

Cheshire East Borough Council

Section 61 A of The Town and Country Planning Act 1990

Northside and Whalley Hayes

Local Development Order – 2019

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Introduction

1. This Local Development Order (“LDO”) is made by Cheshire East Borough Council (“the Council”) under s61A Town and Country Planning Act 1990 (as amended).
2. It applies only to those areas outlined in red in Schedule 1 - Northside LDO (Plan 1) and Whalley Hayes LDO (Plan 2).
3. Within those areas identified in Schedule 1, this LDO grants planning permission for the types of development permitted in Schedule 2 subject to complete compliance with the conditions specified in Schedule 2. Any development that does not comply with this LDO will require planning permission through the normal planning process. Unauthorised development will be liable to enforcement action.
4. This LDO takes effect on the day it is adopted (13.02.19) and is limited to a five year period following which the LDO will expire (13.02.24). Upon its expiry, the permitted development rights will cease to apply to any development that has not commenced.
5. The Council does have the ability to revise or revoke the LDO at any time, should it lead to undesirable and unforeseen consequences. Development that has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, revised or expires provided it still complies with the established conditions and criteria for development (commencement is defined as the construction of a foundation trench as a minimum).
6. Before commencement of development and in order to ensure compliance with the LDO, applicants must complete and submit to the Local Planning Authority the self-certification form attached to this Order (**Appendix 1**), together with the plans and documents identified in Schedule 3 and in the accompanying checklist (**Appendix 2**). The development permitted by this Order shall not be carried out other than in complete accordance with the criteria and conditions set out within this LDO and the accompanying Strategic Design Statements, with the exception of material amendments submitted to and approved in writing by the Council. A number of informatives are also provided.

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7. The Council will acknowledge receipt of submissions and within 28 days of this date either issue written confirmation of compliance (or non-compliance), or ask for additional information to which a further 28 days is provided to consider the proposal on receipt of this information. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal.
8. The LDO does not alter, restrict or vary in any way, any form of development already permitted by the Town and Country Planning (General Permitted Development) Order 1995 (and its subsequent amendments).
9. Nothing in this LDO gives consent (other than planning permission) for any activity or development that requires other authorisation (e.g. hazardous substances consent, Environmental permits/licences; building regulations; consents under highways legislation including consent for stopping up or diversion of an adopted highway or footpath..etc). It remains the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
10. The applicant is reminded that separate consent will be required under the Town and Country Planning (Control of Advertisements) Regulation 1992 for any advertisements requiring express consent which the applicant may wish to display on the permitted retail/commercial/leisure part of the premises.

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Interpretations and Definitions

“Development” has the same meaning as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).

“Eaves Height” is measured from ground level at the base of the outside wall to the point where that wall (if projected upwards) would meet the lowest point of the upper surface of the roof. The overhang should be ignored for the purposes of the measurement.

“Flat Roof” – means a roof with a slight camber but no pitches, sometimes contained by a parapet.

“Floorspace” refers to usable internal floor area which is defined in the Technical Housing Standards – nationally described space standard (NDSS). The NDSS’s standards sets out Gross Internal Floor Area (GIA) of new dwellings which is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The measures do not include apartment circulation spaces.

“Ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform (for example the ground is sloping), the level of the highest part of the surface of the ground adjacent to it.

“Highest part of the Roof” is defined as the highest point of the roof structure, excluding any chimneys, antenna or other structures attached to the roof.

“Mono-Pitched Roof” is a single-sloped roof surface.

“Principal Elevation” is that part which fronts (directly or at an angle) the main highway serving the property.

“Pitched Roof” means a roof that slopes downwards, typically in two parts at an angle from a central ridge.

“Storey” means one of the buildings different floors, which is situated above or below other floors. A two storey building would comprise a ground and first floor. A three-storey building would comprise a ground, first and second floor.

“Site Investigation” - works for the purpose of investigating ground conditions, including the provision on land of buildings, moveable structures, works, plant and machinery required temporarily in connection with and for the duration of such works.

“Use Class A1 Shops” means use for the retail sale of goods other than hot food; as a post office; for the sale of tickets or as a travel agency; for the sale of

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sandwiches or other cold food for consumption off the premises; for hairdressing; for the direction of funerals; for the display of goods for sale; for the hiring out of domestic or personal goods or articles; for the washing or cleaning of clothes or fabrics on the premises; for the reception of goods to be washed, cleaned or repaired; as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet; where the sale, display or service is to visiting members of the public.

“Use Class A2 Financial and Professional Services” means financial services; professional services (other than health or medical services); any other services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

“Use Class A3 Restaurants and Cafes” means for the sale of food and drink for consumption on the premises.

“Use Class A4 Drinking Establishments” means use as a public house, wine-bar or other drinking establishment.

“Use Class C3 Dwellinghouses” means use as a dwellinghouse (whether or not as a sole or main residence) by: (a) a single person or by people to be regarded as forming a single household, (b) not more than six residents living together as a single household where care is provided for residents, (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The **“Northside LDO area”** is defined as the area comprised within the red edged boundary shown on Plan 1- Northside LDO Boundary, contained in Schedule 1. It encompasses development parcels and also part of the highway which is highlighted in yellow.

The **“Whalley Hayes LDO area”** is defined as the area comprised within the red edged boundary shown on Plan 2- Whalley Hayes LDO Boundary, contained in Schedule 1. It encompasses development parcels and also part of the highway which is highlighted in yellow.

“Development Parcel A” comprises the area of land highlighted in green within Northside LDO Plan 1. It is bounded by:

- To the north by the side curtilage of property No. 23 Beech Lane, the rear curtilage of properties No.18 to 22 Fowler Street, and the southern curtilage of the adjacent car park and car wash area;
- To the east by the adjacent car park and car wash area, and includes part of Pearl Street;
- To the south by side curtilage of 11 Beech Lane and the gable elevation of the detached garage with flats above; and
- To the west by the pedestrian footpath along Beech Lane and the rear curtilage of properties No. 23 to 39 Beech Lane.

“Development Parcel B” comprises the area of land highlighted in orange within Northside LDO area. It is bounded by:

- To the north by the side elevation of a detached garage with a flat above;
- To the east by Foden Street;
- To the south by pedestrian footpath along Hibel Road; and
- To the west by the side curtilage of No.4 Hibel Road as defined by the LDO boundary ‘C’.

“Development Parcel C” comprises the area of land highlighted in blue within Northside LDO area. It is bounded by:

- To the north by the side curtilage of No. 9 Beech Lane;
- To the east by the side curtilage of the Magistrates Court as defined by LDO boundary ‘B’;
- To the south by the pedestrian footpath along Hibel Road; and
- To the west by the pedestrian footpath along Beech Lane.

