

Strategic Planning Board

Agenda

Date: Wednesday, 12th June, 2013

Time: 10.30 am

Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

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.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 12)

To approve the minutes as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 686462 or Julie North on 01270 686460
E-Mail: sarah.baxter@cheshireeast.gov.uk and julie.north@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/1212M - Land at Churchill Way, Duke St, Roe St, Samuel St, Park, Lane, Wardle St, Water St, Exchange St, Wellington St & Great King St, Macclesfield Town Centre** (Pages 13 - 224)

To consider the above application.

6. **12/1213M - 23/31 Roe St, Macclesfield, Cheshire SK11 6UT: Conservation Area Consent for demolition of 27, 29 and 31 Roe St and partial demolition of 23 and 25 Roe St (front façade and roof to be retained) for Wilson Bowden Developments** (Pages 225 - 242)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 22nd May, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor D Hough (Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, J Jackson,
B Murphy, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr
D Evans (Principal Planning Officer), Mr T Evans (Planning Officer), Mr S
Irvine (Development Management and Building Control Officer), Ms S Orrell
(Principal Planning Officer) and Mr P Wakefield (Principal Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davenport, P
Hoyland, P Mason and C Thorley.

Councillor Mrs R Bailey sent her apologies for the morning session of the
meeting.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 12/4146C, Councillor
D Hough declared that he knew the Morris family who were the applicants
and that he was a member of Alsager Town Council.

In the interest of openness in relation to agenda item 11 Brereton
Neighbourhood Area Application, Councillor J Wray declared that he had
an interest in Brereton as it fell within his Ward.

Councillor D Brown declared that he would take no part in item 11,
Brereton Neighbourhood Area Application, as he was the Portfolio Holder
responsible for approving the designation of Brereton Parish as a
Neighbourhood Area.

3 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED

That the minutes of the meeting held on 24 April 2013 be approved as a
correct record and signed by the Chairman.

That the minutes of the meeting held on 1 May 2013 be approved as a correct record and signed by the Chairman subject to Minute No. 188 'Declarations of Interest/Pre Determination being amended to state that Councillor D Brickhill was a member of Hough and Chorlton Parish Council and subject to the declaration made by Councillor J Hammond being amended as follows:-

'In the interest of openness, Councillor J Hammond declared that he was a member of Haslington Parish Council. Some of the sites being put forward for consultation were within or adjacent to the Parish but he had not been involved in any discussions relating to those sites'.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 12/4146C-OUTLINE APPLICATION FOR THE ERECTION OF UP TO 95 DWELLINGS AND FORMATION OF ACCESS POINT INTO SITE TO SERVE THE DEVELOPMENT, LAND OFF DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE FOR THE MORRIS FAMILY & P.E. JONES CTRS

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Honorary Alderman Derek Bould, representing Alsager Residents Action Group (ARAG) and Christine Peake, an objector attended the meeting and spoke in respect of the application).

RESOLVED

(A) That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

(B) In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Development Management and Building Control Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee’s decision.

(C) Should this application be the subject of an appeal, authority should be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

(D) The Strategic Planning Board took account of local residents’ concerns regarding impact of traffic from the proposed development upon Close Lane and Crewe Road but did not refuse the application on Highways grounds. If an appeal is submitted, the Development Management & Building Control Manager will make the Planning Inspector aware of local residents’ representations regarding this issue.

6 12/3300N-ERECTION OF 57 DWELLINGS, LANDSCAPING INCLUDING THE CREATION OF A NEWT CORRIDOR, NEW ACCESS AND ASSOCIATED INFRASTRUCTURE, LAND NORTH OF, WESTON LANE, SHAVINGTON FOR DAVID WILSON HOMES (NORTH WEST)

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Parish Councillor Mrs G McIntyre, the Chairman of Shavington-cum-Gresty Parish Council, Penelope Housley, an objector and Andrew Taylor, representing the applicant attended the meeting and spoke in respect of the application)

RESOLVED

(A) That the application be refused for the following reasons:-

1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas. Given that there are other alternative sites which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy which seek to protect its intrinsic character and beauty. Moreover the proposal would result in a loss of Grade 2 agricultural land contrary to policy NE.12 of the Crewe and Nantwich Replacement Local Plan 2011 which seeks to protect the best and most versatile agricultural land as a long term national resource as advocated in the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development would result in the area becoming part of the urban part of Shavington, As such, it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character and so in landscape terms is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.
3. The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
4. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan

2011 and the provisions of the National Planning Policy Framework which seeks to conserve and enhance biodiversity and the prevent loss or deterioration of irreplaceable habitats including trees.

5. The alterations to the gateway and drive, including changing the dimensions and character of the entrance and driveway, loss of important trees, the nature and quality of the new housing and relationship of the proposed housing to the Grade II Listed Shavington Hall and its grounds, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset, with no demonstrable public benefit. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable.
6. The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of the National Planning Policy Framework.

(B) The Strategic Planning Board took account of local residents' concerns regarding traffic impact of the proposed development but did not refuse the application on Highways grounds. If an appeal is submitted, the Development Management & Building Control Manager will make the Planning Inspector aware of local residents' representations regarding this issue.

7 13/0158M-EXTENSION OF TIME LIMIT ON PLANNING PERMISSION 09/3413M - OUTLINE APPLICATION FOR B1(BUSINESS) UNITS, RENEWAL OF APPLICATION 06/0278P, LAND TO WEST OF KILN CROFT LANE, HANDFORTH, WILMSLOW, CHESHIRE FOR TESCO STORES LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Board, the application be approved subject to completion of a Section 106 Agreement comprising:-

- Contributions to offsite outdoor sport and recreation facilities
- Provision of public open space
- Submission of a site travel plan
- Financial contribution for off site highways improvements at Earl Road / Stanley Road junction

And subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A01OP - Submission of reserved matters
3. A02OP - Submission of reserved matters
4. A03OP - Time limit for submission of reserved matters
5. A04HP - Provision of cycle parking
6. A05HA - Pedestrian visibility at access (dimensions)
7. A05HP - Provision of shower, changing, locker and drying facilities
8. A06OP - Commencement of development
9. A07HA - No gates - new access
10. A09HP - Pedestrian visibility within car parks etc
11. A13HA - Construction of junction / highways
12. A21HA - Submission of details of turning facility
13. A30HA - Protection of highway from mud and debris
14. Access available for use before occupation
15. Maximum floor area of 9,500 sq m with upper limit of 80% B1a Use (offices)
16. No 3 storey development south of line parallel to to south elevation of M & S
17. No development shall exceed 12m and 3 storeys and no more than 30% of buildings on sites A and B shall be more than 2 storey
18. Reserved matters application to incorporate public right of way route, unless diverted/extinguished
19. Surface water regulation system
20. Additional landscaping to be provided on south and west boundaries of Site A
21. Habitat creation including mitigation if appropriate
22. Provision of measures to mitigate impact on badger set/habitat

23. Reserved matters to identify trees to be retained
24. Provision of signing/carriageway marking on Coppice Way/A34
25. Development to be carried out in accordance with FRA
26. 10% Renewable Energy
27. Protection of breeding birds
28. waste audit to be submitted

(The meeting adjourned for lunch at 12.40pm until 1.30pm).

8 FORTHCOMING APPEAL CONCERNING APPLICATION 12/3025C, LAND AT GOLDFINCH/ KESTREL CLOSE - MATERIAL CHANGES SINCE BOARD'S 'MINDED TO APPROVE' RESOLUTION ON 5 DECEMBER 2012 WHICH REQUIRE BOARD'S FURTHER CONSIDERATION DURING THE LIFE OF THE ONGOING APPEAL TO ENABLE OFFICER'S TO PUT FORWARD THE COUNCIL'S CURRENT POSITION TO THE FORTHCOMING PLANNING APPEAL

Consideration was given to the above report.

(Councillor D Topping the Ward Councillor, Town Councillor P Bates, representing Congleton Town Council, Andrew Pear, representing Link2Prosperity, Derek White, an objector and Bill Davidson, the Agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

(A) That for the reasons set out in the report the 'Minded to Approve' resolution of 5 December 2012 in respect of application 12/3025C be changed to one of being 'Minded to Refuse' and Officers be authorised to contest the Public Inquiry on the basis of the following:-

1. The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.
2. The Local Planning Authority can demonstrate a five year land supply of housing, in accordance with the requirements of the NPPF. Consequently, the Development Plan is up to date and there

are no material circumstances to indicate that permission should be granted contrary to the Development Plan. As such the proposal is an unsustainable form of development, contrary to the 'golden thread' of the NPPF.

(B) Authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the Section 106 Planning Agreement in respect of this site for the following:-

Amenity green space contribution for on site provision

Maintenance: £11,352.00

Children and Young Person Provision

Enhanced Provision £8,790.72

Maintenance: £28,656.00

Education contribution in lieu of primary provision of £65,078 (base don 40 units)

12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure

Contribution to the Congleton Public Realm Strategy-£30,000

- 9 **FORTHCOMING APPEAL CONCERNING APPLICATION 12/3028C, LAND AT THE MOORINGS, CONGLETON - MATERIAL CHANGES SINCE BOARD'S 'MINDED TO APPROVE' RESOLUTION ON 5 DECEMBER 2012 WHICH REQUIRE BOARD'S FURTHER CONSIDERATION DURING THE LIFE OF THE ONGOING APPEALS TO ENABLE OFFICER'S TO PUT FORWARD THE COUNCIL'S CURRENT POSITION TO THE FORTHCOMING PLANNING APPEAL**

Consideration was given to the above report.

(Bill Davidson, the Agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

(A) That for the reasons set out in the report the 'Minded to Approve' resolution of 5 December 2012 in respect of application 12/3028C be changed to one of being 'Minded to Refuse' and Officers be authorised to contest the forthcoming Public Inquiry on the basis of the following:-

1. The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the

core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.

2. The Local Planning Authority can demonstrate a five year land supply of housing, in accordance with the requirements of the NPPF. Consequently, the Development Plan is up to date and there are no material circumstances to indicate that permission should be granted contrary to the Development Plan. As such the proposal is an unsustainable form of development, contrary to the 'golden thread' of the NPPF.

(B) Authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the Section 106 Planning Agreement for the following:-

Amenity green space contribution for on site provision

Maintenance: £11,352.00

Children and Young Person Provision

Enhanced Provision £8,790.72

Maintenance: £28,656.00

Education contribution in lieu of primary provision of £65,078 (base don 40 units)

12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure

Contribution to the Congleton Public Realm Strategy-£30,000

10 ENFORCEMENT REVIEW PROGRESS

Consideration was given to the above report.

RESOLVED

1. That the progress made by the Planning Enforcement Task & Finish Group be noted.

2. That the performance reporting measures outlined in paragraph 3.3 of the report, providing quarterly returns for the Strategic Planning Board and Northern and Southern Planning Committees be agreed.

(Prior to consideration of the following item, Councillor Mrs R Bailey arrived to the meeting).

11 BRERETON NEIGHBOURHOOD AREA APPLICATION

Consideration was given to the above report.

RESOLVED

That the item be deferred in order for a further report to be produced clarifying the implications of Neighbourhood Area Plans on the Council.

12 REPLACEMENT MEMBERS

Consideration was given to the above report.

RESOLVED

The item was deferred in order for a revised report to be produced which further clarified the concerns regarding the current position in relation to the use of Substitutes.

(The following two items were considered after Minute No.197).

13 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information, and it was:-

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

14 UPDATE FOLLOWING THE REFUSAL OF PLANNING APPLICATION 12/3329C, LAND SOUTH OF OLD MILL ROAD, SANDBACH

Consideration was given to the above report.

(The Principal Planning Officer read out statements on behalf of the Ward Councillors, Mrs G Merry and B Moran).

On 5 December 2012 the Strategic Planning Board resolved to refuse planning application 12/3329C (out of centre retail development) for six reasons: retail impact & unsustainability, off-site highways impact, adverse impact upon Sandbach Wildlife Corridor, insufficient information regarding air quality, noise & odour, loss of open countryside, loss of best & most versatile agricultural land. In preparation for a forthcoming Planning Inquiry the appellant has submitted further reports regarding ecology, air quality, noise and odour which resolve the Council's objections.

RESOLVED

That the Local Planning Authority's objections to the proposed development on grounds of harm to Sandbach Wildlife Corridor (Refusal Reason 3) and to Amenity (Refusal Reason 4), contained in the refusal decision of 5 December 2012, be withdrawn.

The meeting commenced at 10.30 am and concluded at 4.00 pm

Councillor D Hough (Chairman)

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Application No: 12/1212M

Location: Land at Churchill Way, Duke St, Roe St, Samuel St, Park Lane, Wardle St, Water St, Exchange St, Wellington St & Gt. King St, Macclesfield Town Centre.

Proposal: Demolition of: 27, 29 and 31 Roe Street, senior citizens hall, warehouse, 2 retail units and substation and partial demolition of 23 and 25 Roe Street (front façade and roof to be retained).

Operational development to provide:

- 19 Retail Shops (A1 - A5) - 16 430m² (including up to 2 325m² of A3 - A5) - 2 storeys high
- Department Store - 6 430m² - 3 storeys high
- Office / Community Space - 510m²
- 10 Houses - 8 x 2 storeys & 2 x 3 storey
- 2 Car Parks - up to 818 spaces (including 6 storey Multi Storey Car Park)
- New town square - 35m x 43m
- On street car parking (for 65 cars)
- Highway and Public Realm works

Applicant: Wilson Bowden Developments

Expiry Date: 31st July 2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development
 Macclesfield Town Centre and Retail Policy
 Layout and Design
 Impact on Heritage Assets
 Sustainability
 Environmental Matters and Environmental Impact Assessment
 Housing Land Supply
 Amenity of Neighbouring Properties
 Transport, Accessibility, and Parking Provision
 Ecology
 Planning Benefits

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1. EXECUTIVE SUMMARY

JOBS

- 1.1 The proposal would create a significant number of construction jobs and new employment in the development when finished against a background of rising unemployment in the town.

LAND USE POLICY ISSUES

- 1.2 The NPPF requires that local planning authorities *“should require applications for main town centre uses to be located in town centres”*. The uses proposed are clearly town centre uses. As such, the proposal clearly accords with Town Centre principles the NPPF espouses.

- 1.3 It is clear that the scheme meets the majority of the Local Plan land use requirements. As such, there is a clear policy presumption in favour of this scheme from this policy document.

- 1.4 In relation to the Emerging Local Plan the proposal:

- Delivers new housing;
- Provides new and improved retail and leisure development that improves the quality of the shopping experience;
- Provides an enhanced cultural offer in the form of the cinema;
- Provides new restaurants and cafes, to increase footfall throughout the evening;
- Delivers landmark, well designed buildings;
- Delivers a Heritage Walk created along Churchill Way linking the Heritage Centre with the Silk Museum;
- Delivers appropriate new car parking;
- Provides improvements to public realm;
- Provides some tree planting;
- Provides new greenspaces in the form of the square.

As such, Officers consider that the proposal is in line with the emerging policy.

- 1.5 Although having no or limited policy weight, the scheme also accords with the broad thrust of the Development Brief, Make it Macclesfield Draft Business Plan and Macclesfield Economic Masterplan and Delivery Plan.

- 1.6 Overall, since the proposed development accords with an up-to-date Local Plan and the NPPF, the NPPF is implicit in requiring that the scheme should be approved *“without delay”* since there are no conflicts with it that are strong enough to sustain a reason for refusal.

RETAIL

1.7 The Council had no legislative requirement to carry out a retail impact assessment as:

- The proposal is in the town centre
- Its retail assessment and background information are up-to-date for the purposes of legislation
- The proposal is in line with the broad thrust of planning policy.

Nevertheless, whilst there was no need for a new retail assessment, in the interests of transparency, the Council decided to obtain an independent retail assessment to inform decision makers.

1.8 The Independent Retail Assessment produced by WYG concluded:

- There was no need for a retail assessment under planning legislation.
- The main town centre uses proposed are 'in centre' and in accordance with an up-to-date plan.
- The scheme is policy compliant in regards to the principle of the scheme.
- The information in the report reaffirms the justification for local plan allocations.
- Failure to provide new, suitable and viable commercial property in the Town Centre is likely to be damaging.
- There is no evidence to support the view that the proposed development will have a significant detrimental impact on the Town Centre.
- Incremental retail improvements in isolation are not sufficient to deliver the quantum of floorspace to enable Macclesfield to compete more effectively.
- The new scheme will result in expenditure being captured in town rather than leaking to competing destinations.
- Trade diversion in the town centre is unlikely to be a significant problem.
- A shift in the town centres gravity represents a healthy evolution of the town centre.
- There is no evidence from objectors that suggest that the impact on the town centre can be considered significantly adverse. Indeed, it is quite the reverse.
- The level of floorspace proposed by the applicant is wholly appropriate in terms of its scale and its wider objective of delivering development plan aspirations.

In these circumstances, Officers considered that the retail assessment endorses the policy backing for retail accommodation in this location.

- 1.9 Whilst Special Forms of Trading (SFT) are and will continue to impact on retail sales, traditional shops will not be made extinct by SFT. Rather it will create more outlets that practice 'multi-channel' retailing, rather than the traditional store-only approach. In this respect, it is clear that the production of accommodation that is able to be used for such purposes is important. Conversely, it is likely that older, less flexible floorspace and accommodation that cannot operate in this way is likely to prove problematic for high streets up and down the country, with Macclesfield being no exception.
- 1.10 There is evidence to suggest:
- Declining comparison goods expenditure in the town.
 - A threat from out-of centre retailing to the town centre.
- 1.11 There is no evidence to support suggestions that:
- Nobody wants to invest in Macclesfield.
 - Retail schemes are not moving forward in other parts of the country.
 - Increasing levels of vacancy in other parts of the country mean there is no demand for retail accommodation in Macclesfield.
 - Macclesfield town centre will become a 'clone town' full of multi nationals if the scheme is developed.
 - Macclesfield has got too much retail accommodation already.
 - A recent Wilson Bowden scheme in Wrexham shows that their proposal in Macclesfield will be detrimental to the Town Centre.

HOUSING

- 1.12 There is a clear policy backing for the principle of housing in town centres and therefore in this scheme. Consequently, in view of the benefits housing provides and lack of policy backing to demand further housing in this location, it is considered that this element of the scheme is acceptable.

CINEMA/RESTAURANTS

- 1.13 As already noted, paragraph 24 of the NPPF states that local authorities should "*require applications for main town centre uses to be located in town centres*". Since a cinema and restaurants are town centre uses, there is clearly a policy presumption in favour of these uses in this scheme. This is further reinforced and supported by current and emerging Local Plan policy. Moreover, these uses would strengthen the night-time economy, satisfy a need illustrated in public surveys and mean a lessening of some significant journeys out of the town to see the latest film releases, consequently reducing the environmental impact of people travelling significant distances to visit the cinema, as well as keeping the money spent by them before, during and after the film - both directly and indirectly - within the town.

CAR PARKING

- 1.14 The proposed car parks would provide 818 replacement off-street car parking spaces and 65 additional on-street car parking spaces which would more than replace the existing car parking to be removed. Furthermore, the new car parks would provide convenient, safe and more secure parking, which is of a better quality than that currently available. As such, the proposed parking is in-line with the trust of the NPPF and Local Plan policy in this area.

SENIOR CITIZENS HALL

- 1.15 Following a review in relation to the potential loss of the Senior Citizens Hall, it concluded that it is feasible to develop the Old Town Hall and Butter Market as a combined community and cultural facility in the town centre. To this end, a contribution of £1 034 807 is being offered by Wilson Bowden. This is primarily to ensure that the activities of the Senior Citizens Hall can be accommodated within existing premises and that the town's valuable community resources are secured for the future.

NEW SQUARE

- 1.16 The new square is provided in the area Local Plan policy proposes it to be. Moreover, the square:
- Provides a 'hinge' to link the proposed new shops / department store with the cinema / restaurant element of the scheme.
 - Provides a green open space in town centre – space the Town Centre is relatively lacking in currently.
 - Provides a 'lounging area' for people to relax in, have a coffee in, read their paper, take a break, have a chat etc.
 - Provides a new visible focal point for the town.
 - Improves the setting of the listed Heritage Centre.

As such, there are clear design and function benefits the square provides and clear policy support for this element of the scheme.

LOSS OF HERITAGE PARK

- 1.17 Equally, the town square compensates for loss of Heritage Park and green edge to Churchill Way the local plan foresaw since it:
- Provides a new more central space and is therefore more likely to be used as a 'dwelling' space
 - Will be better overlooked, therefore creating less issues in relation to anti-social behaviour and security issues;

- Cannot be reasonably argued that keeping the Heritage Park clearly outweighs the benefits of providing new shops, a Department Store and new parking in this location, plus the new square and the economic and public realm benefits the scheme would provide.

SMDA

- 1.18 It is unlikely that any of the proposed town centre uses would have a particular impact on bringing forward the SMDA proposals.

HERITAGE AND DESIGN

- 1.19 Whilst some harm would be caused to heritage assets, that harm would be less than substantial and has been clearly and convincingly justified by the public benefits arising from the proposal.
- 1.20 The scale of buildings is considered to be acceptable in the context of this town centre location where there is a precedent for taller buildings and having regard to the fact they would deliver land uses envisaged in the Local Plan.
- 1.21 The proposal would provide an adequate layout and appropriate connectivity within the development and to other adjacent areas of the town centre.
- 1.22 The proposal would be of an appropriate distinctive character.
- 1.23 The proposal would deliver public realm of a scale and layout appropriate to the locality and of an acceptable quality.
- 1.24 The proposal would deliver acceptable provision for public art.
- 1.25 The proposal has sought to design out crime issues and therefore provides adequate levels of security.
- 1.26 The proposal makes adequate provision for the replacement of landscape assets.

ENVIRONMENTAL STATEMENT

- 1.27 The Environmental Statement has been carried out in accordance with relevant legislation and has not identified any significant environmental effects resulting from the development that would justify a reason for refusal.
- 1.28 Where the Environmental Statement identifies adverse impacts they have been minimised through a combination of appropriate mitigation and compensation.

- 1.29 The Environmental Statement has identified a number of wider environmental benefits resulting from the proposals as outlined in detail in the Environmental Impact Assessment section of the report.

SUSTAINABILITY

- 1.30 A range of sustainable features would be incorporated into the scheme, which would help to deliver a sustainable development as outlined in detail in the Sustainability section of the report.
- 1.31 It is considered the proposal makes adequate provision for sustainable drainage, water conservation and flood risk.
- 1.32 The proposals put forward are sufficient to satisfy the relevant policies on reducing carbon emissions.
- 1.33 An acceptable level of waste management and recycling facilities will be provided.
- 1.34 With regard to trees and landscaping, it is considered that the development would, if properly maintained, provide a net long term gain.
- 1.35 Protected species and breeding birds, which can be safeguarded by condition, do not present a constraint on the proposed development.

AMENITY

- 1.36 An Environmental Management Plan will ensure that disruption during demolition and construction works will be mitigated to an acceptable level. It will minimise the impact on the amenity of neighbouring properties during construction.
- 1.37 There are no space, loss of light, loss of privacy or sense of enclosure grounds that would sustain a reason for refusal.
- 1.38 Any noise and disturbance from the completed development will be at acceptable levels and the development will be in accordance with the relevant policies.
- 1.39 The scheme is unlikely to have a detrimental impact on air quality, subject to appropriate mitigation.
- 1.40 The development will not cause a significant, detrimental impact in terms of strong winds due to the height of the buildings.

HIGHWAYS

- 1.41 The site is highly accessible and the proposals would facilitate improvements to the accessibility of the town centre to pedestrians, cyclists and those less mobile.
- 1.42 The level of car park proposed is considered appropriate to ensure replacement public car parking is provided. There is enough car parking to meet the operational needs of the development. Adequate provision is made for access and egress and the development would improve the quality of car parking within the Town Centre.
- 1.43 The arrangements for servicing and deliveries are acceptable.
- 1.44 There would be only a minor impact upon traffic generation and the development would secure a number of improvements as set out in the Highways section of the report.
- 1.45 The submission of a Travel Plan would maximise the benefits of the proposals towards the promotion of sustainable transport choices within Macclesfield in accordance with the thrust of both local and national planning policies.

2. REASON FOR REFERRAL

- 2.1 The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is approximately 5.1 hectares). The application is accompanied by an Environmental Statement.
- 2.2 A request has been made, by a local individual, or group, to the Secretary of State to intervene and determine the application. Details of the proposals and report have been forwarded to the Secretary of State for consideration.

3. DESCRIPTION OF SITE AND CONTEXT

SITE DESCRIPTION

- 3.1 The site falls within Macclesfield town centre as defined in the Macclesfield Borough Local Plan. The site is largely made up of three surface car parks and a warehouse.
- 3.2 Churchill Way Car Park is at the northern end of the application site and is bound by Great King Street (to the north), Water Street (to the west), Wellington Street (to the south) and Churchill Way (to the east).
- 3.3 Exchange Street Car Park is bound by Exchange Street (to the north), Churchill Way (to the west), the Heritage Centre and former TJ Hughes building (to the south) and a small square, known locally to some as the piazza (to the east).
- 3.4 Duke Street Car Park is bound by properties on Roe Street (to the north), Churchill Way (to the west), Samuel Street (to the south) and Duke Street (to the east).
- 3.5 A warehouse (occupied by Arighi Binachi) lies at the southern end of the site. This is bounded by Samuel Street (to the northwest), Churchill Way (to the southwest), Wardle Street (to the south) and Park Lane (to the east). Properties accessed from Park Lane, Park Green and Duke Street lie to the north.
- 3.6 The proposal would necessitate the demolition of 3 buildings on the Churchill Way Car Park (an electronics retail shop is called 'The Entertainment Centre', a retail shop which sells white goods called 'The Discount Appliance Centre' and a substation.) 3 terraced properties are proposed to be demolished on Roe Street (nos 27, 29 and 31). The Arighi Bianchi warehouse would be demolished in its entirety.
- 3.7 The proposal also includes the demolition of the Senior Citizens Hall which is sited on the Duke Street car park. Officers recognise the importance of this facility to the Community and as will be seen later, will be seeking a replacement facility prior to its demolition.

SITE CONTEXT

- 3.8 Macclesfield is a principal town in Cheshire East, a main shopping centre and an important employment centre. The Council (and the former Macclesfield Borough Council before it) has been seeking to improve the shopping and leisure provision via a seamless extension of the town centre. There has also been a long standing desire to attract a cinema to the town.

- 3.9 Macclesfield has a population of approximately 52 300¹, and a catchment area of approximately 80 000 for retail purposes².
- 3.10 The site is located in a sustainable location in the town centre defined by the local plan, close to shops, houses, key transport nodes, recreation facilities, and community and health facilities.
- 3.11 The site is an important strategic development site and is considered key to achieving the sustained regeneration of Macclesfield town centre by providing a mix of retail, housing and leisure facilities and new public realm.
- 3.12 Adjoining land uses to the site include residential (on Water Street, Roe Street, Duke Street, Wardle Street and around the Park Green area), shops (such as Tesco's, T. J Hughes etc.), leisure and community uses (such as the Salvation Army on Wellington Street, the Silk Museum and Cinemac at the Heritage Centre) and the Porters public house on Roe Street.
- 3.13 To the west of the site lies Christ Church, a grand and imposing 18th century church. The Heritage Centre, (formerly the Macclesfield Sunday School), was built in 1814 and lies central to the site. Paradise Mill and the former Art College in Park Lane form an impressive group of buildings to the south.

POLICY BACKGROUND

- 3.14 The Cheshire Retail Study of 2000 estimated an increasing expenditure on comparison goods which could support increased retail floorspace. As such, the application site was identified by the Council as an opportunity to grow the town centre with the potential to draw in development and significant physical, social and economic benefits for Macclesfield. Consequently, the bulk of the site was allocated for primarily retail and leisure development in the updated Macclesfield Borough Local Plan of 2004. A development brief was subsequently prepared for the site back in 2005 and Macclesfield Borough Council actively promoted the site for redevelopment.
- 3.15 As part of this promotion, Wilson Bowden Developments were selected as the preferred development partner by the former Macclesfield Borough Council in 2005 and a Development Agreement was signed with Cheshire East Council in 2011.
- 3.16 A planning application was submitted by Wilson Bowden Developments in 2008: however this was withdrawn as it was considered to be too large to be viable in current economic

¹ ONS 2011 mid-year population estimates

² This is based on a 5.5% market share applied to a 1.454m population from the Cheshire Town Centre Update 2010 (WYG updated dated May 2013)

circumstances. The site area for this planning application has been substantially reduced from that submitted in 2008.

3.17 In 2010 Cheshire East Council commissioned an Economic Masterplan for Macclesfield Town Centre which considered the likely impact of the development on this site on 2nd December 2010. This concluded that:

- Macclesfield is failing to reach its potential;
- It lacks the breath of offer in retail and leisure facilities needed to attract and retain spend and visitors;
- To combat retail leakage, an element of modern development not currently found in Macclesfield will be required;
- Stakeholders have identified a demand for an increased food and leisure offer;
- Without the Wilson Bowden scheme there is no catalyst for change
- There are no sensible alternative sites for the provision of the retail floorspace;
- The type of jobs created by retail and leisure development on this site are likely to be focused on low-to-middle level skills and qualifications which are potentially highly suitable for the residual pockets of under-utilised working age population and young people;
- The town centre location would be particularly beneficial for job seekers without access to a private car.

3.18 It should also be noted that the report also states that the Wilson Bowden scheme needs to be seen as one piece of the jigsaw. In addition to the delivery of retail and leisure development, it recommends action be taken to deliver:

- A cleaner, tidier and improved quality of public realm and insistence on quality of space;
- More activity, events and environmental improvements around Market Place to encourage people to stay longer and visit key existing areas;
- A revised parking strategy;
- A partnership approach to town centre management together with small business support. A high quality, distinctive and characterful approach to design;
- A design code for development in the town centre;
- The inclusion of a safe town centre children's play;
- A signage strategy which reflects both historic and contemporary assets, supports a heritage trail and improved wayfinding particularly from key arrival points;
- Improved marketing, branding and highlighting of key sectors; including speciality shopping and silk heritage as well as the towns proximity to the countryside;

- Strengthened linkages from the development site to the old centre;
- A scheme to improve conservation management;
- Improved public transport and green links;
- Environmental improvements at gateways and along key pedestrian routes and nodes which in part may be funded through S106 opportunities of the Wilson Bowden scheme.

3.19 The Council is developing a Vision for Macclesfield Town Centre, which seeks to address these issues. The expansion of the retail and leisure offer of the town centre has been a key element of the Council's strategic plans for the town for many years as demonstrated by the allocation of this site on the Macclesfield Local Plan, but the developing Vision sees this strategy as only one part in a wider jigsaw. Other key elements include making improvements to the public realm, increasing activity around the historic Market Place and Park Green to act as strong anchors at either end of Mill Street, supporting and encouraging more markets, seeking to engage with landlords of vacant properties etc.. Some works have already been undertaken to progress the vision, some are ongoing and others will follow. What is key, is that this development can be viewed in the context of other supporting regeneration initiatives.

3.20 Actions which are already completed or ongoing as part of the Vision include:

- Repaired and upgraded Market Canopies
- Upgraded paving in Market Place and Saint Michaels Churchyard.
- Repaired and upgraded Saint Michael's wall, railings, gates.
- Tree removal and pruning.
- Installation of new LED street lights.
- Proposals prepared for lighting of Town Hall.
- Painting, decluttering and repair street furniture and railings.

3.21 Actions which are currently being progressed include:

- Shop front improvements through Grant scheme
- Spotlights to trees
- Resin bound gravel in tree pits in Chestergate.
- Installation of lighting in paving to spotlight Town Hall.
- 'You are Here' signage in town centre car parks and train station
- Preparation of Vision document for further medium and longer term actions

4. DETAILS OF PROPOSAL

- 4.1 This proposal is a full application. In addition to this, an application for Conservation Area Consent has been made for the demolition of no's. 27, 29 and 31 Roe Street. This report can be found elsewhere on this agenda (12/1213M). The two applications were submitted in March 2012.
- 4.2 A screening opinion was sought by the applicants under the Environmental Impact Assessment Regulations 2011. On 17th February 2012, the LPA confirmed that the proposed development would require an EIA within the meaning of the Regulations, and therefore an Environmental Statement was required to accompany the planning application.
- 4.3 A site layout plan has been submitted, which has been accompanied by comprehensive proposed floor plans and elevation drawings for each building /area.
- 4.4 The following supporting reports were also submitted with the original application:
- Planning Statement
 - Design and Access Statement
 - Retail and Leisure Planning Statement
 - Sustainability Statement
 - Environmental Statement
 - A Daylight and Sunlight Assessment
 - Historic Environment report
 - Transport Assessment
 - Arboricultural Assessment
 - Statement of Community Involvement
 - Public Exhibition Boards
- 4.5 The following revised documents and revised plans were submitted in January 2013
- Addendum Planning Statement
 - Design and Access Statement Addendum
 - Public Exhibition Boards
 - Addendum Sustainability Statement
 - Environmental Statement Addendum
 - Transport Assessment Addendum
 - Heritage Statement
- 4.6 A further set of revised plans were received in late February which contained some very minor amendments to some of the drawings.
- 4.7 The main elements of the scheme as revised are summarised below:

CINEMA, HOUSING AND RESTAURANTS

- 4.8 The new cinema building would front Churchill Way with a footprint of 78m by 46m.
- 4.9 The floor plans for the cinema indicate that it would provide nine screens and a cafe/foyer area, which would sit partially above 4 restaurants accessed off Churchill Way and partly over a car park.
- 4.10 To the rear, a new terrace of 10 dwellings is proposed which would front onto Water Street. 8 of these would be two storeys high and 2 would be three storey high.
- 4.11 Car parking (100 spaces – to include 5 disabled and 5 parent and child spaces) would be provided below the cinema. Accessed from Great King Street, this car park would be part surface parking and part under the cinema building.
- 4.12 Additional on street parking would also be provided around the cinema, housing and restaurants in the form of 26 spaces on Water Street and 29 spaces on Wellington Street. A new shared surface is also proposed in front of the cinema to allow easy access to and from the existing town centre and the Silk Street development.

TOWN SQUARES

- 4.13 A new town square (referred to as Mulberry Square) is proposed on part of the existing Exchange Street car park to the rear of the Heritage Centre. This would measure approximately 35m by 43m, and form a focal point for the new development as well as creating an improved setting for the Heritage Centre. Ground levels would be altered to ensure that there is an opportunity to integrate the terrace adjacent to the Heritage Centre with this new space. The square would provide a large green area with tree planting adjacent to Churchill Way. Generous pedestrian routes would be provided on key desire lines. Seating and lighting would also be provided.
- 4.14 A new retail building is proposed to the east of the square, which would have an active ground floor frontage onto the new public square.
- 4.15 The existing ramp to the side of the vacant TJ Hughes building would be removed to allow for an enhanced pedestrian environment.
- 4.16 To the north of this new square would be a pavilion café with an external seating area.
- 4.17 There is currently a pedestrian walkway from Mill Street to the Exchange Street car park. The incidental open space (known to some locally as the piazza but referred to by the applicants as Roe Square),

which measures approximately 25m by 25m, would be enhanced and given its own identity with a children's play area.

RETAIL STREET/DEPARTMENT STORE

- 4.18 The demolition of 3 properties on Roe Street is required to provide an appropriate link from the square in the north to the development south of Roe Street on the existing Duke Street car park.
- 4.19 20 new units would be provided on the new street (called Silk Street) including a department store sited at the southern end. 18 of the new units would be two storeys whilst the department store would effectively be a three storey building. Two floors would be retail and the lower ground floor (which would be accessed from Churchill Way), would contain the main servicing area.

MULTI STOREY CAR PARK

- 4.20 A new 6 storey car park which would provide 718 car parking spaces would be sited on the site of the warehouse currently used by Arighi Bianchi. A bridge would provide a level access from level 3 of the new car park through to Silk Street. It would be DDA3 compliant.

PUBLIC REALM IMPROVEMENTS

- 4.21 As part of this proposal a significant amount of public realm works are proposed in the vicinity of the site in addition to those in the two public squares and shared surface.
- 4.22 New surfacing would be provided for example on the east side of Churchill Way, the west side of Park Lane, and along Wellington Street. Tree planting is also proposed together with new distinctive street furniture to forge an identity for the development. Public Art would also be used to enhance public spaces, engender civic pride and strengthen local identity.
- 4.23 Exact details of the design of elements within the public realm have not yet been fixed and would be controlled via condition if planning permission is granted.

³ Disability Discrimination Act

5. **RELEVANT HISTORY**

- 5.1 The main part of the application site is occupied by the 3 car parks on Exchange Street, Churchill Way and Duke Street which were laid out circa the 1980's. The site was originally occupied mainly by housing and workshops. They were cleared in the second half of the twentieth century as part of the former Macclesfield Borough Council's wider clearance programmes.
- 5.2 In addition, the application site contains properties fronting Water Street, Roe Street and Park Lane, many of which have individual planning histories but not of material relevance to the current application which seeks to redevelop the site.
- 5.3 There have been many other applications relating to the use of the site, the following of which are relevant to this application:

Relevant to the whole site: -

08/3000P The comprehensive redevelopment of Macclesfield town centre - outline application (maximum and minimum scales of proposed development submitted) with all matters reserved except access
The proposals included:

- Demolition of buildings and external treatment of elevations
- Retail space A1-A5 – 45 522m²
- A Department Store – 7 432m²
- Offices (B1) – 3 261m²
- 60 residential units
- 8 screen cinema
- A community Facility - 1 300m²
- Car parking up to 1 300 spaces

- Withdrawn 20/06/11

08/3001P Demolition of: 23-31(odd) Roe Street 34-42 (even) Roe Street, the comprehensive redevelopment of Macclesfield town centre (Conservation Area Consent) - Withdrawn 20/06/11

Relevant to the Churchill Way Car Park Area: -

23989P Redevelopment - 3 non-food retail stores, warehousing, offices & parking - Approved 27/10/80

37704P Retail unit - Approved 30/11/84

30068P	Demolition of buildings and use of site for temporary public car parking on land at Churchill Way/Roe Street/Wellington Street and Water Street - Approved 16/06/82
34110P	Temporary car parking on land at Churchill Way/Roe Street/Wellington Street and Water Street - Approved 28/11/83
44429P	Two non food retail stores, one part retail food store with ancillary accommodation with below store car park, surface service area and electric substation - Approved 12/06/86
63986P	Proposed freezer centre retail unit and associated car parking - Refused 03/09/90 ⁴
21324P	2 cash & carry stores warehousing & multi storey car park - Approved 23/06/80
25027P	Amendment to planning permission 23989P to incorporate footpath into curtilage of development to provide car park - Approved 24/12/80
55137P	To use land for a temporary outdoor market on Tuesdays, Fridays and Saturdays - Approved 17/01/89
69769P	Renewal of permission to use land for a temporary outdoor market on Tuesdays, Fridays and Saturdays for a further period of 12 months - Approved 19/02/92
73186P	Renewal of consent for use of land as temporary outdoor market - Approved 08/03/93
76778P	Renewal of consent for use of land as a temporary outdoor market - Approved 07/03/94

⁴ It should be noted that the reasons for refusal of application 63986P include: -

- 1 The proposal would be likely to conflict with the comprehensive planning of a wider area which is being considered in the Macclesfield Local Plan which is currently approved for development control purposes by the Local Planning Authority.
- 2 The approval of the development proposed on this site would be prejudicial to the implementation of the adopted Macclesfield Local Plan by reason of conflict with policies set out in the Written Statement, particularly policies for the Macclesfield Town Centre
- 3 The approval of the development proposed on this site would be contrary to the provisions of the adopted Macclesfield Local Plan by reason of conflict with policies in the Town Centre chapter(s).
- 4 The development of this site, in isolation from the adjacent land, is considered by the Local Planning Authority to be premature and would prejudice the comprehensive redevelopment of the area as a whole and would create difficulties in adequately providing services to the whole area of land of which this site forms part.

81710P Renewal of permission to use land for a temporary outdoor market on Tuesdays, Fridays and Saturdays for a further period of two years - Withdrawn 16/06/95

02/2783P Change of use from builders yard and workshop to paint storage warehouse and trade/retail sales (retention of use) - Approved 24/02/03

Relevant to the Dukes Street car park area: -

02/0685P Three-storey office building, including ground floor car park - Refused 21/08/02⁵

45396P Superstore, multi storey car park and department store and café - Approved subject to a S106 Agreement (not signed)

47911P Major redevelopment and car parks including department store superstore and shop units - Approved subject to a S106 Agreement (not signed)

18180P Construction of new highway - southern extension of Churchill Way - Approved 03/05/1979

5/2/8245/16649 Senior Citizens Hall - Approved 14/03/74

Relevant to the Roe Street area: -

10/1040M 2 storey rear extension, pitched roof and alterations at 25 Roe Street - Approved 13 May 2010

22726P Change of use to office suite at 27 Roe Street
- Refused. 11 June 1980

⁵ It should be noted that the reasons for refusal of application 02/2783P include: -

- 1 The approval of the development proposed would be contrary to the provisions of the Macclesfield Town Centre chapter(s) of the Macclesfield Borough Local Plan, in particular policies MTC2, MTC9 and would thereby cause harm to the objectives of those policies. The approval of the development proposed would be contrary to the provisions of the Macclesfield Town Centre chapter(s) of the Macclesfield Borough Local Plan, in particular policies MTC2, MTC9 and would thereby cause harm to the objectives of those policies.
- 2 The development of this site, in isolation from the adjacent land, is considered by the Local Planning Authority to be premature and would prejudice the comprehensive redevelopment of an area as a whole and would create difficulties in adequately providing services to the whole area of land of which this site forms part.
- 3 The development of the site in isolation from adjoining land is considered by the Local Planning Authority to be a piecemeal form of development and contrary to the proper planning of the wider area.

Site History for the Arighi Bianchi warehouse area: -

- 01/0211P Change of use of part of premises from storage, industrial and office purposes to retail use - Approved 14/03/01
- 17372P Workshop/joinery workshop plant maintenance yard/timber storage yard/mess room & toilet - Approved 07/02/79

6. **POLICIES**

MACCLESFIELD LOCAL PLAN – POLICY WEIGHT

- 6.1 The Macclesfield local plan was adopted by Macclesfield Borough Council on January 2004. It has a plan period that extended to 31 March 2011. Several Policies were then ‘saved’ under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 Act. These remain as part of the Development Plan for the purposes of s.38 of the Act.

- 6.2 The approach of the NPPF to existing development plans is set out in paragraphs 209-212 of the document:

209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to date plans.

210. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out of date simply because they were adopted prior to the publication of this Framework.

212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication.

- 6.3 Consequently, whilst the NPPF emphasises the role of up to date plans, plans are not deemed to be out of date merely because they are adopted in previous years. Never the less, the advice of the NPPF should be considered as a very significant material consideration.

- 6.4 The Plan Period for the Macclesfield Plan has now passed – but whilst some policies may be, by their very nature, time limited, it does not follow that all policies are out of date. The key test as set out in the NPPF is the extent to which policies conform to the advice of the Framework. As paragraph 215 indicates, following the passage of transitional arrangements “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework*”. It is also stressed that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them.

LOCAL PLAN POLICY

6.5 The following policies are considered to be relevant: -

Environment

- NE11 Nature Conservation
- NE15 Create or enhance habitats in reclamation schemes, public open spaces, education land and other land held by LPA's
- BE1 Design Guidance
- BE2 Historic Fabric
- BE3-BE4 Conservation Areas
- BE8 Christ Church, Macclesfield
- BE15-BE19 Buildings of architectural and historic importance
- BE21-BE24 Archaeology

Recreation & Tourism

- RT1 Protection of Open Spaces
- RT5 Minimum standards for open space
- RT7 Cycleways, bridleways and footpaths
- RT13 Tourism

Housing & Community Uses

- H1 Phasing policy
- H2 Environmental quality in housing developments
- H5 Windfall sites
- H6 Town centre housing
- H13 Protecting residential areas

Employment

- E11 Mixed use areas

Transport

- T1 General transportation policy
- T2 Public transport
- T3 Improve conditions for pedestrians
- T4 Provision for people with restricted mobility
- T5 Provision for cyclists
- T6 Highways improvements and traffic management
- T9 Traffic management and calming measures
- T13 Car parks

Implementation

- IMP1 Development sites

IMP2	Transport Measures
IMP3	Land Ownership
IMP4	Environmental Improvements in Town Centres

Shopping

S1	Town centre shopping development
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Macclesfield Town Centre

MTC1-MTC2	Prime shopping area
MTC7	West of Churchill Way
MTC8	Samuel Street/Park Lane
MTC9	Duke Street
MTC12	Mixed Area
MTC19	Housing
MTC20	Christ Church Conservation Area
MTC22	Offices
MTC23	Pedestrianisation
MTC25	Car parking
MTC26	Parking outside prime shopping area

Development Control

DC1	Design – New Build
DC2	Extensions and alterations
DC3	Amenity
DC5	Measures to improve natural surveillance and reduce crime
DC6	Circulation & Access
DC8	Landscaping
DC9	Tree Protection
DC13-DC14	Noise
DC15-DC16	Provision of facilities
DC17	Water resources
DC18	Sustainable urban drainage systems
DC35	Materials and finish for new residential development
DC36	Roads layouts & circulation for new residential development
DC37	Landscaping for new residential development
DC38	Space, light and privacy for new residential development
DC40	Children's play provision & amenity space for residential
DC41	Infill housing development
DC46- DC47	Demolition
DC48	Shop front design
DC49	Shop front security measures
DC54	Restaurants, cafes and hot food takeaways
DC63	Contamination

- 6.6 It should be noted that the North West of England Plan Regional Spatial Strategy to 2021 was revoked on 20th May 2013.

OTHER MATERIAL CONSIDERATIONS

National Policy

- 6.7 National Planning Policy Framework (NPPF)

Other Material Considerations

- 6.8 Other local material considerations are as follows:

- Development Brief for Macclesfield Town Centre – MBC 2005
- Macclesfield Town Centre Comprehensive Redevelopment Strategy 2007
- Macclesfield Town Centre Public Realm Strategy – 2007
- Designing Out Crime SPD 2006
- Shop Front Guide SPG 2003
- Nature Conservation Strategy SPD 2006
- Areas of archaeological potential SPG 2004
- Strategic Flood Risk Assessment (Macclesfield) 2008
- Trees and Development Guidelines SPG 2004
- Cheshire Retail Study Update 2011
- Determining the Settlement Hierarchy: LDF Background Report 2010
- Christ Church Conservation Area Guidance Note 1994
- Section 106 (Planning) Agreements SPG 2004
- Macclesfield Town Centre Economic Masterplan 2010
- Macclesfield Town Vision 2012
- WYG update 2013
- Interim Planning Policy: Release of Housing Land (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- North West Sustainability Checklist
- SHLAA
- Cheshire East Local Plan Draft Development Strategy
- The Planning System: General Principles 2005

- 6.9 Circulars of most relevance include:

- ODPM 06/2005 Biodiversity and Geological Conservation;
- ODPM 05/2005 Planning Obligations;
- 11/95 The use of Conditions in Planning Permissions; and
- Circular 02/99: Environmental Impact Assessment

- 6.10 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- 6.11 Ministerial Statement of 23 March 2011 on "Planning for Growth"

- 6.12 Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

7. COMMUNITY ENGAGEMENT, CONSULTATIONS AND REPRESENTATIONS

COMMUNITY ENGAGEMENT

- 7.1 Since the application was registered on 27th March 2012 the Council has sought to engage with a number of key interest/ local community groups as follows: -

Silk Heritage Trust Stakeholder Event - 19th April 2012

- 7.2 Officers from Cheshire East Council, representatives of Wilson Bowden Developments, and Members of the Silk Heritage Trust were present. A fly-through CGI video, commissioned by Wilson Bowden Developments was played, presentation boards were displayed and a general discussion was had, to gain feedback from Silk Heritage Trust – morning session.
- 7.3 A Public Exhibition was held at the Heritage Centre (attended by the MP), following invitations having been sent to nearby residents – afternoon session.

