

CHESHIRE EAST COUNCIL

REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

Date of Meeting: 14 September 2010
Report of: Head of Planning and Policy
Subject/Title: Local Development Framework
Portfolio Holder: Cllrs David Brown and Jamie Macrae

1.0 Report Summary

1.1 This report considers a number of reports which will form part of the Cheshire East Local Development Framework (LDF). These include:

- Statement of Community Involvement (SCI);
- Alsager Town Centre Supplementary Planning Document (SPD);
- Smallwood Village Design Statement SPD;
- Cheshire East Local List of Historic Buildings and its supporting SPD; and

1.2 The report has been considered by Strategic Planning Board; their comments are set out in Section 10 below. The documents have been revised where appropriate. The Scrutiny Committee is invited to consider the documents so that their comments can be considered by Cabinet on 20 September and the decision made by Council on 14 October.

2.0 Decision Requested

2.1 To make a recommendation to the Cabinet to recommend that the Council adopt of the Statement of Community Involvement, Alsager Town Centre SPD, the Smallwood Village Design Statement SPD, the Local List of Historic Buildings and its accompanying SPD.

3.0 Reasons for Recommendations

3.1 To make clear the procedures and intentions of the Council regarding community involvement in the production of planning policy through the LDF and in Development Management decisions, to supplement existing planning policies, provide additional practical guidance and support for those involved in the planning of new development within the Borough.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

**6.0 Policy Implications including - Climate change
- Health**

6.1 All planning policy work is intended to promote sustainable development. The SPDs have been subject to a sustainability appraisal to ensure that their policies are in line with this principle. The SCI makes it clear that the Council favours electronic means of consultation wherever possible as a means of reducing resource use.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

7.1 All documents will be published on the Council's website. The costs of consultations set out in the SCI will be met from current and future Spatial Planning and Development Management budgets. The Alsager Town Centre SPD provides further guidance in relation to Section 106 financial contributions for future development within Alsager Town Centre. The cost of notification letters and publicity following the designation of the Local List will be met from the 2010/11 budget for Spatial Planning.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 The preparation of a Statement of Community Involvement is a statutory requirement set out in the 2004 Planning and Compulsory Purchase Act. The proposals for consultation set out in the SCI exceed the minimum requirements detailed in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008, 2009 and 2010).

8.2 The procedures for preparing and adopting SPDs set out in Government Regulations will be followed. The Alsager Town Centre SPD provides further guidance for development management and will be used within the decision making process as a material consideration. It also provides further guidance in relation to Section 106 financial contributions for future development within Alsager Town Centre.

8.3 The following properties included in the Local List are owned by Cheshire East Council:

- Town Hall, 34 Wellington Road, Bollington SK10 5JR
- Park Lodge, 149 Buxton Road, Macclesfield, SK10 1JX
- St Barnabas School, Byrons Street, SK11 1LT
- Victoria Park Bandstand, Fence Avenue, Macclesfield SK10 1LT
- 113 London Road, Macclesfield, SK11 7RL
- Boddington Arch, Cliff Road, Wilmslow
- Fulshaw C of E Primary School, Nursery Lane, Wilmslow SK9 6AB,
- Poynton Park Boathouse, Poynton
- Bollington War Memorial, Palmerston Street, Bollington
- Water Street School, Water Street, Bollington, SK10 5PB
- 70 Birtles Road, Macclesfield, SK10 3JQ

- Handforth Library, Wilmslow Road, SK9 3ES
- Railway Viaduct, Wellington Road, Bollington

8.4 Under the Constitutional Budget and Policy Framework Procedure Rules, because these documents form part of the policy framework, the Cabinet is to draw up initial proposals, consult on these, and publish a timetable in which responses are to be received; relevant Overview and Scrutiny Committees are to be asked for their views. The whole process is to be not less than four weeks. The Cabinet is to draw up firm proposals and make recommendations to Council. The suggested timetable is: Cabinet 19 July, Sustainable Communities Scrutiny Committee 2 September, Environment and Prosperity Scrutiny Committee 14 September, Cabinet 20 September and Council 14 October.

