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## Appeal Decision

Site visit made on 16 November 2020

**by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 December 2020**

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**Appeal Ref: APP/C4235/W/20/3252201**

**Canal & River Trust Yard, Church Street, Marple, Stockport SK6 6BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by H20 Urban LLP No. 2 against the decision of Stockport Metropolitan Borough Council.
  - The application Ref DC/074338, dated 1 August 2019, was refused by notice dated 23 December 2019.
  - The development proposed is for the redevelopment of Marple Yard comprising the change of use and conversion of the former canal warehouse for a mix of uses including café (Use Class A3) with shared space for heritage and visitor display/information, community meetings (Use Class D1) and ancillary gift shop on the ground floor, and wellbeing and fitness room for floor-based activities (Use Class D2) on the first floor, demolition of outbuildings and structures; erection of 7no. dwelling houses (Use Class C3) and a storage building incorporating a waterway service station, together with associated landscaping, parking and alterations to access road.
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### Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of Marple Yard comprising the change of use and conversion of the former canal warehouse for a mix of uses including café (Use Class A3) with shared space for heritage and visitor display/information, community meetings (Use Class D1) and ancillary gift shop on the ground floor, and wellbeing and fitness room for floor-based activities (Use Class D2) on the first floor, demolition of outbuildings and structures; erection of 7no. dwelling houses (Use Class C3) and a storage building incorporating a waterway service station, together with associated landscaping, parking and alterations to access road at The Canal & River Trust Yard, Church Street, Marple, Stockport SK6 6BN in accordance with the terms of the application, Ref DC/074338, dated 1 August 2019 and subject to the conditions in the schedule to this decision.

### Procedural matters

2. Since the Council refused planning permission, the appellant has entered into an obligation under section 106 of the Town and Country Planning Act 1990. Should the agreement meet the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010 as amended, the decision notice states that this would overcome the Council's third reason for refusal. I deal with this matter later in the decision.

3. The Council granted Listed Building Consent<sup>1</sup> on 23 December 2019 for works necessary to facilitate the conversion of the former canal warehouse.

## **Main Issues**

4. The main issues in this appeal are:
  - Firstly in terms of heritage matters, whether the proposed development preserves the listed building comprising the canal warehouse, whether it preserves the setting of nearby listed buildings and whether it preserves or enhances the character or appearance of the Macclesfield Canal Conservation Area.
  - Secondly, the effects of the proposed development on highway safety and convenience.

## **Reasons**

### *Heritage*

5. Situated within the Macclesfield Canal Conservation Area (MCCA), the appeal site occupies a linear parcel of land immediately adjacent to the canal and includes the existing listed canal warehouse and a number of buildings and structures associated with the former canal yard. The site adjoins and is accessed from Church Street and extends in a north-easterly direction before it reaches the boundary with Toll House and Top Lock Cottages. These properties together with the adjacent canal bridge located close to the confluence of the Macclesfield Canal and the Peak Forest Canal are all Grade II listed buildings.
6. The canal at this point is urban in character. To the north of the appeal site, a series of four relatively densely packed Victorian terraced properties abut closely to the site access road whilst to the south is the canal towpath and high stone retaining wall of the canal cutting above which is an inter-war housing estate. The canal warehouse, Toll House and Top Lock Cottages together with the canal bridges to the east and west when viewed from the towpath are buildings and structures of considerable scale and presence.
7. The proposal would see the demolition of various neglected small-scale buildings and structures on site a description of which is contained in the appellants' Heritage Impact Assessment and according to the Council are of limited quality and importance. The HIA categorises these structures as having very limited intrinsic heritage significance. From my own inspection and, despite their former association with the canal yard and thereby having some evidential and historical value, I have no reason to disagree. In addition, the site contains sections of stone walling that subdivided the various activities that once took place within the site. It is notable that the Heritage Assessment produced for British Waterways in 2008 highlighted the need to retain and incorporate these features wherever possible in any redevelopment scheme. Although the condition of the canal yard is deteriorating, these walls continue to add to the historic interest of the site particularly as they reflect the development of the canal yard over time and depict the subdivision of the site into several lots.