- 7.4 Feedback :-

Members of the Silk Heritage Trust raised concerns regarding loss of car parking, coach parking and proposed cinema.

Macclesfield Chamber of Commerce and Enterprise and Macclesfield Civic Society Stakeholder Event - 19th April 2012

- 7.5 Officers from Cheshire East Council, representatives of Wilson Bowden Developments, and Members of the Macclesfield Chamber of Commerce and Enterprise and Macclesfield Civic Society were present. A fly-through CGI video, commissioned by Wilson Bowden Developments was played, followed by a Council presentation of the proposals and general discussion to gain feedback from the Macclesfield Chamber of Trade and Commerce and Macclesfield Civic Society.

- 7.6 Feedback: -

Mixed feedback – concerns raised regarding Churchill Way elevation, mixed views on shared surface. Positive feedback received on car park design.

Senior Citizens Meeting - 26th April 2012

- 7.7 Officers from Cheshire East Council, representatives of Wilson Bowden Developments, and users of the Senior Citizens Hall were present. A fly-through CGI video, commissioned by Wilson Bowden

Developments was played, followed by a Council presentation of the proposals. The aim of the meeting was to get general feedback on the Town Centre scheme.

7.8 Feedback: -

Concerns raised regarding the loss of the Senior Citizens Hall

Make It Macclesfield Town Centre Sub Group Meeting - 8th May 2012

7.9 Officers from Cheshire East Council and local councillors were present as well as representatives from Make It Macclesfield. A fly-through CGI video, commissioned by Wilson Bowden Developments was played followed by a Council presentation of the proposals. The aim was to get general feedback on the Town Centre scheme.

7.10 Feedback: -

Mixed views, concerns raised regarding the amount and type of housing, concerns raised regarding the scale of development and car parking.

Local Area Partnership Meeting - 9th May 2012

7.11 Officers from Cheshire East Council and Members of the Local Area Partnership were present. A fly-through video, commissioned by Wilson Bowden Developments was played, followed by a Council presentation of the proposals. The aim was to get general feedback on the scheme.

7.12 Feedback: -

Concerns raised regarding loss of the Senior Citizens Hall and the type and quality of housing proposed. Concerns raised regarding the scale, but liked quality of the finishings.

MiM Town Centre Regeneration Sub-Group meeting - 9th May 2012

7.13 Officers from Cheshire East Council, representatives from Wilson Bowden Developments and Members of the MiM Regeneration Sub-Group were present. A fly-through CGI video, commissioned by Wilson Bowden Developments was played, followed by a Council presentation on the proposals. The aim was to get general feedback on the scheme.

7.14 Feedback: -

Concerns raised regarding landscaping and car parking for Heritage Centre.

Grosvenor Centre Public Exhibition - 19th May 2012

7.15 Officers from Cheshire East Council fielded general queries from members of the public in the Grosvenor Centre. Officers used presentation boards to assist in showing details of the proposals. The aim was to get general feedback on the proposals.

7.16 Feedback: -

Mostly positive. Some concerns raised that the scheme won't get built.

Kings School Presentation - 3rd July 2012

7.17 Officers from Cheshire East Council and students from Kings School were present. A fly-through CGI video commissioned by Wilson Bowden Developments was played, followed by a Council presentation on the proposals. The aim was to get general feedback on the scheme.

7.18 Feedback: -

Generally positive – would like more housing and flats instead of houses. Constructive suggestions raised regarding design and public realm.

The Fallibroome Academy Presentation - 10th October 2012

7.19 Officers from Cheshire East Council and students from The Fallibroome Academy were present. A fly-through CGI video, commissioned by Wilson Bowden Developments was played, followed by a Council presentation on the proposals. The aim was to get general feedback on the scheme.

7.20 Feedback: -

Generally positive – like the amendments to scheme. Constructive suggestions for public realm and design.

Presentation to the Make it Macclesfield Business Breakfast - 23rd November 2012

7.21 Officers from Cheshire East Council and carried out a presentation on the Town Centre proposals and wider Macclesfield Regeneration.

Mill Street Public Exhibition - 14th & 16th February 2013

7.22 Officers from Cheshire East Council fielded general queries from members of the public in the street at the junction between Castle

Street and Mill Street. Presentation boards were used to discuss the proposals. The aim was to get general feedback on the scheme.

- 7.23 The Members of the public were requested to fill in comment forms. On Thursday 14th February, 34 were returned in support and 16 objected to the proposals. On Saturday 16th February 66 were returned in support and 16 objected to the proposals.

Planning Surgeries held from 14th January – 22nd February 2013

- 7.24 Officers from the Planning Department met with members of the public / interest groups to discuss aspects of the scheme and answer questions. The purpose of this was to inform the public about the scheme and respond to various questions / concerns.

**CONSULTATIONS IN RESPONSE TO INITIAL PROPOSAL
(External to Planning)**

The following letters were received from various organisations and consultees in relation to the first tranche of consultation carried out in April 2012.

- 7.25 Letter of objection from the **Silk Heritage Trust** which raises the following issues of concern: -
- loss of coach and car parking at exchange street and concerns regarding accessibility of MSCP, removal of convenient parking will redirect customers to out of centre locations, fails to provide access for all and would adversely affect business of the Heritage Centre
 - New retail units not appropriate for setting of Heritage Centre
 - Consider that there is an oversupply of retail units as CRSU fails to consider internet sales
 - Suggests referral to national Design Review
 - Cinema is unsympathetic to Christ Church and Heritage Centre and grossly oversized considers heritage makes a greater contribution towards tourism and there are more appropriate locations for the cinema
 - MSCP will overlook and due to its scale and design would detract from Paradise Mill and former art school listed buildings and Park Green conservation area
- 7.26 The **Cheshire Archaeology Planning Advisory Service** comment that the archaeological issues can be addressed by a programme of archaeological mitigation, which should consist of carefully targeted investigations during works affecting the areas of interest. In order for this approach to be successful it will be important for the precise scope of works and their location to be clearly defined prior to the start of re-development work and for the archaeological programme to be carefully integrated into the wider development programme. A

report on the work will also need to be produced. The mitigation may be secured by condition.

- 7.27 **Cheshire Constabulary** make a series of recommendations in respect of lighting for the square and car parking, anti graffiti and anti climb building envelope covering, landscaping, CCTV, Automatic Number Plate Recognition (ANPR) to car parks, external ironmongery, computers, public address system, garage doors, glazing, windows, doors, keys, cash offices and alarm system.
- 7.28 The **Building Control** Manager raises no objections. A series of recommendations are made, however, these would be covered under the Building Act 1984, section 81.
- 7.29 **Sustrans** indicate that the development should improve cycling and walking access to the town centre and adjacent areas, such as ensuring that crossings across Churchill Way include footways/ cycle tracks for north - south journeys and that two way cycling is investigated for one way streets and that cycle parking be provided at convenient positions under cover for staff.
- 7.30 The **Cheshire Fire & Rescue Service** comment that access and facilities and means of escape should be in accordance with Building Regulations and request that details of the water main installations be provided.
- 7.31 No objections are raised from the **Environment Agency** but recommends that conditions be imposed relating to issues such as surface water drainage, recommends the inclusion of SUDS and makes general comments regarding flood defence consents.
- 7.32 No objections are raised by **United Utilities**. However, conditions are recommended in respect of a method statement for the protection of the existing sewerage system prior to demolition of buildings and general comments are made regarding water meters, water mains, diversions and connections and internal storage and internal booster pumps.
- 7.33 A letter of objection has been received from **Macclesfield Flower Club** with regard to the demolition of the Senior Citizens Hall. The letter expressed concerns regarding the suitability of alternative locations and cost implications to the club.
- 7.34 A letter of objection was received from the **Friends of Macclesfield Silk Heritage** which raised concerns regarding: -
 - impact on viability of businesses at the Heritage Centre through loss of car and coach parking and accessibility of MSCP
 - impact on the viability of the Heritage Centre due to the inclusion of a cinema and the potential impact this would have in

- providing competition against Cinemac and it is considered that alternative locations for the cinema would be more appropriate.
- demolition of Senior Citizens Hall
- 7.35 **Natural England** raise no objections, but indicate that the nearby SSSI would be unaffected and their standing advice is provided in respect of protected species.
- 7.36 Comments received from **English Heritage** which indicate that the application fails to adequately assess the impact on key assets, and, from the information that is provided, would result in substantial harm to the significance of heritage assets, particularly Christ Church and the Christ Church Conservation Area. On that basis, they recommend refusal of the application, or, that significant amendments to the cinema are sought. Comments were also made regarding the service elevation to Silk Street on Churchill Way.
- 7.37 English Heritage recommend discussions are help with Design Council / Places Matter. Concerns are raised with regard to the height of the MSCP, and mitigation is recommended in respect of archaeological remains.
- 7.38 A letter of objection was received from **Cinemac** regarding the location and design of cinema and the impact upon the character of the area, impact on highway safety, and the impact on the amenities of Water Street residents. Cinemac consider there to be insufficient demand for 8 screens and recommends alternative locations are considered. Concern is also expressed regarding scale and design of the retail units.
- 7.39 A letter of representation was received from the **Macclesfield Local Area Partnership**, which indicate that they do not wish to make formal representations on the scheme, however, they are generally supportive of the increase in new jobs in a sustainable location, which would significantly boost the local economy and would indirectly create more jobs through a multiplier effect. Also, the Macclesfield Local Area Partnership is supportive of the developer's intention to prepare a local recruitment and training plan and recommends that the developer update the submitted information, provide examples of Recruitment and Training Plans provided elsewhere and that this is secured via a legal agreement. The letter also indicates that the Group has a growing list of activities and initiatives within the local area and would like to see Wilson Bowden as a partner in achieving the delivery of some of these.
- 7.40 Comments were received from the **Environmental Health** Manager, who recommends that conditions be attached should permission be granted for the development, in respect of noise, vibration and dust, contaminated land, air quality mitigation, Travel Plans, provision of electric vehicle recharging points and that a financial contribution be

secured to enable Cheshire East Council to undertake additional air pollution monitoring to ensure that exposure does not exceed the air quality objectives.

- 7.41 A letter of representation was submitted from **Macclesfield Civic Society**, which considers that the Environmental Statement does not meet EIA requirements relating to adequacy, as the Civic Society considers the Environmental Statement to be inadequate as it is not a 'single accessible document'. In addition, the Environmental Statement fails to encompass significant effects such as the extent to which the cultural heritage of the town would be impacted upon by the failure to provide a replacement Senior Citizens Hall, or a suitable alternative and the impact of the shared surface in both traffic and environmental terms. The Civic Society expresses concerns regarding town centre sites not included within the development, the impact of the development on and integration with town centre.
- 7.42 A letter of objection was received from the **Macclesfield Guild & Chamber of Trade**, which raises procedural issues including questioning why HELM (Historic Environment Local Management) were not consulted on the application. The Macclesfield Guild & Chamber of Trade provides a commentary on the development brief from 2005 and raises concerns regarding compliance with said brief. The letter questions the accuracy of information submitted / evidence base including the Heritage Statement and CRSU. In addition, the letter raises the following issues:-
- Retail Planning Issues including: economic sustainability relating to viability/ deliverability and concerns regarding retail capacity, suitability of units to meet demand and concerns regarding viability of / competition with the existing High Street due to poor linkages with the existing town centre, loss of car parks and the development would shift the gravity to the lower end of town. Concerns are raised that need/ deliverability has not taken into account, or the potential impact on SMDA.
 - Design: Particular emphasis is made with regard to the scale and massing of the Duke Street and Churchill Way elevations, retail quarter and new Multi Storey Car Park and the maintenance of the green walls and copper cladding.
 - Heritage: Impact of the proposed cinema on Christ Church and the Conservation Area, impact of Multi Storey Car Park on Park Green Conservation Area, impact of construction on existing retail units and loss of properties along Roe Street to the setting of Heritage Centre, and the impact of increased on street car parking on High Street Conservation Area.

- Amenity: the cinema would generate noise and crime which would affect residential amenity and Parrs Wood is cited as an example.
- Car Parking: considers loss of exchange street car park to represent loss of most popular car park, concerns are raised regarding the accessibility of the Multi Storey Car Park, and that the Multi Storey Car Park would act as a deterrent and encourage out of centre shopping. The Heritage Centre relies on Exchange Street car park and the cinema car park would not be a suitable alternative. The car parking would be insufficient to meet the needs of the cinema. Concern is expressed regarding the absence of coach parking facilities.
- Traffic: Concern is raised in relation to the impact of projected traffic movements, on infrastructure and associated traffic problems.
- Other Matters including: concern raised regarding loss of green spaces, as considers that there should be more, not less. Concerns raised regarding Air Quality Management Area and flood risk as consider that surface water drainage mitigation would be costly and disruptive. Concerns raised regarding land stability and disruption during the construction period and that the proposals are not sustainable.

7.43 The letter also expresses concerns regarding the impact on the commercial interests of the Heritage Centre and offer their thoughts on alternative proposals.

7.44 **Sutton Parish Council** object on the grounds that the proposed layout and design does not appear to reflect or effectively incorporate the importance of the Market Town's heritage within the Town Centre and object because there is no meaningful provision for residential accommodation within the Town Centre proposals.

7.45 **Macc2020** object on the grounds that the scheme should comprise more housing, it is out of keeping, will not attract independent retailers, would not be environmentally sustainable, offer concessions in respect of air quality, environmental capacity or topography, fails to provide public transport, retail offer too ambitious, bland, not unique, contrary to Economic Masterplan, NPPF and Development Plan and criticises sustainability statement, planning statement, transport assessment, design and access statement and environmental statement. Macc2020 criticise the Town Vision.

7.46 **Prestbury Parish Council** object on the grounds that the proposed new retail area is a duplicate of so many other towns across the UK - many of which are failing; it bears no relationship to the town of which it would be a part, It is contrary to Macclesfield Local Plan policy

MTC2 & MTC19 because of its design / impact upon the Heritage Centre and it would not encourage housing in the town centre, or make use of upper floors for housing. Also, Prestbury Parish Council consider that if the application is granted permission, it would be a missed opportunity to redevelop the ancient market town of Macclesfield in a more original style, that is more in keeping with the scale that currently exists. Considers that if housing above shops were proposed that this would result in ready-made customers for the retail units and also help to alleviate pressure for building houses in the Green Belt around Macclesfield. If a revamped Macclesfield town centre is to succeed, it needs to offer something different, preferably a greater percentage than the norm of individual retail units, plus varied entertainment, and it needs to have people living in the centre, which will ensure it does not become yet another ghost town once the shops close.

- 7.47 The **Churches Conservation Trust** indicate that whilst they express concern regarding the potential loss of the view of Christ Church, the Trust considers that the regeneration proposals would be greatly enhanced by retaining historic references, but are supportive of the regeneration of the town.
- 7.48 **St Michaels Church** raise concerns regarding the scale and design of the buildings, the loss of the car parking and replacement with a Multi Storey Car Park, impact on Market Place and impact on existing traders / the High Street.
- 7.49 A letter of representation was received from **Senior Voice** requesting that an equally suitable and accessible replacement for the Senior Citizens Hall is provided and available for use prior to demolition. Senior Voice express concerns regarding the suitability of the Town Hall.

REPRESENTATIONS IN RESPONSE TO INITIAL PROPOSAL 2012

- 7.50 The Council received 782 letters of representation from 646 households in relation to the first tranche of consultation between approximately April – September 2012. 11 of the households were in support and 590 were objecting to the scheme with the remaining raising points to be considered below.
- 7.51 In addition the LPA also received leaflets from 449 households produced by a local opposition group known as ‘Wake Up Macc’.
- 7.52 The LPA also received copies of a standard letter from 26 households which raised concerns regarding the location of Debenhams and the MSCP and the impact of this on town centre footfall, concerns that there aren’t enough car parking spaces proposed and that the development would exacerbate existing traffic problems, concerns regarding crime and surveillance, design and

massing of buildings including Duke Street elevations, Churchill Way elevations, Silk Street and MSCP, pedestrian safety across Churchill Way and concerns that Duke Street would become a service area, but indicates support for provision of department store and cinema in principle.

- 7.53 The LPA also received copies of a standard letter from 6 households, which raised concerns regarding the loss of the Senior Citizens Hall, requests an up to date retail assessment and raises concerns regarding the impact on the architectural heritage of the town.
- 7.54 The Council has received a petition with 7 signatures which raises concerns regarding parking sustainability and design with specific reference to the impact upon the markets which has been produced by the Market Traders of the Grosvenor Centre.
- 7.55 The Council has received a petition with 8 signatures which raises concerns regarding the impact on the Cinemac.
- 7.56 The Council has received a petition with 22 signatures which raises concerns regarding the impact on which raises concerns regarding parking sustainability and design from Chestergate Traders.
- 7.57 The Council has received a petition with 10 signatures, which raises concerns regarding the loss of car parking, impact on existing town centre and the design and scale of buildings.
- 7.58 The main issues raised in the bespoke letters of representation, which were submitted during the summer 2012, include the following:

Design

- Large format retailing out of keeping with character of Macclesfield
- Criticisms of design using vocabulary such as bland, cold, unwelcoming, impersonal, Unsympathetic, dated, clone town, impractical, white elephant, soulless, design lacks imagination, blot on the landscape, sterile block of concrete and steel, don't want an off the shelf solution, prison architecture, doesn't build on strengths, want unique design not contemporary, in need of modernisation
- Criticisms of design on individual components in terms of design, scale and location such as Debenhams, cinema, Duke Street elevation, scale (as exceeds three storeys), MSCP too high, Cinema, Debenhams and MSCP in wrong locations, Silk Street no natural breaks or interesting features, mass of cinema and impact upon town centre, signage wont age well, no use of local materials, criticism of copper, described as featureless

anonymous units, too arty and modern, design doesn't complement Macclesfield, want organic infill development, new development should be superior

- No focal points and fails to introduce unique elements
- Suggested improvements including seating in the square, numerous alternative designs, more windows to cinema, needs more greenspaces/ green roofs, want covered walkways, canopy for Silk Street, suggest alternative materials, too much glass/ modern materials to Silk Street want brick in Silk Street elevations, too few links to Mill Street and Castle Street, Wellington Walk needs tying in, suggest iron mulberry tree - vertical artwork to Churchill Way, suggest smaller cinema building, brick colour wrong, needs traditional approach, suggest take reference from Georgian, Victorian, Edwardian architecture, suggest play area for children, more landscaping and alternative quantum of uses / new uses, suggest redesign as a silk mill for Debenhams, cinema and MSCP or attractive contemporary design.
- If retail units are not let, they will result in unsightly vacant units
- Support for branding, new squares, varied use of materials and use of VIBE, copper and stepped car park roof and some acknowledge town needs investment, new shops would give much needed visual appeal, would bring shops and visitors, will transform deadspace, will lift other areas, good not redeveloping used areas
- Impact on views / skyline
- Scale more suited to city centre location and ignores basic topography

Retail

- Concerns regarding the sustainability/need for the quantum of A1/A3 retail, won't attract new footfall, will exacerbate decline due to existing problems facing the High Street including increasing vacancies, internet sales and the recession. Concerns economic benefits suggested wouldn't be delivered.
- Concerns relating to extension of Primary Shopping Area, impact of Multi Storey Car Park on town centre footfall as too far from existing town centre, which would encourage out of town shopping, linkages with existing Primary Shopping Area and impact on town centre businesses including market traders and independent retailers

- Concerns regarding competition with town centre and SMDA
- Comments in support indicated that people considered that the development would attract new investment, improve competition and choice and was necessary to enable Macclesfield to compete with regional centres and that people are pleased that the scheme has been reduced in scale compared to the scheme submitted in 2008. Considers Debenhams and cinema to be positive additions and expressed concerns regarding current poor quality retailers and vacant units within the town centre
- Considers improvements to Town Centre and more specifically Chestergate and Mill Street required
- Concerns proliferation of national multiples will make Macclesfield a clone town
- Suggestions include want more local / specialist shops, Debenhams should be in Primary Shopping Area, want smaller units in the mix, addition of a supermarket, demolition of various sites and inclusion within proposals and comments regarding people's aspirations for Macclesfield
- Concerns regarding impact of Tesco's on proposals
- Request for Retail Impact Assessment of the proposals.

Amenity Issues

- Concerns regarding creation of wind tunnel along Samuel Street and Churchill Way
- Concerns regarding Lack of amenity space for new houses
- Concerns regarding waste collection
- Considers that more information in respect of sunlight/ noise buffers etc is required
- Concerns regarding impact of scheme on wellbeing i.e. consider Silk Street to be claustrophobic, Churchill Way elevation to be imposing, overpowering and intimidating, scheme would create dark corridors and rain swept canyon
- Concerns regarding specific impacts to Water Street residents
- Concerns regarding crime and vandalism with specific comments relating to demolition and glass shop fronts and that this would attract vandalism

- Increased littering due to cinema
- Concerns regarding air quality
- Concerns regarding structural damage to adjacent properties

Highways

- Considers that there is not enough car parking to meet needs of development with specific reference made to North West parking standards
- Concerns regarding taxi provision, coach parking provision
- Considers scheme would increase congestion/ traffic flow on residential streets, Churchill Way, concerns regarding Duke Street and Roe Street access and access problems for HGVs, Proximity to B&Q roundabout is an issue
- Scheme fails to encourage cycling
- Concerns regarding disabled access more specifically to the two storey retail
- Suggestions include underground walkway across Churchill way, covered bus stops, pedestrianisation of areas, more parking restrictions, residential permit schemes, retention of part of existing Exchange Street car park, making parking free, providing ground level access car parking only, as people don't like Multi Storey Car Parks
- Concerns regarding parking and access for The Citadel, existing residents in the vicinity of the site
- Concerns regarding loss of existing car parks and the impact of this on town centre footfall, town centre businesses, business interests of the Heritage Centre
- Concerns regarding safety issues crossing Churchill Way
- Both support and objections received regarding provision of shared surface with both positive comments and negative comments made on the shared surface at Poynton.

Heritage

- Impact on existing Heritage Walk/ Heritage Trail
- Concerns regarding proximity to Heritage Centre and Conservation Areas

- Impact on views of Christchurch from Mill Street / Exchange Street
- Recommend Senior Citizens Hall is listed
- Multi Storey Car Park will overshadow Silk Museum
- New retail units will overwhelm the Heritage Centre
- Impact on Heritage Tourism
- Impact on setting of listed buildings including Christ Church and The Citadel
- Fails to preserve or enhance heritage assets
- Concerns regarding demolition of properties on Roe Street

Other

- Comments on public realm including expressing concern relating to the loss of greenspace / open space and more specifically Heritage Park which is maintained by volunteers, lack of new green space, criticisms of quality of new space, failure to include Wellington Walk proposals
- Comments on timescales as want to see scheme delivered quickly, concerns that the developer will sell on the permission or fail to build it
- Criticisms of sustainability credentials / implications and carbon footprint of development
- Concerns regarding the loss of the Senior Citizens Hall as a community facility and as a sizeable hall
- Support for jobs created as need more well paid employment and want to see local construction companies utilised
- Comments that the 'silent majority' want this scheme
- Concerns and support both expressed regarding need for individual elements such as cinema, shops, department store, restaurants, public space and MSCP

7.59 In addition to this, comments were also raised relating to issues such as procedural matters, quality of plans, competition with existing businesses, planning blight, Council conduct, financial information, criticisms of previous planning decisions, consideration of

alternatives, comments on alternative town centre improvements, impact on other town centre improvements and suggestions for alternative locations for development, and comparison with schemes elsewhere.

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- 7.60 Amended plans and documents were received on 9th Jan 2013. The Council re-consulted on these amended plans and published new site notices and new press adverts.

CONSULTATIONS IN RESPONSE TO REVISED SCHEME 2013

The following letters were received from various organisations and consultees in relation to the second tranche of consultation carried out in January 2013

- 7.61 A letter of objection was received from the **Macclesfield Guild & Chamber of Trade**, which raises procedural issues including questioning why the Design Council and HELM (Historic Environment Local Management) were not consulted on the application, provides a commentary on the development brief from 2005 and considers that the views of consultees and those directly affected have not been taken into consideration. In addition, the letter questions the accuracy of information submitted / evidence base including job creation figures, Heritage Statement, CRSU and therefore requests the submission of an up to date impact study. In addition, the letter raises the following issues:-
- Retail Planning Issues including: economic sustainability relating to viability/ deliverability and concerns regarding retail capacity, suitability of units to meet demand and concerns regarding viability of / competition with the existing High Street due to poor linkages with the existing town centre, loss of car parks and because the development would shift the gravity to the lower end of town- cites Stockport as an example and raises concern that lack of parking would redirect shoppers to out of centre locations.
 - Design: Particular emphasis is raised to the scale and massing of the cinema, the Churchill way elevation and new Multi Storey Car Park and the maintenance of the green walls and copper cladding.
 - Heritage: Concern is raised regarding the impact of the cinema on Christ Church and the Conservation Area, impact of the Multi Storey Car Park on the Park Green Conservation Area, impact of the construction of retail units and loss of properties along Roe Street to the setting of the Heritage Centre and the impact

of increased on street car parking on the High Street Conservation Area.

- Amenity: the cinema would generate noise / crime which would affect residential amenity
- Car Parking: it is considered that the loss of car parks will represent the loss of a community facility and concern is expressed regarding the absence of coach parking facilities. Concern is raised regarding the impact of the cinema on on-street car parking. The effectiveness of resident permit schemes is criticised and concerns are raised regarding accessibility of the Multi Storey Car Park and this is considered to be insufficient to meet the needs of shoppers / workers.
- Traffic: The impact of projected traffic movements on infrastructure and traffic problems is raised. The Macclesfield Guild & Chamber of Trade are concerned that previous road widening schemes and measures to improve infrastructure have been stalled / abandoned.
- Other Matters including: concern is raised regarding the loss of green spaces as it is considered that there should be more, not less. Concerns are raised regarding the Air Quality Management Area and flood risk as the writer considers that surface water drainage mitigation would be costly and disruptive. Concerns are raised regarding land stability and disruption during the construction period and that the proposals are not sustainable.

7.62 The letter also expresses concerns regarding the impact on the commercial interests of the Heritage Centre and suggests alternative proposals.

7.63 A letter of representation was received from the **Macclesfield Town Residents Association**, which included the Wake up Macc standard letter / wording and also raised the following issues:

- Concerns regarding the impact of vehicle movements on the amenities of residents of Water Street and requests that Water Street be cobbled with width restrictions, made 'one way' include 'residents only' parking and alteration to the angling of the proposed parking bays.
- Requests restriction of the opening hours of the cinema, prevention of access to the cinema from Water Street, pre-development survey of all existing properties that could be affected by extensive groundworks and confirmation of the extent of glare / illumination from copper cladding / lighting of cinema on amenity grounds and requests confirmation of the age of trees to be planted.

- Letter contains information in respect of The Crescent, Hinckley. This is a development which Wilson Bowden was granted planning permission for a scheme, and it has been commenced.

7.64 A letter of representation was received from the **Disability Information Bureau (DIB)** in respect of:

- Concerns regarding location and number of disabled car parking spaces (should be 6% of total), availability of car parking during construction and recommends that the slope of the car park to the cinema be no steeper than 12%
- Requests inclusion of disabled toilets
- Concerns regarding the loss of the Senior Citizens Hall
- Benches should be in line with the Equality Act 2010.

7.65 A letter of representation has been received from **Macclesfield Civic Society (MCS)**, which mentions alternative proposals put forward by MCS and others, suggests alternative sites, criticises the mix of uses and sites which ought to be accommodated, calls into question the evidence base (CRSU), requests further information in respect of Shared Surface and site levels and supporting information including Heritage Assessment, Environmental Statement and the Transport Assessment. Macclesfield Civic Society also comment on the Development Agreement and consider that it introduces an element of risk that an objective, planning, merits based decision may not be reached.

7.66 The following concerns have been raised:

- Impact of Town Centre: poor integration, would take trade from existing shops, concerns regarding scale of retail provision, requests up to date impact assessment.
- Highways: insufficient car parking for influx of shoppers, concerns regarding accessibility, loss of Exchange Street car park to shoppers and the Heritage Centre, consider some parking at Exchange Street should be retained, consider a 17% increase in town centre car parking is not enough to serve the development, concerns regarding impact of the Multi Storey Car Park on Churchill Way traffic and concerns regarding Debenhams servicing and suggest it should be accessed via Samuel Street, queries the location of the bus stop outside the cinema, the retail provision is not accessible by public transport, or wheelchair users.

- Heritage: the scale and location of the cinema would impact upon Water Street and the Citadel, the impact of the retail units on the setting of the Heritage Centre, Macclesfield Civic Society endorse the response from English Heritage in respect of the impact on views to and from Christ Church, does not endorse the demolition of properties along Roe Street.
- Amenity: the impact of the cinema on Water Street.
- Senior Citizens Hall: express concerns regarding the loss of the Senior Citizens Hall and the proposed replacement above Silk Street.
- Design: concerns in respect of the retail units facing Mulberry Square on views, Roe Square would be dominated by buildings, concerned regarding the scale of Debenhams and attempts at mitigation through material changes and landscaping are not convincing because of the sheer size and bulk of the building complex, therefore maintains their objection. Macclesfield Civic Society like the design changes to the Multi Storey Car Park, but still are concerned regarding its massing, the open space proposed is not appropriate due to Macclesfield's weather.

7.67 A letter of representation was received from **Macclesfield Civic Society** made in respect of the Environmental Statement, which considers that the Environmental Statement does not meet EIA requirements relating to adequacy, as considers the Environmental Statement to be inadequate as it is not a 'single accessible document', which evaluates environmental effects and fails to set out full mitigation measures making it difficult for the public to easily access. In addition, the Environmental Statement fails to evaluate social / economic effects on the existing town centre and the environmental consequences of the social / economic effects, or consider alternatives. The Environmental Statement fails to deal with loss of the Senior Citizens Hall and falls outside the scope of reasoned mitigation measures and fails to set out the shared space proposals and indicate mitigation measures relating to associated traffic management and visual amenity / townscape impact.

7.68 A letter of objection was received from the **Northern Chamber Orchestra** (users of the Heritage Centre), which expresses concern regarding the loss of car parking and charging for car parking and concerns regarding safety of the Multi Storey Car Park. The proposals are considered to be outdated, flawed and would spoil the character of Macclesfield and also concerned is expressed regarding the impact on the existing town centre shops. A completed Wake up Macc tick box letter of specific concerns was also enclosed with their representation.

- 7.69 A letter of objection was received from **Activity in Retirement (AIR)** (users of the Senior Citizens Hall) including a history of the Senior Citizens Club and Senior Citizens Hall, dialogue between AIR and MBC/ CEC regarding the Senior Citizens Hall. Activity in Retirement are disappointed that the loss of Senior Citizens Hall seems to have been overlooked. Concern is raised that amended plans include a general community facility and that there is a shortfall in funding and that the Town Hall option may not be delivered, however, such an option would be welcomed, if it can be achieved. AIR has enclosed Heads of Terms for a legal agreement to that effect. AIR consider that the loss of the Senior Citizens Hall is contrary to national, local and emerging policy and considers that the need for a facility would only increase due to changing demographics.
- 7.70 The **Friends & Neighbours of Heritage Walk** object to the proposals, in respect of the loss of the green space, which has been managed by the community and also raises concerns regarding pollution and conflict with carbon reduction policy. In addition, the letter raises issues of concern regarding flood risk as it is considered that the surface water drainage mitigation would be costly and disruptive. Concern is raised regarding land stability and disruption during the construction period. The writer's consider that the high walls to Churchill Way would create a wind vortex and consider that the existing and the preferred use of Heritage Walk is open green space. The letter has 62 signatures on it.
- 7.71 A letter of objection has been received from **Sutton Parish Council** on the following grounds:-
- principle of development
 - design is not sympathetic to heritage assets
 - the residential units are out of keeping with the character of housing nearby
 - Silk Street is not integrated with the existing town centre
 - the proposed car parking is inconvenient
 - the type of retail is out of date
 - the Impact of the cinema on residential amenity
 - there is no demand for a cinema given the town has Cinemac
 - not enough residential is included
- 7.72 A letter of representation has been received from **Bollington Town Council**, who indicate that they felt that something has to be done quickly to encourage people to the town and the cinema was recognised as a good part of the proposals. However, the consensus view of the Council was that it was doubtful that the retail offering, as a means of regenerating and improving the town, would do the job.
- 7.73 No objections are made by the **Environment Agency**, subject to the imposition of conditions relating to matters such as surface water run-

off and surface water flood risk and the remediation of contaminated land. A number of general recommendations are made.

7.74 A letter of representation is made from the **Silk Heritage Trust**, which raises the following concerns in respect of their commercial and educational activities: -

- Loss of popular and well used car parking and coach parking and replacement Multi Storey Car Park is too far away;
- Suggest alternative proposals for the Exchange Street car park;
- Concerns are raised regarding the impact of the Cinema, Silk Street and the new retail units on Mulberry Square, on the setting of the Heritage Centre, conservation areas and listed buildings. Concerns are raised regarding the impact of the loss of properties along Roe Street to the setting of the Heritage Centre;
- CABE expressed concerns regarding the design of the previous scheme;
- The design and scale of the Multi Storey Car Park and impact of this upon the conservation area and listed buildings.

7.75 A letter of objection was received from Savills, on behalf of **Eskmuir Securities Ltd** (owners of the Grosvenor Centre) on the following grounds:-

- consider more up to date and specific assessment of the proposals is required;
- consider the site to be edge of centre and the proposals would adversely impact upon the Primary Shopping Area;
- retailer uncertainty around the scheme has discouraged tenants from signing long term leases;
- figures within CRSU (Cheshire Retail Study Update) do not consider existing commitments and changes in retail trends and lack of retail growth;
- concerns are raised regarding displacement and trade diversion and the shift in the gravity of the town centre away from the existing Primary Shopping Area;
- the writer requests details of other Council strategies, which would mitigate for the impacts noted above

7.76 The **Christ Church Group** object on the following grounds:-

- Design: Considers the cinema to be visually intrusive to views of Christ Church, would belittle the seniority of Christ Church as the landmark building and would detract from Christ Church, the square and surrounding properties;
- No detailed visual, or townscape assessment has been made to assess the impact of the cinema on views from the direction of the town centre, particularly from Churchill Way and Castle Street;

- Impact on viability of Christ Church and square;
- in the event of approval, recommends that the proposed surface materials be extended to Waterloo Street and that heritage boards be added to Debenhams Churchill way elevation and Wellington Street elevation of cinema;
- If permission is granted, lighting and car parking for Christ Church should be considered

7.77 A letter of representation was received from **Macclesfield Music Society** which expresses concerns regarding the impact of the loss of car parking and distance of the Multi Storey Car Park on the commercial interests of the Heritage Centre, considers the town square to be too large and would attract crime and become an eyesore.

7.78 Comments received from **English Heritage** relate to the content of the Built Heritage Assessment which they consider appears to take a narrow view of 'setting' particularly in relation to Christ Church and to be dismissive of unlisted buildings in conservation area and that it fails to consider the wider impacts on the historic townscape of Macclesfield. Specific comments relating to Heritage Assets:

- Concerns regarding impact of the cinema on the prominence of the church which would have an adverse impact on the setting of the church itself and wider conservation area
- Requests that LPA consider the impact of the architectural language and materials of the proposed cinema on the setting of the church.
- Considers demolition of properties along Roe Street to constitute less than substantial harm to CA
- LPA will need to consider mechanisms for deliverability of home improvement grant scheme proposed
- Indicates that main impact to Park Green Conservation Area will be MSCP but acknowledges that considerable efforts have been made in considering alternative materials but considers the relevance of the 'living green' wall panels to be unclear
- Considers it unclear how the scheme will either sustain or enhance the significance of the historic environment or enhance or better reveal the significance of the conservation areas or their settings
- Acknowledges that the harmful impact on the setting of Christ Church, and related conservation area, has been reduced and the public space adjoining the former Sunday School has been further improved.

- 7.79 The response also includes detailed comment on urban design matters such as:
- Expresses concerns regarding the prominence of service elevations to Silk Street and considers that the form of enclosure to Duke Street, Samuel Street, Churchill Way, Park Lane and the location of the building to the north of TJ Hughes has the potential to undermine the creation of a positive public realm.
 - Criticises lack of Design Review and Places Matter input
- 7.80 The letter concludes that the LPA will need to ensure that any other public benefits outweigh the less than substantial harm identified to ensure that the proposals constitute sustainable development, consistent with NPPF requirements.
- 7.81 Comments from **Cheshire Archaeology Planning Advisory Service** indicating that as the general footprint of the scheme remains the same, then the previously-defined archaeological mitigation remains appropriate. It is advised that this represents an appropriate conclusion and the condition advised in April may be used to secure the work.
- 7.82 The **Churches Conservation Trust** object, as it has been brought to their attention that the proposals severely impact upon the visibility, public access and the viability of Christ Church by masking the building from the town centre and marginalising it from the main pedestrian routes within the town.
- 7.83 A letter of objection was received from **Wake Up Macc**, which includes a selection of facts and expert opinions showing why schemes such as this do not meet the economic sustainability requirement of The Framework. The facts presented relate to shop closures, independents, oversupply of shops, financial stability of shopping centres, growth in online retailing. Quotes included, related to the economic climate, the future of town centres, leakage, the changing face of retail and deliverability and viability. The letter also criticises accuracy of job creation figures and suggests that low paid jobs won't boost the local economy. Concerns expressed regarding figures quoted at Business Breakfast meeting on 23.11.13, considers shrinking of Astra Zeneca will reduce the affluence of the area, development does not take into account aging population and comments that the large housing schemes built around the town would not necessarily create a new market for the scheme.
- 7.84 Comments were received from **Nether Alderley Parish Council**, which states that the Parish Council is in favour of the principle of modernisation and development of Macclesfield Town Centre, in order to encourage people to use and visit the town. The Parish

Council would be in favour of mixed use retail and facilities options and user friendly access and facilities. However, the Parish Council is mindful that the development must be sensitive to the prosperity and continued use of the already established areas of town centre and trading; so as not to have a detrimental impact upon the businesses in, or presentation of, the current town centre and to ensure that deterioration of this part of the town does not occur.

7.85 The **Friends of Macclesfield Silk Heritage** raises concerns regarding:

- the impact of the cinema on the viability of businesses at the Heritage Centre
- impact of Mulberry Square on accessibility of Heritage Centre

7.86 **Macc2020** object on the grounds that the proposals are unsustainable due to the double/ triple dip recession.

7.87 The **Strategic Highways Manager** has considered the traffic impact of the development and number of trips on the network. Both capacity tests and journey time assessments have been undertaken. As expected there are impacts at the main congested junctions with impacts at Churchill Way/Park Lane and at Hibel Road/Hurdsfield Road. Silk Road roundabout although these impacts are not considered too sufficient to warrant a severe impact.

7.88 The original access submission for the multi storey car park did produce problems with queuing on Park Street and this has been mitigated by the revised traffic signal junction at the car park access. Overall, the journey times with the development in place has only increased by a minute on average on the routes tested, therefore, it is not considered that the development would cause a significant increase in delay and congestion on the road network.

7.89 As this development is a town centre scheme, no objection is raised to the accessibility of the scheme. It is noted that the access to a number of bus services within walking distance of the scheme is good and there are many services available to many destinations with a range of frequencies of service. A range of cycle parking will be provided at locations throughout the development for public use, these will be close to the development and in public areas.

7.90 As Churchill Way effectively splits the development it was important to provide a linkage to the cinema and restaurants for pedestrians, the proposed shared pedestrian surface will provide a pedestrian friendly environment where the carriageway width is reduced with wider pedestrian areas provided. Vehicle use will continue on Churchill Way and through the shared surface area but the environment will encourage lower traffic speeds. Specific construction details and materials to be used in the shared surface area have not

been provided, and only general layout details provided. It is considered that the details will need to be agreed with the Highway Authority and these works would form part of a S278 Agreement.

- 7.91 The Strategic Highways Manager does not consider that the development will cause a severe traffic impact on the local highway network taking into account the mitigation measures being put forward as part of the development. The development is sustainable as regards non-car mode accessibility, there are also public space areas that are car free pedestrian areas. There are two main car parks, a multi-storey and a surface level car park and these are replacing a number of existing car parks spaces and overall the number of spaces provided is increasing by some 170 spaces. The Strategic Highways Engineer considers the proposed 731 car parking spaces to meet the standards and there would be no policy refusal on car parking grounds. The 79 parking spaces proposed for the cinema/restaurants falls below the maximum standards for D2 uses. This car park will always be full, therefore it is important that alternative car parking is available close by. The Grosvenor Centre car park has 300 spaces and making these available in the evening would more than cope with demand.
- 7.92 No highway objections are raised to the application, although this is subject to a considerable list of measures to be agreed and these will form part of either a S106 Agreement, or a S278 Agreement.
- 7.93 The **Environmental Health Officer** has assessed the application in relation to noise, vibration and dust, the construction and demolition phase, the operational phase of development, air quality, air quality and contaminated land. In order to mitigate for possible impacts from demolition and construction noise, operational noise, plant and equipment, service vehicles etc. a full Environmental Management Plan will be required. This shall outline the working procedures. The plan shall include:
- Working methods
 - Demolition plan
 - Noise and Vibration Mitigation Plan
 - Noise / Vibration limits / monitoring protocols
 - Working hours (Construction and Piling) including proposed hours for potential extended hours operations (such as floor floating)
 - Dust control procedures
 - Vehicle movement plans
 - Designated vehicle routes
 - Communications plan (with residents / businesses affected by works)
- 7.94 The Air Quality Impact Assessment and addendum concludes that, in some areas people will be exposed to higher levels of air pollution as

a result of this development, and its associated traffic. This includes some assessment of the cumulative impact of development around the town. The Environmental Health Officer considers that mitigation should be sought from the developers in the form of direct measures to reduce the impact of traffic associated with the development. In addition, there should be funding provided to the Local Authority to enable it to undertake additional air pollution monitoring to ensure that exposure does not exceed the air quality objectives, and to implement elements of the Air Quality Action Plan in relation to Macclesfield.

- 7.95 The Contaminated Land officer comments that the application area has a history of varied use including mills, breweries, garages, works depots etc. The ground investigation report submitted in support of the application identifies the presence of contamination. The report requires augmentation in a number of areas and will need to be refined when further investigations are carried out. There has been insufficient gas monitoring carried out to date. Additional investigation is also required in the areas to be developed for residential use.

- 7.96 A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary. Additional Ground Gas Monitoring should also be carried out.

- 7.97 The **Strategic Crime Reduction Officer** from **Cheshire Constabulary** has provided a list of various features which Cheshire Constabulary would like to see adopted within the development. These include lighting measures, CCTV, Consideration to Automatic Number Plate Recognition (ANPR) to car parks, and other anti vandal / security measures.

- 7.98 The **Building Control Officer** raise no objections. Comments are provided with regard to compliance with the Building Act 1984, s81, with regard to protection of the public and the preservation of public amenity.

- 7.99 The **Fire Safety Officer** raises no objections. Informatives are recommended regarding the provision of fire hydrants and the requirements to comply with building regulations concerning access for fire vehicles, means of escape etc..

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REPRESENTATIONS RECEIVED SINCE JANUARY 2013

- 7.100 2391 letters from 1876 householders were received following the receipt of the amended plans on 9th January 2013, re-consulted and publication of new site notices. Responses from 190 of these were in support and 1681 were objecting/ expressing concerns.

7.101 In addition, the LPA also received leaflets from 130 households, copies of a checklist of objections from 837 households and responses from 370 households, including a standard wording / letter all produced by the local opposition group known as 'Wake Up Macc'.

7.102 The salient points produced by 'Wake Up Macc' indicates that the submission is an objection to the proposals as they are not in the economic, social and environmental best interests of the town and as such are in direct contravention of The Framework and policies within the Macclesfield Local Plan. The salient points are as follows:

- Scheme would lead to empty shops due to retailers closing and increasing out of centre and online shopping
- By moving activity from the top of the town the proposals put existing independent businesses at risk and considers location of MSCP will encourage shopping in edge of centre locations
- No provision made for rejuvenating town centre eyesores
- The number of jobs depends on the units being full and busy which is unlikely in the longterm and the jobs are low paid and therefore unlikely to boost local economy
- If jobs did materialise there would not be enough car parking for staff and shoppers
- To attract visitors need to offer a unique experience rather than shops that can be found elsewhere
- If take up of units is low the scheme may not be completed and Macclesfield would become a permanent building site
- Only 5 houses provided CEC say we need 3,500
- The cinema block would dominate Christ Church and generate noise and disturbance to nearby residents
- The scale, height and massing are out of keeping, the development would dominate the town, harm the built environment, destroy views and the proposed buildings are typical of those seen in failing clone towns across the UK
- The design does not fit with Macclesfield's historic and architectural heritage and would be particularly damaging to the Christchurch and park green conservation areas.
- The large MSCP with entrance and exit near the Churchill Way / Park Lane roundabout will make bad traffic flow worse and worsen air pollution problems at the top of London Road
- The scheme makes poor use of natural resources and renewable energy technologies. No solar panels are included
- The plans require the destruction of more than 100 mature trees and the loss of Heritage Walk.
- Silk Street and Duke Street risk becoming unsafe at night.

7.103 The main issues raised in the bespoke letters of representation, which were submitted since January 2013, include the following: -

RETAIL

- Consider uncertainty over development has had a negative impact upon the town centre and that Macclesfield has never been a retail destination
- Suggestions include locating small department store in the former Cheshire Building Society premises; suggest include a supermarket in the scheme; the Pavilion should be removed; seating at the cinema needs improving so youngsters use them; a large number of empty retail units should be redeveloped into smaller units; a leisure centre is wanted in the town centre; Silk Street should be developed for entertainment uses; the cinema should be combined with other activities – sports drama dance space; the existing empty units need developing; including details of alternative locations for cinema and Multi Storey Car Park and details of numerous other alternative proposals / aspirations for Macclesfield including details of a Secretary of State decision where weight was given to alternative schemes put forward
- Considers that there are too many screens in the cinema; too many restaurants; too much retail (reference made to TJ Hughes and Cheshire Building Society) and concerns regarding viability of the cinema and that there is no convincing social, or economic argument that we need this
- National multiples would have a reduced multiplier effect compared to independents, would not benefit the local economy and would reduce competition, concerns regarding competition with existing retailers and specific reference made to impact of the Pavillion on TJ Hughes
- Criticisms of WYG's Cheshire retail study and request for an independent objective assessment
- The shopping area would be disjointed and spread out, would dilute footfall and loss of town centre car parking would encourage out of town retail; concerns regarding impact on out of centre shopping, concerns regarding connectivity to the existing town centre,
- Comment in support indicate that people think that there is a need to reverse leakage, decision needs to be made quickly to halt decay
- Want to know alternative uses if retailers pull out

HIGHWAYS

- Concerns regarding pedestrian accessibility from Chestergate to the development
- Scheme is reliant on cars
- Concerned that there are no visible road expansion plans proposed, or public transport proposals attached to plans and the implications on this on highway safety
- Loss of Car parking for heritage centre

- Suggestions include request for regular bus connections to Wilmslow/ Congleton; that existing car parks should be retained and enhanced; Bus services need improving; request for London Road / Congleton Road link to be completed before the redevelopment gets underway; the town needs free car parking; request for residents parking permit scheme for all existing residents
- Concerns regarding cost of Multi Storey Car Park
- Concerns regarding the levels of car parking, as extant schemes and replacement Senior Citizens Hall will reduce capacity of other town centre car parks and concerns that there is not enough car parking for the new houses and this would exacerbate on street car parking problems
- The Multi Storey Car Park is not well liked
- Concerns regarding the cost of a new car park
- Proposals would make Macclesfield a commuter town

DESIGN

- The impact on views of the hills
- Criticisms of the design include comments that Silk Street is too narrow, the squares are too small, the buildings look like cheap warehouses, described as brutalism architecture, copper material not sympathetic, architecture clumsy, unimaginative nods to history, the scheme is dated, the design is inconsistent and is out of place in terms of both design and location described buildings as ugly slabs, tokenistic attempts to be unique and that the scheme looks like a 1970's shopping centre and that Wardle Street would be devoid of visual interest, considers that the scheme looks like an industrial estate
- Concerns are raised regarding the maintenance of squares; the design materials would quickly date i.e. copper and green screens, connectivity, there is a lack of detail in respect of the shared space, amount of greenspace
- Suggestions include alternative designs and other design initiatives that could be undertaken around Macclesfield town centre; a cover should be provided for Silk Street, Chestergate and Mill Street, Restore street surfaces and vacant mills; the Multi Storey Car Park and cinema should be further reduced in height; suggest variations in heights to units on Silk Street; the square should be cobbled, Macclesfield needs a bigger market; request traditional paving, the development requires a sensible mix of materials
- It is considered that the Multi Storey Car Park would blight the town and represent an off the shelf solution that looks like a prison block
- Support is given for introduction of greenery, new square and reduction in height

HERITAGE

- Concerns that the Cinema would block out light towards Christchurch
- Concerns regarding the Demolition of properties on Roe Street
- Concerns that the scheme is not supported by English Heritage
- Suggest remove demolition and undertake improvements to Roe Street

SUSTAINABILITY

- Insufficient consideration given to car shopping miles travelled
- Concerns raised regarding life cycle costing

AMENITY

- Noise from cinema
- Air quality
- Risk of land contaminants being mobilised
- Silk Street is narrow and claustrophobic and this will impact on wellbeing

OTHER

- Increased unemployment would reduce disposable income in the area and therefore can't support retail and scheme would lead to a decline in local population, concept relies on minimum wage jobs, concerns regarding job losses and gains resulting from the proposals; consider Macclesfield needs sustainable job creation
- Scheme raises human rights issues and ethical considerations
- No SUDS
- Concerns regarding deliverability of scheme and impact on Town Vision
- Proposals described as cultural vandalism
- New location of SCH is an afterthought as on first floor - accessibility concerns and concerns regarding prospect of location in the Town Hall basement
- Need jobs for locals
- Suggestions for alternatives including housing, inclusion of public toilets and alternative development proposals / other initiatives to improve Macclesfield such as clearing litter, lowering of rents and rates including further use of Council powers e.g, Article 4 and CPO, comments on the development strategy
- The scheme fails to improve other sections of the town
- Concerns regarding lack of financial information, proposed ownership / valuation, construction costs, valuation, fair competition

- 7.104 In addition to this, comments were also raised relating to issues such as planning blight, Council conduct, financial information / Development Agreement, criticisms of previous planning decisions, consideration of alternatives, comments on alternative town centre improvements, impact on other town centre improvements and suggestions for alternative locations for development, and comparison with schemes elsewhere.

