

## **Cabinet Member for Housing and Planning Agenda**

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**Date:** Tuesday, 21st March, 2017  
**Time:** 2.00 pm  
**Venue:** Committee Suite 3, Westfields, Middlewich Road, Sandbach  
CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

**2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

**3. Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

**4. Macclesfield Local Development Orders (Pages 3 - 92)**

To authorise the commencement of the formal period of consultation for two Local Development Orders in Macclesfield Town Centre.

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For requests for further information

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## CHESHIRE EAST COUNCIL

### REPORT TO PORTFOLIO HOLDER

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**Date of Meeting:** 21 March 2017

**Report of:** Sean Hannaby – Director of Planning and Sustainable Development

**Subject/Title:** Macclesfield Local Development Orders (LDOs)

**Portfolio Holder:** Councillor Ainsley Arnold - Housing and Planning

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#### 1.0 Report Summary

- 1.1 This report seeks the approval of the Portfolio Holder to begin a period of Public Consultation on two proposed Local Development Orders (LDOs) for Macclesfield Town Centre.
- 1.2 LDOs are made by Local Planning Authorities (LPA) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a LPA. They create certainty and save time and money for those involved in the planning process. The primary function of an LDO is to accelerate the delivery of much needed development.
- 1.3 As a result of a Cabinet resolution in September 2014 it was decided that a pilot approach for LDOs within Macclesfield should be developed. This ultimately formed the basis of a successful bid for funding to The Department for Communities and Local Government (DCLG) to enable the development of two residential led LDOs in Macclesfield.
- 1.4 Following a number of conversations with landowners and interested parties, Public Consultation on the boundaries of the two LDO areas took place over a 6 week period which ran from 3 August 2016 until 13 September 2016. The feedback received from landowners and interested parties during this time has been analysed and now informs the current position on the LDOs. This has also been influenced by discussions that have taken place with the relevant Statutory Consultees. We have since prepared a Statement of Consultation which is available at **Appendix 1**.
- 1.5 Further consultation is now required in order to formalise the boundaries of the LDO areas, to allow for comments on the supporting evidence and to test the robustness of the LDOs. The final red line boundaries can be found at **Appendix 2**.
- 1.6 Subject to a positive Public Consultation exercise and any subsequent revisions following consultation the final decision to adopt the LDOs will be made by Strategic Planning Board (SPB).

## **Timescales**

1.8 The next milestones, following approval at Portfolio Holder, are as follows:

- 29 March 2017 – 26 April 2017 – Public consultation on draft/proposed LDOs and supporting evidence;
- 1 May 2017 – 16 June 2017 – Processing of representations and modifications;
- 28 June 2017 – Final LDOs to be submitted to SPB; and
- 3 July 2017 – Adoption of LDO / LDO comes in to force. The LDOs will have a lifespan of 5 years.

## **2.0 Recommendations**

2.1 It is recommended that the Portfolio Holder authorises the commencement of the formal period of Public Consultation on the two proposed LDOs; and

2.2 That the Portfolio Holder authorises the Director of Planning and Sustainable Development to approve any amendments required to be made to the LDOs as a result of those responses received through Public Consultation, this ahead of the final LDO being presented to SPB for its adoption.

## **3.0 Reasons for Recommendations**

3.1 It is hoped that these LDOs will act as a catalyst to bring forward brownfield sites within Macclesfield and could result in owners of sites, which otherwise would not have been considered for residential use, to explore this as viable option.

3.2 Public Consultation is a statutory requirement of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO 2015). This requires that consultation is carried out with prescribed bodies and any person affected by the LDO as per a conventional planning application.

3.3 The Council intends to undertake a formal Public Consultation process which will fully comply with the requirements outlined in the DMPO 2015.

## **4.0 Wards Affected**

4.1 Macclesfield Central and Macclesfield Tytherington.



## **5.0 Local Ward Members**

- 5.1 Cllr Ainsley Arnold and Cllr Janet Jackson were briefed on the LDOs in December 2015 and further conversations have been held since, with the most recent briefings taking place in February 2017.
- 5.2 Cllr Beverley Dooley and Cllr Nick Mannion have also been briefed as they represent neighbouring wards.

## **6.0 Policy Implications**

- 6.1 The Council has a Brownfield First policy which looks to promote development on brownfield sites. The use of these LDOs is in line with this strategy as it intends to bring forward brownfield sites within the defined areas for residential development.
- 6.2 The emerging Local Plan also states that one of the policy principles underpinning the overall vision is to develop brownfield sites, where possible, to minimise the use of Greenfield, Green Gap, Open Countryside or Green Belt sites.

### **Cheshire East Local Plan Strategy (LPS)**

- 6.3 The Cheshire East LPS is a Strategic Local Plan which includes the allocation of Strategic Sites (5 ha or larger). It will be followed by a more detailed second stage – the Site Allocations and Development Policies Development Plan Document (DPD). The relevant policy of the Cheshire East LPS is Policy SL4, which states “within the area identified as Central Macclesfield, the Council will look to maximise opportunities for improvement and regeneration” and goes on to state that this can be achieved by (amongst other complementary uses) the delivery of new dwellings. Both LDOs fall within the remit of SL4.
- 6.4 Issues and Options on the Cheshire East Local Plan Strategy were published for consultation in December 2011 and a Preferred Options Local Plan was issued for consultation in December 2012. A Pre-Submission plan was consulted on during the Autumn of 2013 and the Submission Version plan was subject to consultation during March and April 2014, prior to its formal submission in May 2014.
- 6.5 Three weeks of Examination followed in September/October 2014 following which Inspector’s Interim views were published in November 2014. These views identified serious shortcomings with certain elements of the Plan and as a consequence the Examination was suspended whilst further work was carried out. This was completed by July 2015 in line with the Inspector’s timetable and suspension of the Examination was lifted in August 2015. A further fortnight of hearings followed in October and in December 2015 the

Inspector's Further Interim Views were published. On this occasion the Inspector was broadly content with the Council's approach:

*"CEC has responded to all the main concerns raised in my earlier Interim Views in its evidence, reports and statements to the examination and hearings. In general terms, the additional evidence and studies produced during the suspension of the examination seem to have addressed most of the main concerns about the adequacy of the original evidence set out in my Interim Views, published in November 2014."* [para. 91]

- 6.6 As a consequence of these positive further views the Council prepared a comprehensive set of Proposed Changes – and these were the subject of formal consultation between 4 March and 19 April 2016. Representations received were then considered at 6 weeks of hearings held between 13 September and 20 October 2016. In his closing remarks the Inspector explained the next steps:

*"At this stage, I envisage preparing a short report outlining any further work the Council may need to undertake, along with any further amendments – Main Modifications – needed to ensure that the Plan is sound and can be adopted; I aim to publish this by the end of this year."* [para. 7]

- 6.7 This short report was issued on 13 December 2016. This report, headed "Inspector's Views on Further Modifications needed to the Local Plan Strategy" reached key conclusions. Firstly that the conclusions made in the Further Interim views still stood:

*"I consider that no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions on the Duty to Co-operate, the overall development strategy, including the revised amount of housing and employment land proposed and the objective assessment of housing need, the settlement hierarchy, the policies for the Green Belt and Safeguarded Land, and the revised spatial distribution of development."* [para. 3]

- 6.8 With this mind, significant weight can now be attributed to the LPS, particularly with Policy SL4 – Central Macclesfield to which the proposed LDOs fall directly within remit of.

## **7.0 Financial Implications**

- 7.1 In April 2015 the Council was successful with a bid for £100,000 to help facilitate the creation of the two LDO neighbourhoods in Macclesfield.
- 7.2 Any costs to the Council which are as a result of the Public Consultation process will be deducted from the funds acquired from DCLG. There is a financial risk that the project spend could exceed this amount however it is deemed that the cost of Public Consultation would have no great impact on

the overall budget of the project and so there is little to no risk of this happening.

- 7.3 Establishment of the LDO effectively grants detailed planning consent for future residential development (and appropriate ancillary uses as set out by the Consent Order) to come forward without the need for further individual planning applications. This will represent a loss of future planning fees but this is viewed as a beneficial step to help promote new residential development in Macclesfield Town Centre. Overall, any loss of planning fees will be fairly immaterial given the relative size of each of the parcels making up the two LDOs (and likely level of development) and some costs will be recouped during the discharge of conditions stage which will balance these potential risks.

### **8.0 Legal Implications**

- 8.1 There is a legal process through which the bringing into effect of LDOs is achieved. There is a risk of challenge in the event that the process is not followed, but that can be adequately managed by having full regard to the necessary requirements afforded by the DMPO (set out at Chapter 3 of **Appendix 1**).

### **9.0 Risk Management**

- 9.1 The conditions of the bid to DCLG require that the LDO process keeps to certain agreed key dates. Due to the complexities with the project there has been slippage of certain stages.
- 9.2 Whilst DCLG have so far shown their understanding with regards to the time that the project has been taking to deliver, it should not be assumed that this leniency is boundless and it is highly likely that DCLG will want to see the process moved forward soon. Whilst the delays have so far been managed through regular communication with DCLG there is always the chance, if the project stalls further, that the funding for this project could be lost and hence the need to proceed to Public Consultation.

### **10.0 Background**

- 10.1 In September 2014 Cabinet considered a report which discussed the Council approach to promoting development on brownfield sites across Cheshire East and subsequently enabled provided approval for the Council to explore preparing pilot LDOs in Macclesfield.
- 10.2 Following a successful bid, in April 2015 the Council secured £100,000 funding from DCLG to help it facilitate the creation of two LDO areas in Macclesfield Town Centre.

- 10.3 The Council has carried out the necessary pre-consultation with stakeholders in order to establish support for the LDOs. There have been a number of meetings which have been attended by Members and the Council has, in conjunction with their chosen Project Manager for the LDO process (AECOM), been continuously engaging with interested parties.
- 10.4 An initial period of Public Consultation on the two LDO areas took place over a 6 week period, which ran from 3 August 2016 until 13 September 2016, and was intended to ensure that the correct boundaries were being used for the LDOs. As a result of this consultation the boundaries were amended to reflect feedback from some landowners who did not wish their properties to fall within the LDO area. The responses received have been collated and are contained within a Statement of Consultation (found at **Appendix 1** and on the Council's website).
- 10.5 Following the initial period of Public Consultation a large amount of technical work has been carried out. This includes Transport Impact work, EIA Screening Opinion Request Letters (where an EIA was deemed not to be required) (found at **Appendix 3**) and formal advice from Air Quality, Noise and Design Officers within the Council. There is also a pending Design Statement, the initial inputs from which will be made available at the period of Public Consultation during March / April.
- 10.6 Now that these stages in the LDO process have been completed Council Officers are seeking approval to begin the process of formal Public Consultation which would enable them to move closer to adoption of the LDOs during Summer 2017. The final decision to adopt the LDOs will be made by SPB.

#### **Documents to be Consulted on / Appendices**

- 10.7 The Council intends to consult on a suite of documents during the upcoming period of consultation. Whilst much of this work has already been completed some of the studies are still being prepared. The following table provides an update on the documents which will be available for consultation and their current status.
- 10.8 The main document to be consulted on is the Draft LDO Consent Order / Conditions which sets out the maximum parameters (uses / floorspace) which would constitute appropriate development for each of the development parcels. It also seeks to identify a number of conditions which must be complied with / discharged prior to any development taking place and subject to LPA approval, this has been subject to conversations with a number of internal colleagues and will be further refined throughout the period of Public Consultation. The version provided at this stage is for information.

Name of Document	Current status
Statement of Consultation	Complete ( <b>Appendix 1</b> )

Name of Document	Current status
	An Addendum will be produced following the period of Consultation in March / April to reflect those responses received
Red Line Boundaries (Northside and Whalley Hayes)	Complete ( <b>Appendix 2</b> )
EIA Screening Opinion Request Decision	Complete ( <b>Appendix 3</b> )
Draft LDO Consent Order / Conditions	Working Draft ( <b>Appendix 4</b> )
Statement of Reasons	Complete ( <b>Appendix 5</b> )
Transport Impact Assessment	Complete
Air Quality Impact Assessment (to include Noise / Dust Mitigation Statement)	In progress (to follow)
Design Statement	In progress (to follow)

## 11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting the Report writer:

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# **Statement of Consultation: Macclesfield Local Development Orders (LDOs) – Northside and Whalley Hayes**

October 2016

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## 1.0 Background

- 1.1. In line with national policy Cheshire East is committed to ensure that brownfield sites are brought forward for development and there are a number of brownfield sites that have been identified in Principal Towns and Key Service Centres across the borough, which are suitably located for residential development. Bringing these sites forward for development would reduce the need for development on greenfield land and support the regeneration of key towns. It is hoped that these pilot LDOs will act as a catalyst to bringing forward brownfield sites within Macclesfield and could result in the owners of sites which otherwise would not have been considered for residential use to explore this as viable option, over the next 5-7 years
- 1.2. On 16<sup>th</sup> September 2014 Cabinet considered a report which set out proposals to facilitate the development of more brownfield sites across Cheshire East and subsequently endorsed proposals which sought for Cheshire East Council to be at the forefront in the development of Local Development Orders (LDOs).
- 1.3. LDOs are made by local planning authorities (LPA) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a LPA. They create certainty and save time and money for those involved in the planning process. The primary function of an LDO is to accelerate delivery of much needed development.
- 1.4. As a result of the Cabinet resolution in September 2014 it was decided that a pilot approach within Macclesfield should be developed. This ultimately formed the basis of a bid for funding to The Department for Communities and Local Government (DCLG) to enable the development of two residential led LDOs in Macclesfield.
- 1.5. In April 2015 the Council was successful in their application to DCLG and was awarded funding to facilitate the development of the LDOs in Macclesfield. Two neighbourhoods were identified (see Figures 1 and 2, page 8) which have been subsequently referred to as Whalley Hayes and Northside. These neighbourhoods were chosen as they contain a cluster of brownfield sites within a specified geographical area and are seen to have the potential to be brought forward for residential use.
- 1.6. This consultation statement has been prepared to demonstrate that the legal obligations of preparing a LDO have been met (see Section 3).

## 2.0 Public Consultation

2.1. A number of communication tools and public engagement events have been utilised to publicise the draft LDOs and gauge views on the proposals. The appendices include the detail of these stages and communication/publication materials:

- Email invitations to April workshop (see Appendix III)
- Letter invitations to April workshop (see Appendix IV)
- 12<sup>th</sup> April Public Workshop and FAQs (see Appendix V – agenda)
- August Newsletter (see Appendix VI)
- August Survey (see Appendix VII)
- August & September Workshop Attendance (see Appendix VIII)
- Macclesfield Express Article August 2016 (Appendix VIII)

2.2. Appendix I sets out a summary of the representations and suggested amendments for the August to September consultation on the draft LDO boundaries. Appendix II sets out the results from the August survey.

