

[REDACTED]

From: [REDACTED]
Sent: 25 May 2023 11:58
To: Planning
Cc: [REDACTED]
Subject: Application 3/2023/0325 Land adjacent to 9 Old Road Chatburn
Attachments: 23_0325_Construction_Mgmt_Plan.pdf; 23_0325_Landscape_Strategy.pdf; 23_0325_Construction_Method_Statement.pdf; Application 3_2021_1153 - Comments 09.12.21.pdf; Planning Application 3_2022_0500 (Figure 1 added Rev.1).pdf



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FAO Mark Waleczek

Dear Mark,

Please find below comments on the above Planning Application 3/2023/0325 Land adjacent to 9 Old Road Chatburn

1. The proposals for access and construction are contrary to the conditions within the approved planning permission and will inevitably increase the level of disruption and nuisance to all of the residents of HHC along the access route.
2. The proposed access route shown on the attached plan along the boundary of 3 (part),4,5,6,7 Hare Hill Croft (HHC) has already been constructed without planning permission.
3. The proposed compound shown on the attached plan lies on land that should have, by now, been reinstated back to its original condition, in line with the requirements of the HHC planning permission following the completion of HHC.
4. There is no consideration of the level changes and the scale and size of structure(s) required to facilitate the construction of the proposed dwelling. There is a significant level difference between the proposed dwelling and the boundary of 2 & 3 HHC that will require a significant retaining structure, the design and installation of which may well prove to be impossible or prohibitively expensive. In my professional opinion [REDACTED] it is not possible to construct a gravity retaining structure (the original submission indicated a gabion wall) to support the height required in the space available.
5. The access route will require the removal of a significant amount of the imported fill material that has been subject [REDACTED] The purpose of this fill and the reason for its original deposition is to retain the boundary of HHC. The removal or disturbance of this fill may well breach the terms of the legal agreement and could potentially destabilise the boundary along HHC.
6. There are no levels on the attached plan that allow you to assess the scale of excavation required to get from current levels to the lower levels of the proposed dwelling. There would inevitably need to be a ramp from the access route as shown on the plan, in order get down to the lower levels and construct the proposed dwelling.
7. The access route is shown as one-way on the plan, see comment on reversing below.
8. The landscape plan shows shrubs along land that does not belong to the developer along the boundary for No.2 HHC, plus there is a c.5m drop in levels between the edge of the landscaping width along the HHC boundary and the proposed dwelling.
9. If permission is granted the gates either side of the footpath shown on the plan need to be locked when not in use as public could access the working area.
10. With regard to the construction method statement.
 - (i) Regarding the statement "*Pre – Commencement. A site inspection of the existing highways and surrounding areas to be conducted with the Local Authority Highways engineer and a dilapidation survey taken prior to commencement on site.*" Given the proximity of the adjacent properties the dilapidation

survey should be a full structural survey carried out by an independent professional. How are the surveys recorded?

