

CALDERDALE METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE 2

WARDS AFFECTED: MORE THAN THREE

Date of meeting: 3 December 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 3 December 2013

Time & No.	App No.	Location	Proposal	Ward	Page No.
18.00	12/01003/FUL	Site Of Former Mytholm Works King Street Hebden Bridge Calderdale	Construction of retail store and five storey hotel. (Further retail impact assessment submission and removal of hydro electric power station)	Calder	5-36
18.30	13/00937/FUL	Country Friends Parkin Lane Todmorden Calderdale OL14 7JA	Conversion of existing grade II listed public house into residential dwelling, including demolition of existing single storey extension, provision of 2no. new two storey extensions and refurbishment of existing listed structure.	Todmorden	37-49
18.30	13/00677/FUL	Former Windmill Inn 17 Stanage Lane Shelf Halifax Calderdale	Demolition of public house and construction of 4 No detached dwellings (Amended Drawings)	Northowram And Shelf	50-60
19.00	13/01087/FUL	Former Stainland Mechanics Institute Westgate Stainland Road Stainland West Yorkshire	Conversion of vacant first floor to form three apartments and creation of three off street parking places.	Greetland And Stainland	61-71

+ Head of Planning & Highways recommends Refusal

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

Time Not Before: 18.00 - 01

Application No: **12/01003/FUL**

Ward: **Calder**

Area Team: **North Team**

Proposal:

Construction of retail store and five storey hotel. (Further retail impact assessment submission and removal of hydro electric power station)

Location:

Site Of Former Mytholm Works King Street Hebden Bridge Calderdale

Applicant:

Belmont Homes

Recommendation: **PERMIT**

Highways Request:

Yes

Parish Council Representations:

Yes No Objections

Representations:

Yes

Departure from Development Plan:

Yes

Consultations:

West Yorkshire Ecology

Highways Section

Hebden Royd Town Council

Environmental Health Services - Pollution Section (E)

Environment Agency (Water)

Yorkshire Water Services Ltd (E)

Housing Services

Natural England

Sustainability Team

Access Liaison Officer

Canal & River Trust

Business And Economy

Tree Officer

Countryside Services (E)

Recreation, Sport And Streetscene - Trees

Tourism & Rural Development

West Yorkshire Police ALO

West Yorkshire Passenger Transport Exec

Flooding And Land Drainage

Blackshaw Parish Council

Site location map on webpage

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

Description of Site and Proposal

The site is located on the north side of King Street, a former trunk road and the main highway linking Hebden Bridge to both Halifax to the east and Todmorden to the west. The site comprises 1.2 hectares of relatively flat land formerly in use for industrial purposes. The site is an important gateway site, outside and to the west of Hebden Bridge town centre and has been vacant since 2003.

The application proposes the construction of a supermarket for an undisclosed end user, measuring 2,140 gross square metres (with a net tradable area of 1,820 square metres) and a hotel with a gross internal floor space of 1,024 square metres and 56 guest bedrooms. Parking for 177 cars with 13 disability spaces and a service court for goods and public carrier vehicles are proposed.

As originally submitted the development also included a 90 sq. metre hydroelectric power station, which would have generated energy from the existing watercourse that crosses the site. Following objection from the Environment Agency this element has been withdrawn and no longer forms part of the proposal.

In addition it is proposed to provide 19 (included 2 disabled) parking spaces for Mytholm C of E Junior School on part of an area of open space immediately to the east of the main site.

Relevant Planning History

12/01003/FUL [this application] Recommended for refusal at the 04th December 2013 meeting of Planning Committee, due to concern over a lack of information to demonstrate that the proposal would not have any significant adverse impact on the vitality and viability of Hebden Bridge Town Centre, and due to a lack of information to address concerns over the impact of the proposals on biodiversity. Consideration of the application was deferred at the 04th December 2013 meeting of Planning Committee to allow the applicant to carry out retail impact assessment work, to secure design amendments, and to address biodiversity concerns. Further information has now been received with regard to retail impact assessment and this is referred to and considered below.

The site has a long history of applications, including proposals for industry and mixed housing/employment development. The full history of the site is set out below.

11/00232/REN Construction of 58 residential units (Full Application) and 2500 sq metres commercial use (Outline Application) (Application to replace an extant planning permission in order to extend time limit for implementation of 07/02224) – Refused on flood risk grounds and concern over emergency vehicle access to parts of the site.

07/02224/FUL Construction of 58 residential units (Full Application) and 2500 sq metres commercial use (Outline Application) – Approved.

04/02551/FUL Mixed use development of 2500 sq metre employment site and residential development of 54 units – Approved subject to S106 Legal Agreement re: affordable housing and education provision.

04/00026/OUT - Mixed use development 45 dwellings and 2500 sq metres employment use (Outline) – Approved.

02/01971/OUT - Mixed use development of 55 dwellings and 2500sq metres employment use (Outline) – Refused on grounds of loss of employment site, highway safety, lack of parking and loss of trees.

01/01221/OUT Residential development (Outline) – Refused as prejudicial to allocated use.

00/00665/OUT Residential development (Outline) – Withdrawn.

95/00303/OUT Proposed 2788sqm food retail store and 929sqm non-food retail store (Outline) – Refused on grounds of loss of employment site, impact on vitality and viability of existing centre and lack of accessibility.

89/03540/FUL Re-roofing to fire damaged industrial building – Approved.

89/03774/OUT Single storey light industrial production building to replace premises recently destroyed by fire – Refused on grounds of visual impact, highway safety and impact on neighbours and loss of trees.

84/20012/TPO Removal and replacement of protected trees – Approved.

81/01063/COU Use of land as machinery sales area and display, and temporary office – Approved.

Key Policy Context:

RCUDP Designation	New Employment Site, Wildlife Corridor, Open Space Urban, Tree Preservation Order
National Planning Policy Framework (NPPF)	<p>Core planning principles</p> <p>Delivering sustainable development</p> <ol style="list-style-type: none"> 1. Building a strong, competitive economy 2. Ensuring the vitality of town centres 3. Supporting a prosperous rural economy 4. Promoting sustainable transport <p>7 Requiring good design</p> <p>8 Promoting healthy communities</p> <p>10 Meeting the challenge of climate change, flooding and coastal change</p> <p>11 Conserving and enhancing the natural environment</p> <p>12 Conserving and enhancing the historic environment</p> <p>Decision-taking</p> <p>Implementation</p> <p>Technical Guidance to the National Planning Policy Framework</p> <p>PPS4 Practice Guide (Remains Extant)</p>
RCUDP Policies	<p>GE1 Meeting the Economic Needs of the District</p> <p>E3 New Employment Sites</p> <p>E11 Hotels, Motels and Other Visitor Accommodation</p> <p>S2 Criteria for Assessing Retail Developments</p>

	OS1 Protected Open Spaces 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 BE6 The Provision of Safe Pedestrian Environments BE8 Access for All GT4 Hierarchy of Consideration GT5 Transport Assessments T1 Travel Plans T3 Public Transport Provision at New Development T18 Maximum Parking Allowances T19 Bicycle Parking Guidance T20 Motorcycle / Moped / Scooter Parking Guidance GNE2 Protection of the Environment NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE17 Biodiversity Enhancement NE18 Ecological Protection of Water Areas NE20 Tree Preservation Orders NE21 Trees and Development Sites EP1 Protection of Air Quality EP5 Control of External Lighting EP8 Other Incompatible Uses EP9 Development of Contaminated Sites EP10 Development of Sites with Potential Contamination EP12 Protection of Water Resources EP14 Protection of Groundwater EP17 Protection of Indicative Floodplain EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems EP25 Energy Efficient Development EP27 Renewable Energy in New Developments EP28 Development of Renewable Energy Sources
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Publicity/ Representations:

The application has been advertised by means of site and press notices. Neighbours of the site have been notified in writing. In response 63 **[now 74]** letters of objection and 19 letters of support **[now 22]** have been received. In addition 2 letters of general representation have also been received.

Summary of points raised:

Objection (New objection received post 04/12/12 emboldened):

- The proposed development would divert trade and damage the vitality and viability of Hebden Bridge town centre.
- The hospitality industry in Hebden Bridge would be harmed by the hotel.
- Jobs would be lost in Hebden Bridge and any created would be predominantly part-time.
- Retail would be an inappropriate use of an allocated employment site.
- Better employment generating uses of the site exist.
- The proposed development would be harmful to road safety and lead to congestion on local roads.
- Air quality **and aural amenity** would be harmed through increased traffic movements.
- Traffic counts carried out are inadequate.
- There is a lack of a footway on the southern side of King Street.
- Insufficient parking is proposed to serve the development.
- Harm to wildlife and ecology [**The hydro scheme element has now been withdrawn and specific associated biodiversity objection do not now apply**].
- The design and scale are inappropriate and would be harmful at a key gateway site **and does not respect local character**.
- The site is prone to flooding.
- Light pollution would be caused.
- Emergency flood escape is unworkable.
- **The site would be better used as a park and ride site to address parking difficulties in Hebden Bridge.**
- **Small independent businesses would be harmed by the proposals and small independent traders generate greater community benefit. Empirical evidence from Pennine Prospects funded by DEFRA supports this. The proposal is contrary to the Governments Rural Development Programme and should be refused.**
- **The ecological assessment is now 10 years old and both data and methodology may have become outdated.**
- **The revised Retail Impact Assessment does not contain up to date thinking. For example, around a fifth of households are buying groceries online every month, with online grocery retail increasing by 16% per annum – this is not mentioned in the assessment.**
- **Mortality in Calderdale is above the national average and above average obesity is likely to contribute to this. The proposal does not provide solutions to these problems.**
- **The Councils comments that there would be a combined impact of 28.9% on the town centre's turn over, and an impact of 36.5% on the Co-op's turnover (leaving the store trading at 71% of its benchmark turnover by 2018, and a 20.5% impact on town centre shops other than the Co-op, is by any reasonable measure a significant impact and the application should therefore be refused as contrary to the NPPF and RCUDP Policy S2 and TPE4 of the emerging Local Plan.**
- **No supermarket operator has been identified, it is therefore difficult to assess its impact, and the application is therefore speculative.**
- **The Retail Impact Assessment makes a number of inaccurate assumptions with regard to claw back viz a viz claw back from Halifax Tesco and Asda and Todmorden Morrisons.**
- **The retail impact assessment work focuses too narrowly on the impact on the Co-op store.**

- The proposal would divert trade away from independent butchers, bakers, and grocers etc and would harm the retail choice of locals.
- No consideration has been given to the impact of the proposal on the markets in Hebden Bridge and Todmorden.
- The removal of the hydro electric scheme reduces the sustainability of the proposals.
- The proposal would be harmful to flood risk considerations.
- The Co-op store is the only convenience goods anchor for Hebden Bridge town centre generating linked trips – it is not accepted that the impact of the proposed development can be deemed no to significantly and adversely affect vitality and to condemn a healthy and viable in-centre store to possible closure is not sustainable and is contrary to planning policy.
- Paragraph 26 of the NPPF states retail assessment should include assessment of “...the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area...”. The Councils assessment of the submitted evidence does not consider this, and fails to consider the impact on retail diversity.

Support:

- The proposed development would help the vitality and viability of Hebden Bridge town centre **though parking constraints on users of the development should allow for sufficient time for visitors to walk into Hebden Bridge centre and back.**
- The proposal would bring investment and create much needed jobs.
- Increased competition would bring lower prices.
- The site is in need of regeneration and would improve the appearance of the town on approach.
- **A further store is needed – most residents shop in Sowerby or Todmorden.**
- **Hebden Bridge doesn't have a great retail offering in the form of the Co-op and if it did more residents would be likely to spend their money at the new store and not on the internet, thereby creating more revenue for the town through the claw back from neighbouring stores.**
- **The Committee have sensibly asked for further Retail Impact Assessment work and it is on the basis of the consideration of this that the application should be determined, and on the basis of the Retail Impact Assessment work it should be approved.**
- **The Retail Impact Assessment rightly states that most do their primary shopping out of town and it would be better for the town that more of this was done locally. This would reduce congestion and pollution and more money would be spent locally.**

Ward Councillor comments:

Councillor Janet Battye has requested that the application be considered by Planning Committee for the following reasons.

The site is an important gateway site and the proposed use is different from the Replacement Calderdale Unitary Development Plan. The application is significant to the economy of the town.

Follow-up email from Councillor Battye:

I support this application because of the mixed use that it will make of the site – parking, small supermarket and hotel – and the economic advantage that I believe that it will bring to Hebden Bridge.

I am also pleased to see the offer of a carpark for the use of Hebden Royd Primary school thus taking some parking off Church Lane and Eaves Road.

I am concerned that the management of traffic on the main road should be carefully examined – it needs to be safe for people (pedestrians) living and moving around that area. There are concerns about speeding traffic and this needs to be included in the road layout etc. I have some concerns about the volume of traffic using these facilities and how it turns off and onto the main road.

I hope that the parking on the site (especially at the front) can be made available to the public so that they can use it as “park and ride”, thus reducing the amount of traffic on the streets of the town.

It’s also important that there is some screening of this parking so that it isn’t too visibly intrusive from the road.

I have already requested that the decision be taken by Planning Committee because of the importance of the site for the town, with a site visit by the Committee beforehand.

Councillor Young objects on the following grounds:

If a supermarket was built on the edge of Hebden Bridge it would have a negative impact on some of other shops in the town and could lead to some of our local shops closing.

Although I think Hebden Bridge would benefit from a small hotel to encourage more tourists I do not consider the proposed hotel would be in keeping with the architectural buildings of Hebden Bridge.

