

From: planningcomments@highpeak.gov.uk
To: [Planning Comments \(HPBC\)](#)
Subject: Comment Received from Public Access
Date: 20 October 2023 20:41:48

Application Reference No. : HPK/2023/0416
Site Address: Land Opposite 2 Chapel Brow Charlesworth Derbyshire
Comments by: Mr & Mrs Phillips
From:
Rose cottage
Chapel Brow
Charlesworth
Glossop
Derbyshire
SK13 5HH

Phone:

Email:

Submission: Objection

Comments: Reference: Planning application number HPK/2023/0416

Description: Proposal for Construction of a new 3 storey, 4 bedroom detached dwelling with associated landscaping and car parking on the land rear of 44/46 Town Lane, Charlesworth, fronting access from Chapel Brow;

Dear Sir

Thank you for the notification letter, dated the 2nd of October 2023, regarding the above planning application. We are writing in relation to this planning application. We are the owner occupiers of Rose Cottage, Chapel Brow, which shares boundaries with the proposed development.

We are objecting to the proposed development for the reasons detailed below.

Objection Details

Site plan boundaries are incorrect/inaccurate:

The planning related documents have incorrect boundaries, in that they encompass land registered to us (Rose Cottage, Chapel brow). This is the same land ownership issue previously raised when objecting to planning application HPK/2018/0048.

- 14647-100B Site OS Plan
- 14647-101B Existing Site Plan
- 14647-102B Proposed Block Plan
- 14647-103B Proposed Site Plan
- Design & Access Statement

All documents show the proposed boundary running to the inside corner of our house, having crossed into, and encompassing, land registered to ourselves.

This also means that the signed declaration in the 'Certificate of Ownership - Certificate A' is once again incorrect in relation to the points above. Our solicitor has provided further details and evidence in writing to the planning office (Letter dated: 11th October 2023).

Application Form is incorrect/inaccurate:

Section 14 of the 'Application Form' states existing use as 'garden/field' and previous use as 'garden'. In page 4 of the 'Heritage Statement' it states in the executive summary that 'the site has always been a field'.

To our knowledge the site has always been a field, and the Aerial photograph of the area provided below from 'Pre-2018' (and other photograph of our garden) support this. Two planning application in 1999 relating to a Field/Animal Shelter (HPK/0003/8322 & HPK/0003/7904) also further support this.

Figure 1a - Aerial View (Pre-2018)

** Images have been provided by post in related letter **

Rose Cottage garden views (Pre-2018)

** Images have been provided by post in related letter **

Figure 2a - Aerial View (Prior to planning application HPK/2023/0416)

** Images have been provided by post in related letter **

Rose Cottage garden views (Prior to planning application HPK/2023/0416)

** Images have been provided by post in related letter **

Note: An excavation can be seen on both the aerial and garden views, within 3 meters of the party wall without prior notification.

Excavation and construction risk/issues:

Our garden (and related party walls) adjoin the proposed site plan on two sides and is raised up on the end. The ground then slopes away to the proposed development.

The significant excavation and removal of large amounts of soil and pasture land and lowering of field soil levels proposed in this application, in addition to the removal of large parts of the heritage wall (previously proposed in HPK/2018/0048, HPK/2022/0537 & HPK/2022/0536), has led to the following concerns.

1. Potential damage and support issues relating to the end of our main garden/party walls. This risk is compounded by the further removal of the heritage wall and replacement with fencing as demonstrated in the Design & Access Statement - this is further discussed in Design & Access Statement incorrect/inaccurate section comments later in this document.
2. Our own obligations to look after our part of the heritage wall will also have extra pressures applied in

attempting to ensure there is no damage incurred during any resultant excavations and building work..

3. Potential damage to existing trees and shrubs near to and lining the party wall/boundary with the proposed excavation and build.
4. There are no details within the planning application documentation that explains:
 - a. Where the significant volume of excavated soils and materials will be moved too?
 - b. How the construction vehicles, heavy equipment and machinery will enter and leave the site without further removal and damage to the historic walls?
 - c. How this will be done safely and without damaging roads and other infrastructure, when considering access is via a tight turn off a narrow/steep public single-track road?

