REFERRAL

The application scheme is locally controversial.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is around 0.37 hectares and comprises Taxal Edge, a large private house in grounds, and a detached garage. The house was a boarding school/hostel until 2008 when permission was granted for a change of use.

2.2 The site is accessed off a private road off Macclesfield Road, Whaley Bridge. A 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.

2.3 Adjacent to the site is a detached house which is a conversion of the original classroom block that accompanied the school.

2.4 Planning Permission ref. HPK/2009/0689 was granted in 2010 for the conversion of Taxal Edge into 7 apartments, and conversion of the classroom block and detached garage into detached houses. The classroom has now been converted into a dwelling and it is stated that some work has commenced on the apartments. Unauthorised works, however, appear to have been undertaken concerning the dwelling conversion with reference to the 3 prominent dormer windows and enlarged window openings albeit this
lies outside of the application site. It is not clear whether the dwelling is occupied or indeed the application site buildings.

2.5 Although work has commenced on the approved scheme, this permission has not yet been lawfully proven to be extant to be considered as a fall-back position in the event of refusal of the current application. This would require a Certificate of Existing Lawful Use or Development as the applicant has been advised. These matters will be investigated by the Council’s Enforcement Team.

2.6 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 are due to be received by the 23rd October 2020.

2.7 The application site lies outside the Built-up Area Boundary of Whaley Bridge as defined on the Policies Map within the Adopted Local Plan. The site therefore lies within the countryside with a landscape character type of Settled Valley Pastures.

3. DESCRIPTION OF THE PROPOSAL

3.1 The applicant seeks full planning permission for demolition of the existing building and the detached garage building and the erection of four 4-bed semi-detached and three, 6-bed no. detached dwellings of a 2.5 storey scale and arranged in a linear formation along the rear slope of the site. Integral garages are proposed for each house.

3.2 For the existing detached house, which is the converted classroom in relation to Planning Permission ref. HPK/2009/0689, a detached flat-roofed double garage and study is proposed which would be set into the slope of the site.

3.3 Each house would be constructed of reclaimed natural grit stone brick, grey aluminium windows and blue/grey natural slate roof. Each would have driveways and front and back gardens served off a private driveway which culminates at the end plot.

3.4 Access is gained from the Macclesfield Road as per the existing arrangements.

3.5 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
5. CONSULTATIONS

Expiry:

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Site notice</td>
<td>01/09/2020</td>
</tr>
<tr>
<td>Press notice</td>
<td>N/A</td>
</tr>
<tr>
<td>Neighbours</td>
<td>13/08/2020</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Comment</th>
<th>Officer response</th>
</tr>
</thead>
<tbody>
<tr>
<td>AES Waste</td>
<td>No Objection</td>
<td></td>
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</tbody>
</table>

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

**Drainage**

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.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

**Condition 1 – Surface water**

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

**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**

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**

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
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**

Awaited

Members will be updated via the Update Sheet

**DCC Urban Design Officer**

Objection

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.

<table>
<thead>
<tr>
<th>Arboricultural Officer</th>
<th>Objection</th>
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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 is not suitable for replacing the trees that will be impacted 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

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, sometimes 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.

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.

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.

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.

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.

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.
way the existing trees and overall character of the site could be preserved.

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<th>DCC Highways</th>
<th>Conditional Response</th>
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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.

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.

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.

Ideally, passing opportunities between the proposed turning facility and Macclesfield Road should be demonstrated as being inter-visible.

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.

There would appear to be adequate controlled land to accommodate an internal shared driveway layout meeting current recommendations.

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.

The proposed level off-street parking provision is considered to be acceptable.

Therefore, if you are minded to approve the proposals, it is recommended that the following conditions are included within the consent:-

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 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 gulley 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.

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)

- Landscape Character SPG (2006)

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) as revised was issued in February 2019. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the NPPF will be referenced within the relevant sections of the officer report as detailed below.
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.

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.

The Council can currently demonstrate 5.37 years supply of housing land (as at December 2019), and the Council has passed the Government’s Housing Delivery Test in both results published to date achieving 152% delivery in the 2019 measurement published in February 2020. 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 site lies outside the Built-up Area Boundary of Whaley Bridge as defined on the Policies Map within the Adopted LP (Local Plan). The site therefore lies within the countryside with a landscape character type of Settled Valley Pastures.

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. 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 and H5.