The increase in traffic that a supermarket would incur on the busy A646 may lead to even more traffic congestion on this road.

MP comments:

- None received

Parish/Town Council Comments:

The Parish 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 Parish Council supports the application.

Blackshaw Parish Council raise concerns with regard to highways (increase in traffic and congestion, pedestrian access and loss of lay-by), flood risk, economic impact on Town Centre and Blackshaw Parish. Concerned over adverse impact on tourism and retail and feel impact assessment should be carried out. Concerned that the design is out of keeping with the area, and concerns about contaminated land issues.

Assessment of Proposal

Principle

Paragraph 14 of the National Planning Policy Framework (NPPF) states ‘*At the heart of the National Planning Policy Framework 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 this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. No such policies or the framework as a whole in this instance indicate that development should be restricted so the presumption applies. It is a core planning principle of the NPPF to secure the effective reuse of brownfield land where it is not of high environmental value and to promote mixed use developments.*’

Paragraph 19 establishes that “...*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth*”. Paragraph 20 goes into more detail by saying “...*to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.*”. Paragraph 21 states “...*investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.*”

Paragraph 32 of the NPPF under Section 4 Promoting sustainable transport states that “...*all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment; decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development*”. Paragraph 32 goes on to say that “...*development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe [my emphasis]. Paragraph 34 of the NPPF states that planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*”.

Under the section ‘Decision-taking’, Paragraph 187 of the NPPF states that “...*local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development, and that local planning authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications*”. Paragraph 187 also encourages Local planning authorities to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Policy E 3 (Sites Allocated for Employment Use) establishes that on new employment sites proposals within Use Classes B1 to B8 will be permitted provided that the proposed development:-

- i. does not create any unacceptable environmental, amenity, safety, highway, or other problems;*
- ii. is not for piecemeal development that would prejudice the comprehensive development of the site; and*
- iii. is consistent with other relevant UDP policies.*

Proposals for employment uses not within Use Classes B1 to B8 will only be supported in exceptional circumstances where the proposal is justified and complimentary (in terms of size and function) to Use Classes B1 to B8. Proposals for other non-employment uses will be resisted.

The application retail and hotel development relates to employment uses outside Use Classes B1 to B8, and as such exceptional circumstances would need to be demonstrated in order to support this application in principle.

In justification for the application the agent highlights various factors:

Firstly, planning permission has already been granted (albeit now expired) for mixed residential and employment development. Secondly, the site has despite permission being granted for commercial development as long ago as 2004, never been developed. This,, it is argued,, is indicative of a lack for demand for B1 to B8 use of the site. Thirdly it is argued that employment levels generated by the development would at least be equal to a B1/B2 use, and greater than a B8 use.

Having regard to the site's history and the above circumstances, it is considered on balance that there are exceptional circumstances to justify the development of the site for employment use outside Use Classes B1 to B8.

Policy OS 1 (Protected Open Spaces) of the RCUDP establishes that the Proposals Map identifies as Open Space, areas which make a significant contribution to public amenity by virtue of their open space character, appearance and/or function. Development proposals located within open spaces will only be permitted where one of the following circumstances applies. The proposed development:-

- i. is for the replacement or extension of an existing building(s) currently set in open space or for a new building which supports a recreational or sports use and where the proposal does not detract from the open character of the area, maintains or enhances visual amenity, and does not prejudice the established function of the area; or*
- ii. is necessary for the continuation or enhancement of established uses for recreation, leisure or nature conservation which would result in community benefits and where the proposal maintains the open character of the area, and maintains or enhances visual amenity; or*
- iii. includes the provision of an appropriate equivalent or improved replacement facility in the locality, of at least quantitative and qualitative equal value to compensate for the open space loss, and it can be demonstrated that the open space is surplus to present and future community needs; and*
- iv. is consistent with all other relevant UDP policies.*

The school car park will use a small area of land in the corner of the current school playing field. Due to its scale and location, the use will not undermine the capacity of the open space to be used for sport and recreation or lead to the loss of a playing field or runoff area, and furthermore the use is complimentary and ancillary to the operation of the school which supports the recreational use of the land. It is not therefore considered that the development presents any undue material conflict with the spirit of policy OS 1.

Policy E 11 (Hotels, Motels and Other Visitor Accommodation) of the RCUDP establishes that development proposals for either new or extended hotels, motels or other visitor accommodation within town centres (as defined on the Proposals Map) and other urban areas.... will be permitted provided that the proposal:-

- i. is appropriate in scale, character and function to the locality;*

- ii. is accessible by good quality public transport as existing or with enhancement and offers pedestrian and cycle access;*
- iii. does not result in environmental, amenity, safety, highway or other problems being created; and*
- iv. is consistent with other relevant UDP policies.*

The proposals make the effective reuse of brownfield land in a sustainable location that is not of high environmental value. Appropriate in scale and character and accessible by good quality public transport, the proposals are in principle in accordance with Policy E 11 and do not conflict with OS 1.

From the above the application is considered to be acceptable in principle, subject to the consideration of other relevant policies within the RCUDP and NPPF. These are considered below, together with consideration of retail impact, the sequential test, and highways, design, flood risk, residential amenity and ecology considerations. Trees, landscaping and Crime prevention measures are also discussed.

Retail Impact

Many objectors, including the Co-op, have expressed concerns over the impact of the proposal on the vitality and viability of Hebden Bridge, and in particular the Co-op and independent retailers. Policy S2 of the RCUDP sets out criteria for assessing retail developments. It is split into Part A, which applies to all locations, and Part B, which is applicable for all locations not within town centres. The proposed development is located in an out-of-centre location therefore all parts of Policy S2 apply except for Part Bi, which is superseded by national policy (The NPPF does not require the need for development to be demonstrated).

Part A of Policy S 2 states (assessment/comment follows each criterion);

- i. the proposals relate to the role, scale and character of the centre and the catchment the development is intended to serve;*

Hebden Bridge is identified as a second tier centre in the Calderdale Retail Hierarchy and acts as a service centre for the respective rural hinterland. Establishment of the retail hierarchy is intended to support the consolidation, strengthening and enhancement of centres respective to their roles within the hierarchy. The proposed scheme reflects a supermarket of moderate scale to fulfill the needs of the local population in their weekly shopping requirements. As set out in the application's retail assessment, the catchment area that the development is intended to serve is primarily the town of Hebden Bridge and the surrounding rural villages and hamlets (Zone 12 of the Retail Needs Assessment), and the proposals will reduce leakage of expenditure outside of the local area. Therefore in light of the retail function of Hebden Bridge, and the catchment area the proposed development is intended to serve, it is considered that the proposal is in accordance with part Ai.

- ii. the development creates no unacceptable environmental, amenity, traffic, safety, or other problems;*

Consideration of other environmental, amenity, traffic and any safety considerations are considered below.

- iii. the development preserves or enhances Conservation Areas and does not adversely affect Listed Buildings or their settings, where these are material considerations; and*

The nearest Conservation Area (Hebden Bridge) is some 200m from the proposed building and the nearest listed buildings are over 100m from the development boundary on Church Lane. In either case the development proposed would not be harmful to designated or undesignated heritage assets.

iv. *all other relevant UDP Policies are met.*

Other relevant RCUDP policies are considered below.

Part B of Policy S 2 states (assessment/comment follows each criterion);

i. *the 'need' for the development is demonstrated;*

Following the publication of the NPPF there is a degree of conflict with B(i), the NPPF supersedes the RCDUP in this respect.

ii. *having been flexible about the scale, format and design of the development and the provision of car parking, there are no reasonable prospects of the proposed development being accommodated on an alternative town centre site(s);*

This is addressed under the section 'Sequential Test' below, and it is not considered that there are any reasonable prospects of the proposed development being accommodated on an alternative town centre site.

iii. *there will be no serious effect (either on its own or cumulatively with other similar permissions) upon the vitality and viability of any nearby town centre, as a whole;*

Retail impact is considered in more detail below, however, it is not considered that the retail impact would be so serious (the NPPF talks about significant) so as to render the proposal as contrary to criterion iii).

iv. *the proposed development is located where it can serve shoppers using public transport or other modes of transport such as pedestrians or cyclists as well as those travelling by car;*

The site is in a sustainable location, close to local bus routes, and it benefits from the ability for future users to walk, cycle or use public transport as a genuine alternative to the car. These issues are considered in further detail below.

v. *the likely effect on overall travel patterns and car use, the objective being the reduction in travel mileage;*

As above, the site is in a sustainable location, close to local bus routes, and it benefits from the ability for future users to walk, cycle or use public transport as a genuine alternative to the car. These issues are also considered in further detail below.

vi. *the implications for other relevant UDP policies which relate to the use of the site; and*

The implications for other relevant policies relating to the use of the site are considered under 'Principle' above.

vii. *the development would not undermine the retail strategy of the Plan.*

The development is in accordance with the retail strategy as it will contribute to a modern, competitive, sustainable retail sector in Hebden Bridge

Paragraphs 23-27 (Section 2) of the NPPF deal with 'Ensuring the vitality of town centres'; they state that:

23 Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- *promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*
- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*
- *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*
- *allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;*
- *set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
- *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.*

24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. [Consideration of this follows below]

25 This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

In May a full retail impact assessment was prepared by White Young Green (WYG). Revisions were made in light of a number of queries resulting in a revised assessment being submitted in July 2013. This was considered by the Development Strategy Manager and a response was issued on the 6th August, appended in full to this report. All subsequent correspondence between WYG, NJL Consulting (on behalf of the Co-op Group) and Development Strategy is appended in full to this report also. This includes:

- 15th August – Co-op Group response to WYG retail impact assessment;*
- 4th September – Planning Policy response to Co-op Group;*
- 12th September – NJL Consulting response to Planning Policy;*
- 20th September – WYG response to Co-op group letter of 15th August;*
- 8th October – WYG response to NJL Consulting letter of 12th September;*
- 28th October – NJL Consulting Linked Trip Monetary Calculation and Callington Case Study; and*
- 13th November – final comments from Development Strategy Manager to Case Officer.*

The Development Strategy Manager summarises their response as follows:

“The debate around the potential retail impact arising from the proposed scheme is a detailed and complex one. Therefore the following summary should be of use:

- The Applicant predicts an overall trading impact of £1.6m (-27.4%) on the Co-op and £0.5m (-10.2%) on local convenience shops, a total of £2.2m (-19.3%) on the town centre as a whole;*
- The Co-operative Group predicts an overall trading impact of 30% on the Co-op, with no information provided on likely direct impacts to local convenience shops. Linked trips analysis indicates, as a worst case scenario, a potential further £1.79m - £2.98m loss of expenditure to all local town centre facilities, not just local convenience retailers;*

- *The Development Strategy Manager predicts, as a worst case scenario, an overall direct trading impact of £2.2m (-36.5%) on the Co-op, and £1.1m (-20.5%) on local convenience shops, a total of £3.2m (-28.9%) on the town centre as a whole; in addition, the impact on reduced linked trips, as a worst case scenario, may equate to a further £0.7m impact on local convenience shops.*
- *The impact assessment work has focused primarily on the impact to convenience retailers within Hebden Bridge town centre (the Co-op and local shops separately). In addition to these predicted impacts it is recognised that minor impacts may be experienced on comparison retailers and other town centre services, should the proposed development go ahead. However these are expected to be minimal due to the nature of the proposed scheme. Indeed some positive impacts in relation to the overall vitality and viability of the centre may be felt as a result of the hotel element of this scheme increasing overnight visitor stays; however this has not been quantified and remains separate to the issue of predicted trade draw arising from the retail element of the scheme.*
- *Both the Applicant and the Co-op have put forward case studies that, in their view, demonstrate why the proposed scheme should be approved or refused respectively:*
 - *WYG cite an appeal decision in Eccles as key (Tesco at West One Retail Park - PINS ref APP/U4230/V/10/2131671), whereby the Inspector concluded that an impact of up to 47% on Eccles town centre would not result in a significant adverse impact. This decision was made despite Eccles town centre exhibiting obvious signs of weakness in terms of its overall health and vitality and viability, a situation not in evidence in Hebden Bridge.*
 - *The Co-op Group cite numerous appeal decisions in their letter dated 15th August 2013. A further reference to a case study in Callington (nr Plymouth) is made in subsequent correspondence on 16th October, whereby a 4,000sqm out-of-centre Tesco store was constructed in 2010. The Co-op Group believe that the Callington case study most closely reflects the likely scenario post-development in Hebden Bridge. Examination of the post development outcome in Callington demonstrates that the existing Co-op store has incurred a turnover impact stabilising at c.60% since 2010, whilst at the application stage only a 12% impact was predicted.*
- *Whilst useful, the most important point in relation to case studies is that they should be seen within the context of the specific proposal and centre in question. Predicted impacts of any proposed scheme on a centre, or individual stores, should be placed within the specific context of the overall vitality and viability of that centre, and the extent to which the centre is reliant upon any specific stores under threat.*
- *In the case of Hebden Bridge, for the reasons set out above (which attempt to model the 'worst case scenario') the Officer's position is that the centre as a whole will not suffer significant adverse impacts on local consumer choice and trade, In the absence of any proposed existing, committed and planned public or private investment in the centre within the catchment area of the proposal, and likely to be impacted by this proposal, I can therefore conclude that the proposal satisfies both impact tests set out in paragraph 26 of the NPPF..*

On the basis of the submitted evidence, and from the above consideration, it is considered that the application would not have a significant adverse impact on the centre as a whole, and would meet the associated policy criteria of RCUDP Policy S 2 and the national planning policy requirements of Section 2 of the NPPF. However, in order to avoid the character of the store changing, and thereby any unforeseen impacts arising that would have otherwise warranted reassessment, a condition is suggested to limit comparison goods to 20% of the net sales area of the building.

