

Cabinet

Date of Meeting: 8 September 2020

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

Portfolio Holder: Cllr Toni Fox - Portfolio Holder for Planning

Senior Officer: Frank Jordan - Executive Director - Place

1. Report Summary

- 1.1. This report seeks approval to adopt the Brooks Lane (located in Middlewich) Development Framework ("Framework") as a Supplementary Planning Document ("SPD"). As a SPD, it would be a material consideration in the determination of relevant planning applications. The Framework has been subject to two separate six-week consultation stages, the most recent of which took place in January / March 2020.
- 1.2. The Framework provides detailed planning guidance to illustrate how high quality, mixed use development can be realised across the area in line with its status as an allocated Strategic Location in the Council's Local Plan Strategy ("LPS") adopted in July 2017 (reference LPS 43; Brooks Lane, Middlewich).
- 1.3. The report outlines the consultation process that has been undertaken, the representations received and how they have informed the final draft of the Framework.

2. Recommendations

- 2.1. That Cabinet

- 2.1.1 Consider the views of Strategic Planning Board on the Brooks Lane (Middlewich) Development Framework Supplementary Planning Document.
- 2.1.2 Consider the key issues raised in the responses received to the public consultation that took place between January and March 2020 and the corresponding modifications to the Brooks Lane (Middlewich) Development Framework Supplementary Planning Document as set out in the Report of Consultation (Appendix 1).
- 2.1.3 Having considered the consultation results and the views of the Strategic Planning Board, determine whether to approve the Brooks Lane (Middlewich) Development Framework (Masterplan) as a Supplementary Planning Document.

3. Reasons for Recommendations

- 3.1. The preparation of the Framework fulfils the requirement of the Local Plan Strategy that development on this designated Strategic Location (LPS 43, Brooks Lane, Middlewich) will be achieved through a masterplan-led approach. Its preparation has been informed by engagement with landowners, businesses and residents across the area and the feedback received during two rounds of six-week public consultation.

4. Other Options Considered

- 4.1. There are no other appropriate options available. The preparation of a masterplan is a requirement of policy LPS 43 (Brooks Lane, Middlewich) in the Local Plan Strategy and the preparation of a SPD is the only way that is recognised in national planning policy of putting in place local planning guidance to supplement policies in an adopted local plan.

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 Strategic Location 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 provision of new and improved 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 development 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.

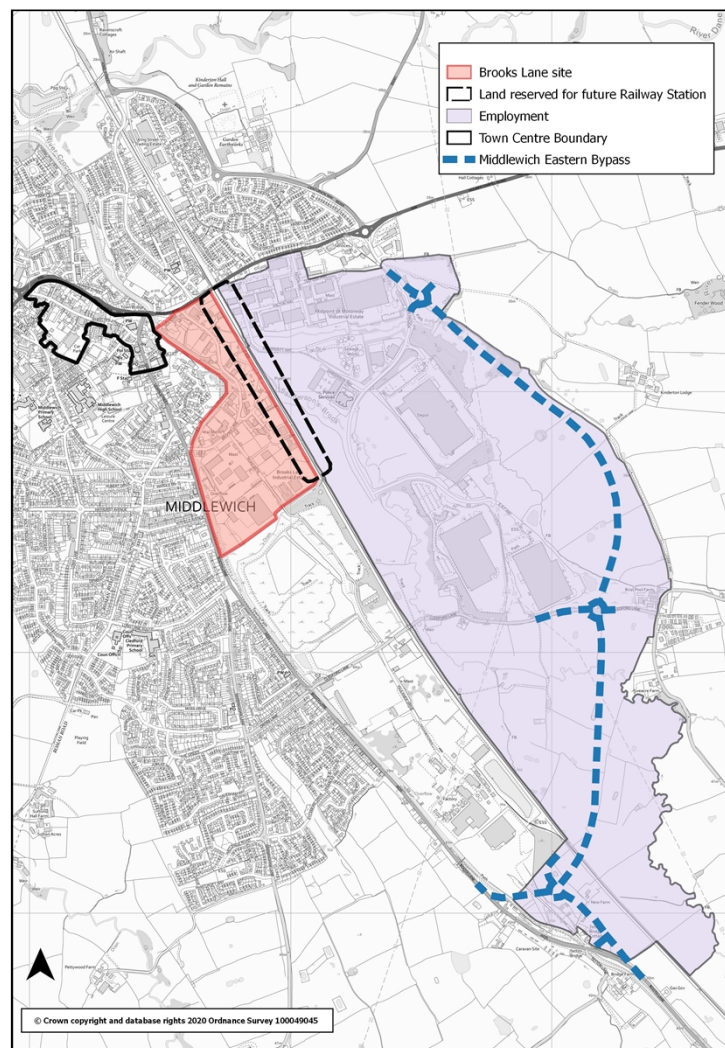


Figure 1: LPS 43 Brooks Lane Site

5.2. The Framework provides detailed planning guidance to illustrate how high quality, mixed-use development can be realised across the site in line with the Local Plan Strategy. The Framework can be used to inform the preparation of development proposals (largely private sector led) for the site, setting out key matters that proposals should address in order to achieve high quality new development that will significantly enhance the area and benefit the town as a whole.