8. **LAND USE**

A) **BACKGROUND INFORMATION**

8.1 A considerable part of the debate around this planning application has revolved around the need for the scale and size, plus need for this scheme. This section seeks to address these issues and the land use questions the application raises.

8.2 It is very clear that there has been considerable national and local debate about:

- the evolution of town centres in the future,
- the impact of the internet on retail provision
- 'multi- channel' retailing

amongst other things. What's more, it is very clear that views on town centres are many and varied, with no one view being commonly accepted by the vast majority of commentators.

8.3 However, there is also a lot of 'noise' around these issues that are simply not backed by the evidence available. These arguments include:

Nobody wants to invest in Macclesfield

The fact that Wilson Bowden, over a prolonged period, have sought to develop in the Town Centre would appear to indicate otherwise.

Moreover, the demographics of the area and the amount of wealthy executives, affluent greys, flourishing families, people starting out and secure families the area has, plus the facts that the Macclesfield area has less people of 'moderate means' and those 'hard pressed' than most areas, appear to indicate that Macclesfield has significant advantages others do not have, demographics which make the area attractive to investors.

The idea that all retail schemes are not moving forward in other parts of the country.

This is not true since major schemes being developed in Leeds (Trinity), Barnsley (Marketplace), Hereford (Retail Quarter) and Whiteley (Shopping Centre) as we consider this report. More closer to home, Trafford have recently agreed a planning permission for the redevelopment of the town centre in Altrincham

and our near neighbours in Stockport and Leek are also considering new town centre schemes. In this Borough itself, Congelton has plans to revamp its town centre and plans are also being considered around Crewe town centre.

Such evidence would therefore appear to show that, where there is:

- the right environment;
- the opportunity to provide the right type of accommodation;

retailers are investing in new retail schemes, contrary to the view of some.

However, Officers are under no illusion that retail conditions in the country are difficult and that there is evidence that retailers are refocusing their existing operations into a smaller amount of 'core' town centres. The question this scheme therefore raises is does Macclesfield want to be one of these cores - in line with our policies - or is it acceptable to remain as is, with the dangers to the health of the town centre this could potentially entail.

Increasing levels of retail vacancy in other parts of the country mean there is no demand for retail accommodation in Macclesfield.

The problem with this argument is that it has no evidence to back it up when looking at the Macclesfield context.

For information, the Council's last vacancy survey (in October 2012: source AMT Town Benchmarking) showed a vacancy level of 12.56% compared to the nationwide level of vacancy of 14.6% and North West average of 20.1%. In 2010, it was 12%. In 2011, it was 10%.

It is evident over the same period that Macclesfield has had a lower vacancy level than regionally or nationally. As such, there is no evidence the Council has seen that supports the belief of some that Macclesfield has a greater number of empty shops than nationally, regionally or in Cheshire East itself. As such, on the face of it, this argument appears to Officers as being 'scaremongering' and talking the town down.

Macclesfield town centre will become a 'clone town' full of multi-nationals if this scheme is developed.

Such a claim is clearly based on conjecture and has no evidence to support it if tested.

Moreover, Macclesfield town centre already has more independent shops than nationally or in the North West (60%, compared to 54% in the North West and 55% nationally – Source AMT Town Benchmarking).

Furthermore, it has to be remembered that whether a retail shop is an 'independent' or run by a 'multi-national' retailer is not a planning consideration and therefore not relevant to the determination of this application.

Macclesfield has got too much retail accommodation already

In fact, Macclesfield has:

- Less retail and food and drink floorspace in its town centre than regionally or nationally (81% in Macclesfield, compared to 83% in the North West and 84% nationally).
- Less comparison retailing floorspace - goods purchased for long term use that are likely to be the subject to comparison between suppliers before purchase (i.e. clothing, shoes, books, DIY, furniture, household appliances etc) - than regionally or nationally (64% in Macclesfield, compared to 69% in the North-West and 72% nationally).
- A lower level of Zone A rental floorspace - the industry benchmark for the relative appeal of the location with its users and with owners or investors in property (Macclesfield has just 35%, compared to the North West average of 41% and national average of 63%). In short, we have 28% less quality retail floorspace in Macclesfield than the national average, despite demographics that show the town could support it.

(Source AMT Town Benchmarking).

Overall, there is little evidence to suggest the town has an oversupply of:

- Retail and food and drink floorspace,
- Comparison retailing floorspace
- Zone A rental floorspace.

Wrexham

Some objectors have claimed that a recent Town Centre development in Wrexham by Wilson Bowden has detrimentally affected that town. In reality the scheme:

- Creates more than £130million a year for the town.
- Attracts over 3 million shoppers annually.
- The number of customers is up 14.7% from Sept 2011-12.
- About 1000 people work in its 40 retail & leisure outlets.
 - It brought Debenhams, H & M, Starbucks, Bank & Jane Norman to the town for the first time.
- Wrexham Council think its been great for the town

(Source Walesonline, Daily Post & Wrexham.gov.uk)

As such, there is little evidence to support this view.

- 8.4 However, there are some facts that are clearly relevant to the consideration of this application. These include:

Declining Comparison Goods Expenditure in the town

As identified in the Cheshire Retail Study (CRS), the main focus for comparison goods floorspace in Macclesfield remains in the town centre. However, there have been increases in the comparison goods floorspace found at a number of retail parks nearby (including Lyme Green, Silk Retail Park and Statham Retail Park).

In 2010, the CRS identified that the town centre comprised of some 43800 sqm of comparison goods floorspace configured across 195 units. Drawing on the updated information from GOAD in 2012, WYG have found that the amount of comparison goods floorspace has reduce to 40530 sqm, which is less than that found in 2000, and distributed across 187 units.

Since 2000, Macclesfield town centre has seen the number of comparison goods units reduce from 218 to 187 representing a 14% reduction.

Since 2006, Macclesfield has lost over 6000 sqm of comparison goods floorspace which represents a 13% decline.

These results demonstrate that the level of comparison goods floorspace is in long term decline and mirrors the loss of market share found in the empirical evidence covering the same period.

WYG's updated analysis of the market share of all comparison goods facilities in Macclesfield indicates that the level of trade

passing through non-food facilities originating from inside the Study Area is £215.8m at 2010. This represents a market share of just 5.5% of the total comparison goods expenditure generated from within the defined Macclesfield Study Area. This is a lower market share than in 2010 (8%), and shows a significant decline from its 2006 position (8.6%).

The CRS highlights that decreases in Macclesfield's market share were mainly driven by a reduction in non-bulky goods (such as clothing and small household items) retention rates, whilst bulky goods retention rates actually increased over the period from 2006 (albeit at retail parks), masking the real decline in the non-bulky goods sector over that period.

The main comparison goods expenditure sector lost to competing centres is clothing and small household goods.

WYG in their retail analysis consider there are planned improvements in Northwich, Stockport and Stoke-on-Trent (Hanley). All of the three centres already influence local shopping patterns in Zone 1 in which Macclesfield sit. Moreover, the towns long standing local plan allocation seeks to improve the role and function of Macclesfield town centre. WYG contend that this approach remains in accordance with central government thinking and believe that there is scope for Macclesfield to improve its current retail offer in a positive response to arrest and reverse its declining market share. They therefore feel it is important for Macclesfield to consider its future role and whether it seeks to re-establish itself as a key shopping destination in the future.

Overall, the above shows a significant and indisputable decline. The question for Members is whether this is the right solution to arrest it.

Out of Centre Retail

8.5 It also has to be recognised that there is some evidence of a threat created by 'out of centre' stores. The 2011 Cheshire Retail Study clearly indicates that Macclesfield Town Centre has been detrimentally impacted by new out-of-centre retail. Recently:

- The Council has a 'live' application for 5 significant retail sheds proposed on the existing 'out-of-centre' Tesco site on Hibel Road;
- The Council is aware of supermarkets looking to establish themselves either on the existing Astra Zeneca industrial site off the Silk Road or within the South Macclesfield Development Area;

- Next already moved from the town centre to the out-of-centre Lyme Green Retail Park;
- Next are proposing a new Next superstore (containing a home, clothing and garden centre retail offer) at Handforth Dean.

8.6 All these recent developments have the potential to affect Macclesfield's market share and therefore health of the town centre. As such, Officers consider these facts worthy of consideration in Members deliberation on this proposal.

Lease's expiring

8.7 The applicant has produced information that indicates that a significant number of leases are likely to expire or businesses are likely to leave in the primary shopping area between now until 2017.

8.8 Whilst the applicant has claimed that this could potentially lead to a 43% vacancy level on Mill Street by 2017, Officers have no way of verifying such a claim and think it unlikely that all vacated premises will remain empty and not let for such a period based on the last three years vacancy levels. As such, this information has not been considered by Officers as part of their determination.

8.9 Similarly, the applicant has argued that Silk Street has 84 000 square feet of available space and there's demand for 250 000 sq ft because they cannot obtain the right kind of floorspace at the moment in Macclesfield as it hasn't got the right type of modern flexible retail space they require.

8.10 Officers can confirm through their pre-application discussions that some retailers are not seeking to locate in the town centre because of the lack of suitable, modern accommodation that will accommodate multi-channel retailing. However, we cannot quantify the demand accurately enough to verify the 250 000 sq ft contention the applicant has. As such, this has had no bearing on Officers consideration of this application.

Construction Jobs

8.11 The applicant has claimed that the total construction cost for the scheme will be £45 million.

8.12 The average ratio of turnover to jobs in the construction sector is estimated to be £87 055 in 2010 for the North West (ONS Construction Statistics Annual 2011).

8.13 Applying this ratio to the estimated construction cost implies that the development will generate approximately 258 direct FTE construction

jobs a year over the two-year build period (516 jobs in total). Furthermore, there may be scope for additional measures including linkages to local training initiatives and voluntary agreements relating to local recruitment

- 8.14 In relation to the proposal, multiplier effects are anticipated as a result of local spending in relation to on-site construction activities, both in terms of sourcing local supplies and local spend by on-site construction workers.
- 8.15 In addition, there will be an increase in local employment arising from indirect and induced effects of the construction process.
- 8.16 The impact of the multiplier depends on the size of the geographical area that is being considered, local supply linkages and income leakage. English Partnerships Additionality Guide (English Partnerships 2008) provides a 'ready reckoner' of composite multipliers – the combined effect of indirect and induced multipliers.
- 8.17 Applying a multiplier of 1.1 at local level and 1.25 at sub-regional level determined from EP guidance is considered to be the most appropriate measure of multiplier effects. Applying this multiplier to the 258 construction jobs derived above, indicates that up to 65 further FTE jobs could be supported by the proposals in the local and regional area.

New employment created by the actual proposal

- 8.18 From the current floor areas (3995 sqm NIA), it is estimated that the existing site supports 68 jobs. This includes the retail units on the Water Street car park site and the Arighi Bianchi distribution warehouse. The Senior Citizens Hall is not included in the calculation as these jobs are being reprovided.
- 8.19 In terms of employment generating space, the proposed development includes a total of 20892 sqm GEA of retail floorspace, 1973 sqm of Class A3-A5 restaurant / café floorspace, 65 sqm of Class B1 floorspace, 4255 sqm of Class D2 cinema floorspace.
- 8.20 For retail and restaurant floorspace, estimates of employment generation are based on net internal area. For purposes of the job creation assessment, the HCA definition of NIA is estimated to be 77% of GEA. GIA is estimated to be 92% of GEA. Applying the HCA employment densities to each type of floorspace taken together, it is estimated that the proposed development will generate 977 gross full time jobs once in operation (made up of 846 retail jobs, 84 restaurant jobs, 43 cinema jobs, 4 office jobs).
- 8.21 Minus the lost existing jobs (68), the total number of jobs created by this development is 909.

8.22 It is estimated that the 909 FTE jobs will result in a further 90 'spin-off' jobs in local services and other firms in the area. At a regional level, a total of 454 'spin-off' FTE jobs are expected to be supported in services and firms, including the 90 FTE jobs in the local area.

8.23 Overall, there is likely to be direct, permanent and long term positive effect at the Borough and Regional level following the completion of the development as a result of employment generation.

Unemployment

8.24 For information, unemployment figures have been rising in the Macclesfield town centre area since 2011. The figures are:

DATE	UNEMPLOYMENT NUMBER	PERCENTAGE
April 2011	952	2.8%
April 2012	1019	3.0%
April 2013	1063	3.1%

8.25 These figures clearly illustrate the need to provide more jobs to meet the employment needs of the town and Cheshire East generally. As such, they have been given some weight by Officers in line with the NPPF's principle of proactively driving sustainable economic development, economic growth and job creation.

'Special Forms of Trading' (SFT)

8.26 Special Forms of Trading (SFT) is a catch-all term currently used to consider non-store retail sales. It includes elements including traditional non-store sales, TV shopping, wholly internet sales organisations and internet sales from store-based retailers plus 'click and collect' stores etc.

8.27 Commentators on this application have raised concern about the impact of SFT and whether this scheme is 'out of date' because of it.

8.28 Officers are fully aware of the impact of SFT and have considered this as part of their assessment of this application. Equally, WYG, when considering their report on the retail impact of this scheme have had significant regard to it, factoring it into their assessment. The conclusions reached by this report are therefore informed by information about SFT and its likely impact.

8.29 There is obviously a lot of information on this subject and an attempt to do any more than summarise the debate on SFT would require a report in itself. Moreover, recording all the different views on this subject in this report, as there is no acknowledged common view on its impact, is not practical.

8.30 However, as background, it is still worth providing the Members with some information on this area.

8.31 For information, SFT is a growing part of the retail industry. This is illustrated by the facts that:

- In 2007, internet sales were 3.4% and are now 8.3%,
- That 85% of UK adults are internet users;
- That such usage has been improved by increased payment security and better delivery methods;

*(Source: ONS/Oxford Economics taken from
Pitney Bowes Retail Expenditure Guide
2011 / 2012 and 2012/2013)*

8.32 In addition, Experian estimate Internet and Non Internet SFT to be worth £34bn in 2012 (made up of Internet sales of £26.2bn (77%) and Non Internet of £7.7bn (23%)).

8.33 It also has to be recognised that UK SFT penetration is higher than Europe and the USA and that improvements in smart-phone technology, broadband improvements and interactive TV are likely to further drive this market.

8.34 In considering special forms of trading, it should be noted that many products which are ordered online are actually sourced from a physical store's shelves or stockroom (particularly in the case of convenience goods). Supermarket stores and guitar shops are a good illustration of this type of trading. Accordingly, expenditure committed in this manner acts to support stores and has to be considered 'available' to tangible retail destinations and this has been taken into account by WYG and Officers in considering the impact of SFT on Macclesfield Town Centre and this scheme itself.

8.35 Experian have estimated that in relation to comparison goods SFT, this has increased from 7.9% in 2006 to 11.9% in 2011 and is forecast to stabilise at 21% at 2021. In relation to convenience goods SFT, they have forecast that this has increased from 2.8% in 2006 to 6.1% at 2011 and set to rise to 15% at 2027.

8.36 These figures clearly illustrate that SFT will form an increasing part of the retail sales market and this is recognised by Officers. However, it also has to be acknowledged that it will not be anywhere near the majority of sales and that, consequently, whilst SFT will impact on retail sales, traditional shops will not be made extinct by SFT. Rather it will create more outlets that practice 'multi-channel' retailing, rather than the traditional store-only approach. In this respect, it is clear that the production of accommodation that is able to be used for such purposes is important. Conversely, it is likely that older, less flexible

floorspace and accommodation that cannot operate in this way is likely to prove problematic for high streets up and down the country, with Macclesfield being no exception.

- 8.37 In the short term. WYG have argued that SFT growth will absorb most growth through to 2014. However, as saturation of SFT approaches and stabilises in 2023, growth is likely to occur in traditional formats in the medium to long term.

B) PRINCIPLE OF DEVELOPMENT

8.38 As stated earlier in the proposal section, this planning application offers:

- 22865 sqm of retail (Class A1-A5) accommodation, including an up to 6430 sqm department store;
- Up to 2325 sqm of restaurant floorspace (Class A3-A5);
- A 4255 sqm 9-screen cinema (Class D1);
- 10 residential houses (Class C3);
- 510 sqm of office / community space;
- 818 car parking spaces spread in and around two principle car parks – one beneath the cinema and one adjacent to the proposed department store and Silk Street retailing area;
- Additional street parking for 65 cars
- A new public square (Mulberry Square);
- Refurbished Roe Square open space;
- Various public realm and highway works within the red line of the application.

8.39 Consequently, it is clear that, contrary to the view of some commentators, this scheme is a truly mixed use scheme offering a variety of:

- retail,
- restaurant,
- leisure,
- housing uses,
- new car parking,
- plus significant public realm improvements

in comparison to the existing situation on the site.

8.40 Overall, the scheme offers at least something for various parts of the population. Moreover, such a mix of units could clearly contribute to the regeneration of Macclesfield Town Centre, providing a much needed catalyst to an area that has been in gradual decline for the last decade plus substantial economic benefits in terms of the number of jobs created.

C) POLICY ASSESSMENT

NATIONAL PLANNING POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF).

- 8.41 Paragraphs 12 and 13 of the NPPF states that the development plan is the starting point for decision making. It specifically states that:

“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

- 8.42 It goes on that the:

“NPPF constitutes guidance for local planning authorities and decision-takers”...

and is:

“a material consideration in determining applications”.

- 8.43 Paragraph 14 states:

“At the heart of the NPPF is a presumption in favour of sustainable development...”

“For decision-taking this means” (unless material considerations indicate otherwise)...

- *approving development proposals that accord with the development plan without delay;*
- *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole:*
or
 - *Specific policies in this Framework indicate development should be restricted”*

- 8.44 In section 2 of the NPPF – “Ensuring the vitality of town centres” it states at paragraph 23 the following relevant to this proposal:

“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity”.*

8.45 It adds at paragraph 24 that Local Planning Authorities:

*“.... **should require applications for main town centre uses to be located in town centres** Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.*

Analysis of the proposal against these policies

8.46 The application seeks to deliver a range of town centre uses (retail, restaurants, cinema, and housing) within the centre of Macclesfield, which would promote the centres competitiveness and provide an attraction within a highly accessible and sustainable location. As

such, the key objectives of The Framework are clearly achieved through the proposed development.

- 8.47 Importantly, the scheme is clearly in line with the test of paragraph 24 of the NPPF that requires that Local Planning Authorities:

“should require applications for main town centre uses to be located in town centres”.

- 8.48 The retail, leisure, restaurant and car parking uses proposed are clearly typical town centre uses and therefore strongly in line with policy. Moreover, the town centre housing is also encouraged to bring life and variety into town centre locations. As such, its inclusion in this scheme is strongly supported by the NPPF.

- 8.49 The applicant has also demonstrated flexibility on issues such as modern format of the accommodation and scale to ensure the proposed accommodation will meet future needs. This approach is clearly supported in the NPPF.

- 8.50 Additionally, the scheme also promotes a more positive and competitive town centre environment and supports a ‘town centre first’ approach that puts the town centre at the heart of the community whilst supporting its viability and vitality. Furthermore, this approach clearly helps fend off ‘out of centre’ retail development in favour of a more sustainable town centre approach and is likely to be relevant to the determination of other current applications proposing ‘out of centre’ retailing since:

- Without building the new, flexible and more attractive floorspace for retailers and leisure operators proposed in the town centre scheme and;
- Because of the type of unattractive and old retail accommodation the town centre currently has and lack of demand for it

the town centre is unlikely to be resilient to anticipated future economic changes without such a type of development. Moreover, the proposal is likely to make the town centre more competitive since it will provide a more diverse retail offer and therefore more customer choice than currently available.

- 8.51 In addition, it addresses the governments request that, where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

- 8.52 Overall, since the proposed development accords with an up-to-date Local Plan (as seen later) and the NPPF, the NPPF is implicit in

requiring that the scheme should be approved since there are no conflicts with it that are strong enough to sustain a reason for refusal.

POLICY ASSESSMENT

RELEVANT REGIONAL POLICY ASSESSMENT

North West Regional Spatial Strategy 2021 (RSS)

8.53 It should be noted that the Government has recently abolished the RSS through the Localism Bill. These policies therefore have no weight but are useful in showing how this scheme meets planning policies direction of travel over the years.

8.54 RSS Policy W5 “Retail Development” required that:

“Plans and strategies should promote retail investment where it assists in the regeneration and economic growth of the North West’s town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns”.

8.55 The table in Policy W5 identifies 25 towns where:

“Comparison retailing facilities should be enhanced and encouraged ... to ensure a sustainable distribution of high quality retail facilities”.

8.56 It goes on to add that:

“Retailing development that supports entrepreneurship, particularly increasing the number of independent retailers, should be supported”.

8.57 And that:

“There will be a presumption against new out-of town regional or sub-regional comparison retailing facilities requiring Local Authorities to be pro-active in identifying and creating opportunities for development within town centres”.

8.58 Paragraph 6.21 of Policy W5 highlights for the avoidance of doubt:

“Comparison retailing is the provision of items not purchased on a frequent basis (e.g. clothing, footwear, household goods) and convenience retailing is the provision of everyday essential items (e.g. food, drinks, newspapers).”

8.59 Paragraph 6.22 states that:

“The centres identified in Policy W5 are well developed as vibrant retail centres, particularly for comparison goods retailing which has traditionally been concentrated in town centres, and should continue in this role. Recent research points to significant growth in retail spending in the North West, which will in turn require the provision of additional retail floorspace across the region. The network of centres identified in Policy W5 will be the primary focus of this future growth and development”

8.60 Paragraph 6.23 states that:

“The flow of expenditure between sub-regions generally reflects the proximity of population of centre in adjoining sub-regions. New investment should promote sustainable shopping patterns, which result in a reduced need to travel, especially by private car, to access retail facilities of an appropriate type and nature”

Analysis of the proposal against these policies

8.61 Macclesfield was one of the 25 towns identified in the RSS where *“comparison retailing facilities should be enhanced and encouraged ... to ensure a sustainable distribution of high quality retail facilities”*. As such, the proposal was clearly in line with policy in this respect, as it encourages new comparison retail floorspace.

8.62 Furthermore, this proposal clearly promotes retail investment and assists in the regeneration of the town centre and economic growth of it. The scheme is relatively small in comparison to the previously proposed scheme for the town centre and is now, in Officers opinion, consistent with the scale and function of the centre in that the retail element of the scheme only adds 15% extra floorspace to the total retail floorspace in Macclesfield and just 20 new shops. It is not the huge development in scale some has suggested it is.

8.63 Moreover, the scheme will create 516 direct construction jobs and 909 direct jobs on completion plus numerous ‘spin-off’ jobs.

8.64 There is no evidence to support the view that this proposal will undermine the vitality and viability of any other centre in the area. Moreover, because so much of the Macclesfield’s catchment area comparison retail expenditure is spent outside of the area (just 5.5% is spent in Macclesfield - Source WYG), it is likely to result in the creation of a more sustainable shopping pattern because people are more likely to shop locally than travel significant distances to other shopping areas, especially by private car, thereby putting additional pressure on road and public transport infrastructure generally.

- 8.65 By providing modern flexible accommodation that is not available in the existing town centre accommodation, the scheme will provide new retail development that will support entrepreneurship and new retailing.
- 8.66 Moreover, by creating such accommodation, the local authority is clearly being pro-active in identifying and creating opportunities for development within its town centre and supporting a town centre first approach and therefore the presumption against new out-of town regional or sub-regional comparison retailing facilities in line with RSS policy.
- 8.67 Overall, the proposal was clearly in line with RSS policy.

POLICY ASSESSMENT

LOCAL PLANNING POLICY CONSIDERATIONS

- 8.68 Cheshire East is currently preparing its new Local Plan which will guide the future planning and development of the area. The latest stage of consultation on the new Cheshire East Local Plan ran from 15th January to 26th February 2013 and whilst clearly these emerging policies carry less weight than adopted plans, they still need to be considered as part of the assessment of this application.
- 8.69 Prior to adoption of documents in the new Local Plan, the Saved Policies from the Macclesfield Local Plan 2004 are relevant to the consideration of this application. Consequently, these are also considered below as part of this report.

Macclesfield Local Plan 2004

- 8.70 The background section to the shopping chapter of the Macclesfield Borough Local Plan at paragraph 9.1 states that Macclesfield is the principal shopping centre in the Borough and contains a wide range of multiple and specialist / independent retailers, with a catchment area extending over much of the middle and eastern halves of the Borough.
- 8.71 It goes on to state at paragraph 9.3 that:

“New shopping developments at Handforth Dean, Cheadle Royal and the Trafford Centre have provided further competition for the town and district centres in the Borough. Expansion plans in Manchester City Centre may provide further competition. Shopping developments proposed in the Borough Local Plan have not come forward. However, Central Government Policy of directing new shopping and leisure developments towards town and district centres has strengthened recently. During the life of

the Local Plan it is anticipated that progress should be made on developments in town centres”.

8.72 It continues at paragraph 9.4 to state that:

“Non-food shopping development, both in centre and out of centre, has been limited. Most activity has taken place in Macclesfield and Wilmslow town centres, generally comprising small scale schemes. Major town centre schemes did come forward during the later part of the 1980s but have not been implemented. Two non-food stores have opened at Handforth Dean”.

8.73 Reference is made at paragraph 9.5 to Macclesfield losing its cinema and that:

“Efforts are being made to attract multiplex cinemas to the town centres”.

Policy S1

8.74 Macclesfield Borough Local Plan Policy S1 – “Shopping Developments”, states that proposals for new developments that attract many trips, including shopping and leisure uses should normally be located in a town centre, and should be on a scale appropriate to the character and function of the centre. Macclesfield is named as such a centre. It adds that the vitality and viability of town and district centres also depends on retaining and developing a wide range of attractions and amenities, and investment in leisure, entertainment, employment and other key town centre uses will be encouraged.

Policy MTC1

8.75 Macclesfield Borough Local Plan policy MTC1: Prime Shopping Area, states that the function of the prime shopping area will be consolidated and enhanced, adding that the aim is to maintain and enhance the vitality and attractiveness of the town centre, and that the town centre faces “considerable competition”.

Policy MTC2

8.76 Policy MTC2 goes on to state that the redevelopment of land to the north and south of Exchange Street (where the Mulberry Square and the Silk Street shops are proposed to be located) will be encouraged principally for Class A1 retail uses. Any scheme must meet the following criteria:

1. Respect the scale of existing development, and in particular, the setting of the Heritage Centre

2. Achieve a high quality of urban design reflecting the character and scale of the town centre, and paying particular attention to the enhancement of the Churchill Way frontage
3. Provide pedestrian links to Castle Street, Duke Street and Mill Street
4. Create a town square or similar outdoor open space, as shown on the proposals map
5. Create additional parking spaces at Duke Street.

8.77 It goes on in paragraph 10.11 to say that:

“The redevelopment of this area is important in order to rejuvenate the area and enhance the existing nature and character of the shopping core. There is a need for larger shop units for multiples and a range of retail uses. The site is suitable for comparison shopping and the existing food retailing should be incorporated. Leisure uses must be subsidiary to the prime retailing uses. The Borough Council considers that this is the prime site and will support the early redevelopment of the site. Careful attention needs to be paid to the design of the scheme and the relationship to the adjoining buildings particularly the listed Heritage Centre. Pedestrian links will build upon pedestrian flows across the town centre. Redevelopment also provides the opportunity for creating a much needed town centre open space. Additional terraced car parking should be provided at Duke Street. In considering the car parking requirements of any redevelopment of the site, regard will be had to the opportunities presented by the proximity of the allocated sites at Duke Street and to the west of Churchill Way. As far as possible, development of these sites should be integrated with respect to the provision of parking”.

Policy MTC7

8.78 Policy MTC7: West of Churchill Way (the land where the cinema, restaurants and car parking is proposed), states that proposals for the redevelopment of the land to the west of Churchill Way should be to a high standard, principally for leisure, offices and non-food retailing. There may also be an opportunity to incorporate residential development in any redevelopment scheme. Public car parking should be included unless alternative provision is made or an alternative transportation facility provided in accordance with policy t13. Provision should be made for the relocation of the market

8.79 It adds at paragraph 10.19 that:

“This is a prominent vacant site fronting Churchill Way which is an important town centre distributor road. An attractive frontage to Churchill Way is required in order to link the site to the town centre. Moreover, development of the land would provide the opportunity to make the transition between the town centre and residential areas to the west. There might be an opportunity to incorporate residential development in any redevelopment scheme. Car parking should form part of any scheme, unless alternative provision can be made; and provision should be made to relocate the present market to a convenient and attractive location elsewhere in the town centre”

Policy MTC8

- 8.80 Policy MTC8: Samuel Street / Park Lane (the land where the multi storey car park is proposed), states proposals for the redevelopment or reuse of the site in Samuel Street should be principally for class A1 retail uses and / or leisure uses. Residential use of upper floors may be permitted in any redevelopment, providing a satisfactory housing environment can be created. Redevelopment should respect the scale of adjoining development.

- 8.81 It adds at paragraph 10.20 that:

“This site is particularly suitable for bulky goods retailing due to the proximity to other retail warehouses which will encourage joint trips, and strengthen links with the town centre shopping area, and could also be used for a cinema. It could also be used for a food store in conjunction with the car park in Duke Street. The redevelopment of this site should enhance the setting of the adjacent Park Green Conservation Area and listed buildings”.

Policy MTC9

- 8.82 Policy MTC9: Duke Street (the land where the Department Store and shops are located), states proposals for the redevelopment of the Duke Street site should be principally for class A1 retail uses and/or leisure uses. Redevelopment should respect the scale of adjoining development. Redevelopment of this site needs to be considered along with the Exchange Street site and Samuel Street / Park Lane site. Provision should be made in any development proposals for the replacement of car parking displaced by the development, together with agreed alternative transportation facilities.

- 8.83 It adds at paragraph 10.21 that:

“This site is particularly suitable for comparison goods retailing and could also be used for a cinema. It could also be used for a food store in conjunction with the Samuel Street/Park Lane site. The most important consideration in determining appropriate retail

formats will be the visual impact on the town centre and adjoining property. The redevelopment of the site should enhance the setting of the Christ Church Conservation Area”.

Analysis of the proposal against these policies

8.84 The proposal is clearly one that is likely to attract many trips to the proposed shopping and leisure uses and, since the proposal is in the town centre and on a scale appropriate to the character and function of the centre it is clearly in line with policy S1.

8.85 Furthermore, since it is likely to add to the vitality and viability of the town since it develops:

- a wider range uses than currently present;
- more attractions to encourage visiting the town centre;
- an investment in leisure facilities;

while at the same time creating more jobs (including larger, modern and flexible retail accommodation, a new cinema and department store) it is clearly in line with this policies encouragement of such uses.

8.86 Moreover, the scheme seeks to be complementary to the existing prime shopping area (Mill Street) by providing links to it and encouraging more people to visit the centre by increasing and improving the retail and leisure offer Macclesfield has, thereby maintaining and enhancing the vitality and attractiveness of the town centre and addressing the “*considerable competition*” referred to in policy MTC1. As such, it is considered to be in line with this policy.

8.87 In relation to Policy MTC2 - redevelopment of land to the north and south of Exchange Street (where the Mulberry Square and the Silk Street shops are proposed to be located) – the scheme clearly provides the Class A1 retail uses required by this policy. Moreover, it clearly:

- Respects the scale of existing development and improves the setting of the Heritage Centre.
- Achieves a high quality of urban design reflecting the character and scale of the town centre.
- Provides new pedestrian routes through the town.
- Creates a new town square.
- Creates additional parking spaces overall.

8.88 Furthermore, the redevelopment rejuvenates an area that is currently under utilised and enhances the existing nature and character of the shopping core. It meets the need for larger shop units for multiples and produces a range of retail uses in an area suitable for comparison shopping.

- 8.89 Whilst the site does not include the existing Tesco Store (as the applicant does not own this site) and the majority of the leisure uses are proposed across the street, it is strongly considered that the proposal meets the broad thrust of this policy and as such is in line with policy MTC2.
- 8.90 In relation to Policy MTC7: West of Churchill Way (the land where the cinema, restaurants and car parking is proposed) the proposal clearly provides new leisure uses with a small amount of residential accommodation and is of a high standard, providing an attractive and landmark frontage to Churchill Way. Public car parking is also included and it is linked to the rest of the town centre by a shared service between the proposed cinema / restaurants and square. This provides the transition between the town centre and residential areas to the west not currently in place. Although the scheme does not propose the relocation of the present market (because the applicant does not own the site), it does not change the fact that the proposal is clearly in line with this policy. Equally, market provision would not be in line with more recent plans to consolidate the market more centrally towards the northern end of the town centre. This further reinforces the policy compliance of the proposal.
- 8.91 In relation to Policy MTC8: Samuel Street / Park Lane (the land where the multi storey car park is proposed) the scheme clearly does not propose to use the area for A1 retail or leisure uses. This is for two reasons.
- 8.92 Firstly, this is the proposed location for the multi storey car park - something that is required to allow vehicles easy access to the scheme and the town centre generally. Moreover, it is positioned here because the topology of the town means that a taller element of the scheme is less prominent in views across the town as it is located 'downhill' in comparison to other parts of the town centre. As such, placing a taller element of the scheme here is clearly preferable. Indeed, the department store is placed at this end of the town for similar reasons.
- 8.93 Secondly, since the scheme was originally proposed, the demand for retail units has reduced for a variety of economic reasons. It is therefore not considered that the amount of retail accommodation originally proposed in 2004 is appropriate or likely to meet an acknowledged or realistic demand. This has resulted in the smaller current scheme before the Members, in comparison to that originally proposed.
- 8.94 Furthermore, it is now not considered that "bulky goods retailing" would be suitable in this town centre location, although clearly the proposed car park will encourage joint trips, and strengthen links with the town centre shopping area as envisaged in this policy. Moreover,

as discussed later in the Heritage section of this report, the car park will not create substantial harm to the setting of the adjacent Park Green Conservation Area and listed buildings. Additionally, it will remove the unsightly warehouse and car park currently located in this area, structures that have little architectural merit at present.

- 8.95 In relation to Policy MTC9: Duke Street (the land where the Department Store and shops are located), the scheme clearly meets the policy in that the proposal is principally for class A1 comparison retail uses in this location. The redevelopment is designed to respect the scale of adjoining properties whilst providing the modern retail accommodation the town is lacking at present. In addition, it provides both replacement car parking and additional parking to meet future car need. As such, the proposal is in line with this policy.

Conclusion

- 8.96 Overall, it is clear that the scheme meets the majority of the Local Plan requirements. As such, there is a clear policy presumption in favour of this scheme from this policy document.

Cheshire East Local Plan – Shaping Our Future – ‘A Development Strategy for jobs and sustainable communities’ and ‘policy principles’ document.

- 8.97 Policy EG5 of the emerging ‘Policy Principles’ document promotes a town centre first approach to retail and commerce. Particularly relevant to this proposal are the following parts of this policy:

1. The Principal Towns will be the main focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential.
2. The designated town centres will be promoted as the primary location for main town centre uses including retail, leisure, cultural and office development.
6. Proposals that help develop the evening and night-time economy in the Principal Towns will be supported, where any negative impacts on amenity are addressed.

- 8.98 It goes on to recognise is the explanation of the policy at paragraph 3.38 that the NPPF states that:

“planning policies should be positive, promote competitive town centre environments”

and that local planning authorities should:

- *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”;*

- *“define centres that are resilient to anticipated future economic changes”;*
- *“promote competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres”*

8.99 It adds at paragraph 3.39 that:

“it is important to determine appropriate policies for retailing focused on town centres as they are often a central part of the community identity and contain the shops, services, pubs, restaurants, leisure, entertainment and other facilities that people wish to access locally, as well as businesses, employment and homes. Town centres are generally accessible by a wide range of transport modes and provide the greatest opportunity for linked trips”.

8.100 Finally, in relation to consultation responses it also notes:

“The need to improve the town centre was identified in the Place Shaping consultations for a number of towns including Macclesfield” (paragraph 3.41)

“Consultation identified the importance of having a viable town centre, with many documents considering different ways to improve the town centre. In general, respondents were supportive of the need to improve and support the town centres; create vibrancy; and promote development within the town centre boundary. Frequent suggestions included improvements to the public realm; prioritisation of bringing empty shops back into use; and car parking. In most towns the provision of additional residential use in the town centre was seen as important. (Paragraph 3.43)

“A number of respondents from various towns linked an improved local economy with the provision of additional shops (Paragraph 3.44)

8.101 In the “A Development Strategy for Jobs and Sustainable Communities” document, Macclesfield Town Centre is identified specifically as “Site Macclesfield 1”. Relevant to this scheme it proposes:

1. Delivery of between 300 and 400 dwellings (0 between 2010-2015, 50 between 2015-2020, and 175 home between 2020-25 and 2025-2030)

3. Support for new and improved retail and leisure developments that improve the quality of the shopping experience.
5. An enhanced cultural offer
6. Support for new restaurants and cafes, to increase footfall throughout the evening;
7. Delivery of landmark, well designed buildings
8. Heritage Walk created along Churchill Way linking Heritage Centre with Silk Museum
9. Appropriate car parking
11. Improvements to public realm
12. Incorporation of Green infrastructure, including:
 - ii) Increased tree planting and the creation of tree lined boulevards; and
 - iii) The creation of greenspaces within the new developments

Analysis of the proposal against these policies

- 8.102 In relation to Policy EG5 of the emerging 'Policy Principles' document, this scheme promotes a town centre first approach to retail and commerce. It ensures that Macclesfield remains a town where a focus for high quality comparison retail remains but also adds other uses that will help provide the range of retail, service, leisure, tourism and other town centre-type uses that help make a vibrant town centre. It also promotes the designated town centre as the primary location for main town centre uses and the cinema and restaurants that will help develop the evening and night-time economy in the town without producing any negative impacts on amenity because of their location fronting busy Churchill Way.
- 8.103 Moreover, it supports a competitive town centre environment and the town centre as the heart of the community. Additionally, it would support the continued viability and vitality of it by providing accommodation not available at present, in order to make the town centre resilient to anticipated future economic changes.
- 8.104 It is self-evident that it will provide more customer choice and a more diverse retail and leisure offer that will offer something for everyone rather than a 'niche' shopping experience promoted by some that only would be useful to a small sector of the population.
- 8.105 Furthermore, since the town centre is a central part of the community identity, containing as it does the shops, services, pubs, restaurants,

leisure, entertainment and other facilities that people wish to access locally, the sites accessible location, by a wide range of transport modes, provides an opportunity for more regular linked trips to other parts of the town.

8.106 With regard to the emerging local plans consultation responses, it clearly:

- Improves the town centre in terms of bringing in a variety of new uses, new buildings and public realm works.
- Provides additional residential accommodation in the town.
- Helps provide a viable town centre by improving it and adding to its vibrancy;

8.107 In relation to the Development Strategy document the proposal:

- Delivers new housing;
- Provides new and improved retail and leisure development that improves the quality of the shopping experience;
- Provides an enhanced cultural offer in the form of the cinema;
- Provides new restaurants and cafes, to increase footfall throughout the evening;
- Delivers landmark, well designed buildings;
- Delivers a Heritage Walk created along Churchill Way linking the Heritage Centre with the Silk Museum;
- Delivers appropriate new car parking;
- Provides improvements to public realm;
- Provides some tree planting;
- Provides new greenspaces in the form of the square.

8.108 As such, Officers strongly believe that the proposal is in line with the emerging policy documents the Council is promoting currently.

Conclusion

8.109 Overall, the proposals mix of uses is clearly in line with emerging local policy. As such, there is a clear presumption in favour of this development in land use and principal of development terms.

Development Brief and Comprehensive Redevelopment Strategy

8.110 Following on from the town centre strategy set out in the adopted Local Plan, a Macclesfield Town Centre Developers' Brief was prepared (approved in January 2005). The key objectives of the Brief were fourfold and can be summarised as:

- To take steps to implement the strategy for the town centre as contained in the Local Plan;
- To set out the development objectives for town centre redevelopment (particularly in respect of four sites identified in

the Local Plan, identified as comprising Exchange Street, Churchill Way, Samuel Street/Park Lane and Duke Street);

- To promote the development of three specific sites in which the Council has significant land ownership interests;
- To set out the process of achieving the development of the identified sites.

8.111 In drawing upon the findings of the Cheshire Retail Study 2000, the Development Brief referred to the anticipated growth particularly in comparison goods expenditure over the period to 2011 which would be available to support new retail floorspace, and the desire to direct new provision to a town centre location. In providing further rationale, it also commented on the shortcomings of the existing centre, including a proliferation of small and poorly configured retail units within the existing stock not suited to modern retailers' requirements, and thereby resulting in the town centre being poorly represented by national multiple retailers (in contrast to their presence further afield, including in out-of-centre locations in north Cheshire/south Manchester, thereby leading to an outflow of comparison goods expenditure).

8.112 The effect of the Development Brief was that the Council selected WB as its preferred development partner. Accordingly, it was communicated by the Council, in its role as promoter of the scheme, that it would support the comprehensive redevelopment of the town centre by WB in accordance with an emerging masterplan, and that it would discourage the piecemeal development of elements of the town centre by other parties (as set out in the Macclesfield Town Centre Comprehensive Redevelopment Strategy, April 2007).

8.113 The Comprehensive Redevelopment Strategy also explained that the scheme would be focussed on the four sites identified in the Local Plan, but that it would involve additional land to ensure proper integration with the existing town centre and to help facilitate a phased approach to development.

Analysis of the proposal against these policies

8.114 The proposal before the Members clearly meets this documents desire to direct new retail provision to a town centre location. It also seeks to meet the shortcomings of the existing centre by providing retail accommodation suited to modern retailers' requirements, rather than the proliferation of small and poorly configured retail units within the existing stock not as suited to these requirements. The proposal also seeks to address the outflow of comparison goods expenditure outside Macclesfield.

8.115 The proposal also seeks the comprehensive redevelopment of the town centre and discourages the piecemeal development of elements of the town centre by other parties.

- 8.116 Overall, the proposal is clearly in line with the broad thrust of this policy document. As such, there is a clear presumption in favour of this development in land use and principal of development terms.

Other Planning Policy Considerations

Make it Macclesfield Draft Business Plan

- 8.117 Although not adopted planning policy (and therefore carrying no weight), the Make it Macclesfield Draft Business Plan indicates that:

“... for the town to succeed, we need a really good mix of well-known branded retailers and a very strong independent sector. It's the balance of both that can be mutually beneficial, with the 'attractors' bringing in the footfall for the independents”

(Page 7)

- 8.118 It adds that they will:

“... challenge and influence this scheme to ensure it succeeds in bringing life back into town and reflects the town heritage”.

(Page 8)

- 8.119 In relation to shopping it suggests:

“We aim to improve the mix of key attractors and unique independents, and improve the quality and variety of offering. This will make shopping both enjoyable and practical, ensure it is a pleasurable experience, offer choice, ensure linkages and connections across the town and support and influence key developments”

(Page 10)

- 8.120 Finally it suggests in relation to “2012-2016 Cinema and retail new development – Silk Street” that they:

“..aim to encourage our young people into town by providing increased opportunities for entertainment, improving car parking, attracting and enhancing our retail offer with the increase of quality brand names”.

(Page 14)

Analysis of the proposal against these policies

- 8.121 The current proposal clearly will help bring well known branded retailers into the town, ‘attractors’ that will bring increased footfall for the whole town centre as well as bringing new life into the town and offering greater choice and quality. It will increase entertainment uses

via the cinemas and improve car parking in the town centre as well as providing more of it. It is therefore in line with the trust of this document which strongly supports it in principal.

Macclesfield Economic Masterplan and Delivery Plan (CBRE Report 23rd November 2010)

- 8.122 A town centre action plan was prepared by CB Richard Ellis on behalf of CEC.
- 8.123 The action plan reviewed the effects of the original WB scheme and concluded that intervention in the town centre was still necessary to address the lack of a decent retail (and leisure) offer and to stem the outflow of retail expenditure to other shopping destinations in the North Cheshire / South Manchester belt.
- 8.124 Recognising that a scheme of the scale originally proposed would be neither desirable nor deliverable in the present economic climate, the action plan stressed the importance for CEC of negotiating a revised retail and leisure scheme with WB and encouraging a second application. However, it stressed the importance of ensuring that any amended proposal would follow good urban design principles and would generally be appropriate to the existing town centre (thereby enabling it to be widely supported by the town's residents, in contrast to the original proposal).
- 8.125 This document talks at length about the town centre and sets a Strategic Framework for Town Centre Redevelopment, noting on page 38 that:

“... the impact of not proceeding with a scheme will be highly detrimental to growth prospects”

and on page 69 that:

“Without this major intervention (the Wilson Bowden Scheme) there is no catalyst for major change”

Analysis of the proposal against these policies

- 8.126 It is very clear from the above that there is strong policy support for the principle of the Wilson Bowden scheme in its current location. As such, any officer looking at this matter must conclude that it is in line with current policy.

POLICY ASSESSMENT- OVERALL POLICY CONCLUSION

- 8.127 It is very evident from this policy overview that the need to plan for the improvement of Macclesfield town centre is a very longstanding

requirement, with the call for action having been formally identified over a decade ago.

8.128 Clearly, there has been some delay in delivering a redevelopment scheme, associated with concerns regarding the original application and exacerbated by the unfavourable economic conditions. These hold ups have served to further reduce the competitiveness of the town centre.

8.129 However, throughout this period the overall policy impetus has been maintained which has led to the submission of this application.

8.130 In relation to the NPPF, the application seeks to deliver a range of town centre uses (retail, restaurants, cinema, and housing) within the centre of Macclesfield, which would promote the centres competitiveness and provide an attraction within a highly accessible and sustainable location. As such, the key objectives of The Framework are clearly achieved through the proposed development.

