

Kay Neild

From: Rawdon Gascoigne <
Sent: 15 February 2021 18:11
To: Simpkin, Rachael.; Ben Pycroft; Haywood, Ben; Colley, Jane
Cc: Gary Cullen; Samantha-Jane Cullen
Subject: RE: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge

Rachael,

Further to our exchange of emails below and in particular our email of the 6th January, we note that the above application has not been placed on the development control committee agenda for February. The email of the 6th January clearly requested that the application be progressed to the first available committee which at that point would have been January. We were happy to agree an extension to February in the hope that a positive conclusion could be reached but there has been no further substantive correspondence in the meantime and the expectation was that the application would be progressed to February even if Officer's position had not changed.

I would be grateful if you could confirm why the application is not on the agenda for the February committee as this application has now been with the Council for a significant period of time and without any clear explanation as to why Officers maintain a position which Counsel has set out as clearly untenable. In the absence of the Council progressing the application our client will have no other option but to pursue a non determination appeal which is clearly not ideally as it will undoubtedly lead to additional unreasonable costs.

I look forward to hearing from you as soon as possible

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director



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From: Rawdon Gascoigne
Sent: 26 January 2021 13:10
To: 'Simpkin, Rachael.' ; Ben Pycroft <'Haywood, Ben' <; 'Colley, Jane' <
Cc: 'Gary Cullen' ; 'Samantha-Jane Cullen' < **Subject:** RE: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge
Importance: High

Rachael,

I note that my covering email to the additional information previously submitted has still not been uploaded to the application website as requested in my email below. The email sets the context for the additional information that has been submitted and why the item is being returned to committee as currently drafted.

Please can you ensure the email is uploaded as soon as possible to ensure the assessment of the application by either committee members or third parties is done with a fair and full understanding of the applicants case.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director



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From: Rawdon Gascoigne
Sent: 19 January 2021 10:28
To: Simpkin, Rachael. ; Ben Pycroft <>; Haywood, Ben <>; Colley, Jane
Cc: Gary Cullen ; Samantha-Jane Cullen **Subject:** RE: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge

Rachael,

Thank you for the update and confirmation, however, we note that whilst the attachments to our email have now been uploaded to the website, our email itself has not been. Given the email is essentially the covering letter that sets out the context for the attachments, we would ask that it is also uploaded as soon as possible.

We note that you maintain your position over the principle of the development but we would be grateful if you can confirm that site specific matters such as the trees, the use of dormers which are prevalent in the area and relationship with neighbouring amenity have now been addressed through the additional information that has been submitted and consultations that have been ongoing.

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director



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From: Simpkin, Rachael.
Sent: 18 January 2021 11:45
To: Rawdon Gascoigne <Ben Pycroft <Haywood, Ben <; Colley, Jane >>>
Cc: Gary Cullen <Samantha-Jane Cullen> **Subject:** RE: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Rawdon,

Comments noted, however, do not overcome our fundamental concerns and therefore we will return the item to committee as you have requested.

The additional information will be added to the public file.

Kind regards,

Rachael

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

High Peak Borough Council and Staffordshire Moorlands District Council

From: Rawdon Gascoigne <>>
Sent: 06 January 2021 17:07
To: Simpkin, Rachael. <>>; Ben Pycroft <; Haywood, Ben <>>; Colley, Jane >>>
Cc: Gary Cullen <>>; Samantha-Jane Cullen <> **Subject:** RE: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge

Dear Rachel,

We refer to our previous correspondence in this matter and in particular our previous Counsel's opinions, the meeting in November and your subsequent email of the 7th December. I have responded as, as you are aware, Ben is currently tied up with a Public Inquiry. We have referred to Counsel's opinion again as we are very disappointed that officers have once again sought to justify a negative position based on isolated assessments and snapshots from previous applications despite the overwhelming evidence that supports the grant of planning permission. We would refer you back to those earlier opinions which remain completely relevant to the assessment of this case and, with respect, still contradict the position you have sought to take within your email of the 7th December.

Turning to your email, you now appear to be suggesting that 3(2?) units would need to be deleted from the proposed scheme to make it acceptable rather than the 1 that was potentially identified at our meeting, notwithstanding the extant permissions for the site allow for up to 11, 7 of which have already been accounted for in the Council's housing land supply figures as set out in the appendix to the adopted Local Plan. This is a significant reduction and change to the proposed scheme which is simply not acceptable or viable to our client at this stage and nor, we consider, justified by policy or any other material considerations such as detailed design, layout and impact on trees etc. which we address in a bit more detail below. Fundamentally, we request that the application is now

dealt with on the basis of the submitted layout and the additional detail submitted since the application was made up to and including that contained within and attached to this email.