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<sup>1</sup> Council reference DC/074339

8. In their place would be a terrace of 7 no. dwellings consisting of 6 no. 3-bed and one 4-bed units arranged in linear form running parallel with the canal. It would adjoin a new replacement waterways service station/storage building that would be built alongside the stone boundary wall that would separate the site from the canal warehouse, which would be converted to form a community facility. The facility would contain a café together with shared space for heritage and visitor display/information, community meetings and ancillary gift shop, toilet and changing facilities. The terraced properties would incorporate simple fenestration and be constructed of natural stone with a natural slate gable roof. Private gardens facing the canal would be enclosed with natural stone low boundary walls adjacent a paved waterside strip and set back 2.5m from the canal edge. Each dwelling would be provided with garden stores to accommodate cycle storage.
9. In terms of the proposed conversion of the warehouse to a community facility, the first part of the Council's first reason for refusal is slightly opaque given that it has granted listed building consent for the works that would bring about the building's conversion. I am aware of the proposals contained in the consented scheme insofar as they seek to minimise intervention of the historic built fabric. The appeal proposal would see the reuse of the building at ground floor as a café with shared community space and exhibition space for heritage and visitor information together with an ancillary gift shop and a fitness and wellbeing room on the first floor. I am satisfied that the proposed conversion of the canal warehouse has been designed so as to minimise incursions into or loss of historic fabric. Whilst the bridging over the finger dock on the ground floor will result in the loss of a historic feature that adds to the understanding of the building's original function, the ground floor will keep its open arrangement and its cast iron columns and beams will be retained and repaired whilst the openings to the finger dock will be glazed. The works allow for the reinstatement of the finger dock in future.
10. Taking the effects of the proposal on the MCCA, I am mindful that the Macclesfield Canal was developed comparatively late in the industrial-era and much of its commercial traffic was lost to the faster railway system soon after its construction. As a consequence, the canal is not as extensively developed with canalside buildings as some other comparative and more urban areas. At this point, the canal has a sense of being enclosed by the high stone walls alongside the towpath and by the Victorian terraces to the north and by an interwar housing estate to the south, which lies at a much higher level. The significance of the MCCA within Marple derives to a considerable degree from the linear nature of the canalside itself running through largely residential areas, its value in terms of its industrial archaeology and the canal warehouse, the associated Toll House and Top Lock Cottages, bridges and various remarkable lock structures. Buildings and structures, including a substantial cutting that reflect the canal's linear character contribute to its significance and its urban character. The canal's association with its designer Thomas Telford also imparts a degree of significance to the area.
11. In the absence of more substantive design guidance in relation to the site in the Council's Conservation Area Character Appraisal, the proposed scheme is indicative of the type of buildings that would be acceptable on the site and would cause no harm to the MCCA, a view supported by the Council's principal heritage advisor as recorded in the committee report. Although Members are not obliged to slavishly follow the recommendation of its officers, it is difficult

- to follow their reasoning that the design fails to maximise the potential of the site and unacceptably harm views in to and out of the canal. The siting of the scheme, its detailing, rhythm and solid to void ratio in its facades together with the use of materials typically found in the local area are all appropriate elements of design, as is its linear emphasis and relationship to the canal.
12. In terms of the design and siting of the storage building/waterway service station element of the scheme, this building too would also be of a suitable scale and incorporate traditional features that would be entirely appropriate to its setting. The proposed hard landscaping between the proposed building and the canal warehouse incorporating the retention and consolidation of the existing stone walls and historic copings and historic setts and stone flags would also add to the scheme's composition as a piece of traditional canal side architecture.
  13. Having regard to context and what can be viewed from the towpath, the listed bridges and views from Church Street, there would be a strong relationship with the surrounding residential areas particularly to the north. The proposed development's set-back from the canal, combined with its hard landscaping, the retention wherever possible of existing stone walls would not impart an unduly dominant or overbearing character at this point. Rather it would represent an entirely appropriate design response and would retain the linearity of the canal's character and replace structures that have a markedly negative effect on the character and appearance of this part of the MCCA, notwithstanding that the remaining structures and paraphernalia also have strong historic ties with the canal yard and its development over time. These factors lead me to the view that no harmful effects would be caused to the significance of the MCCA by the proposed development itself.
  14. That said, I find that the loss of sections of stone walling together with the demolition of several modest buildings that have been associated with the canal yard over a considerable period of time undermines the historic and evidential value of the former canal yard site. However, I am conscious of the utilitarian nature of these buildings, their varying states of disrepair and their potential to offer any real optimal alternative use. Whilst their loss would be harmful, the impact on the MCCA is at the lower end of that harm.
  15. Turning to potential impacts on the setting of nearby listed buildings, I found that the canal warehouse, the Toll House and Top Lock Cottage and the two mirroring roving canal bridges all retain much of their essential character and significance as built elements that have very clear association with the MCCA and as purpose-built canal structures. Moreover, they are illustrative of the town's industrial growth as a cotton manufacturing town. They are all substantial structures and their presence at this point of the canal make an enormously beneficial historical and architectural contribution to the MCCA.
  16. The proposed terraced dwellings would be set well back from the canal frontage and be at a lower height than the canal warehouse, which sits directly behind the large coping stones of the canal as it funnels narrowly through the approach to the canal bridge. The separation between the westernmost gable of the proposed houses and the warehouse together with their linear arrangement, relative set-back and traditional design would represent a compatible pattern of development and historic alignment which characterises the listed structures that exist in the immediate vicinity. The warehouse would

