

1. BACKGROUND & CONTEXT

The Cheshire East Local Plan Strategy (LPS) identifies Central Macclesfield as a priority area. The Council are seeking to maximise opportunities for improvement and regeneration. The regeneration and development of Central Macclesfield over the plan period will be achieved through the delivery of new dwellings and where appropriate new and improved retail and leisure developments that are in-centre. Central Macclesfield presents a valuable opportunity to maximise the assets and enhance the character of Macclesfield town centre and central area, this is covered by the policy for Strategic Location 4 (SL4) within the emerging LPS.

The delivery of new residential development within this central area will help to support and enhance the town centre, improving natural surveillance in the area and supporting the night time economy. It will also help to maintain a balance of uses within the area that will help to create and support sustainable communities. High quality public spaces will support the vitality of this area and help to create successful urban environments. The Local Development Orders ('LDOs') are a means of delivering this strategy.

2. LEGISLATIVE FRAMEWORK GOVERNING THE LDO PROCESS

LDOs were introduced through the Planning and Compulsory Purchase Act 2004 and, in effect, grant planning permission for the specific form / type of development detailed in the order. These primary powers were amended by the commencement of section 188 of the *Planning Act 2008* in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

The Growth and Infrastructure Act 2013 removed the requirement to formally consult the Secretary of State prior to adoption enabling local authorities to approve an LDO immediately after reviewing the results of local consultations. This was replaced by a requirement to notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption.

The Act also removed the requirement for LDOs to be reported on as part of Authorities' Monitoring Reports. However, CEC will closely monitor development progress.

3. PROPOSED LDOs IN MACCLESFIELD TOWN CENTRE

The LDO is proposed to cover nine sub-areas within the Northside and Whalley Hayes areas within central Macclesfield as highlighted in the red line boundaries (**Appendix 1**) and outlined briefly below:

Northside:

- Sub-area A – Building adjoining Beech Lane and Pearle Street¹
- Sub-area B – Former Magistrates Court
- Sub-area C – Buildings on the corner of Beech Lane and Hibel Road
- Sub-area D – Vacant land between Brock Street and Beech Lane

¹ Cyprotex building

Whalley Hayes:

Sub-area E – Buildings on the corner of King Edward Street and King Edward Road (west)

Sub-area F – Buildings on the corner of King Edward Street and King Edward Road (east)

Sub-area G – Site known as ‘The Three Pigeons’

Sub-area H – Buildings on the corner of King Edward Street and Westminster Street (west)

Sub-area I – Buildings on the corner of King Edward Street and Westminster Street (east)

4. AIMS & OBJECTIVES

In accordance with National Policy and the emerging LPS, the aims and objective of the LDOs project is to ensure that brownfield sites are brought forward for residential-led development where they are suitably located and deliverable. Bringing these sites forward for development would reduce the need for development on greenfield land and support the regeneration of Macclesfield town centre. It is hoped that these pilot LDOs will act as a catalyst to bringing forward brownfield sites within Macclesfield and could result in owners of sites which otherwise would not have been considered for residential use to explore this as viable option.

The purpose of the LDOs is to provide confidence in the proposed developments and attract the necessary investment. This in turn has a number of strategic implications for the wider borough as well as wider economic benefits:

- It will help to increase local employment opportunities and investment in the area;
- It seeks to reduce the time and costs associated with the planning application process and increase certainty for the development of sites;
- Collates and summarises baseline site information to provide upfront information on development considerations and constraints; and
- Contribute to a strategic approach to planning for key regeneration area.

5. PERMITTED DEVELOPMENT

The nine sub-areas are predominantly residential-led. Additional commercial floorspace (at Sites G, H, and I) is proposed to stimulate ancillary local employment opportunities related to retail, services and leisure where businesses can benefit from being in close proximity to the Town Centre.

The particular uses proposed and development will be permitted under the LDO for the land uses in the Use Classes Order 1987 (as amended) shown in the table below:

LDO Sub area ref.	Function	Maximum Units	Use Class
A	Residential	10-15	C2, C3
B	Residential	15-20	C2, C3
C	Residential	2-10	C2, C3
D	Residential	2-4	C2, C3
E	Residential	10-15	C2, C3
F	Residential	10-15	C2, C3
G	Residential, with ancillary retail and leisure	15-20	A1, A2, A3, C3, D1, D2
H	Residential with ancillary retail	10-20	A1, A2, A3, C2, C3
I	Residential with ancillary retail	20-30	A1, A2, A3, C2, C3

6. LIFESPAN OF THE LDO

The LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of this order.