Your response of the 7th December has focussed on an approach which seeks to restrict the extent of what can be considered the previously developed part of the site for the purposes of policy allowing the redevelopment of previously developed sites in the open countryside. However, that ignores the still relevant consideration that Local Plan Policy H1 allows the use of greenfield land adjacent to settlements and that remains a relevant consideration as rehearsed in detail in the Counsel's opinions previously submitted. Whilst the discussion in our meeting focused on an approach more closely related to the site being redevelopment of PDL that was without prejudice to our view that it could also still be viewed as a site adjoining the settlement and we consider that the information submitted has demonstrated that point. As explained at the meeting we do not accept that the footpath between the site and the neighbouring residential area means that the site is not adjacent to the settlement. The comparison with the Tunstead Milton appeal is unjustified because in that case the Inspector concluded the site did not adjoin the settlement due to it being on the opposite side of Manchester Road. The focus on PDL was led by a belief that officers were leading consideration in that direction to seek a positive outcome for the scheme broadly as drafted which now appears not to be the case. Notwithstanding, we consider that your approach to restricting the site based on the information attached to your email is flawed as it does not properly take into account all the documents associated with the 2009 and 2013 permissions as well as that from 2008 which show that various different red edges were taken into account and that the land between the former school building and the detached classroom was to be used for residential purposes and included as curtilage and/or amenity land. We attach the further documents which demonstrate that to be the case. In addition, given that the site was never previously in a greenfield use, it is clear that the ground of what was previously a school facility extended to the entirety of that shown as blue edged land on the various plans as that was the entity that was purchased by the previous and current owners. That forms the planning unit and whilst we would concur that Policy advice is that it may not be appropriate to develop the site to its full extremity, that is not what is being proposed here and we cannot accept that infilling between existing buildings in this context raises concerns over the use of that area. The planning unit is part and parcel of what should be considered as the developable site and we would remind you that the Council were recently suggesting that the relevant current lawful use was in fact the school use which extended over the entirety of the blue edged area as the grounds were used by residents for amenity purposes and that is the clear intention of the previously approved residential schemes as well. The land was not to be in agricultural use or similar and that is the only way it could be considered greenfield or not previously developed.

Turning to the matter of landscape impact and character which we understand still remains a point on which you await further consultation responses, we do not agree that the proposed scheme is either out of character with the area nor has any greater impact on the character of the area or the surrounding landscape. We have enclosed aerial digital images which illustrate the existing site and proposed schemes (including the proposed landscaping) and the context of the surrounding area. The Images clearly show that the site:

- Forms part of the established built up area of Whaley Bridge;
- Reflects the crescent and linear patterns of existing residential development adjacent to the site;
- The mix in scale and form of dwellings in the vicinity of the site including 3 storey dwellings as proposed;
- The presence of dormer windows as a feature of the surrounding area
- The containment of the site in terms of its appearance in the wider landscape through the existing and proposed landscaping in and around the site.;
- The scale of existing built form on site reflective of the scale of built form proposed with no incursion beyond what is currently perceived as the developed part of the site.
-

With regards matters of amenity, we have previously submitted sections which demonstrate that the proposed scheme meets or exceeds the relationship that has previously been found acceptable when approving the extant permissions for the residential development of the site. The limited number of letters that refer to matters of residential amenity, some of which do not actually object but merely pass comment, need to be viewed in the context of their varying relationships to the site, the extant scheme and the letters that have been submitted in support of the proposals. We do not consider there to be any material objections on amenity grounds to the scheme. If you consider there are, we would ask that this is explicitly set out with reference to the submitted sections and supporting information and where you consider there are deficiencies.

We discussed housing mix at the meeting. Our view is that we have already addressed this point by providing you with the report we prepared for Barratt Homes on their site in close proximity to this site and the latest information from the one estate agent in Whaley Bridge. If officers are minded to change their recommendation to approval and an extension of time is agreed as set out below then we will formalise this into a report.

Finally, with reference to the trees on site, we understand that Monica Gillespie and Ruth Baker are now satisfied that the proposals will not have any adverse impact on the existing trees and that the landscape and tree management scheme will lead to the long term management and enhancement of the trees on site. The one area that may still be of concern with regards trees was the proximity of the proposed garage serving the former classroom to the adjacent tree. We consider this matter can be controlled by condition requiring an adjustment to the location of the proposed garage or otherwise a condition preventing the construction of that garage as part of this proposal.

We trust that the above has summarised our client's position and that the application will proceed to planning committee on the 18th January. Given the scheme essentially remains as submitted there should be no reason to delay consideration. We remain firmly of the view as previously articulated through Counsel's advice that there is no justifiable reason to refuse this application and the additional information submitted with this email addresses the concerns that were raised in your previous committee reports and your email of the 7th December. Our client is clear that they wish the scheme as now drafted to be considered so that they have the option of having the matter considered at appeal if that proves necessary. Any further amendments will be considered by way of an alternate application.