2.3. Prior to the first consultation meetings and discussions Council officers conducted a detailed stakeholder mapping exercise:

- Land Registry searches were conducted and compiled for the draft areas in question in order to identify some of the key stakeholders / landowners;
- Following this Business Rates records were analysed to identify other major freeholders for a series of key properties that did not show up on Land Registry search

2.4. Individual meetings, calls and written correspondence were used with the main landowners and freeholders to further refine the draft boundaries for each area, including (but not limited to): The Royal Mail Group, BT Group, Estates and Leisure, Cyprotex, CEC Estates, Cheshire Constabulary. Subsequent to discussions with individuals and organisations (highlighted through stakeholder mapping), a wider mail out was sent in an attempt to capture any freeholders not previously contacted. The mail out invited recipients to the first public workshop on 12<sup>th</sup> April 2016 (see Appendix III and IV).

- 2.5. A further measure to publicise the LDOs project was a presentation made to the Macclesfield Town Centre Vision Stakeholder Panel on 29<sup>th</sup> September 2016 to ascertain preliminary views from those engaged on the town's visioning project.
- 2.6. The Council has sought the opinion of parties likely to be affected by the proposed areas and has been in pre-consultation with stakeholders for a number of months in order to establish support and ultimately formalise the boundaries of the two neighbourhoods. To support these early discussions a Frequently Asked Questions (FAQs) document was produced and shared with parties invited to discuss the proposals with the local planning authority (LPA) at an April workshop (see Appendix V).
- 2.7. Members representing Wards which adjoin or lie within the proposed neighbourhoods have been briefed on the LDO process throughout. Prior to the first public workshop consultation a Member briefing was held on 3<sup>rd</sup> December 2015 (attended by Cllr Jackson, Cllr Arnold and Cllr, Dooley) to discuss the process of preparing an LDO and to gauge local politicians' views on the proposed draft boundaries for Northside and Whalley Hayes. The. Further updates were provided on the 12<sup>th</sup> April (attended by Cllr Dooley) and 16<sup>th</sup> May (attended by Cllr Mannion). All workshops held to date have included invitations to local Councillors.
- 2.8. Consultation with Council officers was also undertaken to feed in the views of technical specialists as the project has evolved. Council officers met on 17<sup>th</sup> February for a Cross-Departmental Workshop attended by representatives from the following departments:
- Strategic Housing
  - Spatial Planning
  - Development Management
  - Contaminated Land / Environmental Health
  - Ecology
  - Conservation / Design / Heritage
  - Landscape Design
  - Regeneration
  - Highways
- 2.9. A defined pre-consultation period (following the stakeholder mapping and first launch workshop) running from August – September 2016 was held to invite views on the first iteration of the draft boundaries and to seek early views on the potential content of the LDOs.

- 2.10. E-mails were sent to the same recipients in advance of the public workshops held on 10th August 2016 and 6th September 2016 as part of the consultation publicity. In addition to publicising the events online an article featured in a local newspaper following a press release (see Appendix VIII). Draft boundaries for both LDO areas have emerged following these extensive attempts over a number of months to make contact with interested parties. Figures 1 and 2 (page 8) identify the current extent of the red line boundaries under consideration. The boundaries shown have evolved following the programme of pre-consultation described above. At the time of writing (November 2016) figures 1 and 2 are subject to change as some landowners have not yet fully inputted their views or specific follow up conversations are pending to confirm matters such as ownership boundaries and easements affecting particular sites.
- 2.11. Following wider consultation with landowners, developers and other local stakeholders, Council officers (including technical experts from a variety of disciplines) participated in internal workshops on 17<sup>th</sup> October and 23<sup>rd</sup> November 2016 to provide technical views on the emerging boundaries and to invite suggestions on possible parameters/conditions that should be attached to the draft LDOs in order to bring forward sustainable developments.
- 2.12. A further period of public consultation will take place on the LDOs prior to adoption. This consultation shall factor in aspects of emerging evidence pertaining to a transport, air quality, noise and shall include consideration of design issues for each area. Consultation will also encompass garnering feedback on any draft conditions and detailed provisions of the LDOs.
- 2.13. All consultation to date has been undertaken in accordance with the Council's Statement of Community Involvement<sup>1</sup>. Formal consultation for a minimum of 28 days, as covered in the relevant LDO legislation<sup>2</sup>, has not yet been held. As such all engagement thus far has been over and above the requirements set down in the legislation governing the production of an LDO. This focus on pre-consultation has been aimed at increasing awareness and understanding of LDOs as a statutory tool. Conversations with Statutory Consultees (e.g. Natural England, Historic England etc.) are expected in the next stage to inform the LDO and its related consent order.

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<sup>1</sup> Accessed at:

[http://www.cheshireeast.gov.uk/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/community\\_involvement.aspx](http://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community_involvement.aspx)

<sup>2</sup> Sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Figure 1 Draft Northside LDO boundary



Figure 2 Draft Whalley Hayes LDO boundary





### 3.0 Statutory requirements for LDO Consultation

- 3.1. This section details the formal requirements, set down in legislation, that must be followed for the forthcoming formal consultation period. The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3.2. The procedural requirements for publicity and consultation for a draft LDO are set out in the following section:

#### Publicity

- 3.3. Council's must publish information about the LDO consultation on their website (DMPO 2015 Article 38 (6)) and in the local newspaper (DMPO 2015 Article 38 (6) and (14)) to ensure that the press coverage (taken as a DMPO 2015 Article 38 (6) and (14) the local newspaper whole) extends to the whole of the area to which the LDO relates. The information should include details of:
- the draft LDO
  - the Environmental Statement (if applicable)
  - the Statement of Reasons
  - the availability of those documents for inspection, and the places where and times when they can be inspected; and
  - the date by which representations on the draft LDO must be received, which must be at least 28 days after the notification was first published.
- 3.4. The local planning authority must also give notice of their proposal to make the order by site display in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 (or in a form substantially to the same effect), and, leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed by site display. Where the notice is removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement. The local planning authority is to serve a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority, and specifying in the notice a date by which representations on the draft LDO must be received, which must be not less than 28 days



from the date on which the notice was displayed by site display or served, as the case may be.

### **Consultation**

3.5. Consultation with the prescribed bodies (DMPO 2015 Article 38 (3)) is required. Where a local planning authority has prepared a draft LDO, they must consult the following persons whose interests the authority consider would be affected by the order if made:

(b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;

(c) Natural England;

(d) the Environment Agency;

(e) Historic England;

(f) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;

(g) a strategic highways company any part of whose area is in or adjoins the area of the local planning authority;

(h) any person—

(i) to whom the electronic communications code applies by virtue of a direction given under section 106(3) (a) of the Communications Act 2003 (application of the electronic communications code) (5); and

(ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;

(i) any of the following persons who exercise functions in any part of the area of the local planning authority— (i) a clinical commissioning group; (ii) the National Health Service Commissioning Board; (iii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc); (iv) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters); (v) a sewerage undertaker; (vi) a water undertaker;

(j) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;

(k) bodies which represent the interests of persons who share a protected characteristic in the local planning authority's area;

(l) bodies which represent the interests of persons carrying on business in the local planning authority's area.

- 3.6. Consult any person affected by the LDO as per a conventional planning application (DMPO 2015 Article 38 (4) Planning and Compulsory Purchase Act 2004 s18 (2)). The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order. This would be the entire authority if promoting an authority-wide LDO.
- 3.7. Councils should have consideration for the requirements of the Statement of Community Involvement<sup>3</sup> both in the preparation of an LDO and in undertaking formal consultation. The Statement of Community Involvement is a statement of the authority's policy as to the involvement of "persons who appear to the authority to have an interest in matters relating to development in their area" in the exercise of the authority's functions for the production of Development Plan Documents and the control of development under Part 3 of the 1990 Act. Development Orders and planning permissions both fall under Part 3.
- 3.8. The Council must place the draft LDO and Statement of Reasons on the planning register (DMPO 2015 Article 41 (4) and (5)). A copy of each draft LDO and the Statement of Reasons must be placed on the planning register when the draft is sent for consultation.
- 3.9. In undertaking the consultation, the local planning authority must: (DMPO 2015 Article 38 (5)):
  - send a copy of the draft order and the Statement of Reasons to the consultees;
  - specify a consultation period of not less than 28 days; and
  - take account of all representations received by them during the period specified
- 3.10. During consultation the local planning authority must make a copy of the draft LDO, the Environmental Statement and Statement of Reasons available for inspection at their principal office during normal working hours; and at such other places within their area as they consider appropriate
- 3.11. Finally the Council must consider representations received (DMPO 2015 Article 38 (9) and (10)). Following publication on the website, display of site notice(s) and serving notice on owners or tenants; an LPA must, in considering what modifications

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<sup>3</sup> Accessed at:  
[http://www.cheshireeast.gov.uk/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/community\\_involvement.aspx](http://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community_involvement.aspx)

should be made to the draft LDO or whether such an order should be adopted, take into account any representations made in relation to that order.

## 4.0 Next Steps

- 4.1. In August 2016, AECOM (acting on behalf of CEC) formally requested an Environmental Impact Assessment (EIA) Screening Opinion from CEC in accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations (as amended 2015).
- 4.2. This EIA screening letter sent to CEC considered the likelihood for significant effects to occur as a result of the proposed LDOs. Potential environmental impacts across a range of environmental topics were considered taking into account the location of sensitive receptors, and including neighbouring residential properties and designated sites. The letter set out that construction of the proposed LDO developments would adhere to suitable impact avoidance and standard mitigation measures. It noted that operational effects of the proposed LDOs will be slight when considered in the context of the existing land uses, and the proposed LDOs are anticipated to have a beneficial effect on Macclesfield town centre. Taking these issues into account, it was considered by AECOM EIA professionals that no likely significant environmental effects will be associated with the proposed LDOs, and the LDOs do not constitute EIA development.
- 4.3. The Screening Opinion Request Letter to CEC confirmed that a number of assessments will be undertaken to support the LDO application, however, taking into account the characteristics of the proposed LDO, and the associated impact controls, it was considered that the proposals would not trigger the requirement for undertaking a formal EIA given that significant environmental effects were not likely to occur.
- 4.4. The local planning authority was invited to review the details presented in the Screening Opinion Request Letter and asked to provide an EIA screening opinion in accordance with the EIA Regulations. CEC have subsequently reported back with a formal decision confirming that the LDOs would not need to be subject to full EIA (insert ref).
- 4.5. The formal decision on the EIA has informed the final evidence base that is being produced to support the LDOs. A transport assessment and accompanying baseline evidence on air quality and noise shall supplement the completed Phase 1 Preliminary Risk Assessment. In addition, design inputs shall feature alongside the next iteration consultation version of the LDOs. Appointment of consultants to prepare the transport assessment and air quality/noise evidence will commence prior to January 2017. It is likely that masterplanning/design consultants will then be appointed shortly thereafter to use this emerging baseline evidence to help refine the parameters work that shall guide the final provisions within each LDO. Consultation on the draft LDOs shall commence in spring 2017. The representations received at this time shall then be used to refine the

final LDOs before taking the LDOs through the formal Council reporting programme with a view to adoption in the summer 2017.

- 4.6. In accordance with DMPO 2015 Article 38 (5) the next formal consultation on the draft LDOs will run for no less than 28 days. As well as the draft LDOs, a Statement of Reasons shall be published at the same time. As per the regulations, this consultation statement shall be updated to include all new representations and set out how representations have been taken into account to inform the revised LDOs.

## 5.0 APPENDIX I – August to September consultation summary

5.1. The following table provides a summary of the responses received and a response to each issue and concern considered.

Topic matter	Summary of Response	Response	Proposed Changes
Whalley Hayes Car Park	Concerns were raised over redevelopment of Whalley Hayes car park.	It is not the intention of CEC to remove car parking capacity from Whalley Hayes – instead the LDO seeks to explore options which may result in a mix of residential and existing car parking, options are still being tested and will be published during the next formal period of consultation	Review car parking evidence and ensure new evidence considers a range of transport impacts for any proposals within the LDO areas.
Northside boundary	Various comments have been received where landowners / stakeholders no longer wish to be included within the LDO. The inclusion of the Police Station and car park on Jordangate were questioned. Some alternative sites were suggested for inclusion.	Suggested amendments are noted and have been investigated further by the LDO project team in follow up discussions with landowners. Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process.	A number of areas have since been removed from later iterations of the red line boundaries. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.
Neighbouring uses	Some neighbouring businesses raised points about sensitive land uses in close proximity to residential units e.g. new property could have impact on operations.	Conditions or LDO content will need to reference business continuation and any relevant highways matters.	A formal response to all businesses will be prepared to deal with these issues. It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.

## 6.0 APPENDIX II – August Survey Results

Question	Comment	Response
To what extent do you agree or disagree that LDOs are the	Concerns that wider impacts had not been factored in e.g. insufficient	The EIA screening and forthcoming transport evidence shall assess the likely impacts which shall in

<b>correct mechanism to promote the delivery of residential uses on brownfield land?</b>	car parking capacity.	turn inform the draft content of the LDOs.
	Some respondents requested more information as to why some properties were in the LDO areas and others wanted to understand how the LDOs may impact landlords and small businesses will be affected.	The next stage of consultation will be accompanied by a statement of reasons setting out the rationale for the revised LDO boundaries.  It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.
<b>To what extent do you agree or disagree with the Northside LDO boundary (plan A)?</b>	Some businesses requested more information about possible development in particular areas and some freeholders expressed concerns that their tenants were worried that their businesses would be affected. Others stated that there was sufficient housing already in the area.	At this stage the Council is seeking views on the initial draft boundaries put forward with the expectation that brownfield sites and vacant sites will come forward for residential-led development.  It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.  The draft Local Plan makes clear that all settlements in Cheshire East will need to deliver more housing to meet objectively assessed housing need. The LDOs are one way in which CEC are attempting to meet housing need.
	A number of neighbouring areas were suggested as additions for the LDO e.g. Foden street and Pearle Street. One respondent also wanted empty buildings and sites all over the town to be used for social housing.	Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.
<b>To what extent do you agree or disagree with the Whalley Hayes LDO boundary (plan B)?</b>	Some respondents highlighted that their businesses were reliant on car-parking on Whalley Hayes. Others stated that further losses of car-parking in Macclesfield will adversely impact residents as well as businesses. Others were not convinced that the LDO should cover existing residential, retail and carpark areas.	It is not the intention of CEC to remove car parking capacity from Whalley Hayes – instead the LDO seeks to explore options which may result in a mix of residential and existing car parking. These options are still being tested and will be published during the next formal period of consultation.  It is the intention that the LDO will not affect existing businesses lying in close proximity to the proposed LDO boundaries – this is to be properly tested through later stages in the preparation of the LDOs.
	Some welcomed the possible redevelopment of some areas e.g. Three Pigeons pub and some of the sites on Churchill Way.	Noted.

