

CALDERDALE METROPOLITAN BOROUGH COUNCIL**PLANNING COMMITTEE 2****WARDS AFFECTED: MORE THAN THREE**

Date of meeting: 22 October 2013

Chief Officer: Head of Planning and Highways.

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 Head of Planning & Highways 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 Head of Planning & Highways.

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

Geoff Willerton
Head of Planning & Highways

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Geoff Willerton
Head of Planning

TELEPHONE :- 01422 392200

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:

Planning Services, Northgate House, Halifax HX1 1UN.

NON EXEMPT DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

Economy and Environment Directorate, Planning Services, Northgate House, Halifax

Twenty-four hour's notice (excluding holidays and weekends) may be required in order to make material available.

Telephone 01422 392237 to make arrangements for inspection.

List of Applications at Committee 22 October 2013

Time & No.	App No.	Location	Proposal	Ward	Page No.
18.00 - 01	13/00719/FUL	Upper Tewit 2 Tewit Gardens Illingworth Halifax Calderdale	Residential development of four houses	Illingworth And Mixenden	5-14
18.00 - 02	13/00005/FUL	Land Rear Of 1 To 11 The Woodlands Palace House Road Hebden Bridge Calderdale	Construction of 2 dwelling-houses (Amended red line)	Calder	15-28

+ Head of Planning & Highways recommends Refusal

\$ Head of Planning & Highways requests that conditions be applied

Time Not Before: 18.00-01

Application No: **13/00719/FUL**

Ward: **Illingworth And Mixenden**
Area Team: **North Team**

Proposal:

Residential development of four houses

Location:

**Upper Tewit 2 Tewit Gardens Illingworth Halifax Calderdale
HX2 9SB**

Applicant:

Mr R Langley

Recommendation: **PERMIT**

Highways Request:	Yes
Parish Council Representations:	N/A
Representations:	Yes
Departure from Development Plan:	No

Consultations:

Countryside Services (E)
Flooding And Land Drainage
Highways Section
Environmental Health Services - Pollution Section (E)

Site location map on webpage

www.calderdale.gov.uk/environment/planning/search-applications/index.jsp

Description of Site and Proposal

The application site is located to the eastern side of Illingworth Road and is accessed down a narrow lane into a secluded position. It is set back behind existing semi detached houses on Tewit Gardens which face Illingworth Road. The site forms the extensive garden of the dwelling known as Upper Tewit which is still occupied. There are a number of trees on the site which have been cut down, although there are still a number left on the boundary of the site. The site is located approximately three miles north of Halifax Town Centre and is located on a busy bus route, near to local amenities and schools.

There is a mix of housing types with semi-detached dwellings, terraced dwellings and recently constructed three storey dwellings. There is also a mix of materials - stone, pebbledash, render and brick.

The application seeks planning permission for the construction of four detached dwellings within the grounds of Upper Tewit.

Relevant Planning History

An application for a kitchen and utility extension was approved under delegated powers on 31.08.88 (88/01816).

An application for a two storey rear kitchen/bedroom extension and single storey side utility room extension was approved under delegated powers on 23.03.88 (88/00083).

Key Policy Context:

RCUDP Designation	Primary Housing Area
National Planning Policy Framework (NPPF)	Section 7 - Requiring Good Design Paragraphs 60, 61, 63 and 64 Section 6 – Delivering a wide choice of high quality homes. Paragraphs 47 - 55
RCUDP Policies	H2 Primary Housing Area H9 Non Allocated Housing Sites BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE3 Landscaping BE4 Safety and Security Considerations BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Standards NE21 Trees and Development Sites EP14 Protection of Ground Water EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems

Consultations

Highways Network Manager
Environmental Health – Pollution Section
Neighbourhoods & Community

Publicity/ Representations:

The application has been advertised by means of a site notice and neighbour notification. Fifteen letters of objection have been received.

Summary of Points Raised: (Objections)

- Existing track into site not wide enough for emergency vehicles
- Highway issues
- Construction traffic
- Drainage
- Wildlife
- Removal of trees prior to application being submitted
- Privacy
- Devalue existing properties
- Noise
- Access
- Loss of light
- Existing trees need to be cut down to a reasonable height
- Not in keeping with surrounding area

Ward Councillor Comments:

- None

Assessment of Proposal

National Planning Policy Framework

The National Planning Policy Framework was published on 27 March 2012. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means: Approving development proposals that accord with the development plan without delay; and Where the development plan is absent, silent or relevant policies are out of date, granting permission unless

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or

Specific policies in the framework indicate development should be restricted (*for example, those policies relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations of risk of flooding or coastal erosion*).

