
From: planningcomments@highpeak.gov.uk
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To: Planning Comments (HPBC)
Subject: Comment Received from Public Access

Categories:

Application Reference No. : HPK/2022/0470 Site Address: LAND AT Longclough Drive Simmondley Glossop
Derbyshire Comments by: K Raine
From:

Longclough Drive
Simmondley
Glossop

Phone:

Email:

Submission: Objection

Comments: I wish to make further comments in objection to this application.

The way you have considered applications HPK/2022/0470, HPK/2022/0471 and HPK/2022/0473 has caused much confusion. They are all part of the same site. There have been varying public consultations for each application at different times and some documents contain all 8 houses have been put on the application for the variation for 6 and vice versa. It is extremely harmful and dangerous to be considering applications for small parts of the site in this way.

I have made the following comments on at least one of the other applications during public consultations, but want to make sure they are considered when the separate applications come up.

There should never be any more than 6 houses allowed on the site:

The land is covered by an active S106 legal obligation that limits development to a maximum of 6 houses and public open space.

It also was condition 5 of the appeal (APP/H1033/W/17/3177730 of HPK/2016/0416) that no more than 6 houses would be built.

There is recent case law that I believe if HPK/2022/0470 and HPK/2022/0471 were approved would make both these applications and the current permissions unlawful (HPK/2021/0081 and APP/H1033/W/17/3177730 of HPK/2016/0416). The Supreme Court case of Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority

(Respondent) 2020 shows that applications HPK/2022/0470 and HPK/2022/0471 should not be allowed, as they both break conditions of the current permission, go against the legal obligation (s106) and cannot be constructed as completely independent sites.

The developer cannot even stick to existing conditions on the current permissions (HPK/2021/0081 and APP/H1033/W/17/3177730 of HPK/2016/0416):

S106 - This isn't being enforced in any way.

Construction Management Plan - Condition 8 - APP/H1033/W/17/3177730 of HPK/2016/0416

You have approved a discharge of conditions for this (DOC/2023/0002) that is impossible to comply with as the unloading area by plots 1-4 is over the top of TPO T10. A small hard standing has been created in what was to be the Tree Protection Area but even this is inadequate for heavy goods vehicles.

The majority of deliveries are being made in the street over the public footpath. The street is scattered with construction vehicles on a daily basis. Heavy goods vehicles are manoeuvred up and down the street or turn at the end of the cul de sac (which they should not be doing even according to their own plan). This often blocks in (or out!) local residents for periods of time as the street is a dead end. It is also extremely dangerous and causing us great harm.

There is absolutely no way the developers will be able to comply with the recommended condition in this application (HPK/2022/0470 13/12/2022 consultation response highways and HPK/2022/0471 14/12/2022 consultation response highways) as they require everything to be within the site.

Tree Protection Plan & condition 9 HPK/2021/0081

No attempt was made to comply with their own tree protection plan (condition 9 HPK/2021/0081) but a poor compromise was agreed with the tree officer, which bears no relation to the Tree Protection Plan attached to this application (HPK/2022/0470 - 10007-P-TP-11_TW-4 and HPK/2022/0471 - 10007-P-TP-10_TW-3)

Drainage Plan & Condition 11 APP/H1033/W/17/3177730 of HPK/2016/0416

Rather worryingly you have passed a drainage plan for 8 houses on a discharge of conditions for the 6 houses which they have permission (DOC/2023/0010). I am not sure what justification you have for allowing this but it is yet more evidence that you cannot consider these applications separately.

The S106 is the only reason this development was passed at appeal (Appeal Decision APP/H1033/W/17/3177730 of HPK/2016/0416 §17). The proposed development would undoubtedly reduce the amount of open space present at the appeal site. However, I am mindful of the agreed planning obligation in this respect, which, through securing the use of the site as outlined in the description of development would clearly be necessary to make the development acceptable in planning terms.

This application should be refused. We should not have to suffer any further from this most harmful development.

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