

High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

24 October 2022
EP ref: 22-543

Dear Sir or Madam

Re: Planning Portal reference: PP-11624994
Land at Linglongs Road, Whaley Bridge, Derbyshire

We have been instructed by, Barratt Homes (Manchester), to submit a Section 73 application for variation of condition 24 attached to planning permission HPK/2017/0694 – “*Variation of conditions 5, 24 and 31 relating to HPK/2014/0119*” at the above site. The application was approved on 3 October 2018.

The application comprises the following:-

- Application form and ownership certificate;
- Approved location plan;
- Approved Construction Method Statement Plan 466-ED-CMS2 Rev E (for information only);
- Approved Hard Landscaping Layout 466/P/HLL/01 Rev J (for information only);
- Decision notice DOC/2017/0071;
- Decision notice HPK/2017/0694; and
- This supporting letter.

The planning application fee in sum of £234.00 has been paid by BACS transfer via the Planning Portal.

Background

Outline planning permission (HPK/2014/0119) for 107 dwellings was granted on 7 May 2015 and later amended through planning permission HPK/2017/0694. Reserved matters were approved on 3 October 2018 and construction at the site is now ongoing. On 27 September 2022, the applicant was contacted by the Council advising them that an alleged breach of condition 24 of planning permission HPK/2017/0694 had been reported. A copy of the correspondence is attached an Enclosure **EP1**.

Condition 24 states:

“Prior to the commencement of development a scheme to provide dedicated car parking provision to serve residents along Macclesfield Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, number of parking spaces and the finished surface details. Thereafter the approved details shall be made available for use prior to the occupation of the development in any phase hereby approved and retained solely for the parking of vehicles.”

The dedicated parking provision scheme was approved on 13 March 2020 (DOC/2017/0071).

Variation of condition 24

Whilst Barratt Homes are 100% committed to providing the parking for the existing residents, it has now become clear that due to the location of the parking bays and approved phasing, it is impossible from a Health and Safety aspect to allow safe access for members of the public through the construction site/zone to access the parking bays when constructed. The location of the bays dictates that circa 80 dwellings would need to be completed prior to occupation of the first dwelling in order to comply with the condition.

Preventing occupation of a significant number of dwellings due to limited access to a small number of parking bays is unreasonable and as a result, we propose condition 24 be amended to read as follows:

“The proposed dedicated car parking provision to serve residents along Macclesfield Road shall be carried out in accordance with plan refs 466-ED-CMS2 Rev E and 466/P/HLL/01 Rev J, as agreed under DOC/2017/0071. The approved car parking provision shall be made available for use prior to the full occupation of the development in the final phase hereby approved under condition 4 and retained solely for the parking of vehicles.”

We trust that the above meets with your requirements and that you are able to validate and register the application. We look forward to receiving confirmation of your receipt of same. Should you have any queries, please do not hesitate to contact this office.

Yours sincerely
Emery Planning

John Coxon

John Coxon BSc (Hons), MRTPI
Director

EP1

Wiktorja Sypnicka

From: planenforcement HPBC
Sent: 07 October 2022 08:04
To: 'Furey, Kevin D'; planenforcement HPBC; Artiss, Simon; Haywood, Ben; Grace, Ross J
Cc: Wiktorja Sypnicka; John Coxon
Subject: RE: *EXTERNAL: RE: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071

Good morning Kevin,

Thank you for your email.

The breach in respect of the resident's parking is to be dealt with by the s73 application as mentioned in Simon's email from 11.02hrs yesterday. I don't think there's any need for a meeting on site now.

Thanks for your co-operation in this matter.

Kind regards

Andy Thomas
Compliance and Monitoring Officer



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From: Furey, Kevin D
Sent: 07 October 2022 06:54
To: planenforcement HPBC ; Artiss, Simon
<; Haywood, Ben <>; Grace, Ross J
<>
Cc: Wiktorja Sypnicka <; John Coxon <> **Subject:** Re: *EXTERNAL: RE: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071

Andy,

If you would like to meet on site to discuss, I am more than happy to do so?