CEC propose to review progress with the LDO on the second anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the second anniversary and at the end of the review the Council will determine whether to:

- a. Retain the LDO as it stands for the remaining 3 years of its life;
- b. Retain but revise some elements; or
- c. Revoke and Cancel the LDO

Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development.

7. PLANNING CONDITIONS OF THE LDO

All development taking place within the areas covered by the LDO will need to adhere to the following general conditions (more detailed conditions will be outlined within the formal LDO Consent Order):

Prior to the commencement of development on a plot, detailed plans shall be submitted to

the Local Planning Authority (LPA). Within 28 days of their receipt, the LPA will confirm, in writing, whether the proposed development is in conformity with the LDO or if further information and/or changes to the plans are required to secure conformity with the LDO. If the latter is the case, the Council will contact the developer and determine whether there is a need to agree an extension of time in which to consider the additional information to be submitted.

The plans to be submitted must include the following:

- A site layout plan to an appropriate metric scale;
- Detailed elevations and floor plans of all buildings to an appropriate metric scale;
- A schedule of external facing materials;
- A detailed landscaping scheme;
- A scheme for all external lighting;
- A scheme for the attenuation of surface water with accompanying pollution prevention measures; and
- A foul drainage discharge and treatment assessment.

The development shall be carried out in accordance with the agreed details and meet all requirements set out in the conditions. Development shall be commenced within 12 months of the date of the Council's confirmation that it is in conformity with the LDO otherwise further information will need to be provided to confirm compliance with the LDO.

8. PLANNING POLICY CONTEXT

NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF) sets out in a comprehensive document the Government's economic, environmental and social planning policies for England. It was published in March 2012 and Local Authorities are required to take its contents into account when preparing Development Plans and also when making decisions on planning applications and appeals.

The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.

Paragraph 17

"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Paragraph 19

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Paragraph 111

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”

Paragraph 199

“Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.”

The NPPF continues to say that investment in business should not be over-burdened by the combined requirements of planning policy expectations.

LOCAL PLANNING POLICY

Cheshire East Local Plan Strategy (Submission Document May 2014)

The Submission version of the Cheshire East Local Plan Strategy (May 2014) is in accordance with the NPPF and supports the NPPF’s regeneration and brownfield first policy. The LDOs seek to implement the strategy for central Macclesfield found under SL 4 Central Macclesfield which seeks to support:

- Delivery of new dwellings;
- New and improved retail and leisure developments that are in-centre and improve the quality of the shopping experience;
- Support for enhanced cultural offer;
- Support for new restaurants and cafés, to increase footfall throughout the evening;
- Delivery of landmark, well designed buildings;
- Appropriate car parking;
- Improvements to the public realm;
- Incorporation of Green Infrastructure;
- Improved pedestrian and cycle links to the railway station and bus station;
- On-site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities;
- Maximising opportunities to bring disused and underused buildings back into use; and
- Provision of high quality design and regard to the need to conserve and enhance the character and appearance of the listed buildings/conservation areas/locally important buildings and spaces.

9. PLANNING HISTORY

The town centre Conservation Area and listed buildings are a key feature of the Whalley Hayes area, whilst Northside has been in predominantly mixed commercial, residential and civic use. The development contained within the proposed LDOs will conserve the setting or context of the listed buildings and characteristics of the Conservation Area.

Alongside the formal Consent Order to the LDO there will also be a number of evidence based documents which have informed decisions made through the preparation of the LDO. Of most importance is the Design Statement (prepared by e*Scape) which sets out the parameters to be adhered to in design terms including location and orientation, scale and mass, access and movement, materials and appearance and landscape. There is also a supporting Heritage Impact Assessment (HIA) being prepared by Hinchcliffe Heritage which also identifies potential sensitivities given the proposed location of each of the LDOs. Both of these documents suggest actions to be taken to mitigate any potential negative impacts, which will need to be adhered to at the detailed design stages.

