

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

Date of meeting: 20 June 2023

Chief Officer: Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

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

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

2. INTRODUCTION

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when 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 Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policies

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control uses the basic principle of sustainable development by 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 Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

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

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks 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'.

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

Reference: 6/00/00/CM

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

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman
Corporate Lead
For Planning Services

TELEPHONE :- 01422 392241

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

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

List of Applications at Committee 20 June 2023

Time & No.	App No.	Location	Proposal	Ward	Page No.
1400 - 01	20/01367/FUL	Derdale Development Derdale Street Todmorden Calderdale	Construction of 12 Houses (in lieu of 9 Industrial Units as Planning Permission 03/00937)	Calder	6 - 23
1400 - 02	22/01364/FUL	Land To Rear Of 4 Back Clough Northowram Halifax Calderdale	Residential development of 8 houses (Amended Scheme to 21/00364)	Northowram And Shelf	24 - 39
1445 - 01	22/01294/FUL	Thornton Park Farm Ash Hall Lane Cotton Stones Sowerby Bridge Calderdale	Change of use of grazing land to provide 5 timber clad camping pods and formation of grassed landscaped embankment (part retrospective).	Ryburn	40 - 53
1445 - 02	22/00886/VAR	Land South West Of The Little Park Victoria Road Hebden Bridge Calderdale	Variation of Condition 1 on planning application 15/00301/FUL - Design amendments	Calder	54 - 70
1600 - 01	21/01345/FUL	Cross Farm New Road Mankinholes Todmorden Calderdale	Change of use of land for the siting of 5 glamping huts and 1 bell tent with associated hard-standing and car parking together with the use of part of the agricultural building for ancillary wcs, showers and kitchen area (part retrospective)	Calder	71 - 89
1600 - 02	21/01421/FUL	Land South Of Travellers	Construction of detached dwelling	Luddendenfoot	

		Cottages Steep Lane Sowerby Sowerby Bridge Calderdale	with glazed link extension and detached garage/plant room including landscaped gardens and pond.		90 - 122
1700 - 01	22/01335/FUL	The Shant 247 Shay Lane Holmfield Halifax Calderdale	Change of use of public house to use class E(a) (Display or retail sale of goods) excluding the sale of food and residential development of three dwellings to rear.	Illingworth And Mixenden	123 - 140
1700 - 02	23/00095/HSE	Popples Barn 3A Popples Bradshaw Halifax Calderdale	Raising of roof, extension to front, detached garage with garden room.	Illingworth And Mixenden	141 - 151

Time Not Before: 1400 - 01

Application No: **20/01367/FUL**

Ward: **Calder**

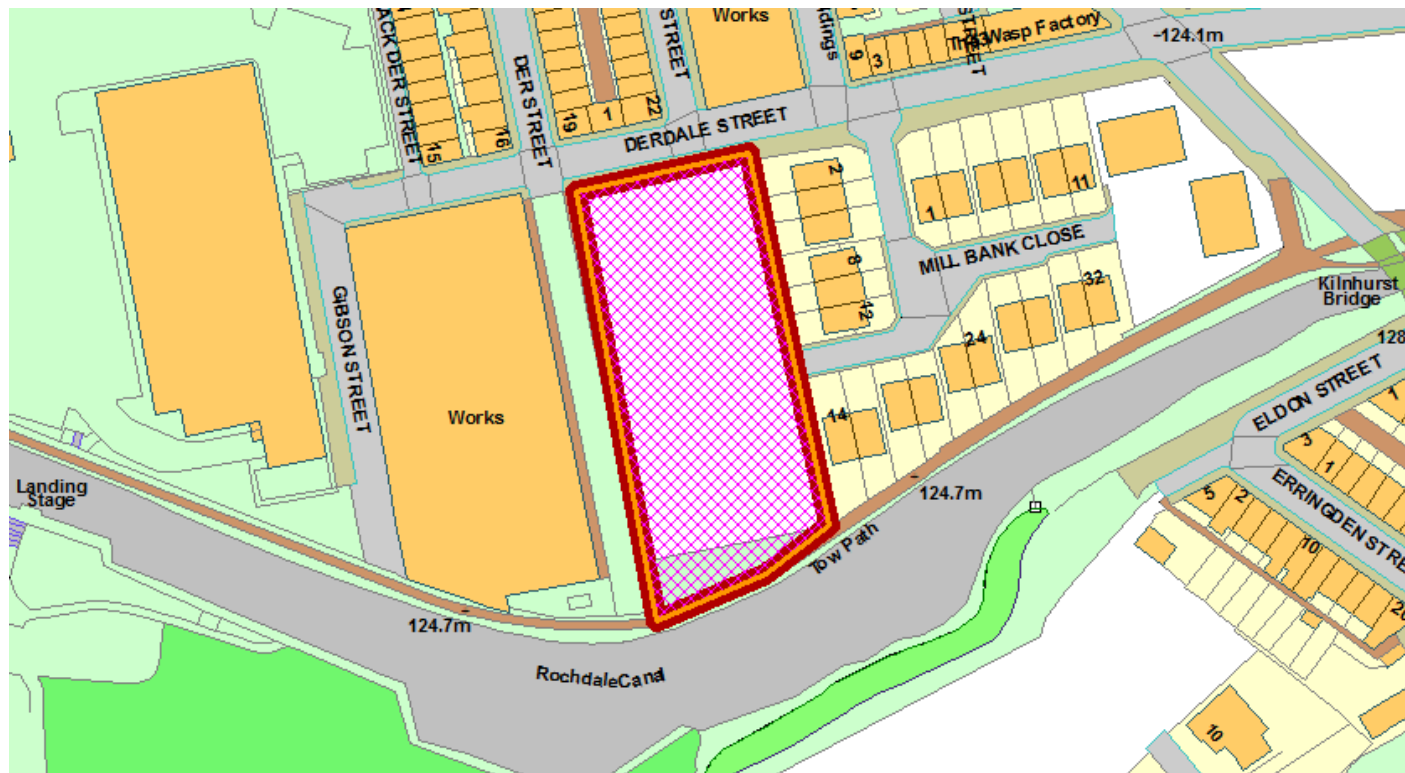
Area Team: **North Team**

Proposal:

Construction of 12 Houses (in lieu of 9 Industrial Units as Planning Permission 03/00937)

Location:

Derdale Development Derdale Street Todmorden Calderdale



Applicant:

Derdale Mill Limited

Recommendation:

Parish Council Representations:	Yes
Representations:	Yes
Departure from Development Plan:	No

Consultations:

Highways Section
Environmental Health Services - Pollution Section (E)
West Yorkshire Police ALO
Housing Services
Education Services

Lead Local Flood Authority
Yorkshire Water Services Ltd (BC)
Green Spaces And Street Scene
Business And Economy
Todmorden Town Council
Canal & River Trust
Environment Agency (Waste & Water)
Environment Agency (Waste & Water)
Highways Section
West Yorkshire Combined Authority
Todmorden Town Council
Environment Agency (Waste & Water)

Description of Site and Proposal

The application relates to an area of informally surfaced hardstanding between Derdale Street and the Rochdale Canal totalling some 0.3 hectares in area. Historically the site formed part of the Derdale Mill complex, which was demolished in 2003, prior to the construction of Mill Bank Close to the East of the current application site. On the Northern side of Derdale Street is an area of high-density Victorian housing. To the West of the site are industrial units. Todmorden Town Centre is located approximately 600m to the west of the site.

The site is mainly in Flood Zone 3a, with very small areas of Zone 2. The site is not within the Todmorden Conservation Area; however, the edge of its boundary lies immediately to the North running along Derdale Street. The site is not within the setting of any Listed Buildings.

The application is for construction of 12 houses in lieu of the 9 industrial units that were permitted under planning permission 03/00937 (see planning history section below for further information).

The proposed houses comprise of 8 semi-detached and 4 detached units, served off a new access road from Derdale Street. All the houses are of traditional design, comprising 2 full storeys, with a second floor in the roof space. The proposed dwellings would be faced in coursed local natural stone under natural blue slate roofs.

The application is accompanied by the following supporting documents:

- Design and Access Statement
- Flood Risk Assessment and addendum
- Drainage assessment
- Air quality assessment
- Ground investigation
- Planning obligation statement

On 21 June 2022 Planning Committee resolved to grant planning permission for the above development subject to a Legal Agreement being completed and conditions set out in the officer's report together with additional conditions requiring details of the boundary treatments and method of storage and access for the collection of waste from plot 12.

The permission was not issued prior to the Council's adoption of the Local Plan on 22 March 2023. The decision must be made on the basis of the development plan adopted at the time. As such Planning Committee need to re-consider this application in light of this material change.

There has not been a significant change between the RCUDP policies the application was initially considered under and the CLP policies that are now a material consideration. The officer's recommendation remains as it was when the application was first brought to the Committee.

Relevant Planning History

Planning Permission 03/00937 was granted in 2006 for a mixed-use re-development at Derdale Mill comprising of 22 houses, 12 apartments and 9 industrial units. The residential element of that permission has been implemented and is now known as Mill Bank Close. The current application site comprises what was proposed to be the industrial units under the previous permission.

Although the industrial units were not constructed, the external ground level was established to comply with the requirements of the Flood Risk Assessment accompanying the 2003 application, which has meant raising the ground level above that of the adjacent Derdale Street. Given that 03/00937 was implemented before expiring, permission remains in place for construction of the industrial units. It follows from this that the raised ground levels that have been established on the current application site are lawful.

Key Policy Context:

Local Plan Designation/Allocation	Critical Drainage Area Landscape Character – Urban Adj Wildlife Habitat Network Adj Local Wildlife Site
Local Plan policies	SD1 Presumption in Favour of Sustainable Development HS1 Non Allocated Sites HS2 Residential Density H3 Housing Mix BT1 High quality, inclusive design BT2 Privacy, Daylighting and Amenity Space BT3 Landscaping BT4 The Design and Layout of Highways and Accesses BT5 Designing Out Crime HE1 The Historic Environment IM4 Sustainable Travel IM5 Ensuring Development Supports Sustainable Travel Annex A Car & bicycle parking standards CC1 Climate Change CC2 Flood Risk Management (Managing Flood Risk in New Development) CC3 Water Resource Management GN3 Natural Environment EN3 Environmental Protection

	IM10 Developer Contributions
National Planning Policy Framework	2 Achieving Sustainable Development 5 Delivering a Sufficient Supply of Homes 6 Building a Strong, Competitive Economy 8 Promoting Healthy and Safe Communities 9 Promoting Sustainable Transport 11 Making Effective use of Land 12 Achieving Well Designed Places 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change 15 Conserving the Natural Environment 16 Conserving the Historic Environment
Other relevant planning constraints	Flood Zones 2 and 3 Contamination Site Bat Alert Area

Publicity/ Representations:

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

One letter of support was received.

Summary of points raised:

- As my property is directly located next to this development, the outcome of this application is particularly applicable. Based on the documents submitted, I am in support of this development. It is particularly good to see the application containing plans for addition of trees to this area.
- My only concern is the current state of Derdale Street and pedestrian surface adjacent to the outside walls of Mill Bank Close and the new development. I hope as part of this overall development, this will be rectified as it makes the overall area somewhat unattractive to both existing residents and potential house buyers.

Ward Councillor Comments

Councillor D Young comments as follows:

As a Calder Ward Councillor I wish to object to the following Planning Application 20/01367/FUL on the following grounds:- a) Highways issues as raised by the Highways Department b) Potential for flooding likely with the current raised land level of the site by 7 foot. c) Site should be kept for potential Business use (B2) as suggested by The Business & Economy Department. If the Planning Officers recommend refusal, then that is OK but if the Planning Officer recommend approval, then please can this application be referred to the Planning Committee for a decision following a site visit.

Parish/Town Council Comments

The development is located within the boundaries of Todmorden Town Council.

The Town Council comments:

07 Jan 2021:

Not supported.

TTC is thoroughly unhappy and quite troubled about the potential for flooding likely with the current raised land level of the site (around 7ft) and the lack of provision for drainage (the drains are currently inadequate in that area and already cause flooding into properties in the area) and the inadequate proposals for attenuation. The proposed tank seems inadequate for the likely flow.

The developments currently underway in the nearby vicinity have exacerbated the existing serious flooding in nearby properties and it is expected that the Derdale St development (as planned) will exacerbate this even further.

19 May 2022:

The Development Committee of Todmorden Town Council has asked me to write to you concerning the application to build houses on land off Derdale St (03/00937/FUL / 20/01367/FUL. The original application was for the building of industrial units.

Although, on one hand, it seems that it has been accepted that the ground level of the proposed houses will be raised to a level to prevent them suffering flooding, no account has been made of the impact of this on the existing terraced houses surrounding the site. These houses are now around 2 metres lower than the raised ground for the new builds. This area is in flood zone 3 and already regularly suffers with flooding. It is also thought that the water table in this area is rising, causing the ground floor of at least one house to subside. There is increasing concern that properties on Halifax Rd suffer with large wall cracks and loud vibrations as the traffic passes by and it is thought that this is caused by the rise in the water table also.

This is an area that really suffers with flooding - especially surface water flooding. It is thought that this has worsened since the building of the Lidl supermarket which was built at a raised level to protect it from flooding. The surface water now flows off the Lidl car park and down Halifax Rd/ Der St.

There is great concern that the building of houses on raised land on Derdale St (where around 25 houses and flats have already been built) will serve to exacerbate an already difficult situation.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 22 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

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

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt...designated heritage assets]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

a) This is reflected in Policy SD1 of the CLP.

Whilst the site was within a designated Primary Employment Area on the RCUDP proposals map, it does not have that designation in the CLP. Therefore, policies regarding safeguarding employment land are no longer relevant.

It is a non-allocated site and CLP Policy HS1 is applicable. The policy replaces RCUDP Policy H9 and is of similar content, the main difference being the removal of reference to brownfield.

The aforementioned policy states “Proposals for residential development (including those for the renewal of a previous planning permission) on a non-allocated site or building for conversion will be supported, provided that:

- b) The proposal complements the strategic objectives of the Local Plan;
- c) The demands generated from the proposed housing can be accommodated by existing infrastructure;
- d) There are no physical and environmental constraints on development of the site which cannot be mitigated;
- e) If the proposed development falls within Flood Risk Zones 2 or 3, it passes the flood risk Sequential Test, and where necessary, the Exception Test;
- f) The development creates no unacceptable environmental, amenity, traffic, safety, or other problems;
- g) The development conserves or enhances heritage assets and will not harm those elements which contribute to their significance, including their settings;
- h) The site does not have any recognised value for nature conservation; and
- i) The proposal complies with other relevant Local Plan policies.

The detailed policy criteria are considered under the relevant sections elsewhere in this report.

Layout, Design & Materials

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. The policy replaces RCUDP Policy BE1 and is more descriptive in regard to the expectations for the design of development.

RCUDP Policy BE3 is replaced by CLP Policy BT3, which has the same aims but is more detailed.

The site layout reflects the limited dimensions of the site and the position of the access. It does however include a pedestrian link to Mill Bank Close and a small, landscaped amenity area. The future maintenance of the landscape area is the subject of a recommended condition. The houses would be set back from the road with (permeable) block paved drives and landscaped gardens to the front. Reasonably sized private gardens will be provided to the rear of the houses.

The proposed houses are of relatively modest proportions and incorporate features reflecting the local vernacular. The houses would be finished in natural stone and slate.

The application site is located at a lower level than the Rochdale Canal and would not affect it physically. There is no existing access to the towpath from the site and it is not considered physically practical to create a new access. The proposed development will however have a positive impact on the setting of the Canal by building back the urban fabric. In this respect it is also considered that the proposed development would relate more favourably to the Canal compared with the extant permission for industrial units. As indicated above the development incorporates appropriate quality landscaping, and this will impact positively on the Canal setting.

The Canal and Rivers Trust was consulted on the application and whilst they have not objected to the application, they have requested conditions to protect the structural integrity of the Canal and also in relation to landscaping and boundary treatment. The first condition is considered necessary; however, in relation to landscaping/boundary treatment, private gardens would adjoin the canal wall, and the layout plan states that the existing boundary wall and hedge will be retained to the Canal. A condition covering the second matter is not therefore considered necessary.

The overall impact of the development on the area is considered to be a positive one – certainly it would be a visual improvement on the existing vacant site or the fallback position of the industrial units. In this regard the development now proposed will certainly have a more harmonious relationship to Mill Bank Close. The application therefore complies with policies BT1 and BT3.

CLP Policy BT5 sets out criteria for designing out crime.

The West Yorkshire Police Architectural Liaison Officer was consulted on the application and has commented that:

I have studied the plans and have no objections to the proposals. However, I recommend the site should be built to "secured by design" standards to keep the calls for service to a minimum. The main method used by an offender to break into a dwelling, particularly in new builds, is by the lock snapping method. Therefore, please note the standard of locks that I require fitting to ALL external doors. The guidelines can be found in Homes 2016 document at www.securedbydesign.com.

The above advice will be passed to the applicant by way of an informative attached to the decision notice. It is considered that the development complies with policy BT5.

Residential Amenity

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts will arise. Both the policy and annex are the same as RCUDP policy BE2 and Annex A.

The design and layout of the development is such that the minimum distances set out in Annex A are either met or exceeded. The development therefore complies with policy BT2.

The application site is located within an area characterised by a mix of residential and commercial uses, including bicycle workshop premises to the West of the site – separated from the proposed houses by back gardens and an access road. It is not apparent that existing conflicts exist between the aforementioned uses; however, in order to ensure compliance with CLP Policy EN3, which replaces RCUDP Policy EP8, a condition is recommended to mitigate potential noise disturbance.

Heritage Assets

The development is located outside but immediately to the South of Todmorden Conservation Area.

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

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

The requirements of section 72 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to.

CLP Policy HE1 replaces RCUDP Policy BE18.

The requirements of Policy HE1 need to be read in the context of the legal and policy requirements explained in the NPPF:

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

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

At the current time the application site detracts from the character of the Conservation Area in the sense that it represents an unattractive gap in a location that was historically built-up. The development will rebuild physical townscape in this location. Whilst the historic built form was a mill building, the proposed houses incorporate natural local materials, vernacular design features, and are of appropriate scale.

Overall, the setting of, and views into and out of the Conservation would be enhanced by the development and as such policy HE1 and the requirements of the NPPF and section 72 would be satisfied.

Density and mix of house types

CLP Policy HS2 expects a minimum net density of 30 dwellings per hectare, which is the same requirement as RCUDP Policy H10.

CLP Policy HS3 seeks a mix of house types in terms of size, type and affordability, which was also required by Policy H11 of the RCUDP.

The density of the development is approximately 40 units per hectare and therefore complies with policy HS2.

The development comprises of both detached and semi-detached properties. Given the preponderance of terraced houses in the area, the development improves the overall mix and is therefore in accordance with policy HS3.

Affordable housing is dealt with elsewhere in this report.

Sustainability

CLP Policy CC1 establishes that development proposals should aim to be net zero emitters of greenhouse gases and demonstrate appropriate mitigation and adaptation measures to address the predicted impacts of climate change.

The application relates to a brownfield site in a very sustainable location, close to Todmorden Town Centre, shopping facilities and a frequent bus route, and it is therefore inherently sustainable. Further comments on public transport are set out under the Highways and Transport section of this report.

In terms of construction, it is considered relevant to draw Members' attention to recent changes to non-Planning legislation: Announced in Dec 2021, the uplift to Part L (Conservation of Fuel and Power) and F (Ventilation) of the Building Regulations and the new Parts O (Overheating) and S (Infrastructure for charging electric vehicles) came into effect on 15 June 2022. The Government intends that changes to Part L are a steppingstone to the introduction of the *Future Homes Standard* in 2025. To pass the new Part L Target Emission Rate, most new homes will need either heat pumps or gas boilers paired with renewable energy generation such as solar panels. To pass the new Part L Target Fabric Energy Efficiency rate, some new homes will need to have more insulation in their walls, which will make them thicker. The overall requirement of the revised Part L is a mandatory 31% cut in carbon for all new homes.

Highways and Transport

CLP Policy BT4, which replaces RCUDP Policy BE5 and BE6, requires that the design and layout of highways and accessed ensure the safe and free flow of traffic; allow access by emergency, refuse and service vehicles; provide convenient and safe pedestrian routes and connectivity; incorporate traffic calming, and speed management and reduction; provide an attractive environment; and help reduce opportunities for crime.

RCUDP Policy T18 is replaced by CLP Policy IM5 and Annex, which includes maximum parking allowances for new development.

Paragraph 112 of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. In accordance with this, a condition is proposed requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be used in connection with that dwelling.

The Assistant Director of Strategic Infrastructure was consulted on the application and commented as follows:

The 5.5m access road is acceptable although it is not clear how this will tie-in to the adjacent footway on the east side which has been set back from its original alignment. The 4.5m radius should be removed and replaced with a splayed layout with a level block paved continuation of the footway across the access, as at the adjacent site.

A single parking space at the semi-detached plots with additional communal parking is acceptable subject to details of how the communal parking would be managed and maintained once the plots have been sold.

The parking at plot 12 at the corner of Der Street and Derdale Street is not supported given the proximity to the junction, on-street parking and restricted visibility because of the adjacent fence. The layout should be revised to provide access to the parking internally.

Sheffield hoops are not acceptable for residential cycle parking provision. Cycle parking for residents should be secure and within the dwelling or garage. If external parking is to be provided, it should be within the demise of the dwelling and to the police Secured by Design standards.

The pedestrian route to Mill Bank Close needs to be widened to at least 2m. An application has been submitted to regularise the works at the adjacent site and to implement the highway works that were required for that development. That matter is ongoing. There will however need to be a 2m surfaced footway constructed along the adjacent site frontage up to Key Sike Lane so that this site has a continuous footway connection. This is because there is no certainty that those works will be completed before this development is built. That can be dealt with by a condition requiring the works prior to occupation; this would also address the matter raised earlier regarding the footway tie-in at the access.

There is level bin access to the rear for all properties so further details of refuse bin storage is not required. The proposals are acceptable subject to a revised layout addressing the above matters being submitted and a number of requested conditions.

With the exception of the parking for plot 12, the matters raised above by the ADSI are the subject of recommended planning conditions. Further amendments have been requested to address the parking and members will be updated at the Committee meeting. On this basis the application complies with policies BT4 and IM5 of the CLP.

The West Yorkshire Combined Authority were consulted on the application, in their capacity as the strategic transport authority for West Yorkshire, and commented as follows:

The site is located within the recommended 400m from the nearest bus routes that operate on Halifax Road. We generally take a pragmatic approach to walk distances to take the size and location of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop. Bus services which operate on Halifax Road include the 590/592 which operate between Halifax and Todmorden at a 15 minute frequency, extending hourly to Rochdale and Burnley. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route of frequency.

The closest bus stops on this corridor 19878 and 19879 do not have shelters. As part of this scheme, a bus shelter could be provided at the above named stops at a cost of £13,000 each to the developer to improve the public transport offer. In order to access this stop, safe and direct pedestrian links are required.

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Calderdale Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £6,138.00. This equates to bus only Residential MCards...

The MetroCard and bus stop contribution would be included within the Section 106 agreement.

Flooding and Drainage

CLP Policy CC3 establishes that the Council will work to protect the quality and quantity of water resources including groundwater, that major developments should incorporate sustainable drainage systems unless clearly shown that they would be inappropriate, and development will only be permitted if it can be demonstrated that the required water supply and wastewater infrastructure is available or can be improved. This policy replaces RCUDP Policies EP14, EP20 and EP22.

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP Policy CC2 requires the development follows the sequential approach for flood zones, that site-specific flood risk assessments are provided where required, and that development has regard to flood risk management. This policy effectively replaces RCUDP Policy EP17.

The site's situation in terms of its flood risk categorization is complicated by its history. The formal flood risk map shows most of the site as being flood zone 3a (high probability of flooding – average 1 in 100-year return period) and small area in zone 2 (medium risk – average 1 in 200-year return period). However, the ground levels of the site have recently been raised in accordance with the Flood Risk Assessment accompany the 2003 planning application (covering the application site and the adjacent Mill Bank Close).

The topographical survey accompanying the current application shows an existing (i.e., raised) mean average ground level of **124.65 AOD**. The applicant's Flood Risk Assessment states that

Environment Agency flood modelling identifies the nearest Node Point to the site Ref EA1231293 ROCA0115223u. This Node Point is identified on the Node Reference Map that is located on the canal towpath on the southern boundary of the Application Site...

The table below is an extract from the Environment Agency data for the above-mentioned Node Point:

EA1231293 ROCA0115223u		
ReturnPeriod	Level	Flow
2	124.39	2.09
5	124.43	2.26
10	124.46	2.34
25	124.49	2.45
30	124.5	2.57
50	124.52	3.12
75	124.56	3.42
100	124.58	3.58
100 +CC	124.62	3.89
200	124.62	3.9
1000	124.65	4.17

It can be seen from the table that the ground level of the site has been lifted above either the 1 in 100-year plus climate change or 1 in 200-year flood levels.

The Environment Agency initially made a holding objection to the application; however, in the light of further clarification from the Council confirming the lawfulness of the raised ground levels, and additional information from the applicant, this objection was withdrawn subject to a condition that: *the development shall be carried out in accordance with the submitted flood risk assessment, dated March 2020, and Addendum to Flood Risk Assessment, dated 15 March 2022, and the following mitigation measure detailed within: Finished floor levels shall be set no lower than 125.30 metres above Ordnance Datum (AOD).*

Because the site has been lawfully lifted out of Flood Zone 3 it is considered that the sequential and exception tests are not required.

In terms of drainage, the design of the foul and surface water drains has been submitted with the application. including layout, levels, falls, attenuation, and hydraulic flow calculations. Drainage of foul and surface water is proposed to connect to the existing sewers in Derdale Street and this has been agreed by Yorkshire Water. Whilst the development incorporates areas of permeable hard surfacing, the site does not lend itself to more extensive sustainable drainage interventions such as ponds and swales.

Overall, it is concluded that the proposal complies with Policies CC2 and CC3 of the RCUDP.

Ground conditions

CLP Policy EN3 states "The Council expects developers to understand the environmental implications of their proposals and to ensure that development does not give rise to and is not exposed to environmental hazards". It replaces RCUDP Policy EP9.

The application was accompanied by a combined Phase 1 Desk Study and Phase 2 Intrusive Survey. The survey makes recommendations but does not identify any problematic constraints on development. The application therefore complies with Policy EN3 subject a condition requiring the recommendations of the Phase 2 Survey to be implemented as the development proceeds.

Wildlife Conservation

CLP Policy GN3 establishes that the Council will seek to achieve better management of Calderdale's natural environment, including achieving measurable net gains in biodiversity. This links to the emerging requirement through the Environment Act and Government policy to demonstrate a net gain in biodiversity (BNG). This net gain can be on or off site. The policy replaces NE15, NE16, NE17 and NE18 of the RCUDP.

The Canal immediately to the North of the site is a Locally Important wildlife site. The site is also within the Bat Alert Area.

The site is largely devoid of significant features of ecological interest – for example trees and other vegetation, buildings, or water bodies. As indicated above, the hedge along the Canal towpath will be retained and there is no evidence that redevelopment of this brownfield site for houses and gardens would harm the ecological interest of the Canal corridor. It is not therefore considered that there are any conflicts Policy GN3.

A condition is recommended requiring Biodiversity Net Gain to be demonstrated.

Education

CLP Policy IM10 states “Applications will be permitted where mechanisms are in place to ensure that the impact of the development on infrastructure can be satisfactorily mitigated.”

There is a shortage of secondary places within the area. Todmorden High has been oversubscribed for the last few years and the projections indicate that the figures are set to increase. A contribution of £37,234 for Secondary provision is therefore requested. This contribution will be included within the Section 106 agreement.

Affordable Housing

The RCUDP did not have a saved policy for affordable housing but, in the previous report to Committee, members were directed to the draft Local Plan that set a threshold of 15 dwellings above which a contribution to affordable housing (AH) was expected. CLP Policy HS6 is now the adopted policy and for development in Todmorden this threshold does apply.

At 12 dwellings, the current application falls below this threshold; however, in relation to ‘major’ development (i.e., > than 10 dwellings), the NPPF states:

65. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

It is therefore considered that 1 home should be made available for affordable home ownership, which would be secured through a section 106 agreement.

The Planning Balance

As stated at the beginning of the assessment, this is an application where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole. In this instance no adverse impacts have been identified that outweigh the benefits of delivering 12 new houses, which will increase the supply of housing sites and in the future contribute to housing delivery.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below and the legal agreement covering an education contribution; public transport contribution (bus stop improvement and MetroCard's); and affordable home ownership. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

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

Date: 8 June 2023

j) Further Information

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

Richard Seaman

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Before it is first brought into use, the development hereby permitted shall be constructed of natural stone and slate facing and roofing materials, as specified on the submitted plans and shall be so retained thereafter.
3. Prior to each dwelling first being occupied the surface water drainage shall be provided in accordance with the approved drainage layout drawing revision A dated 8/1/2021, and so retained thereafter.
4. Prior to first occupation, the development shall be carried out in accordance with the submitted flood risk assessment, dated March 2020, and Addendum to Flood Risk Assessment, dated 15 March 2022, and the following mitigation measure detailed within: Finished floor levels shall be set no lower than 125.30 metres above Ordnance Datum (AOD).
5. 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 dwelling 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.
6. Prior to the development first being brought into a use a scheme for the long-term maintenance of the communal areas of landscaping shown on the approved layout plan shall be submitted to and approved in writing in by the Local Planning Authority. The approved scheme shall be implemented on approval and so retained thereafter.
7. No dwelling shall be occupied until the parking and manoeuvring facilities shown on the permitted plans for that dwelling have been provided and sealed and made available for the occupiers of that dwelling. These facilities shall thereafter be retained.
8. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of a dwelling, prior to the occupation of that dwelling, there shall be installed a facility to permit the recharge of an electrical battery-powered vehicle. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.
9. The development shall not be occupied until detailed drawings of the works to provide a footway on the south side of Derdale Street between Der Street and Key Sike Lane has been submitted to and approved in writing by the Local Planning Authority. The approved works shall then be constructed in accordance with the drawings prior to the development being occupied.

10. Notwithstanding the provisions of Part 4, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, before construction works commence, details shall be submitted for the written approval of the Local Planning Authority in respect of the provision of a contractors' compound and staff car parking area within the site. Such details shall include the provision of protective fencing to the boundaries of the construction site. The details so approved shall thereafter be implemented in advance of construction works commencing and shall be retained for the duration of construction works unless otherwise agreed in writing by the Local Planning Authority.
11. Prior to commencement of works at the site, a scheme for the prevention of mud or other material being deposited onto the public highway, including full details of any equipment on the site used to clean the hardstanding areas, access, wheels and chassis of vehicles, equipment location and means of drainage, shall be submitted to and approved in writing by the local planning authority. The permitted scheme shall be implemented on commencement of works. The scheme shall be updated where the local planning authority consider mud on the road to be a recurrent problem by the operator or their agents in liaison with and to the written approval of the local planning authority. The updated scheme shall be implemented within a timescale to be agreed. In the event of mud or other material being deposited onto the public highway, immediate remedial and preventative action shall be taken, including suspension of operations if necessary.
12. Before the development begins details of the construction and specification for the access roads shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be fully implemented before any part of the development is occupied and shall be retained thereafter.
13. Prior to the development first being occupied a scheme for the delivery of biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme so approved shall be implemented in accordance with the timescale specified therein.
14. Construction of the dwellings (with the exception of the footings) shall not begin until a noise attenuation scheme for protecting the occupiers of the dwellings from noise from nearby commercial uses has been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall then be implemented prior to the first occupation of each dwelling and shall be retained thereafter.
15. The recommendations contained within the Phase 2 ground conditions survey accompanying the application shall be implemented as the development proceeds and fully completed prior to the first occupation of the development.
16. Prior to the first occupation of each dwelling secure cycle storage facilities shall be provided in accordance with details of location and design that shall first have been submitted to approved in writing by the Local Planning Authority.
17. Prior to the commencement of construction of units 1, 2, 3, and 4 shown on the approved layout plan, measures and design details to protect the structural integrity of the adjacent canal, towpath and retaining wall during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not proceed other than in accordance with the approved details.

18. Prior to the installation of the boundary treatments details, including layout, design and materials shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be installed in accordance with the approved details and shall be so retained thereafter.
19. Prior to the first occupation of plot 12 details of the method of storage and access for the collection of wastes from the residential unit shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before occupation commences and shall be so retained thereafter.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
3. To ensure proper drainage of the site and to ensure compliance with Policy CC3 of the Calderdale Local Plan.
4. To ensure that the properties are protected from flooding and to ensure compliance with Policy CC2 of the Calderdale Local Plan.
5. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with policies BT1, BT2 and BT3 of the Calderdale Local Plan.
6. In the interests of the amenity of the development and in order to ensure compliance with Policy BT3 of the Calderdale Local Plan.
7. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with Policy IM5 and Annex A of the Calderdale Local Plan.
8. In the interests of sustainability and to ensure compliance with Paragraph 112 of Section 9 (Promoting sustainable transport), of the National Planning Policy Framework and Policy IM4 of the Calderdale Local Plan.
9. In the interests of highway safety and to allow for safe pedestrian access to and from the site and to ensure compliance with Policy BT4 of the Calderdale Local Plan.
10. To ensure that adequate off-street parking is available during the construction period and in the interests of visual amenity and to ensure compliance with Policy BT4 of the Calderdale Local Plan.
11. In the interests of highway safety and to ensure compliance with Policy BT4 of the Calderdale Local Plan.
12. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with Policy BT4 of the Calderdale Local Plan.