continue to be the dominant structure when viewed from both bridges and, from the canal towpath. Due to the proposed siting, the dwellings and storage building would remain as subservient elements that would also continue the distinctive order in the linear pattern of development that has historically occupied the site and immediately beyond. They would not amount to overdevelopment of this sensitive site. Their architectural articulation would be in keeping. Whilst the Civic Society and others question whether an alternative development comprising fewer dwellings units would represent a 'more' optimum viable use, this is largely irrelevant as I am satisfied that the development as proposed would be acceptable and represent an optimum viable use using the parlance of the National Planning Policy Framework (the Framework).

*Public benefits and conclusions on the first main issue*

17. I am mindful of the statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which are matters of considerable importance and weight. Paragraph 192 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
18. I recognise that a new use for the former warehouse is considered essential to enable its repair, ongoing maintenance and long-term preservation and a range of community uses with shared facilities would help to minimise potentially harmful alterations that might otherwise arise with other schemes of development that require subdivision of the structure. The granting of Listed Building Consent for the works required to convert the former canal warehouse is an important material consideration. Notwithstanding the bridging over of the finger dock, which will be constructed so that this element may be reversed in future if required, I also find that the proposed conversion of the warehouse would not result in an unacceptable level of harm to the significance and special interest of this listed building. This view is generally supported by the local populace and Civic Society in their representations.
19. The proposed development comprising the new houses and the storage building would enhance the character and appearance of the MCCA and in my view preserve the settings of the canal warehouse, the Toll House and Lock Cottages and the two canal bridges. I do not consider their sphere of influence would extend to the adjoining Peak Forest Canal Conservation Area or the All Saints Conservation Area and in this regard would have a neutral effect on these heritage assets.
20. Based on the evidence and what I saw during my site visit, the buildings to be removed do not make a strongly significant contribution to the appearance of the MCCA and their integrity both individually and collectively have been severely diminished over time and by unsympathetic alterations. They do not have sufficient architectural or visual interest to justify their retention. Furthermore, the most important parts of the stone walling will be integrated into the scheme where possible and repaired.

21. Nevertheless, the loss however slight of built fabric would have a negative effect upon the historic and evidential value of the MCCA and represent a degree of harm to the character of this conservation area.
22. The harms that I have identified would equate to less than substantial harm to the significance of the designated heritage assets comprising the listed canal warehouse and the MCCA. In such circumstances, paragraph 196 of the Framework identifies that these harms should be weighed against the public benefits of the proposal, which includes the securing of optimal use of listed buildings.
23. The proposal would provide seven private dwellings in a sustainable location which would contribute to the Borough's supply of housing. The construction of the housing units would provide short term benefits to the local and wider economy whilst the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services. The converted warehouse providing a much-needed community resource and replacement modern facilities for the present canal related commercial enterprise would in combination, constitute benefits in social and economic terms.
24. I recognise that the re-development of the site has been a longstanding ambition in the local area. The proposals would lead to the preservation of an important listed building, which is showing signs of deterioration. In addition, the redevelopment would clearly result in a more efficient use of land that is presently under-used, neglected and which has a seriously negative effect on the character and appearance of the MCCA. Moreover, it would represent a development opportunity that reflects the requirements of the Framework to maintain the area's prevailing character by attaching importance to securing well-designed, attractive and healthy places.
25. In accordance with paragraphs 193 and 196 of the Framework, considered together, I conclude that the public benefits outlined above would outweigh the less than substantial harm that I have identified.
26. Taking all the above into account, I would therefore conclude that the proposal would preserve an important listed building, enhance the character and appearance of the MCCA and would preserve the settings of listed buildings both within and adjoining the site. There would be no conflict with the Framework or with policies CS8 'Safeguarding and Improving the Environment, SIE-1 'Quality Places', and SIE-3 'Protecting, Safeguarding and Enhancing the Environment' of the Stockport Core Strategy Development Plan Document 2011 (DPD), saved policies HC1.3 'Special Control Of Development in Conservation Areas' and HC1.4 'New Uses For Buildings in Conservation Areas' of the Stockport Unitary Development Plan Review 2006. These policies combine to ensure amongst other things, that new developments preserve and enhance heritage assets, through appropriate siting, scale, design, materials and landscaping while promoting new uses for buildings where these are appropriate to the character of the particular listed building and/or conservation area.