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 LP Policies EQ3 (Rural Development) and H5 (Rural Exception Sites). LP Policy EQ3 identifies those circumstances where new residential development will be permitted and includes development which would meet with LP Policy H1.

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 policy H1. Allocations account for 623-729 dwellings with the remainder (a total of 400 dwellings) to be met on small sites at for the Central Area and the villages within the Central Area. Accordingly, given the scale of development, and that this site is considered to be a small scale development in the context of the Whaley Bridge settlement, the development is considered acceptable under LP Policy S3, subject to compliance with LP Policy H1.

7.11 As the application site is outside any defined settlement boundary, LP Policy H1 is relevant to the proposal. It states that the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other LP policies, provided that four criteria are met, which are:

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, and,
3) it would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities, and,
4) the local and strategic infrastructure would be able to meet the additional requirements arising from the development of this scale.
7.12 The site adjoins the built up area boundary to the east. Therefore it is necessary to consider whether the site complies with the remaining three criteria. These aspects of the development scheme will be discussed in further detail within the relevant sections below.

7.13 As well, the definitive lawful use of the site appears as a children’s home, where no definitive evidence has been provided that the existing use is no longer financially or commercially viable and that there are no other means of maintaining the facility, or an alternative facility of the same type is available or can be provided in an accessible location contrary to LP Policy CF5 and the NPPF.

**Housing Mix / Size**

7.14 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, 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.

7.15 The scheme house types meet with NDSS (National Described Space Standards). Although, the scheme does not appear to propose any specialist housing accommodation and it is unclear how well it would score against accessibility standards as set out in the Optional Requirement M4 (2) of Part M of the Building Regulations. 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.

7.16 The SHMA, however, has recognised that a flexible approach is required to take account of viability issues and local provision. Clearly, there is a mismatch between need and aspiration in relation to the requirement for larger properties has also been acknowledged by the SMHA. In these respects, the scheme does not present an inclusive and balanced housing mix, which is not supported by scheme viability. Nor does the proposal have regard to the characteristics of the existing housing stock with respect to the provision of the large scale properties.

7.17 As a consequence, the scheme would be contrary to LP Policy H3 and the NPPF.

**Character and Appearance**

7.18 LP Policies S1 and EQ6 seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area. Paragraph 127 within Section 12 of the NPPF supports developments that: c) are sympathetic to local
character and history, including the surrounding built environment and landscape setting and d) establish or maintain a strong sense of place.

7.19 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 and the NPPF.

7.20 The County Urban Design Officer states that the site has a distinctive character and place making qualities that will be destroyed by the proposed development. She has highlighted several design aspects that give this development the character of a modern town house development, which is inappropriate in this countryside location. Long driveways, integral garages, substantial massing and significant site remodelling and landscaping are all inappropriate and intrusive in this context. In these regards, the retention of the original building would be more appropriate and less harmful to the distinctive character of this site that forms the edge of the settlement.

7.21 LP Policy EQ9 requires the protection of existing trees, and new developments to replace any trees removed at the ratio of 2:1.

7.22 The site is partially covered by a DCC TPO (Tree Preservation Order) as highlighted by the Council’s Arboricultural Officer. A temporary TPO has also been served on the wider application site as is detailed above.

7.23 The site has a distinct woodland character which would be harmed by development. The extensive level changes, retaining wall, tree removal and road construction would have a significant and detrimental landscape impact at a local level, in the opinion of the County Landscape Officer. The proposal would also cause harm to the character of the lane and public footpath at the site entrance. Similarly, there are unknown site layout impacts in relation to County Highway and Council waste collection requirements as discussed in the relevant section below.

7.24 The Arboricultural Officer comments that insufficient information has been provided, including regarding root protection schemes. Additional concerns regard apparent encroachment on rooting areas from plots and damage from level changes. It is apparent that the substantial engineering of the site will be to the detriment of the trees on site. While the applicant suggests a tree replanting scheme, the Arboricultural Officer states that this consists of too short lived and insufficiently varied species to provide adequate replacement. The County Landscape Officer has additional concerns regarding tree removal and replacement, and the impact of the retaining wall on existing trees.

7.25 Consequently, by the damage caused to existing trees and inadequate replanting, the scheme is not in accordance with LP Policy EQ9.

7.26 Being inappropriate in its setting and harmful to landscape character, the application fails to accord with LP Policies S1, S6, EQ2, EQ6, EQ9, H1, the Council’s High Peak Design Guide SPD and the NPPF.
Amenity

7.27 LP Policy EQ6 ‘Design and Place Making’ 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’.

7.28 The adopted SPD on ‘Residential Design’ states that the distance between habitable room windows should be 21m and for every change in level of 0.5m increase the increase in distance between the properties should be 1.0m. The guidance in the SPD allows for variation in distances in order to accommodate particular site circumstances.

7.29 There is substantial space, c.40m between the nearest dwellings and the proposed properties. While there is approximately a 10m level change between the sites, there is still sufficient space between the properties to avoid visual intrusion or unacceptable overbearing.

7.30 The proposal is consequently in accordance with LP Policy EQ6, the Residential Design SPD and the NPPF.

Highway Safety

7.31 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. NPPF para 109 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”.

7.32 Each dwelling is served by a drive and garage, providing adequate off-parking.

7.33 No objections have been raised by the County Highways due to the similar vehicle usage of this proposed scheme with the previously approved one.

7.34 However, Highways state that in order to comply with current design guidance, the overall shared driveway corridor should be a minimum of 7.5m width, which does not appear to be achieved. In addition, alterations are recommended to access to the development, introducing a dropped kerb rather than carriageway markings. Further consultation with the local refuse collection to agree suitability is also recommended by the Highways Authority. Swept path analysis may be necessary following this.

7.35 Alliance Waste further advise that adequate provision should be made available for a bin collection point as not to cause an obstruction on collection days. As well, there is no bin storage identified for the individual properties.
7.36 From a highways and waste collection perspective, these matters could be dealt with by suitably worded planning conditions. The proposal is consequently in accordance with LP Policy CF6 and the NPPF.

**Nature Conservation**

7.37 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.

7.38 DWT Derbyshire Wildlife Trust) report advise 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 advised as a planning condition.

7.39 DWT address information in the ecology report, which states that the site falls 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)”.

7.40 On Derbyshire Wildlife Trust advice, Natural England has been consulted as to impact on the SSSI. Their response will follow on the update sheet.

**Other Technical Matters**

7.41 Of relevance, LP Policy EQ10 seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. Environmental Health comments are awaited. Their response will follow on the Update Sheet.

7.42 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.

7.43 The site is not in a flood risk zone. United Utilities have no objections subject to conditions regarding surface water and foul water. Additionally they require 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 to eliminate the risk of contamination to the local water supply.

7.44 These matters can be secured by suitably worded planning conditions. The scheme can be considered as complying with the terms of LP Policy EQ11 and the NPPF.
8. PLANNING BALANCE & CONCLUSIONS

8.1 The scheme would meet the first criterion of the third part of LP Policy H1, which requires development to adjoin the built-up area boundary. The Council should properly consider whether the proposal would conflict with the second criterion of LP Policy H1, which resists development which would lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside.

8.2 It is concluded that the scheme would conflict with LP Policy H1, insofar as it would lead to a prominent intrusion into the countryside and have a significant adverse impact on the character of the countryside.

8.3 Given the above, it is considered that the economic benefits as a result of housing development albeit on a modest scale in this specific case do not outweigh the environmental harm that the scheme would cause.

8.4 Overall, the application 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.

8.5 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 Environmental Health Officer and Natural England consultations and planning permission be REFUSED as follows:

1. The proposed development, in principle, would comprise a form of development which would encroach into, and erode the open countryside and be detrimental to the Settled Valley Pastures Character Area. The development of the site would cause harm to its distinct and intrinsic woodland character and form a visually prominent development which would be inappropriate in its setting. The development therefore fails to comply with Policies S1, S1a, S2, S6, H1, EQ2, EQ6 and EQ7 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.

2. By damage caused to existing mature trees, inadequate proposed replanting, and insufficient information provided regarding planting of new trees, the proposal fails to ensure tree protection on the application site. Furthermore the development fails to
ensure that healthy, mature trees and hedgerows are retained and integrated within the proposed development. As a consequence the proposal fails to accord with Policy EQ9 of the Adopted High Peak Local Plan and the National Planning Policy Framework.

3. The definitive lawful use of the site appears as a children’s home, where no definitive evidence has been provided that the existing use is no longer financially or commercially viable and that there are no other means of maintaining the facility, or an alternative facility of the same type is available or can be provided in an accessible location. As a consequence the proposal fails to accord with Policy CF5 of the Adopted High Peak Local Plan 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.