

CESHIRE WEST & CHESTER CONSULTATION (13/03828/FUL)

Proposal: Full application for erection of a new auction centre for Cheshire and associated livestock accommodation building, barn and pump house and parking for cars and HGV's with vehicular access from A54. Estate road and associated infrastructure and hard and soft landscaping. Outline application for food innovation and enterprise centre and related business and offices, light industrial, manufacturing and distribution areas, machinery dealerships, hotel and leisure and retail areas, food court, cafes, restaurants and hot food establishments.

Location: Land off Holmes Chapel Road Middlewich

SUMMARY RECOMMENDATION

No objection

MAIN ISSUES:

- Principle of the development
- The impact upon highway safety
- Retail Impact
- Amenity
- Design & Layout
- Landscape and Trees

BACKGROUND

Members may recall that at the meeting of 17 July 2013 Strategic Planning Board agreed to delegate authority to Cheshire West & Chester Council to determine the forthcoming planning application for Cheshire Fresh in Middlewich. As stated at that meeting Cheshire East would get an opportunity in a **consultative capacity** to offer comments to Cheshire West & Chester on the actual application. This report therefore outlines the main aspects of the scheme to enable Members the opportunity to provide comments to Cheshire West.

DESCRIPTION OF SITE AND CONTEXT

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 by Midpoint 18 which is 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.

The western part of the application site is located within Cheshire East's boundary and is allocated as an employment commitment within the Congleton Local Plan. The larger part of the site, which extends to the north and east, under Cheshire West & Chester, lies in Open Countryside.

DETAILS OF PROPOSAL

The application is a 'hybrid' planning application. In summary, the planning application proposes a new Auction Centre, associated car parking area, lorry park and spine road which are to be considered in full detail. All other components as described below are to be considered in outline form with all matters reserved except for means of access.

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. It is expected that the new Auction Centre will not only be designed for auctioneering operations, but it will also offer a place of education, recreation, learning and events, utilising the large covered spaces.

In addition, it is proposed to offer 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 of cafes and restaurants;
- A machinery dealership;
- A hotel and public house; and
- Business areas which could be in the form of offices, workspace for professional services, light industrial, manufacturing and distribution plus a food innovation and enterprise centre.

The applicants indicate that it is expected that once operational Cheshire Fresh would create 766 jobs over a 5/6 year period with a further 50 jobs retained by the existing Marshalls and Wright Manley's auction centres.

RELEVANT HISTORY

06/1427/FUL (Plot 35A) Production and warehousing facility, with ancillary offices, service yard, car parking and associated hard and soft landscaping, construction of estate road to facilitate access
Approved – 03 April 2007

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy (for Cheshire East - Congleton Borough)

GR1- New Development
GR2 – Design
GR4 – Landscaping
GR5 – Landscaping
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

CONSULTATIONS (Specific to Cheshire East)

Economic Development

Economic Development and Regeneration support proposals to develop the Cheshire FRESH project. This project is a unique concept that will bring together a range of businesses into a purpose built flagship rural enterprise and food development creating new opportunities and jobs. It has the potential to be an important hub for rural businesses across the area for future generations and will offer business, education, research, leisure and rural retail opportunities. It is also important that Middlewich Town Centre is not adversely affected by the development and as such we support Planning controls relating to the restriction of the sale of certain goods.

Frank Marshall and Co. is a long-standing business in Cheshire East and we support its ambitious plans for development as part of the Cheshire FRESH project. The provision of a Food Innovation and Enterprise Centre would also provide a focus through which companies in the sector could benefit from being part of a wider community.

Midpoint 18 is widely recognised as an established strategic employment site, with further potential for growth. The land to be utilised by the Cheshire FRESH project which is located within Cheshire East is allocated for employment use. The creation of the Cheshire FRESH project would provide a substantial amount of high quality business floorspace and a significant number of high value jobs which would have an important and positive impact on the local economy.

Highways

Development Access

The site will be served by two accesses

1. From the A54 Holmes Chapel Road. The A54 access is being presented as a ghost island junction with a right turn in lane, details shown on plan No C1006/12-11-2013
2. From Pochin Way, this junction will be a ghost island junction with a right turn in lane, details are shown on drawing No C1006/12-11-2013

Both of the access arrangements are considered to be suitable for the development and its uses.

The internal layout will provide a spine road which connects the two points of access and the roads and plots will have cycle and bus facilities and parking is set at levels which meet standards.

Parking for the reserved uses will be negotiated at a later date.

Transport Impact

In order to fully assess this developments transport impact the following junctions were assessed in the future year 2023.