9.0 Risk Management

9.1 Provided that the statutory requirements of the documents' preparation and the consultation process are met, there is unlikely to be any risk associated with the adoption of the documents.

10.0 Background and Options

Statement of Community Involvement (SCI)

- 10.1 The Statement of Community Involvement (SCI) is a public statement of procedures and intentions regarding community involvement in the production of planning policy through the Local Development Framework and in Development Management decisions.
- 10.2 The Statement of Community Involvement is a feature of the planning system introduced by the Planning and Compulsory Purchase Act (2004). The introduction of the Statement of Community Involvement was a direct response by Government to ensure that the community plays a greater role in the production of the Local Development Framework and the determination of planning applications.
- 10.3 The draft Cheshire East Statement of Community Involvement was consulted upon over an 8 week period between the 23rd November 2009 and 18th January 2010. A total of 17 responses were received.
- 10.4 The revised Statement of Community Involvement is set out in Appendix 1. The Consultation Statement summarising the responses received and the changes proposed is set out in Appendix 2.
- 10.5 The consultation responses received to the draft Statement of Community Involvement have resulted in modifications to the proposed final version of the document, these include:
- The format and presentation of the document has been changed to improve the legibility and provide further detail on documents contained within the Local Development Framework, setting out clear opportunities for stakeholder involvement;
 - Additional tables and charts have been added to the document to set out specific stages of stakeholder involvement and detail how, where and when

community involvement can occur in the production of the Local Development Framework and determination of planning applications; and

- A reduction in the usage of abbreviations and technical jargon within the document.

10.6 The main proposals of the Statement of Community Involvement are as follows:

- To involve all sectors of the community from an early stage in the production of planning policy documents so that they input into the challenges, needs, requirements, options, and alternatives identified in these documents;
- To maintain an LDF consultation database so that all interested individuals and bodies are involved throughout the remaining stages of plan production;
- To use a range of methods of consultation as appropriate including press notices/releases, meetings, focus groups, workshops, exhibitions, questionnaires and theme based forums;
- To favour the use of electronic means of consultation wherever possible including a consultation portal on the Council's website;
- To seek to engage in joint consultations with other relevant strategies wherever possible, to save resources, provide a more comprehensive approach and avoid consultation fatigue;
- To signpost the existence of the Neighbour Notification and Publicity for Planning Applications Protocol;
- To encourage applicants to undertake pre-application discussions prior to the submission of planning applications; and
- To commit the Council to periodically monitoring and reviewing the success of the consultation techniques it has used.

Alsager Town Centre SPD

- 10.7 The purpose of the Alsager Town Centre SPD is to complement policies adopted within the Congleton Local Plan and saved as part of the Cheshire East LDF, particularly policies S1, S4, S5 and S6, to provide additional practical guidance and support for those involved in the planning of new development within Alsager Town Centre.
- 10.8 An informal draft of the Alsager Town Centre SPD was made available from 27th August 2008 to a number of key stakeholders, for comments. This consultation stage was essentially concerned with seeking technical observations from individuals within organisations that would either use or potentially endorse the document once it becomes an adopted SPD, including Alsager Town Council and the Alsager Partnership. The formal public consultation took place between 17th August and 2nd October 2009, the comments received during this consultation are set out in the Statement of Consultation along with the officers' response to these comments.
- 10.9 A number of changes have been made to the SPD following on from this consultation, including: amending the location of the key gateways to include the Train Station; further references to the historical environment; highlighting the need to review the Principal Shopping Areas in future Development Plan Documents; and making clearer reference to facilities for young people and older people within the section on community facilities.

