

## Portfolio Holder Decision

---

**Date of Meeting:** 19 December 2019

**Report Title:** Brooks Lane (Middlewich) Development Framework  
Supplementary Planning Document

**Portfolio Holder:** Councillor Toni Fox, Portfolio Holder for Planning

**Senior Officer:** Frank Jordan, Executive Director of Place

---

### 1. Report Summary

- 1.1. This report seeks approval to publish the Brooks Lane (Middlewich) Development Framework ("BLDF") as a Supplementary Planning Document ("SPD") for public representations for a period of six weeks. The draft BLDF was subject to a six-week consultation in January and February 2019 and has been amended in response to comments received during consultation on the draft SPD.
- 1.2. The Brooks Lane site is identified as a strategic location in the Council's Local Plan Strategy ("LPS"), adopted in July 2017, as site reference 'LPS 43; Brooks Lane, Middlewich'. The LPS sets a requirement that development at Brooks Lane will be achieved through a masterplan-led approach, which will help determine the nature and quantum of development that is appropriate for the site.
- 1.3. Consultants Barton Willmore, on behalf of the Council, have prepared the BLDF to guide the future development of the site. It provides detailed planning guidance to illustrate how high quality, mixed-use development can be realised across the site in line with Local Plan policy. It recognises the opportunities for regeneration, particularly of the canal-side area of the site, the ability to provide new and enhanced green infrastructure, open spaces and pedestrian and cycle links. Specifically it illustrates how around 200 homes could be achieved adjacent to the Trent and Mersey Canal as a

shorter-term opportunity, as envisaged in the Local Plan Strategy. The BLDF has been developed through a careful analysis of the site and its context. It also illustrates how a new railway station could be created, supporting the long-standing aspiration to see Sandbach-Middlewich-Northwich rail line re-opened for passenger services.

- 1.4. A screening exercise has been carried out to determine whether the BLDF gives rise to the need for further Sustainability Appraisal or Appropriate Assessment (under the Habitats Regulations), or whether those matters have been adequately addressed through the Local Plan process. This screening assessment has been consulted upon, alongside the draft SPD and amended as appropriate. It concludes that further such assessment is not necessary.

## **2. Recommendations**

That the Portfolio Holder for Planning:-

- 2.1. Considers the views of Strategic Planning Board on the Brooks Lane (Middlewich) Development Framework (Masterplan) Supplementary Planning Document (Appendix 4).
- 2.2. Considers comments received to the Brooks Lane (Middlewich) draft Development Framework (Masterplan) Supplementary Planning Document, public consultation held in January / February 2019 (Appendix 1).
- 2.3. Agrees to the publication of the Brooks Lane (Middlewich) Development Framework (Appendix 2) (Masterplan) Supplementary Planning Document and Report of Consultation (Appendix 1) for public representations for a period of six weeks.
- 2.4. Agrees to the publication of the Strategic Environmental Assessment and Habitats Regulations Screening Report (Appendix 3).

## **3. Reasons for Recommendations**

- 3.1. The preparation of the BLDF fulfils the requirement of the Local Plan Strategy that the development on this designated Strategic Location will be achieved through a masterplan-led approach.
- 3.2. Public consultation on the Brooks Lane draft Development Framework Supplementary Planning Document took place between 14 January 2019 and 25 February 2019. A total of 28 comments were received from 25 parties. A report of consultation has been prepared summarising the main issues raised and explaining how these issues have been addressed through amendments to the SPD. The next step would be for the council to publish the final draft of

the SPD and the report of consultation and seek public representations on them for six weeks.

3.3. Supplementary Planning Documents are not part of the statutory development plan but are a recognised way of putting in place planning guidance. They are capable of being material to the determination of relevant planning applications.

