

1. LEGISLATIVE FRAMEWORK GOVERNING THE LDO PROCESS

Cheshire East Council (“CEC”) is proposing to make a Local Development Order for parcels of land within Macclesfield.

Local Development Orders (“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 either conditionally or unconditionally. More detailed provision on LDOs are contained 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) Order 2015 (the “DMPO”).

The Growth and Infrastructure Act 2013 simplified the LDO process by removing the requirement to formally consult the Secretary of State prior to adoption enabling local authorities to approve an LDO immediately after reviewing and taking account of 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.

The DMPO came into force on 15 April 2015 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order. Article 38 paragraph (1) of the DMPO outlines that where a Local Planning Authority proposes to make a LDO they shall first prepare:

- (a) A draft of the order; and
- (b) A statement of their reasons for making the order.

Article 38 paragraph (2) of the order stipulates that the statement of reasons shall contain:

- (a) A description of the development that the order would permit; and
- (b) A plan or statement identifying the land to which the order would relate.

This document contains the statement of reasons for making the LDO. The LDO will relate to development parcels within two neighbourhood areas in Macclesfield - Northside and Whalley Hayes. A map identifying the area of land to which the Order relates can be seen in Appendix 1.

2. BACKGROUND & CONTEXT

The Cheshire East Local Plan Strategy (“LPS”) which was adopted 27 July 2017 identifies Central Macclesfield as a priority area. CEC 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 LPS 12 (Central Macclesfield) within the adopted LPS.

The delivery of new residential development and retail and leisure uses 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 LDOs are a means of delivering this strategy.

3. PROPOSED LDOs IN MACCLESFIELD TOWN CENTRE

The LDO is proposed to cover nine development parcels within two neighbourhood areas within central Macclesfield known as Northside and Whalley Hayes. The areas to which permitted development relates are highlighted in the red line boundary (Appendix 1) and outlined briefly below:

Northside:

Development Parcel A – Building adjoining Beech Lane and Pearle Street¹

Development Parcel B – Former Magistrates Court

Development Parcel C – Buildings on the corner of Beech Lane and Hibel Road

Development Parcel D – Vacant land between Brock Street and Beech Lane

Whalley Hayes:

Development Parcel E – Buildings on the corner of King Edward Street and King Edward Road (west)

Development Parcel F – Buildings on the corner of King Edward Street and King Edward Road (east)

Development Parcel G – Site known as ‘The Three Pigeons’

Development Parcel H – Buildings on the corner of King Edward Street and Westminster Street (west)

Development Parcel I – Buildings on the corner of King Edward Street and Westminster Street (east)

Development beyond the LDO areas is excluded from the order and will be subject to the normal planning control processes.

4. AIMS & OBJECTIVES

In accordance with National Policy and the LPS, the aims and objective of the LDO 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 this pilot LDO 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 a viable option.

The purpose of the LDO 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.

¹ Terryberry Reward, and ISFitness building

5. PERMITTED DEVELOPMENT

The LDO Consent Order contains the specific classes of permitted development which are granted planning permission by the order. The development permitted by different classes is outlined briefly below and described in more detail in Schedule 2 of the LDO Consent Order.

The nine development parcels for Northside and Whalley Hayes are for new build development. Site B however also permits a change of use from the existing court building (D1 use) to residential (C3 use).

The permitted new build is predominantly for residential, with a limited quantum of non-residential use. The non-residential use is within Site G and permits commercial/retail/leisure uses on the ground floor fronting Chestergate Street and Churchill Way with apartments above. The LDO does not seek to be prescriptive in relation to the type of use that would be suitable within the A1, A2, A3 and/or A4 use class.

The uses permitted for each development parcel, as defined in the Use Class Order 1987 (as amended), are shown below:

LDO Development Parcel ref.	Function	Maximum Units / Floorspace	Use Class
A	Residential	18	C3
B	Residential	11	C3
C	Residential	4	C3
D	Residential	10	C3
E	Residential	7	, C3
F	Residential	13	C3
G	Residential and commercial/retail/leisure	27/382 sq.m	A1, A2, A3, A4, C3
H	Residential	9	C3
I	Residential	22	C3

5. LDO CONDITIONS

Where a development scheme is proposed, written confirmation should be sought from the local planning authority that the proposals are in compliance with the LDO. A Self Certification Form which is attached to the LDO Consent Order needs to be completed and submitted to the Council for every proposed development coming forward under the Order. A copy of this form along with a checklist of the information that is required for all development is provided in Appendix 1 and Appendix 2 of the LDO Consent Order. Development cannot be considered lawful development until, amongst other things (including other provisions of Schedule 3), the Self-certification form has been undertaken and that the proposal complies with the Order.

The Local Development Order contains a number of conditions relevant to the each LDO development parcel. Further details of this can be seen in Schedule 3 of the LDO Consent Order. Some conditions of the LDO require further details to be submitted and approved by the local planning authority prior to the commencement of development. Where details are required, it is because the site conditions suggest there may be an environmental or amenity

issue which needs extra consideration and controls placed upon them to minimise the harm to these features.

The Order does not remove the requirements of other relevant legislation, for example, Building Regulations, Hazardous Substances Consent, Listed Buildings Consent, and Advertisement Consent. These will need to be obtained where appropriate through the existing regimes.

