

Kay Neild

From: Ben Pycroft
Sent: 18 September 2020 09:03
To: Simpkin, Rachael.
Cc: Haywood, Ben; Rawdon Gascoigne
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Attachments: Invalid letter from Hayley Gallacher.pdf; Letter to RS - 180920.pdf; HPK-2013-0503 - delegated report.pdf

Importance: High

Dear Rachael

Please find attached our response to your e-mail on 15th September re: extant permission HPK/2009/0689.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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From: Simpkin, Rachael.
Sent: 15 September 2020 12:27
To: Ben Pycroft
Cc: Haywood, Ben ; Rawdon Gascoigne **Subject:** RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Hi Ben,

The matters you raise will be addressed in the committee report.

In terms of the referred fallback position, I have examined the historic file for HPK/2009/0689 '*Conversion of single dwelling house to provide seven apartments and conversion of classroom block and disused garage into two detached houses*'.

It appears that there are pre-commencement conditions outstanding – see attached letter.

Unauthorised work appears to have been carried out on the classroom conversion to dwelling, including the front roof dormers and elevational openings.

We shall also be examining the approved detail for conditions considered to have been satisfied.

It would be helpful if you can comment on these matters by the close of the week given the committee report deadline of the 23rd September.

Kind regards,

Rachael Simpkin
Senior Planning Officer (Majors & Commercial)
Development Services

High Peak Borough Council and Staffordshire Moorlands District Council

From: Ben Pycroft
Sent: 07 September 2020 11:28
To: Simpkin, Rachael.
Cc: Hall, Kate; Rawdon Gascoigne
Subject: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Hi Rachael

I hope you are well.

I have read Councillor Thomson's comments on the application (attached for ease of reference) and comment as follows:

1 – Re: affordable housing. As you will be aware, there is no policy requirement for affordable housing on this site. Please can you confirm this to Councillor Thomson. In addition, we note that the Councillor states that local people in Whaley Bridge are "desperate" for affordable housing. Please consider these comments when you consider our application for the same client and Great Places in Bridgmont (ref: HPK/2020/0180). As you know – Whaley Bridge Town Council responding to that application by stating that there was no need for 46 affordable dwellings in Whaley

Bridge, which appears to contradict the comments made by Councillor Thomson. I have copied Kate Hall in to this exchange for information.

2 – Re: amenity of existing dwellings. Please can you send Councillor Thomson the section plans which we submitted last week, which deals with this point? Please can you upload the section plans as soon as possible.

3 – Regarding traffic – as you are aware, the extant permissions would mean that there would be more traffic than would be generated from the proposals. Please can you let Councillor Thomson know?

Finally, on a separate point further to our exchange last week re: whether this application should be determined at committee or not, please note that none of the previous decisions were made at committee. They were delegated decisions. Please can you take this into account?

Many thanks

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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My ref: HPK/2013/0503
9th September 2013

Mr Peter Dalton
P D Dalton BA Hons. Dunelm MRTPI
53 Long Lane
Chapel-En-Le-Frith
High Peak
SK23 0TA

Dear Sir/Madam

**Validation of Application - Proposed Amendment to Planning Permission
HPK/2009/0689 - Reduction from 7 to 5 Flats and the Construction of 2 Semi
Detached Houses at 184 Taxal Edge Macclesfield Road, Whaley Bridge**

Your application cannot be dealt with as an amendment to a previously approved application and must be dealt with as a new scheme; therefore a fresh application should be submitted.

Please can you confirm that your recent submission relating to the reduction in the number of apartments from 7 to 5 along with a proposed pair of semi detached houses in place of the gymnasium, only relates to the main building and attached gymnasium and does not include the dwellings proposed at either end of the site outlined in red.

If works have already started relating to HPK/2009/0689 for the conversion of the garage and classroom block to dwellings, the approved application has been implemented and therefore should not be included in the red outline on both the location and site plans you have submitted. Please could you amend the location plan and site plan to show only the building subject to this application, outlined in red and all other sites/properties owned by the applicant should be outlined in blue.

The plans and supporting information you have provided for the latest application, reference HPK/2013/0503, should not include any references made to previous applications for the site. Please can you remove all references made to previous applications from the application form, design and access statement, arboricultural survey, location plan and site plan.

N.B. We aim to validate all Planning Applications in accordance with "Best Practice Guidance on the Validity of Planning Applications" as issued by the Office of the Deputy Prime Minister, March 2005.

www.odpm.gov.uk

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Ms Rachael Simpkin
High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

18 September 2020

EP ref: 19-429

Rawdon Gascoigne

By e-mail only to: Rachael.Simpkin@staffs Moorlands.gov.uk

Dear Ms Simpkin

Re: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

We write in response to your e-mail of 15th September 2020 in which you invited us to comment on the fallback position for the above site.