8.131 Importantly, the scheme is clearly in line with the test of paragraph 24 of the NPPF that requires that Local Planning Authorities:

“should require applications for main town centre uses to be located in town centres”.

8.132 The retail, leisure, restaurant and car parking uses proposed are clearly typical town centre uses and therefore strongly in line with policy. Moreover, the town centre housing is also encouraged to bring life and variety into town centre locations. As such, its inclusion in this scheme is strongly supported by the NPPF.

8.133 The scheme also promotes a more positive and competitive town centre environment and supports a ‘town centre first’ approach that puts the town centre at the heart of the community whilst supporting its viability and vitality. Furthermore, this approach clearly helps fend off ‘out of centre’ retail development in favour of a more sustainable town centre approach and is likely to be relevant to the determination of other current applications proposing ‘out of centre’ retailing since:

- Without building the new, flexible and more attractive floorspace for retailers and leisure operators proposed in the town centre scheme and;
- Because of the type of unattractive and old retail accommodation the town centre currently has and lack of demand for it;

the town centre is unlikely to be resilient to anticipated future economic changes without such a type of development. Moreover, the proposal is likely to make the town centre more competitive since

it will provide a more diverse retail offer and therefore more customer choice than currently available.

- 8.134 In addition, it addresses the governments request that, where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
- 8.135 The broad messages and thrust of the NPPF are also reinforced and supported by the former Regional Spatial Strategy and Local Plan and supported by the emerging Local Plan and its continuing support for town centre redevelopment. It is also backed by the Development Brief, Draft Make it Macclesfield Business Plan and Macclesfield Economic Masterplan and Delivery Plan (CBRE Report 23rd November 2010).
- 8.136 The NPPF is very clear in stating that Local Planning Authorities should be:

“approving development proposals that accord with the development plan without delay”;

Consequently, since the proposed development accords with an up-to-date Local Plan, supporting plans, former Regional Spatial Strategy and the NPPF, the NPPF is implicit in requiring that the scheme should be approved since there are no conflicts with it that are strong enough to sustain a reason for refusal. As such, Officers conclude that the scheme must be approved on policy grounds.

D) THE NEED FOR A RETAIL IMPACT ASSESSMENT

8.137 There has been an argument put forward by objectors that there is no up-to-date assessment of the towns retail needs and that the Council must get a retail statement to consider the affect of this new development on the town centre.

8.138 Having considered this claim against current planning policy and available retail evidence, Officers concluded that the Council's current retail study was not out of date. Therefore a new retail report was neither necessary nor a legitimate request the Council could make on the basis of current planning legislation, having regard to the information we already have.

8.139 In summary, the argument justifying this view was:

i) The scheme is clearly in line with a variety of planning policies

8.140 This is discussed at length earlier, but the conclusion is clearly that the scheme is in line with current national planning legislation, in the form of the National Planning Policy Framework (NPPF), the Local Plan, emerging Local Plan and various other supporting documents.

ii) There is no legislative requirement for such a survey

8.141 Government policy only requires the type of impact assessment suggested for developments of over 2500 sqm, for out of town centres. This development is of course in the designated town centre.

8.142 There is no requirement in the NPPF or other planning policy document to require such a study in the town centre. Indeed, it encourages "*main town centre uses to be located in town centres*".

8.143 Furthermore, paragraph 3.20 of the PPS4 companion guide (not superseded by the NPPF) states:

"There has tended to be a preoccupation with quantitative forecasts of need for additional floorspace, based on expenditure growth. In practice, the evidence suggests that there has been a contraction of retail floorspace and shop numbers in many centres. Retail activity, in particular, has continued to shift towards new efficient floorspace, both out of town and in town, which is capable of meeting modern retailer requirements. In these circumstances, even if there is limited quantitative need for additional floorspace, it is important that town centres continue to provide modern, quality retail and other facilities in order to remain competitive, innovative and efficient".

8.144 It also adds in paragraph 4.25 that:

“Quantitative need assessments should ideally be updated every five years (The Council’s is a 2010 one), to take into account changing economic circumstances. However, it is important that these assessments are not used over prescriptively and, taking together with qualitative judgements, they should be used to inform long term decisions. In reality major new development projects in town centres take many years to reach fruition. They are not based on five or even 10 years growth projections, but once in a generation opportunities for the centres in question. Accordingly, the planning case for such developments is unlikely to be affected by short term fluctuations in growth rates etc”.

- 8.145 These two paragraphs clearly support the schemes provision of “modern, quality retail and other facilities in order to remain competitive, innovative and efficient” and indicates that quantitative need assessments should be updated every 5 years and that these assessments should not be used “over prescriptively”. The current White Young Green Cheshire Retail Study is just over 2 years old of course.

iii) There is a range of existing information that is relevant

- 8.146 Specifically, in respect of:

- The White Young Green Cheshire Retail Study of 2010
- Applicants Retail Impact Study
- AMT Town Benchmarking Report – 30th April 2012

- 8.147 This provides ample up-to date evidence necessary to consider the current retail position in Macclesfield and the impact of the scheme on the area.

- 8.148 Specifically, relating to the White Young Green Study, this was commissioned in November 2009 as an update to earlier reports commissioned by the Council in 2006 and 2007. The associated Household Survey, upon which much of the Study’s floorspace and expenditure projections are based upon, was undertaken in April 2010.

- 8.149 In the context of the Wilson Bowden application, the robustness of the WYG Study as a basis for the assessment of retail based issues was not a concern of Officers. The scheme is proposed in a site within Macclesfield Town Centre that has been specifically allocated for the delivery of new main town centre uses for many years. It seeks to directly enhance the vitality and viability of the centre by delivering new purpose built units and a new anchor tenant into the centre. As such, a quantitative or qualitative justification was not required for these proposals in comparison, for example, to the Tesco proposals outside the centre.

- 8.150 The key trends of retailing within Macclesfield picked up within the WYG Study (convenience shopping principally being undertaken at the out-of-centre Sainsbury's and Tesco stores and comparison shopping largely out-flowing to other higher order centres or out-of-centre retail parks such as Handforth Dean, the Trafford Centre or Cheadle Royal) are as per the time of the 2010 household survey.
- 8.151 It was contended by some that there have been a number of changes to the town centre since the publication of the WYG study. However, beyond the approved Cheshire Building Society scheme and the proposed Tesco scheme, Officers are not aware of any strategic retail proposals that would justify such a view either in application or pre-application form.
- 8.152 As such, there is no argument that there had been a material change in the local retail hierarchy. Indeed, if anything, the continued decline of Macclesfield Town Centre in terms of the number and quality of retail units within the centre appears to have increased the above trends.
- 8.153 Overall, the above indicated that there was no justification to request such an assessment and the strong policy support for the principle of the scheme.
- 8.154 Nevertheless, whilst there was clearly no need for such a statement, in the interests of transparency, the Council decided to carry out a new retail assessment despite its unnecessary cost. The results of the retail assessment are set out the next section.

**E) WYG REPORT - MACCLESFIELD TOWN CENTRE
REDEVELOPMENT: APPRAISAL OF RETAIL MATTERS
RECEIVED MAY 16th 2013**

WHY DO THE REPORT?

- 8.155 WYG confirmed that an updated retail assessment was not required under planning legislation, as intimated by Officers.
- 8.156 However, to review the cases both ‘for’ and ‘against’ the scheme - and particularly those parts of the applicant’s retail case disputed by Eskmuir (the owners of the Grosvenor Centre) - the appraisal was designed to provide CEC with clarity on the following matters:
- Whether the application site should be treated as ‘in-centre’;
 - The extent of available comparison goods expenditure;
 - The impact of the proposal on the existing town centre.
- 8.157 In order to achieve this, and to do so in a robust manner (particularly in relation to the second and third points), the baseline retail model associated with the Cheshire Retail Study (CRSU) was revisited to provide a more up-to-date picture of available comparison goods expenditure having regard to:
- Changes in population projections,
 - Expenditure data and turnover rates,
 - Retail commitments which have emerged in the intervening period.
- 8.158 In undertaking this ‘capacity’ exercise, an alternative and entirely realistic scenario was prepared which is based on Macclesfield town centre achieving an enhanced ‘market share’. This contrasts with the position adopted in the CRSU which assumed a consistent baseline expenditure retention rate for all centres within the study area (in accordance with the instructions received at the time).

THE REPORT

- 8.159 The report was set out as follows:
- Section 2 set out relevant retail planning policy, particularly in terms of national planning policy guidance whilst also considering the general approach to retail development as contained in the statutory development plan;
 - Section 3 provides the background to the proposals, commencing with the site’s allocation within the adopted Macclesfield Borough Local Plan;

- Section 4 reviews whether the site should be treated as ‘in-centre’;
- Section 5 considers the extent of available comparison goods expenditure as an update to the CRSU;
- Section 6 examines the impact of the proposals on the existing town centre;
- Section 7 summarises WYG’s findings and presents its conclusions.

POLICY POSITION

8.160 The report runs through the policy requirements of:

- The National Planning Policy Framework (NPPF)
- PPS4 Practice Guide
- Macclesfield Borough Local Plan
- Macclesfield Town Centre Development Brief (January 2005)
- Macclesfield Town Centre Comprehensive Redevelopment Strategy, April 2007)
- The withdrawn application
- Economic Masterplan and Delivery Plan 2010
- Cheshire Retail Study Update (2011)
- Emerging Cheshire East Local Plan

8.161 It concludes that is very evident that the need to plan for the improvement of Macclesfield town centre is a longstanding requirement, with the call for action having been formally identified over a decade ago.

8.162 It continues that there has been some delay in delivering a redevelopment scheme, associated with concerns regarding the original application and exacerbated by the unfavourable economic conditions. These hold ups have served to further reduce the competitiveness of the town centre. However, throughout this period, the overall impetus has been maintained which has led to the submission of the revised application, and with the emerging Local Plan and NPPF continuing to support town centre redevelopment.

WAS AN UPDATED RETAIL SURVEY REQUIRED?

8.163 Opponents of the scheme contend that the study is out-of-date given that the principal assumptions made are derived from 2010.

8.164 WYG confirmed that the study was prepared and finalised within the last 3 years and is still considered robust for the purpose of informing future strategic planning decisions as well as helping inform planning applications for retail development.

- 8.165 National guidance suggests that such evidence should be reviewed every five years and therefore WYG advised that the evidence contained within the CRSU is just over only half way through its expected shelf life and therefore is considered reliable. The empirical evidence that formed the basis for the CRSU is still considered reliable given that there has been relatively limited scale of development implemented in Zone 1 covering Macclesfield since completion of the CRSU. Consequently, they believe that the CRSU is still up-to-date for informing planning decisions in and around Macclesfield.

IS THE SITE IS 'IN-CENTRE'?

- 8.166 The first question asked of WYG was in respect of determining the sequential status of the application site and specifically whether it should be treated as an 'in-centre' location.
- 8.167 Whether the site should be regarded as commanding an 'in-centre' or an 'edge-of-centre' location for the purposes of assessing the retail component has been contested on behalf of Eskmuir.
- 8.168 The sequential status of the application proposals and whether they are in accordance with an up-to-date development plan is significant since it determines whether the tests of the sequential approach and town centre impact ought to be applied to this scheme or otherwise.
- 8.169 WYG's commentary demonstrates that the WB proposals have been promoted through the development plan process rather than merely as an impromptu planning application. Therefore, the principle of the development is in accordance with an up-to-date development plan was confirmed.
- 8.170 Despite the site's allocation and the degree of conformity with the development plan, in the interests of being robust, WYG also considered whether the site in its entirety can be described as 'in-centre'.
- 8.171 In moving away from a literal interpretation of what constitutes 'in-centre' and 'edge-of centre' based on current Primary Shopping Area (PSA) definitions (as advised in the Practice Guide on page 37), WYG was satisfied that the development had been carefully considered and will be seamlessly integrated into the existing PSA.
- 8.172 Savills, on behalf of Eskmuir, identified a series of perceived flaws arising from the current WB proposals including that:
- the scheme does not complement the existing PSA,

- the pedestrian links between the two areas are not attractive to shoppers,
- the development does not offer an integrated approach to car parking to meet the needs of all town centre visitors.

8.173 WYG state in response:

*“in general terms the scheme offers ‘functional linkage’ since it has the ability to complement, rather than compete with, the existing PSA (in terms of it offering a department store and facilitating the presence of other new retailers not currently represented by virtue of it offering modern accommodation). In respect of the details of the scheme (in terms of its precise design and layout, the attractiveness of linkages and the development’s operation and management), whilst these are disputed by Eskmuir, WYG considers that the protracted processes of consultation and negotiation, the iterative masterplan process and the level of scrutiny applied have served to maximise the potential of the scheme to operate as an integral part of the town centre. Therefore, for the purposes of this exercise, **WYG is satisfied that the development has both physical and functional linkage with the existing retail core and that it will perform as a logical extension to the PSA. Moreover, it is very evident that there are no other comparable sites, including the former TJ Hughes building, the post office, and Craven House, which are suitable, viable and available, within the town centre which would be capable of fulfilling such a role more effectively.***

(Paragraph 4.12)

8.174 As a result, WYG considers that the proposal in its entirety (including the retail elements) should be regarded as in-centre for the purposes of the sequential approach and town centre impact.

8.175 In any case, and in the interests of robustness and completeness, WYG considered that even if the site is to be defined edge-of-centre (which neither WYG nor Officers agree with) then there are no other ‘in centre’ sequentially preferable alternatives.

NEED FOR THE SCHEME?

8.176 Notwithstanding the position that the empirical evidence within the CRSU remains up to date, WYG confirmed that more available and reliable data is now available to that previously available when the CRSU was prepared. Therefore, for robustness and to respond to opponents of the schemes concerns, WYG sought to update the principal assumptions adopted within the previous capacity assessment for Macclesfield.

- 8.177 For the purposes of this capacity exercise, WYG primarily examined the need for new comparison goods floorspace in light of the objections received. Their approach was that advocated in the Practice Guidance of need, impact and the sequential approach which states that quantitative need assessments should have regard to:
- the relevant market information and economic data,
 - include an assessment of existing forecast population levels,
 - forecast expenditure for specific classes of goods sold within the broad categories of comparison and convenience goods
 - forecast improvements in retail sales.
- 8.178 Whilst the CRSU clearly underestimated the level of population within the Study Area (due to ONS underestimating population levels across the UK) any increases were more than outweighed by the reductions in the level of expenditure and the claims that have been made by SFT since the CRSU was completed.
- 8.179 As set out in the CRSU, the market share (and expenditure) of Macclesfield town centre has declined since 2006 as a direct result of increasing out-of-centre provision providing increased competition that has reduced the town centre's market share. Whilst Macclesfield (as a whole) experienced an improvement in its bulky goods market share, this masked the reduction of the town's non bulky goods market share, mainly as a result of gains made by facilities in Wilmslow and Handforth Dean.
- 8.180 WYG clearly considered that there was scope for Macclesfield to claw back expenditure through the introduction of an improved and enhanced retail offer which would encourage shoppers back to Macclesfield. This is clearly what this scheme seeks to do.
- 8.181 WYG went on that if an excess of comparison (or convenience goods) expenditure manifests itself within the Study Area, this does not necessarily translate directly into a requirement for additional floorspace. In assessing quantitative need, it was also necessary to take account of:
- Existing development proposals;
 - Expected changes in shopping patterns;
 - The current capacity and efficiency of retail floorspace within the established centres;
 - Future changes in business productivity and current development commitments; and
 - Potential changes in forecast expenditure growth in the future.
- 8.182 As identified in the CRSU, the main focus for comparison goods floorspace in Macclesfield remains the town centre.

- 8.183 However, they added that there have been increases in the comparison goods floorspace found at a number of retail parks (including Lyme Green, Silk Retail Park and Statham Retail Park).
- 8.184 In 2010, the CRSU identified that the town centre comprises some 43,800 sqm of comparison goods floorspace configured across 195 units.
- 8.185 Drawing on the updated information from GOAD at 2012 they found that the amount of comparison goods floorspace has reduced to 40530 sqm (which is less than that found in 2000), and distributed across 187 units.
- 8.186 Since 2000, Macclesfield town centre has seen the number of comparison goods units reduce from 218 to 187 representing a 14% reduction.
- 8.187 Since 2006, Macclesfield has lost over 6000 sqm of comparison goods floorspace which represents a 13% decline.
- 8.188 WYG argue that these results demonstrate that the level of comparison goods floorspace is in long term decline and mirrors the loss of market share found in the empirical evidence covering the same period. With comparison goods land uses a key component to the contribution towards a vital and viable town centre, they considered it was critical that such land uses are promoted in town centres such as Macclesfield.
- 8.189 WYG updated analysis of the market share of all comparison goods facilities in Macclesfield indicated that the level of trade passing through non-food facilities originating from inside the Study Area is £215.8m at 2010. **This represents a market share of 5.5% of the total comparison goods expenditure generated from within the defined Study Area. This is a lower market share than previously (it was 6.4% in 2010, 8.6% in 2006).**
- 8.190 WYG noted that the principal reason Macclesfield has experienced decline over recent years is due to the limited availability of suitable retail accommodation that is required by modern retail operators, coupled with the availability of better accommodation in locations elsewhere.
- 8.191 In 2006, the CRSU identified that Macclesfield had a market share of 8.6% across the Study Area. This declined to 8.0% at 2010. The CRSU highlighted that decreases in Macclesfield's market share were mainly driven by a reduction in non-bulky goods retention rates (such as clothing and small household items), whilst bulky goods retention rates actually increased over the period from 2006 (albeit at retail parks), masking the real decline in the non-bulky goods sector over that period.

8.192 The main comparison goods expenditure sector lost to competing centres is clothing and small household goods.

8.193 **WYG estimated that through the delivery of suitable and affordable accommodation (like this scheme) this will allow both multiple and independent operators to locate within the town centre and to help encourage footfall and activity as commercial land uses are intensified. Such improved provision would provide Macclesfield with the ability to claw back local expenditure which is being lost to other facilities elsewhere. WYG believe that Macclesfield could realistically achieve a market share of between 7% and 7.5% from the wider Study Area.** These figures were still below the levels that were previously achieved in 2006 so would be achievable.

8.194 WYG argue such a market share is comparable to that achieved in Crewe which is a comparable sub regional centre also in Cheshire East. The market share improvement is not a significant enhancement to the market share identified in the CRSU (6.4%) and is certainly considered both achievable and sustainable.

8.195 In relation to objections:

*“Savills in their own conclusions confirm that the proportion of comparison goods retailing in the town centre is below the national average for town centres, and their findings demonstrate clearly that this proportion of comparison goods units has declined since the 2009. This further reinforces the role of the local plan intervention to help first stem and enhance the comparison goods retail offer to ensure that the long term vitality and viability can be maintained. Overall, WYG would tend to agree with the majority of the health check conclusions formed by Savills in their evidence, as **in general they reaffirm the justification for the local plan allocations and the approach that CEC are positively taking to address some of the concerns that Savills have identified**”.*

(Paragraph 6.13)

8.196 WYG conclude:

“....the application site is clearly ‘in centre’ with it being allocated for the proposed land uses and therefore benefits from a sequentially preferable location in terms of paragraph 24 of the NPPF. In light of its ‘in centre’ position, there is no policy requirement under the NPPF for the applicant to consider the capacity or the impact of the proposed development on either other defined town centres or on the rest of Macclesfield town centre itself. WYG also consider that given that the application site has been allocated in a development plan for almost a decade, Eskmuir appear to have

overlooked the length of such a aspiration and surely they should have considered that there was an inevitability that such a proposal could be facilitated at some time in the future given the clear land allocation”.

8.197 They go to state:

*That said, this updated retail capacity exercise reaffirms in the interests of robustness and completeness that notwithstanding the applicant’s requirement to do so **the level of proposed floorspace is considered both appropriate in scale and is sustainable in terms of the catchment area and the level comparison goods expenditure available in and around Macclesfield***”.

(Paragraph 5.57)

8.198 Overall WYG conclude:

“ that the empirical evidence supporting the CRSU still remains up to date given that it was prepared and published within the last 3 years and is well within the 5 year period required by the Practice Guidance.

8.199 They add that:

“However, we do accept that more up to date data is now available and therefore this update has sought to address this (for Macclesfield only). Whilst the CRSU clearly underestimated the level of population within the Study Area (due to ONS underestimating population levels across the UK) any increases have been more than outweighed by the reductions in the level of expenditure and the claims that have been made by SFT since the CRSU was completed”.

“Notwithstanding the fact that there is no policy requirement to do so (given that the proposed development is considered ‘in centre’ and in accordance with the development plan under the NPPF) WYG can confirm that based on the baseline scenario consistent with the approach in the CRSU WYG would agree with Eskmuir that there is unlikely to be the capacity for the level of proposed development at the application site”.

*“However, based on the long term aspirations to enhance the comparison goods offer in Macclesfield, WYG have demonstrated in the interest of robustness and completeness that through an appropriate and realistic enhanced market share scenario (which takes into account the availability of more up to date economic data) **there is sufficient capacity to accommodate the proposed level of floorspace in Macclesfield in the short to medium term. This update provides the Council with***

sufficient comfort that the level of floorspace proposed by the applicant is still wholly appropriate in terms of its scale and its wider objective of the local plan and to help contribute to the future vitality and viability of Macclesfield town centre. The approach will also ensure the retention of Macclesfield's position in the retail hierarchy in accordance with the local plan".

(Paragraphs 5.58, 5.59 and 5.60)

TOWN CENTRE IMPACT

The 'opposition' view

- 8.200 The need for independent commentary on this matter follows concerns raised that the scheme has the potential to adversely impact upon the existing PSA. These concerns derive from a perceived lack of comparison goods expenditure capacity which, it is believed, could indicate that adverse trading impacts would result, together with the a sense that the design and layout of the scheme does not foster attractive links with the existing retail core.

Policy Position

- 8.201 In relation to the policy position, WYG state:

"To reiterate, since it is established that the site is in-centre and that the proposals accord with a clearly defined strategy for the town centre in the adopted Local Plan, it is not a policy requirement of the NPPF to consider town centre impact".

(Paragraph 6.02)

Pre-Let Commentary

- 8.202 They go on that they are:

" comfortable with Wilson Bowden's confirmation that they have already secured a 59% pre-let position, which further testifies the fact that operators recognise the clear latent demand in the local area from which they believe that a successful commercial operation can succeed".

(Paragraph 6.06)

Demand / Failure to provide new retail facilities

- 8.203 In relation to demand for accommodation they state:

*The evidence provided by Savills also clearly identifies
there are requirements by a number of operators including*

Debenhams and Top Shop to secure suitable space in Macclesfield. The evidence by Savills reaffirms the justification of the local plan allocation to enhance the retail offer of Macclesfield. Savills confirm that Next have recently left the town centre to suitable premises on Lyme Green Retail Park, which further strengthens the case to ensure that more suitable and viable commercial properties are available in the town centre. Failure to provide such space will only add to the decline of Macclesfield as key operators seek representation in more efficient and well managed space. The approach advocated therefore by Eskmuir seeks only to suppress the availability of retail facilities in Macclesfield which is not necessarily to the benefit of local shopping community who should have access to a competitive, diverse and enhanced retail landscape”.

(Paragraph 6.06)

Will the Incremental Increase of New Retail accommodation work?

8.204 On this point:

“WYG argue that in line with both central government and CEC policy objectives, the proposed development will act as a logical extension to the existing shopping core of the town centre and meet the future growth of the town in the short to medium term. It will in facilitate a range of commercial units that will be designed to ensure that they meet operator’s requirements both from a configuration and managed space perspective that will be attractive to tenants wanting to be represented in Macclesfield. WYG recognise and applaud the positive endeavours that Eskmuir are currently undertaking to reconfigure parts of their Grosvenor Centre (22, 26, 36 Castle Street) asset in the town centre and this should be encouraged to attract new investment and operators. We note that this involves reconfiguring and enlarging existing floorspace so it is more conducive to operator’s requirements. Such a strategy is comparable, albeit to a different scale to that being promoted by the Council and Wilson Bowden. However, WYG note that such incremental measures in isolation are not sufficient to deliver the quantum of floorspace identified for the short to medium term and are unlikely to address the long established qualitative improvements that will enable Macclesfield to compete more effectively”.

(Paragraph 6.07)

Trade Benefits / Spin-offs

8.205 On this point WYG state:

“..... the application proposal is envisaged by WYG to result in new consumer expenditure being captured by the town centre (i.e. an enhancement of its market share) rather than continuing to leak to other competing destinations, including out-of-centre retail centres and parks, throughout north Cheshire/south Manchester (including Handforth Dean, Cheadle Royal and the Trafford Centre)”.

“Given the development’s potential to recapture trade and to generally have a positive impact on patterns of town centre activity, WYG considers that there is a very real opportunity for widespread spin-off expenditure to be generated for other existing town centre traders, including within the existing PSA, due to the potential for linked trips. It is reasonable to assume that this increase in demand for business representation from linked trip expenditure, associated with bringing about an increase in footfall throughout the town centre, may serve in itself to attract more new retailers to, for example, the Grosvenor Shopping Centre (Eskmuir’s investment). Operators who are unable to secure accommodation at the Wilson Bowden scheme will then look at alternative accommodation elsewhere in the town centre to ensure that they benefit from the improved patronage of Macclesfield. That the WB proposal will facilitate a considerable improvement in the quality of the town centre’s overall retail (and leisure) offer, as was always intended at the inception of the local plan aspirations for Macclesfield, it is considered by WYG to be an entirely realistic scenario to restore confidence and activity back to a central location that should be the hub of community”.

(Paragraphs 6.08 and 6.09)

Trade Diversion

- 8.206 WYG recognise that any new retail development will inevitably lead to an impact on existing facilities in terms of the diversion of trade. However, they add that:

“.....to the extent that it will occur, it is important to understand that these small levels of trade ‘diverted’ from existing town centre facilities will remain in a town centre location and, moreover, that this movement of trade over a short (mainly walkable) distance will be accompanied by more significant amounts being ‘clawed back’ to a defined town centre location, that is currently being spent elsewhere. From our understanding of the retailers being considered for the proposed scheme (such as Debenhams, Top Shop and H&M) it is evident that these operators currently have no representation in the town centre and therefore their introduction will only have a positive impact on the town centre’s vitality and viability..”

(Paragraph 6.10)

8.207 They add that:

“.... Whilst we cannot rule out the fact that certain retailers who are already located within Macclesfield may move into the proposed scheme in the future, it is evident that the majority of the new floorspace will be occupied by retailers who will be new to the town centre. Therefore, in considering the impact on the town centre as a whole (as required by NPPF), this can only be viewed as being positive given the strength of the retailers that will be attracted to the town centre as a result of the development. Furthermore, paragraph 5.10 of the guidance states that:

‘....it should be remembered that any new development involving town centre uses will lead to an impact on existing facilities, and as new development takes place in one centre this will enhance its competitive position relative to other centres. This is a consequence of providing for efficient modern retailing and other key town centre uses, and promoting choice, competition and innovation.’

8.208 They continue that:

“.....whilst the new development may have some negligible impact and may in fact facilitate a shift in the town centre’s ‘centre of gravity’ as it begins to function as part of an extended retail core this is considered by WYG to represent the healthy evolution of a town centre. Against a backdrop of a declining market share the proposed development will strengthen the role and function of the town centre and will act as a catalyst in encouraging new investment into the established core.

(Paragraph 6.12)

In line with the Local Plan?

8.209 WYG comment in Paragraph 6.13 that:

*“Savills in their own conclusions confirm that the proportion of comparison goods retailing in the town centre is below the national average for town centres, and their findings demonstrate clearly that this proportion of comparison goods units has declined since the 2009. This further reinforces the role of the local plan intervention to help first stem and enhance the comparison goods retail offer to ensure that the long term vitality and viability can be maintained. Overall, WYG would tend to agree with the majority of the health check conclusions formed by Savills in their evidence, as **in general they reaffirm the justification for the local plan allocations and the approach that CEC are positively taking to address some of the concerns that Savills have identified**”.*

8.210 WYG conclude by stating:

“This ‘impact’, therefore, is not considered to be significantly adverse on the town centres overall vitality and viability and that any trade diversion (although negligible) is considered to be acceptable and certainly not significantly adverse.

(Paragraph 6.14)

Status Quo Position

- 8.211 WYG reinforce their position on the principal of the scheme by stating about the alternatives that:

“In fact, the most significantly adverse outcome for the town centre anticipated by WYG is associated with the maintenance of the existing declining position. In particular, if the WB town centre opportunity is not seized upon then the competing destinations further afield will be able to capture new or additional trade and further strengthen their share of the market (and with forthcoming major shopping developments in the pipeline for other towns in north Cheshire / south Manchester). It is the status quo that is more likely to lead to the further decline of the town centre, we have already shown that if suitable accommodation is not provided in Macclesfield then it only serves to increase the propensity for operators to consider other accommodation elsewhere and in less sequential locations. A ‘do nothing’ strategy will give rise to a more significant adverse impact on the future vitality and viability of the town centre (a fact that has been reinforced by the decline that has occurred since 2006). Such a strategy would seriously conflict with the government’s (and CEC) clear mandate towards town centre growth and diversity and improved vitality and viability”.

(Paragraph 6.14)

- 8.212 WYG add that:

“..... there is clearly no evidence to suggest that the proposed development is prejudicing investment in the town centre”.

Investment Confidence

- 8.213 In connection to investment confidence:

“WYG argue that supporting the proposed development at Silk Street will provide more certainty as to future investment confidence in the town centre’s economy and will ensure that further opportunities are considered in the short to medium term”.

(Paragraph 6.15)

They add that:

“The proposed applications therefore symbolises confidence in the town centre which will only act as a catalyst to further investment”.

(Paragraph 6.16)

Impact Conclusion

8.214 In conclusion, in paragraph 6.19, WYG confirm:

*“... that notwithstanding the applicant’s requirement to consider the impact of the proposed development, given the ‘in centre’ position enjoyed by the application and the allocation within the local plan, in the interests of being robust and complete, **WYG considers that there is no evidence presented by the objectors that suggests that the impact on the town centre can be considered significantly adverse. In fact, it is quite the reverse. Any failure to deliver this important economic development is likely to further diminish Macclesfield’s role and function in the wider area in the future which may lead to an adverse impact on the town centre’s vitality and viability. Clearly, a ‘do nothing’ strategy conflicts with the principal objectives set out in paragraph 23 of the NPPF which is to promote positive and competitive town centre environments**”.*

SUMMARY AND CONCLUSIONS

8.215 The conclusions of the WYG report are outlined in Paragraphs 7.02 - 7.06 and are stated in full for information and consideration.

This appraisal has found that the proposed development is considered to be ‘in centre’ and in conformity with the Macclesfield Local Plan. It is therefore considered that it sits ‘full square’ with the NPPF, whereby the proposed development accords with both paragraph 24 and 26 of the NPPF in terms of the sequential approach and impact. The site represents the optimum location to promote main town centre uses in a sustainable central location that builds on existing commercial, community and civic infrastructure.

Notwithstanding this policy position, and in the interest and robustness, WYG has considered two important retail planning issues requested by CEC to allow them to make a well informed decision on the future determination of the planning application. These are namely.

- *The extent of the available comparison goods expenditure; and*
- *The impact of the proposal on the existing town centre.*

WYG has demonstrated that there is no evidence to suggest that the proposed development will have a significant adverse impact. Conversely, WYG argue that approach being advocated by third party objectors including Eskmuir, which involves the status quo conflicts with the main objectives of the NPPF.

In the context of Paragraph 27 of the NPPF, it indicates that planning applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where it fails to satisfy the requirements of the sequential approach or is likely to result in a significant adverse impact. WYG conclude that the paragraph 27 is irrelevant as the main town centre uses proposed are 'in centre' and in accordance with an up to date development plan.

In conclusion, WYG confirm that this appraisal should provide the Council with sufficient comfort that the level of floorspace proposed by the applicant is wholly appropriate in terms of its scale and its wider objective of deliver of the development plan aspirations.

8.216 Overall, the report fully supports the conclusions Cheshire East Planning Officers reached. In summary, these are:

- There was no need for a retail assessment under planning legislation.
- The main town centre uses proposed are 'in centre' and in accordance with an up-to-date plan.
- The scheme is policy compliant in regards to the principle of the scheme.
- The information in the report reaffirms the justification for local plan allocations.
- Failure to provide new, suitable and viable commercial property in the Town Centre is likely to be damaging.
- There is no evidence to support the view that the proposed development will have a significant detrimental impact on the Town Centre.
- Incremental retail improvements in isolation are not sufficient to deliver the quantum of floorspace to enable Macclesfield to compete more effectively.

- The new scheme will result in expenditure being captured in town rather than leaking to competing destinations.
- Trade diversion in the town centre is unlikely to be a significant problem.
- A shift in the town centres gravity represents a healthy evolution of the town centre.
- There is no evidence from objectors that suggest that the impact on the town centre can be considered significantly adverse. Indeed, it is quite the reverse.
- The level of floorspace proposed by the applicant is wholly appropriate in terms of its scale and its wider objective of delivering development plan aspirations.

F) NON- RETAIL LAND USE MATTERS

Housing

- 8.217 In summary, at the rear of the cinema block, a new terrace of 10 dwellings is proposed fronting Water Street. 8 of these would be two-storeys high and have two-bedrooms. 2 would be three-storeys high and have four-bedrooms. Parking is provided in front of them.

- 8.218 The NPPF – “*Ensuring the vitality of town centres*”, states at paragraph 23 that planning policies should promote competitive town centre environments and recognise that residential development can play an important role in ensuring the vitality of centres. It also suggests setting out policies to encourage residential development on appropriate sites. As such, this national planning policy clearly promotes residential development in town centres.

- 8.219 Additionally, the Local Plan notes at policy MTC 7 (on the land where the housing is actually proposed) that there is an opportunity to incorporate residential development and policy MTC8 (on the land where the multi-story car park is proposed) that residential uses of upper floors may be supported providing a satisfactory housing environment can be created.

- 8.220 In relation to the emerging Local Plan, it clearly seeks the delivery of between 300 and 400 residential dwelling by 2030 within the whole town centre. However, it does not indicate a specific location for such housing, instead only locating them within the greater town centre area – an area significantly larger than this site.

- 8.221 Overall, there is a clear acceptance of the principle of housing development in town centres and therefore in this scheme, but no specific details of the number of units or exact location it would be required in any proposed town centre development.

- 8.222 Some representations highlight the need for further residential development in the town centre.

- 8.223 Officers are of the view that further residential development - which would clearly comply with both National and existing and emerging Local Plan policy - would be welcomed and would be beneficial as it would help to deliver a more vibrant town centre, more street-level activity and subsequent security benefits. However, the fact that the scheme does not provide more dwellings, would not constitute a reason for refusal of the development as a specific number of units and justification for that number of units is not provided in current policy. As such, a reason for refusal on these grounds would not be sustainable.

- 8.224 Officers have asked the developer if further residential development would be possible. However, the developer has suggested that this would impact on the viability of the scheme and there would be no market for such accommodation.
- 8.225 Officers do not agree that town centre housing would be unfeasible or have no potential buyers. However, it has to be recognised that the proposed housing has significant benefits in that:
- It hides the cinema block somewhat,
 - Re-creates a street pattern on Water Street,
 - Provides much needed housing on a sustainable brownfield site.
- 8.226 Furthermore, any further residential development beyond the units proposed would probably go on upper floors and that this would be likely to increase the heights of buildings even further, thereby creating potential new problems in terms of increased size and bulk of proposed buildings.
- 8.227 Overall, in view of the benefits it provides and the lack of policy backing to demand further housing in this location, plus the strong policy support for the proposed housing, it is considered that this element of the scheme is acceptable.

Cinema / restaurants

- 8.228 As stated previously, paragraph 24 of the NPPF states that local authorities should “*require applications for main town centre uses to be located in town centres*”. Since a cinema and restaurants are town centre uses, there is clearly a policy presumption in favour of these uses in this scheme.
- 8.229 This view is reinforced in the existing plan which encourages leisure uses to be located in the town centre (policy S1) and states that the land the cinema and restaurants are built on should be redeveloped principally for leisure, offices and non-food retailing purposes (MTC7). It also notes at paragraph 9.5 that the council has had a long term aspiration to attract a multiplex cinema to the town centre. As such, there is clear Local Plan support for such uses.
- 8.230 The emerging local plan also encourages that town centres should be promoted as the primary location for main town centre uses, including leisure development (EG5). It also encourages an enhanced cultural offer and support for new restaurants and cafes to increase footfall throughout the evening (Site Macclesfield 1).
- 8.231 Overall, there is clear policy support for these uses. As such, Officers have to conclude that these uses are acceptable in policy terms.

- 8.232 Moreover, Officers consider that any town centre needs more than just a retail offer to pull the public into the town centre. These uses, which operate beyond normal daytime shopping hours, will clearly encourage more night-time activity and the town centre becoming more of a night-time destination, with a subsequent improvement in Macclesfield's night-time economy. This is welcomed.
- 8.233 Furthermore, numerous surveys and consultations have revealed that a significant proportion of the population consider that the provision of a new cinema is an important need for the town. This scheme clearly meets this desire. In addition, it will mean that some will not need to take significant journeys out of the town to see the latest film releases (typically to Parrs Wood, Stockport or even Manchester). Consequently, the new cinema will reduce the environmental impact of people travelling significant distances to visit the cinema and keep the money spent by them before, during and after the film - both directly and indirectly - within the town.
- 8.234 Some representations have been received from patrons of Cinemac (the current one-screen cinema located in the Heritage Centre) worried that the proposed development could draw their business. In addition, they have raised concerns about a new cinema's impact on the viability of the Heritage Centre which is a heritage asset.
- 8.235 The NPPF (paragraph 23) is very clear on the subject of competition. It advises local planning authorities to *"promote competitive town centres that provide customer choice and a diverse retail offer"*.
- 8.236 In addition, planning case law is very clear in that competition / effect on business is not a planning consideration that can be given any weight.
- 8.237 In these circumstances, a reason for refusal cannot be justified on these grounds.

Car parking

- 8.238 Full details of the car parking provision are covered in the highways section of this report.
- 8.239 In summary, a multi-storey car park with 718 spaces (including 34 disabled spaces and 29 parent and child spaces) is proposed at the southern extremity of the site. A surface level car park containing 100 spaces (including 5 disabled spaces and 5 parent and child spaces) is to be located adjacent to the proposed cinema / restaurants. 65 on-street car parking spaces at Water Street (26), Wellington Street (29), Duke Street (7) and Wardle Street (3) are also proposed.
- 8.240 In Local Plan terms, the existing three car-parks proposed to be demolished have been subject to a long standing allocation for

redevelopment for retail and leisure uses. Also relevant is policy T13 of the Local Plan which requires that, where public car parking spaces are lost, they should be replaced on site or nearby to mitigate the loss.

- 8.241 It should also be noted that paragraph 40 of the NPPF places a duty on Council's to seek to improve the quality of parking in town centres so that it is convenient, safe and secure and that they should set appropriate parking charges that do not undermine the vitality of town centres.
- 8.242 For information, Macclesfield already has 2164 car parking spaces spread across its town centre car parks. This is a significant number for the size of the town and its town centre.
- 8.243 The existing car parks to be redeveloped contain 706 car parking spaces.
- 8.244 The development would provide 818 replacement off-street car parking spaces and 65 additional on-street car parking spaces (5 of which would replace 5 short stay spaces to be lost). This would equate to an additional 174 spaces in total.
- 8.245 In these circumstances, the proposals would provide car parking spaces which would more than replace the existing car parking to be removed. As such, the proposal is in accordance with policy T13. Furthermore, the new car parks would provide convenient, safe and more secure parking, which is of a better quality than that currently available. As such, the proposed parking is in-line with the trust of the NPPF.
- 8.246 Overall, the proposed parking is clearly acceptable in land use policy terms.

Senior Citizens Hall

- 8.247 As stated previously, the existing Senior Citizens Hall, located currently on Duke Street Car Park, is proposed to be demolished as part of the new Silk Street development and development of the retail shop.
- 8.248 One of the core land-use planning principles contained within the NPPF (Paragraph 17) is that planning should:

"take into account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."

- 8.249 Paragraph 70 of the NPPF states the following:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

8.250 In view of this, it is critical when assessing planning applications of this nature that there is no loss of existing community facilities. With this in mind, Officers have been keen to reaffirm to the developer that a replacement facility should either be included as part of the scheme, or a sum of money should be provided to allow a replacement facility to be provided elsewhere within the town.

8.251 As Members may be aware, the Council has developed a strategic review and delivery framework for arts, cultural and community facilities for Macclesfield. This has highlighted opportunities for investment in existing facilities in the town following consideration of both current and future operating arrangements.

8.252 Independent consultants conducted a review of the current provision of arts, culture and community facilities in Macclesfield in order to advise upon future provision. The consultants carried out significant research, consultation and evaluation, which included a SWOT analysis of a new build option in relation to the needs and aspirations of the stakeholders, alongside the financial implications and views on integration with the overall arts and cultural offer within Macclesfield. It also included a high level options appraisal of existing facilities and the potential to accommodate future needs, with a risk/reward appraisal for each of the options.

8.253 A detailed business plan, potential governance structures, capital costings and design plans have also been developed.

- 8.254 Consultation was undertaken with groups providing activities for senior citizens in and around Macclesfield and with artists and arts organisations based in Macclesfield. The study was informed by comparisons with similar venues around the country, in order to review options and to ensure costings are realistic.
- 8.255 A list of the historic buildings in Macclesfield that could be developed for community and cultural use was compiled. The preferred option for both senior citizens and arts organisations was the combined development of the Old Town Hall and Butter Market, as only this option provided the necessary space needed and an accessible central location.
- 8.256 The feasibility of regenerating the building within a realistic capital budget and the likely running costs of such a facility was investigated and a delivery plan for investment in existing facilities, which both delivers the vision and replaces the existing facilities at the Senior Citizen's Hall, was provided.
- 8.257 The conclusion of the review is that it is feasible to develop the Old Town Hall and Butter Market as a combined community and cultural facility in the town centre.
- 8.258 A contribution of £1 034 807 is being offered by Wilson Bowden. This is primarily to ensure that the activities of the Senior Citizens Hall can be accommodated within existing premises and that investment in the towns valuable community resources help secure their future.
- 8.259 Officers consider that the above is a suitable approach to ensure that the Senior Citizens Hall is adequately replaced within a sustainable location.
- 8.260 A representation has been received suggesting that the existing senior citizens hall should be listed because of its community value.
- 8.261 The tests for listing are architectural or historic interest. If a building is felt to meet the necessary standards, it is added to the list. This decision is taken by Government (DCMS).
- 8.262 The English Heritage guidance on the designation criteria for the listing of government buildings states that because such building types overtly aspire to project a social message, it is their architectural (including planning) qualities which are generally the overriding considerations for designation. Officers are of the view that the existing senior citizens hall has no architectural interest and would not support any argument to put this building forward for listing. As such, a reason for refusal on these grounds is not sustainable.

New square / loss of the Heritage Park

8.263 Full details of the proposed square are referred to elsewhere in the report.

8.264 In land use terms, policy MTC2 of the Local Plan clearly proposes the creation of a new town square or similar outdoor open space in the area adjacent to Exchange Street. As such, there is clear policy support for this element of the scheme.

8.265 Moreover, the square:

- Provides a 'hinge' to link the proposed new shops / department store with the cinema / restaurant element of the scheme.
- Provides a green open space in town centre – a type of space the Town Centre is relatively lacking currently.
- Provides a 'lounging area' for people to relax in, have a coffee in, read their paper, take a break, have a chat etc.
- Provides a new visible focal point for the town.
- Improves the setting of the listed Heritage Centre.

As such, there are clear design and function benefits the square provides.

8.266 Equally, the town square compensates for loss of Heritage Park.

8.267 It has to be recognised that a significant part of the Heritage Park has been allocated for redevelopment in the existing Local Plan (MTC9). As such, it's retention in its current form was never foreseen or planned for. However, it also has to be recognised that the Local Plan foresaw the maintenance of a green edge to Churchill Way and that this is proposed to be removed by this proposal.

8.268 In Officers opinion, this loss is more than compensated for by the new square since:

- It is a new more central space and therefore is more likely to be used as a 'dwelling' space (it has to be recognised that the existing Heritage Park is barely used as a recreational space by the general public);
- It will be better overlooked, therefore creating less issues in relation to anti-social behaviour and security issues;
- It cannot be reasonably argued that keeping the Heritage Park clearly outweighs the benefits of providing new shops, a Department Store and new parking in this location, plus the new

square and the economic and public realm benefits the scheme would provide.

- 8.269 In these circumstances, Officers feel it is clear that the benefits of the new square and redevelopment of the site outweigh the loss of the Heritage Park significantly and, as such, a reason for refusal on these grounds would be unrealistic and unsustainable.

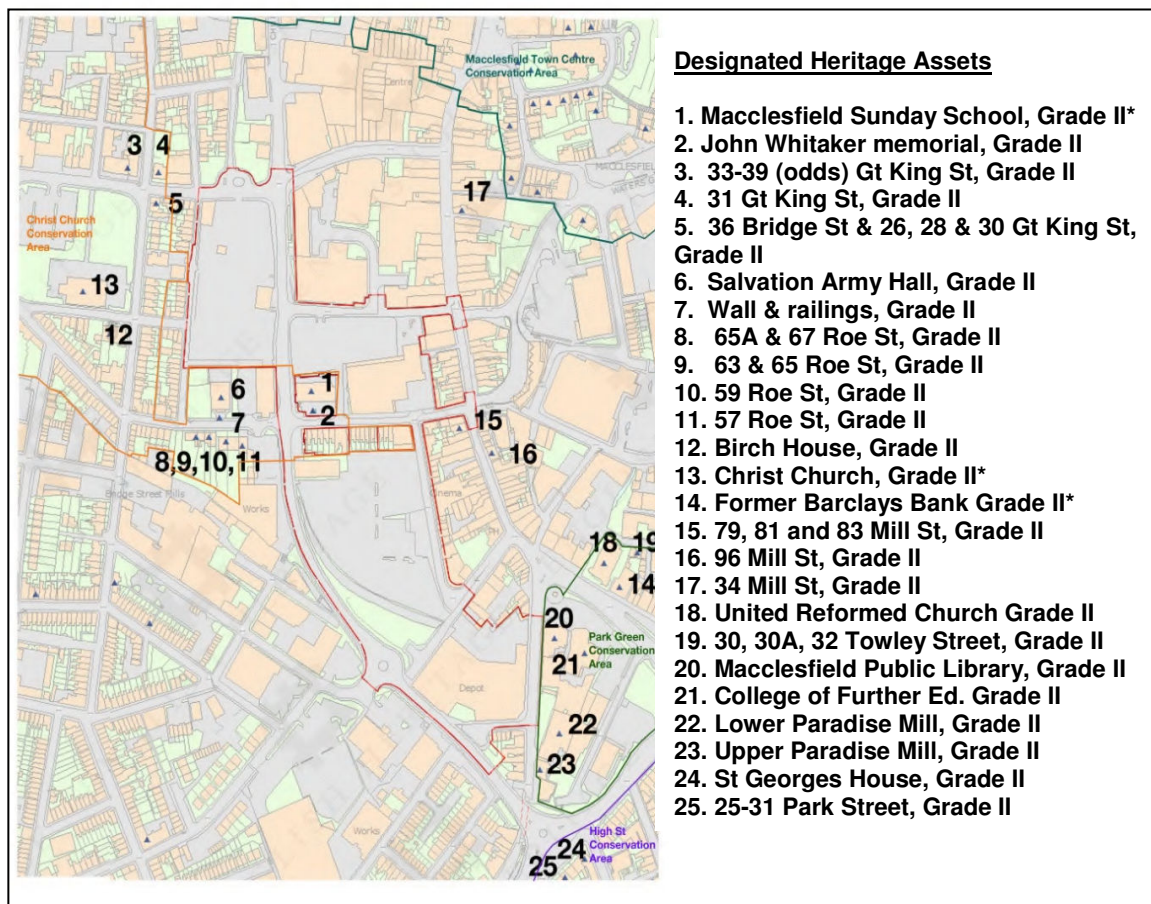
The impact of the proposal on SMDA

- 8.270 Concern has been raised that the town centre proposals could conflict with the proposals to bring forward development at the South Macclesfield Development Area (SMDA).
- 8.271 Currently, the 'saved' Macclesfield Local Plan (former Macclesfield Borough Council Local Plan) allocates this area for employment uses (the Development Brief was adopted in 1998).
- 8.272 Recent analysis undertaken suggests that this may not be the right type of use in this location and alternatives should be considered. During public consultation, Cheshire East Council has asked local residents and businesses what they would like to see at the SMDA. The preferred option was for a new community football stadium supported by a link road, a supermarket and some new homes. The design for such a scheme would clearly be very important and it may be possible to accommodate other leisure facilities at the SMDA such as restaurants, football pitches or a cycle track.
- 8.273 Nevertheless, it is unlikely that any of the proposed town centre uses would have a particular impact on bringing forward the SMDA proposals. Equally, in light of the Council's 'town centre first' policy position, preference would be given to placing town centre uses in the town centre, before the SMDA, in line with the NPPF. As such, conflict concerns are not considered justified in this instance.

