

From: planningcomments@highpeak.gov.uk
To: [Planning Comments \(HPBC\)](#)
Subject: Comment Received from Public Access
Date: 20 December 2022 11:14:02

Application Reference No. : HPK/2022/0484

Site Address: Land off Long Lane South of Chapel-en-le-Frith High School Chapel-En-Le-Frith Derbyshire SK23 0TQ

Comments by: Elizabeth McCormick

From:

Bowden Head Farm
Bowden Lane
Bowden Head
Chapel-en-le-Frith

Phone:

Email:

Submission: Neither

Comments: I am the registered owner of the field that sits beside Long Lane School and the railway line and adjoins the application site, the land registry title number of my ground is DY279095.

As with planning application HPK/2021/0388 I have not received notification of this application and request that the consultation period is extended. I also note that the owner of the first section of Bank Hall Drive as it leaves Long Lane is not in the list of those consulted and as the proposal is to drive over this privately owned land to access the proposed site then the owner should have been notified.

Application HPK/2022/0484 does not comply with the adopted Neighbourhood Plan. The proposal has been scaled back in comparison to HPK/2021 0388 but still requires hard standing and extensive infrastructure to be put in place. The access is not suitable for such a site and there will be a considerable impact on the neighbours not merely as a result of the extra vehicle activity on Bank Hall Drive but also as a result of the noise pollution and the change to the view for the users of Bank Hall Drive as well as others at vantage points such as Eccles Pike and the school. The site will be visible and access to the site is along a private road which is not in the ownership of the applicant.

The proposed vegetation that is to be planted in order to reduce visibility of the glamping site will take years to gain the height and width required to fully perform their intended function, the growing period for a tree at the altitude of this proposed site will result in a slower rate of growth and take longer to reach maturity than in areas at lower altitude.

Certain planned structures are permanent and will be visible throughout the year.

The proposed development is contrary to policies EQ2, EQ3, EQ6 and E7 of the adopted High Peak Local Plan 2016, paragraph 130 of the NPPF and policy TM2 of the adopted Chapel-en-le-Frith Neighbourhood Plan.

The proposed development is in a flatter section of the valley bottom and will not add sufficient benefit to outweigh the losses the local residents and wider community will suffer.

Please take into consideration all previous objections raised for the various applications on this site which include a glamping site application HPK/2021/0388, application for housing HPK/2015/0651 which was withdrawn and a further application for housing HPK/2015/0058 which was refused and was the subject of an appeal Ref: APP/H1033/W/15/3136353.

The Application Form -

The Application Form Site Location Property Name is Land off Long Lane, South of Chapel-en-le-Frith High School however the Property Name should be Land off Bank Hall Drive, South of Chapel-en-le-Frith High School as it is not possible to access the land directly from Long Lane due to it being removed from Long Lane by privately owned land and a railway embankment.

The Application Form Description states Proposed glamping site, to include 10 glamping units, 5 units for facilities and covered parking for 10 cars this is contradicted in the Flood Risk Assessment and Drainage Plan. I note there appears to be very limited information on the proposed use of the large central yurt and what extra vehicle access it is anticipated will be generated.

In the Application Form Pedestrian and Vehicle Access, Roads and Rights of Way section it confirms a new or altered vehicular access proposed to or from the public highway but the applicants will need new access permissions in order to deliver the site along a private drive and there are 'pinch points' within the access that will increase the risk to those on the public right of way as well as increase the issues of access to property for those that are owners.

In the Application Form Waste Storage and Collection section the applicants do not address how the waste will be collected from site as there is no existing facility for waste collection from the existing properties on Bank Hall Drive.

In the Application Form Assessment of Flood Risk section the question regarding how surface water will be disposed of does not have a tick against Pond/lake yet the Flood Risk Assessment and Drainage Strategy details a pond against the northern boundary and one in the south western side of the site, see Sustainable Drainage System page 10.

In the Application Form Ownership Certificates and Agricultural Land Declaration it is stated that none of the land to which the application relates is part of an Agricultural Holding yet it was until very recently used to graze sheep and therefore must have a Holding Number for such activity. The land is registered against a Holding Number.

The Application form is incorrect on more than one point.

The Extended Phase 1 Habitat Survey & Bat Survey -

The Introduction section Figure 1 shows the application site and confirms that access is required along some of Bank Hall Drive, the driveway is not in the applicant's ownership nor is the land either side of the driveway.