13. In the interests of biodiversity enhancement in order to ensure compliance with Policy GN3 of the Calderdale Local Plan.
 14. In the interests of the aural amenity of the development to ensure compliance with Policy EN3 of the Calderdale Local Plan.
 15. In the interests of the safety of the development and in order to ensure compliance with Policy EN3 of the Calderdale Local Plan.
 16. In the interests of the sustainability of the development and in order to ensure compliance with Policy IM5 and Annex A of the Calderdale Local Plan.
 17. In the interests of the structural integrity of the Canal structure and in order to ensure compliance with paragraphs 170e and 178 of the National Planning Policy Framework.
 18. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
 19. In the interests of amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
-

Time Not Before: 1400 - 02

Application No: 22/01364/FUL

Ward: **Northowram And Shelf**

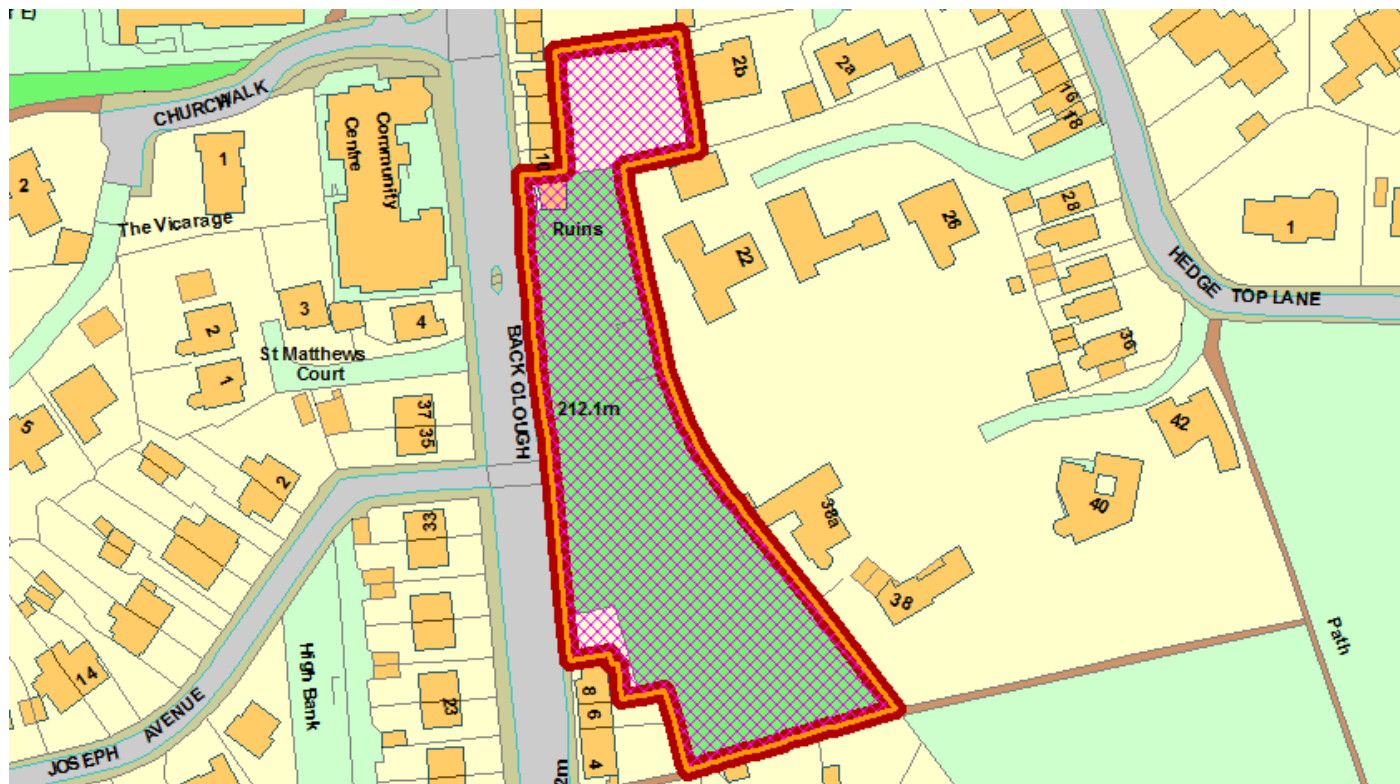
Area Team: **North Team**

Proposal:

Residential development of 8 houses (Amended Scheme to 21/00364)

Location:

Land To Rear Of 4 Back Clough Northowram Halifax Calderdale



Applicant:

North Peak Properties

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Highways Section

Environmental Health Services - Pollution Section (E)

Green Spaces And Street Scene

Housing Services

Lead Local Flood Authority
Education Services
West Yorkshire Police ALO
Yorkshire Water Services Ltd (BC)
West Yorkshire Combined Authority

Description of Site and Proposal

The site is located to the east of the main Bradford Road (A6036), in a well-established predominately residential area. The site is surrounded by a mix of residential properties to the north, east and south, whilst to the west alongside dwellings there are small commercial premises and a community centre. The very northern part of the site lies within the Northowram Village Conservation Area. The Grade II listed St Matthews Church lies approximately 60m to the northwest of the site.

The site is allocated as an as a new housing site on the Calderdale Local Plan.

Planning permission is sought for Residential development of 8 houses.

The application is accompanied by the following supporting documents:

- Heritage statement
- Bat assessment
- Design and access statement
- Air quality assessment
- Acoustic Report
- Flood Risk Assessment
- Ecology design strategy
- Highway statement
- Coal Mining Report
- Surface water drainage and flood risk

The application has been referred to Planning Committee due to the sensitive nature of the application; and that the recommendation would reverse a previous decision taken by the Planning Committee.

Relevant Planning History

An application for the change of use from derelict land to temporary storage of caravans was refused under delegated powers 3rd September 1985 (application number 85/01483/COU).

An outline application for residential development (Maximum of 10 houses) was permitted under delegated powers on 24th January 2020 (application number 18/00061/OUT)

An application for residential development of 8 houses was refused at planning committee on 6th December 2023 (application number 21/00364/FUL) for reasons of inadequate amenity under BT2 and BT1.

Key Policy Context:

Calderdale Local Plan Designation	Allocated Housing Site Conservation Area (small part – northern end of site) Critical Drainage Area Landscape Character Area – Coalfield Edge Urban fringe farmland
Calderdale Local Plan policies	SD6 Allocated Housing Sites – Northowram GN4 Landscape Character BT1 High Quality, Inclusive Design BT2 Privacy, daylighting and Amenity Space BT3 Landscaping BT4 The Design and Layout of Highways and Accesses BT5 Designing out Crime IM5 Ensuring Development Supports Sustainable Travel Annex A Car and Bicycle parking standards HE1 The Historic Environment CC2 Flood Risk management (Managing Flood Risk in New Development) CC3 Water Resources Management
National Planning Policy Framework Paragraphs	5. Delivering a sufficient supply of homes. 8 Promoting healthy and safe communities 11 Making Effective use of land 12. Achieving well designed places 14 Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historic environment
Other relevant planning constraints	Bat Alert Area Part of site in Northowram Conservation Area. Within 50m of grade II listed building HX5/123.
Other material planning considerations	Climate Emergency Declaration (Jan 2019) Emerging Neighbourhood Development Plans

Publicity/ Representations:

The application was publicised with a press notice and site notice and 34 neighbour notification letters.

Ten letters of representation were received.

Summary of Points Raised:

Objections

- Traffic issues – with regards to access directly opposite junction of Joseph Avenue.
- Increase in parking on the A6036.
- Concerns re SUDS as the site is within 200m of a watercourse
- Demand on local services, GP and schools will increase
- No need for dormers overlooking my property
- Infrastructure
- Plot 3 has moved forward but proposed screening will not offer any screening from my property only from plot 3.
- More green space will be lost.
- Wildlife

Parish/Town Council Comments

The development is not located within a Parished area.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt.]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is reflected in Policy SD1 of the CLP.

In this instance the proposal lies partially within the Northowram Village Conservation Area.

Paragraph 11, footnote 8 of the NPPF establishes that, for applications involving the provision of housing, the policies which are most important for determining the application should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, unless the policy protects areas or assets of particular importance and provides a clear reason for refusing the development.

The Local Plan has now been adopted and as such makes provision for such supply.

CLP policy SD6 provides allocated housing sites for new housing as indicated on the policies map. Planning applications need to address the issues identified in Annex 1. No other principal use will be permitted on allocated housing site.

The site is within a sustainable location within walking distance of bus stops on Bradford Road and within walking distances of local shopping facilities on both Bradford Road and Lydgate.

Whilst the proposed number of houses (being 8) is 2 less than the indicative capacity of the site given in Appendix 1, the constraints of the site, including topography, and the need for adequate access and amenity space for each dwelling has resulted in the reduction in number, to achieve a implementable scheme.

The majority of the site is not within a Conservation Area although the top end of the site where there are visitor parking spaces and a turning area, is within the Conservation Area. It is also within 50m of listed buildings, this is addressed below.

Given the above the proposal is considered to be acceptable in principle and would satisfy CLP policy SD6 and section 5 of the NPPF subject to satisfying other relevant policies set out below.

Impact on heritage assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building, or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

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

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

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

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

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

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

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

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

In this instance, a small part of the site lies within the Northowram Village Conservation Area. The site is also approximately 60m at its northwest point from the grade II listed St Mathews Church.

Paragraph 200 of the NPPF states:

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

In addition, paragraph 202 of the NPPF states:

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

Policy HE1 of the CLP refers the historic environment where development proposals should conserve, and where appropriate, enhance, the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale amongst other criteria listed in the policy.

The application is a full application for 8 dwellings with a mix of three house types. It is considered that the existing site does not make any particularly valuable contribution to the setting of the Listed Building given the separation by the main A6036. The development would be seen in the context of a continuation of the built environment that exists at present along the roadside. As such some form of development at the site could be achieved without resulting in harm to the setting of the Listed Building, and the development would comply with policy HE1.

The part of the Conservation Area north of the site is characterised by linear settlement of terraced rows of cottages along the east side of Back Clough. Back Clough is mainly urban in character and the site appears an unmanaged open scrubland. The site does not contribute significantly to the setting of the Conservation Area, however, key views north along Back Clough towards historic village centre; the gateway into the Conservation Area are significant.

The stone boundary wall provides a distinctive and attractive local characteristic and is a positive addition to the street scene.

The Conservation Officer considers that the sensitive site and layout design (discussed below) will minimise any effect of development, but there will remain a minor impact on the setting of the Conservation Area, due to change in character of the site. This is considered to be less than substantial harm.

The less than substantial harm is outweighed by the public benefit of housing provision and in accordance with paragraph 202 of the NPPF.

Given the above, the proposal is considered to comply with policies HE1 of the CLP and section 16 of the NPPF.

Residential Amenity

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A of the former and Annex 2 of the latter set out guidelines to help assess whether such impacts will arise.

The dwellings are all detached dwellings plots 1 and 2 face onto the rear of dwellings 18 and 19 The Rise, which have secondary windows at the rear, (although no. 19 has a conservatory at the rear). Plot 2 (House type B) has two lounge windows, study window and utility window at an angle from the rear of no. 19 The Rise. Annex A of the RCUDP requires a distance of 21m (main to main). The distance is approximately 17m, which gives a shortfall of 4m. However, no 19 is at an angle to the proposed dwelling and as there is a footpath separating the site along with a shed in the garden of no. 19, the distance is considered acceptable. With regards to no 18 and plot 1 (house type B) the proposed dwelling has lounge, study and utility and dining room windows and bedrooms above facing the rear elevation of no. 18 The Rise at a distance of 21m and at an angle to that dwelling and as such the distance is considered acceptable.

Plot 2 is the nearest dwelling to the rear of properties 4-8 Back Clough. The distance is 16.4m from the side elevation of the garage of the proposed dwelling. As such the distance required is 9m (secondary to side) and as such the distance is considered acceptable.

With regards to plot 3 the nearest dwelling is 38a Hedge Top Lane directly behind. 38a is a bungalow and has no substantial shrub hedge on its boundary. There was previously a hedge on the application site and has since been removed exposing a dry-stone wall separating no. 38a Hedge Top Lane from the site.

Since the previous application, the siting of plot 3 has been moved westwards, increasing the distance between the neighbouring property to the east.

No. 38a Hedge Top Lane has windows to bedrooms and kitchen facing the rear of plot 3. No. 3 has secondary lounge windows, a study window and utility door and window looking onto its garden. The distance required under Annex 2 is 15m (secondary to secondary). The distance shown on the site layout plan is over 15m and 17m and is therefore considered acceptable. There is also a 2m high boundary fence proposed to ensure privacy for plot 3 and no. 38a Hedge Top Lane although the height will differ from no 38a Hedge Top Lane as it is at a slightly higher level than application site.

Furthermore, the upper floor window in the rear of plot 3 is to be obscure glazed to ensure the privacy of the neighbouring dwelling is maintained and this will be conditioned to ensure retention thereafter.

With regards to plots 5-8 the plots look onto both the garden and house of no. 22 Hedge Top Lane. However, there is a high hedge which is a substantial hedge along the boundary of 22 Hedge Top Lane and as such is unlikely to cause any privacy or amenity issues with the proposed new housing or that dwelling.

Boundary treatments for all plots will be conditioned to ensure privacy is maintained.

Given the above, the proposal is considered to comply with policy BT2 of the CLP.

Materials, Layout & Design.

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Section 12 of the NPPF paragraph 126 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

Paragraph 130 of the NPPF confirms that planning decisions should, amongst other matters, ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The site is also located as a Landscape Character designation and as such CLP policy GN4 is relevant.

“New development should be designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated. For each Landscape Character Area, planning permission will only be granted if the proposed development would:

- a. Make adequate provision as far as is practicable for the retention of features and habitats of significant landscape, historic, geological and wildlife importance
- b. Where possible, enhance the character and qualities of the landscape area through appropriate design and management
- c. Reflect and enhance local distinctiveness and diversity, and
- d. Provide appropriate landscape mitigation proportionate in scale and design, and/or suitable off-site enhancements.

This current application relates to the construction of 8 dwellings with a mix of three house types all with associated gardens and parking areas.

House type D – Plots 2 and 3 are detached dwellings over three floors and includes an attached garage with utility at the rear. It will provide lounge, hallway, wc, study, open plan kitchen/dining room, lounge on the ground floor and four bedrooms, family bathroom on the first floor and two further bedrooms and bathroom within the roof space.

House type B – plot 1 is a large, detached dwelling with detached double garage. The ground floor will provide a lounge, hallway, wc, study, plant room and open plan kitchen/dining room. The first floor will provide four bedrooms, family bathroom and playroom above the garage with two further bedrooms and family bathroom within the roof space.

House type C - plots 4 to 8 are detached dwelling over three floors. It provides an integral garage, utility room, kitchen and wc on the ground floor, lounge, study and ensuite bedroom on the first floor and four bedrooms and family bathroom within the roof space.

The materials proposed for the dwellings are artificial stone and natural blue slate, however, whilst the area is home to a mix of design and given its proximity to the Conservation Area, nearby stone terraced dwellings and prominent buildings (The Community Centre, St Matthews Church), it would be expected that the development would make use of traditional materials. Whilst the use of natural blue slate is considered acceptable, the use of artificial stone is not considered acceptable and would detract from the character of the area. Natural stone is required on such a prominent location and therefore, a condition will ensure materials are submitted to ensure appropriate materials.

With regards to garden sizes, Paragraph A.2.7 in Annex 2 states that

"Private garden areas are normally expected to be provided in new residential developments. Ordinarily, these must be of an adequate size, shape and level and should be in proportion with the dwelling proposed, size of plot and general character of the area. However, these requirements must be offset against the desire to achieve higher density developments, which could result in the provision of small scale easily managed gardens and private amenity spaces."

Gardens for each plot have been provided along with parking. As plots 1, 2 and 3 are the larger of the houses, the gardens are modest for the size of dwelling. With regards to plots 4-8 the garden sizes have been shown on the site layout as follows:

- Plot 4 – 160m²
- Plot 5 – 165m²
- Plot 6 – 162m²
- Plot 7 – 121m²
- Plot 8 – 117m²

It is noted that these sizes have included the parking areas, side gardens and front gardens. Whilst it is noted that some are small in scale, it is considered that the gardens do provide sufficient space for residents to sit out, hang washing, and for children to securely play, which is what would be expected from a garden. The gardens are not in proportion with majority of large, detached houses in the area, though it is noted that a more recent development to the north (Crimond Close, 15/01450/FUL) does have smaller gardens similar to this scheme. Nonetheless, it is considered that the garden sizes proposed are adequate having regard to the desire for higher density developments and the need for housing supply.

It is considered that 8 dwellings would make a positive contribution to the character and visual amenity of the locality, especially as the stone boundary wall fronting onto Bradford Road is being retained.

It is considered that the design, scale and massing of the dwellings as shown on plan subject to appropriate walling and roofing materials will respect the established character of the area and would not have a detrimental impact on the visual amenity of nearby residents.

Subject to conditions, the proposal accords with policies BT1 of the CLP and section 12 of the NPPF.

Highway Considerations

CLP policy BT4 discusses the design and layout of highways and accesses.

Annex A of the emerging Local Plan sets out car & bicycle parking standards with IM5 ensuring development supports sustainable travel.

CLP policy IM4 states that:

“Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. This will be achieved by a range of mechanisms that mitigate the impacts of car use and promote the use of other forms of transport with lower environmental impacts...”

Paragraphs g and j of IM4 are also relevant as they seek to encourage cycle usage and the provision of electric charging points.

The proposal provides an internal road with a turning head adjacent to plot 8. All plots have provided a garage for each dwelling.

The Assistant Director – Strategic Infrastructure (Highways) were consulted on the application and made the following comments: -

“In highway terms the proposals are very similar to the 2021 application that was refused. That was considered acceptable subject to a number of requested conditions.

The current layout has sufficient car parking, including spaces for visitors. There is also space for refuse and delivery vehicles to manoeuvre and turn within the site.

The mews court serving plots 1 to 3 should be indicated as block paved. The layout of this area has been amended from the previous scheme to accommodate the changes to plot 3. These changes are acceptable. A number of conditions have been requested.”

Subject to conditions, the proposal accords with policies BT4 and IM4 of the CLP.

Paragraph 112(e) of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. In accordance with this, a condition is proposed requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be used in connection with that dwelling.

Flooding and drainage

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management which includes amongst other things:

“...Ensuring new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity;...”

The applicant is proposing to dispose of foul sewage and surface water via the mains sewer.

The Council's Lead Local Flood Authority has commented on the application and notes that a Drainage Strategy will be required for the proposals which should follow the drainage hierarchy and the proposed outfall connection. They have suggested a condition to require this information.

Furthermore, Yorkshire Water, as the statutory sewerage undertaker, have commented on the proposal and recommended conditions to ensure separate systems of foul and surface water drainage are provided on the site and the developer has satisfactorily demonstrated appropriate surface water disposal. The full comments will be included as an informative.

Subject to these conditions, the proposal complies with CLP policies CC2 and CC3.

Developer Contributions: Affordable Housing and Education

The scheme is for 8 dwellings and falls under the threshold for developer contributions in relation to providing affordable housing or education contributions with this application.

Public health, Land Contamination and Noise

One of the 12 core land-use planning principles set out at paragraph 20 of the NPPF is:

Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The Planning Practice Guidance establishes that when deciding whether air quality is relevant to a planning application consideration could include whether development would significantly affect traffic including generating or increasing traffic congestions, significantly changing traffic volumes etc. It is considered that the proposed development is well served by existing highway infrastructure and would not result in a significant impact on air quality from the resulting vehicle movements.

Notwithstanding this, the Air Quality & Emissions Technical Planning Guidance suggests that most developments, however larger or small, can “contribute to overall air quality and provides for a proportionate level of mitigation to be put in place to achieve sustainable development”. In this case, facilities for charging plug-in and other ultra-low emission vehicles will be conditioned in accordance with paragraph 112e of the NPPF and it is considered that this would provide appropriate mitigation.

The site is in an area of potential contamination and policy EN3 is applicable. Policy EN1 is applicable as the site is adjacent to a classified A road and there is potential for noise from traffic.

The Assistant Director – Neighbourhoods (Environmental Health) has been consulted and addressed these two issues.

“I am unable to see the phase 1 report however I agree with the conclusions discussed in the DAS based on historical maps. A phase 2 investigation is not required.

The noise report concedes that significant attenuation measures are required given the proximity of Back Clough Road. These should be included by condition.

I have no concerns regarding the air quality assessment.

The developer has committed to include vehicle charge points at each dwelling. This should also be included as a condition.

Further to my earlier comments I would like to request a number of conditions.

The Noise Impact Assessment Report (Report Ref: P4682-R1-V1) contains a scheme of noise attenuation measures for each property. these should be included by condition:

The details of the scheme so approved (Noise Impact Assessment Report (Report Ref: P4682-R1-V1)) shall then be implemented before the first occupation commences and shall be retained thereafter.

The addition of electric vehicle charge points at each proposed dwelling should also be included.”

Subject to conditions, the proposal is considered to comply with policy EN1 and EN3 of the CLP.

Crime Prevention.

CL P policy BT5 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.

The West Yorkshire Police Architectural Liaison officer has considered the proposal and has provided recommendations in order to reduce crime. An informative is proposed advising the applicant of these comments.

CONCLUSION

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

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

Date: 25th May 2023

Further Information

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

Janine Branscombe (Case Officer) on 01422 392211

or
Lauren Clarkson (Lead Officer) on 07702657078

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Notwithstanding any details shown on the permitted plans, the facing of the development shall not begin until details of the facing material which shall be of regularly coursed natural stone (sympathetic in colour, coursing and texture to that used in the immediate vicinity), have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, it shall be constructed in accordance with the details so approved and so retained thereafter. The pointing shall be flush with the face of the stone or slightly recessed, ("ribbon" or "strap" pointing shall not be used) and shall be so retained thereafter.
3. Notwithstanding any details shown on the submitted plans, the roofing of the development shall not begin until details of the roofing material which shall be of natural blue slates have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the roofing of the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
4. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
5. Notwithstanding any details shown on the approved plans a scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
6. Prior to the construction of the access road details of the construction and specification for the access road shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be fully implemented before any part of the development is occupied and shall be retained thereafter.
7. The development shall not be brought into use until detailed drawings of the works within the highway to create the right turn lane on Back Clough have been submitted to and approved in writing by the Local Planning Authority. The works shall then be constructed in accordance with the drawings so approved prior to the development being brought into use.
8. The dwellings shall not be occupied until sightlines of 2.4 x 43m have been provided in both directions at the centre point of the access road at its junction with the existing highway and these shall be kept free of any obstruction to visibility exceeding 0.9m in height thereafter.
9. No dwellings shall be occupied until the access road, car parking spaces and turning areas shown on the permitted plans have been fully constructed, sealed and made available for the occupiers of the dwellings. These facilities shall thereafter be retained.

10. Notwithstanding the provisions of Part 4, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, before construction works commence, details shall be submitted for the written approval of the Local Planning Authority in respect of the provision of a contractor's compound and staff car parking area within the site. Such details shall include the provision of protective fencing to the boundaries of the construction site. The details so approved shall thereafter be implemented in advance of construction works commencing and shall be retained for the duration of construction works unless otherwise agreed in writing by the Local Planning Authority.
11. Prior to commencement of works at the site, a scheme for the prevention of mud or other material being deposited onto the public highway, including full details of any equipment on the site used to clean the hardstanding areas, access, wheels and chassis of vehicles, equipment location and means of drainage, shall be submitted to and approved in writing by the local planning authority. The permitted scheme shall be implemented on commencement of works. The scheme shall be updated where the local planning authority consider mud on the road to be a recurrent problem by the operator or their agents in liaison with and to the written approval of the local planning authority. The updated scheme shall be implemented within a timescale to be agreed. In the event of mud or other material being deposited onto the public highway, immediate remedial and preventative action shall be taken, including suspension of operations if necessary.
12. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
13. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public surface water sewer network at a maximum rate of 3.5 (three point five) litres per second, and to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
14. The development shall not be occupied until details of the treatment of the boundaries of the site, including between dwellings, 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 development and shall thereafter be retained.
15. In connection with any garage, driveway, vehicle hardstanding or carport hereby approved for construction within the boundary of a dwelling, there shall be installed in an appropriate location a suitable 3.7 Kw facility to permit the recharge of an electrical battery-powered vehicle that may be used in connection with that dwelling. Unless otherwise required by the location the installation(s) shall comply with IEE regulations and BSEN 62196-1 for a mode 3 system.
16. Prior to the first occupation of the development the attenuation measures in the approved Noise Impact Assessment Report (Report Ref: P4682-R1-V1)) shall be implemented and retained thereafter.

Before the first occupation of the relevant dwelling the glazing and ventilators so approved shall be installed and a written report of a suitably qualified noise consultant, to show that the specified noise levels have been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

17. Prior to the first occupation of the relevant dwelling the glazing and ventilators so approved shall be installed and a written report of a suitably qualified noise consultant, to show that the specified noise levels have been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies BT1 and HE1 of the Calderdale Local Plan.
3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies BT1 and HE1 of the Calderdale Local Plan.
4. To ensure proper drainage of the site and to ensure compliance with Policies CC2 and CC3 of the Calderdale Unitary Local Plan.
5. In the interests of crime prevention and to ensure compliance with policy BT5 of the Calderdale Local Plan.
6. To ensure that suitable access is available for the development and to ensure compliance with Policy BT4 of the Calderdale Local Plan.
7. In the interests of highway safety and to ensure compliance with policy BT4 of the R Calderdale Local Plan.
8. To ensure adequate visibility in the interests of highway safety and to ensure compliance with Policy BT4 of the Calderdale Local Plan.
9. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with Policy BT5 of the Calderdale Local Plan.
10. In the interests of highway safety and to ensure compliance with Policy BT4 of the Replacement Calderdale Unitary Development Plan.
11. In the interests of highway safety and to ensure compliance with Policy BT4 of the Replacement Calderdale Unitary Development Plan.
12. In the interest of satisfactory and sustainable drainage.
13. To ensure that no surface water discharges take place until proper provision has been made for its disposal.

14. In the interests of amenity and privacy and to ensure compliance with Policies BT1 and HE1 of the Calderdale Local Plan.
 15. In the interests of sustainability and to ensure compliance with Paragraph 112 (e) of Section 9 (Promoting sustainable transport), of the National Planning Policy Framework.
 16. For the avoidance of doubt and in the interests of the aural amenity of occupiers of the dwellings and to ensure compliance with Policy EN1 of the Calderdale Local Plan.
 17. For the avoidance of doubt and in the interests of the aural amenity of occupiers of the dwellings and to ensure compliance with Policy EN1 of the Calderdale Local Plan.
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Time Not Before: 1445 - 01

Application No: **22/01294/FUL**

Ward: **Ryburn**

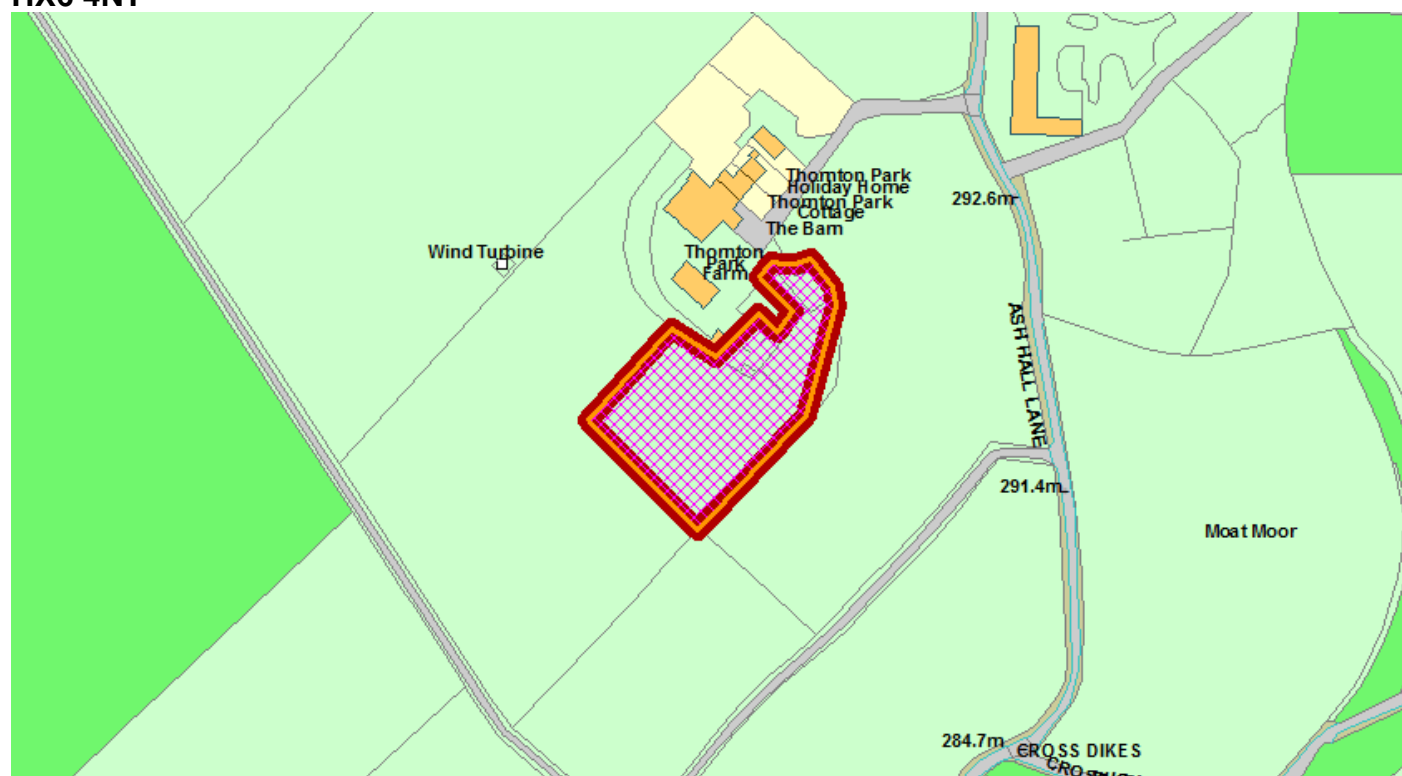
Area Team: **South Team**

Proposal:

Change of use of grazing land to provide 5 timber clad camping pods and formation of grassed landscaped embankment (part retrospective).

Location:

**Thornton Park Farm Ash Hall Lane Cotton Stones Sowerby Bridge Calderdale
HX6 4NT**



Applicant:

Mr R Dunnett

Recommendation: **REFUSE**

Parish Council Representations:

Yes

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Ripponden Parish Council

Highways Section

Tourism & Rural Development

Description of Site and Proposal

The site forms part of the land of the working farm Thornton Park Farm located in a rural area of Cottonstones. There is an open fronted shed which is utilised for keeping machinery to the south of the main farmhouse. In front of the shed is an area of hardstanding. The field is located at the rear of this shed, where the glamping pods will be located. It has had a raised grassed area already in situ around the site to enclose the glamping pods and provide a screening from the farm. The area where the pods are to be sited was previously used to store farm machinery/vehicles and hay bales.

Thornton Park Farm is a beef farm rearing beef cattle. The site comprises upland grazing land. It is set in a relatively remote location in open countryside. The farm buildings and farm residence within the holding are accessible by a farm driveway that leads to a metalled highway to the east (Ash Hall Lane). A network of public footpaths traverse the farm (i.e., bridleway route 07/4/4, 07/05/2) providing direct access to the Calderdale Way, a long distance public footpath that runs south and west of the holding.

The application seeks the change of use from grazing land to provide 5 timber clad camping pods and formation of grassed landscaped embankment (part retrospective).

The application is accompanied by the following supporting documents:

- Planning Statement
- Foul Drainage Assessment

The application has been referred to Planning Committee at the request of Councillor Robert Thornber.

Relevant Planning History

An application for single storey rear extension was permitted under delegated powers on 28th March 2008 (application number 08/00260/HSE).

An application for proposed agricultural building for hay and machinery was permitted under delegated powers on 12th May 2008 (application number 08/00505/FUL).

An application for installation of one 15Kw Wind Turbine on a 15m mast was permitted under delegated powers on 26th March 2009 (application number 09/00181/FUL).

An application for a 11Kw Wind Turbine on a 18m mast (amended design to previous approved 09/00181/FUL) was permitted under delegated powers on 23rd March 2010 (application number 10/00089/FUL).

An application to discharge condition 5 on 10/00089/FUL was complied with on 11th June 2010 (application number 10/00089/DISC1).

An application to discharge condition 5 on 10/00089/Ful was complied with on 27th December 2019 (application number 10/00089/DISC2).

An application for siting of caravan/lodge (Lawful Development Certificate for proposed use) was granted a LDC on 5th July 2013 (application number 13/00507/192).

An application for the installation of one 11Kw Gaia Wind Turbine on an 18m tower was refused under delegated powers on 9th September 2013 (application number 13/00763/FUL).

Key Policy Context:

Calderdale Local Plan Designation	Green Belt Wildlife Habitat Network Landscape Character Area – Blackwood Common
Calderdale Local Plan policies	GB1 Development in the Green Belt EE2 Economic Activity Outside the Main Urban Areas BT1 High Quality Inclusive Design EN1 Pollution Control BT3 Landscaping BT4 The Design and Layout of Highways and Accesses IM5 Ensuring Development Supports Sustainable Travel – Annex A Car & Bicycle parking standards CC3 Water Resource Management CC2 Flood Risk Management (Managing Flood Risk in New Development - Protection from Flood Risk GN3 Natural Environment GN4 - Landscape
National Planning Policy Framework Paragraphs	6. Supporting a prosperous rural economy. 12. Achieving well-designed places 13. Protecting Green Belt land 14. Meeting the challenge of climate change, flooding and coastal change. 15. Conservation and enhancing the natural environment
Other Relevant Planning Constraints	Public right of way Ripp 005
Other Material Planning Considerations	Climate Emergency Declaration (January 2019) Emerging NDP.

Publicity/ Representations:

The application was publicised with a press notice and site notice.

Four letters of representation were received.

Summary of Points Raised:

Support

- Sustainable form of development
- Scheme provides tree planting
- Supports outdoor recreation
- Limits the impact on the open landscape
- Brings essential tourism to the area
- Welcome asset to the area
- Creation of new jobs
- Provides diversification for farmers and/or additional income

Ward Councillor Comments

Councillor Robert Thornber provided the following comments:

“I email to request planning application 22/01294/FUL be determined by the Planning Committee if the recommendation is to refuse.

I feel that the introduction of camping pods situated at Thornton Park Farm would not have any adverse effect on the openness of the Green Belt.

The site would be adequately screened by a landscape buffer with the existing farm building in the backdrop.

On the whole I believe that this application meets the requirements of Calderdale’s Green Belt policies.”

Parish/Town Council Comments

The development is located with the boundaries of Ripponden Parish Council.

“approved”.

Assessment of Proposal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government’s planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt.]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site lies within the Green Belt and as such the presumption in favour of development does not apply.

Principle of Development

Section 6 of the NPPF seeks to support a prosperous rural economy and highlights that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account, both local business needs and wider opportunities for development.