“Development Parcel D” comprises the area of land highlighted in pink within Northside LDO area. It is bounded by:

- To the north by the side curtilage of No. 6 Beech Lane and No.54 Brock Street;
- To the east by the pedestrian footpath along Beech Lane;
- To the south by the pedestrian footpath along Hibel Road; and
- To the west by the pedestrian footpath along Brock Street.

“Development Parcel E” comprises the area of land highlighted in beige within Whalley Hayes LDO area. It is bounded by:

- To the north by the side curtilage of No.1 Brocklehurst Court and open space;
- To the east by the pedestrian footpath along King Edward Road;
- To the south by the pedestrian footpath along King Edward Street; and
- To the west by the curtilages of No.49 King Edward Street; No.1, 2, 3 Court No.4 and Macclesfield Methodist Church.

“Development Parcel F” comprises the area of land highlighted in lilac within Whalley Hayes LDO area. It is bounded by:

- To the north by the pedestrian footpath along Cumberland Street;
- To the east by the pedestrian footpath along Churchill Way;
- To the south by the pedestrian footpath along King Edward Street; and
- To the west by the pedestrian footpath along King Edward Road.

“Development Parcel G” comprises the area of land highlighted in orange within Whalley Hayes LDO area. It is bounded by:

- To the north by the pedestrian footpath along King Edward Street;
- To the east by the pedestrian footpath along Churchill Way;
- To the south by the pedestrian footpath along Chestergate; and
- To the west by Little Street.

“Development Parcel H” comprises the area of land highlighted in pink within Whalley Hayes LDO area. It is bounded by:

- To the north by the pedestrian footpath along King Edward Street;
- To the east by the elevation of No. 40B and 42 King Edward Street;
- To the south by the side alleyway located to the rear of properties No.79-85 Chestergate and boundary of properties 3 Westminster Street and 73A Chestergate; and
- To the west by the pedestrian footpath along Westminster Street.

“Development Parcel I” comprises the area of land highlighted in green within Whalley Hayes LDO area. It is bounded by:

- To the north by the pedestrian footpath along King Edward Street;
- To the east by the pedestrian footpath along Westminster Street;
- To the south by the rear boundary line of No. 103, 105, 115 and 115a Chestergate; and the parking area located to the north of No.93 Chestergate; and
- To the west by the side of Georges Court. The boundary excludes No. 68 King Edward Street and its curtilage.

“Northside LDO Strategic Design Statement” is defined as the document in Appendix 3.

“Whalley Hayes LDO Strategic Design Statement” is defined as the document in Appendix 4.

“Macclesfield LDO Air Quality and Noise” is defined as the document in Appendix 5.

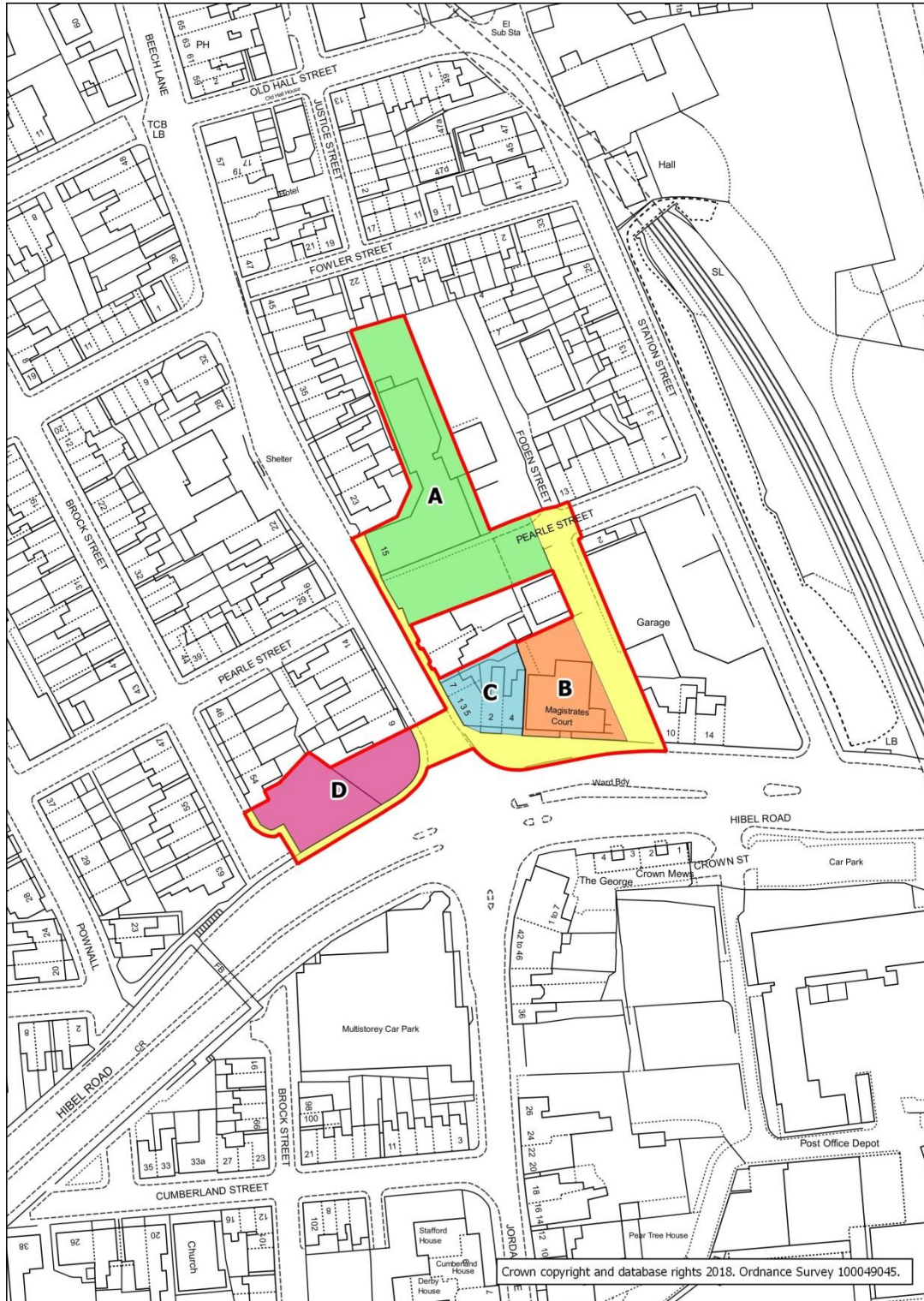
“Northside Heritage Impact Assessment” is defined as the document in Appendix 6.