Section 6 of the NPPF – Delivery a wide choice of quality homes – supports the delivery of new housing, and applications for housing should be considered in the context of the presumption in favour of sustainable development (paragraph 49).

Section 7 – Requiring good design – indicates that great importance is attached to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 49 is relevant which states “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

One of the aims of the Government’s sustainable development agenda is that new housing should be located in sustainable locations and the priority for development should be previously developed (brownfield) land.

Paragraph 59 is relevant - “Local Planning Authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

With regards to this application, the site is in a sustainable location, as it is on a bus route and within walking distance to all local amenities including public transport, schools and retail facilities.

Taking the above into account, it is considered that the proposal complies with the NPPF Section 6 – (Delivery a wide range of quality homes) and Section 7 (Requiring good design).

Principle

“The Council’s Preferred Options for its Core Strategy were published in October 2012. The document sets out what the Council sees as the main planning challenges over the next 15 to 20 years and our preferred approaches for dealing with them. None of the policies or the strategy itself are fixed at this time. This document is a material consideration. However, at the current stage it is too early to attach significant weight to its policies:.

The site is within an area that is designated as Primary Housing Area within the Replacement Calderdale Unitary Development Plan, and therefore the proposal is considered to be supported in principle by policy H2 of the Replacement Calderdale Unitary Development Plan.

This policy establishes that proposals for new housing developments on previously developed land within these Primary Housing Areas would be supported providing that there is no unacceptable environmental, traffic, amenity or other such problems are created and that the overall quality of housing is not harmed and is where possible enhanced.

In relation to non-allocated housing sites RCUDP Policy H9 states:

Proposals for residential development (including those for the renewal of a previous planning permission) on a non-allocated brownfield site or building for conversion will be permitted where:-

- I. The site is located within easy walking distance of a bus stop or a railway station, and wherever possible is within walking distance of local services (such as convenience shops, post office, health-centre/surgery, primary school),
- II. Existing and planned infrastructure can cater for the development, including the ability of the schools in the area to accommodate additional pupils;
- III. There are no physical and environmental constraints on development of the site, including flood risk;

- IV. The development preserves or enhances Conservation Areas and does not adversely affect Listed Buildings and their settings, where these are material considerations;
- V. The development complies with the requirements of other relevant UDP policies.

Policy H9 further states that proposals for new housing on Greenfield land ie not previously developed, will not be permitted. The site is considered to be Greenfield, as private residential gardens are excluded from the definition of previously developed land in the NPPF.

However, it is recognised that policy H9 is now out of date and non-compliant with the NPPF, as the RCUDP was setting criteria to control development and set an embargo against Greenfield development.

This is particularly evident in the following paragraphs of the NPPF:-

- 14 (Presumption in favour of sustainable development);
17 (where bullet point 8 proposes encouraging “the effective use of land that has been previously developed);
49 *as shown above) and
187 (decision makers “should seek to approve applications for sustainable development where possible”).

Planning Law requires that applications for planning permission must be determined in accordance with the development plan (RCUDP) unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and where the RCUDP is non-compliant the weight to be attached to the NPPF is greater than the RCUDP policy which should be set aside.

NPPF paragraph 14 sets out the presumption in favour of sustainable development in this context where policy H9 is not out of date permission should be granted unless 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.

Where sites which are not allocated for housing development are put forward it is necessary to consider how the proposal addresses the delivery of sustainable development established by the NPPF together with relevant policies within the RCUDP that are compliant.

In order to achieve compliance with the NPPF it is considered that all such small scale applications should be able to demonstrate that:-

- I. The site is sustainably located.
- II. The site is not in beneficial use and/or
- III. The proposed development does not have adverse impacts which would significantly and demonstrably outweigh the benefits.
- IV. The demands generated from the housing can be accommodated by existing infrastructure.
- V. There are no physical and environmental constraints on development of the site.
- VI. The development preserves and enhances Conservation Areas and does not adversely affect listed buildings and their settings where these are material considerations.
- VII. The site is not used for active sport or recreation.
- VIII. The site does not have any recognised value for nature conservation.
- IX. The site is within an urban area or a village envelope as defined on the RCUDP proposals map and is well related to existing development.

The site consists of Upper Tewit a detached dwelling situated in extensive grounds of which until recently was covered by trees. The dwelling is situated to the most western end of the site and is surrounded on all sides by residential dwellings, the nearest of which is 1-6 Tewit Gardens. The site

is considered to be in a sustainable location close to many essential amenities and the proposal is therefore considered to be acceptable in principle.

Materials and Design

Policy BE1 seeks development that respects the established character and appearance of existing buildings and their surroundings in terms of layout, scale, siting, design and materials, as well as retaining any natural or built features that contribute to the amenity of the area.