As you are aware, on 29th March 2010, the Council approved planning permission for "the conversion of single dwelling house to provide seven apartments and conversion of classroom block and disused garage into two detached houses" (LPA ref: HPK/2009/0689). The permission was subject to 12 conditions including condition 1 which required the development to begin by 29th March 2013 in addition to some pre-commencement conditions.

Attached to your e-mail was a letter dated 19th December 2012 from the case officer (Elizabeth Pleasant) to the agent (Peter Dalton) which explained that conditions 3, 4, 6 and 7 could be discharged. However, the letter does state the following in relation to condition 8:

"It is recognised that you cannot commence works until DCC have undertaken the white lining requirements of this condition. I would reiterate the need for you to contact Mr Allwood again and press for a timescale. Mr Turkington did advise that it might be prudent to modify the condition to state that the works had to be undertaken prior to occupation of the properties rather than commencement of the development"

For ease of reference, condition 8 states:

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"Before any other operations are commenced, the existing access to Macclesfield Road (B5470) shall be modified in accordance with the (revised) application drawings, laid out, constructed and provided with [dimensions] visibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level"

Sadly, Mr Dalton has passed away. However, we have spoken to the applicant for application HPK/2009/0689 (Ray Butler) who has confirmed that he met Ian Turkington with Peter Dalton in 2012. The outcome of the meeting was that Mr Turkington would contact Mr Allwood so that Derbyshire County Council would undertake the work required to discharge the condition at a cost of around £100. Mr Butler and Mr Dalton later contacted Mr Turkington who confirmed that this work was underway.

The letter from Ms Pleasant confirms that DCC through Mr Turkington had also conceded that the condition could be varied to require these works to be carried out only prior to occupation. This, combined with the wording of the conditions that refers to 'other operations' also clearly indicates that the condition is not a true conditions precedent that would have any impact on the ability to implement the permission or cast doubt on its lawful implementation. At the very least it confirms that the works were not needed prior to the commencement of development, only prior to occupation.

The letter from Ms Pleasant also states that the approved fence needed to be erected prior to the commencement of development to meet the provisions of condition 9. For ease of reference, condition 9 states:

"Before any other operations are commenced (excluding creation of the new access, the subject of condition 8) the existing access track to Macclesfield Road adjacent to Brewood shall be permanently closed with a physical barrier in a manner to be agreed in writing with the Local Planning Authority."

Again, Mr Butler has confirmed that a fence was erected and later inspected and approved by Derbyshire County Council.

It is also relevant to look at the details relating to application HPK/2013/0503 for the conversion of Taxal Edge to form 5 no. apartments and the construction of 2 new semi detached houses. This application was approved on 25th November 2013. We understand that it was originally submitted as an amendment to permission HPK/2009/0689. However, in a letter dated 9th September 2013 the Planning Support Officer (Hayley Gallacher) wrote to the agent (Peter Dalton) to explain that the application could not be dealt with as an amendment to the previously approved application and must be dealt with as a new scheme. The letter (enclosed) explains that if works relating to HPK/2009/0689 for the conversion of the garage and classroom block to dwellings had already started then HPK/2009/0689 has been implemented and these should not be included in the red line on the location plan or site plan. The plans were then amended to remove the garage and classroom block.

The application form for HPK/2013/0503 explained that the conversion of Taxal Edge had already started in June 2012. Indeed, the design and access statement submitted with HPK/2013/0503 explains that one of the apartments had been completed. We understand that an application to building control was made at this time. The design and access statement submitted with HPK/2013/0503 states:

"One of the apartments (Flat 1) proposed by the existing planning permission has been completed. Conversion of this apartment to standards required by current Building Regulations has proven to be much more costly than originally anticipated."

The case officer's report for application HPK/2013/0503 (enclosed) is dated 25th November 2013 (i.e. 8 months after permission HPK/2009/0689 would have expired had development not commenced before 29th March 2013). The case officer's report explains that:

"consent was given in 2010 to convert the main building into 7 self contained flats. Within the curtilage of the property there is a modern classroom building constructed in the 1960's and a traditionally constructed stone garage. Both of these buildings were granted consent to convert into single dwellings in 2010 and work has commenced on one of these"

It then states:

"The site is a brownfield site and already has permission for the main house to be converted into 7 apartments and the conversion of two curtilage buildings into a further two dwellings".

And:

"the site has extant consent for 9 residential units on it. Whilst the existing consents relate to the conversion of existing buildings on the site, the main dwelling, which has consent to be converted into 7 units, has been extended in an unsympathetic and incongruous manner over the years. The demolition of these elements and reconstruction of a pair of traditional semi detached properties on this part of the site will improve the form of the development and visual qualities of the site without causing undue harm to the landscape characteristics of the locality."

It is therefore clear that permission HPK/2009/0689 was extant by November 2013. It had not lapsed.

Further, the case officer's report explains that DCC Highways requested the same highway conditions and notes as permission HPK/2009/0689 for HPK/2013/0503. However, as you are aware, the decision notice for HPK/2013/0503 does not contain any conditions relating to the modification of access to Macclesfield Road, presumably because the Council was satisfied with this issue.

In summary with respect to the fallback position and the implementation of the previous planning permissions at Taxal Edge, it appears clear that the conditions were discharged and the planning permission implemented in accordance with the consent, notwithstanding whether the Council do or do not have a record in respect of the highway works, the responsibility for which appears to have been deferred to DCC. The fact that the permission was extant by November 2013 has previously been confirmed in the case officer's report for HPK/2013/0503 and remains a material consideration.

Your e-mail also states that unauthorised work appears to have been carried out on the dwelling which was previously the classroom. As you know, this dwelling does not form part of the current application. We can comment further when you have identified the specific concern you may have. However, from the outset it would appear that the works you have identified would be permitted development.

We trust that this letter confirms the position in relation to permission HPK/2009/0689. However, should you require any further information, please do not hesitate to contact me or Ben Pycroft.

Yours sincerely
Emery Planning

Rawdon Gascoigne

Rawdon Gascoigne BA (Hons), MRTPI
Director

Enc – Letter re: validation of HPK/2013/0503 and case officer's report for HPK/2013/0503

As of 25th June 2013, a new combined agricultural holdings certificate and ownership certificate has replaced the previous certificates and unfortunately we can no longer accept the old certificates. Please find enclosed a copy of the new certificates for your completion and submission.

The fee required for your application is £2695.00.

When returning your application with the details requested please ensure you quote the reference number shown at the top of this letter.

If you require any more information please let us know by contacting the Planning Support team on 01298 28400.

Yours sincerely

Hayley Gallacher
Planning Support

DELEGATED DECISION REPORT

HPK/2013/0503 184 TAXAL EDGE
20/09/2013 MACCLESFIELD ROAD
WHALEY BRIDGE

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.

(FULL - MINOR)

MAIN ISSUES

- Countryside
- Amenity
- Design

RELEVANT POLICIES

Adopted High Peak Local Plan (Saved Policies) 2008

BC1 - External Materials
GD4 - Character Form and Design
GD5 - Amenity
GD6 - Landscaping
H1 - Principles of Housing Provision
H11 - Layout and Design of residential development
OC1 - Countryside Development
OC3 - Special Landscape Area Development
OC4 - Landscape Character and Design
OC10 - Trees and Woodlands
TR5 - Access, parking and design

National Planning Policy Framework

Section 6 Delivering a wide choice of high quality homes.
Section 7 Requiring good design.
Section 11 Conserving and enhancing the natural environment.

Supplementary Planning Guidance:

- Residential Design
- Landscape Character
- Sustainable Development

RELEVANT PREVIOUS APPLICATIONS

HPK/2008/0069 Change of use to a single family dwelling. Approved.

HPK/2009/0689	Conversion of single dwellinghouse to provide seven apartments and conversion of classroom block and disused garage into two detached houses. Approved 2010.
PAD/2012/0039	Demolition of later extension to Taxal Edge and replacement with two new semi-detached dwellings. January 2013.

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd October 2013
 Neighbour consultation period ends: 15th October 2013
 Press Advert: N/A

County Highways

The highway Authority commented on a previous planning application HPK/2009/0689 for 7 apartments and 2 dwellings and raised no concerns subject to conditions. Whilst the current proposal may generate additional traffic trips compared with the previously approved application, any increase would be insignificant and, as a result, there are no grounds for a highway objection.

In the previous consultation with the highway authority conditions were recommended with advisory notes and it is requested that these same conditions and notes are included in any consent for this current application in the best interests of highway safety.

Police Crime Prevention

No comments

Environmental Health

The end use is sensitive, there it is recommended that conditions relating to contamination investigations and remediation are attached to any consent granted as well as conditions restricting hours of operation during construction and dust suppression.

Arboriculture Officer

No objections subject to conditions previously recommended in relation to trees.

Neighbours

No comments

Whaley Bridge Town Council

No comments received

OFFICER COMMENTS

Principle of Use

Taxal Edge is a substantial late Victorian Institutional building set in generous landscaped grounds within an area of countryside just outside of the built-up area of Whaley Bridge. It also lies within a special landscape area. The property has formerly been in the ownership of Stockport Metropolitan Council when it was used as a children's home. It has had a number of additions to it over the years and more recently has been in use as a single dwelling. Consent was given in 2010 to convert the main building into 7 self contained flats. Within the curtilage of the property there is a modern classroom building constructed in the 1960's and a traditionally constructed stone garage. Both of these buildings were granted consent to convert into single dwellings in 2010 and work has commenced on one of these.

The site is well treed and covered by a Derbyshire County Council Tree Preservation Order in addition there is car parking on the site for approximately 30 vehicles.

Whilst Policy OC1 of the High Peak Saved Local Plan Policies seeks to restrict development in the countryside to that which is required as an integral part of the rural economy and can only be carried out in the countryside the National Planning Policy Framework seeks to deliver a wide choice of high quality homes with a presumption in favour of sustainable development.

Whilst the site does lie in an area of countryside as defined by the High Peak Saved Local Plan Policies 2008 it lies outside of the green belt and adjoins the built up area of Whaley Bridge. It is on a bus route and close to the local primary school and sports facilities. The site is a brownfield site and already has permission for the main house to be converted into 7 apartments and the conversion of two curtilage buildings into a further two dwellings. There is a substantial hard surfaced car park within the centre of the site.

The proposal is to demolish the later additions to the original dwelling on the site, including the gymnasium. The original dwelling would then be converted into 5 apartments and 2 semi-detached properties would be constructed on the site where the previous gymnasium exists. The total number of dwellings thus being 7 plus the two already permitted in the converted buildings on the site.

Whilst housing in the open countryside would normally be under strict control, this site abuts the built-up area of the Whaley Bridge and is previously developed. The Council does not have a 5 year supply of housing land available and thus Policy H1 and OC1 in respect of its constraints on the location of housing is considered to be out of date and does not conform with the NPPF. In addition the site has an extant consent for a total of 9 residential units on it. Whilst the existing consents relate to the conversion of existing buildings on the site, the main dwelling, which has consent to be converted into 7 units, has been extended in an unsympathetic and incongruous manner over the years. The demolition of these elements and reconstruction of a pair of traditional semi detached properties on this part of the site will improve the

form of the development and the visual qualities of the site without causing undue harm to the landscape characteristics of the locality.

Design/Site Layout

Given the sites location in the countryside which is also a special landscape area it is important that the overall design, layout and appearance of the proposed development is in character with the area and original dwelling. The two new dwellings proposed would be constructed in coursed natural gritstone with blue slate roofs. They have been designed in the simple vernacular, with sash proportioned windows constructed with stone heads and cills. The dwellings will not be readily visible to public views but are still considered to be of a scale, design and appearance with reflect the local character of this area. Each property would have an enclosed forecourt garden and a private rear garden enclosed by a dry stone retaining wall. The properties would not suffer from nor cause any material loss of privacy or overlooking with occupants of the proposed apartments, and would have a reasonable standard of general amenity. The development thus accords with Policies GD4, GD5 and H11 of the High Peak Saved Local Plan Policies, 2008.

Highway Issues

The Highway Authority have not raised any highway safety objections in relation to this application. Space is been provided within the curtilage of the site for the parking and manoeuvring of 12 cars immediately adjacent to the proposed apartments and 2 new dwellings. In addition a further 12 spaces could be accommodated on land adjoining the access drive if necessary which is more than adequate for the number and size of units proposed. Space has been retained within the site for the turning of service vehicles and the site is remote enough from the highway to ensure that parking and manoeuvring in and around the site will not impinge on the public highway and thus does not raise any highway safety concerns.

Trees/ landscape Issues

Derbyshire County Council Tree Preservation Order 175 covers the site. The application has been accompanied by an arboriculture method statement, tree protection scheme and construction specification. The conversion into apartments and the new dwellings proposed do not impact on any of the protected trees which surround the site.

Conclusion

The development proposed on this brownfield site is considered to be a sustainable form of development which accords with the provisions of the NPPF and Saved Local Plan Policies outlined above. It will not cause ant material harm to any other material planning considerations.

RECOMMENDATION : APPROVE

CASE OFFICER Elizabeth Pleasant DATE 25/11/2013

PLANNING APPLICATIONS MANAGER