“Whalley Hayes Heritage Impact Assessment” is defined as the document in Appendix 7.

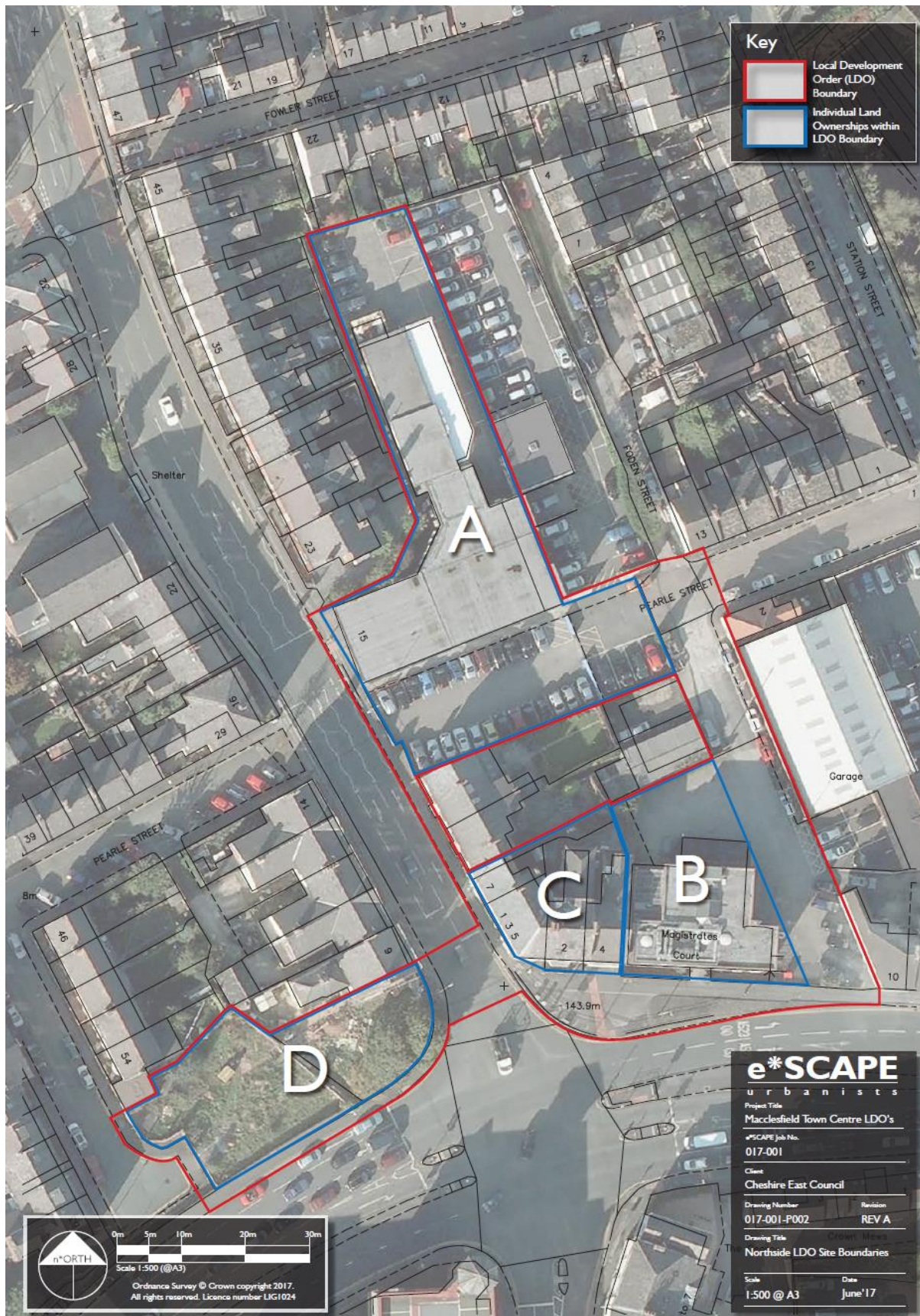
“Phase 1 Preliminary Risk Assessment” is defined as the document in Appendix 8.

SCHEDULE 1

Local Development Order Boundaries



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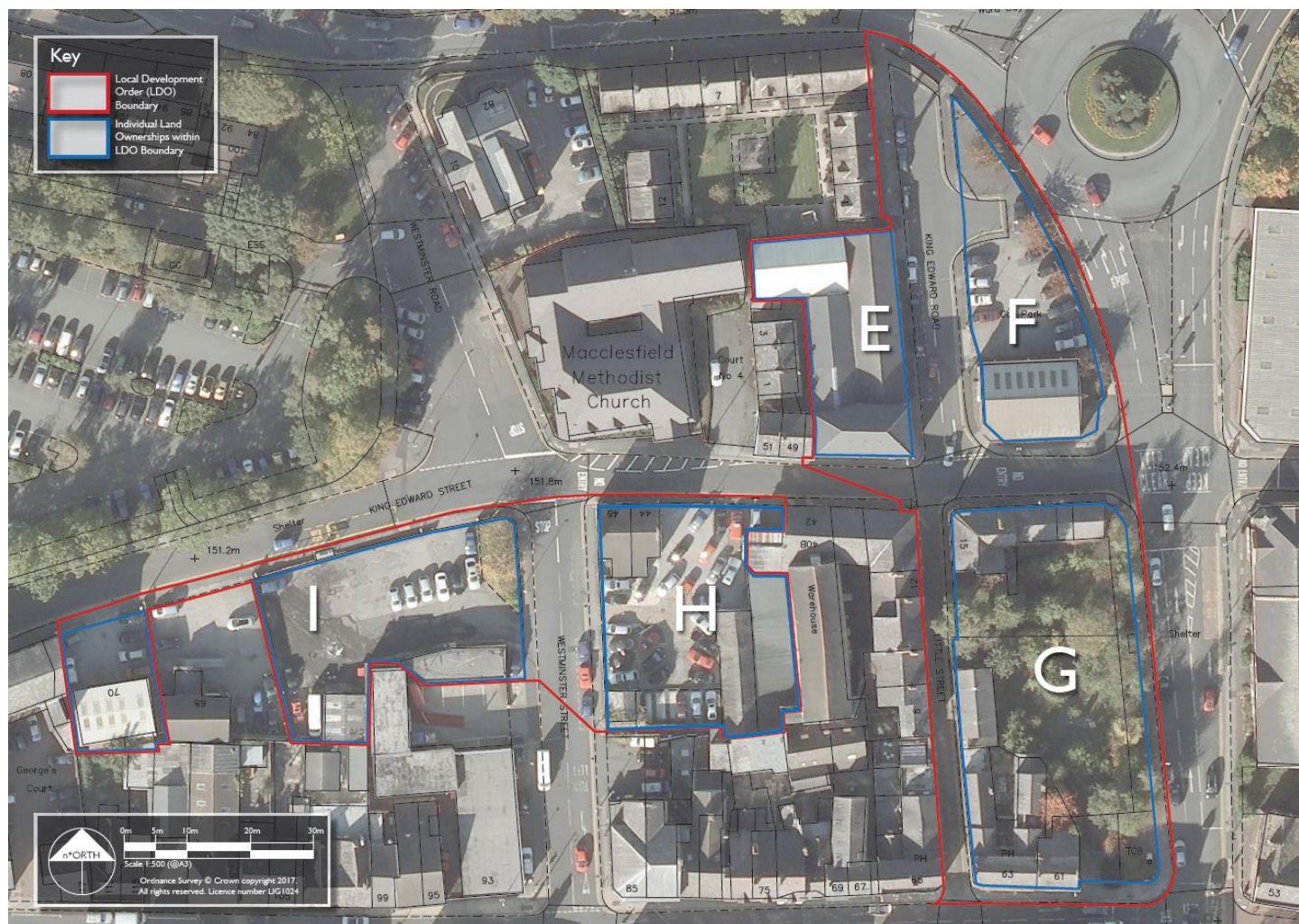