The design of the four dwellings is that of two storey dwellings with integral garage but with rooflights to make use of the roofspace.

Each dwelling has been positioned within the site to enable parking and private amenity space for each property and substantial garden areas.

Each dwelling will have an integral garage, utility, dining room, lounge, WC, kitchen and hallway on the ground floor and three bedrooms (master with en-suite), family bathroom and office on the first floor with an additional bedroom within the roofspace.

The dwellings will be constructed in materials to match those of recently constructed detached properties within the local area which are constructed from stone for the walls, cills and heads and interlocking concrete tiles. Windows and doors will be white UPVC.

A new 1.8m close boarded timber fence will be constructed to the site boundary. Additionally a mixture of hard and soft landscaping will be provided. Paving for parking areas to the principle entrance and patio area will be provided for each property. The garden will be top soiled and turfed.

The driveways will be formed in permeable block paving system. The new private drive will be formed in tarmac dry permeable system. All existing trees and hedges as indicated on the drawings will not be affected by the proposal.

As such, the proposal is considered acceptable in relation to policy BE1 of the Replacement Calderdale Unitary Development Plan and the relevant sections of the NPPF.

Residential Amenity

Policy BE2 seeks to ensure that new buildings respect the privacy and daylighting of occupants of adjoining buildings and that private amenity space is provided with new dwellings and protected around existing buildings.

The proposed dwellings have been positioned within the site to enable parking and a private amenity space for each property. The dwellings will have main aspect windows located to the rear. The internal layout has been designed to overcome any possible overlooking and space about dwelling issues with existing and proposed properties.

To the rear of each property is a lounge and dining room which are main aspect windows. The side elevations have been kept blank apart from windows to the hallway and landing and bathroom windows.

The dwellings surrounding the site all have kitchen and open plan dining room/lounge windows on the ground floor and bedrooms on the first floor facing onto their own private rear garden space.

The nearest dwelling to plot 1 gives a secondary to side aspect requiring a distance of 9m. The actual distance is 12m which satisfies the policy guidance.

Plot 2 and 3 are far enough away from the adjacent dwellings not to cause any privacy or amenity issues.

The nearest dwelling to plot 4 gives a main to secondary aspect requiring a distance of 21m. The actual distance is 21m which satisfies policy guidance.

In relation to the side aspect the nearest dwelling is over 14m away and again does not cause any policy conflict.

Further to the above there is to be a 2m high boundary fence erected around the new housing site and any existing trees and shrubs on the boundary of the site will remain in place. As such, it is unlikely that the proposed development would cause any privacy or amenity issues to the proposed and existing dwellings.

As such, the proposal is considered to comply with the Replacement Unitary Development Plan policy BE2.

Highway Considerations

Policy BE5 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment. Policy T18 seeks to ensure there is adequate off street parking facilities for each of the dwellings.

The Highways Network Manager was consulted on the application and commented:-

“Within the site there is a proposal for an acceptable means of access with turning facilities suitable for service and emergency vehicles to turn around. Each proposed dwelling will have two parking spaces in accordance with parking policy. The only concern is the initial section of access off Illingworth Road and then past No 1 Tewit Gardens. Manual for Streets issued by the Dept. of Transport states that an access can be 2.75m in width over a short section therefore, the narrowest section being 3.2m it is considered that an acceptable access for service and emergency vehicles can be provided. On this basis there are no highway objections subject to conditions”.

The proposal is therefore considered to comply with RCUDP policies BE5 and T18.

Drainage

Policy EP14 of the RCUDP aims to secure appropriate levels of drainage for new development. Policy EP20 of the RCUDP states development will not be permitted if it would increase the risk of flooding due to surface water run off, and EP22 of the RCUDP says development proposals shall incorporate sustainable drainage systems.

In terms of drainage, standard drainage conditions relating to the submission of details of the foul and/or surface water and/or sustainable drainage if feasible and/or sub-soil drainage for the development is requested for written approval. Subject to conditions, the proposal would be acceptable in terms of RCUDP policies EP14, EP20 and EP22.

Trees

Policy NE21 requires proposals to ensure through the layout of the development that properties will not be subject to shade cast and that retained trees within development sites to be protected during the construction works.

The majority of the site was cleared of trees prior to the application being submitted. Any existing trees especially those on the boundary will remain. None of the trees are covered by a Tree Preservation Order.

