

# CHESHIRE EAST COUNCIL

## REPORT TO PORTFOLIO HOLDER

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**Date of Meeting:** 21 March 2017

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

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

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

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### 1.0 Report Summary

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

## **Timescales**

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

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

## **2.0 Recommendations**

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

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

## **3.0 Reasons for Recommendations**

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

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

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

## **4.0 Wards Affected**

4.1 Macclesfield Central and Macclesfield Tytherington.

## **5.0 Local Ward Members**

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

## **6.0 Policy Implications**

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

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

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

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

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

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

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

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

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

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

## **7.0 Financial Implications**

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

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

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

## **8.0 Legal Implications**

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

## **9.0 Risk Management**

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

## **10.0 Background**

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

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

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

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

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

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

## 11.0 Access to Information

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

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