- (ii) Regarding the statement *“There will be no reversing off site, vehicles will turn around at the site materials storage areas and then exit site onto Old Road.”* There should be no reversing on site along the haul road also as the noise of reversing vehicles is extremely disturbing. In order to avoid reversing you need to be able to turn around at the proposed dwelling area. None of this is shown on the plan and in reality there isn't space to turn around next to the site of the dwelling.
- (iii) Regarding the statement *“The material excavated will be deposited and sealed to level areas of the site to the rear [South] of Plot 11 and used as appropriate infill to avoid the material having to be removed from the area.”* This requires an appropriate environmental licence and materials management plan under current legislation. There is clearly going to be a surplus amount of material from an excavation of this size, which the developer appears to be saying will be deposited and left on an area that is currently designated open countryside.
- (iv) Regarding the statement *“A wheel wash facility will be in position before the site exit point at the storage and site office [Top of Old Road] to ensure all site traffic wheels are cleaned before exiting onto Old Road once we have a temporary water connection in place, prior to this we will utilise road sweepers to keep the carriageway clean from any vehicles leaving the site.”* There is already a water pipe connection in place from the original HHC development. There should be no requirement for the use of road sweepers on an ad hoc basis.
- (v) Regarding the statement *“Site working hours will be from: Monday to Friday – 7.30 am until 5.30 pm”* There should be no construction activity on site or in the compound before 08.00.
- (vi) Regarding the statement *“Noise and Dust Pollution including Vibration. The following procedure will be considered and adopted **where appropriate in an attempt to minimise noise and dust pollution.**”* The wording in bold isn't appropriate, these are statutory requirements that need to be fully in accordance with appropriate regulations.
- (vii) Regarding the statement *“If we encounter any bedrock that requires breaking out we will use the appropriate machinery for this task , the area to be broken out will be surrounded using fencing panels with as fitted acoustic matting to reduce the db levels under the recommended levels. We will also monitor the noise levels created using the appropriate noise meter readings.”* It is inevitable bedrock will be encountered. What are the recommended noise levels. There is no mention of vibration monitoring which given the nature of the work and proximity of the existing adjacent properties. There should be structural surveys by and independent professional of adjacent properties. Please refer to the relevant previous comments in the attached document relating to the obligations of both the Council and the developer in regard to noise and vibration.

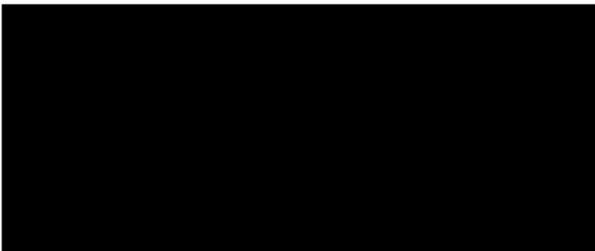
11. I would also refer you to my original comments (see attached “Application 3_2021_1153 - Comments 09.12.21” on the original planning application, many of which are equally relevant now. In particular I would draw your attention to pages 8 to 10 of this document which explains the level differences and land boundary along No.2 HHC.

12. I would also refer you to my original comments “Planning Application 3_2022_0500 (Figure 1 added Rev.1)” relating to an earlier planning application, many of which are equally relevant to this application. In particular I would draw your attention to pages 9 to 11 of this document which explains requirements on noise and vibration and other construction management related aspects.

13. Without fully detailed proposals in relation to the above points it is not possible to assess these proposals.

I have also copied to [REDACTED] as [REDACTED] has kindly provided feedback on other related HHC matters over the last years or two, and also to [REDACTED] who has also kindly provided feedback in relation to the HHC development and its surrounding area.

Kind regards



Comments (Rev.1) 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.

<https://www.ribblevalley.gov.uk/news/article/59/ribble-valley-success-as-high-court-quashes-planning-appeal-decision>

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 Bird 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 Bird 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 [REDACTED] 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 Bird 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.

Figure 1 (attached separately) indicatively highlights the areas of land affected by the points noted above and throughout this document.

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 Lancashire Badger Group and local residents’ 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. SSSI'S
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

95

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.

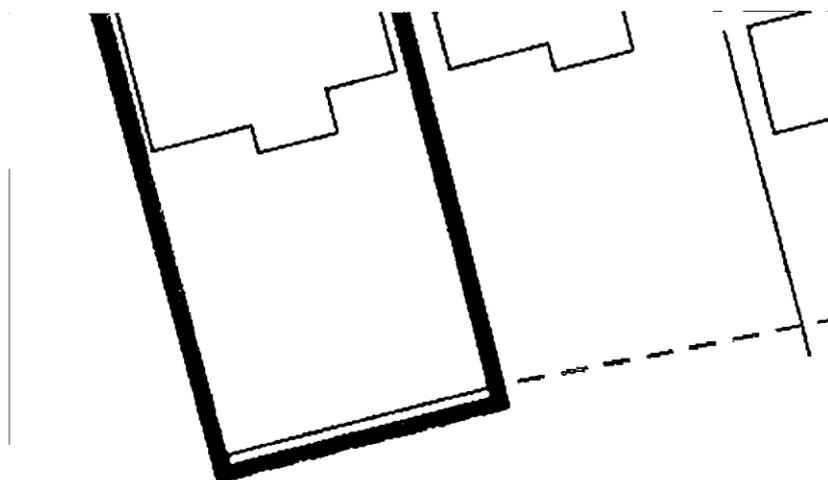
13 The level differences and proximity of garage at plot 9 require the imported soils to be removed and replaced with a retaining wall structure along the eastern boundary of No.3 HHC. Part of the reason why the imported soils had to remain in place was for the very reason that it was impractical to 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, site security cameras, etc.
- (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 (Rev.1) 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.

21_1153 Application Form

- 1) Sections 1 and 5 description *“Proposed 2.5 storey dwelling with garage basement on infill site”* and *“Proposed dwelling with basement accommodation on an in-fill site adjacent to no 9 Old Road, Chatburn”*. Please define what *“in-fill”* and *“infill”* means in this Application. Is it the infilling of an area between two existing buildings with a new building or is it the use of a site that has been, in part, previously infilled with imported soils ie. the area that has been subject to the soils importation planning appeal, refer *“Appeal Decisions APP/Q2371/C/19/3243448 and APP/Q2371/W/20/3264309”*. Either way, some of the 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.



Google Earth April 2015



Google Earth June 2018



Google Earth April 2020

In addition to the Google Earth images above showing areas of the original habitat that are unaffected by the infilling of imported soils, the Applicant submitted photographs as part of planning Application LCC_2017_0087. Figure 5 from this planning Application is shown below and shows areas of the original habitat that are not affected by the soils filling activity.



Figure 5. Looking north across restored areas in the northern section of the Application Site.

The photographs on pages 1,2 & 3 of the Applicant's Design Statement also highlight the areas of the proposed site that were not affected by the soils filling activity, including the natural stone boundary wall, shrubs and small trees.

2) Section 10 Trees and Hedges

The Application states there are no trees and hedges.

This is most likely incorrect. The natural stone wall, shrubs and small trees along the edge of Old Road and in this Application site area are original landscape features. A suitably qualified person should inspect the site and advise what the current status is of this original landscape.

There are also trees and hedges required as part of the HHC development that have not yet been planted and maintained in accordance with the HHC planning conditions. This work has still to be completed and HHC landscaping works would be affected by the proposed development.

3) Section 12. Biodiversity and Geological Conservation

The Applicant has ticked no to all of the questions. This is totally incorrect. The entire basis of this Application appears to use the recent appeal decision "Appeal Decisions APP/Q2371/C/19/3243448 and APP/Q2371/W/20/3264309" as a basis of saying no to all of the Section 12. Biodiversity and Geological Conservation questions in the Application.

Part of the site and land adjacent to the site contains the original geological features, grasslands, small trees and shrubs 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 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" corridor along the eastern 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 green corridor. 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.

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;

POLICY DME3: DEVELOPMENT PROPOSALS THAT ARE LIKELY TO ADVERSELY AFFECT THE FOLLOWING WILL NOT BE GRANTED PLANNING PERMISSION.

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. SSSI'S
3. PRIORITY HABITATS OR SPECIES IDENTIFIED IN THE LANCASHIRE BIODIVERSITY ACTION PLAN
4. LOCAL NATURE RESERVES
5. COUNTY BIOLOGICAL HERITAGE SITES

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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.