9 HERITAGE

HERITAGE ASSETS AFFECTED BY THE PROPOSAL

- 9.1 The site and its environs were first developed around the early 19th century. Whilst the majority of the buildings constructed at this time were demolished during the housing clearance programmes of the 1960's and 70's, a number of designated and non designated heritage assets remain in and in close proximity to the site. Many of these would be affected by the proposals, either by virtue of direct impact to their fabric or, more commonly, due to impact on their settings.
- 9.2 The following map illustrates the location of designated heritage assets within approximately 100m of the site boundary, including both listed buildings and conservation areas.

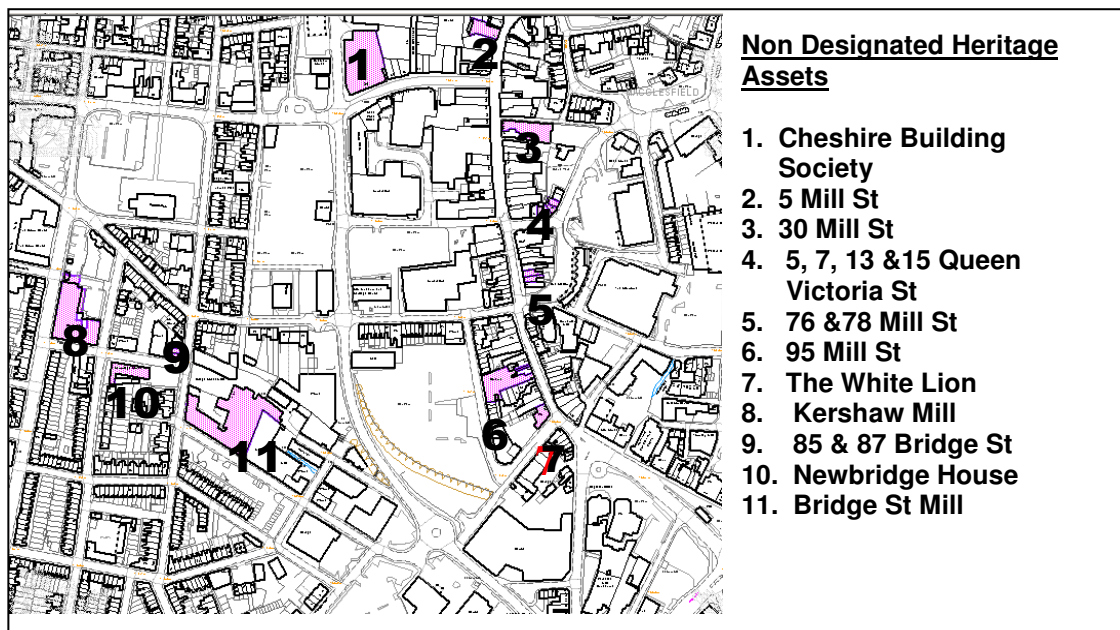


- 9.3 As can be seen, whilst there are no listed buildings within the site boundary, the site nevertheless entirely surrounds two listed buildings, namely the Grade II* Macclesfield Sunday School building on Roe Street (1) and the associated Grade II David Whitaker memorial (2). Beyond the outer boundary of the site, but in close proximity, there are a number of other listed buildings as indicated. Those particularly close to the site boundary include the Salvation

Army building on Roe Street (6/7) and the former Macclesfield Public Library (20), the Silk Museum (21) and Paradise Mill (22/23) all on Park Lane.

9.4 As shown, there are also 4 conservation areas within around 110m of the site boundary. Part of the Christ Church Conservation Area (on Roe Street and Churchill Way) falls within the site boundary, Park Green Conservation Area immediately bounds the southern part of the site and the High Street Conservation Area and Macclesfield Town Centre Conservation Areas fall approximately 100m and 110 metres to the south east and north.

9.5 There are in addition to the above, several non designated heritage assets within and surrounding the site including a number of locally listed buildings as shown below as well as many other Regency and Victorian buildings.



KEY POLICIES RELATING TO HERITAGE ASSETS

9.6 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a statutory duty on the local authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Sections 16 and 66 of the same act, place a similar obligation to have special regard to the desirability of preserving listed buildings, any features of special architectural or historic interest they possess and their settings.

9.7 These duties have resulted in planning policies at national and local level. Current government policy in the NPPF also stipulates that impacts on non-designated heritage assets must also be considered.

9.8 At the **local level** the following relevant policies in the Macclesfield Borough Local Plan are summarised.

- BE2 states that development which would adversely affect historic fabric would not normally be permitted.
- BE3 states that development in or adjoining conservation areas will only be permitted where it preserves or enhances the character or appearance of the area.
- BE4 states that consent to demolish buildings in conservation areas will not be granted where they make a positive contribution to character or appearance.
- BE8 states that the Council will seek to preserve and enhance Christ Church Square and properties in the conservation area by ensuring any development respects the historic character.
- BE16 states that development which would adversely affect the setting of a listed building would not normally be approved.
- BE20 states that development which adversely affects the architectural or historic character of locally recognised heritage buildings will not normally be allowed.
- MTC 8 states that any development on Samuel Street and Park Lane should respect the scale of adjoining development and the explanation for that policy sites the desire for development on Samuel St to enhance the setting of the adjacent Park Green Conservation Area and listed buildings
- MTC20 states that the revitalisation of the Christ Church area (adjacent to the western site boundary) seeks to prevent non residential uses to protect the residential character of this area.
- BE21 states that the Council will promote the conservation, enhancement and interpretation of sites of archaeological importance and their settings
- BE23 states that developments which would affect sites of archaeological importance may be refused and permission will only be granted where mitigation would ensure no net loss of archaeological value
- BE24 states that archaeological evaluations will be required prior to determination for developments which would affect sites of archaeological importance or potential.

9.9 At the **national level**, key requirements of the NPPF are:

- Para126: local authorities should recognise heritage assets are an irreplaceable source and should conserve them in a manner appropriate to their significance.
- Para 128 requires applicants to describe the significance of any heritage assets affected by their proposal
- Para129 requires local planning authorities to identify and assess the significance of any heritage asset which may be affected by a proposal and take this into account when

considering impacts on the asset so as to avoid or minimise conflicts with conservation aims.

- Para 131 reminds local planning authorities of the desirability of new development making a positive contribution to local character and distinctiveness.
- Para 132 states that great weight should be given to the conservation of heritage assets and any loss of significance must be clearly and convincingly justified.
- Paras 133 and 134 state that where harm would be caused this must be weighed against the public benefits of the proposal and that where that harm would be substantial the harm must be demonstrated to be necessary.

MAIN ISSUES

- 9.10 The main issues from a built heritage conservation perspective are:
- a) The impact of the proposal on the character and appearance of the 4 conservation areas
 - b) The impact of the proposal on the setting of listed buildings
 - c) The impact of the proposal on non designated heritage assets, including archaeological assets
 - d) Whether any harmful impacts to heritage assets identified are justified by the public benefits arising from the scheme.
- 9.11 When considering impacts on heritage assets, it is impact on *significance* which is to be considered. *Significance* is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, whether archaeological, architectural, artistic or historic or whether deriving from its physical presence or its setting.
- 9.12 It is necessary to establish the extent of harm to significance and whether that would be substantial or less than substantial. Substantial harm to heritage assets of high significance such as grade II* listed buildings should be exceptional and only allowed if it has been demonstrated that that harm is necessary to achieve substantial public benefits that outweigh the harm, unless other circumstances, which would not be applicable in this case, apply. If harm to significance is considered to be less than substantial, then a less rigorous test applies and LPAs must simply weigh the harm caused against public benefits, bearing in mind that the aim must be to minimise harm and great weight must be given to the conservation of irreplaceable assets.

IMPACTS ON CHRIST CHURCH CONSERVATION AREA & LISTED BUILDINGS WITHIN

- 9.13 Part of the application site falls within the Christ Church Conservation Area. The area contains a number of listed buildings including the

Grade II* Macclesfield Sunday School (Heritage Centre) which is effectively surrounded by the site, and the Grade II* Christ Church located some 60m or so to the west of the site boundary. Grade II listed buildings in close proximity to the site include:

- John Whitaker memorial to the south of the Heritage Centre,
- Former St Albans Parochial Church Hall (Salvation Army Hall) adjacent to the site boundary on Wellington Street,
- 57, 59, 63, 65, 65A & 67 Roe St all within approximately 21-25 metres of the site boundary,
- 26-30 (evens) & 31-39 (odds) Gt. King St approximately 10-25m from the site boundary,
- 36 Bridge St and Birch House Bridge Street 30m and 43m from the site.

9.14 The conservation area centres on the grade II* listed Christ Church (1775) which is the focal point of the surrounding residential square believed to have been laid out to the plan of Charles Roe.

9.15 Much of the significance of the conservation area is considered to be derived from Christ Church itself, its grounds and the planned form of the development around it. English Heritage suggest that the character and appearance of the conservation area is derived largely from the grain and enclosure of the terraced streets which contrast with the scale of several key landmark buildings, notably Christ Church and the former Sunday School which are both significant landmarks in Macclesfield.

9.16 The other listed buildings within the conservation area are also clearly of particular historic and architectural significance. Other early 19th century buildings, although unlisted, also make a positive contribution to the significance of the conservation area. Some of these unlisted properties are considered more significant than others. There is an Article 4 Direction in place covering many of the unlisted buildings within the conservation area and this gives an indication of which of the unlisted properties are considered to be of most notable significance. Those properties covered by the article 4 Direction fall on Bridge Street, Shaw Street, Great King Street and Catherine Street as shown below.



- 9.17 The proposed development would impact on Christ Church Conservation Area by virtue of both physical works affecting the fabric of heritage assets (i.e. the demolition/partial demolition of unlisted dwellings on Roe Street), as well as impacts on the setting of the conservation area and the setting of listed buildings within it. Both types of impact are considered in turn.
- 9.18 With regard to the direct impacts to the properties on Roe Street, the creation of the new pedestrianised street running from Roe Street to Duke Street, would necessitate the loss of 27, 29 and 31 Roe Street and the removal of the rear elevations, rear outriggers/outbuildings and rear garden walls of 23 and 25.
- 9.19 23-31 Roe Street comprise part of the residential terrace to the east side of the Prince of Wales pub. Records suggest these dwellings date from the early 19th century. With the exception of 29, which retains its original 12 pane sash windows, the properties have been altered with a variety of replacement windows and doors ranging from recessed Victorian style sashes to modern UVPC casements fitted flush to the front wall. Whilst they are not listed, locally listed, nor covered by the Article 4 Direction, these dwellings have evidential and architectural value and make a positive contribution to the conservation area and the setting of the Sunday school and Whitaker Memorial further west on Roe Street. This is accepted by the applicant's own heritage assessment which also identifies that these properties have greater significance in their own right than those to the west of the pub further along Roe Street.
- 9.20 The applicant has set out that the alignment of Silk Street is necessary to form an efficient retail circuit and the integration of the main retail street to Mulberry Square and beyond to Exchange Street. The suggestion of English Heritage that Silk Street could perhaps be

shifted to the east has been considered by officers but this would result in the new retail street terminating at the rear service yard of TJ Hughes with poor vistas for the new street and no efficient link through to Mulberry Square. Officers therefore accept the view of the applicant that, although the loss of historic fabric on Roe Street is regrettable and contrary to the aims of MBLP policies BE2, BE3 and BE4, which seek to prevent the demolition of any buildings within conservation areas which make a positive contribution to character or appearance, their loss is accepted as necessary to the efficient layout and function of the scheme.

- 9.21 Having regard to the fact that they represent a small proportion of the overall number of non designated buildings in the conservation area, whilst their loss would be harmful to the significance of the conservation area, that harm is considered less than substantial by officers, as it is by English Heritage and the applicant's heritage consultants.

- 9.22 When considering impacts on setting, officers first note that the setting of heritage assets will inevitably evolve over time. The setting of Christ Church and its conservation area and that of the Heritage Centre building, the citadel and a number of other heritage buildings in this vicinity was dramatically altered circa the 1960s when former housing areas were cleared. Whilst this will have opened up new views of Christ Church, increasing the prominence of the tower as a focal point, the townscape quality of these areas is poor and such open areas also serve to increase the prominence of architecturally weak buildings such as Tesco and the former TJ Hughes. Furthermore, the existing surface car parks make little positive contribution to the setting of the Christ Church Conservation Area or the listed buildings within it, in their current condition.

- 9.23 When considering impacts of the proposed development on the setting of Christ Church Conservation Area and the setting of the heritage buildings within it, there would be both negative and positive impacts, both of which need to be borne in mind to understand cumulative impact.

- 9.24 The most difficult element in this respect would seem to be the cinema block. Concerns over the impact of this block have been raised in many representations including those from English Heritage, the Churches Conservation Trust (who are responsible for the maintenance of Christ Church), the newly established Christ Church Group and the Silk Heritage Trust.

- 9.25 The main concerns raised relate primarily to the bulk and mass of the block in relation to the scale of buildings within the conservation area and resultant impacts on the setting of both the conservation area generally and of specific buildings within. Other concerns relate more specifically to loss of views of Christ Church tower from the west and

of views out of the conservation area to the east including the concern raised by the Christ Church Group that loss of views may impact negatively on the viability of any future use of Christ Church.

- 9.26 With regard to more general concerns over the mass of the cinema block and its impact on the setting of the conservation area, the Heritage Centre and other buildings such as the Citadel on Roe Street, much thought has been given by officers to this issue.
- 9.27 The height of the cinema (as revised) would be less than that of the Heritage Centre, although clearly the mass would be greater given the greater footprint. Concerns regarding the mass and form of the cinema block are understood by officers, who ideally would have liked to see a structure of reduced mass. However, the design of the cinema has been amended and the height and footprint of the cinema have been reduced to the minimum required for Cineworld to deliver a viable and sustainable business in Macclesfield. They suggest that without the number of seats proposed it would not be an effective leisure anchor, and that the cinema requires a number of restaurants which are also important to extend the trading hours of Macclesfield and extend dwell times in the town centre. Both of these points are important to the future vitality and viability of the town centre.
- 9.28 They suggest that the only feasible way to reduce the scale of the cinema would be to remove the car parking, but that this is not realistic given desires to retain parking in this vicinity. This being the case, an assessment has to be made on the impact of the cinema on setting as it stands, and any negative impacts weighed in the balance against the many public benefits of the scheme.
- 9.29 Objectors to the scheme have argued that the cinema would be detrimental to the setting of the conservation area and its mass and form are at odds with the fine grain of the buildings in the conservation area. They add, its design is not of such quality to make a strong architectural statement which might compensate.
- 9.30 On the other hand, there is an argument that the existing barren form of the Water Street car park (where the cinema would be sited) already detracts significantly from the setting of the conservation area, the Heritage Centre and indeed other heritage buildings such as the grade II Citadel Building (former St Albans Church Hall) on Roe Street. The cinema would effectively enclose the proposed new square and would in terms of height, not dominate the Heritage Centre. It would also block long views of the much altered rear elevation of the Citadel building which is considered beneficial.
- 9.31 In addition, any harm caused by the cinema block to the setting of the Christ Church Conservation Area or heritage buildings within it, would be tempered, and compensated by elements of the scheme which it is considered would positively enhance the setting of these assets.

- 9.32 The new housing on Water Street, for example is seen as something which would positively affect the setting of the Christ Church Conservation Area.

- 9.33 The creation of the public space to the north of the Macclesfield Sunday School building would also, in the opinion of officers, significantly enhance the setting of the Sunday School and the eastern part of the conservation area, showcasing this Grade II* listed building and thus better revealing its significance whilst creating a sense of place in a locality which is currently lacking a strong identity.

- 9.34 The development of the retail units and cafe around the proposed public square, whilst blocking some views of the Macclesfield Sunday School from Exchange Street, are seen overall by officers as being beneficial to the setting of the Macclesfield Sunday School, reducing the dominance of Tesco and TJ Hughes and providing a sense of enclosure to the space whilst leaving the Heritage Centre as a dominant element.

- 9.35 In addition to the works to Mulberry Square, officers have negotiated further public realm improvements in the Christ Church Conservation Area in an attempt to mitigate for harm caused. This would include new natural stone paving, carriageway surfaces and new street lights along Roe Street from Churchill Way to just east of the Silk Street entrance, enhancing the streetscape in front of the Heritage Centre.

- 9.36 In addition, the developers have agreed to improve the facades of the terraced properties on Roe Street in the application site (nos 21, 23 and 25) to include for example the painting of the blue render on no 21 to a more sympathetic colour. Furthermore they have agreed to salvage original features from the properties to be demolished such as fan lights and the 12 pane sash windows at no. 29, such that these can be reused to replace unsympathetic modern equivalents in the buildings to remain.

- 9.37 Finally they have offered £100,000 via a legal agreement for priority public realm/character enhancements, of which up to £50,000 would be prioritised for grant assistance to enable owners of remaining properties on Roe Street (East) to enhance the historic character of their properties via facade improvements, such as traditionally styled windows and doors. Such measures would, in the view of officers, go a long way to improve in particular the immediate locality of the Heritage Centre.

- 9.38 On balance, whilst it is considered that the mass and form of the cinema block could be harmful to the setting of the Christ Church Conservation Area and designated listed buildings, taking into account the positive elements of the proposal it is considered that such harm would certainly amount to less than substantial harm.

9.39 As already noted, where harm caused to designated heritage assets would be less than substantial, the NPPF does not suggest the application should be refused, but rather, that the LPA must weight that harm against the public benefits of the scheme.

9.40 Turning to more specific concerns regarding impacts on views of and from Christ Church, clearly the mass and siting of the proposed cinema block would mean that it would cut short views from Christ Church towards the town and would also alter views of the conservation area and the buildings within it from the east. What must be considered from a heritage perspective is how important this is when considering impacts on the significance of heritage assets.



9.41 Objections regarding the loss of these views have been carefully considered. In essence these state that Christ Church is nationally, or even internationally significant and derives some of that significance from its value as a landmark building having major local townscape significance. It is also felt by some that the cinema would appear visually intrusive in views of Christ Church and its environs from the east, competing with this building for seniority. It is feared the loss or change of views of the Church would both harm its significance and make finding a viable use for this important heritage building, more challenging than it already is.

9.42 Officers have considered the Statement of Significance of Christ Church, prepared on behalf of the CCT and this does indeed refer to the building having major local townscape significance. This statement however also notes that the building has national architectural and national historic significance, which has been born in mind when considering impact on significance generally.

9.43 What has also been considered, is the contribution of Christ Church to views around the town and the plan attached has been drawn up to approximately identify existing close views of Christ Church tower.

- 9.44 As can be seen from the plan the longest clear view of the tower is along Newton Street to the south and also the Church is obviously a prominent focal point within the immediately surrounding square. The views which would be lost as a result of this development are those from the east around Churchill Way, Duke Street and Exchange Street although, given changes to the design of the cinema, glimpses of the tower would still be afforded from Exchange Street. Views of Christ Church from Castle Street to the east would be retained.
- 9.45 Whilst the views which would be lost are not necessarily historic and may have only been created by the clearance of development from the application site circa the 1960s, it is agreed that their loss would lessen the townscape significance of the tower to a degree.
- 9.46 On the other hand, it is important to appreciate that the views of the tower which would be lost are only a small proportion of the total views. In some ways, given the poor townscape value of the existing car parks on the application site and the proposed public realm improvement works, certain views which would be retained, would be enhanced by improvements to the public realm in the foreground.
- 9.47 On balance, having regard to the fact that much of the significance of Christ Church clearly derives from its architectural and historic significance, rather than its townscape value, having regard to the proportion of views which would be affected, it is considered by officers that impact on significance by virtue of loss of views of the church would certainly be less than substantial. Therefore, again the schemes impact has to be weighed up in the balance against public benefits.
- 9.48 The concern raised regarding potential impact on the viability of future potential businesses/uses in Christ Church has been considered by officers.
- 9.49 It is accepted by officers that, by virtue of the building becoming less prominent in views from the town centre, there could be some negative impact on the viability of future uses. However conversely, it is anticipated that any negative impacts on potential uses in this building would be outweighed by potential opportunities the proposed scheme would bring by virtue of significantly increasing footfall in close proximity. As the appraisal of retail matters carried out by White Young Green states:
- “there is a very real opportunity for widespread spin-off-expenditure to be generated for other town centre traders”.*
- 9.50 Furthermore there is potential to highlight the importance and presence of Christ Church through reference to it in the heritage art work panels proposed for example along Churchill Way.

- 9.51 With regard to concerns over loss of views out of the conservation area, the key concern raised relates to loss of views along Waterloo Street of hills in the distance beyond the town centre. These which would be replaced by views of new housing facing onto Water Street with the cinema beyond. Officers have considered this view and are of the opinion that, given this view of the hills from within the conservation area is diminished in enhancing the area by the car parking and 1970s architecture of the TJ Hughes and Textiles Direct buildings in the mid ground, the loss of this view is not considered to have any significant impact on the significance of the conservation area or buildings within it.
- 9.52 Further issues raised with regard to impacts on the viability of businesses in the Heritage Centre have been considered. As this is an important heritage building, it is clearly in the public interest that it finds a sustainable long term use and in this respect impacts on the viability of uses within the buildings could be considered to be a material consideration.
- 9.53 The key concerns relate to the removal of car parking and competition for Cinemac.
- 9.54 Competition within the town centre is generally seen by national guidance as a positive. DCLG Planning for Town Centre Practice Guide states that:
- “The Government is strongly committed to promoting consumer choice and competition as part of its approach to town centre development”,*
- and,
- “planning...should not be used to restrict competition or preserve existing commercial interests”.*
- 9.55 In any case, as stated previously, the development will lead to significantly increased footfall in close proximity to the Heritage Centre building increasing the potential variety of a number of potential future uses. Concerns over proposed changes to parking areas impacting on the viability of uses in the Heritage Centre are considered under the public realm section, the conclusions of which are that ample parking opportunities will remain in close proximity to this heritage building.
- 9.56 Overall, officers concur with the applicant’s Heritage Statement that whilst there would be some harm caused to the significance of the Christ Church Conservation Area and listed buildings within it including Christ Church, this would certainly amount to less than substantial harm. This therefore needs to be weighed against the public benefits of the scheme.

PARK GREEN CONSERVATION AREA AND LISTED BUILDINGS WITHIN

- 9.57 The second conservation area affected by the proposals is Park Green Conservation Area. This abuts the southern boundary of the site and contains a number of listed buildings including:
- Former Barclays Bank Building, Grade II* (sited some 60m from the site boundary),
 - United Reformed Church, Grade II (some 50m from the site),
 - 30, 30A and 32 Towley Street, Grade II (approximately 90m distant),
 - Former Macclesfield Public Library / College of Further Education, and Upper and Lower Paradise Mill all Grade II (Park Lane).
- 9.58 The central focus for this conservation area is the triangular 'green' itself, the eastern section of which is laid out as a memorial garden and the western, section given over to parking.
- 9.59 The western end of the green is dominated by 19th century civic buildings, ranging from the restrained and ordered classical ashlar Barclays Bank building, to the ornate Victorian Gothic red sandstone Arts College. Towards the east, the character is different with a mix of 18th century housing and 19th century mills.
- 9.60 Behind the Park Green frontage, the conservation area has a less formal character with a mix of mills and workers cottages.
- 9.61 The area primarily derives its significance from this mix of buildings which, as referenced in the applicant's heritage statement, evidence its growth and prosperity during the 18th and 19th centuries.
- 9.62 No element of the Park Green Conservation Area falls within the site boundary. As such, impacts on this designated heritage asset and on the buildings within it would be impacts on setting.
- 9.63 Clearly it is the southern end of the development which has the greatest potential for impact, namely the multi storey car park and, due to the rise in the land to the north, the proposed department store and retail development beyond.
- 9.64 The Townscape and Visual assessment submitted in support of the planning application suggests that the development would have a minor adverse impact on the townscape character of Park Green Conservation Area.
- 9.65 The Heritage assessment concludes that impacts on the significance of designated assets would be less than substantial.

- 9.66 The Silk Heritage Trust has raised concerns that the scale and design of the car park would fail to enhance the setting of the Park Green Conservation Area and listed buildings around the Silk Museum in conflict with policy MTC8.
- 9.67 Officers within the Heritage and Design Team note that the site of the proposed multi storey car park is currently occupied by the Arighi Bianchi warehouse and associated service yard surrounded by palisade fencing. This contributes little that is positive to the setting of Park Green Conservation Area, or listed buildings within it.
- 9.68 As the upper levels of the proposed car park would be set back from the frontage of Park Lane, they would be largely screened by the lower levels for pedestrians on Park Lane. Therefore, the scale of the building would be unlikely to appear particularly overbearing when viewed from immediately adjacent on Park Lane, although the full height of the car park and Debenhams behind, would be visible from within Park Green itself and would contrast with the traditional smaller scale buildings within this area.
- 9.69 The flat roofs of the car park would also contrast with the design of the ornate Victorian gothic style of the Silk Museum building opposite and it would have a relatively utilitarian appearance when compared to many of the civic buildings around Park Green.
- 9.70 However, considerable efforts have been made to reduce the visual impact of the car park with, for example:
- the living green walls softening its appearance,
 - tree planting on Park Lane
 - heritage art panels incorporated opposite the Silk Museum.
- 9.71 In terms of impacts on heritage, it is considered by officers that a reduction in the height of the car park would be beneficial, but the developers have clearly indicated that this would not be desirable given the loss of visitor income from car parking resulting should a floor be removed. It would also impact on the level of parking provision within the town. It is therefore necessary to consider the impact of the proposal on the significance of heritage assets in and around Park Green as the proposal stands.
- 9.72 On balance, having regard to proposed tree planting in the vicinity, and to the negative impact on the setting of the current buildings and fencing on this site, officers consider that the proposed development would have a negative but limited impact on the setting of this part of the conservation area and the listed buildings on Park Lane and Park Green. This would amount to less than substantial harm to the significance of these heritage assets. Whilst such harm is regrettable and in conflict with policy MTC8, the provision of the multi-storey car

park and a department store are clearly key parts of the scheme. Hence, in this case, given the significant public benefits arising from the scheme, officers feel that less than substantial harm would be caused to designated heritage assets around Park Green and the proposal has been justified in accordance with para 132 of the framework, in that the public benefits outweigh the harm.

IMPACTS ON OTHER DESIGNATED HERITAGE ASSETS

- 9.73 Potential impacts on other designated heritage assets outside the Christ Church and Park Green conservation areas have also been considered.

- 9.74 The High Street Conservation Area is located to the south east of the application site, some 100 metres distant from the southern extremity of the site. At this distance, given the more elevated levels of the High Street Conservation Area, whilst the development would be visible from viewpoints on the edge of the conservation area, it would be seen as a backdrop to far more prominent, closer buildings and would appear no higher in the view than these.

- 9.75 The development would block distant views of the Macclesfield Sunday School Building from the conservation area, but it is not considered that this would have any clear impact on the significance of the conservation area since the listing details for the buildings within the High Street area indicate it was developed after, rather than commensurate with the Sunday School.

- 9.76 Views along Mill Street of the listed Harvest Printers within the High Street conservation area would also be blocked by the multi storey car park. This is considered unfortunate, but given that these are distant views, any harmful impact on setting would certainly be considered less than substantial. As with impacts on Christ Church and Park Green Areas this must be balanced against the public benefits of the scheme.

- 9.77 The Macclesfield Town Centre Conservation Area is largely separated from the application site by relatively dense tight knit development and views from this area of the proposed development would thus be extremely restricted. Therefore, it is considered that no harm would be caused to the significance of this designated heritage asset nor to the significance of any listed buildings within it.

- 9.78 79, 81, 83 Mill Street are listed buildings sited immediately south of the corner of Mill Street with Roe Street. Given the proximity of these buildings to the site, the potential for any impacts to be caused to their significance has been considered.

- 9.79 All are early 19th century brick grade II listed properties. It is considered that the significance of these properties stems from their

architectural interest, their historic interest and their evidential interest, but not from any relationship with the application site. Their immediate setting would be unchanged by the proposal as they are separated from the proposed buildings by properties on Roe Street and no works are proposed to the highway at the east end of Roe Street. The significance of these properties would therefore be unaffected by the proposal.

IMPACTS ON NON DESIGNATED BUILT HERITAGE ASSETS

- 9.80 The NPPF requires that impacts on all heritage assets are considered including non designated heritage assets. This would certainly extend to locally listed buildings and arguably to other traditional buildings in the vicinity of the site such as some of the dwellings on Water Street and Duke Street.
- 9.81 There are a number of locally listed buildings in close proximity to the site, the former Cheshire Building Society building on the corner of Castle Street, and 95 Mill Street (Dukes Court) being the closest.
- 9.82 The Cheshire Building Society property dates from 1925 and 95 Mill Street from 1920. Neither is considered to derive any significance from their relationship with the site and it is considered the proposed development would have no detrimental impact on the significance of these assets. Arguably, the proposal could make a viable future for these buildings more likely, by increasing footfall in close proximity and there is not considered to be any conflict with either BE20 or the NPPF when considering impacts on locally listed buildings.
- 9.83 Arguably, some of the residential properties on Water Street and Dukes Court and potentially Wardle Street could also be considered non designated heritage assets albeit with limited significance. Subject to appropriate control over materials and detailing of the development adjacent to these buildings, it is considered the proposal would not be harmful to their significance.

IMPACTS ON ARCHAEOLOGICAL ASSETS

- 9.84 The site lies within Macclesfield's Area of Archaeological Potential, as defined in the Macclesfield Local Plan.
- 9.85 Impacts on archaeological assets have been considered as part of the EIA, the findings being set out in chapter 12 of the ES. This states that the archaeological interest in this part of Macclesfield is almost wholly focused on industrial remains and consists of the sites of two 19th century mills and a brewery in the car park to the south of Roe Street and two further 19th century mill sites on the land between Samuel Street and Park Lane. Although no above-ground traces of these features survive, it is likely that below-ground remains do exist and recent work on other industrial monuments in Cheshire East has

demonstrated that they preserve significant information on history and development of this type of Heritage Asset.

- 9.86 The Cheshire Archaeological Planning Advisory Service advise that the archaeological potential of this part of the site is not sufficient to sustain an archaeological objection to the development, or to necessitate further pre-determination work and raises no objections to the proposal. The archaeological issues should, however, be addressed by a programme of archaeological mitigation, to consist of carefully targeted investigations during works affecting the areas of interest.
- 9.87 In order for this approach to be successful it will be important for the precise scope of works and their location to be clearly defined prior to the start of re-development work and for the archaeological programme to be carefully integrated into the wider development programme. A report on the work will also need to be produced. This mitigation can be secured by condition in line with the guidance set out in Paragraph 14, Section 12 of the NPPF.

CONCLUSIONS ON ASSESSMENT OF IMPACTS ON HERITAGE ASSETS

- 9.88 The proposed development would impact on a number of designated and non-designated heritage assets. Some harm would be caused to the significance of certain of those assets, primarily resulting from negative impacts to the settings of Christ Church and Park Green Conservation Areas and the settings of heritage buildings within these areas and through the demolition of 27, 29 and 31 Roe Street and partial demolition of 23 and 25. In this respect, the proposal is in conflict with policies BE2, BE3, BE4, BE8, BE16 and MTC8 of the Macclesfield Local Plan.
- 9.89 However, other aspects of the proposal such as:
- the creation of Mulberry Square,
 - public realm works on Roe Street,
 - the construction of the pavilion cafe,
 - the redevelopment of housing on Water Street,
- would enhance the setting of the Christ Church Conservation Area.
- 9.90 Taking into account both the negative and positive impacts on the conservation areas and the listed buildings within them, it is considered that although there would be some harm to the significance of heritage, such harm should be considered less than substantial.
- 9.91 Applying Para 134 of the NPPF that harm, together with any other negative impacts of the proposal and any inconsistencies with

specific planning policies, must be weighed against any public benefits arising from the proposal.

- 9.92 In this case the public benefits are many and significant and it is the view of officers that whilst great weight must be given to the conservation of heritage assets, in this particular case the social, economic and environmental benefits of the scheme are such as to outweigh the harm caused to the significance of heritage assets.

10. **DESIGN**

KEY POLICIES RELATING TO DESIGN

10.1 At the ***local level*** the following relevant policies in the Macclesfield Borough Local Plan are summarised.

- BE1 of the Macclesfield Borough Local Plan (MBLP) relates to all new development in Macclesfield and states that new development should reflect local character, respect the form, layout, siting, scale and design of surrounding buildings and their settings, contribute to a rich environment and vitality, be human in scale and not normally exceed 3 storeys in height and use appropriate materials.
- DC1 similarly requires scale, density, mass, height and materials to be sympathetic to surroundings.
- MTC2 relates specifically to new development on allocated sites by Exchange Street including the areas occupied by the former TJ Hughes building, Textiles Direct, Tesco and the Exchange Street car park. This policy requires that development in this area respects the scale of existing development and the setting of the Heritage Centre, achieves a high standard of urban design, reflecting the character and scale of the town centre and paying particular attention to the enhancement of the Churchill Way frontage, provides pedestrian links to Castle Street, Duke Street and Mill Street, creates a town square or similar outdoor space as shown on the proposals map and ensures additional parking at Duke Street.
- MTC8 and MTC9 relate to the site of the proposed multi storey car park and the Duke Street car park. With respect to design these policies again require development to respect the scale of adjoining development and to at least provide for the replacement of displaced parking.
- T3 seeks to improve conditions for pedestrians creating routes between town centres, car parks and transport interchanges.
- T4 seeks to ensure adequate provision for people with restricted mobility
- T5 and IMP2 require developments to make provision for cyclists including appropriate cycle parking, and cycle routes including contributions to improve cycling and pedestrian links off site where justified.
- T9 supports appropriate traffic management and calming measures
- DC6 seeks to ensure safety for both users of vehicles and pedestrians, access to bus routes, provision for access by special needs groups, provision for emergency vehicles and servicing
- DC5 requires new development to incorporate measures to improve natural surveillance

- DC8 seeks to ensure appropriate landscaping of developments
- DC48 requires that new shops fronts should incorporate internal security measures where appropriate

10.2 At the ***national level***, key requirements of the NPPF include:

- Para 58 says that development should create safe, attractive and comfortable places with a strong sense of place, good architecture, appropriate landscaping. It advises that the potential of sites to accommodate development should be optimised whilst responding to local character and reflect local identity but not preventing appropriate innovation.
- Para 60 makes it clear that local authorities should not attempt to impose architectural styles or taste and should not stifle originality through unsubstantiated requirements but should, however, seek to promote local distinctiveness.
- Para 63 states that great weight should be given to innovative designs which help raise the standards of design more generally in an area.
- Para 66 states that where applicants can demonstrate they have developed designs to take account of the views of the local community this should be looked on more favourably.
- Para 35 sets out that developments should, where practical, give priority to pedestrians and cyclists, should give access to high quality public transport, incorporate facilities for plug-in and other low emission vehicles
- Para 58 requires that decisions aim to ensure developments create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or social cohesion.

MAIN ISSUES

10.3 The main issues, when assessing the design of the proposal are considered to relate to be:

- Scale and mass of buildings
- Layout and connectivity
- Quality of the public realm, landscaping and access for all
- Character of development
- Security and designing out crime
- Access for all
- Public art

APPROPRIATENESS OF SCALE AND MASS OF BUILDINGS

10.4 The mass and scale of some of the buildings has been raised as a concern in many representations from the public and the Civic Society. In addition, English Heritage has suggested the scale of the

development could contrast with the finer grain of traditional development in the heart of the town centre.

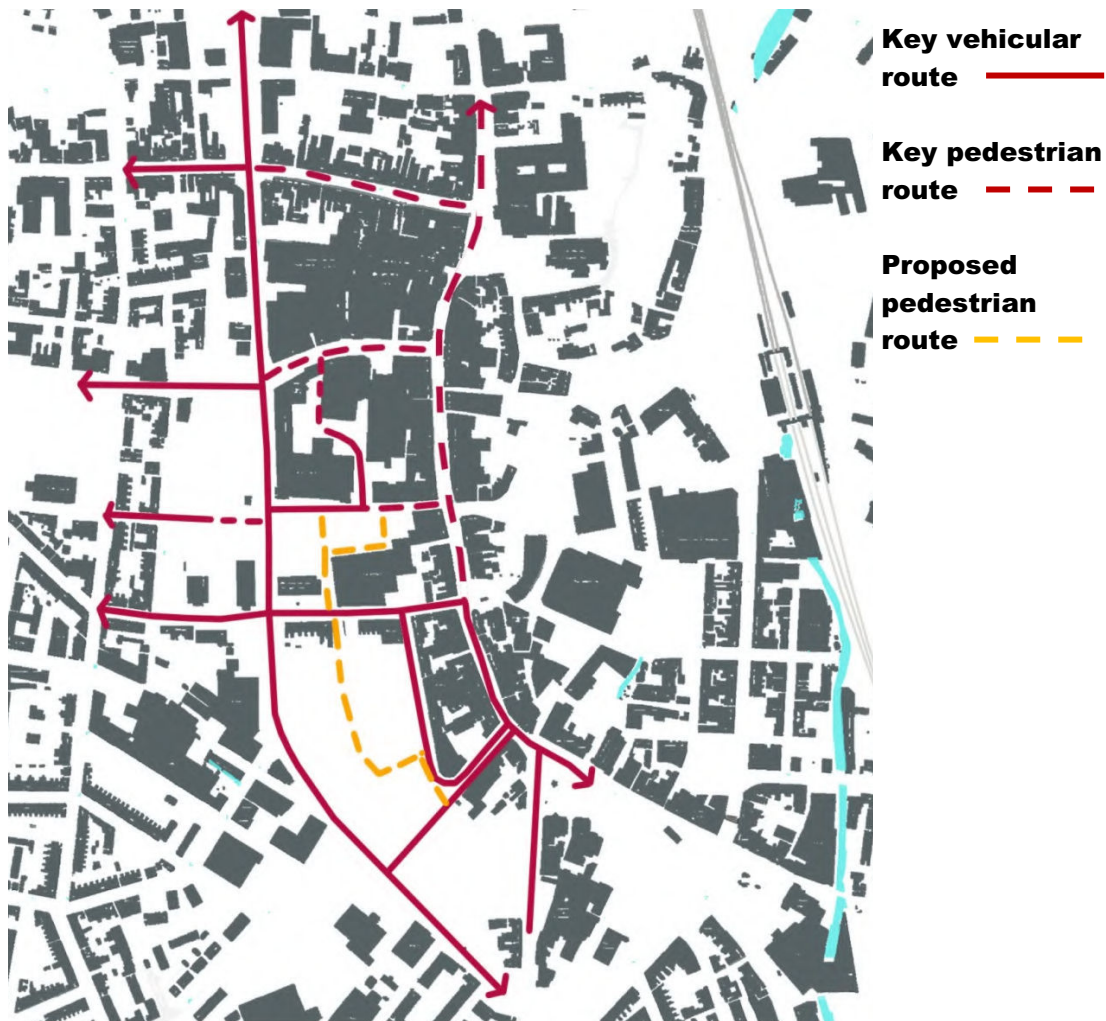
- 10.5 As set out previously, a number of local plan policies state that development should respect the form, mass and scale of surrounding buildings, should be human in scale and not normally exceed 3 storeys. This is reiterated in the development brief for this site.
- 10.6 In this case, it is clear that the scale and mass of some of the proposed buildings - particularly the department store, multi-storey car park and cinema - would be greater than those of many of the immediately surrounding buildings.
- 10.7 The largest buildings within the scheme are the multi-storey car park, Debenhams and the cinema. Whilst the heights of these (in the order of up to 19.8m, 21.5m and 16.8m respectively) are comparable to larger buildings around the town centre (Marks and Spencer reaches approximately 19.7m, the Travelodge building up to approximately 20.9m, the Ropeworks 19.4m and Albion Mill 19.3m), given their larger footprints, the overall mass of the proposed blocks would be larger than these existing buildings. In addition, as pointed out by the Civic Society, the impact of the mass of Debenhams in particular could be exacerbated by the building not 'stepping down' the hill.
- 10.8 There is a certain inevitability to the scale of the buildings proposed, given the nature and purpose of the scheme. Arguably the *raison d'être* of the development is to provide buildings of a type and scale which do not replicate those which the town already has, in order to attract the national retailers and uses which the town's current offer cannot attract. If these uses are to be accommodated, to a degree it must therefore be accepted that the overall mass and scale of the buildings and the grain of the development will be larger than the general scale, grain and mass of the traditional buildings in the heart of Macclesfield Town Centre.
- 10.9 The scale of Debenhams in particular is notably larger than others in the town because of the design incorporating servicing at ground level. This having been said, much has been done to try and ensure that the mass of this building and indeed others is limited to what is functionally required, and no more. Officers have compared the height for example of Debenhams with other recent town centre developments at Wrexham and Halifax. Both of these incorporated buildings in the region of 30m high as opposed to the maximum 21.5m proposed here. Whilst each case must be considered on its merits, this may help give Members an understanding of the argument that the scale and massing is certainly not unusual for a development of this nature and to a degree something which must be accepted if a development of this nature is to be secured.

- 10.10 In addition, architectural techniques have been employed to try and minimise the perceived mass and scale of the larger buildings. The cinema block for example has been reduced in mass following discussions with officers to what the applicants feel is the minimum they can achieve without compromising functionality. As revised, the height of the Churchill Way elevation would range from 16.8m at the south end, opposite Mulberry Square, to around 13m at the northern end, by Great King Street. After negotiations with officers, the central section of the building has been lowered to around 13.3m towards the rear west side and 10m on the Churchill Way elevation, visually breaking up the mass of the block into 3 smaller elements. In this way, the mass as perceived from Exchange Street to the east has been reduced to something comparable to other nearby buildings. Indeed the cinema building would be lower than the adjacent Heritage Centre.
- 10.11 The design of the car park also seeks to reduce the perceived scale of its mass from the more sensitive surrounding locations. On Park Lane, opposite the Silk Museum, the height of the building frontage onto the street, aside from the stairwell at 19.6m high, would be largely limited to 3 storeys, with a stepped elevation, ranging from 12m to 8m in height, visually breaking up the mass and scale of the elevation. The upper levels would be set back from the Park Lane frontage by a minimum of 5m, meaning that they would be largely screened from view by the lower levels of the building from many vantage points on Park Lane.
- 10.12 On Wardle Street, where the building would face a residential terrace, the whole building would be set back from the public highway with a landscaped verge and residents parking area by approximately 8.5m. The foremost element of the building would then rise to around 7m opposite the housing on Wardle Street, (comparable in height to that housing) with a further rise to 14.2m set back approximately 5.8m from the front building line and a final rise to around 18m set back a further 5.8m. As the building would be separated from the housing on Wardle Street by approximately 15m, unlike on Park Lane (where the separation would be a lesser 12m) levels 4 and 5 of the car park would be clearly visible from the pavement on Wardle Street, although level 6 would not. This juxtaposition of large scaled and smaller scaled buildings in close proximity is not however unprecedented in this locality as Paradise Mill on Park Lane, reaches heights similar to the 5th storey on the proposed building.
- 10.13 A similar technique has been employed on the Churchill Way elevation of the proposed department store where part of the top storey is stepped back from the frontage to reduce the general height of the elevation presenting to the highway to between 17m and 19m. The design of this elevation has also been amended to visually break up the mass of this elevation into smaller blocks through changes to materials along the length of the building.

- 10.14 In certain locations, the architects have not been able to set back the upper levels of the buildings: for example, the elevations of both the department store and the multi-storey presenting to Samuel Street. Whilst the largest buildings are sited to correspond with the lowest ground levels to limit impact on long views, from certain vantage points it will be inevitable that the mass and scale of the larger buildings will, even with the techniques employed to visually break up the apparent mass, still appear larger than those currently surrounding them. In this respect, the proposal deviates from the aforementioned policies.
- 10.15 To a point, this must be accepted if the type of accommodation proposed is to be delivered. A multiplex cinema could not be accommodated in a building of the scale of those on Water Street. A 6 storey multi storey cannot be designed to replicate the scale of terraced housing on Wardle Street. A modern department store needs to be of the scale demanded by the retailers for its intended purpose.
- 10.16 The scale of the buildings at the north end of Silk Street and on the east side of Mulberry Square, are readily comparable to existing buildings in the town centre.
- 10.17 The height of the units on Mulberry Square, between Exchange Street and the existing TJ Hughes building, would be in the order of 10.5m - 11.5m in height (varying around the units, given changes in levels and parapets). This is a similar height to the existing Tesco building on the north side of Exchange Street. The footprint of this building would be less than that of both the adjacent Tesco and TJ Hughes buildings and hence the scale and mass of this particular building would clearly be in keeping with existing, although it is noted that the Civic Society feel these buildings would also be overly dominant.
- 10.18 On Silk Street itself, the height of units would range from only 4.8m in the case of the single storey cafe unit on the east side of Silk Street at the junction with Roe Street, to around 11m for the two storey retail units with the end unit on the corner of Duke Street reaching around 13.85m, where a second floor is proposed to accommodate a community or office facility. The scale and mass of these buildings are clearly comparable to many already in the town centre.
- 10.19 Overall, the scale and mass of buildings is therefore considered acceptable for a development of this nature in this town centre context.

LAYOUT AND CONNECTIVITY

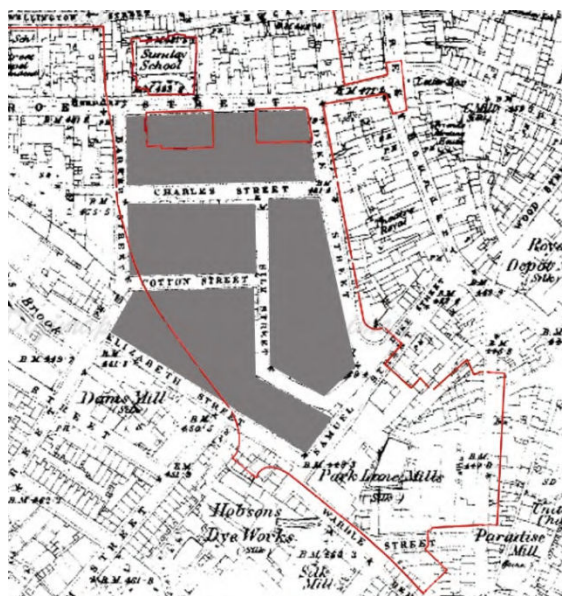
- 10.20 Layout is key to ensuring the development is sufficiently permeable and connects effectively with existing surrounding areas. Local Plan policies T3, T4, T5, MTC2, IMP2, DC6 and T9 in summary seek to improve conditions for pedestrians providing good links between town centres, car parks and transport interchanges, adequate provision for people with restricted mobility, provision for cyclists including cycle parking, and cycle routes, appropriate traffic management and calming measures and provision for emergency vehicles.
- 10.21 Layout is also a key factor in defining a developments character and ensuring it respects the character of surrounding development as required by Local Plan policy BE1.
- 10.22 In terms of the connectivity of new routes, the plan below shows the main pedestrian and vehicular routes around the site at present and the proposed new connecting routes.



