

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 17 July 2013

Report of: Steve Irvine – Planning & Place Shaping Manager

Title: CHESHIRE FRESH, MIDDLEWICH: APPROVAL SOUGHT FOR DELEGATION TO CHESHIRE WEST AND CHESTER COUNCIL

1.0 Purpose of Report

- 1.1 To consider a proposal for Cheshire East Council (CEC) to delegate the determination of a planning application which bisects the administrative boundary to Cheshire West and Chester Council (CWaC) in accordance with Section 101 of the Local Government Act 1972.
- 1.2 To explain the nature of the proposed application in Middlewich and what it will involve so that Members can make an informed decision.

2.0 Decision Required

- 2.1 To determine whether Members wish to delegate authority to Cheshire West & Chester Council (CWaC) in the determination of the proposed Cheshire Fresh planning application in Middlewich.

3.0 Background

- 3.1 Officers from both CEC and CWaC have been in pre-application discussions with agents promoting a food and rural enterprise development to the east of Middlewich. Early discussions centred on finding a new site for the relocation of Chelford Market for Frank Marshall & Co. After extensive site searches and discussions a site in Middlewich was found, albeit just outside the CEC boundary, adjacent to Mid-Point 18 in Middlewich on land owned by Pochins. Subsequent discussions between Pochins, Marshalls and others have resulted in a more extensive proposal focused on a rural hub, and now known as 'Cheshire Fresh'.

4.0 The Proposed Development

- 4.1 The site extends to nearly 19 hectares (47 acres) of open land and is located on the eastern edge of Middlewich. The site is bound to the west by a public house (known as the Salt Cellar) an office development, a Travelodge and by Pochin Way. Beyond Pochin Way, the site is bound to by Midpoint 18 which has been developed by

Pochin. Midpoint 18 is a strategic employment site for CE offering an extensive and mixed employment space employing some 2000 people. The site is bounded to the north by Holmes Chapel Road (A54) which is the main road linking Middlewich with the M6 motorway. The site comprises open land and the River Croco bounds the site to the south.

- 4.2 The proposed food and rural enterprise development will offer a mix of business, retail, leisure, manufacture and distribution uses for the rural economy. Furthermore, the development will have links to the education and research sector.

4.3 A New Auction Centre for Cheshire

The development will be anchored by an Auction Centre which will become the new home to Frank Marshall and Co. and Wright Manley who will relocate from their existing premises at Chelford and Beeston respectively. The Auction Centre will cater for a wide range of livestock sales, together with horticulture, produce, agricultural plant and machinery and general sales. Frank Marshalls and Wright Manley's operations are already well known as the leading livestock centres in the UK and this purpose built facility will provide space for the businesses to expand creating a new centre of excellence which will become a hub of regional importance. The new Auction Centre will not only be designed for auctioneering operations but it will also offer a place of education, recreation and learning. Events and attractions open to the public will utilise the large covered spaces.

4.4 Other Development Components

In addition, Pochin are promoting a mix of development components associated with the food and rural economy. These uses include:

- Food and non-food retail which could be in the form of a garden centre; farm shops; country clothing and equipment shops and specialist traders;
- A food court comprising cafes and restaurants;
- A machinery dealership;
- Hotel and public house; and
- Business areas which could be in the form of offices; workspace for professional services; light industrial, manufacturing and distribution; and a food innovation and enterprise centre.

The proposed indicative layout plan is attached.

4.5 The proposed application

It is intended that a "hybrid" planning application will be submitted to both CEC and CWaC. The planning application will promote the new Auction Centre, associated car parking area and spine road in full detail with all other development components proposed in outline form with all matters reserved except for means of access.

- 4.6 As the site is located within both CEC and CWaC, identical but separate planning applications will be submitted to each Local

Authority. The majority of the site falls within Cheshire West and therefore the application fee would be payable to CWaC. An extensive array of supporting documents to accompany the application including transport, retail, noise, air quality, socio-economic and sustainability assessments will be submitted with the application.