#### *Highway safety and convenience*

27. The sole means of vehicular access to the site would be along the present gated access leading from Church Street towards Lockside and which serves the present canal yard area. Although hardsurfaced, the access road is narrow

in parts and has no footway; however, its junction with Church Street is at the outside of the bend which affords good visibility. The Council's concern relates specifically to the lack of space that will be afforded by the scheme for construction related traffic movements, which in turn will exacerbate existing highway concerns around and within the perimeter of the site. It is clear from representations received from nearby residents that this is a locally held view.

28. The Local Highways Authority (LHA) took the view that the proposal would not cause severe harm and that a highway objection would not be sustainable. Nevertheless, in the event of a planning obligation, it sought a commuted sum for a Traffic Regulation Order (TRO) that would introduce parking restrictions on the site access road. I accept that such mitigation, however desirable, is aspirational with implementation only possible following due process, which could not be guaranteed. I have therefore set this matter aside both here and in the section below that deals with the planning obligations.
29. A Transport Statement (TS) accompanied the planning application and was assessed by the LHA. The LHA agreed that the development would provide a suitable layout for parking, servicing and access arrangements. In terms of methodology, the appeal site was deemed to be in a sustainable location close to the town centre where the propensity to walk or cycle to principal amenities and services would be relatively high. However, the expected trip generation to and from the site is predicted to be very low and would not have a tangible impact upon the existing highway network or adjacent junctions.
30. In addition to the TS, the appellants commissioned further traffic surveys to assess highway capacity and parking capacity in the locality. The evidence presented reaffirmed that the proposed development would have a negligible effect on the Church Lane/Church Street junction and would have a similarly negligible effect on the capacity at the primary junction that links to the wider highway network. A parking review of the surrounding roads and publicly available car parks demonstrates that there is sufficient capacity to safely accommodate any additional vehicles generated by the proposed development.
31. No contrary evidence has been offered by the Council with regards to highway impacts and from my observations during my site visit and not in any way underestimating the impacts that can be caused by stacking of vehicles at road junctions or by parked vehicles on traffic flow, I am satisfied that the proposed access and provision that is proposed for off-road parking are well within acceptable parameters and any minor delay or inconvenience caused to other road users are likely to be of a relatively minor consequence. Whilst the Council has expressed concern that the tightness of the site will make it difficult for construction traffic to safely and conveniently service the site, I have no reason to believe that a satisfactory traffic and construction management solution could not be achieved.
32. In conclusion, policies SIE-1 'Quality Places', CS9 'Transport and Development', and T-3 'Safety and Capacity on the Highway Network' of the DPD require new developments to provide satisfactory access to the transport network and for additional vehicles created by such developments to be satisfactorily accommodated on the network. The Framework also requires safe and suitable access and for any significant impacts to be cost effectively mitigated to an acceptable degree. The LHA has suggested several conditions that are dealt with below. Paragraph 109 of the Framework is clear in that development

should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I therefore find no material conflict between development plan policy when read alongside national guidance. The development does not conflict with relevant policies.

