

Kay Neild

From: Ben Pycroft <BPycroft@emeryplanning.com>
Sent: 21 October 2020 09:22
To: Rawdon Gascoigne; Colley, Jane; 'ben.haywood@highpeak.gov.uk'
Cc: gary.cullen29@gmail.com; samanthacullen_treville@outlook.com
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Importance: High

Morning Ben and Jane

Could you please respond to Rawdon's email today?

As you know, we only agreed an extension of time until 9th October so that we could get on the October committee and therefore the determination date has passed. I note that the portal now says that the application will be presented to the committee on the 9th November, but as below we have not heard anything from you since the application was withdrawn from October's agenda. As Rawdon says, we would be happy to meet to if required.

In relation to trees, as Monica is aware we are going to provide all of the necessary information to address her concerns outlined in the previous committee report in time for November's committee. This should avoid the need for a pre-commencement condition re: trees.

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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From: Rawdon Gascoigne <RGascoigne@emeryplanning.com>

Sent: 13 October 2020 17:42

To: Colley, Jane <Jane.Colley@highpeak.gov.uk>; 'ben.haywood@highpeak.gov.uk' <ben.haywood@highpeak.gov.uk>

Cc: Ben Pycroft <BPycroft@emeryplanning.com>; gary.cullen29@gmail.com; samanthacullen_treville@outlook.com

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

Importance: High

Jane/Ben,

Further to my email below, our client has now arranged to meet on site with Monica Gillespie on Thursday together with DCC and our landscape architect to review the position with regards the trees on site and landscaping generally.

In anticipation that agreement can be reached on those matters please can you advise when we will be able to meet to discuss how the application can now be progressed and what additional information may be required ahead of preparing a revised committee report. Obviously if you are satisfied that the information and Counsel's opinion submitted prior to committee now enables the report to be revised and presented with a positive recommendation then there may be no need to meet but if there are outstanding matters then obviously we need an opportunity to address these well ahead of any report being drafted as that was one of the issues picked up by Counsel in terms of how the application had been dealt with.

I would be grateful if you could respond as soon as possible as I am conscious that the deadline for drafting committee reports will now be fast approaching to get to November's committee.

If you need to discuss anything then please do not hesitate to contact either myself or Ben.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director

Tel: 01625 433 881

Fax: 01625 511 457

Direct dial: 01625 442 796

Mob: 07734 282 112

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From: Rawdon Gascoigne
Sent: 02 October 2020 13:09
To: 'Colley, Jane' <Jane.Colley@highpeak.gov.uk>; Emma Bennion <EBennion@emeryplanning.com>
Cc: Ben Pycroft <BPycroft@emeryplanning.com>; gary.cullen29@gmail.com
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Jane,

Thank you for confirmation that the above application has been deferred from committee on Monday. We agree to the extension of time on the application to allow the application to go to November's committee.

In the meantime we will also look to address the comments contained in the late consultation responses. In particular, the tree officer at DCC (the existing TPO at site is a DCC TPO and work on those trees has been subject to ongoing discussion with Ruth at DCC) is willing to meet on site as soon as possible together with our client and your tree officer. We understand that Monica Gillespie returns from leave next week so would be grateful if she could contact us as soon as possible to arrange a convenient time to meet. On the other consultation responses we will prepare a response of our own and would then be grateful if a meeting can be arranged to work through those points.

I trust this brings things up to date and we will await hearing from you further on a convenient time for the respective meetings.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director

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From: Colley, Jane <Jane.Colley@highpeak.gov.uk>
Sent: 02 October 2020 12:20
To: Emma Bennion <EBennion@emeryplanning.com>
Cc: Rawdon Gascoigne <RGascoigne@emeryplanning.com>
Subject: FW: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Dear Emma/Rawdon,

I have received Bens out of office message and therefore I wondered if you could respond to my email below?

Kind regards,

Jane Colley
Principal Planning Officer

High Peak Borough Council and Staffordshire Moorlands District Council
Direct Dial: 01298 28400 ext 4981
Mobile: 07976 753726

From: Colley, Jane
Sent: 02 October 2020 12:16
To: Ben Pycroft
Cc: Simpkin, Rachael.
Subject: FW: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Good afternoon Ben,

Thank you for the attached Counsel opinion and comments below. We agree that the application should be withdrawn from the October committee, so that the Council can consider the opinion and the details you set out below.

