

From: [Whaley Bridge Matters](#)
To: [Planning Comments \(HPBC\)](#); [Planning \(HPBC\)](#); [Rachael Simpkin](#)
Cc: [Ben Haywood](#)
Subject: HPK/2022/0495 and HPK/2023/0323
Date: 12 April 2024 22:52:16

Dear Sirs

Please place the comments below against each of the above planning applications. This email should be read alongside our earlier comments on these applications. The two applications are closed related. They are the applicant's attempt to vary conditions to 'move the goalposts' and make what has been an on-going planning breach 'go away'. High Peak Borough Council have sat on the original application dealing with this (HPK/2022/0495) for a ridiculous amount of time. If this had been an application that the applicant actually wanted to be determined then there is no way that such a delay would have been tolerated. As it is the applicant only made the application because HPBC told them to - and, as HPBC allowed them to continue to breach until such time as the planning application was determined the applicant was hardly likely to push for determination. We are disgusted with the behaviour of HPBC in this matter.

We strongly believe that both applications should be refused. The applicant should be held to the original conditions as imposed by the development control committee. The parking spaces should be provided without any further delay. The applicant has already had over 18 months to get its house in order and facilitate access to the spaces. It has chosen, instead, to focus efforts on continuing to develop the field adjoining the Taxal Lodge boundary - presumably because lots of the more expensive houses are found there. The 'phasing' could easily have been altered to expedite the building of houses adjacent to the car-parking spaces and/or the site could have been managed using fencing to make sure that construction was kept safe and separate. It has been the applicant's choice not to do these things to date. The committee should hold them to the provisions that they imposed - the residents of Macclesfield Road who have already been massively detrimentally affected by the building works deserve this at the very least.

On a wider point, the wording of the proposed amendment of the relevant conditions is of grave concern to us. The amendments state that car-parking will be provided 'following the completion of Zone 11'. The word 'completion' is ambiguous. Clearer wording is required. This ambiguity is shown in Emery Planning's supporting letter where, after setting out the proposed revised wording they state that Zone 11 will only be completed once all the residences in Zone 11 'are occupied'. If the word 'completion' is sufficiently ambiguous that it could be taken to include 'occupation' then the revised wording needs to be changed.

It is not appropriate for provision of the spaces to only be required following occupation of what are otherwise 'completed' dwellings. Such an approach could lead to unreasonable and unnecessary additional delay to what is already a sub-optimal position. The proposed variation should be amended to make absolutely clear that the spaces should be provided as soon as construction works in Zone 11 are completed. The only reason the applicant has given for not providing the spaces in line with their own original conditions is one of health and safety. Any health and safety issues are removed once construction is complete. There is no need to wait for occupation. Taking an extreme view - if 'completion' means 'occupation' (Emery Planning seem to think that it does) then you could have a situation where one of the flats in Zone 11 is not occupied (for whatever reason) - the applicant could use this vacant unit to justify further delay in providing access to the parking spaces - and would be acting within the revised condition wording in doing so. OR, what if the housing market takes a dip - one of the houses is struggling to sell - again, the current

proposed revised wording would potentially allow the applicant to continue to deny residents access to the parking until the market picked up and they managed to sell the house. It is clearly not right and the wording needs to be clarified and made tighter before it is put to committee.

The above point is, of course, without prejudice to our primary position that these applications should be refused (even if the wording is tweaked as we suggest).

Yours faithfully
Whaley Bridge Matters