### **Other matters**

33. The Council alluded in its appeal statement that it was working with the appellants towards securing a section 106 Agreement that would provide recreational open space contributions, which if properly executed would overcome the third reason for refusal. A signed section 106 was presented by the appellants in their final comments. Two obligations have been included in the Agreement. Firstly, the making of a financial contribution of £43,384 towards the costs of enhancing public open space facilities and funding the provision and maintenance of children's play and formal recreation areas within the Borough. Secondly, the making of a financial contribution of £7,500 towards the cost of implementing a TRO that would introduce parking restrictions on the site access road and Church Street.
34. The requirements for open space contributions are supported by policy SIE2 'Provision of Recreation and Amenity Open Space in New Developments' of the SPD and its associated Open Space Provision and Commuted Payments Supplementary Planning Document in respect of open space provision as well as the policies identified in paragraph 31 above in relation to the need to mitigate highway impacts.
35. The planning policy framework set out above coupled with the known quantitative shortfall in formal playspace provision for children and young people in the Borough provides a strong basis for demonstrating the need for new open space facilities. Furthermore, the requirement for site-specific highway measures fairly related to the proposal has been accepted by the parties. However, as explained above, the requirements for a TRO can only be aspirational. There is no guarantee given the processes involved, which fall outside the remit of this appeal proposal and indeed the local planning authority, will be delivered. It therefore fails to meet any reasonable tests of enforceability leading to uncertainty. This obligation as set out in the section 106 Agreement is therefore set aside.
36. However, the same is not true in relation to open space provision. I am satisfied that the Council's request for the open space contribution is necessary, directly related to the development and fairly and is reasonably related in scale and kind. The requests therefore passes the statutory test. Accordingly, I am satisfied that there is no conflict with policy SIE2 'Provision of Recreation and Amenity Open Space in New Developments' of the SPD.
37. I am aware that the appeal site lies close to the All Saints Conservation Area to the south. However due to the presence of the modern housing estate to the south of the canal and the dominance of the two canal bridges, the Council has not raised any concerns relating to the character or appearance of this conservation area. I would concur that the appeal development would not harm the setting of this designated heritage asset.
38. Reference is made to the potential effects on the New Horizons trip boat mooring facilities and who currently enjoy the use of part of the canal yard as

an events space. However, this is not a matter that has been raised by the Council in its evidence and whilst a reduced area would be made available, the proposals provide for new mooring facilities, water point and storage facilities. Parking may offer some challenges; however, the Canal Boat Trust who operate the trip boat believe that management solutions would be possible.

39. Representations point to the potential overlooking of properties on Church Street, most notably No.65 and the conflict with Council guidance on separation distances. However, the Council did not raise living conditions as a main issue in this appeal. From my observations, the gable and outrigger to No.65 contains a bedroom window in the roofspace, a bathroom at first floor in the outrigger and a kitchen window at ground floor. According to the appellants' calculations, first floor windows to proposed Plot 5 would be some 14m from the kitchen window and some 16.1m from the bedroom window to No.65. However, the bedroom window to No.65 is some 3.1m higher than the first-floor window to Plot 5. The existing stone boundary wall would prevent direct overlooking of the kitchen window at ground floor. I find that this arrangement is not untypical of what would reasonably be anticipated in an urban setting and the officer's report to the planning committee observed that the off-setting window relationships would avoid unacceptable loss of privacy.

### **Conditions**

40. I have considered the conditions suggested by the parties, including prior commencement conditions that have been agreed by the appellants, against the advice provided in the Government's Planning Practice Guidance (PPG). In the interests of certainty, I have attached a condition specifying approved plans. The PPG makes it clear that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the sensitive and somewhat restricted nature of the site, the withdrawal of permitted development rights for the new houses is necessary. In addition, a condition restricting the erection of any gates or other means of obstruction across the access road is necessary to ensure the free flow of vehicles in the interests of highway safety.
41. A condition requiring prior approval of materials to be used in the development is necessary to protect the character and appearance of the area. Similarly, conditions requiring the submission and approval of details of all openings, externally mounted equipment, boundary treatment and landscaping are also necessary in order that the development is sensitive to the wider character of the area and the amenities of adjoining occupiers. So that the landscaping is delivered in a timely manner, I have included a requirement within the condition requiring implementation of the approved landscaping scheme.
42. Conditions are attached that require prior approval and subsequent implementation of drainage facilities including suitable sustainable drainage systems so that living conditions are protected and water quality maintained.
43. I have attached a condition relating to site remediation in the interests of ensuring that any land contamination issues have been dealt with appropriately so that living conditions are protected.
44. Given the sensitive historical significance of the site, a condition requiring a programme of archaeological investigation and recording is necessary.