Therefore can we agree a time extension with you until Friday 13th November? The next available committee is scheduled for the 9th November, so hopefully this will give us sufficient time to consider the points raised and discuss this matter further with you.

Kind regards,

Jane Colley
Principal Planning Officer

High Peak Borough Council and Staffordshire Moorlands District Council
Direct Dial: 01298 28400 ext 4981
Mobile: 07976 753726

From: Ben Pycroft [<mailto:BPycroft@emeryplanning.com>]
Sent: 01 October 2020 13:30
To: Haywood, Ben; Simpkin, Rachael.
Cc: Rawdon Gascoigne
Subject: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Dear Ben and Rachael

Principle of development

Further to our earlier correspondence please find attached a legal opinion from Jonathan Easton at Kings Chambers, which addresses the committee report and the three reasons for refusal within it. You will note from this that Counsel concludes that the Applicant benefits from a fallback position due to the lawful use of the building not being as set out in the report and the extant permissions at the site being a valid material consideration. The opinion therefore concludes that the Council should withdraw the application from committee as the report is fundamentally flawed and engage proactively with us and reconsider the application. We consequently ask that the application be withdrawn from the agenda. If the Council does not withdraw the application from the agenda then we ask that the attached opinion be sent to the members of the development control committee as an update along with the section plans. You will also note the potential consequences should our client have to pursue this matter at appeal.

Housing Mix

In Rachael's e-mail yesterday, it was indicated that the Council is also likely to add an additional reason for refusal in relation to Housing Mix. We respond as follows:

Firstly, we ask whether this policy applies in this case given that it asks for all residential development to provide a range of market and affordable housing types and sizes but in this case there is no requirement for any affordable housing due to the fact it is for only 6 dwellings (net). Clearly the policy is relevant to much larger sites where affordable housing is to be provided. If the preferred housing mix of 1 and 2 bed terraced houses is pursued (we have deduced this from the documents as the committee report has neither narrative nor analysis of what would be an appropriate mix), that would also result in demolition of the existing buildings and a property type which is out of character with its surroundings, both of which are something the Council is seeking to resist as part of this proposal.

Secondly, whilst we note the comments made in the Officer's Report, the Council is aware that we provided a statement on housing mix on behalf of Barratt Homes for their site off Macclesfield Road / Linglongs Road in close proximity to the application site (LPA ref: HPK/2017/0247). Our report, which was accepted by the Council concludes the following, which are equally relevant to the application site:

- Whilst the policy advice set out in the SHMA proposed a mix of 10% 1-bedrooms, 45% 2-bedrooms, 25% 3-bedrooms and 10% 4-bedrooms, this is based on a housing needs survey which is over 10 years old and does not take into account up to date evidence on people's aspirations;
- Nevertheless, the policy advice in the SHMA is to be applied flexibly and the Council has clearly done this elsewhere in the Borough, including where permission has been granted since the HPLP has been adopted;
- The policy advice in the SHMA also stated that the mix set out should be subject to viability testing. However, the viability study did not test the proposed mix in the SHMA. It tested the mix based on existing permissions, which resulted in a higher proportion of 3 and 4 bedroom properties than the SHMA proposes;
- The Viability Study however did look at the context of the Borough and assessed each area. Following interviews with local estate agents in summer 2013, the Viability Study concluded that there was a demand for 2 and 3 bedroom properties in Whaley Bridge. However, up to date information from the two estate agents based in Whaley Bridge is that there is a high level of demand for 3 and 4 bedroom detached family homes in Whaley Bridge;
- We have looked at the existing housing stock and note that there is a higher proportion of larger properties (i.e. 4 and 5 bedroom properties) in Whaley Bridge than in the rest of High Peak. Taking into account the completions and commitments since 2011 and applying the proposed mix of the application site, there would be no material difference between the make-up of the housing stock in 2011 and now; and
- Whilst on the one hand policy H3 seeks to secure a range of housing based on the policy advice set out in the SHMA (criterion b) on the other hand, it seeks to ensure that the mix of housing takes account of the characteristics of the existing housing stock in the surrounding locality (criterion c). In this case, whilst there are smaller terraced and semi-detached along both sides of Macclesfield Road, the characteristics of the existing development behind Macclesfield Road are predominantly detached 3, 4 and 5 bedroom properties and consequently the proposed housing at the application site would be fully in accordance with this.

Our report, which you will be aware of is available on the Council's portal:

<http://planning.highpeak.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=415227>. On this basis, a reason for refusal on housing mix in this location would not be justified.

