

Sir or Madam
High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

2nd February 2024
EP ref: 23-664

Dear Sir or Madam

Re: HPK/2024/0005 - Taxal Edge, Macclesfield Road, Whaley Bridge

We write as agent for the above application to address consultee comments received to date. In particular, we note the response from Rod Whiteman (Woodlands officer for DCC) which suggests that the submitted information does not adequately illustrate the relationship between the proposed development and the root protection areas of trees and indicates that the application does not include an updated tree protection plan.

Woodlands Officer response

As part of the application, we provided an explanation of and justification for the tree information used for the application. This was contained within the planning statement and does not appear to have been taken into consideration. In summary:

- The footprint for the proposed garage is identical to that for application reference HPK/2020/0301 where a planning inspector was satisfied that:

“Any potential harm to trees within the site could be addressed through the imposition of appropriate conditions...”

- The current application is a resubmission of application reference HPK/2023/0172 where the proposals for the garage and driveway were identical to those for HPK/2020/0301. The tree officer’s comments on that application stated:

“The proposed driveway, as far as I can tell from the out-of-date report, not only encroaches the RPA of T27 but also passes beneath the canopy of the tree, exposing it to risk of damage by construction machinery.

If the proposed driveway can be redirected avoiding the RPA and crown spread of the tree, I will have no objection to the proposal.”

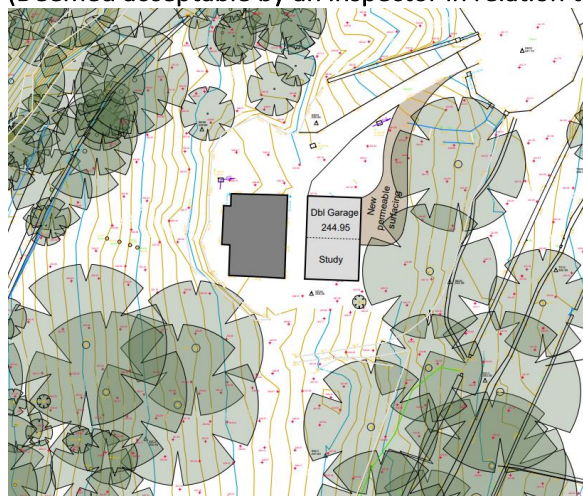
However, these were at odds with the findings of a Planning Inspector for an identical development.

- Notwithstanding this, the applicant has modified the alignment of the driveway/access to the building, as per the request of the woodlands officer in relation to HPK/2023/0172, by moving the driveway further away from the nearest trees. This is clearly illustrated on the images below. Given that an Inspector considered that the arrangement shown for HPK/2023/0172 (identical to HPK/2020/0301) was acceptable subject to the imposition of conditions, it is wholly unclear how an objection could be sustained in relation to this application which has taken on board the comments raised on the last application and amended the driveway arrangement.
- It is illogical that moving a driveway further away from trees would have the potential to cause harm and it is unreasonable to seek additional technical information to support the change that has been made to directly address comments made on the last application.
- The need for an updated tree protection plan can be dealt with by way of a pre-commencement condition as it is clear (from the above) that a suitable protection plan can be developed and accommodated.
- Given that the previous application was refused on the basis of scale, massing and design (not trees), it is further considered to be reasonable that tree protection measures are dealt with by way of condition as an appropriate solution can clearly be accommodated and as it is reasonable that the applicant should have certainty that the design of the development is acceptable to the LPA, before incurring additional expense relating to resolvable technical matters where an inspector has concluded there would be no harm.

Current proposed layout (HPK/2024/0005)



Layout for HPK/2023/0172 and HPK/2020/0301 (Deemed acceptable by an inspector in relation to trees)



Representations by Mr and Mrs Whittle

In response to the comments by Mr and Mrs Whittle, we note the following:

- The property to which the application relates is lawful. Our clients have submitted a planning application for a domestic garage building, the principle of which has been acknowledged by the LPA to be acceptable.
- The objectors take issue with the scale and design of the host dwelling. However, the scale and design of the dwelling have been deemed to be appropriate by a Planning Inspector (appeal ref. APP/H1033/C/22/3297854) and consideration of the host dwelling which exists and is lawful is not relevant to this application.
- The same Inspector also confirmed that the application site is not in the Green Belt. This is clearly shown on the council's proposals map and is a matter of fact.

- The size of the proposed garage building has been explained and justified within the planning statement that accompanied the application.
- The Inspector for appeal reference APP/H1033/W/21/3272745 had no concerns about the residential amenity of the those on Beech Rise when considering a larger development with a garage and home office in an identical location with a window facing towards Beech Rise. The window to the study has been moved to the side of the building in comparison with that scheme, with reduced potential for light spill. There are now no windows facing Beech Rise. Indeed, much larger scale developments for the site which would be in closer proximity to Beech Rise have not raised issues of interrelated amenity.
- No tree removal is proposed as part of the application.
- Suggestions that the host dwelling “dominates the horizon” conflict with the findings of a Planning Inspector and are not relevant to this application.
- The applicant is seeking planning permission for an ancillary outbuilding to serve the converted classroom. They are not applying for a commercial building or a change of use.
- Mrs and Mrs Whittle’s assessment of planning policy refers to the incorrect designation of the land, makes statements that conflict with the findings of a Planning Inspector, suggests overlooking and light spill where there are no windows and refers to the destruction of trees when there is no requirement or proposal for tree removal.

We trust that the above clarifies the position on trees and other matters. The information within this letter should give the Woodlands Officer confidence that a suitable scheme of tree protection measures can be developed and implemented without issue as the location of the building (and a driveway closer to the trees) has already been assessed and found to be acceptable in arboricultural terms subject to the imposition of conditions. The applicant accepts that further work needs to be done to agree tree protection measures. However, this involves a straightforward solution which can be dealt with by way of a pre-commencement condition.

If the LPA or the Woodlands Officer have any outstanding concerns after reading this letter, please let us know so that we can work to resolve these.

Yours sincerely
Emery Planning

Lynn Jones MA MRTPI Associate