1. The site access on to the A54 Holmes Chapel Road
2. The site access on to Pochin Way
3. Pochin Way roundabout
4. A54/ Leadsmithy Street

Both of the proposed new access junctions are expected to accommodate the traffic flows in the future year of 2023.

The Pochin Way roundabout has been assessed in two scenarios. As existing and with the proposed Middlewich Eastern bypass in place. CWAC Highway Authority has checked the proposed flows and impact and in both scenarios the roundabout will continue to operate satisfactorily.

It is expected that to further improve the operation of the junction for all users some minor improvement work will be carried out.

The A54/Leadsmithy Street junction already suffers lengthy delays; this junction has been recognised as needing a highway improvement scheme. A scheme of works has been agreed that will improve this junction. The developer will meet the full costs of this improvement work if they have not

already been completed when this development meets the trigger for this work on their behalf.

Impact on the Kinderton Lodge Farm Development.

The proposals include a revised access route for this landfill site via the new site access junction with Pochin Way. The Highway Authority considers the alternative arrangement to be acceptable and consistent with the principles already agreed for the landfill site.

CW & CE Highway Authorities are content that the Cheshire Fresh proposals do not prejudice the future implementation of the Kinderton LLP proposals.

Travel Plan

A framework travel plan has been prepared. A framework travel plan works by each individual business operator signing up to the principles within the framework, forming part of a group that will be expected to meet agreed targeted reductions in the use of single vehicle occupancy.

VIEWS OF THE PARISH COUNCIL:

Middlewich Town Council recognise the overall benefits that the scheme will bring to the locality but have raised a number of questions/concerns in respect of the impact on the retail units on the town centre, ensuring connectivity to the town, impact of increases in traffic, noise mitigation and arrangements to minimise impact on the environment both during and after construction.

OTHER REPRESENTATIONS:

None

APPLICANTS SUBMISSION

The application has been supported by a suite of documents including: Arboricultural report, Biodiversity report, Flood Risk assessment, Noise Impact assessment, Socio-Economic report, Air Quality, Planning Statement, Landscape & Visual Assessment, Design & Access Statement, Landscape Strategy, Statement of Community Involvement, Transport Assessments, Photomontages and associated plans.

The applicants acknowledge the impact of the scheme on the open countryside but consider that the development achieves sustainable development by delivering economic, social and environmental benefits in accordance with the NPPF, as summarised below.

Economic

- Supports the economic growth of Cheshire's rural economy as identified within both CWAC and CE employment evidence base.
- Safeguard against the loss of Chelford and Beeston markets which are hugely significant businesses in the Cheshire Rural economy.
- Construction jobs over 18 month period. Creation of 766 jobs over 5/6 years after opening. 256 indirect jobs on a sub-regional basis.

Social

- Creating a healthy community by promoting a high quality rural and food enterprise development.
- Highly visible and accessible for Cheshire's food. Farming and associated education establishments.
- Food innovation centre will provide research, education and business opportunities and deliver start-up businesses.
- Tourism destination and quality rural attraction.
- Accessible site being close to Middleswich town centre accessible by walking, cycling and public transport.
- High quality design to positively respond to sites setting and characteristics.
- Significant level of pre-application withal stakeholders and the public.

Environmental

- Proposed buildings will be assess under BREEAM to ensure environmental performance and sustainable design principles
- Low risk of flooding due to on-site drainage and mitigation
- Significant additional tree planting to enhance the development
- Impact on local landscape character is limited, while a comprehensive landscape strategy is proposed.
- Any adverse impacts on ecology are only minor with detailed mitigation measures to provide synergy with the drainage and landscape to provide compensatory and enhanced habitats.

OFFICER APPRAISAL

Principle of Development

The site crosses the administrative boundary between the East and West which also provides the distinction between the employment designation and that of open countryside. The entire site offers a variety of uses, offering employment and retail opportunities based around the relocation of the two markets.

The south western portion of the scheme falls under the Congleton Borough Local Plan and is designated as an Employment Commitment (Policy E2) as part of the wider strategic employment site of Midpoint 18. A previous permission on the site (since expired) highlighted the acceptability of a light industrial, storage and distribution use.

The indicative layout for the south western part of the site indicates business, industrial and distribution uses as well as a food enterprise centre. These uses are considered to be compatible with the employment designation of the site and emerging policies of the Cheshire East Local Plan.

However, the wider site occupies an area of land currently designated as open countryside under the Vale Royal Local Plan where such a large scale commercial development would not normally be accepted. Nevertheless, the

NPPF provides significant support for sustainable economic growth and therefore the assessment of the application rests on whether the benefits of the scheme outweigh the loss of open countryside and demonstrate sustainable development.

