

SOUTHERN PLANNING COMMITTEE UPDATE – 26th April 2017

APPLICATION NO: 16/3209C

PROPOSAL: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access)

ADDRESS: Intertechnic UK, Road Beta, Middlewich, CW10 0QF

APPLICANT: Mr Peter Nunn

ADDITIONAL REPRESENTATION

An additional letter of objection has been received from Centec International Ltd which raises the following points;

- The proposed development is in breach of the strategic allocation within the Cheshire East Local Plan Strategy as the application has been submitted prior to the production of a masterplan for the whole site
- The hearing statement produced by CEC following the examination states that there is an *'expectation that some businesses will remain in situ'*
- As a local business and employer Centec seeks comfort from CEC that any residential development taking place within close proximity will not have a negative effect on its business – this can only be achieved through the development and implementation of a masterplan
- Centec will not relocate so it is essential that a masterplan will be put in place to ensure that Centec can continue to run their business without the future threat of curtailment from future residents
- The future business plans of Centec a local specialist employer should not be hindered by the prospect of badly thought out and piecemeal development within close proximity; particularly given CECs policy stating that a *'masterplan led approach'* will be adopted.
- The revised site plan is 'for information only' and is not intended to be an approved drawing; its commended urban design therefore bears little relevance to the outline permission sought by the applicant. The proposed site plan only seeks to show what *could* be achieved; the applicant will be under no obligation to provide what this plan sets out.
- It is considered that the residential development proposed is not suitable in spatial planning terms. Centec is involved in the manufacturing and recovery of flammable solvents and chemicals at its Brooks Lane site; this activity is not complimentary to residential neighbours.
- Centec is concerned about the impact of the increased traffic; both within the Brooks Lane industrial site and the junction of the A54 and Brooks Lane. The increased level of traffic at these locations is unacceptable and any decision regarding the development of Brooks

Lane should be postponed until the future of the Middlewich bypass is secured.

- The single point of entry to the proposed development is not considered to be suitable.

A letter has been received from the applicant's architect which raises the following points;

- The site sits within an existing settlement boundary within a wider site context at Brooks Lane in Middlewich, made up of numerous different businesses. The site is classified as brownfield land, and the application accords with the NPPF and current and emerging local policies.
- In any masterplan led approach that deals with the regeneration of a large area, such as CS54 a degree of flexibility needs to be exercised to achieve the overall vision, and drive strategy forward, as identified in the Cheshire East emerging core strategy over the Local Plan Strategy period. Given the applicants land location within CS54 Brooks Lane, the site has genuine potential to act as the catalyst for a wider regeneration of the whole area.
- The Intertechnic site is a brownfield site in a sustainable location. It relates well to the existing town settlement and satisfies all relevant national and local policies, with no apparent harm or adverse impacts envisaged. Thus, and in accordance with the NPPF, the presumption in favor of sustainable development should apply and the Council should grant planning permission to this proposal.
- It is the applicant's opinion that the landowners adjacent and close to the Intertechnic site will want to actively engage in further discussions to look at the options of re-developing their sites. The granting of planning permission at Intertechnic will act as the catalyst to continue the development of CS54 and give other land owners the confidence that their site could come forward too.
- It is important to acknowledge that if the Council is mindful to grant permission on the land at the Intertechnic site, the applicant is content to continue working with the council to an agreed programme for the development of a master plan. The applicant's agent will actively speak to adjoining owners and establish who wishes to bring their land forward for re-development and who would wish their current business to remain and an emerging master plan could reflect this.
- Brooks Lane is already a mixed-use site with residential properties sitting side by side current businesses, so this relationship is already established and needs to be developed. Once the council is happy with the principles and in accordance to an agreed program the applicant will bring forward a reserved matters application that reflects further work. It is also important to establish that the applicant is also going to engage the Town Council to look at options of integrating a vision for CS54 together with the need for the Councils Neighbourhood Plan as the two need to establish a common ground for the betterment of Middlewich.

Officer Comment

The points raised within the letter of objection are previously addressed within the main officer report.

Impact upon the Trent and Mersey Canal

The Canal and River Trust have confirmed that the siting of the entrance to the marina would be acceptable in principle but a swept path analysis to demonstrate that the maximum length of boat on the waterway is able to turn into the marina (especially when approaching from the north). This could be secured through the imposition of a planning condition.

Ecology

Based on the amended plan the Councils Ecologist has confirmed that he has no objection to this scheme subject to the imposition of planning conditions.

RECOMMENDATION:

APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Secondary school education contribution of £294,168

3. SEN education contribution of £45,500

4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmyth Street

5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.

6. PROW Contribution of £5,000 towards PROW Middlewich 21

7. POS provision and a scheme of management to be maintained in perpetuity

And the following conditions;

1. **Standard Outline 1**
2. **Standard Outline 2**
3. **Standard Outline 3**
4. **Approved Plans**
5. **The reserved matters for the proposed development shall be in general accordance with the submitted Design and Access Statement**
6. **Canal Risk Assessment and Method Statement (structural integrity) to be submitted to the LPA for approval in writing**
7. **Details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Trent and Mersey Canal to be submitted to the LPA for approval in writing**
8. **No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority**
9. **Contaminated Land details to be submitted and approved**
10. **No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved**
11. **Details of any soil or soil forming materials to be tested for contamination prior to being brought onto site**
12. **If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find).**
13. **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.**
14. **No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known (or suspected) to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.**
15. **Travel Plan to be submitted and approved**
16. **Electric Vehicle Charging Points to be submitted and approved**
17. **Construction Management Plan (including dust control measures to be submitted and approved)**
18. **All commercial vehicles associated with operation of the retail area shall comply with current or the most recent European Emission Standards from scheme opening, to be progressively maintained for the lifetime of the development.**
19. **Reserved matters application to be supported a lighting strategy informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).**

20. Reserved matters application to be supported by proposals for the incorporation of features for nesting birds and roosting bats.
21. Reserved matters application to be supported by a management plan for the control of Himalayan Balsam.
22. No development shall take place within the area described above until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
23. Retention of trees on site unless otherwise agreed
24. Any future reserved matters application shall be supported by a Tree Survey no more than 12 months old, an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout and accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*
25. The facilitation of a footpath connection from the site boundary to Booth Lane.
26. The site access arrangements shall be completed prior to the development being brought into use.
27. The Reserved Matters application to be supported by an updated NIA and mitigation measures
28. Details of piling/floor floating works to be submitted and approved
29. Reserved Matters to include details of proposed, new, modified or additional source(s) of sound, range from single air conditioning units, commercial kitchen extract units or new industrial activity
30. Reserved matters for the marina to include a swept path analysis

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 Planning (Regulation), 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
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