

THE TOWN AND COUNTRY PLANNING ACT 1990  
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
AND  
THE ACQUISITION OF LAND ACT 1981

THE CHESHIRE EAST BOROUGH COUNCIL (CHURCHILL WAY,  
MACCLESFIELD) COMPULSORY PURCHASE ORDER 2014

---

**DRAFT** STATEMENT OF REASONS

---

## 1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of Cheshire East Borough Council ("**the Council**" or "**the Acquiring Authority**") prepared in connection with the making of a compulsory purchase order, entitled The Cheshire East Borough Council (Churchill Way, Macclesfield) Compulsory Purchase Order 2014 ("**the Order**") which is to be submitted to the Secretary of State for confirmation.
- 1.2 The Council has made the Order pursuant to the powers in Section 226 (1)(a) of the Act and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. In the Statement of Reasons, the land and rights included within the Order are referred to as "**the Order Land**". The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3 The Council's purpose in seeking to acquire the land and rights included in the Order is to facilitate the development, re-development and improvement of the Order Land by way of a mixed use scheme comprising retail, leisure and office floorspace, community uses, residential dwellings, car parking, new town square and associated highway and public realm works ("**the Scheme**"). The Council considers that the Scheme will contribute to the regeneration of Macclesfield Town Centre, providing a much needed catalyst to an area that is in decline, and delivering important public benefits including significant investment in the town, new jobs and environmental improvements.
- 1.4 It is proposed that the Scheme will be delivered by the Council's development partner, Wilson Bowden Developments ("**WBD**"), which is a wholly owned subsidiary of Barratt Developments Limited. WBD is an established developer with a strong record of delivering of town centre mixed-use developments, including at Wrexham, Nottingham, Royal Leamington Spa and Harlow.
- 1.5 WBD has obtained full planning permission for the demolition of buildings on the Order Land to enable the development of a comprehensive mixed-use scheme, to include A1-A5 retail space (22,865 sq m GEA, of which up to 2,325 sq m is A3-A5 and up to 6,430 sq m is a department store); cinema (4,255 sq m); office/community space (510 sq m); 10 residential units; two car parks providing up to 818 spaces; additional street parking for 62 cars; new town square; and associated highway and public realm works. Conservation area consent has been obtained for the demolition of 27, 29 and 31 Roe Street. A detailed description of the proposals is found at Section 5 of this document.

1.6 WBD has already acquired some of the interests within the Order Land by agreement. Whilst WBD continues to negotiate with the relevant parties in order to acquire the outstanding interests, the Council has made the Order to ensure that the necessary interests may be acquired with certainty within a reasonable timetable so as to permit the Scheme to proceed.

1.7 This Statement of Reasons has been prepared in compliance with both paragraphs 35 and 36 of Part 1 of the Memorandum and Appendix R of Circular 06/04 – Compulsory Purchase and the Crichel Down Rules.

## 2. **DESCRIPTION OF THE ORDER LAND**

2.1 The Order Land extends to approximately [xx] hectares. The site is bounded by Great King Street and Exchange Street to the north; Churchill Way and Wardle Street to the south; Mill Street, Duke Street and Park Lane to the east; and Churchill Way to the west.

2.2 The topography of the Order Land generally slopes down from north to south, meaning that the southerly part of the Order Land is at a significantly lower level than the northerly part. Some parts of the Order Land have been built up to provide a level area for development. However, the land to the south of Samuel Street sits at a significantly lower level to the remainder of the Order Land.

2.3 The Order Land is located within the existing town centre as designated in the Macclesfield Borough Local Plan 2004 and is situated in a sustainable location close to shops, houses, key transport nodes, recreation facilities and community and health facilities.

2.4 The Order Land is under-utilised and generally characterised by low value and low density uses. The majority of the Order Land (approximately 2 ha) comprises three surface car parks (known as the Duke Street car park, Exchange Street car park and Churchill Way car park) which were laid out in the 1970s following the demolition of houses under a housing clearance programme. This gives the Order Land a barren, open appearance with little soft landscaping and exposes the rear of properties to public view.

2.5 Significant buildings within the Order Land include:

- 2.5.1 a warehouse (B8 storage and distribution use) which occupies the southern part of the Order Land between Samuel Street and Park Lane;
  - 2.5.2 three buildings on the Churchill Way car park including two retail outlets (A1 retail) and a substation;
  - 2.5.3 five residential properties on Roe Street (C3 residential); and
  - 2.5.4 a Senior Citizens Hall (D2 assembly and leisure) on Churchill Way.
- 2.6 Around [ %] of the Order Land is within the freehold ownership of the Council.
- 2.7 In addition to the Council and WBD, the following parties have interests within the Order Land:
- 2.7.1 Tesco Stores Limited and Arighi Bianchi & Co. Limited who have a freehold and leasehold interest respectively in land and buildings to the west side of Park Lane;
  - 2.7.2 Elizabet Gonzalez Frutos who has a freehold interest; and Ameer Ahmed Abassi and Hamid Mahmood Zafar (trading as The Entertainment Centre); Sertan Cetinkaya (trading as My Design) and Hasan Deveci (trading as Deveci Kitchens and Bedrooms) who have leasehold interests in 10-16 Great King Street;
  - 2.7.3 Suzanne Mary Barlow and Nicholas Arthur Wellings and Secondtek Limited who have the freehold and leasehold interests respectively in the store and premises fronting the west side of Churchill Way occupied by Secondtek Limited;
  - 2.7.4 Himor (Retail) Limited and Sainsbury's Supermarket Limited who have leasehold interests in land and premises on the south side of Exchange Street fronting Roe Street, Churchill Way, Exchange Street including former TJ Hughes and 2 Exchange Street (former Textiles Direct) and the Exchange Street surface car park (300 car parking spaces);
  - 2.7.5 Katherine Elizabeth Jones and David Gareth Jones who have a freehold interest in 23 Roe Street;
  - 2.7.6 Joanne Rose Salem and Jonathan Michael Salem who have a freehold interest in 25 Roe Street;

- 2.7.7 Susan Clare Hammill and Edward Sean Anthony Hammill who have a freehold interest in 27 Roe Street;
  - 2.7.8 Ian Charles Parker who has a freehold interest in 29 Roe Street;
  - 2.7.9 Selmar Properties Limited who has a freehold interest in the Dukes Court surface car park of approximately 15 car parking spaces; and
  - 2.7.10 electricity substations.
- 2.8 In addition, crane oversailing rights will be required which extend beyond the development boundary to facilitate the construction of the buildings as identified on the CPO plan. The jib and counter weight will pass over the air space identified and it is not intended to carry materials through this air space. Temporary rights of access for construction will also be required.

### 3. **ENABLING POWERS**

- 3.1 The Council has the power in Section 226(1)(a) of the Town and Country Planning Act 1990 ("the Act") to make a compulsory purchase order for any land in its area if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. Section 226(1A)(a) of the Act provides that the Council may not exercise the power unless it thinks that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.2 Section 226 (4) of the Act provides that it is immaterial that the development, re-development or improvement may be carried out by a third party.
- 3.3 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire any such new rights over the land as are specified in a compulsory purchase order.
- 3.4 Circular 06/2004 ("**the Circular**") provides guidance on the use of these compulsory purchase powers. The Introduction to the Circular states that:

*"Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of*

*communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay”.*

3.5 The main body of the Circular provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Appendix A provides specific guidance for local authorities on the use of their powers under Section 226. Paragraph 2 of Appendix A of the Circular provides that “the powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents”, which will include “saved” unitary development plans.

3.6 The Scheme complies with all relevant guidance.

#### **4. THE COUNCIL’S PURPOSE IN SEEKING TO ACQUIRE THE LAND**

4.1 The Council (and the former Macclesfield Borough Council before it) has been seeking to improve the shopping and leisure provision in Macclesfield town centre for some time. The Order Land was first identified in the 1984 Macclesfield Local Plan as suitable for retail use and is an important strategic development site within the existing town centre.

### **The problems which the Order seeks to address**

#### Economic issues

4.2 The existing offer within the town centre has proven to be unattractive to multiple retailers seeking larger format, modern units. Retailers and leisure operators have been attracted to competing locations such as Grand Junction Retail Park in Crewe; the Peel Centre in Stockport; Stanley Green Retail Park in Cheadle; and the Trafford Centre. Within the Macclesfield area, national comparison retailers are choosing to locate at Lyme Green Retail Park and Silk Retail Park rather than the town centre.

