

CALDERDALE METROPOLITAN BOROUGH COUNCIL**PLANNING COMMITTEE****WARDS AFFECTED: MORE THAN THREE**

Date of meeting: 5 January 2021

Chief Officer: Interim Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

2. INTRODUCTION

- 2.1** The attached report contains two sections. The first section (yellow sheets) contains a summarised list of all applications to be considered at the Committee and the time at which the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Interim Director of Regeneration and Strategy may be appropriate then consideration of the application may be deferred for further information
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Interim Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policy

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control concurs with the basic principle of sustainable development in that it assists in ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

3.3 Equal Opportunities

All applications are considered on their merits having regard to Government guidance, the policies of the adopted Unitary Development Plan (UDP) and other factors relevant to planning and in a manner according to the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

Planning permission in the vast majority of cases is given for land not to an individual, and the personal circumstances of the applicant are seldom relevant.

In particular however, the Council has to have regard to the needs of people with disabilities and their needs are a material planning consideration. Reference will therefore, be made to any such issues in the individual application reports where appropriate

Furthermore, the Council also attempts wherever possible/practical to apply good practice guidance published in respect of Race and Planning issues.

3.4 Finance

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

However, there is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman
For and on behalf of
Interim Director of Regeneration and Strategy

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman
Corporate Lead
For Planning Services

TELEPHONE :- 01422 392241

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. Secretary Of State For Communities And Local Government
3. Calderdale UDP (including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

You can access the Councils website at the Councils Customer First offices and Council Libraries.

List of Applications at Committee 5 January 2021

| Time & No. | App No. | Location | Proposal | Ward | Page No. |
|---------------------------|----------------|--|-----------------------------|-------------|-----------------|
| 14:00 | 20/01116/LAA | Car Park Adjacent To Hebden Vale Centre Bridge Lanes Hebden Bridge Calderdale | Creation of new car park | Calder | 5-23 |
| | | | | | |

