

Kay Neild

From: Rawdon Gascoigne <RGascoigne@emeryplanning.com>
Sent: 02 October 2020 13:09
To: Colley, Jane; Emma Bennion
Cc: Ben Pycroft; 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 We agree that the application should be withdrawn from the October committee, so that the Council can consider the opinion and the details you set out below.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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