Paragraph 84 of the NPPF also says that decisions should enable the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments which respect the character of the countryside. Development should be sensitive to its surroundings, should not have an unacceptable impact on local roads and should exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Calderdale Local Plan Policy EE2 relates to economic activity outside the main urban areas and states that the provision of new premises on a small scale in areas outside the main urban settlements will be permitted provided that the proposals meet the requirements of Policy GB1 – Green Belt.

Furthermore, policy EE2 states that proposals will not be supported which have an adverse impact on areas of environmental sensitivity or are not located in a sustainable location.

To fulfil the requirements of policy EE2 the application is assessed against Green Belt and other policies in the body of this report.

The Green Belt

The application site lies within the Green Belt therefore the main issues are:

- (a) Whether the proposal would constitute inappropriate development in the Green Belt;
- (b) Its effect on the openness of the Green Belt and the purposes of including land within it; and
- (c) If the inappropriate development, whether the harm by or reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

Policy GB1 (I) of the Local Plan states that within the Green Belt, the construction of new buildings is inappropriate development except in the following circumstances

- a. *Buildings for agriculture and forestry*
- b. *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*
- c. *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*
- d. *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*
- e. *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan, or*

- f. *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - i. *Not have a greater impact on the openness of the Green Belt than the existing development, or*
 - ii. *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the Borough.*

Policy GB1 (II) of the Calderdale Local Plan then goes into to list other forms of development that are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These exceptions are:

- a. *Minerals extraction*
- b. *Engineering operations*
- c. *Local transport infrastructure which can demonstrate a requirement for a Green Belt location*
- d. *The re-use of buildings provided that the buildings are of permanent and substantial construction*
- e. *Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), and*
- f. *Development brought forward under a Community Right to Build Order or Neighbour Development Order*

The National Planning Policy Framework reiterates Policy GB1 of the Calderdale Local Plan. Paragraphs 149 and 150 of the NPPF include the exceptions above to inappropriate development in the Green Belt.

It is considered that the proposal could fall within Policy GB1 (I) b) and GBI (II) b) and e) of the Calderdale Local Plan and Paragraph 149 b) providing that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Impact on Openness

Openness is a fundamental characteristic of the Green Belt. Paragraph 137 of the NPPF states:

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

In terms of preserving the openness of the Green Belt, the application seeks permission for change of use of grazing land to provide 5 timber clad camping pods and formation of grassed landscaped embankment. The application is part retrospective as the embankment is already in-situ. There is a proposed parking area to the east of the site where there is parking provision to keep the vehicles adjacent the site on an existing hardstanding area.

The embankment around the camping pods encloses the site and further additional landscaping is proposed which the applicant contends would lower the impact on the openness of the Green Belt. The site is part of a larger field but located in the southern corner of a field adjacent an existing agricultural shed, with the aim of reducing impact through siting the pods next to this existing built form.

However, any form of development in this location will impact on the openness of the Green Belt on what is currently an open field site, and as such there will be harm to the openness of the Green Belt. Whilst the application has not indicated the extent of external lighting, this would also be a consideration.

The embankment itself, whilst existing, is part of the engineering operations to be considered by this application and its existence impacts on the openness of the Green Belt, through the introduction of a raised bank forming an enclosure onto what was formerly a larger open field with views across the surrounding open countryside. The introduction of further landscaping, whilst seeking to mitigate impact of the camping pods on the character and openness of the area, will further erode the open nature of the landscape and thus cause further harm to the openness of the Green Belt.

Due to the topography of the land, the site is now enclosed at the front by an access road and dry-stone wall and by the embankment around the rear of the site, screening the camping pods from the road but not from wider views across the valley.

Taking the above into consideration, Officer's consider that the openness of the Green Belt would not be preserved in accordance with paragraphs 149 and 150 of the NPPF; rather the proposal will increase the built form of development in the Green Belt through the introduction of the pods, and the associated banking engineering operations enclose and harm the open nature of the site and wider rural countryside.

Purposes of including land within the Green Belt

Paragraph 138 of the NPPF sets out the five purposes of the Green Belt. In terms of the five purposes of including land in the green belt, the proposal is considered accordingly:

- a. the proposal is considered to represent unrestricted sprawl given its rural location in a field;
- b. the proposal would not result in neighbouring towns merging into one another, as the site's location and scale of development is such that this would not be the case;
- c. the proposal would be harmful to the green belt in that it would not safeguard the countryside from encroachment;
- d. there would not be harm in relation to the setting and special character of historic towns due to its isolated countryside location; and
- e. the proposal would not assist in urban regeneration.

Given the above, Officer's consider that the proposed development does not meet the exceptions identified in GB1 I b and II b and 149 and 150 of the NPPF because it does not preserve the openness of the Green Belt and conflicts with the purpose of including land in it. Therefore, the development is considered inappropriate in principle.

Case for Very Special Circumstances

Paragraph 147 of the NPPF establishes that inappropriate development in the Green Belt should be refused, unless there are very special circumstances. Paragraph 148 of the NPPF states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to Green belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The report will now assess if the inappropriate development, whether the harm by or reason by inappropriate and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

The applicant considers that the very special circumstances to be tourism and diversification of agricultural land that benefit businesses in rural areas. Justification for the proposal is that there is a demand for camping facilities in the area and lack of such facilities is therefore to the detriment of the tourist/leisure business. The applicant considers that the provision of camping and glamping facilities would be consistent with paragraphs 138 and 145 of the NPPF and therefore do not consider the proposal to be inappropriate development.

Whilst it is acknowledged that camping facilities are often located in rural areas, policy is clear that such facilities should not harm the openness of the green belt. It is considered that the proposal has a harmful impact on the openness of the green belt and detracts from the character and appearance of the surrounding rural landscape (discussed below).

Furthermore, the site is in a remote and unsustainable location and will not be easily accessible by public transport links and therefore most visitors to the site would be reliant on the private car.

Thus, as the 5 camping pods would only provide a limited tourism/rural economy benefit, it is considered this would not form a very special circumstance that would outweigh the harm to the Green Belt by inappropriateness, nor the other harm to openness of the greenbelt, detriment to the landscape character or the unsustainable location of the development.

The development fails to comply with policies GB1 and EE2 and is unacceptable in principle.

Design and Impact on the Character and Appearance of the Local Area and Landscape Character Area

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Section 12 of the NPPF paragraph 126 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

Paragraph 130 of the NPPF confirms that planning decisions should, amongst other matters, ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

In this instance, landscape character is also important because the site lies within the Blackwood Common Landscape Character Area. Policy GN4 of the CLP advises that new development should be designed in a way that is sensitive to its landscape setting and retains and enhances the distinctive qualities of the landscape area in which it would be situated. It confirms that planning permission will only be permitted if the proposal would meet four criteria, which include the need for the scheme to retain features and habitats of significant landscape, historic, geological and wildlife importance, enhance the character and qualities of the landscape area through appropriate design and management and deliver appropriate landscape mitigation that is proportionate.

The Calderdale District Landscape Character Assessment produced for the Council by LUC in 2016 confirms that Blackwood Common includes parts of the River Ryburn valley, Soyland and Rishworth Moors as well as smaller moors like Long Edge, Norland and Ringstone Edge.

Characteristics include a network of winding, rural lanes that join more major roads and a dense network of footpaths and bridleways, a dispersed settlement pattern comprising scattered stone-built barns and farmhouses, with housing developments surrounding the main settlements, including Sowerby and visual qualities that are described as including open, upland fringe landscape character with long views, often conveying a relative sense of remoteness and isolation.

Access to the site will utilise the existing access to the host dwelling. Within the site an existing access track and hardstanding will provide access to the site along with parking provision.

The glamping pods of which there will be five, are to be constructed from horizontal timber boarding and finished in a dark stain to blend in with the adjoining-built background and nearby stone walls and timber fencing. They measure 8m by 4m wide with a height of 3.2m. Each pod having a window at the rear and fully glazed door and window at the front. Due to the topography of the land, the site is considered to be visible from across the valley. It is acknowledged that there is already a dry-stone wall on the boundary of the site from the road, but the glamping pods although enclosed at the rear by an embankment, they would still be visible from across the valley.

The proposed site already benefits from a hardstanding area which gives access to an agricultural building, although the materials would show impact on the visual amenity of the area given the gravel surfacing material already used. There is plenty of room for the parking for the visitors and existing farming traffic.

With regards to the landscape character and visual amenity of the area, the applicant explains that the glamping pods would be located on an operational farm directly off the Calderdale Way, next to existing farm buildings, largely hidden from view due to the grass banking and field walls that act as background/foreground to the development. Furthermore, the applicant contends the pods are not considered permanent features and as such would have no effect on the landscape, due to the embankment screening. The pods are considered minimal in number and spread across the site and would be sited against the boundary with a backdrop of proposed landscaping. The proposed access is already in and is a gravel surface which will retain a rural appearance and as such, the applicant considers there would be no harmful impact from the development on the landscape character area or on visual amenity.

The existing access will be used to serve the site with an existing dedicated area for cars to park. The land is considered to be far enough away from the farmhouse not to introduce any residential amenity issues. Furthermore, the site will be appropriately managed with strict control over noise and waste management.

However, as described above, the embankment itself in an addition in the landscape that detracts from the open nature of the upland fringe landscape character, and the proposal impact on long views across the valley which reduces the relative sense of remoteness. Furthermore, the siting of the pods themselves, along with associated paraphernalia introduces a designed element into the landscape which would be at odds with its open rural character.

Thus, the harm the proposal would cause to the character and amenity of the area does not outweigh any positive benefits of providing additional tourism accommodation, it would detract and damage the prevailing landscape character, and as such would be contrary to policies BT1 and GN4.

Residential Amenity

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts will arise.

Paragraph 185 of the NPPF establishes that:

Planning policies and decisions should aim to (amongst other things);

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions....

CLP policy EN1 – the Council will seek to reduce the amount of new development that may reasonably be expected to cause pollution or be exposed to pollution. When determining planning applications, consideration will be given to:-

- the likelihood of light, noise, smell, vibration or other emissions that pose an unacceptable risk to the amenity of the local area.
- The potential for light pollution to affect intrinsically dark landscapes
- The potential for unacceptable light pollution onto other property or land

The pods have been located so as not to impact on each other with regards to amenity and privacy.

There is the potential for some noise at the site from guests coming and going and general noise associated with such development. The applicant has confirmed that the site would be appropriately managed with strict control over noise and waste management. Furthermore, any particular noise disturbance could be picked up via the Environmental Health team but as the applicant's live on site, it is considered unlikely that there would be a problem in terms of noise.

A condition would require any details of any lighting proposed to alleviate any light pollution or keep it to a minimum in such a rural site.

Given the above the proposal is considered to satisfy CLP policies BT2 and EN1 and paragraph 185 of the NPPF.

Highway Considerations

CLP policy BT4 discusses the design and layout of highways and accesses.

Annex A of the emerging Local Plan sets out car & bicycle parking standards with Policy IM5 ensuring development supports sustainable travel, including the public transport network, supporting modal choice and facilitate reductions in carbon emissions.

CLP policy IM4 states that:

“Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. This will be achieved by a range of mechanisms that mitigate the impacts of car use and promote the use of other forms of transport with lower environmental impacts...”

Paragraphs g and j of IM4 are also relevant as they seek to encourage cycle usage and the provision of electric charging points.

The proposal introduces an existing designated parking area immediately to the east of the proposed camping pods with adequate access from Ash Hall Lane to the site.

The Assistant Director – Strategic Infrastructure (Highways) were consulted on the application and made the following comments:-

[note response was received prior to adoption of the Local Plan – the policies quoted therein are directly transferable to the CLP policies quoted in this section]

“The development is not well connected on foot to local facilities and public transport and therefore in terms of sustainable access would be contrary to policies GP1 (Encouraging Sustainable Development), BE6 (The Provision of Safe Pedestrian Environments), NE4 (Conversion or Change of Use of Buildings in the Green Belt) and H9 (Non-allocated Sites) of the Replacement Calderdale Unitary Development Plan and would not support the objectives set out in paragraphs 104 and 105 of the National Planning Policy Framework.

It is appreciated that this type of accommodation is usually located in rural or semi-rural location. However, the site is not considered to be in a sustainable location and guests would be reliant on a car for most if not all their journeys.

When the highway authority assesses walking routes and distances it considers the quality, including gradients, and distance along the highway. Walking routes need to be on surfaced public roads. Even public rights of way route are not usually considered unless they are surfaced and lit with vehicle segregation. They are considered as primarily leisure routes. Private footpaths are not acceptable as walking routes to local facilities even if lit and surfaced as there is no guarantee that they would be available for public use.

It is just short of 1km to the nearest bus stops; this exceeds the 400-500m distance typically considered to be the threshold maximum walking distance.

Although the approach roads to the site from the main arterial routes are narrow and unlit, I do not consider that they are unsuitable for intensification. The roads generally have adequate forward vision or passing places. It would be for the planning officer to determine the suitability of the application given the unsustainable location.

The development would need secure cycle storage for each pod, this could be requested by condition should approval be given.

It is noted that the site is some distance away from bus stops (which are usually infrequent) and that the site would be reliant on vehicles to get to the site. Whilst it is acknowledged that camping pods are proposed in rural locations for walkers and cyclists to enjoy rural pursuits, in this case, the remote nature of the location and lack of linkages to sustainable modes of travel, weighs heavily against permission being granted. Furthermore, it is considered that the proposal does not meet the Principle of Development in relation to Green Belt and Economic policies (as above).

Thus, the site is in an isolated and unsustainable location that would not be readily accessible by sustainable modes of transport and is not well connected on foot to local facilities and public transport. The only access to services and facilities for pedestrians and cyclists would be achieved via a narrow, unlit road without pavement provision. It is therefore considered highly likely that trips by future occupiers of the glamping pods would be heavily reliant on the use of the private car.

The proposal therefore fails to prioritise travel by means other than the private car and would not support sustainable travel. It would therefore be contrary to policies IM4, IM5 and EE2 of the Calderdale Local Plan and would not support the objectives set out in paragraphs 104 and 105 of the National Planning Policy Framework.

Flooding and drainage

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management which includes amongst other things:

“...Ensuring new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity;...”

The clamping pods will each have their own bathrooms and therefore a package treatment plant is proposed for the development and therefore a condition will ensure details are submitted for approval.

Subject to a condition, the proposal complies with CLP policies CC2 and CC3.

The Planning Balance

The proposal is for a camping pods on an existing farm as it is close to public footpaths, Calderdale Way and Cycling routes. Many outdoor activities are located in rural areas and as such, it is considered that the proposal could be an acceptable type of development within Green Belt locations, subject to meeting other relevant policies.

The site is an existing farming enterprise and rural diversification such as this type of development helps struggling farms. Justification has been provided in that there is a demand for camping facilities in the area and the lack of this type of facility is therefore to the detriment of the tourist/leisure business. Further to this, the applicant argues that the siting means that the pods and farm buildings would be seen in relation with each other reducing the impact they would have. The materials are timber cladding which will be dark stained to blend in with the setting.

However, whilst some reduction in impact is shown by the location to the east of an existing farm building and enclosed by an embankment, there is an impact on the Green Belt. The embankment itself is an engineering operation that harms the openness of the greenbelt, and the development as a whole would impact on the character of the open countryside.

Furthermore, the site is in an isolated and unsustainable location that would not be readily accessible by sustainable modes of transport and is not well connected on foot to local facilities and public transport. Use of the glamping pods would, therefore, be heavily reliant on the use of the private car.

It is considered that the benefits the camping would bring for the existing farm business and the sympathetic use of materials and location of the pods, would clearly not outweigh the harm to the Green Belt and the other harm to the character of the open countryside and the unsustainable location.

The proposal on balance given the above is therefore considered to be unacceptable.

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 GB1, EE2, BT1 and GN4 of the Calderdale Local Plan and guidance within the National Planning Policy Framework, nor have there been any material considerations to indicate that an exception should be made in this case.

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

Date: 24th May 2023

Further Information

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

Janine Branscombe (Case Officer) on 07738785253

Lauren Clarkson (Lead Officer) on 07702657078

Reasons

1. The site lies within the approved Green Belt in the Calderdale Local Plan. Within the Green Belt there is a presumption against development for purposes other than those categories specified under policy GB1 of the Calderdale Local Plan and paragraphs 149 and 150, section 13 of the National Planning Policy Framework. The proposed development falls outside these specified categories because it introduces buildings and operations that do not preserve the openness and conflicts with the purpose of including land in the Green Belt. As such it represents inappropriate development in the Green Belt, which is by definition harmful. this is compounded by further harm to the openness of the Green Belt. landscape character and by virtue of being in an unsustainable location. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the development. It is therefore considered that the proposal would be contrary to Policy CB1 of the Calderdale Local Plan and Section 13 (Protecting Green Belt land) of the NPPF.
 2. The site lies within a Landscape Character Area on the Calderdale Local Plan and the proposal would, in the opinion of the Local Planning Authority, adversely affect the Landscape setting, appearance and character of the area particularly by reason of its siting that would adversely affect its rural character and appearance of the surrounding countryside and Landscape Character Area. For these reasons, the proposal would be contrary to Policy GN4 (Landscape Area) and policy BT1(High Quality Design) of the Calderdale Local Plan.
 3. The site is in an isolated and unsustainable location that would not be readily accessible by sustainable modes of transport and is not well connected on foot to local facilities and public transport. The only access to services and facilities for pedestrians and cyclists would be achieved via a narrow, unlit road without pavement provision. It is therefore considered highly likely that trips by future occupiers of the glamping pods would be heavily reliant on the use of the private car. The proposal therefore fails to prioritise travel by means other than the private car and would not support sustainable travel. It would therefore be contrary to policies IM4 (Sustainable Travel), and IM5 (Ensuring Development Supports Sustainable Travel) and EE2 (Economic Activity Outside the Main Urban Areas) of the Calderdale Local Plan and would not support the objectives set out in paragraphs 104 and 105 of the National Planning Policy Framework.
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Time Not Before: 1445 - 02

Application No: **22/00886/VAR**

Ward: **Calder**

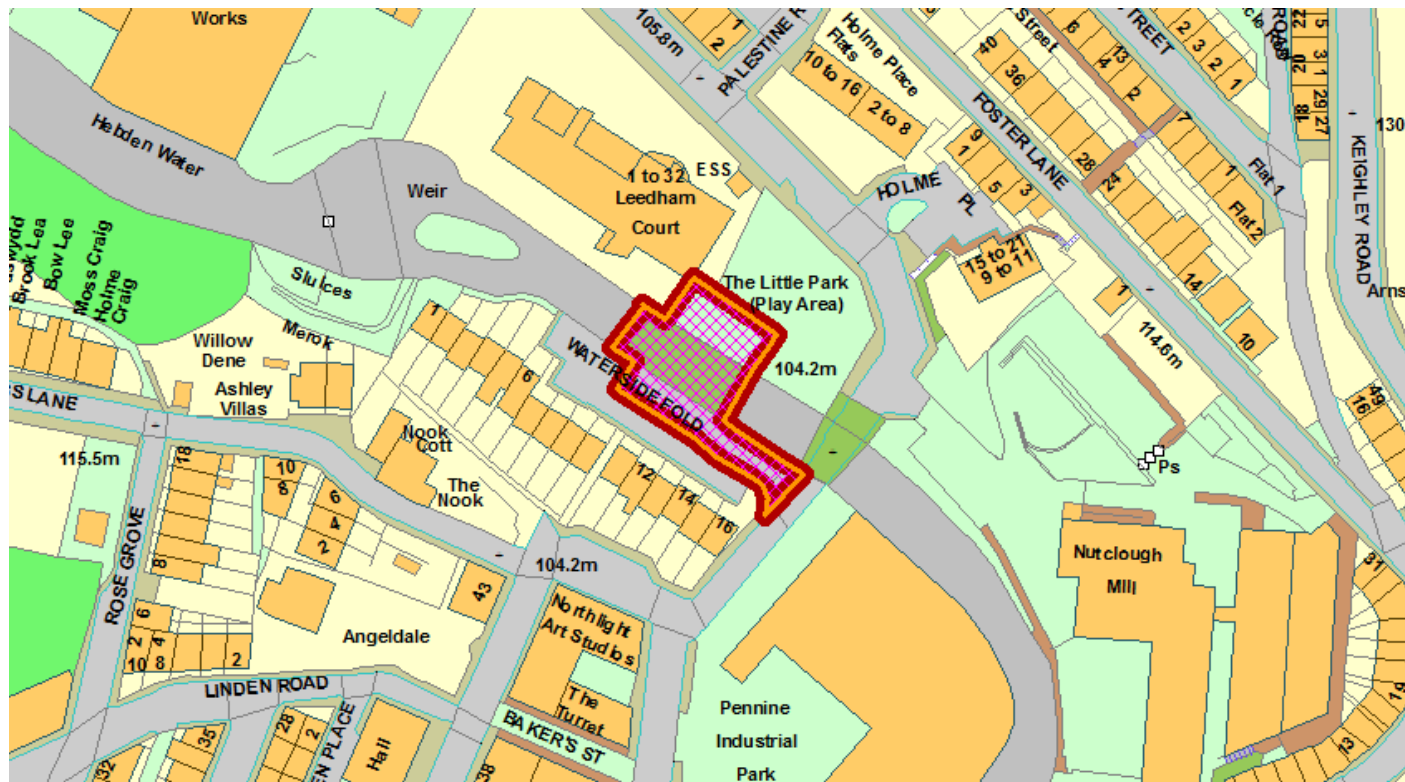
Area Team: **North Team**

Proposal:

Variation of Condition 1 on planning application 15/00301/FUL - Design amendments

Location:

Land South West Of The Little Park Victoria Road Hebden Bridge Calderdale



Applicant:

Nellstar Properties Ltd

Recommendation: **PERMIT**

Parish Council Representations:

Yes

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Environment Agency (Waste & Water)

Countryside Services (E)

Flooding And Land Drainage

West Yorkshire Police ALO
Hebden Royd Town Council
Lead Local Flood Authority
Environment Agency (Waste & Water)
Hebden Royd Town Council

Description of Site and Proposal

The site is located within a mixed residential and commercial area to the north of Hebden Bridge town centre. The surrounding land uses are a retirement living complex (see below under Relevant Planning History for information), a children's playground to the north, two storey houses on Waterside Fold to the south, and an industrial park to the east. Half of the site (the southern half) previously included a bridge deck over Hebden Water. This has since been removed. Works have commenced on site following approval for a residential development of 8 apartments and associated parking.

Permission is sought for the Variation of Condition 1 on planning application 15/00301/FUL - Design amendments

Condition 1 states:

"The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission."

The previous applicant had made a start on the site when the current applicant purchased it from them. Following a topographical survey being carried out on site to address conditions attached to the previous approval, it was found that the external level at Waterside Fold on the approved drawings was identified as +104.200 which was incorrect and should have been + 103.900 a discrepancy of 300mm.

Various revisions have been made to allow the implementation of Planning Application Ref: 15/00301/FUL and following review of site conditions with the Environment Agency. The design of the ramped access from Waterside Fold has been updated to take into account the discrepancy in the level of Waterside Fold indicated on the previously approved drawing.

Amendments to the fenestration, roof design and internal arrangement have been made to remove balconies which previously was a concern to neighbours regarding overlooking and also to incorporate a lift. However, the principle of the development in terms of the footprint, overall height and number of apartments remains the same. Window openings serve the same rooms as previously assessed. More details are set out below under the relevant headings.

The application is brought to Planning Committee as the previous application was determined by Planning Committee.

Relevant Planning History

Outline planning permission was granted at Planning Committee in November 2002 for the construction of a block of 4 apartments (Application No 02/01174). That permission expired unimplemented.

A full application on a larger piece of land, but including this site, for the construction of three new dwellings together with the conversion of the (now demolished) commercial building to the northwest into 10 dwellings was refused under delegated powers in April 2003 on the grounds of loss of scarce employment land, residential amenity, lack of adequate parking, inadequate access and flood risk (03/00315). An application for 12 apartments (05/01926) for low-cost home ownership in the form of a single building extending onto the bridge deck, was refused permission at Planning Committee in June 2006. Refusal was on the grounds that the proposal failed to respect the character and appearance of the adjacent Conservation Area and would have had an adverse impact on the environment of the river. A subsequent appeal, determined via a Public Inquiry, was dismissed in May 2007.

An application for the development of the commercial building referred to above along with a wider area further to the northwest for a mixed use development comprising commercial units, family housing and apartments was permitted under delegated powers in November 2006 (06/01770).

An application for construction of a later living retirement home was approved on the site to the northeast in December 2013 (13/01151). This development has been implemented.

An application for a residential development of 4 units on the site was permitted at Planning Committee on 13 January 2012 (11/01026). This permission has not been implemented and has now expired.

Application 15/00301/FUL was permitted for new build residential development of 8 apartments and associated parking provision on the 17th July 2015 by Planning Committee.

Application 15/00301/DISC1 has been submitted to discharge the relevant conditions in connection with the above application. A decision letter was issued on the 4th December 2015.

Application 16/00781/FUL was permitted for a new build residential development of 8 apartments, and construction of a pedestrian footbridge on the 7th December 2016.

Key Policy Context:

Calderdale Local Plan Designation	Landscape Character Area Hebden Bridge Conservation Area (Deck and access only)
Calderdale Local Plan policies	HS1 Non-Allocated Sites BT1 High quality, inclusive design BT2 Privacy, Daylighting and Amenity Space BT4 The Design and Layout of Highways and Accesses BT5 Designing out Crime EN3 Environmental Protection GN3 Natural Environment

	GN4 Landscape HE1 Historic Environment IM4 Sustainable Travel IM5 Ensuring Development Supports Sustainable Travel CC1 Climate Change CC2 Flood Risk Management (Managing Flood Risk in New Development) CC3 water resource Management MS2 Mineral Safeguarding Areas Annex A Car & bicycle parking standards Annex 2 Space About Dwellings
National Planning Policy Framework	5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the natural environment
Other relevant planning Constraints	Critical Drainage Area Bat Alert Area Leeds Bradford Airport Wind Turbine Consultation Zone Flood Zones 2 and 3
Other Material Planning Considerations	Climate Emergency Declaration (Jan 2019) Emerging Local Plan

Publicity/ Representations:

The application was publicised by site notice, press notice and thirty-two neighbour letters. Four letters of objection and five letters of support have been received.

Objection

- Much of the works have been carried out before the application was submitted
- The new design is cheaper and more of an eyesore
- The EA have objected to the proposed deck and look like it might flood. (The EA are now happy with the proposal)
- Not surprised that there have been issues with the deck as there was insufficient information previously submitted.
- Concerns over the quality of the build
- Access is allowed over Waterside Fold for householders, guest visitors, and for deliveries and maintenance to those properties. It is a private cul-de-sac.
- If the decking car park is built, cars and residents from the new build will have to cross private areas of the Waterside Fold car park and will need express permissions to do so.
- Concerns over flooding
- Windows will overlook play park
- Deck is in the Conservation area and will require permission to remove the section of wall.

- The river will be breached by the girders and platform onto Waterside Fold. The proposed platform for the proposed car park will be little higher than the previously demolished platform which crossed the river Hebden.
- Any opening in the wall area would no doubt increase the risk of flooding on Waterside Side and potentially the surrounding area of Hangingroyd Lane.
- A wall at each end of the proposed car park would block the flow of flooding waters causing a backup water causing more risk of flooding.
- Works have already commenced on site, damaging the wall and creating flood risk.
- The insulation of the building does not appear to comply with current insulation of new build recommendations. (This would be picked up under building regulations not planning)
- The plans make no reference to a safe secondary means of escape in the likelihood of fire etc. (Building regulations would pick up on fire risk)
- There does not appear on the plans any windows on the staircase, other than that on the top floor.
- There will be objections from occupiers of the apartments regarding noise from children playing and ball games.
- Applicant using Little Park for storage

Support

- The application raises the deck higher than the 2015 permission which will prevent a flooding issue not create them.
- In terms of removing balconies, this will remove the overlooking
- It's only a variation, it doesn't stop the project being built but if it's refused then the parking deck ends up far lower than they are proposing to build which does create a flood concern.
- Great improvement
- These minor changes are for the benefit of all locals close to the site.
- Waterside fold has never flooded and this variation is to actually raise the parking platform higher than the original planning permission which further reduces the chances of flooding .
- Have friends on Waterside Fold who are happy the walk on balconies are being removed.
- The proposal is substantially better than staring at the ruins of an old mill with a deck which was so low it obstructed the water way. This proposal is far better.
- The variations will benefit the surrounding community and will substantially reduce flood risk in the area as well as giving onlooking residents a much more pleasant view.
- Amendments will futureproof the area, so it definitely doesn't flood.

Parish/Town Council Comments

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

Hebden Royd Town Council have made the following comments:

“RECOMMEND REFUSAL, to review at such a time that the Environment Agency approve the plans.”

Following comments received from the Environment Agency, the Town Council were re-consulted and made the following comments:

“NO OBJECTION”

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

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

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The framework indicates that development should be restricted in areas designated as a heritage asset so the presumption in favour of sustainable development does not apply as part of the site falls within the Hebden Bridge Conservation Area. The main building is located outside the Conservation Area it is only the bridge deck that falls within the Conservation Area.

The principle of eight apartments has already been approved under application 15/00301/FUL. The variations are set out above and would allow for the implementation of the approved application. Other alterations are discussed in detail below but these have been included to try and address previous objections regarding overlooking from balconies and also to include a lift.

Housing Issues

Paragraph 11, footnote 8 of the NPPF establishes that, for applications involving the provision of housing, the policies which are most important for determining the application should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, unless the policy protects areas or assets of particular importance and provides a clear reason for refusing the development.

The Local Plan has now been adopted and as such makes provision for such supply.

CLP policy HS1 establishes that residential development will be supported provided that it is in accordance with specified criteria, including that the development amongst other things creates no environmental, heritage, flood risk, nature conservation or other problems.

The application site is located just outside the town centre with the access and decked area located within Hebden Bridge Conservation Area. As such it is in a very sustainable location, close to all the amenities the town centre has to offer along with a good link to other towns via a regular bus and train service.

It is necessary to consider all other relevant issues and weigh these in the overall planning balance. In any event, the principle of the development of eight apartments at the site has previously been accepted.

Environmental, amenity, traffic, flood risk, conservation and other relevant issues are considered below.

Given the above the proposal for residential development is considered to be acceptable in principle and would satisfy CLP policy HS1 and section 5 of the NPPF. Other relevant policies are assessed below.

Residential Amenity

CLP policy BT2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts arise.

Concerns have been raised regarding privacy and overlooking.

Annex 2 sets out guidelines to help assess whether such impacts arise.

The proposed development would be located approximately 26m away from the properties on Waterside Fold. Drawings indicate that the proposed building would have a ridge height of 13.15m taken from ground floor level.

The main aspects of the living areas of the proposed apartments would face towards Waterside Fold, previously balconies were proposed at ground, first and second floor level, projecting 2m from the front elevation. These have now been removed as these were a concern raised previously by neighbouring properties and the Town Council. The two penthouse apartments at third floor level would retain their terrace.

Annex 2 seeks minimum distances of 21m where “main to main” relationships exist. As indicated, previously the development would be sited 26m away from the nearest houses on Waterside Fold and it is considered that this additional 5m distance is acceptable in addressing the difference in respective heights.

The proposal is acceptable in terms of its relationship to Waterside Fold. It should also be noted that the development would be to the north-east of Waterside Fold and therefore the impact on sunlight would not be significant.

A retirement living complex has been constructed to the north-west of the site. In consideration of the planning permission for the retirement living complex, consideration was given to the relationship between the retirement living complex and the permitted scheme at the application site for four dwellings under 11/01026/FUL. This has also been assessed for the eight apartments under application 15/00301/FUL. There would be no increase in the overall height of the apartment block and the windows serving the rooms in the proposed apartment block that would face the retirement complex would include a bedroom and bathroom. The approved living room window would now be removed which would reduce the overall impact. The proposed relationship would therefore be acceptable.

There are no neighbouring dwellings immediately to the north of east of the site that would be significantly affected by the proposed development.

Letters of objection have raised concerns about the relationship with the adjacent playground to the east of the site. However, it is considered that additional overlooking or overshadowing towards the playground would not cause any significant loss of amenity for its users.

Annex 2 of the CLP requires development proposals to provide adequate private amenity space. The proposal includes the removal of the proposed balconies thus removing external amenity space for apartments on the ground, first and second floors. However, it is acknowledged that people who are looking for an apartment do not expect this type of accommodation to have outdoor space, especially in an area so close to the town centre. The two apartments at third floor level would retain their terrace. Given the type of accommodation proposed together with the sustainable location being within a short walk of the park, it is considered on balance for the type of dwellings proposed the lack of amenity space for six of the apartments would be acceptable.

Given the above the proposal is considered to satisfy Annex 2 and CLP policy BT2 of the RCUDP.

Impact on heritage assets

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

The requirements of Section 72 is set out legislation and as such is a legal duty rather than a policy requirement that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states that:

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

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

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

In addition, paragraph 197 of the NPPF states that:-

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

CLP policy HE1 discusses the historic environment and in particular states:

“Proposals affecting a conservation area or its setting should preserve or enhance those elements that contribute to its significance particularly those buildings, spaces or structures making a positive contribution to its character. Regard should be given to conservation area character appraisals where one exists.”

Development on the site has already been established and the benefits include the provision of eight apartments close to the town centre.

The Council’s Conservation Officer has been consulted and has commented that:

“The proposed access bridge and parking area lies over Hebden Water within the Hebden Bridge Conservation Area; the site itself lies outside of the Conservation Area. The site of the access bridge was formerly occupied by a previous platform bridge/deck in this location. It is considered that the simple form of the new access and parking platform is reflective of the former structure in this location and would not harm the character or appearance of the conservation area.”

The proposal is considered to satisfy CLP policy HE1 and section 16 of the NPPF.

Visual Amenity

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development, creates better places in which to live and work and helps make development acceptable to communities....”

The proposed changes have come about after levels at the site were found to be incorrect and therefore other changes were considered at the same time to try and address previous concerns and to include a lift so there would be easier access for all potential occupiers of the apartments.

Regarding the proposed apartments the changes include some internal alterations of all apartment units and communal spaces which have been necessary due to the inclusion of a lift to improve accessibility which were not included in the original proposal.

However, the layout of the rooms has not changed nor have the number of apartments. The main aspect living areas would still be to the south of the site with bedrooms to the north.

Unit 1 consists of 62.8m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 2 consists of 62.1m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 3 consists of 62.8m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 4 consists of 65.6m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 5 consists of 62.8m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 6 consists of 65.6m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms.