CONCLUSION

The proposal is considered 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 set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Geoff Willerton
Head of Planning & Highways

Date: 30th September 2013

Further Information

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

Janine Branscombe (Case Officer) on Tel No: 01422 392215

Or Lisa Sutcliffe (Senior Officer) on Tel No: 01422 392233

Conditions

1. Notwithstanding any details shown on the permitted plans the development shall not begin until details of the proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
2. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage for the development (including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) and external works 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.
3. The development shall not be occupied until the garaging / off street parking facilities shown on the permitted plans for that dwelling have been constructed and surfaced using permeable surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no further windows or other openings shall be formed in the side elevations without the prior written permission of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, (or any order revoking and re-enacting that order) no development falling within Classes A - H of Part 1 of Schedule 2 of the said order shall be carried out without the prior written permission of the Local Planning Authority.

Reasons

1. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with of the Replacement Calderdale Unitary Development Plan.
 2. To ensure proper drainage of the site and to ensure compliance with Policy EP22 of the Replacement Calderdale Unitary Development Plan.
 3. To ensure that adequate off-street parking is available for the development and to ensure compliance with Policies BE5 and T18 of the Replacement Calderdale Unitary Development Plan.
 4. To safeguard the privacy and amenity of occupiers of neighbouring properties and to ensure compliance with Policy BE2 of the Replacement Calderdale Unitary Development Plan.
 5. In the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
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Time Not Before: 18.00-02

Application No: **13/00005/FUL**

Ward: **Calder**

Area Team: **North Team**

Proposal:

Construction of 2 dwelling-houses (Amended red line)

Location:

Land Rear Of 1 To 11 The Woodlands Palace House Road Hebden Bridge Calderdale

Applicant:

Thornton Architects Ltd

Recommendation: **PERMIT**

Highways Request:

Yes

Parish Council Representations:

Yes objections

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Countryside Services (E)

Flooding And Land Drainage

Countryside Services (E)

Tree Officer

Highways Section

Environmental Health Services - Pollution Section (E)

Hebden Royd Town Council

Environment Agency (Waste)

Tree Officer

Highways Section

Environmental Health Services - Pollution Section (E)

Hebden Royd Town Council

Environment Agency (Waste)

Site location map on webpage

www.calderdale.gov.uk/environment/planning/search-applications/index.jsp

Description of Site and Proposal

The site is located to the south of Hebden Bridge town centre and to the rear of The Woodlands which are accessed off Palace House Road. The site is approximately 350m away from Hebden Bridge railway station. The site currently comprises of an area of vacant grassland beyond which is a dense belt of trees at Crow Nest Wood which are subject to a group tree preservation order. There is existing residential development surrounding the site to the north, east and west. The site is accessed off footpath HR011.

The proposal has been brought before Planning Committee at the request of Councillor Dave Young and also due to the number of objections received.

Relevant Planning History

In 1982 an application 82/00812/FUL was approved 16 September 1982 for four detached dwellings with integral garages.

An application 83/01104/FUL was approved 20 September 1983 for residential development for ten houses.

Application 85/01777/FUL was approved for a residential development 10 September 1985.

Application 90/01964/OUT for site for non-permanent mobile homes was withdrawn 03 September 1990.

Key Policy Context

Replacement Calderdale Unitary Development Plan Designation (RCUDP)	Primary Housing Area Wildlife Corridor
National Planning Policy Framework (NPPF)	The presumption in favour of sustainable development Paragraph 14 Core planning principles Paragraph 17 Section 6 Delivering a wide choice of high quality homes Paragraphs 49 and 50 Section 7 Requiring good design Paragraph 56 Technical Guide Paragraph 9
Replacement Calderdale Unitary Development Plan Policies	H2 Primary Housing Areas H9 Non-Allocated Sites GP2 Location of Development BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE3 Landscaping BE5 The Design and Layout of Highways and Accesses BE8 Access for All T18 Maximum Parking Allowances

	EP10 Development of Sites with Potential Contamination EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE21 Trees and Development Sites
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Publicity/ Representations:

The application has been advertised by means of neighbour notification, press notice and site notices. Twenty letters of objection including objections from Councillors Janet Battye and Dave Young along with two letters of support have been received.