Plan 1: Northside LDO

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Plan 2: Whalley Hayes LDO

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SCHEDULE 2

Development Permitted by LDO

PART 1

The Demolition, Erection or Construction of Buildings

NORTHSIDE

NORTH OF HIBEL ROAD (Development Parcels A, B, C AND D)

Permitted Development:

- 1.1 Within Northside (Development Parcels A, B, C & D shown on Plan 1 in Schedule 1):
- a) the erection of buildings for Use Class C3: Dwellinghouses
 - b) site investigation and demolition directly required by development permitted in Paragraph 1.1 a
 - c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.1a.

Development not permitted:

- 1.2 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 1.3 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.
- 1.4 Within Development Parcel A:
- The number of apartments within the building exceeds 18 units (five 1-bed apartments; eleven 2-bed apartments; and two 3-bed apartments with a total net floorspace of 10,118sq ft).
 - The height of development exceeds 4 storeys on the Pearle Street frontage and an overall maximum height of 11m to the highest part of the roof.
 - The height of development exceeds 3 storeys on the Beech Lane frontage and an overall maximum height of 9m to the highest part of the roof.
 - The step back from the second floor apartments is less than 2m on the western elevation.

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- The step back from the second floor apartments on Beech Lane frontage is less than 2.2m on the northern elevation.
 - The elevation along Beech Lane is not set back by a minimum of 1.4m from the back edge of the footpath. The building façade on Beech Lane that curves back into Pearle Street does not provide a maximum distance of 4.5m from the back of the footpath fronting Beech Lane.
- 1.5 Within Development Parcel B:
- The number of apartments within the building exceeds 11 units (three 1-bed apartments; and eight 2-bed apartments with a total net floorspace of 7,212sq ft).
 - The height of development exceeds 3 storeys and an overall maximum height of 9m to the highest part of the roof.
 - The building is not set back by a minimum of 0.5m from the back edge of the footpath.
 - Any third storey is not set back by 1 metre from the back edge of the footpath, or 0.5m from the principal elevation of the building.
- 1.6 Within Development Parcel C:
- The number of dwellinghouses exceeds 4 units (three 3-bed townhouses; and one 4-bed townhouse with a total net floorspace of 6,781sq ft).
 - The height of the one 4-bed townhouse exceeds 3 storeys in height on its principal elevation. The overall height of the building, including its roof, exceeds 11m (7.5 to 8m to eaves).
 - The height of the three 3-bed townhouses exceeds two and half storeys on its principal elevation. The overall height of the building, including its roof exceeds 10.5m (5.5 to 6.0m to eaves).
 - The buildings pitched roof has a pitch of less than 50 degrees.
 - Any chimney exceeds 0.75m in height above the highest part of the roof.
 - The principal elevation along Hibel Road is set back more than 0.25m from the back edge of the footpath.
- 1.7 Within Development Parcel D:
- The number of apartments and dwellinghouses exceeds 10 units (six 2-bed apartments; two 3-bed townhouses; and two 4-bed townhouses with a total net floorspace of 8,848sq ft).
 - The 3-bed and 4-bed townhouses exceed three storeys in height. The buildings pitched roof has a pitch of less than 40 degrees. The overall height of the building, including its roof, exceeds 11m (7.5 to 8m to eaves). Any chimney exceeds 0.75m in height above the highest part of the roof.
 - The apartment building exceeds 3 storeys in height and does not provide a flat or shallow mono pitch roof. This section of development exceeds an overall maximum height of 9m to the highest part of the roof.
 - The principal elevation along Hibel Road is set back more than 0.25m from the back edge of the footpath.

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Conditions:

- 1.8 Development is permitted under Paragraph 1.1a, b and c subject to the following conditions which is set out in further detail under Schedule 3:
- a) General Conditions GC1, GC2, GC3, GC4, and GC5.
 - b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7, and EC8.
 - c) For Site C - Archaeology and Heritage Condition AHC2
 - d) For Sites B, C and D – Archaeology and Heritage Condition ACH4.
 - e) Highways Conditions HC1 and HC2.

WHALLEY HAYES

KING EDWARD ROAD (Development Parcels E & F)

Permitted Development:

- 1.9 Within Whalley Hayes (Development Parcels E & F shown on Plan 2 in Schedule 1):
- a) the erection of buildings for Use Class C3: Dwellinghouses
 - b) site investigation and demolition directly required by development permitted in Paragraph 1.9a
 - c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.9a.