	One respondent pointed out that the Whalley Hayes area attracts positive comments from residents and visitors as it is rich in wildlife, character and community spirit. The respondent questioned whether the area required attention in comparison to 'several other brownfield sites that could be developed to meet housing need whilst maintaining the character of the area and retaining the car parking spaces'	<p>The next stage of the LDO consultation shall include details on design/masterplanning. This work shall build on the Macclesfield Design Guide and the environmental/design policies in the emerging Local Plan.</p> <p>Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation. Some alternative sites put forward had been looked at previously in the brownfield assessment that preceded the LDO project. Other alternative sites have been considered through the Local Plan process and are deemed more suitable for site allocations via the Local Plan process. Based on feedback, discussions are ongoing with landowners to firm up the red line boundaries in advance of the next consultation.</p>
	Some respondents questioned the impacts on existing infrastructure such as GP surgeries, the hospital and police force due to increased population. Others remarked that the town is already very populated and increasing building in this area will push people due to overcrowding and congestion.	The draft Local Plan and accompanying Infrastructure Delivery Plan set out what essential infrastructure will be required in Macclesfield over the next plan period. Development conducted under LDOs can also make contributions to local infrastructure reinforcement via CIL and also s106 payments related to prescribed conditions. Details on planning obligations shall be set out in the next consultation.
<b>Once finalised an LDO could be in place for 5 years, to what extent do you agree or disagree that this is the correct lifespan to impose an LDO?</b>	One respondent considered that If an LDO is intended to speed up a process then a long span would be inappropriate. However, the same respondent also questioned whether an LDO should be used at all.	An LDO can help to de-risk development sites and speed up the development process. This can be done either by limiting an LDO to a short time period (e.g. 3 or 5 years) with a 'sunset period' used to incentivise landowners/developers to bring forward development more quickly. However, for difficult sites or less buoyant markets it is arguable that more certainty is provided with a longer LDO lifespan to provide investors with certainty. The Council will continue to talk with stakeholders before the next consultation to agree what timescales will be most appropriate for Northside and Whalley Hayes.



## 7.0 APPENDIX III - Email invitations

**From:** Carlisle, David A

**Sent:** 18 May 2016 08:33

**Subject:** FW: Central Macclesfield Local Development Orders Meeting Invitation

Dear Sir/Madam,

Following my email earlier in the month I am contacting you once more to see if you would be interested in meeting with the Council officers at Cheshire East leading the LDO work (Karen Carsberg – Strategic Housing lead / Sophie Williams – planning). We are keen to speak with all major landowners or organisations involved in development in Macclesfield to gather your views. We're approaching a stage in the project where we need to finalise a draft boundary for each LDO area (prior to consultation) and we'd really welcome your feedback on where this boundary should lie. Officers have indicated that a date during the week commencing the 30th May would be preferable if that is suitable.

Best wishes,

**David Carlisle**, BSc (Hons) MA MRTPI

Principal Planner, Strategic Planning and Urban Design

D +44-(0)-20-7821-4194

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[david.a.carlisle@aecom.com](mailto:david.a.carlisle@aecom.com)

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**From:** Carlisle, David A

**Sent:** 03 May 2016 11:05

**Subject:** Central Macclesfield Local Development Orders Meeting Invitation

Dear Sir/Madam,

Following an initial Macclesfield Local Development Order public workshop on 12<sup>th</sup> April we're following up with all large landowners and developers to see if you would be interested in meeting on an individual basis to discuss the possible opportunities associated with the LDOs and your plans for the future. If you are interested please get in contact by replying to this email and copying in [MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk) so that we can identify a suitable time and date with the CEC officers leading the LDO project.

If you are aware of any individuals that did not receive our initial invitation please forward this correspondence to landowners in the vicinity of central Macclesfield.

Please do not hesitate to call me if you have any queries: 020 7821 4194

Best wishes,

**David Carlisle**, BSc (Hons) MA MRTPI

Principal Planner, Strategic Planning and Urban Design

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[david.a.carlisle@aecom.com](mailto:david.a.carlisle@aecom.com)

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**From:** Carlisle, David A

**Sent:** 05 April 2016 16:45

**Subject:** Central Macclesfield Local Development Orders Workshop Invitation

Dear Sir/Madam,

You have been identified as a landowner, property owner, developer, agent or stakeholder for new developments in central Macclesfield. I am emailing you on behalf of Cheshire East Council to invite you to a workshop being held next **Tuesday 12<sup>th</sup> April 2016** at the old Macclesfield Town Hall. The workshop will cover emerging plans for two residential-led Local Development Orders as part of the Council's drive to encourage housing development on brownfield sites. Please find attached a formal invitation letter from the Council, details for next week's event and further information on the function and purpose of Local Development Orders.

If you have any queries related to this matter please do not hesitate to contact me using the project email address ([MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk)) or by calling 020 7821 4194 (David Carlisle – Macclesfield LDOs Project Manager). If you are interested in the project but unable to attend the workshop on Tuesday 12<sup>th</sup> April please get in contact to register your interest or if you have any queries related to Local Development Orders.

Yours faithfully,

**David Carlisle**

Macclesfield LDOs Project Manager

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## 8.0 APPENDIX IV – Letter invitations



Westfields  
c/o Municipal Buildings  
Earle Street  
Crewe  
Cheshire  
CW1 2BJ

Tel: 01270 685893

Fax: 01270 529890

[MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk)

Date: 5<sup>th</sup> April 2016

Dear Sir/Madam,

### **MACCLESFIELD TOWN CENTRE: LOCAL DEVELOPMENT ORDERS (LDOs)**

Cheshire East Council received funding from the Department for Communities and Local Government during March 2015 to progress two residential-led Local Development Orders (LDOs) within Macclesfield Town Centre, provisionally named as Northside and Whalley Hayes. These potential areas were identified following a review of brownfield sites in the town. The areas could support a combination of new build and refurbishment opportunities for residential development with the potential of delivering in the region of 300 units across both sites. We are writing to all landowners and freeholders who may fall within these areas to invite you to a workshop to discuss your future plans and the potential benefits of putting LDOs in place for these locations.

#### **What is a Local Development Order?**

LDOs are made by Councils and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application (if development complies with the content of the LDO). They create certainty and save time and money for those involved in the planning process. The primary function of an LDO is to accelerate the delivery of development.

You are invited to attend a workshop on **Tuesday 12<sup>th</sup> April 2016** at Macclesfield Town Hall, targeted at landowners, freeholders, developers/agents, local Councillors and other local stakeholders. The format of the day is a drop in session, with an opportunity to meet with officers to discuss the proposals for and preparation required in bringing forward an LDO. There will be a presentation and Q&A session held in both the morning and afternoon followed by open engagement sessions where you can ask further questions and provide your initial views. All feedback will be recorded to help inform the draft content of the LDOs. The LDOs shall then be subject to full formal public consultation later in the summer before the Council seeks to adopt the LDOs later on in the year.

All other enquiries **0300 123 5500**

[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

Figure 1 Indicative Local Development Order production timetable



Details for the format of the workshop and a *Frequently Asked Questions* sheet on the process of preparing an LDO are attached to this letter for your information. If you are interested in attending the workshop and being involved with the LDOs preparation please send your preference for either the AM or PM session along with the contact details of those who will be attending to: [MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk)

If you own land or buildings within or nearby Northside and/or Whalley Hayes and are unable to attend the workshop on Tuesday 12<sup>th</sup> April we would still be interested to hear from you and would welcome a discussion on your future plans. If you would like to discuss the LDOs or proposed workshop in more detail please contact the Local Development Order Project Manager David Carlisle on 020 7821 4194 or contact us by email or letter.

Yours faithfully,

Karen Carsberg  
Strategic Housing Manager, Cheshire East Council

## 9.0 APPENDIX V – 12<sup>th</sup> April Public Workshop and FAQs



### Macclesfield Local Development Orders – Introductory Workshop

Tuesday 12<sup>th</sup> April 2016

10:00am – 16:00pm

Old Macclesfield Town Hall (Room to be confirmed – please report to the desk in the foyer of the Town Hall on the day)

Morning	
10.00	Welcome and Registration
10.30	Introductory Local Development Order presentation
11.00	Q&A
11.30	Open session to speak with officers, Councillors and fellow interested parties
12.00	<i>Morning workshop close</i>
Afternoon	
14.00	Welcome and Registration
14.30	Introductory Local Development Order presentation
15.00	Q&A
15.30	Open session to speak with officers, Councillors and fellow interested parties
16.00	<i>Afternoon workshop close</i>

**Notes on the format of the workshop**

The morning and afternoon presentations and subsequent Q&A will be laid out in a town hall style meeting format. Following the Q&A session, officers, Councillors and fellow interested parties are invited to continue discussing the issues and opportunities in an open session. The open sessions will include interactive exhibition boards/maps. Note takers shall be deployed to record your views and questions. All of the outputs from the day will be compiled into an initial findings report. This report shall feed into the preliminary work on the two Local Development Orders to help inform their draft content ahead of more detailed consultation in the summer.

This event is only the first step where we are hoping to share as much information with you as possible and gather your initial feedback. The next stage will involve formal consultation on the draft content of the Local Development Orders later in the summer. Cheshire East Council is aiming for adoption of the Local Development Orders in Autumn/Winter 2016.



<b>Cheshire East Council:          Macclesfield Local Development Orders</b>	
<b>Frequently Asked Questions</b>	
<b>What is a Local Development Order (LDO)?</b>	
<b>1. What are Local Development Orders (LDO) and who makes the LDO?</b>	LDOs are made by Local Planning Authorities (LPA) and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application. They create certainty and save time and money for those involved in the planning process. The primary function of a LDO is to accelerate delivery of much needed development.
<b>2. Why do Local Planning Authorities (LPA) use Local Development Orders?</b>	LDOs grant automatic planning permission for specified development and can reduce bureaucracy, improve the speed of decision-making and improve certainty for landowners, communities and developers. They are flexible and can be used for different uses and developments in different areas and are gaining increasing importance as the Government encourages local authorities to streamline planning in order to increase certainty and reduce both delay and cost in delivering sustainable development, such as encouraging housing development to come forward on brownfield land.
<b>3. How do LPAs use LDOs to make investment more attractive for the regeneration of an area?</b>	<p>LDOs embody a fundamental shift on the part of LPAs from waiting for the market to come to them with a proposal, to initiating development activity by granting permission for the kind of development that they want to see come forward on a site.</p> <p>With an LDO in place for specified development on an identified site, planning should be easier, less expensive, less risky and faster for developers as there is no need to prepare a planning application, pay fees or wait for a decision (though a light-touch prior approval/sign off process may remain).</p> <p>A LPA using this pro-active approach can enhance the reputation of an area as an attractive place to do business, encouraging landowners and developers to seize the opportunity to develop on stalled sites, creating good places by enabling faster more flexible delivery of their own development priorities.</p>
<b>4. Can an LDO make provision for Affordable Housing and Planning Obligations?</b>	A LDO can be either unconditional or have conditions attached (much like a planning permission). Development carried out under a LDO may be liable to pay a Community Infrastructure Levy charge where one applies. An LDO can have S106 requirements attached as conditions too. These conditions, as per any planning permission, will be enforceable. LDOs for housing can provide affordable housing in line with local policy, but this may be subject to viability testing.
<b>5. Are you consulting with residents and businesses when making an LDO?</b>	Where a LPA has prepared a draft LDO, they must consult bodies which represent the interests of persons carrying on business in the area, and voluntary bodies. LPAs must also consult any person with whom they would have been required to consult on an application for normal planning permission. LPAs should also have consideration for the requirements of the Statement of Community Involvement both in the preparation of an LDO and in undertaking formal consultation.
(Continued overleaf...)	

	<p>The LPA is required to publish the draft LDO with a Statement of Reasons on their website, and a statement to publicise where draft LDO documents are available for inspection and the places where and times when they can be inspected, with the date by which representations on the draft LDO must be received, which must be at least 28 days after publication on the website. The LDO must take account of all representations received by consultees during the formal consultation period specified.</p> <p>The LPA is required to publish the details of consultation in a local newspaper circulating in the locality in which the land is situated with a notice stating the location and the nature of the development referred to in the proposed LDO and where copies of the draft LDO and of any plan or other documents accompanying it may be inspected by members of the public at all reasonable hours. If you would like to join our LDO mailing list please send your details to <a href="mailto:MacclesfieldLDOs@cheshireeast.gov.uk">MacclesfieldLDOs@cheshireeast.gov.uk</a></p>
6. What is the interaction between Local Development Orders and other planning permissions	LDOs do not remove or supersede any local authority planning permission (or permission granted on appeal) or permitted development rights which are already in place. Equally, they do not prevent a planning application being submitted to a LPA for development which is not specified in the Order. LDOs only grant planning permission, and do not remove the need to comply with other relevant legislation and regulations.
7. Are Local Development Orders permanent or time-limited?	LDOs are very flexible tools, and it may be appropriate for them to be either permanent or time-limited, depending on their aim and local circumstances. For example, LDOs in fast-developing areas may be time-limited so that they can be easily revised and updated in the future, while LDOs which extend permitted development rights in established areas may be permanent. The LPA or Secretary of State may revoke a LDO at any time.
8. Are there restrictions where a LDO cannot be used?	<p>LDOs are restricted where:</p> <ul style="list-style-type: none"> <li>• Development affects a listed building (or where it is considered it may adversely affect the setting);</li> <li>• Development is likely to have a significant effect upon a European site (where a Habitat Regulations Assessment is required); and</li> <li>• Development requires an EIA under schedule 1 of the EIA regulations.</li> </ul>
9. Can Local Development Orders be modified?	If a LPA wishes to modify a LDO, re-consultation may be required. The Secretary of State can also require the revision of a LDO by the LPA at any point before or after its adoption.
10. What happens after adoption and how will officers use the LDO?	In areas where LDOs have been adopted it is common for planning officers to attend informal meetings with developers to try and gauge whether a proposed development complies with the LDO. If it is adjudged to comply the developer would then need to provide paperwork demonstrating compliance with any remaining conditions/reserved matters. If it does not comply they should apply for planning permission in the normal way as it would not benefit from the automatic permission granted by the LDO.



## 10.0 APPENDIX VI – August Newsletter

**From:** MACCLESFIELD LDOS [mailto:MacclesfieldLDOs@cheshireeast.gov.uk]

**Sent:** 17 August 2016 15:05

**Subject:** Macclesfield LDOs newsletter - August 2016

Dear All,

You are receiving this email as you have previously expressed an interest, or are listed as an interested party, for the Macclesfield Local Development Orders (LDOs).

Please see the attached newsletter which shows the progress made with the LDOs so far and also outlines the next steps. It is our intention to produce a similar newsletter on a regular basis leading up to adoption of the LDOs.

We are currently consulting on the red line boundaries for the two LDOs and comments are gratefully received through both an online survey (link copied below) or to the Macclesfield LDOs inbox ([MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk)). The consultation on the red line boundaries will run until 17:00 on 13<sup>th</sup> September 2016, when all responses will be considered.

[http://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/consultations/consultations.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx)

There has been a public drop in event arranged which will be held at **Macclesfield Town Hall on Tuesday 6<sup>th</sup> September 2016 from 14:00 until 19:00.**

Thanks,

Macclesfield LDOs



## Macclesfield Local Development Orders Update - August 2016



Since the award of funding from DCLG, significant progress has been made with the preparation of the Macclesfield LDOs. This newsletter, to which it is the intention to provide an update every 2-3 months up until adoption of the LDOs, intends to give a simple overview of the progress made so far and the next steps to be taken in this process leading up to adoption.