Hare Hill Croft Imported Soils Appeal Decision Area Habitat Management Plan

- 4) The “Appeal Decisions APP/Q2371/C/19/3243448 and APP/Q2371/W/20/3264309” document does not make clear what measures are required for the long-term management and maintenance of the infilled areas within and beyond the appeal site and does not comment on the areas of the original habitat that were within the appeal site but were not affected by the infilling relating to the HHC development. Questions arising from this that may affect this Application include;
- (i) What obligations does the HHC developer have with regard to the long-term management of the infilled areas that were part of the soils importation Appeal Decision?
 - (ii) What status does the natural habitat that was within the appeal site (and this Application) area, but not affected by the infilling activities, hold? For example, along the eastern boundary of the Appeal site, including adjacent to 9 Old Road and the boundary between the Appeal site and Old Road which falls within this Application. An inspection of historical imagery (Google) shows that various shrubs, bushes and grassland in these areas were there before the HHC development commenced and are still there today.
 - (iii) Does the compensatory habitat area need to be established before any further activity can occur on the Appeal site area and how long does it need to be established for?

21_1153_Design_Statement

5) Section 3 Planning states (**emphasis added**)

"3.1 Planning policy

The proposed site is in the Ribble Valley Local Plan and features on Chatburns inset map 7. On the proposals map for the Districtwide Local Plan, the site is located outside of but adjacent to the settlement boundary for Chatburn.

*However, on the **draft** proposals map for Chatburn, which has been adopted for development management purposes, the Application site is located within the **draft** settlement boundary for Chatburn.*

Therefore, under the definition above, rounding-off is allowed as the site is included within the settlement boundary and two thirds of the perimeter is already built up.

*The proposed development is **therefore in accordance with policy DMG2 of the Core Strategy.***

*"Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or **round-off** development so that it is closely related to the main built up areas, ensuring this is appropriate **to the scale of**, and in keeping with, the existing settlement."*

Comments on the above noting the references and extracts below relate to the RVBC "Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version";

- (i) The scale of the proposed development dwarfs the existing No.9 Old Road property and is therefore not to the scale of No.9 Old Road.
- (ii) Reference is made and reliance placed upon the draft proposals map. The current proposals map as shown in the design statement, and as available at time of writing on RVBC planning portal, shows the Application area as "open countryside". If the draft proposals map referred to is actually valid, the proposed site may well be deemed to be a field that falls within the Chatburn settlement boundary, but it doesn't alter the fact the site contains original landscape features and designated habitat, as well as newly developing habitat as a result of the HHC soils importation appeal decision. The RVBC Core Strategy provides ample protection against development of sites containing the features and species described above and elsewhere in this document.
- (iii) The design statement does not take into account the full context of DMG2, extract below, which states;

DMG2: STRATEGIC CONTRIBUTIONS

10.5 DEVELOPMENT SHOULD BE IN ACCORDANCE WITH THE CORE STRATEGY DEVELOPMENT STRATEGY AND SHOULD SUPPORT THE SPATIAL VISION.

- 1. DEVELOPMENT PROPOSALS IN THE PRINCIPAL SETTLEMENTS OF CLITHEROE, LONGRIDGE AND WHALLEY AND THE TIER 1 VILLAGES SHOULD CONSOLIDATE, EXPAND OR ROUND-OFF DEVELOPMENT SO THAT IT IS CLOSELY RELATED TO THE MAIN BUILT UP AREAS, ENSURING THIS IS APPROPRIATE TO THE SCALE OF, AND IN KEEPING WITH, THE EXISTING SETTLEMENT.**

There are various references that relate to the first sentence of DMG 10.5 elsewhere in the Core Strategy that would also be relevant to this Application and have not been considered by the Applicant. For example, 4.1, EN4 and 5.5, extracts below;

Strategic Spatial Policies

4.1 Background

The Core Strategy must be the most appropriate Strategy when considered against reasonable alternatives. To determine the Development Strategy for the Core Strategy, a range of options have been considered through what was the Regulation 25 stage. Two previous consultations have been undertaken in order to develop the council's preferred option. Initially 3 options were formulated having been devised from earlier consultation and engagement work completed under regulation 25, principally as an issues and options consultation in 2007. The initial Core Strategy options for the development strategy were derived from this earlier consultation in terms of the most popular and realistically deliverable options for development across the borough.

In formulating the three potential options three spatial principles were considered that the Council would seek to achieve by the end of the plan period, namely:

- Protect and enhance the wider local environment, both natural, built and historic, in rural and urban areas.
- Ensuring housing supply meets the identified housing need.
- Ensure the Ribble Valley is an area where people want to, and can live, work and relax.