Unit 7 (penthouse) consists of 64.7m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms and an external terrace.

Unit 8 (penthouse) consists of 63.1m³ and includes an open plan living/dining area a family bathroom, storage and two bedrooms and an external terrace.

The lift and stairwell area provides circulation space on each floor. This area is accessed at the front of the building and has a window to the front at first and second floor level and to the rear at third floor level.

The building is constructed of natural pitched faced stone with an ashlar faced stone band, cedar cladding detail and a natural blue slate roof.

Externally there are some revisions to the external openings although they would serve the same rooms along with the removal of the balconies at ground, first and second floor levels. A safety guard would replace these. At roof level revisions to the massing of the roof with the omission of the 'flat roof' element has been replaced with the construction of four no pitched roof sections with intermediate valley gutters. The ridge height would be no higher than the previous roof height of the approved gable design. The terraces for the third-floor apartments would remain.

In terms of the bridge deck the original bridge deck has now been removed. The applicant has liaised with the Environment Agency regarding the layout and levels of the proposed bridge deck which have been discussed with the Environment Agency following the discovery of the discrepancy in terms of the previously approved design / levels.

The design of the ramped access from Waterside Fold has been updated to take into account the discrepancy in the level of Waterside Fold.

The bin store has now been relocated to the bridge deck as it is not practical for the bin store to be accessed at the side of the building due to the dimensional constraints of the site which differ from those indicated on previously approved drawings. Secure cycle storage has also been provided.

Given the above the amendments to the development would satisfy policy BT1 of the CLP and paragraph 126 of section 12 of the NPPF.

Highway Considerations

CLP policy BT4 is concerned with the design and layout of highways and accesses.

CLP policy IM5 is supports sustainable travel and Annex A establishes car and bicycle parking standards.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and commented that:

“In highway and transportation terms the only significant change is the approach gradient from Waterside Fold.

The 1 in 6 gradient is steeper than the highway authority would usually accept for a vehicular access.

However, given it will be over a short length and on a private road there are no concerns.

The approach also significantly exceeds the recommended maximum gradient for pedestrian access as it would be difficult for a wheelchair user to negotiate. It is however noted that the building has stepped access.

Therefore, there are no objections to the revised plans.”

After further assessment of the submitted drawing, it was found that the parking spaces had not been identified on the layout plan and there could be concerns regarding the location of the bin storage. Furthermore, no secure cycle storage had been provided.

An amended site layout plan has now been provided indicating the parking spaces, bin storage area and secure cycle storage either side of the access to the parking area. A separate site location plan with the previously approved red line has also been submitted so that the previous site layout plan can be superseded as these were originally on the same plan.

The ADSI has now been re-consulted and is satisfied with the proposed layout arrangement.

The site is in a sustainable location and close to all amenities.

Paragraph 112 e) of the NPPF highlights development should be designed to enable charging of plug – in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition can be imposed to make sure this is installed.

Subject to previous relevant conditions being carried forward, the proposal would satisfy RCUDP policies BT4 and IM5 and the section 9 of the NPPF.

Flooding and drainage

The proposed development is located in flood zones 2 and 3 and a Critical Drainage Area. CLP policy CC1 is relevant and discusses Climate change which includes amongst other things minimising flood risk and limiting surface water run-off. CC2 is also relevant discussing flood risk management and CC3 which discusses water resource management and looks to ensure that new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity.

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected. The surface water drainage form indicates that the surface water will be disposed of by means of a soak away.

Section 14 of the NPPF is also relevant as it discusses amongst other things planning and flood risk.

The proposal includes amendments to the parking deck due to changes in levels following a topographical survey being carried out.

Various revisions are indicated on Drawing Ref: R1061 103 which have been made to allow the implementation of Planning Application Ref: 15/00301/FUL and following review of site conditions with the Environment Agency.

The top of the new flood protection wall would be +104.80. The approved surface of the deck was +104.50. The proposed level would be +105.860 adjacent to the building and 105.600 adjacent to Waterside Fold to create a fall for surface water drainage. Previously the approved underside of the deck was + 104.00, the proposed underside of the deck would be +103.750 generally with a ramped section providing vehicular access to Waterside Fold meaning that this part of the deck is lower than the general level.

The design of the ramped access from Waterside Fold has been updated to take into account the discrepancy in the level of Waterside Fold indicated on previously approved drawings.

The Lead Local Flood Authority have been consulted and have commented:

“The new amendments are noted as is the Environment Agency's approval for a Flood Risk Permit. As the Drainage details were approved as part of the 2015 application, the LLFA have no objections to the variation of condition 1.”

The applicant has been working with the Environment Agency to achieve a suitable scheme given the changes in levels. Originally the EA were consulted and made the following comments:

“We have reviewed the new information submitted with the application and we are not in a position to support this application for the variation of condition 1 currently, and place this holding response while we await further information.

Our detailed comments are as follows:

Reason(s) We are currently in the process of determining a Flood Risk Activity Permit variation for the deck works, as shown in Drawing ref: R1061 103 Rev 2 and R1061 101 Rev 2. We are not yet in a position to grant the variation and have requested additional information from the applicant. As such, the details of the design may be found to be unacceptable and/or ultimately change from what is shown in support of this planning application. Until the permit issues have been resolved, we are not in a position to support the same proposals through planning. Once the permitting issue has been resolved, it may be necessary for the applicant to submit changed or additional information in support of this application.

We have no comments on any other aspects of this application, outside of the changes to the parking deck shown in Drawing ref: R1061 103 Rev 2 and R1061 101 Rev 2.”

Following the receipt of a Flood Risk Activity permit from the Environment Agency to carry out the proposed works on the parking deck dated 24/10/22, the Environment Agency were formally re-consulted and made the following comments:

“We note this application is proposing design amendments. We previously put a holding objection on the application (as per our response dated 09 September 2022) whilst the permitting issues associated with the proposal were resolved. These issues have now been resolved and we are now able to remove our holding objection. Our detailed comments are as follows:

Please note that we have reviewed this application specifically focusing on the changes to the parking and access deck. We have no comments to make on the other elements of the variation.

Based on the drawings submitted (viewable on the Calderdale Planning Portal) we have no objections to the variation to condition 1 as applied for.”

Subject to the development being constructed in accordance with the approved plans and the Flood Risk Activity Permit, the proposal would satisfy CLP policies CC1, CC2 and CC3 and Section 14 of the NPPF.

Wildlife Conservation, Trees and Landscaping

The site falls within a bat alert area and therefore a bat assessment and proposed mitigation measures were submitted as part of the previous application to discharge the condition 13.

CLP policy GN3 Natural Environment seeks amongst other things to:

...achieve better management of Calderdale’s natural environment by requiring developments to:

- a. *Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;...”*

“I have no objections. Opportunities for biodiversity enhancement (as required under Condition 13) should consider the installation of integrated bat roosting features into the new build and the installation of dipper nesting and bat roosting features below the decking.”

Subject to the proposal incorporating the details submitted as part of condition 13 of application 15/00301/DISC1, the proposal is considered to satisfy CLP policy GN3.

Ground Conditions

CLP policy EN3 Environmental Protection discusses environmental protection and identifies that developers are expected to understand the environmental implications of their proposals and to ensure that development does not give rise to and is not exposed to environmental hazards.

A phase 1 land contamination report was submitted in connection with condition 9 as part of application 15/00301/DISC1 which was considered to be acceptable.

In any event paragraph 184 of the NPPF states that:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.”

Given the above the proposal would satisfy CLP policy EN3.

Planning Balance

The proposed development of eight apartments has already been accepted in principle. The changes include a betterment in terms of the increased level of the parking deck to help with any potential flooding. The applicant has received the relevant permit from the Environment Agency, and they have no objection to the amendments to the proposed parking deck.

The removal of the balconies would also remove a limited area of amenity space for apartments 1-6. However, on balance given the reduced overlooking to neighbouring properties, the sustainable location with close access to the local park and the lack of expectation from people looking to live in an apartment that there would be private outdoor amenity space, on balance the loss of the balconies is acceptable.

The proposal would now have the benefit of a lift which is a welcomed addition for residents of the apartments. There would be no changes in the overall height of the building or footprint and there would be no additional overlooking over and above that already approved. The proposed natural materials are acceptable. The proposal is not considered to have a detrimental impact on the setting of the Conservation Area and would incorporate species enhancement measures as part of the development.

Previous details have been submitted with regard to noise between floors and drainage which are considered to be acceptable.

Subject to conditions if approved, there would be no highway, ecological, environmental or heritage concerns.

CONCLUSION

The proposal is considered to be acceptable subject to conditions. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the sections above and there are no material considerations to outweigh the presumption in favour of such development

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

Date 5th June 2023

Further Information

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

Gillian Boulton (Case Officer) on 01422 392232

Or

Lauren Clarkson (Lead Officer) on 07702 657078

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. The facing and roofing of the development shall be natural stone and blue slate as approved under the discharge of condition letter 15/00301/DISC 1, dated 4th December 2015 and shall be so retained thereafter.
3. The window and door frames shall be installed in accordance with the details of materials, treatment and/or colour approved under the discharge of condition letter 15/00301/DISC1 dated 4th December 2015 and shall be so retained thereafter.
4. The use of the development hereby permitted shall not commence until the car park shown on the permitted plans has been provided, surfaced, sealed and marked out in accordance with the permitted plans and the car park shall thereafter be retained for that purpose for the occupiers of and visitors to the development.
5. The development shall not be brought into use until the guarding as shown on the approved drawings is provided to the top of the existing wall to Waterside Fold and is retained as such thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no further windows or other openings shall be formed in the side elevations of the building without the prior written permission of the Local Planning Authority.
7. The development shall be carried out in accordance with the drainage details submitted to and approved in writing by the Local Planning Authority on the 4th December 2015 under application 15/00301/DISC1 and shall be implemented prior to the first occupation of the development and retained thereafter.
8. Prior to the development being brought into use the Indoor Ambient Noise Level within living rooms and bedrooms with the windows closed, assessed in accordance with BS8233:2014, shall not exceed
 - ' 30dB LAeq in living rooms and bedrooms, and
 - ' 55dB LAeq on balconies and in gardens at any time

The details so approved shall then be implemented before the first occupation commences and shall be retained thereafter.
9. The development permitted by this planning permission shall be carried out in accordance with the approved plans with regard to finished floor levels, soffit levels and flood protection walls and shall be so retained thereafter.
10. The development shall be carried out in accordance with the details approved to discharge condition 13 of application 15/00301/DISC1 on the 4th December 2015, with reference to biodiversity enhancement measures and shall be implemented before the development is first brought into use and retained thereafter.

11. Prior to the first occupation of the development the bin storage area identified on the approved site layout plan shall be constructed and provided and so retained thereafter.
12. Prior to the first occupation of the development the secure cycle storage areas identified on the site layout plan shall be constructed and provided and so retained thereafter.
13. Prior to the development first being brought into use an Electric Charge Point shall be installed in accordance with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1, and shall be so retained thereafter.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Calderdale Local Plan and the National Planning Policy Framework.
 2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with BT1 and HE1 of the Calderdale Local Plan.
 3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with BT1 and HE1 of the Calderdale Local Plan.
 4. 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 policies BT4 and Annex A of the Calderdale Local Plan.
 5. To ensure that suitable access is available in the interests of highway safety and to ensure compliance with policy BT4 of the Calderdale Local Plan.
 6. To safeguard the privacy and amenity of occupiers of neighbouring properties and to ensure compliance with policies BT1 and BT2 of the Calderdale Local Plan.
 7. To ensure proper drainage of the site and to ensure compliance with policies CC2 and CC3 of the Calderdale Local Plan.
 8. For the avoidance of doubt and in the interests of the aural amenity of the occupiers of the dwellings and to ensure compliance with policy EN1 of the Calderdale Local Plan.
 9. In the interests of flood control and to ensure compliance with Policy CC2 of the Calderdale Local Plan.
 10. In the interests of conservation and to protect the ecological species and in order to ensure compliance with policy GN3 of the Calderdale Local Plan.
 11. In the interests of amenity and to ensure compliance with policy BT1 of the Calderdale Local Plan.
 12. In the interests of sustainable development and to ensure compliance with policies IM4, IM5 and Annex A of the Calderdale Local Plan
 13. In the interests of sustainability and to ensure compliance with policy IM4 J of the Calderdale Local Plan, and paragraph 112(e) of the National Planning Policy Framework.
-

Time Not Before: 1600 - 01

Application No: 21/01345/FUL

Ward: **Calder**

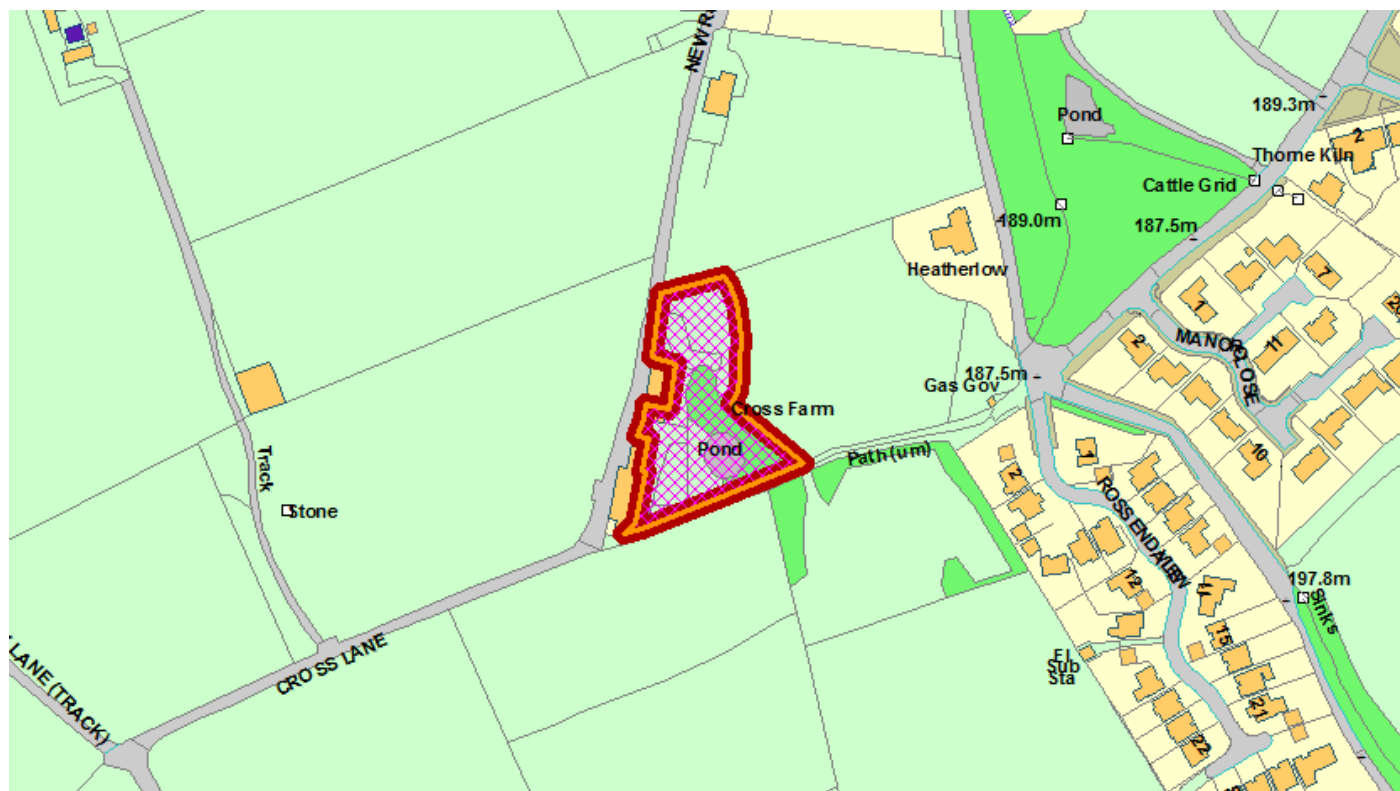
Area Team: **North Team**

Proposal:

Change of use of land for the siting of 5 glamping huts and 1 bell tent with associated hard-standing and car parking together with the use of part of the agricultural building for ancillary wcs, showers and kitchen area (part retrospective)

Location:

**Cross Farm New Road Mankinholes Todmorden Calderdale
OL14 6HP**



Applicant:

Mr Tony Batchelor

Recommendation: **PERMIT**

Parish Council Representations: Yes

Representations: Yes

Departure from Development Plan: No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Flood Risk Manager
Todmorden Town Council
Todmorden Town Council
Highways Section
Environmental Health Services - Pollution Section (E)
Flood Risk Manager
Todmorden Town Council
Highways Section
Environmental Health Services - Pollution Section (E)
Flood Risk Manager

Description of Site and Proposal

The site falls just within the Lumbutts and Mankinholes Conservation Area and is accessed from New Road which is to the west of the site. The site is located to the east of Cross Farm which is the host dwelling and the adjacent agricultural building. Public bridleway 06/170/8 runs to the south of the site in a west to east direction. The site is surrounded by fields which forms part of the characteristic of the Conservation Area. Originally the proposal extended into the fields to the east and south east of Cross Farm but the development is now contained within the immediate area to the east of Cross Farm and the adjacent building.

Mankinholes is a hilltop village approximately 3.2 km to the south east of Todmorden and 8km west of Hebden Bridge.

The applicant has stated that previous owners of the farm ran the building as a bed and breakfast facility and utilised the adjoining fields for camping with basic showers and sanitary facilities provided in the adjacent agricultural building. The showers and sanitary facilities still exist. The bed and breakfast nor previous camping use do not form part of this application.

Change of use of land for the siting of 5 glamping huts and 1 bell tent with associated hard-standing and car parking together with the use of part of the agricultural building for ancillary wc's, showers and kitchen area (part retrospective).

The part retrospective reference is for the wc's and showers given these already exist and there is no planning history for these.

The application has been brought to Planning Committee due to the sensitivity of the proposal.

The application is accompanied by

- Heritage Statement
- Design and Access Statement

Relevant Planning History

Application 97/00364/FUL was approved on the 24th June 1997 for the Conversion of barn to form extension to existing dwelling

Application 99/00630/FUL was approved for an agricultural building on the 29th September 1999.

Application 21/00462/FUL was withdrawn for the Partial demolition and replacement of an existing agricultural building with a new dwelling on the 14th April 2022 as this was submitted by the former owners and the current owners did not want to pursue this.

Key Policy Context:

Local Plan Designation/Allocation	Area Around Todmorden Special Landscape Area Landscape Character Area Lumbutts and Mankinholes Conservation Area Calderdale Wildlife Habitat Network
Local Plan Policies	GB2 Development in the Area Around Todmorden GN4 Special Landscape Areas GN4 Landscape Character Areas SD1 Presumption in Favour of Sustainable Development BT1 High quality, inclusive design BT2 Privacy, Daylighting and Amenity Space EN3 Environmental Protection HE1 The Historic Environment IM4 Sustainable Travel IM5 Ensuring Development Supports Sustainable Travel Annex A Car & bicycle parking standards BT4 The Design and Layout of Highways and Accesses CC1 Climate Change CC3 Water Resource Management GN3 Natural Environment GN4 Landscape GN5 Trees
National Planning Policy Framework Paragraphs	8 Promoting healthy and safe communities 9 Promoting sustainable transport 12 Achieving well-designed places 15 Conserving and enhancing the natural environment 16 Conserving and enhancing the historic environment
Other relevant planning Constraints	Bat Alert Area Non Mains Sewerage Land Contamination Area Critical Drainage Area
Other Material Planning Considerations	Climate Emergency Declaration (Jan 2019)

Publicity/ Representations:

The application was publicised by site notice and press notice and more recently the application has been re-advertised with site notices and neighbour letters following the change of description and the change to the red line. One objector has since withdrawn their objection following the amended red line therefore there are twelve letters of objection and one letter of support that have been received.

Summary of points raised:

Objection

- Increase in traffic
- Noise pollution
- Light pollution
- Loss of agricultural appearance
- Surface water problems
- Effect on wildlife.
- The development will destroy the nature of the Conservation Area
- Adjacent site also has an application in for a similar scheme (assessing this scheme only)
- Not in keeping with area, not shepherd huts
- No footpath available
- Right of way should not be removed (no impact on right of way)
- Access to the site via Shaw Wood Road involves crossing a narrow river bridge and an even narrower bridge over the canal which has been subject to vehicle strikes

A number of the above comments were received following the original proposal which has now been reduced in scale and does not extend into the fields below or across the public right of way.

Support

- The impact of this site is minimal compared to the benefits it will bring to the area and I support this application.
- Understand concerns regarding the traffic but believe these will be negligible.
- Opening period April - October for 5 huts and a bell tent - equates to a maximum of 31 weekends, and it is highly likely that full occupancy will rarely be achieved.
- Trade is more likely during the school holidays and weekends and any traffic generated would be more than offset by those not travelling to work.
- YHA have announced the closure of the Hostel in Mankinholes in March '23 which will reduce potential spikes in traffic.
- There is a bus service T6/T8 that runs one service per hour until ~20:30 - additional journeys on this service would help to ensure this service isn't reduced or removed, impacting the residents who can't or don't want to drive.
- Proposals will be screened in part by trees and bushes
- Located close to the proprietor's own home so any disturbances, will be managed swiftly.
- The closest pub (Top Brink) is less than 700m and only 350m is on an unlit road, limited to the National Speed limit, however the roads are not conducive to driving at 50/60mph.

Parish/Town Council Comments

The development is located within the boundaries of Todmorden Town Council. Todmorden Town Council originally made the following comments:

“Not supported because this development is inappropriate because of:

- 1. Access issues ' the road infrastructure (including a hairpin bend) does not support additional traffic. This would be an issue for the emergency services. Also, the access over Shaw Bridge is problematical as this is damaged and cannot take extra traffic.*
- 2. Nearby ancient buildings (cross) need to be protected.*
- 3. There is an existing application for a 5 x bedroom house outstanding.”*

Following the above comments, the house application has been withdrawn and the development has been moved closer to the existing buildings.

Todmorden Town Council were re-consulted following the receipt of the amended plans and made the following comments:

“Not supported because of access issues. The road infrastructure (including a hairpin bend) does not support additional traffic. Access over Shaw Bridge is problematical as this is damaged and cannot take extra traffic.”

With regard to the above comment and Shaw Bridge, this is not the only access to the site there are other alternatives for example via Lumbutts Road.

Following the re-advertisement of the application with a change of description and amended red line Todmorden Town Council were re-consulted and made the following comments:

“Supported”

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF, and they carry full weight.

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

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...designated heritage assets]*) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is reflected in Policy SD1 of the CLP.

The framework indicates that development should be restricted if it is a heritage asset if there is a clear reason for refusal and if so the presumption in favour of development does not apply.

In this case, the site lies within the Lumbutts and Mankinholes Conservation Area and as such is a designated heritage asset. The site is also located within the Area Around Todmorden which is a countryside designation and is set out in Local Plan policy GB2.

The Area Around Todmorden in the Calderdale Local Plan is beyond the designated Green Belt but is a 'countryside' designation reflecting the largely undeveloped swathes of upland around the town of Todmorden which sits in the valley below.

Within the Area Around Todmorden development proposals which are considered appropriate will generally be supported providing they do not have a negative impact upon the openness or character of the countryside or upon the Special Protection Area (SPA) or Special Area of Conservation (SAC). The types of appropriate development are:

- a. Uses necessary for agriculture, forestry or equestrian activity or other social and economic uses which have a functional need to locate in the countryside;
- b. Uses which support sustainable growth and diversification of the rural economy including for tourism;
- c. Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- d. The re-use and adaptation of existing buildings;
- e. The extension or alteration of existing buildings providing that it does not result in a disproportionate addition over and above the size of the original building;
- f. Sport and recreation uses appropriate to a rural area which do not conflict with other land uses; and
- g. Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 1. not have a greater impact on the openness of the countryside than the existing development; or
 2. not cause substantial harm to the openness of the countryside, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the Borough.

II. Development which is appropriate should not detract from the visual amenity of the open countryside or lead to traffic, amenity, environmental or other problems which cannot be effectively mitigated.

Policy EE2 discusses economic activity outside the main urban areas and goes on to say

"...In order to allow for their continued operation and for the provision of new premises on a small scale in areas outside the main urban settlements, development will be permitted provided that proposals meet the requirements of:

- a. Policy GB1 - Green Belt; or*
- b. Policy GB2 - Area Around Todmorden; and/or*
- c. Any other relevant policies in the Local Plan*

II. Proposals will not be supported which have an adverse impact on areas of environmental sensitivity or are not located in a sustainable location.”

The proposal is for the Change of use of land for the siting of 5 glamping huts and 1 bell tent with associated hard-standing and car parking together with the use of part of the agricultural building for ancillary wc's, showers and kitchen area.

As set out above the proposal would utilise the existing shower and WC facilities contained within the agricultural building and include basic kitchen appliances for example a fridge and microwave to keep food cool and reheat food if needed. The rest of the building will remain as its established storage use and is not included as part of the application.

Originally the units were to be located further east and south-east of the site, straddling the existing bridleway 06/170/8. This location was considered to encroach and impact on the open countryside and as such was not acceptable. After discussions with the case officer and Conservation Officer, the proposal has now been moved much closer to the existing dwelling and adjacent building and would utilise the existing access into the site. There is existing planting and trees which will help with screening of the proposals and new planting to help with biodiversity enhancement is proposed. The only additional hardstanding would be to the base of the huts.

The five huts would be timber and have a mono pitched roof and would be finished in a green or grey colour.

Plots 1 and 6 would have a footprint of 4.73m x 2.44m and an eaves height of 1.76m with a sloping roof with a maximum height of 2.06m.

Plot 3 would have a footprint of 3.51m x 2.35m and an eaves height of 1.84m and roof height at highest point measuring 2.16m.

The bell tent will be located on plot 2 and would measure 4m in diameter and have a height of 2.5m.

Plot 4 would have a footprint of 4.2m x 2.38m and an eaves height of 1.86m and roof height at highest point measuring 2.10m.

Plot 5 would have a footprint of 3m x 2.4m and an eaves height of 1.8m and roof height at highest point measuring 2.1m.

The applicant has provided details of the proposal with excerpts set out below:

“Cross Farm Retreat will provide high quality facilities and assist with leisure tourism and rural economic diversity, with sustainability and enhancement of the environment key to our plans. Cross Farm Retreat is positioned on a public transport route, as stated in the traffic management plan including pedestrian and cycle access.

We are creating aesthetically pleasing accommodation which will blend into the surrounding environment by using high quality screening of native trees, hedgerows and flowering shrubs and plants....

...We are very keen to support the local community and will be connecting with local creatives, for example florists and creating blog posts on our website to promote local restaurants, bars, café and creative and outdoor activities within Todmorden...

As set out above the location of the development has now been moved so as to be seen in relation with the existing buildings. There is existing screening on site and the provision of landscaping which will be conditioned, will help to provide additional screening and enhance biodiversity. In terms of lighting a condition will be included to address concerns. Any noise would be managed on site given the proximity to the host dwelling. There is an hourly bus service that operates in the area and the nearest public house that serves food is approximately 700m away. There are existing toilets and showers located in the adjacent building and so there would be no need for any further building for these purposes.

Although not in a particularly sustainable location, this type of development is required to be in a rural location as this is what attracts visitors.

Appeal decision APP/A4710/W/20/3246395 and dated 31st July 2020 at Rough Hey Farm, Hob Lane, Norland refers particularly in paragraph 17 to this matter.

“17... Additionally, I find that the rural location of the site would likely be a fundamental part of its attraction for tourist, providing an escape from urban environment, where it is reasonable to suppose that tourists on a rural holiday may be more prepared to contemplate walking, or indeed cycling the relatively short distance to visit surrounding areas or attractions. This would accord with the Framework, which recognises in decision making that opportunities to promote sustainable transport will vary between rural and urban areas.”

Concerns have also been raised about a bridge that has to be crossed some distance from the site that is in a poor state of repair. The bridge is outside the development site and is only one of a few ways to access the site.

The proposal is therefore considered to satisfy CLP policies GB2 and EE2 and the development would be acceptable in principle subject to satisfying other relevant policies set out below.

Visual Amenity, Layout, Design & Materials

Policy GN4 Landscape Special Landscape sets out that:

“...Proposals for development within or affecting the Special Landscape Area (SLA) or its setting should be carefully designed to ensure they are in keeping with their location in the SLA in terms of density, height, massing, scale, form, siting and materials. II. Proposals for development within or affecting the Special Landscape Area (SLA) will only be supported if the proposal:

- a. Does not adversely affect the scenic quality of the SLA. Consideration should be taken to protecting important and distinctive views, and protecting remoteness and tranquillity.
- b. Does not adversely affect opportunities for access and recreation; and
- c. Protects and enhances landscape quality, sense of place and local distinctiveness, including retention and enhancement of features and habitats of significant landscape, historic, ecological and wildlife importance.”

With regard to ‘Landscape Character Areas’

“New development should be designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it would be situated. For each Landscape Character Area, planning permission will only be granted if the proposed development would:

- II. a. Make adequate provision as far as is practicable for the retention of features and habitats of significant landscape, historic, geological and wildlife importance;

- b. Where possible, enhance the character and qualities of the landscape area through appropriate design and management;
- c. Reflect and enhance local distinctiveness and diversity; and
- d. Provide appropriate landscape mitigation proportionate in scale and design, and/or suitable off-site enhancements.”

NPPF Section 15 Conserving and enhancing the natural environment states in paragraph 174:

“The planning system should contribute to and enhance the natural and local environment by (amongst other things):

Protecting and enhancing valued landscapes ...

RCUDP policy BT1 discusses the need for high quality, inclusive design and establishes that developments will ensure high quality, inclusive design and demonstrate a holistic approach to design quality.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development, creates better places in which to live and work and helps make development acceptable to communities....”

The proposed materials and measurements are set out under ‘Principle of Development’ above. The proposals will utilise the existing access off New Road and includes areas for parking. These are identified on the layout plan.

The proposed huts and bell tent have been re-located much closer to the existing buildings on site and as such have significantly reduced any impact they may have on the visual amenity of the area. The huts are of timber construction which is an acceptable material in this location. Finishing them in a dark colour as proposed would further reduce any impact they would have on the visual amenity of the Special landscape Area. Existing and proposed planting further softens any impact the proposals would have on the open countryside.

Given the above and subject to conditions relating to colour finish and landscaping, the proposal is considered to accord with policies BT1 and GN4 of the CLP.

Residential Amenity

CLP policy BT2 which discusses privacy, daylighting and amenity space and establishes that :

“Development proposals should not result in a significant adverse impact on 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 EN1 discusses Pollution Control and sets out that

“The Council will seek to reduce the amount of new development that may reasonably be expected to cause pollution or be exposed to pollution. When determining planning applications, consideration will be given to the following issues: (amongst other things (my words)

a. The likelihood of light, noise, smell, vibration or other emissions that pose an unacceptable risk to the amenity of the local area;...

...Development which does not incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level will not be permitted."

The nearest third-party dwelling would be approximately 90m to the northeast at Heatherlow and as such there would no privacy concerns in terms of their amenity.

Concerns have been raised regarding potential noise and light issues from the development.

The Councils Assistant Director of Neighbourhoods (Environmental Health) has made the following comments regarding light pollution|:

"I have no objection to the proposed development subject to the application of the condition below:

Artificial lighting.

Before any external artificial lighting is installed within the development site, details of a scheme to adequately control any glare and obtrusive light produced by artificial external lighting at the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" reference GN01: 2011 for environmental zone E1. The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter. The scheme should include the following information:-

- a. The proposed level of maintained illuminance, measured horizontally at ground level;*
- b. The maintenance factor;*
- c. The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity;*
- d. The proposals to minimise or eliminate glare from the use of the lighting installation when viewed from windows of properties in the vicinity;*
- e. The proposed type of luminaires to be installed showing for each unit, the location, height, orientation, light source type and power;*
- f. The proposed hours of operation of the lighting.*

Furthermore, there shall also be submitted upon completion of the development a statement of a suitably qualified contractor that the light emitted by any lighting installation to which this condition applies is fully compliant with the ILP guidance for the relevant environmental zone."

If approved the above condition would be included.

Concerns regarding noise due to the close proximity to the host dwelling are to be managed on site by the applicant. Furthermore, a condition regarding the restriction of noise for this type of development would be difficult to enforce, given the occupiers of Cross Farm could entertain in their garden where a certain amount of noise would be expected, as could other third-party dwellings.

Subject to the above condition the proposal would satisfy CLP policies BT2 and EN1 and paragraph 185 of the NPPF.

Heritage assets

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

The requirements of Section 72 is set out legislation and as such there is a legal duty rather than a policy requirement that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states that:

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

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

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

In addition, paragraph 197 of the NPPF states that:-

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

Paragraph 202 of the NPPF states:

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

Policy HE1 Historic Environment I states:

“Development proposals should conserve, and where appropriate, enhance, the historic environment especially those elements which make a particularly important contribution to the identity, sense of place and local distinctiveness of Calderdale...”

Below are relevant sections of the Lumbutts and Mankinholes Conservation Area appraisal which discusses the villages and their setting.

“...The Lumbutts and Mankinholes Conservation Area was designated on 3rd December 1980. It includes the two separate settlements together with the open areas between and around the villages....

...The existing boundary of the Lumbutts and Mankinholes Conservation Area was drawn to include the buildings of the villages together with the landscape in which they are set...

“...The character of the Conservation Area is derived from the individual buildings to be found there, their collective development and arrangement, and the varied types of open spaces surrounding them. In trying to assess the area’s special character, it is necessary to consider the context within each of the settlements and also in relation to the setting of the villages in the landscape. This is particularly important in settlements set on the shoulder of a valley, like Lumbutts and Mankinholes. The boundary of the Conservation Area has therefore been drawn to include all the buildings within the villages, together with some of the surrounding areas of open land and the packhorse route...”

“...Individual buildings and farmsteads are dotted throughout the area, many now mainly in residential use including a number of former barns now converted into housing. Agriculture still appears to be a significant user of land with some more diversified uses existing alongside. There are properties in use as Bed & Breakfast establishments and the Shepherd’s Rest public house at the far western edge of the Conservation Area.”

As can be seen from above the Conservation Area is not just the villages but includes the open fields as part of its established character and significance.

The Council’s Conservation Officer was consulted on the proposal regarding the impact the proposal would have on the Conservation Area and its setting. Originally the proposal was considered to impact on the open nature of the fields, which provide part of the setting of the Conservation Area. Given the re-location away from the open fields and with the proposals being moved closer to the existing dwelling and adjacent building, the development is considered to minimise the impact on the Conservation Area and its setting.