45. A condition requiring submission, approval and implementation of a construction method statement is necessary given the relatively tight configuration of the site and to protect residential amenity. In addition, I have attached a condition requiring the submission, approval and implementation of a Construction Environmental Management Plan to protect and enhance biodiversity. To protect and enhance biodiversity having regard to the Council's policies, a condition requiring the provision of suitable approved bat roosting and bird nesting features is necessary.
46. A condition is also attached that requires compliance with the land contamination report recommendations that also sets out further requirements in the event that additional contamination is found during construction works.
47. A series of access, highway and parking conditions are necessary in the interests of highway safety and convenience and to promote good pedestrian and cycle access arrangements. These conditions include inter alia the submission of engineering drawings and provision of improvements to the existing access and provision of off-site facilities located within the public highway boundary. Given that the access remains private, a condition preventing the erection of gates is also attached to ensure the free flow of traffic.
48. I have attached conditions that defines the use of the canal warehouse community facility and which restricts the opening hours and delivery times thereto so that living conditions of neighbouring occupiers may be safeguarded.
49. Conditions are necessary requiring the provision of cycle storage facilities and stands and vehicle charging points together with acceptable travel plan measures to encourage alternative and sustainable means of transport.
50. A condition to ensure that waste and recyclable materials are stored and collected is necessary to protect living conditions.
51. A condition requiring a scheme of investigation of the canal washwall to include possible remediation works if required is necessary to ensure that any weakness in the canal structure does not arise as a result of the development.
52. I have not included a condition regarding prevention of windows or gates opening onto the road as the approved drawings do not show such relationship.

### **Conclusion**

53. The proposed development would preserve the listed former canal warehouse, the character and appearance of the Macclesfield Canal Conservation Area and its surroundings more generally, the settings of the canal warehouse, the Toll House and Lockkeepers Cottages and the canal bridges. It would thus comply with the development plan taken as a whole.
54. Accordingly, for the reasons given and having regard to all other matters raised, the appeal should succeed.

*Gareth W Thomas*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: AA6014 2001 E Location Plan; AA6014 2002 D Existing site plan; AA6014 2003 J Existing site plan indicating alterations and demolition; AA6014 2004 L1 Site plan proposed; AA6014 2005 C Existing site sections; AA6014 2006 M Proposed street elevations; AA6014 2007 L Proposed site sections; AA6014 2008 M Proposed roof plan and boundary treatment; AA6014 2011 H Plots 1-6 3B5P plans, elevations, sections; AA6014 2012 F Plot 7 3B5P plans, elevations, sections; AA6014 2020 E Canal Warehouse plans, alterations and interventions; AA6014 2021 F Canal Warehouse elevations alterations and interventions; AA6014 2022 L Canal Warehouse proposed floor plans; AA6014 2024 L Canal Warehouse proposed elevations; AA6014 2026 Canal Warehouse proposed sections; AA6014 2031 G Separation Distances Plan; AA6014 2032 D Separation distances first floor plan; AA6014 2040 H Store and waterway service station plan; AA6014 2050 U Proposed hard landscape plan; AA6014 2051 E Listed building Location plan; AA6014 2060 J Courtyard Setts and Flagstones; AA6014 2070 B Proposed site sections with distances; AA6014 6001 A Detail - roof construction; AA6014 6002 A Typical window details; AA6014 6003 B Detail - dock floor and glazed screen to existing opening; AA6014 6004 A Detail - full height opening screen; AA6014 6005 A Detail - finger dock door.
3. Notwithstanding the plans hereby approved and the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), development falling within Schedule 2 Part 1, Class A to H and Schedule 2, Part 2 Class A and C shall not be carried out unless express planning permission for such development has been granted by the local planning authority.
4. Notwithstanding the information shown on the submitted drawings, no above ground construction shall take place until a detailed schedule of all of the proposed materials of external construction has been submitted to and approved in writing by the local planning authority and samples have been made available on site. Samples of brick and render shall comprise at least 1 square metre in area and sample panels, including mortar jointing, shall be made available. Development shall not be carried out except in accordance with the agreed schedule and samples.
5. Notwithstanding the information shown on the submitted drawings no installation of external windows/doors shall take place until details have been submitted to and approved in writing by the local planning authority. Details shall include elevations drawn at a scale of 1:20 and positioning of doors and windows within the reveals. All rooflights hereby approved shall be conservation type, top hung fitted flush with the plane of the roof covering, coloured black and fitted with a central vertical glazing bar. All windows/doors shall accord with the approved details.

