

Portfolio Holder Decision

Date of Meeting: 21 December 2018

Report Title: Draft Brooks Lane (Middlewich) Masterplan, Supplementary Planning Document

Senior Officer: Sean Hannaby, Director of Planning and Environment

1. Report Summary

- 1.1. This report seeks approval to carry out six weeks of public consultation on the draft Brooks Lane (Middlewich) Development Framework (“BLDF”) (Appendix 1). The intention would be to adopt it as a Supplementary Planning Document (“SPD”) following consultation, taking into account the feedback received.
- 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 Local Plan Strategy sets a clear expectation that development at Brooks Lane will be achieved through a masterplan-led approach that 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 a draft development framework (masterplan) to support future development of the site. Two consultation ‘drop in’ events have been held with residents, businesses and landowners across the site. Two informal meetings have also been held with Middlewich Town Council Members. The feedback received through this targeted engagement has been taken into account in shaping the draft BLDF.
- 1.4. The draft BLDF will provide more detailed planning guidance and illustrate how high quality, mixed-use development can be realised across the site in line with policy LPS 43 of the Local Plan Strategy. 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 draft BLDF been developed through a careful analysis of the site and its context including the existence of heritage assets. Amongst other things 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.

- 1.5. 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 concludes that further such assessment is not necessary.

2. Recommendations

- 2.1. To consider the recommendations of the Strategic Planning Board.
- 2.2. Subject to 2.1, above, to approve the Draft Brooks Lane Development Framework Supplementary Planning Document (Appendix 1) for six weeks of public consultation.
- 2.3. To publish the Strategic Environmental Assessment and Habitats Regulations Screening Report (Appendix 2)
- 2.4. That the Director of Planning and Environment be authorised to make any additional non-material changes to the draft SPD or Screening Report ahead of public consultation.

3. Reason for Recommendation

- 3.1. The Brooks Lane site is a large brownfield site. It is a strategic location in the Local Plan Strategy and it is beneficial that guidance is prepared to shape future development on it. The Local Plan Strategy points to the need for development on it to be achieved through a masterplan led approach. Public consultation is obligatory when preparing a SPD under the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2. A SPD is not part of the statutory development plan but it is the recognised way of putting in place planning guidance which will then be a material consideration in determining applications involving relevant planning proposals.

4. Other Options Considered

4.1. The preparation of a masterplan is expected through policy LPS 43 of the Local Plan Strategy and the preparation of an SPD is the recognised way of putting in place local planning guidance.

5. Background

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.

