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From: Whaley Bridge Matters
Sent: 16 April 2023 22:43
To: Colley, Jane; Planning Comments (HPBC)
Cc: Planning (HPBC); Lomax, David (CLLR); Thomson, Shannon-Kate (Cllr); Thomson, Kath (Cllr)
Subject: Re: HPK/2022/0495

Categories:

Dear Ms Colley and Planning Comments

We write in respect of the above planning application. The public consultation period in relation to this application ended on 22 December 2022. The application has yet to be heard by the planning committee and we can see, from viewing the planning portal, that it is currently listed to be heard on 22 May 2022 - this will be 5 months after public consultation concluded. We do not need to remind you that the developer is currently operating in breach of planning permission. Your delay is allowing their actions in breach to persist - causing ongoing harm to local residents. Please provide an update and explanation for the delay by return.

Regards
Whaley Bridge Matters

On Thu, 22 Dec 2022 at 23:03, Whaley Bridge Matters wrote:
Dear Ms Colley and Planning

We write in response to the public consultation in relation to planning application HPK/2022/0495.

We object to this application. We have set out below some of our reasons for objecting:

1. There is a knock-on impact on condition 14 of HPK/2017/0247 which set out the timetable for the completion of construction of the car-parking spaces and relied on the same phasing plan as condition 24 did in its original form (showing the parking spaces being constructed directly following construction of the roads and sewers in the NW field). This has not been taken into account as part of this application, or at all.
2. The provision of car-parking for residents of Macclesfield Road was a condition of the developer being permitted to develop this contentious site. The timing for the provision of operational car-parking spaces was clear: they should be constructed and operational prior to first occupation. They have been in material breach for many months now as residents have occupied dwellings on the development since last Spring. This breach was only brought to HPBC's attention by a local resident - casting doubt on the quality of HPBC's oversight of this contentious development (and not for the first time!). This application does not just seek retrospective approval of the breach in terms of occupation (which, although frustrating, would probably be a request which should not be denied - given the harm which would be done to residents if they were to be required to leave their homes whilst the parking was constructed). It goes much, much wider than this - asking for an amendment to provide that the spaces do not have to be provided until (it would appear) *all* dwellings have been constructed and all but 17 are occupied. The developer should not be allowed to "move the goalposts" and present something completely different to the bargain it reached with HPBC to secure permission. Their position is not reasonable.
3. The condition is still workable in its current form (with a small amendment to allow for partial occupation to date). The developer could situate its site office and compound in a location which would allow safe access to the car-parking spaces. They have the whole of the NE and SE fields to play with and work within. Secure fencing and gates could be used as appropriate. The position the developer is taking is lazy - if they have already placed their site office in an inappropriate place then that is their choice - they will just need to move it (it has already been moved several times during the course of development). They located their site office in full knowledge of the terms of condition 24.

5. The application itself is unclear. We have drafted this reply on the basis that the reference to "final phase" in the proposed revised wording refers to phase 12 of housing construction. However, the terminology is unclear as "phasing" is a term which is also used in relation to roads and sewers and in relation to the wider 'parcels' of development which split across what were the separate fields on this site. Clarification is required on this point. The wording needs to be far, far tighter. HPBC should demand this before the application is considered any further.

6. The timing of the provision of these car-parking spaces was not arbitrary. It was grounded in highways safety issues on Macclesfield Road (condition 24 of 0694) and loss of amenity/privacy for residents on Macclesfield Road (condition 14 of 0247) - both of which are occurring already. Pushing the requirement to provide operational car-parking for Macclesfield Road residents to a time when the development is almost complete will lead to harm. There is also the related issue that the "final phase" (which includes most of the 'affordable housing') may never be completed to the point of being ready for occupation - making the condition in its currently proposed revised form completely worthless. They are needed *now* because of the harm being caused by the development *now*!

7. The supporting letter provided by the developer's agent includes absolutely no reference to 'planning balance' or evaluation of the harm caused to others by reason of their proposed change. This evaluation should have been carried out. HPBC should demand it.

We object to this application. It should be refused in its current form. Although we are frustrated that lax enforcement by HPBC allowed the developer to effect partial occupation of the site in breach of condition 24 in its original form prior to providing parking for Macclesfield Road residents, we would reluctantly accept that an amendment is necessary to reflect this unfortunate reality (allowing for current occupancy levels only). No further amendment should be agreed. The parking spaces should now be completed and put into operation without any further delay or breach by the developer.

We reserve the right to make further representations on this application.

Regards

Whaley Bridge Matters

On Tue, 29 Nov 2022 at 11:11, Colley, Jane wrote:

Dear Whaley Bridge Matters,

Thank you for your email. I have loaded the earlier three approved phasing plans onto the web site for the above planning application, which are titled "Approved phasing plan – Plan 1, Plan 2 and Plan 3".

Regards,

Jane Colley

Principal Planning Officer

From: Whaley Bridge Matters

Sent: 27 November 2022 22:27

To: Colley, Jane ; Planning (HPBC) <planning@highpeak.gov.uk> **Cc:** Lomax, David (CLLR) ; Thomson, Shannon-Kate (Cllr) ; Thomson, Kath (Cllr)

Subject: HPK/2022/0495

Dear Ms Colley

We have been made aware that the developer has submitted the above application (through its agents, Emery Partnership) seeking permission to amend Condition 24 of HPK/2017/0694.

The amended wording proposed by the developer makes direct reference to Condition 4 of HPK/2017/0694 and the plans submitted in relation to this Condition with regard to phasing. Condition 4 and its relevant supporting documents are not provided as part of the application. In order for consultees to be able to effectively respond to the proposed variation we believe that it is important that the document containing the wording of Condition 4 (and the supporting documents on phasing which the applicant is referencing in its proposed variation) should be added to the planning portal against this application for public viewing without delay.

We look forward to hearing from you on this point by return. The duty of consultation cannot be fairly or effectively discharged if key documents are not easily available for review

Regards

Whaley Bridge Matters

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