

Barlow, Lynn

From: Colley, Jane
Sent: 23 April 2014 09:07
To: Barlow, Lynn
Subject: FW: Planning Application HPK/2014/0119 – Linglongs Road, Whaley Bridge

Lynn,

Please can you acknowledge this objection and put it on to the R drive?

Thanks,

Jane

From: N Smyton
Sent: Thursday, April 17, 2014 11:09 PM
To: Colley, Jane
Subject: Planning Application HPK/2014/0119 – Linglongs Road, Whaley Bridge

Dear Ms Colley

Planning Application HPK/2014/0119 – Linglongs Road, Whaley Bridge

I propose to submit a planning objection against the above development in due course. In the meantime I must express my concern that the application has been validated. The Local Planning Authority (LPA) needs to be clear from the outset on what it is being asked to approve. Similarly the public need to be aware on the face of it of what they are being asked to comment on with regards to the planning application.

Firstly, it is noted that the Applicant has provided details of the access into the application site but has provided no material details of the access routes within the area of the outline application. “Access” in the context of outline applications for planning permission is clearly defined in article 2(1) of the TCP (Development Management Procedure) Order 2010:

““access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network ...”

As such, for an application for outline planning permission where approval of access is sought, the Applicant cannot limit the details provided to the access point into the site from the public highway and provide no or insufficient details of the access intended to be provided within the site. An applicant for outline planning permission, where approval of access is sought at the outline stage, cannot provide details of only part but not the whole of the proposed access as defined in the 2010 Order. For the avoidance of doubt, any suggestion that the outline application can refer to all matters being reserved “save for means of access into the site” does not meet the issue set out above. Unlike the position in the TCP (General Development Procedure) Order 1995 (as originally enacted), “means of access” is no longer a reserved matter; “access” as defined in article 2(1) of the 2010 Order is a reserved matter. “Access” as so defined may be reserved or approved at the outline stage however it is not possible through the vehicle of the description of development to seek approval for some element of “access” but not others.

In view of the above, the application should be invalidated until full details of the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network, has been submitted to the LPA. Once this information has been received to the satisfaction of the LPA, only then should the statutory public consultation period begin. It is pertinent to note that access is not a reserved matter. The LPA could not therefore impose a condition on any planning approval requiring means of access to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network, to be submitted for approval at a later date. Approval of access is being sought now, as part of this application.

Secondly, I am concerned at the Applicant's decision to reserve layout for future determination. The LPA needs to be satisfied on the information available that it has been demonstrated that the quantum of development proposed can be delivered within the application site, in compliance with the development plan, the NPPF and other material planning guidance. Given the sensitivity of this site, the low density of surrounding development and the fact the site is larger and number of dwellings is greater than that advocated by the Preferred Options Housing Site C9, it is requested that the LPA exercises the power vested in it under article 4(2) of the 2010 Order within the prescribed timescale to require details of layout to be provided before determining the application.

Yours sincerely

[Redacted signature block]

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