
From: planningcomments@highpeak.gov.uk
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Categories:

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
Chapel-en-le-Frith
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Phone:

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Submission: Neither

Comments: HPK 2022 0484 Further Comment

There are several further documents that have been submitted which are incorrect and misleading with regard to the ownership of Bank Hall Drive and the applicant's right of access.

TN01 Highways Rev B in item 3 of Introduction states "Access is available under a right of way for all purposes. This is incorrect as the applicant under the 1986 conveyance of the field that is the proposed site only has the right for the Purchasers and their successors in title owners or occupiers for the time being and their tenants servants and all other persons authorised by them to pass and re-pass at all times and for all purposes with or without animals and vehicles over and along the driveway leading from Long Lane Chapel-en-le-Frith aforesaid between the points C and D as shown coloured red on the said plan annexed hereto PROVIDED ALWAYS that the purchasers and their successors in title will pay a fair proportion (according to user) of the cost of keeping the said driveway in repair and shall leave and maintain the same at all times unobstructed".

The points C and D referred to are for a very limited section of Bank Hall Drive and are from the Network Rail railway line to the proposed sites original field gate. Note that the applicant is not to obstruct the access for other users of the driveway which includes my own access to land beside the railway line and neighbouring the proposed glamping site. Several photographs in the submissions show the applicant is prepared to encourage the blocking of my access by parking in my gateway, see Design and Access Statement Revised cover page and page 8.

The applicants do not have the same access rights for the rest of the driveway beyond the points C and D seen in the 1986 Conveyance document, the driveway being divided into several sections over its length with each section being under different ownership.

The first section of the driveway from the gateway at Long Lane to the railway bridge is owned by a private individual and registered under Title Number DY243282. The applicant only has basic agricultural access across this section of driveway and no right of access to land beside the driveway or under it, this was confirmed in planning application HPK/2021/0388 August 2021 by Mr Peter F Smith. There has been no change in access rights along this section of the drive.

Under the railway line the land is owned by Network Rail with only basic agricultural access rights granted to the applicant, this was confirmed in January 2016 as part of planning application HPK/2015/0651.

Point D on the 1986 Conveyance map is the applicant's original field entrance and is the limit of their access rights with animals or vehicles in the direction of Downlee Farm and Bank Hall.

The applicant does not own any section of the driveway nor the land under or beside it and cannot install new entrances, pipework, cabling or poles on the land alongside or under the carriageway without acquiring further rights. TN01 Highways Rev B Item 27 of Section 1 suggests reinforcing the verge to facilitate passing but this on land outside the applicant's ownership and control.

The applicant has already installed a new gateway and is accessing the proposed site using land outside their ownership and control clearly without regard to the neighbour who owns the driveway and land beside it. As the applicant is trespassing by driving across the neighbour's land in order to access the new site entrance what reliance can be placed on claims of managing the bookings to avoid groups and to take action to minimise impact on neighbours?

The applicant has no right of access beyond the site's original gateway other than to the public right of way. Cycling is not permitted on the public right of way yet the applicant intends to encourage such activity, see Items 12 and 15 in Accessibility of the Site section of TN01 Highways Rev B. The driveway is divided into several sections after the original field gateway and these sections are outside the control of the applicant.

Photographs 1, 2, 3 and 4 of the TN01 Highways Rev B document are clearly taken outside the period of the year when the vegetation is in leaf and visibility along the lane is very different to visibility during June to September when the proposed site would be at its busiest. A site visit when vegetation is in full leaf would show a much lower level of visibility.

TN01 Highways Rev B Appendix 8 shows the Date Range of surveys selected to be 01/01/00 to 28/07/18 with 14 of the 16 surveys dated pre 2010. The two surveys that are post 2010 were undertaken in 2011 and in 2016. All surveys were taken prior to the Covid pandemic and Brexit which have resulted in significant changes in how people take their vacations.

Design and Access Statement Revised on page 12 headed 11.0 Design under the Access section the document incorrectly states that Bank Hall Drive is a well-maintained public road. Bank Hall Drive is a totally privately owned road and any increase in traffic as a result of the proposed development will be detrimental to the residents and land owners on Bank Hall Drive. There will be a detrimental impact on the road network contrary to CF6 & Accessibility and Transport as mentioned in the High Peak Borough Local Plan. S1 & Sustainable Development Principles of that same Local Plan does not allow for the forced creation of a cycle route on private property yet the applicant is promoting cycling as on page 4 of the Design and Access Statement Revised document.

Under Groundwork on page 12 the document states 'services ducting will be laid for power and water. Pipework will be run for water and cables for electricity'. The land to deliver such services is outside the control of the applicant.

Page 11 item 8.0 Public Rights of Way states 'No public rights of way are affected by this proposal both during construction and after completion'. The promotion of cycling on a private road which only has public footpath designation on it will clearly affect the public right of way. The delivery of the one existing Shepherd Hut to site was not merely a matter of one trip to drop the unit on site as there were various visits to bring decking and the hut before construction work was undertaken. Delivery and construction traffic will impact the right of way during construction purely by the addition of extra vehicles on the carriageway.

The Demand Statement 22.03.2021 proposes 'the creation of a small scale, high quality holiday retreat with Glamping Pods / Safari Tents / Yurts and Shepherd's Huts (15 holiday accommodation units in total), together with 5 Motor Caravan pitches (non-trailed units)' and also states 'Bicycle hire would be offered on site and charging points for electric cars would be located on site to further encourage the use of sustainable modes of transport'. This document is at odds with the Design and Access Statement Revised document and merely confirms the HPK/2021/0388 planning application details mixed with pre 2021 data that does not reflect the current cost of living crisis and its impact on the local tourism sector. The arguments within this document are to support a proposal that does not match planning application HPK/2022/0484.

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