Sent from [Outlook for iOS](#)

From: planenforcement HPBC <>
Sent: Thursday, October 6, 2022 3:22:47 PM
To: Artiss, Simon <>; Furey, Kevin D <>; planenforcement HPBC <>; Haywood, Ben ; Grace, Ross J
Cc: Wiktorja Sypnicka <>; John Coxon <>
Subject: *EXTERNAL: RE: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071

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Hi Simon,

Thanks for the info. Very helpful.

Kind regards

Andy Thomas

Compliance and Monitoring Officer



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From: Artiss, Simon >

Sent: 06 October 2022 11:02

To: Furey, Kevin D <>; [planenforcement HPBC](#)

<[p](#); Haywood, Ben >; Grace, Ross J

<>

Cc: Wiktoria Sypnicka <>; John Coxon <>

Subject: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071

Thanks Kevin

Andy, FYI we discussed this matter this morning with Ben Haywood (copied in) & BDW confirm that we will prepare & submit a S73 application to vary Condition 24, giving good reasoning (as per Kevin's email below). I have copied in Emery Planning as BDW will seek to instruct them to pull such a S73 together ASAP.

As for the piling issue (email of 28th September), BDW advises:

Once BDW commenced development we have conducted further site investigation which has resulted in the requirement to pile additional plots than originally anticipated. We will comply with all the relevant site monitoring and also inform all residents prior to commencement.

Andy, does this assist?

Regards.

Simon Artiss

Planning Manager, Barratt Manchester

Barratt Homes (A trading name of BDW Trading Ltd)
4 Brindley Road, City Park, Manchester, M16 9HQ

e-mail:

Website: www.barrattdevelopments.co.uk

We are actively acquiring housing land in the North West and need more – can you help?

From: Furey, Kevin D <

Sent: 05 October 2022 22:05

To:

Cc: Artiss, Simon <

Subject: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071

Mr Thomas,

We have reviewed the comments below and would like to arrange a meeting on site to discuss the issues outlined.

From a Barratt perspective, whilst we are 100% committed to provide the parking for the existing residents, due to the location of the parking bays, it is impossible from a Health and Safety aspect to allow safe access for members of the public through the construction site/zone to access the parking bays when constructed. The location of the bays dictate that we would have to complete circa 80 dwellings prior to occupation of the first dwelling.

Would it be possible to meet on site to go through the works and look to outline a programme and timeframe for when the bays will be available?

Kevin Furey

Technical Director

Barratt Homes Manchester Division

(a trading name of BDW Trading Limited)

4 Brindley Road, City Park, Manchester M16 9HQ

Mob Tel:

Email:

P Please consider the environment before printing this e-mail

From: planenforcement HPBC <

Sent: 27 September 2022 14:35

To: Artiss, Simon <>; Furey, Kevin D >; Corrigan, Stuart >

Cc: Couch, Martin>; Haywood, Ben < **Subject:** *EXTERNAL: Barratts development site at Linglongs, Whaley Bridge - Ref HPC/2020/00071



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Good afternoon,

The Council have had a complaint regarding the alleged breach of Condition 24 relating to planning permission ref HPK/2017/0694, decision notice attached.

It is alleged that the roads, sewers and residents' parking spaces which should have been completed as part of Phase 2 are not in place. Condition 24 of HPK/2017/0694 requires that "the approved details shall be made available for use prior to the occupation of the development in any phase hereby approved".

I called out to site yesterday and it is obvious that some properties are now occupied and that work on the above parking spaces has not been completed and that not all roads and sewers for phase 2 have been completed.

For the above reason, I am of the opinion that a breach of condition has occurred and I request that you provide a detailed and acceptable timeframe by which the above works will be completed. I have referred this matter to Ben Haywood, Head of Development Services and he is of the opinion that a Breach of Condition Notice may be served if this matter is not resolved in a timely fashion.

I would appreciate your comments on the above at your earliest convenience.

Yours sincerely,

Andy Thomas
Compliance and Monitoring Officer



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