6. No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, signs, security cameras, alarm boxes, television aerials and satellite reception dishes) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details.
7. Notwithstanding the approved plans, no development other than groundworks shall take place until details of all screen and boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the local planning authority. The development shall not be carried out except in full accordance with the agreed details.
8. A scheme of landscaping shall be submitted to and approved in writing by the local planning authority prior to commencement of any above ground works. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed and the materials to be used on the hard surfaced areas. The approved landscaping scheme shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the local planning authority gives written approval to any variation.
9. Foul and surface water shall not be drained other than on separate systems.
10. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - (iii) A timetable for its implementation.The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.
11. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

12. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following: A phased programme and methodology of investigation and recording to include:

- (i) A Historic England Level 3 survey of historic buildings and features prior to development works.
- (ii) An archaeological watching brief during stripping out, demolition and ground works.
- (iii) A programme for post investigation assessment to include (a) the production of a final report on the significance of the archaeological interest Deposition of the final report with the Greater Manchester Historic Environment Record, Marple Library, Stockport Local Studies Library and local heritage groups Dissemination of the results to commemorate the history, architecture and archaeology of the site together with a heritage display. (b) Provision for archive deposition of the report and records of the site investigation. (c) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

13. No development shall take place until a method statement detailing how the development will be constructed (including any demolition and site clearance) has been submitted to and approved in writing by the local planning authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, parking arrangements and mud prevention measures. Development of the site shall not proceed except in accordance with the approved method statement.

14. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted and approved by the local planning authority. The CEMP shall include reasonable avoidance measures to be followed during works including those contained in section 5 of the Biodiversity Survey & Assessment dated 28 January 2016, section 5 of the Bat Survey Report dated 27 June 2017 and the Ecology Addendum June 2019 and details of protective fencing and methods to control dust, debris and surface water from entering the canal. All waste storage and materials shall be kept away from the canal corridor. The CEMP shall be adhered to

and implemented throughout the construction period in accordance with the approved details.

15. No above ground works shall commence until a scheme for the incorporation of integrated bat roosting and bird nesting features within the development has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
16. The development shall not be occupied until the 'remediation scheme' comprising the recommendations contained in sections 6 and 7 of the Phase 2 Intrusive Geo-technical Investigation report prepared by ELLUC Projects dated March 2009 has been carried out. Within 6 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.

17. No development shall take place until detail engineering drawings of:

- (1) The access that will serve the development and associated amendments to Church Street (including details of the footway build-outs, pedestrian crossing at the access, access to 65 Church Street, bollards and carriageway markings);
- (2) The access road that will serve the development (including footways, service margins and turning area);
- (3) The parking areas and other areas of hardstanding and public realm within the site (which shall include the provision of two parking spaces for disabled badge holders in the vicinity of the former canal warehouse);
- (4) The access route from the proposed access road through to Lockside (which shall include proposals to improve the surfacing of this route, sign the road, delineate the adjacent parking and details of access controls at the end of the site access road).

have been submitted to and approved in writing by the local planning authority, together with details outlining how the access road, parking areas and other areas of hardstanding will be managed and maintained and the parking spaces will be allocated. The drawings shall include the following details:

- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:200, showing all carriageways, footways, service margins, parking spaces, other areas of hardstanding and visibility splays;
- (ii) A general site layout, showing the proposed buildings and boundaries, together with existing and proposed levels;
- (iii) A longitudinal section along the centre line of the proposed road, showing the existing ground level and proposed road level;
- (iv) Typical highway cross-sections, showing a specification for each type of carriageway, footway, service margin, parking area and hardstanding area
- (v) Full details of the surface water drainage proposals (including details of the main drainage system and any sustainable urban drainage or attenuation systems);
- (vi) Details of all proposed street

lighting, signage, markings, structures, street trees, tree pits and street furniture; (vii) Details of how the parking spaces will be delineated and signed (viii) Details of the drop-off / pick up space for mini-buses and other vehicles associated with the 'New Horizons barge' and associated access route to the barge's mooring; (ix) Details of parking restrictions to be provided at the site access and on the site access road; (x) Details of how the access road relates to the retaining wall along the site's north-western boundary and details of any works required to this (or to replace this) so as to retain the site access road; (xi) Details of the access controls to be provided at the north-east end of the road so as to prevent vehicular access (other than emergency vehicles in the event of emergency) between the site and Lockside, but allow access for pedestrians and cyclists between Church Street / the site and Lockside.