Proposed change of purpose:

The site is greenfield and partially within the Charlesworth Conservation Area and may affect the setting of No.44-48 Town Lane (Grade II Listed). where development risks an adverse impact on its setting and risks an adverse impact on landscape character and the natural asset. Also, the site's visual prominence and sensitive location could result in adverse landscape impacts.

Impact on Privacy:

The proposed garden layout will share a boundary with the full length of our front and rear gardens plus patio area. This will have a direct impact on our privacy.

In addition, there does not seem to be any restrictions specified on the type/height of boundary fencing or garden buildings in the proposed application. This could have an impact on direct sunlight.

Heritage statement is incorrect/inaccurate:

Heritage statement (J W Conservation - August 2023). This is an updated version of a report commissioned from Jenny Wetton Conservation in 2020.

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021 and 5 September 2023. This sets out the government's planning policies for England and how these are expected to be applied.- the quotes used in this heritage statement are quoted from superseded National Planning Policy Framework (2012 and 2018) for example e.g. Policies 126 , 127 , 128 and 132 on page 11 , quotes from policies 188, 189, 190 ,191 and 199 of the Heritage statement August 2023 and do not match the July 2021 version which should have been used for the updated version of August 2023

Page 10 of the Heritage statement also shows a picture that excavation works had already started on this. Under the Party Wall Act which states the 3-meter rule means notice must be given if you plan on excavating deeper than a neighbour's foundation within 3 meters of any part of their property. You must provide notice in writing. In response, adjoining neighbours must provide written consent before work can take place which did not occur.

(Note: Figure 2b shown earlier in the objection letter also aligns with the picture on page 10 of the Heritage statement)

The Party Wall etc Act 1996 covers excavations within 3 metres of an Adjoining Owner, if the lowest point of the excavation will be lower than the underside of the footings to the party wall (or parts of their property which are within three metres of the proposed excavation).

The National Planning Policy Framework (NPPF) September 2023 quotes

15. Conserving and enhancing the natural environment

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Heritage Statement does state in the executive summary page 4 that 'the site has always been a field, 'in the history of the site on page 7 it states the site is 'shown as a field'

On page 9 on the description of the site it states 'The site is currently, and is shown on historic maps to have been, a field on a steep downslope facing north-west. It is currently accessed by a field gate from the southern part of the property and is defined by a stone boundary wall along the north-east side, another along the north-west side, with fencing (agricultural) around the remainder'.

On Page 12 Archaeological Interest: 'The site has always been a field and it is likely that the archaeological potential is very low 'with no mention of the historical underground passage which runs from 46-48 Town Lane to the Independent Chapel graveyard.

Introduction of movement or activity: The site is currently only in use as a field and movement would increase. (do sheep not move ?) Conclusion statement on page 29 also states that 'The site has always been a field'

The conclusion statement also discusses the poor condition of the two stone walls forming the boundary, presenting a poor aspect in the conservation area and the setting of the listed building.- The National Planning Policy Framework (NPPF) September 2023 quotes Policy 196. 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. '

Design & Access Statement incorrect/inaccurate (44-46 Town Lane Access Via Chapel Brow):

This document states on page 12 There will be perimeter fencing around the site and together with the main gates will provides a secure area within - evidence of a fence perimeter can be seen on page 9 , page 11 and most significantly on page 5 which seems to show the total removal of the heritage wall in favour of fencing and does no way mirror the requirements of the design considerations for access as quoted on page 13 which does not show the planned house on the visual splay drawing -The lack of visual splay requirements on the design and access drawings therefore make it very difficult to ascertain how the lowering of the boundary wall will actually impact on the visuals from the new building ,for example ,privacy and how much of the boundary wall is to be removed and replaced with fencing which could impact the heritage wall on our boundary

It is noted the proposed plans are seen to lack context of showing how this building will impact on other buildings around it and all the boundary walls.

H&S A3 109A Proposed Roadside Visuals does seem to show a Stonewall as a boundary on the road but does not show the agreed visual splay and how this will actually affect roadside visuals for this proposed building.

H&S A3 106A Proposed Front Elevation document seems to show planting against the heritage wall and hedge which will not be allowed within the requirements of the visual splay.