- 10.23 Good permeability is generally considered to be best provided by having small urban blocks and a choice of routes. Good connectivity is achieved through ensuring new routes flow clearly from existing areas and catering for all means of transportation, whilst avoiding conflicts between different users, (for example between vehicles and pedestrians).
- 10.24 At the present time, barriers to connectivity in this area include Churchill Way, where the dominance of traffic acts as a barrier to east west pedestrian movement and the lack of safe routes across the Duke Street car park area. The development seeks to improve existing connectivity by addressing these issues.
- 10.25 Firstly, the scheme would introduce new routes running generally north south from Exchange Street across Roe Street, down to Samuel Street and Duke Street. These would all be pedestrian only routes.
- 10.26 From Exchange Street at the north end of the site, pedestrians would have the choice of routes either across the square adjacent to Textiles Direct and along the north side of the TJ Hughes building or south from Exchange Street through the new town square. Both of these routes, follow the line of historic streets, that ran directly south from Exchange Street, following the line of the former Preston Street and that to the north of TJ Hughes following the line of the former Newgate. Both of these streets appear on the 1870 OS plans and disappear only in the 1970s. In this way the development would reference the former historic street layout.
- 10.27 These routes would meet at the northeast corner of the Heritage Centre building with the access at the side of the Heritage Centre upgraded by the removal of the service ramp at the side of the TJ Hughes building and its replacement with steps and new surfacing in high quality materials. Across Roe Street, the north end of the new Silk Street would break through the existing terrace and extend south then east echoing the line of the former Silk Street lost when the housing in this area was cleared in the 1960s or 70s.
- 10.28 With the proposed replacement of the ramp at the side of TJ Hughes with steps, whilst Silk Street would be slightly offset from the route alongside the Heritage Centre, there would be clear visual permeability through from one to the other, allowing pedestrians sight of Mulberry Square from Silk Street and vice versa. At the southern end of Silk Street, pedestrians would then have a further choice of linked routes, into the car park across a footbridge over Samuel Street, down new steps to Samuel Street, or onto Duke Street. In this way, the proposal enhances north-south connectivity in a way which is both logical in terms of providing a clear retail circuit and echoes the historic road layout previously lost from this area.

- 10.29 Also importantly, as the new south-north link along Silk Street would be more or less level, the scheme offers significant benefits for people with restricted mobility. Anyone who currently struggles with the gradients, narrow pavements and small block paving of Mill Street would have the choice of an alternative north south route from the multi storey car park on Samuel Street to Exchange Street, utilising the lift in the multi-storey to gain access to the level of Silk Street, crossing on an enclosed, glazed, pedestrian footbridge and then having an almost level surfaced shopping street to Exchange Street. The scheme would also provide for seating at intervals of no less than 50 metres along the new street offering resting places if required.
- 10.30 The pavement on Churchill Way would also be widened allowing pedestrians greater separation from the traffic on Churchill Way, although the drawings indicate steps rather than a slope in the widened footpath area. In the interests of making this route as attractive for pedestrians as possible, it is considered appropriate to require a detailed landscape design for this route.
- 10.31 In terms of east-west connectivity, the proposal seeks to improve the pedestrian experience for people approaching from the west across Churchill Way by changing the surfacing materials, levels etc to give greater priority for pedestrians than at present, through a shared surface scheme.
- 10.32 Wellington Street which runs east west between Churchill Way and Water Street would also be enhanced with new surfacing, lighting and tree planting. This is considered likely to significantly enhance east west connectivity by reducing the barrier effect of Churchill Way and providing a more obvious link into the Christ Church housing area.
- 10.33 English Heritage has suggested that further east-west links across the Duke Street car park area would be desirable, providing greater connectivity, smaller urban blocks, and better reflecting the historic street pattern as shown in the following plans.

Historic urban blocks south of Roe St 1870



Proposed urban blocks south of Roe St



- 10.34 Officers advise that small urban blocks are generally more desirable in the interests of creating permeable, pedestrian friendly environments, and it is understood why English Heritage might encourage the reinstatement of this scale of block. The proposed length of the block to the west of Silk Street would be almost 200m long and urban blocks of 80-100m spacing are generally accepted as appropriate for allowing adequate convenience for pedestrians⁶.
- 10.35 This issue was discussed with the developers, but after consideration they declined to include an east-west walkway through from Silk Street to Churchill Way. They did this on the basis that this will reduce the amount of available retail floor space and produce no significant benefits to connectivity, given that Churchill Way has limited pedestrian footfall and no key connecting routes on its west side.
- 10.36 Studying historic plans, it appears that the former routes west from the old Silk Street (towards what is today Churchill Way) formerly linked to access points further west. As these have since been removed, if routes were included within the development from Silk Street to Churchill Way, it is accepted that they would add little in terms of connectivity to the west as long as the development across Churchill Way remains as it is today.
- 10.37 It is however the view of officers that such a connection between Silk Street and Churchill Way might have been beneficial in the interests of improving connectivity and breaking up the mass of the Churchill Way elevation, creating a block size more commensurate with those of the town centre. Having said this, it is noted that local plan policy

⁶ Source: Urban Design Compendium 2007

does not require links through to Churchill Way. In addition, the following rough block plan, showing the proposed urban blocks within the context of the existing, illustrates that the size of block and degree of permeability is not uncharacteristic of the area to the west of the town centre. Therefore, whilst greater east-west connectivity through to Churchill Way would have been preferable, it is not considered that the lack of these links is contrary to the development plan or uncharacteristic of the town.



- 10.38 In considering connectivity, it is obviously crucial to also consider the way the scheme connects to Mill Street and the existing primary retail area. Strong links between the development and Mill Street are vital if the town is to effectively function as an integrated whole. Many representations raise concerns that connections between the site and Mill St are not sufficiently strong.
- 10.39 There are three existing routes from the site to Mill Street:
- along Samuel Street in the south,
 - along Roe Street (linking to the southern entrance of the bus station), and
 - along Exchange Street at the north end of the development site.
- 10.40 Because the provision of Debenhams and the multi storey car park towards the south of the site will arguably provide a much stronger draw to the south of the town than exists at presents, officers primary concern was with the strengthening of connections further north, firstly along Exchange Street (as this is the link closest to the core of the primary shopping area), but also to Roe Street (given the links to the bus station).

- 10.41 Officers managed to successfully negotiate for improvements to the public realm along Exchange Street. The entire street would be resurfaced including the pedestrianised section linking the site with Mill Street. In addition, the development proposals also incorporate the remodelling of the square to the north of Textiles Direct and the developers have agreed to the provision of a children's play space here. The provision of such a facility, not currently provided elsewhere in the town centre, is likely to attract families with young children towards this square which lies only around 25m from the pedestrianised stretch of Mill Street. This draw, together with careful choice of new surfacing, new street furniture and new lighting on Exchange Street would provide a strong link between the new development and the existing retail core.
- 10.42 On Roe Street, the developers have agreed to provide new surfacing and lighting to the western section by the Heritage Centre, (by way of mitigating for the loss of the houses to be demolished). However, officers have not managed to negotiate public realm improvements along the eastern stretch of Roe Street to meet Mill Street and the bus station as the developer has argued this would affect the viability of the scheme. Improved surfacing, lighting and street furniture on the eastern end of Roe Street would have been desirable in the interests of strengthening links to Mill Street, particularly as the public realm is poor in this area. Given the close proximity of the site to Mill Street along Roe Street, most people would not be dissuaded by the condition of the public realm. Moreover, good clear, coordinated signage and information erected within the site which highlights facilities and assets of other areas of the town centre and their proximity should ensure visitors to the new scheme are made aware of the towns other assets and linked trips are encouraged along Roe Street.
- 10.43 Finally, in respect of connecting routes, requests have been made by the Christ Church Group that consideration is given to extending the new surfacing proposed on Wellington Street further west along Waterloo Street towards Christ Church, thus enhancing the linkage between the town centre and this key heritage building to compensate in some way for loss of views and impact on setting.
- 10.44 Waterloo Street is outside the boundary of the application site. Whilst 50K would be made available by the applicants for off site works, in addition to the 50K for properties on Roe Street, this amount is insufficient to realistically expect any repaving of Waterloo Street. It would be possible to use some of this money to replace street lighting on Waterloo Street but, in officers view, other areas within the town centre would be of higher priority for this funding source. In conclusion, therefore whilst this issue has been considered, insufficient funds are likely to be forthcoming from this development to fund such off site works and a decision should be made on the basis that such works are not included by way of compensation.

- 10.45 Overall, therefore the proposal is considered to provide an adequate layout and connectivity within the development as well as adequate links to adjacent parts of the town centre.

QUALITY OF THE PUBLIC REALM AND LANDSCAPING

- 10.46 Policy DC8 of the Local Plan states that where appropriate, applications should include a landscape scheme to ensure a satisfactory balance between open space and built form, to enhance the quality of layout setting and design, and to retain existing soft landscaping where appropriate.

- 10.47 In this case, indicative public realm and landscape plans have been submitted which identify:

- areas to be used by the public,
- areas to be resurfaced - with an indication of the general quality of materials given,
- areas where new lighting and seating etc would be provided.

- 10.48 All details of street furniture, materials etc beyond this are indicative at this stage and it has always been the intention of the developer to work up detailed landscaping and public realm plans if planning permission is forthcoming, such plans being secured via condition.

- 10.49 In general, the proposed works to the public realm within this site are warmly welcomed by officers and seen as a major benefit of the scheme. The desire for a new town square on Exchange Street is set out in the Local Plan and this scheme would deliver that aspiration alongside a number of other public realm enhancements.

- 10.50 The public realm works proposed, broadly comprise:

- laying out the new public square off Exchange Street/Churchill Way (referenced in the application as 'Mulberry Square'),
- remodelling of the existing small square to the south side of Exchange Street (referred to by the developers as Roe Square),
- resurfacing Churchill Way (from north of Roe Street to south of Castle Street),
- resurfacing Exchange Street (between Churchill Way and Mill Street),
- resurfacing Wellington Street
- laying out Silk Street and Shuttle Walk.

- 10.51 The public realm plans also indicate extensive new lighting, street furniture and soft landscaping for much of this area.

- 10.52 Objections have been received, including from the Silk Heritage Trust, regarding the loss of the car park on Exchange Street and its

replacement with a public square. However, as set out above, securing a town square in this location has been a stated objective of the Council for many years.

- 10.53 Some representations (such as those from the Civic Society and Silk Heritage Trust) have suggested a compromise whereby parking is allowed in the square at least in the evening if not at all times. This has posed officers with something of a dilemma as other representations have argued for more greenery and tree planting in the development, which together with objections regarding the loss of the green space at the southern end of the development site, led to revised plans being secured to indicate a partly grassed square with more soft planting.
- 10.54 In an effort to compensate the users of the Heritage Centre for the loss of parking immediately adjacent, the developer has agreed to lay out parking on Wellington Street and agreed that a number of these spaces could be set aside for the exclusive use of patrons of the Heritage Centre. This parking area would be sited directly across Churchill Way approximately 60metres from both the rear and front entrances of the Heritage Centre. Other options for patrons of the Heritage Centre would be to use the cinema car park, approximately 100 metres distant, the Grosvenor Centre car park approximately 230 metres distant, Christ Church approximately 330 metres away, or the new multi storey around 220 metres away. To give some meaning to these distances, the distance to the cinema car park would be around the same distance as that from the old Town Hall to the corner of Mill Street and Castle Street.
- 10.55 Whilst it is understood by officers that many people will prefer to park in the most convenient car park available, these distances are relatively short and manageable by most. The Heritage Centre does have the space and access to allow drop offs or disabled parking at the front of the building and with the provision of some exclusive parking only 60m away, and a choice of remaining town centre car parks for patrons, it is officers recommendation that the town square be kept as a car free open space to compensate for the loss of the landscaped area on Heritage Walk, and to ensure an attractive setting for the Heritage Centre building.
- 10.56 If Members should have a different view, and give more weight to the provision of central parking than to the replacement of a traffic free open space, it would be possible to design in parking for a very limited number of cars to park when the detailed landscaping and public realm scheme is agreed via condition, although clearly this could have management and maintenance implications as well as impacts on the setting of the Heritage Centre.
- 10.57 With regard to other issues relating to Mulberry Square, some representations criticise the location adjacent to Churchill Way given

the degree of traffic on this highway. Officers note that there are pros and cons of having a square in this location. On the one hand concerns that the traffic noise may detract from the enjoyment of the space are understood. On the other, many public squares throughout the world are surrounded by highways and the location would serve to significantly enhance the appearance and perceptions of the town centre as viewed from this important through route. English Heritage has responded positively to the revisions to the square and subject to careful control of detailed landscaping, it is considered that the visual quality of this public space will be greatly enhanced improving significantly not only the setting of the adjacent Grade II* Heritage Centre, but also providing an attractive gateway into the town centre for people approaching from the west for example those alighting from buses on Churchill Way or those parking in Whalley Hayes, Christ Church or the new cinema car parks.

- 10.58 The provision of retail units and a cafe fronting onto Mulberry Square and Roe Square would help ensure they are lively active places and with careful detailed design, the spaces can provide flexibility of use. Officers would have liked to have negotiated a focal point in the main square - for example in the form of a water feature to act as an attractor - but unfortunately the developer cannot commit specifically to such a feature being in the detailed design due to cost constraints. The developers have however agreed to the provision of play space for children in Roe Square and this is considered a vital element of the scheme by officers. Overall, officers are of the view that, subject to the submission of satisfactory detailed designs covering exact levels, materials, designs of seating, bins, play space etc, the public realm works will represent a significant enhancement of the current public realm in this area.

- 10.59 Concerns have been raised that Silk Street would be overly narrow (and hence buildings would feel oppressive) and suggestions have been made that it could be covered. In fact Silk Street would be between 8-10m wide which is directly comparable to Chestergate. The buildings on either side of Silk Street would be in the order of 10m in height, which is also comparable with many buildings on Chestergate. The ratio of building height to width of these two streets is therefore directly comparable.

- 10.60 Consideration has been given to covering Silk Street. The architect has tried to design a 'High Street' rather than a mall. In addition there is no policy requirement for a covering or canopies and therefore no justification to require this.

- 10.61 Overall, the public realm works proposed as part of this development represent a significant benefit and would result in public realm of a quality which surpasses that which currently exists on site.

CHARACTER OF DEVELOPMENT

- 10.62 The NPPF advises that development should create attractive and comfortable places with a strong sense of place and good architecture which responds to local character, reflects local identity and promoted local distinctiveness. In seeking to ensure this, it also advises LPA's to avoid preventing appropriate innovation or attempting to impose architectural styles or taste.
- 10.63 Local policies BE1, DC1, MTC2 state that new development should "reflect local character", "respect" the form and design of surrounding buildings and be "sympathetic to surroundings". Local Plan policy MTC2 states that the development on the Duke Street car park area should pay particular attention to the enhancement of the Churchill Way frontage.
- 10.64 Peoples' response to the character of any development is clearly, in part, based on their subjective view on the architectural style of buildings. Some of the representations received indicate that some people would prefer to see a more traditional style of architecture which for example seeks to replicate the appearance of the shops, houses and mill buildings of the 18th and 19th centuries. This route has not been taken by the applicant's architects who have been clear that the functional requirements of the operators of many of the buildings are at odds with what might be termed traditional architectural elements. The whole point of the sites allocation for leisure and retail development, as set out in the Local Plan and the development brief, was to create larger units suitable to attract the national multiple retailers currently under represented in the towns retail offer and to attract a cinema and department store. Such operators have functional requirements and preferences in terms of the layout and design of the buildings they occupy.
- 10.65 The large display windows and flexible two storey layouts modern brand retailers prefer, inevitably contrast with the traditional, small footprint, narrow frontage of traditional high street shop units. A cinema, designed to look like a mill, covered in windows would clearly be entirely at odds with the functional requirements of the operators(to have no windows or light) and similarly the large footprints necessary for the development makes pitched roofs difficult to incorporate without adding considerable bulk and massing to the buildings.
- 10.66 Instead of seeking to replicate elements of traditional buildings in a false manner within the designs, the architects have therefore sought to interpret and reflect elements characteristic of the areas traditional building in a contemporary way.
- 10.67 Firstly, buildings have been sited directly abutting the back of pavement as is typical of the traditional layouts in this area. This is

entirely appropriate to a town centre location where pedestrians should be given easy access to buildings sited adjacent to public footpaths and where it is desirable to concentrate public pedestrian activity in the interests of creating a vibrant and vital destination. In many cases the proposed perimeter of the buildings would echo those of former developments which existed prior to the housing clearance programmes of the 60s and 70s.

- 10.68 Secondly, materials have largely been chosen to reflect in colour the core materials of the 18th and 19th century development within the town,(i.e. red brown brick and grey slate). All buildings incorporate as a base element at least one if not more than one type of red brick. Conditions controlling the exact choice of brick could ensure a variety which responded to the traditional bricks found throughout the town centre. The palette then incorporates a range of materials in several shades of grey to complement the brick, with added feature materials to give the development a distinctive twist, in particular copper and living green screens.

- 10.69 Thirdly, the exterior detailing of many of the buildings has been designed to reflect, in some contemporary way, the heritage of the area.

- 10.70 In the cinema block, copper is used in significant quantity to particularly striking effect on the southern part of the building, in recognition of the importance of the sites location overlooking the proposed new town square. This material has been chosen not just to add distinctiveness, but also to reference the early copper industry in the town and the fact that the Macclesfield Copper Company was, in its day, one of the greatest brass companies of the late 18th century. The proximity of the buildings incorporating copper to Roe Street, gives particular resonance to the use of the material, given the importance of Charles Roe to Macclesfield's copper industry.

- 10.71 At the northern end of the cinema block, an alternative but equally bold feature has been included in the exterior design. Here Rock Panel, a flexible board, would be used in undulating lines along the exterior representing threads of silk, in reference to the importance of the Silk industry in Macclesfield's history. These would wave along the building giving it depth and a distinctive, unusual appearance. A bold approach to design is clearly something for which there is a tradition in cinema construction, in keeping with their use as places of entertainment. This would continue this tradition, but in a unique and contemporary manner. With a lighting scheme which seeks to highlight these bold design features, this building would arguably be even more distinctive after the hours of darkness and provide a landmark feature for the town when illuminated.

- 10.72 For the buildings along Silk Street, designs have been amended following negotiations with officers, to give them a greater vertical

emphasis, more variety in eaves/parapet height, greater variety of materials, more depth and detailing and to create a more organic feel, all in an effort to reflect the character of the traditional retail heart of the town. More greenery has also been introduced into the elevations, in response to public feedback on the original scheme in the form of living screens. These will enable feature planting which could add considerable variety and interest to the street scene, offering the opportunity to create something really distinctive and original to the town centre.

- 10.73 The multi-storey car park incorporates not only 'window' openings designed to reflect the proportions of those on mill buildings, but also contrasting render and a variety of parapet heights to visually break up the mass of the structure. Living green screens have been incorporated onto the upper levels where brick may have been oppressive, to soften the appearance of the car park, visually break up the mass and contributing towards climate change adaptation. On the Samuel Street elevation of the multi-storey, an alternative approach has been taken incorporating bold, statement metal fins designed to represent silk ribbons and to create an eye catching statement when viewed in mass along the length of the street. This is not an approach which has been taken previously in Macclesfield, but a response to concerns that the development should be distinctive and not a clone of others. It is however considered appropriate to require further detailed designs of this element by condition, in an effort to ensure the reference to silk is made a little more apparent.
- 10.74 English Heritage and others have criticised the layout for presenting rear elevations, without public interface to both Duke Street and Churchill Way.
- 10.75 The greater the level of public openings into buildings, the greater the opportunity for public activity to enrich the urban space. Therefore, it is agreed by officers that to have public openings onto public highways is preferable, in accord with guidance (Planning for Town Centres ODPM 2005), and in accordance with the development brief for this site. The possibility of including more of a public interface to the 'rear' elevation presenting to Churchill Way has been discussed with the applicants, but the insertion of public openings on this elevation has been resisted as impractical for retailers and operators who need a rear service or back of house area for effective operation and are resistant to dual aspect units.
- 10.76 One possible alternative where back of house and service areas are required, is to design deeper blocks with servicing in the interior. This is however, simply not practical on this site where the exterior bounds of the block are limited by existing highways which have no current retail function and to face the development outwards towards these would not create a pleasant and interesting pedestrian environment for shoppers or visitors thereby defeating the entire point of the

scheme. Therefore whilst it is not considered ideal that the scheme presents rear elevations to Churchill Way and Duke Street, it is recognised that modern retail units do typically incorporate a rear service area, and that this cannot be accommodated internally within this block whilst simultaneously providing the retail environment necessary to attract the national retailers desired. It is also acknowledged that considerable efforts have been made, particularly on Churchill Way, to make the rear elevations visually interesting despite the lack of public interface.

- 10.77 Overall, considerable efforts have been made to add depth, variety and visual interest to the designs which should, subject to careful control over detailing, make this a development which considerably 'lifts' the south west side of the town centre, presents an acceptable degree of interest to public facades and creates a distinctive and original destination.

SECURITY AND DESIGNING OUT CRIME

- 10.78 The design of the built form has an important role to play in preventing crime.
- 10.79 Both national and local policy seeks to ensure safety and environments where crime or fear of crime, do not undermine social cohesion and quality of life. Specifically MBLP policies DC5 and DC48 require new development to incorporate measures to improve natural surveillance and to incorporate internal security measures where appropriate. In addition, Macclesfield Borough Council produced an SPD in 2006 relating to Designing out Crime which also offers local guidance on this matter. Key issues relate to building in natural surveillance, clearly defining public and private spaces, mixing uses and activities to maximise the number of people in any given area at different times, encouraging appropriate night time uses, avoiding blind corners, providing adequate lighting, avoiding potential hiding places, providing secure parking, ensuring good maintenance of open spaces to give a 'cared for appearance', good signage of car parks, avoiding external steel shutters and providing CCTV.
- 10.80 The Design and Access Statement supporting this proposal outlines that new areas of public space will be designed to be safe through the provision of CCTV across the development area, the provision of lighting levels in accordance with 'Designing out Crime' Guidance, strong building frontages to concentrate pedestrian activity, clear views, passive surveillance through overlooking and mixed activity in the evening and restricted and monitored access to the rear service areas.
- 10.81 The Cheshire Constabulary have considered the proposal. They have raised no objections to the design or layout but have made specific recommendations for example relating to lighting design, landscape

design and management and operation of CCTV etc. It can be ensured that the lighting levels suggested by the crime reduction officer are achieved via a condition requiring approval of lighting. Similarly, a condition requiring a detailed landscaping scheme and Landscape Management Plan can be used to ensure consideration is given to the need to ensure landscaping does not prevent natural surveillance or CCTV coverage. A condition requiring details of the proposed CCTV can ensure it is properly designed and managed. Other issues raised relate to detailed design matters, or advice concerning management. These can either be covered by condition or passed to the developer as an informative as appropriate.

- 10.82 In general terms, officers feel that the built form of the development, by developing to the perimeter of blocks together with a general increase in activity in the area, would provide more concentrated pedestrian activity than at present, to the benefit of natural surveillance and security. Water Street would be well overlooked by the existing and proposed residential units in the evening. Great King Street would have greater concentration of activity, improving surveillance from users of the car park given the existence of the cinema although there would be no windows in the new development overlooking this area. Windows have been included in the south elevation of the cinema and the south gable end of the dwellings on Water Street to enable surveillance of Waterloo Street. Mulberry Square would be overlooked in the evening by the proposed restaurants to the west of Churchill Way although planting along the Churchill Way frontage will need to be carefully designed to ensure views of this space from the west are not obscured.
- 10.83 In other areas such as along Silk Street, further south on Churchill Way and to the north of the TJ Hughes building, there would be less opportunity for natural surveillance, particularly after retail outlets close as these areas are away from the cinema and any residential properties and thus potentially without any evening/night time activity within the buildings.
- 10.84 A number of representations raise concerns regarding security in particular on Silk Street and although the provision of visible CCTV will ensure a degree of security, it is not considered ideal to rely on such measures. Officers have encouraged the developers to incorporate a residential element into the Silk Street blocks, but this has not been included as the developers believe apartments here would not be marketable. Whilst, from a number of perspectives, including security, this is considered disappointing, having regard to the comments from Cheshire Constabulary, it is considered that, subject to provision of adequate lighting and the effective management and visual presence of the CCTV proposed across the development site, this street and indeed any other area of the development is unlikely to present any significant security issues. It is possible that, if the multi-storey car park is open in the evening the

street may sustain a level of pedestrian activity which will increase the perception of safety. Conditions designed to prevent the installation of security shutters even internally, will help the LPA guard against Silk Street feeling intimidating at night.

- 10.85 Narrow enclosed routes and potential hiding places are generally avoided in the development. However, it will be necessary to ensure a scheme that provides for the security of the rear accesses of properties on Roe Street as these will be more enclosed than at present. A gated access with keys for residents is an appropriate solution, offering them the opportunity to prevent access to others if they feel it necessary or desirable.
- 10.86 Overall, whilst natural surveillance would be limited in a few areas of the development, subject to conditions/agreements ensuring not only the provision but also the future effective management of the CCTV systems, of an appropriate lighting scheme and landscaping which complements the development without restricting surveillance, it is considered that the scheme would deliver adequate levels of safety.

ACCESS FOR ALL

- 10.87 MBLP policy T3 states that the Council will seek to improve conditions for pedestrians and T4 seeks to ensure that provision is made for people with restricted mobility. The NPPF requires that consideration is given to the needs of people with disabilities and that designs are inclusive (ie they can be accessed and used by everyone).
- 10.88 Access into buildings is generally covered by building regulations. Access across new areas of public realm however would be likely to fall outside these regulations and hence need to be considered as part of the planning process.
- 10.89 It is of course the intention to ensure that all areas of public realm are designed in such a way as to be accessible and useable by all.
- 10.90 The plans for changes for the public realm within this application give general levels and an indication of the quality of materials to be provided. From the level of information provided it appears that the scheme should improve accessibility in the public realm in various ways, for example:
- providing a relatively level route from Samuel Street to Exchange Street,
 - allowing the potential for level access into the rear of the Heritage Centre,
 - creating new pedestrian friendly car free routes.

- 10.91 The application plans do not include detailed plans showing gradients of all areas, positions of seating and street furniture or exact surfacing materials. If planning permission is granted, it would, as has already been stated, be necessary for the applicant's designers to work up detailed designs for the public realm and for these to be submitted for further approval by officers. The details will be important in seeking to ensure the public realm is truly inclusive. To ensure the detailed design of the public realm takes into account all potential impacts on different user groups and is designed to ensure an inclusive public realm, it is considered appropriate to require an equality impact assessment to be undertaken as part of the design process.
- 10.92 The Macclesfield Disability Bureau (MDB) has offered some initial views which can be passed to the designers for consideration as part of this detailed design process. With regard to the public realm this group have simply requested that benches provided in the public realm, be in line with the requirements of the Equality Act 2010. This is certainly something which officers would seek to ensure as part of the discharge of the relevant condition. The group has also asked that the slope within the cinema car park be no steeper than 12 degrees and that the disabled spaces within the MSCP are positioned to ensure emergency exit for users in the event of the lifts being closed. These are issues which would be covered by the Building Regulations.
- 10.93 A request has also been made for disabled toilets for public use within the development, preferably toilets made to 'changing places' standards, a standard of provision which exceeds those required by building regulations.
- 10.94 There are no new 'public toilets' proposed as part of the development.
- 10.95 Customer toilets, constructed to current building regulation standards would be provided within both the proposed department store and cinema. These would of course be constructed to meet current building regulations but would not be likely to be built to changing place standards since this level of facility exceeds what is required under Part M of the Building Regulations. The Equalities Act requires due regard to be given to the need to 'advance' equality of opportunity. It is therefore appropriate that members should have regard to the fact that in not providing public toilets to changing places standards, one impact may be that people who would need these facilities may be less able to enjoy the development than others.
- 10.96 Overall it is considered the proposal would improve pedestrian connectivity and make appropriate provision for access for all.

PUBLIC ART PROVISION

- 10.97 There are no specific policies in the NPPF or the Macclesfield Borough Local Plan relating to the provision of public art.
- 10.98 Supplementary Planning Guidance on S106 agreements was adopted by the former Macclesfield Borough Council in May 2004 and although not part of the development plan is still a material consideration. This document sets out that for substantial commercial developments of more than 2500 sqm, art should be incorporated into the fabric of the infrastructure and landscaping (for example through lighting, furniture, paving, and signage design) as well as through the provision of specific pieces of public art. The Macclesfield Public Realm Strategy also suggests suitable locations for public art including within Mulberry Square.
- 10.99 In this case, the developer has been aware of this guidance from an early stage and has responded by incorporating space for specific pieces of public art in the form of wall panels incorporated into several elevations such as along Churchill Way, between Roe Square and Mulberry Square and on the Duke Street elevation of Debenhams.
- 10.100 Provisional ideas have been identified revolving around graphics being created by a collaboration of local community interests and an artist which could have a local reference such as silk heritage, and those designs then being incorporated into glass panels, potentially with back lighting to allow the artworks to be visible at night. The developer has also confirmed that an artist would be involved in the design of at least some of the street furniture and or signage in compliance with the guidance.
- 10.101 Officers have discussed with the developer the possibility of incorporating a stand alone public art feature within Mulberry Square to act as a focal point as well as other potential focal points such as a water feature, however the developers do not feel that their budget will cover any further public art or focal feature beyond that indicated for the public art heritage panels which are a feature of many buildings within the development. In the absence of any specific development plan policy specifying the provision of public art, officers feel it most appropriate to seek to control the quality of finish of the art which has been secured via condition rather than to seek to insist on a greater quantity of provision with potential overall negative impacts on quality of finish.
- 10.102 Overall public art provision is considered acceptable.

CONCLUSIONS ON DESIGN

- 10.103 Council officers have sought a number of revisions to the design of the scheme, all aimed at minimising any negative impacts and creating a distinctive development which respects Macclesfield's character whilst delivering accommodation suited to the types of uses the scheme seeks to attract.
- 10.104 In most ways the developers have responded positively to these suggestions, but in some they have informed officers that they are unable to take on board suggestions due to issues of practicability, marketability or viability.
- 10.105 The scheme delivers a range of uses which the Council has been seeking to secure in the town centre for many years. The benefits of this in terms of:
- providing the residents of Macclesfield with improved leisure and retail opportunities,
 - clawing back trade currently leaking to other centres
 - increasing footfall in the town centre to the potential benefit of existing as well as proposed businesses,
 - the creation of a very substantial number of jobs,
 - the improvement of areas of the town which are currently down at heel and underutilised,
 - addressing the anticipated threat of increased pressure for out of town retail and leisure uses if this scheme is refused,
- all need to be measured against any outstanding reservations regarding design.
- 10.106 The developers have listened to the views of the local community on their original designs and responded positively with revisions. The Framework is clear that where designs have been evolved to take account of the views of the community they should be looked upon more favourably.
- 10.107 In response to views raised by the local community, the architects have worked hard to ensure the design references the area's history, that it would be distinctive and that the scale and massing of the buildings is no greater than required to attract the intended end users.
- 10.108 Officers are of the view that the revised design is markedly improved from that originally submitted.
- 10.109 Officers feel that:
- the design of the multi storey car park, is a clever interpretation of local mill vernacular,

- Silk Street would successfully deliver a modern retail environment whilst harmonising with the grain and materials of Macclesfield's historic core,
- Mulberry Square and Roe Square, subject to the agreement of satisfactory detailed design, would provide valued new and improved public spaces
- the cinema would provide a distinctive addition to the town centre.

10.110 Officers have pushed for improvements to the design at every opportunity and are of the view that the scheme generally takes opportunities to improve the character and quality of the area and the way it functions in line with the Framework.

10.111 There are some elements of the design which are less than ideal from a pure urban design perspective. However, officers are also mindful that it is vital that the scheme is practical and viable and that the developers must strike a careful balance to ensure they are not put into a position where they have to promise more than can be delivered. Overall officers are of the view that any minor issues in design are outweighed by the many and significant benefits of the scheme.

11. **SUSTAINABILITY**

- 11.1 The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment.”

- 11.2 The Framework states that LPA’s should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it is demonstrated it is not feasible or viable. It adds that development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Due to the revocation of the North West Regional Spatial Strategy, there are now very limited relevant development plan policies and none with specific requirements either relating to energy consumption or setting decentralised energy requirements.

- 11.3 Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008). The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options. Although the RSS has been revoked (20th May 2013), the application has been tested by the checklist credentials.

- 11.4 An Inspector in Clitheroe recently stated⁷,

“accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of

⁷ Appeal Ref: APP/T2350/A/11/2161186 270 Appeal by Gladman Developments Ltd against Ribble Valley Borough Council re Proposed development of 270 residential dwellings, a doctor’s surgery, landscape, open space, highways and associated works at Land off Henthorn Road, Clitheroe

sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside”.

- 11.5 The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options. The applicants had tested their proposal against the checklist credentials prior to the revocation of the RSS.
- 11.6 With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. Due to the sites town centre location, it is considered that currently good access is provided to the following:
 - convenience store,
 - supermarket,
 - post boxes,
 - post office,
 - cash machine,
 - pharmacy,
 - secondary school(s),
 - medical centre,
 - library,
 - nurseries,
 - public houses.
- 11.7 The closest amenity spaces are at Victoria Park, South Park and West Park (between 800m – 1000m away), and these parks include children’s play areas.
- 11.8 It will be necessary to ensure that a replacement community facility is provided, due to the proposed demolition of the Senior Citizens Hall, within easy access to the town centre.
- 11.9 From an accessibility point of view, the site is considered to fall within a sustainable location. The site has decent access to the major road network. The bus station and train station are only a short walk away.
- 11.10 The applicant’s Sustainability Statement states that the following sustainable features would be incorporated within the scheme:
 - Use and Improvement of an existing built area;

- Provision of a high quality, sustainable, mixed-use scheme in an area with excellent access to public transport;
- Provision of buildings visually integrated in to the surroundings;
- Good practice environmental design;
- Use of sustainable, energy efficient measures and incorporation of low and zero carbon technologies, including Solar Hot Water (SHW), Photovoltaic (PV), and Air Source Heat Pumps to reduce by more than 10% the developments regulated energy needs;
- Provision of water efficient WC's, including sanitary supply shut-off and pulsed water metering;
- If feasible, provision of a rainwater harvesting system to meet the private housing toilets' flushing needs;
- Provision of ecological enhancements such as a native ecological species, and species of benefit to wildlife indicative of the local area;
- Protection and enhancement of heritage/archeologically importance features;
- Provision of a site that is accessible to all, including the disabled;
- Implementation of recycling measures and best practicable environmental options for non-recyclable residual waste;
- Incorporation of 'Secured by Design' principles in the design process;
- Provision of safe, waterproof bicycle storage space;
- Implementation of a travel plan framework, and;
- Adherence to sustainable construction site management practices including:
 - Developing and implementing a Site Waste Management Plan (SWMP)
 - Signing up to the Considerate Constructors Scheme; and
 - Reducing environmental impacts of the construction site.

11.11 The above measures are considered to be appropriate to the proposals and help to deliver a sustainable development.

SUSTAINABLE DRAINAGE, WATER CONSERVATION AND FLOOD RISK

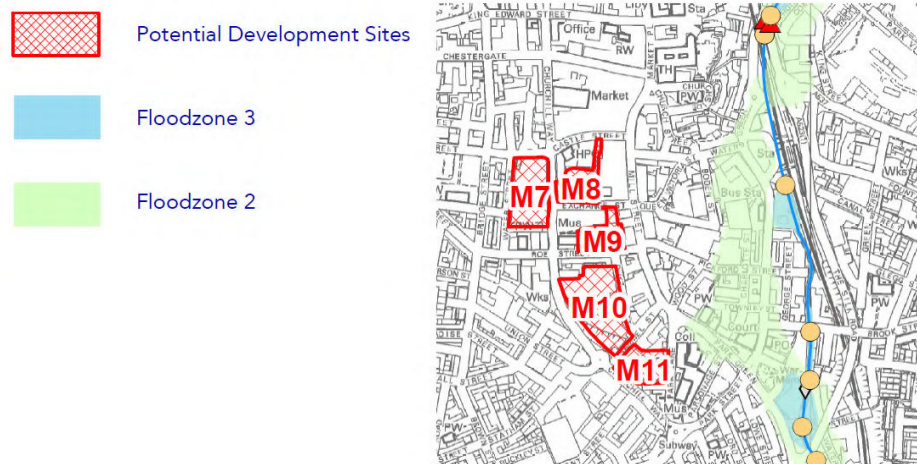
11.12 Development Plan policy on flood risk and drainage is set out in policies DC17 and DC18 of the Macclesfield Local Plan.

11.13 National policy on flood risk is set out in The Framework supported by a separate Technical Guidance document.

11.14 In essence national policy seeks to ensure full account is taken of flood risk as well as water supply and demand considerations, ensuring new development avoids increased vulnerability. The policy for flood risk is to guide development away from areas at risk of

flooding (Flood Zones 2 and 3 on the Environment Agency Flood Map as refined in the Cheshire Strategic Flood Risk Assessment) and towards areas with the lowest probability of flooding (Flood Zone 1) wherever possible, whilst using the opportunities new development offers to reduce the causes and impacts of flooding.

- 11.15 MBLP policy DC17, states that development will not normally be allowed in areas liable to flooding, or in areas which would cause loss of access to watercourses to maintenance, loss of natural floodplain, lead to inadequate provision for surface run off, result in extensive culverting, or affect the integrity of fluvial defences.
- 11.16 MBLP policy DC18, states that where appropriate, developments should incorporate SUDS.
- 11.17 In this case, the site falls entirely within Flood Zone 1, well away from any natural floodplain and the development would not necessitate the culverting of any watercourse as can be seen in the following extract from the Cheshire Strategic Flood Risk Map, which shows the location of the nearest surface watercourse (River Bollin), areas at risk from fluvial flooding and the development site.



- 11.18 With regard to impacts from surface water run-off, the Environmental Statement firstly confirms that Dams Valley Culvert and Dams Valley Sewer run beneath the site. The existing surface water system discharges to both of these, the culvert draining to the Bollin some 200m from the site.
- 11.19 It is intended that post development, all surface water run-off from the development would drain to the Dams Valley Culvert and not to the public sewer to avoid water being treated unnecessarily. The ES suggests the rate of surface water run- off would not be significantly more than at present given that the majority of the site is already surfaced with impermeable materials.

- 11.20 A SuDs feasibility study was undertaken as part of the preparation for the submission of this application. This indicates that soakaways, oversized pipes and below ground storage tanks may be the most appropriate SuDS techniques on this site and that when a detailed drainage scheme is drawn up, it can incorporate attenuation measures to ensure that, during periods of heavy rainfall, surface water would be stored temporarily before discharging to the culvert, thus ensuring discharge levels to the culvert are not increased. The Environment Agency has requested a condition requiring 20% reduction in surface water discharge rates.

- 11.21 The ES also states that rainwater harvesting will also be considered where practicable. Again, details of such a consideration can be required via condition to ensure water is recycled in this way where practicable.

- 11.22 United Utilities have noted that the culverted watercourse and public sewer which cross the site will need to be protected and whilst they raise no objections to the development in principle, they have suggested that they would require a method statement to be provided, to ensure these systems are adequately protected and requested. This is covered by condition.

- 11.23 With regard to provision of water to the development, again United Utilities have raised no objections in principle, but have commented that it is possible their water mains may need extending to serve the development and have advised that the applicant's contact their water fittings section in the event that planning permission is granted.

- 11.24 Water conservation is to be proposed in the form of water efficient fittings and sanitary ware will also be incorporated (e.g. low-water, dual flush toilet cisterns, low-pressure spray taps, and showers with flow regulators).

- 11.25 Overall, it is considered the proposal makes adequate provision with regard to drainage, water conservation and flood risk.

REDUCTION OF CARBON EMISSIONS

- 11.26 Broadly speaking, the architecture and services have been designed to reduce energy consumption where feasible. Carbon emissions would be reduced through the use of passive energy efficient measures (e.g. improving thermal properties of the façade, use of appropriate proportions of glazing/solid walls etc); energy efficient measures (e.g. variable speed drives on fans and pumps, daylight and occupancy control of artificial lighting), and implementation of suitable on-site low, or zero carbon technologies (e.g. photovoltaic's, Solar Hot Water panels and air source heat pumps).

- 11.27 Consideration has been given to the potential of connection to any district heating scheme in the proximity of the site and the feasibility of Combined Heat and Power plant for the proposed development has been discussed. However, there is no nearby CHP installation of existing CHP network available. More than 10% of the energy requirements would be provided by Air Sourced Heat Pumps, Solar How Water and Photovaltics, which would meet the requirements within the planning policy for low and zero carbon sources.
- 11.28 In conclusion, the proposals put forward are sufficient to satisfy the relevant policies on reducing carbon emissions.

ACCESSIBILITY / CODE FOR SUSTAINABLE HOMES

- 11.29 The planning and design of the proposal seeks to ensure accessibility for all members of the community. The residential units on Water Street would be constructed to meet Code for Sustainable Homes Level 3 and would achieve Life Time Homes Silver standard that will enable conversion if required for people with disabilities. Wheelchair-accessible WC's would be incorporated.
- 11.30 Both existing and proposed pedestrian routes have been designed to ensure improved access throughout the scheme for all – the young, the elderly and the disabled. This would include step-free access to the new retail, leisure, and residential development.
- 11.31 Circulation throughout the development should be easy and inclusive design principles will be adopted to ensure that there are no obstructions to disabled people. Step-free routes would be provided to all parts of the residential, commercial and leisure areas, and passenger lifts would be provided between all storeys.
- 11.32 Appropriate forms of wayfinding will be required to all levels of the buildings/public spaces.
- 11.33 The passenger lifts and new public realm areas have been designed to comply with Document M: Access to and Use of Buildings of the Building Regulations.
- 11.34 It is considered that these issues can be addressed through appropriately worded conditions.

ENVIRONMENTAL MANAGEMENT PLAN

- 11.35 During the demolition and construction works, it is likely that disruption would be caused by associated road traffic movements from delivery and construction vehicles. Mitigation can be provided to control emissions from demolition and construction sites. An Environmental Management Plan would ensure that measures such

as dust suppression are used and all plant is turned off when not in use. It is considered that this matter can be conditioned.

TRAVEL PLAN

- 11.36 As the planning application comprises a mix of uses for which tenants have yet to be finalised, a Travel Plan Framework (TPF) has been submitted to accompany the planning application. This TPF will ensure that information and knowledge of local facilities and sustainable transport initiatives will be made available to all site users of both commercial and residential premises. It is acknowledged that different users will have specific needs such as walking, cycling, public transport, visitors and deliveries. Covered, well-lit, secure and conveniently located cycle parking and associated changing facilities will be provided to the building users.
- 11.37 The applicants have stated that during the operation of the development, a number of industry best practice measures will be implemented to ensure that neighbouring populated areas do not suffer poor air quality as a result of the development.

RECYCLING

- 11.38 Once the development is completed, waste management facilities would be provided to allow building users to separate recyclable materials from general waste through the provision of separate recycling bins.
- 11.39 The proposed means of recycling waste are considered to be appropriate and comply with policy.

REUSE OF MATERIALS THROUGHOUT THE DEVELOPMENT

- 11.40 The developers' aspiration is to reuse as much as possible of the existing materials, was in line with former RSS policy DP4. Virgin aggregates would be used as little as possible and wherever possible, materials will be recycled and reused during construction. (e.g. re-use of crushed concrete from the demolition process for fill; re-use of excavated soil for landscaping; re-use of internal equipment and plant from existing buildings). The materials used for key building elements (e.g. roof, external walls, internal walls etc) would be selected from the Green Guide to Specification. If possible, locally-sourced, low embodied energy materials with a high environmental rating would be used. Where timber products are used, they will be obtained from sustainable sources, either Forest Stewardship Council (FSC) or Programme for the Enforcement of Forestry Certification (PEFC) approved sources.
- 11.41 The developer's proposals to reuse materials are considered to be appropriate and would have complied with the former RSS policy.

IMPACT ON TREES AND LANDSCAPING

- 11.42 The application identifies the removal of 176 trees, the majority of which (135) are located on the steep slope which forms the south/west boundary of Duke Street car park along Churchill Way.
- 11.43 It should be noted that policy RT1 of the Macclesfield Borough Local Plan states that this bank of trees immediately adjacent to Churchill Way, together with part (but not the majority) of the Heritage Walk open space should be retained as open space and in this respect the proposal is in conflict with the local plan.
- 11.44 In respect of the trees themselves, the Council's arboricultural officer has advised that the group has suffered from little management and lack of thinning resulting in them having only moderate amenity value as a group rather than significant value as individual specimens. In respect of the loss of the Heritage Walk open space, the revised proposals for Mulberry Square showing a greater degree of soft landscaping and grassed areas, has been designed to compensate for this loss in a more accessible, central location.
- 11.45 In respect of other trees affected by the proposal, the advice received is that those in Duke Street car park itself have low amenity value, reduced vigour and limited life expectancy, and those on the Exchange Street car park are also show a lack of vigour. The 5 trees in Roe Square are all reasonable specimens. None of these trees are covered by a TPO.
- 11.46 The proposed development would involve the removal of all the aforementioned trees.
- 11.47 By way of replacement, the landscape proposals indicate in the order of 125 new trees, although some are indicated as being in planters rather than planted directly into the ground.
- 11.48 The new trees would be more dispersed throughout the site, where as at present they are relatively concentrated.
- 11.49 Overall, the Council's landscape officers are of the view that the imbalance in numbers between the trees being lost and those being planted should not be viewed as a negative given the issues of quality of the existing trees and their limited amenity value. On the contrary, in landscape terms it is considered that the development would, if properly maintained, provide a net long term gain.
- 11.50 This having been said, officers have concerns regarding the proposal to plant trees in planters as these can be impractical for successful tree establishment and long term viability of trees. It is therefore considered appropriate to ensure, via condition, that trees are only

allowed in planters, in situations where officers are convinced there is no practical alternative to ensure the maximum benefits of a new soft landscaping scheme are ensured

IMPACT ON ECOLOGY / BIODIVERSITY

- 11.51 The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The Nature Conservation Officer has commented that the potential impacts on ecology are likely to be minor at worst. The small area of open space off Churchill Way does have some ecological value in the context of the town centre. This assessment is based on the fact that it does support a number of native species and is the only area of green/space habitat within the application site. However, the open space is however predominantly 'amenity' grassland complimented by tree planting and so the habitats present would not be considered a priority for nature conservation, or amount to a material consideration in their own right.
- 11.52 There is a low level of bat activity in the town centre, but no evidence of roosting was recorded in any buildings subject to this application.
- 11.53 There was no recorded evidence of badgers.
- 11.54 Protected species, with the exception of breeding birds, do not present a constraint on the proposed development.
- 11.55 Evidence of nesting house sparrow (a BAP species and hence a material consideration) was recorded in one building. Therefore, if planning consent is granted, a condition will be required to safeguard breeding birds and ensure additional provision is made for those species of bird closely associated with buildings.
- 11.56 Conditions are suggested to safeguard breeding birds and to ensure some additional roosting/nesting potential is provided as part of the proposed development.
- 11.57 Natural England has also provided comments in relation to Protected Sites and Protected Species.
- 11.58 The proposal is 2.7km from the Danes Moss Site of Specific Scientific Interest (SSSI). It is Natural England's view that the proposed development will not materially or significantly affect the protected site.
- 11.59 The protected species survey has identified that bats - a European protected species - may be affected by this application. Therefore consideration needs to be given to Natural England's standing advice.

11.60 Natural England concluded that the site is not within/close to a SSSI or SAC notified for Bats. Natural England looked at the survey report and determined that it did highlight that there are suitable features for roosting within the application site (e.g. buildings, trees or other structures) that are to be impacted by the proposal. Natural England determined that no evidence of a roost was found and that permission could be granted and that the authority should consider requesting enhancements.

11.61 Natural England agrees with the recommendation in the Environmental Statement that:

“if there is a period greater than 2 years between this report and the proposed demolition, the buildings may deteriorate in condition and should be subject to an update survey to determine if the rating of the building has changed.”