Summary of Points Raised

Reasons for Objection

- Concerns regarding the poor state of the access track which is considered to be in such state partially due to the effects of water which pours down from the top of the woodland.
- An open field drain at the dry stone wall between Old Chamber and Crow Nest Wood due to erosion of the drainage pipe causes a constant source of flooding of the wood. This causes flooding of the access to the proposed site causing it to be inaccessible.
- The access track is not suitable for light delivery vehicles let alone refuse vehicles, fire engines or disabled users.
- Areas of land to the east and west of the site are not included as part of this application so this asks the question whether further applications will follow.
- Open views will be lost by the development.
- No details of what improvements are proposed for the road surface.
- There will be additional traffic on an already busy road.
- New housing here would take away footpaths frequently used by visitors and locals and have a detrimental affect on the landscape and wildlife.
- This would extend the current residential area of Hebden Bridge into open countryside
- There will be environmental constraints on the site ie flooding and as such would not be in accordance with RCUDP policy H9.
- Properties at The Woodlands have flooded in the past.
- No levels shown on the plans
- No trees shown on the plans
- The site has significant wildlife value
- Concerns regarding design of houses and loss of light to properties below due to their height

Reasons for Support

- The site is designated as housing land and I firmly believe that unless sites like these are fully realised by the planning authorities, it is the Green Belt which will suffer if housing targets are to be met down the line.
- Last year I saw a large tractor driving up and down the lane (Old Chamber Road) which proves that it is already used by motor vehicles. Careful management of the track will ensure family vehicles can also access it.
- By repairing and resurfacing the track itself, it will be safer to walk up and down and the water can be channelled to safeguard the surrounding houses

Parish/Town Council Comments

The Parish/Town Councils are consulted on all applications in their areas. Where any have been received these are set out in full below and have been taken into account as part of the assessment of the application.

Hebden Royd Town Council has made the following comments:

Recommend Refusal on the grounds given in the initial comments submitted by Hebden Royd Town Council that: inadequate access to the site for construction, servicing and daily use exists. Little attention has been given to the considerable flood risks surrounding the site and adjacent properties and the threat to the bat population.

Ward Councillor Comments

Councillor Dave Young has made the following comments:

“There is a severe access problem to the proposed development as the Old Chamber Road is only a track. There would be a strong risk of flooding on the properties of The Woodlands if this development were to be built on this steep hillside. There are bats around and I would suggest a Bat Survey should be undertaken. I have concerns about the stand alone soak away proposed system”

Councillor Janet Battye has made the following comments:

“I am opposed to this application because I believe that it's in the current greenbelt/open countryside area and would extend the currently developed area of Hebden Bridge. I am also concerned at the access to these houses, as well as the real potential for increasing flooding into houses along Palace House Road and Fairfield”

Assessment of Proposal

The National Planning Policy Framework was published on 27 March 2012. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

Approving development proposals that accord with the development plan without delay; and Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or

Specific policies in the framework indicate development should be restricted (*for example, those policies relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion*).

Principle of Development

The Council's Preferred Options for its Core Strategy were published in October 2012. This document sets out what the Council sees as the main planning challenges over the next 15 to 20 years and our preferred approaches for dealing with them. None of the policies or the strategy itself are fixed at this time. This document is a material consideration. However, at the current stage it is too early to attach significant weight to its policies.

Policy H2 of the RCUDP establishes that proposals for new housing within Primary Housing Areas will be permitted, provided that they create no unacceptable environmental, amenity, traffic or other problems, and the quality of the housing area is not harmed, and wherever possible, is enhanced.

Non Allocated Sites

One of the aims of the Government's sustainable development agenda is that new housing should be located in suitable sustainable locations and the priority for development should be previously developed (brownfield) land.

The site is located within a Primary Housing Area as identified in the RCUDP. However, the proposal is on land which is not considered to be previously developed and as such is greenfield land.

It is recognised that existing RCUDP policy H9 for "Non-Allocated Sites" contained within the Replacement Calderdale Unitary Development Plan (RCUDP) is now out of date and non-compliant with the National Planning Policy Framework (NPPF) published March 2012. The RCUDP was setting criteria to control development and set an embargo against any greenfield development.

This is particularly evidenced within the following paragraphs of the NPPF : -

14 (presumption in favour of sustainable development);
17 (where bullet point 8 proposes encouraging "the effective use of land that has been previously developed (brownfield land)", rather than preventing greenfield development);
49 (the first sentence which states "housing applications should be considered in the context of the presumption in favour of sustainable development"); and
187 (...decision takers.... "should seek to approve applications for sustainable development where possible").

Planning Law requires that applications for planning permission must be determined in accordance with the development plan (RCUDP) unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and where the RCUDP is non-compliant the weight to be attached to the NPPF is greater than the RCUDP policy, which should be set aside.

NPPF paragraph 14 sets out the presumption in favour of sustainable development, in this context where Policy H9 is now out of date permission should be granted unless 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.

In this case therefore, where sites which are not "allocated" for housing development are put forward it is necessary to consider how the proposal addresses the delivery of sustainable development established by the NPPF together with relevant policies within the RCUDP that are NPPF compliant.

