

Middlewich Draft Neighbourhood Development Plan – Consultation Responses – 8th August – 26th September 2018

Table 2 Cheshire East Council Comments

Page No.	Para. No.	Vision/ Objective / Policy No.	Support / Object / Comment	Comments received	Parish Councils' Consideration	Amendments to NP
1.0 All			Comment / Support	<p><u>Middlewich Neighbourhood Plan: CEC Regulation 14 Comments</u></p> <p>Annex 1 of the revised NPPF (published July 2018) sets out transitional arrangements for the examination of local and neighbourhood plans. Where neighbourhood plans are submitted on or before 29th January 2019, such plans will be examined against the policies in the previous Framework. The response provided here is therefore based on the 2011 Framework.</p> <p>This plan is clearly the result of much hard work and dedicated effort by the Town Council, steering group and local residents who have contributed to its production and should be applauded for embracing the</p>	Noted.	No change.

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				<p>concept of local plan making.</p> <p>The ideas presented represent a very meaningful contribution to the local planning framework and have the real potential to help shape sustainable development in Middlewich over the coming years ahead. The purpose of this representation by the Borough Council is to comment on the Regulation 14 Pre-Submission consultation on the Middlewich Neighbourhood Plan and provide constructive advice to refine policies and identify any issues that may be problematic to the neighbourhood plans successful progress through an examination.</p> <p>The Council is always happy to engage in more detailed discussion on representations it makes to neighbourhood plans and the advice provided is done so in the spirit of collaboration to achieve a positive outcome</p>		

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				<p>for our communities. Neighbourhood plan policies must be in general conformity the strategic policies of the adopted local plan, should be clear and unambiguous and be supported by robust, yet proportional evidence. Comments here specifically consider the policy approach taken by the Town Council with these factors in mind, provide guidance on proposed policies and whether conflict is likely to arise between the neighbourhood plan and the Cheshire East Local Plan Strategy. More general comments are also included for consideration. The Council has recently published and is consulting on its draft Site Allocations and Development Policies Document (SADPD). This document sets out additional nonstrategic land allocations and addresses a suite of detailed development</p>		

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				management issues. Whilst this document is currently at draft stage, there are some issues relevant to the Middlewich neighbourhood plan related to the boundary of the town centre, local centres, and the settlement boundary. These are addressed in more detail in direct comments on a policy by policy basis.		
2.0 All			Comment / Support	<p>General Recommendations:</p> <p>The plan is very clear to read, flows logically and is set out in a rational manner. It is well laid out, clear to understand and follows a logical progression. The inclusion of a summary of evidence and research, within the justification to each policy is generally helpful and informative.</p> <p>The vision and objectives of the plan are clear, set a strong framework for the plan and provide a natural link between</p>	Noted.	No change.

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				the overall objectives of the plan and the policies chosen.		
3.0			Vision	<p>Vision:</p> <p>The vision for Middlewich sets a positive set of objectives covering many issues related to sustainable planning.</p>	Noted.	No change.
4.0	All		Policies	<p>Detailed Policy Comments:</p> <p>The following section details comments on specific policies in the neighbourhood plan. In forming this response the Council has given consideration to guidance in the NPPF, the Neighbourhood Planning Regulations 2012 (2015), the Localism Act and advice held in the Planning Practice Guidance regards neighbourhood planning:</p> <p><i>A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with</i></p>	Noted.	No further changes - see below.

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				<p><i>confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.</i></p> <p>Comments below are intended to assist the Town Council and Neighbourhood Plan Steering Group in finalising its preferred plan prior to submission to the Local Authority. It should be noted that should the neighbourhood plan substantially and materially change in response to these and other representations, then it may be necessary to hold a second Regulation 14 consultation.</p>		
5.0		OS1	Comment	Site Allocations:	The Town Council through	Amend NDP.

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				<p>The written ministerial statement of 2016, alongside proposed revisions to the NPPF indicate a change in government policy on the tests to be applied when considering planning applications in locations with a neighbourhood plan that allocates development sites. There are substantial benefits to allocating development sites via the neighbourhood planning process, both in terms of delivering sustainable development and retaining a plan lead approach through delivering local housing need. The parish council are therefore advised to investigate this option.</p>	<p>the steering group does not intend to identify further site allocations to those proposed in the Local Plan at this stage.</p> <p>However the NDP does note several proposed Town Centre Opportunity Sites. These should be identified on a map and included in the Submission Plan as town centre site allocations. Similarly TC5 is a site allocation and should be identified on a map.</p>	<p>Insert site maps for Town Centre Opportunity Sites and TC5 Land off Wheelock Street so that they can be considered as site allocations in the NDP.</p>
6.0		TC1	Comment	<p>TC1: Enhancing Vitality and Viability</p> <p>The LPA has recently published its own review of, and revised approach to, town centres including establishing town</p>	<p>Noted.</p> <p>For flexibility the policy could refer to the most up to date adopted town centre boundary.</p>	<p>Amend NDP.</p> <p>Refer to most up to date adopted town centre boundary in Policy TC1.</p>

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				<p>centre boundaries. To reflect the uses directly associated with retail and a town centre function, the SADPD proposes a revised town centre boundary which is much tighter and smaller than that outlined in the Congleton Borough Local Plan. The neighbourhood plan relies on the town centre boundary as set out in the Congleton Borough Local Plan.</p> <p>It is important to note that this boundary is proposed to be amended and therefore, unless the neighbourhood plan wishes to introduce an alternative boundary within the plan itself, in the future it is likely that TC1 will be applied to the boundary as set out in the emerging SADPD (or an amended version of that boundary).</p> <p>Therefore, to avoid confusion it may be helpful to include the Congleton Borough Local Plan Town Centre Boundary for</p>		