18. No part of the development shall be occupied (unless otherwise agreed in writing by the local planning authority) until the access road, parking areas and other areas of hardstanding have been constructed in accordance with the approved drawings and are available for use. Any visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings. The access road, parking and other areas of hardstanding shall thereafter be retained and shall remain available for use and shall be managed and maintained in accordance with the approved details at all times. The access route between the site and Lockside shall thereafter be retained and shall remain available for use by cyclists and pedestrians. The access controls at the north east end of the access road shall thereafter be retained and no vehicular access (other than emergency vehicles in the event of emergency) shall take place between the site and Lockside at any time.

19. Detailed engineering drawings of the following works shall be submitted to and approved in writing by the Local Planning Authority:

(i) The provision of uncontrolled pedestrian crossings (dropped kerbs with tactile paving) at the junction of Church Street and John Street and at the access to Queens Court; (ii) Amendments to the existing pedestrianised section of Church Street to allow and improve cycle and pedestrian access through this area, including the provision of dropped kerbs to provide level / non-stepped access, signage and carriageway markings; (iii) Provision of wayfinding signs to direct pedestrians and cyclists from / to the site to / from key pedestrian and cycle routes / destinations within Marple, including the Middlewood Way, the district centre, railway stations and canals.

The development shall not be occupied until the pedestrian crossings, signage and other infrastructure have been provided in accordance with the approved drawings and the facilities created are available for use.

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 no gate or other means of obstruction shall be erected across the site access road that will serve the approved development at any time.

21. The former canal warehouse community facility shall be operated in accordance with the Method Statement Outlining the Proposed Use & Operation of the Former Canal Warehouse report dated November 2019. The building shall not be used for any other purpose (including any other

purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification.

22. The former canal warehouse community facility shall not be open for use or have deliveries taken at or dispatched from the site between 22.00 and 08.00 hours on Monday to Saturday or 21.00 and 08.00 on Sundays and English Bank Holidays.
23. Each dwelling within the development shall not be occupied until the cycle store to be provided for that dwelling has been provided in accordance with the approved drawings and is available for use. Each cycle store shall then be retained and shall remain available for use at all times thereafter.
24. No work shall take place in respect to the provision of cycle parking for the former canal warehouse / mixed-use building until details of proposals to provide within the site for staff, customers and visitors to that building Sheffield stands, or similar, for a minimum of 16 cycles have been submitted to and approved in writing by the Local Planning Authority. The former canal warehouse / mixed-use building shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.
25. A method statement detailing how refuse and recyclable materials will be stored and collected from the site (for both the approved residential dwellings and canal users) shall be submitted to and approved in writing by the local planning authority prior to occupation of any buildings. The method statement shall include details of the bins and bin stores to be provided, how refuse will be placed in the bins and how bins will be collected on refuse / recycling collection day. Refuse / recyclable material storage and collection arrangements for the development shall only be carried out in accordance with the approved method statement.
26. Charging points for the charging of electric vehicles shall be provided for each of the approved dwellings. Prior to their provision, details of the charging points shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling within the development shall not be occupied until the charging point for that dwelling has been provided in accordance with the approved details and is available for use. The charging points shall thereafter be retained (unless they are replaced with an upgraded charging point in which case that should be retained).
27. The former canal warehouse building shall not be occupied until details of measures to be provided and implemented to encourage the use of sustainable modes of transport and advise customers and visitors of where to park have been submitted to and approved in writing by the local planning authority and have been brought into operation. Measures shall include:
  - (i) The provision of information on sustainable travel and parking on a website for the building and on social media channels;
  - (ii) The provision of information on sustainable travel and parking within the building (e.g. on a

noticeboard/s and within leaflets); (iii) The provision of travel information packs for staff; (iv) Signage on car parking.

The measures shall be reviewed in consultation with the local planning authority on an annual basis and operated for the duration that the property is occupied.

28. No works shall take place within 10m of the canal washwall on the southern site boundary until the applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the local planning authority) to establish the structural condition of the canal washwall; the extent to which any works on the site will increase loadings on the washwall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall can be maintained. Any works on or adjacent to the canal washwall shall thereafter only be carried out in strict accordance with the recommendations set out in the approved scheme of investigation which may include remediation measures. Within 6 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.

- END OF SCHEDULE -