#### **4. Other Options Considered**

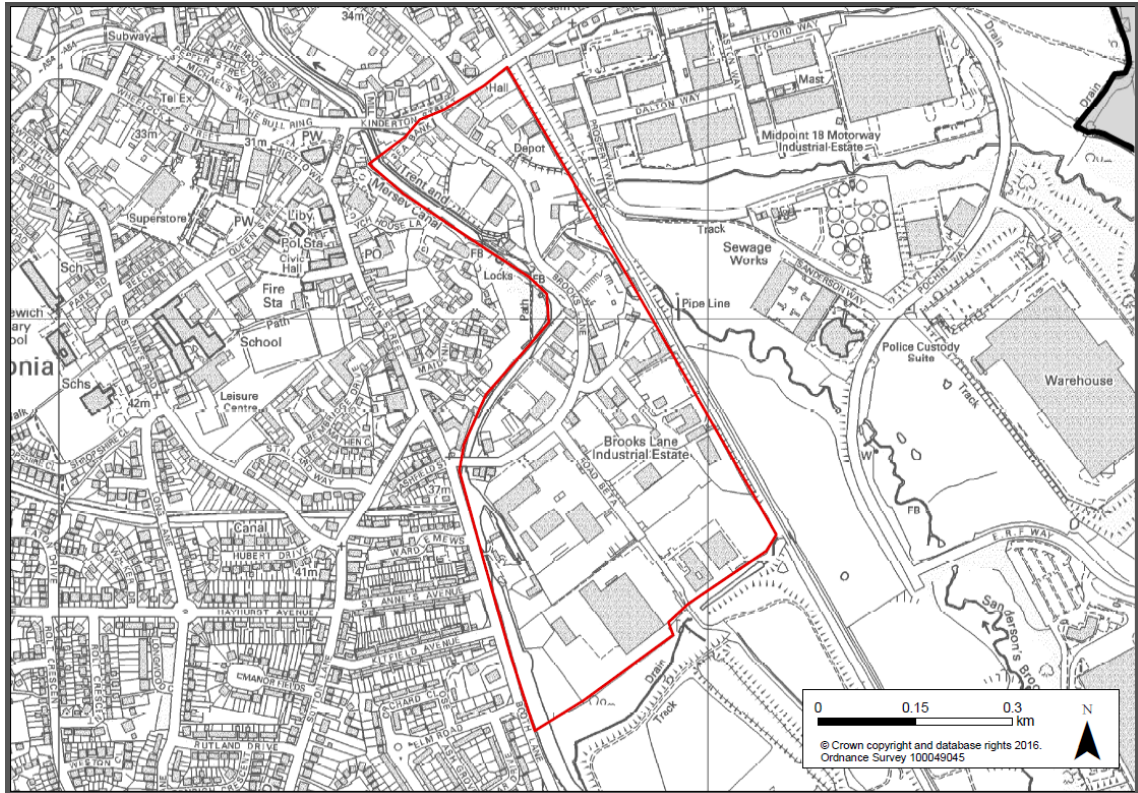
4.1. The preparation of a masterplan is a requirement of policy LPS 43 (Brooks Lane Strategic Location) of the Local Plan Strategy and the preparation of an SPD is a recognised way of putting into place local planning guidance.

#### **5. Background**

##### Context

5.1. The LPS identifies the Brooks Lane area (site reference LPS 43) as an area of potential future regeneration. The site area is shown in figure 1 (below). The LPS requires a masterplan led approach to the site in line with a number of key principles including:

- The delivery of around 200 homes;
- The delivery of leisure and community facilities to the north of the site;
- The provision of appropriate retail facilities to meet local needs;
- The incorporation of green infrastructure;
- The improvement of existing, and provision of new, pedestrian and cycle links to connect development to existing employment, residential areas, shops, schools health facilities, recreation and leisure opportunities and the town centre;
- The potential provision of a Marina at the Trent and Mersey Canal; and
- The provision of land for a new railway station including lineside infrastructure, access and forecourt parking.



**Figure 1: LPS 43 Brooks Lane Site**

5.2. Consultants Barton Willmore have prepared the BLDF on behalf of the Council. Its production has been informed by feedback from residents, businesses and landowners across the site obtained through engagement events in April and August 2018 and the outcome of wider public consultation on the draft SPD in January / February 2019. Barton Willmore and the Council's project team have also met with Macclesfield Town Council and the Canal and Rivers Trust during the development of the BLDF.

### The structure and purpose of the Document

5.3. The SPD is intended to provide the over-arching guidance for the development of the site, including potential shorter-term opportunities for residential development on the south west part of the site adjacent to the Trent and Mersey Canal. It emphasises that further detailed design and site specific assessments will be necessary to support any future planning applications in order to achieve the desired design quality.

### The public consultation process

5.4. The draft SPD was subject to six weeks public consultation concluding on 25 February 2019. The document was published on the Council's website and hard copies placed in the customer service centres at Crewe and Macclesfield, the Council offices at Westfields (Sandbach) and Macclesfield

Library. Two 'drop in' consultation events were also held at the Middlewich Community Church on Wednesday 23 January and Monday 28 January from 5pm until 8pm.

5.5. In total, 28 comments were received from 25 parties. A summary of all the comments made alongside a proposed council response is attached as Appendix 1.

5.6. The comments received covered a wide range of matters. However, the key issues raised related to:

- Provision of infrastructure on the site and phasing
- Improvements to highways, access into and parking arrangements on the site
- Support for the provision of a train station
- Concern over relationship of new housing with existing retained employment uses on the site
- Responses from statutory bodies and infrastructure providers
- Relationship and status of the development framework and its links to the adopted Local Plan Strategy.

#### Amendments to the BLDF in the light of feedback

5.7. Proposed changes to the document in the light of representations include:

- The introduction of new section in the document confirming the need for further detailed assessments in support of future development proposals on the site.
- Minor amendments to the text included in the document to reflect the importance of design quality and the relationship of the BLDF with policies contained in the Local Plan Strategy.
- Amendments to the illustrative masterplan to further emphasise the shorter-term development opportunity adjacent to the Trent and Mersey Canal.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England)

Regulations 2012 provide the statutory Framework for the adoption of Supplementary Planning Documents. The 2012 Regulations require that an SPD contains a reasoned justification of the policies within it and stipulate that it must not conflict with adopted development plan policies. The National Planning Policy Framework and the associated Planning Practice Guidance sets out national policy about the circumstances in which SPDs should be prepared.