### Update so far

Engagement with Landowners / Stakeholders to inform the red line boundaries

LDO boundaries for both sites have been further refined as a result of these conversations

Discussions with some landowners are still to reach a conclusion with these sites labelled 'areas for further discussion'. these areas may not feature in part / or in their entirety in the final LDO boundaries this is to be discussed further over the coming weeks

Public consultation on the red line boundaries commenced on 3rd August and will run until 13th September

Consultation survey available online from 3rd August ([http://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/consultations/consultations.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/council_information/consultations/consultations.aspx))

### Next Steps

Drop-in session held at Macclesfield Town Hall on 8th September from 14:00 until 19:00 (for more information email [MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk))

Submission of SORLs by AECOM and formal determination by the LPA within 28 days

Formal consultation on the supporting information and evidence of the LDOs as well as the Consent Order and Statement of Reasons

Amendments made to LDOs following Public Consultation with decision to adopt LDO determined by Strategic Planning Board



Any queries can be sent to [MacclesfieldLDOs@cheshireeast.gov.uk](mailto:MacclesfieldLDOs@cheshireeast.gov.uk)

## 11.0 APPENDIX VII – August Survey

### Macclesfield Local Development Sites (LDO's)

#### 1. Introduction

Cheshire East Council intend to implement two Local Development Orders (LDOs) in Macclesfield. An LDO is a planning tool which effectively give a grant of planning permission to specific types of development within a defined area - streamlining the planning process by removing the need for developers to make a planning application to accelerate delivery of much needed development. For more information on LDO's please refer to the frequently asked questions document available on the [website](#).

The intention of this survey is to allow interested parties to shape the outcome of the LDOs. At present red line boundaries have been drawn up for the sites and we now seek feedback on whether these red line boundaries are correct and whether LDOs are a good idea for these sites.

As the red line boundaries are not yet fully agreed the feedback may lead to changes being made to these areas. We also hope that sites may come forward that had not previously been considered.

Please respond to the survey by 5pm on the 13th September 2016.

*Any personal information you give will be held in line with the Data Protection Act 1998. Staff from Cheshire East Council will use the data you provide solely for the purpose of this consultation. We will not pass on your details to any other third parties without your prior consent*

1. To what extent do you agree or disagree that LDOs are the correct mechanism to promote the delivery of residential uses on brownfield land?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ No opinion/ don't know

If you wish to, please explain your reasoning's for the answer you gave above



The Council has engaged in discussions with landowners and the areas shown on this plan as 'areas for further discussion' are currently the subject of ongoing discussions to decide whether or not they will form part of the LDO.

2. To what extent do you agree or disagree with the Northside LDO boundary (plan A)?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ No opinion/ don't know

If you wish to, please explain your reasoning's for the answer you gave above:

3. In your opinion are there any neighbouring areas that should be considered?



Plan B: Whalley Hayes



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It is not the intention of this LDO to deliver residential development within the 'areas for further discussion' shown on this plan. However, the LDO is seen as having the potential to encourage the improvement of this area and so could remain within the final red line boundary.

4. To what extent do you agree or disagree with the Whalley Hayes LDO boundary (plan B)?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

If you wish to, please explain your reasoning's for the answer you gave above:

5. In your opinion are there any neighbouring areas that should be considered?

6. Once finalised an LDO could be in place for 5 years, to what extent do you agree or disagree that this is the correct lifespan to impose an LDO?

- ☐ Strongly agree  
☐ Agree  
☐ Neither agree nor disagree  
☐ Disagree  
☐ Strongly disagree  
☐ No opinion/ don't know

If you disagree, what do you think would be a more appropriate lifespan?

7. In light of potential changes of circumstances how often should the LDOs be reviewed throughout their lifespan?

- ☐ Annually  
☐ Midway through the lifespan of the LDO  
☐ 12 months from the end of the LDO  
☐ Other (please specify):

8. Do you have any further comments to make regarding the LDOs?

## 7. About you

The answers you give in this section will only be used to ensure that we obtain responses from a broad range of areas and types of people. Please feel free to leave blank any questions that you do not wish to answer; we will use the comments you have given us so far. No information will be released that would allow identification of you as an individual or of your household.

### 9. Which of the following best describes you?

- ☐ A Local Resident
- ☐ A local business
- ☐ A member of a voluntary or community organisation
- ☐ An elected town or parish councillor in Cheshire East
- ☐ An elected Member of Cheshire East Council
- ☐ Other (please specify):

### 10. If you are responding on behalf of a group, organisation or club please state the name and postcode in the box below (you do not need to complete the rest of the 'About you' section).

Name of group, organisation or club:

Postcode:

### 11. What is your gender?

- ☐ Male
- ☐ Female
- ☐ Prefer not to say

### 12. What age group do you belong to?

- ☐ 16-24
- ☐ 24-34
- ☐ 35-44
- ☐ 45-64
- ☐ 65 and over
- ☐ Prefer not to say

### 13. Postcode:

Please tell us your postcode; this is so that we can be sure we have obtained a range of views from across the borough.

**14. What is your ethnic origin?**

- ☐ White English/ Welsh/ Scottish/ Northern Irish/ Irish
- ☐ Any other White background
- ☐ Mixed: White and Black Caribbean /African/ Asian
- ☐ Any other mixed/ Multiple background
- ☐ Black/ African/ Caribbean/ Black British
- ☐ Any other Ethnic group
- ☐ Prefer not to say
- ☐ Other (please specify):

**15. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age.**

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

**16. Which of the following best describes your religious belief/faith?**

- ☐ Buddhist
- ☐ Christian
- ☐ Hindu
- ☐ Jewish
- ☐ Muslim
- ☐ Sikh
- ☐ None
- ☐ Prefer not to say
- ☐ Other (please specify):

**17. Which of the following terms best describes your sexual orientation?**

- ☐ Heterosexual (straight)
- ☐ Bisexual
- ☐ Gay/Lesbian
- ☐ Prefer not to say
- ☐ Other (please specify):

Thank you for taking part in this survey



## 12.0 APPENDIX VIII – August & September Workshop Attendance

Workshop attendance			
02/08/2016 14:00pm to 19:00pm		13/09/201614:00pm to 19:00pm	
Resident Pearle Street	1	Resident Pearle St	2
Macc Town Council	1	Resident Foden Street	2
Ward members	1	Resident Fox Street	1
<b>TOTAL 3</b>		Resident Station Street	1
		Macc Civic Society	1
		Local businesses	4
		Ward member	4
		<b>TOTAL 15</b>	

## 13.0 APPENDIX VIII – 13<sup>th</sup> September Public Workshop

# Residential neighbourhoods plan for town centre development sites

COUNCIL chiefs are proposing to create two new residential neighbourhoods in the town centre.

The first site, known as Northside, involves an area north of Hibel Road and includes Macclesfield magistrates' court, the Toyota garage and various other businesses.

The second, known as Whalley Hayes, involves land west of the job centre towards the car park and includes the former Blockbusters building and two former pubs.

Cheshire East Council wants to create Local Development Orders (LDOs), a planning tool which speeds up the process to allow brownfield sites to be redeveloped.

A public consultation has started and will run until September 13. It will include two drop-in



● One of the development sites includes Macclesfield magistrates' court on Hibel Road

events at Macclesfield Town Hall on August 10 and September 6.

Council documents also show two other areas earmarked for future residential developments including Macclesfield police station and Whalley Hayes car park.

Councillor Ainsley Arnold, cabinet member for housing and planning, said: "This is an exciting opportunity to redevelop

specific areas of Macclesfield and at the same time meet a housing need.

"I must emphasise we are in the very early stages of this process and we will require the support of a number of property owners and stakeholders in order to progress this.

"LDOs are an expedient method for streamlining concepts and turning

them into reality for the benefit of residents and businesses. While they enable the planning process to be speeded up, all the customary due diligence, checks and balances remain in place."

In 2015 the council secured £100,000 in funding to create the LDOs in Macclesfield and started discussions with property owners and developers through its agent AECOM.

Since then there have been a number of changes to the boundaries after some landowners said they were not interested in their property forming part of one of the LDOs.

In a council report Frank Jordan, the executive director of Economic Growth and Prosperity, said: "Bringing these sites forward for development would reduce the need for

development on greenfield land and support the regeneration of our towns."

It is not known the number or type of housing that will be built on the two sites, but it is expected to be a mixture of houses and apartments.

To have your say visit [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)



● The Northside residential area includes the site of the magistrates court building



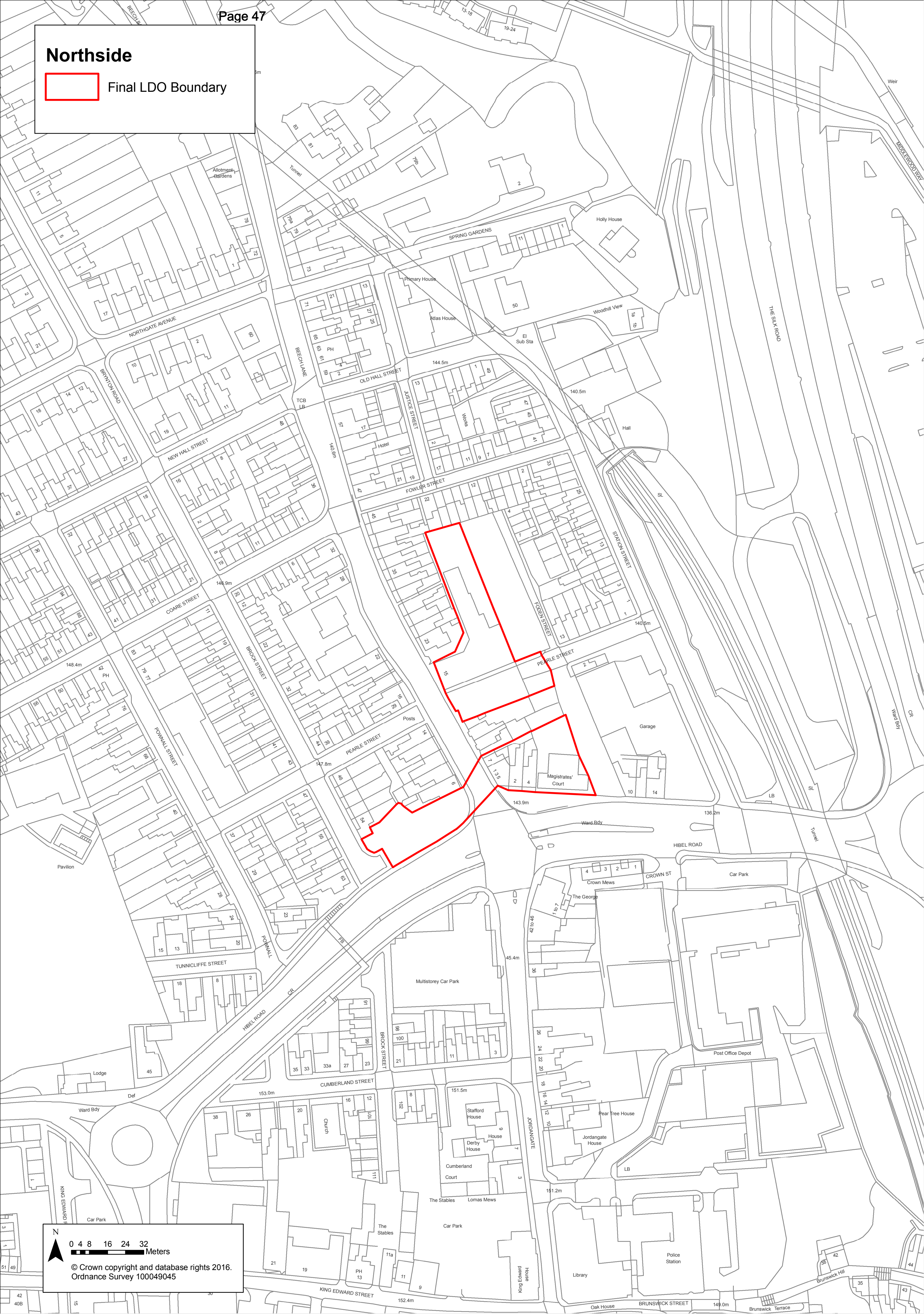
● The Whalley Hayes site including the job centre



Northside



Final LDO Boundary



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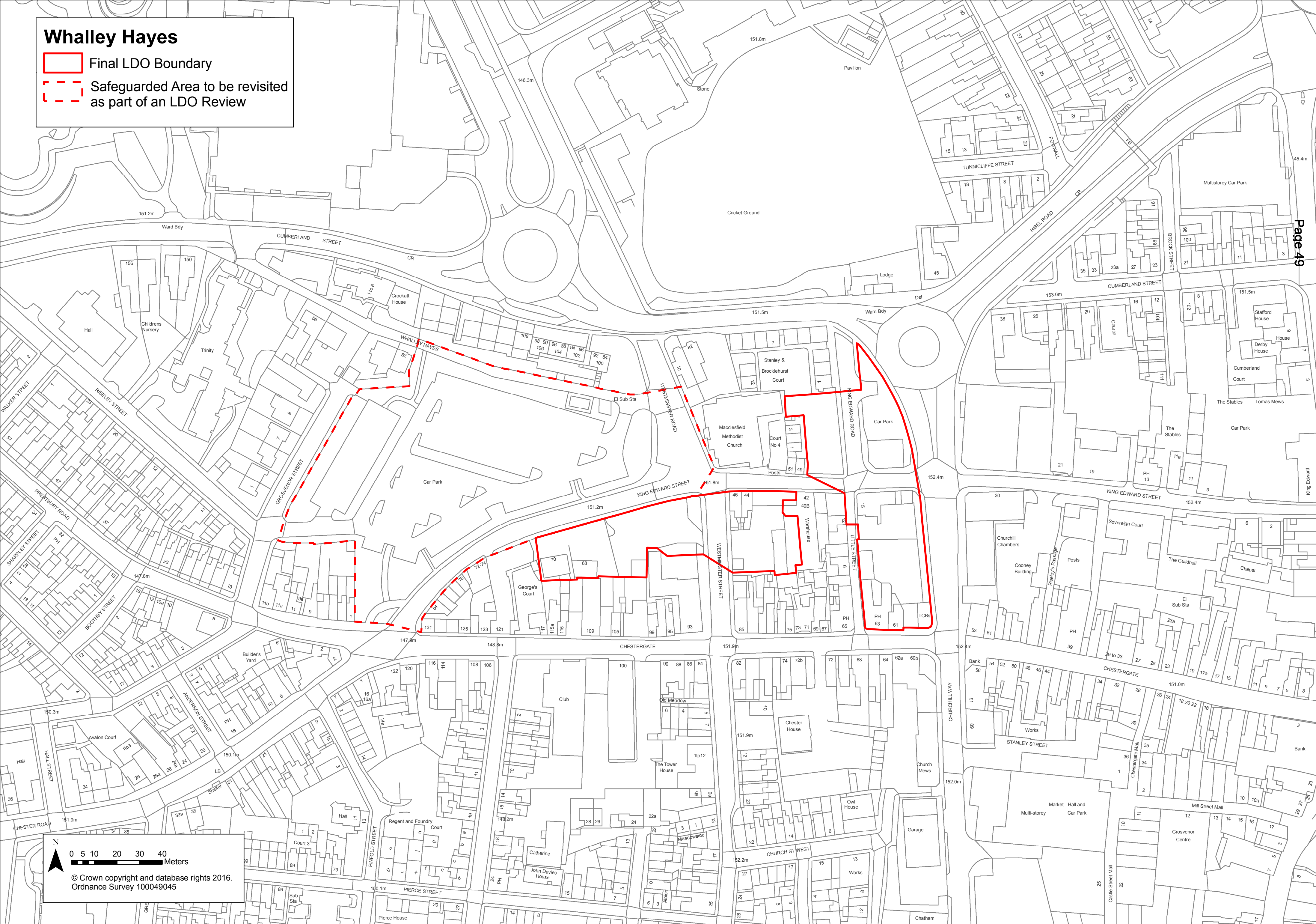
# Whalley Hayes



Final LDO Boundary



Safeguarded Area to be revisited  
as part of an LDO Review



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AECOM  
2, City Walk  
Leeds  
LS11 9AR

Development Management  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP

[planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

25-Jan-2017

Dear Sir/Madam

**Town and Country Planning (Environmental Impact Assessment)  
Regulations 2011 (as amended)**

Application Number	<b>16/4254S</b>
Location	<b>Local Development Order (Northside), HIBEL ROAD, MACCLESFIELD</b>
Proposal	<b>EIA screening opinion for poposal to create a Local Development Order to support and encourage residential development on brownfield land at a site known as Northside.</b>

**EIA Not Required**

**Town and Country Planning (Environmental Impact Assessment)  
Regulations 2011 (as amended 2015) – Screening opinion.**

A formal screening opinion has now been undertaken in accordance with your letter dated 30<sup>th</sup> August 2016 which requested a formal screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 for the following development: -

**EIA screening request regarding a Local Development Order (LDO) to support and encourage residential development on brownfield land at a site known as Northside, Macclesfield**

Having considered the details within your letter, Cheshire East Council is of the opinion that the proposed application for designation as a Local Development Order (referred to as LDO hereinafter) does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 where EIA is mandatory. Cheshire East

Council has also had regard to Regulation 29 of the Order, which deals specifically with Local Development Orders.

