

[REDACTED]

---

**From:**

**Sent:**

[REDACTED]  
15 June 2022 11:43

**To:**

Planning

**Subject:**

Planning Application Old Road Chatburn 3/2022/0500.

Dear Sir

I would like to make the following representation,s with regard to Planning Application 3/2022/0500.

Having viewed the plan I am very concerned about the impact the proposed houses would have on existing neighbouring properties. The size of the houses within the application would have a negative impact and the properties on Crow Tree Brow would suffer through lack of privacy and amenity. The site sits above Crow Trees Brow and the overlooking that these very large houses would create would be in my mind to much.

Since the construction of Hare Hare Croft which lies behind the proposed site flooding issues have frequently happened to residential properties at the top of Crow Trees Brow and I have great concerns that any new development on this site would only make matters worse.

The proposed development would be accessed via Old Road. This very small rural road is in my view is not adequate to take the sort of traffic that this application would generate. The Highway Authority have before commented on the narrowness of the highway and discussed potential parking restrictions. Traffic often has to back up at the junction with Old Road and Ribble Lane due to poor access in either direction on Old Road due to the narrowness and poor condition. Parking restrictions within Chatburn would be very difficult to implement due to the lack of parking space throughout the village.

For the reasons highlighted above I would like to object to this Planning Application.

Yours sincerely

[REDACTED]

[REDACTED]

**From:** Contact Centre (CRM) <contact@ribblevalley.gov.uk>  
**Sent:** 12 June 2022 12:05  
**To:** Planning  
**Subject:** Planning Application Comments - 3/2022/0500

**Categories:** xRedact & Upload

**Planning Application Reference No.:** 3/2022/0500

**Address of Development:** Land off Old Road, Chatburn, Clitheroe.

**Comments:** We would like to object to this Planning application.

Although this application already has Planning in Principle, the scale of the full development is completely out of proportion to the land size, with very large 5-6 bedroom houses crammed into the area. Buyers of these properties, will no doubt have 2 or 3 cars per household with all the extra traffic having to travel up Old Road, Chatburn, which is already very congested and often partially blocked at busy times. In addition there is no foot path along the whole length of Old Road and existing families on Hare Hill Croft ( 10 large houses ), walk many children twice a day to the local school and back.

The design of these proposed houses has some very large glazed areas, which will dramatically affect the amenity of the existing houses on Crowtrees Brow, Hare Hill Croft and Old Road. The houses are designed to give views of the landscape to the buyers, but in doing so, will dominate the neighbouring properties, overlooking gardens and blocking light. The developer seems to have designed houses to be as large as possible, even though housing needs in this area does not indicate a need for such enormous dwellings. A development of bungalows would be more in keeping with local needs and neighbouring properties.

The land in question has already been partly developed by the applicant, who has built a roadway and dumped a very large mound of soil on this land. This has given rise to flooding from this land through gardens of houses on Crowtrees Brow and with such a massive covering with concrete and tarmac, residents have grave concerns about how water from the site will be properly controlled. This applicants previous development at Hare Hill Croft, still has not had its final road surface installed, so that surface water does NOT enter the drainage system, because grids are too high and the water cascades down Old Road making it dangerous and damaging the road surface. So residents have no confidence that this applicant will meet his obligations to manage surface water on this new development.

The land in question is a green area outside the village boundary and was quoted by a previous inspector of Planning as "a green lung for the village". The land currently supports a wide variety of birds and animals, including Badgers, Owls and Bats. Housing on this scale and size can only lead to a total loss of wildlife in this area.


We feel that this application should be turned down in its current form and the applicant should be directed to a development of smaller dwellings that suit the area and better cater for local housing needs.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 June 2022 11:47  
**To:** Planning  
**Subject:** Technical Details Consent - Pictures  
**Attachments:** P1200192 - Copy.JPG; P1200193.JPG; P1200195.JPG; P1200201.JPG; P3280215.JPG

**Categories:** [REDACTED]

 This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Hi,


After re-looking at the proposed plans above :- we are seriously concerned about the proposed site height. Either they will be the height at the illegal road or the land will be scraped down to [REDACTED] which the rest of the proposed site is as well. We [REDACTED] of rain coming down since Hare Hill was built [REDACTED]

Please see attached photos of severe flooding after heavy rainfall. We have already sent you pictures and the enforcement officer has visited but nothing has been resolved. So we are concerned about this housing planning on this issue. also for [REDACTED] as [REDACTED]

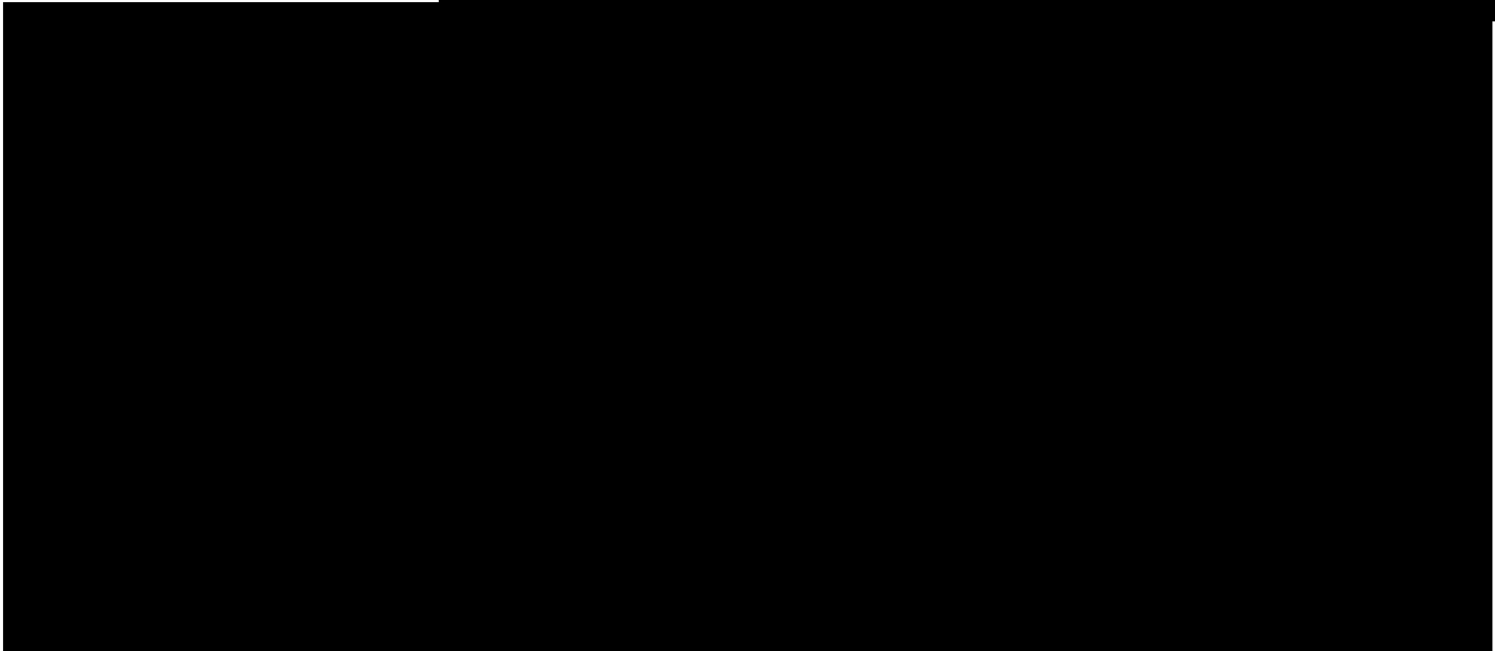
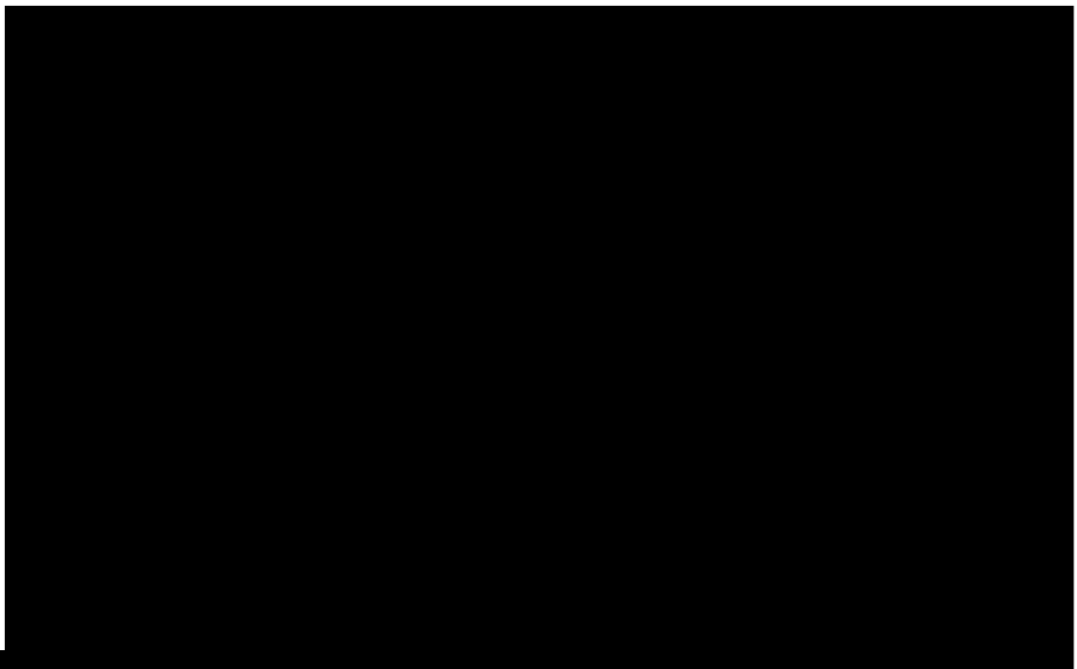
There is also still an ongoing issue to be resolved about the public footpath.