Time Not Before: 14:00

Application No: 20/01116/LAA

Ward: **Calder**

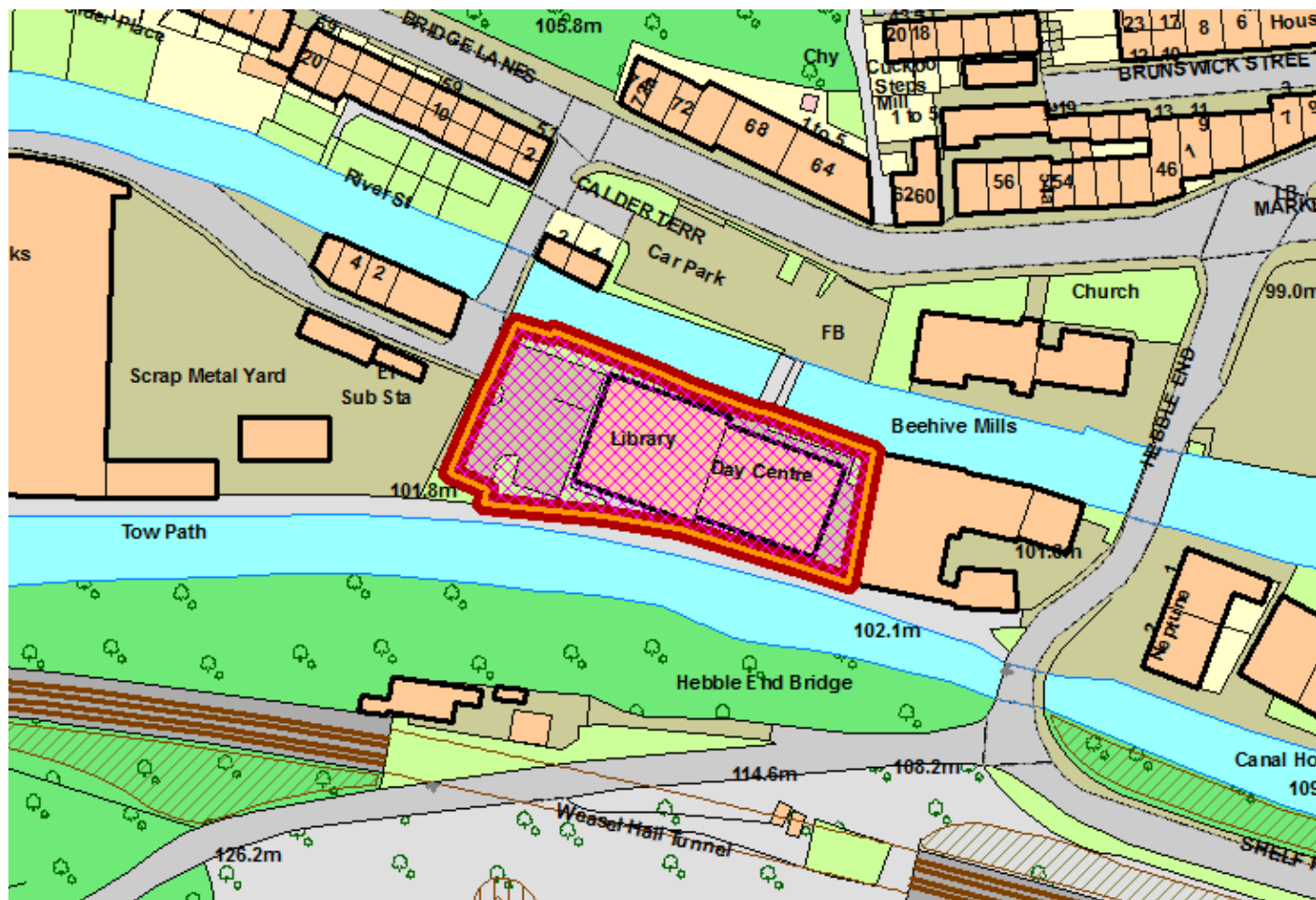
Area Team: **North Team**

Proposal:

Creation of new car park

Location:

Car Park Adjacent To Hebden Vale Centre Bridge Lanes Hebden Bridge Calderdale



Applicant:

Calderdale MBC

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

No

Departure from Development Plan:

No

Consultations:

Conservation Officers
Canal & River Trust
Environmental Health Services - Pollution Section (E)
Highways Section
Business And Economy
Environment Agency (Waste & Water)
Hebden Royd Town Council
Countryside Services (E)
Lead Local Flood Authority

Description of Site and Proposal

The application site extends to approximately 0.2ha and lies between the Rochdale Canal and the River Calder, in the western part of Hebden Bridge

The site is roughly rectangular in shape and comprises a broadly flat area of land created following the demolition of the Hebden Vale Children's centre. To the eastern boundary is Beehive Mills, the southern boundary is formed by a wall separating the site from the Rochdale Canal Towpath, the western boundary is defined by a wall and in part by a metal paladin-style fence and gate. To the north is the River Calder

The site is accessed from the A646 (Bridge Lanes) via from Stubbing Holme Road. Stubbing Holme Road serves several industrial premises and residential properties, beyond the application site. There is a narrow footpath on the left side of the road as it passes over the River Calder.

The site is within the Hebden Bridge Conservation Area, it is abutted by the Grade II listed "Bridge Over River Calder".

The site lies within Flood Zone 2 and 3. The eastern most part of the site has a high risk of surface water flooding and the south-western part has a medium risk of surface water flooding.

The site has most recently been used by the Environment Agency as a compound for the flood alleviation works.

The proposed development would create a public car park including a new step-free pedestrian access ramp to the Rochdale Canal towpath. The proposed development supports a programme of interventions for the A646 corridor which aims to improve connectivity and provide a more cohesive and integrated transport network that provides reliable and more accessible sustainable alternative modes of travel to the private car.

The proposed development would consist of resurfacing works and the provision of markings to form a car park providing 63 spaces including 6 disabled bays. New pay and display machines would be installed, kerbs to prevent vehicles parking against the site boundaries and to create a separate pedestrian route around the site. New streetlighting and CCTV infrastructure is proposed.

The delivery of the car park is part of the A646 Corridor Improvement Programme (CIP) scheme which aims to deliver a number of highway network and signal improvements to improve connectivity and provide a more cohesive and integrated transport network that provides reliable and more accessible sustainable alternative modes of travel to the private car. The car park would compensate for removal of on street parking to improve traffic flows thereby reduce journey times and encourage more bus usage.

Following representations from the adjacent landowner the layout plan has been amended to draw the extent of the development away from Beehive Mills which results in the parking provision reducing to 61 spaces (including 6 disabled spaces) to accommodate fencing and barriers.

The application has been referred to Planning Committee as the Corporate Lead, Planning considers that the application should be referred to the Planning Committee for determination because of the significance, impact or sensitivity of the proposal

The application is accompanied by the following supporting documents:

- Flood Risk Assessment
- Planning Statement
- Ecological Impact Assessment

Relevant Planning History

Permission for erection of a single storey building to form Adult Training Centre was grant on (Planning Reference 80/01163/FUL)

Prior Approval for Demolition was deemed not required on 14.11.2016 (Planning Reference 16/80009/DNO)