In terms of harm, the proposal would result in some harm which would be less than substantial but would be minor. The public benefits that the proposals would have on the local economy, rural diversification and bringing visitors to the area, is considered to outweigh the minor harm the development would have on the Conservation Area.

Subject to a condition relating to the colour finish of the huts, the proposal would now accord with policy HE1 and paragraphs 195, 195, 197 and 199 of Section 16 of the NPPF.

Highway Considerations

CLP policy BT4 discusses the design and layout of highways and accesses.

Annex A of the emerging Local Plan sets out car & bicycle parking standards with IM5 ensuring development supports sustainable travel.

CLP policy IM4 states that:

“Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and travel modes. This will be achieved by a range of mechanisms that mitigate the impacts of car use and promote the use of other forms of transport with lower environmental impacts...”

Paragraphs g and j of IM4 are also relevant as they seek to encourage cycle usage and the provision of electric charging points.

The Assistant Director (Strategic Infrastructure) Highways were consulted on the original plans and provided the following comments:

“The site is in a remote, rural location. There is a bus service within walking distance, the T6 Walsden Circular, although these are infrequent with no evening services and limited services at the weekend.

There are also no local facilities within walking distance such as a convenience store. The nearest pub is over a kilometre distance on foot on an unlit road with no footway.

It is appreciated that this type of accommodation is usually located in rural or semi-rural location. However, the site is not in considered to be in a sustainable location and guests would be reliant on a car for most if not all their journeys.

Many vehicular journeys would be along Shaw Wood Road which provides access from the A646 Halifax Road. This has few passing places and restricted forward visibility on sections. The proposals would increase the frequency of the need for drivers to reverse when meeting oncoming vehicles.

The visibility at the existing gates access that is proposed to form the proposed egress onto New Road is acceptable given that the stepped back building means that the effective give-way position is beyond the gate line.

There is a bridleway between the two parts of the site. There are no concerns regarding the impact on this right of way.”

The proposals have now been moved closer to the existing buildings and have been reduced in number by one unit. Following a discussion regarding the sustainability of the location site and reference to the appeal decision as set out above under the ‘Principle of Development’, the ADSI agree that it would be difficult to sustain an objection on the unsustainable location. They were re-consulted and made the following comments:

“There are no further objections to the amended application as now submitted.”

Following re-consultation due to the amended red line and description the following further comments were received:

This is a small development of just 6 units in a very rural location, and whilst the access to the site is via narrow steep and winding roads, is unlikely to have a severe impact upon the free flow of traffic on the highway. Often, such consequences are obvious given the circumstances.

It would be difficult to defend an objection in this case given the scale of the development.

As already mentioned, this site is in a rural location with visitors to the site depending upon motor vehicles as the primary form of transport.

The development is not well connected on foot to local facilities and public transport and therefore in terms of sustainable access would not support the objectives set out in paragraphs 104 and 105 of the National Planning Policy Framework”

Paragraph 112 (e) of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Sufficient parking on site is provided and access to the site exists. A bin storage area, electric charging point and cycle storage will be conditioned if approved as there is sufficient space within the site for this.

Although the site would be approximately 1km by road to the Top Brink public House using Mankinholes Bank, it would be closer at 700m if public rights of way were used. The applicant has provided some supporting information regarding the concerns over traffic.

“To add some timeline context to this section the original part of Harvelin Park was developed around 1990, Cross farm was developed as a B&B & Camping business around 2001, which also included a Distribution Business. The second phase of Harvelin Park; Rossendale View was built around 2002/2003. So, the traffic would have increased steadily over those years, but Cross Farm was active with historical vehicle movement before Harvelin Park was completed.

*There are a number of comments about the impact of increased traffic volumes as a result of our business. We purchased Cross Farm in August 2021, and for the previous 20 years the owners ran 3 separate businesses: a B&B which had 5 lettable rooms, a distribution business whose main objective was import, export and wholesale and a camp site in the fields. Taken together I would estimate that there would have been 10 cars at least arriving and leaving most days including regular business HGV deliveries. Our business will not be anything like as busy, as we plan to encourage public transport use of T6 & T8 busses which stop close by to us. In terms of road traffic volumes, the focus for the comments is all about Shaw Wood Road which does have a tight bend and bridges, however there are 3 roads that our clients would use, two of which negate the need to use Shaw Wood Road at all....
...Our business will be seasonal so that there will be a fallow period with no traffic at all...*

With regard to the B&B reference and historical uses at the site, there has been no planning history for any previous uses as mentioned above and although this was a considerable time ago and the applicant did not own the property at that time, this cannot be taken into consideration at this stage. The applicant has been advised to submit a Lawful Development Certificate for the former uses if they believe they are now lawful.

The applicant has gone on to say that they will promote public transport by bus and train, and also car sharing. They will also promote walking and cycling by providing details of routes to take and places to visits. The applicant will also look to support local businesses sign posting visitors to nearby pubs/restaurants and independent shops.

In order to avoid busy times, they also plan to ask clients to check in and out away from the school run times / peak traffic times and check in days will be limited.

Given the above the proposal would satisfy CLP policies BT4, IM4, IM5 and Annex A and paragraph 112e of the NPPF.

Flooding, Drainage and Private Water Supply

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management which includes amongst other things:

“...Ensuring new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity;...”

The site lies within a Critical Drainage Area and as such a Surface Water Flood Risk Assessment has been submitted.

The Council's Flood Risk Manager has been consulted and made the following comments:

“It is noted that this is a small development with minimal impact to surface water runoff, however there is little detail for drainage runoff from the site. It is noted that soakaways are proposed however these have not been marked on a proposed plan. Furthermore, the site has existing pond features, which indicate that the natural drainage within the local soils is poor. Therefore, additional details of the local soils are required to confirm that the local area will support the use of soakaways.”

SUGGESTED CONDITIONS

1. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.”

Following the submission of the SWFRA further comments were received:

“The Flood Risk statement submitted is adequate. Comments relating to drainage requirements dated 04/04/2022 still apply”

As set out above the proposed development is small in scale and is located adjacent fields. The amount of surface water run-off is considered to be low and there are no third-party properties that are in the immediate vicinity that it would affect. Subject to the above condition regarding details to be submitted, the proposal would satisfy CLP policies CC2 and CC3.

Ground Conditions

CLP policy EN3 Environmental Protection discusses environmental protection and identifies that developers are expected to understand the environmental implications of their proposals and to ensure that development does not give rise to and is not exposed to environmental hazards.

The site is identified as being on land with potential contamination. The applicant has commented that:

“The garden area affected by our current proposals has been landscaped for over 25 years. The only previously developed area is indicated by the remaining ruins of previous cottages which are not affected by the tent or huts. There is no evidence of contamination throughout the garden area”

Paragraph 184 of the NPPF goes on to say that:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.”

Given the type of development proposed with just a base for the huts, it is not considered that the proposals would be affected by any potential land contamination and would therefore satisfy CLP policy EN3.

Wildlife Conservation, Trees and Landscape

Policy GN3 Natural Environment seeks amongst other things to:

...achieve better management of Calderdale’s natural environment by requiring developments to:

- b. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;...”*

The site falls within a bat alert area and Wildlife Habitat Network. As the development does not affect any roof works to existing buildings or trees a bat report is not necessary.

After discussions with the Wildlife and Biodiversity Conservation Officer, they have requested a condition for the submission of a Biodiversity Enhancement Management Plan informed by an up-to-date Botanical Survey. In terms of species enhancement, they have requested that one long life bat box is provided attached to a tree.

Following the submission of the above suitable planting can be provided on site.

Subject to a condition relating to BEMP and the bat box the proposal accords with policy GN3 of the Local Plan and section 15 of the NPPF.

Planning Balance

As set out above the site is located in the Area Around Todmorden which allows for this type of development and as such the principle of the development is acceptable. The site is also located within the Lumbutts and Mankinholes Conservation Area where the open fields adjacent the site contribute to the setting. The applicant has worked with the LPA to amend the proposals so that any minor harm is minimised to both the Conservation Area and its setting. The amended location and proposed landscaping also help to reduce the impact on the Special Landscape Area.

Concerns over additional traffic have been taken on board but it is recognised that this type of development is purposely located in a countryside setting as this is what attracts visitors to the area. There are three ways to approach the site and therefore not all traffic will be via Shaw Wood Road. An access to the site exists and suitable off road parking is available. Other means of sustainable transport will be promoted. Subject to conditions there would be no environmental, drainage, wildlife and conservation issues.

On balance although there would be some minor harm to the Conservation Area and countryside setting, this would be limited. Given the benefits of the provision of a proposal that seeks to encourage tourism which in turn will help the economy of the local area, it is considered that the proposals would outweigh the limited harm in terms of any additional traffic and impact on the Conservation Area and countryside setting.

CONCLUSION

The proposal is considered to be acceptable subject to conditions. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the sections above and there are no material considerations to outweigh the presumption in favour of such development

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

Date: 24th May 2023

- **Further Information**

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

Gillian Boulton (Case Officer) on 01422 392232

Lauren Clarkson (Lead Officer) on 07702 657078

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Notwithstanding the details shown on the approved plans, no drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
3. Prior to development being first brought into use, details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the development first being brought into use and shall be so retained thereafter.
4. Before it is first brought into use, the development hereby permitted shall be constructed of facing and roofing materials as identified on the approved plans and details of the colour finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be finished in accordance with the approved details and so retained thereafter.
5. Prior to the development first being brought in to use, details of a bin storage area for use by the visitors to the development, shall be submitted to and approved in writing by the Local Planning Authority. The bin storage area shall be constructed in accordance with the details so approved and shall thereafter be retained.
6. The wc, shower facilities and kitchen area in the adjacent agricultural building to the west of the site shall be used in connection with the proposed huts and bell tent business. The remainder of the building shall be retained as existing and shall be so retained thereafter.
7. Before any external artificial lighting is installed within the development site, details of a scheme to adequately control any glare and obtrusive light produced by artificial external lighting at the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" reference GN01: 2011 for environmental zone E1. The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter. The scheme shall include the following information:-
 - a. The proposed level of maintained illuminance, measured horizontally at ground level;
 - b. The maintenance factor;
 - c. The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity;
 - d. The proposals to minimise or eliminate glare from the use of the lighting installation when viewed from windows of properties in the vicinity;
 - e. The proposed type of luminaires to be installed showing for each unit, the location, height, orientation, light source type and power;
 - f. The proposed hours of operation of the lighting.

Furthermore, there shall also be submitted to the Local Planning Authority, upon completion of the development a statement of a suitably qualified contractor that the light emitted by any lighting installation to which this condition applies is fully compliant with the ILP guidance for the relevant environmental zone.

8. Prior to the development first being brought into use a Biodiversity Enhancement Management Plan informed by an up to date Botanical Survey shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented in accordance with the details so approved.
9. Prior to the development first being brought into use an Electric Charge Point shall be installed in accordance with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1, and shall be so retained thereafter.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
 2. To ensure proper drainage of the site and to ensure compliance with policies CC2 and CC3 of the Calderdale Local Plan.
 3. In the interests of sustainable development and to ensure compliance with policies IM4, IM5 and Annex A of the Calderdale Local Plan.
 4. To ensure the use of appropriate materials and colour finish and in the interests of visual amenity and to ensure compliance with policies GB2, GN4, HE1 and BT1 of the Calderdale Local Plan.
 5. In the interests of amenity and to ensure compliance with GB2, BT1 and EN3 of the Calderdale Local Plan.
 6. For the avoidance of doubt as to what has been approved and in the interests of amenity and to ensure compliance with policy EN1 of the Calderdale Local Plan.
 7. In the interests of amenity and to ensure compliance with policy EN1 of the Calderdale Local Plan and paragraph 185 of the NPPF.
 8. In order to protect and enhance biodiversity and to ensure accordance with policy GN3 of the Calderdale Local Plan and section 15 of the National Planning Policy Framework.
 9. In the interests of sustainability and to ensure compliance with policy IM4 J of the Calderdale Local Plan, and paragraph 112(e) of the National Planning Policy Framework.
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Time Not Before: 1600 - 02

Application No: 21/01421/FUL

Ward: **Luddendenfoot**
Area Team: **North Team**

Proposal:

Construction of detached dwelling with glazed link extension and detached garage/plant room including landscaped gardens and pond.

Location:

Land South Of Travellers Cottages Steep Lane Sowerby Sowerby Bridge Calderdale



Applicant:

Mr. & Mrs. Sawrij

Recommendation: **REFUSE**

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

Consultations:

Highways Section
Environmental Health Services - Pollution Section (E)
Yorkshire Water Services Ltd (BC)

Description of Site and Proposal

The application site extends to 0.55 hectares, situated to the south of Steep Lane, a country road that connects the village of Sowerby (approximately 1.5km away) and the B6138 Cragg Vale. The lane forms the northern boundary of the site, whilst to the south and west it is delineated by dry stone walls. A post and rail fence defines its eastern perimeter.

Opposite is a terrace of buildings that was previously the Travellers Rest Public House and the landlord's cottage. The pub closed in 2013 and has since been converted into three dwellings (1-3 Travellers Cottages). The site occupies an elevated position, being close to the top of Steep Lane, with long views to and from the surrounding countryside. Topographically, there is also a modest slope across it from a level of approximately 319m AOD at the south-west to 310m AOD at the north-east corner of the site. A linear ditch exists along the southern boundary of the site, which extends eastwards and widens out to form a pond. An earth bank runs north to south across the site and separates the car park from the grassland, whilst a further low bank and ditch define the west and east boundaries.

Part of the site (approximately 30%) comprises the former overflow car park for the public house, now evidently still used for informal parking. There is evidence of the former hard surfacing to a degree, albeit this area is gradually becoming re-introduced into the landscape. This part can just be considered as previously developed land (PDL), being land that was intrinsically linked to the former public house. It is relevant to note that land where the remains of any permanent structure or fixed surface structure have blended into the landscape is excluded from PDL and the site is close to being such. In any event, the remainder (and majority) of the area within the red line boundary is undeveloped Greenfield land i.e., not PDL. It comprises mainly rough grassland.

The character of the surrounding area is a rural pastoral landscape interspersed with farmsteads comprising both individual and groups of agricultural type buildings and farmhouses. Dry stone walls form the predominant boundary treatment. The closest adjoining farms include Moor End Farm, approximately 160 metres to the west and Thacker Gate and Lower Quick Stavers, which both lie more than 140 metres to the east.

This application seeks full planning permission for the construction of a substantial new dwelling that would extend to a floorspace of approximately 490m². The house would comprise two linear wings that would be rectangular in form and each with a mono-pitch roof.

The block closest to Steep Lane would align just north of an east-west orientation. It would provide the main living accommodation on two levels. In scale, it would extend to 8.4 metres in width, 23.3 metres in length and between approximately 5.9 metres and 8.3 metres in height and set back at least 15 metres from the road. This would be the 'living' block comprising a kitchen/diner, dining room, living room and storeroom on the ground floor with two double bedrooms, two bathrooms and a large study on the first floor.

The block to the south would be arranged just to the south of an east-west orientation so that the two wings would slightly off-set from one another. This would be the 'leisure' block providing a swimming pool and games/cinema room on the ground floor with two double bedrooms and two en-suite bathrooms accommodation above. This block would also be 8.4 metres in width but 24 metres in length. Its roof would similarly rise from approximately 5.9 metres to 8.2 metres in height.

These linear forms would be connected by a double height glazed atrium extending to a floorspace of 93m². A detached single storey double garage block incorporating a cycle and garden store, and plant room would sit to the west. This would extend to a footprint of approximately 13.2m in length and 7.4m in width with a mono-pitch roof that would be 4 metres in height at the ridge falling to approximately 3 metres in height at the eaves.

Architecturally, full height window openings would be used to create a vertical emphasis to the dwelling, set in deep reveals. They would be larger to the south and west to maximise the opportunity for solar gain whilst incorporating solar fins to minimise over-heating. The external elevations would be treated in a mixture of reclaimed natural stone on the two main blocks and the detached garage block with weathered natural oak 'silvery grey' timber cladding to the south elevations. The atrium would be glazed with a stone surround to the main entrance. The mono-pitched roofs to the linear blocks would be treated with a sedum green roof.

The proposal is supported by a fully detailed landscape scheme. The application notes that the landscape strategy seeks to adopt a 'naturalistic approach with minimal intervention' to retain and enhance the existing landscape features, whilst also improving local character. The landscape masterplan indicates the creation of a number of zones. A gated driveway and turning area would be constructed from the existing access to the front of the double garage. Trees would be planted either side of this and along part of the frontage. A reasonably substantial area around the buildings would be an upland acid grassland mix, forming a general meadow supplemented with grass plug planting. New tree planting, including some coniferous trees, would be introduced around the boundaries of the site, which would be retained as mostly a tussock grassland mix with an area of peat restoration & tussock grass heathland in the north-east corner. The existing water course and pond would be retained, enhanced and extended to create a water feature. Drainage from the house would be designed as an open 'swale' to link with the existing and extended surface water features. The design also incorporates and extends the stone boundary walls and includes the replacement and repair of existing damaged walls.

The application also states that the proposal would be a 'true' Net Zero Carbon ('true' NZC) dwelling. At the time the application was submitted in 2021, the applicant claimed that it would be the first of its type in the UK. It is unclear whether that is still the case. Nonetheless, the application clarifies that it is the intention to achieve true net zero carbon following the UK Green Building Council (UKGBC) pathway. That would include the following measures:

- A highly insulated and airtight building envelope to reduce operational energy requirements
Extensive use of timber throughout the structure and finishes of the building resulting in the sequestration of carbon
- Locally sourced reclaimed stone for external walls and paving to reduce embodied carbon associated with the production and transport of stone
- Low carbon cement within the substructures, which would be sourced from certified low carbon cement
- Low carbon blockwork to the external wall structures, also sourced from certified low carbon cement suppliers.
- The use of high-quality materials with long lifecycles to reduce replacement requirements throughout the life of the building
- Installation of Photovoltaic Panels with onsite energy production exceeding the buildings usage requirements so that surplus energy would be exported back to the National Grid.

Access arrangements would be from a single entrance from Steep Lane into a driveway area between the house and double garage, which would be hard-surfaced and partially bounded with a gritstone wall.

The application has been brought to the Planning Committee because a written request, giving planning reasons, has been made by Ward Councillor Scott Patient. Councillor Patient requests that it be brought before Committee given the proposal's high eco-credentials. He considers that planning members would like to take a view on the impacts of the property, whilst also considering the local heritage and landscape.

Relevant Planning History

16/01449/OUT - Holiday lodges (Outline) (Resubmission of 16/00891/OUT)

Refused: 29 December 2016

Refused as inappropriate development within the Green Belt and insufficient information to enable the full implications of the proposal to be properly considered, particularly relating to the adequacy of the water supply to serve the site.

16/00891/OUT – Holiday lodges

Withdrawn: 25 August 2016

Pre-application

It is acknowledged that the applicant did engage in an extensive pre-application process with the Council between August 2020 and the time the application was submitted in October 2021. The Planning Statement indicates that the applicant took the following key points from the pre-application process:

- That although the site was in the Green Belt and very special circumstances would need to be demonstrated, providing the proposal could meet the requirements of paragraph 79e (now 80e) of the NPPF through outstanding architecture and the sustainability of the design, together with the contribution to housing land supply, that would be sufficient to demonstrate very special circumstances and secure the support of officers;
- The development would need to be an exemplar which could be used as a reference project by the planning authority to raise standards through modern design that respects the vernacular architecture and traditional materials in Calderdale more generally;
- The applicant states that the concepts presented to the Development Manager at that time in November 2020 were supported and it was recommended that they have a meeting with the Head of Planning to present the draft proposal, and secure support at that level before developing the scheme ready for submission. At that later meeting, it was evidently recommended by the Head of Planning that the applicant engage with an independent design review process with regard to ascertaining that the architecture was of outstanding merit to objectively establish whether the scheme would meet the requirements of Paragraph 80. The applicant did progress to present to the Design Review panel, which is considered in the report below.
- It is understood that a fourth pre-application meeting was held in May 2021 to update the Development Manager on the outcome of the Design Review Panel and to seek support prior to submission. The applicant states that it was confirmed at that meeting that the scheme was supported by officers. A further meeting took place with the next Development Manager in June 2021, who confirmed amongst other matters, that the 'ground-breaking energy consumption' would need to be demonstrated; and that the design must be 'neighbourly'.

Whilst it is appreciated that the applicant sought pre-application advice, Members are advised to note that it is provided on a 'without prejudice' basis and it cannot pre-empt the consideration of a formal application.

Key Policy Context:

The most relevant planning policies are set out below:

Calderdale Local Plan (CLP)	Green Belt Landscape Character Area – Blackwood Common
Relevant CLP Policies	GB1 Development in the Green Belt BT1 High Quality Inclusive Design BT2 Privacy, Daylighting and Amenity Space BT3 Landscaping BT4 Design and Layout of Highways and Accesses Policy IM5 Ensuring Development Supports Sustainable Travel Policy EN1 Pollution Control Policy EN2 Air Quality Policy EN3 Environmental Protection Policy GN3 Natural Environment Policy GN4 Landscape Policy CC1 Climate Change Policy CC2 Flood Risk Management Policy CC3 Water Resource Management Policy HE1 Historic Environment Policy MS2 – Minerals Safeguarding
National Planning Policy Framework	5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 12. Achieving well-designed places 15. Conserving and enhancing the natural environment
Other relevant planning Constraints	None
Other material planning considerations	Climate Emergency Declaration (Jan 2019)

Publicity/ Representations:

The application was publicised by means of a site notice (27 January 2022), a press notice (published 30 June 2022) and neighbour notification letters (sent 23 June 2022). A total of 18 letters of representation have been received of which 4 object and 14 support.

The objectors are located at 1 Travellers Cottage, Lower Quickstavers Farm, Stanhope Barn, New Lane, Sowerby and New Springs Farm, Thacker Gate Road, Sowerby.

The supporters are located in Mytholmroyd, Boothtown, County Durham, Luddenden Foot, Hartlepool, Huddersfield, Stockton on Tees, North Halifax, 3 Travellers Cottage, Halifax (Pye Nest), Pellon and Slate Delfs Farm New Road, Cragg Vale.

The following is a summary of the objections raised to the proposal:

- The building would not be in keeping with anything in the immediate local area. The building in theory is fine but it would not sit well in the environment.
- The site is within a green belt area and is in close proximity to the four residential dwellings: 1, 2 & 3 Travellers Cottages. No.1 is the only owner occupier within the cottages as all the rest are rental properties.
- The proposal by its own definition is not exempt and is deemed inappropriate in its construction of a new building in the Green Belt as per the National Planning Policy Framework.

- There is no information provided as to where the domestic water source is taken from to supply the proposed site. The current pond in situ is fed from the water spring as are the existing 4 cottages. Being rural in nature the current infrastructure is inadequate to deal with current demand of 4 cottages. As a side note the planning granted to convert the Travellers Public House to cottages originally stated that mains water would be installed. This did not happen.
- The proposed site is an isolated home in the countryside according to the National Planning Policy Framework (NPPF, 2021). It states that development should be avoided unless it is of exceptional quality, truly outstanding, reflecting the highest standards in architecture and be sensitive to the defining characteristics of the local area.
- The planning application does not provide any evidence to support any special circumstances or indicate any consultation process to ensure these specific criteria has been given due consideration. Although it is arguable the design is impressive it does not satisfy the basic requirements as set down in the NPPF, para 80, 2021.
- The area on which the planned house would be built is designated as Green Belt. It was briefly used as a temporary/overspill car park when the Travellers Rest Public House was trading. It ceased to be used as such around 13 years ago, when the pub closed and was converted to cottages. It was never moved out of its Green Belt classification. It is still Green Belt and therefore should be protected.
- A building of any kind here would involve a loss of openness and be an encroachment into the countryside.
- There is no mains water supply in the upper Steep Lane area. Residents rely on spring water and boreholes. We have a well and this usually falls very low on water during the summer months. Over the years there has been a gradual increase in the number of boreholes supplying established properties in the locality. With a finite amount of local spring water and aquifer water to supply the area, an additional 4 bedroomed house with treatment plant and what appears to be a swimming pool would put a serious drain on limited resources.
- No details of how the treatment plant will work but the objector assumes that this is partly for filtering the swimming pool water and also for treating human waste.
- Many local properties use spring water, and the objector does not like to think of what will be percolating through the ground into household water supplies.
- There is no justification for a new home in green belt;
- The design is predicated on an aim to create true net zero and whilst this has general support in general terms from any direction, true net zero simply cannot be known until after the house has been built and becomes operational. It can be proposed but it cannot be guaranteed prior to construction and measurement. It cannot be controlled by the Council after consent is given and once built, if true net carbon zero is not realised, then it will have failed.
- The true net zero carbon objective is not the first development of this type. The proposal seems to want to translate this established concept of development from social housing developments and commercial developments, where it is often found, into private houses.

Many examples already exist so this is not the ground-breaking development that was suggested.

- It is a government requirement to build all new houses to net zero by 2030 meaning that new house designs must meet these standards from 2025. That is just two years away, meaning that this part of the proposal is not in any way special as all dwellings will have to meet these standards in just two years' time.
- Considering the other aspects of Para 80, what is it about the zero-carbon aspect that means the house should be built here? The site itself provides no elements of the zero-carbon assessment. The submission is about the use of carbon in the build and the energy performance and as such this design could be located anywhere.
- The proposal refers to carbon sequestration within the peat bog on site contributing to the whole life carbon assessment. There is no natural peat on this site and so it is difficult to understand how this can be part of any calculation for this proposal. The site is part of an agricultural field sold to the pub in the 1970's and as such would have been ploughed, seeded and used for grazing for hundreds of years prior such that any peat that might have been on the site would no longer exist.

The land was never used as a beer garden and this description is misleading. The Green Belt assessment refers to parked cars, but the pub no longer exists and so there are no parked cars to factor into the assessment. The permission for the conversion of the cottages intended the car park area to be returned to agriculture or landscaped. It has no official use.

The plan format in the drawings in Paragraph 6 of the Design and Access Statement intend to show the context of the proposal and that the building is in scale with the surrounding buildings. However, this is misleading in terms of the scale and massing. The drawings suggest two separate sections of the main building whereas the two sections are actually connected and so the real bulk of the main building is significantly larger than being suggested. These plans make the proposal seem to be in keeping with the scale of the footprint of The Travellers, whereas in fact, they are not.

- The site does not lie in a sustainable location in respect of access to services and public transport.
- The elevations are over-dominant in size and scale with the adjacent cottages in completely inappropriate.
- The views from the road within the application document are taken from a very low level and this is not how the building will be seen. There are no views of the proposal from the footpaths above the site in the landscape assessment. This is a key view which would see the proposal in the hillside setting from the other side, but it is not provided.
- The cottages are the Traveller's Rest which is a former inn on the original medieval route out of Sowerby Town. This is a non-designated heritage asset [in the view of the objector] and the proposal would totally dominate that historic building. It would be detrimental to those buildings and to their wider setting on the top of the hill out of Sowerby.

- The DAS quotes Nicholas Pevsner who suggested that the key principles of English Architecture are "reticence and continuity" and that the brief was to design a building which "responds and is sensitive to the defining characteristics of its setting". This building would be significantly at odds with both those statements, being unrelated to the characteristics of the setting and having a strident design which would be unsympathetic to the hillside setting and the surrounding buildings.
- There is insufficient water supply for a house. A borehole here would reduce the objector's spring supply on which the objector is entirely dependent for water, both domestic and agricultural, and already reduces dramatically in the summer months.
- There is insufficient land for the outfall from a sewerage system. any leakage would contaminate the surrounding land which is grazed by cattle and potentially contaminate the spring water supply to the objector's property.
- The proposal intends to use the existing "lake" which is no more than a hole scraped in the ground, to absorb the proposed additional surface water from the site. The "lake" is identified as part of a drainage system in the plans. It should be noted that the existing drainage system and lake does not even drain the existing land adequately and presently, the water from the site drains onto the road. This is in a time when rainfall has been lower than expected for the season and yet the site although mostly vegetated still does not contain all of the water that falls on it even *before* any development is undertaken.
- The proposed materials use reclaimed stone meaning that other traditional buildings are being demolished to supply this stone which is not necessarily appropriate. The description clarifies that coursed stone is not proposed and that larger stone, stone slips and irregular stones would be used. This suggests random rubble walling rather than anything seen in local buildings and field walls.
- The DAS proposes a green sedum roof covering explaining how the roof will then become integrated into the landscape. However, it fails to mention that the roof would be at least 50% covered with solar panels which, when viewed from the public footpaths along the hillside adjacent, would be a strident and discordant feature given the scale of the proposal. and as illustrated in the visuals, would be completely inappropriate to this locality.
- The Design Panel commented on the design scheme but not on the final version and so it is not possible to know what they thought of the final version. The Panel's comment on the scheme confirms that the design credentials would be dependent on whether the net zero can be achieved. It is actually not possible to know this beforehand and so it cannot be used to justify a new house in Green Belt as being exceptional. Even if it was considered that the net zero objective was achievable, appeal decisions confirm that this is not sufficient to be regarded as exceptional architecture.
- The natural flow of water through the site to the wider area is evidenced by the reedy and damp ground visible on aerial photos to the southeast corner of the site. This shows that the site does not drain naturally via the current channels and lake. To add the huge volume of grey and foul water arising from such a large house including a swimming pool into this system would make the drainage situation significantly worse.
- The scheme must be designed to ensure that there is no drainage of water from this site into the adjacent farm fields and that is presently not evidenced.

- The current location of the water treatment works, and car parking areas, gives rise for concern. The system must make sure, in the event of any drainage failure, that they ensure no pollution incidents occur in the adjoining agricultural land.
- Natural drainage systems need to be carefully maintained and so it is essential that the proposed system is robustly designed to make sure that if there is any lack of future maintenance, the system contains the polluted water and does not affect the adjacent farmland.
- Water requirements would be high. The adjacent properties and farmland downhill to the east rely on a spring supply and have done since the 1400's. It is essential that the matter of water supply is carefully addressed. No details of the water supply intentions are shown in the application. and as no comment is made in respect of spring supply, it seems that the intention is to provide a mains water supply or a borehole. This needs to be considered at the planning stage as the reversion to a borehole supply is not available without consequences to others using that supply.
- There are people in the immediate locality i.e., at the Travellers Cottages whose borehole has run dry at certain times and to add a further borehole in such close proximity is expected to make their situation worse as well as affecting the spring supply for the six houses and farm at Lower Quickstavers and the New Springs supply. This should be fully investigated prior to any decision being made.
- Consultation paragraph 8.00 comments that meetings were held with key personnel of the Council. However, pre-application meetings can carry no weight in the decision-making process. All pre-application advice is given on a without prejudice basis.
- The dwelling has no design relationship to the site and hence could be located anywhere. The site has little in the way of characteristics which could relate to a new dwelling and the requirement of Para 80 is specifically required to enhance the immediate setting. Whilst the site is currently untidy, the conversion of the pub into three dwellings undertaken by the applicant's family was intended to tidy the land and revert to agriculture or landscaped.
- This proposal has no special credentials which elevate it to a level of the highest architectural standards. The proposal for net zero carbon, which is admirable in itself, is not sufficiently unique or special to justify approval under the requirements of Para 80. Furthermore, not only is the design of insufficient quality, but the dwelling also has no relationship to the site and does not enhance the site or its setting. In fact, it actively harms the character of the setting in immediate terms being overwhelmingly large compared to the historic Travellers Cottages and also out of scale with the wider landscape and the buildings in the locality.
- The requirements for Para 80 are very high. There are many elements of the proposal that need to be examined and the highest levels of scrutiny are essential. The proposal has some points of merit, but these are not sufficient to meet the exacting requirements of these standards of architecture which demand that design, setting and sensitivity to character are all achieved to the highest national level.

The following is a summary of comments made by those in support of the proposal:

- It would benefit the local community to have a new family home here.

- It would have a positive impact on the site. To have a true net zero property in the area would be fantastic and very exciting to see.
- This would be a lovely family home and would look great here.
- The supporter drives past this site a lot and it would be a great asset to the area.
- The supporter has lived in the area over the years and "Steep House" would make a lovely family home.
- Due to the extension, it would make a lovely home for a bigger family new or old to the area. It would bring short time work for builders.
- The proposed dwelling would be an improvement on the current site.
- The design is of any extremely high standard and is both sympathetic to, yet completely net zero within the local environs. The architects have obviously done their homework, considered the highway, local flora and fauna and taken a field of little value to biodiversity and ecology to one potentially rich in both.
- We need more housing of all types within Calderdale and difficulties with brownfield sites and the green belt alike can be overcome where development considers those challenges whilst being careful to consider impact on both the landscape and the environment.
- We are all striving to be more Eco friendly and what better way than an eco-friendly home. It can only have a positive impact in the area.
- The resident has lived in Sowerby / Cragg Vale area for over 20 Years and wholly supports an eco-friendly development like the one proposed. It would be a beautiful well-built design which would make a fabulous home for a family to live in.
- There is a distinctive lack of houses such as this for sale and there is nothing better that could have been done by the architect in the design. The supporter would be keeping an eye on it should it come up for sale.

Parish/Town Council Comments

The development is not located within the boundary of a Parish Council.

Assessment of Proposal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development which means:

- Approving development proposals that accord with an up-to-date development plan without delay; or

- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (for example, land designated as Green Belt or designated heritage asset) or;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The statutory development plan for Calderdale is the Calderdale Local Plan, adopted on 22 March 2023.

Principle of Development

The application site lies within the Green Belt. The NPPF confirms at Paragraph 137 that the fundamental aim of Green Belt (GB) policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF is clear that the construction of new buildings is inappropriate in the Green Belt. There are exceptions to this, including the following, at Paragraph 149(g):

The limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

This approach is reflected in Policy GB1 of the Local Plan at GB1 I(f).

In this case, however, as set out in the report above, only part of the site constitutes previously developed land, and the proposed built form and landscaping of the site extends into Greenfield land. Taken as a whole, it is therefore considered that the development cannot be considered to constitute either partial or complete redevelopment of PDL, and it would constitute inappropriate development in the Green Belt as a result. The NPPF and Policy GB1 confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Even if it were to be considered, in part, to be PDL, in order to not be inappropriate development, the proposal would not be able to result in any greater impact on the openness of the Green Belt than the existing development. National Planning Practice Guidance confirms that openness is capable of having both spatial and visual aspects so that the visual impact of the proposal may be relevant, as could its volume.

Openness

Traditionally, openness was deemed to imply the absence of development. In this case, part of the site was evidently previously used as an overflow car park for the public house and therefore subject to the occasional parking of vehicles, as it is now. The remainder (and majority) of the site, however, has always been open and undeveloped.

The introduction of a large residential dwelling across the site, as proposed, would introduce permanent built volume onto a piece of land that is presently devoid of it. It would introduce quite substantial development on land where there is presently none. The bulk and form of the dwelling, along with the double garage, would therefore lead to a significant loss of openness from a spatial aspect.

Visually, the building would be readily visible in public views from the road and the surrounding footpaths. The red line boundary is drawn widely around the house with no clear definition to the garden area, which would reasonably extend across a large part of the site. It is considered that the land would be used far more intensively in association with a new dwelling compared with its existing or previous use. Furthermore, the introduction of domestic paraphernalia associated with such a house, including car parking and footpath surfacing around the blocks, and the inevitable accoutrements of a dwelling that may include patio furniture, play equipment or washing lines etc., would inevitably further reduce the visual openness of the Green Belt. This harm is also afforded substantial weight.

Purpose of including land within the Green Belt

It is also considered that the proposal would conflict with the Green Belt purposes identified within the Framework. It is accepted that one dwelling would not be of a scale to contribute to the merging of neighbouring towns nor impact upon the setting and special character of historic towns. Neither would it represent urban regeneration, nor the recycling of derelict and other urban land.

The applicant maintains that the proposed development is located on a previously developed site comprising the car park area and an area historically used as the beer garden associated with the Travellers Rest public house. They maintain that it is bounded by a defined means of enclosure, largely in the form of drystone walls, such that the site has already encroached into the countryside. They also consider that the proposed development would not bring about encroachment into the Green Belt. For the same reason, the applicant considers that it would not lead to an extension of the built-up area as it would be physically separate from the continuous built-up area of Sowerby Bridge, which with Halifax together may be regarded as a large built-up area.

Officers do not agree that the site has already encroached into the countryside. The means of enclosure by dry stone walls is typical of the open countryside and is not an indication of encroachment. Furthermore, as set out above, only a small part of the red line boundary constituted the former overflow car park, which is the only area that could arguably be considered as previously developed land. Even so, it is the view of Officers that because the site now effectively blends into the open countryside, the proposal, by virtue of its scale, mass, extent and volume, would result in a physical intrusion of development into the Green Belt. Through the identified loss of openness, it would fail to assist in safeguarding the countryside from encroachment.

As set out above, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and Paragraph 148 of the Framework confirms that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The Framework also clarifies 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (the Green Belt balance). This is considered below with the Green Belt balance undertaken at the end of this report.

Very Special Circumstances and Design - whether the scheme represents exceptional design

The applicant's primary case for very special circumstances (VSC) is on the basis that the proposal would, in their view, constitute a 'Paragraph 80' development, effectively being an isolated home in the countryside that would be of an exceptional design quality.

Paragraph 80 of the Framework (as relevant to this application) states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

In considering the applicant's argument, the first consideration must be whether the site is 'isolated' in planning terms. There is extensive case law on this matter, most notably the Braintree decision (*Braintree DC v SSCLG [2018] EWCA Civ. 610*) in which the Judge held that the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. However, he also determined that whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

The applicant maintains that even though the site is opposite a row of cottages and within a dispersed settled landscape, it is physically separate from the nearby town of Sowerby Bridge (and Sowerby) and also from the larger group of dwellings and the Baptist Chapel situated around the junction of Steep Lane with Shield Hall Lane and Higham and Dob Lane. The Council do not disagree with this analysis and, in this case, accept that the site is isolated for the purposes of Paragraph 80.

The second consideration is whether or not compliance with Paragraph 80 e) could amount to very special circumstances. In this regard, an appeal decision in Wakefield in 2020 (APP/X4725/W/19/3235581) is noted:

'Exceptional design quality per se, which could include compliance with paragraph 79 e) [now paragraph 80 e)] could well be capable of amounting to very special circumstances on the specific facts and evidence of a particular case. This is supported by the fact that irrespective of location, the Framework advises that 'great weight' should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Framework is ultimately a material consideration, and any findings simply need to be weighed in the balance.

It is therefore accepted that exceptional design quality is capable of amounting to very special circumstances, but it needs to be weighed in the balance having regard to the identified harm to the Green Belt and any other material considerations. However, both limbs of Paragraph 80 must be satisfied.

The design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas

The NPPF, more generally, places great weight on the importance of design, at Section 12, noting, amongst other matters, that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It confirms that good design is a key aspect of sustainable development. Of particular relevance in this case is Paragraph 134 of the Framework, which states that significant weight should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

It is evident from the quality and depth of the submission that the applicant's team has given considerable thought to the design of the proposed development in terms of both the building and its integration within the landscape. Given the detailed nature of the submission, in this instance, the following key detail provided within the Design and Access Statement and Planning Statement are summarised below:

- The project reinterprets the traditional 'Yeoman' or 'Halifax' merchants house of the 16th and 17th Century as a contemporary building of innovative form and appearance. These houses developed from clothiers who prospered and referred to themselves as 'Yeomen' as a mark of status and prestige, which manifested itself in displays of affluence, particularly in housebuilding. A typical style emerged in the 17th Century utilising strong stone detailing and decorative features with the local coursed stone, which architectural historians began to refer to as 'Halifax' houses. Examples include Norland Hall and Great House, Soyland.
- The client lives and works locally with a main family business employing 30 people in close proximity. They own 2 and 3 Travellers Cottages and originally lived in No.1.
- The area is quite well developed with small-scale informal clusters of buildings. The predominant use is functioning, small farmsteads or residential. The clusters are usually no more than 200-300 metres apart and individual buildings are usually linear in form. Roof forms are usually double pitch and extended mono-pitch.
- The layout organises the main building elements east-west so the end elevations are presented as the site is approached from the east.
- The organisation of the buildings creates protection from the prevailing wind and rain whilst maximising the benefit of heat and light from the sun.
- The roof lines create a contemporary building. The extended roof form also visually relates to the setting and hillside topography
- The building responds to topography by incorporating changes in level within the ground floor accommodation. This enables the two wings of accommodation to sit comfortably in the landscape where the ground slopes from west to east. Both the main living area and the pool/fitness area would be set down 700mm from the main building level. This also creates increased internal height within the larger spaces.
- The choice of external materials is fundamental to the design and is derived from an appreciation of the existing landscape of dry-stone walls and upland fields. Simple, traditional materials would be brought together in a contemporary manner, rooting the building in its setting and creating an architectural language for the site.
- The walling would respond to the coursing pattern and variety of the historic walling enclosing the site. Coursing would incorporate larger stones, smaller slips and irregular shapes. The stonework would give way to timber cladding on the south elevations with the stonework terminating and turning out into the landscape as low dry-stone walls fixing the building in the ground.
- The proposed dwelling would present the length of its northern building wing to run broadly along, rather than against Steep Lane. It would be almost parallel rather than perpendicular to it, creating a common visual relationship along it with the former Travellers Rest cottages (and other buildings found along it in the immediate area), whilst by splaying it slightly away from the cottages greater distance is achieved between them.

- Within the two principal building elements, full height window openings would be used to create a vertical emphasis and a balance with the linear building form. The east facing, end elevations of the two principal building elements would incorporate double height, glazed openings within a deep recess. These would take advantage of the views to the east and are intended to represent a ‘dramatic reinterpretation’ of the large double height window openings of the grand 17th Century merchant houses in the area.
- The openings would be framed with dressed stone surrounds contrasting with the general walling, with stone mullions providing solar shading.
- Full height windows would allow increased natural light into the building and a connection with the external space and nature. High levels of natural light internally would reduce the need for artificial light and energy use. The window openings to the south and west elevations would be more extensive to take advantage of solar gain as part of the ‘Passivhaus’ design approach. In some instances, these window openings would require additional solar shading, provided by vertical fins as part of the window system. Window openings to the north would be controlled in size to limit heat loss.
- The entrance to the house would be clearly visible from Steep Lane. It would be defined by a gritstone paved threshold area.
- Architectural devices typical of the late medieval regional houses have been used and reinterpreted in a contemporary version. Entering the house into a double height space would be similar to the historic ‘house body’ designs, where other accommodation adjoined a double height central entrance space.
- In terms of landscape, the proposal seeks to reinforce the existing natural assets, increase biodiversity and sequester carbon through the development of a peat landscape to the lower part of the site. Hard landscape proposals will complement the materiality of the house. Gritstone and reclaimed paving flats of varying sizes would be used for external paved areas and timber decking would be used in front of timber clad elevations.

It is also noted that the applicant has received support from the Yorkshire Design Review Panel, to whom they have presented twice. A full copy of the second Design Panel Response (most relevant to the submitted scheme) is attached at Appendix 1. In summary, the report indicates that in the Panel’s view, the design had moved forward considerably from the original iteration and was considered to be on the right track. The drystone wall elements were identified as a positive design move that could root the proposal in its context. The Panel felt that the materiality was a satisfying and well-reasoned set of choices that reflected the local character and the applicant’s field of business. It also underpinned the scheme’s environmental performance and if true net zero could be achieved, the Panel felt that this would set the development apart in a manner worthy of Paragraph 80 as it is now. The Panel concluded that independent certification under Passivhaus would give the necessary authentication.

Officers do not dispute that the proposed design would result in a high-quality contemporary house. It is appreciated that it has been conceived by the architect as a modern interpretation of the traditional ‘Yeoman’ or ‘Halifax’ merchant houses. As the Design and Access Statement suggests, these were effectively ‘displays of affluence’ using strong stone detailing and decorative features within the local coursed stone elevations. The use of natural stone would doubtless be appropriate within the site’s context. The reclaimed stone walling would, indeed, complement the dry-stone walling that is ever-present within the surrounding landscape and the oak timber cladding would then provide a natural contrast.

In terms of detailing and fenestration, the introduction of vertical windows set within deep reveals would undoubtedly provide interest and visual relief to the elevations. This would particularly be the case to the east-facing end elevations, where the large double height windows framed with dressed stone surrounds would provide a re-interpretation of the large windows of the grand 17th Century merchant houses. The fifth elevation, the mono-pitch roofs, would be treated as green roofs with sedum planting.

However, the first limb of Paragraph 80 is whether the dwelling would be 'truly outstanding' reflecting the highest standards in architecture.

The NPPF does not define what is meant by 'truly outstanding' and it is therefore a matter for the decision maker. But it must, by definition, be a very high bar to reach. It requires not just a high standard of architecture, but the highest.

It is the view of officers that the proposed development is not outstanding in the sense that it would not push the boundary of construction or design methods, nor does it propose any particularly innovative use or application of materials or even the junction of materials. It would use contextually appropriate material(s) in a method of construction that is not new or especially remarkable. Equally, the use of green roofs to the fifth elevation would be welcomed but it would be neither innovative nor unique. Neither is the reinterpretation of a Yeoman's House novel to the district; the same argument was attached to the approval for a new dwelling at the Making Places Estate in Soyland, which was argued to be a contemporary version of the English country manor house reflecting the vernacular Halifax Houses of Calderdale and designed to continue the legacy of 'Yeoman Halifax Houses.'

The Design Review Panel felt that if true net zero could be achieved, it would set the development apart in a manner worthy of Paragraph 80. They also noted that certification under Passivhaus would give the necessary authentication. Passivhaus is clearly a rigorous low-energy design standard that provides a clear set of tools and processes to design and build low energy buildings with high thermal comfort and is part of the way to true net zero (TNZ). TNZ is a building where it would be net zero in terms of both operational and embodied carbon (i.e., during construction), noting that the carbon footprint of a dwelling is typically 50% operational energy and 50% embodied energy.

The Design and Access Statement clarifies that the proposed dwelling would achieve true net zero carbon emissions as defined by the UK Green Building Council (UKGBC) Framework. This is the UK based defined route to a net zero carbon building. In the course of the application, Officers sought written clarification about the stages of the verification process for true net zero in order to understand how the TNZ target could be secured through the planning process and also, what the consequences might be if it was determined mid-way through the verification process that the dwelling could not meet that standard operationally for example, in the context of very special circumstances. The applicant confirmed that the information was already contained within the application because the Energy Strategy Planning Statement and the Whole Life Carbon Assessment (WLCA) submitted with it clearly demonstrate that true NZC would be achieved both in respect of operational energy and embodied energy.

The submitted WLCA adopts a methodology that utilises the Royal Institute of Chartered Surveyors (RICS) model recommended by the UKGBC and demonstrates that the proposed dwelling would be designed to achieve NZ status in respect of embodied carbon. The applicant states that the building would follow innovative building practices that could be used in the same combinations elsewhere within Calderdale on other sites. Indeed, the submitted Energy Strategy provides a very detailed approach.

The applicant also confirms that the documents demonstrate that, as designed, the dwelling would meet the requirements of the UK GBC Framework if built and operated accordingly. The details would then be submitted for validation to the UKGBC post occupation. The applicant considers that such measures, including verification that it would meet the UKGBC Framework requirements within 2 years of it first being occupied, could be the subject of a planning condition. Whilst Officers have no reason to cast any doubt on the applicant's very detailed submission that it would ultimately achieve certification as a TNZ dwelling, it does require for the building to be *built and operated accordingly*. In the event that it was not, it is considered that it would be difficult to rectify through the planning and enforcement process, which means that such a condition may not meet the test set out within the NPPF of being enforceable or reasonable.

Other aspects of the project, such as the installation of photovoltaic panels, whilst clearly welcomed, would represent a well-known method for achieving sustainable construction and are not considered to be outstanding within the context of Paragraph 80. The broader sustainability credentials of the building and the weight that can be afforded to this aspect of the proposal is considered in the Green Belt balance section of the report below.

In terms of helping to raise standards of design more generally in rural areas, this is also a rather ambiguous aim, and it is a matter that has been widely considered in planning appeals. In considering such a scheme in Harrogate in 2021, an Inspector noted, not unreasonably, that 'any well-designed scheme is likely to assist in raising standards of design by setting an example that others should follow' (3282236) although he also noted that this did not necessarily mean that planning permission should be granted. In a similar appeal in Rushcliffe (3280777) the Inspector commented that the dwelling's design would have the potential to raise standards of design more generally through the delivery of a programme of training and skills workshops. However, nothing similar is proposed within this application. In this instance, it is acknowledged that as a building that would certainly be well-constructed and of a high-quality, it could raise standards of rural design in a general sense, but in the view of Officers, there is no particularly unique aspect to the scheme to be imitated and it is clearly a very personal project for the applicant that general development in rural areas would be unlikely to replicate. This is considered to temper the weight that can be attached to this element of Paragraph 80.

Would it significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

To be a design of exceptional quality, the second limb of Paragraph 80 must also be satisfied.

The existing site was an overflow car park for the former public house opposite. Its character is largely that of an open and undeveloped piece of land of which the majority is rough grassland bounded by fencing/stone walls. Whilst elements of the gravel type surface of the former car park is evident, it is not unduly unsightly or in particular need of restoration and the site is broadly characteristic of the locality in terms of its openness and means of enclosure.

Along Steep Lane, the built character is predominantly either farmsteads comprising a farmhouse and a scattered arrangement of agricultural buildings or a single linear form of dwelling(s) at the edge of the roadside. The residential elements are largely constructed in natural stone with slate roofs. Boundary treatments are mainly stone bordering modest gardens.

The applicant maintains that part of the character of the area is the small-scale clusters of buildings, providing a typology of small-scale development that comprise informal groups of discrete buildings and that these are predominantly linear in form. However, Officers consider that the prevailing character is typically that of a single farmhouse surrounded by secondary structures of varying scales that mainly serve an agricultural/ancillary purpose.

In contrast, the proposed development would introduce three rectangular blocks that are angled away from each other with the intention that it would reflect the irregular form of development clusters within the vicinity. These would comprise the two-storey 'living' and 'leisure' blocks conjoined by the glazed atrium, and the single storey double garage. The scheme would neither provide a single linear form nor reflect the surrounding farmsteads in terms of the single farmhouse with secondary/ancillary structures around it. Instead, it would result in a substantial single dwelling comprising these two primary living and leisure elements of a similar size (i.e., one is not subsidiary to the other) that are spread quite widely across the site.

A further defining characteristic is the prevailing form of buildings in the immediate locality. Typically, they have gabled roofs sloping down to a front eaves. The dwellings opposite the site, for example, have an eaves height of approximately 4.3 metres and extend to approximately 6.5 metres to the ridge, which is likely to be quite typical of the locality. In comparison, the proposed development would introduce a mono-pitch roof form that would not represent a contextual response within the immediate locality and would be incongruous as a result. The proposed main blocks would extend to an eaves height of between just over 6 metres to just over 8 metres approximately. It is therefore considered that it would be of a noticeably larger form than surrounding dwellings and obtrusive as a result.

The application does include a Landscape Visual Impact Assessment (LVIA) and the submission generally makes much of the proposed landscape strategy, which proposes a naturalistic approach with minimal intervention, seeking to retain and enhance the existing landscape features. The images below are taken from the LVIA:

Image 1: From footpath 05/107/2 above the site:



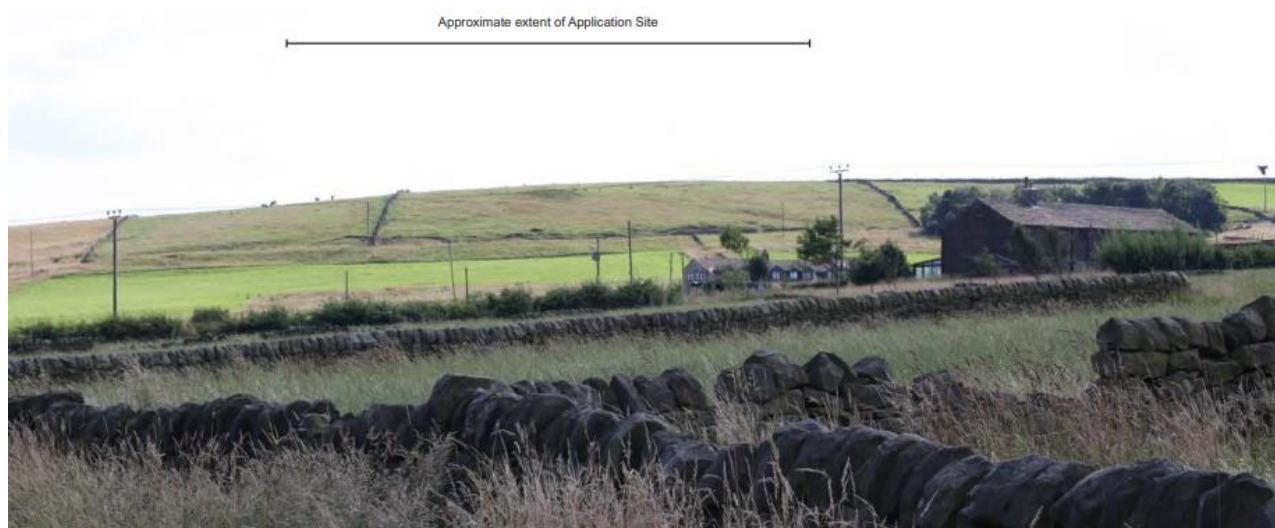
The LVIA considers that walkers on rural footpaths are high sensitivity receptors and would expect to experience a small change in view leading to a 'moderate adverse effect' at Year 1 and Year 15, but this would not be significant. Whilst the impact on walkers is not disputed, Officers consider that these images demonstrate the substantial massing of the building in comparison to the very modest row of cottages opposite the site.

Image 2: View up Steep Lane



In the view of officers, this image illustrates the spread of development across a presently open site and the depth of form compared to the simpler form of the terraces opposite.

Image 3: From the bridleway to the north of the application site





Whilst it is considered that from this viewpoint, the proposal would be seen against the hillside beyond, it does illustrate the visual prominence of the mono-pitch roof in comparison to the tradition roof forms in the locality.

There are views within the LVIA for which no illustrative image has been prepared, including a view down Steep Lane closer to the existing cottages. The applicant states that this was not requested at the time of scoping the LVIA.

The view below is taken directly from the footpath above the site. It shows how the existing site is re-integrating within the landscape and how visible the proposed development would be within it.



Taking all these factors into account, the second limb of Paragraph 80 is that the scheme must *significantly enhance* its immediate setting and *be sensitive to* the defining characteristics of the local area. For the reasons set out above, it is the view of Officers that the proposal would not significantly enhance its setting or be especially sensitive. It would, instead, introduce substantial built form onto a presently open and undeveloped site that would not be sympathetic to the characteristics of the locality.

Paragraph 80 summary

As set out above, to qualify as a development under Paragraph 80 of the NPPF, it must be:

- *Truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *Significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

Whilst the proposed dwelling does clearly demonstrate a strong design quality, using high-specification local and contextual materials and be likely to achieve True Net Zero, for the reasons set out, it has not been demonstrated to be truly outstanding nor reaching the highest standards in architecture, as opposed to a high standard. Its impact on raising the standards of rural design more generally is more arguable, but in the view of Officers, muted by the very personal nature of the project and the likely associated costs.

It is recognised that the applicant has suggested that they would accept a condition that allowed a local University and/or building college to take part in a structured observance of the construction phase on site and/or through lectures, so that it could be understood and documented for future architect/built environment training. However, this offer would appear to be limited to the construction rather than operational phase and it is unclear how it could be an exemplar for *general* design in rural areas.

Turning to the second limb, which must also be met, Officers do not consider that the extent of land within the red line boundary needs significant enhancement per se. If left undeveloped, it would continue to constitute open rough grassland that would be consistent with the open character of the wider rural landscape. Whilst the proposed development would be architecturally attractive, it would result in a clear change to the site rather than a definable or quantifiable enhancement. Furthermore, it is considered that its scale and form would not be sensitive to the defined characteristics of the local area as set out and as a result, it would fail to significantly enhance its immediate setting. Additionally, the proposed landscape enhancements around the site, including peat restoration are proposed only as a mitigation for the development and they would have a neutral, rather than enhancing, effect as a result.

For these reasons, in the context of Paragraph 80, it is considered that the proposed development would not constitute a design of exceptional quality.

Design – character and appearance

Beyond an assessment against Paragraph 80, Policy BT1 of the Local Plan refers to the need to secure high quality, inclusive design and demonstrate a holistic approach to design quality with regard to aesthetics, function and sustainability. It includes a requirement that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness. This is reflected in guidance at Paragraph 130 of the NPPF, which advises amongst other matters, that planning decisions should ensure that developments function well and add to the overall quality of the area and be sympathetic to local character and history.

As already set out in this report, the character of the immediate surrounding area is predominantly farmsteads comprising a farmhouse and a scattered arrangement of agricultural buildings or a single linear form of dwelling(s) at the edge of the roadside. They are typically enclosed by stone boundary walls around a modest garden. The houses are largely constructed in natural stone with slate roofs and simple gable roof design with a consistent and simple eaves to the front and rear elevation.

In contrast, this scheme would not deliver either a single linear form or reflect the traditional farmstead in terms of a single farmhouse with secondary structures that serve an agricultural/secondary purpose around it. Instead, it would result in a substantial dwelling that would be spread across a reasonable proportion of the site. The two main wings would be of a similar size, connected by a double height glazed atrium. The large double garage would add to the massing of development.

Additionally, the modernist architectural approach would introduce mono-pitch roofs that are not typical to the locality and would appear incongruous within this rural context. It is considered that the traditional gabled roof form on the surrounding houses serves to moderate the scale of existing development as the roof slopes down towards the road, the houses opposite being constructed to an eaves height of approximately 4.3 metres.

In contrast, the mono-pitch roof of the proposed dwelling would rise up as Steep Lane slopes down. The front block, being closest to the road, would have an eaves height of between 6 to 8 metres. It would be of a noticeably larger scale than surrounding dwellings and, in comparison, a dominant residential form within the landscape.

It is therefore considered that the proposed development by virtue of its scale and form would fail to sufficiently respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness. It would therefore be harmful to the character and appearance of the area contrary to Policy BT1 of the Local Plan and guidance within the Framework.

Landscaping

Policy BT3 of the Local Plan states that development proposals should be accompanied by schemes that include good quality hard and soft landscaping. These aspects of a development proposal will be required to form an integral part of the design and should consider providing opportunities for possible areas for local food production, including the potential for the use of fruiting trees and shrubs. Landscaping schemes should ensure that new development integrates appropriately into its surroundings, contributes to the character of the area, and enhances local biodiversity if practicable.

In this instance, landscape character is also important because the site lies within the Blackwood Common Landscape Character Area. Policy GN4 of the CLP advises that new development should be designed in a way that is sensitive to its landscape setting and retains and enhances the distinctive qualities of the landscape area in which it would be situated. It confirms that planning permission will only be permitted if the proposal would meet four criteria, which include the need for the scheme to retain features and habitats of significant landscape, historic, geological and wildlife importance, enhance the character and qualities of the landscape area through appropriate design and management and deliver appropriate landscape mitigation that is proportionate.

The Calderdale District Landscape Character Assessment produced for the Council by LUC in 2016 confirms that Blackwood Common includes parts of the River Ryburn valley, Soyland and Rishworth Moors as well as smaller moors like Long Edge, Norland and Ringstone Edge.

Characteristics include a network of winding, rural lanes that join more major roads and a dense network of footpaths and bridleways, a dispersed settlement pattern comprising scattered stone-built barns and farmhouses, with housing developments surrounding the main settlements, including Sowerby and visual qualities that are described as including open, upland fringe landscape character with long views, often conveying a relative sense of remoteness and isolation.

It is evident from the application that considerable thought has been given to the proposed landscape scheme. It would adopt a reasonably natural approach. An existing water course and pond that runs along the southern and eastern boundary would be retained as a shallow banked pond with water specific planting (pond-edge mix) along its edges. Around the perimeter of the site (excluding the Steep Lane frontage) the planting would comprise a tussock grass mix supplemented with heather & shrub plug planting as well as some new tree planting (a mix of deciduous and coniferous). An area of peat restoration and tussock grass heathland is identified on the eastern boundary, to be supplemented with heather, sphagnum moss and rush plug planting. Within the core of the site, around the new dwelling, it would be a reasonably large area of wildflower grassland with timber bridges crossing the watercourses. Close to the dwellings and the driveway would be pockets of native and ornamental shrub planting. The stone boundary walls around the site would be replaced and/or repaired as required.

In broad terms, it is considered that the landscape strategy per se would deliver a high-quality scheme that has been designed as an integral part of the overall design. It would include species appropriate planting that would integrate within the landscape with opportunities to enhance local biodiversity. In terms of landscape character, it would reasonably contribute to at least retaining the distinctive qualities of the landscape area in terms of scattered houses with the creation of natural habitats within the wider site and the use of relevant landscape features such as dry-stone walls.

Notwithstanding the objection to the principle of a dwelling on this site and the impact upon the openness of the Green Belt and reasons for including land within it, on its own merits, had the dwelling been considered to be acceptable, the landscape scheme would, in principle have been assessed to accord with the requirements of Policy BT3 and GN4, albeit that a detailed landscape scheme, to establish planting species and densities, would have been required by condition.

Residential Amenity

Policy BT2 of the Local Plan states that development proposals should not result in a significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for them. Annex 2 of the CLP then establishes minimum separation distances between main and secondary facing windows. These include 21 metres between main-to-main windows such as front to front and back-to-back and 12 metres main to side.

The closest third-party dwellings would be the row of cottages opposite the site (the Travellers Cottages). These would lie to the north of the proposed dwelling. However, the new dwelling would be sited almost 28 metres from the front elevation of these cottages at the closest point. Even considering the larger scale of the proposed dwelling in relation to these existing houses, it would be sited comfortably in excess of the minimum 21 metres between main facing windows. It is considered that this distance would be sufficient to ensure that there would be no loss of privacy or loss of light to these existing occupiers.

For these reasons, it is determined that the proposed development would not result in any significant adverse impact on the privacy, daylighting and private amenity space of adjacent residents and it would therefore comply with Policy BE2 of the Local Plan.

Accessibility and Highways

Policy IM5 of the CLP seeks to ensure that development supports sustainable travel. This includes, amongst other matters, measures to ensure that development manages the travel demand generated through the appropriate application of parking provision not in excess of that demonstrated to meet the anticipated needs of the development. It also requires development proposals to take account of the hierarchy of road users and consider how the proposed development will support modal choice. Policy BT4 relates to the design and layout of highways and access and includes a requirement to ensure that developments allow for the safe and free flow of traffic, provide suitable access for emergency, refuse and service vehicles as well as convenient and safe pedestrian routes.

Within the Framework, Paragraph 105 states that the planning system should actively manage patterns of growth in support of promoting sustainable travel, albeit acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in both plan-making and decision-making. However, Paragraph 79 confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, as noted above, Paragraph 80 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of five specific circumstances apply. These relate to the development for a home that is essential for a rural worker, where it would represent the optimal viable use of a heritage asset, where it would re-use redundant or disused buildings and enhance its immediate setting, where it would involve the subdivision of an existing residential building or where it would be a design of exceptional quality. None of these criteria apply in this instance and it is considered to be isolated.

In this case, it is also determined that the site is not within an accessible location in terms of access to local facilities such as schools and convenience shopping. It would be approximately 1.2 miles to the nearest convenience shop in Sowerby along a narrow, steep and unlit road without a footway, which would not be conducive to choosing to travel other than by private car. The nearest primary and secondary schools in Sowerby would be further.

It would also be approximately 0.3 miles (480 metres) from the nearest bus stop on Mirey Lane, close to the junction with Steep Lane. This would be at the top end of the threshold recommended maximum walking distance of 400-500 metres and again, the route would be on a narrow, unlit and, for some, topographically challenging road. Furthermore, this stop is served by the 577 bus route, which only provides an hourly service to Halifax between circa 0650 (am) and 2030 (pm) and between 0900 (am) and 1800 (pm) on a Sunday. This would be contrary to guidance within Policy IM5, which states that development should be located where public transport services gives at least a 30-minute direct day time service to Halifax. Given the constraints and challenges of reaching the bus stop and the reasonably limited service, it is again, considered that the use of a private motor vehicle would be likely to be the main mode of transport of any future occupants of the proposed dwelling.

In terms of access and parking arrangements, the dwelling would be accessed from Steep Lane through a double gate. This would have to be set in from the highway but in principle, there is no objection to the site access and the site could readily accommodate a sufficient parking provision, including the opportunity for an EV charging point and cycle storage.

Taking all these matters into account, it is considered that the proposed development could provide a safe access to the site and an acceptable level of car and cycle parking. However, it would be in an isolated and unsustainable location, with the only access to services and facilities (including the nearest bus stop) for pedestrians and cyclists achieved via a narrow, unlit road without pavement provision. The proposal therefore fails to prioritise travel by means other than the private car and would not support sustainable travel. It would therefore be contrary to Policy IM5 of the CLP and Paragraphs 79, 80 and 112 of the National Planning Policy Framework.

Environmental Considerations – Ground conditions, Noise and Air Quality

Policy EN1 of the CLP refers to pollution control and highlights the need to reduce the amount of new development that may reasonably be expected to cause pollution or be exposed to pollution. Policy EN2 refers to Air Quality and the need to ensure that any impact is assessed whilst Policy EN3 relates to environmental protection and the need for developers to understand the environmental implications of their proposals and to ensure that development does not give rise to and is not exposed to environmental hazards.

Within the Framework, Paragraph 183(a) confirms that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 185 continues that planning decisions should ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

In this case, the application is not of a scale that would warrant an Air Quality Impact Assessment (AQIA) or Noise impact Assessment and it is considered acceptable having regard to Policy EN2 and EN3.

Turning to potential contamination, a Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment was submitted in support of the proposal. It concludes that there is a limited potential for localised contamination and made ground to exist, particularly in the area of the former car park and mounds. This could represent a limited source of contamination and ground gas. A further basic shallow soil investigation comprising confirmatory soils testing and gas monitoring is recommended as part of any geotechnical investigation to be undertaken. In the event that the application had been recommended for approval, this would have been a matter to be addressed by means of a planning condition to satisfy the requirements of Policy EN1 and guidance within the Framework.

Biodiversity

Policy GN3 of the CLP confirms that the Council will seek to achieve better management of Calderdale's natural environment through a range of measures, including to deliver enhancement and compensation commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network and achieves net gains in biodiversity.

The application includes the submission of an Ecology Report, comprising a Preliminary Ecological Appraisal, Phase 1 habitat survey and an ecological scoping survey. This identifies that the site presently consists of amenity grassland, semi-improved grassland and hardstanding, with ephemeral/short perennial margins on three sides, several scattered trees are present, and a pond and a mainly dry ditch exist in the southern area.

The surrounding habitat was found to be mainly poor semi-improved grassland and of poor ecological value. The site was also found to be of poor ecological value, comprising an area of bare ground, ephemeral/short perennial and poor semi-improved grassland, standing water, walls, a rock pile and five trees. In terms of BNG, the existing site delivers a low baseline unit of 1.22 habitat units.

Whilst no specific habitats were identified on site, it is clear that it does have potential as a foraging habitat for amphibians and a suitable habitat for foraging and commuting bats. It also has the potential to be a suitable terrestrial habitat for reptiles, including within the rock piles and walls, which provide potential refuges and hibernation sites. Additionally, the trees and shrubs provide some potential for nesting birds. It notes that the scheme would retain much of the existing habitats including the pond, albeit some low value grassland habitats would be lost.

The Ecology Report recommends that a Construction and Environment Management Plan (CEMP) should be produced prior to the commencement of construction, detailing best practice measures to minimise dust generation and control of surface water drainage to limit impacts on retained habitats. Measures to protect nesting birds during site clearance and construction would be required as well as mitigation measures for both amphibians and reptile species. It would set out that any vegetation removal required for construction should be undertaken outside of the breeding bird season (March – August inclusive). If this were not possible, vegetation would need to be checked prior to clearance by a suitably experienced ornithologist, and any active nests found should be left undisturbed until the chicks have fledged.

There would also be enhancements to be included in the landscape plan for the site. These are stated to include:

- Improved grassland.
- Creation of a new pond and connecting watercourse to the existing pond.
- Wetland creation.
- Enhancement and ongoing management of the retained pond.
- Provision of bat / bird boxes on the new buildings or on retained trees.

These measures would be formalised within a Landscape and Ecological Management Plan, which would also include management responsibilities. The LEMP would need to include details of seed mixes, soil preparation, habitat creation targets, ongoing management regimes and a programme of monitoring to determine whether habitat creation and enhancement is meeting targets. The Report anticipates that the scheme could achieve a post development habitat units score of 3.01 (147% increase), significantly in excess of the required BNG uplift of 10%.

Having reviewed the submission, in the event that the application had been recommended for approval, subject to the imposition of conditions requiring a CEMP and LEMP, the application would have sufficiently complied with Policy GN3 of the Local Plan and guidance within the Framework.

Climate Change – Resources and Lifespan

The National Design Guide states that well-designed places and buildings should conserve natural resources including land, water, energy and materials. Their design should respond to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero by 2050.

The Council officially declared a Climate Emergency in February 2019. This declaration acknowledges that significant changes need to be made to our consumption, waste and generation of energy in order to combat the effects of predicted climate change on the natural world. Within the Local Plan, Policy CC1 sets out the ways in which development proposals should contribute to mitigating and adapting to the predicted impacts of climate change. These include ensuring energy efficiency and reduced carbon emissions are regarded as priority outcomes in development planning, using sustainable design and construction methods, increasing levels of Renewable and Low Carbon Energy Generation, supporting Sustainable Transport Networks through a reduction in travel demand, traffic growth and congestion and locating development in areas accessible by public transport.

As set out above, it is the intention that the proposed dwelling would be a True Net Zero house. This means achieving net zero carbon for both operational and construction carbon. It would be undertaken in line with the UK Green Building Council's Net Zero Carbon Buildings Framework. The pathway is essentially fabric efficiency – energy efficiency – on-site renewables – off-site renewables – off-sets.

In terms of building fabric, the dwelling would be constructed to PassivHaus standards of building fabric performance, meaning that it would be highly insulated and airtight, and the building is designed to heat and cool itself.

Turning to embodied carbon, the building would be constructed off site from pre-insulated timber wall and floor sections. The use of timber evidently allows for the sequestration of CO₂ in the embodied carbon assessment. The use of reclaimed local stone also assists.

In terms of operational energy, the dwelling would be designed and specified to require less than 35kWh/m²/year, excluding renewable energy.

The applicant has provided an Energy Strategy and Statement with supporting calculations. It states that the approach taken would not be reflected in legislation until the 2030s. In effect, it is summarised as follows:

- Demand for energy would be reduced by pursuing Passivhaus certification
- Efficient use of energy is achieved through heat pumps and mechanical ventilation with heat recovery
- All energy supplied would be electric, no fossil fuels are used.
- A large PV array would generate approximately 7% more than the annual predicted energy use, including hot water generation, the swimming pool, fixed plant and domestic usage.
- The excess generation is reflected in a 'carbon-positive' Part L (SAP calculation) and would be exported to the national grid, as all energy generation on the project is in the form of electricity.
- An on-site battery allows broadly 66% of annual energy demand to be generated and used directly on-site.
- The use of a high-quality renewable electricity tariff allows the UKGBC net zero requirement and hierarchy to be met in its entirety.
- Carbon produced during the construction and use of the building will be more than offset by the surplus energy produced on site and exported back to the grid.

The Planning Statement confirms that every effort has been made to reduce the energy/ carbon impact of the proposal. The submitted Whole Life Carbon Assessment also states that as part of the decarbonization strategy, the new development would incorporate the formation of a peat bog. Peat bogs have been identified as an important natural method for the sequestration of carbon. Evidently, carbon sequestration has been assessed as 500m² @ 3.54 tonnes carbon dioxide per hectare per year (tCO₂ ha⁻¹yr⁻¹). Whilst Officers cannot verify this figure, there is no question that peatland can store carbon. It would, however, presumably take a considerable time to form.

Nevertheless, taking all these matters into account, it is considered that the proposed dwelling would provide a clear response to mitigating and adapting to the predicted impacts of climate change. The weight to be attached to this aspect of the proposal is considered further below. The dwelling would, however, clearly meet the requirements of Policy CC1 of the Local Plan, the aspirations of the National Design Guide to respond to the impacts of climate change and guidance within the NPPF.

Drainage and Flood Risk

Within the Local Plan, Policy CC2 sets out the Council's approach to flood risk management. As relevant to this site, which lies within Flood Zone 1, at the lowest risk of flooding, it confirms that Flood Risk Assessments are only required for development proposals over 1 hectare in Flood Zone 1. It does expect, however, that any development has full regard to and compliance with the advice of the Environment Agency (or equivalent agency), the objectives and priorities for flood risk management set out in the Local Flood Risk Management Strategy and the published evidence of local flood risk and its significance as included in Strategic Flood Risk Assessments, Surface Water Management Plans and other recognised sources of flood risk data. Policy CC3 refers to water resource management and confirms, amongst other matters, that development will only be permitted if it can be demonstrated that the water supply and wastewater infrastructure required is available or can be improved to meet the additional demand generated by the new development.

In this case, the applicant has prepared a Flood Risk and Drainage Strategy to support the application. It states that the surface water drainage system would be designed to ensure that there would be no surface water runoff from the site to watercourses and / or public sewers for all storm events up to and including the critical 1 in 100-year event plus a 40% climate change allowance. The surface water drainage proposals would be designed in accordance with BS EN 752-4 and the Building Regulations approved document H (2010), which indicate the hierarchy for the treatment of surface water drainage from development sites being (i) retain on site for re-use, (ii) discharge via infiltration, (iii) discharge to watercourse and (iv) discharge to public sewer. In line with this hierarchy the proposed development would retain all rainfall on site for re-use via green roofs and for irrigating soft landscaped areas, with any surplus rainfall being retained in the proposed ponds/wetland areas and, if required below, ground attenuation tanks prior to being discharged via infiltration to the strata below the site via a groundwater recharge well.

As there are no public foul or combined sewers in the vicinity of the site, the submission proposes that the foul flows from the development would be directed to and treated via a private package treatment plant, with the treated discharge from the plant being discharged to the proposed pond/wetland areas. Had the application been recommended for approval, these matters could be controlled by condition to ensure compliance with Policy CC2.

In terms of water supply, the applicant has advised that the proposed development would use a combination of rainwater harvesting combined with a bore hole derived supply. They state that the bore hole would be sunk deeper than the existing bore holes in the area to access a different resource ensuring that sufficient supply was attained. It is understood that the bore hole would require a license from the Environment Agency, which the applicant states, would consider issues of potential contamination, and measures would be put in place to ensure that would not be the case.

In the event that the application had been recommended for approval, further evidence of the water supply provision would have been sought to confirm the feasibility of the borehole and evidence that a sufficient water supply to meet the additional demand generated by the new development could be provided. Assuming that information was sufficient, a condition would have also been attached to require further details of the borehole and water supply prior to any works commencing. That information would have been sufficient to satisfy the requirements of Policy CC3.

Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker must give special regard to the desirability of preserving the building and its setting or any features of special architectural/historic interest. This approach is reinforced in the Framework. Paragraph 195 confirms that 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) whilst Paragraph 200 makes clear that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Within the Local Plan, Policy HE1 confirms, amongst other matters, that applications for development which are likely to affect the significance of a heritage asset (whether designated or not) will be required to include an appropriate understanding of the significance of the assets affected. These objectives are consistent with the Framework and the policy can be afforded significant weight as a result.

In this case, the closest Listed Building to the site is a Grade II Listed structure at Lower Quickstavers, which lies approximately 170 metres to the south-east. There are two further Grade II Listed Building at Upper Quickstavers Farm, approximately 290 metres away as well as the Grade II Listed Baptist Chapel at the lower end of Steep Lane, which would not be visible from the site due to the topography. There is a further Grade II Listed Building at Upper Snape, approximately 540 m south-east of the application site but again, the application site would not be visible from it.

The applicant has provided a Heritage Statement, which identifies these main heritage assets closest to the site and assesses their significance and the impact of the proposal upon them. In terms of the closest Listed Building at Lower Quickstavers, it acknowledges that it is a well-preserved example of an early 17th century house, having considerable architectural and aesthetic interest, as well as some communal interest associated with present and former residents and other local people. The principal views are to the north, with side views to the application site to the west. It notes that the new dwelling would potentially be visible from Lower Quick Stavers, but given the distance and topography, any visibility may be limited to the upper part of the house. A similar assessment is made in respect of the impact upon the setting of the Listed Building at Upper Quickstavers.

It concludes that no designated heritage assets would be physically impacted by any part of the proposed development, nor would harm be caused to the significance of any designated heritage asset as a result of change within the setting of the asset. It acknowledges that the proposal would result in change to the character of the historic landscape but there would be no harm to its character in this regard.

Given the distance and topography between the proposed dwelling and the primary heritage assets identified above, being in closest proximity to the site, Officers have no reason to disagree with the assessment set out within the applicant's heritage statement. There would be no harm to the significance of these heritage assets or their setting, in accordance with Policy HE1 and guidance within the Framework.

It is acknowledged that an objector has highlighted the impact on the Travellers Cottages opposite the site and considers these to be a non-designated heritage asset. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions because of their heritage interest but which do not meet the criteria for designated heritage assets. The objector maintains that the former Inn is on the original medieval route out of Sowerby town. The buildings do constitute an attractive row of cottages but their degree of significance because of their heritage interest is unconfirmed at this stage. In any event, it has already been determined in the section above that the proposed development would, by virtue of its scale and form, fail to sufficiently respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness.

Green Belt Balance

The proposed dwelling does not fall into the exception to inappropriate development in the Green Belt set out at paragraph 149(g) of the Framework or any other exception identified in the Framework or Policy GB1 of the CLP. As a result, it would constitute inappropriate development in the Green Belt. In accordance with Paragraph 147 of the Framework, it would therefore be harmful to the Green Belt and substantial weight is attached to this harm.

It is also considered, for the reasons set out in the report, that the proposal would harm the openness of the Green Belt, which is an essential characteristic of these areas. Substantial weight is attached to this harm too. It would also conflict with reasons for including land within the Green Belt, with particular regard to failing to safeguard the countryside from encroachment, the harm to which, again, attracts substantial weight.

Whilst it has been acknowledged within this report that compliance with Paragraph 80(e) of the Framework could amount to very special circumstances, in the view of Officers, for the reasons already set out, the dwelling would not amount to the exceptional design quality required. Nonetheless, Paragraph 134 of the Framework confirms that significant weight should be given to outstanding or innovative designs, which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Whilst not of exceptional design, it is considered that the house would achieve a high standard of design. Along with the stated ambitions of net zero carbon, and the operational commitment to adhere to the net zero requirements, which would provide a strong precedent for others to follow, as well as providing learning opportunities for a local University and/or building college through the construction phase, these factors weigh strongly in its favour. They attract significant weight as a result. In this regard, it is noted that the proposal did also receive support from the Yorkshire Design Review Panel, which further weighs in its favour.

However, this is somewhat tempered by the fact that the dwelling is not considered to be in a sustainable location. It would result in the construction of an isolated home in the countryside contrary to Paragraph 80. Furthermore, it would not fit in with the overall form and layout of the surroundings, contrary to Policy BT1 of the Local Plan and Paragraph 134. It would, in fact, cause harm to the character and appearance of the area. These factors weigh against it.

There would be some general environmental benefits arising from the identified significant biodiversity net gain, albeit that BNG is only necessary as a consequence of the site being developed in the first place, for which there is no specific environmental need i.e., it is not derelict land for example. It is also already a foraging habitat at least. Nevertheless, this attracts moderate to significant weight.

The development would also deliver one dwelling, being a substantial family home. Following the adoption of the Local Plan, the Council can demonstrate a five-year supply of housing and, in any event, one dwelling would make a very small contribution to housing supply. It attracts minimal weight as a result. It is appreciated that the applicant has strong ties to the locality and a strong family connection to it. However, these personal circumstances are not considered to outweigh the harm identified and the planning system operates in the public interest.

There would also be some general economic benefits derived from the construction of the house. The submitted Planning Statement notes that for every £1 invested, a further £2.92 is spent in the local economy, although the source of this statistic is not provided and no information specific to the site is presented. However, there would likely be the potential for some local employment through construction jobs. Whilst this would weigh in favour of the proposal, given the modest scale of the development, being one dwelling, this would attract moderate weight. Similarly, whilst a local planning authority can have regard to a local finance consideration such as the New Homes Bonus referred to by the applicant, as far as it is material, this, again would be small for one dwelling and attracts very limited weight as a result.

Whilst it is considered that there would be no impact on neighbouring occupiers arising from overlooking or loss of light, no harm to the significance of nearby heritage assets or their setting, nor any issues in principle in respect of flood risk, ground contamination, air quality or noise, these are requirements of policy and legislation. Consequently, the absence of harm in respect of these matters are considered to be neutral factors that weigh neither for nor against the development.

Notwithstanding the significant weight that has been afforded to the design and sustainability credentials of the dwelling and the moderate to significant weight attached to BNG, for the reasons given above, it is considered that these matters do not clearly outweigh the very substantial harm to the Green Belt through inappropriate development and harm to its openness, as well as the encroachment into the Green Belt. Consequently, very special circumstances necessary to justify the development do not exist.

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 GB1, BT1 and IM5 of the Calderdale Local Plan and guidance within the National Planning Policy Framework, including Sections 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 13 (Protecting Green Belt Land) and nor have there been any material considerations to indicate that an exception should be made in this case.

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

Date: 30 May 2023

Further Information

Should you have any queries in respect of this application report, please contact in the first instance: - Kate Mansell (Case Officer) on 07596 889568 or Lauren Clarkson (Lead Officer) on 01422 392216

Reasons

1. The proposal is considered to constitute inappropriate development in the Green Belt. The development would cause harm to the Green Belt, in terms of its inappropriateness, harm to openness and failing to assist in safeguarding the countryside from encroachment. Substantial weight has to be given to such harm in accordance with Paragraph 148 of the National Planning Policy Framework. No very special circumstances have been demonstrated that would outweigh this harm. The proposal is therefore contrary to Policy GB1 of the Calderdale Local Plan and guidance relating to Green Belts contained within the National Planning Policy Framework, particularly at Paragraphs 137 to 149.
 2. The proposed development by virtue of its scale, massing and form would fail to sufficiently respect or enhance the character and appearance of existing buildings opposite the site and the surroundings, taking account of its local context and distinctiveness. It would therefore be harmful to the character and appearance of the area contrary to Policy BT1 of the Local Plan and guidance within Section 12 of the National Planning Policy Framework.
 3. The site is in an isolated and unsustainable location that would not be readily accessible by sustainable modes of transport, and it would not be located where it would enhance or maintain the vitality of a rural community. The only access to services and facilities (including the nearest bus stop) for pedestrians and cyclists would be achieved via a narrow, unlit road without pavement provision. It is therefore considered highly likely that trips by future occupiers to and from shops, schools, work, health, leisure and other services would be heavily reliant on the use of the private car. The proposal therefore fails to prioritise travel by means other than the private car and would not support sustainable travel. It would therefore be contrary to Policy IM5 of the CLP. It would also be at odds with guidance within the National Planning Policy Framework, including at Paragraphs 79, 80 and 105, as far as it aims to ensure that patterns of growth are actively managed to make the fullest possible use of public transport, walking and cycling.
-

Time Not Before: 1700 - 01

Application No: 22/01335/FUL

Ward: Illingworth And Mixenden

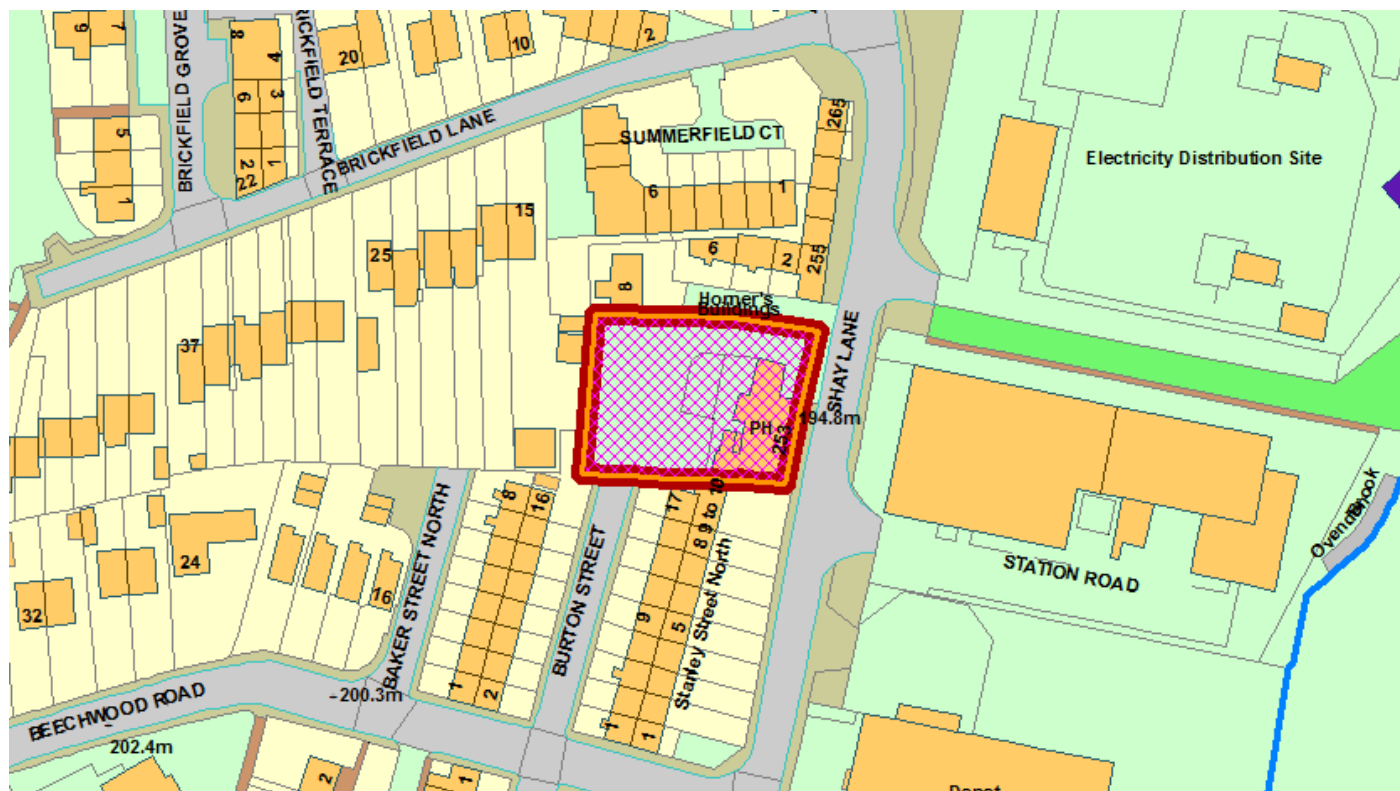
Area Team: North Team

Proposal:

Change of use of public house to use class E(a) (Display or retail sale of goods) excluding the sale of food and residential development of three dwellings to rear.

Location:

**The Shant 247 Shay Lane Holmfield Halifax Calderdale
HX2 9AG**



Applicant:

Johal Empire Ltd

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Yorkshire Water Services Ltd (BC)

Highways Section

Delegated report on application 22/01335/FUL

The Shant, 247 Shay Lane, Holmfield, Halifax, HX2 9AG

Description of Site and Proposal

The existing building is a vacant two-storey property formerly used as a Public House. It is located within the Holmfield area of Halifax with access west off Shay Lane. There is a large car park to the west of the building. The site is surrounded by residential properties to the north, west and south of the site. To the east of the site and on the opposite side of Shay Lane are industrial and commercial properties.

The building is constructed with stone walls and a stone slate roof. The single storey flat roof extensions are constructed in brickwork. The building is currently on the Market with Walker Singletons for rent.

The proposal is for the Change of use of public house to use class E(a) (Display or retail sale of goods) excluding the sale of food and residential development of three dwellings to rear.

The application has been brought to Planning Committee due to the sensitivity of the proposal.

The proposal is supported by a:

- Retail Impact Assessment
- Planning Statement
- Surface water Flood Risk Form
- Surface Water Flood Risk Assessment
- Species Enhancement Statement

Relevant Planning History

Application 04/01614/FUL was approved for a first-floor roof terrace to residential accommodation on the 10th September 2004.

Other applications refer to advertisement consents for the public house and are therefore not relevant.

Key Policy Context:

Local Plan (LP) designation	No Allocation/Designation Landscape Character Type - Urban
Calderdale Local Plan Policies	HS1 Non-Allocated Sites RT3 Sequential Test and Impact Assessments RT4 Local Retailing and Servicing Provision

	Outside of Centres BT1 High quality, inclusive design BT2 Privacy, Daylighting and Amenity Space BT4 The Design and Layout of Highways and Accesses BT5 Designing out Crime EN1 Pollution Control EN3 Environmental Protection GN3 Natural Environment HW4 Safeguarding Community Facilities and Services IM4 Sustainable Travel IM5 Ensuring Development Supports Sustainable Travel CC1 Climate Change CC2 Flood Risk Management (Managing Flood Risk in New Development) CC3 water resource Management MS2 Mineral Safeguarding Areas Annex A Car & bicycle parking standards Annex 2 Space About Dwellings
National Planning Policy Framework	5. Delivering a sufficient supply of homes 6. Building a strong, competitive economy 7. Ensuring the vitality of town centres 9. Promoting sustainable transport 12 Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment
Other relevant planning Constraints	Bat Alert Area Critical Drainage Area British Coal Development Low Risk Sandstone buffer area
Other Material Planning Considerations	Climate Emergency Declaration (Jan 2019)

Publicity/ Representations:

The application was publicised by a site notice, and 12 neighbour notification letters.

Sixteen letters of objection have been received.

Summary of Points Raised

Objection

- Concerns over noise and dust during building works
- Loss of parking creating more on street parking
- Object to the disruption

- The proposal might affect my business as an off-licence which is within 0.5 miles of the site.
- Loss of light
- Loss of privacy
- Affect on trees and fauna
- Impact on wildlife and habitats
- Noise disturbance and smells
- The pub was taking revenue in November 2022
- Radon levels are high
- Highway safety and traffic generation
- Overbearing and over development
- Not in keeping with character of the area
- Impact on people's health and wellbeing
- Advertisement of application inadequate
- Concerns over flooding
- Concerns over potential crime given the building of more luxurious properties
- Loss of view
- De-value property
- Would Breach Article 8 of the Human Rights Act -re right to a private family life
- Abundance of houses and businesses in the area the proposal would result in more harm than good
- House too tall
- Loss of light to back-to-back properties
- Concerns of impact on other retail properties in the area

Parish/Town Council Comments

The development is located outside the boundaries of a parish council.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

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

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, the site does not lie within a protected area where the framework indicates that development should be restricted.

Housing Issues

Paragraph 11, footnote 8 of the NPPF establishes that, for applications involving the provision of housing, the policies which are most important for determining the application should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, unless the policy protects areas or assets of particular importance and provides a clear reason for refusing the development.

The Local Plan has now been adopted and as such makes provision for such supply.

CLP policy HS1 establishes that residential development will be supported provided that it is in accordance with specified criteria, including that the development amongst other things creates no environmental, heritage, flood risk, nature conservation or other problems.

The site is located in a sustainable location, close to a main road with a regular bus service into the town centre with access to all amenities and schools. Concerns have been raised regarding the design not being in keeping with the character of the area. There are a mix of properties in the vicinity which include rows of terraced back-back properties along with semi-detached and the occasional detached property. To the east are commercial and industrial uses. The NPPF and housing policy support a mix of house types in a development. The agent has also reduced the height of the dwellings to try and address some of the concerns raised. Given the close proximity to the school family homes would be appropriate.

With regard to drainage, the agent has provided a surface water drainage assessment which is considered to be acceptable and full drainage details would be conditioned of approved. Concerns regarding land stability have been raised but the site is not located on land identified as being unstable or on a particular steep site, nor will it involve significant engineering operations. There are also concerns with overlooking and loss of light to existing properties due to the height and distance of development from adjacent properties, these will be assessed under the relevant heading set out below. Biodiversity enhancement has been addressed and would be conditioned. A landscaping scheme would also be conditioned of approved to avoid unsuitable planting close to third party dwellings. Highway safety, additional traffic and parking concerns have also been raised but the Assistant Director – Strategic Infrastructure (Highways) (ASDI) has been consulted and is satisfied with the scheme subject to condition.

Given the above the proposal for residential development is considered to be acceptable in principle and would satisfy CLP policy HS1 and section 5 of the NPPF. Other relevant policies are assessed below.

Residential Amenity

CLP policy BT2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts arise.

Concerns have been raised regarding privacy and overlooking.

Annex 2 sets out guidelines to help assess whether such impacts arise.

Annex A requires 21m between two main aspect windows 18m between a main and secondary, 15m between two secondary, 12m between a main aspect and blank elevation and 9m between a secondary and blank. These distances are for guidance and certain scenarios allow for more flexibility.

The character of the area to the north, south and west of the site is that of terraced and back to back properties but also semi-detached and the occasional detached dwellings. To the east is commercial and industrial development which is separated by Shay Lane.

North of the site are properties at Horner's Buildings with the closest property being a detached bungalow at number 8. Number 8 has windows in the south elevation, but these serve an integral garage and are screened by an existing close boarded fence. Plot 3 would have main and secondary windows facing number 8 at a distance of 12.8m from the main house and 8.23m from the proposed office extension to the front which has a blank elevation facing number 8. With regards to other properties at Horner's Buildings the next closest would be number 6 at 23.8m away from plots 1 and 2 which would meet with Annex A guidance. It is noted there would be some overlooking from the new dwellings, but there is always some degree of overlooking of gardens given that they are usually only screened at ground floor level. Furthermore, in terms of loss of light given the distance, the orientation of the buildings and the reduction in height, any loss of light would be minimal.

West of the site there is an existing screen fence on top of a boundary wall. To the west of the fence are garages and outbuildings. There are no windows proposed in the west elevation of plot 3 only a door leading into the utility room. As such there would be no privacy issues.

South-east of the site are back-to-back properties on Burton Street. Number 16 would be the closest to the proposed development and has raised concerns regarding the loss of light to their front windows with them being a back-to-back property. There would appear to be non-habitable room window in the gable of the property. Plot 3 would be 18.6m at an angle from the centre of the main house to the corner of number 16. A 1.8m high fence is proposed at ground floor level. There would be kitchen/dining folding doors at ground floor level which the fence would screen. At first floor level there would be secondary bedroom windows. 18m is a sufficient distance with regard to privacy between a main aspect and secondary window when directly facing each other. There would be no direct overlooking to number 16's windows. The agent has taken into consideration concerns raised about the height of the new dwellings and has reduced them by 1.25m taking them to 8.6m with a pitch of 35 degrees. Given the location of the sun, the reduction in height, the existing screen fence and the distance from the proposal, there is not considered to be a significant loss of light to number 16. Properties beyond would be affected even less than number 16.

South-west of the site are also back-to back properties on Burton Street with number 17 being the closest at 11.25m to the gable and 13.25 to the corner. Permission was granted to create two dwellings with 9-10 Stanley Street North which is located to the east of 17, no windows were shown on the plans in the north elevation of the building at first floor level although one can be seen when on site. No comments have been received from 9 Stanley Street North or 17 Burton Street although a letter was sent out. There would be bedroom windows facing numbers 17 and 9 although these would be at an angle. Given the angle there would be no direct overlooking from plot 1 and 2 apart from the first floor window with no history. This would be approximately 14m away. Given the above there would be potentially some overlooking towards the window. in the

north elevation. If this was a bathroom then this distance would be acceptable. If this is a bedroom then a distance of 15m would be suggested. However, as there is no planning history for this window and there has been no objection received, it is acceptable.

East of the site is the vacant public house. There are no habitable room windows proposed in the side of plot 1. The existing public house is part of the scheme and includes a change of use to retail. The first floor is currently ancillary accommodation and could be potentially ancillary to the retail use. There is a raised terrace to the rear with windows at first floor level. A boundary screen fence on top of the terrace has been shown. If permitted and the first floor is to be used for residential purposes then a condition for the boundary screening around the terrace would be included to reduce overlooking and privacy concerns towards the new development.

CLP policy EN1 refers to pollution control and amongst other things discusses the likelihood of light, noise, smell, vibrations, or other emissions that pose an unacceptable risk to the amenity of the local area.

Neighbours have raised concerns over the disturbance any proposed building works would have on their day-to-day life which include noise and dust. If approved the actual building works are not a planning consideration and if significant disturbances arise these would be covered by separate legislation.

The above policy refers to noise and smell from a development once brought in to use.

The Assistant Director of Neighbourhoods has been consulted and has made the following comments:

“The use of the premises shall be restricted to the hours of 7am to 7pm on any day

In order to preserve the aural amenity of the nearby residential properties.

For the avoidance of doubt the premises shall not be used for manufacturing.”

Subject to conditions, the proposal is considered to support the aims of Annex 2 and policy BT2 and EN1 of the CLP.

Visual Amenity

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities....”

One pair of semi-detached dwellings and a detached dwelling are proposed to the rear of the public house on the car park.

Originally four dwellings were proposed but this has since been reduced. Following concerns raised regarding the height of the dwellings these have also been reduced by 1.25m and the roof pitch would now be 35 degrees.

Plots 1 and 2 have a total footprint of 10.19m x 10.5m at ground floor level due to the single storey extension to the rear. This is reduced to 10.19m x 8.5m at first floor level.

The ground floor consists of a lounge, kitchen and dining room and a wc. At first floor level there are two bedrooms with one en-suite and a family bathroom. Dormers provide roof space to create two further bedrooms.

The detached dwelling known as Plot 3 has a footprint of 15.1m x 10.19m at the widest points at ground floor level due to an office extension to the front. The second floor would measure 8.5m x 10.19m.

Plot 3 comprises of a lounge, kitchen and dining room, snug, office, utility, coat and boot room and a WC. The first floor consists of two bedrooms with one en-suite and a family bathroom. The third floor in the roof space would contain two further en-suite bedrooms.

The application mentions the use of Marshalls pitched face Cromwell for the walling and blue slate for the roof. As these details are not identified on the plans full details would be conditioned. The area is predominantly natural stone which would be preferred but it is noted there are other materials in the wider vicinity.

A bin storage area along with secure cycle storage and ECP have also been included and are acceptable. All boundary treatments will be conditioned for the avoidance of doubt if approved.

The original height of the dwellings was too high and not in keeping with the area. The reduction in height is much more acceptable and would provide three family homes. Gardens are to the south with parking to the north. Adequate amenity space has been provided for each of the dwellings. Solar panels are also proposed on the roof. Full details of these would be conditioned.

Concerns over the dwellings being overbearing has now been addressed with the reduction in height and the loss of light has been assessed above.

The proposal would result in an infill development with access remaining off Shay Lane. Sufficient parking for both the new dwellings, and the retail use has been shown. The orientation of the dwellings reflects that of properties to the north and west of the site.

CLP policy BT5 discusses designing out crime and looks at designing in community safety to create safe environments and reduce opportunities for crime.

Concerns have been raised regarding a potential increase in crime with the large new properties being targeted. If approved the development could be subject to a condition that show how 'Secured by Design' principles have been incorporated into the scheme.

Given the above, the proposal of three dwellings is not considered to harm the character of the area, where there are a mix of existing residential properties. The proposal would therefore satisfy CLP policies BT1 and BT5 and Section 12 of the NPPF.

Retail Development

The proposal also includes the change of use of the ground floor of the public house to a non-food retail use.

Policy RT3 discusses sequential test and impact assessments and sets out that:

“Where planning permission is required, proposals for retail and leisure development outside of a defined centre will have to demonstrate that there would not be significant adverse impact on the delivery of existing, committed, and planned public and private investment or on the vitality and viability of any existing centre.

IV. Retail and leisure development located outside of a defined centre will be subject to an impact assessment if they exceed the following floorspace thresholds:

Halifax 2,500 (NPPF default)...”

Policy RT4 discusses local retailing and servicing provision outside of centres goes on the sets out that :

“Development of small-scale standalone retail or service provision in out of centre locations intended to serve local neighbourhoods and communities will be permitted where there is a deficiency in the general area of the proposed development, subject to the following criteria and other relevant Local Plan Policies being met:

- The proposal meets all relevant sequential and impact test requirements where a defined centre falls within the catchment area of the proposal.*
- The proposal is of an appropriate scale and nature to meet the specific local need within the catchment area;*
- If the proposal is located within 750m walking distance of a defined centre, accessibility to the proposal on foot is no easier than that to the defined centre from residential areas between the proposal and the centre;*
- The applicant is able to demonstrate that there is no cumulative impact with other stores in the vicinity on any defined centre; and*
- The proposal is to develop or modernise an existing store to help secure its future.*

II Areas of local retailing and service provision providing an important service to the local area will, wherever possible, be protected in line with Policy HW4 – Safeguarding Community Facilities and Services.”

Paragraphs 87 and 90 of the NPPF reflect the policies set out above in terms of a sequential test and impact assessment in terms of the floorspace threshold.

Policy HW4 discusses safeguarding community facilities and services and goes on to say:

“I Development proposals which would lead to the loss of community facilities, including but not limited to public houses, village shops or post offices, will not be supported unless:

...b. It can be demonstrated that the facility is no longer required within the local area or is no longer viable; and all reasonable efforts have been made to retain the facility and other alternative community uses and community ownership and designation as an Asset of Community Value have been considered;...

The existing building is a two-storey property within the Holmfield area of Halifax. The building is constructed with stone walls and stone slate roof. The single storey flat roof extensions are constructed in brickwork. The building is currently on the Market with Walker Singletons for rent and the previous use was a Public House.

The proposal is for the change of use of the main building to a non-food retail use with a floor area of 173m². The proposal is relatively small in scale and is under the threshold of 2500m² that would require an impact assessment.

Five parking spaces have been shown with one being a disabled space to enable level access from the rear. Currently the access to the front has a stepped approach. Additional parking is also available to the front of the property on the roadside.

The proposal also indicates a designated bin store. No alterations are proposed to the building, only the change of use.

The proposal is supported by a sequential test along with details of how the pub is no longer a viable use and how it has been advertised.

A search for sites through Walker Singletons has provided alternatives in Lightowler Road, Horne Street and Wakefield Road Copley. The supporting statement identifies that the reason for the business to relocate is to be close to existing established business and customers in Queensbury as well as new customers that will grow the business.

The supporting information indicates that there are no available sites in the local area or the Town Centre that would meet the needs of the business to provide local needs.

