

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

19th April 2021

Application No:	HPK/2020/0301	
Location	184 Taxal Edge Macclesfield Road Whaley Bridge SK23 7DR	
Proposal	Demolition of the existing building known as "Taxal Edge" and the detached garage building and the erection of 7 no. dwellings	
Applicant	Treville Properties Ltd	
Agent	Emery Planning Partnership	
Parish/Ward	Whaley Bridge	Date registered: 24/07/2020
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 extension 4122		

REFERRAL

The application scheme is locally controversial.

1. SUMMARY OF RECOMMENDATION

REFUSE, the scheme is contrary to Adopted Local Plan Policies, including:

- **H1 'Location of Housing Development'**
- **EQ2 'Landscape Character'**
- **EQ3 'Rural Development'**
- **EQ6 'Design and Place Making'**

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site area is given as 0.49 ha (hectares) and comprises Taxal Edge, 184 Macclesfield Road, a large private property in spacious grounds with a detached garage. The house was formally a boarding school / hostel until 2008 when planning permission was granted for a change of use of boarding hostel into a single dwelling house ref. HPK/2008/0069.

2.2 The site is accessed from a private road off Macclesfield Road, Whaley Bridge. A PROW (Public Right of Way) HP/23/56/1 runs along the lane at the entrance to the site from Macclesfield Road and then along the south eastern boundary of the application site to demarcate the edge of the Whaley Bridge settlement to its northwest edge. In turn, the PROW creates a distinct channel of countryside between the Built up Area Boundary and the application site.

2.3 Planning Permission ref. HPK/2009/0689 was granted in 2010 for the conversion of Taxal Edge into 7 apartments as well as the conversion of the classroom block and detached garage into two detached houses. In relation to the former classroom block, this lies adjacent to the application site and within its ownership. It represents a detached house on elevated ground with prominent dormer windows and extensive glazing. The building works undertaken, however, appear to represent a new build rather than conversion scheme. In addition, a proposed garage / study intended for the proposed 'classroom conversion' is shown located outside of the blue land.

2.4 Following on from the 2009 consent, planning permission ref. HPK/2013/0503 was granted for the proposed conversion of Taxal Edge to form 5 Apartments as well as two semi detached houses in the area of the former gymnasium.

2.5 The status of these consents is currently being investigated by the Council's Planning Enforcement Team and any relevance to the scheme will be referenced within the report below.

2.6 The application site lies outside the Built-up Area Boundary of Whaley Bridge, other than where the access track joins with the Macclesfield Road, as defined on the Policies Map within the Adopted Local Plan. The site lies within the countryside with a landscape character type of Settled Valley Pastures defined as follows: *"The underlying geology is gritstone and shale. There are scattered farmsteads outside the compact settlements. This is a pastoral landscape with permanent improved pasture which gives way higher up the slopes to poorer grazing where the ecological value is greater. The landscape has a strong network of winding lanes and roads and railways along the lower slopes above the floodplain. This is a well wooded landscape with wooded cloughs around tributary valleys and hedgerows with some hedgerow trees which define irregular fields. Amenity tree groups are associated with settlements and there is woodland along the roads and railway lines. As with the field boundaries, the woodland often has irregular outlines"*.

2.7 Under the Town and Country Planning Act 1990, Town and Country Planning (Tree Preservation Orders) (England) Regulations 2020, the Council has made Tree Preservation Order 2020 No. 294 for the wider application site, which came into temporary force on the 18th September 2020. Objections or comments were due by the 23rd October 2020. It has been decided not to recommend that the TPO is confirmed and made permanent at this time. All of the most mature trees impacted by the scheme are protected by the County order.

2.8 On the 23rd March 2021, the applicant has submitted to the Council a Notice of intention to submit and appeal in respect of the planning application.

3. DESCRIPTION OF THE PROPOSAL

3.1 The applicant seeks full planning permission for the demolition of the existing buildings and the detached garage building and the erection of four 4-bed semi-detached and three, 6-bed no. detached split-level dwellings of a

2.5 storey scale to be arranged in a linear formation along the rear slope of the site.

3.2 Front dormer windows, integral garages and front and back gardens are proposed for each property. Each house would be constructed of reclaimed natural grit stone brick, grey aluminium windows and a blue/grey natural slate roof.

3.3 For the existing detached house within the south of the site (the subject of a Planning Enforcement investigation), a further detached flat-roofed double garage and study is proposed beneath the existing embankment.

3.4 Access is gained from the Macclesfield Road as per the existing arrangements. Each dwelling would be served off a private driveway which culminates at the end of the cul-de-sac.

3.5 The scheme was placed on the agenda for the 5th October 2020 Development Control Committee. On the 1st October 2020, the applicant submitted a Counsel's legal opinion in an attempt to address the issues of concern within the committee report as well as the three reasons for refusal within it. This opinion concluded that the Applicant benefits from a fallback position due to the lawful use of the building not being as set out in the report and the extant permissions at the site being a valid material consideration. Officers agreed to withdraw the report from the agenda to allow due consideration of the matters raised within this submission.

3.6 The applicant had also submitted further commentary in relation to the principle of development, trees and housing mix.

3.7 The scheme was placed on the agenda for the 9th November 2020 Development Control Committee following consideration of earlier submissions. Before the matter was heard by the Committee, the applicant submitted a further Counsel's legal opinion as reported on the Update Sheet. Officers agreed to withdraw the report from the agenda to allow due consideration of the matters raised within this submission.

3.8 The Applicant has also drawn attention to a letter which they submitted relating to the poor management of the former Children's Care Home which occupied the site and that the application would have the benefit of erasing the physical traces of this former use. This is not found to be a material consideration in the determination of the application as it does not relate to genuine matters of land-use planning.

3.9 On the 1st March 2021, the applicant submitted further commentary in relation to housing mix.

3.10 The application and details attached to it, including the plans, supporting documents, representations and consultee responses can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=241372>

4. RELEVANT PLANNING HISTORY

HPK/0002/5081 - Additional Car Parking Provision Adjacent To Main Driveway. APPROVED 06/04/1987

HPK/2008/0069 - Change Of Use Of Taxal Edge From Boarding Hostel And Associated Ancillary Residential Accommodation To Use As Single Family Dwelling. APPROVED 28/03/2008

HPK/2009/0209 - Change Of Use From Single Dwelling To Ten Apartments Involving Internal Alterations Only. WITHDRAWN 26/06/2009.

HPK/2009/0689 - Conversion Of Single Dwelling House To Provide Seven Apartments And Conversion Of Classroom Block And Disused Garage Into Two Detached Houses. APPROVED 29/03/2010

HPK/2013/0503 - Proposed Conversion Of Taxal Edge 184 Macclesfield Road To Form 5 Apartments And To Construct 2 New Semi Detached Houses In The Area Of The Existing Gymnasium. APPROVED 25/11/2013

HPK/2015/0518 - Application for outline permission for proposed semi-detached dwellings. REFUSED 11/12/2015

HPK/2015/0518 – Outline planning application for 2 no. semi-detached dwellings – REFUSED 11.12.15

The application was refused as follows: *“The proposed dwellings would comprise of residential development outside of the established settlement hierarchy and as such would represent an unsustainable form of development which would suburbanise and harm the character and appearance of the open countryside and the rural landscape in which the proposal is set. Furthermore the proposal fails to demonstrate that adequate space would be available to accommodate the proposed dwellings and any necessary amenity areas. The proposals are therefore contrary to Saved Policies OC1, 3 & 4, H1 and GD5 of the Adopted High Peak Local Plan 2008 and Policies H1, EQ2, EQ3, EQ5 of the emerging High Peak Local Plan Submission Version April 2014 as well as guidance contained within Paragraph 55 of the National Planning Policy Framework.”*

5. CONSULTATIONS

Expiry:

Site notice	01/09/2020
Press notice	N/A
Neighbours	13/08/2020

Public comments

A total of ten 'objection' representations have been received, summarised as follows:

- An increase to planned numbers of dwellings will affect the rural feel of the area
- Added impermeable surfaces will increase water run-off onto Macclesfield Road, and Linglongs Road, which already floods in periods of wet weather
- Potentially dangerous road access from/to Macclesfield Road
- Addition of further traffic in Whaley Bridge
- Bin collection area planned too close to existing houses
- Right of way through property used by walkers – this track has been widened without permission
- Loss of wildlife habitat
- Woodland forms part of approach to National Park
- Will intrude on and overlook the houses further down the slope, particularly due to three storey height
- Loss of light to houses on Linglongs
- 4 and 5 bedroom houses will not help locals trying to get on the housing ladder, and there is plenty of supply at this end of the market
- Impact on protected trees
- Development should be restricted to the footprint of the current building
- A covenant is in place that any new buildings erected on the land shall not exceed the height of the building as at 31 March 2016
- Previous development on this site was refused as unsustainable
- Will be very difficult for construction vehicles to turn on access road
- Land has the potential for contamination – not addressed
- Loss of trees – including those under TPOs
- Alleged HMO use of property in recent years without permission
- Part of the site is countryside
- Slope stability concerns
- Concern that works will cause land stability and threaten 21 Linglongs Avenue
- Concern about overlooking

A total of six 'support' representation have been received, summarised as follows:

- The junction is historically a safe one
- The proposal is more attractive than the current building
- Improving the access road (PROW) will help those with mobility issues
- Support for resurfacing of road – neighbours were consulted
- Will improve area
- This application is better than the one for 9 properties in 2013
- Treville developments elsewhere in High Peak are of good quality and support local firms

Councillor Kath Thomson

I am objecting to this development for several reasons. The main one is these houses will not be affordable housing for local people which Whaley is desperate for. We must think of the houses below the development which will be looked on. The road going up to this site is totally unacceptable for the amount of possible traffic, we will have enough extra housing with the Linglongs housing and enough extra traffic. If these houses were smaller or more affordable, even for rent local people it would maybe be more favourable. Rentable property is almost non existent in our village. Therefore I object.

Consultees

<u>Consultee</u>	<u>Comment</u>	<u>Officer response</u>
AES Waste	No Objection	Refer to the technical section
Notes: Bin Collection point - Please make sure this area has enough room for bins so not to cause an obstruction on collection days. Potentially 14 bins there on recycling days. Also no bin storage identified at properties.		
United Utilities	Conditional Response	Refer to the technical section
<p>Drainage</p> <p>In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p> <p>We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:</p> <p><i>Condition 1 – Surface water</i> <i>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> <i>(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;</i> <i>(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</i> <i>(iii) A timetable for its implementation.</i> <i>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.</i> <i>The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.</i></p>		

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, Matthew Dodd, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

You may find the below a useful example:

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.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply. We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information. The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection. According to our records there are no legal easements affected by the proposed development. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at **DeveloperServicesWater@uuplc.co.uk**

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions

must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

Whaley Bridge Parish Council	Objection	Refer to the technical and design / layout section
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The Council's main concerns are over the maintenance of the footpath and access to Macclesfield Road. The access road comes out onto a blind corner and the Council is concerned about the vision splays onto Macclesfield Road. The footpath is well used by members of the public and the Council is concerned that there will be cars traveling down a well-used footpath as well as over the ongoing maintenance of this footpath. Finally, the Council thinks the area is a sensitive area from a landscape point of view and that there are too many properties proposed in the space.

Derbyshire Wildlife Trust	Conditional Response	Refer to the nature conservation section
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The above application is accompanied by an Ecological Appraisal (NLG Ecology Ltd, 2020) and a Bat Survey Report (NLG Ecology Ltd, 2020). These provide sufficient information to enable the LPA to determine the application.

The main building supports a small number of roosting pipistrelle bats and as such a licence will be required to legalise the demolition and loss of these roosts. The mitigation and compensation measures summarised in the Bat Survey Report are considered suitable and will be detailed in the bat licence submitted to Natural England.

Proposals include compensatory native tree and shrub planting to offset any tree removal and a Woodland Management Plan for the rest of the woodland within the land holding. We recommend that a bat box scheme could be installed within the woodland as part of this Plan. These measures should avoid a net biodiversity loss and potentially bring about a net gain. In addition, we advise that a Construction Environmental Method Statement (CEMP) is conditioned to secure precautionary measures for site clearance, sensitive lighting during construction, woodland edge protection etc.

The ecology report highlights that the application area lies within the Impact Risk Zone (IRZ) for Toddbrook Reservoir Site of Special Scientific Interest

(SSSI). The identified risks for this SSSI include “all planning applications (except householder)”. As such, the LPA should consider consulting Natural England with regards to the Impact Risk Zone.

Should the LPA be minded to approve the application, we advise that the following conditions are attached:

Bat Licence and Mitigation

The demolition of the main building shall not take place until either a Bat Low Impact Class Licence or a European Protected Species licence has been obtained from Natural England. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Bat Survey Report (NLG Ecology LTD, 2020). Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the LPA once granted. Confirmation will also be submitted to the LPA once all mitigation is installed, along with a copy of the results of any monitoring works.

Construction Environmental Method Statement (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations in the Ecological Appraisal (NLG Ecology Ltd, 2020) and the Bat Survey Report (NLG Ecology Ltd, 2020) and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Woodland Management Plan

Prior to the completion of the development, a Woodland Management Plan shall be submitted to the LPA for approval, in accordance with details in paragraph 4.1.19 of the Ecological Appraisal (NLG Ecology Ltd, 2020). The approved scheme shall be implemented in full in perpetuity.

Natural England

No Objection

**Refer to the nature
conservation**

		section
<p>19.10.20: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.</p> <p>Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.</p> <p>Toddbrook Reservoir Site of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p> <p>Protected Landscapes – Peak District National Park The proposed development is for a site within or close to a nationally designated landscape namely Peak District National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.</p> <p>Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.</p> <p>Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.</p> <p>The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.</p> <p>The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes.</p> <p>Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice</p>		

Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Peak District National Park

Awaited

Members will be updated via the Update Sheet

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DCC Urban Design Officer

Objection

Refer to design / layout section

The site lies outside the settlement boundary on the western edge of Whaley Bridge. There is a distinct change between built up character and woodland character landscape. The green belt designation falls to the western edge of this band of woodland. The site is banked above the B5470. When visiting the site, it was evident that changes are being made now with piles of rubble, stone and cut down trees, some that look like substantial Beech trees.

The lane presently consists of an unmade track and the creation of a hard surface driveway will significantly change the character and appearance of this soft edge to the current settlement boundary. Presently the wooded landscape is characteristic of the setting of the existing building, typical for a large detached Edwardian Villa of this period. The change to a linear form of three storey dwellings is a change that diminishes the landscape setting significantly.

I am concerned from public comments that the character of this access road has already been altered from a cobbled walkway with gritstone kerbs to a widened track. This loss is regrettable as it leads to a gradual erosion of the countryside character and prevents a proper assessment from being made. This alters the aesthetic value of this wooded approach, the character of the edge of settlement and the transition into countryside and the National Park.

Any increase in number of houses and vehicle activity on the access road close to Macclesfield Road needs to be considered. This may have implications on the design of the junction and subsequent loss of character of this edge of village. If it were the case that a more engineered highway solution would result, then I would consider this a significant loss of character.

The proposed houses will appear dominant and do not relate well to Beech Rise and Linglongs Road. The existing large Edwardian house is a two-storey building with hipped slate roofs and projecting bay windows. Having had several unsympathetic alterations over the years, with felt roof dormer, half-timber additions, and external metal staircases, it appears in a rundown condition. However, the option of restoring the building is still a possibility and it may have value as a non-designated heritage asset. I would support this approach.

A new substantial detached 2 storeys dwelling with three large dormers and large windows built to a more contemporary style with reclaimed natural grit stone brick, grey aluminium windows and blue/grey natural slate roof has been established on site. This is set back quite separately and elevated to the main

building. This building replaces the previous classroom block and contrasts in style to the main building. My main concern is to ensure the sensitive treatment of the overall landscape setting around both buildings as at think this new house would be better to appear less dominant in the landscape setting.

On the proposals map, the site is located adjacent to but outside of the built-up boundary of Whaley Bridge. It is in the countryside between the built-up area boundary and the Green Belt. From an Urban Design perspective, the main consideration is whether the character relates well to the existing pattern of development and surrounding land uses and of an appropriate scale.

The 1843 – 1893 Map shows Taxal Wood below extending into Walker Brow. This natural woodland wedge with footpath HP23/56/1 traditionally defines the edge of settlement. The track leads to registered common land at Taxal Moor which suggests it is an historic route to and from the village. This has a heritage value and the changes to the track should be considered as it is diminishing this historical footpath by changing its character.

The later housing area backing onto the track gives a clear hard built up edge. The large buildings within the woodland area to the west of the track are in their own parkland setting of a distinctively different character. To extend a denser pattern of development into this woodland area is not very well connected with the existing pattern of development, it is also destroying the woodland character of the site to an extent of impacting on the character of the countryside edge. The applicant may suggest that it is a logical extension of the built edge towards the Macclesfield Road, but I would dispute this as it is the landscape character that is the defining element.

I think the long front driveways and gardens will emphasis the completely changed nature of the landscape setting and increase the amount of hard surface intrusion into this woodland area. Surfaces should be kept to a minimum. Despite showing trees retained next to Brewood to create a woodland gap, it has the effect of separating the group of houses within the site with no continuity.

The Scale is substantial when considered on mass. The bulk of the dwellings appear three storeys due to the large wide dormer windows. I also find the integral garages not a very authentic response in this woodland location. Image No2 showing a high wall to rear boundary and stepped retaining walls to allow for subterranean garages exaggerate the height of the houses, particularly at plot 7 showing the existing house with the garages in front. The overall impression is more of a modern town house development. This is not the response I would expect at this woodland edge and rural edge where I would expect a more traditional vernacular. I can see that the adjoining housing estate is of a similar grain with contemporary houses, but it is still the case that the development is not responsive to the actual site conditions and relies on significant remodelling. It is not contextual to the immediate site of the edge of settlement location. A more dispersed pattern and low-key development would be a better response.

The images show little remaining trees and a landscaped frontage with manicured lawned frontages. This will look unattractive in this location. These

modern 'large Victorian villas' in terms of scale and massing, are exaggerated by the addition of the frontage terraces and garages and retaining walls which to me detracts from the overall architectural response.

The character of the original main building was that of a country residence standing in large grounds constructed around 1918. This character is typical of large detached Edwardian houses of that period found in such edge of settlement location within their own generous grounds. I would prefer to see a scheme that maintained the existing building and grounds as they are without extensive remodelling of the site or introduction of extensive hard surfaces with the existing trees and landscape layout remaining largely unaffected. The present application represents the extension of the existing residential use to the point of changing the whole character of the site. The long driveways are intrusive.

Conclusion: From an Urban Design Perspective, the current site has a significantly different character to the adjoining urban area and represents a characterful landscape transition to the adjoining countryside. It has a distinctive character and placemaking qualities that will be destroyed by the proposed development, which is overly dominant within this woodland setting and does not relate well to the adjoining suburban streets. A more low-key traditional development would be more in keeping with the few traditional houses remaining outside the settlement boundary. However, my preference would be for the retention and renovation/reuse of the main building than the proposed development of linear houses. The site required more sympathetic treatment of external works to be contextual to the current setting.

HPBC Officer	Arboricultural	Conditional Response	Refer to design / layout section
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03.11.20:

Background

The site is partially covered by a DCC TPO 175 made in 1980. However, to ensure all the trees on the site were protected a temporary HPBC area order TPO was made. Whether the new TPO will be confirmed, modified or allowed to lapse will be decided based on the outcome of this application. On the 3/11/20 a full BS 58378:2012 tree report has been provided and the proposals have been assessed in the light of this and the site visit of 15/10/20.

Arboricultural impact

Plots 1 and 2

The location of Plots 1 and 2 have the most significant impact on trees, to accommodate these plots 4 trees, T14 to T17, will need to be removed due to their close proximity to the existing structure and the proposed dwellings. On balance I agree that the sustainable retention of these trees may in any event be limited by their close proximity to built structures. However, their loss needs to be mitigated for by replacement planting.

I have concerns about the proximity of the proposed dwellings, particularly Plot

1 to the mature specimen beech T13 (tree no 2 in the tree condition survey). This tree is a high amenity mature specimen tree it is located about 13m from the proposed gable end of this structure, this means that there is a slight encroachment of the root protection area (RPA).

The root protection areas defined by BS5837:2012 are the minimum recommendation and individual circumstances should be taken into account. In this case given the age and the condition of the tree a larger offset from the tree would be warranted. In addition, the relationship between this tree and the proposed dwelling, the tree being in excess of 20m in height, here is an elevated risk potential from the tree in relation to the proposed dwelling. At present the tree is not a significant risk but by placing a residential dwelling within the fall zone of this tree to potential risk is increased.

These plots both have modest gardens areas and back on to the protected woodland there is likely to be shading issues with this garden facing the north west and both trees surrounding the house and the property itself will significantly shade the rear gardens. Whilst plots 1 and 2 can be accommodated they are not ideally positioned in relation to the existing trees so there is potential for ongoing conflict and premature tree loss. Reducing the dwellings to 1 instead of 2 in this location and giving the existing trees more space and creating more usable outdoor space which is less effected by shading would be preferable.

Plot 5

The rear garden is dominated by the sycamore T20, this tree is growing out of the wall. This tree is not ideally placed for retention if it can be retained this will be a bonus. However, any tree loss here needs mitigation within the woodland

Plot 6

Ash T12 to be felled but this has a limited life expectancy due to ash die back disease so subject to adequate and appropriate replacement planting I have no issues.

Existing house and access Road

The proposed new garage and hard surfacing access road encroaches into the rooting area of the mature specimen beech tree T27, (numbered T5 in the tree condition survey) . As with the tree near plot 1 this tree should ideally be given greater root protection area given its age and size. Also it would be prudent to design the garage / study to be outside the immediate vicinity of the tree to reduce any potential risk from this tree and therefore avoid premature removal.

Landscaping

The landscaping proposals can be divided in to 2 main parts. The amenity planting within the red edge of the development and woodland and other planting and management within the blue line area and subject to a s106 agreement. At this stage landscaping can be conditioned and the details agreed at a later date as long as the principals are agreed. The indicative landscaping shown on the plans will need to be amended to be acceptable and will need to be considered alongside a landscape and ecological management plan.

With regards to the amenity tree planting within the development some species amendment would be required and some larger specimen trees should be included to be planted at significant points within the site. Woodland planting will need to be part of the overall LEMP for the wooded area and be in addition to any other planting required by existing legal obligations for example if restocking is part of the felling license agreement. This planting and management of the woodland will need to be agreed as part of the s106 agreement.

Summary

The temporary TPO is to remain in place for the time being. Although it will be subject to modification once a layout for this site has been approved. The proposals impact on 2 mature beech trees T13 and T27 the minimum required Root protection area is encroached upon and the juxtaposition of the proposed structures creates an elevated risk which will lead almost certainly to the premature removal of these mature specimens. Some amendments to the layout to improve the relationship of proposals with these existing trees would be preferable. The landscaping and ecological management and mitigation needs to be conditioned and a s106 agreed to ensure that it is implemented.

Date: 16.09.20

The site is partially covered by a DCC TPO and the trees on the site are an important landscape feature. I am aware that some tree works have been undertaken for safety reasons and these have been agreed with DCC where the trees were covered by there TPO. However there are a number of trees in site not covered by this TPO which will be affected by the proposals.

The Arboricultural report submitted with the application relates only to safety issues with a selected number of the trees. Whilst its content is noted it does not provide the information required to assess the impact of the proposals on the trees.

In particular:

- A detailed up to date tree survey in accordance with BS5837:2012
- A clear indication of trees to be removed and retained as part of the proposals
- The root protection areas required for the trees to be retained
- Any indication of how the trees will be protected during construction

The proposed layout and arboricultural impact:

- From the plans its appears that Plots 1, 2, 5, 6, and 7 all encroach on the rooting areas of trees shown to be retained. This combined with the required level changes on site could be detrimental to the trees
- The access road near to no 7 also encroaches into the rooting area of a tree to be retained
- There is a suggested replanting scheme but this not suitable for replacing the trees that will be impacted on due to the proposals. The planting consists of largely or relatively short lived species and which are almost entirely from one family.

DCC Landscape Officer	Objection	Refer to design /
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		layout section
<p>Views of the site are contained by existing mature trees from many viewpoints, however the Public Right of Way HP/23/56/1 runs along the lane at the entrance to the site from Macclesfield Road and then along the south eastern boundary providing close views, sometime clear and sometimes through vegetation. The presence of this footpath is significant in increasing numbers of receptors and their experience of the character of the site.</p> <p>Due to the well wooded nature of the site it has a distinct woodland character and contrasts with the adjacent built up character of the housing to the east. There is no development to the west and the site abuts countryside.</p> <p>The proposal is to demolish the existing building, a large detached Edwardian Villa and construct 7 new dwellings. The Design and Access Statement states that the proposed dwellings would be located where the existing buildings are located. However, plots 5, 6 and 7 and garages to plot 7 are located outside the footprint of existing buildings. The proposals include extensive level changes, tree removal and road construction and as such I consider they would fundamentally change the character of the site including the lane and public footpath at the entrance and could not be considered to protect, enhance or restore the Landscape Character of the site. I consider that the proposed layout design is poor, particularly how level changes are imposed into the landscape with a multitude of driveways ramping up to houses with retaining walls, along with the turning area and passing places they provide an extremely poor frontage.</p> <p>Information relating to existing trees in the application is vague, the tree survey concentrates on existing trees to the south and east of the site, and it does not seem to include trees to the north east of the site where most development is proposed. Some trees to be removed are shown on the existing Site Plan however no information is given regarding their quality or value. There are also several trees that are close to the proposed development area that would be affected by the works and at a site visit on 04/08/20 it was noted that felling had commenced to remove some of these trees. The proposed Site Plan and Landscape Works Plan show existing trees that are very close to dwellings and a new retaining wall to the north east boundary both of which are likely to have a significant impact on existing trees.</p> <p>Tree planting shown on the Landscape Works Plan is mostly of small ornamental species, I consider that there is scope in places to accommodate larger growing species and suggest that Beech are included to be in keeping with the existing character of the site.</p> <p>Overall I consider the proposals to be very insensitive to the existing site features and the character of the site. The proposed level changes and retaining walls in particular will have a significant and detrimental landscape impact at a local level. I would prefer a development that retains and converts the existing building. In this way the existing trees and overall character of the site could be preserved.</p>		

DCC Highways	Conditional Response	Refer to Technical Section
<p>As discussed, Consent has been granted in the past for a development comprising 7no. apartments and 2no. residential units subject to minor access improvements and formal closure of a second access to Macclesfield Road.</p> <p>Whilst the improvements to the access with Macclesfield Road have not been implemented, it is suggested that traffic activity associated with a development of 8no. residential units would not be so different as to warrant a refusal on highway Grounds, subject to the previously suggested measures being satisfactorily completed prior to any occupation. However, it is recommended that the introduction of a dropped kerb across the access is explored rather than use of carriageway markings as this would be considered to provide more physical protection to emerging vehicles as well as being more durable.</p> <p>Internal layout wise, the provision of a passing opportunity is noted as is the proposed turning facility that would appear to be of adequate dimension to enable a typical supermarket delivery vehicle to turn.</p> <p>Ideally, passing opportunities between the proposed turning facility and Macclesfield Road should be demonstrated as being inter-visible.</p> <p>Whilst I do not have any details printed to scale, and the General Arrangements Plan is not dimensioned, in order to comply with current design guidance, the overall shared driveway corridor should be a minimum of 7.5m width.</p> <p>There would appear to be adequate controlled land to accommodate an internal shared driveway layout meeting current recommendations.</p> <p>A bin collection point is demonstrated in close proximity to the site entrance, however, it is recommended that the views of the local refuse collection are sought with respect to suitability of the proposals for their purposes i.e. if they intend to make collections from within the site, suitability of the turning head for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of swept paths.</p> <p>The proposed level off-street parking provision is considered to be acceptable.</p> <p>Therefore, if you are minded to approve the proposals, it is recommended that the following conditions are included within the consent:-</p> <p>1. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the junction of the access road with Macclesfield Road (B5470) together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be</p>		

required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

2. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

3. Prior to the construction compound, the subject of Condition 2 above, being brought into use, the existing vehicular access to Macclesfield Road adjacent to Brewood shall be permanently closed with a physical barrier in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

4. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme showing the proposed shared driveway layout shall be submitted to the Local Planning Authority for written approval, including intervisible passing opportunities and a turning facility suitable for use by the largest vehicles likely to frequently visit the site, laid out and constructed in accordance with the approved designs, the area in advance of sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining shared driveway channel level.

5. No dwelling shall be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles to suitably serve that dwelling, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

6. There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed shared driveway have been submitted to and approved by the Local Planning Authority. The driveway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

In addition, the following Advisory Notes may be included for the information of

the applicant:-

a. The Highway Authority recommends that the first 10m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner

b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

c. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Executive Director of Economy Transport and Environment at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

d. The applicant is advised that to discharge Condition 8 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

e. The application site is affected by Public Rights of Way (Footpath numbers 56 and 95 Whaley Bridge on the Derbyshire Definitive Map). The route of these must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary diversion of such routes may be obtained from the Executive Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

f. Car parking spaces should measure 2.4m x 5.5m (2.4m x 6.5m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc., and adequate space behind each space for manoeuvring.

HPBC Health	Environmental	No objections	Refer to Technical Section
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28.09.20: The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 1 to 7 are suggested.

The proposed end use of the development is particularly sensitive to the presence of land contamination, for this reason the following conditions 8 is recommended.

1. CDD01 - CONSTRUCTION AND DEMOLITION – DUST
2. CDD02 - CONSTRUCTION & DEMOLITION: WASTE DISPOSAL
3. NSD12 - BEST PRACTICAL MEANS
4. NSD08 - PILING
5. NS02A - CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS
6. CLD11 - ASBESTOS: REQUEST FOR INFO
7. CDD14 - ON SITE RADIO
8. CL03 CONTAMINATED LAND

6. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan Adopted April 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub-area Strategy
- EQ1 Climate Change
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- EQ8 Green Infrastructure
- EQ9 Trees, Woodlands and Hedgerows
- EQ10 Pollution Control and Unstable Land
- EQ11 Flood Risk Management
- H1 Location of Housing Development
- H3 New Housing Development
- H4 Affordable Housing
- H5 Rural Exception Sites
- CF3 Local Infrastructure Provision
- CF5 Provision and Retention of Local Community Services and Facilities
- CF6 Accessibility and Transport
- CF7 Planning Obligations and Community Infrastructure Levy

Supplementary Planning Documents (SPD)

- High Peak Design Guide SPD (2018)
- Landscape Character SPG (2006)
- Residential Design Guide SPD (2005)

National Planning Policy Framework (NPPF) 2018

National Planning Practice Guidance (NPPG)

7. POLICY AND MATERIAL CONSIDERATIONS

Planning Policy Context

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Adopted High Peak Local Plan 2016.

7.3 The NPPF (National Planning Policy Framework) is considered to be a mandatory material consideration in decision making.

7.4 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.6 The Council can currently demonstrate 5.22 years supply of housing land (as at 1st April 2020) including a 5% buffer and meeting the shortfall within the next five years using the agreed Liverpool Method approach. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

Principle of Development

7.7 The application has been made in full for the demolition of the existing building known as “Taxal Edge”, including detached garage building and the erection of 7 no. dwellings. The application site lies outside the Built-up Area Boundary of Whaley Bridge other than its access track where it joins with the Macclesfield Road and is located within the countryside with a landscape character type of Settled Valley Pastures as defined on the Policies Map within the Adopted LP (Local Plan).

7.8 LP Policy S2 ‘Settlement Hierarchy’ herein applies. It states that development will be directed towards the most sustainable locations in accordance with the following settlement hierarchy: Market Towns, Larger Villages and Smaller Villages.

7.9 LP Policy S2 also refers to ‘Other Rural Areas’. It says that in all other areas outside the settlement boundary of settlements, including those villages, hamlets and isolated groups of buildings in the Green Belt and the countryside, which do not have a settlement boundary, development will be strictly controlled. In accordance with the settlement hierarchy development here will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with LP Policies EQ3 ‘Rural Development’ and H5 ‘Rural Exceptions Sites’.

7.10 LP Policy S3 ‘Strategic Housing Development’ sets out that provision will be made for at least 7,000 dwellings over the plan period (2011-2031) at an overall average annual development rate of 350 dwellings. It goes on to say that sufficient land will be identified to accommodate up to 3,549 additional dwellings on new sites. The policy makes it clear that this will be met from

large sites allocated in policy H2 and from small sites which accord with LP Policy H1. Allocations account for 623-729 dwellings with the remainder (a total of 400 dwellings) to be met on small sites for the Central Area and the villages within the Central Area.

7.11 LP Policy EQ3 'Rural Development' seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. This will be achieved by ... ensuring that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park. LP Policy EQ3 identifies those circumstances where new residential development would be permitted, including development involving the re-use of redundant and disused buildings and / or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside and which would meet with LP Policy H1 'Location of New Housing Development'.

7.12 Policy H1 of the Local Plan confirms:-

'The Council will ensure provision is made for housing, taking into account all other policies in this Local Plan, by:-

- a) supporting the development of specific sites through new site allocations in the Local Plan or a Neighbourhood Plan;*
- b) promoting the effective reuse of land;*
- c) supporting housing development on unallocated sites within the defined built up area boundaries;*
- d) encouraging the inclusion of housing in mixed use schemes;*
- e) supporting development identified through a Community Right to Build Order;*
- f) supporting self build housing schemes'.*

7.13 The proposal would not fulfil any of these criteria other than that only part of the site can be considered as previously developed land as per the NPPF definition. This is with reference to the building known as Taxal Edge, its garage, the 'former classroom' building and the associated parking, turning and access. These are usefully shown on the Location Plan for ref. HPK/2008/0069 illustrated below. Notwithstanding the reuse of an element of previously development land, the scheme clearly proposes residential development within the open countryside designated as Settled Valley Pastures. This is principally in relation to the detached Plots 5, 6, 7, including a detached garage / study with terrace to plot 7, individual driveways and associated access / turning head. Of note, the proposed site plan for the scheme shows a different footprint for the 'classroom conversion' to dwelling and a larger planning unit on the application proposal plan which falls outside of the red edge and is subject to a separate Planning Enforcement Investigation as stated above. Within the red edge, the scheme proposes a wider access to serve the proposed detached / garage store intended to serve the 'classroom conversion'.

7.14 A second strand of the LP Plan Policy H1 explains:-

“The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that:-

- g) the development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and*
- h) the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and*
- i) it would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities; and*
- j) the local strategic infrastructure can meet the additional requirements arising from the development”.*

7.15 In relation to the first criterion, which states that ‘The development would adjoin the built up area boundary’, a PROW (Public Right of Way) HP/23/56/1 runs along the lane at the entrance to the site from Macclesfield Road and then along the south eastern boundary of the application site to clearly demarcate the edge of the Whaley Bridge settlement to its northwest edge. In turn, the PROW and its associated land create a distinct c.12.0m wide channel of countryside between the Built up Area Boundary and the application site. In contrast the applicant’s viewpoint dated 30th October 2021 stated: *“The access to the site from Macclesfield Road directly coincides with the built up area boundary. The remainder of the eastern boundary of the red line is only separated from the built up area boundary line as shown on the proposals map by a footpath. Beyond the footpath are dwellings which front onto the Rise, Beech Rise and Linglongs Avenue.”*

7.16 The applicant’s Counsel opinion (November 2020) was reported in the 9th November 2020 Update Sheet. His Counsel referred to the interpretation of the meaning of the word ‘adjoin’, to be commonly held to describe something that is ‘very near, next to, or touching’ and *“Given that the application site is separated from the boundary of Whaley Bridge only by a footpath, it is undoubtedly the case that it is ‘very near’ to that boundary”*. Furthermore, that *“there should be some physical connection between the development site and the settlement boundary, without which the policy H1 test cannot be satisfied. This is plainly incorrect and fails to recognise the multiplicity of situations where proposed development sites are physically separated from a settlement boundary by a road or a path yet they will be read as part of the settlement once developed”*.

7.17 The Officer’s response was also reported within the Update Sheet and referred to the Planning Inspector considerations at the Tunstead Milton Appeal ref. APP/1033/W/16/3147726 as follows:

“18. The third part of Policy H1 of the LP establishes the circumstances where the Council will give consideration to approving housing development outside of the built up area boundaries. The first criterion is that ‘the development would adjoin the built up area boundary and be well related with the existing

pattern of development and surrounding land uses and of an appropriate scale for the settlement’.

19. The appellant argued that notwithstanding the fact that the appeal site is separated from the settlement boundary by a road it could still adjoin the settlement boundary. Whether or not this is the correct interpretation the criterion also requires compliance with the remaining part of the criterion.

20. For the reasons given I find that the proposal would not be well related to the existing pattern of development and it would be inconsistent with, and poorly related to, the surrounding land uses to the west, east and south which are primarily agricultural and open countryside. It would also introduce a land use which is largely uncharacteristic along this frontage and for these reasons would be contrary to the first criterion of part three of Policy H1 of the LP”.

7.18 The Planning Inspector for Appeal ref. APP/H1033/W/15/3136353, Land off Long Lane, Chapel-en-le-Frith also considered this aspect of LP Policy H1 as follows:

“26. Taking up the policy, the extent to which the appeal site would ‘adjoin the built up area boundary’ (in the sense of directly coinciding with it) would, at best, be limited to an almost inconsequential part of the northern boundary of the site where it runs close to the long rear gardens of a small number of dwellings in Downlee Close. Even then, the length of the gardens, their scrub woodland enclosure and an intervening narrow stream would, in perceptual terms, effectively remove any tangible association between the site and the built up area boundary.

27. The need, or otherwise, to take a wider definition of ‘adjoin’ (in the sense of being close to) can be embraced by the consideration of whether the site would be ‘well related with the existing pattern of development and surrounding land uses’ and whether the development would ‘..... lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside’

30. ... In overall terms, the appeal site has limited affinity with the pattern of development on the south-western edge of Chapel-en-le-Frith insofar as it is only the school and its extensive open grounds which would provide any semblance of connection between the site and the built up area.

31. It follows, as the site itself forms an integral part of the open countryside which embraces this part of the town, and, taking account of topography and the ethereal nature of its boundaries, that new development would undoubtedly intrude into the rural landscape”.

7.19 Firstly, and notwithstanding the reuse of an element of previously development land, the scheme clearly proposes a significant element of residential development on land within the open countryside designated as Settled Valley Pastures as outlined above. Secondly, the scheme for its majority would not adjoin the built up area boundary (other than its access track where it joins with the Macclesfield Road) to the northwest of the Whaley Bridge Settlement and this represents a correction of the earlier published

officer report. Whilst the previous proposal ref. HPK/2013/0503 acknowledged that the scheme would adjoin the built up area boundary, this decision clearly preceded the Adopted Local Plan and the introduction of LP Policy H1 as acknowledged by the applicant's Design and Access Statement concerning refused permission ref. HPK/2015/0518. Furthermore, the aforementioned appeals are material to the consideration in the assessment of the relevant LP Policy H1 criteria. In these circumstances, officers do not agree that these matters would lead to any inconsistent decision making in these regards.

7.20 The scheme would meet with the remaining aspects of LP Policy H1: “i) *it would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities; and j) the local strategic infrastructure can meet the additional requirements arising from the development*”. However, Officers consider that the scheme would not be well related with the existing pattern of development and surrounding land uses or be of an appropriate scale for this aspect of the Whaley Bridge settlement contrary to LP Policies S1, S2, S6, EQ3 and H1 in particular. These matters will be discussed in further detail within the relevant sections below.

Housing Type / Size

7.21 LP Policy H3 requires all new residential development to provide for a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs as based on evidence from the SMHA (Strategic Housing Market Assessment). As well as providing a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality.

7.22 In line with the NPPF, the site does not constitute a major development and is not located in a designated rural area to trigger the requirement for affordable housing provision.

7.23 The scheme house types would meet with NDSS (National Described Space Standards). It does not, however, appear to provide for any specialist housing need including its scoring against accessibility standards as set out in the Optional Requirement M4 (2) of Part M of the Building Regulations and the proposal continues to raise some concerns in these regards.

7.24 In respect of housing mix, it would be expected that there would be a higher proportion of 1 and 2-bedroom properties and a lower percentage of 4 and 5+ bedroom properties than is proposed when comparing the existing stock as identified in the Ward Census data with the recommended levels from the SHMA. The applicant considers that their statement of housing mix was accepted by planning permission ref. HPK/2017/0247, relating to the Linglongs Road site located nearby, and is also more recent than the 2014 SHMA. Housing mix, however, could not be controlled by the aforementioned reserved matters consent as the relevant condition had not been applied to the outline consent as explained within the associated officer report and

therefore officers disagree that the report was accepted for the Linglongs scheme.

7.25 The applicant's further submissions on housing mix, including with reference to the recent appeal on Bingswood Road, Whaley Bridge ref. HPK/2017/0254 are being considered by officers and will be reported on the Update Sheet.

Character and Appearance

7.26 The scheme proposal is to demolish the existing building, a large detached Edwardian Villa and its garage and construct 7 new dwellings and is located within the countryside with a landscape character type of Settled Valley Pastures. The design and appearance of any new development in the countryside are key to protecting the High Peak character, including the setting of the National Park as advocated by LP Policy S6 'Central Sub-area Strategy'. LP Policy EQ2 Landscape Character states that new development should be sympathetic to landscape character and protect or enhance the character, appearance and local distinctiveness of the landscape as guided by the Landscape Character SPD. Also, LP Policy EQ9 'Trees, woodlands and hedgerows' states that the Council *"requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss"*.

7.27 LP Policy EQ6 Design and Place Making emphasises the need for high quality, well designed development that reflects landscape character. The design merits of the scheme are addressed below in the context of identified policies, including the Council's High Peak Design Guide, which identifies overarching principles in securing good design as well as the NPPF. NPPF para 130 states: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents"*.

7.28 The relevant elements of LP Policy H1 as referred to above, require: (1) the development would adjoin the built up area boundary and would broadly be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and (2) it would not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside.

7.29 The site lies outside the settlement boundary on the western edge of Whaley Bridge. There is a distinct change between built up character and woodland character landscape. The Green Belt designation falls to the western edge of this band of woodland. The site is banked above the B5470. Presently the wooded landscape is characteristic of the setting of the existing building, typical for a large detached Edwardian Villa of this period. The access lane presently consists of an unmade track.

7.30 The County Urban Design Officer views on the scheme have been sought. It is highlighted that the track leading to the registered common land at Taxal Moor suggests it is an historic route to and from the village requiring consideration within the scheme. She considers that the later housing area backing onto the track gives a clear hard built up edge. Whereas the large buildings within the woodland area to the west of the track are within their own parkland setting and of a distinctively different character. She considers that the scheme to extend a denser pattern of development into this woodland area would not be well connected with the existing pattern of development and would also destroy the woodland character of the site to the extent of impacting on the character of the countryside edge. The officer strongly disputes applicant claims that the scheme would be a logical extension of the built edge towards the Macclesfield Road and landscape character should be the defining element of assessment.

7.31 As well, the County Landscape Architect Officer views on the scheme have also been sought. It is discussed that the views of the application site are contained by existing mature trees from many viewpoints. The Public Right of Way HP/23/56/1, however, runs along the lane at the entrance to the site from Macclesfield Road and then along the south eastern boundary to provide for close range views of the site, which are sometimes clear and sometimes through vegetation. The presence of this footpath, therefore is considered as significant in increasing the numbers of receptors and their experience of the character and appearance of the application site.

7.32 The applicant's Design and Access Statement considers that the proposed dwellings would be located where the existing buildings are sited. Plots 5, 6 and 7 and garage / study to plot 7 and the existing house, however, would be located outside the footprint of existing buildings. The scheme proposal includes extensive level changes, tree removal and road construction. As such, it is considered that the scheme would fundamentally change the character of the site including views from the lane and public footpath.

7.33 In these regards, the officer reports that the scheme could not be considered to protect, enhance or restore the landscape character of the site. Furthermore, the proposed layout design is poor, particularly how level changes are imposed into the landscape with a multitude of driveways ramping up to houses with retaining walls, along with the turning area and passing places they would provide an extremely poor frontage. Furthermore, the change to a linear form of three storey dwellings would be a change that is considered to diminish the landscape setting significantly. The creation of a hard surface driveway would also significantly change the character and appearance of this soft edge to the current settlement boundary.

7.34 Regarding house types, the Urban Design Officer states that the proposed houses would appear dominant and do not relate well to either Beech Rise and Linglongs Road. The existing large Edwardian house is a two-storey building with hipped slate roofs and projecting bay windows. The character of the original main building was that of a country residence standing in large grounds constructed around 1918. This character is typical of large detached Edwardian houses of that period found in such edge of

settlement location within their own generous grounds. The restoration of the building with a potential value as a non-designated heritage asset despite the unsympathetic alterations is viewed as the preferred development approach and without the extensive remodelling of the site or introduction of extensive hard surfaces with existing trees and landscape layout remaining largely unaffected.

7.35 The present application represents the extension of the existing residential use to the point of altering the whole character of the site. The long front driveways and gardens would emphasise the completely changed nature of the landscape setting and increase the amount of hard surface intrusion into this woodland area. The retained trees next to Brewood intended to create a woodland gap would have the effect of separating the group of houses within the site to allow for no continuity in settlement form.

7.36 The substantial, detached 2-storey dwelling with three large dormers and large windows altered to a more contemporary style immediately to the southwest of the application site appears dominant in its setting and is subject to a separate Planning Enforcement Investigation as mentioned earlier.

7.37 The Urban Design Officer also considers that the scale of the scheme is substantial when considered on mass. Whereby the bulk of the dwellings appear as three storeys due to the large wide dormer windows. It is also found that the integral garages are not an authentic response in this woodland location. The high wall rear boundaries and stepped retaining walls to allow for subterranean garages exaggerate the height of the houses. These modern 'large Victorian villas' in terms of scale and massing are considered to be exaggerated by the addition of frontage terraces, garages and retaining walls, which all seek to detract from the overall architectural response. The overall impression is more of a modern town house development relying on significant remodelling and therefore is not considered to be responsive to the existing site conditions at this edge of settlement location.

7.38 To summarise, the existing site has a significantly different character to the adjoining urban area and represents a characterful landscape transition to the adjoining countryside. This viewpoint is contrary to the November 2020 Counsel opinion which considers that the scheme "*will be read spatially as forming an expansion to the built up area of Whaley Bridge*" and is clearly a matter of planning judgment. In addition, the proposal would be considered as an insensitive addition to the existing site features and the character of the site. In particular, the proposed level changes, individual driveways and retaining walls would have a significant and detrimental landscape impact at a local level. The site's distinctive character and placemaking qualities would be destroyed by the proposed development, which would be viewed as overly dominant within this woodland setting and would not relate well to the suburban streets to the east of the site. The preference for site redevelopment would be for the retention and renovation / reuse of the main building rather than the proposed development of a linear positioning of 'town' houses. In this way, the existing landscape setting and overall character of the site could be appropriately preserved.

7.39 In these circumstances, the scheme would not be well related to the existing pattern of development and surrounding land uses or be of an appropriate scale for this aspect of the Whaley Bridge settlement contrary to LP Policies S1, S2, S6, EQ3 and H1 in particular. In addition, the scheme would constitute poor design and fails to understand the site's defining characteristics also contrary to LP Policies EQ2, EQ6 and EQ9 in particular, the High Peak Design Guide 2018, the Landscape Character SPD and the NPPF.

Arboricultural Impact

7.40 As highlighted above, LP EQ9 'Trees, woodlands and hedgerows' states that the Council *"requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss"*.

7.41 The site is partially covered by a DCC TPO Walker Brow (Tree Preservation Order) as highlighted by the Council's Arboricultural Officer. A temporary TPO had also been served on the wider application site as is detailed above. Although it has been decided not to recommend that the TPO is made permanent at this time as all of the most mature trees impacted by the scheme would be protected by the County TPO.

7.42 Previously the Arboricultural Officer commented that insufficient information had been provided to assess the scheme including tree root protection both from plots and damage from level changes. Concern was raised that the substantial engineering of the site would be detrimental to the trees on site and would not be overcome by the suggested tree replanting scheme consisting of short lived and insufficiently varied species to provide adequate replacement in these regards. Such concerns were also raised by the County Landscape Officer highlighting that the submitted tree survey concentrated on existing trees to the south and east of the site, but did not include trees to the northeast of the site where most development is proposed. Furthermore, the tree planting as shown on the Landscape Works Plan was mostly of small ornamental species contrary to the existing character of the site and therefore contrary to both tree protection and landscape based policy.

7.43 The applicant submitted draft tree reports to the Council's Arboricultural Officer on the 30th October 2020, which were considered in her comments of the 03.11.20 as detailed above and as reported on the November Update Sheet. Issues are summarised as follows:

- The location of Plots 1 and 2 have the most significant impact on trees, to accommodate these plots 4 trees T14 to T17 would have to be removed, however, on balance sustainable retention may be limited by their close proximity to existing built structures. Any loss would need to be mitigated by replacement planting.
- There are concerns about the proximity of the proposed dwellings, particularly Plot 1 to the mature specimen beech T13 of high amenity value, which would be located about 13m from the proposed gable end of Plot 1 causing some encroachment of the RPA (Root Protection

Area). There is also an elevated risk potential by placing a residential dwelling within the fall zone of this tree.

- Plots 1 and 2 would have modest gardens areas and back on to the protected woodland. As a result there is likely to be shading issues as this garden would face the northwest. Together with both trees surrounding the house and the built form itself would significantly shade these rear gardens with potential for ongoing conflict and premature tree loss.
- The proposed new garage and hard surfacing access road encroaches into the rooting area of the mature specimen beech tree T27 with potential for ongoing conflict and premature tree loss.

7.44 The landscaping proposals consist of amenity planting within the red edge of the development scheme with woodland / other planting and management within the blue line area to the northwest of the site to compensate for tree loss. The site red edge landscaping can be conditioned to agree a suitable scheme as can mitigation / management within the blue land. Ideally, the woodland immediately to the southwest of the site should be included as blue land to form a comprehensive woodland planting mitigation strategy for the scheme.

7.45 In summary, the matter of tree loss remains finely balanced and an amendment to the layout to improve the cramped relationship of Plots 1 and 2 would be preferable. Resultant amenity issues are discussed within the relevant section below. On balance therefore the scheme would accord with LP EQ9 in particular subject to the imposition of appropriate planning conditions to secure site landscaping and mitigation / management.

Amenity

7.46 LP Policy EQ6 'Design and Place Making' also stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF para 137(f) requires a high standard of amenity for existing and future users'. The Council's Residential Design SPD provides particular guidance on amenity and privacy issues.

7.47 There would be sufficient space between the scheme properties to safeguard privacy standards maintain in respect of neighbouring residential development with a good level of amenity space for the majority of plots.

7.48 On matters of overshadowing, the guidance states that this "*can be particularly important in tall developments and in laying out external amenity spaces, which should avoid shady (and north facing) locations*". For Plots 1 and 2, the site plan and section information both serve to demonstrate that an inadequate and limited rear amenity space would be provided in view of site constraints. The proposed retaining walls with tree embankment above, together with orientation and scheme design / layout would result in overbearing and shading impacts to an unacceptable level of amenity to be enjoyed by the future occupiers of Plots 1 and 2 as confirmed by the Council's Arboricultural Officer above.

7.49 The matter of private amenity space has been challenged by the November Counsel Opinion stating “ *Policy EQ6 makes no express reference to private amenity space, less still any standards that must be applied. There can therefore be no breach of policy EQ6. Similarly, I have read the Residential Design SPD and cannot find any measurable standards for gardens (front or rear). There is no breach of the SPD*”.

7.50 As reported within the November Update Sheet, officers responded as follows: “*It is acknowledged that the Council does not have a specific standards for private amenity space. However, Policy EQ6 and the NPPF require a good standard of residential amenity to be provided in all new developments for future residents. The lack of a specific standard in policy means that it becomes a matter of officer judgement. Elsewhere in the opinion Counsel states that ‘There are various issues, such as design and layout, in the most recent OR which call principally for the application of planning judgement. I do not propose to offer a view on those matters since they fall outside the scope of my expertise’. This matter should be considered in the same way*”.

7.51 The applicant has also stated that the “*size of the amenity space related to the dwellings reflects that which can be found in the surrounding area and which was deemed acceptable at Reservoir Road. Notwithstanding that point, the location gives immediate access to the surrounding countryside and there would be no adverse consequence of approving the development as currently set out*”. Clearly, proposals are to be judged on their individual merits and accessibility to the countryside would not overcome the amenity harm as is set out above.

7.52 Accordingly, the proposal is contrary to LP Policy EQ6 and the NPPF, specifically in regard to scheme Plots 1 and 2.

Nature Conservation

7.53 LP Policy EQ5 states that the biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests.

7.54 A Phase 1 Habitat Report (April 2020) and Bat Survey Report (August 2020) form part of the scheme submission. Of relevance, DWT (Derbyshire Wildlife Trust) advises that a license will be required for the loss of roosts for pipistrelle bats, but mitigation measures in the provided report are suitable. If bat boxes were installed as part of the Woodland Management Plan, DWT state that biodiversity net gain could be achieved to meet with LP Policy EQ5. A Construction Environmental Method Statement (CEMP) is also advised as a further planning condition.

7.55 The site falls within the Impact Risk Zone (IRZ) for Toddbrook Reservoir SSSI (Site of Special Scientific Interest). The identified risks for this SSSI include “all planning applications (except householder)” necessitating a consultation with Natural England. Natural England considers that the

proposed development will not damage or destroy the interest features for which the Toddbrook Reservoir SSSI has been notified and therefore has no objections to the scheme.

7.56 Consequently the proposal is in accordance with LP Policy EQ5 and the NPPF.

Highway Safety

7.57 LP Policy CF6 seeks to ensure that new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. Paragraph 109 of the NPPF advises 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”*.

7.58 The scheme is regarded as having reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities. No objections have been raised by County Highways due to the similar vehicle usage of this proposed scheme with the previously approved one. Notwithstanding the debate on the site’s fallback position, it is unlikely that a reason for reason would be sustained on the grounds of the proposed intensification of the site on highway grounds.

7.59 County Highways require a shared driveway corridor with a minimum of 7.5m width supported by a swept path analysis to allow for local refuse collection. Alliance Waste further advice that bin collection points and bin storage for individual properties should also be identified. Furthermore, a dropped kerb arrangement rather than carriageway markings at the access point off Macclesfield Road is also recommended.

7.60 Each dwelling is served by a drive and garage, providing for adequate off-street parking requirements and these should be suitably secured for such purposes by condition.

7.61 From a highways and waste collection perspective, these matters could be dealt with by suitably worded planning conditions should Members be minded to approve the scheme. Accordingly, the proposal is in accordance with LP Policy CF6 and the NPPF and with the relevant aspects of LP Policy H1.

Pollution and Flood Risk

7.62 Of relevance, LP Policy EQ10 seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. The Council’s Environmental Health consultation comments confirm no objections to the scheme subject to the control of construction and demolition to protect neighbour amenity at nearby noise sensitive properties at the development stage and also the submission of a contamination land risk assessment given the proposed residential end use of the site being sensitive to the presence of land contamination.

7.63 LP Policy EQ11 discusses that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development. The site is not in a flood risk zone. United Utilities have no objections subject to conditions requiring a surface water / foul water drainage scheme and a soil survey at a more detailed design stage. These matters could be readily controlled via suitably worded conditions should Members be minded to approve the scheme.

7.64 In these regards, the local and strategic infrastructure would be able to meet the additional requirements arising from the development of this scale to accord with the relevant aspects of LP Policy H1. Furthermore, the scheme would achieve compliance with the terms of LP Policies EQ10 and EQ11 and the NPPF regarding environmental and local flood risk matters.

The Fallback Position

7.65 The September Counsel Opinion concluded that the applicant benefits from a fallback position in the following terms: *“(1) The main building can lawfully be used as a single dwellinghouse or as 7no or 5no apartments (depending upon whether the 2010 or 2013 planning permission is relied upon); (2) The former classroom block can be used as a dwellinghouse given its conversion and (3) The erection of 2no semi-detached dwellings can lawfully be completed since the former gymnasium was demolished in accordance with the 2013 planning permission”.*

7.66 In response, the November officer report stated the following: *“Turning to the fallback position regarding the 2009 and 2013 permissions. Officers have requested the applicant to evidence in detail the works undertaken to implement either of these schemes including the classroom ‘conversion’. Notwithstanding this, however, even if a robust fallback position can be established for the 2009 and 2013 schemes (i.e. conversion of existing buildings without significant engineering works can be demonstrated), it is clear that the proposed scheme is fundamentally different. As such it should be assessed on its own merits, including against the provisions of Policy H1. Accordingly it is not considered that the fallback position carries any weight as a material consideration in the planning balance or sets any precedent to overcome such LP Policy H1 objections”.*

7.67 The November Counsel Opinion raised the following issues regarding the officer assessment of the fallback position. This included: the lawful use of the site i.e. children’s home or other use, the disregard of the fallback position as a material consideration without scheme comparison and the site should be treated as a policy designation, including the majority of it being considered as previously developed land. This opinion references the applicant’s submitted correspondence to the Council dated the 30th October 2020 to support the position that there is a highly material fallback position supporting the scheme. These matters will be discussed below.

HPK/2008/0069 - Change Of Use Of Taxal Edge From Boarding Hostel And Associated Ancillary Residential Accommodation To Use As Single Family Dwelling. APPROVED 28/03/2008.

7.68 In relation to this permission, the D&A (Design & Access) states that: *“In March 2008, planning permission was granted for a change of use from a children’s home to a single dwelling (LPA ref: HPK/2008/0069). The building has been used as single dwelling since then”*. The September Counsel Opinion states that: *“Mr Butler has been living in Taxal Edge as a dwelling since 2008 and that he has been paying Council Tax on the property since then”*.

7.69 On this basis, therefore, it appears that the building known as Taxal Edge can lawfully be used for residential purposes as a single dwelling house and this position is not disputed. Clearly, the majority of the planning unit defined by the 0.8 ha redline site area would not constitute residential curtilage to this dwelling. Furthermore, only the buildings, together with its associated access / hardstanding broadly concentrated within the central portion of the site would constitute previously developed land. This can be illustrated by the Location Plan ref. HPK/2008/0069 and the aerial photographs below. The additional hardstanding as shown in the 2018 image is the subject of a separate Planning Enforcement investigation. With regard to tree loss, these matters are discussed within the relevant consultation section above and are also referenced below.

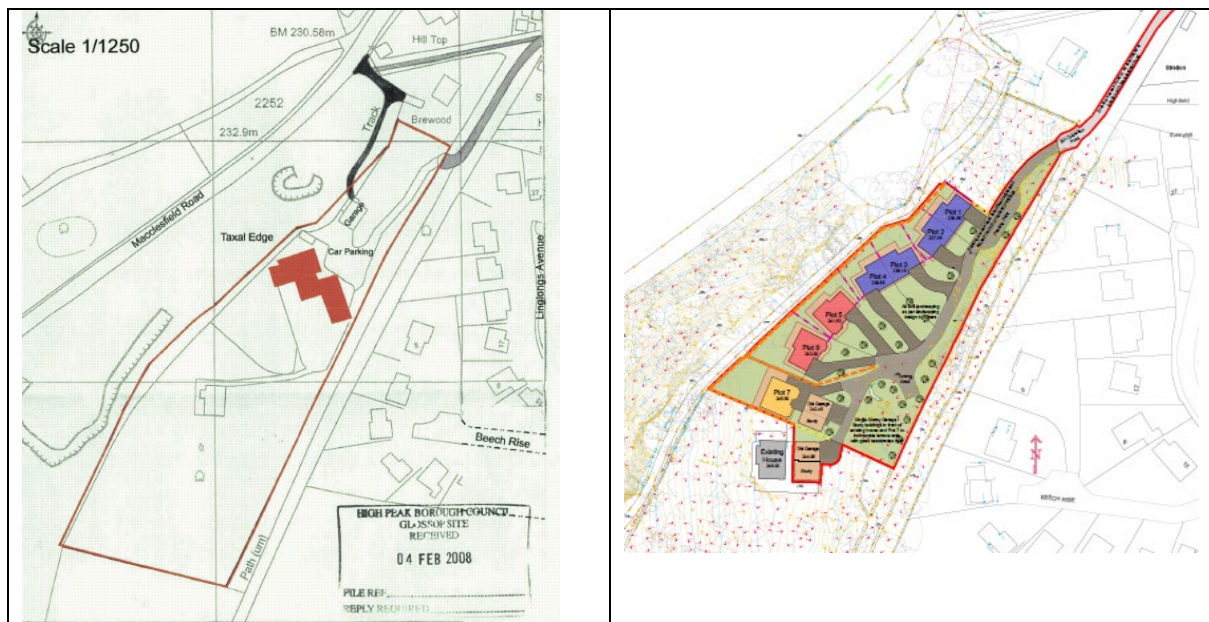
Aerial Photograph 2011

Aerial Photograph 2018



7.70 When comparing planning permission ref. HPK/2008/0069, the ‘fallback position’, the current scheme proposes new build residential development within the open countryside designated as Settled Valley Pastures. This is principally in relation to detached Plots 5, 6, 7, including a detached garage / study with terrace to plot 7, individual driveways and associated access / turning head broadly located within a wooded area of the site. This situation is clearly contrary to the November Counsel opinion, which considered that

Site Plan ref. HPK/2020/0301



7.71 Officers have expressed their preference for the retention and renovation / reuse of the main building as was secured by the 2009 and 2013 permissions. In this way, the existing landscape setting and overall character of the site could be preserved. As opposed to the proposed scheme for the linear positioning of 'town' houses engineered into the rear of the site with resultant tree loss. The scheme therefore to demolish the large detached Edwardian Villa and its garage with a wholesale site redevelopment of 7 new build dwellings, together with outbuildings would result in development that would not be well related with the existing pattern of development / surrounding land uses leading to a prominent intrusion into the countryside and resultant landscape harm.

HPK/2009/0689 - Conversion Of Single Dwelling House To Provide Seven Apartments And Conversion Of Classroom Block And Disused Garage Into Two Detached Houses. APPROVED 29/03/2010

Site Plan ref HPK/2009/0689

Site Plan ref. HPK/2020/0301



7.72 Whilst the 2009 and 2013 consents have not yet been fully investigated by the Planning Enforcement Team, the September Counsel Opinion highlighted: “... the existence of the 2010 and 2013 planning permissions are material considerations in their own right. The Council considered in 2010 and 2013 that the use of the site for residential development (including new buildings) was acceptable in planning terms”.

7.73 Firstly, these decisions predate the current development plan adopted in 2016. LP Policy EQ3 ‘Rural Development’ categorises those forms of residential development permitted outside the defined settlement boundaries and site allocations, which would meet with LP Policy H1 ‘Location of New Housing Development’. The application scheme would be contrary to such principle policies as is discussed within the relevant section above. Of note also, the classroom conversion appears as different footprint on the proposal plan for the current scheme and the aerial photograph shows an enlarged site area.

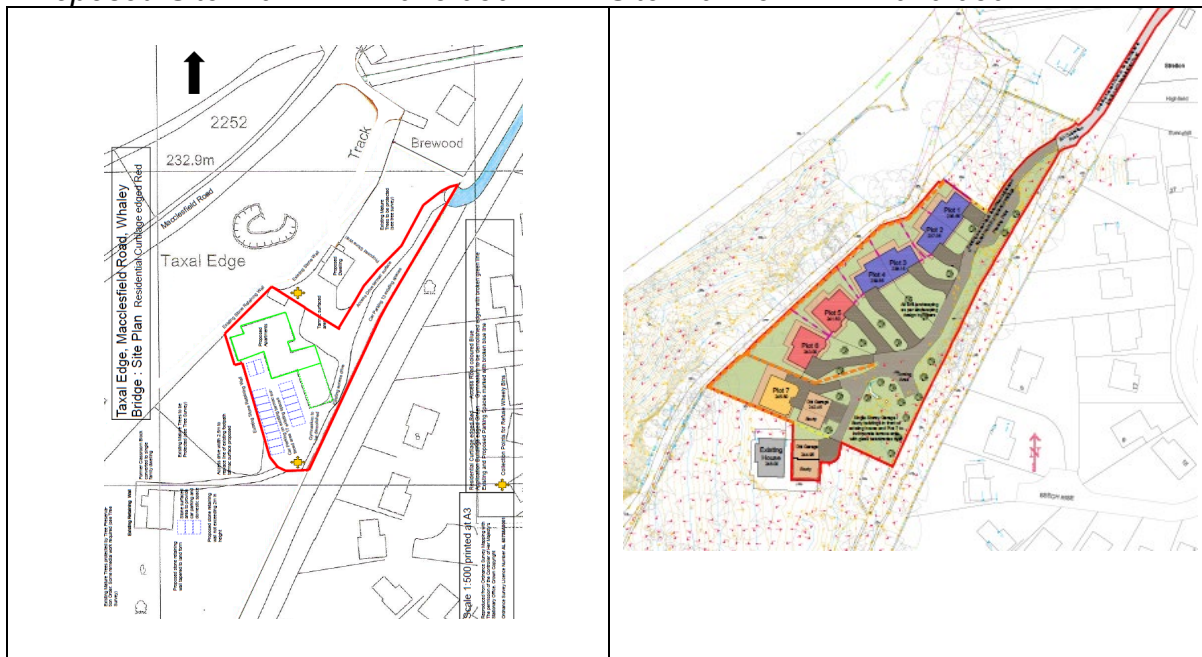
7.74 Notwithstanding this, for the 2009 consent, the officer delegated report stated: “The development sits within open countryside and as such is covered by policy OC3. The works will involve minimal physical changes as conversion is possible without material physical alteration including existing parking and landscaping. In this regard the works can be considered to be an appropriate form of development as it will enable a reuse of the building without impact on the wider landscape”. In these regards, the officer report clearly set out the in principle policy support for the approved scheme.

HPK/2013/0503 - Proposed Conversion Of Taxal Edge 184 Macclesfield Road To Form 5 Apartments And To Construct 2 New Semi Detached

**Houses In The Area Of The Existing Gymnasium. APPROVED
25/11/2013**

Proposed Site Plan HPK/2013/0301

Site Plan ref. HPK/2020/0301



7.75 For the 2013 consent, the demolition of the gymnasium and proposed replacement with a traditional pair of semi-detached properties on this part of the site was considered to *“improve the form of the development and the visual qualities of the site without causing undue harm to the landscape characteristics of the locality”*. The scheme was determined in the context of a 5-year under supply of housing, however, did not propose an intensification of dwelling numbers as per the officer delegated report.

7.76 The September Counsel Opinion has drawn attention to comparative site sections as shown in drawing 411179/25/P1 stating that: *“These sections compare the outline of the approved scheme (in 2010) and the proposed development. Whilst I appreciate that this comparative exercise and the conclusions to be drawn from it depend upon planning judgement, I would make the following points: a. In general, the proposed development sits lower than the approved development, reducing ridge heights and minimising the visual impact on the wider countryside; b. In each of the sections the approved scheme appears bulkier and more dominant than the proposed scheme. As such, the notion that the proposed development would encroach into and erode the open countryside appears fallacious when compared to the fallback position”*.

7.77 Officers have clearly set out above, which elements of the site are considered to be previously developed and have explained their preference for the retention and renovation / reuse of the main building as was secured by the 2009 and 2013 permissions. Accordingly, the scheme proposal to demolish the large detached Edwardian Villa and its garage with a wholesale site redevelopment of 7 new build dwellings, together with outbuildings would result in development that would not be well related with the existing pattern of development / surrounding land uses leading to a prominent intrusion into

the countryside and resultant landscape harm contrary to LP Policies S1, S6, EQ2, EQ3 EQ6 and H1, the High Peak Design Guide, the Landscape Character SPD and the NPPF.

Other Matters

7.78 Contrary to the Applicant's November Counsel opinion regarding 'consistency in decision making', the earlier deferrals by Members have been to allow the consideration of the applicant's points by Officers in an attempt to reach common ground and the report has been amended accordingly. This will result in a single decision and therefore there is no inconsistency.

7.79 Counsel further refers to NPPF para 38 in that decision takers should *"work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area"*, stating that *"the officer in the present case does not seem to have followed that clear guidance and appears intent on identifying problems rather than discussing solutions"*.

7.80 Officers have been clear that restoration of the building with a potential value as a non-designated heritage asset despite the unsympathetic alterations is viewed as the preferred development approach and without the extensive remodelling of the site or introduction of extensive hard surfaces with existing trees and landscape layout remaining largely unaffected. Furthermore, officers have met with the applicant and agent to discuss a way forward framed focussing on the elements of the site considered as previously developed. Accordingly para.38 has been followed.

8. PLANNING BALANCE & CONCLUSIONS

8.1 The scheme would not be well related with the existing pattern of development and surrounding land uses or be of an appropriate scale for this aspect of the Whaley Bridge settlement. In addition, the scheme would constitute poor design and fails to understand the site's defining characteristics. Furthermore, the scheme's design / layout would result in overbearing and shading impacts to an unacceptable level of amenity to be enjoyed by the future occupiers of Plots 1 and 2.

8.2 Matters of housing mix will be reported within the update sheet.

8.3 Overall, the scheme proposal does not constitute a sustainable form of development in line with LP Policies S1 and S1a and NPPF paragraph 11. As well, it contravenes relevant local development plan policies and other material considerations which include the NPPF.

8.4 In accordance with NPPF paragraph 11, the application is thereby recommended for refusal.

9. RECOMMENDATIONS

- A. That DELEGATED AUTHORITY be granted to the Head of Development Services and the Chair of the Development Control Committee to add additional reasons for refusal if necessary with regard to outstanding Peak District National Park and planning permission be REFUSED as follows:**
- 1. The scheme would not be well related with the existing pattern of development and surrounding land uses or be of an appropriate scale for this aspect of the Whaley Bridge settlement. In addition, the scheme would constitute poor design and fails to understand the site's defining characteristics. Furthermore, the scheme's design / layout would result in overbearing and shading impacts to an unacceptable level of amenity to be enjoyed by the future occupiers of Plots 1 and 2. The development therefore fails to comply with Policies S1, S1a, S2, S6, H1, EQ2, EQ3, EQ6 and EQ9 of the Adopted High Peak Local Plan, the Adopted High Peak Design Guide, the Adopted Residential Design Guide and the Adopted Landscape Character Assessment Supplementary Planning Document 2006 and the National Planning Policy Framework.**
- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

Informative(s)

- 1. Prior to the determination of the application the Council advised the applicant that the principle of such development is unsustainable and did not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.**

Site Plan