Sequential test

Policy S2 requires consideration to be given to town centre site first and as cited above Paragraph 24 of the NPPF establishes that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The requirement to apply the sequential test applies to both the retail and hotel element of the application. The applicant has considered whether these elements could be accommodated either within or on the edge of the Town Centre. Overall it is not considered that there are any sites currently available that could provide the quantum of floor space with the required areas for parking and servicing, even if the development was disaggregated into its constituent parts, and the sequential test has therefore been met. However, a condition is recommended to prevent the store being subdivided into separate units in the future, in the event of which the proposals might otherwise fail the sequential test.

Highways considerations

The relevant NPPF policies are in Section 4, Promoting sustainable transport, with paragraph 35 being most relevant: *“plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people”*. The Council’s own policies are BE 5 *“The Design and Layout of Highways and accesses”* and T 18 *“Maximum Parking Allowances”*. Together, these require acceptable levels of parking provision and safe and convenient access. Policies S 2, E 3 and E 11 also require that hotel and retail proposals do not cause highway problems. The Highway Network Manager was consulted on the application and made the following comments:

“The site is situated adjacent to King Street, the A646 that forms part of the strategic highway network linking Halifax, Hebden Bridge with Todmorden and Burnley. This section of the A646 has an annual average traffic flow of 15,000 vehicles daily and is acknowledged as the only all-weather trans-Pennine alternative to the M62.

The proposed development is for a new food store site with hotel and ancillary facilities. There is an existing access that will be upgraded and moved slightly west; within the site there will be car parking of 109 spaces for the food store and 61 spaces for the hotel.

Whilst it is accepted that this proposal will probably generate some additional traffic to that of the previous residential approval, this proposal has been submitted with a full Transport Statement.

The sections of the Statement are considered as follows:-

A646 King Street and the access

King Street passing the site is part of the A646, a category 2 section of the Strategic Highway Network which not only provides a Yorkshire – Lancashire route but a local link for most of the neighbourhood traffic. The submitted Traffic Impact Assessment included with the application demonstrates that the proposed access arrangement on this road would cater for the intended traffic movements although some delays are inevitable at peak times.

To safely cater for the turning traffic a right turn lane is proposed within the main road which will also include pedestrian facilities and clear visibility splays. The access arrangement also allows for large delivery vehicles and a bus service route to enter and leave the site safely.

Both the site access and the Heptonstall turning circle have been assessed for traffic impact using the Picardy computer programme and based on the proposed layout both have been found to be well below capacity.

Mytholm Lane

Additional parking is to be provided within the site for the benefit of staff at Mytholm School this will alleviate the all day parking created at present by the school and reduce highway conflicts to the benefit of highway and pedestrian safety.

Pedestrian Facilities

The pedestrian infrastructure in the vicinity of the site is generally of a good standard with continuous footways provided between the site and Hebden Bridge. There is however, a shortfall with the footway on the opposite side of the road, along the site frontage and in view of this the access arrangement has been re-assessed. It is now considered that the footway between the Stubbing Wharf access and the site access can be improved to provide safe passage. This would create all-round pedestrian and cycle links provided by informal crossing points at the access. Having consulted Urban Traffic control at Leeds, it would be beneficial to have improved pedestrian crossing facilities at the Mytholm School Crossing.

Parking Availability

The proposal would include a total of 171 car parking spaces of which 109 spaces would be for the convenience store and 62 for the hotel and leisure. This is a standard of 1 space to 19.6 M² and is in compliance with the Councils T18 parking requirement of 1 space for 14-20M²; this is also comparable with other stores in Todmorden. The existing Co-Op store in Hebden Bridge only has a parking provision of 1:35 but it is recognised that this store does mostly basket shopping and not predominately trolley shopping.

Travel Plan

The application includes a travel plan to be incorporated with the development with the aim to reduce car travel and encourage other forms of travelling. The layout is suitable for inclusive use and includes spaces for disabled users and also connects well with local areas via bus. To further encourage sustainable travel the parking numbers are not over subscribed and will include facilities for electric charging. The travel plan will encourage staff and customers to travel by alternatives to the car.

Bus Services and Cycle Parking

The submitted layout shows a wide circulation route within the car park and has taken into consideration the potential to invite the local bus operator to use the site as part of the 'Hebden Bridger' route. The layout also shows ten cycle parking spaces for the store and 3 spaces for the hotel; there will also be 4 motorcycle spaces on site.

Service Arrangements

The submitted layout shows a separate unloading area to the rear that is suitable for articulated delivery vehicles thereby all deliveries would take place without loss of space on the car park.

Highway conclusions

The site is located within a sustainable area, close to local bus routes and in close proximity to major local trip generating land uses. There will also be reduced mileage by diverting trolley shopping from stores in Todmorden or further afield. It also provides the opportunity for future users to walk, cycle or to use public transport facilities to access the site as a genuine alternative to the car and offers a high propensity for linked trips. It therefore complies with the broad objectives of the Council's transportation policy."

From the submitted evidence and the consideration above, the application is considered to be in accordance with the requirements of RCUDP and NPPF policy, and in particular Policies BE 5 and T18. Subject to a Staff Travel Plan it would meet Policy T1.

Materials, Layout and Design

Policy BE 1 General Design Criteria of the RCUDP establishes that development proposals should 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. Where feasible development should:-

- i. respect or enhance the established character and appearance of existing buildings and the surroundings in terms of layout, scale, height, density, form, massing, siting, design, materials, boundary treatment and landscaping;*
- ii. retain, enhance or create any natural and built features, landmarks or views that contribute to the amenity of the area;*
- iii. be visually attractive and create or retain a sense of local identity;*
- iv. not intrude on key views or vistas;*
- v. not significantly affect the privacy, daylighting and amenity of residents and other occupants;*
- vi. incorporate landscaping and existing trees that contribute significantly to the amenity and nature conservation value of the local environment as an integral part of the development site's design and where appropriate incorporate locally native plants and create wildlife habitats;*
- vii. be energy efficient in terms of building design and orientation; and*
- viii. include consideration of the needs of security and crime prevention.*

Section 7 (Requiring Good Design) paragraph 56 of the NPPF states:

“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.”

A number of objectors have concerns on design grounds and this is an important site that affects the ‘experience’ of the approaching character of Hebden Bridge. As submitted the Council’s advisor on architectural and urban design matters also expressed concerns about the proposed development. In the light of this further discussions with the applicant’s agent were undertaken. The concerns and the response are outlined below:

Supermarket:

The comment made was that “...It is considered that the elevations do not do justice to the inspiration shown in the 3d coloured ‘perspective’. When the plan is analysed in detail it also is apparent that the attractive arcaded effect which is ‘sculptural’ in the perspective would not actually transpire unless there were changes to the plan and also to a minor extent to the elevation. As drawn in plan and elevation form, as we have them, the results would be disappointing and not to be encouraged.”

It was therefore recommended that the architects alter the plan at the front of the proposed store to depict more accurately the arcaded effect. This would thus mean the large front glazing being set back behind the stone arcading, by up to 2.5 metres. It was also recommended that the front right hand side of the elevation be raised to a similar height to the remainder to its left, and thus the perforated screen arcade wall would be in a straight line until it wraps around the right hand corner.

On the submitted plans there is some ambiguity about how the stonework would be finished. It was therefore recommended that the stone be natural split-faced or crop-faced, not pitched faced, and regularly coursed.

Hotel:

As submitted the design of the hotel was considered to be ‘untidy’ in architectural terms. It was therefore recommend that the architects consider simplifying the elevation by removing the slats to the loggia (raised ground floor level) and changing the general rendition. It was recommend that front left ‘tower’ element of the hotel be clad in say a dull charcoal colour patinated seamed zinc, or in coreten steel. The remainder of the elevation at all levels except the plinth at ground level should be in sawn ashlar cladding. The eaves / top line of the elevation would benefit from slightly recessed zinc or coreten capping and small upstand fascia to enclose the flat roof behind and to match the tower element. It would also help that the windows are metal fabricated of the same style and colour as for the supermarket and are set back well, within their reveals to accentuate the ‘sculptural’ quality of the window openings. Finally it was recommended that the ground plinth level stone treatment be natural coursed dry-stone walling, rather than a narrow slate or flag stone, but either would run across both facades as unifying elements in the overall hard landscaping treatment.

Amended drawings have been received which address the above concerns. Subject to the use of conditions to require the prior approval of precise details of all external materials, finishes, and boundary treatment, the application would maintain the quality of the local environment and is considered to comply with relevant policy criteria and in particular Policy BE 1 and guidance contained within Section 7 of the NPPF.

Flood Risk and Sequential Test

Policy EP17 of the RCUDP establishes that in areas of flood risk identified as indicative floodplain by the Environment Agency, development will not be permitted unless:-

- i. the site lies within an area which is already substantially developed;*
- ii. it would not increase the risks of flooding both on site and further upstream and downstream;*
- iii. it would not be at risk of flooding itself, particularly in respect of its impact on the occupiers of the site;*
- iv. it would not impede access to a watercourse for maintenance;*
- v. it would provide adequate flood mitigation and flood warning measures; and*
- vi. provisions are made for adequate access/egress in times of flood.*

With regard to Policy E17 the application site is located within Flood Zones 2 and 3 and as such the application is accompanied by a Flood Risk Assessment (FRA). In summary the Environment Agency has reviewed the submitted FRA and comment as follows:

- 1) Although the proposed ground floor level of the hotel is proposed as 102.70m AOD, there is to be no habitable useable space at this level.*
- 2) The proposed finished floor level for the 1st floor is 105.65m AOD and is therefore considered to provide an acceptable level of freeboard.*
- 3) The proposed finished floor level for the supermarket is to be 104.47m AOD which matches the modelled 1 in 100 year level. This does not provide any freeboard or an allowance for climate change. The applicant must satisfy themselves that they are comfortable with any potential risks and disruption from future flooding that this may pose.*

The Environment Agency has no objection on flood risk grounds, subject to conditions. However, they do highlight that “...the Council must satisfy itself that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and its Flood Risk Technical Guidance and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.”

The application includes 'more vulnerable' development within flood zone 3a and therefore the flood risk Exception Test must be applied in accordance with the requirements of the NPPF. The Exception Test should be applied only after the Sequential Test has been applied. If the Sequential Test demonstrates that there are 'Reasonably Available' lower risk sites to which the development could be steered, the Exception Test should not be applied and the application should be refused.

Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding. It further advises that the Flood Risk Assessment will provide the basis for applying this test and sequential approach should be used in areas known to be at risk from flooding.

Paragraph 102 of the NPPF makes clear that both elements of the Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.

The information submitted with the application does not specifically address the flooding sequential and exception tests. However, given that much of the town centre of Hebden Bridge is known to flood, it is not considered that the development could reasonably be located in a lower area of flood risk, without seriously compromising the need for the development to be located in a sustainable location as close as possible to the Town Centre.

Earlier concern from the Environment Agency with regard to the impact of the hydropower scheme [Impact of increase abstraction on aquatic life] does not now apply now this element of the application has been withdrawn. The Council's Drainage Engineer and Yorkshire Water were also consulted on the application. Neither of these consultees has any objections to the submitted flood risk assessment, subject to conditions to require prior approval of precise sustainable drainage details, to limit surface water flows, and have separate foul and surface water drainage systems.

Residential Amenity

Policy BE2 of the RCUDP states "*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.*"

Policy EP8 of the RCUDP states "*Where development proposals could lead to the juxtaposition of incompatible land-uses, they will be only permitted if they do not lead to an unacceptable loss of amenity caused by odour, noise or other problems.*" Associated criteria of Policies S 2 and E 3 also seek to protect amenity.

The nearest dwellings are some 18 metres from the car park and almost 30 metres from the retail store. In view of this it is considered that the potential residential amenity issues relate to noise and disturbance, rather than loss of privacy or daylight.

The Head of Housing, Environment and Renewal has considered the Environmental Health issues concerning the application and has made the following comments:

"This application seeks to build a hotel and a retail store on a former industrial mill site and a hydro electric turbine will be incorporated into the development. I understand that the operators of the businesses are not known at this stage therefore amendments to the design may take place in the future although this will be subject to further planning consents.

The site is situated in a valley bottom adjacent to the busy A646 road. To the east of the site is the residential care home Mytholm Meadows whilst to the western boundary in an elevated position are the residential properties at Savile Road and East View whilst to the northern boundary overlooking the site are the dwellings at Oak Bank. During the day the ambient noise climate is dominated by road traffic however during the evening, the noise level will decrease due to the reduction in road traffic. Given that the site is in a valley bottom, any noise created will resonate up the valley sides and thus a wider range of noise receptors could be affected. In terms of potential noise sources associated with developments of this nature these would include:

- *fixed mechanical plant and services units*
- *HGV movements and smaller delivery vehicles (including vehicle bulkhead mounted refrigeration units)*
- *reverse alarms*
- *service yard activities (FLT ,metal cages)*
- *customers coming and goings etc.*

The submitted plans show that the service yard for the retail unit will be located to the northern boundary and that an external docking area is to be used. I would prefer that an internal docking area is used which would reduce the external use of the service yard and reduce metal storage trolley and fork lift truck movements in this area. I do have concerns

that delivery activities during the late evening and night period may give rise to noise disturbance to the residential properties in the vicinity however this will depend upon the operator of the retail store and their service management procedures. I am not overly concerned regarding customers' comings and goings to the premises.