- 4.3 As a result, Macclesfield town centre has struggled to attract multiple retailers and develop an enhanced leisure offer. The lack of investment in the town centre has resulted in:
- 4.3.1 Macclesfield's position in the retail hierarchy dropping in the VenueScore UK Shopping Venue Rankings from 163<sup>rd</sup> to 208<sup>th</sup> between 2007 and 2010, and has been recorded to fall again to 236<sup>th</sup> in 2013, a decline of 73 places since 2007<sup>1</sup>;
  - 4.3.2 The percentage of units vacant in the town centre rising from 10% in 2011 to 12.56% in 2012<sup>2</sup>; and
  - 4.3.3 A 13% decline in the comparison floor space between 2006 and 2012, as well as a 14% decline in the number of comparison goods units<sup>3</sup>.
- 4.4 Macclesfield is at a crossroads and to do nothing would, on the basis of current trends, lead to continued decline and further shop closures.
- 4.5 This picture of decline within the town centre is set against a backdrop of local unemployment which is higher than the national average. Whilst unemployment within Cheshire East as a whole is relatively low, within east, south and west Macclesfield unemployment rates are higher than the national average as shown in Figure 1 below.

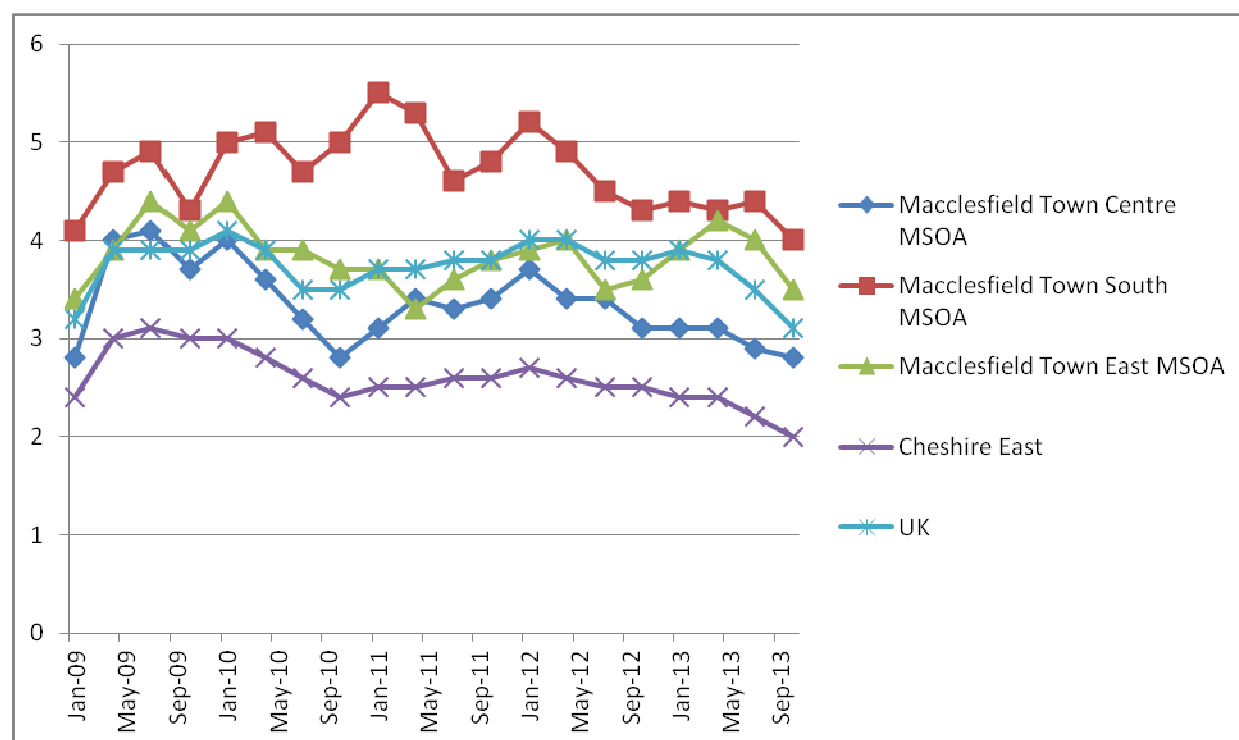
---

<sup>1</sup> White Young Green Planning and Design, Cheshire Retail Study Update April 2011, Appendix 3 page 3 and VenueScore Tables 2013-2014

<sup>2</sup> AMT Town Benchmarking Report 2013

<sup>3</sup> White Young Green Appraisal of Retail Matters for Planning Application 12/1212M, April 2013, page 33.

**Figure 1: Job Seekers Allowance Claimant count as a percentage of the resident working age population<sup>4</sup>**



4.6 As examples, in July 2013, whilst the national average for the percentage of the working population claiming Job Seekers Allowance was 3.5%, in Macclesfield Town East MSOA it was 4% and in Macclesfield Town South MSOA it was 4.4%<sup>5</sup>. Indeed, within Macclesfield Town South MSOA, a Lower Super Output Area ("LSOA") within half a mile of the Order Land has been ranked as within the 11% most deprived in England<sup>6</sup>.

4.7 In conclusion, it is in the interests of the economic wellbeing of the area to improve the competitiveness of the town centre through the development of a retail and leisure scheme which will mark a step change in the town's retail offer, attract expenditure into the town centre, prevent further decline of the town centre and create employment opportunities.

<sup>4</sup> JSA claimant count records the number of people claiming Jobseekers Allowance (JSA) and National Insurance credits at Jobcentre Plus local offices. This is not an official measure of unemployment, but is the only indicative statistic available for areas smaller than Local Authorities. All based on pre-2011 Census estimates and not including claimants of universal credit. Source: NOMIS - Official Labour Market Statistics

<sup>5</sup> MSOA refers to Middle Layer Super Output Areas. Statistics taken from NOMIS – Official Labour Market Statistics.

<sup>6</sup> LSOA E0101 – 8640 ranked at 10.7% in the 2010 Index of Multiple Deprivation Percentage Values – English Indices of Deprivation 2010, DCLG



### Environmental issues

- 4.8 The Order Land is currently used inefficiently, with the majority of the land given over to surface car parking, much of which is underused. This represents a poor use of land resources in a key town centre location.
- 4.9 In addition, the Order Land presents a weak image of the town centre, particularly when approaching from the west. The surface car parking has little or no soft landscaping and a barren appearance. The area to the west of Churchill Way is punctuated by isolated buildings, presenting visually weak rear elevations to public view. This poor public realm provides an inappropriate and inadequate setting for the Grade II\* listed Heritage Centre which is adjacent to the Order Land.
- 4.10 Some of the buildings adjacent to the Order Land are of poor design, dated and, in some cases, poorly maintained. The open nature of the Order Land draws attention to these buildings, further detracting from the environmental quality of the area.
- 4.11 Churchill Way, which separates the western and eastern parts of the Order Land, acts as a barrier to pedestrian movement from the west to the town centre, segregating the town centre from the adjoining urban fabric and further contributing to a poor urban environment.
- 4.12 The poor environmental quality of this area makes it less competitive as a destination for consumers and retailers alike.
- 4.13 The lack of choice in retail and leisure provision in the town means that local residents have to travel beyond the town centre to access facilities that would usually be provided in a town centre. Many of the alternative destinations (such as Lyme Green retail park and the Trafford Centre) are less accessible by public transport.

### Social issues

- 4.14 Macclesfield town centre is failing to meet the aspirations of visitors in relation to its retailing and leisure offer. In 2010, the results of a survey of 332 respondents identified that 8 out of 10 people would like to see new shops and a

cinema in the town centre and nearly 7 out of 10 wanted to see new restaurants and a department store<sup>7</sup>.

- 4.15 The town's limited leisure offer means that opportunities for socialising are limited. As a result, this impacts on the town's vitality in the evening.
- 4.16 The lack of a central public space in the town centre limits the type of community events which can be held in the town centre. The Local Plan identifies the Order Land as providing an opportunity to create a "much needed town centre open space".<sup>8</sup>
- 4.17 The town's topography creates challenges for those with mobility problems. The main retail street, Mill Street, has a steep incline, with the lower portion in particular having narrow pavements with no place to sit and rest.

### **The action taken by the Council**

- 4.18 A summary of the steps taken by the Council (and the former Macclesfield Borough Council before it) set out below:

1984 – The first Macclesfield Borough Local Plan was adopted, which allocated most of the Order Land for development for shopping, office and parking.

1997 – The replacement Macclesfield Borough Local Plan was adopted, which identified the need to enhance the town's prime shopping area via new development. The majority of the Order Land remained allocated for redevelopment. The local plan identified the area around Exchange Street as presenting a specific opportunity for development suitable to attract multiple retailers selling comparison goods.

2004 – The third Macclesfield Borough Local Plan was adopted (and remains the current development plan) which identifies that the redevelopment of the Order Land is "important to rejuvenate the area and enhance the existing nature and character of the shopping core". The local plan identifies a "need for larger shop units for multiples and a range of leisure uses" with the Order Land highlighted as an area suitable for both retail and leisure use.

---

<sup>7</sup> Broadway Malyan, Macclesfield Economic Masterplan Stage 2 Public Consultation summary report, September 2010, section 2

<sup>8</sup> Paragraph 10.11, Macclesfield Borough Council Local Plan 2004, page 140

- 2005 – The Developer’s Brief for Macclesfield Town Centre was prepared by the Council in January 2005. The document sets out the Council’s aims for the development of the Order Land and surrounding land. In particular, the Brief set out the Council’s wish to attract retail provision and a cinema to the Order Land.

In November 2005, in response to the aims set out in the Developer’s Brief and following a tendering process, WBD were chosen by the Council as its “preferred development partner” to work with the Council in achieving these aims.

- 2007 – The Macclesfield Town Centre Comprehensive Redevelopment Strategy was approved by the Council as guidance for the redevelopment of the town centre, identifying the Council’s desire to consolidate the existing town centre with supplementary development.

On 21 December 2007, a development agreement between the Council and WBD was completed.

- 2008 – In November 2008, WBD submitted a planning application (which was subsequently withdrawn) for up to 50,000 sq m of A1-A5 floorspace, an 8 screen cinema, a community facility, 60 residential units and up to 1,300 parking spaces on a site of 7.2 ha incorporating the Order Land.

- 2010 – The Macclesfield Economic Masterplan was prepared by CBRE on behalf of the Council to set out actions to guide future development and to ensure that the benefits to the economy, environment and facilities of the town are maximised.

- 2011 – The development agreement was varied on 28 October 2011

- 2013 – The Macclesfield Town Centre Vision has been developed to set out a wider package of complementary measures intended to regenerate the town centre as a whole. The Scheme is a key element of the vision. A number of complementary regeneration initiatives are being progressed in accordance with the vision which are set out below, with the aim of ensuring the town centre as a whole emerges post-development of the Scheme as a strengthened cohesive entity:

- £250,000 has been spent on public realm improvements around the Historic Market Quarter;
- £500,000 Capital Budget has been allocated for further initiatives to support the vision including shop front grants in the town centre;
- Friday Market opened in the Market Place in the Historic Market Quarter;
- Old Town Hall refurbished to allow greater community use; and
- In Town Living team established to encourage and facilitate use of vacant premises for residential purposes.

### **Planning policy support**

4.19 The Scheme complies with national and local planning policy. An overview of the relevant policies is set out below. Relevant extracts from the documents referred to are contained in Appendix 1.

#### **National Planning Policy**

4.20 The National Planning Policy Framework (NPPF) published on 27 March 2012 sets out the Government's planning policies for England and explains how these are to be applied.

4.21 Paragraphs 6 and 7 establish that the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic; social; and environmental.

4.22 Paragraph 7 identifies the need for the planning system to perform an economic role, including:

4.22.1 contributing to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places at the right time to support growth and innovation; and

4.22.2 identifying and coordinating development requirements.

4.23 Paragraph 7 identifies the need for the planning system to fulfil a social role, which includes supporting the creation of a high quality built environment, with

accessible local services which reflect the community's needs and support its health, social and cultural well-being.

- 4.24 Paragraph 7 identifies the need for the planning system to fulfil an environmental role, which includes protecting and enhancing the environment.
- 4.25 Paragraph 9 promotes positive improvements in the quality of the built, natural and historic environment and in people's quality of life including:
  - 4.25.1 making it easier for jobs to be created in cities, towns and villages; replacing poor design with better design; and
  - 4.25.2 improving the conditions in which people live, work, travel and take leisure.
- 4.26 Paragraph 17 sets out core planning principles which include:
  - 4.26.1 encouraging the effective use of land by reusing land that has been previously been developed;
  - 4.26.2 promoting mixed use development; and
  - 4.26.3 focusing significant development in sustainable locations.
- 4.27 Paragraphs 18-22 set out the Government's commitment to economic growth to create jobs and prosperity. The planning system should do everything it can to support sustainable economic growth, plan proactively to meet the needs of business, and to support an economy fit for the twenty-first century. These policies also set out the need to identify priority areas for economic regeneration and environmental enhancement.
- 4.28 Paragraphs 23 and 24 are concerned with ensuring the vitality of town centres. These paragraphs stress the importance of:
  - 4.28.1 promoting competitive town centres;
  - 4.28.2 policies which deliver the management and growth of centres; recognising town centres as the heart of communities;
  - 4.28.3 supporting the vitality and viability of town centres;
  - 4.28.4 providing customer choice and a diverse retail offer;

- 4.28.5 allocating sites suitable to deliver development for town centre uses in town centres where available in preference to other locations and ensuring needs are not compromised by limited site availability; and
  - 4.28.6 planning positively to encourage economic activity where centres are in decline.
- 4.29 Paragraphs 56-58 set out guidance on making places better for people. These identify the importance of development adding to the overall quality of the area, establishing a strong sense of place and safe and accessible environments. They also set out that local authorities should seek to optimise the potential of land to accommodate development.
- 4.30 Paragraphs 69, 70 and 73 consider the role of the planning system in promoting healthy communities. These paragraphs include promoting the provision of high quality public spaces including meeting places to contribute to the well being of communities.
- 4.31 The Scheme is consistent with, and supports the policies contained in, the NPPF because:
- 4.31.1 It would contribute to the achievement of economic, social and environmental sustainable development supporting paragraphs 6 and 7.
  - 4.31.2 It would bring positive improvements to the quality of the built environment, providing new areas of public realm, improved paving, seating and lighting, to improve the conditions in which people take leisure in line with paragraph 9.
  - 4.31.3 It would deliver mixed use development on previously developed land, in a sustainable location in line with paragraph 17.
  - 4.31.4 It would support and encourage economic growth by creating approximately 900 net additional direct FTE jobs post-construction assuming full occupation of the development, and in addition in the region of 250 FTE construction jobs over a two year period, in line with paragraphs 18-22.
  - 4.31.5 It would promote a competitive town centre environment, recognise the town centre as the heart of the community and would support the

town centre's vitality and viability in support of paragraphs 23 and 24. It would seek to ensure the town centre provides customer choice and a diverse retail offer reflecting the individuality of the town centre and would deliver main town centre uses in the town centre, in accordance with paragraphs 18-22. Furthermore, it provides a positive plan for a centre in decline in accordance with paragraph 24.

4.31.6 It would make efficient use of an area which is currently underutilised, in line with the Government's desire to optimise the potential of land to accommodate development (paragraph 58).

4.31.7 It would deliver the Government's expectations that Councils should plan positively for high quality and inclusive design on all development including individual buildings, public and private spaces to promote healthy communities and developments which add to the overall quality of the area (paragraphs 56-58 and paragraphs 69, 70 and 73).

### **Local Planning Policy**

4.32 The relevant saved policies of the Macclesfield Borough Local Plan, adopted in January 2004, are referred to below. The local plan will be replaced by the Cheshire East Local Plan which is currently progressing towards an Examination in Public.

### **Macclesfield Borough Local Plan 2004**

4.33 Chapter 9: Shopping, includes policy S1 which seeks to ensure developments that attract many trips, including shopping, entertainment, leisure and other such uses are normally located in town centres and are of a scale appropriate to the character and function of the particular centre. The aim of this policy is to support vitality and viability of town centres which are dependent on retaining and developing a wide range of attractions and amenities.

4.34 Chapter 10 is specific to Macclesfield Town Centre. It sets out a number of policies which are all designed to enhance the vitality, viability or attractiveness of the town centre:

4.34.1 Policy MTC1 states that the function of the prime shopping area will be consolidated and enhanced. The reason given for this policy is to maintain and enhance the centres vitality and attractiveness in the face of considerable competition elsewhere.

- 4.34.2 Policy MTC2 relates to land off Exchange Street, which includes a significant part of the Order Land. This policy encourages redevelopment principally for A1 Retail uses subject to criteria, including the creation of a “much needed town centre open space” within the allocated area. The explanatory text for this policy sets out that the redevelopment of this area is important in order to rejuvenate the area and enhance the shopping core. It specifically refers to a need for larger shop units for multiples.
- 4.34.3 Policy MTC7 relates to that part of the Order Land to the west of Churchill Way and supports redevelopment here principally for leisure, offices and non food retailing.
- 4.34.4 Policies MTC8 and MTC9 relate to the southern and central parts of the Order Land, south of Roe Street, allocating these areas for redevelopment again principally for A1 retail purposes and/or leisure uses.
- 4.35 Chapter 8: Transport seeks to improve conditions for pedestrians (Policy T3) and to support traffic calming measures (Policy T9).
- 4.36 The Scheme would support the policies in the Macclesfield Borough Local Plan for the following reasons:
  - 4.36.1 By enhancing shopping, entertainment and leisure facilities available to people within the highly accessible town centre, it would improve the vitality of the town centre supporting Policy S1.
  - 4.36.2 The Scheme would consolidate and enhance the prime shopping area supporting Policy MTC1 by delivering larger shop units suitable to attract national comparison retailers, new restaurants and a cinema, as well as an enhanced environment to make Macclesfield more appealing to consumers when compared with other competing destinations and the internet. The Scheme provides for these land uses and associated parking on the land allocated for retail and leisure development in Policies MTC2, MTC8 and MTC9.
  - 4.36.3 The Scheme would deliver an improved entertainment and leisure offer to boost the vitality and viability of the centre, in line with the overriding aim of Chapter 10. Leisure and restaurant uses would be



particularly suitable on the land to the west of Churchill Way as identified in policy MTC7.

- 4.36.4 The Scheme would provide a new town square in line with the aims of MTC2.
- 4.36.5 The Scheme would deliver pedestrian improvements, enhancing the environment and improving connectivity around the town centre, supporting policies T3 and T9.

### **Cheshire East Local Plan Pre-Submission Core Strategy, November 2013**

#### **[note: to be updated as draft Core Strategy evolves]**

- 4.37 The Council is currently preparing a new Local Plan for Cheshire East to guide development up to 2030. The new Local Plan will consist of three key documents:
  - 4.37.1 the Core Strategy, which sets out the overall vision and strategy for development and identifies strategic priorities as well as strategic sites and locations to accommodate most new development;
  - 4.37.2 the Site Allocations and Development Policies Document, which will allocate the remaining sites and set out detailed planning policies; and
  - 4.37.3 the Waste Development Plan Document, which will set out policies and sites for dealing with waste.

The Core Strategy is the first of these three documents to be produced in draft form. Production of the other two documents has yet to commence.

- 4.38 The Core Strategy has been out to consultation as a Pre-Submission draft. Responses to that consultation are currently being considered. It is anticipated that the Core Strategy will be submitted for an examination by the Planning Inspectorate in mid-2014.
- 4.39 Core Strategy Chapter 6: Strategic Priorities outlines four priorities for the delivery of the Council's vision for Cheshire East. Priority 1 is particularly supported by the Scheme as it refers to promoting economic prosperity by creating conditions for business growth, via a number of routes including: the promotion of the vitality and viability of the borough's town centres; and specifically, by supporting a major regeneration scheme in Macclesfield town

centre to enhance the centre's retail and leisure offer and to improve environmental quality.

- 4.40 Core Strategy Chapter 8: Planning for Growth includes Policy PG1 which sets out a settlement hierarchy identifying Macclesfield as a "Principal Town", where significant development will be encouraged to support revitalisation of the town centre, recognising its role as one of the two most important settlements in the Borough, alongside Crewe.
- 4.41 Core Strategy Chapter 9: Planning for Sustainable Development includes Policy SD1 which sets criteria which development should meet, wherever possible, to ensure that it is sustainable. This includes: prioritising investment and growth in the most accessible and sustainable locations such as Macclesfield; supporting the achievement of vibrant and prosperous town centres; and making efficient use of land and best use of previously developed land.
- 4.42 Core Strategy Chapter 11: Enterprise and Growth includes Policy EG5 which promotes a "town centre first" approach to retail and commercial development. This policy supports the Principal Towns of Crewe and Macclesfield as the main focus for comparison retail development, supported by a range of retail, leisure and other town centre uses that help to ensure that the town centres are vibrant. This policy also sets out support for proposals which help develop the evening and night time economy in the Principal Towns.
- 4.43 Core Strategy Chapter 13: Sustainable Environment includes Policy SE1 which encourages developments which make a positive contribution to their surroundings by a number of mechanisms including: designing places around the needs and comfort of people and not vehicles; innovative and creative design solutions; and via the provision of high quality public realm that enhances conditions for pedestrians and creates opportunities for social interaction.
- 4.44 Core Strategy Policy SE2 of Chapter 13 encourages the efficient use of land including via the appropriate redevelopment of previously developed land.
- 4.45 Core Strategy Chapter 14: Connectivity includes Policy C01 which supports sustainable travel and transport including by guiding development to accessible locations and improving facilities for pedestrians and cyclists.
- 4.46 Core Strategy Chapter 15 identifies "Strategic locations" as areas with the capacity to deliver proposals of strategic importance. This chapter identifies

Central Macclesfield, which includes the Order Land, as Strategic Location 4 (SL4). This location is identified as an area where the Council will look to maximise opportunities for improvement and regeneration and encourages development which (inter alia):

- 4.46.1 Provides for new and improved retail and leisure developments that are in-centre and improve the quality of the shopping experience;
- 4.46.2 Provides commercial uses;
- 4.46.3 Enhances the cultural offer;
- 4.46.4 Supports new restaurants and cafes to increase footfall throughout the evening;
- 4.46.5 Delivers landmark, well designed buildings;
- 4.46.6 Creates a "Heritage Walk" along Churchill Way to link the Heritage Centre with the Macclesfield Silk Museum;
- 4.46.7 Provides appropriate car parking;
- 4.46.8 Improves the public realm;
- 4.46.9 Provides and improves cycling and pedestrian links; and
- 4.46.10 Increases the number of dwellings in the area.

4.47 The Scheme supports the aforementioned elements of the Pre-Submission Core Strategy because:

- 4.47.1 It would deliver a significant enhanced retail and leisure/cultural offer including evening uses and housing, to improve the vitality of the town centre in the day and evening, in a highly sustainable town centre location within one of the borough's "Principal Towns", supporting Strategic Priority 1 and policies PG1, SD1, EG5 and SL4.
- 4.47.2 It would enhance the environment in an area of the town centre which has been identified as currently having a weak urban form detracting from the appearance of the centre supporting policies SE4 and SL4.

- 4.47.3 It would make a positive contribution to the town centre environment, delivering an enhanced public realm and pedestrian linkages with seating, encouraging walking, as well as providing a new town square, creating opportunities for social interaction in support of policies SE1, C01 and SL4.
- 4.47.4 It would make efficient use of previously developed land supporting policies SE2 and SD1.
- 4.47.5 It would deliver the "Heritage Walk", provide landmark buildings, appropriate parking and dwellings in accordance with policy SL4.

## **Retail Studies**

- 4.48 Alongside the aforementioned Planning Policy documents, a number of retail studies have been commissioned to inform the formulation of local planning policy and to assist in determining planning applications. A summary of the key documents is set out below.

### **Cheshire Retail Study 2007**

- 4.49 White Young Green Planning and Design (WYG) was commissioned by Cheshire County Council and five Cheshire boroughs (including the former Macclesfield Borough Council) in 2007 to assess the vitality and viability of town centres across the former county of Cheshire and the anticipated need for future retail and leisure floor space to 2016. In relation to Macclesfield, the study identified a considerable capacity for comparison retailing floor space in the order of 42,800-61,200 sq m net by 2021 and identified immediate capacity for a nine screen cinema, increasing to 14 screens by 2021<sup>9</sup>.

### **Cheshire Retail Study Update April 2011**

- 4.50 In November 2009, WYG was commissioned to undertake an update of the 2007 study to provide evidence to inform the Council's development plan. This update identified that Macclesfield town centre, whilst the second largest centre in the sub-region after Chester in terms of floorspace, ranked after both Crewe and

---

<sup>9</sup> Cheshire Retail Study, 2007, Executive Summary page 10

Cheshire Oaks (an out of town designer outlet) in the VenueScore retail ranking of 2010, having dropped 45 places in the ranking between 2007 and 2010<sup>10</sup>.

- 4.51 This update identified an anticipated need for further convenience retail floorspace within Cheshire East with the main focus of capacity in Macclesfield<sup>11</sup> and estimated that to retain existing market share, additional comparison floorspace over and above that provided for in extant permissions would be needed by 2021<sup>12</sup> which should be focused on centrally located sites in and around the town centre<sup>13</sup>.
- 4.52 The update considered trends in retailing and identified that comparison retailers are seeking to occupy larger units and that investment decisions are likely to be influenced by the scale of commitment from other retailers, with developers increasingly needing to promote large town centre redevelopments to attract high quality retailers<sup>14</sup>.
- 4.53 The update recognised that with competing destinations strengthening their offer, there may be further pressure on Macclesfield town centre in the future, leaving the vitality and viability of the centre vulnerable<sup>15</sup> and stated that *"The Council should promote the redevelopment of the existing town centre to reverse current shopping behaviours to out-of-centre destinations through strengthening the comparison goods and leisure offer in the town centre"*<sup>16</sup>.
- 4.54 In terms of leisure needs, the update identified capacity for 39 cinema screens across the whole study area to 2026 and a qualitative need to provide new cinema provision in the north of the borough of Cheshire East to improve provision and reduce the need of residents to travel to facilities elsewhere. In particular, it recommended the construction of a cinema in zone 1 (which covers the main urban area of Macclesfield)<sup>17</sup>.

### **Independent appraisal of retail matters relating to planning application 12/1212M May 2013**

---

<sup>10</sup> Cheshire Retail Study Update April 2011, page 137, Appendix 3 page 3 and Appendix 4 Table MF07

<sup>11</sup> Cheshire Retail Study Update April 2011, Pages vii and viii

<sup>12</sup> Ibid, Page xi

<sup>13</sup> Ibid Page 137

<sup>14</sup> Ibid Page 4

<sup>15</sup> Ibid Appendix 3 page 14

<sup>16</sup> Ibid Appendix 4 MF 35

<sup>17</sup> Ibid Page xii

- 4.55 Following the submission of the planning application for the redevelopment of the Order Land (reference 12/1212M), although not required by national planning policy, the Council commissioned an assessment of the proposals by WYG to:
- 4.55.1 identify the extent of available comparison goods expenditure based on the most up to date economic data;
  - 4.55.2 test the proposals' compliance with relevant retail planning policy; and
  - 4.55.3 assess the likely impact on the town centre.
- 4.56 This appraisal considered the fact that between 2006 and 2013, Macclesfield town centre's comparison goods market share has declined from 8.6% to 5.5%<sup>18</sup>, due to reasons including increasing online sales. It states that Macclesfield should realistically look to achieve and sustain a market share of between 7 and 7.5% and that the proposals contained in the planning application are of an appropriate scale to assist in bringing about this uplift in market share. It concludes that the most significantly adverse outcome for the town centre anticipated would be the continued decline in the centres market share and that if suitable accommodation is not provided in Macclesfield town centre to suit retailers, this is only likely to lead to operators locating in less sustainable locations, which in turn would realise fears over continued decline.

## **5. THE PROPOSALS**

### **Evolution**

- 5.1 In 2005, the Council commenced a competitive tender process and invited developers to submit their proposals for the redevelopment of the Order Land. The tender process included a number of the selected developers exhibiting their proposals at a public exhibition. Following WBD's appointment as preferred development partner in 2006, a comprehensive programme of consultation and stakeholder engagement has been undertaken to inform the proposed scheme design and layout.
- 5.2 The main methods of engagement and information sharing included:

---

<sup>18</sup> White Young Green Appraisal of Retail Planning Matters for planning application 12/1212M, paragraph 5.36

- 5.2.1 a series of working groups charged with providing input on the economic, transport, retail and masterplanning elements of the work programme;
  - 5.2.2 workshops and briefings aimed at encouraging the expression of a broad range of local opinion;
  - 5.2.3 public exhibitions which introduced specific proposals to the general public for their comments, feedback forms were provided and the results reported to the Planning Authority ;
  - 5.2.4 a series of briefings with key stakeholders to review design options, refine masterplan details and test scheme assumptions;
  - 5.2.5 newsletters produced that typically provided a summary of the key characteristics of the scheme, issues that were still being considered and ways in which interested parties could comment;
  - 5.2.6 project web-site that provided updates on the proposals and where interested parties could leave comments; and
  - 5.2.7 regular press releases and articles in the local and national publications to ensure as wide an audience as possible was aware of the proposed development and its evolution.
- 5.3 The first phase of consultation and engagement was carried out between December 2005 – October 2008 and included:
- 5.3.1 Two public exhibitions;
  - 5.3.2 Briefings with residents and businesses on Water Street, Roe Street, Duke Street, Wardle Street, Samuel Street, Mill Street, Park Lane, Exchange Street and Castle Street;
  - 5.3.3 Briefing sessions with representatives of the Heritage Centre and Senior Citizens Hall;
  - 5.3.4 Meetings with wider local businesses and the Chamber of Commerce;
  - 5.3.5 Briefing sessions with local members;
  - 5.3.6 Discussions with local youth groups;

- 5.3.7 Newsletters sent to town centre residents providing information on the proposals, timetable for submission of the planning application and ways in which comments could be made; and
  - 5.3.8 Local press briefings and articles in local newspapers.
- 5.4 During the first phase of consultation the emphasis was on:
- 5.4.1 raising the awareness of the local community of the plans to regenerate the town centre and generating interest in the potential for change;
  - 5.4.2 establishing contact with key stakeholders and informing a wide audience of the objectives of the regeneration programme and providing opportunities to discuss work in progress with WBD and the masterplanning team;
  - 5.4.3 establishing agreed common principles within the partnership team and in discussion with the Planning Authority and other technical specialists testing design options, technical issues and scheme parameters;
  - 5.4.4 briefing key stakeholders and local representatives of all significant changes to the initial competition masterplan and responding to feedback;
  - 5.4.5 receiving and recording comments from a wide cross section of the community on the emerging scheme design options, layout, quantum and form of the proposed development; and
  - 5.4.6 identifying how the proposed scheme meets statutory requirements and Local Plan criteria.
- 5.5 In November 2008, WBD submitted a planning application for up to 50,000 sqm of A1-A5 floorspace, an 8 screen cinema, a community facility, 60 residential units and up to 1,300 parking spaces on a site of 7.2ha including the Order Land (**"the Original Proposals"**).
- 5.6 Concerns were raised during the consultation process regarding the scale of buildings, overall floorspace and the design. At the same time, changing market conditions impacted on the overall viability and delivery of the scheme. Consequently, in June 2011, WBD withdrew the Original Proposals prior to



determination in order to consider alternative options that addressed the concerns raised by third parties and to ensure that the proposals would be deliverable.

5.7 In March 2012, WBD submitted a second planning application for a smaller development for retail space (A1-A2) uses up to 21,370 sqm gross external floor area (GEA ( 230,000 sq ft); restaurants and cafes; drinking establishments and hot food takeaway (A3, A4 and A5 uses) up to 2,325 sqm (25,000 sq ft GEA); B1 use up to 235 sqm (2,500 sq ft GEA); up to 10 residential units for private sale; a cinema (D2) on Churchill Way (up to 3,255 sqm (35,000 sq ft) GEA); two car parks with up to 810 spaces (multi storey up to 245,000 sq ft); additional street parking for up to 63 cars (additional out of hours parking on the new Town Square for up to 13 cars may also be provided) ("**the Amended Proposals**").

5.8 Further extensive consultation informed the submission of the Amended Proposals, which included:

5.8.1 a series of working groups charged with providing input on the economic, transport, retail and masterplanning elements of the work programme and reviewing the options as they emerged;

5.8.2 workshops and briefings aimed at encouraging the expression of a broad range of local opinion – issues considered included scheme design, layout and form of public spaces, access and servicing arrangements and how the scheme could better reflect the specific characteristics of Macclesfield;

5.8.3 a public exhibition which introduced specific proposals and design options to the general public for their comments and to identify and additional concerns/considerations not addressed by the scheme options;

5.8.4 a series of briefings with key stakeholders to refine masterplan and scheme design areas;

5.8.5 project website that provided regular updates on development proposal position and engagement activity – also provided opportunity to comment on proposals.

5.8.6 regular press briefings to help ensure a wider audience were kept informed.

5.9 The consultation outcomes resulted in key amendments, including:

- 5.9.1 a reduction in the development area and quantum of development to be more in keeping with the scale and form of the town centre;
  - 5.9.2 a reduction in the height and scale of the building blocks to respond to existing street pattern and adjoining premises;
  - 5.9.3 a payment provided towards the refurbishment of the existing community centre facility in the town centre;
  - 5.9.4 provision of new car parking on Water Street to replace parking in this area which would be lost as a result of the development;
  - 5.9.5 the retention of facades and roofs of three of the residential terraces on Roe Street;
  - 5.9.6 the provision of a heritage trail on Churchill Way/Wardle Street and Park Lane to link the Heritage Centre with the Silk Museum;
  - 5.9.7 the introduction of raised grassed areas to Mulberry Square and additional tree planting across the site to provide softer edges and green elements within the town centre.
- 5.10 Extensive consultation post-submission of the Amended Proposals, including public exhibitions, focused briefing sessions, stakeholder group briefings, and statutory and informal periods for receiving written comments resulted in a number of further revisions being made to the proposals which were submitted to the Council in December 2012 and were subject to an additional period of consultation. The principal amendments include:
- 5.10.1 Comprehensive redesign of building elevations resulting in reduced heights of some buildings including the cinema and department store;
  - 5.10.2 More green elements created across the development area including Mulberry Square, Roe Square and on Park Lane;
  - 5.10.3 The management suite reduced to 65 sqm GEA from up to 235 sqm GEA;
  - 5.10.4 The floor area of the cinema increased by 1,000 sqm GEA to take account of mezzanine floor level operations;
  - 5.10.5 The floor area of the residential element of the development increased by 138 sqm to 1,326 sqm (14,273sqft). The residential element unit number remains unchanged at 10 units (eight 2-bed and two 4-bed units).

- 5.10.6 A replacement community facility of up to 450 sqm GEA included in the plan in the event that the Council is unable to procure the delivery of alternative premises off-site in accordance with the required time frames;
- 5.10.7 The cinema car park increased to 100 spaces, including 5 disabled and 5 parent and child spaces;
- 5.10.8 Evening parking for up to 13 cars on Mulberry Square removed.

### **Planning position**

- 5.11 On 6 September 2013 WBD secured detailed planning permission (reference 12/1212M) for the demolition of buildings to enable the development of a comprehensive mixed-use scheme, to include: A1-A5 retail space (22,865 sq m GEA, of which up to 2,325 sq m is A3-A5 and up to 6,430 sq m is a department store); cinema (4,255 sq m); office/community space (510 sq m); 10 residential units; 2 car parks providing up to 818 spaces; additional street parking for 62 cars; new town square (Mulberry Square) and associated highway and public realm works ("**the Permission**").
- 5.12 Eskmuir Securities Limited, the owner of the existing Grosvenor Shopping Centre in Macclesfield, had requested the Secretary of State to call in the application by way of letter dated 28 June 2013. The grounds for the request included, inter alia, the consequences of the proposals on the centre of Macclesfield. The Secretary of State, having considered the impact of the proposals, confirmed in a letter of 30 July 2013 that the application should not be called in and as such should be determined at a local level.
- 5.13 The main elements of the Permission are summarised below:

#### ***Cinema, housing and restaurants***

- 5.14 The new cinema building would front Churchill Way with a footprint of 78 metres by 46 metres. The cinema would provide nine screens and a cafe/foyer area which would sit partly above four restaurants accessed off Churchill Way and partly over a car park.
- 5.15 To the rear, a new terrace of 10 dwellings is proposed which would front onto Water Street. Eight of these would be two storeys high and two would be three storeys high.

- 5.16 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 undercroft below the cinema building.
- 5.17 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 retail and commercial units.

### ***Town Square***

- 5.18 A new town square (to be known 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 35 metres by 43 metres and form a focal point for the redevelopment 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. Pedestrian routes would be provided on key desire lines. Seating and lighting would also be provided.
- 5.19 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.
- 5.20 The existing ramp to the side of the vacant TJ Hughes building would be removed to allow for an enhanced pedestrian environment. This area would become a major pedestrian link for the town and the ramp will be removed and replaced with a series of steps in keeping with the enhanced landscape design for this area.
- 5.21 To the north of this new square would be a pavilion café with an external seating area.
- 5.22 There is currently a pedestrian walkway from Mill Street to the Exchange Street car park which measures approximately 25 metres by 25 metres. This would be enhanced with new public realm and a children's play area.

### ***Retail Street/Department Store***

- 5.23 The demolition of three 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.
- 5.24 Twenty new units would be provided on the new street (to be called Silk Street) including a department store sited at the southern end. Eighteen 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***

- 5.25 A new 6-storey car park which would provide 718 car parking spaces would be located on the site of an existing warehouse. A bridge would provide a level access from level 3 of the new car park through to Silk Street which would be designed to comply with the requirements of the Equality Act 2010.

### ***Public Realm Improvements***

- 5.26 A significant amount of public realm works is proposed, in addition to those in the two public squares and shared surface.
- 5.27 New surfacing would be provided 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.
- 5.28 The Permission was granted subject to a section 106 agreement. In brief, the obligations are as follows:
- 5.28.1 Payment of a contribution of £1,034,807 towards the cost of providing a meeting or events venue serving the local community which can function as a replacement for the existing senior citizens hall on the site.
  - 5.28.2 A £100,000 contribution towards public realm and environmental improvements.
  - 5.28.3 A £31,000 contribution towards the cost of making traffic regulation orders associated with the development.

- 5.28.4 Operation of a Travel Plan including ongoing monitoring and review of the Travel Plan and the appointment of a Travel Plan Coordinator and the payment of £10,000 as a contribution towards the cost of implementing and monitoring the Travel Plan.
  - 5.28.5 A £5,000 contribution towards the cost of providing an on-street coach stop.
  - 5.28.6 Payment of £25,000 as a contribution towards the cost of providing street signage for pedestrian and cycle wayfinding.
  - 5.28.7 Payment of a £21,152 contribution towards works associated with monitoring and protecting air quality.
  - 5.28.8 Implementation of a local procurement protocol to provide opportunities for local businesses to bid/tender for the provision of goods and services to the development as well as an employment and skills plan to make employment and training opportunities available to local people during the construction and operation of the development.
- 5.29 All of the obligations are considered to be necessary to make the proposals acceptable in planning terms; directly related to the proposals; and fairly and reasonably related in scale and kind to the proposals.
- 5.30 Alongside this, WBD have secured conservation area consent (reference 12/1213M dated 6<sup>th</sup> September 2013) for the demolition of 27, 29 and 31 Roe Street and the alteration/partial demolition of 23 and 25 Roe Street, with the front façade and roof to be retained.

## **6. THE JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS**

### **Does the purpose for which the land is being acquired fit in with the adopted (and draft) planning framework for the Order Land?**

- 6.1 As set out in Section 4, the purpose for which the Order Land is being acquired supports the delivery of key national and local planning policies including local emerging planning policy.

#### **Public benefits**

- 6.2 The Council is satisfied that the redevelopment of the Order Land will make a significant contribution to the improvement of the economic, social and

environmental well-being of Macclesfield and the wider area through the implementation of the Scheme. In particular, it is considered that the Scheme will contribute to the improvement of the economic, social and environmental well-being of the areas by the delivery of the following public benefits:

#### Economic Benefits

- 6.2.1 The Scheme will deliver a significant number of larger format modern retail units which will be attractive to retail and leisure operators. This will attract operators into the town centre rather than competing out of town destinations. This will arrest the ongoing decline of the town centre and will claw back trade and increase footfall which will benefit existing businesses.
- 6.2.2 The Scheme will create much needed jobs in an area where there are recorded levels of claimants for Job Seekers Allowance above the national average. The development authorised by the Permission is predicted to create in the region of 900 net additional full time jobs, with around 250 direct jobs during the construction phase over a two year period and an estimated further 90 "spin off" FTE jobs within the local area. A local procurement protocol and employment and skills plan secured via the s.106 agreement will ensure that opportunities for jobs and training are targeted at the local area.
- 6.2.3 It is anticipated that the Scheme will act as a catalyst to stimulate further inward investment in the locality of the Order Land<sup>19</sup>.

#### Environmental Benefits

- 6.2.4 The Scheme will make much more efficient use of prime town centre land. In turn, this will reduce the need to develop greenfield sites with consequential environmental benefits;
- 6.2.5 The Scheme will enhance the appearance of currently visually poor locations and the setting of the Grade II\* listed Heritage Centre, which is one of Macclesfield's most prominent heritage buildings, through the creation of a new public square, increasing pride of place and public perception of the town centre.

---

<sup>19</sup> CBRE Economic Masterplan and Delivery Plan, page 71

- 6.2.6 The Scheme will enhance the pedestrian experience along and across Churchill Way and Exchange Street, improving connectivity, whilst retaining reasonable movement patterns.
- 6.2.7 The Permission secures an additional £50,000 for works outside the Order Land to support initiatives being taken forward as part of the Town Centre Vision and a further £25,000 for improved signage within the town centre.

### Social Benefits

- 6.2.8 The Scheme will significantly enhance the retail offer to better cater for the retail needs of the whole community. A department store and additional retailers will provide comparison goods which are not currently available in the town centre and which are not readily accessible by public transport, which were identified as desired by a significant majority of respondents in a 2010 public consultation<sup>20</sup>.
- 6.2.9 The Scheme will enhance the town's leisure offer and opportunities for socialising in the evening as well as during the day. In particular, the provision of a cinema and restaurants as proposed in the Permission will address the aspirations of the substantial majority of respondents in a 2010 public consultation<sup>21</sup>.
- 6.2.10 By enhancing the public realm with new street, spaces, seating and meeting places, designed to meet the requirements of the Equalities Act, the Scheme will provide new and enhanced areas for socialising and outdoor community events for the whole community to enjoy.
- 6.2.11 By improving the facilities in the town centre, the Scheme will make the town centre more attractive as a residential location, encouraging further development and population growth in a highly sustainable location.

### **Financial viability**

- 6.3 A development agreement was entered into between WBD and the Acquiring Authority on 21 December 2007, with a subsequent Deed of Variation entered into on 28 October 2011 (**"the Development Agreement"**).

---

<sup>20</sup> Broadway Malyan Macclesfield Economic Masterplan Stage 2 Public Consultation summary report September 2010

<sup>21</sup> Broadway Malyan Macclesfield Economic Masterplan Stage 2 Public Consultation summary report September 2010



Barratt Developments PLC provide a guarantee to the Council of WBD's obligations under the Development Agreement, subject to agreed financial caps on the Guarantor's liability. Under the Development Agreement, the Acquiring Authority has agreed (subject to the statutory and legal requirements being satisfied and the financial viability of the Scheme being demonstrated) to use its compulsory purchase powers to complete the assembly of the Order Land. WBD has agreed to fund the compulsory purchase process including any compensation payments and has obligations to progress the development.

6.4 WBD is committed to proceeding with the Scheme and has many years of experience and a solid proven track record of delivering schemes of this nature. WBD are major commercial property developers and have undertaken town centre developments in:

6.4.1 Wrexham – a mixed use town centre regeneration delivered in partnership with Wrexham County Borough Council. The scheme provides c.400,000 sq ft of retail and leisure floorspace including a department store, cinema and 48 residential units and was completed in October 2008;

6.4.2 Royal Leamington Spa – development at Regent Court, which is located in the conservation area and includes the restoration of the Grade II\* Listed Regent Hotel. It also comprises 12,000 sq ft of retail and leisure floorspace, together with 132 apartments and was completed in 2005;

6.4.3 Bishops Stortford – a mixed use town centre regeneration delivered in partnership with East Hertfordshire District Council. Jackson Square provides 100,000 sq ft of new retail floorspace in Bishops Stortford town centre, together with 190 residential units and restaurants;

6.4.4 Harlow – a joint venture with Harlow Council and English Partnerships, The Water Gardens delivered a major mixed use regeneration in Harlow Town Centre, including a foodstore, retail, restaurant and leisure accommodation and new Civic Offices.

6.5 As a subsidiary of Barratt Development plc, WBD has the cash resources and balance sheet to promote and deliver this project and is capable of financing the total development costs. All the funding to date has been provided from the cash resources of WBD and the commitment to date exceeds £1.9M. WBD will

continue to fund the development until work starts on site. At a future date, WBD cash resources may be augmented by the addition of external senior debt or institutional funding.

- 6.6 The development timetable contemplates that the tender of the build contract and appointment of a contractor will progress throughout 2014 and will be followed by the procurement of the building contractor. Subject to securing site assembly, works are anticipated to commence on site in Autumn 2016, with completion in 2017.
- 6.7 For the Scheme to be commercially viable and successful it is essential to secure pre-lettings to a department store and cinema as key anchor tenants. WBD has secured lettings to Debenhams and Cineworld and exchanged conditional agreements for lease with both parties. Further pre-lettings have been exchanged on a conditional basis with Frankie & Bennys and Prezzo and negotiations are progressing with a range of other multiple retailers.
- 6.8 Subject to acquiring the land and interests required to deliver the Scheme, the Council and WBD are in a position to proceed with the proposals. Planning permission has been obtained and this is detailed in section 5. An application to stop up parts of the public highway necessary to enable the development to proceed will be made shortly.
- 6.9 It will be necessary to close Duke Street car park (300 car parking spaces and a coach parking bay for up to three coaches), Churchill Way car park (276 car parking spaces) and Exchange Street car park (130 car parking spaces) to enable the Scheme to proceed. Pursuant to sections 32 and 35 and Schedule 9 of the Road Traffic Regulations Act 1984 the Council can approve and authorise for consultation amendments to the Macclesfield (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008. The Council will promote amendment orders to remove these car parks from the list of parking places within Macclesfield to enable development to proceed in accordance with WBD's programme. The order will be advertised and consultation responses will be considered before deciding whether to proceed with the order. The order can be processed in accordance with a timetable which will cause no impediment to the implementation of the Scheme.
- 6.10 There are no other legal impediments to the Scheme proceeding.

**Could the purpose be achieved by any other means?**

- 6.11 No alternative proposals have been identified as part of the lengthy consultation process as a means of delivering the Council's vision for the regeneration of the town centre and the delivery of the planning and retail policies for Macclesfield. The proposals have been through a number of iterations in order to best achieve the Council's vision for Macclesfield. However, following extensive consultation between the Council and WBD and other key stakeholders, it was concluded that the Scheme would best achieve the Council's vision by delivering a modern shopping experience, seamlessly integrating into the rest of Macclesfield Town Centre. There is no alternative location within the existing town centre with the critical mass to enable a scheme of this size to come forward and provide the modern unit reconfiguration required by many national retailers.

### **Human Rights Considerations**

- 6.12 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights ("**the Convention**").
- 6.13 The position is summarised in paragraph 17 of Part 1 of the Memorandum to the Circular, which states that a compulsory purchase order should only be made where there is a "compelling case in the public interest". The Circular makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention.
- 6.14 Article 1 of the First Protocol states that

*"...Every natural or legal person is entitled to peaceful enjoyment of his possessions... no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."*

- 6.15 Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed, this will be done in accordance with the law (i.e. Section 226 of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981). The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme

are set out at Section 5 of this document. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the Scheme and those private rights which will be affected by the Order.

6.16 Article 6 of the Convention provides that:

*"In determining his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."*

6.17 The proposals have been extensively publicised and consultation has taken place with the local community and interested parties. All those affected by the Order will be formally notified and will have the right to make representations and/or objections to the Secretary of State and will be heard at a public inquiry, subject to the usual procedure rules. This statutory process and associated right for those affected to pursue remedies in the High Court (where relevant) are compliant with Article 6.

6.18 Article 8 of the Convention states that:

*"Everyone has the right to respect for this private and family life, his home and his correspondence... interference is justified, however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*

6.19 The Council considers that such interferences as may occur with the making and implementation of the Order are in accordance with the law, pursue a legitimate aim (namely the economic well-being of the areas and/or the protection of the rights and freedoms of others) and are proportionate having regard to the public benefit that the scheme will bring which will benefit the economic well-being of the area. The interferences are also proportionate having regard to the alternative means of regenerating the area.

6.20 Those directly affected by the Order will also be entitled to compensation which will be payable in accordance with the Compensation Code and assessed on the basis of the market value of the property interest acquired, together with disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payment (eg home loss

payments). The reasonable surveying and legal fees of those affected will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 of the Convention and Article 1 of the First Protocol.

- 6.21 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be "necessary in a democratic society".
- 6.22 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environment and public benefits which the scheme will bring. With regard to the residential occupiers, it should be remembered that the Council will only exercise its powers under the Order in the event that negotiations are not successful.
- 6.23 The Council is satisfied that the redevelopment of the Order Land will have a significant positive impact on the social and economic well-being of the local population as the redevelopment will revitalise Macclesfield town centre and provide much needed improvements to retail offer, leisure facilities and will contribute towards employment opportunities in the area both during and after construction. Compulsory purchase of third parties' land and interests within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.
- 6.24 As such, the Council has concluded that the interference with the human rights of those parties with an interest in the Order Land is justified in the public interest and that the use of compulsory purchase powers is proportionate. In the event that objections are made a public inquiry may be held and those whose interests are acquired under the Order, if confirmed, will be entitled to compensation as provided under national law.

## **7. Negotiations and Relocations**

- 7.1 Attempts have been made by Cushman and Wakefield, agent for WBD, to acquire the outstanding interests by negotiation. Negotiations will continue but

it has become apparent that it is unlikely that all outstanding interests will be acquired by negotiation in the timetable required for the Scheme to proceed. The Order has been made in the event that attempts to acquire by agreement fail and will allow negotiations to progress in tandem alongside the compulsory purchase process.

- 7.2 All owners, tenants and occupiers affected by the Order have been contacted and have been invited to enter into discussions with WBD via their agent, Cushman and Wakefield, with a view to agreeing appropriate terms for acquisition and for payment of compensation and, where appropriate, to discuss options for relocation. WBD will continue to seek to agree acquisitions of land and interests prior to and after confirmation of the Order up to the point at which the Council decides to exercise its powers under the Order.

### **Need for the Order**

- 7.3 All of the land and rights over land included in the Order are required for the Scheme to proceed. In a number of cases, leasehold interests and tenancies have been included in the Order Land where the Council/WBD have the right to break the lease or terminate the lease subject to the service of a notice under the Landlord and Tenant Act 1954 and secure possession in time for the commencement of the Scheme. Such interests must nonetheless be included in the CPO in the event that the exercise of landlord rights proves insufficient or does not allow the interests to be acquired in the timetable necessary to enable the Scheme to proceed.

## **8. OTHER MATTERS**

### **Open space**

- 8.1 There is one area of existing open space within the Order Land (plot 33). It is the intention of the Council to apply for a certificate under section 19 of the Acquisition of Land Act 1981 to authorise the acquisition of this land without the need for the giving of exchange land and without the need to go through special parliamentary procedure. The application would be made to the Secretary of State at the same time as the CPO would be submitted for confirmation.
- 8.2 Plot 33 will form part of a new area of public open space to be created, known as "Mulberry Square". This is a longstanding policy aspiration of the Council as

identified in Policy MTC2 of the Macclesfield Local Plan. As such, the land will be improved and continue to be used as public open space.

## **Heritage**

- 8.3 There are a number of designated and non-designated heritage assets both in, and in close proximity to, the Order Land. Whilst there are no listed buildings within the Order Land itself, it surrounds two listed buildings, namely the Grade II\* Macclesfield Sunday School building on Roe Street and the associated Grade II David Whitaker memorial. There are a number of other listed buildings in the vicinity of the Order Land, including the Salvation Army building on Roe Street and the former Macclesfield Public Library, the Silk Museum and Paradise Mill, all on Park Lane.
- 8.4 There are four conservation areas in the vicinity of the Order Land. Part of the Order Land lies within the Christ Church Conservation Area (on Roe Street and Churchill Way). Park Green Conservation Area bounds the southern part of the Order Land and the High Street Conservation Area and Macclesfield Town Centre Conservation Areas lie approximately 100 metres and 110 metres to the south east and north respectively.
- 8.5 Conservation area consent has been obtained as appropriate as detailed in paragraph [5.29].
- 8.6 In addition, there are several non-designated heritage assets within and surrounding the Order Land including a number of locally listed buildings, as well as many other Regency and Victorian buildings.

## **Views of the Government departments**

- 8.7 *Complete as appropriate.*

## **Rights, easements, etc**

- 8.8 It is intended that a General Vesting Declaration (GVD) or General Vesting Declarations will be made by the Acquiring Authority in respect of the Order Land in the event that the Order is confirmed by the Secretary of State. It is also the intention of the Acquiring Authority that all easements, covenants, rights and other interests in the land included in such a GVD shall be acquired/overridden. Where rights are being acquired/overridden, WBD will attempt to incorporate re-provision of these rights as far as possible as part of

the Scheme. Compensation will be paid accordingly. Mortgages and rent charges are to be dealt with in accordance with the relevant provisions of the Compulsory Purchase Act 1965.

- 8.9 The oversailing rights to be acquired relate to the swing of a crane jib during the construction of the development. Rights are required over the adjacent highways and a number of properties as follows: 9 and 11 Samuel Street; 7-21 and 33-47 (odd) Roe Street; 39 Duke Street; Salvation Army Citadel, Roe Street; and Majestic Wine and former Al Murad Tile Shop at 34-44 Roe Street.
- 8.10 It will be necessary to relocate the delivery arrangements to the Prince of Wales Public House and the rear access to the Roe Street properties numbers whilst paving works are undertaken.

### **Related orders**

- 8.11 A related highways order is required to facilitate the delivery of the scheme proposals. The Developer will be making an application to the Secretary of State pursuant to section 247 of the Town and County Planning Act 1990 to stop up existing highways within the Order Land and in turn provide new and improved public highway.
- 8.12 Highway works will take place at the junction of Samuel Street and Churchill Way and the existing cul-de-sac will be reconfigured to provide a new turning head.
- 8.13 It is contemplated that if required, a joint public inquiry will be held into the Order and the stopping up order.

## **9. CONCLUSION**

- 9.1 In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.
- 9.2 The Council is satisfied that the redevelopment of the Order Land as part of the comprehensive Scheme will have a positive impact on the social, environmental and economic well-being of the area as the redevelopment will provide an



overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.

- 9.3 Due to the substantial public benefit which would arise from the implementation of the Scheme, it is considered that the use of compulsory purchase is necessary and proportionate and that there is a compelling case in the public interest for the making and confirmation of the CPO. It is considered that the CPO does not constitute any unlawful interference with individual property rights. The CPO process enables objections to be submitted and a public inquiry to be held to consider these objections. Those parties directly affected by the CPO will be entitled to compensation in accordance with the statutory compensation code.

10. **COMPULSORY PURCHASE BY NON-MINISTERIAL ACQUIRING AUTHORITIES RULES 1990**

This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

11. **CONTACTS**

- 11.1 Owners and occupiers of properties affected by the CPO who wish to progress discussions for the acquisition of their interest should contact[ ] .
- 11.2 Anyone wishing to discuss matters with the Council regarding its promotion of this CPO should contact[ ].
- 11.3 Any affected person wanting clarification on the procedures for the CPO and any specific legal queries should contact [ ]

12. **LIST OF DOCUMENTS**

- 12.1 In the event of a public inquiry or written representation procedure, the Council intends to refer to or put into evidence the following documents, plans and maps:

12.1.1 [ ]

- 12.2 The Council may also refer to other documents in order to address any objections made to the CPO.

## **APPENDIX 1**

### **Planning Policy**