6.1.2 Supplementary Planning Documents provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan.

6.1.3 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.

6.1.4 The process for preparing Supplementary Planning Document(s) is similar in many respects to that of a Local Plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are a number of stages in their production:

- Preparation of a draft SPD including consultation: Consultees were invited to submit comments on the draft Brooks Lane Development Framework SPD for a period of six weeks in January / February 2019, in line with the Council's Statement of Community Involvement.
- Publication: this makes available to the public the final SPD including information on who has been consulted in its preparation and how feedback has been taken into account in the final draft SPD. The SPD is now ready for publication with its report of consultation (Appendix 1).
- Adoption: Having considered public representations, the Council may adopt the SPD with or without modifications. It must then publish the SPD with an adoption statement explaining any modifications.

#### Strategic Environmental Assessment

6.1.5 Strategic Environmental Assessment ("SEA") involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the "Environmental Assessment of Plans or Programmes Regulations 2004".

6.1.6 The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements are met by incorporating it within a Sustainability Appraisal (SA), which is a requirement for Development Plan Documents.

6.1.7 There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008- 20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to be subject to SEA where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been undertaken for the SPD (in Appendix 3) which has determined that a SEA is not required for the SPD.

## **6.2 Finance Implications**

6.2.1 There are no significant direct financial costs arising from the approval to publish the SPD and consultation report. It will be published on the Council’s website and made available in Council Offices and Middlewich Library for interested parties to view. The costs of printing and the staff time in developing the SPD are covered from existing planning budgets.

## **6.3 Policy Implications**

6.3.1 The SPD will expand and amplify existing development plan policy.

## **6.4 Equality Implications**

6.4.1 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.

6.4.2 The SPD provides guidance on the regeneration of an existing site and is intended to provide a range of homes. The SPD will support the implementation of adopted policies in the Local Plan which was subject to an Equalities Impact Assessment as part of its integrated Sustainability Appraisal.

6.4.3 An Equality Impact Assessment screening assessment has been carried out and this has not identified any actual or potential negative impact on people with protected characteristics that would warrant a

full assessment being carried out. It is available to read at:  
[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/equality-and-diversity/equality\\_analysis.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/equality-and-diversity/equality_analysis.aspx)

## **6.5 Human Resources Implications**

6.5.1 There are no direct implications for human resources

## **6.6 Risk Management Implications**

6.6.1 There are no direct implications for risk management

## **6.7 Rural Communities Implications**

6.7.1 As the SPD addresses a brownfield site in the settlement of Middlewich then there are no implications for rural communities.

## **6.8 Implications for Children & Young People/Cared for Children**

6.8.1 There are no new direct implications for children and young people.

## **6.9 Public Health Implications**

6.9.1 To ensure that any new residents on the site achieve acceptable living conditions, the SPD highlights the need for development proposals to carefully address the relationship between any new homes and existing employment uses. The regeneration of the area brought about by the proposals within the SPD and the enhancement of the local environment, coupled with improved opportunities for walking and cycling could have a beneficial effect on public health.

## **6.10 Climate Change Implications**

6.10.1 New development on the site will bring with it additional and unavoidable carbon emissions. However, the site is located within the built up area of Middlewich and residents will generally have less reliance on the car, having opportunities to walk and cycle to a range of local services and facilities and be close to bus services. Other policies in the Local Plan aimed at mitigating the effect of climate change will also be relevant to any planning application proposals.

## **7 Ward Members Affected**

7.1 The site is located within the Middlewich Ward. Councillor Carol Bulman, Councillor Mike Hunter and Councillor Jonathan Parry are the Ward Councillors.

## 8 Consultation & Engagement

8.1 As noted earlier in the report, the draft SPD was subject to six weeks consultation during January and February 2019. Following this, all comments have been considered and revisions made to the SPD (Appendix 2) so that it is ready for publication, alongside the consultation report (Appendix 1).

## 9 Access to Information

9.1 Key documents:-

Cheshire East Local Plan Strategy (July 2017)

Appendix 1: Report of consultation including summary of representations and responses

Appendix 2: Brooks Lane (Middlewich) Development Framework (Masterplan)

Appendix 3: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report for the Brooks Lane Development Framework

Appendix 4: Summary of the views of Strategic Planning Board following meeting held on the 18 December 2019.

## 10 Contact Information

10.1 Any questions relating to this report should be directed to the following officer:

Name: Jeremy Owens

Job Title: Development Plans Manager

Email: [jeremy.owens@cheshireeast.gov.uk](mailto:jeremy.owens@cheshireeast.gov.uk)