Plan shall be prepared for each phase of the development and shall be in accordance with the Strategic Ecological and Landscape Plan (SELP) and the amendment to Paragraph 5.2, hereby approved and dated March 2008 and June 2011.
 11. Within the period of 6 months prior to the commencement of the ecological mitigation and enabling works for each phase of the development hereby approved, an Ecological and Landscape Mitigation, Enhancement and Management Plan (ELMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each ELMP shall be in accordance with the framework established in the approved SELP (as amended in 2011), shall accord with, update and implement the mitigation strategies proposed for protected species in the Environmental Statement submitted with application number 07/0323/OUT, have specific regard to the particular issues related to that phase of development and include details of the habitat creation, enhancement scheme, ecological mitigation and implementation and monitoring programmes required. The ecology and landscape shall be implemented and managed in accordance with the approved Ecological and Landscape Mitigation, Enhancement and Management Plan.
 12. Prior to the commencement **of each phase of** the development hereby approved, details showing where soils and aggregates are to be stored on the site **relating to each phase**, shall be submitted to and approved in writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.

13. Prior to the commencement of development of the bypass hereby approved the design of the railway bridge and a method statement for its construction, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the bridge shall be carried out in accordance with the approved details unless otherwise agreed in writing.
14. Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction **for that phase** shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.
15. Prior to the commencement of each phase of the development hereby approved a noise management plan covering the period of construction **for that phase** shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan
16. Prior to the occupation of any building hereby approved a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall be submitted to and approved in writing by the Local Planning Authority. The development of the scheme shall be implemented in accordance with the approved details prior to the first occupation and retained thereafter.
17. During the construction of B1, B2, and B8 units and hotel in any phase of the development hereby approved, foundation and other piling should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

During the construction of B1, B2 and B8 units and hotel in any phase of the development hereby approved, 'floor floating' should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

18. **Prior to the commencement of development of phase 2**, samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

19. All boundary treatments shall be in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include the position, size, design, colour and implementation for all boundary treatments.
20. No construction shall take place until details of an archaeological watching brief **for each phase** has been submitted to and approved in writing by the Local planning Authority. Construction shall take place in accordance with the approved details.
21. No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.
22. The occupier of each of the buildings hereby approved shall, within 6 months of occupation **of each building in phase 2**, prepare and submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.
23. Prior to first occupation of any **phase 2** unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.
24. **The Phase 1 development hereby approved shall not be commenced until such time as a scheme for the provision, implementation and management of a surface water regulation system for the whole development has been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the road in phase 1 being brought into use, and shall subsequently be maintained in accordance with the approved details.**
25. Where identified in the Environmental Statement submitted with application number 07/0323/OUT, **a flood attenuation scheme for each building in phase 2 of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the development of that building, and shall be implemented in accordance with the approved details prior to the occupation of that building.**

26. No **phase 2 development** approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
27. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicle, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
28. No **phase 2** development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.
29. Prior to first occupation of Unit 101 a scheme detailing the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
30. Prior to the first occupation of Unit 101 a scheme detailing the electricity sub stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
31. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not exceed the heights indicated in Section 6.2 of the Design and Access Statement (March 2007), which was submitted with application number 07/0323/OUT.
32. The general site mitigation measures during the construction and operational phases of the development as identified within Paragraphs 6.2 and 6.8 of the Environmental Statement: Technical Annex 1. Geology, Soils and Land Contamination (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
33. The mitigation measures proposed to limit the potential for water contamination during the construction and operational phases of the development as identified within Sections 5.2 – 5.4 of the Environmental Statement: Technical Annex 4. Water Quality (March 2007) submitted with application number 07/0323/OUT, shall be

implemented in full unless otherwise agreed in writing with the Local Planning Authority.

34. On or prior to each application for the approval of reserved matters for Phase 2, a statement detailing:

- (a) The design principles and design concepts of those aspects of the development to which the application for the approval of reserved matters relates;
- (b) How such principles and concepts are reflected in the proposals for development set out in the reserved matters application; and
- (c) The relationship of the portion of the development to which the reserved matters application relates, to the development site as a whole and to the wider context

Shall be submitted to and approved in writing by the Local Planning Authority and the approval of reserved matters shall be in accordance with that approved statement.

35. Car parking spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for car parking, except as otherwise agreed in writing with the Local Planning Authority.

36. Secure cycle spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for cycle storage, except as otherwise agreed in writing by the Local Planning Authority.