Development not permitted:

- 1.10 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 1.11 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.
- 1.12 Within Development Parcel E:
- The number of dwellinghouses and apartments exceeds 7 units (five 3-bed townhouses; one 4-bed townhouse; and one bed apartment above the accessway with a total net floorspace of 7,374sq ft).
 - The height of development exceeds two and half storeys.
 - The buildings pitched roof has a pitch of less than 50 degrees.
 - The overall height of the building, including its roof exceeds 10.5m (5.5 to 6m to eaves).
 - Any chimney exceeds 1m in height above the highest part of the roof.
 - The development fronting King Edward Street and King Edward Road is set back more than 0.25m from the back edge of the footpath.
- 1.13 Within Development Parcel F:
- The number of apartments within the building exceeds 13 units (four 1-bed apartments; and nine 2-bed apartments with a total net floorspace of 8,235sq ft).
 - The height of development exceeds 3 storeys on the corner of King Edward Street and Churchill Way. The overall height of the building, including the flat or shallow mono pitched roof, exceeds 9m (7.5 to 8m to eaves).
 - The remaining elevation to Churchill Way exceeds two storeys. The buildings pitched roof, has a pitch less than 36.5 degrees. The overall height of the building, including the roof, exceeds 9m (5.5m to eaves).

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- Any chimney exceeds 1m in height above the highest part of the roof.
- The development fronting King Edward Street and Churchill Way is set back more than 0.25m from the back edge of the footpath.

Conditions:

1.14 Development is permitted under Paragraph 1.9a, b and c subject to the following conditions which is set out in further detail under Schedule 3:

- a) General Conditions GC1, GC2, GC3, GC4, and GC5.
- b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7 and EC8.
- c) Archaeology and Heritage Condition ACH4
- d) Highways Conditions HC1 and HC2.

WHALLEY HAYES
THREE PIGEONS (DEVELOPMENT PARCEL G)

Permitted Development:

1.15 Within Three Pigeons (Development Parcel G shown on Plan 2 in Schedule 1)

- a) The erection of building for:
 - Use Class A1: Shops
 - Use Class A2: Financial and Professional Services
 - Use Class A3: Restaurants and Cafes
 - Use Class A4: Drinking Establishments
 - Use Class C3: Dwellinghouses
- b) site investigation and demolition directly required by development permitted in Paragraph 1.15a
- c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.15a.

Development not permitted:

- 1.16 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 1.17 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.

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1.18 Within Development Parcel G:

- The total ground floor for non-residential floorspace (A1, A2, A3, and/or A4) development contained in the commercial units fronting Chestergate/Churchill Way frontages (as shown within the Whalley Hayes Strategic Design Statement) exceeds a total floor area of 382sq.m.
- The number of apartments exceeds 21 units (three 1-bed apartments; sixteen 2-bed apartments; two 3-bed apartments). Along King Edward Street and Little Street development exceeds 6 units (two 2-bed townhouses; a 3-bed unit siting over a pedestrian accessway; two 3-bed semi-detached; and a 3-bed corner Turner townhouse). The total net floorspace exceeds 20,1289sq ft.
- The height of the commercial building with apartments above, including the flat or shallow mono-pitched roof, which is located near the corner of Chestergate Street and Churchill Way exceeds 9m (7.5 to 8m to eaves). The remaining part of this building, including the pitched roof, as illustrated in Whalley Hayes Strategic Design Statement, exceeds 11m (7.5 to 8m to eaves).
- The commercial and apartment buildings, that has its principal elevation along Chestergate Street and Little Street, exceeds 3 storeys in height. The buildings pitched roof has a pitch of less than 35 degrees. The overall height of the building, including its roof, exceeds 11.5m (7.5 to 8m to eaves).
- The townhouses and semi-detached dwellings located in the northern and eastern part of the block exceeds two storeys in height. The buildings pitched roof has a pitch of less than 37 degrees. The roof is not hipped at the Little Street/King Edward Street junction. The overall height of the building, including the pitched roof, exceeds 8.5m (5.5m to eaves). Any chimney exceeds 1m in height above the highest part of the roof.
- Development fronting any highway is set back more than 0.25m from the back edge of the footpath.

Conditions:

1.19 Development is permitted under Paragraph 1.15a, b and c subject to the following conditions which is set out in further detail under Schedule 3:

- a) General Conditions GC1, GC2, GC3, GC4, GC5, and GC6.
- b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7, EC8, and EC9.
- c) Archaeology and Heritage Condition AHC1, AHC2, AHC3 and AHC4.
- d) Highways Conditions HC1 and HC2.
- e) The space to the southeast of the plot at the junction of Chestergate and Churchill way shall be landscaped and maintained as public realm accessible to the general public in accordance with the Whalley Hayes Strategic Design Statement.

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WHALLEY HAYES
EAST OF WESTMINSTER STREET (DEVELOPMENT PARCEL H)

Permitted Development:

- 1.20 Within Whalley Hayes (Development Parcel H shown on Plan 2 in Schedule 1):
- a) the erection of buildings for Use Class C3: Dwellinghouses
 - b) site investigation and demolition directly required by development permitted in Paragraph 1.20a
 - c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.20a.

Development not permitted:

- 1.21 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.
- 1.22 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.
- 1.23 Within Development Parcel H:
- The number of dwellinghouses and apartments exceeds 9 units (three 3-bed apartments on the corner; one 3-bed apartment siting over the accessway; five 4-bed townhouses with a total net floorspace of 1,0549sq ft).
 - The 3-bed apartments and five 4-bed townhouses that have its principal elevations along King Edward Street and Westminster Road exceeds 3 storeys in height. The overall height of the building, including its pitched roof, exceeds 12m (7.5 to 8m to eaves). The buildings pitched roof has a pitch less than 40 degrees.
 - The building at the southern end of the townhouse row, with its principal elevation along Westminster Street, exceeds 2 storeys in height. The overall height of the building, including its pitched roof exceeds 9.5m (5.5m to eaves).
 - The building is set back more than 0.25m from the back edge of the footpath.

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Conditions:

1.24 Development is permitted under Paragraph 1.20a, b and c subject to the following conditions which is set out in further detail under Schedule 3:

- a) General Conditions GC1, GC2, GC3, GC4, and GC5.
- b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7 and EC8.
- c) Archaeology and Heritage Condition AHC1, AHC2, AHC3 and AHC4.
- d) Highway Conditions HC1 and HC2.

WHALLEY HAYES**WEST OF WESTMINSTER STREET (DEVELOPMENT PARCEL I)****Permitted Development:**

1.25 Within Whalley Hayes (Development Parcel I shown on Plan 2 in Schedule 1):

- a) the erection of buildings for Use Class C3: Dwellinghouses
- b) site investigation and demolition directly required by development permitted in Paragraph 1.25a
- c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.25a.

Development not permitted:

1.26 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.

1.27 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.