Retail Impact

The establishment of a 'rural hub', based around a new purpose built auction centre which has its origins from agriculture would not in itself create any significant concerns for retail impact as it could be classed as being appropriate to a rural area. The Cheshire Fresh concept includes supporting commercial and retail elements which build on existing business relationships with the auction centre but now also includes a number of other commercial and retail uses based around food and rural enterprise.

The proposals breakdown into the following use classes.

Proposed Use	Use Class(s)	Floor Area (GIA in sq m)
Full Detail		
Auction Centre	Sui Generis	8,710
Livestock Accommodation		502
Barn and Pump House		489
Sub-Total		9,701
Outline Detail		
Food Innovation and Enterprise Centre and related business and office areas	A2 / B1	6,850
Light industrial, manufacturing and distribution areas	B2 / B8	9,500
Hotel and Leisure	C1 / A4	4,150
Machinery Dealerships	A1	1,500
Retail areas, a 'box park' development, a food court, cafes, restaurants and hot food establishments	A1 / A3 / A4 / A5	13,240
Sub-Total		35,240
TOTAL		44,941

In terms of retail applications, the NPPF states that local authorities should apply a sequential test and require a retail impact assessment which should include the impact on town centre vitality and viability including local consumer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc), then the application should be refused.

The applicants have submitted a retail impact assessment and this is being assessed by retail consultants accordingly

Sequential Test

Paragraph 24 of the NPPF states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The PPS4 Practice guide clarifies that when considering edge-of-centre and out-of-centre proposals preference should be given to accessible sites well connected to the town centre.

The site selection process for the auction centre (which is the key driver for the development) has focused on a number of sites with easy access to the motorway with 5 sites being specifically identified and discussed with Council Officers but subsequently rejected due to a number of constraining factors such as location, costs and accessibility. The resultant site, the subject of the application, met most of the selection criteria.

The applicants have also undertaken a sequential search of alternative sites across the Borough due to the nature of the associated retail elements. However, it is highlighted that, given the unique nature of the concept based around the interrelated uses, such a search is almost meaningless. Nevertheless, large sites in Nantwich, Congleton and Macclesfield have been considered but all discounted as not being suitable, viable and available or more centrally located than the site chosen.

Impact Assessment

Paragraph 26 of the NPPF states that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to date Local Plan. Local Planning Authorities should require an impact assessment. This should include an assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

Paragraph 27 states that where an application is likely to have *significant adverse impact* it should be refused.

The Retail Impact Assessment demonstrates that the scheme will only divert modest amounts of convenience and comparison goods expenditure from surrounding centres, relative to existing expenditure surpluses and future growth. Similarly, it will not give rise to significant impact on trade or turnover of surrounding centre or on the vitality or viability of those centres. The nature of

the offer from Cheshire Fresh is also a relatively unique one and will not impact upon existing or planned investment.

The applicant's retail impact assessment is currently being assessed in more detail by a retail consultant. However, it remains the case that there are some concerns in respect of how the retail aspects of the scheme can be controlled such that they are maintained as uses that would be appropriate to and associated with the auction centre and the Cheshire Fresh concept. As a result Officers have been working to draw up appropriate conditions that would seek to provide sufficient controlling conditions which could be considered reasonable. These would include consideration of:

- restriction the end users to those involved in agricultural, horticultural and equestrian retailing;
- list of restricted goods for sale for each type of end user (e.g. garden centre);
- acceptable use classes that could be implemented in each "zone" of the development site;
- define the area of floorspace that may be used by particular types of end users;
- preventing the subdivision of retail units or the merging together of smaller units;
- preventing the introduction of mezzanine floors;
- restrict the hours of operation/ trading for the business and retail units.

While such conditions would require further examination, it is considered that, subject to appropriate controls that retail aspects of the scheme could operate in a manner that supports the concept without harm to the wider area.

Highways Matters & Access

The scheme proposes a spine road (to be determined at this stage) which will run through the centre of the site. This will require a new access off Holmes Chapel Road (A54) to the north and off Pochin Way to the south west. A roundabout to serve the different uses will be provided within the site.

Discussions have taken place with respective Highway Officers from both the East and West. This has resulted in revised trip rate data being submitted as well as further exploration of the junction arrangement – particularly in respect of the access off the A54. The revisions have resulted in a right turn lane being provided off the A54 into the site and a left and right turn exiting from the site. A right turn lane would also be provided off Pochin Way into the site from the south west.