[REDACTED]

**From:** [REDACTED]  
**Sent:** 14 June 2022 10:09  
**To:** Planning  
**Subject:** Technical details

 This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

To Stephen kilmartin technical detail we are opposed to planning of 9 houses application no 3/2022/0500 I hope this is info you needed regarding pictures sent [REDACTED] which you also received some time ago and a visit was made this flooding is from hare hill and more houses [REDACTED] make it again worse [REDACTED]



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 14 June 2022 11:46  
**To:** Planning  
**Cc:** [REDACTED]  
**Subject:** Objection to Planning Application No. 3/2022/0500 Land to the south of Chatburn Old Road, Chatburn FAO Stephen Kilmartin



This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Dear Stephen

[REDACTED] and we are writing to object to planning application "3/2022/0500 Land to the south of Chatburn Old Road Chatburn". Our reasons are laid out below:

1) The proposed site area

The proposed site area contains imported soils and other parts of the site contain the original natural habitat and landscape which has designated status as detailed in the Hare Hill Croft (HHC) ecology report, which was submitted as part of the original HHC planning application and will be lost should this Application be granted.

Inspection of readily available aerial images eg. Google Earth, will evidence the original site and the extent of the area of site affected by the soils importation as well as the areas that were unaffected and retain the original designated habitat

2) Damage to the natural environment and species

Part of the site and land contains the original geological features, grasslands, small trees, shrubs and species that were previously identified as protected habitat and have not been affected by the soils importation infilling activities associated with the development of HHC. This is clearly existing natural habitat that has designated status and would be destroyed or affected by the proposed development.

In addition, the land the proposed site area is habitat for a wide range of species. Discussions with local neighbours has evidenced that bats and hedgehogs have been observed using the boundary of HHC, between the established woodland to the north and large established trees and open grassland to the south. Tawny owls have also been observed actively hunting along the same areas. Badgers have been observed as active in the area of the site and the wider field area both historically and currently, a fact that has been validated by a representative of the Lancashire Badger Group and local residents' camera trap footage.

The Application does not comply with the elements of the Core RVBC Strategy that provide protection to landscape, habitat and species.

The village of Chatburn has already exceeded the amount of new dwellings required.

3) Access

The access road to the proposed development, (Chatburn Old Road) is a very narrow road, and is made narrower by the fact that many residents in the immediate vicinity have no option but to park here. This in effect makes this a single track road, which is already a problem, as we all use this road on a daily basis.

If planning permission were to be given for a further 9 dwellings, it is conceivable that each dwelling would have 2 or more vehicles, increasing the traffic hugely, and making it even more difficult for all residents who currently use this road, and owners of the proposed dwellings.

- 4) The proposed development requires the removal of previously infilled material and natural rock head. What licences are required for the removal of natural rock head and is it acceptable to interfere with the recently imported soils which are currently providing a developing habitat?
- 5) There will be a loss of natural light into No's 3, 4, 5 and 6 Hare Hill Croft as a result of the proposed dwellings.
- 6) The privacy of and No's. 3, 4, 5 and 6 Hare Hill Croft will be adversely affected by the proposed development as they will be overlooked.

We bought our property mainly due to the view, and paid a very high price for it, believing that as planning permission had been refused on 2 previous occasions, our outlook would be protected. What has changed since they were previously rejected? Surely there is more evidence to refuse permission now than previously.

- 7) Two similar previous Planning Applications at the same site location have been rejected by RVBC.
- 8) In addition to the negative effect the development would have on the species noted above and the damage and loss it will cause to natural environment, the following birds have been observed by us on and close to the Application site – barn owl, blackbird, blue tit, buzzard, chaffinch, dunnock, great tit, pheasant, pied wagtail, robin, house sparrow, sparrowhawk, tawny owl, wren. The appropriate legislative requirements regarding birds should be satisfied.
- 9) There is no Construction Management Plan (CMP) with the Application. There are various key issues that need to be addressed before construction that may materially affect the Application decision.
  - (i) Noise, vibrations, dust – limits and monitoring regime to ensure compliance should be established and enforced
  - (ii) Site working hours
  - (iii) Access routes from compounds and storage areas to the site
  - (iv) Location of site compound and material storage areas
  - (v) Material delivery restrictions
  - (vi) Depth of excavation, proximity to existing properties and associated temporary works details
  - (vii) The construction method and structure details of retaining walls along the western boundary of the proposed site
  - (viii) Traffic management to avoid blockage of Old Road as a result of the proposed works
  - (ix) Removal of excavated materials from site

(x) Waste classification, waste management and licenses required

It must also be said that the applicant [REDACTED]  
[REDACTED] I am sure you have details on file, and also  
that Lancashire County Council has received [REDACTED]  
[REDACTED]

The development of the 10 properties that make up Hare Hill Croft took over 5 years to complete. In fact, they are not yet fully complete as he hasn't yet finished the road. [REDACTED]  
[REDACTED]

I think that this is an unacceptable timeframe to expect current residents to effectively "live on a building site".

I had a meeting on 25<sup>th</sup> January with a representative, Mr Steve Maggs from Ribble Valley Council regarding these issues, and apparently "the road will be completed in due course" and there is nothing the council can do to put a timeframe on any development work undertaken.

I find this completely unacceptable.

The immediate adjacent neighbours include retired people, young families with children [REDACTED] and people working from home. Any proposed construction activity needs to be considerate and take into account the people and properties it would affect.

It is reasonable to request that details that would normally feature in a CMP, including how they will be monitored and enforced, should be included within planning conditions should this Application be granted.

Please acknowledge our objection by return if you would and if you could also let us know the procedure from here on in with regards to communication from the council regarding our objection and also the time scale relating to this I would be most grateful.

Kind regards  
[REDACTED]



**From:** Contact Centre (CRM) <contact@ribblevalley.gov.uk>  
**Sent:** 14 June 2022 14:28  
**To:** Planning  
**Subject:** Planning Application Comments - 3/2022/0500

**Planning Application Reference No.:** 3/2022/0500

**Address of Development:** land off Old Road Chatburn

**Comments:** I object to the application for the following reasons: -

1. APPLICATION FORM - In my opinion a number of inaccuracies have been stated  
Existing use. It is not 'vacant' it is currently a building site holding building materials and waste products. It is also used for occasional grazing of sheep and goats. Photo evidence is available of all if required.  
Flood Risk. This proposal will increase the flood risk elsewhere if a maximum of 9 houses are built.  
Biodiversity and Geological conservation. There are protected and priority species in the area :- badgers, hedgehogs, bats, swifts and sparrows. See my ecological survey section for more detail.  
Market housing. Chatburn does not need more houses comprising of 5 with 7 beds, 2 with 6 beds and 2 with 5 beds.

2. DESIGN STATEMENT - issues

ZVI The impact of the view from Pendle (a tourist attraction and popular walking route) has not been taken into account. See attached image of how the site looks from Pendle and how it is clearly much more visible than the rest of the village which blends in to the surrounding countryside. Additional development will add a further blot on the landscape and view. see attached image. The building site area on the image is clearly visible but bear in mind the grass area on the image will also be built on.

Access. See attached images. Only access is via Old Road which is a narrow road with potholes, parked cars from the village and no pavement. Another 9 family houses with as many as 7 bedrooms. The additional traffic taking children to school, going to work and delivery drivers will cause further problems of congestion at the junction of Old Road and Ribble Lane, particularly when the school bus stops and schoolchildren are wandering about near the shops. See attached photos. It has been many years since Highways made their original assessment of the viability for another 9 houses and since then all Hare Hill Croft has been completed and significantly more delivery drivers. A current assessment of the situation, particularly at times of school buses and deliveries are around should be done.

Privacy and Overlooking The new houses (particularly plots 5 ,6,7,8 and 9 have the ground floor levels at about the level of the first floor of the houses on Crow Trees Brow. The large ground floor windows and patio areas and first floor windows will have a direct view into the rear bedrooms and gardens of the family houses on Crow Trees Brow.

3. DRAINAGE STRATEGY – assurance that the proposals will not cause drainage problems?

Existing drainage problems. Since Hare Hill Croft was built this has caused considerable problems for the houses on Crow Trees Brow. In particular I have witnessed

Also, the Hare Hill Croft development has also caused problems of surface water flooding down Old Road and the drains at the bottom are often blocked causing a further problem on Ribble Lane. The applicant has still not completed the road surface on Hare Hill Croft despite all housing is occupied, with some for many years. This highlights the of the applicant to complete drainage issues adequately and timely.

Proposals. The fall from the top of the site to where it meets the main drain is at least 15m. That means the force of the water flow from the proposed additional 9 houses will be extremely high. The existing drainage on Crow Trees Brow cannot cope with heavy rainfall and as the frequency of heavy rainstorms seems to be increasing annually, I

cannot see how the drainage will cope with extra pressure. If it does fail, it will affect all houses on Crow Trees Brow, the gardens of the houses on Old Road and the houses and shops on Ribble Lane.

#### 4. ECO SURVEY ERAP credibility?

ii. This survey was done simply by desktop and in the winter, which gives a very sketchy and inadequate appraisal.

iv. Over many years I have [REDACTED] There are a number of routes the badgers take. They pass through the site in many directions to continue their routes to and from the setts. One route is particularly unusual as they cross Crow Trees Brow, coming from the sett on Worsaw Hill, below Pendle and go up the public footpath where the new foul drainage is proposed. They also cross the site from the sett sited on Castle Cement land through the nature reserve adjacent to the site then on through no 9 Old Road and across to the woodland on Old Road and beyond. Development would completely disorientate their routes. [REDACTED] can be provided for proof. Additionally, the [REDACTED] submitted a report to Ribble Valley Council. The report showed concern regarding the inaccuracies of ERAP's evaluation of the wildlife which was in contradiction to the evidence they had recorded over many years. This questions the credibility of all of the aspects of the ERAP reports. You will have a copy of the previous reports.

v. Protected Unimproved calcareous grassland. The original ecological survey done for Hare Hill Croft (of which you should have a copy) showed a number of areas of unimproved calcareous grassland. One area which was designated to be retained was destroyed by the applicant and a mitigation area was finally agreed by the inspector. However, that area is not suitable to cultivate calcareous grassland as it is flat, has no grazing and is shaded by trees. There would be no point in transferring the existing 1m2 area to that section and it should be protected where it is. Incidentally, the applicant has still done nothing to create the mitigation area almost a year after the order was made. The applicant clearly demonstrates a [REDACTED] for ecological values against financial ones. He even appealed against the TPO on the two remaining protected trees.

xi. Bats (mostly pipistrelle) hedgehogs, foxes, deer and many endangered birds are in the area, well within the buffer zones as well. Deer and foxes frequent the woodland on Old Rd, the nature reserve and quarry edge adjacent to the site.

#### 5. LANDSCAPING - missing management plan and other issues.

. The public open space area has no management plan. It contains two trees with TPOs with a mown grass area underneath. There is no indication who will take future responsibility of that area. Presumably it will remain under the ownership of the applicant but judging by the standard of [REDACTED] given to any unbuilt area in [REDACTED] so far, it would be [REDACTED] to be maintained sufficiently in the long-term.

. Nor does it show a management plan for the roadside proposed landscaping. This has already been planted, but inappropriately. The trees have been underplanted with climbing 'Lonicera'(honeysuckle) instead of 'Lonicera Nitida' (a low growing shrub). Consequently, the trees are getting choked by the climbers and the ground full of weeds and unmaintained. Something not recognized by the ERAP report or identified by the landscape architect. It highlights the [REDACTED] of the applicant to carry out landscape plans satisfactorily and the standard of landscaping that the new site would be expected to have. See photos 4 and 5 on the recent ERAP report.

. The proposals show hedgerows round the houses as deciduous *Carpinus Betulus* (hornbeam) which would potentially add to block the drains. A more suitable alternative would be an evergreen species.

. The proposal details bat and bird boxes to be installed. However, the applicant did not install bat and bird boxes on Hare Hill Croft until 3 years after the first houses were completed. Other local builders are careful to add landscaping trees and other criteria to support wildlife as each house is completed.

#### 6. FLOOD RISK – unresolved current problems

. There is still an outstanding problem of flooding in heavy rain remaining from the Hare Hill Croft development, of which the authorities are aware but remains unresolved.

#### 7. PUBLIC FOOTPATH – outstanding unresolved DMMO route and blockages.

. The footpath inspector at LCC is still to make a decision on the DMMO. A footpath closed by the applicant. More than 15 objections were lodged by those who had used the path for more than 20 years with access to the adjacent nature reserve. The current footpath indicated on the proposal was re-routed by the applicant [REDACTED] authority or notification to the public. This issue is outstanding under the DMMO.

. The section of the public footpath where the foul sewage is proposed to be directed. There is no indication of how that path will be re-directed whilst works take place and the poor badgers will have a problem too.

**8. SECTION DRAWINGS – missing illustrations**

- . Section 1. This does not illustrate the relation of the proposed development to either the new house (approved but not yet built – no 11 Old Rd) nor the relation to no.9 Old Rd.
- . Section 2. This does not illustrate the relation of the proposed development to any of the properties on Crow Trees Brow. This would indicate how the privacy and overlooking would be affected.
- . Cross section from West to East. I think a cross section is needed to illustrate the proposed fall from the top of the site to where the surface water and foul drainage meets the drain on Crow Trees Brow. This would be informative as it is not clear from the drainage drawings.

9. 'UP TO 9 HOUSES'. This application should be for 'up to 3 houses' maximum.

N.B \* I have delivered the photos by hand to your offices along with a copy of this objection as this system does not seem to accept images.

**From:** [REDACTED]  
**Sent:** 15 June 2022 11:43  
**To:** Planning  
**Subject:** Planning Application Old Road Chatburn 3/2022/0500.

Dear Sir

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Having viewed the plan I am very concerned about the impact the proposed houses would have on existing neighbouring properties. The size of the houses within the application would have a negative impact and the properties on Crow Tree Brow would suffer through lack of privacy and amenity. The site sits above Crow Trees Brow and the overlooking that these very large houses would create would be in my mind to much.

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The proposed development would be accessed via Old Road. This very small rural road is in my view is not adequate to take the sort of traffic that this application would generate. The Highway Authority have before commented on the narrowness of the highway and discussed potential parking restrictions. Traffic often has to back up at the junction with Old Road and Ribble Lane due to poor access in either direction on Old Road due to the narrowness and poor condition. Parking restrictions within Chatburn would be very difficult to implement due to the lack of parking space throughout the village.

For the reasons highlighted above I would like to object to this Planning Application.

Yours sincerely

[REDACTED]

Re: application 3/2022/0500 [REDACTED]

13<sup>th</sup> June, 2022

I object to the application for the following reasons: -

**1. APPLICATION FORM - In my opinion a number of inaccuracies have been stated**

Existing use. It is not 'vacant' it is currently a building site holding building materials and waste products. It is also used for occasional grazing of sheep and goats. Photo evidence is available of all if required.

Flood Risk. This proposal will increase the flood risk elsewhere if a maximum of 9 houses are built.

Biodiversity and Geological conservation. There are protected and priority species in the area :- badgers, hedgehogs, bats, swifts and sparrows. See my ecological survey section for more detail.

Market housing. Chatburn does not need more houses comprising of 5 with 7 beds, 2 with 6 beds and 2 with 5 beds.

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[REDACTED] Also, the Hare Hill Croft development has also caused problems of surface water flooding down Old Road and the drains at the bottom are often blocked causing a further problem on Ribble Lane. The applicant has still not completed the road surface on Hare Hill Croft despite all housing is occupied, with some for many years. This highlights the [REDACTED] of the applicant to complete drainage issues adequately and timely.

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evaluation of the wildlife which was in contradiction to the evidence they had recorded over many years. This questions the credibility of all of the aspects of the ERAP reports. You will have a copy of the previous reports.

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. Nor does it show a management plan for the roadside proposed landscaping. This has already been planted, but inappropriately. The trees have been underplanted with climbing 'Lonicera' (honeysuckle) instead of 'Lonicera Nitida' (a low growing shrub). Consequently, the trees are getting choked by the climbers and the ground full of weeds and unmaintained. Something not recognized by the ERAP report or identified by the landscape architect. It highlights the inability of the applicant to carry out landscape plans satisfactorily and the standard of landscaping that the new site would be expected to have. See photos 4 and 5 on the recent ERAP report.

. The proposals show hedgerows round the houses as deciduous *Carpinus Betulus* (hornbeam) which would potentially add to block the drains. A more suitable alternative would be an evergreen species.

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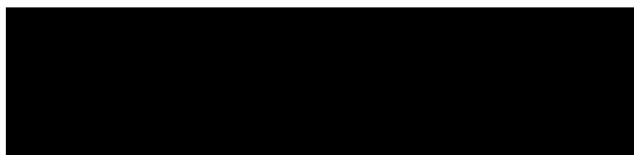
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. *Section 2.* This does not illustrate the relation of the proposed development to any of the properties on Crow Trees Brow. This would indicate how the privacy and overlooking would be affected.

. *Cross section from West to East.* I think a cross section is needed to illustrate the proposed fall from the top of the site to where the surface water and foul drainage meets the drain on Crow Trees Brow. This would be informative as it is not clear from the drainage drawings.

9. 'UP TO 9 HOUSES'. This application should be for 'up to 3 houses' maximum.



**From:** Contact Centre (CRM) <contact@ribblevalley.gov.uk>  
**Sent:** 14 June 2022 15:21  
**To:** Planning  
**Subject:** Planning Application Comments - Application 3/2022/0500

**Planning Application Reference No.:** Application 3/2022/0500

**Address of Development:** Land to the south of Chatburn, Old Road Chatburn

**Comments:** I believe the current infrastructure of Chatburn cannot take anymore housing, the School and Pre School are full, the junction at the bottom of the Old Rd is already too busy and and an accident waiting to happen. I STRONGLY RECOMMEND THAT THIS APPLICATION IS REFUSED.

## Comments on Planning Application 3/2022/0500

Please find below comments and objections to the proposed development for a further 9 dwellings on land to the south of the Hare Hill Croft development site.

The Application ref. is 3\_2022\_0500 for the 9 dwellings to the south of Hare Hill Croft. The application refers to the Permission in Principle (PiP) application 3/2018/0582 and PiP appeal decision APP/T2350/W/19/3223816.

### 1. Abbreviations

- HHC: Hare Hill Croft
- RVBC: Ribble Valley Borough Council
- LCC: Lancashire County Council
- PiP: Planning in Principle
- CMP: Construction Management Plan
- EA: Environment Agency

### 2. Chronology

- 2015 Hare Hill Croft (HHC). The planning approval from 2015 (3/2014/0618) contains all the conditions which are enforceable as part of the HHC development.
- 22 June 2018. Application 3\_2028\_0582 submitted for Planning in Principle for up to 9 dwellings to the south of HHC.
- 7 September 2018. Application 3\_2028\_0582 refused by RVBC.
- 23 January 2020. Appeal APP/T2350/W/19/3223816 allowed.
- July and August 2020. The road area along the western and southern boundary of HHC (which is now clearly the location of the proposed highway from the latest application) was created by removing significant volumes of natural rock head.

Government guidance states, *“Following a grant of permission in principle, the site must receive a grant of technical details”*.

The importation of soils Appeal Decision (refer 3.5 below) document included a Planning Inspectorate common ground statement ref. RJ-117 which states at section 3.

#### **Permission in Principle (PiP):**

Permission in Principle ('PiP') for up to a further 9 dwellings was granted at appeal in 2020 (RVBC Ref 3/2018/0582; PINS Ref APP/T2350/W/19/3223816). Technical details have yet to be approved and so work may not yet lawfully commence pursuant to the PiP.

- April 2021. The Public Right of Way (footpath) was diverted to the HHC western and southern boundary edge, without permission and LCC haven't commented on or approved the new route as yet as it is part of their PRow "backlog".



3 Relevant points for consideration and background context

3.1 RVBC Core Strategy – aims to protect Open Countryside, protected species and biodiversity, green corridors and the like – refer points 5 and 6 below.

This development will remove Open Countryside forever, affect biodiversity and protected species and cut off the last remaining green corridor that runs along the protected woodland to the south, the edge of the quarry to the west and into the wooded areas and fields to the north beyond the quarry.

3.2 RVBC internal governance – requires the Council to be fair and just.

3.3 High Court Decision.

The recent high court decision specifically quotes the core strategy.

*After the ruling RVBC planning authority stated... [Emphasis added]*

*After the ruling RVBC planning authority stated... [Emphasis added]*

*“The High Court has quashed a Planning Inspector’s decision to allow a developer to build 39 homes in Ribble Valley.*

*In Ribble Valley Borough Council v the Secretary of State for Housing, Communities and Local Government and Oakmere Homes, His Honour Judge [REDACTED] ruled that the council’s application of local planning policy had been correct.*

*The council applied to the High Court to quash a decision by the Planning Inspectorate to allow an appeal by Oakmere Homes to build the houses at the junction of Chatburn Road and Pimlico Link Road in Clitheroe.*

*The council argued that the inspector had erred in law when making his decision on the basis that he had misinterpreted local planning policy set out in its Core Strategy.*

*The Secretary of State for Housing, Communities and Local Government said he agreed with the council and did not participate in the hearing.*

***Ribble Valley Borough Council’s Core Strategy aims to protect open countryside from development.***

*And the successful delivery and defence of the Core Strategy was fundamental in the council’s decision to challenge the inspector’s decision.*

*In his ruling, His Honour Judge [REDACTED] quashed the decision by planning inspector [REDACTED] saying: “The inspector’s decision is firmly rooted in a misunderstanding of the policy and so must be quashed.”*

***[REDACTED] Ribble Valley Borough Council’s director of economic development and planning, said: “Our Core Strategy sets out what can be built in the borough and where, shaping infrastructure investments and determining future development.***

***“It seeks to direct housing to sustainable locations and protect the borough’s open countryside, which is a top priority.***

***“This ruling confirms the correct application of our Core Strategy and that development in the countryside will only be allowed when justified by local need.”***

***Ribble Valley Borough Council leader ██████████ said: “Our officers work hard to ensure the right type of development takes place in the right locations across the borough and we welcome this judgment, which has supported and protected our Core Strategy.***

***Judge ██████ found in favour of Ribble Valley Borough Council and awarded costs against the Secretary of State for Housing, Communities and Local Government and Oakmere Homes.***

***The matter will now be referred back to the Planning Inspectorate for reconsideration”***

3.4 Lack of enforcement by RVBC (and possibly LCC) means there is a conflict of interest as this application, that RVBC may approve, is set to dismiss all of the previous activities that have been carried out without planning permission and/or appropriate licenses and permissions.

3.5 Appeal Decision importation of soils.

The Appeal Decisions “APP/Q2371/C/19/3243448, APP/Q2371/W/20/3264309” allowed the imported soils to remain and the provision of retaining structure was considered at paragraphs 18, 19 and 20 of the Appeal Decisions.

The current proposals show the Plot 9 garage close to the boundary of No.3 HHC, which already also has the HHC landscape hedge around its perimeter. An approximately 3m depth of the imported soils, that were subject of the Appeal Decision will need to be removed in this area and be replaced with a retaining structure and, in addition, the proposed landscape drawing shows a further screening hedge that cannot realistically fit into the area available.

The Unilateral Undertaking referenced in the Appeal Decision has not been completed to date as part of the area is covered by the waste stockpiles.

3.6 The Public Right of Way has already been diverted to the southern and western boundary of HHC without any notification of permission from either LCC or RVBC.

3.7 Appeal Decision APP/T2350/W/19/3223816 - PiP for up to 9 dwellings

The Appeal Decision confirmed that the proposed site lies in Open Countryside at paragraph 12 of the Appeal Decision.

The crux of the matter would appear to be stated at paragraph 19 of the Appeal Decision, below;

**19. Notwithstanding the above, even with the minor revisions set out in the HEDDPD to Chatburn settlement boundary, the majority of the site lies beyond the settlement boundary and within the open countryside. As such, CS policy DMH3 is of relevance and allows residential development where it meets an identified local need.**

Put simply, there is no identified local need for 9 dwellings of this scale in this location.

The Appeal Decision at Paragraph 19 states, below;

16. In any event, there is a public right of way which runs through the site and which provides an alternative means of access from the eastern corner of the site towards Crow Trees Brow. This would provide a shorter alternative route to the foot of Chatburn Old Road than access via Chatburn Old Road itself and again does not dissuade me from concluding that the site is anything but closely related to the main built up area of Chatburn.

The narrow PRoW at the point of exit at the Crow Trees Brow end is clearly not a realistically useable "shorter alternative route" as it is extremely narrow, hedged in, unlit and with stiles at each end.

3.8 Waste classification of the stockpiled materials in accordance with Environment Agency regulations is as detailed below as advised by an expert who understands this subject.

*The naturally occurring material stockpiled outside the red line boundary of the HHC development which was generated from the HHC development site would be classified as waste by the EA as it has not been reused in the original HHC development.*

*The extension of the HHC development works (beyond what was approved and licensed) and the advance works for future developments without any approval or licenses (the PiP site), together with the associated loss of and damage to the designated Open Countryside and natural habitat are for the respective Councils at LCC and RVBC to consider.*

*If the developer intends to extend the development by means of a further planning application, the material has still crossed the current HHC boundary and would still be regarded as waste, and has therefore been illegally tipped. There is some leeway that with the landowner's permission (landowner at the location of the stockpile) it could be left there, normally for 12 months, and if replaced within the source site, it wouldn't be regarded as waste. However, if used outside the former red line boundary of the HHC site it's been discarded and without permit to use, MMP or U1 exemption, the material remains waste.*

*If the next phase of the development had already received separate planning and the material was suitable for re-use (without treatment or processing), and was naturally occurring and inert, the operator could have declared an MMP and treated it as direct import, assuming the volume in question didn't exceed the requirements of the development levels. Alternatively, if the stockpile was < 5000t (aggregate – inert) then the operator could have applied for a U1 exemption. The situation is different if the material is made ground. This would require a hub and cluster MMP and prior EA approval, but in the absence of planning permission being granted and in place on the "next" phase, the boat has sailed in any case.*

*At the moment, the only way the stockpiled material could be there with any regulatory approval would be if the landowner / operator had a permit registered with the EA. There is nothing on the public register on the EA website for this area.*

*The area of PiP highway that has been excavated along the western edge of the HHC houses is within the original HHC red line planning area and site area as per the CMP. This*

*additionally excavated material is therefore waste and has been stockpiled on Open Countryside and part of the proposed PiP site.*

*The area of PiP highway that has been excavated to the southern boundary edge of the HHC houses is outside of the HHC red line boundary, so this is Open Countryside that has been permanently removed and added to the stockpiles which also sit on Open Countryside, all without any planning permission.*

#### 4 The Hare Hill Croft Development

- 4.1 To this day the HHC site remains unfinished with dangerous raised manhole covers in the highway which create trip hazards for pedestrian users and risk of tyre damage for drivers. The water running off the HHC site during rainfall events cannot enter the HHC drains as they are raised which leads to torrents of water running down Old Road into Chatburn village below and this has been going on now for years. The last HHC residents moved in 14 months ago.
- 4.2 The HHC site works utilised a site storage and compound area to the west of the HHC planning approval red line site boundary that was identified in the HHC CMP. The HHC site activities went beyond both the red line planning boundary and the areas identified as required for access and construction within the HHC CMP.
- 4.3 The HHC site still has an extensive site compound and significant stockpiles of unused materials which are located both within the HHC development site area and on the Open Countryside beyond. The site compound and the stockpiled areas should be removed, and the affected original land (designated as Open Countryside) should be reinstated back to how it was, all of which is in accordance with HHC planning approval according to LCC.
- 4.4 The result of all of this is that significant quantities of waste material from HHC have been deposited on land that is designated as Open Countryside. The HHC site planning approval required the site area affected by the works (as approved by RVBC) to be reinstated back to original conditions.
- 4.5 Application 3/2022/0500 for 9 dwellings will clearly require the use of some or all of the HHC site area that has been previously used. No proposed works under Application 3/2022/0500 should take place until HHC is fully complete. In the event of this application being approved, and the reinstatement requirements for the HHC site are not completed, then the same reinstatement works for the Open Countryside that has been used, removed and damaged by the HHC site works should be fully agreed as part of this application process.
- 4.6 All of this is relevant to the current application as the works associated with this application will need to use the same site compound areas and will no doubt wish to use the waste stockpiled materials from the HHC development. The residents of HHC expected the site and surrounding areas to be returned to their original state as part of the final completion of HHC.

#### 5 Open Countryside and Green Corridors

Waste materials have been stockpiled on and caused serious harm to Open countryside.

Existing green corridors will be lost forever.

In addition to the comments above regarding Open Countryside, the proposed development will remove a significant area of land that is currently designated as Open Countryside and the works will destroy existing grassland habitat and Open Countryside which is used by protected species including, but not limited to, bats, badgers and barn owls.

## 6 Biodiversity and Geological Conservation

The Applicant has ticked no to all of the questions on the application form.

The proposed site is in designated Open Countryside and contains the original geological features and grasslands that were previously identified as protected habitat within the HHC planning permission documents. This is existing natural habitat that has designated status and would be destroyed or affected by the proposed development.

Details of the existing habitat that was classified as “UK BAP Priority Habitat / Habitat of Principal Importance of Conservation” and “UK BAP Priority Species” are contained in the Ecology Report reference “14\_0618\_ecology\_report” submitted in relation to the Hare Hill Croft RVBC Planning Application Decision reference 3/2014/0618.

In addition, the corridor of land either side of and including the proposed site area is habitat for a wide range of species. Discussions with local neighbours has evidenced that bats and hedgehogs have been observed by using the “green” corridors along all of the HHC boundaries between the established woodland to the south, the edge of the quarry to the west and the woods and fields to the land north of the quarry. Barn owls have also been observed actively hunting along the same green corridor. Badgers have been observed as active in the area of the site both historically and currently, a fact that has been validated by a representative of the [REDACTED] camera trap footage.

RVBC “Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version” Key Statement EN4 (extract below) emphasises the importance of green corridors.

### KEY STATEMENT EN4: BIODIVERSITY AND GEODIVERSITY

The Council will seek wherever possible to conserve and enhance the area's biodiversity and geodiversity and to avoid the fragmentation and isolation of natural habitats and help develop green corridors. Where appropriate, cross-Local Authority boundary working will continue to take place to achieve this.

In addition, RVBC “Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version” Policy DME3 (extract below) states;

**10.14** DEVELOPMENT PROPOSALS THAT ARE LIKELY TO ADVERSELY AFFECT THE FOLLOWING WILL NOT BE GRANTED PLANNING PERMISSION. EXCEPTIONS WILL ONLY BE MADE WHERE IT CAN CLEARLY BE DEMONSTRATED THAT THE BENEFITS OF A DEVELOPMENT AT A SITE OUTWEIGH BOTH THE LOCAL AND THE WIDER IMPACTS. PLANNING CONDITIONS OR AGREEMENTS WILL BE USED TO SECURE PROTECTION OR, IN THE CASE OF ANY EXCEPTIONAL DEVELOPMENT AS DEFINED ABOVE, TO MITIGATE ANY HARM, UNLESS ARRANGEMENTS CAN BE MADE THROUGH PLANNING CONDITIONS OR AGREEMENTS TO SECURE THEIR PROTECTION:



1. WILDLIFE SPECIES PROTECTED BY LAW
2. SSSIS
3. PRIORITY HABITATS OR SPECIES IDENTIFIED IN THE LANCASHIRE BIODIVERSITY ACTION PLAN
4. LOCAL NATURE RESERVES
5. COUNTY BIOLOGICAL HERITAGE SITES

Core Strategy Adoption version

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6. SPECIAL AREAS OF CONSERVATION (SACS)
  7. SPECIAL PROTECTED AREAS (SPAS)
  8. ANY ACKNOWLEDGED NATURE CONSERVATION VALUE OF SITES OR SPECIES.

The proposals in this Application would not be in accordance with the RVBC Core Strategy.

- 7 Old Road is in a poor state of repair, there is no footpath, and the highway is not capable of coping with the increased levels of traffic both during construction and after the development, where there will inevitably be a significant increase in traffic volumes from future residents and all the other traffic associated with servicing the future development houses. Pedestrian users at high risk include elderly people and school children who regularly use Old Road as pedestrians.

Clearly if permission is granted this current situation will become significantly worse.

#### Planning Application 3/2022/0500 Technical Details

- 8 The details provided in the application should be full technical details. The various drawings provided contain different levels (FFL) for the proposed housing, the landscape drawing is marked draft and the drainage "strategy" drawing is simply a concept. The details provided need to be finalised and resubmitted before any planning application can be fully and properly considered by the Council and other interested parties.
- 9 Services – gas, electric and water. It is not clear where services will be fed into the proposed site. The water pressure associated with the mains water supply to HHC is already low and residents from HHC have reported this issue to United Utilities.
- 10 The proximity and depth of excavation and foundations associated with the proposed development immediately adjacent to the 2m wide services easement as shown on application drawing PL 30 have not been considered or detailed. The 2m wide services easement is an existing easement that accommodated the overhead electricity cables that were diverted as part of the HHC works.

11 The Public Right of Way (PRoW)

The PRoW that crosses through the proposed site has already been diverted to the western and southern edge of HHC without notified permission and the permanent location of the PRoW is different to the original PRoW.

12 Scale of development

The size and scale of the proposed 9 dwellings is inappropriate for the relatively small site area available and will adversely affect the amenity of the residents of HHC and Crow Trees Brow. The PiP allows for "up to" 9 dwellings, the current proposal is for the full 9 dwellings, all of which are of significant size.

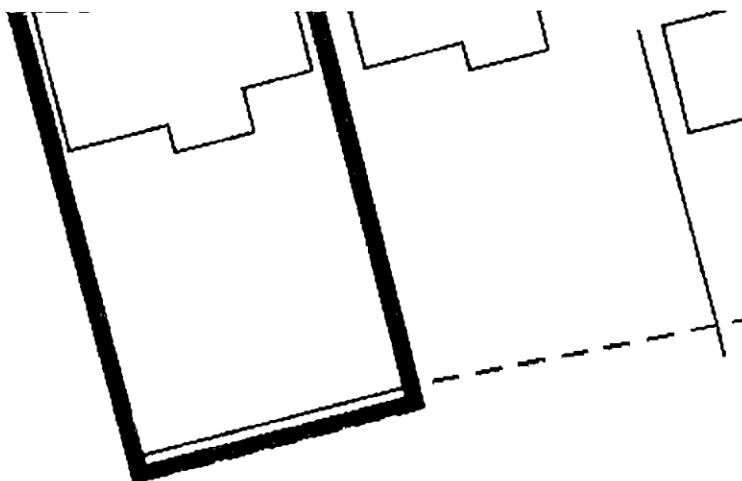
13 The level differences and proximity of garage at plot 9 require the imported soils to be removed and replaced with a retaining wall structure along the eastern boundary of No.3 HHC. Part of the reason why the imported soils had to remain in place was for the very reason that it was impractical to remove the soils and construct a retaining wall structure.

14 Flooding of Crow Trees Brow properties has occurred historically as a result of surface water run-off. The current proposals do not consider this issue at all.

15 The landscape details show a new hedge along the south side of No's. 3, 4, 5 and part of No.6 HHC. This conflicts with the HHC landscape which has been in place since 2021 and has not been maintained since installation. Other elements of HHC landscaping along No.2 HHC have still not been completed.

16 Proposed Drainage Strategy. The drainage strategy is merely a concept that requires a detailed design assessment and may or may not prove to be feasible. It is a fundamental part of the proposals and needs to be finalised before any planning permission is granted.

17 The proposed site extents are incorrect on the submitted drawings. The red line boundary to the rear garden of No.5 Hare Hill Croft extends in a straight line between the two projecting masonry walls that form the delineation between adjacent HHC properties as shown in extract below land registry extract below. The solid line along the southern boundary of No.5 HHC in the extract below is the original hedge and fence line as surveyed by the Land Registry.



*No.5 Hare Hill Croft land registry extract*

**In the event that the Application is approved.**

**18 Noise and vibration**

- 18.1 The Environmental Protection Act states Best Practicable Means (BPM) should be used to reduce the amount of noise generated by a construction project, meaning there are measures which should be taken to reduce the noise to as low a level as reasonably practicable.
- 18.2 The construction company should identify and make clear what BPM they are going to use on the project to mitigate the nuisance they are going to cause. These could be simple measures such as switching engines off when plant is not in use or broadband reversing sirens (as opposed to tonal ones), to substituting works activities for quieter ones when the planned activities will clearly exceed statutory and permitted levels.
- 18.3 I recommend that the Council includes a condition requiring a Noise and Vibration Management Plan to be submitted and approved by the Council. This plan will identify what noise and vibration the site activities are likely to generate and provide BPM to control and monitor. This protects all involved, shows the Council have discharged their duties and provides a clear compliance framework that can be readily checked in the event of any non-compliance.
- 18.4 If the Council are minded to use a Section 61 consent, this would give the construction company noise limits to adhere to.
- 18.5 If the Council do not plan to use a Section 61 Consent, I recommend that a noise and vibration survey to be completed, this would involve obtaining background noise measurements which can be compared to British Standards to produce noise limits, the most common of which is the ABC method outlined in BS:5228 – 1.
- 18.6 The noise and vibration surveys should provide an assessment of the likely impact on local residents and include a noise and vibration management plan that covers the contractor's BPM proposals. Potential causes of vibration may include, removal of natural rock, compaction of fills associated with highway construction and installation of piles for foundations. Potential causes of noise and dust would include removal of rock, reversing beepers on site vehicles and cutting of materials on site.

The above conditions will help to protect all involved, show the Council have discharged their duties and provide a clear compliance framework that can be readily checked in the event of any non-compliance.

- 19 There is no Construction Management Plan (CMP) with the Application. RVBC planning department confirmed that the scale and nature of the project doesn't warrant a CMP at technical planning application stage.

In the event of permission being granted the following points should be considered by the Council and conditioned in any approval as appropriate.

- (i) Full compliance with statutory HSE requirements for safe operations on site including full PPE.



- (ii) Noise, vibration, dust (refer to statutory obligations above) – limits and monitoring regime to ensure compliance should be established and enforced.
- (iii) Use BPM of reducing noise from reversing beepers on telehandler and other plant that is in daily use. There are other means of vehicles reversing safely without beepers in line with HSE guidance.
- (iv) Use BPM to reduce the amount of noise and dust from cutting using mechanical Stihl saws.
- (v) Use BPM to reduce the amount of noise and dust mechanical breakers “peckers” for removal of any natural rock head as this equipment cannot be used in this location without exceeding statutory noise limits. Alternative quieter BPM methods are readily available, for example a rock wheel mounted to an excavator.
- (vi) Limit site working hours to Monday to Friday to reduce site activity reduce nuisance for neighbouring properties on Old Road, Crow Trees Brow and Hare Hill Croft at weekends.
- (vii) Contractor to be a member of (or encouraged to be a member of) the Considerate Constructors Scheme.
- (viii) Access routes from compounds and storage areas to the site area to be clearly established and understood.
- (ix) Location of site compound and material storage areas. Protect privacy of local residents from intrusion from site vehicles, parking, headlights, noise.
- (x) Material delivery restrictions, site hours only and consider off peak deliveries to reduce disruption to local residents.
- (xi) Depth of excavation, proximity to existing properties and associated temporary and permanent works details.
- (xii) The construction method and structure details of retaining walls along the western boundary of No.3 HHC.
- (xiii) Provide a materials management plan and clearly define waste classification, waste management and any licenses required.
- (xiv) On completion removal of all surplus materials and reinstatement of all affected areas within a fixed timeframe, linked to occupancy of last property.
- (xv) Completion of highway surfacing within a fixed timeframe, linked to occupancy of last property.

The immediate adjacent neighbours include elderly and retired residents, families with young children, and local residents working from home. Any proposed construction activity needs to be considerate and take into account the people and properties it would affect.

Comments on Planning Application 3/2022/0500

It is reasonable to request that details as, but not limited to, the examples above should feature in a CMP, including how they will be monitored and enforced, and these details should be included within planning conditions should this Application be granted.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 15 June 2022 18:28  
**To:** Planning  
**Subject:** Planning Application 3/2022/0500



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FAO Stephen Kilmartin

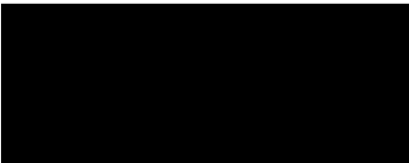
Dear Stephen,

Please find below my comments and objections to the proposed development for a further 9 dwellings on land to the south of the Hare Hill Croft (HHC) development site.

1. Old Road is not capable of coping with the increased levels of traffic both during construction and after the development, where there will inevitably be a significant increase in traffic volumes from future residents and all the other traffic associated with servicing the future development houses. I am [REDACTED] and I do not feel safe now using Old Road as a pedestrian as there is no footpath and the current road surface is in a poor state of repair in many places. Clearly if permission is granted this situation will inevitably become significantly worse. There also many young children at HHC that walk, both to school and for school buses down Old Road, and I am also concerned for their long term safety.
1. There has already been one further recently approved planning application for a very large house (No.11 Old Road) and, I note, there is a further application to convert flats at the bottom of Old Road. These other applications, that have yet to be constructed, will also increase traffic levels and parking on and at the bottom of Old Road, which in turn increases risk to pedestrians users. Parking at the bottom of Old Road already poses a significant risk as cars often park both sides, meaning that large vehicles are unable to pass. There have been numerous occasions when the refuse collection truck has been unable to get up Old Road and if an ambulance or fire engine needed to get up Old Road, they would not be able to do so.
1. The HHC site remains unfinished with dangerous raised manhole covers in the highway which create trip hazards for pedestrian users and risk of tyre damage for drivers. The water running off the HHC site during rainfall events also cannot enter the HHC drains as they are raised which leads to torrents of water running down Old road into Chatburn village below and this has been going on now for years. The last HHC residents moved in 14 months ago. To this day the HHC site still has an extensive site compound and significant stockpiles of unused materials which are located both within the HHC development site area and on the Open Countryside beyond from the HHC site which should be removed and the affected original land (designated as Open Countryside) should be reinstated back to how it was, all of which is in accordance with HHC planning approval. This is relevant to the current application as the new application will need to use the same site compound areas and will no doubt wish to use stockpiled materials from HHC development. The residents of HHC expected the site and surrounding areas to be returned to their original state as part of the final completion of HHC.

1. The bulk of the access road has already been excavated for the future development site without planning permission and is contrary to the existing planning Permission in Principle (PiP) that exists for up to 9 dwellings.
  1. The proposed development will remove a significant area of land that is currently designated as Open Countryside and the works will destroy existing grassland habitat and open countryside which is used by protected species including but not limited to bats, badgers and barn owls.
  1. The size and scale of the proposed 9 dwellings is inappropriate for the relatively small area available and will adversely affect the amenity of the residents of HHC and Crow Trees Brow. The PiP allows for "up to" 9 dwellings, the current proposal is for the full 9 dwellings, all of which are of significant size.
  1. The details provided in the application should be full technical details. The various drawings provided contain different levels for the proposed housing, the landscape drawing is marked draft and the drainage "strategy" drawing is simply a concept. The details provided need to be finalised and resubmitted before any planning application can be fully and properly considered by the Council and other interested parties.
  1. In the event that permission is granted, the Contractor needs to be considerate and properly control and monitor noise, vibration and dust for any new works within HSE and other statutory limits something which was lacking during the construction of properties on HHC which were constructed after [REDACTED] (6 properties). Site hours for full site activities and deliveries should be reasonable and be equally considerate.
9. The Public Right of Way that crosses through the proposed site has been diverted to the western and southern edge of HHC without permission and the permanent location of the PRoW is different to the original PRoW

Kind regards



[REDACTED]

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**From:** Contact Centre (CRM) <contact@ribblevalley.gov.uk>  
**Sent:** 15 June 2022 20:44  
**To:** Planning  
**Subject:** Planning Application Comments - 3/2022/0500

[REDACTED]

**Planning Application Reference No.:** 3/2022/0500

**Address of Development:** Land to the south of Chatburn Old Road Chatburn

**Comments:** I find it extremely annoying that I have to, yet again, object to an application by this developer. However, as Permission in Principle has been granted I have to restrict my comments to this application for Technical Issues.

1. This application for nine dwellings is [REDACTED]. The site actually contains 10 dwellings. One has already been granted permission (3/2021/1153) but should be considered with this application due to the fact that it is merely an extension of the same site. Indeed, the developer himself acknowledges that it is the same site in that he has placed a sign on a rudimentary stile access to the single site stating that visitors should report to 'the site' office. Note, singular. One site. One development split into two to aid the application process. They should all have been considered together.
2. The plans (specifically the Landscape Proposal plan which shows the proposed line of the public right of way) is incorrect. This right of way (RoW) was subject to a redirection order for a previous development on the field but when reinstated did not follow the original line. This was not applied for and is [REDACTED]. The original line ran straight across the field in a southerly direction until it reached the boundary of the back of the houses on Crow Trees Brow. At this point it turned to the East and followed the garden boundaries to its exit onto Crow Trees Brow. In many ways the new [REDACTED] route is not detrimental to users but demonstrates the developers complete disregard for anyone but himself. Please read this in conjunction with the next point.
3. A footpath that, due to its customary use for longer than 20 years is now a RoW, runs along the very top, western, boundary of the field in which this site is located. The developer has [REDACTED] blocked this although it was his suggested alternative when the RoW referred to in item 2 above was legally, temporarily redirected by LCC. This was a well used path and usually included an entrance to the Lancashire Wildlife Trust nature reserve on Crow Trees Brow. This access has at various times, for unknown reasons, been opened and blocked by the developer and is currently blocked. This RoW turned to the east when it reached the nature reserve boundary and followed the line of an old RoW which then continued east and joined with the path referred to in item 2. Lancashire Wildlife Trust (who administer the reserve) and Hansons (who own the nature reserve land) are keen to reinstate this access and path. Indeed, it was Hansons who installed a well used access gate some years ago which [REDACTED], even while the path was being used as an alternative to the redirected RoW above.  
I would suggest that RVBC make a SECTION 106 AGREEMENT with the developer to remove the blockage to the RoW along the field top boundary and reinstate access into the nature reserve in return for not pursuing the correct alignment of the path in item 2. This would assist him as following the correct RoW line would greatly affect his development and would also improve access and amenity for a large number of walkers who are dismayed to find the path blocked.  
For information, a submission was made before the COVID pandemic, to LCC to mark the customary RoW on the definitive map. Presumably due to delays created by the pandemic nothing has been heard back from LCC. However,

not being on the Definitive Map that does not prevent the path being a RoW, and that has been blocked.

4. Finally, it will be noted on the site plan that a visibility splay is shown to improve egress onto Old Road. This has already been built even though it was never marked on any plans for the existing, recent development. This shows the [REDACTED] application. I think it should NOT happen until the above issues are corrected and resolved.

**From:** [REDACTED]  
**Sent:** 15 June 2022 20:46  
**To:** Planning  
**Subject:** Subject: Planning Application 3/2022/0500



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FAO Stephen Kilmartin

Dear Stephen,

Please find below my comments and objections to the proposed development for a further 9 dwellings on land to the south of the Hare Hill Croft (HHC) development site.

1. Old Road is not capable of coping with the increased levels of traffic both during construction and after the development, where there will inevitably be a significant increase in traffic volumes from future residents and all the other traffic associated with servicing the future development houses.
1. There has already been one further recently approved planning application for a very large house (No.11 Old Road) and, I note, there is a further application to convert flats at the bottom of Old Road. These other applications, that have yet to be constructed, will also increase traffic levels and parking on and at the bottom of Old Road, which in turn increases risk to pedestrians users. Parking at the bottom of Old Road already poses a significant risk as cars often park both sides, meaning that large vehicles are unable to pass. There have been numerous occasions when the refuse collection truck has been unable to get up Old Road and if an ambulance or fire engine needed to get up Old Road, they would not be able to do so.
1. The HHC site remains unfinished with dangerous raised manhole covers in the highway which create trip hazards for pedestrian users and risk of tyre damage for drivers. The water running off the HHC site during rainfall events also cannot enter the HHC drains as they are raised which leads to torrents of water running down Old road into Chatburn village below and this has been going on now for years. The last HHC residents moved in 14 months ago. To this day the HHC site still has an extensive site compound and significant stockpiles of unused materials which are located both within the HHC development site area and on the Open Countryside beyond from the HHC site which should be removed and the affected original land (designated as Open Countryside) should be reinstated back to how it was, all of which is in accordance with HHC planning approval. This is relevant to the current application as the new application will need to use the same site compound areas and will no doubt wish to use stockpiled materials from HHC development. The residents of HHC expected the site and surrounding areas to be returned to their original state as part of the final completion of HHC.
1. The bulk of the access road has already been excavated for the future development site without planning permission and is contrary to the existing planning Permission in Principle (PiP) that exists for up to 9 dwellings.
1. The proposed development will remove a significant area of land that is currently designated as Open Countryside and the works will destroy existing grassland habitat and open



countryside which is used by protected species including but not limited to bats, badgers and barn owls.

1. The size and scale of the proposed 9 dwellings is inappropriate for the relatively small area available and will adversely affect the amenity of the residents of HHC and Crow Trees Brow. The PiP allows for "up to" 9 dwellings, the current proposal is for the full 9 dwellings, all of which are of significant size.
1. The details provided in the application should be full technical details. The various drawings provided contain different levels for the proposed housing, the landscape drawing is marked draft and the drainage "strategy" drawing is simply a concept. The details provided need to be finalised and resubmitted before any planning application can be fully and properly considered by the Council and other interested parties.

8 The Public Right of Way that crosses through the proposed site has been diverted to the western and southern edge of HHC without permission and the permanent location of the PRow is different to the original PRow

Regards