Next steps

Please confirm how the Council intends to proceed today.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director

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Fax: 01625 511 457
Direct dial: 01625 442 799
Mob: 0770 368 4745
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Kay Neild

From: Rawdon Gascoigne <
Sent: 28 October 2020 12:25
To: Simpkin, Rachael.; Ben Pycroft
Cc: Colley, Jane; Haywood, Ben;
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Rachael,

Further to your email below I can confirm that we will be responding to the various points you raise albeit we consider they have all already been dealt with through the information and Counsel's opinion previously submitted.

With regards the extension of time, I am currently seeking our client's instructions and will confirm as soon as I am able, however I am tied up with Inspector calls preparing for an imminent Public Inquiry and as you know Ben is also on leave until tomorrow.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director



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From: Simpkin, Rachael. <
Sent: 27 October 2020 17:57
To: Ben Pycroft
Cc: Colley, Jane <Haywood, Ben ; Rawdon Gascoigne <
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Hi Ben,

In response to the points raised, we respond as follows:

You are required to set out whether you have implemented the 2009 or 2013 permission and specifically how?

The classroom conversion appears as a new build and therefore does not comply with the approved scheme. You are required to provide evidence to the contrary.

In terms of LP Policy H1, the scheme does not adjoin the development boundary as would have been corrected in the committee update sheet.

You are required to submit a BS5837 tree report accompanied by a Tree Protection/Method Statement to allow appropriate consultation.

To allow these matters to be further addressed I would suggest that we agree to a further time extension to encompass the 14th December meeting i.e. 18th December 2020.

Please confirm if you agree to the time extension by 1pm tomorrow in view of my committee report deadline.

Kind regards,

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

High Peak Borough Council and Staffordshire Moorlands District Council

From: Colley, Jane
Sent: 27 October 2020 11:53
To: 'Ben Pycroft'
Cc: Haywood, Ben; Rawdon Gascoigne; Simpkin, Rachael.
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Good morning Ben,

Many apologies for the delay in getting back to you, you caught both Ben and I as we were preparing for the Staffs Moorland Planning Committee last Thursday, so we were tied up with that. Myself, Ben and Rachael have reviewed all of the information you have presented including Counsels Opinion and we will be responding to you later today. There are a number of questions which have arisen and therefore Rachael will set these out to you in her email.

Kind regards,

Jane Colley
Principal Planning Officer

From: Ben Pycroft <
Sent: 21 October 2020 09:22
To: Rawdon Gascoigne <Colley, Jane Haywood, Ben
Cc:
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Morning Ben and Jane

Could you please respond to Rawdon's email today?

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In relation to trees, as Monica is aware we are going to provide all of the necessary information to address her concerns outlined in the previous committee report in time for November's committee. This should avoid the need for a pre-commencement condition re: trees.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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From: Rawdon Gascoigne <
Sent: 13 October 2020 17:42
To: Colley, Jane <_____
<
Cc: Ben Pycroft <**Subject:** RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Jane/Ben,

Further to my email below, our client has now arranged to meet on site with Monica Gillespie on Thursday together with DCC and our landscape architect to review the position with regards the trees on site and landscaping generally.

In anticipation that agreement can be reached on those matters please can you advise when we will be able to meet to discuss how the application can now be progressed and what additional information may be required ahead of preparing a revised committee report. Obviously if you are satisfied that the information and Counsel's opinion submitted prior to committee now enables the report to be revised and presented with a positive recommendation then there may be no need to meet but if there are outstanding matters then obviously we need an opportunity to address these well ahead of any report being drafted as that was one of the issues picked up by Counsel in terms of how the application had been dealt with.

I would be grateful if you could respond as soon as possible as I am conscious that the deadline for drafting committee reports will now be fast approaching to get to November's committee.

If you need to discuss anything then please do not hesitate to contact either myself or Ben.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
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From: Rawdon Gascoigne
Sent: 02 October 2020 13:09
To: 'Colley, Jane' <Emma Bennion <_____>>
Cc: Ben Pycroft _____
Subject: RE: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Jane,

Thank you for confirmation that the above application has been deferred from committee on Monday. We agree to the extension of time on the application to allow the application to go to November's committee.