As a potential residential development of up to 130 units on a site measuring approximately 4.05ha, it is considered as a Schedule 2 development (falling under section 3b urban development projects) under the EIA Regulations 2015.

The EIA Regulations 2015 emphasizes that projects which qualify to be within the list in Schedule 2 require EIA only where they are likely to have significant environmental effects by reason of their nature, size and location. The key test in this regard is not only about the size of the development but more fundamentally, the significance of the impacts of the proposal on the environment.

In addition to the physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Having had regard to the characteristics of the development, its location and potential impact, the Local Planning Authority has screened the proposed LDO according to the provisions of Schedule 3 of the Regulations and does not consider that the proposal requires an Environmental Impact Assessment for the following reasons.

### **Physical changes in the locality (topography, land use, changes in water bodies, etc)**

The proposal would result in a change from commercial (with associated car parking), residential and public / civic buildings to a residential development of up to 130 dwellings. Given the scale of the development and its siting within an existing settlement on a previously developed site, the impact in terms of physical changes in the locality is not considered to be significant (when considered alone and cumulatively).

The impact upon air quality, landscape, protected species/habitats, flood risk, trees and hedgerows will need to be considered within supporting statements submitted as part of an application for the designation as an LDO.

### **Noise / Visual Impact**

Due to the nature of the development, there are anticipated to be noise impacts arising during construction and demolition works. Given the size of the facility and the urban nature of the area with few sensitive receptors, save



for the Macclesfield Town Conservation Area and some residential properties, noise impacts are not likely to be of such significance as to warrant an EIA.

Given the built up nature of the site, there are unlikely to be significant visual impacts arising from the development. There may be some views from the closest residential properties and the nearby conservation area but these are anticipated to be partially screened by existing built form. The visual impacts are not anticipated to be of such significance as to warrant an EIA. The visual impacts of the scheme on nearby heritage assets would need to be addressed by a suitable heritage statement submitted with the application for the LDO.

### **Cumulative Impact**

There are no other significant developments of this nature in the local area and no other significant development which may present cumulative impacts in association with this development. It is not considered that there would be significant cumulative impacts arising from this scheme in this context.

### **Ecology and Nature Conservation**

The site is not designated for its ecological value at the local, national or international level. There are no SSSIs within 1 km of the site. The closest SSSI is Danes Moss SSSI, located approximately 3 km to the south. Given the distance from the site, no significant impacts on this ecological asset are anticipated. Given the brownfield nature of the land, there is potential for the proposal to impact on habitat for protected species during demolition of buildings in and around the site. However, these could be assessed in a protected species survey. As such impacts on ecology are not considered to be so significant as to require EIA.

### **Listed Buildings and Conservation**

There is one Scheduled Monument comprising three early medieval shafts in West Park which is situated approximately 580 metres to west of site. A second Scheduled Monument, a bowl barrow in Lavenham Close, is located approximately 770 metres north of the site. There are 60 listed buildings within 250 metres of the proposed LDO Site, including ten grade II\* listed buildings, the closest of which are Jordangate House and its associated forecourt wall, pier, railings and gates with lie adjacent to the south-west. The closest listed building is Little Street Mill, which is immediately adjacent to the boundary of the proposed site. West Park Grade II Registered Park and Garden lies approximately 420 metres to the west.

The impact on the adjacent listed buildings and the visual impacts of the scheme on nearby heritage assets or archaeological areas need not be significant and would need to be addressed by a suitable heritage statement. Any impact will not be so significant as to warrant EIA.

### **Air quality, ground conditions and water resources**

During construction there is potential for dust emissions and exhaust emissions from machinery/vehicles however these would be temporary short term impacts. The site is not located within an Air Quality Management Area (AQMA). Given the distance to sensitive receptors and the potential for mitigation, there are not anticipated to be significant impacts from air emission on human receptors or statutory designated ecological sites. Such impacts could be addressed as part of the application for the LDO.

There are no watercourses on or adjoining the site and the site is not within a sensitive flood risk zone (Zone 1). There is potential for land or water pollution from contaminants during demolition / construction, however it is noted that the application for the LDO could include design mitigation to address contamination and any required mitigation. The potential for land and water pollution is not anticipated to be of such significance as to warrant an EIA.

### **Traffic and Transport**

There would be some impacts on the local traffic network during construction but the impacts would be temporary and short term. The provision of up to 130 residential units would generate a number of traffic movements, however these would be balanced against the current vehicle movements generated by the present lawful uses at the site. However, the site is well served by the surrounding road network and the impacts on the local highway network are not anticipated to be of such significance as to warrant an EIA. The impacts could be assessed as part of the application for the LDO through submission of a robust Transport Assessment / Statement.

### **Other Matters**

The Council has also considered other possible impacts and effects of the development including infrastructure, waste generation and harmful substances. The Council does not consider that these are of such significance as to warrant environmental impact assessment.

There is a belt of trees towards the eastern boundary of the site but they are not afforded any statutory designation save for those within the Conservation Area. The impacts could be determined with appropriate arboricultural details and supporting information. The impact would not be as significant to warrant EIA.

### **Conclusion**

**On the basis of the above, it is considered that the proposal is not likely to have significant effects, which means that an Environmental Impact**

**Assessment will not be required in this case.**

I have enclosed, for reference, a copy of a screening checklist document which has helped formulate this decision.

Yours faithfully

**Robert Law**

**Principal Planning Officer**

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Ms Emma Bonser,  
AECOM  
2, City Walk  
Leeds  
LS11 9AR

Development Management  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP

[planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

24-Jan-2017

Dear Sir/Madam

**Town and Country Planning (Environmental Impact Assessment)  
Regulations 2011 (as amended)**

Application Number	<b>16/4251S</b>
Location	<b>Local Development Order (Whalley Hayes), WHALLEY HAYES, MACCLESFIELD</b>
Proposal	<b>EIA screening request regarding a Local Development Order (LDO) to support and encourage residential development on brownfield land at a site known as Whalley Hayes.</b>

**EIA Not Required**

**Town and Country Planning (Environmental Impact Assessment)  
Regulations 2011 (as amended 2015) – Screening opinion.**

A formal screening opinion has now been undertaken in accordance with your letter dated 30<sup>th</sup> August 2016 which requested a formal screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 for the following development: -

**EIA screening request regarding a Local Development Order (LDO) to support and encourage residential development on brownfield land at a site known as Whalley Hayes, Maccelsfield.**

Having considered the details within your letter, Cheshire East Council is of the opinion that the proposed application for designation as a Local Development Order (referred to as LDO hereinafter) does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 where EIA is mandatory. Cheshire East

Council has also had regard to Regulation 29 of the Order, which deals specifically with Local Development Orders.

As a potential residential development of up to 170 units on a site measuring approximately 2.75ha, it is considered as a Schedule 2 development (falling under section 3b urban development projects) under the EIA Regulations 2015.

The EIA Regulations 2015 emphasizes that projects which qualify to be within the list in Schedule 2 require EIA only where they are likely to have significant environmental effects by reason of their nature, size and location. The key test in this regard is not only about the size of the development but more fundamentally, the significance of the impacts of the proposal on the environment.

In addition to the physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Having had regard to the characteristics of the development, its location and potential impact, the Local Planning Authority has screened the proposed LDO according to the provisions of Schedule 3 of the Regulations and does not consider that the proposal requires an Environmental Impact Assessment for the following reasons.

### **Physical changes in the locality (topography, land use, changes in water bodies, etc)**

The proposal would result in a change from commercial, residential and surface car park to a residential development of up to 170 dwellings. Given the scale of the development and its siting within an existing settlement on a previously development site, the impact in terms of physical changes in the locality is not considered to be significant (when considered alone and cumulatively).

The impact upon air quality, landscape, protected species/habitats, flood risk, trees and hedgerows will need to be considered within supporting statements submitted as part of an application for the designation as an LDO.

### **Noise / Visual Impact**

Due to the nature of the development, there are anticipated to be noise impacts arising during construction and demolition works. Given the size of the facility and the urban nature of the area with few sensitive receptors, save

for the nearby Conservation Area and some residential properties, noise impacts are not likely to be of such significance as to warrant an EIA.

Given the built up nature of the site, the generally flat topography of the site, there are unlikely to be significant visual impacts arising from the development. There may be some views from the closest residential properties and the nearby conservation area but these are anticipated to be partially screened by existing built form. The visual impacts are not anticipated to be of such significance as to warrant an EIA. The visual impacts of the scheme on nearby heritage assets would need to be addressed by a suitable heritage statement submitted with the application for the LDO.

### **Cumulative Impact**

There are no other significant developments (save for the proposed development at Kings School) of this nature in the local area and no other significant development which may present cumulative impacts in association with this development. It is not considered that there would be significant cumulative impacts arising from this scheme in this context.

### **Ecology and Nature Conservation**

The site is not designated for its ecological value at the local, national or international level. There are no SSSIs within 1 km of the site. The closest SSSI is Danes Moss SSSI, located approximately 3 km to the south. Given the distance from the site, no significant impacts on this ecological asset are anticipated. Given the brownfield nature of the land, there is potential for the proposal to impact on habitat for protected species during demolition of buildings in and around the site. However, these could be assessed in a protected species survey. As such impacts on ecology are not considered to be so significant as to require EIA.

### **Listed Buildings and Conservation**

There is one Scheduled Monument comprising three early medieval shafts in West Park which is situated approximately 330 metres to the north-west of site. There are 67 listed buildings within 250 metres of the proposed LDO Site, including ten grade II\* listed buildings, the closest of which are Charles Roe House (approximately 10 metres from the proposed site boundary to the south) and Bate Hall Public House (approximately 20 metres to the south-east). The closest listed building is Little Street Mill, which is immediately adjacent to the boundary of the proposed site. West Park Grade II Registered Park and Garden lies approximately 100 metres to the north-west of the proposed site.

The impact on the adjacent listed buildings and the visual impacts of the scheme on nearby heritage assets or archaeological areas need not be significant and would need to be addressed by a suitable heritage statement. Any impact will not be so significant as to warrant EIA.

### **Air quality, ground conditions and water resources**

During construction there is potential for dust emissions and exhaust emissions from machinery/vehicles however these would be temporary short term impacts. The site is not located within an Air Quality Management Area (AQMA). Given the distance to sensitive receptors and the potential for mitigation, there are not anticipated to be significant impacts from air emission on human receptors or statutory designated ecological sites. Such impacts could be addressed as part of the application for the LDO.

There are no watercourses on or adjoining the site and the site is not within a sensitive flood risk zone. There is potential for land or water pollution from contaminants during demolition / construction, however it is noted that the application for the LDO could include design mitigation to address contamination and any required mitigation . The potential for land and water pollution is not anticipated to be of such significance as to warrant an EIA.

### **Traffic and Transport**

There would be some impacts on the local traffic network during construction but the impacts would be temporary and short term. The provision of up to 170 residential units would generate a number of traffic movements, however these would be balanced against the current vehicle movements generated by the present lawful uses at the site. However, the site is well served by the surrounding road network and the impacts on the local highway network are not anticipated to be of such significance as to warrant an EIA. The impacts could be assessed as part of the application for the LDO through submission of a robust Transport Assessment / Statement.

### **Other Matters**

The Council has also considered other possible impacts and effects of the development including infrastructure, waste generation and harmful substances. The Council does not consider that these are of such significance as to warrant environmental impact assessment.

### **Conclusion**

**On the basis of the above, it is considered that the proposal is not likely to have significant effects, which means that an Environmental Impact Assessment will not be required in this case.**

I have enclosed, for reference, a copy of a screening checklist document which has helped formulate this decision.

Yours faithfully



**Robert Law**

**Principal Planning Officer**

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Northside and Whalley Hayes  
Adopted Local Development Order – July 2017

In pursuance of its powers under the Town and Country Planning Act 1990 (as amended), the Council hereby GRANTS planning permission under the terms of the Local Development Order detailed below for those areas identified on Plan 1 and Plan 2 attached, subject to compliance with the conditions specified hereunder, for the reasons as indicated.

## PERMITTED DEVELOPMENT AND USES WITHIN THE LDO AREAS

### SITE 1 NORTH OF HIBEL ROAD

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

#### Permitted Development

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) C2 Residential institutions

*Interpretation –*

*Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*

- (b) C3 Dwellinghouses - this class is formed of 3 parts:

*Interpretation –*

*C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*

*C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

*C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.*

### PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

#### Permitted Development

The erection or construction of a building within the use classes prescribe at Part 1 above.

*Limitations*

## Northside and Whalley Hayes

## Adopted Local Development Order – July 2017

- (a) The maximum height of development for Sub-Areas A and B shall not exceed 3 storeys and xx metres in height to the Apex
- (b) The maximum height of development for Sub-Area C shall not exceed 2 storeys and xx metres in height to the Apex
- (c) New residential units must ensure appropriate setback distances in relation to existing back gardens and preserve residents visual amenity and rights to light in accordance with relevant policies in the Macclesfield Borough Local Plan (2004), Local Plan (2017) and Design Guide (2017)
- (d) In parcel C, where upper floors are already in a residential use, the above provisions shall only apply to conversion of ground floor uses currently in a commercial use or redevelopment of the entire parcel as appropriate.
- (e) Access and car parking arrangements shall be agreed by way of a condition.