In relation to the hydro electric turbine the water will come from the tributary which comes down from the hillside into the River Calder. I understand that source is located 1 mile above via Wragely Wood in the direction of Colden and at present the gate is blocked adjacent to where Poets Corner is. This gate will become unblocked to release the water that will then power the turbine. Several of the properties on this hillside rely upon private water supplies for their drinking water and the distribution pipe work for these supplies are in close proximity to the network of this hydro turbine. There is a need to protect these existing private water supplies and I will therefore recommend a condition to ensure this.
[The turbine has now been withdrawn]

The housing unit for the turbine will be located to the rear of the site where the ambient noise climate is lower. No noise information has been submitted with this application however it is proposed to put the plant etc associated with the unit within a building. Given the close proximity of Mytholm Meadows and the properties above, a condition is recommended to protect aural amenity. **[The turbine has now been withdrawn]**

Presently the land has been unoccupied for several years, with this application exterior lighting will be necessary for both parts of the site. I consider that this site lies in an Environmental Zone E3- i.e. is one of medium brightness, as featured in the ILE Guidance notes for obtrusive light [now the Institute of Lighting Professionals GN01]. Given the varying height of surrounding terrain I would like to recommend a condition to require a scheme to control artificial lighting.

I note that several objectors have raised 'air quality' as a concern. This site is not within the Hebden Bridge AQMA and there is limited opportunity to attract significant extra traffic that would not otherwise exist in this valley location. Consequently I do not see that the proposal would significantly affect air quality within the AQMA.

The National Planning Policy Framework paragraph 123 requires that in order to refuse an application then the adverse impacts need to be significant. I am of the opinion that given the size of the development and the layout of the site and premises, it would prove very difficult to sustain a refusal recommendation from an environmental health perspective at a planning appeal and that planning conditions can allay our concerns."

The Head of Housing, Environment and Renewal goes on to recommend the use of conditions to require the prior approval of the sound insulation measures for any outdoor plant or machinery, to restrict the hours of deliveries, and to restrict noise emissions from the site to acceptable limits between prescribed hours. A condition to require the prior approval of a scheme for the suppression of odours and the management of waste are also recommended, as are conditions to protect aural amenity and prevent light pollution. Overall it is considered that the application complies with policies BE2, EP5 and EP8, and that subject to such safeguards it would not unduly harm amenity or privacy considerations or create any unacceptable levels of pollution.

Trees and landscaping

Policy NE 20 (Tree Preservation Orders) of the RCUDP establishes that the Council will make Tree Preservation Orders to protect individual trees, groups of trees or woodlands that make an important contribution to local amenity or local landscape character and which are under threat. A

development proposal that would result in the removal or damage, or would threaten the future survival of one or more trees covered by an Order will not be permitted unless either:-

- i. the removal of one or more tree would be in the interests of good arboricultural practice; or*
- ii. the developer has demonstrated that the benefits of the development including any replacement planting will outweigh the harm caused by the removal of the tree or trees.*

Policy NE 21 (Trees and Development Sites) of the RCUDP establishes that where trees are located on or adjacent to development sites, development proposals will be permitted provided that:-

- i. a tree survey is submitted in appropriate circumstances and in all cases where the removal of trees or hedgerows is proposed;*
- ii. trees are retained which are identified as worthy of retention;*
- iii. retained trees are protected during construction work by planning condition or planning obligation;*
- iv. replacement tree planting, if required, is undertaken and controlled by planning condition or planning obligation;*
- v. an appropriate layout of development is achieved which prevents the development being subjected to an unacceptable degree of shade cast by trees which are to be retained; and*
- vi. distances between proposed excavations for development and existing trees, and between foundations and new planting, are sufficient to ensure the continued health of the trees.*

Policy BE 3 (Landscaping) of the RCUDP establishes that development proposals will be required, where appropriate, to be accompanied by landscaping schemes that include good quality hard and soft landscaping. It states that:

“...They should be designed as an integral part of the development proposal and should contribute to the character and amenity of the area and, where possible, enhance local biodiversity. The scheme should be implemented in full within an agreed timescale and include details of:-

- i. the retention of existing trees, hedgerows, walls, fences, paving, and other site features which contribute to the character and amenity of the area;*
- ii. appropriate soft landscaping (including tree and plant species, location, sizes and numbers) which respect the landscape characteristics of the site, its setting, and its potential effect on adjacent land uses; and*
- iii. appropriate hard landscaping (including details of street furniture where appropriate) which respect the landscape characteristics of the site and its setting.*

The Councils Tree officer has visited the site and comments as follows:

“A number of trees within and close to the application site are the subject of a Tree Preservation Order. The most prominent trees are around the boundary of the site and these provide an attractive amenity feature and visual screening for adjacent residential properties.

A general ground inspection has not been undertaken but the group of mature trees adjacent to the entrance appears to be in a reasonable condition. Any problems with the

trees would be highlighted in the arboricultural report. The trees did however contain deadwood and had low crowns so works will be required to maintain the trees in a healthy and safe condition.

With reference to the small car park for the junior school it is likely to have some impact on the trees adjacent to the access road, it may be more appropriate to remove some of the trees to allow better access subject to suitable replacement planting being undertaken. Although amenity trees may be lost it was noted during the inspection that in this group of trees there were a high percentage of mature and or over mature trees and therefore they have a limited useful life expectancy. The group did not have many young trees and therefore the trees could all decline together in old age. Long term management of any large group of trees should take this into account and at some stage the introduction of new trees of various species should commence in order to continue the tree cover in the area.

Due to the age and condition of the Poplar trees on the eastern boundary the Council's tree officer would recommend looking at the possibility of removing and planting with more suitable trees as a number of the Poplars have failed in recent years.

A number of self seeded Birch and Sycamore trees have grown up in the centre of the site but the Tree Officer would not raise any objection to the loss of these trees subject to replacement trees being planted as part of the landscaping scheme. Should the scheme be approved before any works take place and machinery is brought on site the retained trees should be protected as per BS5837 until the development is completed. “

Given that the majority of important trees can be retained subject to suitable management measures and construction techniques it is considered that the development complies with policies NE20 and NE21, subject to conditions, including a requirement for further landscaping details in accordance with policy BE3 of the RCUDP.

Ecology

Policy NE 15 (Development in Wildlife Corridors) of the RCUDP establishes that development will not be permitted in a Wildlife Corridor if it would:-

- i. damage the physical continuity of the Corridor; or*
- ii. impair the functioning of the Corridor by preventing movement of species; or*
- iii. harm the nature conservation value of the Corridor.*

Policy NE 16 of the RCUDP states that development will not be permitted if it would harm the habitat requirements of legally protected, rare or threatened wildlife species and the species themselves. Policy NE 17 seeks biodiversity enhancements where appropriate and Policy NE 18 establishes that development on or adjacent to areas of flowing or standing water will only be permitted if it would not harm the ecological value of the area. Associated criteria of RCUDP Policies S 2, E 3 and E 11 also seek to protect the environment. National planning policy under Section 11 of the NPPF also seeks to protect and enhance biodiversity.

A number of objectors express concerns about the biodiversity impacts of the proposed redevelopment on this brownfield site. Some point to the date of the original surveys submitted. Following the submission and consideration of amended survey work and further discussions, Natural England have withdrawn their earlier objection on biodiversity grounds and, subject to the use of conditions to require biodiversity enhancement measures, such as native planting and permanent bat roost features, the Council's ecologist similarly has no objections to the proposed development. The development would not harm the nature conservation value of the site or harm the physical continuity or functioning of the wildlife corridor. In light of these responses and

considerations the application is considered to comply with RCUDP Policies NE 15, NE 16 and NE 17, the related criteria of Policies S 2, E 3 and E 11, and guidance contained within Section 11 of the NPPF.

Renewable Energy

Policy EP 27 (Renewable Energy in New Developments) establishes that major employment, retail and residential developments (new-build, conversion or renovation) will be required to incorporate on-site renewable energy generation to provide at least 10% of predicted energy requirements up until 2010, 15% up until 2015 and 20% up until 2020.

Previously it was anticipated that the inclusion of the hydroelectric power scheme would address this policy requirement. However, due to the concerns of the Environment Agency over the level of abstraction from the watercourse above, and related hydrological/ecological concerns, this element of the application has now been withdrawn. Following withdrawal of this element of the application informal discussions with the applicant have focused on the potential to harness solar voltaic/solar thermal power, potentially through inclusion of panels on the roof of the buildings.

Whilst no formal proposals for on site renewable energy generation exist, such policy requirement measures could be considered under a requirement by condition to submit, agree, and subsequently implement a scheme for the provision of renewable energy.

Crime prevention

Policy BE 4 (Safety and Security Considerations) of the RCUDP establishes that the design and layout of new development should address the safety and security of people and property, and reduce the opportunities for crime. In assessing development proposals particular attention will be paid to:-

- i. the use and creation of defensible space;
- ii. the creation of opportunities for natural surveillance;
- iii. the location and design of street lighting;
- iv. the location of footpaths and access points;
- v. the location and design of parking facilities;
- vi. the design of landscaping and in particular maximising opportunities for surveillance and avoidance of creating hiding places and secluded areas; and
- vii. advice provided by Police Architectural Liaison Officers.

West Yorkshire Police's Architectural Liaison Officer was consulted on the application and he has provided advice for the applicant to take into account in preparation of detailed designs. In the event of the application being permitted a condition should be imposed requiring a scheme for crime prevention to be agreed with the Council prior to commencement of development. On this basis the application complies with policy BE4.

Balance of Considerations

The development is in a sustainable location and the sequential retail and flood risk tests have been met. The proposal would deliver economic benefits and increased retail and leisure opportunities. Whilst the proposed retail store would have an impact on the trading levels of the Co-op and other retailers in Hebden Bridge, this impact is not considered not to be so significant as to render the proposals contrary to either RCUDP policy or the spirit of NPPF in these regards.

There is insufficient evidence to suggest that the tourism economy would be adversely affected by the hotel, and subject to conditions the development is acceptable in terms of its highways, amenity and other environmental impacts.

CONCLUSION

The proposal is considered to be acceptable. The recommendation to grant planning permission has been made because the development is in accordance with the policies in the Replacement Calderdale Unitary Development Plan and the National Planning Policy Framework, as identified in the key policy context section above.

Geoff Willerton
Head of Planning and Highways

Date: 19th November 2013

2 Further Information

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

Daniel Child (Case Officer) on Tel No: 392232 or Lisa Sutcliffe (Senior Officer) on Tel No: 392233

Conditions

1. The retail element of the development hereby permitted shall be constructed as a single Use Class A1 retail unit, and shall not be subdivided into multiple units.
2. The display and sale of comparison goods shall be limited to no more than 20% of the net sales area of the retail building.
3. The development shall not begin until full details of foul and sustainable surface water systems of 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.
4. The application site shall be developed with separate systems of drainage for foul and surface water on and off site.
5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed, in accordance with details which shall have first been submitted to and approved by the local planning authority before development commences.
6. The development shall not begin until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority. Surface water run-off to any culverted watercourse shall be restricted to 10 litres/second and the scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements which shall be embodied in the scheme.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 1. Finished floor levels of the supermarket are set no lower than 104.47m above Ordnance Datum (AOD).
 2. Finished floor levels for the hotel are set no lower than 102.70m AOD and 105.65m AOD for the ground and first floor respectively
 3. There must be no bedroom accommodation at ground floor level in the hotel.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

8. Prior to first use of any part of the development schemes to control noise that will emanate from the retail and hotel developments shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall ensure that noise emitted from the site shall not exceed:

50 dB LAeq (1 hour) from 0700 hours to 1900 hours,
45 dB LAeq (1 hour) from 1900 hours to 2300 hours and
40 dB LAeq (1 hour) from 2300 hours to 0700 hours on any day,
as measured at the boundary of the site.

The schemes so approved shall be implemented before the first use of the respective part of the development and shall be retained thereafter.

9. The development shall not begin before a scheme to incorporate on-site renewable energy generation to provide at least 15% of predicted energy requirements of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is first brought into use and shall be retained thereafter.
10. Notwithstanding any details shown on the permitted plans the development shall not begin until details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved prior to first use and shall be so retained thereafter.
11. The development shall not begin until details of the treatment of the boundaries of the application 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 retail building and shall thereafter be retained.
12. The development shall not commence until written schemes giving details of the facilities to permit the recharge of electrical battery-powered vehicles, which complies with IEE regulations and BSEN 62196-1, have been submitted to the Local Planning Authority for written approval. Once approved the schemes shall be incorporated into the respective part of the development and implemented no later than the first use of the respective part of the development, and shall be retained thereafter.
13. The development shall not begin until a scheme of landscaping the application 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.
14. 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 buildings 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, and these replacements shall be so retained thereafter.
15. Within three months of any of the development first becoming operational, details of a Draft Travel Plan for Staff shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a permanent contact for all Travel Plan issues relating to the development and objectives set in order to reduce the reliance on the private car. The details shall also include all monitoring procedures throughout the life of the development in association with the West Yorkshire Travel Plan Network. The approved Travel Plan shall be implemented within 6 months of the development becoming operational and shall be maintained in accordance with the objectives as set out in that plan.
16. The use of either element of the development hereby approved shall not commence until the off street parking and access facilities shown on the permitted plans 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.
17. The development shall not begin a scheme of biodiversity enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall detail native planting and permanent bat roost features. Thereafter the scheme shall be implemented prior to first use of the development.