CONCLUSIONS ON SUSTAINABILITY

11.62 Some comments have been received from Macc 2020⁸ on this area. The comments from Macc 2020 are summarised in the Representations section of the report and the response from the applicants Sustainability Consultant are contained within the Sustainability Statement Addendum document (available on the application file). In addition, officers have challenged the applicants with regard to various sustainability related issues in an attempt to obtain the best scheme possible.

11.63 The Developer has responded by stating that the scheme will exceed both the policy and Building Regulation requirements. This is correct. Whilst clearly the scheme could aspire to achieve more, they consider that it is neither reasonable, nor necessary to do so. The applicant has also stated that there are a number of important design constraints, which needs to be considered when masterplanning a town centre site. They argue these must take precedent over and above the siting and orientating a scheme solely for the purposes of minimising energy demands and that these are especially relevant to retail and leisure schemes.

11.64 A roof plan has been provided, which illustrates possible photovoltaic locations, subject to structural and visual impact assessments and the locations for future photovoltaics are limited. The applicant's specialist consultant has stated that Ground Sourced Heat Pumps and Combined Heat and Power options have been considered. However, both were rejected due to technical and feasibility issues. A

⁸ Macc2020 aims to make Macclesfield sustainable by the year 2020. Macc2020 was formed in January 2011, as a new community group aiming to help Macclesfield's residents and its businesses make a smooth "transition" to life when oil prices are much higher than they are today.

Combined Heat and Power installation was also not considered to be viable.

- 11.65 The general approach adopted to designing the development has been through improvements to the built fabric, which are considered to have much greater long term benefits than short term gains from other technologies.
- 11.66 The comments of the developer are noted. Whilst it is not ideal that the site does not achieve more in terms of sustainable credentials, the applicants have offered to provide some measures to reduce potential carbon emissions associated with the proposed development and, since the revocation of the RSS there is no development plan policy requirement to do so. As such, the scheme is acceptable on policy grounds. A detailed scheme to achieve this could be secured through the use of conditions.

12. AMENITY

12.1 Due to its town centre location, many of the properties surrounding the application site are commercial. However, there are a number of residential properties, which either adjoin, or are close to the site. The main groups of properties are on Water Street (approx. 25 houses), Roe Street (approx. 12 houses), Duke Street (approx. 10 flats/houses), Wardle Street (approx 5 houses), Churchill Way (a small block of flats which are accessed from Elizabeth Street) and a small group of flats/houses off Park Lane.

12.2 The main concerns regarding amenity are as follows:

- Impacts from construction and structural damage to adjacent properties
- Increased sense of enclosure, loss of sunlight and daylight
- Increased littering due to cinema
- Noise and disturbance
- Air quality
- Impacts from contaminated land
- Strong winds

IMPACTS FROM CONSTRUCTION

12.3 During demolition and construction potential impacts include:

- The removal of the existing car parking, with appropriate temporary car parking being provided in the Town Centre at locations to be agreed with Cheshire East Council.
- Increase vehicle movements, mainly consisting of heavy good vehicles (HGV's) and construction plant;
- Short term road closures to establish and remove crane towers and to deliver large items of building plant;
- Disruption during loading and unloading activities, particularly from abnormal or hazardous loads;
- Transfer of mud and material from vehicles into the public highway; Adverse restrictions and disruptions to pedestrian access on walkways, footpaths and roads.

12.4 The Environmental Statement concludes that, without mitigation, impacts arising from construction impacts are considered to be temporary, local and moderate adverse. Phasing and Highways conditions will therefore need to be attached to limit any potential impact on residential amenity from the above.

12.5 The Environmental Health Officer has considered the application and accompanying Environmental Impact Assessment submitted with the application.

12.6 They consider that the proposed development has the potential to cause a loss of amenity to both existing and future residents and other receptors as a result of noise and vibration. In particular, it will be necessary to ensure that adequate mitigation is sought with respect to possible impacts from:

- Demolition and construction noise;
- Operation noise due to mixed uses;
- Plant and equipment impacts;
- Service vehicles and associated operations

12.7 It is therefore, recommended that a condition is attached which necessitates that a full Environmental Management Plan will be agreed, implemented and enforced throughout the demolition and construction phase of the development. The plan should outline working procedures to mitigate the impact of noise, vibration and dust from the development. The plan should include:

- Working methods;
- Demolition plan;
- Noise and Vibration Mitigation Plan;
- Noise / Vibration limits / monitoring protocols;
- Working hours (Construction and Piling), including proposed hours for potential extended hours operations (such as floor floating);
- Dust control procedures;
- Vehicle movement plans;
- Designated vehicle routes;
- Communications plan (with residents / businesses affected by works).

12.8 It is noted that the Environmental Impact Assessment Report recommends mitigation with respect to the above and the applicant may wish to implement these recommendations as part of the final agreed Environmental Management Plan.

12.9 It is noted that some residents who live close to the proposed development site are concerned that their properties could suffer damage as a result of works associated with demolition and/or construction. This is not a material planning issue, however, it is understood that the developer would undertake a structural assessment of all neighbouring properties, in order to ensure that any disputes, which may arise can be resolved

ENCLOSURE AND LOSS OF SUNLIGHT/ DAYLIGHT

12.10 Concerns relating to the scale, height and mass of various elements of the scheme, which are in close proximity to residential properties

have been discussed with the applicant throughout the development of the proposals.

- 12.11 Some revisions have been made since the application was submitted in order to improve the relationships between the proposed buildings and residential properties further. The cinema building has been lowered by approximately 1.7m. Further consideration has been given to the design of the residential properties and electricity sub station on Water Street. A hipped roof (in lieu of a parapet wall) has been introduced to the rear of the proposed café on Roe Street, so as to improve the relationship with the rear of the row of cottages. The fins on the east elevation of the multi-storey car park have been replaced with a green wall in order to soften this elevation.
- 12.12 The Environmental Statement (and Addendum) submitted with the application is accompanied by a full Daylight and Sunlight Report, which considers the effects of levels of daylight and sunlight experienced by neighbouring residential properties, together with the impact of overshadowing on public and private amenity spaces and the possibility of glare. There is no specific national planning policy guidance relating to daylight and sunlight issues, however, BRE guidance in this area is considered to be the industry norm and is regularly used to assess sunlight and daylight issues across the country. Macclesfield Borough Local Plan policies H13 and DC38 whilst relevant, contain no specific reference to shade or glare.
- 12.13 The submitted report has been based on the relevant Building Research Establishment's (BRE) 2011 publication "Site layout planning for daylight and sunlight – A guide to good practice".
- 12.14 The report states that despite the restrictions in space that one expects from a town centre development, the effects on daylight have been limited by recognising potential constraints at an early stage and adapting the design, which has resulted in an overall impact that borders between the negligible and minor adverse.
- 12.15 Sunlight availability would generally remain good, although winter sunlight cannot meet the BRE criteria in all locations. The result is a negligible adverse effect.
- 12.16 In all but one location, amenity zones around the site, both private and public would not be affected by additional permanent overshadowing. The one exception is to the rear of Roe Street and this would be only to three gardens.
- 12.17 The result is an adverse major effect in this location, but a minor, possibly negligible, adverse effect in relation to the whole development in terms of overshadowing.

- 12.18 The shape of the proposed buildings and choice of materials, together with the complexity of urban landscape and existing system of roads, diminishes the potential for glare to a negligible adverse effect.
- 12.19 In conclusion, with regard to the impact of the development on sunlight and daylight levels to residential properties, it is considered that the level of harm is not to an extent which would justify refusal of the scheme on these grounds.
- 12.20 In addition to the above, a judgement is also required on the effect on the outlook of the adjoining residential properties. The mass and bulk of the new development will be prominent in views from a number of properties and it is necessary to assess whether its impact is acceptable in planning terms.
- 12.21 Macclesfield Borough Local Plan DC3 and DC38 provide guidance on amenity and space, light and privacy standards. It is considered that although there are elements of the proposal which don't satisfy the space between buildings guidelines of policy DC38, the proposals largely are commensurate with the relationships in the surrounding area. However, such relationships are not uncommon in town centres where denser development is more commonplace and it also has to be recognised that the area in question has been allocated for significant redevelopment for some time. As such, development of this type has been expected. Overall, it is considered that there are no light, or sense of enclosure grounds that would sustain a reason for refusal.

INCREASED LITTERING DUE TO THE CINEMA

- 12.22 As noted previously, the proposed cinema would be sited on an existing car park. Litter bins will be place in the locality, and the cinema operator would have a certain duty of care to ensure that any litter associated with the cinema is kept to a minimum.

NOISE AND DISTURBANCE FROM THE COMPLETED DEVELOPMENT

- 12.23 The main sources of potential noise from the development once it is complete would be potentially from increased traffic and plant.
- 12.24 In certain instances, traffic noise may be reduced. For example, the replacement of the Churchill Way car park by the cinema block will serve as a barrier to road noise which can currently cause background noise and disturbance. The traffic noise levels over the existing levels have been assessed and the Environmental Statement concludes that the noise effect of the traffic changes on the road network resulting from the operation of the scheme would not be significant.

12.25 The Environmental Health Officer recommends that the following conditions should be attached for the operational stage as follows:

- All plant and equipment should be designed to meet operational plant noise limits.
- All habitable rooms within the proposed new residential properties of Water Street shall be designed to achieve internal noise levels equivalent to the “Good” standard as recommended in BS 8233: 1999. The design shall include such glazing and room ventilation required to meet that standard.
- Service and delivery vehicle access to the proposed Duke Street Service Yard to be restricted to:
Monday – Saturday: 07:00 – 21:00 Hrs
Sundays: 09:00 – 19:00 Hrs
- A maximum limit of 21 vehicles in any given day and a maximum of 3 vehicles in any one hour should be imposed.
- Signage should be provided by the developer at the entrance to the service yard indicating the allowable delivery hours.

12.26 It is considered that with the above conditions in place, any noise and disturbance from the completed development, will be at acceptable levels, and the development will be in accordance with the relevant policies.

AIR QUALITY

12.27 The Air Quality Impact Assessment which was undertaken as part of the Environmental Impact Assessment (plus amendments, which were submitted in an Addendum to the initial report) have been considered by the Environmental Health Officer.

12.28 The report considers whether the development will result in an increased exposure to airborne pollutants, particularly as a result of additional traffic movements and changes to local traffic flows. In addition, the air quality impact of changes to existing and new car parks are considered.

12.29 The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion within the town. As a consequence of this, a number of concerns were raised with the applicant at an early stage.

12.30 In particular, the development lies 250m north of the London Road (A523) Macclesfield Air Quality Management Area which was declared in 2009 as a result of breaches of the European Standard for Nitrogen Dioxide. There are a number of other areas within the town where recent monitoring has shown exposure to levels of Nitrogen Dioxide close to, or above the objective. The Council is due to submit a Detailed Assessment to DEFRA shortly to consider if an

Air Quality Management Area should be declared in respect of these zones.

- 12.31 There is also concern that the cumulative impact of several large scale developments in the town will lead to successive increases in pollution levels, and thereby increased exposure.
- 12.32 The Air Quality Impact Assessment and addendum concludes that, in some areas people will be exposed to higher levels of air pollution as a result of this development and its associated traffic. This includes some assessment of the cumulative impact of development around the town.
- 12.33 The report highlights there is likely to be increased exposure to airborne pollution at 8 out the 12 receptors which were modelled. 3 of these receptors are within the Air Quality Management Area and as such any increase in exposure is considered significant. Of the other receptors where increases are predicted, pollution levels at 4 of these are known to be close to the objective limits, and in one case pollution levels are predicted to rise above the objective.
- 12.34 Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be worse.
- 12.35 Poor Air Quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. Therefore, the Environmental Health Officer considers that mitigation should be sought from the developer in the form of direct measures to reduce the impact of traffic associated with the development. In addition, there should be funding provided to the Local Authority to enable it to undertake additional air pollution monitoring to ensure that exposure does not exceed the air quality objectives, and to implement elements of the Air Quality Action Plan in relation to Macclesfield.
- 12.36 Mitigation to reduce the impact of the traffic pollution can range from hard measures (such as highway alterations, or traffic signalling changes) to softer measures such as the provision of infrastructure designed to support low carbon (and low pollution) vehicles.
- 12.37 It is noted the proposal is for 818 parking spaces and additional on-street parking (65 spaces). As such, there is scope to include options within the car parking to provide choice for low carbon transport modes.
- 12.38 As part of the revised plan, there is a proposal to incorporate a “living wall” within the scheme. Such walls have the potential (in addition to being aesthetically pleasing) to absorb air pollution, dust and noise. However, there is research which suggests the amount of pollution the wall is capable of absorbing varies greatly depending on the type

of plants used and their maintenance. There is insufficient information in the report to quantify the benefits of the wall. As such, any potential mitigation provided by this can only be given limited weight.

12.39 The Environmental Heath Officer recommends that conditions related to air quality be attached to any permission for the scheme as follows:

- Individual Travel Plans should be developed for all commercial occupants with the aim of promoting alternative / low carbon transport options for staff, and patrons.
- A minimum of 2% (16) of the proposed car parking spaces shall be provided with Electric Vehicle Recharging Points. These should be provided free of charge to the end user for a period of 2 years.
- A further 4% (32) car parking spaces shall be provided with the infrastructure (cabling etc) to support the future addition of electric vehicle recharging points.
- As a result of the increases in traffic emissions within the town following this development there is a likelihood the Council will be required to declare further Air Quality Management Areas in the town, and to develop and implement an action plan to improve the Air Quality. It is therefore considered Section 106 funding should be provided in order to partially fund this work, in the form of the following:
 1. To undertake post development Air Pollution Monitoring: A sum of £1152 to fund 24 months post development diffusion tube monitoring at 12 sites throughout the town (24 sites at £4 per tube per month).
 2. To mitigate the predicted increases in pollution within the Air Quality Management Area: A sum of £10,000 to fund the extension of the Town Centre UTC system into the Cross Street / London Road area and / or the implementation of traffic management within the existing Air Quality Management Area
 3. To mitigate against predicted increases elsewhere within the town: A further sum of £10,000 to fund Action Planning Implementation in Macclesfield Town.

12.40 Subject to the above measures, the scheme is unlikely to have a detrimental impact on air quality.

CONTAMINATED LAND

12.41 The contaminated land officer notes that the application area has a history of varied use including mills, breweries, garages, works depots etc..

- 12.42 The ground investigation report submitted in support of the application identifies the presence of contamination. The report requires augmentation in a number of areas and will need to be refined when further investigations are carried out. There has been insufficient gas monitoring carried out to date. Additional investigation is also required in the areas to be developed for residential use.
- 12.43 Nevertheless, no objections are raised to the proposals, subject to the submission of additional Phase II investigations as identified in the submitted reports and any remediation required as necessary in areas subject to residential end use. These should be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA) prior to the commencement of works. In addition, Ground Gas Monitoring must be carried out both on the existing installations, as well as new monitoring installations to be constructed in the Phase 2 investigation areas.
- 12.44 In summary, the conclusions on the impact of the development on residential amenity are:
- The impact of the scale and mass of proposals on residents on Water Street, Duke Street, Roe Street, Wardle Street and Churchill Way will be within the limits of acceptability as the technical assessments of effects on daylight, sunlight, overshadowing, shade and glare are such that there is no evidence to substantiate a refusal on these grounds;
 - The distance between buildings broadly accords with the requirements of the policies within the Development Control chapter of the Macclesfield Borough Local Plan and will not result in an unacceptable loss of privacy for neighbouring residents.
 - An Environmental Management Plan will be required to ensure that any noise, vibration and dust emissions are caused by the construction process are controlled and minimised.
 - Appropriate conditions should be attached to ensure that any noise disturbance (from plant etc) to existing residents and proposed residents is kept within tolerable levels.
 - Travel Plans will be required to promote alternative / low carbon transport options for staff, and patrons.
 - Electricity Vehicle Recharging Points will be required.
 - Increases in traffic emissions within the town following this development will require the Council to declare further Air Quality Management Areas in the town and to develop and implement an action plan to improve the Air Quality. This should be provided by Section 106 funding.
 - Additional Phase II investigations are required in the areas subject to residential end use and Ground Gas Monitoring should also be carried out.

- 12.45 The impact on the amenity of commercial business in the area has also been considered. It is not considered that the proposals would have an adverse impact on those premises within the vicinity of the application site with regard to any of the above criteria.

STRONG WINDS

- 12.46 There is no planning policy that requires a wind assessment of the development to be completed. Neither is there any guidance which provides criteria for when one should be completed within the UK. Officers are of the view that the height of the buildings will not cause a significant detrimental impact in terms of strong winds due to the height of the buildings. Given there is not policy requirement to consider strong winds, this would not constitute a reason for refusal.

13. **HIGHWAY MATTERS**

- 13.1 To re-cap, the proposals relate to the construction of 22 865 sq. m GEA of A1-A5 retail space, which up to 2 325 sq. m is A3-A5, including a department store - up to 6 430 sq. m; cinema (4 255 sq. m); office / community space (510 sq. m); 10 residential units, 2 car parks with up to 818 spaces, additional street parking for 65 cars provided, a new town square (Mulberry Square) and associated highway and public realm works. The application site comprises 3 Council- owned, Pay and Display car parks on Duke Street, Exchange Street and Great King Street.
- 13.2 The application is supported by a Transport Statement and Travel Plan Framework for the original scheme and an Addendum on the revised scheme.
- 13.3 The scheme as amended would involve the following highways works:
- Multi-storey car park with 718 spaces (including 34 disabled spaces and 29 parent and child spaces) at the southern extremity of the site. One point of access would be taken from Churchill Way.
 - A surface level car park containing 100 spaces (including 5 disabled spaces and 5 parent and child spaces) for the cinema/ restaurants with access taken from Great King Street is also proposed.
 - 65 on-street car parking spaces at Water Street (26), Wellington Street (29), Duke Street (7) and Wardle Street (3).
 - A Pedestrian Priority Area is proposed along Churchill Way between the junction with Great King Street and Roe Street which would have a 20mph speed limit and where the carriageway width is reduced with wider pedestrian areas provided.
 - Other highways improvements including extension of the one way system along Water Street, new signage, widening of the pavement along Churchill Way, surface treatment improvements across the site, new zebra crossing, new covered bus stop, taxi rank
 - Provision of new servicing and delivery lay-bys along Water Street, Churchill Way and Exchange Street, external service area along Duke Street and an internal service area within Debenhams with accessed from Churchill Way.
- 13.4 Those changes to the original scheme which would impact upon highways matters relate to an increase in floor area of the cinema, provision of replacement community facility, reduction in size of office, increase in total number of car parking spaces by 7, removal of evening parking and alterations to the access arrangements for the multi-storey car park.

13.5 One of the core principles of the NPPF is the promotion of sustainable transport. Chapter 4 within the NPPF which deals specifically with the promotion of sustainable transport indicates that the following criteria are considered in decision making:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. **Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.**

13.6 Para 35 then goes on to state that developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

ACCESSIBILITY

13.7 As noted within the Transport Assessment, the site is located within the town centre and has excellent opportunities for non- car modes of transport. Macclesfield Bus Station is less than 100m away and Macclesfield railway station is located within 500m from much of the site. The site therefore already has access to high quality public transport facilities.

13.8 In addition, there are two taxi ranks located close to the site, cycle routes to the north, south and east and the majority of the town centre and outlying areas are within a 500m walking distance (6 minute walk).

13.9 Whilst the site is highly accessible, there is an opportunity for the scheme to offer wider accessibility benefits to Macclesfield town centre particularly with reference to pedestrian, cycle and disabled accessibility.

Cycle Provision

- 13.10 In respect of proposed improvements to accessibility by bike, whilst there are no dedicated cycle routes currently serving the site, the TS indicates that, as many journeys are made for relatively short distances, there is considerable scope to replace car use with cycle use as the whole of Macclesfield town centre, the surrounding rural areas and the cycle routes fall within a 5km radius. A range of cycle parking would be provided at locations throughout the development for public use, with further cycle parking for staff and the new residential units in secure locations. These measures, in combination with other factors such as Travel Plans, would represent an improvement to the wider transport system (in accordance with policy T1 and paragraph 35 of the NPPF) and would also ensure that the development gives priority to cycle movements in accordance with policy T5 and paragraph 35 of the NPPF). The ES considers this to be a moderate benefit of the proposals.

Pedestrian Environment

- 13.11 Although the pedestrian environment of the town centre has been improved through the operation of a pedestrianised zone, Churchill Way is seen as a barrier to the free flow of pedestrian movement. In addition, footpaths within the vicinity of the site are narrow, which makes for a more threatening and a less pleasant pedestrian environment. The proposals offer the opportunity to improve both pedestrian accessibility and permeability, but also to improve the pedestrian environment.
- 13.12 The introduction of new linkages, such as the creation of Mulberry Square and breaking through Roe Street to the new pedestrianised Silk Street, would provide new car free pedestrian linkages across the town centre. Given the need to improve permeability across Churchill Way and because Churchill Way effectively splits the development, it was important to provide a linkage to the cinema and restaurants for pedestrians. As such, a Pedestrian Priority Area is proposed from the junction with Great King Street to the junction with Roe Street which would further improve pedestrian accessibility and permeability across Churchill Way. The specific construction details and materials have not been provided. However, these details would be secured via a condition. The ES notes that this is a moderate benefit of the proposals.
- 13.13 Letters of representation have expressed concerns regarding the appropriateness of the Pedestrian Priority Area to Macclesfield. Notwithstanding that Pedestrian Priority Areas are an aspiration of both local and national planning policy (T1, T2 and T3 within the MBLP and paragraph 35 of NPPF) the Council has knowledge of the success of such schemes within the Borough. The shared surface adopted in Poynton may not be universally considered a successful

scheme, (this is a view that has been expressed within the letters of representation received) it has, been successful in reducing vehicle speeds, improving the flow of traffic through Poynton and improving the pedestrian environment. There is no evidence to suggest that the provision of a shared surface aimed at slowing traffic, widening foot and cycle paths and generally prioritising the pedestrian would do anything other than improve highway safety.

- 13.14 In addition, carriageway and footpath improvements are also proposed along Exchange Street linking through to Mill Street. A new Zebra crossing on Churchill Way located to the south of the Churchill Way/Union Street roundabout junction is proposed and the widening of the footpath along Churchill Way is also expected. The combination of these measures would represent an moderate benefit to the pedestrian environment.
- 13.15 The combination of the Pedestrian Priority Area and improved linkages, coupled with the proposed financial contribution towards other public realm improvement works in and around the town centre, would significantly improve the accessibility and permeability of the town centre as well as the quality of the pedestrian environment.

Disabled Access

- 13.16 Whilst disabled access across the public realm is covered in the design section of this report, it is worth noting that the new car-free pedestrianised routes, areas of public space and the new pedestrianised street would provide for gradients suitable for wheelchair users running the extent of the application site north to south. Access for people with restricted mobility would be significantly improved in comparison to the existing conditions as the incline along Churchill Way is very steep. This improvement in 'access for all' across the town centre is a benefit of the proposals and would accord with policy T4 within the MBLP and paragraph 32 of the NPPF. The exact finished detail and gradients would be secured via condition.
- 13.17 The accessibility of the site by taxi, train and bus would remain as existing - although arguably, the relocation of the bus stop on the west side of Churchill Way to outside the proposed location of the cinema and the introduction of a taxi stand on Churchill Way would be more convenient for users of the cinema and visitors to the town centre in general. The ES notes that this is a minor benefit of the proposals and officers agree with this conclusion.
- 13.18 Letters of representation have expressed concerns regarding the impact of the development upon the access arrangements for the Citadel on Wellington Street. As this road would be widened, access to the Salvation Army premises would be improved.

CAR PARKING – LOSS OF EXISTING CAR PARKS

- 13.19 Whilst the existing car parks have been subject to a long standing allocation for redevelopment for retail and leisure uses, they are also allocated under policy T13 which relates to the protection of public car parks. The policy requires that where public car parking spaces are lost, that these are replaced elsewhere to mitigate the loss. As the policy seeks to retain these car parks on convenience grounds in the interim until other modes of travel are successful at reducing reliance on cars, it is considered that this policy is consistent with the emphasis on sustainable travel within The NPPF and therefore carries weight.
- 13.20 It should also be noted that paragraph 40 of the NPPF places a duty on LPAs to seek to improve the quality of parking in town centres so that it is convenient, safe and secure, and that they should set appropriate parking charges that do not undermine the vitality of town centres.
- 13.21 The existing car parks to be redeveloped contain 706 car parking spaces. The development would provide 818 replacement off street car parking spaces and 65 additional on street car parking spaces (5 of which would replace 5 short stay spaces to be lost). This would equate to an additional 174 spaces. The proposals would provide car parking spaces which would more than replace the existing car parking to be removed in accordance with policy T13. In addition, the parking would be convenient, safe and secure in accordance with paragraph 40 of the NPPF.

CAR PARKING - NUMBERS

- 13.22 Letters of representation have expressed concerns regarding the amount of car parking proposed and more specifically indicated that the level of car parking is not in compliance with the North West Parking Standards contained within the North West of England Plan RSS to 2021.
- 13.23 The RSS (and saved policies within the Structure Plan Alteration 2016) has been revoked. Appendix 10 within the Macclesfield Local Plan 2004 contains the local parking standards and reflects these parking standards however they are noted as maximum rather than minimum standards and are based on Regional Planning Guidance produced in 2003 which has also been revoked and therefore carries no policy weight.
- 13.24 The emerging car parking standards for Cheshire East (which have been prepared post publication of the NPPF) mirror these figures. However, the emerging policy indicates that the standards are guidelines only and that other factors ought to be considered such as the availability of car parking elsewhere, regularity and frequency of

public transport, accessibility by cycle and on foot, operational requirements and the relationship between different land uses (i.e. propensity for linked trips).

- 13.25 The development would not meet the CEC parking standards. However, these are a guideline only and both the policy and the NPPF suggest that other factors ought to be considered in determining parking requirements. In this instance, there are 1458 parking spaces in and around the town centre (excluding those car parks which comprise the application site) which comprise a mix of long and short stay, multi-storey and surface level car parking. Therefore, there is significant alternative car parking available elsewhere within a short walking distance of the application site.
- 13.26 Given:
- The availability and under occupancy of car parking elsewhere
 - Public transport provision
 - Accessibility
 - That the proposals include a mix of uses which would encourage linked trips
- 13.27 The Strategic Highways Manager considers that the additional number of spaces being provided would be more than adequate to serve the various users of the retail, office and community uses proposed.
- 13.28 Turning to the leisure component of the proposals, it should be noted that the cinema would contain circa 1400 seats with an undercroft car park providing 100 spaces. The provision of 100 spaces would be below CEC car parking standards. Notwithstanding that Cineworld may well consider this level of provision to meet their operational requirements, the Strategic Highways Manager has expressed concerns regarding the level of car parking provision for the cinema. However the Strategic Highways Manager considers that the impact on existing car parking provision could be mitigated if the Grosvenor Shopping Centre car park remained open in the evening. This would be secured via a legal agreement.
- 13.29 It should be noted that 55 spaces are shown on Water Street and Wellington Street – 5 of these are replacement short stay spaces and 10 are designated for the new dwellings- this leaves 40 spaces for existing residents and users of the Heritage Centre. The 10 spaces shown for use of the new residential units would equate to 100% car parking provision which would be below CEC parking standards which normally require 200% provision.
- 13.30 However, reduced provision can be justified. The guidance indicates that this figure is subject to negotiation (given the highly sustainable nature of the location). Moreover, reduced provision would enable the remaining spaces to be used by existing residents as part of a

resident permit scheme (who do not currently have any specifically allocated off street car parking), which would alleviate existing on street car parking problems in the vicinity of Water Street. This would have a greater positive impact upon highway safety than designating more spaces to new residents for which there may not be an operational requirement. The provision of car parking for new residents, exact location and a parking management scheme for the remaining spaces would be secured via a condition. The proposals therefore accord with policy DC6 and guidance within the NPPF.

Disabled Car Parking

- 13.31 Turning to disabled car parking, the Disability Information Bureau has suggested that 6% of the total number of spaces should be for disabled persons. The Strategic Highways Manager has indicated that 4% of total would suffice. The CEC parking standards indicate that disabled spaces should be 6% of total (up to 200 bays) and 4% thereafter. This would equate to 37 spaces and the scheme provides 39 disabled spaces. Given that the CEC parking standards have been produced post NPPF, it is considered that these emerging standards represent the most up to date advice.

Parent and Child Parking

- 13.32 Turning to parent and child parking, 34 spaces are to be provided which also equates to 5% of the total number of spaces. This is below the 6% figure stipulated within CEC parking standards. However, these are guidelines only and the document duly notes that lower levels of car parking within Macclesfield would be appropriate due to the relatively high levels of accessibility for pedestrians, cyclists and public transport users and access to jobs and services is more likely by non-car modes of travel.

Coach Parking

- 13.33 Letters of representation have expressed concerns regarding the loss of two coach parking spaces which are currently available within the Duke Street car park. To mitigate for this impact, it is proposed to provide a designated coach stop on Park Green which would be secured via a legal agreement. It is considered that this, coupled with the retention of the bus stop outside of the Heritage Centre would mitigate any impact upon coach parking facilities. The Council also intends to provide a permanent coach waiting area in the lay-by on the Silk Road (north of the Silk Road/ Hibel Road roundabout) as this is easily accessible to Coach drivers waiting for groups of people visiting attractions around Macclesfield. The ES notes that this is a minor benefit.
- 13.34 In conclusion, it is considered that the residual impact of the car parking provision proposed would not be severe as there would be

sufficient to ensure that the operational needs of the development are met and that the loss of the existing car parks would not have a detrimental impact upon car parking provision across the town.

CAR PARKING - MANAGEMENT

- 13.35 As noted by paragraph 40 of the NPPF, there is a duty on LPAs to ensure that car parking is 'convenient, safe and secure' and that charging would not undermine the vitality of town centres.
- 13.36 In terms of distribution, the town centre would retain an ample mix of public car parks in convenient locations and which would be safe and secure by virtue of natural surveillance and CCTV. The proposed multi-storey car park would be a 'Pay and Display' car park which would be run privately. However, the Council- owned car parks incur charges and, in this context, a new 'Pay and Display' car park would be consistent with the Council's existing car parking strategy. It would be in the developer's interests to ensure car park would be competitively priced when compared to the existing (and undersubscribed) car parks across the town centre. Therefore it is considered that market conditions would ensure that any car park charging would not undermine the vitality of the town centre.
- 13.37 The scheme also proposes a variable message signage on Churchill Way and Great King Street to inform drivers of car parking availability which would be secured through a Highways Agreement. This would improve the movement of traffic across the town centre and is a benefit of the proposals.

SERVICING AND DELIVERIES

- 13.38 Letters of representation have also raised concerns regarding the suitability of servicing and delivery access points and areas along Duke Street and Churchill Way for HGVs.
- 13.39 A delivery and service area internalised within the building would serve the department store and units on the west side of Silk Street which would be accessed off Churchill Way. A further external delivery facility off Duke Street would be provided for units on the east side of Silk Street. A loading bay to serve the restaurants and cinema would be provided on Churchill Way. A small service lay-by, located to the rear of restaurants on Water Street, a service lay-by south of Roe Street to service the Porters Prince of Wales PH, with on street servicing provided on Exchange Street for the new retail unit located adjacent to the new square are also proposed.
- 13.40 The Strategic Highways Manager considers that the proposed lay-by on Water Street should only be used for small van or car deliveries as this would not be sufficient to serve the development should much larger vehicles attempt to use it. On that basis it is recommended that

a condition be imposed to prevent the cinema from being serviced from Water Street.

- 13.41 In addition, it is considered necessary to impose conditions to ensure that the operational efficiency of the management of the service areas and service yards including waiting time restrictions, encouraging deliveries outside of peak periods, signage and timed deliveries to control and minimise conflicts. Given the proximity of the loading bay on Water Street and that adjacent to Roe Street to residential properties, the LPA would consult with Environmental Health on any proposed delivery times prior to these being agreed by the LPA to ensure that there would not be an adverse impact upon residential amenity. Nonetheless, subject to these restrictions, the proposed servicing is considered acceptable.

TRAFFIC GENERATION

Multi-Storey Car Park Access

- 13.42 The original scheme multi-storey car park access required a significant amount of traffic to perform U-turn movements at the Churchill Way/ Park Lane roundabout to travel northbound on Churchill Way. This resulted in capacity issues with increased queuing on both Park Lane and Park Street arms of the roundabout. The queues extended to the Sunderland Street/Park Lane/ Mill Lane and then onto Mill Lane / The Silk Road junction. This was considered problematic.
- 13.43 Subsequently, the applicants have submitted a revised access to the multi-storey car park that avoids the need for U-turns at Churchill Way/ Park Lane roundabout by providing a signal junction. No right turn for northbound traffic would be available. It would use the nearby roundabout to access the car park. This revised traffic signal junction scheme would provide adequate capacity and prevents the queuing problems backing to the Silk Road.
- 13.44 In order to determine the development traffic impact of the scheme proposals, the applicant has not used a traditional Trics analysis approach but analysed the trips from the four main town centre car parks to determine a trip generation rate per car parking space. The Trics database contains only limited count data for shopping malls and is well below the number that should be used to provide trip rates, although using the available data the trips rates in Trics for shopping malls are only slightly higher than the ones used in the analysis of this application. The Strategic Highways Manager considers that the methodology used by the applicant is robust as it provides a more local assessment of trips to and from the town to existing shopping destinations and whilst the new development would likely attract more trips, it would not be a significantly higher car park generation rate than existing.

- 13.45 Although the applicant in the Transport Assessment has undertaken a distribution of traffic on the road network, the Council has commissioned independent consultants to determine the traffic impact of the development on Macclesfield. The tests using the CEC Paragraphmics model for Macclesfield were carried out in the following peak hours Morning peak (08:00-09:00), evening peak (17:00-18:00) and Saturday lunch-time peak (11:15-12:15).
- 13.46 An assessment on journey times has been recorded in both directions over the following routes:
- The Silk Road – from Mill Lane to Hully Road (northbound)
 - The Silk Road – from Hully Road to Mill Lane (southbound)
 - Churchill Way – from Hibel Road to Park Lane (southbound)
 - Churchill Way – from Park Lane to Hibel Road (northbound)
 - Park Lane – from Congleton Road to the Silk Road (eastbound)
- 13.47 The journey times in the morning peak show that the proposed development would not have a material impact on modelled journey times in the AM peak and in some instances the development model actually shows an improvement in modelled journey times. The results for the evening peak period show that the development would have slight impacts across the routes, with more significant impacts on the approach to the Churchill Way/Park Road roundabout and at the Hibel Road/Hurdsfield Road/ Silk Road roundabout. The Saturday modelled journey times figures suggest that the proposed development would impact upon modelled journey times on the Silk Road and Park Lane.
- 13.48 The Transport Assessment and Environmental Statement both acknowledge that whilst the existing road network is expected to have sufficient capacity to cater for predicted levels of traffic, without mitigation, the proposed Development would generally have a moderate adverse impact on junctions on Churchill Way and a negligible impact on the other Town Centre junctions. However, mitigation measures to the town centre junctions, in the form of carriageway and footpath improvements on Churchill Way and Exchange Street and the introduction of Variable Message Signing to effectively manage car park usage would ameliorate the impacts. These mitigation measures would provide long term, minor beneficial effect with respect to the operation of the Town Centre highway network as a whole and would result in the impact on Churchill Way junctions improving to a minor adverse impact. The Strategic Highways Manager concluded that the overall impact of the development on traffic in the morning peak on average journey times across the road network has been considered and the results indicate that the development has no negative impact on the average journey

times. As the residual cumulative impacts of development are far from severe, the proposals accord with paragraph 32 of the NPPF.

TRAVEL PLAN

- 13.49 Paragraph 36 indicates that for developments which generate significant amounts of movements, a Travel Plan is a key tool to ensure that the development meets the above objectives.
- 13.50 A Travel Plan Framework plan has been submitted with the application. It indicates that a Travel Plan Co-ordinator is to be established within the Development Centre Management structure. The provision of a Travel Plan co-ordinator is an important part of the Travel Plan as they would encourage sustainable travel within the different businesses.
- 13.51 The success of the Travel Plan would depend upon a final Travel Plan being agreed, having put in place reasonable modal shift targets and a scheme of monitoring on an annual basis. Updates, to the plan may be required if measures identified are not producing the results required.
- 13.52 The Travel Plan would be secured via condition with a financial contribution required for monitoring of this and would make an important contribution towards promoting sustainable transport choices for users of the development in accordance with guidance within the NPPF.

TRAFFIC REGULATION ORDER'S, REFUSE COLLECTION & ELECTRIC CHARGE POINTS ETC

- 13.53 Refuse storage/collection and recycling facilities are proposed to be provided and a condition would be necessary to secure this.
- 13.54 The Strategic Highways Engineer has recommended a number of Traffic Regulation Orders would be required in order to prevent on-street parking in the areas of servicing, parking areas and bus stops. This is addressed in the Heads of Terms for a Section 106 Agreement section of the report. The cost for the Traffic Regulation Orders would be £21 000.
- 13.55 The NPPF indicates that developments should include facilities for charging plug-in and other ultra-low emission vehicles. Environmental Health has recommended that 1% (8) of the proposed car parking spaces are provided with electric vehicle recharging points and that a further 2% (16) car parking spaces shall be provided with the infrastructure (cabling etc) to support the future addition of electric vehicle recharging points. The applicant has agreed this verbally. Therefore, given the policy backing for such an approach, it is considered appropriate to impose a condition.

- 13.56 Paragraph 40 of the NPPF indicates that LPAs should seek to improve the quality of car parking in town centres and that this should include motorcycle parking. It is therefore considered appropriate to impose a condition requiring that motorcycle car parking is provided.

CONCLUSION ON HIGHWAYS MATTERS

- 13.57 In conclusion, it is considered that the scheme (including appropriate mitigation) provides sufficient car parking to both replace the existing car parking and to meet the operational needs of the development.
- 13.58 The scheme would have a minor impact upon traffic generation. However, as the most significant effects have been mitigated, the impact would not be severe.
- 13.59 The benefits of the scheme include:
- New cycle parking
 - Improved access for all
 - Improved linkages
 - The pedestrian priority area,
 - Financial contributions towards signage
 - Traffic Regulation Orders
- 13.60 The combination of these features in and around the town centre would significantly improve the accessibility and permeability of the town centre to the benefit of Macclesfield in general.
- 13.61 The combination of these benefits, coupled with the submission of a Travel Plan, ensures that this development would make a meaningful and positive contribution towards promoting sustainable transport, which is a cornerstone of the NPPF.

14. OTHER MATTERS

COVENANTS/LAND OWNERSHIP ISSUES

- 14.1 Issues surrounding legal land ownership and/or covenants are not material to the planning decision making process.

CHANGES TO TRAFFIC REGULATION ORDERS

- 14.2 Some representations have suggested that some roads around the development would benefit from being restricted to one-way traffic (e.g Water Street). Whilst officers can see a logic to this, this would be a highways matter and would necessitate further consultation with residents, which can be explored outside of this planning application. Needless-to-say, one of the determining factors of this is whether planning permission is granted for the development.

STRUCTURAL ASSESSMENT OF NEIGHBOURING PROPERTIES PRIOR TO WORKS COMMENCING

- 14.3 It is noted that some residents who live close to the proposed development site are concerned that their properties could suffer damage as a result of works associated with demolition and/or construction. This is not a material planning issue. However, the developer will undertake a structural assessment of all neighbouring properties in order to ensure that any disputes, which may arise, can be resolved.

PHASING

- 14.4 Officers consider that it is important to ensure that any negative impacts on existing businesses/shoppers/residents arising from construction are minimised. It is also considered critical that certain benefits of the proposal, for example the town square and public realm works to enhance the link along Exchange Street to Mill Street, are delivered at an appropriate stage of the development. It is therefore considered important to ensure the construction phase of the development is carried out in accordance with a carefully programmed schedule which has been specifically considered and approved by officers. This can be achieved via condition.

ALTERNATIVE SCHEMES

- 14.5 Officers have considered all representations received. Many interesting suggestions have been raised via representations for revisions to the proposal and for potential alternative schemes. Some of these would be unlikely to be viable or practicable for other reasons. It is important to note that Members of the Strategic Planning Board can only determine the proposal, that is the subject of

this application, and not any alternatives, however positive or negative they be.

15. ENVIRONMENTAL IMPACT ASSESSMENT

- 15.1 Members will note that this application is accompanied by an Environmental Statement (ES). The ES is a legal requirement for large development proposals such as this. It is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the Council. Environmental Statements tend to be highly technical and lengthy documents. To make these more accessible to the non-professional reader there is a requirement for a Non-Technical Summary to also be submitted.
- 15.2 In this case, there has also been an addendum to the original Environmental Statement which updates chapters where the environmental effects have altered as a result of the revisions to the scheme.
- 15.3 The Environmental Statement describes the likely environmental effects of the redevelopment both during demolition and construction works and also when the development is complete. It has looked at issues such as Transportation and Access, Noise and Vibration, Air Quality, Ground Conditions and Contamination, Surface Water Resources and Flood Risk, Townscape and Visual Impact, Archaeology and Cultural Heritage, Ecology, Cumulative Impacts. Measures which have been taken to avoid or reduce negative effects to the environment (i.e. mitigation measures are identified where necessary).
- 15.4 The likely environmental effects embodied within the Environmental Statement have been considered in the relevant sections of this report. To summarise, the impacts are as follows:

ENVIRONMENTAL STATEMENT - SUMMARY OF CONTENT

Demolition and Construction

- 15.5 A site specific Environmental Management Plan (EMP) is proposed to reduce and manage any potential environmental effects that may arise during the construction process. No residual effects, assuming the implementation of the proposed mitigation, are expected.

Transportation and Access

- 15.6 The traffic resulting from construction would be temporary. The implementation of the EMP would ensure that appropriate control measures are enforced. However, some minor adverse effects to pedestrians and to local traffic flows cannot be ruled out.

- 15.7 The new multi-storey car park would also have a minor adverse effect on its junction with Churchill Way.
- 15.8 The impact of traffic on the remainder of the roads around the site would be negligible.
- 15.9 The development is considered to have a minor to moderate beneficial effect on pedestrians, cyclists, public transport and taxis due to new infrastructure on Churchill Way.

Noise and Vibration

- 15.10 During demolition and construction, the EMP would provide mitigation for residents in nearby housing, and local visitors to surrounding area would experience some noise and vibration effects. Therefore, a minor adverse effect is predicted.
- 15.11 Double glazing to new houses would mitigate existing noise sources and once the development is complete negligible effects are predicted.

Air Quality

- 15.12 The impacts associated with construction would be mitigated by the EMP, but, due to presence of nearby houses, the impact would be minor to moderately adverse.
- 15.13 Impacts associated with emissions from construction traffic would be negligible to minor adverse.
- 15.14 Exhaust emissions from plant operating would be mitigated by EMP and would be of negligible significance.
- 15.15 Traffic, once operational would give rise to moderate adverse to minor beneficial effect on local pollutant concentrations at existing receptors.
- 15.16 Future buildings equipment would give rise to negligible air quality effects.

Ground Conditions and Contamination

- 15.17 There were some areas of elevated pollutants within the ground, but normal health and safety procedures and the EMP would mitigate for this. However some risks to rivers and groundwater cannot totally be eliminated and temporary minor effects from contaminants leaching and accidental spillages.

- 15.18 The development would result in the treatment or removal and disposal of any polluted soils which would be of permanent minor beneficial significance.
- 15.19 Appropriate storage of fuels and chemicals and the use of oil water interceptors as part of the surface drainage network would ensure the operational development would not significantly impact upon soils, surface water and groundwater.
- 15.20 Overall impact is a negligible effect on ground conditions and contamination.

Surface Water Resources and Flood Risk

- 15.21 During the construction phase, the risk of flooding would be negligible. The EMP would provide appropriate mitigation. Should significant amounts of groundwater be found in the excavations, they would be dewatered and the water disposed of to the sewers. Therefore, there would be a negligible effect from groundwater flooding.
- 15.22 Separate surface and foul water drains would be installed to ensure the sewer is not overloaded with surface water and avoid treating surface water unnecessarily. During heavy rainfall, surface water would be stored to slow the discharge rate which would minimise flooding. This is a minor beneficial effect.
- 15.23 The shallow basement proposed would be constructed so as to prevent entry of groundwater resulting in a negligible effect from groundwater flooding.

Townscape and Visual Impact

- 15.24 During demolition and construction activities, incomplete buildings and mobile plant would have temporary minor to moderate adverse effects on the character of the site and immediate surrounding area (i.e. Christ Church Conservation Area and Mill Street). The construction activities are also considered to have a minor adverse effect on the Macclesfield skyline, vegetation and streetscene.
- 15.25 The demolition and construction works would have a minor to adverse effect on views from the Heritage Centre, surrounding Conservation Areas, resident on Roe Street, Water Street, Wardle Street and Mill Street and users of the local streets.
- 15.26 A negligible effect is predicted for views from the Market Place, bus station and train station.
- 15.27 The completed development would result in moderate beneficial effects on the character of the site and streetscene.

- 15.28 Minor beneficial effects are predicted on the character of Mill Street, Statham Street and Churchill Way.
- 15.29 A minor adverse residual effect is predicted for the Christ Church Conservation Area.
- 15.30 A minor adverse effect is predicted on the Macclesfield Skyline, effect on the character of the Town Centre, Park Green Conservation Area and the residential areas slightly removed from the vicinity of the site.
- 15.31 The Heritage Centre, properties on Water Street, residents of flats on Mill Street, shoppers and visitors to the area and users of Park Green square would experience minor to high beneficial effects on views from the Christ Church Conservation Area.
- 15.32 Residential properties on Roe Street and Wardle Street are considered to be minor to moderate adverse.
- 15.33 The effect on users of the market place, bus station and rail station are considered to be negligible.

Archaeology and Cultural Heritage

- 15.34 Archaeological deposits across the site are considered to be low. Therefore, the excavations required would result in a negligible effect.
- 15.35 During demolition and construction, the EMP would minimise accidental damage to listed buildings and other sensitive structures. This would result in a negligible effect.
- 15.36 Properties on Roe Street would be demolished building recording and sensitive new use of public realm in this area would result in an effect of minor adverse significance.
- 15.37 On completion, there will remain a minor adverse effect in Roe Street, specifically on the setting of the Citadel and listed buildings to the south of it, following the building of the restaurant/cinema block and demolition of properties on Roe Street.
- 15.38 Similarly there will remain a residual minor adverse effect in park lane with the construction of the MSCP across from the Paradise Mill Silk Museum, Lower Paradise Mill and Upper Paradise Mill.
- 15.39 There would be an overall minor adverse effect on setting of Park green and Christ Church Conservation Areas and their associated listed buildings as a result of the development.

Ecology

- 15.40 During demolition and construction, buildings with some bat potential, amenity grassland and shrubs and trees would be lost. In order to avoid impacts to birds, mitigation in the form of a watching brief prior to demolition is proposed. Replacement planting and bat boxes in mitigation are proposed. Lighting noise and dust would be controlled through the EMP to minimise impacts to bats and birds. There would be an overall negligible to minor beneficial impact on ecology during demolition and construction.
- 15.41 During completion, careful control of lighting and landscape management would ensure negligible effects on ecology at the site.