- 5.3. The Framework 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 Canal as a shorter-term opportunity. The Framework 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 the Sandbach-Middlewich-Northwich rail line re-opened for passenger services.
- 5.4. The Council's Economic Development Team will explore opportunities identified within the SPD to bring forward delivery to support the growth of Middlewich and its town centre.
- 5.5. The production of the Framework has been informed by engagement and consultation stages including:-
- Workshops with residents, businesses and landowners across the site in April and August 2018. Individual meetings have also been held with Middlewich Town Council and the Canal & River Trust.
 - Public consultation on the initial draft of the SPD in January / February 2019.
 - Public consultation on the final draft of the SPD in January / March 2020, alongside a report of consultation detailing the comments received on this initial draft of the SPD.
- 5.6. The final draft of the SPD and Report of Consultation (regarding the initial draft) were the subject of six weeks public consultation concluding on the 4 March 2020. The documents were published on the Council's website and hard copies were placed in the customer service centres at Crewe and Macclesfield, the Council offices at Westfields and Middlewich Library.
- 5.7. In total 24 representations were received from 23 parties (including three comments received after the closing date). A summary of the issues raised and the proposed response to these is set out in the Report of Consultation, prepared for the final draft of the Framework, in Appendix 1 of this report.
- 5.8. The representations received covered a wide range of matters, however the key issues raised by businesses and residents related to:
- the provision of infrastructure on the site;
 - improvements to highways, particularly access into the area;

- the provision of a train station; and
- the relationship of new housing with existing retained employment uses on the site.

5.9. The responses have been carefully considered and a number of modifications are proposed to the document in the light of this feedback. This is set out in the Report of Consultation (Appendix 1) and are incorporated into the final draft of the Framework (Appendix 2). These final changes to the framework are quite limited, as might be expected at this late stage of its development, and include:

- Additional reference to cycle parking added to section 5.1.2 (use, amount and density parameter) under the Train Station heading;
- Additional text added to section 5.1.3 (access parameter) to make reference to 'active design' principles advocated by Sport England;
- Additional text added to section 5.1.3 (access parameter) to refer to development proposals having appropriate regard to any material impact on railway crossings.
- Additional guidance about sustainable drainage considerations associated with new development proposals added to section 5.2 (development parameters and delivery considerations (point 5));
- Additional text added to section 5.3.1 (point 4) to ensure appropriate regard is given to connectivity with the canal.

5.10. Strategic Planning Board will consider the proposed adoption of the Framework as a SPD at its meeting on 26 August 2020. As this post-dates the publication of this Cabinet report, the Strategic Planning Board's views will be reported at the Cabinet meeting.

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 governing the preparation and adoption of SPDs. These include the requirements in Section 19 of the 2004 Act and various requirements in the 2012 Regulations including in Regulations 11 to 16 that apply exclusively to producing SPDs.

- 6.1.2 Amongst other things, these require a SPD to contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies.
- 6.1.3 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 6.1.4 Supplementary Planning Document(s) 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 Document(s) are capable of being a material consideration in planning decisions but are not part of the development plan.
- 6.1.5 The process for preparing a SPD 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:
- Publish the initial draft SPD for six weeks public consultation.
 - Consider feedback received and make any changes necessary.
 - Publish the final SPD along with a consultation statement setting out who has been consulted in its preparation, the main issues raised in feedback and how those issues been addressed in the final draft SPD.
- 6.1.6 Having considered representations, the SPD may then be adopted. Following adoption it must be published and made available along with an adoption statement in line with the 2012 Regulations. There is no legal requirement for SPDs to be accompanied by Sustainability Appraisal, and this is reinforced in national planning guidance. However, “in exceptional circumstances” there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (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 and consulted upon in the development of the SPD which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required.
- 6.1.7 The final proposed changes to the framework are limited in their extent and do not give rise to the need to revisit the SEA (or Habitats Regulations Assessment) screening.

6.2 Finance Implications

- 6.2.1 There are no significant direct financial costs arising from the approval to adopt the SPD. The costs of printing and the staff time in developing the SPD are covered from existing budgets of the planning service.

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 is consistent with the Local Plan Strategy which was itself subject to an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal.
- 6.4.3 An EqIA 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
- 6.4.4 The final proposed changes to the framework are limited in their extent and do not give rise to the need to revisit the EqIA.

6.5 Human Resources Implications

- 6.5.1 There are no implications for human resources.

6.6 Risk Management Implications

- 6.6.1 The subject matter of the report does not give rise to the need for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).
- 6.6.2 Adoption of the SPD is subject to a three month period during which legal challenges can be made.

6.7 Rural Communities Implications

6.7.1 There are no implications for rural communities. The SPD addresses a brownfield site in the settlement of Middlewich.

6.8 Implications for Children & Young People/Cared for Children

6.8.1 The Framework includes the provision of family housing, community facilities and enhanced connections from the site into the town centre. The future development of the site should be supported by active design principles (advocated by Sport England) to support physical activity and healthy and sustainable communities.

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 The construction of new buildings generally gives rise to additional carbon emissions. However, the site is located within the built up area of Middlewich and future residents would 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. The provision of a new rail station and passenger service, if this is achieved in the future, will provide some people with a more sustainable transport choice. Other policies in the Local Plan regarding climate change mitigation and adaptation will 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 This is set out earlier in this report and has most recently involved six weeks consultation during January / March 2020. Following this, all comments have been considered and modifications proposed to the SPD, so that it is ready for adoption.

8.2 The consultation period for the Brooks Lane Masterplan was between Wednesday 22 January and Wednesday 4 March 2020. At the close of the consultation, the public was not in formal 'lockdown' in relation to COVID 19 and libraries / council buildings remained open throughout the consultation period.

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)

Brooks Lane Masterplan Equalities Impact Assessment -

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/equality-and-diversity/equality_analysis.aspx

10 Contact Information

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

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