- 4.7 Pochin is currently undertaking an extensive community consultation exercise which to date has included consultation with key stakeholders including CEC and CWaC Ward Members, Middlewich Town Council and other key stakeholders. A Public Exhibition of the draft proposals will be held on Tuesday 16 July at Middlewich preceded by a key stakeholder event. Comments from those events will be fed into the final submissions with an application likely in August 2013. The new auction centre is required by mid-2015.

5.0 Administration Boundaries

- 5.1 The CEC and CWaC administration boundary bisects the site which means that part of the site is located within Cheshire East (in the south western portion) and Cheshire West (in the eastern portion). The administration boundary is shown as a black dotted line on the Location Plan also attached.
- 5.2 The portion of the site which falls within Cheshire East is allocated as an Employment Area in the adopted Congleton Local Plan and has previously benefited from a planning permission for employment development (LPA ref. 06/1427/FUL) which lapsed on 3 April 2010. The remainder of the site falls within Cheshire West and is designated as Open Countryside in accordance with the adopted Vale Royal Local Plan. Planning Policy Officers at CEC and CWaC and Pochin are promoting the allocation of the land for a food and rural enterprise development in the respective emerging Local Plans.

6.0 Approval to Delegate Determination to Cheshire West

- 6.1 Section 101 of the Local Government Act 1972 (or equivalent under the 2000 Act) gives the power for any authority to allow another authority to determine any of its functions (by agreement).
- 6.2 Given the particular nature of the application, the proportion of the site that is within Cheshire East, the employment designation for the area within the Cheshire East, Officers at CEC and CWaC consider that the most appropriate process for determining the planning application(s) is for CEC to delegate determination to CWaC.
- 6.2 If CEC granted this approval, CWaC would lead the determination of the planning application and CEC would act as a consultee. CWaC would work closely with CEC to ensure that both Local Authority requirements are met – as they have done to date. CWaC would be

responsible for all of the administrative tasks associated with the application, such as consultations and notifications.

7.0 Conclusions

- 7.1 Members may feel uncomfortable with another authority determining an application within CEC. This is clearly understandable, and Officers are presenting the proposal at this time so Members can make a decision and provide clarity for the applicants prior to submission of the application(s).
- 7.2 The default approach to cross-boundary applications is that one application is submitted to each authority but they can only determine the particular part of the site which is under their control. Appropriate administrative process, consultations and notifications however are undertaken for each application. The fee however goes to the Council with the largest site area – in this case that would be CWaC. If delegated, then CEC would avoid administrative and processing costs associated with the application.
- 7.3 The indicative plan shows a new access, office/warehousing, and a potential dealership site within that part under CEC control. Under the current Congleton Local Plan the area is designated as employment uses, and therefore in principle the proposed uses are likely to be acceptable and in accordance with policy.
- 7.4 Members will still get the chance to comment on the application in a consultative capacity and any concerns raised will be clearly made to CWaC in their final considerations. Particular issues already raised and to be addressed in submission are the retail impact of the scheme on the centre of Middlewich itself, and also the highway impact on the local road network.

8.0 Recommendation

- 8.1 **That Members consider and decide upon whether Cheshire East Council delegate authority to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.**

9.0 Financial Implications

- 9.1 No specific financial implications save for the increased cost of dealing with an application to Cheshire East.

10.0 Legal Implications

- 10.1 There are no legal implications with the recommendation which would be in accordance with the Local Government Act.

11.0 Risk Assessment

11.1 There are no identified risks associated with this decision.

12.0 Reasons for Recommendation

12.1 To ensure that Members determine the appropriate course of action to enable the application for Cheshire Fresh to be dealt with both efficiently and effectively.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: David Malcolm – Southern Area Manager
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk

Attachments

Location Plan showing the administrative boundary
The indicative proposed plan

Background Documents:

Local Government Act
Letter from HOW Planning requesting delegation to CWaC