18. The development shall not begin a scheme of crime prevention measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first use of the development.
19. 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.
20. The development shall not begin until full details of highway and pedestrian improvements to King Street, in accordance with the details of the approved layout, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements shall be implemented prior to first use of the development.
21. The development shall not begin until full details of a pedestrian crossing facility on King Street has been submitted to and approved in writing by the Local Planning Authority. Thereafter the pedestrian crossing facilities shall be formed prior to first use of the development.
22. There shall be no loading or unloading of vehicles, outside movement of fork lift trucks or goods vehicle movement onto and from the application site except between 07.00 hours and 22.00 hours Monday to Saturdays, and between 08.00 hours and 21.00 hours on Sundays and Bank or Statutory Holidays.
23. Before first use of the development hereby permitted begins, details of a scheme of means to suppress and direct odour emissions arising from the use of either uses shall have first been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - a) any abatement technology to be used to minimise or prevent emissions,
 - b) the height, position and design of any external chimney or extraction vent,
 - c) the position and descriptions/use of buildings adjacent to any proposed vent or within 5 chimney heights distance from the location of a chimney,
 - d) in respect of any fans used in vents or chimneys the sound power level or sound pressure level of each fan at a given distance.

The scheme so approved shall be implemented before the use first commences and shall be retained thereafter.

24. The development shall not begin until a written scheme giving details of facilities to store waste arising from the development and access for its removal/disposal has been first submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be incorporated into the development and implemented prior to first use and shall be retained thereafter.
25. Before either the hotel or retail buildings are used for the purposes permitted by this planning permission a written scheme of measures to adequately control any light produced by artificial lighting of each of each respective use should be submitted to the Local Planning Authority for approval. The light to be emitted shall comply with the

recommendations of the Institute of Lighting Professionals (ILP) guidance note GN01 for environmental zone E3.

The scheme should include the following information:-

- a) The uses of the buildings or facilities to be illuminated and the proposed hours of operation of the lighting for each separate use.
- b) The light source type, location, height, orientation, power and shielding of the luminaires to be installed. The details of the shielding shall address the need to minimise or eliminate glare and upward sky glow from the lighting installation when viewed from outside the boundary of the development
- c) The proposed level of maintained illuminance to be provided for each use identified in (a) above, measured horizontally at ground level and the maintenance factor
- d) A light contour map showing light spillage from the development at 1 lux, 2 lux, 5 lux, 10 lux and 25 lux levels, as measured at 3m above ground level . The map shall be site-specific and account for local topography.
- e) The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties that fall within the 1 lux, 2 lux, 5 lux, 10 lux and 25 lux level contours.

The artificial lighting system shall be installed, maintained and operated in accordance with the scheme so approved. Within 6 weeks of commencement of use of any artificial lighting installation there shall be submitted a written statement by a suitably qualified contractor to verify that the artificial lighting as installed is fully compliant with the ILE guidance.

26. The development shall not begin until a scheme of site investigation work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the investigation of possible contamination and remediation measures. Thereafter the approved measures shall be implemented prior to first use. Should any previously unidentified contamination be found during works, additional measures for remediation shall be submitted to and approved in writing by the Local Planning Authority. These additional measures shall be implemented prior to first use. On completion of the approved remediation works a validation report shall be submitted in writing to the Local Planning Authority.
27. Prior to the installation of any external plant or machinery, precise details of sound insulation measures shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be implemented and shall be thereafter retained.
28. The development shall not begin nor shall any construction materials, plant or machinery be brought onto site until the trees to be retained are protected by suitable fencing as recommended in British Standards 5837:2012 Trees in Relation to Design, Demolition and Construction. This fencing 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 fencing.

Reasons

1. In the interests of the vitality and viability of Hebden Bridge Town Centre, and to ensure compliance with Policy S2 of the Replacement Calderdale Unitary Development Plan and section 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework.
 2. In the interests of the vitality and viability of Hebden Bridge Town Centre, and to ensure compliance with Policy S2 of the Replacement Calderdale Unitary Development Plan and section 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework.
 3. In the interests of satisfactory and sustainable drainage and to ensure compliance with Policies S2, EP14 and EP20 of the Replacement Calderdale Unitary Development Plan.
 4. In the interests of satisfactory and sustainable drainage and to ensure compliance with Policies S2 and EP14 of the Replacement Calderdale Unitary Development Plan.
 5. In the interests of satisfactory and sustainable drainage and to ensure compliance with Policies S2 and EP20 of the Replacement Calderdale Unitary Development Plan.
 6. In the interests of satisfactory and sustainable drainage and to ensure compliance with Policies S2 and EP20 of the Replacement Calderdale Unitary Development Plan.
 7. To ensure that the development meets an acceptable standard of flood defence, and to ensure compliance with Policies S2, EP17 and EP20 of the Replacement Calderdale Unitary Development Plan.
 8. For the avoidance of doubt and in the interests of the aural amenity of occupiers of the neighbouring dwellings and to ensure compliance with Policies S2, E3, E11 and EP8 of the Replacement Calderdale Unitary Development Plan.
 9. To ensure the provision of renewable energy in accordance with Policy EP27 of the Replacement Calderdale Unitary Development Plan.
 10. 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.
 11. In the interests of amenity and privacy and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
 12. In the interests of sustainability and in order to ensure compliance with Policy EP1 of the Replacement Calderdale Unitary Development Plan and guidance contained within the National Planning Policy Framework.
 13. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with Policies S2, E3, E11, BE1 and BE3 of the Replacement Calderdale Unitary Development Plan.
 14. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with Policies S2, E3, E11, BE1 and BE3 of the Replacement Calderdale Unitary Development Plan.
 15. In the interests of ensuring that travel patterns associated with the development are sustainable and in order to ensure compliance with policy T1 (Travel Plans) of the Replacement Calderdale Unitary Development Plan.
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16. In the interests of highway safety, and to ensure compliance with Policies S2, E3, E11 and T18 of the Replacement Calderdale Unitary Development Plan.
 17. In the interests of biodiversity enhancement, and to ensure compliance with Policy NE17 of the Replacement Calderdale Unitary Development plan and guidance contained within the National Planning Policy Framework.
 18. In the interests of crime prevention, and to ensure compliance with Policies BE1 and BE4 of the Replacement Calderdale Unitary Development Plan.
 19. 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 S2, E3, E11 and BE1 of the Replacement Calderdale Unitary Development Plan.
 20. In the interests of highway and pedestrian safety, and to ensure compliance with Policies S2, E3, E11, BE5 and BE6 of the Replacement Calderdale Unitary Development Plan.
 21. In the interests of highway and pedestrian safety, and to ensure compliance with Policies S2, E3, E11, BE5 and BE6 of the Replacement Calderdale Unitary Development Plan.
 22. For the avoidance of doubt and in the interests of the aural amenity of occupiers of the neighbouring dwellings and to ensure compliance with Policies S2, E3, E11 and EP8 of the Replacement Calderdale Unitary Development Plan.
 23. In the interest of visual and residential amenity, and to ensure compliance with Policies BE1, S2, E11 and EP8 of the Replacement Calderdale Unitary Development Plan.
 24. In the interest of visual and residential amenity, and to ensure compliance with Policies BE1, S2, E11 and EP8 of the Replacement Calderdale Unitary Development Plan.
 25. For the avoidance of doubt and in the interests of the amenities of neighbouring properties and pollution prevention, and to ensure compliance with Policies S2, E3, E11 and EP8 of the Replacement Calderdale Unitary Development Plan and guidance contained within the National Planning Policy Framework.
 26. In order to ensure that the site is adequately remediated for the development proposed, and so as to ensure compliance with Policies EP9 and EP10 of the Replacement Calderdale Unitary Development Plan and guidance contained within the National Planning Policy Framework.
 27. For the avoidance of doubt and in the interests of the aural amenity of occupiers of the neighbouring dwellings and to ensure compliance with Policies S2, E3, E11 and EP8 of the Replacement Calderdale Unitary Development Plan.
 28. To safeguard the visual amenity provided by the retained trees on the site and to ensure compliance with Policies S2, E3, E11 and NE21 of the Replacement Calderdale Unitary Development Plan.
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Time Not Before: 18.30 - 01

Application No: **13/00937/FUL**

Ward: **Todmorden**
Area Team: **North Team**

Proposal:

Conversion of existing grade II listed public house into residential dwelling, including demolition of existing single storey extension, provision of 2no. new two storey extensions and refurbishment of existing listed structure.

Location:

Country Friends Parkin Lane Todmorden Calderdale OL14 7JA

Applicant:

Ms Sue and Jill King and Morony

Recommendation: **REFUSE**

Highways Request:

No

Parish Council Representations:

No Objections

Representations:

Representations

Departure from Development Plan:

Yes

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Todmorden Town Council

Flooding And Land Drainage

Environmental Health Services - Pollution Section (E)

Recreation, Sport And Streetscene - Trees

Site location map on webpage

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

Description of Site and Proposal

The proposal site is approximately 2km from the centre of Todmorden, in an elevated rural location 240m above sea level. The site is accessed off Sour Hall Road and Parkin Lane which are both single carriage way minor roads and which fall steeply to the valleys below. The site is located close to a small settlement of ten houses. The former Country Friends public house is a Grade II listed building.

The proposal is for the conversion of the existing grade II listed former public house into a residential dwelling, including the demolition of an existing single storey extension, provision of two new two storey extensions and refurbishment of the existing listed structure. The proposal also involves the construction of a detached garage on land which was previously the car park to the former public house.

The application comes before Planning Committee at the request of Councillor Booth who supports the application.

Relevant Planning History

The only relevant application is a corresponding listed building consent application reference 13/00941/FUL for the same works as above but with the omission of the garage and works which do not require listed building consent, only planning permission. This was granted listed building consent under delegated powers on 8th October 2013.

Key Policy Context:

RCUDP Designation	Area Around Todmorden, Special Landscape Area,
National Planning Policy Framework (NPPF)	Section 7 Requiring good design paragraph 56 Section 11 Conserving and enhancing the natural environment paragraph 109 Section 12 Conserving and enhancing the historic environment paragraphs 128,129 and 132
Replacement Calderdale Unitary Development Plan (RCUDP)	NE8 Appropriate Development for the Area Around Todmorden NE12 Special Landscape Area CF5 Development Involving the Loss of Village Shops, Post offices, Public houses or Hotels BE1 General Design Criteria BE3 Landscaping BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Allowances EP12 Protection of Water Resources EP13 Development Involving Non-Mains Drainage EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems EP28 Development of Renewable Energy Sources EP31 Development Incorporating Solar Heating and Power Systems BE15 Setting of a Listed Building

Publicity/ Representations:

The application has been advertised by means of site notice, press notice and neighbour notification letters. Two letters of support, three letters of objection and one letter of representation have been received including a letter of support from Councillor Booth.

Summary of Points Raised

Objection

- Serious concerns raised about the proposed bore hole and heat pump and the potential effect on neighbouring properties and their own water supply
- Concerns raised that the proposed garage and the siting of the garage will be very prominent and will be higher than the ridge of the proposed house.
- The number of solar panels on the plan does not correspond with the legend.
- The windows in the SW extension seem out of keeping with the main building.
- Garage out of keeping with the character of the rest of the dwelling
- The garage would be visible from all rooms at the front of my house and would spoil the open outlook.
- The large detached garage would dominate Sourhall Court

Support

- The development of a local eyesore can be nothing but a positive.

Representation

- The pub was, for some in the community, a social hub - not everyone will object to the premise reopening as a licensed premise.

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.

Todmorden Town Council recommends approval.

Ward Councillor Comments

Cllr Booth has made the following comments:

“I am happy to support the planning application. I have been to the site and know the area well. It is my opinion that a garage will not have any detrimental impact on the environment. The property and outside area has been in a neglected state for many years, consequently this development will only enhance the area.”

Assessment of Proposal

The NPPF 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:

- i) Approving development proposals that accord with the development plan without delay; and
- ii) 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 is 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 NE 8 of the RCUDP discusses Appropriate Development for the Area Around Todmorden. It states that:

Within the Area Around Todmorden defined on the Proposals Map, development will not be permitted except for:-

- i. uses necessary for agriculture, forestry or equestrian activity or other social and economic uses which have a functional need to locate in the countryside;
- ii. the re-use and adaptation of existing buildings;
- iii. the extension or alteration of existing buildings (including the provision of attached or freestanding domestic garages within the curtilages of existing dwellings) providing that it does not result in a disproportionate addition over and above the size of the original building; and
- iv. sport and recreation uses appropriate to a rural area which do not conflict with other land uses.

Development which is appropriate should not detract from the visual amenity of the open countryside.

RCUDP policy CF5 discusses development involving the loss of village shops, post offices, public houses or hotels and establishes that:-

Planning applications for development (including change of use), which involve the loss of a village shop, post office, public house or hotel, will be expected to demonstrate that:-

- i. there is no need for the facility in the local area;
- ii. that it is no longer a viable operating business;
- iii. all reasonable efforts have been made to retain the facility by investigating the possibility of setting up a community owned and managed enterprise; and
- iv. there is no reasonable prospect of the business becoming viable in the future.

Permission will be granted where the balance of these considerations clearly shows that the facility is surplus to requirements or uneconomic, subject to the requirements of all other relevant UDP policies.

The public house has been vacant since it closed in 2006. Attempts were first made to sell it as a going concern in 2008 by Brearley Green Estate Agents while the building was still intact and in good condition. In 2010 Brearley Green Estate Agents became involved again after another estate agent failed to secure a buyer. At this point all the fittings and most of the wiring and copper pipe as well as a third of the tiles had been removed, leading to deterioration. The selling price was significantly reduced and a buyer was found in 2012. There has been no interest from public house operators.