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:

- a. Retain the LDO as it stands for the remaining 3 years of its life;
- b. Retain but revise some elements; or
- c. 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, 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. Any developments commenced within the area after this date will require the submission of a formal planning application.

Standard enforcement practices will apply to development brought forward under the provisions of the Order.

7. PLANNING POLICY CONTEXT

The LDO supports the implementation of existing strategic plans and policies at a national level and local level.

NATIONAL POLICY

National Planning Policy Framework (Adopted July 2018)

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 July 2018 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 towards sustainable solutions through delivering a sufficient supply of homes, building a strong and competitive economy, ensuring the vitality of town centres, promoting healthy and safe communities, promoting sustainable transport, making effective use of land, and achieving well-designed places.

Paragraph 51

Local planning authorities are encouraged to use Local Development Orders to set the planning framework 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.

Paragraph 85

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Paragraph 117

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 118

Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict or contaminated or unstable land; and promote and support the development of under-utilised land and buildings, especially if this would meet identified need for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure). And support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and maintain safe access and egress for occupiers.

LOCAL PLANNING POLICY

Cheshire East Local Plan Strategy, 2010-2030

The Cheshire East Local Plan Strategy (LPS) was adopted in July 2017. It was found sound and therefore in accordance with those elements of the NPPF supporting regeneration and the brownfield first approach. The LDO will help to implement the strategy for Central Macclesfield found under policy LPS 12 (Central Macclesfield) which seeks to deliver:

- New dwellings;
- New and improved retail and leisure developments that are in-centre and improve the quality of the shopping experience;
- Other commercial uses including B1 office use;
- Enhanced cultural offering;
- 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;
- Infrastructure improvements;
- Revitalised buildings (bringing underutilised or unused buildings back into use); and
- High quality design that pays regard to the need to conserve and enhance the character and appearance of the listed buildings/conservation areas/locally important buildings and spaces.

8. PLANNING HISTORY

The town centre Conservation Area is a key feature of the Whalley Hayes area with listed buildings in close proximity, whilst Northside has been in predominantly mixed commercial, residential and civic use. The development contained within the proposed LDOs will conserve the setting and context of the listed buildings and characteristics of the Conservation Area, whilst delivering much needed new development (as per policy LPS 12 in the LPS).

Alongside the formal Consent Order to the LDO there are a number of evidence based documents which have informed decisions made through the preparation of the LDOs. Of critical importance is the Northside and Whalley Hayes LDO Strategic Design Statements (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 supporting Heritage Impact Assessments (HIA) prepared by Hinchcliffe Heritage which identifies potential heritage sensitivities that should be considered at the design stage. 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 which covers a range of application types. The table below provides a summary of these applications:

Planning Application Reference	Description of Development
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

NB. Many of the applications detailed above have since been built out.

9. SUPPORTING EVIDENCE BASE

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

The LDOs have been drawn on a range of surveys and studies that have de-risked a large part of the development process for landowners and developers with an interest in the LDO areas. The critical supporting evidence is set out in the following documents:

- Environmental Impact Assessment Screening Opinion Request Letters prepared by AECOM;
- Traffic Impact Assessment prepared by Jacobs;
- Air Quality Impact Assessment prepared by Jacobs;
- Heritage Impact Assessments (HIAs) prepared by Hinchcliffe Heritage;
- Northside and Whalley Hayes LDO Strategic Design Statements prepared by e*Scape Urbanists; and
- Phase 1 Preliminary Risk Assessment (PRA) prepared by Cheshire East Council.

Copies of all these documents can be inspected at Macclesfield Library and have also been made available on Cheshire East Councils website.

10. 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 LDOs do not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“The EIA Regulations”). However, the proposed LDOs do 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 amended in April 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, it was considered appropriate for an EIA screening request to be prepared and submitted to the Local Planning Authority, 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 Local Planning Authority. 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 Construction Environmental Management

Plan (“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 LDOs are 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 LDOs, and the LDOs do not constitute EIA development. The Local Planning Authority was invited to review the details contained within the EIA SORL in accordance with the EIA Regulations. The Local Planning Authority subsequently confirmed (16/4254S and 16/4251S) that the LDOs were screened out of requiring an EIA².

11. CONSULTATION PROCESS

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure (England) Order 2015. Consultation must include any person with whom the Local Planning Authority would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

The draft LDOs have been prepared by Cheshire East Council in consultation with the affected landowners. Statutory stakeholders have been consulted alongside development of the technical appraisal work and during informal pre-consultation engagement efforts. An initial period of Public Consultation on the two LDO areas took place over a 6 week period, which ran from August 2016 until September 2016, and was intended to ensure that the correct boundaries were being used for the LDOs and inviting comments on the proposed 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. A large amount of technical work was conducted following the initial Public Consultation. The comments and new evidence fed into the changes made to the next iteration of the LDO that was subject to formal consultation between April to May 2017. Details of these consultation stages and feedback received on previous drafts of the LDO are presented in the Statement of Consultation (December 2017)³. The LDOs are now subject to a final round of public consultation as a result of additional changes made. Any comments received during this consultation will be taken into account when the LDO is finalised for adoption.

² Accessed at:

<http://planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=16/4251S&query=2ac019c7-d408-4e32-84ea-0da8f4a50441>

and <http://planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=16/4254S&query=c270ec31-97ab-43f5-b520-7fb7c6c8375c>

³ Accessed at: 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:

