

Kay Neild

From: Ben Pycroft <BPycroft@emeryplanning.com>
Sent: 21 September 2020 15:08
To: Simpkin, Rachael.
Cc: Haywood, Ben; Rawdon Gascoigne
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Attachments: Initial Notice - Client Letter.pdf; Initial Notice - Verbal Confirmation Letter.pdf; Initial Notice.pdf; Receipt -12106.pdf

Dear Rachael

Further to your e-mail on Friday, we comment as follows.

Presumably you mean application HPK/2013/0503 rather than 2020/0503? If so, our letter refers to HPK/2009/0968 as that was the permission your e-mail of 15th September related to. The report for HPK/2013/0503 confirms that HPK/2009/0968 is extant as we set out in our letter.

As you know, permission HPK/2013/0503 included 2 semi-detached dwellings. The footings for those dwellings were built within the relevant timescales. We also attach the initial notice served to the Council in July 2016 from the approved inspector for the building regulations. Your building regulation department should have the same.

In terms of when the former classroom building was occupied as a dwelling, we will get back you as we need confirmation from Ray Butler who lived there whilst one of the apartments in the former children's home was being constructed.

We are confused as to what the concern over the extant consents and fallback position actually is. When validating the 2013 application the Council themselves requested that the former classroom building be omitted from what was proposed as a S73 application. The reasoning was that the permission had been implemented and therefore S73 could not be used to seek the variations that were being proposed including the construction of the 2 semi detached dwellings to which the building regulations submission relates. Therefore not only do we have an extant permission referred to in an officer report but also the actions of the Council in validating the application maintain that at least the earlier permission had been validly implemented.

In light of the above the previous consents are not something for further investigation by the enforcement team as the Council have already confirmed that they consider to have been implemented. It is also not reasonable or necessary to suggest the position requires a certificate as it is a material consideration that can and should be considered through the application awaiting determination. It is certainly not reasonable to hold up consideration of the planning application for a certificate to be considered and similarly not reasonable to fail to engage with the point or the evidence that has now been submitted or drawn to your attention.

Please can you now confirm what your recommendation is for application HPK/2020/0301? We note that the deadline for your report is on Wednesday but we have still not seen comments from your tree officer or highways. Please can you send them to us without delay? We know that both the tree officer (Monica Gillespie) and DCC Highways officer (Nick Knowles) are on leave, so we assume you have their comments already? Indeed, our client spoke to Mr Knowles weeks ago about the current application and we understand that DCC Highways do not have a problem with the application. Please confirm.

Please can you also upload the section plans which we submitted.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director

Tel: 01625 433 881
Fax: 01625 511 457
Direct dial: 01625 442 799
Mob: 0770 368 4745
www.emeryplanning.com



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Emery Planning
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Hobson Street
Macclesfield
SK11 8BS

Emery Planning Partnership Ltd trading as
Emery Planning
Registered in England No. 4471702

Registered
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info@emeryplanning.com

From: Simpkin, Rachael. <Rachael.Simpkin@staffs Moorlands.gov.uk>
Sent: 18 September 2020 15:36
To: Ben Pycroft <BPycroft@emeryplanning.com>
Cc: Haywood, Ben <Ben.Haywood@highpeak.gov.uk>; Rawdon Gascoigne <RGascoigne@emeryplanning.com>
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Ben,

Thank you for your response.

You will appreciate that a Certificate of Lawful Existing Use or Development would be required to confirm whether planning permission HPK/2020/0503 had been lawfully implemented.

These matters, together with the alterations to the classroom to dwelling 'conversion' will be forwarded to the Council's Planning Enforcement Team for investigation.

In terms of any householder permitted development rights, would you kindly confirm when the dwelling has been occupied from?

Kind regards,

Rachael Simpkin
Senior Planning Officer (Majors & Commercial)

Development Services

High Peak Borough Council and Staffordshire Moorlands District Council

T: 01538 395 400 x4122

M: 07976 753719

From: Ben Pycroft [<mailto:BPycroft@emeryplanning.com>]
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
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

Tel: 01625 433 881
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planning

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info@emeryplanning.com

From: Simpkin, Rachael. <Rachael.Simpkin@staffs Moorlands.gov.uk>
Sent: 15 September 2020 12:27
To: Ben Pycroft <BPycroft@emeryplanning.com>
Cc: Haywood, Ben <Ben.Haywood@highpeak.gov.uk>; Rawdon Gascoigne <RGascoigne@emeryplanning.com>
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

T: 01538 395 400 x4122

M: 07976 753719

From: Ben Pycroft [<mailto:BPycroft@emeryplanning.com>]
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 Bridgemont (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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Direct dial: 01625 442 799
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Approved Inspectors Ltd
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Tel: 01260 546900

Email: cheshire@approvedinspectorsltd.co.uk
Web: www.approvedinspectorsltd.co.uk



Mr R Butler
184 Taxal Edge
Macclesfield Road
Whaley Bridge
Derbyshire
SK23 7DR

12th July 2016

Reference: AIEC-16-15297

**The Building Act 1984 ("The Act")
The Building (Approved Inspectors etc.) Regulations 2010 ("the 2010 Regulations")**

RE 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 at 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR

Dear Mr Butler

In accordance with your instructions, I confirm that the Initial Notice for the above project was signed on your behalf and has been submitted to the Local Authority. A copy, together with accompanying documents is attached for your records.

If at any time either prior to or during construction any amendments are made to the plan or layout of the building you must send us copies of these amendments. This is essential to enable us to ensure compliance with the Building Regulations and keep the local Fire Authority informed.

On commencement of the work on site, please contact Chris Fletcher, who is your allocated surveyor for this project on 07957 989978 so that a commencement inspection can be arranged. Following this inspection we will agree an inspection framework for the project, a copy of which we will forward to yourself.

On satisfactory completion of the project we will issue a Final Certificate, this must be done within 4 weeks of occupancy of the building or occupancy to which this Initial Notice relates.

Our appointment on this project is based on the terms and conditions outlined in "The Construction Industry Council-Association of Consultant Approved Inspectors Contract for the Appointment of an Approved Inspector under the Building Act 1984". A copy of this document is available on our website or you may request a paper copy.

Please be aware that your project may also need planning permission, you are advised to check with the Local Authority that all necessary permissions are in place before commencing work. In addition you are also advised, that should the proposed works involve building within 3m of an adopted sewer, and/or making a new connection to an adopted sewer, you will need to consult with the relevant statutory sewerage undertaker.

We thank you for this commission and look forward to being of continuing service to you.

Yours faithfully

A handwritten signature in blue ink that reads 'D. Edwards' with a stylized flourish at the end.

Dave Edwards MRICS

For and on behalf of Approved Inspectors Ltd

Conditions and Exclusions:

- Approved Inspectors Ltd shall carry out the services listed with reasonable skill, care and diligence in accordance with 'The Construction Industry Council-Association of Consultant Approved Inspectors Contract for the Appointment of an Approved Inspector under the Building Act 1984 Second edition 2013'. A copy of this document is available on our website (www.approvedinspectorsltd.co.uk) or you may request a paper copy.
- Approved Inspectors Ltd shall have due regard to the Construction Industry Council Code of Conduct for Approved Inspectors and where possible to any programme for the project (as amended from time to time).
- The Client shall be responsible for the projects compliance with the Building Regulations and our services do not include advising the client or managing the project to ensure that compliance is achieved.
- Approved Inspectors Ltd shall take such steps as are reasonable to enable it to be satisfied as to the projects compliance with the Building Regulations, and if so satisfied, shall issue a Final Certificate. The Final Certificate is not a representation that every aspect of the project complies with the Building Regulations.
- Approved Inspectors Ltd shall maintain professional indemnity insurance and public liability insurance in compliance with the guidelines issued by the Department for Communities and Local Government (or any successor department responsible for the Building Act 1984). Evidence of these insurances can be provided upon written request.
- For limitations of liability refer to clause 3.13 of 'The Construction Industry Council-Association of Consultant Approved Inspectors Contract for the Appointment of an Approved Inspector under the Building Act 1984 Second edition 2013'.
- If the client is not satisfied with the performance of the services, they may ask to implement Approved Inspectors Ltd complaints handling procedure, a copy of which is available to download from our website. (www.approvedinspectorsltd.co.uk)
- Prior to commencing any work on site, you are advised to ensure that all necessary permissions are in place.
- We have not checked if planning permission is required for the proposed development.
- We have not checked if the work is notifiable under the CDM-C Regulations. If the work is notifiable you will need to ensure that a suitably qualified CDM Co-ordinator is appointed prior to works commencing on site.
- We have not checked if the work requires a notice serving in accordance with the Party Wall etc Act 1996.
- All fees must be paid in full on submission of the Initial Notice which will be submitted following formal confirmation of our appointment.
- The Final Certificate for the project will not be issued until any outstanding fees are paid in full.
- Should the application be withdrawn after the Initial Notice has been submitted we reserve the right to charge an administration fee which will be a minimum of 25% of the agreed fee.
- We do not provide a structural design service, if required we would be pleased to suggest a suitably qualified Structural Engineer.
- We do not provide detailed drawings, if required we would be pleased to suggest a suitably qualified Architect.
- Unless noted otherwise, all documentation will be submitted electronically in pdf format.
- Our fees do not include for checking electrical installations. Prior to a Final Certificate being issued, a certificate from a Part P registered electrician (Competent Person) will need to be submitted.
- Our fees do not include for checking gas installations. Prior to a Final Certificate being issued, a certificate from a suitably qualified Gas Safe Engineer will need to be submitted.
- We have not included for liaising with the statutory undertakers.
- In the event of a dispute arising, we reserve the right to refer the application to the Local Authority for enforcement action.
- No works are to commence on site until five working days after the Initial Notice has been submitted.
- We have not included to sign or enter into any form of warranty.
- If the scheme is registered with an approved scheme ie Robust Details, we will not check for compliance with the relevant regulation.
- It is the client's responsibility to contact Approved Inspectors Ltd to inform us that works are due to commence and at each key stage as listed in the fee proposal letter.
- Plan certificates will not be issued unless requested.
- If considered necessary, we reserve the right to requested completed works to be uncovered to show compliance with the Regulations.
- Should the scheme change significantly after a Plan Certificate or plan check has been carried out we reserve the right to charge an additional fee.
- Unless specifically stated, we have not included for attending design team or progress meetings.
- Unless previously agreed, copies of our inspection records will not be provided.

Inspection Notification Framework (INF)

Reference: AIEC-16-15297

Clients Name: Mr R Butler

Site address: 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR

Description of work: 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

Appointed Building Surveyor: Chris Fletcher

Contact No: 07957 989978

Key stage inspections

- Commencement
- Foundation Excavations
- Ground Floor Preparation-Oversite DPC/DPM & Insulation
- Drainage
- Roof Structure
- Insulation/Pre-Plasterboard
- Completion

Notes:

The INF outlines the number and type of key stage site inspections that we expect to carry out on this project. In addition to the above, we may also carryout speculative visits if considered necessary.

AI Ltd will continually review the framework throughout the duration of the project and will adopt an appropriate site inspection regime which takes full account of relevant factors relating to the project including the nature of the work, the experience of the contractor, the complexity of the project, any unusual or high risk features and the location of the project. These factors are assessed prior to commencement and will be regularly reviewed throughout the duration of the project. If considered necessary, the INF may be amended to suit.

Please be aware that we must be notified at each of the above stages and be given the opportunity to carry out an inspection. The onus is on the contractor to contact AI Ltd at the relevant stages of work.

Approved Inspectors Ltd
Riverside, Mountbatten Way, Congleton, Cheshire, CW12 1DY
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Web: www.approvedinspectorsltd.co.uk



Mr R Butler
184 Taxal Edge
Macclesfield Road
Whaley Bridge
Derbyshire
SK23 7DR

12th July 2016

Reference: AIEC-16-15297

**The Building Act 1984 ("The Act")
The Building (Approved Inspectors etc.) Regulations 2010 ("the 2010 Regulations")**

RE 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 at 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR

Dear Mr Butler,

We have received verbal confirmation of our appointment on the above project for Building Control services. In accordance with this verbal instruction, we confirm that we have your permission to sign the Initial Notice on your behalf.

Please be aware that you will be responsible for payment of all our fees. If this is not correct, please contact us ASAP.

If you would like to discuss this matter further, please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Fletcher', enclosed within a hand-drawn oval.

Chris Fletcher

For and on behalf of Approved Inspectors Ltd

Established 2009

VAT REG. NO. 946 1338 16

Approved Inspectors Ltd
Registered in England under
Companies Act No. 06723302



Registered Office:
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Lancaster, LA1 1PP

www.approvedinspectorsltd.co.uk



High Peak Borough Council
Municipal Buildings
Glossop
SK13 8AF

Initial Notice

12th July 2016

Reference: AIEC-16-15297

Section 47 of the Building Act 1984 ("The Act")
The Building (Approved Inspectors etc.) Regulations 2010 ("the 2010 Regulations")

To: High Peak Borough Council

1. This notice relates to the following work: **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 at 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR**
2. The approved inspector in relation to the work is: **Approved Inspectors Ltd, G4 City Lab, 4-6 Dalton Square, Lancaster, Lancashire, LA1 1PP**
3. The person intending to carry out the work is: **Mr R Butler, 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR**
4. The work **does** concern a new dwelling.
5. With this notice are the following documents, which are those relevant to the work described in this notice-
 - a. in the case of the erection or extension of a building, a plan to scale of not less than 1:1250 showing the boundaries and location of the site and (where the work includes the construction of a new drain or private sewer) a statement-
 - i. as to the approximate location of any proposed connection to be made to a sewer; **no new sewer connections**
 - ii. if no connection is to be made to a sewer, as to the proposals for the discharge of the proposed drain or private sewer including the location of any septic tank and associated secondary treatment system, or any wastewater treatment system or any cesspool; **any new drainage to discharge to existing internal drainage system**
 - b. in the case of a new dwelling-
 - i. a statement whether or not one or more, and if so which, of the following optional requirements applies to the building work-
 - aa. regulation 36(2)(b) (optional water efficiency requirement of 110 litres per person per day);
 - bb. Schedule 1 Part M optional requirement M4(2) (category 2 – accessible and adaptable dwellings);
 - cc. Schedule 1 Part M optional requirement M4(3) (category 3 – wheelchair user dwellings); or
 - ii. a statement that planning permission has not yet been granted for the work, and that the information required by subparagraph (b)(i) will be supplied as soon as is reasonably practicable after that permission is granted;
 - c. a statement of any local enactment relevant to the work, and of the steps to be taken to comply with it; **no local enactments applicable to this work**
6. The work **is** minor work.
7. Approved Inspectors Ltd declare that we do not, and will not while this notice is in force, have any financial or professional interest in the works described.
8. The approved inspector **will not** be obliged to consult the fire and rescue authority by regulation 12 of the 2010 Regulations.
9. ~~Approved Inspectors Ltd undertake to consult the fire and rescue authority before giving a plans certificate in accordance with section 50 of the Act or a final certificate in accordance with section 51 of the Act in respect of any of the work described above.~~
10. The approved inspector **will not** be obliged to consult the sewerage undertaker by regulation 13 of the 2010 Regulations.
11. ~~Approved Inspectors Ltd undertake to consult the sewerage undertaker before giving a plans certificate in accordance with section 50 of the Act or a final certificate in accordance with section 51 of the Act in respect of any of the work described above.~~
12. Approved Inspectors Ltd are aware of the obligations laid upon me by Part 2 of the Act and by regulation 8 of the 2010 Regulations.
13. Approved Inspectors Ltd are an approved inspector for the purposes of Part 2 of the Act and the above work is **the whole** of the work described in this initial notice given by me and dated: **12/07/2016**.
14. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.

Signed

A handwritten signature in blue ink, appearing to read 'C. Fletcher', enclosed within a blue oval scribble.

For and on behalf of Approved Inspectors Ltd

Signed

A handwritten signature in blue ink, appearing to read 'C. Fletcher', enclosed within a blue oval scribble.

For and on behalf of Mr R Butler

Riverside, Mountbatten Way, Congleton, Cheshire, CW12 1DY
Tel: 01260 546900

Email: info@approvedinspectorsltd.co.uk
Web: www.approvedinspectorsltd.co.uk



Mr R Butler
184 Taxal Edge
Macclesfield Road
Whaley Bridge
Derbyshire
SK23 7DR

Application Number
12106

Application Date
12/07/2016

Payment Received
12/07/2016

PAID

Reference
AIEC-16-15297

VAT Invoice

Site Address: 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR

Description	Unit Price	VAT	Amount GBP
Building Regulation Application Fee for 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- Registration/Plan Fee	200.00	20.00%	200.00
Building Regulation Application Fee for 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- Inspection Fee	1400.00	20.00%	1400.00
		Subtotal	1600.00
		VAT	320.00
Established 2009	Total GBP	VAT REG. NO. 946 1338 16	1920.00

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Registered in England under
Companies Act No. 06723302



Registered Office:
G4 City Lab, 4-6 Dalton Square
Lancaster, LA1 1PP

www.approvedinspectorsltd.co.uk

Date: 12/07/2016

Person intending to carry out the work
Date: 12/07/2016

Established 2009

VAT REG. NO. 946 1338 16

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Registered in England under
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