Sub-Area	Ground Floor Uses	Upper Floor Uses	Min Storey Height (No. or metres)	Max Storey Height (No. or metres)	Max residential units	Affordable Housing (30%)	Car Parking
A	C2, C3	C2, C3	2	3	10-15??	Yes	TBC
B	C2, C3	C2, C3	2	3	15-20??	Yes	TBC
C	C2, C3	C2, C3	2	2	2-10??	No	TBC
D	C2	C2	2	2	2-4??	No	TBC

**SITE 2 KING EDWARD ROAD**

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

**Permitted Development**

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) C2 Residential institutions

*Interpretation –*

*Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*

- (b) C3 Dwellinghouses - this class is formed of 3 parts:

*Interpretation –*

*C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*

*C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

*C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but*

## Northside and Whalley Hayes

## Adopted Local Development Order – July 2017

*which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.*

## PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

**Permitted Development**

The erection or construction of a building within the use classes prescribe at Part 1 above.

*Limitations*

- (a) The maximum height of development shall not exceed 3 storeys and xx metres in height to the Apex for parcel E.
- (b) The maximum height of development shall not exceed 4 storeys and xx metres in height to the Apex for parcel F. A height of 4 storeys shall be acceptable on the boundary with King Edward Street, reducing to 3 storeys adjacent to the Alms Houses.
- (c) Access and car parking arrangements shall be agreed by way of a condition.

Sub-Area	Ground Floor Uses	Upper Floor Uses	Min Storey Height (No. or metres)	Max Storey Height (No. or metres)	Max residential units	Affordable Housing (30%)	Car Parking
E	C2, C3	C2, C3	2	3	10-15	Yes	TBC
F	C2, C3	C2, C3	2	3-4	10-15	Yes	TBC

**SITE 3 THREE PIGEONS**

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

**Permitted Development**

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) A1 Shops

*Interpretation –*

*Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.*

- (b) A2 Financial and professional services

*Interpretation –*

Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies.

- (c) A3 Restaurants and cafés

Northside and Whalley Hayes  
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*Interpretation –*

*For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.*

- (d) C3 Dwellinghouses - this class is formed of 3 parts:

*Interpretation –*

*C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*

*C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

*C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.*

- (e) D1 Non-residential institutions Class

*Interpretation –*

*Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).*

- (f) Class D2 (indoor or outdoor sports/gymnasium) of the Schedule to the Use Classes Order

*Interpretation –*

*Cinema, Concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, area for indoor or outdoor sports or recreation not involving motor vehicles or firearms.*

PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

**Permitted Development**

The erection or construction of a building within the use classes prescribe at Part 1 above.

*Limitations*

- (a) Development of the parcel must be residential led with commercial uses ancillary / complementary to the residential elements.
- (b) The total level of ground floor A1, A2 and A3 development shall not exceed 500 sq m
- (c) The total level of upper floor A3, D1 and D2 development shall not exceed 1500 sq m

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- (d) The maximum height of development shall not exceed 3 storeys and xx metres in height to the Apex
- (e) The total level of non-residential development shall not exceed 2,000 sq m
- (f) Access and car parking arrangements shall be agreed by way of a condition.

Sub-Area	Ground Floor Uses	Upper Floor Uses	Min Storey Height (No. or metres)	Max Storey Height (No. or metres)	Max residential units	Affordable Housing (30%)	Car Parking
G	A1, A2, A3, D1, D2	A3, D1, D2, C3	3	3	15-20	Yes	TBC

**SITE 4 LAND OFF WESTMINSTER STREET AND KING EDWARD STREET**

PART 1 - CHANGES OF USE (AS DEFINED IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WITHIN THE DESIGNATED LDO AREA

**Permitted Development**

Development consisting of a change of use of land or a building to a use for any purpose falling within:

- (a) A1 Shops

*Interpretation –*

*Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.*

- (b) A2 Financial and professional services

*Interpretation –*

*Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies.*

- (c) A3 Restaurants and cafés

*Interpretation –*

*For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.*

- (d) C2 Residential institutions

*Interpretation –*

*Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*

- (e) C3 Dwellinghouses - this class is formed of 3 parts:

*Interpretation –*

*C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be*

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*treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*

*C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

*C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.*

## PART 2 - THE ERECTION OR CONSTRUCTION OF BUILDINGS

**Permitted Development**

The erection or construction of a building within the use classes prescribe at Part 1 above.

*Limitations*

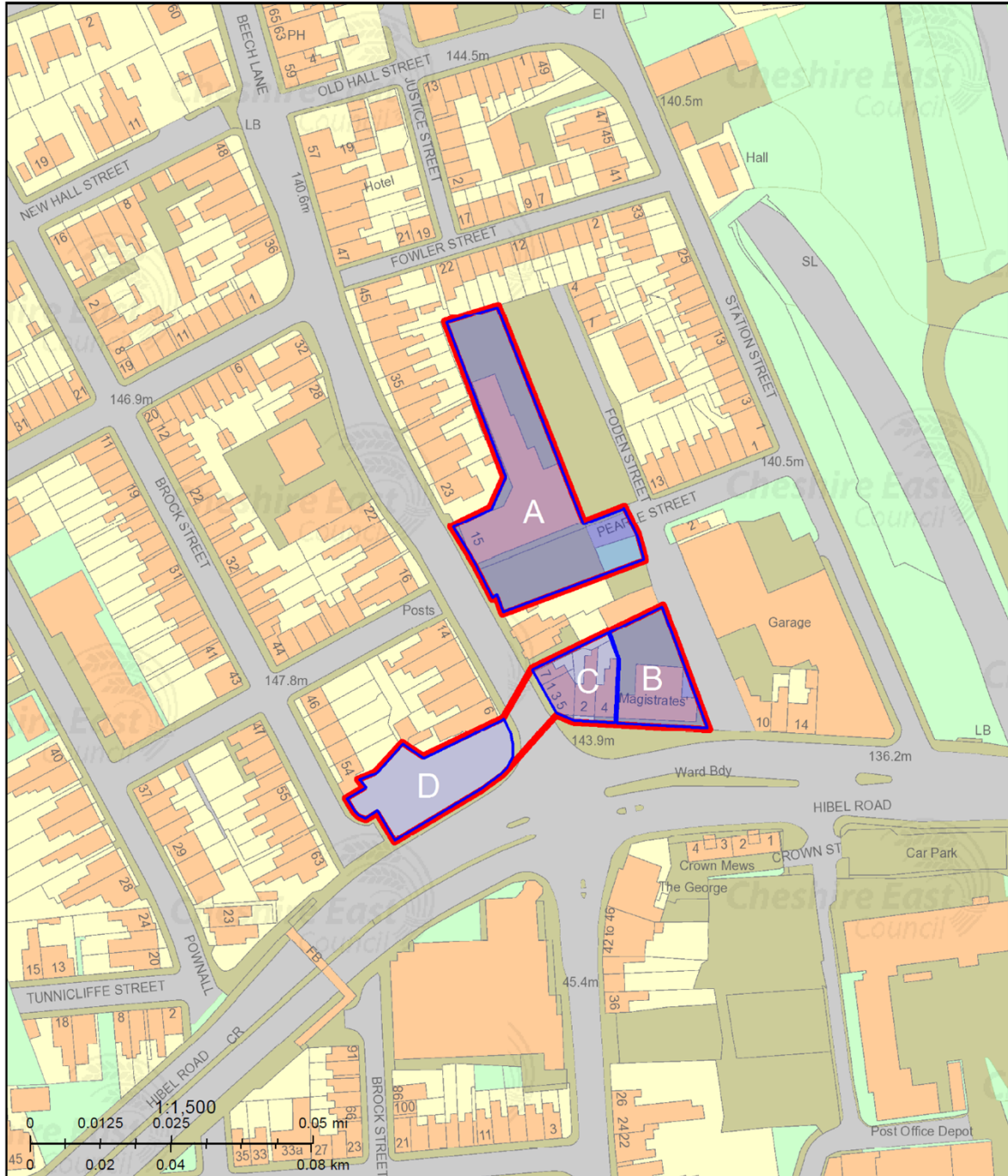
- (a) Development of the parcels must be residential led with commercial uses ancillary / complementary to the residential elements.
- (b) The total level of ground floor A1, A2 and A3 development shall not exceed 500 sq m
- (c) The maximum height of development in Sub-Area H shall not exceed 3 storeys and xx metres in height to the Apex (on the eastern edge of the LDO area fronting King Edward Street and Westminster Street)
- (d) The maximum height of development in Sub-Area I shall not exceed 4 storeys and xx metres in height to the Apex (on the western edge of the LDO area fronting King Edward Street)

Sub-Area	Ground Floor Uses	Upper Floor Uses	Min Storey Height (No. or metres)	Max Storey Height (No. or metres)	Max residential units	Affordable Housing (30%)	Car Parking
H	A1, A2, A3, C2, C3	C2, C3	2	3	10-20	Yes	TBC
I	A1, A2, A3, C2, C3	C2, C3	3	4	20-30	Yes	TBC



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**PLAN 1 – Northside LDO Site Boundaries**



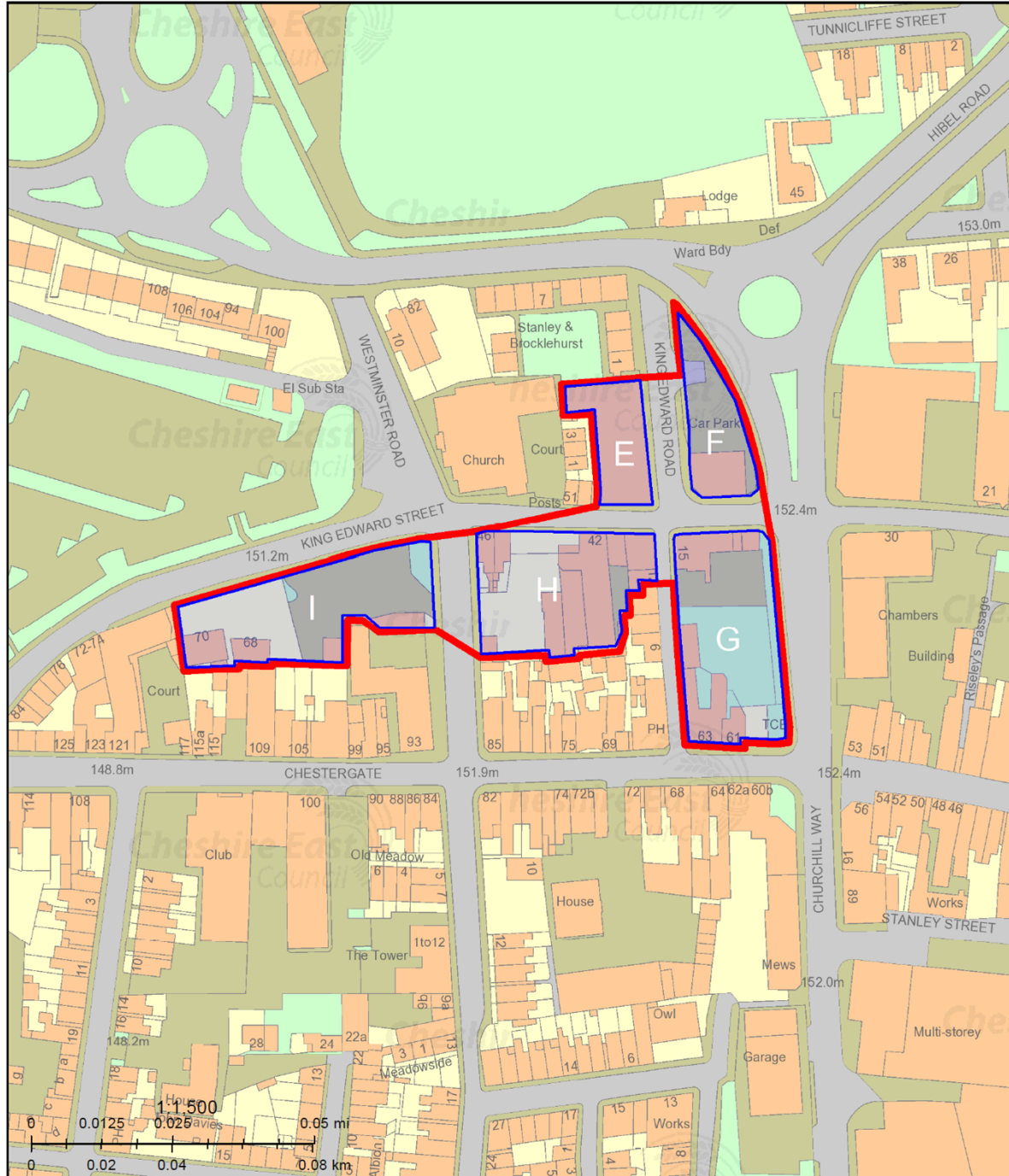
January 11, 2017



1:1,500

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**PLAN 2 – Whalley Hayes LDO Site Boundaries**



January 11, 2017

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## CONDITIONS

### General

1. The LDO expires on 31<sup>st</sup> July 2022 (5 years after adoption). This means that all development that takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development that has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, revised or expires. Development that has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5-year period; provided it still complies with the established conditions and criteria for development. (Commencement is defined as the construction of a foundation trench as a minimum).

*Reason: For clarity on the duration of the permitted development.*

2. Before commencement of development and in order to ensure compliance with the LDO, all proposals which seek to benefit from the provisions of the LDO must complete and submit to the Local Planning Authority the self-certification form attached to this Order (Appendix 1) together with the plans and documents highlighted below to assist with the discharge of the planning conditions.

The Council will issue written confirmation of compliance (or non compliance) within 28 days of the receipt of the form or may issue a request for further information. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal.

The plans and documents to be submitted must include the following:

- A site layout plan to an appropriate metric scale;
- Topographical survey of site showing existing and proposed finished levels; Detailed elevations and floor plans of all buildings to an appropriate metric scale.
- A schedule of external facing materials;
- A detailed landscaping scheme;
- Construction management plan
- A scheme for all external lighting;
- A scheme for the attenuation of surface water with accompanying pollution prevention measures (evidencing compliance with Policy SE 12 Pollution, Land Contamination and Land Instability);
- A foul drainage discharge and treatment assessment; and
- Heritage survey

*Reason: In order that progress and compliance can be monitored and records can be kept of outcomes.*

3. The development hereby approved shall be carried out in full accordance with appropriate saved Macclesfield Borough Local Plan (2004) policies<sup>1</sup>, Cheshire East

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<sup>1</sup> In particular policies: BE2: Preservation of Historic Fabric; BE7: High Street Conservation Area; BE15: Listed Buildings; H6: Town Centre Housing; MTC1: Prime Shopping Area; MTC3: Development in Prime Shopping

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Local Plan (2017) policies<sup>2</sup>, the Cheshire East Borough Design Guide (2017) and adopted LDO Design Statement and the development parameter plans contained therein (xxxx 2017).

*Reason: For the avoidance of doubt, in the interest of proper planning and responding to the character and appearance of the development and the surrounding area.*

Construction Access

4. Construction access to Sites A-I shall only be permitted via the main xxx/B road entry points to xxx and no other routes. Further details, including construction time limits and treatment of noise and dust to be set out in the Construction Environmental Management Plan to be submitted with the Self-Certification Form prior to commencement.

*Reason: In the interest of the amenity of nearby residents.*

Drainage & Services

5. Prior to the commencement of development or other operations being undertaken on site in connections with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or machinery) a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other legislation). Such layout shall provide for the long-term retention of the agreed trees on site. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.

*Reason: To ensure the adequate provision of drainage infrastructure and to ensure the continued wellbeing of the trees in the interests of the amenity of the locality.*

6. The service/drainage layout to ensure total separation of the foul and surface water drainage systems, with only foul water flows being allowed to emanate from the site and to communicate with the public sewerage system.

*Reason: To comply with requirements of United Utilities Water Limited and to protect the security and safety of the public sewerage system.*

Landscaping

7. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for all the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted, boundary treatments, surfacing materials (including roadways, drives, patios and paths).

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Areas; and MTC4: Secondary Shopping Areas.

<sup>2</sup> In particular policies: SD 2 Sustainable Development Principles; SE 1 Design; SE 2 Efficient Use of Land; SE 4 The Landscape; SE 7 The Historic Environment; SE 12 Pollution, Land Contamination and Land Instability; and SL 4 Central Macclesfield.



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*Reason: To secure a high standard of landscaping in the interests of the appearance of the development in the locality and in accordance with Policy SE 4 The Landscape of the Local Plan (2017), the LDO Design Statement (2017) and the Cheshire East Borough Design Guide (2017).*

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the approved landscaping scheme is efficiently implemented and subsequently maintained in the interests of the appearance the development in the locality and in accordance with Policy SE 4 (The Landscape) of the Local Plan (2017), the LDO Design Statement (2017) and the Cheshire East Borough Design Guide Macclesfield Design Guide (2017).*

Environmental Protection

- 9.
10. No trees, shrubs or hedges within the site which are shown as being retained within the approved LDO Design Statement (xxxx 2017) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

*Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.*

11. No external lighting shall be installed within the boundary of the LDO sites unless in accordance with the Cheshire East Borough Design Guide (2017) and approved LDO Design Statement (xxxx 2017) or other details that shall have first been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained in accordance with the details thereby approved.

*Reason: To safeguard residential amenity, wildlife, the character of the area and the setting of the Conservation Area.*

Highways

12. The development hereby approved for LDO Sites A-I shall not be brought into use or occupied until full details of the proposed vehicular access has been approved by the

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Local Planning Authority and constructed in accordance with those details and shall thereafter be permanently retained.

*Reason: To ensure that suitable access is provided in the interests of highway safety.*

13. A **Personal** Travel Plan shall be submitted with the self-certification form for each individual development brought forward on LDO Site 6, monitored and reviewed annually for five years after initial occupation in close liaison with the Local Planning Authority. All other sites will be incorporated into the existing annual Travel Plan review for Reaseheath College Campus.

*Reason: To ensure that the development can operate within the highway network and to promote sustainable modes of transport.*

14. No part of the development on LDO **Sites A-I** hereby approved shall be brought into use or occupied unless provision has been made for the turning of vehicles and parking in accordance with details that shall have first been submitted to and approved, in writing by the Local Planning Authority. The provision made for the turning of vehicles and parking shall thereafter be permanently retained, kept free from obstruction and not used other than for the turning of vehicles.

*Reason: To ensure that sufficient parking is provided to serve the approved development and ensure that vehicles enter and leave the highway in a forward gear in the interests of highway safety.*

#### Ecology

15. Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone takes place.

*Reason: To safeguard protected species in accordance with the NPPF.*

#### Heritage and conservation

16. The Whalley Hayes LDO includes part of the Town Centre Conservation Area. Charles Roe House is approximately 10 m from the proposed LDO Site boundary to the south) and Bate Hall Public House (approximately 20 m to the south-east). The closest listed building is Little Street Mill, which is immediately adjacent to the Whalley Hayes LDO boundary. For sites E – I, a heritage statement is required to outline details of harm or loss of designated heritage assets and their significance (including its setting), to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.

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*Reason: To safeguard protected heritage in accordance with the Local Plan (Policy SE 7 The Historic Environment, Strategic Location SL 4 Central Macclesfield) and the NPPF.*

Car parking

17. Car parking should be provided in accordance with the parking standards set out in Appendix C of the Local Plan (2017) and Cheshire East Parking Standards - Guidance Note (October 2012). Cheshire East Council will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS) outlining predicted parking profiles that would allow departures from the Standards. The parking standards that apply for residential dwelling houses are minimum standards and for all other uses the standards should be regarded as recommended levels.

*Reason: To provide adequate parking associated with new dwellings in the town centre in accordance with local standards.*

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**INFORMATIVES**

- A. The majority of conditions will require prior approval before work starts on site with full details to be supplied as set out in Condition 2. All information is to be provided together for each LDO site to avoid delays in prior approval and to minimise the cost of discharging as individual conditions. Compliance with this approach will incur the Council's standard discharge of condition fee currently £385 or as updated and published on the Council's web site; other than for LDO Site 5 where no charge will be applied.
- B. This LDO does not exclude applicants from applying for planning permission for developments that are not permitted by this Order.
- C. The LDO does not grant planning permission for any developments other than those expressly listed. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.
- D. The LDO does not allow for changes of use between use classes, other than those that would otherwise be permitted under the Town and Country Planning General Permitted Development Order – our LDO probably will
- E. The LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development Order 2015 (as amended) or any successor legislation or order.
- F. This LDO does not overrule the requirements of any other legislation, including but not exclusively, Highways Acts, Listed Buildings and Conservation Areas Acts, Environmental Protection Legislation, the Equality Act and the Building Regulations.
- G. The LPA will review progress with the LDO on the 3<sup>rd</sup> anniversary of its adoption. This will allow the LPA to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the trigger event and at the end of the review the Council will determine whether to:
  - Retain the LDO as it stands for the remaining period of its life;
  - Retain but revise some elements; or
  - Revoke and Cancel the LDO
- H. Any development which requires an individual Environmental Impact Assessment (EIA) would need to be assessed through a formal planning application submission as such developments would fall outside the scope of this LDO.
- I. Any development that does not comply with the terms and conditions of this Local Development Order will be liable to formal enforcement proceedings. Any 'formal enforcement proceedings' will be subject to safeguards for developers enshrined in the National Enforcement Charter, where a reasonable opportunity will be given for developers to co-operate and quickly rectify any genuine mistakes where possible.
- J. The applicant is reminded that compliance with the conditions attached to this consent does not preclude the Council from taking action under the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990.
- K. All developments within the LDO area will be exempt from future Community Infrastructure Levy (CIL) requirements to reduce the cost to developers and therefore promote and encourage employment generation in the area.



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**APPENDIX 1: SELF-CERTIFICATION FORM AND VALIDATION REQUIREMENTS**

<b>1. Applicant Details</b>	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	
<b>2. Agent Details (if applicable)</b>	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	
<b>3. LDO Site Reference</b>	
LDO Site Number 1-6	
For LDO Site 6 – Plot Reference	
Confirmation of Site Area	
Total Proposed Floorspace	

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#### 4. Description of the proposal

Please provide a summary description of the proposal (200 words)

#### 5. Compliance with the Local Development Order

Please provide a brief statement of how the proposal complies with the LDO and the adopted Northside and Whalley Hayes LDO Design Statement (xxxx 2017)

#### 6. Design & Materials

What materials are to be used externally? Please provide detail on the type, colour and name of each material.

Walls	
Roof	
Windows	
Doors	
Boundary Treatments	
Access arrangements	
Lighting Proposals	
Other	

#### 7. Employment – For LDO Sites 1 and 3 please provide details of proposed employment

	Full Time	Part Time

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**8. Industrial or Commercial Processes and Machinery**

Please describe the activities and processes that would be carried out on the site and the end products, including details of plant, ventilation or air-conditioning. Please indicate the types of machinery that would be installed in the site:

**9. Hazardous Substances**

Does the proposal involve the use or storage of any of the following materials in the quantities stated below?

If YES please provide the amount of each substance involved:

Acrylonitrile (tonnes)	Ethylene oxide (tonnes)	Phosgene (tonnes)
Ammonia (tonnes)	Hydrogen cyanide (tonnes)	Sulphur dioxide (tonnes)
Bromine (tonnes)	Liquid oxygen (tonnes)	Flour (tonnes)
Chlorine (tonnes)	Liquid petroleum gas (tonnes)	Refined white sugar (tonnes)
Other: Amount (tonnes)	Other: Amount (tonnes)	

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### 10. Landowners Consent

The landowner's consent must have been sought prior to submitting this scheme. Please provide details below:

Name of Owner	Address	Date Notice Served
Signed – Applicant	Or Signed – Agent	Date

### 11. Supporting Documents - Checklist

Please read the following checklist to make sure you have provided all the required information in support of your proposal:

- a) Signed and dated copy of this form
- b) A site layout plan to an appropriate metric scale.
- c) Topographical survey of site showing existing and proposed finished levels.
- d) Detailed elevations and floor plans of all buildings to an appropriate metric scale.
- e) A schedule of external facing materials.
- f) A detailed landscaping scheme.
- g) Tree protection measures.
- h) Arboricultural Method Statement.
- i) Construction management plan including full details of "reasonable avoidance measures" for protected species where applicable.
- j) A scheme for all external lighting.
- k) A scheme for the attenuation of surface water with accompanying pollution prevention measures.
- l) A foul drainage discharge and treatment assessment.
- m) **Personal travel plans**

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**12. Declaration**

I/We hereby apply for certification of compliance with the Northside / Whalley Hayes Local Development Order as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

**12. Declaration**

I/We hereby apply for certification of compliance with the Northside / Whalley Hayes Local Development Order as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Signed – Applicant

Or Signed – Agent

Date

Send this completed form by email to:

Or by post to:

**This page is intentionally left blank**

## 1. BACKGROUND & CONTEXT

The Cheshire East Local Plan Strategy (LPS) identifies Central Macclesfield as a priority area. The Council are seeking to maximise opportunities for improvement and regeneration. The regeneration and development of Central Macclesfield over the plan period will be achieved through the delivery of new dwellings and where appropriate new and improved retail and leisure developments that are in-centre. Central Macclesfield presents a valuable opportunity to maximise the assets and enhance the character of Macclesfield town centre and central area, this is covered by the policy for Strategic Location 4 (SL4) within the emerging LPS.

The delivery of new residential development within this central area will help to support and enhance the town centre, improving natural surveillance in the area and supporting the night time economy. It will also help to maintain a balance of uses within the area that will help to create and support sustainable communities. High quality public spaces will support the vitality of this area and help to create successful urban environments. The Local Development Orders ('LDOs') are a means of delivering this strategy.

## 2. LEGISLATIVE FRAMEWORK GOVERNING THE LDO PROCESS

LDOs were introduced through the Planning and Compulsory Purchase Act 2004 and, in effect, grant planning permission for the specific form / type of development detailed in the order. These primary powers were amended by the commencement of section 188 of the *Planning Act 2008* in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

The Growth and Infrastructure Act 2013 removed the requirement to formally consult the Secretary of State prior to adoption enabling local authorities to approve an LDO immediately after reviewing the results of local consultations. This was replaced by a requirement to notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption.

The Act also removed the requirement for LDOs to be reported on as part of Authorities' Monitoring Reports. However, CEC will closely monitor development progress.

## 3. PROPOSED LDOs IN MACCLESFIELD TOWN CENTRE

The LDO is proposed to cover nine sub-areas within the Northside and Whalley Hayes areas within central Macclesfield as highlighted in the red line boundaries (**Appendix 1**) and outlined briefly below:

### *Northside:*

- Sub-area A – Building adjoining Beech Lane and Pearle Street<sup>1</sup>
- Sub-area B – Former Magistrates Court
- Sub-area C – Buildings on the corner of Beech Lane and Hibel Road
- Sub-area D – Vacant land between Brock Street and Beech Lane

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<sup>1</sup> Cyprotex building

*Whalley Hayes:*

Sub-area E – Buildings on the corner of King Edward Street and King Edward Road (west)

Sub-area F – Buildings on the corner of King Edward Street and King Edward Road (east)

Sub-area G – Site known as 'The Three Pigeons'

Sub-area H – Buildings on the corner of King Edward Street and Westminster Street (west)

Sub-area I – Buildings on the corner of King Edward Street and Westminster Street (east)

#### **4. AIMS & OBJECTIVES**

In accordance with National Policy and the emerging LPS, the aims and objective of the LDOs project is to ensure that brownfield sites are brought forward for residential-led development where they are suitably located and deliverable. Bringing these sites forward for development would reduce the need for development on greenfield land and support the regeneration of Macclesfield town centre. It is hoped that these pilot LDOs will act as a catalyst to bringing forward brownfield sites within Macclesfield and could result in owners of sites which otherwise would not have been considered for residential use to explore this as viable option.

The purpose of the LDOs is to provide confidence in the proposed developments and attract the necessary investment. This in turn has a number of strategic implications for the wider borough as well as wider economic benefits:

- It will help to increase local employment opportunities and investment in the area;
- It seeks to reduce the time and costs associated with the planning application process and increase certainty for the development of sites;
- Collates and summarises baseline site information to provide upfront information on development considerations and constraints; and
- Contribute to a strategic approach to planning for key regeneration area.



## 5. PERMITTED DEVELOPMENT

The nine sub-areas are predominantly residential-led. Additional commercial floorspace (at Sites G, H, and I) is proposed to stimulate ancillary local employment opportunities related to retail, services and leisure where businesses can benefit from being in close proximity to the Town Centre.

The particular uses proposed and development will be permitted under the LDO for the land uses in the Use Classes Order 1987 (as amended) shown in the table below:

LDO Sub area ref.	Function	Maximum Units	Use Class
<b>A</b>	Residential	10-15	C2, C3
<b>B</b>	Residential	15-20	C2, C3
<b>C</b>	Residential	2-10	C2, C3
<b>D</b>	Residential	2-4	C2, C3
<b>E</b>	Residential	10-15	C2, C3
<b>F</b>	Residential	10-15	C2, C3
<b>G</b>	Residential, with ancillary retail and leisure	15-20	A1, A2, A3, C3, D1, D2
<b>H</b>	Residential with ancillary retail	10-20	A1, A2, A3, C2, C3
<b>I</b>	Residential with ancillary retail	20-30	A1, A2, A3, C2, C3

## 6. LIFESPAN OF THE LDO

The LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of this order.

CEC propose to review progress with the LDO on the second anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the second anniversary and at the end of the review the Council will determine whether to:

- Retain the LDO as it stands for the remaining 3 years of its life;
- Retain but revise some elements; or
- Revoke and Cancel the LDO

Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development.

## 7. PLANNING CONDITIONS OF THE LDO

All development taking place within the areas covered by the LDO will need to adhere to the following general conditions (more detailed conditions will be outlined within the formal LDO Consent Order):

Prior to the commencement of development on a plot, detailed plans shall be submitted to

the Local Planning Authority (LPA). Within 28 days of their receipt, the LPA will confirm, in writing, whether the proposed development is in conformity with the LDO or if further information and/or changes to the plans are required to secure conformity with the LDO. If the latter is the case, the Council will contact the developer and determine whether there is a need to agree an extension of time in which to consider the additional information to be submitted.