We note that you have asked for an agreement on a formal extension to the time for considering the application. Our client will be happy to agree this to allow a positive recommendation to be made and the details of conditions to be agreed, however, if you remain of the view that the proposals are unacceptable we will not agree an extension to the determination period and ask that the matter goes to the first available committee. In the absence of these two alternates our client will be forced to consider a non determination appeal with the obvious implication of additional costs arising from that which they will have to recover through the appeal process

Kind regards,

Rawdon Gascoigne BA (Hons) MRTPI
Director



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From: Simpkin, Rachael. <
Sent: 07 December 2020 17:51
To: Ben Pycroft <>; Haywood, Ben <>; Colley, Jane <
Cc: Gary Cullen >; Samantha-Jane Cullen ; Rawdon Gascoigne <
Subject: HPK/2020/0301 ref. Taxal Edge, Macclesfield Road, Whaley Bridge

Hi Ben,

In response, please find points raised as follows:

- Plots 5 and 6 clearly fall within the greenfield, wooded area of the site (refer to NPPF definition previously developed land).
- Furthermore, there will be a clear distinction between property curtilage and planning unit.
- This wooded area was excluded from the red edge of the 2009 and 2013 permissions – noting the annotation 'Existing Mature Trees to be Protected (see Tree Survey).
- The proposed garage / study and widened access to the classroom 'conversion' (the conversion being subject to enforcement investigation) partly falls outside of the red edge.
- Two aerial photographs as well as the 2009 approved site plan are attached which assist in illustrating these points.
- Matters of character / appearance, amenity and tree protection require further plan information before the LPA can comment any further.

Accordingly, the proposed sketch scheme does not attract support in these regards. Any further discussion should be done within the context of an agreed time extension as we have previously advised.

The current scheme is scheduled for the 18th January 2021 DC Committee Meeting with a print deadline of the 8th January.

Kind regards,

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

High Peak Borough Council and Staffordshire Moorlands District Council

From: Ben Pycroft <
Sent: 25 November 2020 15:11
To: Simpkin, Rachael. <>; Haywood, Ben <; Colley, Jane

Cc: Gary Cullen <>; Samantha-Jane Cullen <>; Rawdon Gascoigne <>
Subject: RE: Taxal Edge, Macclesfield Road, Whaley Bridge - Residential application

Dear Rachael / All

We agreed at our meeting last week that we would consider sketching up a revised scheme at the site, which we would send to you on an informal basis for comment to see if it is something Council officers could support before we would then consider amending the current scheme formally.

Our client's architect is busy this week, but Gary has provided a sketch. Without prejudice to the scheme that is currently before you, please find this sketch attached, which shows the following potential amendments:

- 1 – Removal of plot 7 - this is the detached dwelling next to the converted classroom
- 2 – Removal of plot 1 – instead the conversion of the garage to a dwelling under the extant permission would be built out – this could have a potential benefit on tree routes in this location. Plot 2 would become detached.
- 3 – The remaining plots (shown as 2, 3, 4, 5 and 6) could all be moved forward 1 to 2m. This would increase the garden area to the rear and change the layout slightly
- 4 – The garages would be moved back and would have green roofs, again to increase amenity. This would also remove the balconies.
- 5 – the garage for the converted classroom would be moved back to protect the tree roots – albeit there is permission in the location it is currently proposed for a retaining wall anyway.

We would like to know if this is something officers could support as soon as possible. Could you reply by the end of the week so that we can advise our client and subsequently get back to you in terms of potential extensions of time?

Many thanks

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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From: Simpkin, Rachael.
Sent: 25 November 2020 11:14
To: Ben Pycroft <>; [Haywood, Ben <>](#); Colley, Jane <>
Cc: Gary Cullen <>; Samantha-Jane Cullen <>; Rawdon Gascoigne <>
Subject: RE: [Taxal Edge, Macclesfield Road, Whaley Bridge - Residential application](#)

Hi Ben,

Following our TEAMS meeting last week, would you kindly update me and by return as to whether the applicant intends to submit a revised sketch scheme within the context of an agreed time extension, which I suggest should be the 18th January 2021 DC Meeting.

Kind regards,

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

High Peak Borough Council and Staffordshire Moorlands District Council

From: Ben Pycroft <>
Sent: 17 November 2020 11:03
To: [Haywood, Ben <>](#); [Colley, Jane <>](#); [Simpkin, Rachael. <>](#); [de Bruin, Nicola <>](#)
Cc: Gary Cullen ; Samantha-Jane Cullen ; Rawdon Gascoigne <>
Subject: [Taxal Edge, Macclesfield Road, Whaley Bridge - Residential application](#)

Hi All

To assist our discussion tomorrow, please find attached:

- 1 – A plan which shows how our red line and the built up area boundary as shown on the proposals map to aid our discussions re: policy H1; and
- 2 – An e-mail from the only estate agent in Whaley Bridge (Gascoigne Halman) which supports the need for family homes to aid our discussions on housing mix.

Kind regards

Ben Pycroft BA (Hons) Dip TP MRTPI
Director



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