There have been a number of individual planning applications submitted within the red line boundaries of the proposed LDOs, since 2009 and covering a range of application types.

The below table provides a summary of these applications:

Planning Application Reference	Description of Development
15/4549M	Shop Unit King Edward Road – Removal of current external signage and installation of x3 fascia signs – Approved with conditions 11/11/15
14/1597M	Land adjacent to 6 Beech Lane – Erection of 9 no. flats with associated parking, recycling facilities and planting leisure area – Withdrawn 07/05/14
12/1560M	Unit 1, King Edward Street – Advertisement Consent for installation of 1 fascia sign – Approved with conditions 03/07/12
12/0655M	Churchill Way / King Edward Street – Advertisement Consent for the installation of 2 fascia signs – Approved with conditions 23/03/12
11/1828M	42 King Edward Street – Conversion of dental surgery into 2 no. apartments – Approved with conditions 02/09/11
11/0532M	42 King Edward Street – Conversion of vacant dental surgery into two number flats – Approved with conditions 05/07/11
10/0908M	Single storey laboratory extension to existing laboratory – Approved with conditions 01/06/10
09/1868M	Single storey side extension to laboratory and re-siting of stand-alone storage unit – Approved with conditions 04/09/09

10. SUPPORTING EVIDENCE BASE

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

The LDO has drawn on a range of surveys and studies. The critical supporting evidence is set out in the following documents:

- Traffic Impact Assessment prepared by Jacobs;
- Air Quality Impact Assessment prepared by Jacobs;
- Heritage Impact Assessment (HIA) prepared by Hinchcliffe Heritage;
- Design Statement incorporating Landscape Strategy prepared by e*Scape; and
- Phase 1 Preliminary Risk Assessment (PRA) prepared by Cheshire East Council.

Copies of all these documents can be inspected at Cheshire East Council's office and will also be made available on Cheshire East's website.

11. ENVIRONMENTAL IMPACT ASSESSMENT – SCREENING OPINION

The Environmental Impact Assessment Regulations 2015 set out the thresholds for new development that may need to be screened to determine whether a full Environmental Impact Assessment is required.

The proposed LDO does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('The EIA Regulations'). However, the proposed LDO does fall under Schedule 2, as defined in Part 10(b) '*Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*'.

The EIA Regulations were recently amended (06/04/2015) increasing the development area EIA screening thresholds for certain projects. In the case of 'urban development projects', the existing threshold of 0.5 ha was raised and amended such that a project will only usually need to be screened if:

- The development proposed includes more than 1 ha of development that is not dwelling house development; or
- The development includes more than 150 dwelling houses; or
- The area of the development exceeds 5 ha.

Given the characteristics of the proposed LDOs and that it exceeds the 150 unit threshold for the number of residential buildings, it was considered appropriate for an EIA screening request to be prepared and submitted to the LPA, and for a Screening Opinion to be given in response.

Potential environmental impacts across a range of environmental topics were considered in the Screening Opinion Request Letters (SORL) sent to the LPA. The letters took into account the location of sensitive receptors, including neighbouring residential properties and designated sites. The SORL confirmed that construction of the proposed LDO developments will adhere to suitable impact avoidance and standard mitigation measures which will be included in a CEMP to be prepared and implemented by the contractor(s). The SORL concluded that operational effects of the proposed LDOs will be slight when considered in the context of the existing land uses, and the proposed LDO is anticipated to have a beneficial effect on Macclesfield town centre.

Taking these issues into account, it was considered that no likely significant environmental effects will be associated with the proposed LDO, and the LDO does not constitute EIA development. The LPA was invited to review the details contained within the SORL in accordance with the EIA Regulations. The LPA subsequently confirmed (16/4254S and 16/4251S) that the LDOs were screened out of requiring an EIA².

12. CONSULTATION PROCESS

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the *Town and Country Planning (Development Management Procedure) Order 2010* (Statutory Instrument 2010/2184). Consultation must include any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

² Accessed at: <http://doc.cheshireeast.gov.uk/NorthgatePublicDocs/07854988.pdf> and <http://doc.cheshireeast.gov.uk/NorthgatePublicDocs/07855418.pdf>

The draft LDO has been prepared by Cheshire East Council in consultation with the affected landowners.

