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## DECISION NOTICE

Application No: **09/2176M**

### **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

Particulars of Development

#### **PROPOSED END TERRACED HOUSE**

Location

**314, PARK LANE, POYNTON, STOCKPORT, CHESHIRE, SK12 1RL**

for **MR MITCHELL**

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 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in total accordance with the approved plans titled Location Plan received by the Local Planning Authority on 3rd August 2009 and the revised plans numbered 459/2C received by the Local Planning Authority on 21st September 2009  
Reason: For the avoidance of doubt and to specify the plans to which the permission / consent relates.
3. Before work on external walls first commences, a sample panel of brickwork shall be made available for inspection by the Local Planning 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 in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.

4. No development involving the use of any roofing materials shall take place until samples of the roof tiles to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority: The development shall be carried out in full accordance with the approved details.  
Reason: To ensure that the external appearance of the building / structure is acceptable in accordance with policy BE1 of the Macclesfield Borough Local Plan 2004.
5. Prior to the development commencing a contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.  
Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy DC63 of the Macclesfield Local Plan.
6. Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping (to include either porous materials for the driveways and/or the provision for run-off within the site) , planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.  
Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990 and Policy DC8 of the Macclesfield Borough Local Plan 2004.

7. 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 3 of British Standard BS5837: 2005 Trees in Relation to Construction: Recommendations.d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased 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 and Policy DC8 of the Macclesfield Borough Local Plan 2004.
8. Prior to commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority The boundary treatment shall be completed before the dwelling is first occupied. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.  
Reason: To ensure adequate and appropriate treatment to all boundaries.
9. The approved development shall not be occupied until space has been laid out within the site for the parking of 3 car parking spaces in accordance with drawing 459/2C. Parking so provided, shall be retained at all times thereafter, unless otherwise approved 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 and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004 and North-West of England Regional Spatial Strategy to 2021 policy RT2.
10. 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, which is available from the Highway Authority,

and the required visibility splays have been provided, all to the complete satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policies DC3 and DC6 of the Macclesfield Borough Local Plan 2004.

11. The approved access shall not be brought into use until a visibility splay of 2.4metres by 13 metres metres to the east and a visibility splay of 2.4 metres by 9 metres to the west (measured down the centre line of the access / access road and the nearside channel line of existing carriageway) have been provided at the approved access. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0m above the level of the adjacent carriageway at all times thereafter.

Reason: In the interests of highway safety and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.

12. No gates or other means of obstruction shall be erected across the vehicular access that will serve the approved development.

Reason: In the interests of highway safety and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.

13. The approved access shall not be brought into use until pedestrian visibility splays have been provided at each side of the point of access / vehicular crossing in accordance with plans which have first been submitted to and approved in writing by the Local Planning Authority. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 0.6m above the level of the adjacent footway / access at all times thereafter.

Reason: In the interests of highway safety and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.

14. The turning facility, as indicated on the submitted plan, shall be provided prior to the approved building / development being occupied / access being brought into use and shall 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 and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.

15. 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 been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that dispersal of surface water does not have an adverse impact upon the public highway and to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.

16. The approved access drive(s) that will serve the approved development, including any turning areas, shall be surfaced in materials approved in writing by the Local Planning Authority. This shall consist of a bituminous material, flagstones, paviors or similar materials, but not gravel or chippings. The approved access drive(s) shall be constructed in accordance with the approved materials prior to the first occupation of the dwelling.  
Reason: In the interests of highway safety to comply with policy DC6 of the Macclesfield Borough Local Plan 2004.
17. Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning 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 in complete accordance with the method statement.  
Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the residential amenity of local residents and to comply with policies DC3 and DC6 of the Macclesfield Borough Local Plan 2004.
18. The window(s) on the drawing of the side elevation of the approved dwelling shall be permanently glazed in obscure / translucent glass. Prior to the installation of such fenestration, a sample of the obscure glass shall be submitted to and approved in writing by the Local Planning Authority. The fenestration shall be installed in accordance with the approved sample.  
Reason To protect the residential amenities of the occupants of adjoining property and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order with or without modification), no windows / dormer windows other than those expressly authorised by this permission shall be constructed.  
Reason: Having regard to the relationship between the site and those adjoining and in the interests of the residential amenities of the occupants of adjoining property in accordance with policy DC3 of the Macclesfield Borough Local Plan 2004.
20. The hours of construction (and associated deliveries to the site) of the development 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 properties and to comply with policy DC3 of the Macclesfield Borough Local Plan 2004.

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

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.
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.
4. The visual impact of the proposal on the character and appearance of the area is considered to be acceptable.

INFORMATIVE : The applicant will need to obtain the consent of the Highway Authority (Cheshire County Council) for any work in, or that may affect, the public highway (the creation of a new vehicular access, alterations to an existing access or works that will result in the disturbance of the structure of an adjacent highway). The applicant / developer should contact Cheshire County Council Engineering Service's Macclesfield Area Highways Office with respect to this matter.

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on, or damage the highway, from uncleaned or badly loaded vehicles, The Highway Authority (Cheshire County Council) may seek to recover any expense incurred in clearing, cleaning or repairing highway surfaces and may prosecute persistent offenders (Highways Act 1980, Sections 131, 148 and 149).

**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. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** 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:

(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: 25 September 2009

Signed 

**Head of Planning and Policy *for***  
**Cheshire East Borough Council**