1.28 Within Development Parcel I:

- The number of dwellinghouses and apartments exceeds 22 units (five 1-bed apartments; thirteen 2-bed apartments; two 3-bed apartments; and two 3-bed townhouses with a total net floorspace of 16,039sq ft).
- The smaller western parcel of land containing two 3-bed townhouses exceeds 3 storeys in height. The overall height of the building, including its pitched roof, exceeds 12m (7.5 to 8m to eaves). The buildings pitched roof has a pitch less than 40 degrees. Any chimney exceeds 1m in height above the highest part of the roof. The two three-bed townhouses do not provide a set back of 1.5m from the back edge of the footpath.
- The L-shaped apartment located on the larger eastern parcel of land, with its principal elevation along Westminster Street and King Edward Street, exceeds 3 storeys in height. The overall height of the building,

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including its pitched roof, exceeds 12m (7.5 to 8m to eaves) and is not hipped at the corner. The buildings pitched roof has a pitch less than 40 degrees. The building is set back more than 0.25m from the back edge of the footpath.

Conditions:

- 1.29 Development is permitted under Paragraph 1.25a, b and c subject to the following conditions which is set out in further detail under Schedule 3:
- a) General Conditions GC1, GC2, GC3, GC4, and GC5.
 - b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7 and EC8.
 - c) Archaeology and Heritage Condition ACH4
 - d) Highway Conditions HC1 and HC2.

PART 2

Changes of Use as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended)

NORTHSIDE

NORTH OF HIBEL ROAD (Development Parcel B)

Permitted Development:

1.30 Within Whalley Hayes (Development Parcel B shown on Plan 1 in Schedule 1):

- a) development consisting of a change of use from the existing court building (D1 Use Class) to Dwellinghouses (Use Class C3).
- b) any building operations reasonably necessary to convert the building referred to in Paragraph 1.30a to a use falling within Use Class C3 (dwellinghouses).
- c) Car parking, hard standing, landscaping, and public realm works ancillary to the use permitted in Paragraph 1.30a.

Development not permitted:

1.31 Any development which fails to comply with the requirements of, or does not supply all the information required in Schedule 3.

1.32 Development is not permitted unless the site is considered to have a low potential for containing a bat roost or the works are considered to have a low potential for impacting on bats, or a satisfactory bat survey has been received.

1.33 The height of development exceeds 3 storeys and an overall maximum height of 9m to the highest part of the roof. Any third storey exceeds a set back of 1 metre from the back edge of the footpath, or 0.5m from the principal elevation of the building.

Conditions

1.34 Development is permitted under Paragraph 1.30a, b and c subject to the following conditions which is set out in further detail under Schedule 3:

- a) General Condition GC1, GC2, GC3, GC4. Details of the rear elevation including external treatment shall be submitted to and approved in writing by the Local Planning Authority.
- b) Environmental Conditions EC1, EC2, EC3, EC4, EC5, EC6, EC7, EC8

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- c) Highway Conditions HC1 and HC2
- d) A third storey element on the original elevation can be developed but this shall be set back from Hibel Road by a maximum of 1 metre, or 0.5m from the existing front elevation of the building. Prior to the commencement of development all details shall be submitted and approved in writing by the Local Planning Authority.

SCHEDULE 3

Conditions and Informatives

GENERAL CONDITIONS

GC1 – Confirmation of Compliance

No development permitted by this LDO shall commence until:

1. The Self Certification Form (“SCF”) attached to this Order (Appendix 1) together with all the required supporting plans and documents identified in this schedule, and in the accompanying LDO checklist (Appendix 2), have been submitted to the Local Planning Authority.
2. The Local Planning Authority has sent written acknowledgement to the applicant confirming:
 - a) the receipt of a valid LDO Self Certification Form; and
 - b) the start and expiry date of the 28 day assessment period.
3. Following the written acknowledgement, described above, either:
 - a) The 28 day period has elapsed and the Local Planning Authority has neither certified that the proposal is compliant or non-compliant with the terms of the LDO.
 - b) The Local Planning Authority has issued written confirmation of compliance within 28 days of the receipt of the SCF, or of the receipt of additional information requested.

For the purposes of calculating the 28 days, any Bank Holiday and any day between and inclusive of Christmas Eve and New Year’s Day each year shall not be taken into account.

The development permitted shall be carried out in accordance with the approved plans and documents, submitted alongside the SCF.

Reason – *To assess whether the proposed development complies with this Order, and for the avoidance of doubt and in the interests of proper planning.*

GC2 - Conformity with Strategic Design Statement

The siting, height, materials and appearances shall be carried out in full accordance with Northside and Whalley Hayes LDO Strategic Design Statement (Appendix 3 & 4).

Reason: *For the avoidance of doubt, in the interest of proper planning and responding to the character and appearance of the development and the surrounding area.*

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GC3 - Affordable Housing

Any development that provides 15 units or more on each development parcel, as identified in Schedule 1, will be required to provide a minimum of 30% on-site affordable housing. No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2018 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 30% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers in perpetuity of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: *In the interests of securing affordable housing, having regard to Policy SC5 (Affordable Homes) of the Cheshire East Local Plan Strategy, and the definition in Annex 2 of the National Planning Policy Framework.*

GC4 – Construction Management Plan

No development shall commence until a method statement for the demolition and/or construction of the development has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The details shall include, amongst other things, details of wheel cleaning facilities, a scheme to minimise dust emissions arising from construction activities on the site; noise reduction measures; hours of working; details of the means of recycling material; and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: *To ensure that the construction and demolition process is carried out in a safe manner, which will not adversely impact on the amenities of nearby residents and business owners, or on the safety of the adjacent highway network in accordance with Policy SD1 (Sustainable Development in Cheshire East) and the National Planning Policy Framework.*

GC5 - The Removal of Demolition Building Material

All material resulting from the demolition of the existing building(s) on the site shall be completely removed from the site within 3 months of the building(s) being demolished. Any material that is proposed to be recycled in the new build can remain on site.

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Reason: *to ensure that demolition materials are removed from the site in an appropriate timescale so that they do not negatively impact on the character and appearance of the area.*

GC6 – Hours of Opening

No development shall commence for any commercial/retail/leisure uses (A1, A2, A3, A4), until details of the proposed hours of opening has been submitted to and approved in writing by the Local Planning Authority. The approved hours of opening shall thereafter be adhered to.

Reason: *To ensure that the uses do not adversely impact on the amenities of nearby residents.*

ENVIRONMENTAL CONDITIONS

EC1 - Drainage & Services

No development shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

The service/drainage layout to ensure total separation of the foul and surface water drainage systems, with only foul water flows being allowed to emanate from the site and to communicate with the public sewerage system.

Reason: *To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework; and to comply with requirements of United Utilities Water Limited and to protect the security and safety of the public sewerage system.*

EC2 - Landscaping

No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority. This shall include inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and hedges to be planted, grass areas to be established, boundary treatments, surfacing materials (including roadways, drives, patios and paths). The approved boundary treatments and hard landscaping details shall be implemented prior to the occupation of the building(s)/commencement of the use(s).

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All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner, and any trees, shrubs or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Details of the public realm, where applicable, shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Details of the approved public realm shall be implemented prior to the occupation of the building(s)/commencement of the uses(s).

Reason: *To secure a high standard of landscaping and public realm in the interests of the appearance of the development in the locality and in accordance with Policy SE4 (The Landscape) and SE1 (Design) in the Cheshire East Local Plan Strategy; the Macclesfield LDOs Strategic Design Statement; and the Cheshire East Borough Design Guide. To ensure that the approved landscaping scheme is efficiently implemented and subsequently maintained in the interests of the appearance of the development in the locality.*

EC3 - Contamination

No development shall commence until:

- a) A scope of works for the addressing of risks posed by land contamination is submitted to and approved in writing by the Local Planning Authority and;
- b) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to and approved in writing by the Local Planning Authority; and
- c) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of development:

- d) The remedial scheme in the approved Remediation Strategy shall be carried out.
- e) A Verification Report prepared in accordance with the approved Remediation Strategy, shall be submitted to and approved in writing by the Local Planning Authority.

Soil Import:

- f) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
- g) Prior to first occupation or use, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by the Local Planning Authority.

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Unexpected Contamination:

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority. Prior to first occupation/use of the development, confirmation should be provided to the Local Planning Authority that no such contamination was found, and if so what remedial measures were agreed and implemented.

Reason: *To protect public health, groundwater and ensure that land is suitable for its intended end use in accordance with policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy, and the National Planning Policy Framework.*

EC4 - Noise

No development shall commence until a noise scoping assessment has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the Macclesfield LDO document 'Air Quality and Noise' (Appendix 5) to determine whether there will be any unacceptable impacts from noise either to new occupants within the development, or caused by the development itself (for example air conditioning units). Where required as a result of the scoping report a suitable noise impact assessment shall be undertaken identifying suitable mitigation to ensure that internal noise levels, and noise levels within private external amenity spaces meet the requirements of BS8223:2014 (Guidance on sound insulation and noise reduction for buildings). Any mitigation required as a result of the noise impact assessment shall be installed prior to the first occupation of the units which require such mitigation and shall be maintained throughout the life of the development.

Reason: *To avoid noise from giving rise to unacceptable health and quality of life impacts In accordance with policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy, and the National Planning Policy Framework.*

EC5 - Local Air Quality

Development shall be carried out in accordance with the Macclesfield LDO Document Air Quality and Noise (Appendix 5).

No development shall commence until details of Electric Vehicle Charging Points to be provided has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter in accordance with the approved details.

Prior to first occupation, a Residents' Sustainable Travel Information Pack shall be submitted to and agreed in writing by the Local Planning Authority. The pack shall incorporate local information on the following:

- (i) Public facilities (including schools) within a 5km radius of the local centre;
- (ii) Bus services operating in the vicinity of the development including service timetables and connections with any other public transport service provider;
- (iii) Improvements to public transport provision which are being promoted as part of the development;
- (iv) The location of secure storage facilities for bicycles within the development and elsewhere within a 5 km radius of the local centre of the site;
- (v) Information regarding existing and proposed cycle and pedestrian routes to and from the public facilities included in (i) above;
- (vi) Car sharing incentives such as www.liftshare.com

Reason: *To ensure that new development is undertaken in accordance with the Council's Air Quality Strategy, and provision is made for the increased uptake of ultra-low emission vehicles in accordance with policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy and the National Planning Policy Framework.*

EC6 - Lighting

No external lighting shall be installed within the boundary of the LDO until details have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained in accordance with the details thereby approved.

Reason: *To safeguard residential amenity, wildlife, the character of the area and the setting of the Conservation Area in accordance with policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy, and the National Planning Policy Framework. .*

EC7 - Ecology

Prior to the removal of any vegetation, or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone takes place.

Features for nesting swifts are to be incorporated into all buildings which are in excess of 5m in height. Groups of 5 Swift bricks should be provided on either north, east or west facing elevations and installed at a minimum height of 5m. The boxes should be positioned so birds have a clear flight line into the brick.

No demolition or alteration of any buildings shall commence until an inspection to assess the roosting potential for bats has been submitted to and approved in writing by the Local Planning Authority. If the inspection finds a likelihood of greater than limited or low potential for bats then a further emergence and re-entry/activity survey will be required to be submitted to the Local Planning Authority.

Reason: *To protect and enhance protected species in accordance with the National Planning Policy Framework and policy SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy.*

EC8 - Refuse Storage and Recycling

No development shall commence until details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the buildings and shall thereafter be made permanently available for the occupants of the buildings.

Reason: *To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.*

EC9 – Extraction Flue (A3 Use)

No development shall commence for any A3 use (restaurant and cafes) and A4 use (drinking establishments), until details of the proposed external kitchen extraction system has been submitted to and approved in writing by the Local Planning Authority. The equipment shall be operated in its approved form prior to first occupation and retained for so long as the use remains on the site.

Reason: *To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.*

ARCHAEOLOGY AND HERITAGE CONDITIONS

AHC1 - Archaeological Watching Brief

No demolition or development shall commence until a Method Statement incorporating a watching brief have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the 'watching brief' proposals agreed. The watching brief will be carried out by a professional archaeological/building recording consultant or organisation in accordance with the approved details.

Reason: *To safeguard the heritage of the Borough by providing an adequate opportunity to investigate and excavate archaeological remains on the site before development is carried out in accordance with policy SE7 (The Historic Environment) of the Cheshire East Local Plan Strategy and the National Planning Policy Framework.*

AHC2 – Building Recording

No demolition or development shall commence until an appropriate programme of historic building recording and analysis has been submitted to and approved in

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writing by the Local Planning Authority. The required level of archaeological work will be in accordance with guidance as set out in 'Understanding Historic Buildings: A guide to good recording practice'. For Site C this shall be conducted at Level 2. For Site G and H this shall be conducted at Level 3.

Reason: *To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the fabric of the building.*

AHC3 – Demolition in the Conservation Area

For sites G and H the works of demolition shall not be carried out before a valid contract for the carrying out of the works of the redevelopment of the site has been made and approved by the Local Planning Authority.