Significant levels of analysis have been completed at Highway Officer's request in order that a robust solution is found to all highway aspects of this development proposal. As such the scheme is considered acceptable. This is dependent on a number of contributions:

£2500 is to be provided to the CW&C Highway Authority in order to allow for the administration of and the advertisement of a traffic

regulation order. The TRO's, if approved, will allow for an extension of the 30 mph limit along the frontage on the A54 and where possible a reduction of the speed limit on the A54 section between the proposed new 30 mph section and the 40 mph Sproston section.

Prior to first occupation of the second phase of the development, namely the development of the land that is subject to the outline element of the application a sum of £105,000 is to be provided to the Cheshire East Planning Authority to allow for the improvements to the Leadsmithy/A54 junction. In the case where this junction has already been improved by others, the sum could be used to assist in the delivery of the Middlewich eastern bypass.

Following the submission of the first Travel Plan, a sum of £5000 is to be paid to Cheshire West and Chester Council to contribute towards the costs of assessing the progress of the travel plan targets and/or attending meetings to assist where targets are not being met

Conditions in respect of detailed plans to be submitted, travel plans, construction/management plan would be appropriate.

Layout and Design

The layout of the site has been driven by the needs of the auction centre which requires the largest individual site area. There are also secondary reasons for the auction centre with its livestock markets being located a little more distant from some of the noisier activities. This has resulted with the auction centre being located in the southern part of the site. This also means a lower level functional building and the associated large open spaces of the auction centre being located adjacent to the open countryside, further to the southeast. It is considered that this spacing provides an appropriate setting for both the building and its uses, while allowing views to the open countryside beyond.

The proposed auction centre building (which is to be determined at this stage) measures approximately 83m x 90m with a ridge height of 10m. It would be a functional portal framed structure including three pitches across its ridge line. Its appearance to the front would be made up of larch cladding, coated metal cladding and aluminium framed doors and windows to provide to provide a clear entrance point to the site and a key building within the overall scheme. The rear would be more functional with metal cladding reflective of its use. A separate barn and pump house would complete the buildings to the rear of the site.

Parking to the front of the site and the lorry parking just to the west provide necessary functional additions to the auction centre, particularly in respect of the lorry parking. Both areas will add to the openness of this part of the site but the visual impact will be softened by appropriate landscaping when used.

Other parts of the site in terms of the design and layout will be left for the detailed reserved matters stage. It is however evident from the design

assessment that there are probably three additional distinct zones of development which will be reflected in both the subsequent layout having regard to their relative position and surroundings but also the design.

These include the garden centre and other retail uses to the north of the auction centre. These will have more limited ridge heights (up to 11m) due to their proximity to the northern and eastern boundary of the site and the open countryside beyond. This would more likely reflect a similar style to the auction centre. The commercial/business zone to the south west which reflects the adjacent business uses of Midpoint 18 and the large commercial sheds where higher ridge height already exist (up to 17m). The final zone is the hotel/leisure uses and dealership which will front onto the A54 to the north (up to 14m).

Landscape / Trees

Existing boundary hedges and trees across the entire site are largely retained and supplemented with new planting to the boundaries of the site. The area of land within Cheshire East includes an existing linear woodland which includes a number of good quality trees. These will mostly be retained, as will some individual specimens just to the south west. Some smaller, less valuable trees will be removed to make way for the new road and one of the business units.

The proposals also seek to provide a new attenuation pond in the centre of the site around a 'green core' which will provide a visual balance to the large parking areas as well as providing potential new habitats. This will also link into the existing linear woodland area.

The scheme will clearly have an impact on the existing open fields and therefore the existing character. It is broadly accepted that the appropriate landscape assessments have taken place using the necessary visual receptors and that the overall landscape impact will be 'minor adverse'. However there is some concern that the proposed transition between the different 'zones' could appear to be more industrial in appearance and that a wider buffer is required.

Landscaping for the majority of the site will be left for detailed stage. However, a wider buffer to the A54 frontage has now been secured by the submission of revised plans. This will enable a wider landscape buffer to be achieved thereby reducing the overall impact on the more sensitive boundaries to the site.

Residential Amenity

The site is relatively isolated, with few residential amenity impacts. However, there is a residential property opposite the north eastern corner of the site where regard must be had to potential amenity issues. Additional work has been done in this respect, to ensure that there is no significant overshadowing caused by the nearest buildings and revised plans have been submitted as (indicated above) which moves the nearest buildings further away and also achieving the wider landscape buffer. There will be a clear change in outlook

from the front of the property, but this is not sufficient to justify a refusal of permission.