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				Middlewich directly in the neighbourhood plan. Alternatively, should the town council wish to rely on the recently proposed boundary in the SADPD, this could be used instead.		
7.0		TC1	Comment	<p>Draft policy RET7 of the SADPD sets out the approach the Council anticipates will be applied in the primary shopping areas. Essentially this restricts primary frontages to an A1 use class and requires that a loss of a retail use can only be supported in limited circumstances.</p> <p>Points 3 and 4 of the draft policy state:</p> <p><i>3. In a primary shopping area, defined local centre or defined local urban centre:</i></p> <p><i>i. development proposals for class A1 retail development or</i></p>	<p>Accepted.</p> <p>Delete previous wording and insert new proposed CDC wording.</p>	<p>Amend NDP.</p> <p>Delete "Subject to... " to end of 4.</p> <p>Replace with CEC wording. "In the most up to date adopted primary shopping area:</p> <ol style="list-style-type: none"> 1. development proposals for class A1 retail development or investment to enhance existing class A1 retail provision will be supported in principle. 2. development proposals involving the loss of retail or main town centre uses will not be permitted unless it can be demonstrated that there is no reasonable prospect of the

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				<p><i>investment to enhance existing class A1 retail provision will be supported in principle.</i></p> <p><i>ii. development proposals involving the loss of retail or main town centre uses will not be permitted unless it can be demonstrated that there is no reasonable prospect of the existing use of the premises, or another town centre use, continuing in the premises or on the site in the foreseeable future because of market demand.</i></p> <p><i>4. In addition to criterion (3.ii) above, development proposals involving the loss of a retail use in a primary shopping frontage will only be permitted where the proposal:</i></p> <p><i>i. is for another main town centre use; ii. provides an active ground floor use that promotes pedestrian footfall;</i></p> <p><i>iii. does not result in an over-concentration of non-A1 uses in the primary shopping frontage;</i></p>		<p>existing use of the premises, or another town centre use, continuing in the premises or on the site in the foreseeable future because of market demand.</p> <p>In addition to criterion 2. above, development proposals involving the loss of a retail use in a primary shopping frontage will only be permitted where the proposal:</p> <p>3. is for another main town centre use;</p> <p>4. provides an active ground floor use that promotes pedestrian footfall;</p> <p>5. does not result in an over-concentration of non-A1 uses in the primary shopping frontage;</p> <p>6. does not unacceptably undermine the predominant retail character of the primary shopping frontage; and</p> <p>7. does not result in a significant break in retail uses along the primary shopping</p>

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				<p><i>iv. does not unacceptably undermine the predominant retail character of the primary shopping frontage; and</i></p> <p><i>v. does not result in a significant break in retail uses along the primary shopping frontage</i></p> <p>The neighbourhood plan's current approach is more permissive than the emerging SADPD policy and it is recommended the steering group review this position to ensure they are comfortable with the neighbourhood plan policy as written.</p>		frontage."
8.0		TC4	Comment	<p>Policy TC4: Markets</p> <p>Given the focus of the neighbourhood plan is clearly to support the town centre, it may be desirable to introduce a further caveat here.</p> <p>At paragraph 4 it is recommended the text is amended to read:</p>	<p>Accepted.</p> <p>Revise policy wording as suggested.</p>	<p>Amend NDP.</p> <p>Amend Policy TC4:</p> <p>Delete paragraph 4 and replace with:</p> <p>" Proposals for farm shops will be supported where they are:</p> <p>1. of a small scale ; and</p>

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				<p>'Proposals for farm shops will be supported where they are:</p> <ol style="list-style-type: none"> 1. of a small scale 2. and do create significantly harmful effects on local amenity, highways or heritage assets; and 3. there is no significant adverse impact on the vitality of the town centre.' 		<p>2. do not create significantly harmful effects on local amenity, highways or heritage assets; and</p> <p>3. there is no significant adverse impact on the vitality of the town centre."</p>
9.0		TC6	Comment	<p>TC6 : Locations Outside the Town Centre</p> <p>It would be helpful to provide a map of the locations referred to and review the borough council's own emerging policy on this issue, policy RET6: Neighbourhood Parades of Shops.</p>	<p>Accepted.</p> <p>The Submission NDP will include maps showing the sites.</p>	<p>Amend NDP</p> <p>Include maps showing the locations of the 2 areas identified in TC6.</p>
10.0		DH1	Comment	<p>DH1: General Principles If the wording of the last two sentences of bullet point 4 is to be retained, it is recommended to be altered to:</p> <p>Exposed timber-framed</p>	<p>Accepted.</p> <p>Amend Policy DH1 as suggested.</p>	<p>Amend NDP.</p> <p>Amend Policy DH1 bullet point 4.</p> <p>Delete point 4 and replace with: "Exposed timber-framed buildings, render or</p>

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				buildings, render or pebbledash over a brick plinth or lower half are acceptable design features to be incorporated into new buildings.		pebbledash over a brick plinth or lower half are acceptable design features to be incorporated into new buildings."
11.0		DH5	Comment	<p>DH5</p> <p>The term safeguarded is often used to refer to green belt land reserved for future development beyond the plan period. For clarity it would help to qualify that the blue and green routes are to be safeguarded from new development or preserved. The second sentence may more accurately refer to buildings 'adjoining the routes'.</p>	<p>Accepted.</p> <p>Amend Policy DH5 as suggested.</p>	<p>Amend NDP.</p> <p>Amend Policy DH5:</p> <p>Delete first 2 sentences and replace with:</p> <p>"The Special Blue and Green Routes will be protected from new development. Proposals for new buildings adjoining the routes will be required to address the routes positively through the design and layout of schemes."</p>