The section of Bank Hall Drive from Long Lane up to and under the railway line (I will refer to this part as the initial section) is not included in the Proposed Site Plan but there is no other access available for cars, delivery vehicles, bicycles, maintenance vehicles etc without this section is included in the application. Delivery of the site relies on using this initial section of the Bank Hall Drive and should be included in this map as part of the application so that the full extent of the application can be clearly seen.

The ownership of this initial section is in two parts one of which lies with a private individual and the other with Network Rail. The section of Bank Hall Drive that is after the railway embankment is similarly in private ownership.

This initial section of the drive has some Tree Protection Orders in place and is a designated open green space in the adopted Neighbourhood Plan. Due to the curve on the initial section of driveway and extensive tree/bush overhang during the time of year that the site is proposed to be open there is poor visibility, it is also relevant to note that no passing places exist.

In the previous glamping site application two trees were recommended for removal in the Arboricultural Impact Assessment 13616/P08a: Tree Constraints Plan and 13616/P11: Scheme Overlay - Tree Retention Plan. Would this application not also need to consider such tree removal in order to improve access?

The railway bridge is subject to rights and Network Rail need to be consulted if there are to be any works such as the provision of an electrical supply that would involve the bridge, the carriageway under the bridge and the adjoining embankment. In response to housing application HPK/2015/0651 Network Rail confirmed that the access is agricultural. This current proposal will require a change in that access permission and there is no evidence to suggest that the applicants have discussed rights of access with Network Rail.

Construction Stage Mitigation -

The initial section of Bank Hall Drive should be included in this section as construction would rely on access along this initial section of the drive. Splay and visibility where Bank Hall Drive reaches Long Lane should be considered as part of the application as well as the safety of pedestrians on the PROW.

There is no explanation of how the electricity supply is going to reach the site.

Proposed Site Map New Footpath -

There is a "Footpath Adjacent Road To Be Created on Applicants Land" comment which suggests that there is no vegetation along the driveway that would need to be removed/pruned in order to create the new footpath.

The Application Form Pedestrian and Vehicle Access, Roads and Rights of Way section states there are no new Public Rights Of Way to be provided within or adjacent to the site yet the map shows a new footpath which would terminate at the field boundary. Presumably this a purely private footpath with leads to a dead end but there is no explanation of what is to happen to the existing vegetation that is on the site boundary against the driveway heading toward the southern boundary and outside the applicants ownership.

The applicant does not own either the verge or the driveway and therefore cannot build the proposed footpath so that it re-joins the existing PROW at the boundary of the applicant's field. The applicant merely has access across a section of the Bank Hall driveway and therefore it is unclear what the purpose of this footpath is and who will benefit from it being constructed given that it comes to a dead end.

The applicants have no right of access along Bank Hall Drive beyond where the original field gate exists other than by foot on the PROW. Access is on the driveway only and no access is given across or on the land beside the driveway.

The PROW is on foot only yet the Design and Access Statement suggests that guests will be able to walk or use bicycles to and from the proposed site, this is incorrect. It also states that the Field Storage Shelter will also be a Bike Storage facility but there is no information on the proposed cycling facility or the number of journeys they expect to generate.

The Design and Access Statement does not align with the Flood Risk Assessment and Drainage Strategy document.

The Design and Access Statement incorrectly infers that Bank Hall Drive is a well-maintained public road, it is in fact privately owned and maintenance is not publicly funded. Long Lane is a public road but does not directly link to the application site.

It should also be noted that there is no refuse collection on Bank Hall Drive and all refuse has to be placed at the entrance to the drive at Long Lane.

The conclusion that the site can be accommodated on Bank Hall Drive is based on a false understanding of the ownership of the drive and the applicants access rights.

Restrictive Covenants -

The application site is subject to covenants that restrict the land to agricultural use only, prevent the land owner doing or permitting to be done on the land anything that may become or amounts to a nuisance or annoyance to adjoining owners or occupiers.

The covenants still stand and the planning team have access to copies that are held on file.

Flood Risk Assessment & Drainage Strategy -

Appendix C suggests watercourses on adjacent land are spring fed but they are actually drains that are linked to the railway drainage system, this watercourse feeds in to Combs Reservoir. Photograph 9 in the Photographic Log is incorrect to state it is a spring and the source of the watercourse, it is merely the point at which a drain reaches the surface.

The Flood Risk Assessment and Drainage Strategy Development Proposals and Conclusions state

"The proposed development is for 15 No. glamping units, 5 No. motorcaravan pitches and associated facilities". The Flood Risk Assessment and Drainage Strategy document seems to be at odds with the Proposed Site Map and other documents as it includes ponds and 2,975m² of hardstanding

in the form of glamping pods, motorcaravan pitches, shepherd's huts, yurts and an access road.

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