

[REDACTED]

From: [REDACTED]
Sent: 12 July 2024 11:46
To: Planning
Cc: [REDACTED]
Subject: Application No. 3/2024/0393 Land adjacent to no 9 Old Road Chatburn BB7 4AB
Attachments: Application 3_2023_0866 - Land adjacent to 9 Old Road Chatburn BB7 4AB - [REDACTED]
[REDACTED]

⚠ External Email

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FAO Stephen Kilmartin

Dear Stephen,

Please find below comments relating to the above application, the majority of which have featured in previous comments to the many and various earlier and related applications.

Retaining Wall

You may recall we discussed the lack of available space to facilitate the construction of a retaining wall close to the boundary of No.2 and 1 Hare Hill Croft. As noted below the latest proposals have not dealt with this problem.

The details shown on the proposed 'westerly retaining wall detail' drawing 'COR/Plot11/WRW' are misleading in that the foundation (the horizontal base part of the 'L' shape) is far too short. The reality of the detail as drawn is that you would need to bolt down the short base to a large foundation slab below the 'L', which is not shown on the drawing. Alternatively, the horizontal element of the 'L' would need to be much wider and encroach beyond the red line boundary. If you were minded to consult a professional Civil or Structural Engineer they would no doubt reach the same conclusion as I have.

It is clear from the proposals shown on drawing 'COR/Plot11/WRW' that a significant encroachment into land area associated with No.2 Hare Hill Croft is required, which would need permission from the adjacent and, for the reasons noted below, some form of legal agreement.

Other important retaining wall design related matters that affect both the adjacent landowner(s) and the future owners of the new property would include:

- (i) Surcharge loading (applied load at ground level once the retaining wall has been constructed) on the high side of the retaining wall beyond the red line boundary. This imposes new restrictions on the use of adjacent land beyond the red line boundary.
- (ii) The Hare Hill Croft surface water drainage is conveyed into a reasonably large area of buried soakaway system in the rear gardens of the HHC properties. The proposed area of encroachment (excavation and fill) will inevitably connect the soakaway drainage to the new retaining wall design, which will alter the intended drainage function of the HHC properties.
- (iii) Drainage of the proposed retaining wall is noted as being through weep pipes. Any drainage system needs to be fully maintained over its life and would need taking into account with the proposed drainage plan for the new property.

- (iv) You could design the retaining wall to withstand the full hydrostatic head of water (no drainage), but this would make the structure even larger.
- (v) Design life of the proposed design needs careful consideration in the wider design life of the development and adjacent property context.

Assuming there will be no agreement with adjacent landowners the design of the proposed retaining wall would need to clearly demonstrate how it can be constructed within the red line boundary area.

'Construction Method Statement', 'CEMP Plan', 'Construction Phase Plan'

With regard to the construction management related documents submitted under this application and as noted above, these appear to contain the same information that has been submitted under related applications 3/2023/0325 and 3/2024/0866. I have made previous comments on why the proposed construction related details should not be permitted or if permission is granted, what details should rightly be considered prior to permission being granted. Please refer to the attached e mail for full details and I have summarised the previous comment in the points below, most of which are still relevant (“...”).

“

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 [REDACTED] [REDACTED] 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 to legal proceedings and was allowed to remain following various legal proceedings. 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. “

Reversing Vehicle Beepers

Finally, I had cause to review the UU HARP project planning permission conditions (application LCC/2021/0015) and noted the requirement by LCC planning condition 16 that required,

“All mobile plant on the site shall be fitted with broadband/non-audible reversing systems, which shall be employed during the operation of the mobile plant”

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waster Local Plan”.

As an aside, I can also hear, from [REDACTED] the reversing bleeper(s) from the plant and equipment involved in a new ongoing development between the railway line and Crow Trees Brow in Chatburn.

Why is the UU HARP LCC condition not the standard RVBC position with regard to reversing beepers?

Recent Activity

The developer has been actively preparing the site compound area in line with the proposed construction management plan during w/c 24 June and the weekend of 22-23 June, with the sound of the reversing beeper from the developer's forklift truck disturbing the residents of HHC and beyond.

Kind regards

[Redacted signature]

[Redacted name]

[Redacted contact information]