No demolition or development shall commence unless a 'Schedule of Works' including a phasing plan for the new build has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To prevent premature demolition in the interest of the character and appearance of the Conservation Area.*

ACH4 – Heritage Statement

No development shall commence until a Heritage Statement has been submitted and approved in writing by the Local Planning Authority. The Heritage Statement shall outline details of any harm or loss of designated and non-designated heritage assets and their significance (including significance derived from its setting) and to provide a clear and convincing justification as to why that harm is considered acceptable. Any development that is considered to have a detrimental impact on designated and non-designated heritage assets and its setting will not be permitted through the Order.

Reason: *To safeguard protected heritage in accordance with Policy SE 7 (The Historic Environment) and Strategic Location LPS 12 (Central Macclesfield) in the Cheshire East Local Plan Strategy 2017.*

HIGHWAY CONDITIONS

HC1 – Vehicular Access

No development shall commence until full details of the proposed vehicular access(es) has been submitted to and approved in writing by the Local Planning Authority. The access(es) shall be constructed in accordance with the approved details prior to the first occupation of the development which they will serve and shall be retained as such thereafter.

Reason: *To ensure that suitable access is provided in the interests of highway safety in accordance with Policy SD1 (Sustainable Development in Cheshire East) and the National Planning Policy Framework.*

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HC2 – Parking Provision

No part of the development shall be brought into use or occupied unless parking provision has been provided in accordance with the Macclesfield LDO Strategic Design Statement. As a minimum 100% parking shall be provided for 1&2 beds and 200% for 3 beds. The provision made for parking shall thereafter be permanently retained.

Reason: *To ensure that sufficient parking is provided to serve the approved development and ensure that vehicles enter and leave the highway in a forward gear in the interests of highway safety in accordance with Policy SD1 (Sustainable Development in Cheshire East).*

INFORMATIVES

1. The majority of conditions will require prior approval before work starts on site with full details to be supplied. All information is to be provided together for each LDO site to avoid delays in prior approval and to minimise the cost of discharging as individual conditions. Compliance with this approach will incur the Council's standard discharge of condition fee currently £116 or as updated and published on the Council's website.
2. The LDO does not exclude applicants from applying for planning permission for developments that are not permitted by this Order.
3. The LDO does not grant planning permission for any developments other than those expressly listed. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.
4. The Council will review progress with the LDO on the second anniversary of its adoption. This will allow the Local Planning Authority 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 trigger event and at the end of the review the Council will determine whether to:
 - a) Retain the LDO as it stands for the remaining period of its life;
 - b) Retain but revise some elements; or
 - c) Revoke and Cancel the LDO.
5. Any development which requires an individual Environmental Impact Assessment (EIA) would need to be assessed through a formal planning application submission, such developments would fall outside the scope of this LDO.
6. Any development that does not comply with the terms and conditions of this LDO will be liable to formal enforcement proceedings. Any 'formal enforcement proceedings' will be subject to safeguards for developers enshrined in the National Enforcement Charter, where a reasonable opportunity will be given for developers to co-operate and quickly rectify any genuine mistakes where possible.
7. The applicant is reminded that compliance with the conditions attached to this consent does not preclude the Council from taking action under any of Principal Statutes as necessary.
8. All developments within the LDO area are not liable to the Community Infrastructure Levy (CIL) requirements.
9. The applicant is advised that the scheme for affordable housing under GC3 will result in a s106 Agreement, as will the public realm in condition 1.19e.
10. Where a Phase 2 contaminated land assessment is required under Condition EC3 above, the developer is advised that this will be required after any demolition works.
11. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

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12. Any development requiring new or altered vehicular access, prior to first development the developer will enter into and sign a Section 184 Agreement under the Highways Act 1980 to provide a new vehicular crossing over the adopted footway/verge in accordance with Cheshire East Council specification. The developer should contact:
CEHNorth@cheshireeasthighways.org

APPENDICES

Appendix 1 – Self-Certification Form for LDOs

Applicant Details	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	

Agent Details (if applicable)	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post Code	
Telephone (landline)	
Telephone (mobile)	
Email	

3. LDO Site Reference	
LDO Site (A-I)	
Site Reference/Address	
Confirmation of Site Area	
Total Proposed Floorspace	

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4. Description of the proposal

Please provide a summary description of the proposal (200 words)

5. Compliance with the Local Development Order

Please provide a brief statement of how the proposal complies with the Local Development Order

6. Employment – For LDO Site G please provide details of proposed employment

	Full Time	Part Time

7. Industrial or Commercial Processes and Machinery

Please describe the activities and processes that would be carried out on the site and the end products, including details of plant, ventilation or air-conditioning. Please indicate the types of machinery that would be installed in the site:

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8. Notice to Landowners

The landowner's must have received 28 days written notice prior to submitting this scheme. Please provide details below:

Name of Owner	Address	Date Notice Served on Owner
Signed – Applicant	Or Signed – Agent	Date

9. Declaration

I/We hereby apply for certification of compliance with the Macclesfield Local Development Order (Northside and Whalley Hayes) as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Signed – Applicant	Or Signed – Agent	Date

Send this completed form by email to: MacclesfieldLDOs@cheshireeast.gov.uk

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Appendix 2 – LDO Checklist

Submission Documents (Required for All Applications)	Enclosed (Please Tick)
Signed and dated copy of declaration form	
A 1:1250 location plan showing direction of north, based upon an up-to-date map which identifies the site edged red	
A site layout plan to an appropriate metric scale (including access, turning and parking arrangements)	
Topographical survey of site showing existing and proposed finished levels	
Detailed elevations and floor plans of all buildings to an appropriate metric scale	
A written statement demonstrating how the development accords with the Strategic Design Statement(s) (Appendix 3 and 4) and Heritage Impact Assessment(s) (Appendix 6 and 7)	
A schedule of external facing materials and finishes	
LDO planning fee	

It is important to note that no development is permitted to commence under the Macclesfield Local Development Order until all relevant conditions specified in Schedule 2 and detailed in Schedule 3 have been approved and a letter stating that the proposal complies has been received.

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Appendix 3 – Northside LDO Strategic Design Statement

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Appendix 4 – Whalley Hayes LDO Strategic Design Statement

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Appendix 5 – Air Quality and Noise Report

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Appendix 6 – Northside Heritage Impact Assessment

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Appendix 7 – Whalley Hayes Heritage Impact Assessment

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

Appendix 8 – Phase 1 Preliminary Risk Assessment

This Appendix is available online at:

https://www.cheshireeast.gov.uk/planning/spatial_planning/local-development-orders-ldos.aspx

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