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.

Negative impacts on biodiversity through development proposals should be avoided. Development proposals that adversely affect a site of recognised environmental or ecological importance will only be permitted where a developer can demonstrate that the negative effects of a proposed development can be mitigated, or as a last resort, compensated for. It will be the developer's responsibility to identify and agree an acceptable scheme, accompanied by appropriate survey information, before an application is determined. There should, as a principle be a net enhancement of biodiversity.

These sites are as follows:

- Sites of Special Scientific Interest (SSSIs)
- Local Nature Reserves (LNRs)
- Local Biological Heritage sites (CBHs)
- Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)
- Local Geodiversity Heritage Sites
- Ancient Woodlands
- Lancashire Biodiversity Action Plan priority habitats and species
- European Directive on Protected Species and Habitats - Annexe 1 Habitats and Annexe II Species
- Habitats and Species of Principal Importance in England

With respect to sites designated through European legislation the Authority will be bound by the provisions of the relevant Habitats Directives and Regulations.

For those sites that are not statutorily designated and compensation could be managed through a mechanism such as biodiversity off-setting via conservation credits.

5.5 WHY ARE WE TAKING THIS APPROACH?

The intricate network of biodiversity provides the support systems that sustain human life and is therefore an integral part of long term sustainability, locally, nationally and on a global scale. Local authorities have a duty to conserve biodiversity under national planning policy and Ribble Valley Borough Council is a signatory to the Lancashire Biodiversity Action Plan, which identifies a raft of habitats and species considered to be of conservation importance at regional level. It also identifies key partners responsible for delivering the action plan, including both statutory and non-statutory habitats/species.

In addition the SA scoping report drew attention to the Borough's wealth of biodiversity sites and the need to conserve and enhance biodiversity as an integral part of economic, social and environmental development. It also highlighted the need for the condition of the SSSIs in the area to be improved and that opportunities should be sought to deliver biodiversity enhancements through the Core Strategy. The condition of relevant sites is monitored annually and will continue to be reported within regular monitoring.

6) Section 3 Planning states (**emphasis added**) continued.

“3.1 Planning policy

The site sits in accordance with the general policies ENV3 and G5.

The policy ENV3 states: ‘The development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.’

G5’s general policy states that small developments are considered within this area, although the policies do state to limit development the proposal is for 1 new dwelling and the site is outside of the settlement boundary and should not be considered a restriction to development due to its sustainable location immediately adjacent to the boundary.”

Comments on the above noting the references and extracts below relate to the RVBC “Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Adoption Version”;

- (i) ENV3 is designated “Open Countryside” and G5 “Land outside main settlement/village boundaries” according to the proposals map key on the RVBC website. Section 5.3 of the Core Strategy (extract below) emphasises the value placed on open countryside and its protection from inappropriate development. As noted earlier, if the draft proposals map is the current map and open countryside isn’t technically the correct terminology, we would also note the statement below in 5.3, “the founding principle that all landscapes have a value”.

5.3

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Over 75% of the area is designated as an Area of Outstanding Natural Beauty and outside these statutory areas the borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to the quality of the landscape in the borough. In addition the founding principle of landscape character is that all landscapes have a value. The Council considers that it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape. Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required. The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquillity.

- (ii) ENV3 in the Core Strategy refers to policies EN2 and DME2. EN2 refers to Core Strategy extract 5.3 above. DME2 refers to Core Strategy extract below;

POLICY DME2: LANDSCAPE AND TOWNSCAPE PROTECTION

10.13 DEVELOPMENT PROPOSALS WILL BE REFUSED WHICH SIGNIFICANTLY HARM IMPORTANT LANDSCAPE OR LANDSCAPE FEATURES INCLUDING:

1. TRADITIONAL STONE WALLS.
2. PONDS.
3. CHARACTERISTIC HERB RICH MEADOWS AND PASTURES.
4. WOODLANDS.
5. COPSES.
6. HEDGEROWS AND INDIVIDUAL TREES (OTHER THAN IN EXCEPTIONAL CIRCUMSTANCES WHERE SATISFACTORY WORKS OF MITIGATION OR ENHANCEMENT WOULD BE ACHIEVED, INCLUDING REBUILDING, REPLANTING AND LANDSCAPE MANAGEMENT).
7. TOWNSCAPE ELEMENTS SUCH AS THE SCALE, FORM, AND MATERIALS THAT CONTRIBUTE TO THE CHARACTERISTIC TOWNSCAPES OF THE AREA.

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8. UPLAND LANDSCAPES AND ASSOCIATED HABITATS SUCH AS BLANKET BOG.
9. BOTANICALLY RICH ROADSIDE VERGES (THAT ARE WORTHY OF PROTECTION).

The Council will seek, wherever possible, to enhance the local landscape in line with its key statements and development strategy. In applying this policy reference will be made to a variety of guidance including the Lancashire County Council Landscape Character Assessment, the AONB Landscape Character Assessment 2010 and the AONB Management Plan. Also the Council will take into account the potential cumulative impacts of development in areas where development has already taken place.

By proactively considering these important features through the development management process the Council will deliver the Core Strategy vision and support the delivery of sustainable development.

The Application does not comply with these elements of the RVBC Core Strategy.

- (iii) G5 in the Core Strategy refers to policies DS1 and DMG2. For comments on DMG2 please refer to comment 5) (iii) above.

- 7) Section 3.3 states *"Subsequently, this matter has been addressed by an appeal decision (ref:APP/Q2371/C/19/3243448 and B ref:Q2371/W/20/3264309). As such it is taken that the calcareous grass issue is fully resolved."*

This is disputed for the reasons noted throughout this document.

- 8) Section 3.4 states *"Generally Ribble Valley Borough Council confirmed that they were supportive of the proposals and wrote in response to the pre-application enquiry, concluding that:- "I consider that the principle of development is acceptable and there are no provisional issues with the design approach taken to the dwelling. I would however highlight concerns in relation to residential amenity and the proposed layout, due to the proximity between properties. This would be an important consideration in any future application and therefore some consideration should be given to potential mitigation". "Subsequently, it was agreed that this concern would be addressed by increasing the depth of the existing gardens to no.1 and no.2 Hare Hill Croft and by the inclusion of a 1.8m high hit-and-miss timber fence to the boundary."*

What was agreed and by whom? Please also refer to comment 8) as the correct land boundary line of No.2 HHC would mean these "agreements" are based on a different land boundary.

Drawings submitted with the Application

21_1153_Proposed_Site_Plan

- 9) The land boundary along the eastern edge of No.2 HHC is incorrect and actually encroaches further east and beyond the line shown on the drawing by approximately 2m. The Application drawings should show the correct land ownership boundary along the edge of the HHC properties. The proposed new hedge and landscaping along HHC boundary on the Applicant's side of the land boundary line cannot be constructed within the No.2 HHC land boundary.
- 10) The drawings refer to an *"existing hedge line as approved drawing - planning ref: 3/2016/0748P"*. This hedge line hasn't been installed and maintained in accordance with the HHC planning approved landscape plans.
- 11) The ground floor level of No.2 HHC is at a level of circa 117m which indicates a level difference of c.5.5m to the lower basement/patio level of the proposed dwelling. The plan distance

between the lower level and the HHC boundary is c.3m at the nearest point. Refer to *Figure 1* below.

The structural details for the boundary walls, construction sequence, area required to construct the permanent works and any associated temporary works, need to be fully understood in order to assess whether the proposed works can be physically constructed. Appropriate intrusive site investigation to confirm ground conditions that will inform both the structural design and the determine the construction method should be undertaken. It will not be possible to fully assess whether it is possible to achieve what's shown on the Applicant's drawings without site investigation information.

A detailed technical appraisal to assess the buildability of the proposed design and whether the works can be constructed within normal construction tolerance/limits associated with noise and vibration should be demonstrated in advance. Given there is likely to be extensive volumes of natural rock to be removed, specific details of how the rock can be removed within the noise and vibration limits need to be established to inform this Application decision.

Put another way, the proposed development as indicated on the Application may well prove to be impossible to construct in principle, without further and detailed technical information to support the Application.

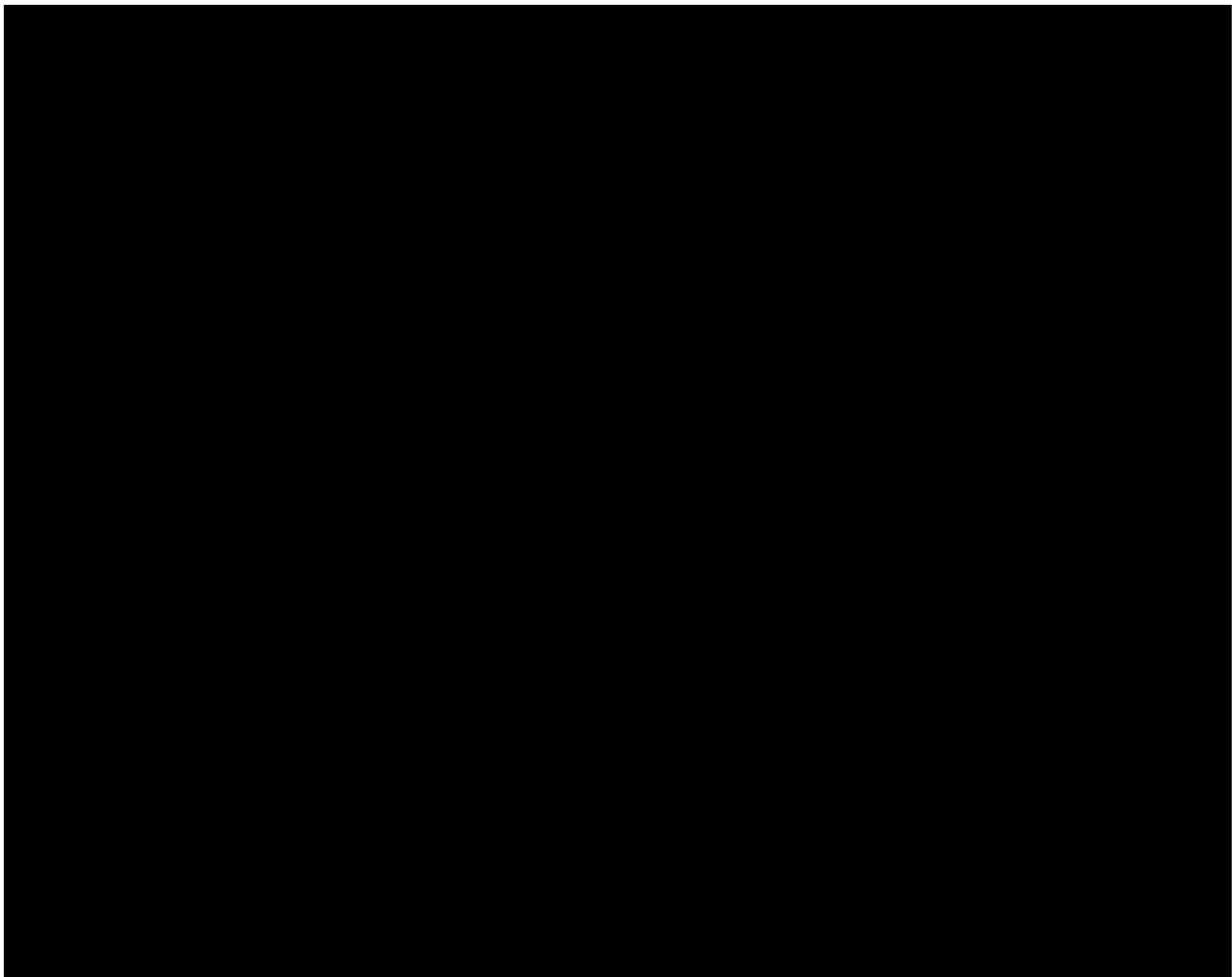


Figure 1: Annotated plan (extract from Application Drawing 02) showing indicative dimensions and levels changes.

21_1153_Proposed_Sections

- 12) The new basement level is indicated at a proposed level of 111.55m and patio at 111.45m. The levels and positions of No's 1 & 2 HHC as drawn on the Application drawings do not show the most onerous cross sections in terms of level difference at the nearest position on plan and are somewhat misleading in this regard.

The ground floor level of No.2 HHC is at a level of circa 117m which indicates a level difference of c.5.5m to the lower basement/patio level of the proposed dwelling. The plan distance between the lower level and the HHC boundary is c.3m at the nearest point. Refer to Figure 1 above.

Cross sections showing the minimum widths to the HHC correct land boundary and the maximum level difference between proposed and existing ground levels should be shown along with structural details for the retaining structure along the western side of the proposed development in order to assess this Application.

It is noteworthy that the lack of consideration associated with the level changes across the original HHC red line planning eastern boundary has led to a significant amount of dispute and therefore the level difference proposed here merits full and detailed consideration.

- 13) There is a note on the drawing "C 15.07.19 gabion basket boundary wall updated". There is no reference to a gabion wall on the drawing. What is this note referring to?

Hare Hill Croft Imported Soils Appeal Decision

- 14) We would also draw your attention to the comments in "Appeal Decisions APP/Q2371/C/19/3243448 and APP/Q2371/W/20/3264309" for the importation of soils where the Planning Inspector commented;

"Although I do not have full details before me and cannot therefore consider the full implications of a retaining wall, a 5.85m high wall in this location would appear a dominant feature which, in my view, is likely to have an adverse impact on the character and appearance of the area. Furthermore, since the appellant no longer has control over Hare Hill Croft, the works would need to be carried out entirely within the appeal site. Land within the appeal site would therefore be required to accommodate the construction of the retaining wall and wider disturbance would be likely during its construction. Both solutions are therefore likely to have an adverse impact on UCG."

In addition, the Appellant in the Appeal case stated, *"The second consideration was the construction of a retaining wall. This would be of substantial height and would thus require significant engineering to ensure its long term stability. Whilst boundary treatments for Hare Hill Croft had been previously approved by RVBC, these did not include any such structure and it is therefore unclear as to whether or not RVBC would require an additional planning permission for these works. Furthermore the significant groundworks associated with the construction of a retaining wall would require access from outside Hare Hill Croft and would therefore result in the disturbance, if not total loss, of any calcareous grassland that may have been present."*

The above comments from the Appeal Decision would be equally relevant to this Application.

Other comments

- 15) It is noteworthy that ecology survey reports were included with the previously rejected Applications ref. 3/2019/0498 and 3/2020/0145 have not been included with this Application. Why?
- 16) 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?
- 17) The scale of the proposed property is not in keeping with adjacent properties.
- 18) There will be a loss of natural light into No.9 Old Road as a result of the proposed dwelling.
- 19) The privacy of No.9 Old Road and No's.1 and 2 HHC will be adversely affected by the proposed development as they will be overlooked.
- 20) Two similar previous Planning Applications at the same site location have been rejected by RVBC, planning applications ref. 3/2019/0498 and 3/2020/0145.
- 21) In addition to the negative effect the development would have on the species noted above and the damage and loss it will cause to the 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.
- 22) There is a traditional stone wall along the edge of Old Road that would be destroyed by the proposed development. Refer Core Strategy DME2 - 10.13 which affords protection to such features.
- 23) There is no Construction Management Plan (CMP) with the Application. There are various key issues that need to be addressed before construction, some of which may also 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

The immediate adjacent neighbours include retired people, young families with children aged 1 to 5, 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.