The Draft LDO Consent Order and this Statement of Reasons report were approved “in principle” as being suitable for consultation by Cheshire East Council’s Portfolio Holder on 20th March 2017, subject to the completion of the required technical studies as set out earlier on in this discussion.

All statutory stakeholders have been consulted informally alongside development of the technical appraisal work and during informal pre-consultation engagement efforts. Initial comments have been addressed in the draft document and will be subject to further formal consultation once published. Details of these and other stakeholders consulted in the preparation of the draft LDO are presented in the Statement of Consultation (dated October 2016)³.

11. CONSULTATION TIMETABLE

The Draft Consent Order and Statement of Reasons Report will be placed on the Council’s Planning Register, be available for inspection online and at the Council’s offices and open to formal consultation responses between 29th March 2017 and 26th April 2017. Further presentations will also be provided during this period and there will also be a number of drop-in sessions organised and facilitated by the Cheshire East Council to allow for comments to be made and representations suitably recorded.

All responses will be recorded and analysed according to material considerations and reported within a Statement of Consultation document for initial consideration prior to making a formal recommendation on any changes to the Strategic Planning Board (SPB) for consideration in accordance with normal planning procedures ahead of the LDOs ultimate adoption during early July 2017.

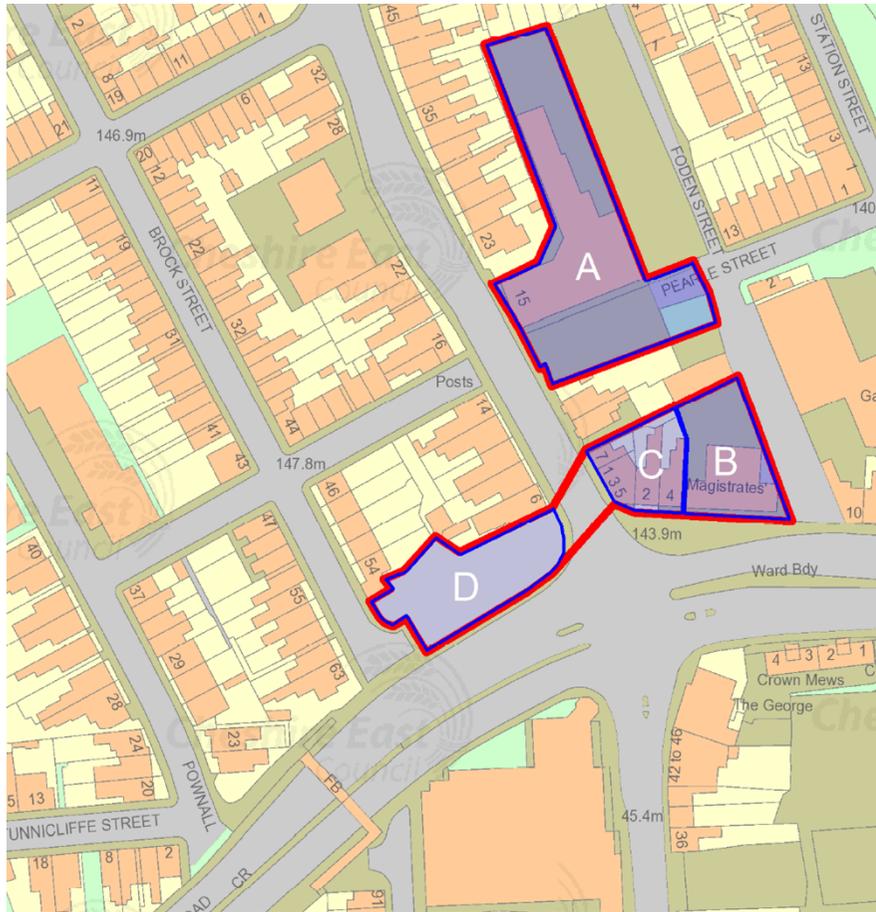
³ Accessed at: http://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Macclesfield Town Centre: Northside and Whalley Hayes Local Development Order (LDO) – Statement of Reasons



APPENDIX 1

Northside:



Whalley Hayes:

