

Decision Notice

**Notice of Grant of
planning permission**

Application No: 06/0236P

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**SUBJECT TO
LEGAL
AGREEMENT**

**HOW PLANNING
40, PETER STREET
MANCHESTER
M2 5GP**

Particulars of Development

**MIXED USE DEVELOPMENT COMPRISING 87 NO. APARTMENTS AND 1077 SQ. M.
BUSINESS FLOORSPEACE WITH ASSOCIATED CAR PARKING , ACCESS AND
SERVICE ARRANGEMENTS (FULL PLANNING)**

Location

**LAND AND BUILDINGS AT PARK GREEN MACCLESFIELD SK11 7NA
for PH PROPERTY HOLDINGS LTD AND GRADUS LTD**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:-

1. The development hereby approved shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in total accordance with the revised approved plans 5311(PL) 051; 5311(PL)001A REV A; 5311(PL)002; 5311(PL)003; 5311(PL) 005; 5311(PL) 006; 5311(PL) 007; 5311(PL) 008; 5311(PL) 010; 5311(PL) 011; 5311(PL) 012; 5311(PL) 013; 5311(PL) 014; 5311(PL) 016; 5311(PL)017; 5311(PL) 018; 5311(PL)019; 5311(PL)020; 5311(PL)021; 5311(PL)022; 5311(PL)023; 5311(PL) 024; 5311(PL)025; 5311(PL)028; 5311(PL)029; 5311(PL)031; 5311(PL) 033; Landscape Masterplan drawing 001/05/025 Rev A; landscaping plans 003/05/025A, 005/05/025A, 006/005/025A; date stamped received by the Local Planning Authority on 31 March 2006.

Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.

3. No development shall take place until samples of the materials to be used in the construction of external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable.

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Authority. Any such panel which receives the written approval of the Local Planning Authority shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.
Reason: To ensure that the external appearance of the building / structure is acceptable.

5. Notwithstanding any detail indicated on the plans hereby approved, the detailed design and materials of all window/ door types (including sills and lintels), balcony railings and lift shafts or other projections above the pitch of the roof on plans of a scale of 1:20 shall be the subject of plans submitted to and approved by the Local Planning Authority before any part of the development approved first commences. Development shall be carried out in accordance with the approved details.
Reason: Having regard to the site and the area in which it is located.
6. All rainwater goods shall be furnished in metal to be painted black (or an alternative colour first approved in writing by the Local Planning Authority).
Reason: To ensure that the external appearance of the building / structure is acceptable.
7. A minimum of seven days written notice shall be given to the Local Planning Authority of the commencement of building works. For the duration of the construction works access to a representative nominated by the Local Planning Authority shall be provided between 0800 and 1800 hours (Monday to Friday) for the purpose of recording any archaeological deposits uncovered.
Reason: Having regard to the designation of the site as an Area of Archaeological Potential.
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as appropriate. Where appropriate, these details shall include proposed finished levels or contours; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting, etc.); retained historic landscape features and proposals for restoration, where relevant.
Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.
9. The approved landscaping plan shall be completed in accordance with the following:-
 - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table 2 of British Standard BS5837:1991 A Guide for Trees in Relation to Construction.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased

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within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

10. Prior to its construction detailed measures shall be agreed in writing by the Local Planning Authority to ensure the proposed pedestrian route adjacent to the River Bollin is suitably adapted for use by the disabled. These approved details shall be implemented in full.

Reason: To ensure adequate disabled access.

11. Prior to commencement of any development, full details of a scheme for the eradication of Japanese Knotweed to be carried out by the developer, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the eradication scheme and either the date of implementation of the eradication scheme or the date of development commencing a further site survey must be undertaken and submitted to the Local Planning Authority for approval in order to ensure that the agreed scheme is still applicable.

Reason: To prevent the spread of Japanese Knotweed.

12. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be required to check for the existence of nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed, a 4m exclusion zone to be left around the nest until breeding is complete (unless otherwise first approved in writing by the Local Planning Authority). Completion of nesting shall be confirmed by a suitably qualified person and a report submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

13. Artificial bat roosts shall be provided on the site prior to the occupation of the proposed development in accordance with a scheme first approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation

14. If the proposed development entails the use of pile driving in its construction, details of the proposed method, location and duration of such pile driving shall be submitted to and approved in writing prior to such works taking place.

Reason: In the interests of residential amenity

15. The hours of demolition/construction of the buildings on the site shall be restricted to 0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenities of nearby residents and the occupiers of nearby property.

16. Prior to the construction of any part of the development, the junction of the approved access road (Maydews Passage) shall be constructed in accordance with a scheme of details which have been previously submitted to and approved by the Local Planning Authority including a visibility splay of 2.4m x 33m to right

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on exiting Maydews Passage onto Brook Street. The splay shall be kept clear of any object in excess of 1 metre above carriageway level and retained at all times thereafter.

Reason: In the interests of highway safety

17. The approved development shall not be occupied until the approved access that is required for the development has been constructed in accordance with the approved plans and has been formed and graded to the specification of the Local Planning Authority / Highway Authority, which is available from the Highway Authority, and any required visibility splays have been provided, all to the complete satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

18. No gates or other means of obstruction shall be erected across the vehicular access that will serve the approved development and prior to occupation of the development, any existing gates / other obstruction shall be permanently removed from the access, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19. All highways, footways and cycleways within the approved development, as indicated on the approved plans, shall, unless otherwise agreed, be designed and constructed in accordance with the current edition of Cheshire County Council Design Aid for roads / highways and shall be constructed to the satisfaction of the Local Planning Authority / Highway Authority. No dwelling / building shall be occupied until that part of the highway / footway / cycleway network which provides access to it has been constructed in this way and up to base-course level. The wearing course shall then be completed to a timescale which has previously been agreed in writing by the Local Planning Authority, in conjunction with the Highways Authority.

Reason: In the interests of highway safety and to ensure that adequate access is provided for the approved development.

20. Prior to the commencement of the development hereby approved, the following drawings and details shall be submitted to and approved in writing by the Local Planning Authority :

(i) detailed plans to a scale of not less than 1:500 showing the proposed highway layout, including dimensions of carriageway, footway, footpath, cycleway, bridleway, verge widths and visibility splays, the proposed buildings and site layout, the proposed floor levels, access roads and the drainage and sewerage system;

(ii) longitudinal sections along the centre line and channel lines of each proposed road showing the existing ground level and proposed ground level, and full details of surface water drainage proposals;

(iii) a typical highway cross-section showing a specification for the types of construction proposed for carriageways and footways / footpaths / cycleways/ bridleways;

(iv) detail of all proposed street lighting, signage and markings.

No road works shall commence on site prior to the written approval of these details by the Local Planning Authority. The development shall thereafter be carried out in full compliance with the approved drawings and details and the development shall not be occupied until the road layout has been constructed in

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accordance with the approved plans.

Reason: In the interests of highway safety and to ensure that adequate access is provided for the approved development.

21. The approved development shall not be occupied until a 1.5m wide footway has been constructed along the westerly side of Maydews Passage in accordance with a scheme of details which has previously been submitted to and approved in writing by the Local Planning Authority, to the specification of the Local Planning Authority / Highway Authority and to the complete satisfaction of the Local Planning Authority. The footway shall then be put forward to the Highway Authority for adoption (if it has been constructed outside the limits of the existing public highway).

Reason: In the interests of highway safety and to ensure that adequate access is provided for the approved development.

22. The turning facility, as indicated on the approved plan, shall be provided prior to the approved development being occupied and then be retained, kept clear and be available for use at all times thereafter so as to provide a facility to allow vehicles to enter and leave the site in a forward direction.

Reason: In the interests of highway safety.

23. The service facilities, as indicated on the approved plan, shall be provided and retained within the site so as to allow service vehicles to load and unload within the site. The facilities, which shall be provided prior to the occupation of the building, shall be retained at all times thereafter for the loading / unloading and turning of vehicles. They shall at no time be used for the parking of cars or storage of goods or materials, which would prevent them from being available for the intended use.

Reason: In the interests of highway safety.

24. Before any of the operations involving the construction of the development hereby approved are commenced, which involve the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the Local Planning Authority, in conjunction with the Highway Authority, to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and shall thereafter be retained and used whenever the said operations are carried out.

Reason: In the interests of highway safety.

25. No work shall take place on site until a method statement has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed / works shall take place in complete accordance with the method statement.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic and pedestrian routes.

26. The approved access shall be constructed so as to prevent the discharge of surface water from the site onto the public highway in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure that dispersal of surface water does not have an adverse impact upon the public highway.

27. Provision shall be made for the parking of vehicles within the site in accordance with the approved plans. The parking spaces shall be available for use before the approved development is first occupied. The spaces, including the designated number of disabled spaces (if applicable), shall be retained at all times thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that an adequate level of car parking is provided and retained for the development, having regard to the adopted parking standards, PPG13 - Transport and highway safety in the vicinity of the site.

28. The approved building(s) shall not be occupied until all areas of hardstanding, including car parks, driveways, footways, turning facilities and service areas / yards, as indicated on the approved plan(s), have been laid out, drained, surfaced and marked out with white lining, or similar (if applicable) in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The areas shall then be retained at all times thereafter for their intended use.

Reason: In the interests of highway safety.

29. Parking facilities for 85 cycles (or an alternative figure is otherwise approved in writing by the Local Planning Authority) shall be provided on the site prior to the occupation of the approved development and retained at all times thereafter. Before any building is occupied, details of a covered and secure cycle store shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to PPG13 - Transport.