Given the above it is considered that the public house has been marketed sufficiently with no interest as a going concern, and as such the loss of the public house is considered to be acceptable and the proposal would satisfy policy CF5 of the RCUDP.

The proposed development involves both the re-use and adaptation of an existing building and the provision of a freestanding garage. The proposed works to the former public house include the demolition of the existing 1970's extensions which will be replaced with two new two storey extensions. A free standing bank of solar panels and a bore hole are proposed to the north-east of the site, a new plant room for heat pump and water treatment, bin storage and a disabled parking bay are proposed to the south east of the site.

A new free standing garage is proposed on the existing car park some considerable distance away from the public house to the south-east. The car park is set at a higher level than the former public house and as such the proposed garage would appear at a higher level than the ridge of the former public house. The position of the garage would extend the proposed domestic curtilage considerably, encroaching into the Area Around Todmorden. The proposed garage would be 27m away from the former public house and would be prominent in the landscape.

The case officer and the Council's Conservation Officer have been in long discussions with the agent regarding the proposal in order to arrive at a satisfactory scheme. The location and scale of the garage has been a concern since pre-application stage. The applicant however, requires the garage in this location and of the size indicated, and as such the garage remains in this location as part of the proposal despite the concerns raised regarding its location remote from the host building and prominent in the landscape given the land levels.

Given the above it is considered that the re-use of the building is welcomed, however, the location and scale of the garage is considered to be prominent in the landscape and would detract from the visual amenity of the open countryside

Given the above the proposal would not be acceptable in order to comply with policy NE8 of the RCUDP.

Visual Amenity, Conservation Issues and Materials, Layout and Design

Policy NE12 of the RCUDP discusses the affect on the Special Landscape Area and states that development should not adversely affect the landscape quality.

Section 11 Conserving and enhancing the natural environment paragraph 109 states that (amongst other things):

The planning system should contribute to and enhance the natural and local environment by:

i protecting and enhancing valued landscapes geological conservation interest and soils...

Policy BE1 of the RCUDP 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 Requiring good design paragraph 56 of the NPPF states 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.

RCUDP policy BE15 is concerned with the setting of listed buildings and paragraph 129 of the NPPF states:

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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The applicant has submitted a detailed application for the proposal including the required supporting statements.

The applicant wishes to carry out internal and external work to the former public house in order to convert the building to a residential dwelling. As part of the works the existing 1970's extensions will be demolished and replaced with two new two storey extensions. A new garage some 27m away is proposed on the adjacent car park. The proposed garage would measure 9.5m x 6.5m and have a ridge height of 4.25m. A plant room is also proposed adjacent to the former public house measuring 4.5m x 2.7m and the overall ridge height varies between 2.4m and 4.25m due to the building being set at different levels. A bank of freestanding solar panels is proposed to the north-east of the site. Within the vicinity, there is modern housing dating around the 1990's and a row of traditional cottages known as 'Sourhall Cottages'.

The large single storey 1970's flat roof extension dominates the side and rear facades. Most of the facades are constructed out of concrete block and render finish. The north-west elevation and northern most section of the north east elevation are constructed from natural stone. It is a high quality ashlar stone which appears to have been salvaged from a historic structure. Approximately 30% of the stone roof slates have been removed from the rear (north-east) facade. Two of the original door openings have been blocked up on the rear facade of the vernacular building at first floor level. One large horizontal format window has been introduced into the rear facade of the vernacular building at first floor level. It would appear to have been constructed at the same time as the single storey extensions as it aligns with this roof. An additional block work skin has been introduced on the northern most half of the rear; this is capped at eaves level with paving stones. This wall supports part of the single storey roof structure. One original window opening in the vernacular structure has been blocked on the north-west elevation. There is an extensive car park to the north and east of the existing buildings on the site.

All the features referred to in the listing description will be retained as part of the works. The external works include new pointing and stone cleaning, 1980's style windows will be removed and replaced with double glazed hardwood casements. The existing porch is in a poor condition and as such will be rebuilt in stone to match the main facade only slightly larger. The single storey extension will be removed and some alterations to the fenestration will be carried out. A new two storey extension will be added on the north east and north-west elevations which will be much more sympathetic than the single storey 1970's extension which is currently in place. Both sections of the new building have their eaves at the same height as the existing building and the ridge set 150mm below the existing. Each section of extension is significantly smaller than the existing listed structure such they appear secondary to the existing building. The extensions will have a modern appearance using a significant amount of glazing to give a contemporary feel.

Internally there are very limited original features that remain. There is a damp problem with the property and a new electro-osmotic dpc is proposed along with new lime mortar pointing. Whilst the four cell construction of the listed building is visible it has been severely compromised by the addition of large openings. It is proposed to fill four of the openings in with concrete block to reinforce the original cellular pattern. It is also proposed to reintroduce a large in filled opening in the north east wall to provide an access to the new rear extension.

The fittings and existing stair appear to date from the 1980's. The existing floorboards have been attacked by woodworm and the rafters are undersized and have cut outs within them for the provision of electrical cabling. The applicant proposed to replace the rafters but the beams will be retained. An original fireplace at first floor level will be retained. A number of roof-lights will be introduced in the north east elevation of the building to provide additional light and ventilation into the bedrooms.

The proposed works would allow the existing grade II listed building to be brought back into use and ensure the continued maintenance of the building.

English Heritage has commented that the works should be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice.

Todmorden Civic Society considers the proposal to be a sympathetic redevelopment of the public house.

The Council's Conservation Officer has been consulted and has commented that the proposals are acceptable in the main and follow a detailed level of discussion on conservation approach to dealing with the existing and much dilapidated building, and how to extend, adapt and modify sympathetically, with the exception of the independent garage which looks out of place and should be re-sited to be contiguous with the external walling to the previous (existing) car parking area and set back from the road. This latter has the potential to affect the setting of the building negatively.

The proposed change of use and proposed demolition of the existing single storey extensions are to be welcomed. The massing and style of the proposed new extensions and their location is acceptable and generally the proposals comply with the policies espoused by the NPPF and the Local Plan, given the changes and the view towards sustainability and the protection of a designated heritage asset. The works both internally and externally to the building are as generally described in the 'Heritage, Design & Access Statement' and in principle are acceptable.

Subject to a number of conditions and the re-siting of the garage the Conservation Officer considers that the proposal is considered to be acceptable.

The proposed garage would be 27m away from the public house and would be of a considerable size for a garage being 9.5m x 6.5m with an overall height of 4.25m. The proposed garage would be constructed out of natural stone and have a natural stone slate roof and as such the materials would be acceptable. The garage is considered to dominate Sourhall Court by an objector and would affect their open aspect. It is acknowledged that people do not have a right to a view in planning terms but it is considered that the garage in this location and of the scale proposed, would be incongruous in the landscape and would adversely affect the landscape quality of the Special Landscape Area. The applicant proposes to re-grass some of the car park as part of the scheme but this is not considered to outweigh the harm the garage would have on the landscape.

Furthermore, as stated above the Council's Conservation Officer considered that the location of the garage would harm the setting of the listed building as although the garage is set away from the public house, on this occasion it is considered that the garage would sit better closer to the listed building and seen as a group than being seen as a stand alone building dominating the landscape. Bringing the garage closer to the public house, reducing the scale and setting it back from the building line would mean the garage would be at a similar level as the public house and would therefore reduce the overall impact. The applicant has stated they require a disabled parking space close to the proposed dwelling. The LPA considers that locating the garage closer to the proposed dwelling would provide more sheltered parking for a disabled person. The proposal is for a single dwelling and as such would not require a disabled parking space under planning policy and as such the disabled parking space could be considered as one of the two spaces required for a new dwelling, reducing the need for such a large garage, as the application indicates the garage would house one vehicle and the remaining space for storage.

Given the above the proposal would not comply with policies NE12, BE1 and BE15 of the RCUDP and Sections 7 (Requiring good design) 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment).

Residential Amenity

Policy BE2 states 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 nearest property would be to the south of the site at Sourhall Cottages 22 m from the proposal. The proposal would have main aspect windows overlooking a gable elevation. Annex A of the RCUDP suggests distances be achieved of 12m between a main aspect window and side elevation, 18m between a main aspect and secondary window and 21m between two main aspect windows. Given that there is a distance of 22m between the two properties the proposal would satisfy Annex A of the RCUDP.

Highway Considerations

Policy BE5 of the RCUDP expects the design and layout of highways and accesses to ensure the safe and free-flow of traffic in the interests of highway safety whilst policy T18 of the RCUDP seeks to ensure that adequate provision of off-street car parking to serve the development is provided.

The Highway Network Manager has been consulted and has no objection as there would be a de-intensification of traffic activity on the surrounding sub-standard highways.

Given the above the proposal would comply with RCUDP policies T18 and BE5.

Wildlife and Ecology

The proposal involves the demolition of 1970's extensions as part of the application and the construction of two, two storey extensions. Although the site falls outside a bat alert area, the proposal includes the submission of a bat survey as part of the building is to be demolished.

RCUDP policy NE16 deals with the protection of protected species. The Council's Wildlife Conservation Officer has been consulted and has commented that the Bat Report carried out by Brooks Ecological dated July 2013 is acceptable. The proposed works will result in the loss of two small bat roosts and, should the application be permitted, the works will need to be carried out under a Natural England protected species licence. The Council's Wildlife Conservation Officer has commented that the proposed mitigation, which includes the timing of the works and the installation of two bats boxes, should be conditioned if approved.

Given the above and subject to condition the proposal would satisfy policy NE16 of the RCUDP.

Landscaping

RCUDP policy BE3 discusses landscaping. Part of the existing car park is to be grassed over as part of the application. A garden area is identified on the layout plan although no detailed landscaping has been provided. Although the car park area is not considered to be acceptable as part of the curtilage of the proposed dwelling, the re-seeding of part of the car park is welcomed. If recommended for approval a condition requesting full landscaping details will be included.

Subject to condition the proposal would satisfy RCUDP policy BE3.

Drainage and Water Supply

A number of objectors have serious concerns regarding the proposed bore hole and the affect this would have on their own water supplies.

The drainage engineer has requested a condition be imposed for further details of drainage should the proposal be approved. Subject to condition the proposal would comply with RCUDP policy EP13 (Development Involving Non-Mains Drainage).

The Head of Housing, Environment and Renewal has been consulted and has made the following comments:

"I have no objection to the conversion of the public house to a dwelling however the property is to rely upon non mains drainage and a private water supply. Pre application discussions have taken place with the owners last year regarding this property. At the time an expression of interest in the water supply was made and options were discussed and a borehole was an option. This is likely to end up being a single supply for the PWS 2009 regulations purposes."

Given this the HHER has requested conditions relating to full details of a water supply that meets the requirements of the Private Water Supplies Regulations 2009 shall be submitted to the Local Planning Authority and approved in writing and the sewage treatment works proposed for the development hereby permitted, together with any filter bed, soakaway, reed bed or drainage field identified in the drainage assessment referred to as FDA1 ref; 13/00937/FUL dated 30th July 2013 shall be installed in accordance with that drainage assessment and brought into use no later than the first occupation of the development, and maintained thereafter.

Further to this, objectors still had concerns regarding the provision of the borehole as the applicant already had access to a spring water supply. Furthermore, they question the sufficiency of the aquifer resource, and the potential of the heat pump to contaminate the aquifer should it leak.

The HHER was re-consulted regarding the objectors concerns. The HHER has checked the records which remain accessible under planning applications 80/03477, 88/02928, 89/04026, 94/01605 and 00/00840 for the developments that are now Sourhall Court, and can find no concerns expressed about the adequacy of the supply secured by that borehole for those developments.

The Environment Agency seeks that boreholes are a minimum of 50m apart from each other and at least 50m from a septic tank. The HHER has alerted the Agency to this application and whilst it has some comment about the sewage disposal arrangements for the new dwelling, which it is making directly to the applicant, it had none about the proposed borehole.

Permission is required from the Agency both for abstraction over 20m³ / day, and for certain ground source heat pumps. It is also possible that permission will also be needed for discharge from the existing septic tank if that is to be re-used, or from a new sewage treatment facility compliant with BS 6207, as amended. However 20m³ / day equates to the guideline water use of 100 people for residential purposes, based on 200l per head per day, and the HHER is confident that such an extent of water usage is not envisaged here.

Mindful of the requirements of paragraphs 14 and 206 of the NPPF the HHER does not see that these are matters that either warrant refusal of this application or demonstrate a need to further add to the suggested conditions.

Further to the above, the objector has sent further information which was received on the 19th November 2013 regarding the response from HHER. The HHER has responded to the objector directly and in summary considers that the matters raised and further information provided, are not matters that either warrant refusal of this application or demonstrate a need to further add to the suggested conditions.

Subject to conditions the proposal would satisfy RCUDP policies EP12 Protection of Water Resources, EP13 Development Involving Non-Mains Drainage and EP14 Protection of Groundwater.

Other Issues

RCUDP policy EP11 deals with development on potentially unstable land. The site is identified as being within an area of potential mining activity and as such Coal Authority standard advice will be included as an informative.

RCUDP policies EP28 discusses development of renewable energy sources and EP31 discusses development incorporating solar heating and power systems. The proposal involves the siting of a bank of free standing solar panels which are set down behind the proposed dwelling. Although quite large it is considered that the location would not significantly affect the setting of the listed building or the Special Landscape Area. Furthermore, the benefits of the solar panels are considered to outweigh any harm that may be caused. The proposal also involves the installation of a ground source heat pump which again once installed would benefit the dwelling in terms of renewable energy. A plant room is proposed which is set back from the highway and listed building and as such is not considered to harm the setting of the listed building.

Given the benefits of the renewable energy proposals and subject to conditions relating to more details in terms of the solar panels, the proposal is considered to comply with policies EP28 and EP31 of the RCUDP.

CONCLUSION

The proposal is not considered to be acceptable. The recommendation to refuse planning permission has been made because the development is not in accordance with policies NE8 (Appropriate Development for the Area Around Todmorden), NE12 (Special Landscape Area), BE1 (General Design Criteria) and BE15 (Setting of a Listed Building) in the Replacement Calderdale Unitary Development Plan and Sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment paragraph) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, nor have there been any material considerations to indicate that an exception should be made in this case.

Geoff Willerton
Head of Planning and Highways

Date: 14th November 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

Reasons

1. The site lies within the Area Around Todmorden in the adopted Replacement Calderdale Unitary Development Plan wherein there is a presumption against development for purposes other than those categories specified within policy NE8 (Appropriate Development for the Area Around Todmorden) such as the re-use and adaptation of existing buildings and the extension or alteration of existing buildings (including the provision of attached or freestanding domestic garages within the curtilages of existing dwellings) providing that it does not result in a disproportionate addition over and above the size of the original building. The proposal falls outside these specified categories in that the scale and location of the proposed garage being outside an acceptable domestic curtilage, is considered to be prominent in the landscape and would detract from the visual amenity of the open countryside. Furthermore, no very special circumstances have been established which justify an exception being made. The proposal would detract from the visual amenity of the Area Around Todmorden and Special Landscape Area and therefore is contrary to policies NE8 (Appropriate Development for the Area Around Todmorden) and NE12 (Development in the Special Landscape Area) of the Replacement Calderdale Unitary Development Plan and Section 11(Conserving and enhancing the natural environment) of the National Planning Policy Framework.
 2. The proposed garage in the submitted location on the adjacent car park, would be prominent in the landscape given the topography of the land, the distance set away from the proposed dwelling and the overall scale of the garage making it unduly prominent in the landscape resulting in harm to the adjacent listed building. The proposed garage would therefore be contrary to policies BE1 (General Design Criteria) and BE15 (Setting of a Listed Building) of the Replacement Calderdale Unitary Development Plan and Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.
-

Time Not Before: 18.30 - 02

Application No: **13/00677/FUL**

Ward: **Northowram And Shelf**
Area Team: **North Team**

Proposal:

Demolition of public house and construction of 4 No detached dwellings (Amended Drawings)

Location:

Former Windmill Inn 17 Stanage Lane Shelf Halifax Calderdale HX3 7PR

Applicant:

Eco Windows

Recommendation: **PERMIT**

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

Consultations:

Highways Section
Environmental Health Services - Pollution Section (E)
Environment Agency (Water)
The Coal Authority
Flooding And Land Drainage
Highways Section
Tree Officer

Site location map on webpage

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

Description of Site and Proposal

The site is located in the primary housing area of shelf and accommodates a large former Public House and gardens with a large metalled car park area. The Public House fronts Stanage Lane with domestic dwellings located to the south, east and west in the form of semi detached bungalows. Fields are located to the north. There are three protected trees along the north-west boundary.

The proposal is to demolish the public house and construct 2 detached dwellings and a pair of semi detached dwellings each with double garages and garden areas. Access is to be provided for the dwellings off Stanage Lane.

Councillor Roger Taylor requested that the case be heard before Planning Committee for the reasons outlined below. Since the original planning application was submitted details of the layout, scale and design of the dwellings have been revised.

Relevant Planning History

An application was permitted in 2007 for a proposed canopy and timber decking to the Public House ref 07/01396/FUL.

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation	3 Primary Housing Area
National Planning Policy Framework (NPPF)	7 Requiring good design Paragraph 56 6 Delivering a wide range of High Quality Homes Paragraphs 47-55 11 Conserving and enhancing the natural environment
Replacement Calderdale Unitary Development Plan Policies	H2 - Primary Housing Areas H9 Non Allocated Sites BE1 - General Design Criteria BE2 - Privacy, Daylighting & Amenity Space BE5 Designing Highways and Accesses NE20 Protected Trees NE21 Trees and Development Sites T18 - Maximum Parking Allowances EP14 Protection of ground water EP22 Sustainable Drainage

Publicity/ Representations:

The application has been advertised by means of neighbour notification letters, and a site notice. 13 letters of objection have been received including a letter from the MP and a Ward Councillor.

Summary of Comments

- Scale and mass of houses out of character
- Detached dwellings and layout out of character
- Overbearing/overpowering to existing dwellings

- Overlooking/lack of privacy
- Loss of light
- Three smaller houses/bungalows would be better
- 5-6 Bed houses would require more than 2 car parking spaces
- No site notice
- It is understood the Public House has asbestos which needs removing appropriately (not a planning issue)
- It is understood Eco Windows are not financially secure (not a planning issue)
- The information submitted is wrong

Comments submitted by MP Linda Riordan

- Scale/mass needs addressing
- Privacy needs addressing
- Number of objections from constituents

Comments submitted by Councillor Roger Taylor

- Scale, mass and height
- Proximity to existing dwellings
- Not in keeping with existing bungalows
- For the above reasons if recommended for approval the case should be heard before the Planning Committee.

Comments received following the re-advertisement of the amended plans from the:

Public (5 received)

- Privacy
- Would be imposing
- Bungalows would be better
- Drainage/flooding
- Overlooking, privacy and loss of amenity
- Parking
- access

Ward Councillor

- Houses not in keeping with the area

Assessment of Proposal

The 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 at risk of flooding or coastal erosion*).

Section 6 of the NPPF – Delivering 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 and 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 – (Delivering 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. 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.”

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 a Public House, car parking and a beer garden with TPO trees located on the NW boundary. The public house is located adjacent to Stanage Lane and is surrounded on three sides by residential dwellings, the nearest of which is 19 Stanage Lane. The site is considered to be in a suitable location close to many essential amenities and the proposal is therefore considered to be acceptable in principle.

Loss of a Public House

- 4 Policy CF 5 states “Planning applications for development (including change of use), which involve the loss of a village shop, post office, public house or hotel, will be expected to demonstrate that:-
- i. there is no need for the facility in the local area;
 - ii. that it is no longer a viable operating business;
 - iii. all reasonable efforts have been made to retain the facility by investigating the possibility of setting up a community owned and managed enterprise; and
 - iv. there is no reasonable prospect of the business becoming viable in the future.

Permission will be granted where the balance of these considerations clearly shows that the facility is surplus to requirements or uneconomic, subject to the requirements of all other relevant UDP policies.”

The agent has explained the premises are currently empty and have been since January 2011. Since then the premises as a public house have been marketed by Walker Singleton for either to let or to buy but with no success. Rigorous marketing for 2.5 years has had no result so an alternative use for the site has had to be sought that would be compatible with the exiting land uses adjacent. There are 4 other Public Houses in the area within a thousand metre distance and there appears to be no interested parties that which to take on and manage the public house as a community owned enterprise. With this in regard it is considered the agent has managed to satisfy CF5 and that housing on this site would probably be a better option than allowing the Public House to further deteriorate, attracting potential vandalism and leading to the site looking unsightly.

Therefore in view of the above the proposal is considered acceptable in principle.

Materials, Layout 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 revised drawings show four house plots equally spaced on the rectangular site. Each is two/three stories high with the third storey in the roofspace and has a double garage and front/side

and rear gardens. Plots 1 and 2 are a pair of semis with main aspects overlooking Stanage Lane to match the orientation of the properties above and below the site. Plots 3 and 4 are identical looking detached dwellings with main aspects to the rear. Three of the dwellings are served via a shared access drive, whereas plot 2 has its own access off Stanage Lane.

The dwellings are traditional in style and incorporate stone lintels and cills and stone corbel details. Plots 3 and 4 resembles that of a cat slide pitched roof dwelling, plots 1 and 2 a standard pitched roof. A typical cross section has been submitted showing the proposed dwellings would be higher than the existing dwellings due to the topography of the land and due to the existing dwellings being bungalows. However it does show that the relationship to the rear dwellings and the side dwellings would not be so harmful due to the distances involved.

The proposed materials are natural stone and natural stone or blue slate. A mixture of materials is noticeable within the area, red brick, render, artificial stone and natural stone facing materials and concrete roof tiles and red roof tiles. Therefore the construction of 4 dwellings in natural stone and natural stone stales or blue slates would be appropriate and acceptable.

The layout of the dwellings allow for adequate amount of outdoor amenity space on all sides. Where no boundaries currently exist new solid timber fencing to provide defensible space and privacy between the 4 plots and existing properties are proposed. Given the above the proposal accords with policy BE1 of the RCUDP.

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.

In terms of overlooking, plot one has single storey garage to its south east which would be 13m to the side kitchen window in 15 Stanage Lane. A blank elevation to a side aspect window requires a distance of 9m as 13m can be achieved in this instance the distances are considered acceptable. Plot one also has dining/kitchen room windows that would be 12m away from the side of the garage belonging to plot 4, this is an acceptable distance according to policy BE2 which recommends a distance of 12m. The dining/kitchen room windows in plot one would be 20m to the kitchen windows in plot 3 the recommended distance is 18m so the distance in Annex A can again be achieved. From the top floor of plot one bedroom windows are proposed, these would look over the top of the garage to plot 4. They would be 19m to the kitchen window in plot 4 and 19m to the bedroom windows in plot 4. A secondary to secondary relationship requires a distance of 15m as 19m can be achieved this relationship is considered acceptable. Likewise the proposed top floor bedroom windows in plot 1 would be 20m away from the kitchen and bedroom windows in plot. In both cases Annex A requires a distance of 15m from a secondary to secondary aspect window as 20m can be achieved this relationship is considered acceptable.

Plot 2 has a west facing utility window and bathroom windows on the 1st and attic floors. These would face the secondary aspect and kitchen window in 19 Stanage Lane. A secondary to side aspect relationship requires a distance of 9m it is noted that a distance of 9m can be achieved and is acceptable.

On the south facing elevation a dining/kitchen room window is proposed to plot 2 that would face the blank side elevation of the garage wall to plot 3. A distance of 12m can be achieved here that is acceptable according to Annex A. The same dining kitchen window on the ground floor of plot 2 would face the kitchen window and the first and second floor, bedroom windows in plot 3 at a distance of 18.5m away. Such a distance is acceptable under Annex A for a main to secondary

aspect. The first floor bedroom windows in plot 2 would face the bedroom windows in plot 3 at a distance of 18.5m away in excess of the distance required in Annex A which is 15m.

Plots 3 and 4 have main lounge and dining room windows and 1st floor bedroom windows that would face the kitchen rear aspect of 14, 16 and 18 Moor Grove at a distance of 17.5m away. A main to secondary aspect requires a distance of 18m. However a shortfall of 1/2m is not considered to be particularly significant and a fence of the type shown on the layout plans and natural tree screening would mitigate against this small shortfall.

In terms of overbearing, the rear elevations of plots 3 and 4 have been designed to minimise the impact on the bungalows on Moor Grove. To this extent the 1st floor has been stepped back in so that it is not directly above the lounge/dining room below. The roof to the 1st and 2nd floor has been designed as a cat slide roof so that it is less steep and more shallow to lessen its impact on the 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 Highway Network Manager has raised no objections to the proposal subject to conditions relating to off road parking, access arrangements and a suitable dropped curb.

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 states that 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 and Landscaping

Policy NE21 seeks to ensure where trees are located on or adjacent to development sites, development proposals will be permitted provided that a tree survey is submitted where the removal of trees is proposed. It also states trees that are worthy of retention should be retained.

Policy NE20 states a development proposal that would result in the removal or damage or would threaten the future survival of one or more trees covered by an order will not be permitted unless the removal of the trees are good arboricultural practice or the benefits of the scheme outweigh the harm caused by the loss of the trees.

There are three protected trees along the north west boundary of the site. These trees are shown for retention and appear to be a suitable distance from the proposed dwellings. Limited works are required to maintain the trees in a suitable condition.

The proposal appears suitable in terms of trees/landscaping and a landscaping scheme is recommended to provide a softening of the new development and natural screening for existing residents.

Other Issues

The Coal Authority were consulted on the application as the site falls within the defined Development High Risk Area whereby coal mining features and hazards need to be considered in relation to the determination of this planning application.

The Coal Authority recommends that a planning condition be added requiring site investigation works prior to commencement of development.

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 National Planning Policy Framework and 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: 13/11/13

Further Information

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

Sara Johnson (Case Officer) on Tel No: 392212 or

Lisa Sutcliffe (Senior Officer) on Tel No: 392213

Conditions

1. No dwelling shall be occupied until the garaging/parking facilities shown on the permitted plans for that dwelling have been provided, and the driveways have been hard surfaced. These facilities shall thereafter be retained.
2. Before the dwellings on Plots 1, 3 and 4 are occupied the shared access serving these dwellings shown on the permitted plans shall be surfaced, sealed and drained so that water does not flow onto the highway. The access shall be so retained thereafter.
3. None of the dwellings shall be occupied until the redundant lengths of dropped kerbing along the site frontage have been replaced with full height kerbs and the footway has been reinstated accordingly.
4. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before occupation begins and details of the work carried out shall be submitted in a validation report.
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
5. Before any work begins, an intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The survey shall be carried out by a properly qualified and experienced expert(s) able to demonstrate relevant specialist experience in the assessment and evaluation of the site. Full details of this survey together with any necessary remedial works shall be submitted in writing before development commences to the Local Planning Authority and such works shall be fully implemented before the development commences.
6. 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.
7. 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.
8. 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.