In order to achieve compliance with the NPPF it is considered that all such small scale applications should be able to demonstrate that : -

- i. The site is sustainably located;
- ii. The site is not in beneficial use; and/or
- iii. The proposed development does not have adverse impacts which would significantly and demonstrably outweigh the benefits;
- iv. The demands generated from the housing can be accommodated by existing infrastructure;
- v. There are no physical and environmental constraints on development of the site;

- vi. The development preserves or enhances Conservation Areas and does not adversely affect Listed Buildings or their settings, where these are material considerations;
- vii. The site is not used for active sport or recreation;
- viii. The site does not have any recognised value for nature conservation;
- ix. The site is within an urban area or a village envelope as defined on the RCUDP Proposals Map and is well related to existing development.

The Council will continue to positively support the development of housing in sustainable locations which do not give rise to unacceptable environmental, amenity, traffic, safety, or other problems.

Although both policy H9 and the NPPF aim to encourage the re-use of previously developed land, unlike policy H9, the NPPF does not establish any express presumption that greenfield sites should necessarily be refused. As such it is recognised that the policy is out of date and non-compliant with the NPPF.

The site is located close to existing residential development and approximately 350m away from Hebden Bridge railway station, which includes a regular bus service from the station. The site is a 5 minute walk to Hebden Bridge town centre and therefore in close proximity to local shops and amenities including local primary schools. Although objectors are concerned about flooding, the site falls outside the flood risk area and it is considered that the permeable surfacing proposed, surface water soakaways to be constructed and upgrade of the access will help to address the surface water concerns the objectors have.

Given the site's RCUDP designation and the sustainable location, the principle of residential development is acceptable.

Materials, Layout and Design

RCUDP Policy BE1 states that development should contribute positively to the quality of the local environment or at very least, maintain that quality. Where feasible, development should:- respect the established character, retain features/views that contribute to the amenity of the area, retain a sense of local identity, should not intrude on key views/vistas, should not significantly affect privacy, daylighting & amenity of residents, should incorporate trees/landscaping, should be energy efficient & consider security/crime prevention needs.

Section 7 of the NPPF Requiring Good Design paragraph 56 establishes that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The proposed development includes the construction of two dwellings which would be constructed out of regular coursed stone and roof slates to match adjacent properties. If approved the materials would be conditioned in order to approve satisfactory materials. Each property is of a two storey construction although the north elevation would have the appearance of a three storey building due to the accommodation in the roof-space to allow three floors of internal occupation. The difference between the eaves and the ridge height on the north elevation would be four metres which is quite high. However, this is partly due to the topography of the land. The gables to the main house body are asymmetrical in order to lower the eaves line of the two storey elevation at the rear of The Woodlands. The L-shaped plan provides each house with a private entrance courtyard on the south side with pedestrian and car driveway from adopted footpath HR011, identified on the plan as 'Old Chamber Road'. The access and parking courtyard will be surfaced with compact porous gravel to

avoid causing surface water run-off. The access will be repaired and conditioned if approved for full details to be submitted. The door and window opening designs are different on the north and south elevations in order to provide a build which is sympathetic with the surrounding area. The new properties will provide family accommodation. There is a mix of house types and designs in the area. If recommended for approval a condition requiring details of levels on the site would be imposed given the topography of the land.

The existing hedgerow to the north elevation will be retained and additional planting is proposed to improve wildlife habitat. If approved a condition will be imposed regarding full landscaping details. A bin storage area is proposed at the bottom of footpath HR011 after discussions with the Highway Network manager and The Head of Housing, Environment and Renewal regarding bin collection. An amended plan was submitted to include this within the red line.

Given the above the proposal is considered to be acceptable in terms of policy BE1 of the RCUDP and paragraph 56 of the NPPF.

RCUDP policy BE8 deals with access for all. The agent has submitted details that indicate the dwellings would conform to building regulations in terms of accessibility. They would both have level access and the provision of a 3.5m wide parking space for a vehicle for a disabled person. Ground floor accommodation and sanitary facilities will be provided. The access track is to be upgraded allowing for better vehicular access. Given the above the proposal is considered to comply with policy BE8 of the RCUDP.

Residential Amenity

Policy BE 2 of the RCUDP deals with Privacy, Daylighting and Amenity Space and states that:

Development proposals should not significantly affect the privacy, daylighting and private amenity space of adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.

The proposed dwellings will be at the closest point 22m from The Woodlands. The proposal would introduce main aspect windows that would face secondary windows ie bedroom and kitchen windows of properties at The Woodlands. Although the north elevation facing the Woodlands would be 9.5m in height and much higher than the properties below, they are more likely to look on to the roofs of the properties below and any views of windows would be at an oblique angle.