- 10.10 A Strategic Environmental Assessment (SEA) Screening Exercise was undertaken to determine if a SEA is required. Consultation with the statutory environmental consultees on this Screening Statement was carried out between 8th December 2008 and 5th January 2009. They determined that a SEA was not required in relation to this SPD. However, national guidance still requires that a Sustainability Appraisal (SA) is undertaken for SPDs where the policies they are supplementing have not already been assessed. The methodology for the SA was agreed with the statutory environmental consultees through a SA Scoping Report, which was consulted upon between 7th January and 12th February 2009. The sustainability appraisal of the SPD found that no significant sustainability effects had been identified.
- 10.11 A Habitats Regulations Assessment Screening Report has also been undertaken for the SPD. This report determines if this document is likely to have a significant effect on any European nature conservation sites, such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Again this report highlights that there are not expected to be any impacts by the SPD on European sites.
- 10.12 The revised Alsager SPD is set out in Appendix 3 and the Report of Consultation is set out in Appendix 4.

Smallwood Village Design Statement SPD

- 10.13 The purpose of the SPD is to manage change in buildings and landscape in Smallwood parish in a way that reflects the local character of its buildings, spaces and landscape setting.
- 10.14 Once adopted, it will be a supplement to the relevant policies contained in the adopted Congleton Borough Local Plan First Review in the determination of planning applications.
- 10.15 The draft Smallwood Village Design Statement Supplementary Planning Document was approved for the purpose of public consultation in November 2009,
- 10.16 The draft SPD was publicised in the Local Press and made available for public comment for six weeks. All Parish/Town Councils, numerous interested parties and statutory authorities were also sent copies of the SPD and invited to comment.
- 10.17 A total of 12 representations were received and a number of minor changes have been made to the SPD in the light of the responses received. These include creating additional guidelines for protected species, exterior lighting and the setting of Little Moreton Hall, amending the Introduction and Policy Context section to eliminate repetition and the inclusion of a map to illustrate the extent of Green Belt and open countryside within the Parish. As well as minor wording amendments.
- 10.18 The revised Smallwood SPD is set out in Appendix 5 and the Report of Consultation is set out in Appendix 6.

Cheshire East Local List of Historic Buildings and its supporting SPD

- 10.19 Planning Policy Statement 5: Planning for the Historic Environment, states that heritage assets are the valued components of the historic environment. These include nationally designated assets such as listed buildings and scheduled monuments as well as assets identified by the local planning authority on a Local List.
- 10.20 The Cheshire East Local List of Historic Buildings has been prepared in response to the guidance in PPS5 and identifies buildings considered to be of local historic or architectural interest.
- 10.21 The SPD sets out guidance to establish a common approach to determining planning applications affecting local heritage assets within Cheshire East and the criteria for assessing buildings and reviewing the Local List. The SPD will supplement the following saved policies: Congleton Local Plan Policy BH6, Crewe and Nantwich Local Plan Policy BE13, and Macclesfield Local Plan Policy BE20.
- 10.22 The purpose of the Local List of Historic Buildings SPD is to:-
- Provide guidance to supplement saved policies within the Congleton Local Plan, Crewe and Nantwich Local Plan, and Macclesfield Local Plan;
 - Identify buildings of local architectural value and historic significance that are not Listed Buildings;
 - Ensure that their special interest is taken fully into account in decisions affecting their future;
 - Propose measures to maintain or improve the positive character, local distinctiveness and sense of place within Cheshire East Borough Council.;
 - Promote awareness of the importance of these buildings to the local community.
- 10.23 The main implications of Local List designation would be:-
- In the determination of applications for development, the Council is required to have special regard to the character and appearance of the building/structure and its setting;
 - Local List status will be taken into account as a material consideration through the planning process; however, it should be noted that the designation does not affect permitted development rights;
 - Normally the loss of the building will only be permitted if the Council is satisfied it is beyond reasonable repair. Imaginative ideas will be sought by officers to ensure elements of the locally listed building are incorporated into any new design proposal;
 - Where retention proves impracticable the Council will require that a photographic record of the building is made prior to demolition and submitted to the council for record purposes.
- 10.24 The Cheshire East Local List of Historic Buildings has been compiled from the Local Lists approved by the former Macclesfield and Crewe and Nantwich Councils. Additional entries have been included in the Macclesfield area, but no changes have been made to the Crewe and Nantwich list. All entries in the Congleton area are new additions.

- 10.25 During the production of the Supplementary Planning Document, a Sustainability Appraisal Scoping Report was produced and formally consulted upon in July / August 2009. The document was sent to the three statutory consultees (Natural England, English Heritage and the Environment Agency). The document was also made available on the Council's Web Site and at the Council's offices in Market Place, Macclesfield; Westfields, Sandbach and Municipal Buildings, Crewe.
- 10.26 The Sustainability Appraisal indicated that the document would positively contribute to the sustainability of the Borough, through the protection of the area's heritage and townscapes as well as maintaining cultural, leisure and recreational facilities. There were no negative implications of the document. The Appraisal was subjected to a 6 week consultation, alongside the Supplementary Planning Document, during which only support for the findings was received.
- 10.27 The Draft Supplementary Planning Document was approved for consultation in December 2009 by the Portfolio Holder for Performance and Capacity.
- 10.28 Consultation on the Draft Cheshire East Local List of Historic Buildings was carried out over a 6 week period between the 11th January and 22nd February 2010.
- 10.29 Publicity for the consultations was as follows:
- Notification to Parish and Town Councils, statutory agencies, neighbouring authorities and interested individuals and organisations
 - Written notification to the occupiers of all buildings on the Local List, where possible
 - "Surgeries" at Macclesfield, Crewe and Congleton Libraries.
 - Copies of the document were available for public view at Libraries across the Borough and it was published on the Council's website. A press release was issued on the 21st January 2010.
- 10.30 As part of the consultation, an email notification was sent out to Town and Parish Councils. However, 14 Town and Parish Councils were inadvertently omitted from the notification. The extension period was extended for these Councils until 8th March in recognition of the late notification.
- 10.31 All responses received were analysed and a summary of the main points is set out in the Consultation Statement in Appendix 9. Response to the document has been generally positive and supportive of the principles behind the Local List.
- 10.32 A number of representations have been received requesting further additions to the local list. It has been decided that no further nominations will be taken forward at this time and that the Local List should be reviewed every 5 years. Emergency procedures are included in the SPD should the need arise to include other buildings threatened in the meantime.
- 10.33 The Strategic Planning Board requested that the documents should be updated to reflect recent changes in particular the revocation of the Regional Spatial Strategy and changes to the Infrastructure Planning Commission and that the renaming of the LSP as the Partnership for Action in Cheshire East (PACE). Changes have been made to the documents where appropriate. In addition, the Strategic Planning Board requested that consideration be given to whether additional community

organisations could be added to the list of organisations in the SCI and the implications of the Local List on the future use of St Barnabas School should it become surplus to requirements. No changes have been made in response to these requests. The list of organisations identifies those prescribed in the Regulations and it is not intended to be a comprehensive list of all organisations to be consulted.

10.34 The revised Local List is set out in Appendix 7, the Local List SPD is set out in Appendix 8 the Report of Consultation is set out in Appendix 9.

11.0 Appendices

Appendix 1: Revised Statement of Community Involvement

Appendix 2: Statement of Consultation for the Statement of Community Involvement

Appendix 3: Revised Alsager SPD

Appendix 4: Statement of Consultation for the Alsager SPD

Appendix 5: Revised Smallwood SPD

Appendix 6: Statement of Consultation for the Smallwood SPD

Appendix 7: Local List

Appendix 8: Local List SPD

Appendix 9: Statement of Consultation for the Local List SPD

12.0 Access to Information

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

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Background Documents:

- Planning Policy Statement 12: Local Spatial Planning, Communities and Local Government, 2008;
- The Town and Country Planning (Local Development) (England) Regulations 2004, 2008, 2009 and 2010.