Noise and Air Quality

Any associated noise concerns from the auction centre will be largely mitigated by the distance from existing properties and future buildings. However, given that 24 hour use is requested for this part of the site, it is suggested that a noise monitoring programme be conditioned. Other conditions in respect of an Environmental Management Plan, Hours of construction, odour control, lighting, operational noise will provide sufficient controls for any nearby properties as and when the detailed aspects of the scheme come forward.

The submitted air quality report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements. The impacts from roads were assessed as not being significant. Although the impact will not be significant, it is noted that emissions from road traffic generated by the development is likely to result in the worsening of air quality at a number of residential locations in the town. Therefore, conditions in respect of travel plans for businesses and the introduction of electric vehicle infrastructure are recommended.

Ecology

No significant ecological issues have been identified in respect of this application, although it is suggested that a detailed mitigation strategy for badgers is needed.

Conditions are however suggested for the following:

- compensatory planting for any hedgerows lost,
- an 8m undeveloped buffer along on site water courses,
- submission of a method statement for removal of Himalayan balsam (non-native species) and
- safeguard breeding birds.

Other Matters

The Public Rights of Way Unit have identified that an existing footpath from Sanderson Way through to Brooks Lane could be improved which will provide greater accessibility to the site from the residential parts of Middlewich. It is considered that this would be reasonable and the applicants have accepted that a contribution can be made to improve the footpath.

CONCLUSIONS

The scheme does offer a unique concept to create a 'rural hub' that brings together two established agricultural markets onto one purpose built site with a range of associated business, education, research, leisure and rural retail opportunities.

In broad terms, the principle of the development is clearly in tune with the thrust of the NPPF: to achieve growth through sustainable development. It

offers significant benefits in terms of employment creation and the social and environmental benefits indicated above.

The negative impact of the scheme falls mainly on the loss of open countryside and the associated visual impact it will have in the locality. The main technical concerns relate to the impact that the scheme will have on the local highway network and the retail impact that the scheme could have, particularly on Middlewich.

Highways Officers are now satisfied that the proposed junctions can operate in a safe manner and that the scheme will not have a 'severe' impact on the local highway network. Contributions are provided to assist in mitigation of this impact and are considered to satisfy the normal CIL tests.

While there remain some concerns over the retail aspects of the scheme, it is considered that appropriate and reasonable conditions can be imposed which will provide sufficient assurance that the scheme evolves as a 'rural hub' and not just as a retail park.

Taking account of all of the relative merits of the scheme, it is considered that support should be given for the development, as the loss of the open countryside is demonstrably outweighed by the economic and associated benefits and that the presumption in favour of sustainable development through the NPPF is applied.

RECOMMENDATION:

NO OBJECTION subject to appropriate conditions and contributions to highway improvements as detailed.

Contributions

A sum of £5000 to be provided to Cheshire East Council to improve the existing public footpath No 19 in Middlewich with a view to developing the right of way to encourage sustainable transport use to the development

A sum of £105,000 to be provided to the Cheshire East Council to allow for the improvements to the Leadsmithy/A54 junction or in the case where this junction has already been improved the sum to be used to assist in the delivery of the Middlewich eastern bypass

Suggested Conditions

General

- Time limits for detailed and reserved matters
- Details of materials
- Landscaping & Implementation
- Construction / Environmental Management Plan

Environmental Health

- Noise monitoring programme
- Hours of construction
- Odour control
- Provision of Electric vehicle infrastructure

Ecology

- 8m buffer alongside water courses
- Safeguarding breeding birds
- Compensatory planting for any loss of hedgerows
- Method statement for removal of Himalayan balsam

Commercial/Retail

- Define comparison and convenience goods floorspace
- Restricted goods for sale for each type of end user, e.g. garden centre, box park etc;
- Use classes in each “zone” of the development site
- Define the area of floorspace that may be used by particular types of end users;
- Prevent the subdivision of retail units or the merging together of smaller units;
- Prevent the introduction of mezzanine floors;
- Hours of operation/ trading for the business and retail units.

Highways

- A detailed scheme for the site access onto the A54 Holmes Chapel Road shall be submitted/approved
- A detailed scheme for the site access onto the Pochin Way (including relining of the cycle lane on Pochin Way carriageway and a pedestrian refuge) shall be submitted/approved
- Detailed scheme shall be submitted/approved for the off-site highway improvements on the A54 Holmes Chapel Road and Pochin Way roundabout.
- Detailed scheme shall be submitted/approved for the public right of way No 19 improvements between Pochin Way and Brooks Lane within Pochin Land ownership to include hard paving the surface and where possible widening of the footpath to accommodate cycles
- Details of Travel Plans to be submitted for each business