Annex A of the RCUDP suggests a distance of 18m between main aspect and secondary windows and as such the proposal complies with suggested distances set out in the RCUDP.

There are small bedroom windows in the side elevations of the proposed dwellings which would face one another at a distance of 8.5m. Annex A requires a distance of 15m between secondary windows and therefore there would be a shortfall. The windows are only small additional bedroom windows and not the main windows to serve the room. Given this a condition would be imposed to obscure glaze the gable windows which would face each other in order to overcome policy shortfalls if recommended for approval.

Each property has an acceptable amenity area for a family home and subject to a bin storage area being provided the Head of Housing, Environment and Renewal has no objection to the proposal.

Given the above, and subject to condition, the proposal would comply with RCUDP policy BE2.

Highways Considerations

Under RCUDP policy BE5, the design and layout of highways and accesses should not result in highway safety concerns, and needs to respect the local character of the area, and also help to reduce opportunities for crime as and where necessary.

One of the main concerns raised by objectors is the poor quality of the proposed access. The applicant proposes to upgrade the access (HR011) as part of the application.

The Highway Network Manager has been consulted and has made the following comments:

“The main concern with the proposed development is with regard to the access that also serves as definitive footpath 11 (Hebden Royd). Whilst the access has an existing use the additional traffic from residential needs to be considered. The foremost issue at present is the surface water that is excessive at times and issue from the area of Old Chamber. This surface water is an existing problem and is being dealt with irrespective of the development. Due in part to the excessive water the access track has been badly damaged and needs to be improved to provide an acceptable means of access. Two dwellings served by this access would not be significant therefore, no highway objections but subject to stringent conditions.”

Subject to the above the proposal would be acceptable and would comply with policies BE5 and T18 of the RCUDP.

Trees and Landscaping

Policy NE21 of the RCUDP states that where trees are located on or adjacent to development sites development proposals would be permitted providing that trees are retained which are identified as worthy of retention and replacement tree planting if required is undertaken.

Policy BE3 of the RCUDP discussed landscaping of proposed developments.

The Council's tree officer has been consulted. Concerns were raised originally as insufficient information regarding the existing trees on the site and any proposed works to them had not been submitted. Details relating to the trees and landscaping have since been submitted. The tree officer has made the following comments:

“The trees which are situated on the site are not the subject of a TPO but the trees adjacent to the proposed access road form part of protected woodland. A tree survey does not appear to have been submitted which identifies trees to be retained, pruned or felled.

It is likely that young trees adjacent to the track will have to be lost in order to allow access to the site, although many of these trees are not specimen trees details should be submitted.

With reference to the location of the two proposed dwellings, no amenity trees appear to be affected. The trees on the northern boundary do create a screen between some of the properties at The Woodlands and the site but should the trees be removed I do not believe it would have a detrimental impact on the character and amenity of the area as a whole due to the adjacent wooded hillside.”

The agent has been contacted and asked if any other trees would be affected as part of the proposal and he did not consider there to be a need to lose/prune any additional trees than those indicated on the plan. Given this any tree pruning to any trees protected under the woodland order would require a further tree works application.

The proposal suggests limited works to trees and the existing hedgerow on the northern boundary is identified to be retained. Additional planting is also proposed to improve wildlife habitat.

If recommended for approval a condition for the submission of a landscaping scheme will be imposed.

The proposal is therefore acceptable subject to condition to satisfy policies NE21 and BE3 of the RCUDP.

Wildlife and Ecology

Policy NE15 of the RCUDP establishes that development in wildlife corridors will not be permitted if it would damage the physical continuity of the corridor, impair the function of the corridor or harm the nature conservation value of the corridor.

Policy NE16 of the RCUDP deals with the protection of protected species.

Policy NE17 of the RCUDP discusses biodiversity enhancement and establishes that development will be required where appropriate to enhance biodiversity.

Some objectors had concerns regarding the impact on the wildlife corridor. Originally West Yorkshire Ecology and the Council's Wildlife Conservation Officer due to the location being close to Crow Nest Wood had asked for a Phase 1 Habitat survey for the site. This was requested without having visited the site to assess the impact on the adjacent woodland. The site also falls within a bat alert area. After discussions about the proposed works a site visit carried out by the Council's Wildlife Conservation Officer concluded that they had no objection to the proposal.

New planting is proposed to encourage and improve wildlife habitat on the site. The development is not considered to harm any bats in the area as it is for new build. Given the above, the proposal is considered to comply with policies NE15 and NE17 of the RCUDP.

Drainage and Flood Risk

RCUDP policies EP14 (Protection of Groundwater), EP20 (Protection from Flood Risk) and EP22 (Sustainable Drainage Systems) are all concerned with satisfactory drainage of a site.