Cumulative Impacts

- 15.42 The Environmental Statement has considered both Type 1 and Type 2 impactsⁱ
- 15.43 There is potential for some Type 1 impact interactions during construction although this would be restricted to small periods. These would be principally transport and visual related impacts. An EMP would be implemented during construction to provide a mechanism for monitoring and minimising the impacts of construction works to reduce impacts on receptors.
- 15.44 The Type 2 impact assessment has looked at cumulative effects with the following schemes: The Towers, Park Green Mill and Tesco, Hibel Road. Should the construction periods overlap, these are likely to result in minor to moderate adverse traffic, air quality and noise effects. There would be no additional impacts to archaeology, built heritage, townscape, visual and ecology. No cumulative effects are predicted for drainage, flood risk and beneficial effects are predicted for ground conditions and contamination.
- 15.45 For the completed development, there would be no changes in respect of Transportation and Access, Air Quality or Noise.
- 15.46 Negligible completed cumulative impacts are predicted for ground conditions and contamination whilst a negligible or minor beneficial effect is predicted for flood risk and drainage. The townscape and visual effects are considered to remain as stated.
- 15.47 It should be noted that the applicant submitted an addendum to the Environmental Statement which considered the changes put forward through the submission of revised plans. The addendum indicates that the changes that could affect the findings of the original Environmental Statement are as follows:

- The comprehensive redesign of building elevations, resulting in reduced heights of some buildings, including the cinema and the department store;
- Alterations to the ways in which cars can exit the Churchill Way multi storey car park in that a right hand turn would now be allowed onto Churchill Way for vehicles leaving the car park;
- Provision for a community facility within the proposed development to replace the existing Senior Citizens Hall which would be demolished;
- The creation of more green elements across the development area including within Mulberry Square, Roe Square and on Park Lane.

15.48 Guidance in relation to air quality assessments has also changed since the original application was submitted. This new guidance was used in the revised assessments.

15.49 To summarise the Non-Technical Summary Addendum, the impacts changed in the following sections:-

Transportation and Access

15.50 The changes relate to a slight increase in the amount of car parking spaces provided and access into the MSCP to overcome queuing on the Park Street.

15.51 The revised access arrangements would reduce traffic flows. However the development would continue to have a minor adverse effect on the highway network.

15.52 All other impacts are unaffected by the proposed changes.

Noise and Vibration

15.53 The changes would not alter the conclusions in respect of noise and vibration with the exception of noise from traffic movements.

15.54 Updated traffic flows have the potential to impact upon traffic related noise. However the revised assessment indicates that the impact would remain of negligible significance.

Air Quality

15.55 The changes to the multi-storey car park and changes to guidance required re-assessment of air quality. However, the predicted impacts remain as described previously.

Townscape and Visual Impact

- 15.56 The changes include recommended mitigation and redesign of building elevations and this has resulted in residual impacts now classified as ranging from moderate beneficial to minor adverse to townscape character and high beneficial to moderate adverse for visual amenity.
- 15.57 The predicted impacts remain as previously because the previously proposed mitigation has now been incorporated into the revised development proposals.

Archaeology and Built Heritage

- 15.58 As footprints remain unchanged, the impacts to potential archaeological remains would not change.
- 15.59 A revised built heritage assessment was undertaken due to changes in guidance and comments from English Heritage. Additional mitigation measures have been incorporated such as reducing the height and redesign of the elevations of the cinema. The built heritage assessment concludes that the development delivers significant public benefits to the town and that these benefits weigh favourably in the balance against the harm that would result from the demolition of properties and demolition behind retained facades along Roe Street.

ENVIRONMENTAL STATEMENT - PROCEDURAL ISSUES

- 15.60 The Macclesfield Civic Society has criticised both the format and content of the ES with particular reference to the demolition of the Senior Citizen Hall and the detail of the shared surface.
- 15.61 Paragraph 81 of Circular 02/99 indicates that there is no statutory provision as to the form of an ES (which may consist of one or more document). Moreover, paragraph 82 indicates that the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which a development is likely to give rise. It then goes on to state that while each ES must comply with the requirements of the Regulations, it is important that they should be prepared on a realistic basis and without unnecessary elaboration.
- 15.62 It should be noted that the applicant sought a screening and scoping opinion and that the Local Planning Authority in conjunction with statutory and other consultees were instrumental in determining the scope of the Environmental Statement. On that basis, it is considered that the Environmental Statement has been undertaken in accordance with the relevant regulations and guidance. On that basis, the LPA is satisfied that the submitted Environmental Statement contains the information specified in Part II of Schedule 4

to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile.

- 15.63 It should be noted that the Environmental Statement does indicate that there would be some adverse impacts upon the environment. Paragraph 13 of circular 02/99 indicates that where the EIA procedure reveals that a project will have an adverse impact on the environment, it does not follow that planning permission must be refused. It remains the task of the Local Planning Authority to judge each planning application on its merits within the context of the Development Plan, taking account of all material considerations, including the environmental impacts. These impacts have been discussed throughout the report and have been given due consideration as part of the planning balance to be undertaken in decision making.

16. SECTION 106 LEGAL AGREEMENT

- 16.1 Officers have considered the Council's SPG on Section 106 Agreements. It is considered that the following should be covered by Section 106:

Replacement of the Senior Citizen Hall

- 16.2 A contribution of £1 034 807 towards the enhancement of existing community facilities within the town centre is being made. Cheshire East commissioned Capita Symonds and The Hamilton Project to undertake a Review of Community and Arts Facilities within the Town Centre to determine and advise on future provision. A priority of this work was the re-provision of the Senior Citizens Hall facilities on Duke Street car park. The preferred option arrived at was for re-provision within the Butter Market and adjacent former Police Station building which would be converted to ensure a suitable replacement facility is provided. A plan has been put together for how the buildings could be used, accompanied by full costings, a business plan and analyses of capital and operating costs and income generators. The contribution secured would deliver a suitable replacement to ensure that there would be no adverse impact upon existing community facilities. The replacement facility will have to be in place prior to the demolition of the existing Senior Citizens Hall.

Public Realm improvements

- 16.3 The provision of £100 000 towards the prioritised environmental improvements and regeneration initiatives, within the town centre (outside of the application site) as part of the Town Vision to include up to £50 000 which would be spent as priority on improvements to existing properties on Roe Street.
- The grant would provide new replica slow grown timber sliding sash windows and doors to all remaining properties in the terrace subject to the owners' agreement. The final designs would be based on the originals following further research.
 - The public realm/mitigation package would include the following:
 - Natural stone paving to both sides of Roe Street from Churchill Way in the west to the eastern boundary of no 21 Roe Street.
 - Replacement street lamps throughout the same are in a design which respects the heritage setting and enhances the conservation area.
 - Resurfacing of the carriageway with materials from the 'intermediate quality range' as set out in the Macclesfield Public Realm Strategy.

- Renovation of the two remaining windows in no 29 and reinstatement into the remaining properties in Wilson Bowden's properties (nos. 21, 19 or 17).
- Renovation of the original fanlights in no's 31, 29 and 27 (all to be demolished) and reinstatement into the remaining properties subject to the owners agreement.
- Detailed drawings would be provided for nos 17, 19 and 21 (2 café units plus the adjacent blue rendered unit) to show a minimum intervention with the historic fabric, and restoration of facades with new windows (sliding sash, the same as the original design), doors and painting of the blue rendered property.

Highways

16.4 Funding for Traffic Regulation Orders of £21 000. The TRO's would be for the following: -

1. Loading Bay on Churchill Way and Taxi bay
2. Loading Bay on Water Street
3. One Way extension on Water Street
4. Parking areas in Water Street, Wellington Street and Duke Street
5. Service Bay by Roe Street on Churchill Way
6. Relocation of Bus Stop on Churchill Way
7. New Coach Stop on Park Green

16.5 Travel Plan implementation and monitoring contribution of £10 000 (£1 000 per annum for ten years).

16.6 A £5 000 contribution towards the cost of provision of an on street coach stop.

16.7 A contribution of £25 000 to be made towards off-site street signage for wayfinding.

16.8 Grosvenor Centre Car Park to remain open for cinema use in the evening.

Local Supply, Recruitment and Training

16.9 A Local Procurement Protocol to be agreed to establish a procurement procedure to provide opportunities for local businesses to bid / tender for the provision of goods and services.

16.10 An Employment and Skills Plan will include details of how Wilson Bowden Developments and any other developer, or occupier of the Development and their contractors will work with local employment/training agencies (including Jobcentres, voluntary and private sector providers, sixth form colleges and colleges of further

education) to advertise vocational and skills training and employment opportunities.

Environmental protection

- 16.11 The provision of £10 000 towards air quality monitoring around the town.

Additional benefits

- 16.12 In addition to the above the developer is proposing to carry out a wide range of highways and pedestrian enhancement works associated with the development as s278 works. These highways works would take place on Churchill Way, Exchange Street, Roe Street, Duke Street, Samuel Street, Wardle Street and Park Lane as indicated on the application plans and provide tree planting, replacement paving on Samuel Street, paving and landscape works on Wardle Street, and tree planting and paving on Park Lane. The indicative cost of these works is approximately £1 000 000.

Community Infrastructure Levy (CIL) Regulations

- 16.13 In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 16.14 The provision of a replacement Senior Citizens Hall is necessary, fair and reasonable to ensure that there is no loss of a valuable community use in the town centre, and to comply with National Planning Policy.
- 16.15 The payment towards public realm improvements and properties on Roe Street are considered necessary, fair and reasonable as there is a necessity to upgrade/enhance existing facilities.
- 16.16 The payment towards highways improvements on Churchill Way are considered necessary in order to address the traffic generation on the highway network, address congestion issues around the town centre and improve access for all users, both on public transport and pedestrians.

- 16.17 The payment towards air quality monitoring is necessary, fair and reasonable to ensure that any unforeseen, post build issues are addressed.
- 16.18 A Local Procurement Protocol and an Employment and Skills Plan are considered necessary, fair and reasonable to ensure that the economic benefits of the scheme are delivered at a local level to comply with National Planning Policy.
- 16.19 All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

17. CONCLUSIONS

- 17.1 The proposal is broadly in line with the thrust of national as well as current and emerging local planning policy. As such, the NPPF advises that decision makers should approve such applications “without delay”.
- 17.2 The people of Macclesfield have been anticipating development on this site for many years. It is perhaps therefore inevitable the proposal does not meet every expectation. Furthermore, as is common with developments of this scale and complexity, the proposal does not sit perfectly with every relevant planning policy.
- 17.3 Officers have balanced all public views expressed and any inconsistencies with planning policy against the public benefits the scheme would bring.
- 17.4 The public benefits are significant and many. These include:
- The scheme would deliver the larger format retail units, as clearly sought in the development plan to attract the retailers who are not currently represented in the town centre.
 - Such development would, according to independent advice, act as a catalyst for further investment, claw back trade and increase footfall to the potential benefit of other existing town centre businesses, in a way which smaller incremental developments could not
 - The scheme would deliver a new town square and significant public realm improvements, again meeting a clear and long standing aspiration for the town as set out in the development plan. It would also enhance the appearance of currently visually poor locations and the setting of one of Macclesfield’s most prominent heritage buildings (the Heritage Centre).
 - The scheme would deliver significant leisure uses (restaurants and the cinema) which the public have indicated a desire for. It would also attract additional footfall, adding to the vitality of the town centre in the evening as well as during the day and remove the need for local people to travel considerable distances to visit a multiplex cinema.
 - The scheme would increase town centre housing and provide secure, car parking which makes more efficient use of land.
 - The scheme is predicted to directly deliver in the order of 909 additional jobs, a further 90 spin off jobs, as well as 258 construction jobs over a 2 year build period. Such jobs are a

significant public benefit, particularly at a time when local unemployment is rising.

- 17.5 Officers are of the view that the public benefits of this scheme outweigh any outstanding reservations with the proposal.
- 17.6 **The application is therefore recommended for approval, subject to the prior signing of a S106 Agreement and subject to conditions to include those set out in section 18.**

18. CONDITIONS

Time limits

- 1 A03FP - Commencement of development (3 years)

Plans

- 2 A04AP - Development in accord with revised plans
- 3 A02AP- Detail on plan overridden by condition

Appearance

- 4 A02EX - Submission of samples of building materials.
- 5 A07EX – For each building, sample panels of all external materials to be made available; to include but not limited to : mortar mix, bricks, cladding, glazing, eaves, glazing bars and frames, exposed structural elements, roofing, doors, vents and servicing covers.
- 6 A09EX- Details of rainwater goods
- 7 A11EX- Details to be approved to include:
- Metal fins to multi-storey on Samuel Street
 - Detail on service doors
 - Cable handrail to roofs
 - Externally visible bulk head panels
 - Details of any flashings/copings with specific reference to Water St.
- 8 A12EX- Fenestration to be set behind reveals (for residential properties on Water St and replacement windows of retained facades on Roe St).
- 9 A13EX – Specification of bonding of brickwork
- 10 A20EX – Submission of details of windows, including materials
- 11 A12GR – No external storage
- 12 No films or boarding shall be attached to screen off any display window without details being submitted and approved
- 13 Details of treatment of walls of properties on Roe Street exposed by demolition works to be approved
- 14 Notwithstanding permitted development rights, details of all hoardings to be approved

- 15 Shop front and advert design code to be approved with removal of permitted development rights/deemed consent for works not in accordance with code
- 16 No shutters without specific approval
- 17 A19MC – Refuse and recycling facilities to be approved
- 18 Detailed scheme of lighting to be approved
- 19 No approval implied for external extraction equipment

Heritage

- 20 Schedule of original features in the buildings to be demolished to be provided to the LPA and such features to be made available for reuse in remaining properties.
- 21 Programme of archaeological work in accordance with approved scheme of investigation

Amenity

- 22 A06GR – No windows to be inserted

Environmental Protection

- 23 A20GR – Hours of deliveries
- 24 Approval of full Environmental Management Plan
- 25 Controls over operational plant noise limits
- 26 Habitable rooms of new housing to be acoustically insulated
- 27 Signage at service yard entrances(s) indicating delivery hours
- 28 Travel Plans to be developed
- 29 2% car spaces to have electric vehicle recharge points and infrastructure for further 4% future provision
- 30 Remediation scheme to deal with contamination to be approved

Highways

- 31 A02HA – Construction of accesses
- 32 A15HA – Construction of highways-submission of details to include Equality Impact Assessment

- 33 A24HA – Provision/retention of service facility
- 34 A01HP - Provision of parking throughout construction stages to be agreed
- 35 A04HP – Provision of cycle parking to be approved
- 36 A14HP – Provision for motor cycle parking to be approved
- 37 A05HP – Provision of shower, changing lockers and drying facilities
- 38 Details of traffic signals and island adjacent to multi-storey and of Variable Messaging Signs to be approved
- 39 Scheme to be approved for off site signage to car parks
- 40 Details of all areas of highway and public realm to be approved and to include Equality Impact Assessment
- 41 Details of new bus stand to be approved
- 42 Details of coach stop to be approved
- 43 Layout and Management Plan for parking areas to be approved

Public realm

- 44 Detailed scheme for landscaping of public realm to be agreed to materials, play equipment for Roe Square, street furniture, refuse bins, details of wall on Samuel St to be retained/reused, green walling systems, planting plans, tree pits and sight lines for CCTV and notwithstanding reference to planters to provide for tree planting in street unless full justification given to satisfaction of LPA.
- 45 Phasing plan for implementation of public realm areas to be approved.
- 46 A04LS- Landscaping/public realm scheme to be agreed in accord specified standards/approved details.
- 47 Landscape/Public Realm Management Plan to be approved and implemented
- 48 Details of surfaces and levels around Heritage Centre to be approved
- 49 Public Art Plan to be submitted, to as a minimum provide for art installations in spaces, asked for public art Heritage Panels as indicated on approved plans

- 50 Details of CCTV equipment, installation and management to be approved
- 51 Details of management of security of alleyways to rear of properties on Roe Street and Water Street to be approved.
- 52 Details of method of preventing vehicular access to pedestrian areas to be approved
- 53 Directional signage to be provided indicating connections to other key facilities within the town centre in accord with details to be approved.

Phasing

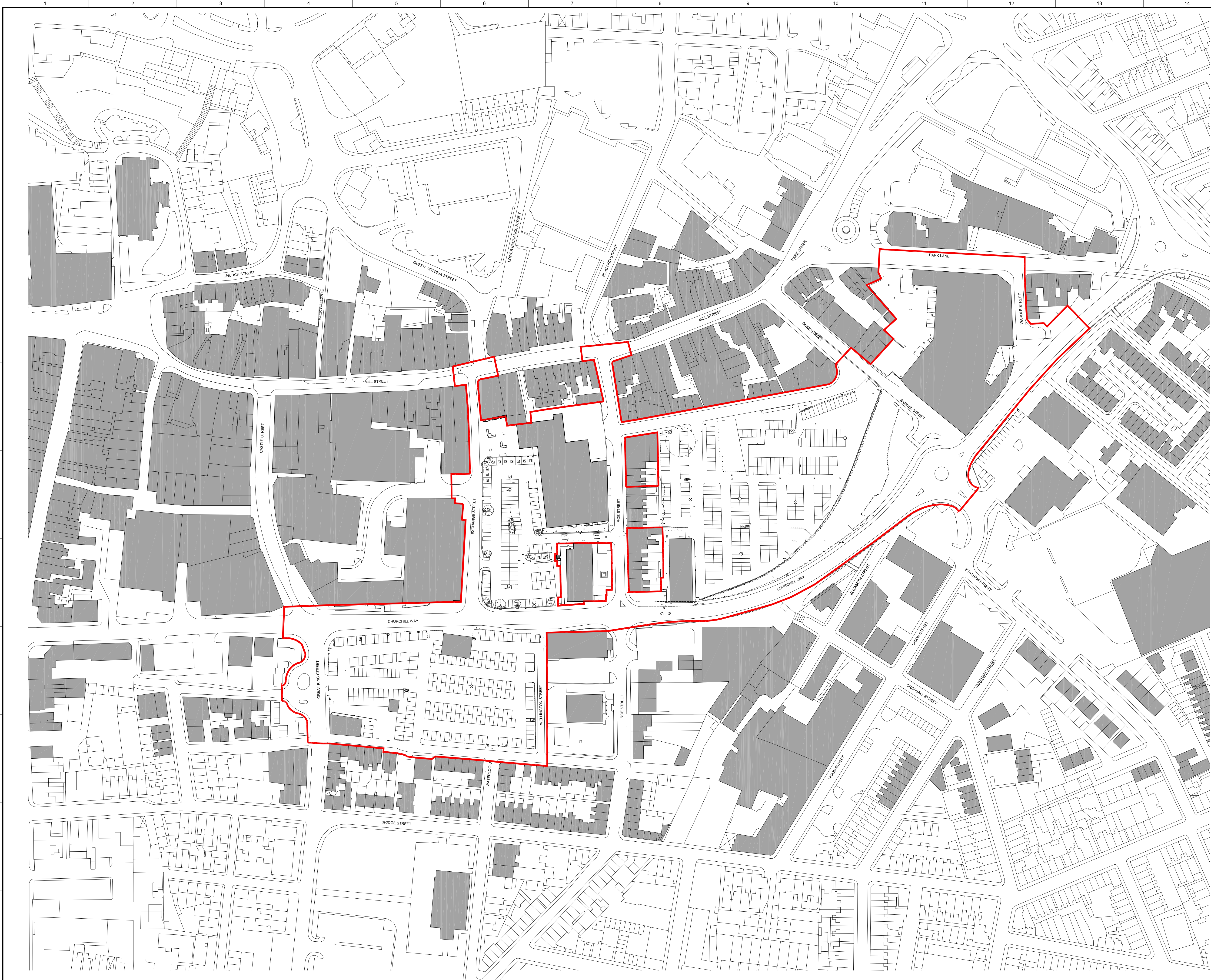
- 54 Phasing plan to be approved to ensure:
 - Link from Silk St to Roe Street, public realm works on Roe St, Mullberry Sq, Exchange St and Roe Sq all to be implemented prior to opening of units to Silk St with exception of department store.
 - Completion of residential units on Water St prior to opening of cinema
 - Agreed level of parking to be maintained throughout all construction phases

Drainage

- 55 Method statement for protection of public sewer/culverted watercourse to be approved
- 56 Surface water drainage scheme to be approved

Nature Conservation

- 57 Survey for nesting birds to be undertaken prior to carrying out any works between 1st March and 31st August
 - 58 Features for breeding birds to be incorporated in accordance with approved details
-



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CLIENT
Wilson Bowden Developments

STRUCTURAL ENGINEER
Watermans

SERVICES ENGINEER
URS Corporation

CONSULTANT

KEY PLAN

KEY

APPLICATION BOUNDARY

EXISTING BUILDINGS

NOTES:

DO NOT SCALE. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. CHECK DIMENSIONS ON SITE AND REPORT DISCREPANCIES TO THE ARCHITECT.

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Issued for Planning

NT

SB

P228.03.12

Building shown on Water St

JF

CR

P128.03.12

First Issue

JF

CR

No.

Date

Comment

Drawn

Chk'd

Revisions

Issue Status

PLANNING

tp bennett

architecture

interiors

planning

One America StreetLondonSE1 0NEUK+44 (0) 20 7208 2000www.tpbenett.com

LondonMoscowAbu DhabiNew York

Project

Macclesfield Town Centre

Drawing Title

Application Redline Boundary Plan

Drawn

RD

Date

09.11.2012

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Alt. Ref.

E1002D0001

tp bennett Project No.

Drawing Number

Rev

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Page 223

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Application No: 12/1213M

Location: 23/31 Roe St, Macclesfield, Cheshire SK11 6UT

Proposal: Demolition of 27, 29 and 31 Roe St and partial demolition of 23 and 25 Roe St (front façade and roof to be retained)

Applicant: Wilson Bowden Developments

Expiry Date: 23rd May 2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 agreement and conditions

MAIN ISSUES:

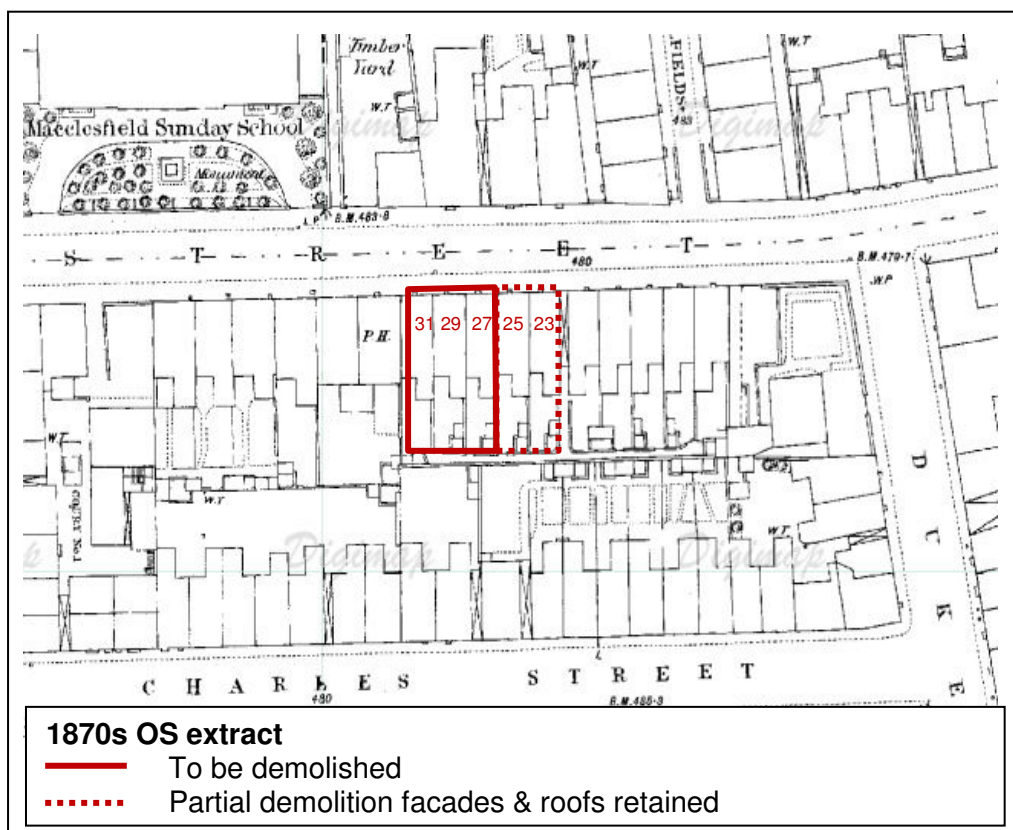
- Impact on Heritage Assets
- Public Benefits

1. REASON FOR REFERRAL

- 1.1 The application has been referred to the Strategic Planning Board as the proposal is linked to application 12/1212M, a major application appearing elsewhere on the agenda.

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1 The application site boundary corresponds to that for 12/1212M detailed elsewhere on this agenda. As Conservation Area Consent is only required for the demolition of unlisted buildings within conservation areas, whilst the submitted application site plan corresponds with the entire development site of 12/1212M, this application is purely concerned with the proposed demolition of properties on Roe Street
- 2.2 The description entered on the application form refers to the demolition of 27, 29 and 31 Roe Street and the partial demolition of 23 and 25 Roe Street. As Conservation Area Consent is only required where unlisted buildings, or structures within conservation areas would be 'substantially' demolished and it is intended to retain the facades and main roofs of 23 and 25, it is considered that conservation area consent is not actually required for the partial demolition of these two properties. They are however included in the application and hence are referred to throughout this report.
- 2.3 The properties in question form part of a terrace of dwellings on the south side of the eastern stretch of Roe Street, immediately to the east of the Porters Ale House. The properties are neither listed, nor locally listed, but they appear on the 1870s OS plan (see below) and are believed to date from circa the early 1800s.



3. RELEVANT HISTORY

- 3.1 The planning history for the wider application site is set out in the report on 12/1212M elsewhere on this agenda. The planning history for the properties on Roe Street to which the conservation area consent application specifically applies is set out below:

22726P	Change of use to office suite 27 Roe Street. Refused. 11/06/80
08/3001P	Demolition of: 23-31(odd) and 34-42 (even) Roe Street, for the comprehensive redevelopment of Macclesfield town centre Withdrawn 20/06/11
10/1040M	2 storey rear extension, pitched roof and alterations 25 Roe Street Approved 13/05/10

4. POLICIES

Macclesfield Local Plan – Policy Weight

- 4.1 The Macclesfield Local Plan was adopted by Macclesfield Borough Council on January 2004. It has a plan period that extended to 31 March 2011. Several Policies were then ‘saved’ under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 Act. These remain as part of the Development Plan for the purposes of s.38 of the Act.
- 4.2 Due weight should be given to relevant policies in the existing local plan according to their degree of consistency with the Framework.

Local Plan Policy

- 4.3 The following policies from the Macclesfield Local Plan are considered to be relevant: -

BE2 Historic Fabric
BE3 Conservation Areas
BE4 Conservation Areas (Demolition)
BE8 Christ Church, Macclesfield

National Planning Policy (NPPF)

- 4.4 Paras 126-141 including:

Para 126, which reminds us that heritage assets are an irreplaceable resource which bring social, cultural, economic and environmental benefits and which should be conserved in a manner appropriate to their significance.

Para 128, which requires applicants to describe the significance of heritage assets to be affected, giving detail proportionate to their significance.

Para 132, which requires that great weight is given to the conservation of heritage assets with any harm requiring clear and convincing justification.

Para 133, which requires that proposals which lead to substantial harm to designated heritage assets are refused, unless it is demonstrated the harm is necessary to achieve substantial public benefits that outweigh the harm (unless other criteria not applicable in this case apply).

Para 134, which states that where harm to designated heritage assets would be less than substantial, it should be weighed against public benefits.

Other Material Considerations

- 4.5 Christ Church Conservation Area Guidance Note 1994

5. CONSULTATIONS (External to Planning)

English Heritage

- 5.1 In response to the application as originally submitted, comment that the application failed to adequately assess the impact on key assets, but, from the information provided, comment that the proposal would result in substantial harm to the significance of heritage assets. On that basis, recommended refusal of the application, or significant amendments.
- 5.2 In response to the revised scheme, comment that the content of the Built Heritage Assessment appears to take a narrow view of 'setting', is dismissive of unlisted buildings in the conservation area and fails to consider the wider impacts on the historic townscape of Macclesfield. Consider demolition of properties along Roe Street to constitute less than substantial harm to Christ Church Conservation area. Raise a number of other issues relating to the proposed development scheme covered in the report on 12/1212M. Notes that English Heritage cannot support a proposal that does not take opportunities to enhance the character and appearance of the conservation area.
- 5.3 The letter concludes that the LPA will need to ensure that any other public benefits outweigh the less than substantial harm identified to ensure that the proposals constitute sustainable development, consistent with NPPF requirements.

Cheshire Archaeology Planning Advisory Service

- 5.4 Comment that archaeological issues can be addressed by a programme of archaeological mitigation. The mitigation may be secured by condition. Such a condition is recommended for 12/1212M.

6. OTHER REPRESENTATIONS

- 6.1 **Silk Heritage Trust** – Raise concerns regarding the impact of the loss of properties along Roe Street to the setting of the Heritage Centre.
- 6.2 **Northern Chamber Orchestra** (users of the Heritage Centre) - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.3 **Macclesfield Civic Society** - Criticise the content of the Heritage Statement. Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.4 **Activity in Retirement (AIR)** (users of the Senior Citizens Hall) - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.5 **Henbury Parish Council** - Recommends that Cheshire East Planning grants planning permission for this development subject to it conforming to the Council's planning policies and building regulations.
- 6.6 **Sutton Parish Council** - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.7 **Nether Alderley Parish Council** – Commented that the Parish Council understands the enormous significance of the development proposed under 12/1212M and state that due to the scale and nature of the application, the Parish Council would like to gauge local opinion in the Parish, before responding formally. No further comments received.
- 6.8 **Friends of Macclesfield Silk Heritage** - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.9 **Macclesfield Guild & Chamber of Trade** - Raise concerns regarding the loss of properties along Roe Street impacting negatively on the setting of the Heritage Centre. Other issues raised relate to the redevelopment scheme, but not specifically to the demolition of properties on Roe Street and are recorded in the report on 12/1212M.
- 6.10 **Macc2020** - Raise objections to the redevelopment scheme, but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.

- 6.11 In addition to the above 1876 letters were received relating to this application from 1538 householders. Responses from 8 of these were in support and 1530 were objecting / expressing concerns.
- 6.12 Of those objecting, 550 households submitted copies of a leaflet produced by a local opposition group known as 'Wake Up Macc', 854 households submitted copies of a checklist of objections again produced by 'Wake up Macc', and 139 households submitted a standard worded letter again produced by the same group.
- 6.13 None of the points produced by 'Wake Up Macc' relate specifically to the demolition of properties on Roe Street, but rather to other aspects of the development proposals as set out in the report on 12/1212M.
- 6.14 The main issues raised in the bespoke letters of representation, which are pertinent to the determination of this Conservation Area Consent application, include the following:
- The demolition of a rare intact area of Georgian housing will destroy the integrity of this area of Macclesfield.
 - It will impact negatively on the Conservation Area.
 - The proposal will impact negatively on the setting of the Heritage Centre as the buildings form part of a group which illustrate a point in Macclesfield's history
 - Recommend consideration of objection from English Heritage
 - Insufficient justification - these valuable assets should not be lost just to cut through an access route into the new development.
 - These properties are more valuable examples than others elsewhere in this terrace.

7. APPLICANT'S SUPPORTING INFORMATION

7.1 The following documents have been submitted to accompany the Conservation Area Consent application:

- Environmental Statement Chapter 8 (as amended)
- Built Heritage Assessment (Appendix 8.1 ES Addendum)
- Planning Statement (as amended)
- Design and Access Statement (as amended)

7.2 In essence these documents acknowledge that the demolition of properties on Roe Street would be regrettable and would have a negative impact on the conservation area. However, the following justification has been provided for the demolition:

- A breakthrough is required in the centre of Roe Street to provide an appropriate pedestrian link between the southern and northern half of the proposed scheme.
- The extent of demolition in the revised scheme is the minimum necessary.
- The partial demolition of 23 and 25 allows the development of an active frontage and use at the entrance to Silk Street (cafe) whilst retaining the facade of the existing properties to Roe Street.
- Improvement measures are proposed as part of the development proposals to compensate for the loss of historic fabric in the form of financial contributions for grant improvements to properties, public realm works and improvements to retained properties on Roe Street within the application site.

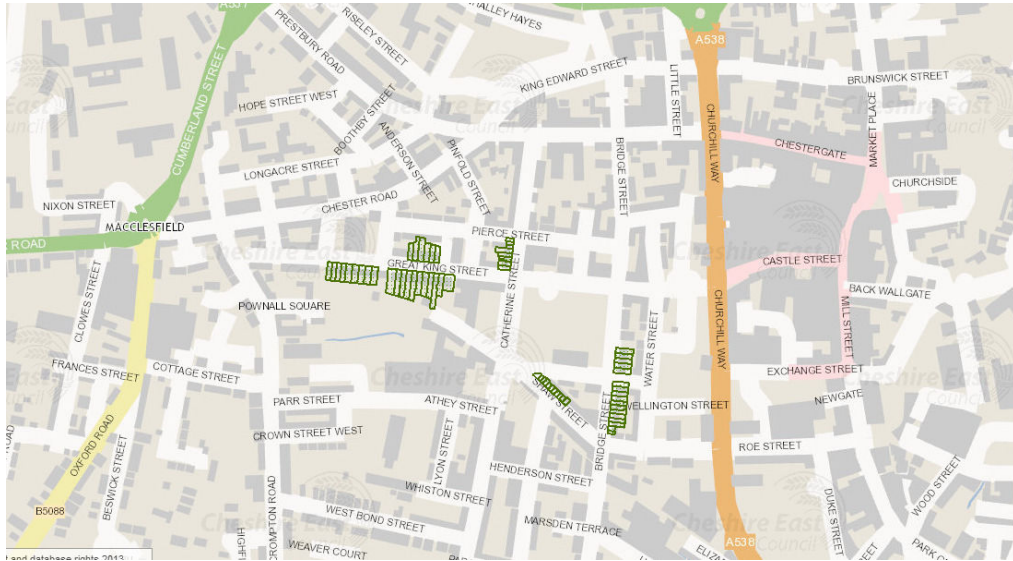
8. OFFICER APPRAISAL

Principle of Development

- 8.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a statutory duty on the local authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Sections 16 and 66 of the same act, place a similar obligation to have special regard to the desirability of preserving listed buildings, any features of special architectural or historic interest they possess and their settings.
- 8.2 The Macclesfield Local Plan translates these duties into policies BE2, BE3, BE4 and BE8. These policies state that the Council will not normally permit development which would adversely affect historic fabric and will only permit development which preserves or enhances the character or appearance of the conservation area.
- 8.3 With regard to demolition of unlisted buildings, policy BE4 states that Conservation Area Consent will not be granted for the demolition of buildings which make a positive contribution to character or appearance.
- 8.4 In this case, given that the applicant's own heritage assessment concedes that these buildings do make a positive contribution to the areas character, the principle of this proposal is contrary to the thrust of these policies and in conflict with policy BE4.
- 8.5 This having been said, it is of note that policy BE4 relating to the demolition of unlisted buildings is, somewhat oddly, stricter than that for the demolition of listed buildings (BE17): the latter simply saying that consent for demolition will not 'normally' be granted. Furthermore, the strict wording of policy BE4 goes beyond national policy set out in the NPPF which requires consideration of impacts on the significance of the asset and a balanced judgement made based on:
- the scale of harm,
 - the significance of the asset
 - the public benefits.
- 8.6 In this respect, the Local Plan policy is not considered to be entirely in line with the NPPF and policy BE4 is given reduced weight accordingly.
- 8.7 The main issue to consider in this case is therefore whether the harm caused to heritage assets (and the resultant conflict with planning policies) would be justified by the public benefits arising from the proposed wider development proposal 12/1212M.

Impacts on Heritage

- 8.8 When considering impacts on heritage assets, it is impact on 'significance' which is to be considered. 'Significance' is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, whether archaeological, architectural, artistic or historic.
- 8.9 When considering impacts of proposals on 'designated' heritage assets, it is necessary to establish the extent of harm to significance and whether that would be substantial, or less than substantial. Substantial harm to designated heritage assets should only be allowed if it has been demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm, unless other circumstances apply (which would not be applicable in this case). If harm to the significance of designated heritage assets is considered to be less than substantial, then LPAs must weigh the harm caused against the public benefits of the proposal.
- 8.10 In this case, as the properties proposed to be demolished on Roe Street are not listed, they are not in themselves a designated heritage asset; rather they form a part of the designated heritage asset of Christ Church Conservation Area. Therefore, what must be considered first, is whether their demolition would cause substantial or less than substantial harm to the Christ Church Conservation Area.
- 8.11 There is no conservation area appraisal for Christ Church Conservation Area which can be referred to in making this judgement. Officers have therefore sought to make an assessment based on the information submitted and observation of the site and area.
- 8.12 The Christ Church Conservation Area centres on Christ Church itself and the planned square around it and the name of the conservation area suggests the importance attributed to these elements.
- 8.13 The eastern section of Roe Street has been severed from these elements by the construction of Churchill Way. The other listed buildings within the conservation area are also clearly of particular historic and architectural significance. The Grade II* Sunday School and the Grade II Whitaker memorial, sited on the eastern section of Roe Street, are in relatively close proximity to the properties to be demolished. The listed buildings in the area are supplemented by many early 19th century buildings which, whilst unlisted, still make a positive contribution to the significance of the conservation area. Arguably, of the unlisted buildings within the conservation area, it is those which are subject to an Article 4 Direction preventing external alterations which are of most notable significance. Nevertheless, most of those properties not covered by the direction, still have evidential and architectural value.
- 8.14 The properties covered by the Article 4 Direction are set out below. As can be seen, none are on Roe Street.



- 8.15 The properties which would be demolished contribute positively to the setting of the Grade II* listed Macclesfield Sunday School and the Grade II Whitaker Memorial and also evidence the expansion of the town around the turn of the 19th century. They have facades with some interesting original detailing such as fanlights, door casings, gauged brickwork arches and, in the case of number 29, the original 6 over 6 sliding sash windows.
- 8.16 Unfortunately, the original architectural elegance and repetition of the dwellings in the terrace has been somewhat compromised by the removal of original doors and windows and their replacement with a variety of unsympathetic modern insertions. The rear elevations have been even more altered.
- 8.17 Despite this, given the contribution they make to the setting of the listed buildings on Roe Street, and their own remaining evidential and architectural merits described above, the terrace still makes a positive contribution to the character and appearance of the conservation area. This is accepted by the applicant's own heritage assessment, which also notes that the value of the group of properties to the east of the Portas Ale House, (i.e. those affected by this application), are of more value than those to the west.
- 8.18 This having been said, having regard to:
- the fact that these dwellings represent a small proportion of the overall number of non designated buildings in the conservation area,
 - are severed from the heart of the conservation area by Churchill Way,
 - are of lesser heritage value than many other properties within the area,

officers advise that the harm which would be caused to the significance of the designated heritage asset, (i.e. the Christ Church Conservation Area), by the demolition of these buildings should be considered less than substantial.

- 8.19 Notwithstanding the view that the harm caused to the significance of the conservation area and to the setting of listed buildings by the demolition would be less than substantial, officers have negotiated for compensation in the form of positive enhancements to the area in an effort to offset harm caused. The applicant has agreed to the following measures:

Firstly, as part of the proposed development set out in the report on 12/1212M, public realm works would be undertaken on the stretch of Roe Street between Churchill Way and no.21 Roe Street. This would involve:

- resurfacing the carriageway,
- resurfacing the tarmac footpaths with stone,
- replacing the street lights with something more appropriate to the character of the conservation area.

Such works, which would improve the character of Roe Street, specifically that part directly in front of the listed Heritage Centre and Whitaker Memorial, were not included in 12/1212M as originally submitted, but have been included following negotiation by officers as a positive enhancement to the conservation area to compensate for harm caused .

Secondly, as part of the revised scheme, the facades of 21-25 would be enhanced with new doors and windows, as appropriate, to improve the appearance of these properties within the application site.

Thirdly, as part of the S106 agreement for 12/1212M, up to £50,000 would be set aside to be priorities for grant funding improvements to the frontages of the remaining properties in the terrace. This could provide, for example, new window and doors in a style in keeping with the age and character of the terrace, in place of the existing historically inappropriate fenestration. Such works would lift considerably the overall appearance of this part of the conservation area and again were not part of the original scheme submitted in March 2012.

- 8.20 Having regard to the proposed compensatory measures, and having regard to the impacts of the scheme proposed under 12/1212M as a whole, English Heritage agree with officers that harm should be considered less than substantial.

- 8.21 If the harm to the Conservation Area would be less than substantial applying paras 132 and 134 of the NPPF what must be considered, is whether there is clear and convincing justification that the public benefits outweigh that harm.

Public Benefits of the proposal

- 8.22 The proposed development would deliver development clearly set out as desirable in the development plan. The bulk of the application site is allocated for retail and leisure led development and the local plan sets out that this is desirable to both rejuvenate the area and to provide larger format retail units to attract multiples and a wider range of retail uses (10.11 MTCLP).
- 8.23 The delivery of such retail floor space is particularly beneficial given that the Council has been advised that this is necessary to arrest the ongoing decline in Macclesfield's market share of comparison retail expenditure, that smaller, incremental developments will not have the same effect and that such development is likely to act as a catalyst to further investment.
- 8.24 In addition to delivering a type of retail floorspace identified as missing from the towns offer, the scheme also delivers a cinema which has been identified by the public as something needed within the town to enhance the leisure offer and evening economy. The proposed new restaurants will equally enhance the night time economy of Macclesfield.
- 8.25 In addition to the benefits the scheme would bring in terms of rejuvenating the town's retail and leisure offer, the scheme would also deliver public realm improvements, in particular the new town square which again represents the delivery of a long stated ambition in the Macclesfield Local Plan (10.11 MTCLP). Furthermore, the scheme would enhance the public realm on Churchill Way and Exchange Street as well as on part of Roe Street, all areas which currently create a poor impression of the town and the improvement of which would significantly enhance the setting of the Heritage Centre.
- 8.26 A significant number of jobs would stem from this development, estimated at 909 net full time for operational staff as well as construction jobs and spin off jobs. Such jobs may be viewed as a particularly significant benefit at a time when many people are suffering from the national downturn in the economy and unemployment around Macclesfield has markedly increased.

Conclusions

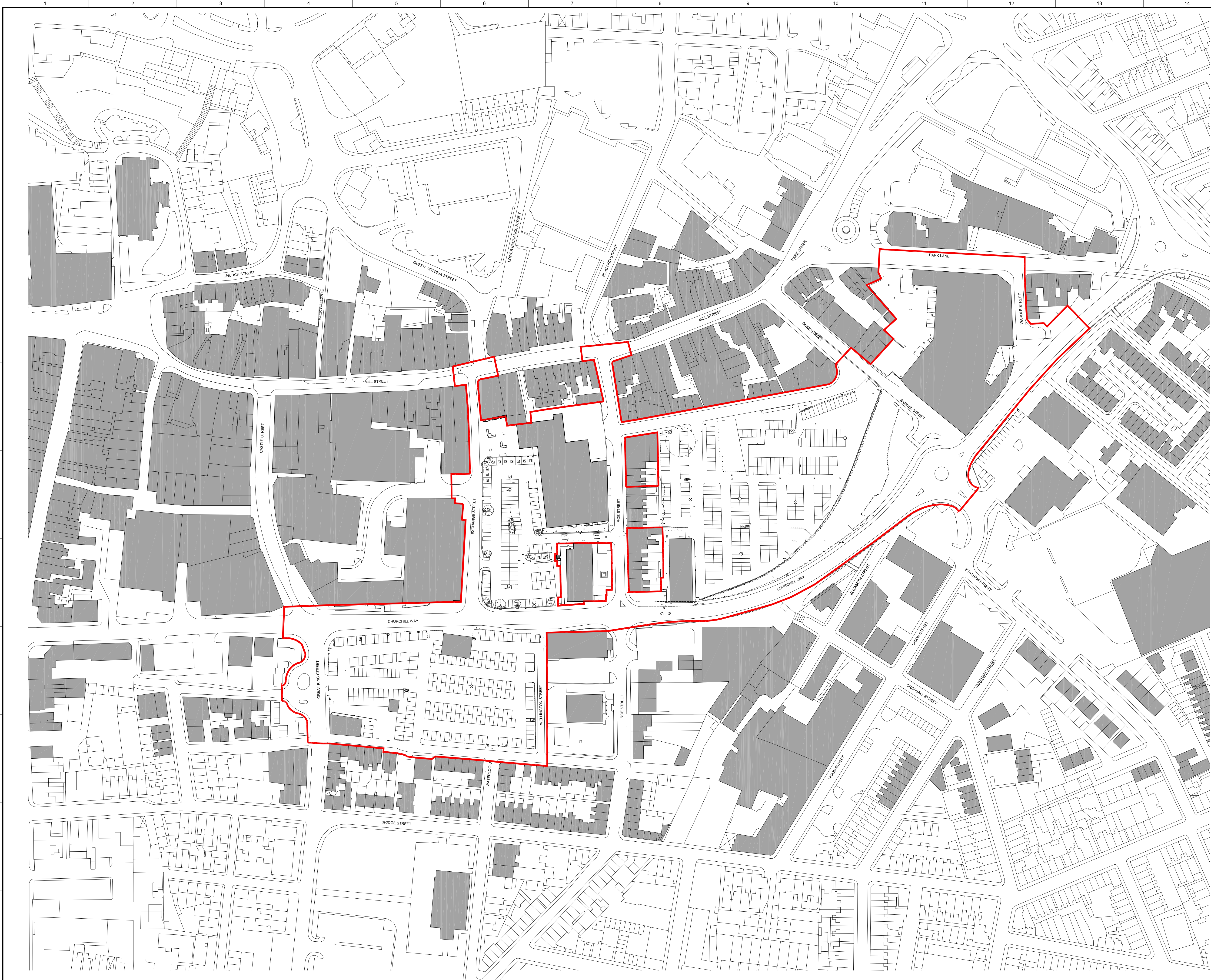
- 8.27 On the basis that the scheme proposed under application 12/1212M is considered acceptable, officers advise that the public benefits arising from this, would justify the harm caused by the associated demolition of

properties on Roe Street and Conservation Area Consent should therefore be granted subject to conditions and the signing of a legal agreement to secure the payment of £50,000 to fund grant improvements to the remaining properties in the terrace on Roe Street.

9. RECOMMENDATION

APPROVE subject to a S106 agreement and conditions to secure the following:

1. A03CA - Standard time limit
2. A0C2A - Development as precursor of redevelopment
3. A04AP - Notwithstanding any reference in any supporting document to the demolition of 5 properties on Roe Street, this approval shall accord with the revised plans which indicate the demolition of 3 properties only and the partial demolition of 23 and 25 Roe Street with front elevations and front and rear roof slopes of the main roofs of these properties retained
4. Record to be made of assets to be lost and evidence made available via the Historic Environment Record.
5. A schedule of original features in the buildings to be demolished to be provided to the LPA and such features to be made available for reuse in remaining properties in the terrace
6. No part of the demolition to occur on Roe Street until contracts let for public realm improvements to Roe Street and Mulberry Square and for facade improvements to 21, 23 and 25 Roe Street.



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PLOT TIME: 06/01/2013 4:51 PM

CLIENT
Wilson Bowden Developments

STRUCTURAL ENGINEER
Watermans

SERVICES ENGINEER
URS Corporation

CONSULTANT

KEY PLAN

KEY

APPLICATION BOUNDARY

EXISTING BUILDINGS

NOTES:

DO NOT SCALE. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. CHECK DIMENSIONS ON SITE AND REPORT DISCREPANCIES TO THE ARCHITECT.

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ALL AREAS HAVE BEEN MEASURED FROM CURRENT DRAWINGS. THEY MAY VARY BECAUSE OF (EG) SURVEY, DESIGN DEVELOPMENT, CONSTRUCTION TOLERANCES, STATUTORY REQUIREMENTS OR RE-DEFINITION OF THE AREAS TO BE MEASURED.

0m10m20m40m60m

1:1000

P321.12.12

Issued for Planning

NT

SB

P228.03.12

Building shown on Water St

JF

CR

P128.03.12

First Issue

JF

CR

No.

Date

Comment

Drawn

Chkd

Revisions

Issue Status

PLANNING

tp bennett

architecture

interiors

planning

One America StreetLondonSE1 ONE UK +44 (0) 20 7208 2000 www.tpbenett.com

LondonMoscowAbu DhabiNew York

Project

Macclesfield Town Centre

Drawing Title

Application Redline Boundary Plan

Drawn

RD

Date

09.11.2012

Scale @ A1

1:1000

Alt. Ref.

E1002D0001

tp bennett Project No.

Drawing Number

Rev

E1002

D 0001

P3

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