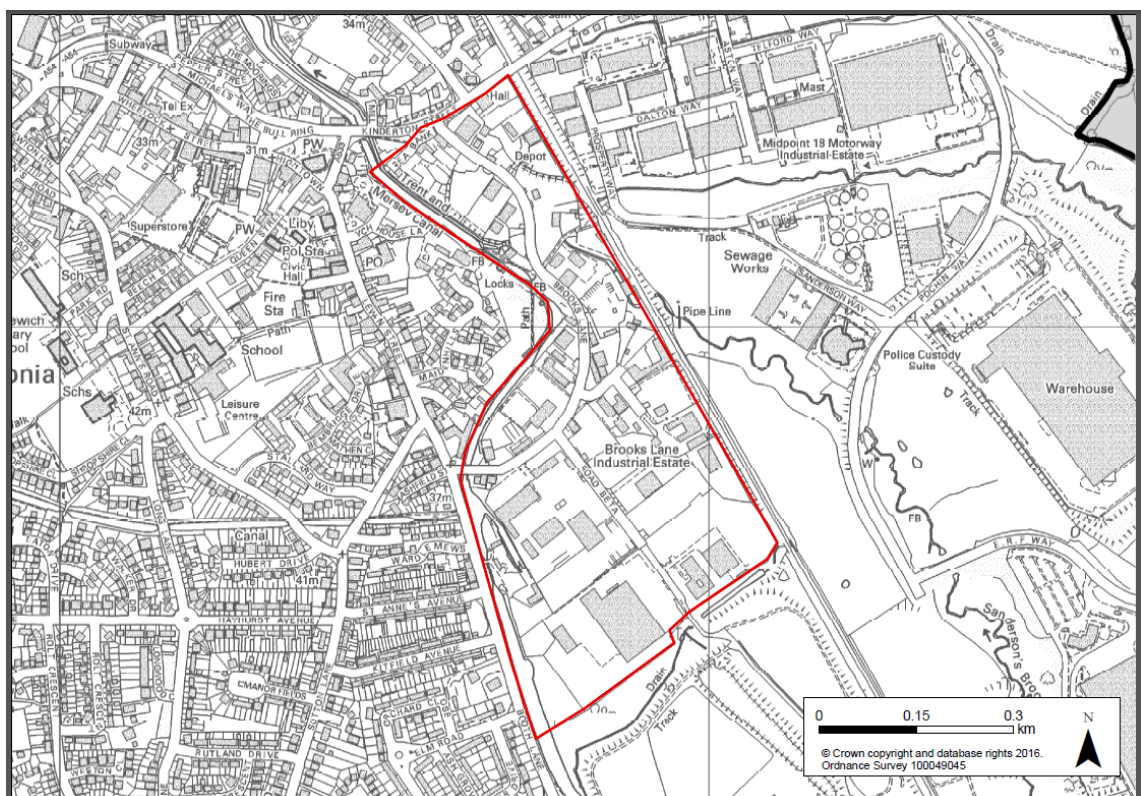


Figure 1: LPS 43 Brooks Lane Site

- 5.2. The Brooks Lane site is also included in the Middlewich Neighbourhood Plan. The Plan has been published for its final round of public consultation and subject to a favourable examiner's report and referendum, will come into effect as part of the statutory development plan in the New Year. Policy OS2 (Canalside Development and Marina Opportunity Site) of the Neighbourhood Plan recognises that development at Brooks Lane will be subject to an approved masterplan on the site.
- 5.3. Consultants Barton Willmore have prepared the draft BLDF on behalf of the Council. Its production has been informed by feedback from residents, businesses and landowners across the site obtained through two rounds of 'drop in' engagement events. The first event, on the 11 April 2018, sought views on a number of masterplan options. The second event held on the 23 August 2018, sought views on an initial draft illustrative Development Framework. Barton Willmore and the Council's project team have also met with Middlewich Town Council and the Canal and Rivers Trust during its development.
- 5.4. Paragraph 126 of the National Planning Policy Framework (July 2018) notes how SPDs can provide clarity about the design expectations on a site. Providing a framework for creating distinctive places, with a consistent and high quality standard of design. The draft masterplan has considered a number of contextual elements and recommended a set of key parameters for the site, including:-
- access and connectivity, particularly improved access to the Canal and the identification of land for a potential future railway station on the site.
 - green and blue infrastructure, particularly focused on the Trent and Mersey Canal along the western edge of the site (a Conservation Area).
 - heritage matters including the Canal Conservation Area, listed structures on the site and the Murgatroyd's Brine Pump, a Scheduled Monument.
 - acknowledgement of the requirements of the Cheshire East Design Guide SPD in striving for attractive, accessible and distinctive places.
- 5.5. The BLDF has identified the potential for phased development within the site. This includes the potential for approximately 200 dwellings as part of a shorter term development opportunity, within the Local Plan period, focused on land to the east of the Trent and Mersey Canal and west of Road Beta. This shorter term development opportunity also includes the potential for a 20 berth marina and landscape and environmental improvements.
- 5.6. In addition, the BLDF identifies the potential for further residential development, in the longer term. It also illustrates a potential location for a

future train station on the site. A strategic outline business case to re-open the line to passenger traffic was formally requested by government earlier this year. This is being developed by the Council in conjunction with Cheshire West and Chester Council and the Local Enterprise Partnership.

5.7. Other matters covered in the draft BLDF include:-

- the potential for highway enhancements at the Brooks Lane Canal Bridge and at the junction of Brooks Lane and Kinderton Street;
- in connection with the opportunity to provide a train station, potential car parking to the east of the railway line outside of the site boundary;
- enhancements to Murgatroyd's Brine Works including the opportunity to achieve public access to it; and
- provision of green infrastructure, parkland and improved access to the Canal.

5.8. The draft BLDF anticipates land being retained in employment use recognising that businesses may wish to remain operating on the site. A key consideration, highlighted in the draft BLDF, will be achieving an acceptable relationship between new residential occupiers and remaining employment uses on the site.

6. Implications of the Recommendations

6.1. Legal Implications

6.2. 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.

6.3. Supplementary Planning Documents are guidance which add further detail to the policies in the development plan. 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.

- 6.4. The process for preparing Supplementary Planning Documents is similar to a Local Plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are four main stages in their production as follows:
- Preparation and informal consultation
 - Consultation
 - Consideration of representations and completion of final draft of the SPD
 - Adoption of the Supplementary Planning Documents

Strategic Environmental Assessment

- 6.5. Strategic Environmental Assessment 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”.
- 6.6. 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.
- 6.7. 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 undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan

6.8. Finance Implications

- 6.8.1. The cost associated with consultation can be met by the existing Spatial Planning budget. The direct costs are mainly related to officer time, with public consultation, printing and distribution costs of consultation documents estimated at around £500.

6.9. Policy Implications

- 6.9.1. The SPD will amplify existing development plan policy set out in the Local Plan Strategy (policy LPS 43 Brooks Lane, Middlewich).

6.10. Equality Implications

- 6.10.1. 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.

6.10.2. The draft SPD provides guidance on the regeneration of an existing site and is intended to provide a range 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. Following consultation, the equality implications of any proposed changes to the SPD will be considered.

6.11. Human Resources Implications

6.11.1. There are no direct implications for human resources.

6.12. Risk Management Implications

6.12.1. There are no direct implications for risk management

6.13. Rural Communities Implications

6.13.1. As the SPD deals with the regeneration of a site within the urban area of Middlewich then there are no implications for rural communities.

6.14. Implications for Children & Young People

6.14.1. The SPD supports the delivery of new homes alongside leisure and community facilities on the site.

6.15. Public Health Implications

6.15.1. Any potential adverse implications for public health should be addressed and acceptably mitigated through the planning application process. The draft BLDF highlights the need to carefully address the relationship between new residential development and existing employment uses. The regeneration of the area brought about by the proposals within the draft BLDF and the enhancement of the local environment, coupled with improved opportunities for walking and cycling could have a beneficial effect on public health.

7. Ward Members Affected

7.1. The site is located within the Middlewich Ward. Councillor Bernice Walmsley, Councillor Simon McGrory and Councillor Michael Parsons are the Ward Councillors.

8. Consultation & Engagement

- 8.1. It is proposed that the draft SPD be subject to six weeks consultation. Following this, all comments will be considered and revisions made as appropriate before a final version of the SPD is prepared for approval.

9. Access to Information

- 9.1. The proposed consultation document is appended to this report along with the SEA/HRA screening report referred to in this Portfolio Holder report.

[Appendix 1 Draft Brooks Lane \(Middlewich\) Development Framework Supplementary Planning Document.](#)

[Appendix 2 Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report for the Brooks Lane Development Framework](#)

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officers:

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