The plans to be submitted must include the following:

- A site layout plan to an appropriate metric scale;
- Detailed elevations and floor plans of all buildings to an appropriate metric scale;
- A schedule of external facing materials;
- A detailed landscaping scheme;
- A scheme for all external lighting;
- A scheme for the attenuation of surface water with accompanying pollution prevention measures; and
- A foul drainage discharge and treatment assessment.

The development shall be carried out in accordance with the agreed details and meet all requirements set out in the conditions. Development shall be commenced within 12 months of the date of the Council's confirmation that it is in conformity with the LDO otherwise further information will need to be provided to confirm compliance with the LDO.

## **8. PLANNING POLICY CONTEXT**

### **NATIONAL PLANNING POLICY**

The National Planning Policy Framework (NPPF) sets out in a comprehensive document the Government's economic, environmental and social planning policies for England. It was published in March 2012 and Local Authorities are required to take its contents into account when preparing Development Plans and also when making decisions on planning applications and appeals.

The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.

#### **Paragraph 17**

"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

### **Paragraph 19**

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

### **Paragraph 111**

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”

### **Paragraph 199**

“Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.”

The NPPF continues to say that investment in business should not be over-burdened by the combined requirements of planning policy expectations.

## **LOCAL PLANNING POLICY**

### **Cheshire East Local Plan Strategy (Submission Document May 2014)**

The Submission version of the Cheshire East Local Plan Strategy (May 2014) is in accordance with the NPPF and supports the NPPF’s regeneration and brownfield first policy. The LDOs seek to implement the strategy for central Macclesfield found under SL 4 Central Macclesfield which seeks to support:

- Delivery of new dwellings;
- New and improved retail and leisure developments that are in-centre and improve the quality of the shopping experience;
- Support for enhanced cultural offer;
- Support for new restaurants and cafés, to increase footfall throughout the evening;
- Delivery of landmark, well designed buildings;
- Appropriate car parking;
- Improvements to the public realm;
- Incorporation of Green Infrastructure;
- Improved pedestrian and cycle links to the railway station and bus station;
- On-site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities;
- Maximising opportunities to bring disused and underused buildings back into use; and
- Provision of high quality design and regard to the need to conserve and enhance the character and appearance of the listed buildings/conservation areas/locally important buildings and spaces.

## **9. PLANNING HISTORY**

The town centre Conservation Area and listed buildings are a key feature of the Whalley Hayes area, whilst Northside has been in predominantly mixed commercial, residential and civic use. The development contained within the proposed LDOs will conserve the setting or context of the listed buildings and characteristics of the Conservation Area.

Alongside the formal Consent Order to the LDO there will also be a number of evidence based documents which have informed decisions made through the preparation of the LDO. Of most importance is the Design Statement (prepared by e\*Scape) which sets out the parameters to be adhered to in design terms including location and orientation, scale and mass, access and movement, materials and appearance and landscape. There is also a supporting Heritage Impact Assessment (HIA) being prepared by Hinchcliffe Heritage which also identifies potential sensitivities given the proposed location of each of the LDOs. Both of these documents suggest actions to be taken to mitigate any potential negative impacts, which will need to be adhered to at the detailed design stages.

There have been a number of individual planning applications submitted within the red line boundaries of the proposed LDOs, since 2009 and covering a range of application types.

The below table provides a summary of these applications:

<b>Planning Application Reference</b>	<b>Description of Development</b>
15/4549M	Shop Unit King Edward Road – Removal of current external signage and installation of x3 fascia signs – Approved with conditions 11/11/15
14/1597M	Land adjacent to 6 Beech Lane – Erection of 9 no. flats with associated parking, recycling facilities and planting leisure area – Withdrawn 07/05/14
12/1560M	Unit 1, King Edward Street – Advertisement Consent for installation of 1 fascia sign – Approved with conditions 03/07/12
12/0655M	Churchill Way / King Edward Street – Advertisement Consent for the installation of 2 fascia signs – Approved with conditions 23/03/12
11/1828M	42 King Edward Street – Conversion of dental surgery into 2 no. apartments – Approved with conditions 02/09/11
11/0532M	42 King Edward Street – Conversion of vacant dental surgery into two number flats – Approved with conditions 05/07/11
10/0908M	Single storey laboratory extension to existing laboratory – Approved with conditions 01/06/10
09/1868M	Single storey side extension to laboratory and re-siting of stand-alone storage unit – Approved with conditions 04/09/09

## **10. SUPPORTING EVIDENCE BASE**

LDOs are subject to the same technical scrutiny of planning applications and the LPA has to be satisfied on the suitability of an area for the proposed development and its future sustainability.

The LDO has drawn on a range of surveys and studies. The critical supporting evidence is set out in the following documents:

- Traffic Impact Assessment prepared by Jacobs;
- Air Quality Impact Assessment prepared by Jacobs;
- Heritage Impact Assessment (HIA) prepared by Hinchcliffe Heritage;
- Design Statement incorporating Landscape Strategy prepared by e\*Scape; and
- Phase 1 Preliminary Risk Assessment (PRA) prepared by Cheshire East Council.

Copies of all these documents can be inspected at Cheshire East Council's office and will also be made available on Cheshire East's website.

## 11. ENVIRONMENTAL IMPACT ASSESSMENT – SCREENING OPINION

The Environmental Impact Assessment Regulations 2015 set out the thresholds for new development that may need to be screened to determine whether a full Environmental Impact Assessment is required.

The proposed LDO does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('The EIA Regulations'). However, the proposed LDO does fall under Schedule 2, as defined in Part 10(b) '*Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*'.

The EIA Regulations were recently amended (06/04/2015) increasing the development area EIA screening thresholds for certain projects. In the case of 'urban development projects', the existing threshold of 0.5 ha was raised and amended such that a project will only usually need to be screened if:

- The development proposed includes more than 1 ha of development that is not dwelling house development; or
- The development includes more than 150 dwelling houses; or
- The area of the development exceeds 5 ha.

Given the characteristics of the proposed LDOs and that it exceeds the 150 unit threshold for the number of residential buildings, it was considered appropriate for an EIA screening request to be prepared and submitted to the LPA, and for a Screening Opinion to be given in response.

Potential environmental impacts across a range of environmental topics were considered in the Screening Opinion Request Letters (SORL) sent to the LPA. The letters took into account the location of sensitive receptors, including neighbouring residential properties and designated sites. The SORL confirmed that construction of the proposed LDO developments will adhere to suitable impact avoidance and standard mitigation measures which will be included in a CEMP to be prepared and implemented by the contractor(s). The SORL concluded that operational effects of the proposed LDOs will be slight when considered in the context of the existing land uses, and the proposed LDO is anticipated to have a beneficial effect on Macclesfield town centre.

Taking these issues into account, it was considered that no likely significant environmental effects will be associated with the proposed LDO, and the LDO does not constitute EIA development. The LPA was invited to review the details contained within the SORL in accordance with the EIA Regulations. The LPA subsequently confirmed (16/4254S and 16/4251S) that the LDOs were screened out of requiring an EIA<sup>2</sup>.

## 12. CONSULTATION PROCESS

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the *Town and Country Planning (Development Management Procedure) Order 2010* (Statutory Instrument 2010/2184). Consultation must include any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

<sup>2</sup> Accessed at: <http://doc.cheshireeast.gov.uk/NorthgatePublicDocs/07854988.pdf> and <http://doc.cheshireeast.gov.uk/NorthgatePublicDocs/07855418.pdf>

The draft LDO has been prepared by Cheshire East Council in consultation with the affected landowners.

The Draft LDO Consent Order and this Statement of Reasons report were approved “in principle” as being suitable for consultation by Cheshire East Council’s Portfolio Holder on 20<sup>th</sup> March 2017, subject to the completion of the required technical studies as set out earlier on in this discussion.

All statutory stakeholders have been consulted informally alongside development of the technical appraisal work and during informal pre-consultation engagement efforts. Initial comments have been addressed in the draft document and will be subject to further formal consultation once published. Details of these and other stakeholders consulted in the preparation of the draft LDO are presented in the Statement of Consultation (dated October 2016)<sup>3</sup>.

## **11. CONSULTATION TIMETABLE**

The Draft Consent Order and Statement of Reasons Report will be placed on the Council’s Planning Register, be available for inspection online and at the Council’s offices and open to formal consultation responses between 29<sup>th</sup> March 2017 and 26<sup>th</sup> April 2017. Further presentations will also be provided during this period and there will also be a number of drop-in sessions organised and facilitated by the Cheshire East Council to allow for comments to be made and representations suitably recorded.

All responses will be recorded and analysed according to material considerations and reported within a Statement of Consultation document for initial consideration prior to making a formal recommendation on any changes to the Strategic Planning Board (SPB) for consideration in accordance with normal planning procedures ahead of the LDOs ultimate adoption during early July 2017.

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<sup>3</sup> Accessed at: [http://www.cheshireeast.gov.uk/planning/spatial\\_planning/local-development-orders-ldos.aspx](http://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx)

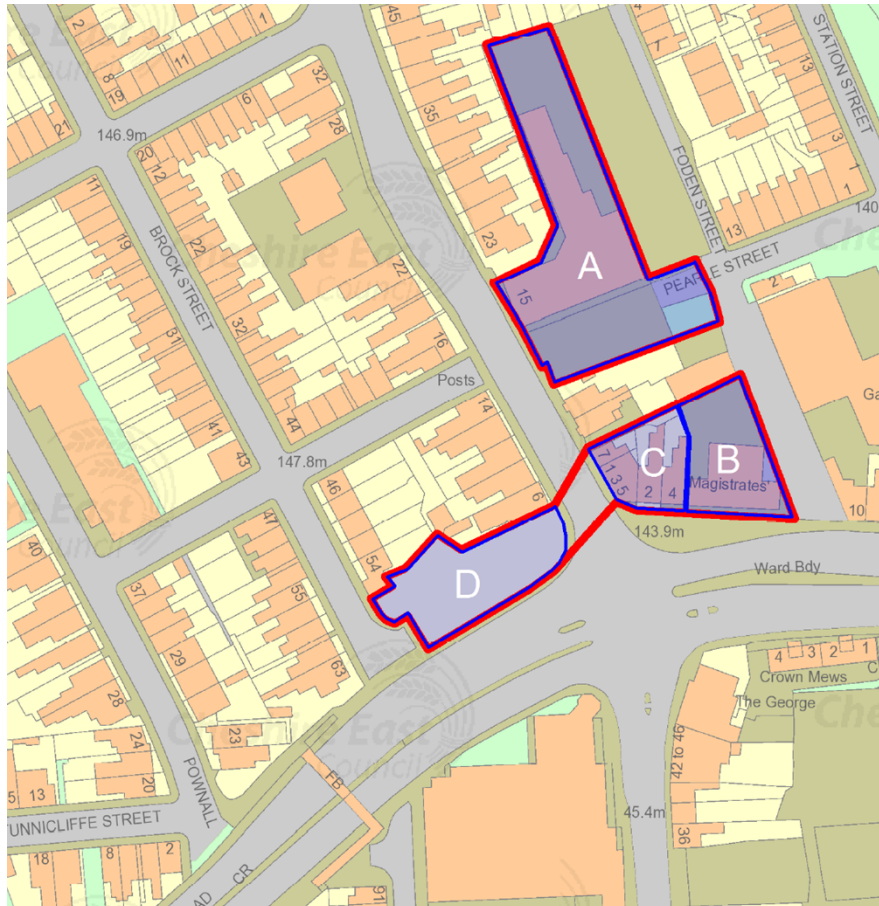


# Macclesfield Town Centre: Northside and Whalley Hayes Local Development Order (LDO) – Statement of Reasons

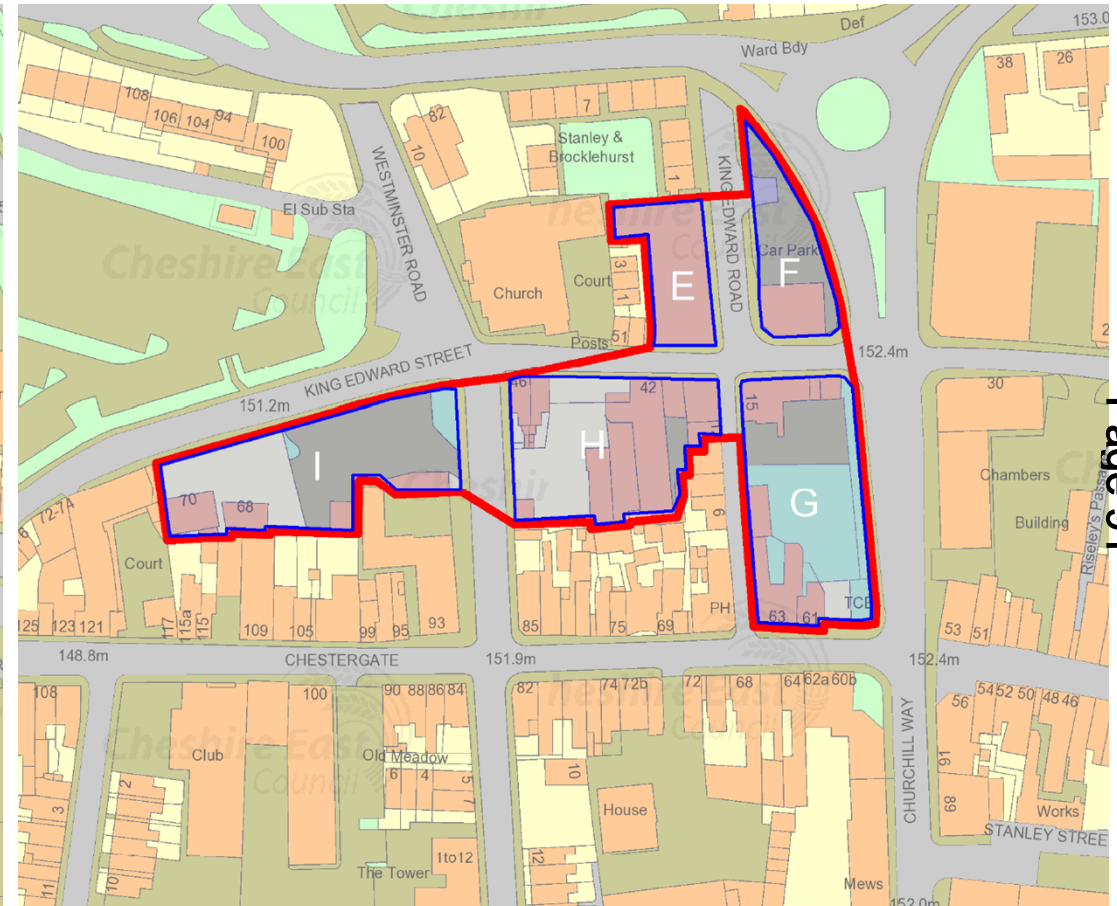


## APPENDIX 1

### Northside:



### Whalley Hayes:



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