In the meantime we will also look to address the comments contained in the late consultation responses. In particular, the tree officer at DCC (the existing TPO at site is a DCC TPO and work on those trees has been subject to ongoing discussion with Ruth at DCC) is willing to meet on site as soon as possible together with our client and your tree officer. We understand that Monica Gillespie returns from leave next week so would be grateful if she could contact us as soon as possible to arrange a convenient time to meet. On the other consultation responses we will prepare a response of our own and would then be grateful if a meeting can be arranged to work through those points.

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From: Colley, Jane <
Sent: 02 October 2020 12:20
To: Emma Bennion <
Cc: Rawdon Gascoigne <
Subject: FW: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Dear Emma/Rawdon,

I have received Bens out of office message and therefore I wondered if you could respond to my email below?

Kind regards,

Jane Colley
Principal Planning Officer

High Peak Borough Council and Staffordshire Moorlands District Council

From: Colley, Jane
Sent: 02 October 2020 12:16
To: Ben Pycroft
Cc: Simpkin, Rachael.
Subject: FW: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

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Principal Planning Officer

High Peak Borough Council and Staffordshire Moorlands District Council

From: Ben Pycroft
Sent: 01 October 2020 13:30
To: Haywood, Ben; Simpkin, Rachael.
Cc: Rawdon Gascoigne
Subject: HPK/2020/0301 - Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Dear Ben and Rachael

Principle of development

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Housing Mix

In Rachael's e-mail yesterday, it was indicated that the Council is also likely to add an additional reason for refusal in relation to Housing Mix. We respond as follows:

Firstly, we ask whether this policy applies in this case given that it asks for all residential development to provide a range of market and affordable housing types and sizes but in this case there is no requirement for any affordable housing due to the fact it is for only 6 dwellings (net). Clearly the policy is relevant to much larger sites where affordable housing is to be provided. If the preferred housing mix of 1 and 2 bed terraced houses is pursued (we have deduced this from the documents as the committee report has neither narrative nor analysis of what would be an appropriate mix), that would also result in demolition of the existing buildings and a property type which is out of character with its surroundings, both of which are something the Council is seeking to resist as part of this proposal.

Secondly, whilst we note the comments made in the Officer's Report, the Council is aware that we provided a statement on housing mix on behalf of Barratt Homes for their site off Macclesfield Road / Linglongs Road in close proximity to the application site (LPA ref: HPK/2017/0247). Our report, which was accepted by the Council concludes the following, which are equally relevant to the application site:

- Whilst the policy advice set out in the SHMA proposed a mix of 10% 1-bedrooms, 45% 2-bedrooms, 25% 3-bedrooms and 10% 4-bedrooms, this is based on a housing needs survey which is over 10 years old and does not take into account up to date evidence on people's aspirations;
- Nevertheless, the policy advice in the SHMA is to be applied flexibly and the Council has clearly done this elsewhere in the Borough, including where permission has been granted since the HPLP has been adopted;
- The policy advice in the SHMA also stated that the mix set out should be subject to viability testing. However, the viability study did not test the proposed mix in the SHMA. It tested the mix based on existing permissions, which resulted in a higher proportion of 3 and 4 bedroom properties than the SHMA proposes;
- The Viability Study however did look at the context of the Borough and assessed each area. Following interviews with local estate agents in summer 2013, the Viability Study concluded that there was a demand for 2 and 3 bedroom properties in Whaley Bridge. However, up to date information from the two estate agents based in Whaley Bridge is that there is a high level of demand for 3 and 4 bedroom detached family homes in Whaley Bridge;
- We have looked at the existing housing stock and note that there is a higher proportion of larger properties (i.e. 4 and 5 bedroom properties) in Whaley Bridge than in the rest of High Peak. Taking into account the completions and commitments since 2011 and applying the proposed mix of the application site, there would be no material difference between the make-up of the housing stock in 2011 and now; and
- Whilst on the one hand policy H3 seeks to secure a range of housing based on the policy advice set out in the SHMA (criterion b) on the other hand, it seeks to ensure that the mix of housing takes account of the characteristics of the existing housing stock in the surrounding locality (criterion c). In this case, whilst there are smaller terraced and semi-detached along both sides of Macclesfield Road, the characteristics of the existing development behind Macclesfield Road are predominantly detached 3, 4 and 5 bedroom properties and consequently the proposed housing at the application site would be fully in accordance with this.

Our report, which you will be aware of is available on the Council's portal:

<http://planning.highpeak.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=415227>. On this basis, a reason for refusal on housing mix in this location would not be justified.

Next steps

Please confirm how the Council intends to proceed today.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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