30. The ground conditions on the site shall be subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation shall be undertaken and shall form the basis for the requirements for sampling and analysis of current soils, site assessment and action plan to remedy any contamination. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall then be produced. Two copies of all documents relating to this requirement shall be submitted to the Local Planning Authority. In the event of any unforeseen circumstances requiring additional or alternative measures to remediate the site, the Local Planning Authority shall be notified. The developer shall not proceed with additional/alternative measures unless written approval has been first obtained from the Local Planning Authority.

The chosen laboratory for sampling analysis shall either have the Environment Agency's Monitoring Certification Scheme (MCERTS) accreditation for all parameters or should be able to sub-contract any non-accredited parameters to another laboratory that has the appropriate accreditation. If no laboratories are currently able to provide accreditation for a particular parameter, the test method used should be accredited to BS EN ISO/ IEC 17025:2000 and be accompanied by a brief method description, together with estimates of bias and precision.

In the event that ground remediation is required, A Method Statement and Remediation Strategy based on the information obtained shall be submitted and

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agreed in writing by the Local Planning Authority, prior to commencement of any other works in relation to any development on the site. Two copies of a Completion Report shall be submitted to the Local Planning Authority providing a validation of the remediation work carried out and the measures taken to manage any risks for the development. This shall be submitted prior to the occupation of the first dwelling (unless an alternative programme has first been agreed in writing with the Local Planning Authority). In addition two copies of a Remediation Certificate shall be provided to the Local Planning Authority, signed by the developer, confirming satisfactory remediation of the site on completion of all remedial works under the same time scale arrangements.

Reason: To ensure that the site is remediated to a satisfactory standard in order to protect public safety and the environment.

- C 31. The finished floor levels of the buildings shall be set to at least 600mm above the level for the 1 in 100 year flood in the River Bollin including a 20% increase in flow for future climate change as follows:-

Floor levels in the proposed Waterside Mill building shall be set to at least 135.119mAOD at the Lower Bank Street end and 134.077mAOD elsewhere.

Floor levels in the Park Green Mill building shall be set to at least 133.901mAOD

Reason: To reduce the risk of flooding to the proposed redevelopment.

32. The buildings hereby permitted shall be constructed in materials which would be resistant to damage from the ingress of flood water and with services located at an appropriate level in accordance with details to be submitted and approved in writing to the Local Planning Authority.

Reason: The buildings are within an area at risk of flooding.

- C 33. The surface water drainage system of the site of the proposed works shall be designed and constructed in accordance with one or both of the following, listed in priority.

1. Sustainable urban drainage system (SUDS) - best practise manual C523 (permeable paving) published by SIRIA

2. Environment Agency's Pollution Prevention Guidelines (PPG)3 'Use and design of oil separators in surface water drainage systems'.

No work shall commence on site until the submitted details of any system/separator have been submitted to and received the written approval of the Local Planning Authority. The Development shall not be occupied until the approved system/separator, or similar, has been constructed/installed ready for operation. The system/separator, or similar, shall be retained at all times thereafter and shall be maintained in accordance with best practice guidelines to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of watercourses.

The reason(s) for approving this application is/are:

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1. The points raised in objections have been considered. However, the proposal complies with the relevant policies of the Development Plan and is considered to be acceptable. In reaching this conclusion regard was had to the the Borough Council's SPG, Restricting the Supply of Housing, and the particular benefits associated with the scheme, notably the regeneration of this section of the river corridor which is largely in a Conservation Area and contains listed buildings.
2. The proposal has an acceptable relationship with adjacent buildings and the wider streetscene.
3. The proposal has an acceptable impact upon the amenities of neighbouring properties and the pproposal would remove a potetially unneighbourly use.
4. The development would maintain or enhance the character, appearance and historic integrity of the Listed Building on the site and enhance the appearance of the Conservation Area.

INFORMATIVE The policies and proposals in the Development Plan relevant to this decision are: Regional Planning Guidance for the North West (RPG 13) - UR7-10, ER3-5, EQ1 & T8; Cheshire 2016: Structure Plan Alteration - R1, GEN1, GEN3, HOU1-HOU3, T1-3 and Macclesfield Borough Local Plan - NE9-11, BE1-5, BE15-19, BE21, BE23, BE24, RT5, RT7, H1-H3, H6, H8, H9, E11-14, T3-T5, MTC18, MTC19, MTC22, MTC27, IMP1, IMP4, DC1-8, DC17-18, DC20, DC34-DC40 & DC63.

INFORMATIVE

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river River Bollin .

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

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(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) Variation to the approved plans will require the submission of a new planning application.

Dated: 26/9/07

Address Town Hall
Macclesfield
Cheshire

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Signed 
Chief Planning Officer