H&S A3 105 A i Proposed Side Elevations for the roadside elevation this drawing again does not show visual splay but also shows a different window configuration on the top floor compared to the design and access statement Drawing on Page 5 and H and S A3 109A roadside visuals.

H&S A3 108 A i Bird Eye Views show a fencing instead of boundary wall.

H&S A3 113A Proposed Garden Floor Plan - document shows dining room window to be an opening full length window contradictory to roadside view and side elevation proposed plans which could again impact on privacy.

Access to the Proposed Building site

A new vehicular access shall be formed to Chapel Brow in accordance with the application drawings, laid out, constructed and provided with visibility splays of 2.4m x 25m in the North‐westerly direction and 2.4m x 32m in the East / South‐easterly direction, measured to a point 1m into the carriageway. The area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

The Access way will now be changing to a shared access and the historic stone wall described on the 14647 Existing site plan 101 B will have a material and non-material change to take into account the proposed application.

SCP Transport installed an ATC on Chapel Brow which recorded information from Tuesday 7th June 2022 - Friday 10th June 2022. This visibility Splay proposal has been approved on the scheme (HPK/2022/0536) and will be for the shared access driveway for this scheme.

The ATC was installed on 2 way area of Chapel Brow and not on the single track road where access has been granted to the single dwelling - the Department of Transport TAG Unit M 1.2 data sources and surveys 29th May 2020 (transport analysis guidance) section 3.35 states 'Traffic counts may be obtained by automatic means (Automatic Traffic Counts, ATCs) and these factors need to be considered:

- i the accuracy of the data

- i the choice of survey locations

Installation on the incorrect road will not have given accurate data or the correct location to support the calculation of the splay required for the new driveway entrance through the heritage wall on the single track road.

3.3.38 It is normal practice for MCCs to be carried out on a single day but ATCs should be conducted for at least two full weeks, ATCs carried out for two-weeks or longer will capture some day to day variability.

The data was set to be captured over a 7 day period but the installation was damaged so only four days were captured.

The installation was also placed across an area of Chapel brow where vehicles slow to turn right down the single track and also slow to let larger vehicles coming up Chapel brow have better access. This survey does not take into account vehicle speeding down the single track way.

Photograph taken 10th June 2022 showing damaged ATC on Chapel Brow

**** Images have been provided by post in related letter ****

 

Water supply issues/Infrastructure:

Over the years homeowners on Chapel brow have suffered from re-occurring inconsistent water pressure issues.

With united utilities seeming unable to provide a consistent supply now, how are they going to be able to guarantee that the supply on Chapel Brow is not going to be adversely affected further by this planning application, in addition to the separate planning application HPK/2022/0536?

Design and external appearance of building not in keeping with surroundings:

The Conservation Area on chapel brow is rural in form with gardens in front of and next to houses, entrances to farmyards and fields behind buildings and either side of the road. This proposed building does not reflect the local heritage and historical architecture of the buildings on chapel brow and the side elevations lend themselves more to resemble a commercial or office building which does not blend with the palette of current heritage cottages and houses in the conservation area.

Objection Summary

This is a planning application, to build in a conservation area, on green pasture land , next to a grade two listed building ,damaging and causing harm to the curtilage of boundary walls and the possible destruction of a historical underground passage which runs from 46-48 Town Lane to the Independent Chapel graveyard with a building that does not have an accurate design and access statement and does not reflect the heritage and characteristics of other properties on Chapel brow and has out of date policy references in the heritage statement and an incorrect declaration of land ownership

This overbearing proposed Building is encroaching on privacy, overlooking property, in an area with limited infrastructure, will have a massive excavation and soil movement, damaging the surrounding biodiversity and ecology of the area and a massive carbon release into the environment by digging and exposing soil to the air and releasing CO2 and other greenhouse gases, which is against the proposed requirements to reduce damage to carbon stocks within soils as referred in High Peak Agriculture & Land Use Analysis Version 1.1 February 2022

I would also say that there is real danger that this proposal is setting a Precedent in the village of Charlesworth, and this would inevitably lead to other inappropriate development on Chapel Brow

If you have any questions or need further information, please feel free to contact us.

Yours faithfully,

Mr & Mrs Phillips

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