

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD

---

**Date of meeting:** 18<sup>th</sup> February 2015  
**Report of:** David Malcolm – Principal Planning 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 That Cheshire East Council delegate authority to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.

### **3.0 Background**

- 3.1 Members may recall the proposals for a new auction centre, associated food and rural enterprise, businesses and lorry/car parking in Middlewich known as 'Cheshire Fresh' which was submitted in 2013. Given the nature of the application and that fact that much of the site area was located in the administrative boundary of CWaC it was agreed that authority for the determination of the whole application could be delegated to CWaC.
- 3.2 That application was eventually approved by CWaC in September 2014 subject various conditions.
- 3.3 Following the grant of planning permission, a detailed review of the design and layout of the scheme with Wright Marshall, the future operators of the auction centre has been undertaken. Internal layout amendments to the consented scheme are required to ensure the viable delivery of the auction centre. As full planning permission was granted for the new auction centre, a revised planning application is required as the new auction centre component of the scheme is now

proposed on the Cheshire East land in the south west portion of the site.

- 3.4 In a similar fashion to the previous application authority is now sought to enable the amended scheme to be delegated to CWaC.

#### **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 development will offer the same quantum and mix of uses as per the September 2014 planning permission. For completeness, the proposed development will include:

Detailed plans for:

- A new Auction Centre for Cheshire to become the new home to Wright Marshall who will relocate from its existing premises at Chelford and Beeston. This purpose built facility will anchor the overall scheme helping to create a food and rural enterprise hub. A barn and parking area for cars and HGV's associated with the auction centre is also proposed;
- A lorry park; and
- The means of vehicular access to the proposed development from Holmes Chapel Road and Pochin Way.

Outline plans for:

- Business and office units (use class B1 and A2).
- Food accelerator unit (use class B2)
- Starter industrial units (use class B1 and B2).
- Light industrial, manufacturing and distribution areas (use class B2 and B8)
- A machinery dealership (sui generis).
- Veterinary practices (use class D1).
- Garden Centre with external display area (restricted use class A1).
- Farm shop and associated food hall (restricted use class A1 and A3).
- A box park (restricted use class A1).
- Restaurant and cafes (use class A3).

- 4.3 The only changes proposed by this application are the layout and orientation of the permitted uses. The Indicative Masterplan shows the proposed general configuration of the revised scheme. The key changes include:
- The relocation of the Auction Centre and associated barn and parking area to the south-west portion of the site onto land within Cheshire East. This is to reduce the level of physical infrastructure necessary to access the Auction Centre from Pochin Way.
  - This same access from Pochin Way will also provide access to the Food Accelerator Unit, proposed to be located to the south of the Auction Centre. This access will also maintain access to Kinderton Lodge Farm.
  - All other uses remain as described above and will be for the same quantum of development as permitted. Their location and configuration has been revised to take account of the Auction Centre's new positioning, although these uses are proposed in outline only and so the final layout is not yet fixed.
  - Vehicular accesses continue to be proposed from Holmes Chapel Road (A54) and Pochin Way. However, the existing access from Pochin Way will also be retained.

## **5.0 Assessment**

- 5.1 As part of the previous application, Members of SPB resolved on 17th July 2013 to delegate powers of determination for the original application wholly to CWaC, whilst CEC would act as a statutory consultee. It is intended that a new 'hybrid' planning application for the revised scheme will again be submitted to CWaC, with CEC acting as a statutory consultee.
- 5.2 Recent discussions between Officers believe that this is the most pragmatic way to handle the application and that this delegated process should again be followed with respect to the determination of the revised application.
- 5.3 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.. 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.

- 5.4 Given the employment designation of the land and the previous approved scheme it is not considered that the changes highlighted would cause any significant policy concerns for Cheshire East.
- 5.5 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).
- 5.6 Given previous work by CWaC on the scheme to revert back to the traditional approach of two separate application submissions would generate undue complexity, cost and confusion
- 5.7 As before, CWaC would lead the determination of the planning application and CEC would act as a consultee. CWaC would again be responsible for all of the administrative tasks associated with the application, such as consultations and notifications

## **6.0 Conclusions**

- 6.1 The application is very similar to the previous scheme but to enable effective delivery the layout and configuration has changed such that the auction centre is now on Cheshire East land. This does not give rise to a policy objection in principle.
- 6.2 The circumstances are therefore such that it is considered that the most appropriate process for determining this revised scheme is for CEC to delegate determination to CWaC.

## **7.0 Recommendation**

- 7.1 **That Cheshire East Council delegate authority to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.**

## **8.0 Financial Implications**

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

## **9.0 Legal Implications**

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

## **10.0 Risk Assessment**

- 10.1 There are no identified risks associated with this decision.

## **11.0 Reasons for Recommendation**

11.1 To ensure the application for Cheshire Fresh is dealt with both efficiently and effectively.

***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: David Malcolm – Principal Planning 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*