

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

01 August 2023
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 the variation of conditions 4 & 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-CMS1 Plan 1 Rev C (for information only);
- Approved Construction Method Statement Plan 466-ED-CMS2 Plan 2 Rev E (for information only);
- Approved Construction Method Statement Plan 466/ED/CMS1 Plan 3 Rev C (for information only);
- Approved Hard Landscaping Layout 466/P/HLL/01 Rev J (for information only);
- Approved Development Framework Plan 466/P/DF/01 Rev C (for information only);
- Site execution plan 466/ED/76 Rev H;
- 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 as an Enclosure EP1.

Condition 4 states:

“Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space and infrastructure, in general accordance with the details set out on the Development Framework Plan drawing no. 466/P/DF/01 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. In particular the layout shall provide for the retention of the existing trees on the site where this is justified. The development shall be carried out in accordance with the approved phasing scheme.”

A scheme outlining the phasing of development was approved on 13 March 2020 (DOC/2017/0071).

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).

A further application for variation of condition 14 of reserved matters consent (HPK/2017/0247) has been submitted to the Local Authority, to ensure consistency in relation to the phasing amendments.

Variation of conditions 4 & 24

Whilst Barratt Homes is fully 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 not necessary to make the proposed development acceptable in planning terms. We therefore propose conditions 4 & 24 be amended to read as follows:

“4. The proposed development shall be carried out in accordance with the approved phasing scheme as shown on plan refs 466-ED-CMS1 Plan 1 Rev C, 466/ED/76 Rev H and in general accordance with the details set out on the Development Framework Plan ref 466/P/DF/01 Rev C.”

“24. 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

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