One of the main concerns raised by objectors was the drainage of the site. Photographs and a disc showing surface water run-off after heavy rainfall have been submitted by an objector. Discussions with the Council's Drainage Engineer have also taken place. Although the site does not fall within a flood risk area, the access track is prone to surface water run-off from Old Chamber and the wood above. The proposal involves the use of permeable surfacing materials and the upgrade of the access road which would also help with dealing with surface water from above.

The Council's Drainage Engineer has been consulted and has outlined a number of possible issues that may arise in terms of surface water run-off if it is not dealt with satisfactorily. In order to provide a satisfactory development in terms of surface water run-off and drainage of the site, the Drainage Engineer has suggested a condition.

Subject condition and an informative relating to drainage on the site, the proposal is considered to comply with policies EP14, EP20 and EP22 of the RCUDP.

Other Issues

The site falls within a land contamination area. The Environment Agency (Waste) has been consulted and have checked the site against a number of environmental criteria and on this occasion they have no comments to make.

Given this the proposal is considered to comply with policy EP10 of the RCUDP which considers development of sites with potential contamination.

It has been raised by objectors that views will be lost. The right to a view is not a planning consideration.

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, including the recommended conditions, is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Geoff Willerton
Head of Planning and Highways

Date: 2nd October 2013

Further Information

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

Gillian Boulton (Case Officer) on Tel No: 392232 or Lisa Sutcliffe (Senior Officer) on Tel No: 392233

Conditions

1. Notwithstanding any details shown on the permitted plans the development shall not begin until details of the proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
2. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage for the development (including details of any balancing works, off-site works, existing systems to be re-used and diversions) and external works 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.
3. The development shall not begin until construction and drainage details of the access have been submitted to and approved in writing by the Local Planning Authority. The access details so approved shall then be provided before the development is brought into use and shall thereafter be retained for that purpose.
4. The development shall not be occupied until the garaging / off street parking and turning facilities shown on the permitted plans for that dwelling have been constructed and surfaced using permeable surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
5. The development shall not begin until details of the treatment of all boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the dwellings and shall thereafter be retained.
6. The development shall not begin until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.
7. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin nor shall any construction materials, plant or machinery be brought onto the site until the trees within or adjacent the site are protected as per British Standard 5837 2012. The protected area shall be retained until the completion of the development and no materials, plant or equipment shall be stored, no bonfires shall be lit nor any building or excavation works of any kind shall take place within the protected area.
8. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until a scheme of landscaping the site, which shall include details of all existing trees and hedges on the land and details of any to be retained, has been submitted to and approved in writing by the Local Planning Authority.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings

or the completion of the development, whichever is the sooner; and shall be so retained thereafter, unless any trees or plants within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased. These shall be replaced in the next planting season with others of similar size and species, (unless otherwise agreed in writing by the Local Planning Authority) and these replacements shall be so retained thereafter.

10. The bedroom window in the east elevation of house 2 and the bedroom window in the west elevation of house 1 hereby permitted shall be glazed in obscure glass, which shall be to the standard minimum level 3 obscurity, and installed prior to the first occupation of the dwellings and shall be so retained thereafter.
11. Before the development begins, details of the method of storage and access for the collection of wastes, including details of mini recycling facilities, from the residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be so retained thereafter.

Reasons

1. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with policy BE1 of the Replacement Calderdale Unitary Development Plan.
 2. To ensure proper drainage of the site and to ensure compliance with policies EP14, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
 3. In the interests of highway safety and flood risk and to ensure compliance with policies BE5, EP20 and EP22
 4. To ensure that adequate provision is made for vehicle parking clear of the highway and to prevent flood risk in the interests of highway safety and to ensure compliance with policies T18, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
 5. In the interests of amenity and privacy and to ensure compliance with policies BE1 and BE2 of the Replacement Calderdale Unitary Development Plan.
 6. To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to ensure compliance with policies BE1 and BE2 of the Replacement Calderdale Unitary Development Plan.
 7. To protect the trees during the course of construction of the development in the interests of visual amenity and to ensure compliance with policy NE21 of the Replacement Calderdale Unitary Development Plan.
 8. In the interests of visual amenity and to ensure compliance with policies NE21 and BE3 of the Replacement Calderdale Unitary Development Plan.
 9. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with policy BE3 of the Replacement Calderdale Unitary Development Plan.
 10. In the interests of the privacy of neighbouring occupiers and to ensure compliance with policy BE2 of the Replacement Calderdale Unitary Development Plan.
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11. In the interests of amenity and to ensure compliance with policies H2 and BE1 of the Replacement Calderdale Unitary Development Plan.
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