The company have some flexibility on the amount of floorspace required but would not want to have a reduced area otherwise this would limit the display of products on offer and affect the viability of the business. Additional floorspace could be an option for future growth but the location, initial additional costs of the rent, rates and utility bills would not be viable at this time for a new business venture.

The new business would provide 2 full time jobs and two part time jobs.

The proposal is within the existing building therefore no development is proposed.

The agent has provided additional information identifying available town centre units and stating why they are unsuitable in terms of being too small, along with not being suitable due to access and parking issues. Cost has also been mentioned but this is not something which would be assessed as part of the proposal.

Regarding policy HW4 of the CLP, after the closure of the pub, the property was advertised on social media platforms and also external signage. There was no interest in the property for the previous use as a public house. The owners therefore approached Walker Singleton estate agents in July and in August 2022 they advertised the property for rent by their usual means. It is currently still being advertised and has had a board on the building since August.

There was no interest for the property in its use as a public house. One enquiry they did receive was from a company to relocate from Bradford to the local area and use it as a showroom for their business. The company sell upvc windows and doors. Additionally, they propose to offer other products including decking, paving, Astroturf, fencing, fascia's, soffits and cladding.

The supporting information considers the proposal will serve the local community and passing trade. Shay Lane is in the Holmfield area of North Halifax, which is a busy road with a variety of commercial businesses including a takeaway, café, sandwich shop, public house, butchers and a convenience store with a post office counter. Many manufacturing businesses exist along Shay Lane and at Holmfield Industrial Estate North Halifax is a densely populated area with many houses and Shay Lane provides links to Ovenden, Illingworth and Bradshaw. The supporting information establishes that there are no facilities offering the full range of products in the local area and the business has chosen the area because of its location in this built-up area.

In terms of similar businesses, the nearest business similar to the proposal is Brighthouse Home Improvements some 12km away. B & Q approximately 4km away in Shropps Road also supplies some of the products available but this is a much larger unit providing many other products being a national chain store. Given this it is not considered that the proposal would impact on existing small businesses in the area. A condition to limit the type of retail use would be included if approved.

Given that the property has been empty for over 8 months the owner has agreed a rental subject to successful planning application.

The proposal will ensure the upkeep of the property, providing additional jobs in the local area and would make use of a vacant building that could deteriorate if not occupied.

The proposal is considered to satisfy CLP policies RT3, RT4 and HW4 and paragraphs 87 and 90 of the NPPF.

Highway Considerations

CLP policy BT4 discusses the design and layout of highways and accesses. Other relevant policies are with IM4 which discusses sustainable travel and IM5 which talks about ensuring development supports sustainable travel. Annex A establishes car and bicycle parking standards.

The Assistant Director – Strategic Infrastructure (Highways) was originally consulted and commented that:

“Given the existing parking and access to on street parking I am satisfied that the change of use of the pub to a retail unit is unlikely to have any detrimental effect upon the highway.

The addition of 4 houses in what is currently the pub garden and car park will inevitably cause an increase in vehicle movements. The existing car park could accommodate just short of 30 vehicles, the 4 dwellings would generate approximately 24 vehicle movements on average per day and as such would have little or no impact upon the highway network.

The junction as existing offers a good visibility splay onto the highway for both pedestrians and vehicles alike.

Cycle, refuse storage and EV charging points are correctly shown on the submitted plan.

The following condition would be requested.

The dwellings shall not be occupied until the off-street parking facilities shown on the permitted plans for all dwellings have been provided, surfaced, drained and made available for the occupiers of those dwellings. These facilities shall thereafter be retained.”

Following the receipt of amended plans to reduce the number of dwellings, the ADSI made the following comments:

“There remains no highway objection to the amended plan as now submitted. Subject to the condition already mentioned.”

The ADSI has also commented if an ancillary residential use was to be provided, they consider there would still be sufficient parking available.

It is noted that objectors have concerns over the additional traffic that the proposal could attract along with on street parking. Although some cars used the car park for parking this is not a public car park and cannot be assessed this way. If the use of the pub is to cease, then an assessment has to be made on the proposed use. The ADSI has made an assessment on the potential number of journeys the proposed use would create and weighed this against the existing number of cars that could be accommodated. As set out above, the access has good visibility, and parking for the current use has been provided. Bin storage, cycle storage and an ECP has also been provided which are acceptable.

Given the above and subject to condition, the proposal would satisfy CLP policies IM4, IM5, and BT4 along with the criteria set out in Annex A.

Flooding and Drainage

The proposed development is not in a flood risk area. CLP policy CC1 discusses climate change which includes amongst other things minimising flood risk and limiting surface water run-off. CC2 is also relevant discussing flood risk management and CC3 which discusses water resource management and looks to ensure that new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity.

Since the adoption of the Local Plan the site now falls within an area of Critical Drainage and the proposal has been supported by a Surface Water Flood Risk Assessment. The Council's Lead Local Flood Authority has been consulted and considers the information to be sufficient subject to a condition to cover other drainage details.

SUGGESTED CONDITIONS

1. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.

Yorkshire Water Services have also been consulted and have no objection to the proposal subject to full drainage details which would be covered in the condition above.

Given the above and subject to condition the proposal would satisfy CLP policies CC1, CC2 and CC3 and section 14 of the NPPF.

Ground Conditions

CLP policy EN3 Environmental Protection discusses environmental protection and identifies that developers are expected to understand the environmental implications of their proposals and to ensure that development does not give rise to and is not exposed to environmental hazards which includes amongst other things where there is an area of potentially unstable land on or surrounding the area.

Concerns over land stability have been raised but the site is not located on unstable land and the area in question for development is not on a significant slope.

Levels of radon have also been mentioned by objectors, but this would be addressed through building regulations. The use of hazardous materials on site have also been raised as a concern. Works on site would need to be signed off by a building inspector and again this would not be a planning consideration.

The site is located on land with a low risk of historic mining and as such an informative would be included.

The site is also within a sandstone safeguarding area. Policy MS2 discusses mineral safeguarding areas. However, under the relevant criteria even if it was found that sandstone was present the site is not suitable for the extraction given that it would cause unacceptable impact on neighbouring uses and local amenity.

Paragraph 184 of the NPPF goes on to say that:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.”

The proposal is considered to satisfy the objectives set out in CLP policy EN3 and MS2.

Wildlife, Landscaping and Trees

The site falls within a bat alert area but as no trees are to be removed as part of the application and there are no roof works proposed, there would be no need for a bat assessment.

Policy GN3 Natural Environment seeks amongst other things to:

...achieve better management of Calderdale’s natural environment by requiring developments to:

- c. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;...”*

The application is supported by a Species Enhancement Statement. The statement sets out that the proposed new dwellings would include a bat and bird box to enhance biodiversity on the site.

Concerns have been raised about the loss of fauna and flora on the site, but it is not in a Wildlife Habitat Network and is currently a car park. The provision of the boxes will help with biodiversity enhancement for bats and birds.

Gardens are provided to the south of the dwellings and some planting proposed. Neighbours have concerns over the planting of trees close to their properties. A landscaping condition would be included if approved which would help provide an appropriate planting scheme for the site to avoid tree shade to neighbouring properties and also to enhance biodiversity in the area.

Subject to conditions the proposal would satisfy CLP policy GN3.

Other Matters

Concerns have been raised regarding reduction in the value of existing properties and the loss of a view. These are not material planning considerations.

One objector has raised concerns regarding their loss of Human Rights as they consider the development would have a:

“...substantial interference with the use and enjoyment of my land, and furthermore, would breach Article 8 of the Human Rights Act which relates to my right to a private family life. For over 20 years my property has had an uninterrupted enjoyment of natural daylight and sunlight which would be unfairly and unlawfully taken away from me. I would also suffer from loss of amenity from my hobbies, social life and other activities that would be infringed and impacted...”

The Council has considered and assessed the implications of the development on the objector having regard to the provisions of the Human Rights Act 1998. However, it considers that the proposals would not result in unacceptable interference with their human rights to their peaceful enjoyment of natural sunlight, loss of amenity, social life, and other activities.

Planning Balance

The proposal is a mixed development including the change of use of a vacant pub to a non-food retail use. Supporting information has set out the means of advertisement and publicity in order for someone to take on the pub as its current use. Justification for the loss of the pub has also been submitted. No interest has been made apart from that from a company wishing to re-locate to the area and use the building for retail purposes.

No works are proposed to the building and the proposed use would provide employment in the area. There has been no objection to the loss of the pub. Some concerns over the use have been raised in terms of impact on other businesses in the locality.

The development also involves the construction of three four-bedroom family dwellings on the existing car park of the pub. Concerns regarding this part of the development have been raised. The proposal has been reduced in number and scale to try and address this.

Highways have raised no objection over the proposals in terms of highway safety, access and parking nor have Environmental health or the Lead Local Flood Authority subject to conditions. Biodiversity enhancement measures are proposed as well as landscaping. Conditions can be used to restrict the retail uses that would not be acceptable in the building to avoid amenity concerns and harm to existing local business.

The concerns raised by neighbouring properties have been taken into consideration. However, on balance the proposed development of three family homes which would add to the housing supply in the area and make use of an existing brownfield site, together with the proposed retail use which would prevent an unused building falling in to a state of disrepair whilst providing jobs and supporting the relocation of a business; are considered to outweigh the concerns raised.

CONCLUSION

The proposal is considered to be acceptable subject to conditions. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the sections above and there are no material considerations to outweigh the presumption in favour of such development

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

Date 28th April 2023

Further Information

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

Gillian Boulton (Case Officer) on 01422 392232

Or

Lauren Clarkson (Lead Officer) on 07702 657078

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice unless variation of the plans is required by any other condition of this permission.
2. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
3. Notwithstanding any details shown on the permitted plans, prior to the walling and roofing of the development commencing details of the proposed walling and roofing materials shall be 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.
4. In connection with the vehicle hardstanding's hereby approved there shall be installed in an appropriate location for each dwelling, a suitable 3.7 Kw facility to permit the recharge of an electrical battery 'powered vehicle' that may be used in connection with the proposed dwellings. Unless otherwise required by the location the installations shall comply with IEE regulations and BSEN 62196-1 for a mode 3 system.
5. The development shall not be occupied until details of the treatment of all boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the dwellings and shall thereafter be retained.
6. Prior to the first occupation of the dwellings details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved details prior to occupation or use of any part of the development hereby approved.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking and re-enacting the order) no further windows or other openings shall be formed in the dwellings without the prior written permission of the Local Planning Authority.
8. Prior to the completion of the walls of the development, a permanent swift nesting feature and bat box shall be constructed of concrete, woodcrete, ecostyrocrete or similar material and installed within the fabric of dwellings 2 and 3 as identified on the approved plans and shall be so retained thereafter.
9. Prior to the first occupation of the dwellings the secure cycle storage for each dwelling as identified on the approved plans shall be constructed and thereafter be retained.
10. Prior to the first occupation of the dwellings the bin storage area for the proposed dwellings as identified on the approved plans, shall be provided and shall thereafter be retained.

11. Prior to the first occupation of the retail development the bin storage area for the proposed retail development as identified on the approved plans, shall be provided and shall thereafter be retained.
12. The use of the retail premises shall be restricted to the hours of 7am to 7pm on any day.
13. Before the first occupation of the dormers the fronts and cheeks of the dormers including fascia boards and soffits (any trough, guttering and downpipes) hereby approved, shall be finished in dark materials (not white UPVC cladding), to similarly match the colour of the existing roof of the property, and shall be retained as such thereafter.
14. Prior to the installation of the windows and door, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained thereafter.
15. The dwellings shall not be occupied until the off street parking facilities shown on the permitted plans for all dwellings have been provided, surfaced, drained and made available for the occupiers of those dwellings. These facilities shall thereafter be retained.
16. The retail use shall not be occupied until the new off street parking facilities shown on the permitted plans for the retail use have been provided, surfaced, drained and made available for the occupiers of the retail use. These facilities shall thereafter be retained.
17. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) the building shall be used only for the sale of doors and windows, bulky goods limited to furniture, floor coverings, electrical goods/DIY Home Improvement, office supplies, motor goods and accessories, cycles and cycling accessories and garden goods and for no other purpose (including any other purpose falling within E (a) of the said order), without the written permission of the Local Planning Authority.
18. The first floor level of the existing building shall only be occupied or used in connection with the occupation and use of the retail unit hereby permitted and shall at no time be severed and occupied as a separate independent dwelling unit.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Calderdale Local Plan and National Planning Policy Framework.
2. To ensure proper drainage of the site and to ensure compliance with policies CC1, CC2 and CC3 of the Calderdale Local Plan.
3. In the interests of visual amenity and to ensure compliance with policies BT1 and GN4 of the Calderdale Local Plan.
4. In the interests of sustainable transport and to ensure compliance with policy IM4 J of the Calderdale Local Plan and paragraph 112 e of the National Planning Policy Framework.
5. In the interests of amenity and privacy and to ensure compliance with policies BT1 and BT2 of the Calderdale Local Plan.

6. In the interests of design and security and to satisfy policy BT5 of the Calderdale Local Plan.
 7. To safeguard the privacy and amenity of occupiers of neighbouring properties and to ensure compliance with policy BT2 of the Calderdale Local Plan.
 8. In order to comply with policy GN3 of the Calderdale Local Plan and section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.
 9. In the interests of sustainable development and to ensure compliance with policies IM4, IM5 and Annex A of the Calderdale Local Plan
 10. In the interests of amenity and to ensure compliance with policies HS1 and BT1 of the Calderdale Local Plan.
 11. In the interests of amenity and to ensure compliance with policies RT4 and BT1 of the Calderdale Local Plan.
 12. In the interests of the amenities of neighbouring residents and to ensure compliance with policies EN1, HS1 and RT4 of the Calderdale Local Plan.
 13. In the interests of visual amenity and to ensure compliance with policies BT1 and GN4 of the Calderdale Local Plan.
 14. In the interests of visual amenity and to ensure compliance with policies BT1 and GN4 of the Calderdale Local Plan.
 15. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with policy BT4 and Annex A of the Calderdale Local Plan.
 16. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with policy BT4 and Annex A of the Calderdale Local Plan.
 17. To enable the Local Planning Authority to retain control over the use having regard to retail sales and to ensure compliance with policy RT4 of the Calderdale Local Plan.
 18. For the avoidance of doubt as to what has been permitted and in the interests of amenity and to ensure compliance with policies HS1, BT2, BT4 and EN1 of the Calderdale Local Plan.
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Time Not Before: 1700 - 02

Application No: **23/00095/HSE**

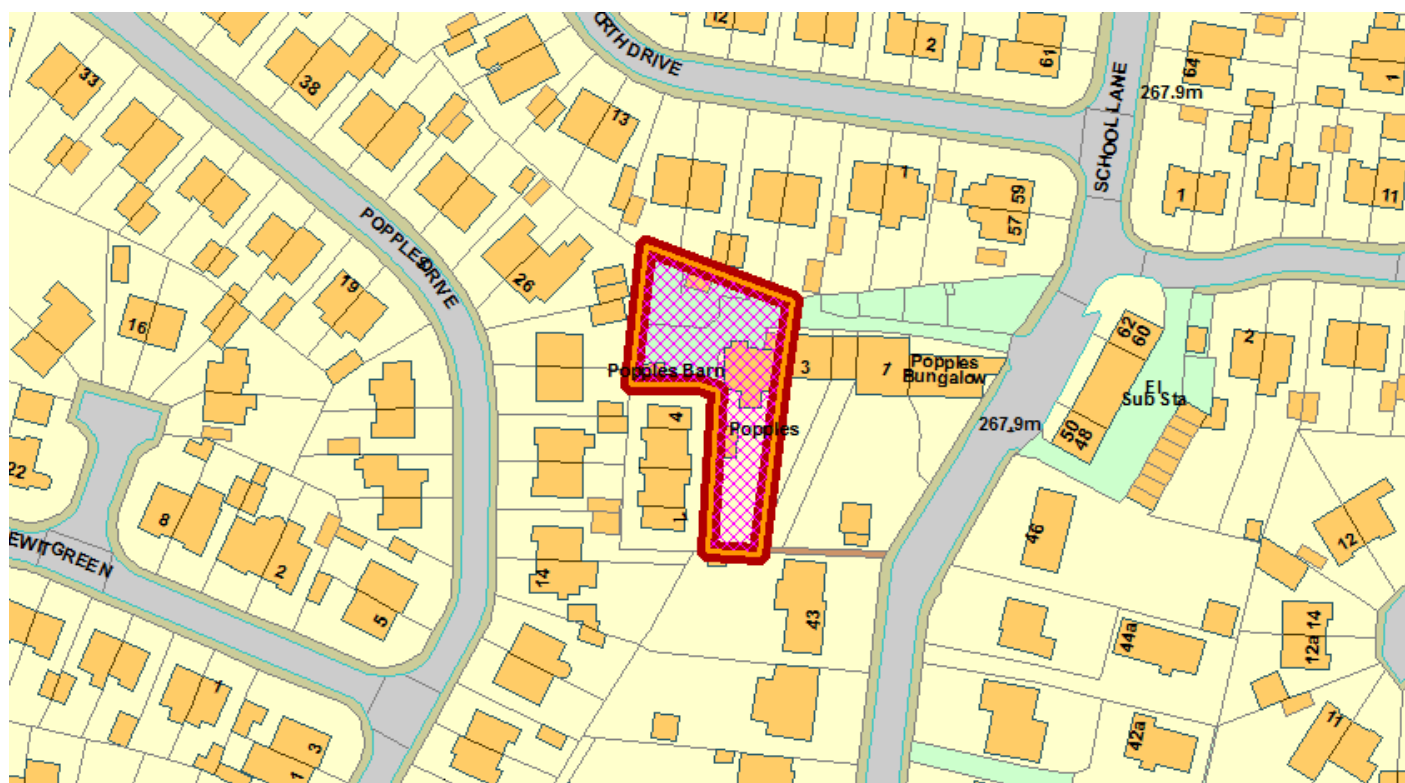
Ward: **Illingworth And Mixenden**
Area Team: **South Team**

Proposal:

Raising of roof, extension to front, detached garage with garden room.

Location:

**Popples Barn 3A Popples Bradshaw Halifax Calderdale
HX2 9QP**



Applicant:

Mr & Mrs Biggs

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Conservation Officers

Description of Site and Proposal

The application site no. 3A Popples Barn is an end terrace dwelling of a row of properties known as the Popples. The property is built in stone walling and grey slate tiles and has a side gable end and a cat slide roof; and a porch with a gable roof. Popples Barn is situated at the end of a private drive which serves the Popples and the Grade II Listed Almshouses located to the southeast. There is an existing hard surfaced parking space serving the application site adjacent to Popples Almshouses; on which a now demolished concrete garage was located. The site has a landscaped area at the corner of the site that abuts the rear gardens of Wentworth Drive.

The property has 2no. separate access/stairways leading to first floor bedrooms and is not connected at first floor level. The ridge height for no.3A is lower than that of the adjoining neighbour no.3 Popples.

The proposal seeks permission to raise the existing roof height by 750mm to create additional headspace at first floor. The proposed extension would increase the floor space to the existing kitchen/dining area and a rearrangement of the existing floor layout on the ground floor and extend existing bedrooms at first floor. The proposed garage would create 1no car space and storage; and a garden room would be attached to the garage.

The application has been referred to Planning Committee at the request of Councillor Daniel Sutherland and due to the sensitive nature of the application

Relevant Planning History

03/00058/HSE Detached garage block.

21/00344/FUL Two storey detached dwelling (withdrawn).

Key Policy Context:

Local Plan Designation/Allocation	No Designation/Allocation Critical Drainage Area
Local Plan policies	Policy BT1 – General Design Criteria Policy BT2 – Privacy, Daylighting and Amenity Space Policy HE1 – Historic Environment CC2 – Critical Drainage Area
National Planning Policy Framework Paragraphs	Section 12 – Achieving Well Designed Places Section 15 – Conserving and enhancing the natural environment
Other relevant planning constraints	Within setting of Grade II Listed Building

Publicity/ Representations:

The application was publicised with 13 neighbour notification letters and a Site Notice.

40 representations were received with 10 in support and 30 objections.

Summary of points raised

Objections

- The increased height to the barn would have an undue impact on the historic setting of the Listed buildings.
- The noise of proposed works would disrupt the peaceful surroundings for the elderly at Popples Almshouses.
- The amount of building work would cause excess dust, debris and disturbance for which there is no community benefit.
- Current access drive below standards set by Highway Design Criteria.
- The proposals do not make a positive contribution to the character and distinctiveness of Popples Almshouses
- The increased height would be overbearing
- Increase in traffic during and after development would cause problems with access to health care professionals and residents.
- The proposed alterations and development are not in keeping with the current Popples buildings due to their contemporary appearance and windows.
- Garden room out of character and at odds with its surroundings and appears to overlap in the access.
- Loss of privacy and amenity
- Rights of access
- A watercourse runs directly across the proposed site.
- Access to the junction of the site is opposite the local shops and bus stops in either direction and would be dangerous.
- Impact on health and well-being
- The north elevation is totally out of character with the pattern of the other Victorian buildings which have a regular pattern of windows.
- The dramatic frontage looks very dominating compared to the current small porch.
- The wood is not keeping with the other Victorian properties and could be a fire hazard.

Support

- The proposed changes are aesthetically in keeping with the other adjoining properties.
- The roof is lower than adjoining property and use of same materials won't affect other residents.
- The demolished garage was an eyesore and had safety issues.
- The proposed garage will not affect residents but improve existing unsightly land.
- The garden to the rear of the building has a public footpath so it makes sense for the family to utilise their other land to ensure their privacy.
- The roof height is not directly in front of Almshouses and will not be detrimental to the listed building.
- Previously there was approval for a five car garage approx. 15.9m long and encroached onto the block paving whereas the proposed garage and summer house do not.
- The height of the proposed garage is nowhere near the height of the garage block which had a pitched roof and velux windows.
- To the rear of the proposed summerhouse is a large detached building/garage and a car port which is higher than the detached building.
- The entrance of School Lane not same as Wentworth or The Fairway still has same kerb stones that these other areas have.
- The Popples and pedestrians and drivers use the same Road Traffic Act and should not be an issue that it's a busy road near a shop or schools.
- The use of matching materials to the existing building in colour, texture, coursing and method of pointing should be acceptable to the local planning authority

- Extensive alterations made to Popples Bungalow making it into a two storey dwelling.
- When we renovated Popples Bungalow, the entrance width did not hinder the wagon delivery with materials
- The drainage pipes are well below the surface.
- The proposed garage is a replacement of the demolished garage.
- The summerhouse is located on the owners private land

Ward Councillor Comments

Councillor Daniel Sutherland request that the application is referred to Planning Committee if the recommendation is to permit for the following reasons:-

The large scale of the proposed extension will have an adverse impact on the nearby Heritage assets. I believe the Committee will benefit from visiting the site to see and better understand the historic setting where this proposal is located.

Parish/Town Council Comments

The development is not located within Parish Council.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. It's policies are aligned with those in the NPPF and they carry full weight.

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

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt...designated heritage assets]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This is reflected in Policy SD1 of the CLP.

Visual Amenity

Policy BT1 of the Calderdale Local Plan, and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

The ridgeline of the host dwelling would be raised by 750mm and would be lower than the ridgeline to the adjoining property no. 3 Popples. The ridge height would be increased from approx. 6m to approx. 6.750m and would incorporate 8 no. Velux windows. The proposed development would raise the height of the roof slightly but would remain subservient to the neighbouring properties such that the increase in height would not be seen as out of place/character within the street scene. The proposal is retaining the arch window features and the cat slide element of the roof. It proposes to have long windows to the north elevation (rear) to utilise the light. However, this element will be set well back from the front of the house, therefore this element will not dominate views from the street. Therefore, it is considered the contemporary elements of the design would not have a harmful impact on the overall character of the barn and the retention of the historic architectural features such as the catslide roof is welcomed.

The proposed front extension would infill the existing gable front projection (porch), it would have a width of 3.810m and measure a depth of approx. 1.4m and height of approx. 5.3m. It is proposed to be built in stone and slates to match the host dwelling.

The proposed garage/ garden room would be in an L-shape; and would have a depth of 6.7m and measure a width of 12.050m and height of approx. 4.1m. It is proposed to be built in a mixture of stone and timber cladding. The south elevation of the garage would have a roller shutter door and the garden room would have bi-fold doors. It is considered that the garage/garden room is a contemporary addition that would not detract from the wider street scene.

It is considered that the proposals would be acceptable in terms of section 12 of the NPPF and the proposal would comply with CLP Policy BT1.

Impact on Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

The requirements of Section 66 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states:

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

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

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

Paragraph 200 of the NPPF states:

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

In addition, paragraph 202 of the NPPF states:

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

CLP Policy HE1 establishes that development proposals should conserve, and where appropriate, enhance the historic environment. Paragraph III of the policy states:

“Development proposals will be expected to conserve heritage assets in a manner appropriate to their significance. Harm to a designated heritage asset (or a Class II archaeological site) will only be permitted where this is outweighed by the public benefits of the proposal”

As mentioned above, Popples Almshouses is a Grade II listed adjacent to the site, and the proposed development falls within its setting.

The Conservation Officer has been consulted on the proposal and comments as follows:

“The site is adjacent to the Grade II listed buildings known as Popples Almshouses. These highly characterful properties were built around 1840 and are largely single storey with gabled features. They were built by a local woman, to provide accommodation for “..natives or residents of Holdsworth - 6 poor widows, or poor unmarried women - not less than 50 years of age”. Their significance lies in their age, their architectural design, using local stone with attractive and distinctive details, and their historic use as almshouses for the poor.

Historic maps show that until at least the late 1940s, Popples Almshouses occupied a largely rural setting, with suburban development spreading across this part of Illingworth during the latter half of the 20th century and dramatically altering the setting of the listed buildings. The grassed area which is subject of this application, together with the row of cottages and the former barn known as Popples, provide the immediate historic setting to the north and north-east of the almshouses, and remain somewhat tucked away amongst the modern suburban housing. These buildings likely date from the early 19th century. It is not clear whether the existing garden space to the east side of the almshouses was part of their original landscape design, however it now forms a green area close to their principal frontage contributing further to their immediate setting. It is notable that the nearby newer properties face away from the almshouses thus ensuring that although their wider setting has been much altered over the years, their immediate very close setting remains relatively intact although it is noted that there is a large outbuilding in the rear garden to Popples Barn, sited immediately to the front of the almshouses which detracts from their setting. Historic maps also show a small, detached building located to the north of the almshouses, perhaps a store, WC or other out-building.

This application seeks alterations to the property known as Popples Barn, together with the building of a detached garage with garden room on land nearby. The proposed alterations include raising the height of the roof some 750mm and inserting a large, glazed opening in association with an internal remodelling. The existing roof is characterful, being a cat slide typical of barns of this era, however the building has been much altered with a porch and rear extension added. The proposed works would in effect remove the porch, which currently appears incongruous to the building's former agricultural character and incorporates it into a front largely glazed extension. The proposed large, glazed opening suggests a former cart entry opening on this former barn for which there is no evidence, creating some false history to the building. However, the building is not listed, the proposed internal remodelling creates an improved layout, and removes the porch as previously stated. The raising of the roof will still retain the barn's subservience to the adjoining building.

In terms of the proposed garage with garden room, this would be located where a previous dwelling was proposed under 21/00344/FUL, which was withdrawn. The previous scheme was much more extensive in terms of its footprint, volume, massing and height being a two storey, three-bedroom house which was considered to intrude into and further erode what remains of the original setting to the almshouses. Whilst the proposed garage / garden room would be on the same site, its impact would be much less given its size, scale and design. It will however still be located in close proximity to the almshouses and within their immediate setting and will be seen on entry to the Popples.

Given all of the above, it is considered that there would be harm to the significance of the listed almshouses by virtue of the proposed developments in their setting, and in terms of the NPPF it is considered that such harm would be less than substantial. The NPPF requires clear and convincing justification for any such harm together with a level of public benefit. It is for the decision maker to determine whether the justification is appropriate in each case, but a clear public benefit here would be the removal of the unsightly outbuilding in the rear garden of Popples Barn, so improving the setting of the listed almshouses to their principal frontage."

The increased height of 750mm would not have a harmful impact to the listed cottages as it is well integrated into the existing terraced dwellings and would clearly be viewed as part of the existing Popples cluster. It is considered that the agricultural historic barn character was already lost from its conversion and the building has been extensively altered in the past. The proposal is retaining the arch window features and the cat slide element of the roof to the rear, which are important remaining features of architectural character. Therefore, the proposed extension is considered to conserve the setting of the listed building, despite the close proximity.

The proposed garage/garden room would be located approx. 20m to the north of the Grade II Listed Popples Almshouses. The proposal is designed as single storey, and although fairly large in footprint as both elements are contained together in one structure, the individual elements of garage and garden room are not dissimilar in size to those types of common domestic structures on other sites. Given the siting is set back to the rear of the site and away from the principal elevations of the listed building, it is not considered to unduly detract from the character or appearance of the Almshouses. Taking into consideration the previous garage that was sited 9m away from the Almshouses and built-in concrete and the current proposals which would be further away from the listed cottages. While there would be some minor harm to the listed building due to the addition of the built form; the extension will 'read' visually as a modern, contemporary addition. It is also considered that the scheme, has significantly less impact on the setting of the listed building than previously withdrawn application (21/00344/FUL) which was for a two storey detached dwelling.

Overall, it is considered the proposal will result in less than substantial harm to the significance of the listed building, and this harm is at the lower end of the scale. Nevertheless, any harm requires clear and convincing justification and public benefits to outweigh the harm. As indicated by the Conservation Officer, the removal of the existing large outbuilding which currently impacts on the principal elevation of the Almshouses would improve their character, appearance and setting. Thus, the removal of this element to provide the clear public benefit will be conditioned as part of the proposal.

Therefore, subject to the removal of the existing outbuilding, the proposal is considered to be acceptable and in accordance with Policy HE1.

Consideration of Personal Circumstances

The applicant provided the Council with information on health conditions of an occupant at Popples Barns which provides further justification for the proposed work. However, given the sensitive nature of the health information supplied it would not be appropriate to outline the specific health conditions of the individuals concerned.

Personal circumstances are not normally afforded substantial weight in the determination of applications. However, in this case it is considered that the health benefits for the occupant of Popples Barn contribute to the justification of need for the proposal.

Residential Amenity

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts will arise. It is considered that the proposal will satisfy the requirements of these for the following reasons.

In regard to adjoining property no. 3 Popples, the raising of the ridge height would not result in the dwelling being overbearing, cause loss of light, outlook or overshadowing to the neighbouring property as it would not alter the footprint of the dwelling. In regard to the outbuilding, following Annex 2, the proposed garage would be approx. 26m away from no.3 Popples and this would exceed the minimum distances required.

In regard to no. 4 Almshouses, this property has a window on its side elevation. However, due to the boundary wall between the property and the car park; it is considered that the proposed summerhouse would not cause any overlooking or loss of privacy. It is also considered the bi-fold doors would overlook towards the access to Almshouses and not directly towards any windows.

The proposed outbuilding would be set in from the boundary with neighbouring properties no. 24 and 26 Popples Drive by approx. 1.3m. The proposal would have height to eaves of approx. 2.5m. Taking into consideration these properties have outbuildings set in from shared boundary with no. 3A Popples Barn, the proposal is considered to cause no undue impact upon residential amenity of these neighbouring properties. No windows are proposed; therefore, no additional overlooking impact would occur in this regard.

In regard to no. 9 and 11 Wentworth Drive, due to the separation distance of approx. 6.7m to the shared boundary and the existing boundary treatment, it is considered to be a significant distance away and would not be affected by the proposed development.

The comments raised by neighbouring dwellings which are material to the planning application have been addressed within the main body of the report. All other objections that are non-material and cannot be considered by the Local Planning Authority.

The proposal would not unacceptably detract from the amenities of any neighbouring properties by way of overlooking, over shadowing or overbearing impact. The proposal therefore accords with policy BT2.

Highways

Policy BT4 states that, “All new development can potentially impact on the highway network, it is crucial therefore that the extent of these impacts are fully understood and considered when determining planning applications. Highway access and parking in new development must provide for safe and efficient movement by pedestrians, vehicles, and cyclist.”

Highways were consulted and raise no objections. The Highway Officer made the following comments:

The site access is a shared facility with no footway and is substandard in terms of its width. Two vehicles are unable to pass on the initial length. It would therefore not be suitable for further intensification in terms of additional vehicle movements.

The proposed additional floorspace and garage are noted. The proposals may result in an increase in vehicular movements although these are likely to be marginal. An objection on highway safety grounds would therefore be difficult to sustain.

There are no requested conditions

The proposals are therefore considered to be acceptable in pure highway safety terms reasonably satisfying the requirements of Policy BT4 and Annex 1 of the Local Plan in this regard.

Other Issues

The application site is located within an area of Critical Drainage on the Calderdale Local Plan. Within such areas and in compliance with Policy CC2 of the CLP, development proposals are expected to be supported by a Flood Risk Assessment demonstrating how and if the proposed works will impact in terms of flood risk. The Local Plan was adopted by the Council in March 2023 and the submission of this application pre-dates that and as such the application is not supported by a Flood Risk Assessment.

In this instance and taking into account the nature of the development works, it is considered there will be minimal impact in terms of flood risk. The site is not located within a designated Flood Risk Zone and the proposal is small scale and ancillary to an established residential dwelling utilising existing drainage.

CONCLUSION

The proposal is considered to be acceptable subject to conditions. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the sections above and there are no material considerations to outweigh the presumption in favour of such development

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

Date: 07.05.2023

Case Officer: Faith Chingono

Lead Officer: Lauren Clarkson

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission
2. Before it is first brought into use, the extensions and increased roof height hereby permitted shall be constructed of facing and roofing materials to match the existing building, in terms of colour, texture, coursing and method of pointing, and shall be so retained thereafter.
3. Notwithstanding any details shown on the permitted plans, the facing materials for the garage and garden room shall be of regularly coursed natural stone (sympathetic in colour, coursing and texture to that used on the host dwelling), and timber cladding which shall be finished in a dark neutral shade or left to weather naturally. Before the development hereby permitted is first brought into use, it shall be constructed in accordance with the above details and so retained thereafter.
4. The existing outbuilding within the garden area to the south of Popples Barn shall be removed prior to the first occupation of the development hereby permitted.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Local Plan and National Planning Policy Framework
 2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
 3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BT1 of the Calderdale Local Plan.
 4. In the interests of the local character and visual amenity, and of the improved setting of the listed building and to ensure compliance with policy HE1 of the Calderdale Local Plan.
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