Key Policy Context:

| | |
|---|---|
| Replacement Calderdale Unitary Development Plan Designation/Allocation | Hebden Bridge Conservation Area Regeneration Priority Area Primary Employment Area Wildlife Corridor |
| Replacement Calderdale Unitary Development Plan policies | GP1 Encouraging Sustainable Development BE1 General Design Criteria BE3 Landscaping BE5 The Design and Layout of Highways and Accesses BE6 The Provision of Safe Pedestrian Environments BE15 Setting of a Listed Building BE18 Development Within Conservation Areas E1 Primary Employment Area E19 Regeneration Priority Area EP12 Protection of Water Resources EP15 Development Alongside Waterways EP17 Protection of Indicative Floodplain EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems NE14 Protection of Locally Important Sites NE15 Development in Wildlife Corridors T13 Cycleways |

| | |
|--|--|
| National Planning Policy Framework Paragraphs | 2. Achieving sustainable development 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment 16 Conserving and enhancing the historic environment |
| Other relevant planning constraints | Flood Zones 2&3 |

Publicity/ Representations:

The application was publicised with site and press notices because. In addition 10 neighbour notification letters were sent.

13 letters of objection and 10 letters of support were received

Summary of points raised:

Objection

- More housing is needed not car parking
- Access bridge is not stable or wide enough
- Pavement on the bridge is too narrow
- This is a popular quiet walking route
- Alternative solutions should be looked at including park and ride
- Increase in traffic would result in congestion
- Concerns about wildlife safety
- Safety concerns for pedestrians and cyclists
- Increase CO2 emissions
- Alternative uses for the site should be explored

Support

- Extra car parking would encourage people to visit
- Hopefully it will also reduce the occasional queues into coop and pavement parking on central street.
- Good for balancing the parking in Hebden Bridge.
- Would be a boost to Market Street Shops
- The site needs to be left open for flood water to collect if houses were built the flood height would be raised across the area
- Good for the economy

Other comments

The proposal is bound up with the aim of improving the flow, and therefore increasing the volume, of traffic on the A646. This is entirely the wrong project to be pursuing, and insofar as this proposal is a constituent element of this programme

Ward Councillor Comments

Councillor David Young makes the following comments:

"I am writing in support of this Planning Application 20/01116/LAA - Creation of new car park | Car Park Adjacent To Hebden Vale Centre Bridge Lanes Hebden Bridge.

The reasons I am supporting this application is

- a) There is a great need for Public Parking Spaces at the West Side of Hebden Bridge*
- b) The Shopkeepers of Market Street would greatly appreciate this new Car Park as it would encourage more out of Town Shoppers to visit Market Street.*
- c) In my opinion I do not think this area is suitable for housing due to it being on a Flood Plain and this area has flooded several times over the last 20 years and The Hebden Vale Centre was knocked down due to it being flooded several times.*

If the Planning Officers recommend approval then that is OK but if the Planning Officer recommend refusal then please can this application be referred to the Planning Committee for a decision following a site visit.

Please can you also ask the Case Officer to post my support for this Planning Application on the Calderdale Planning Portal"

Parish/Town Council Comments

The development is located with the boundaries of Hebden Royd Town Council.

The Parish Council make the following comments:

"The Parish Council object to the application on the grounds of Green Belt and road safety."

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated on 19 February 2019 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 213 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt...designated heritage assets*]) or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The RCUDP Policies have the objective of job-creation and retention by protecting and reserving land and premises to best meet the needs of employers and employees as set out in RCUDP Policy GE1 (Meeting the economic needs of the district). The site is defined on the Proposals Map as Primary Employment Area RCUDP Policy E1.

Policy E1 states that development proposals within Use Classes B1, B2 and B8 will be permitted provided that they satisfy the criterion set out in the policy. Any other proposals for other employment uses, which can include retail or leisure uses, will be determined having regard to the criteria in the policy and other applicable UDP policies.

The proposal is for a car park and therefore does not accord with RCUDP Policies GE1 and E1. However, regard should be had to RCUDP Policy E19 (Regeneration Priority Area in the Upper Valley) which states:

“Regeneration Priority Areas in the Upper Calder Valley are shown on the Proposals Map to stimulate vibrant mix-use developments. Initiatives for improvements to infrastructure, the environment and stock of land and buildings will be supported in order to improve economic and social prospects in the area. Development proposals should be focused towards benefitting the whole community and should not focus solely on residential use.”

The proposal is part of a wider package of improvement works to the A646/A6033 corridor which are intended to improve traffic flow, reduce journey times and encourage active travel by improving highway facilities for walkers and cyclists, provide better connections and to stimulate economic growth and job creation, and also to support housing developments,.

As part of these works it has been identified that there is a need to prevent parking on the A646 Burnley Road between Station Road in Hebden Bridge and the Rochdale Canal tunnel at Fallingroyd. The proposed development forms part of a package of replacement car parking around Hebden Bridge.

The application is supported by the council's SME Growth Manager

“No issues with this application as this area is no longer suitable for business use due to poor access for HGVs and flooding issues and is supported as the additional car parking would be welcome for Hebden Bridge which has a shortage of car parking especially at busy times.”

The proposed use is not employment related however, the site is not considered appropriate for employment as set out above. It is considered that the proposed development would, however, support the aims and objectives of the Upper Calder Valley Regeneration Priority Area by providing additional parking and access to the Rochdale Canal Towpath which would contribute to the improvement of social and economic prospects of the area.

Subject to the acceptability of site-specific impacts (addressed below), the principle of the proposed development is considered acceptable (notwithstanding conflict with RCUDP Policy EP1).

Impact on heritage assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or

its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duties under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The requirements of Sections 66 and 72 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 193 of the NPPF, which states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 190 of the NPPF:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

The site is within the Hebden Bridge Conservation area which is characterised by its stone buildings and the steep valley sides, set in a wooded setting. The linear waterways provide views of the generally low terraces, some of which are back to back housing, the landmark mills that drove the economy of the town and the various bridges. The site is open land and is not considered to contribute to the significance of the Conservation Area. However, the open nature of the site does allow for uninterrupted longer views

The adjacent Grade II Bridge over the River Calder dates from the 1800's and carries Stubbing Holme Road. The relationship with the open ground and, more importantly, with Calder Mill contribute to its significance as do the buildings on Market Street. However, its relationship with the River Calder and its banks, and the buildings on the waterway's north side make the greatest contribution to its significance, in terms of its setting. The views afforded from the open area of the site of these relationships helps to reveal their significance

In addition, paragraph 192 of the NPPF states that:-

“In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness”

Paragraph 194 of the NPPF states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”*

In addition, paragraph 196 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

RCUDP BE15 (Setting of a Listed Building) states that development will not be permitted, where through its siting, scale design or nature, it would harm the setting of a listed building

RCUDP Policy BE18 (Development within Conservation Area) states that the character or appearance of Conservation Areas “Will be preserved or enhanced. New development and proposals involving the alteration or extension of a building in or within the setting of a Conservation Area will only be permitted if all the following criteria are met:-

- i. the form, design, scale, methods of construction and materials respect the characteristics of the buildings in the area, the townscape and landscape setting;
- ii. the siting of proposals respects existing open spaces, nature conservation, trees and townscape/roofspace features;
- iii. it does not result in the loss of any open spaces, which makes an important contribution to the character of the Conservation Area or features of historic value such as boundary walls and street furniture; and
- iv. important views within, into and out of the area are preserved or enhanced.

The Council's Conservation Officer has been consulted and has provided the following comments

“The Historic Environment Statement submitted with the application provides a brief summary of the significance of the Conservation Area and surrounding listed buildings and the likely impacts of the proposal in relation to any harm that could occur to heritage assets. I concur with general conclusions of this assessment.

I have no objections in principle to the formation of a car park on this area of land as in general it would retain the open nature of the site and preserve the character of the conservation area in this regard”

RCUDP Policy BE1 (General Design Criteria) calls for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

RCUDP Policy EP15 (Development Alongside Waterways) states that “Development alongside canals and rivers should maintain or, where practical, make a positive contribution to their recreational, tourist or environmental value through retaining / improving access; opening up the waterside; conserving the character of the waterway and the ecological and heritage value of the waterway and its surroundings;

The Canals and River Trust have been consulted and note that the proposed development would bring a piece of derelict land into productive use and offer canal visitors additional parking facilities. Whilst raising no objections, they note that the information provided relating to the design of the scheme is limited, and request that any consent is conditioned to require details of construction (of the car park and access ramp), landscaping and lighting are submitted to the Local Planning Authority for approval

The Councils Conservation Officer concurs with the comments from the Canal and River Trust in relation to the lack of detail for certain design elements within the scheme, which could result in harm to the conservation area, its setting, and the setting of nearby listed buildings, and has provided the following comments.

“Vehicle Restraint Barrier to the River Calder - there is no detail as to what this may involve. the prevailing character of the riverside in this area is by stone walls retaining the river channel. If an alternative barrier to the river is proposed this will need careful consideration. standard crash barrier type design would not be acceptable.

Proposed Fencing to the eastern boundary - it is suggested within the supporting information that this could take the form of paladin type fencing and I share the Canal and River Trust's concern on the appropriateness of this design within an historic, characterful area. Design options would need to be explored and masonry wall would likely be a more in keeping solution.

Ramp to canal towpath - The current stone wall to the canal towpath is an important and characteristic feature and loss of the historic fabric should be kept to a minimum. I concur with the Canal and River Trust's recommendations of the information required to ensure this part of the scheme is acceptable and would preserve the character and appearance of the conservation area.

More detail in relation to soft landscaping; and consideration of the siting of street furniture and lighting would also aid in ensuring the character of the conservation area and setting of nearby listed buildings is not harmed.”

The site has been vacant since the demolition of the previous buildings and is not considered to positively contribute to the existing environment. The proposals would have a positive impact on the character and setting of the Rochdale Canal and River Calder retaining the sites open character and allow access to the Rochdale Canal towpath for all users. Subject to careful detailing of certain design details the proposed development would enhance this part of the Conservation Area and not detract from the setting of the listed bridge, the development therefore is considered to be in general compliance with RCUDP Policy's BE1, BE15, BE18 and EP15, subject to the recommended conditions requiring details of the design to be approved.

It is considered that the proposed development would lead to less than substantial harm to the listed bridge and Hebden Bridge Conservation Area as the proposals would retain the open nature of the site and preserve the character of the conservation area.

Residential Amenity

Policy BE2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

The site is located 11 m to the rear of numbers 2 and 4 Calder Terrace. The River Calder flows between the properties and the site. No 4 Calder Terrace has two windows facing the site at lower ground floor and floor level, the main aspect of these properties is the north façade facing Calder Terrace Car Park.

The site was previously occupied by a number of educational uses and associated car parking. The main concerns are overlooking whilst the distance between boundary and the properties on Calder Terrace is below the minimum set out in Annex A, it is noted that the proposed use as a Pay and Display Car Park is not vastly different from its previous uses.

Beehive Mills have requested that an access gate is included in the fence along their boundary to provide fire escape and access for tenants. Whilst this is a private matter there is no objection in principle.

Should committee be minded to grant consent a condition requiring details of the boundary treatment is considered appropriate to ensure impacts of the development are mitigated. The development is considered in general accordance with Policy BE2

Highway Considerations

RCUDP Policy BE5 seeks to ensure that new development provides for safe and efficient movement by pedestrians, vehicles and cyclists.

Paragraph 110 of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles. In accordance with this, a condition is proposed requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be used in connection with that dwelling.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and confirms that there are no highway objections to this application as submitted and has provided the following comments:

“The scheme compensates for lost parking spaces within Hebden Bridge and is part of the A58/A672 Corridor improvement scheme undertaken by this authority in partnership with WYCA.

The scheme is unlikely to have any detrimental effect upon the highway network.”

The applicant has provided the following response to concerns raised by objectors

“Bridge Safety

The first relates to whether the road bridge is sufficient to withstand the number of vehicles expected to be using the car park. CMBC’s Structure’s Team have confirmed that the superstructure does not have any reported significant defects and the most recent GI was undertaken in August 2018 and didn’t report any significant defects above the water surface. They recommend further inspections, but given that work is not intended to start on site until Summer 2022, and this start will be preceded with the EA using this location as a compound, it does not make sense to carry out any inspections

at this point in time. Existing scour and wall damage would need to be addressed by the Environment Agency to repair the retaining wall prior to works commencing on the car park. In the meantime the bridge remains open to normal vehicular traffic. The bridge will continue to be inspected by CMBC Highways as per the maintenance regime.

The Site and the surrounding area continues to be allocated by CMBC in the emerging Local Plan as a Primary Employment Area. This suggests that the Site is considered suitable by the council to accommodate the additional vehicle movements associated with a business use; the vehicle movements associated with the car park are unlikely to be significantly in excess of such a use. Furthermore the Site was in use until recently as a community facility and following the closure of that it was used by the Environment Agency as a compound to support construction operations in the area.

We understand that the second issue relates to highway safety; respondents have raised several concerns in connection with the impact the proposals will have on highway safety and existing traffic movements. We note these comments but would highlight that the proposals have been reviewed by CMBC's Highways Development Control Team during the assessment of this application, and they have confirmed that the scheme is unlikely to have any detrimental effect upon the highway network.

Pedestrian safety

We understand that there are some concerns around the narrow footway on Stubbing Holme Road and the potential for conflict between vehicles accessing the car park and pedestrians using the route to access the town centre. As part of the proposed Development it is intended that a new ramped access will be created from the car park onto the Rochdale Canal towpath which would provide an alternative walking route, via Hebble End, to and from the town centre. Car park users could be encouraged to use this route through the installation of appropriate directional signage within the car park"

The applicant has confirmed that two electric charging points will be provided

The development is considered to accord with RCUDP Policy BE5 and paragraph 110 of the NPPF subject to recommended condition requiring details of the electric charging facilities to be agreed.

Flooding and drainage

RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to surface water run-off or obstruction. Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

Sustainable Drainage Systems should be incorporated where appropriate in accordance with RCUDP Policy EP22. For major developments, paragraph 165 establishes that sustainable drainage systems should be incorporated "*unless there is clear evidence that this would be inappropriate*".

The site is located in Flood Zones 2 & 3 An FRA by Atkins, dated September 2020, job number 5198497 Rev 2, has been submitted in support of the application. The Environment Agency (EA) has been consulted and have no objections subject to a condition relating to the development being carried out in accordance with the submitted FRA and that there would be no raising of the ground levels.

The EA have also provided the following advice:

“The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any vehicles floating, or displaced as a result of flooding, would not jeopardise others in the surrounding area. The FRA notes that fencing and existing walls around the perimeter of the car park will be incorporated into the proposed development so as to contain the risk of cars floating around during times of flood. The LPA should be satisfied that these measures are suitable”

The Lead Local Flood Authority have raised no objections.

A condition requiring the submission of drainage details for approval is recommended. Subject to this condition the proposal complies with Policies EP14, EP20 and EP22.

Ground conditions

The Canal and River Trust consider it important to ensure that the wider development maintains the integrity of the canal infrastructure, and request that the applicant demonstrates that when installing the car park's tarmacked surface, that any works do not undercut the embankment itself or the retaining wall so as not to jeopardise the stability of the embankment. Furthermore, they request that any consent is conditioned to require details of measures to protect the water environment from contamination during construction are submitted to the Local Planning Authority for approval prior to development commencing.

Wildlife Conservation

RCUDP Policy NE15 (Development in Wildlife Corridors) seeks to protect Wildlife Corridors from development which would damage, impair its functionality or conservation value.

The site lies within a Wildlife Corridor. It is not covered by any national or international ecological designations, through the Rochdale Canal which lies immediately to the south is identified as a locally important Site of Ecology Interest.

Assistant Director – Neighbourhoods Countryside has been consulted, and raises no objections. He agrees with the Canal and River Trusts comments that opportunities for planting within the car park to reduce the predominantly hard surfacing should be explored and that details of any lighting should be agreed prior to erection to protect ecological assets.

Subject to details of landscaping and lighting being agreed the proposed development is considered to be in general accordance with RCUDP Policy NE15

Public health

Paragraph 92 of the NPPF states:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: ...

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”

Paragraph 181 of the NPPF states that:

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The site lies to the south of Hebden Bridge AQMA boundary however, vehicles travelling to the site would travel through the AQMA. Currently there is very little parking on the western approach to Hebden Bridge from the Todmorden direction. Cars are directed into the inner core of the town to park at Garden St, Crown St and Valley Road. By parking at Stubbing Holme, people can access the canal towpath directly and walk into the town on a DDA compliant route, reducing traffic into the central area and through the AQMA.

There is not anticipated to be a net overall gain in public car parking in Hebden bridge as parking will be lost when

- Old Gate closes for the EA Flood Alleviation scheme (subject to planning approval)
- Burnley Road TRO is evoked and parking is prohibited there and on Market St.(subject to approval)

The applicant has confirmed that:

“The overall programme of interventions for the A646 corridor, including the delivery of the car park at this Site, will improve connectivity and provide a more cohesive and integrated transport network that provides reliable and more accessible sustainable alternative modes of travel to the private car.

The Calderdale 2020 Air Quality Annual Status Report (June 2020) provides the details of a number of measures (Table 2.2) that are aimed at improving air quality. These include:

- *Traffic flow and network improvements*
- *Urban Traffic Control (UTC) improvements*
- *Promoting and supporting the use of public transport and improved infrastructure*
- *Cycling and walking infrastructure improvements and facilities*

The A646 Corridor Improvement Programme (CIP) scheme will deliver a number of highway network and signal improvements, which will result in a reduction of the number of vehicles queuing along the A646 corridor, leading to less vehicles idling, breaking and accelerating. As a consequence, the traffic model also shows a reduction in journey times along the A646 corridor in 2023 and 2038.

In recent years, there has been a decline in bus patronage in Calderdale, due to delays and poor journey time reliability. The A646 CIP scheme will contribute towards the objective of increasing bus patronage in West Yorkshire, and particularly on the A646 corridor. There are several bus routes that interact with or travel along the A646 corridor, providing 15 bus services. Several of these bus services either start or terminate in Hebden Bridge and serve the towns located along the corridor. The proposed highway network and signal interventions will result in improvements to bus journey time reliability.

The A646 CIP scheme will also improve accessibility by walking and cycling to local bus stops and bus interchanges along the A646 corridor. In addition, bus stop facility improvements including the provision of real time information, will provide a better customer experience and improve journey quality. Alongside this, junction improvements and the removal of on-street parking will reduce congestion and delays and deliver faster journey times along the A646 corridor. By improving accessibility to bus stops and journey time reliability along the corridor, the bus will become a more attractive modal choice for people living and/or working in the towns including Hebden Bridge. The proposals will also improve active travel routes to access local rail stations and improve linkages to existing cycling infrastructure”

The proposed car park is an integral part of the package of measures aimed at improving air quality it is not anticipated that the development itself would contribute to a worsening of air quality in the vicinity. No objections have been raised by the Assistant Director – Neighbourhoods (Environmental Health)

The development would support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and is therefore considered to accord with paragraphs 92, 110, and 181 of the NPPF. Should committee be mindful to grant consent it is recommended that a condition requiring details of the electric charging facilities to be agreed is included.

Other Issues raised

Land Ownership

The Local Planning Authority is satisfied that the proposed development site is entirely in the ownership of the applicant. The Local Planning Authority has seen the Land Registry register for the site which shows that the development is in the ownership of the applicant. The owners of Beehive Mills dispute this stating that the extent of their property ownership has not been correctly registered with the Land Registry due to a legal conveyancing error. The disputed boundary is a private matter and discussions are ongoing.

Changes to the proposed scheme have been made to avoid the land in dispute. In response to these changes the following comments have been received

“Following useful discussions with both the Planning Officer responsible for this application and the team at Transportation, we believe some progress has been made. The client, Transportation CMBC, have provided a second set of plans which shows a modified pink line within the property boundary allowing an approximately 3 metre gap between the fire door to the mill on the west side and the car park. This stems from their recognition of the remains of the existing wall which formed the boundary between the mill and the Vale Centre land. By shrinking the footprint of the proposed car park, the current proposal as we understand it avoids the area under contention.

While at this stage, we have been unable to resolve the boundary dispute and establish the property rights we believe we have, we have agreed to take this up with the relevant officers in the Corporate Assets and Facilities Management Team with the aim of resolving the matter without recourse to the Land Tribunal.

In the meantime, while our objection stands to the original proposal, we are willing to support the amended drawings. We also ask that in the final design, provision is made for the following:

1. Access to the car park for our small business tenants in the event of a fire as the door on the west side is the main fire escape should there be a fire at the front of the building
2. Some kind of barrier/s within the car park to prevent cars washing up against the mill building in the event of a flood similar to that in 2015.

We thank you for your consideration of our concerns.”

Hebden Royd and Hill Top Parishes Neighbourhood Plan

Representations have noted that the Hebden Royd and Hill Top Parishes Neighbourhood Plan has allocated the site as part of a wider area for regeneration including housing . As set out in the NPPF (para 48) the LPA may give weight to relevant policies in the emerging plans according to: the stage the preparation of the emerging plan; the extent to which there are unresolved objections; the degree of consistence of relevant policies in the emerging plan to the NPPF. As the Hebden Royd and Hill Top Parishes have not yet undertaken their Reg 14 Draft Plan Consultation no weight can be given as the LPA have not seen the extent of any objections and legal compliance and conformity with national policy and development plan cannot be established.

Planning Balance

The site is allocated for employment use however, it falls within Flood Zones 2 and 3 the Authority acknowledges therefore that an employment use is unlikely to be forthcoming. Concerns raised regarding a car centred development are acknowledged however, the intention is to replace existing car parking lost due to other developments within Hebden Bridge and not to increase overall parking. The electric car charging points and access onto the canal for pedestrians and cyclists are welcomed and would help to promote sustainable travel. The development would retain and improve the views from the canal towpath into the conservation area, and from the conservation area to the canal and countryside beyond allowing the close connection between the waterway and built form of Hebden Bridge to be appreciated. On balance it is therefore considered that the proposed development is appropriate for this location.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Interim Director of Regeneration and Strategy

Date: 11 December 2020

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:-

Anita Seymour

Conditions

1. The development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
2. Before development commences a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following
 - a) Risk assessment of potentially damaging construction activities including details on the control of contaminated/silty water from entering the adjacent canal and river
 - b) Identification of biodiversity protection zones
 - c) Practical measures to avoid or reduce impacts during construction from contamination via wind blow, seepage or spillage.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers, ramps and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
3. Before development commences details of the construction of the car park shall be submitted and approved in writing by the Local Planning Authority. The details shall include
 - i) Existing and proposed finish levels
 - ii) Cross sections relative to the canal showing the extent of earthworksThe development shall be constructed in accordance with the approved details and thereafter retained.
4. Prior to the formation of the proposed new ramped access to the Rochdale Canal towpath, full details of the proposed works including large scale drawings where necessary, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - o A cross section, showing the canal, embankment and new car park
 - o Details showing the access interface with the canal towpath
 - o Canalside elevations showing the external appearance of the proposed access and its relationship to the existing canal wall and wider historic canal environment
 - o Measures to ensure the safety of towpath users, either on, or while entering, the towpathThe approved details shall be implemented in their entirety before the development is first brought into use.
5. Prior to the formation of the new ramped access onto the Rochdale Canal details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of locally native plants together with a programme of maintenance and establishment. Plants dying, removed, destroyed or severely damaged / diseased within five years of planting shall be replaced in a manner to be approved by the Local Planning Authority.

6. The scheme of landscaping approved under condition 5 above shall be implanted in the first planting season following commencement of the development
7. Before any external artificial lighting is installed within the development site, details of a scheme to adequately control any glare and obtrusive light produced by artificial external lighting at the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light reference GN 01: 20 for environmental zone E 32. The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter. The scheme should include the following information:-
 - a. The proposed level of maintained illuminance, measured horizontally at ground level;
 - b. The maintenance factor;
 - c. The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity;
 - d. The proposals to minimise or eliminate glare from the use of the lighting installation when viewed from windows of properties in the vicinity;
 - e. The proposed type of luminaires to be installed showing for each unit, the location, height, orientation, light source type and power;
 - f. The proposed hours of operation of the lighting.
 - g. Measures to minimise impacts on protected and biodiversity action speciesFurthermore there shall also be submitted upon completion of the development a statement of a suitably qualified contractor that the light emitted by any lighting installation to which this condition applies is fully compliant with the ILP guidance for the relevant environmental zone.
8. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter
9. A survey of existing site drainage, including any culverts/watercourses that may cross the site, showing connectivity and condition, shall be carried out prior to demolition of any existing structures and the findings submitted to the Local Authority for comment.
10. Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding's shall be passed through an oil and grit interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not be required to pass through the interceptor
11. The development shall be carried out in accordance with the submitted flood risk assessment (Atkins, dated September 2020, job number 5198497 Rev 2) and the following mitigation measures it details:
 - o Ground levels will not be altered on site.These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

12. Before the development is first brought into use details of the boundary treatment (fence / wall) along the north and east boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority. The fences so approved shall be provided in full before the development comes into use and thereafter retained in good order
13. Before the erection of any boundary treatment a scheme to address vehicles floating, or displaced as a result of flooding so as not to jeopardise others in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority the approved scheme shall be implemented before the carpark is first brought into use and thereafter retained and maintained in good order
14. The car park shall not be brought into use until details of the facilities to permit the recharge of electrically powered vehicles, which complies with IEE regulations and BSEN 62196-1 has been submitted to and agreed in writing by the Local Planning Authority. Once approved the scheme shall be incorporated into the development and implemented no later than the first use of the development, and shall be retained and maintained in good order thereafter

Reasons

1. For the avoidance of doubt as to what is permitted and to ensure a more satisfactory development of the site and compliance with the policies of the Replacement Calderdale Unitary Development Plan.
2. In order to protect water resources and to safeguard protected / priority species and their habitats in accordance with EP14 NE16 of the Replacement Calderdale Local Plan
3. In the interests of preserving the structural integrity of the canal infrastructure
4. In the interests of preserving the structural integrity of the canal embankment, preserving the character and appearance of the waterway corridor, preserving the historic character of the waterway and avoiding any adverse impact on users of the canal, in accordance with the aims of paragraph 170 (part e) and 178 of the National Planning Policy Framework and RCUDP Policy EP15
5. To ensure that there is a well laid out scheme of health shrubs in the interests of amenity, and to ensure compliance with Policy NE17 of the Replacement Calderdale Unitary Development Plan
6. To ensure that there is a well laid out scheme of health shrubs in the interests of amenity, and to ensure compliance with Policy NE17 of the Replacement Calderdale Unitary Development Plan
7. To comply with the requirements of the National Planning Policy Framework para 170(e) and 180(a) and (c) and Calderdale's Replacement UDP Policy EP8.Drainage
8. To ensure proper drainage of the site and to ensure compliance with the EP14 and EP22 of the Replacement Calderdale Unitary Development Plan.
9. To ensure proper drainage of the site and to ensure compliance with EP22 of the Replacement Calderdale Unitary Development Plan.
10. To prevent pollution of the aquatic environment and protect the public sewer network
11. To prevent increasing risk to the site and elsewhere.

12. In the interests of visual amenity and/or privacy and to ensure compliance with BE1, BE5, BE18 of the Replacement Calderdale Unitary Development Plan.
 13. In the interests of safety and to prevent increasing risk to the site and elsewhere
 14. To encourage the use of sustainable transport and satisfy the WYLES mitigation criteria
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