9. 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.

Reasons

1. To ensure that provision for vehicle parking clear of the highway is available for users of and visitors to the development in the interests of highway safety and to ensure compliance with policy T18 of the Replacement Calderdale Unitary Development Plan.
 2. To prevent the egress of surface water onto the public highway and in the interests of pedestrian and vehicular safety and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
 3. To avoid danger and inconvenience to highway users and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
 4. For the avoidance of doubt and to seek to ensure that the site is safe for the development permitted and in the interests of amenity and pollution prevention and to ensure compliance with policy EP9 of the Replacement Calderdale Unitary Development Plan.
 5. For the avoidance of doubt and to ensure compliance with policy EP11 of the Replacement Calderdale Unitary Development Plan.
 6. To ensure proper drainage of the site and to ensure compliance with policy EP14 and EP22 of the Replacement Calderdale Unitary Development Plan.
 7. In the interests of visual amenity and to ensure compliance with policy NE21, BE3 of the Replacement Calderdale Unitary Development Plan.
 8. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with policy NE21 of the Replacement Calderdale Unitary Development Plan.
 9. 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.
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Time Not Before: 19.00 - 01

Application No: **13/01087/FUL**

Ward: **Greetland And Stainland**

Area Team: **South Team**

Proposal:

Conversion of vacant first floor to form three apartments and creation of three off street parking places.

Location:

Former Stainland Mechanics Institute Westgate Stainland Road Stainland West Yorkshire HX4 9HN

Applicant:

Ms M Hussain

Recommendation: **PERMIT**

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

Consultations:

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 site is a large detached building in a prominent elevated position, at the junction of Stainland Road and Fall Spring Gardens, within the centre of Stainland village and Conservation Area. The building was originally constructed for the purpose of a mechanics institute, it was then used as a local community centre but most recently it has been sold by the Council and is now occupied on the ground floor as a dwelling. The upper floor is currently vacant. The surrounding area is residential with houses to every aspect of the site. Ellistones Barn, which is a grade II Listed Building that has been converted into two dwellings, is to the east of the site.

The proposal is to convert the first floor into three apartments with three parking spaces accessed from Fall Spring Gardens. Internal alterations are proposed in order to raise the first floor height.

The application is brought to Planning Committee due to the number of objections.

Relevant Planning History

An application for the erection of a steel fire escape staircase was permitted (Application No. 92/00356/FUL).

An application for the conversion of ground floor of former Stainland Mechanics Institute to form one dwelling was permitted by Planning Committee on 20 September 2011 (Application No 11/00771/FUL).

Conservation Area Consent for demolition of the upper part of the boundary wall to Fall Spring Gardens is pending consideration.

Key Policy Context:

RCUDP Designation	5 Primary Housing Area, Conservation Area, Leeds Bradford Airport consult zone
National Planning Policy Framework	6. Delivering a wide choice of high quality homes 7. Requiring good design 10. Meeting the challenge of climate change, flooding and coastal change 12. Conserving and enhancing the historic environment
RCUDP Policies	H2 Primary Housing Areas H9 Non-Allocated Sites BE1 General Design Criteria BE2 Privacy, Daylight and Amenity Space BE5 The Design and Layout of Highways and Accesses BE15 Setting of a Listed Building BE18 Development within Conservation Areas T18 Maximum Parking Allowances EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems

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.

Consultations:

Head of Highways & Engineering - Network Section
Head of Housing & Environment - Environmental Protection Section

Publicity/ Representations:

The application has been advertised by means of neighbour notification letters, site notice and press notice. 14 letters of objection and 1 letter of representation have been received. (7 letters of objection have been received for the Conservation Area Consent, however they raise issues that are more pertinent to this planning application and are included within the summary below).

Summary of Points Raised:

- Reduction in available parking spaces.
- Lack of parking for extra cars.
- Parked cars restricts two way traffic on Fall Spring Gardens and block drives.
- Highway safety – risk to children, poor visibility from drives and junction.
- Removal of rail may lead to injury by falling or a slip.
- Car ownership in Stainland is above local, regional and national average.
- Unsustainable location.
- Lack of cycle parking.
- Lack of refuse collection point.
- Lack of turning space / ability to reverse out of parking space.
- Manoeuvring into spaces will be difficult due to steep hill.
- Hinder access by emergency vehicles.
- Loss of privacy from overlooking windows.
- Trust that the work will be sympathetic to the style of building.
- Building still in a state of disrepair; hasn't met the standards required.
- The fence conditioned by the previous application has not been constructed.
- Location of amenity space unclear but may cause overlooking.
- Parking on the footpath.
- Gradual loss of community facilities – post office, shops, meeting place etc.
- 'Mechanics' was well used.
- Handrail used throughout the year but mostly in winter/slippery conditions; its removal would be dangerous.
- More cars will make the road dangerous.
- The drop from the road to the spaces is steep and unsuitable.
- The parking spaces will put pedestrians at risk.

Ward councillor comments:

- **None received**

MP comments:

- None received

Assessment of Proposal

National Planning Policy Framework

The NPPF 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*).

Paragraph 37 of the NPPF establishes that planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. Paragraph 215 establishes that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Principle

The site is within a Primary Housing Area, as designated on the Proposals Map. Policy H2 states that within these areas proposals for changes of use to housing will be permitted provided that no unacceptable environmental, amenity, traffic or other problems are created and the quality of the housing area is not harmed, and wherever possible, is enhanced.

The proposal is for the change of use of the first floor of the building into three two-bedroom apartments. As such it is considered that the principle of development is acceptable subject to the considerations within this report.

Whilst the first floor retains its D2 use class planning permission 11/00771/FUL for the conversion of the ground floor established that the loss of the community facility is acceptable. The building had been used by the Stainland and District Community Association until 2010 when it announced its intention to vacate and move to St Andrews Church. The building was subsequently sold by the Council and there were no objections raised on the previous planning application in respect of the loss of the facility. Although 1 objector now states that the 'mechanics' was used well this opinion has not been voiced by other objectors.

Non-Allocated Sites

The site is not allocated for housing and therefore policy H9 of the RCUDP is applicable, however it is acknowledged that the policy is out of date and non-compliant with the NPPF as it sets an embargo against greenfield development. As such the following interim pragmatic approach is applied to all housing proposals on non-allocated sites (whether defined as Previously Developed Land or Greenfield Land).

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.

Where sites which are not “allocated” for housing development are put forward consideration will be given to how the proposals addresses the delivery of sustainable development established by the National Planning Policy Framework 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 site is located within the urban area of Stainland where it is accessible by public transport. There is a bus stop on Stainland Road southeast of the site.

Although the building previously had a community use the ground floor has now been converted to residential, and the loss of the facility was accepted. As such it is not currently in a beneficial use that should not be lost.

The development is small scale and will not place significant demands on infrastructure, nor are there physical or environmental constraints.

The site is within a Conservation Area, however the proposal will not affect it's character or appearance.

It is considered that the proposal complies with the NPPF.

Materials, Layout and Design

Policy BE1 of the RCUDP states that development proposals should 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.

The proposal includes the removal of the steel fire escape on the side (southwest) of the property, formation of window in place of the fire escape door, the provision of a bin store to the rear (northwest), and the removal of the boundary wall and raised planting area to create car parking spaces.

It is considered that the removal of the fire escape will enhance the appearance of the building, as will the reinstatement of a window where the fire escape door is currently. The window opening will match the adjacent windows.

Details of the bin store have not been provided, and this will be required by condition, but it is likely to be a timber frame structure that will not have a significant impact.

Whilst the boundary wall does make a small contribution to the character of the street the boundary of the site along Fall Spring Gardens is mostly open with no boundary wall. As such its removal will not have a significant impact on the character and appearance of the area, nor will the formation of the additional parking.

The Design and Access statement suggests that the building will be tidied up and repairs to the roof undertaken. Rotten windows are to be changed for ones of a similar style but with opening lights. Although the maintenance/repair of the building cannot be enforced the type of windows can be controlled in the interests of the character and appearance of the building. A condition is proposed requiring details of the windows prior to the commencement of development.

Subject to the two conditions it is considered that the proposal complies with RCUDP policy BE1.

Residential Amenity

Policy BE2 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. Annex A of the RCUDP provides minimum space standards between windows to assist in evaluating the acceptability of development proposals. The highest minimum recommended distance is 21m between main aspects. 18m is recommended between main and secondary aspects and 15m between secondary aspects.

The south elevation is 25m from the dwellings opposite at 1,3 and 4 Stainland Road. It contains two windows at first floor which serve a raised area within the kitchen/living area.

The proposal includes living and bedroom windows on the west elevation. The Orchard, a terrace of five dwellings, is 23m to the west. No.7 Stainland Road is 21m to the southwest and its facing elevation is blank.

The north elevation, which contains no windows at first floor, is opposite the blank side elevation of No.4 Portman Close.

The east elevation would mostly contain bedroom windows but there are two living/kitchen windows on the end nearest Stainland Road. This elevation faces the west elevations of Upper Ellistones Barn and Ellistones Barn, which contains living room windows and rooflights to bedrooms. There is 19m between the buildings, but given the difference in site levels the windows would not be directly overlooking and as such it is considered that the proposal would not have a significant impact on privacy.

The proposed ground floor plan shows an area of garden on the north/northwest edge of the site retained for the ground floor dwelling. Apartments do not generally have their own amenity space

and the proposal includes an area of shared amenity space to the eastern side of the property. It is not unusual for boundaries of gardens to abut each other and there is an existing fence along the eastern boundary, within the curtilage of the dwellings at Ellistones Barn, that will provide screening to protect the privacy of residents. Also planning permission 11/00771/FUL requires the installation of a 1.8m high fence or wall on the eastern boundary of the site.

It is considered that the proposal will not have a significant impact on the privacy, daylight and private amenity space of existing and proposed residents and as such it complies with RCUDP policy BE2.

Highway Considerations

Policy BE5 states new development must provide for safe and efficient movement by pedestrians, vehicles, and cyclists. Policy T18 sets out maximum parking allowances for new development.

The proposal includes three parking spaces that are accessed off Fall Spring Gardens. The Highway Network Manager has been consulted and made the following comments;

“The last use of this building is recorded as community use however, the ground floor has been given approval for one residential unit that appears to have commenced. The upper floor that forms the basis of this application is still a community use and could attract a car usage in the region of 13.8 cars based on the parking standards for that use. It is noted that the previous parking would all have been on-street.

This application is to convert the building to 3 residential units with a requirement of 4 off-street parking spaces; these could be accommodated in the area shown for parking. In principle therefore; the proposal will be a de-intensification of traffic use and is acceptable but subject to a condition to comply with the RUDP parking policy.”

The current site plan shows 5 parking spaces, 2 for the existing ground floor and 3 for the proposal. There is space within the site to create 4 parking spaces for the proposal in accordance with T18, but it requires the movement of a street light. A condition is proposed requiring the submission of an amended parking layout to accommodate a total of 6 parking spaces for the proposal and the ground floor. The applicant will need to contact Engineering Services to seek consent to move the light.

The provision of off-street parking will also have the benefit of limiting the parking of cars on Fall Spring Gardens. Currently cars park on the road to the west of the site causing an obstruction and limiting the road to one lane, as well as obstructing access and egress from the dwelling opposite. The provision of the parking spaces will restrict cars from parking on Fall Spring Gardens to the side of the site, which will provide clear movement for traffic.

It is considered that the proposal complies with Policies BE5 and T18.

Conservation Issues

The site is located within Stainland Conservation Area and it is adjacent to a grade II Listed Building. RCUDP Policy BE18 seeks to preserve or enhance the character or appearance of the Conservation Area. RCUDP Policy BE15 seeks to protect the setting of Listed Buildings.

The proposal includes minor external alterations as discussed in the ‘Materials, Layout and Design’ section of this report.

The removal of the fire escape stairs will enhance the building and consequently the appearance of the Conservation Area. Replacement windows are acceptable in principle provided that they are not UPVC, which would damage the character of the building and fail to preserve or enhance the character and appearance of the Conservation Area.

In the context of the site and the existing streetscene the boundary wall does not contribute significantly to the Conservation Areas overall appearance, and its demolition will not be detrimental.

The alterations are predominantly on the west side of building, the opposite side to Ellistones Barn (the Listed Building) and as such they would not harm its setting,

It is considered that the proposal complies with Policies BE15 and BE18 of the RCUDP.

Other Issues

Concern has been raised about the loss of the handrail. It is on the public footpath and outside the application site and therefore the granting of planning permission would not give the applicant's consent to remove it. However, in order for the development to be undertaken the handrail would have to be removed to provide access to the proposed parking spaces. The applicant will have to seek consent from Engineering Services in order to remove the railings.

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

Further Information

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

Claire Marshall (Case Officer) on Tel No: 392155 or Lisa Sutcliffe (Senior Officer) on Tel No: 392233

Conditions

1. The development shall not begin until details of a revised parking area has been submitted to and approved in writing by the Local Planning Authority. The parking area so approved shall then be provided and surfaced using permeable surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage before the development is brought into use and shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
2. Before development commences details of the window and door frames, including design, materials, treatment and colour, shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall include then be installed in accordance with the approved details and so retained thereafter.

Reasons

1. In the interest of providing satisfactory parking and highway safety and to ensure compliance with Policy T18 of the Replacement Calderdale Unitary Development Plan.
 2. In the interest of the character and appearance of the building and the Conservation Area, and to ensure compliance with policies BE1 and BE18 of the Replacement Calderdale Unitary Development Plan.
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