

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

Date of meeting: 26 April 2022

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 26 April 2022

Time & No.	App No.	Location	Proposal	Ward	Page No.
14.00	20/00337/FUL	Barns South Of Davey Hall Davey Lane Blackshaw Head Hebden Bridge Calderdale	Construction of six dwellings	Calder	5 - 16
14.00	20/01111/FUL	White Rock House Farm Dean House Lane Stainland Elland Calderdale	Sub-division of existing dwelling to form 2no. dwellings including external alterations	Greetland And Stainland	17 - 27

Time Not Before: 14.00 - 01

Application No: 20/00337/FUL

Ward: **Calder**

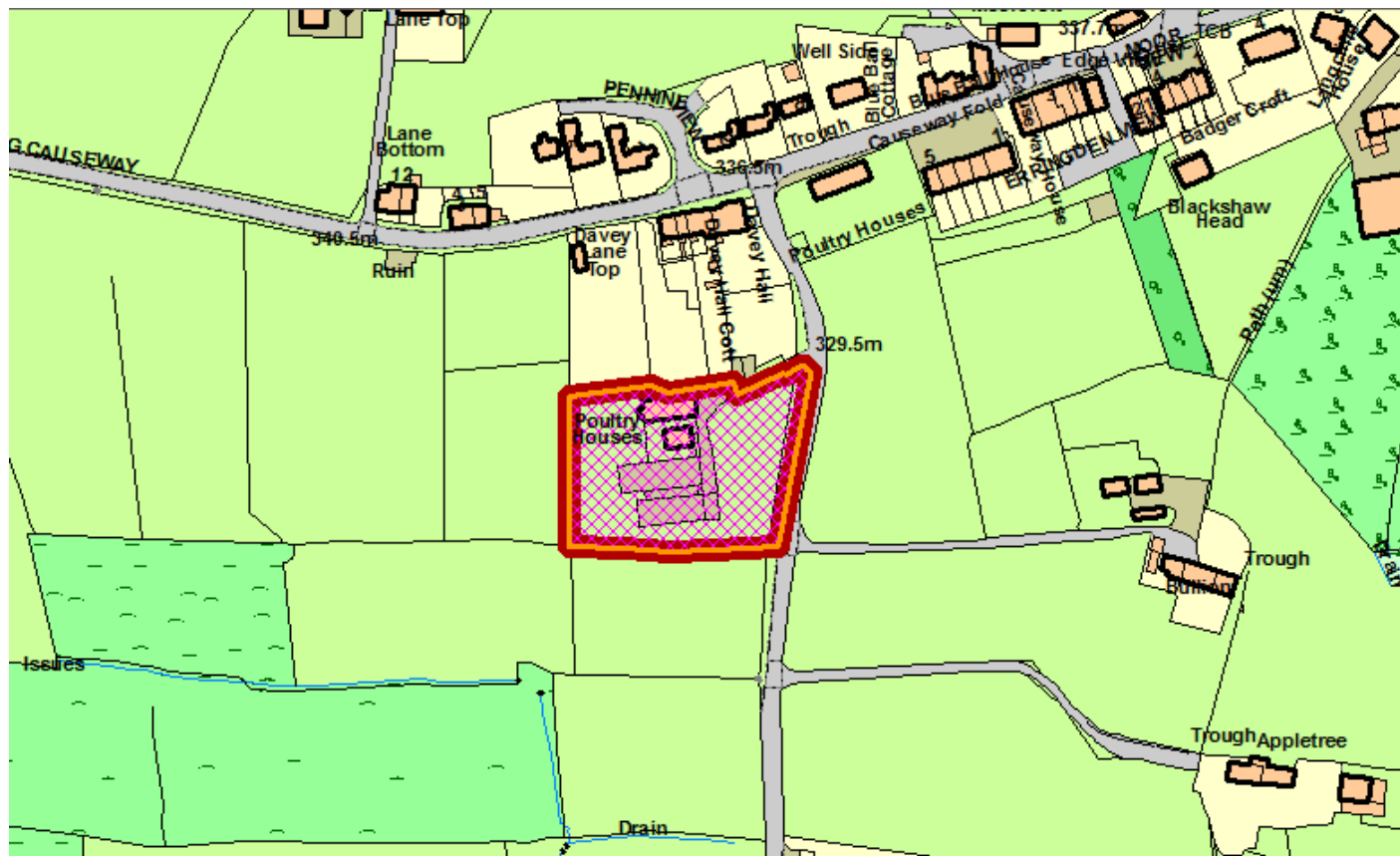
Area Team: **North Team**

Proposal:

Construction of six dwellings

Location:

Barns South Of Davey Hall Davey Lane Blackshaw Head Hebden Bridge Calderdale



Applicant:

Mr Bernard Boylan

Recommendation: **PERMIT**

Parish Council Representations:

Yes Objections

Representations:

No

Departure from Development Plan:

Yes

Consultations:

Blackshaw Parish Council

Environmental Health Services - Pollution Section (E)

Highways Section

Yorkshire Water Services Ltd

West Yorkshire Police ALO

Countryside Services (E)

Highways Section
 Blackshaw Parish Council
 Environmental Health Services - Pollution Section (E)
 Highways Section
 Yorkshire Water Services Ltd
 West Yorkshire Police ALO
 Yorkshire Water Services Ltd

Description of Site and Proposal

The application site lies to the south of The Long Causeway in the settlement of Blackshaw Head in the countryside to the west of Hebden Bridge. The site currently contains a number of dilapidated agricultural buildings.

The proposal relates to the construction of 6 detached single storey dwellings with associated access.

The application is accompanied by the following supporting documents:

- Design and Access Statement
- Bat Roost Assessment Form
- Contamination Report
- Foul Drainage Assessment
- Surface Water and Flood Risk Assessment
- Planning Statement

Relevant Planning History

05/00544/COU: Change of use of two barns from agricultural to joinery workshop (Class B2). Approved 12/05/2005

16/00171/OUT: Residential development of maximum five dwellings (Outline). Refused 27/04/2016

17/00469/OUT: Demolition of buildings to facilitate residential development of maximum five dwellings (Outline). Withdrawn

18/00033/FUL: Construction of five dwellings. Approved 28/06/2018

19/00708/FUL: Construction of seven dwellings. Refused 13/12/2019

Key Policy Context:

Replacement Development Plan	Calderdale Designation/Allocation	Unitary	Area Around Todmorden Special Landscape Area
Replacement Development Plan policies	Calderdale	Unitary	H9 Non-Allocated Sites H10 Density of Housing Developments BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE3 Landscaping

	BE4 Safety and Security Considerations BE5 The Design and Layout of Highways and Accesses NE8 Appropriate Development for the Area Around Todmorden NE12 Special Landscape Area NE16 Protection of Protected Species NE17 Biodiversity Enhancement EP1 Protection of Air Quality EP10 Development of Sites with Potential Contamination EP14 Protection of Ground Water EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems
National Planning Policy Framework Paragraphs/ National Design Guide	2. Achieving Sustainable Development 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
Other Relevant Planning Constraints	
Other Material Planning Considerations	Calderdale Climate Emergency Declaration Emerging Local Plan

Publicity/ Representations:

The application was publicised with site and press notices because it is a departure from the Development Plan. In addition 22 neighbour notification letters were sent.

5 letters of objection and no letters of support were received.

Summary of points raised:

[Officer comments in italics]

Objection

- Not in keeping with surroundings
- Affects the setting of a listed building
- Impact on landscape character
- Inadequate access
- Impact on highway safety
- Lack of information on drainage
- Inappropriate scale
- Loss of privacy
- Increased flood risk
- Impact on air quality
- Misleading plans *[These plans have been superseded]*
- Impact on wildlife
- PD Rights for upward extensions should be removed

- Noise and nuisance during construction
- Neighbours not notified *[records show that neighbour letters were sent to 22 addresses on 7th April 2020. Letters notifying neighbours of the receipt of amended plans were sent on 1st April 2021. The application was publicised by press notice and site notice on 16th April 2020 and 7th May 2020 respectively. The amended plans were publicised by press notice and site notice on 15th April 2021 and 22nd April 2021 respectively]*

Ward Councillor Comments

Councillor Dave Young requests that the application is referred to Planning Committee, if the recommendation is to permit, and makes the following comments:

The site is not in the village envelope and is in 'Land Around Todmorden' which has similar protection as the Green Belt.

This is an inappropriate development – 7 large houses which are not needed in the small village of Blackshawhead. This development would box in Davy Hall, a grade II listed property nearby.

Following the receipt of amended plans reducing the number of dwellings to 6 and altering the design and scale of the dwellings, Cllr Young advised that he still wished the application to be referred to Planning Committee.

Parish/Town Council Comments

The development is located within the boundaries of Blackshaw Parish Council. The Parish Council submitted a strong objection to the original plans, and then commented again once the amended plans which are now being considered were received

The Parish Council comments:

This was discussed at length at the parish council meeting. The final vote was to object to the application, but councillors recognised that this application had significant merit relative to the previous versions. Councillors liked the improved design, in terms of use of more traditional materials and the lower rise buildings. The fact that the development was moved to the west of the site, and out of the sightlines of Davey Hall was also appreciated.

However, the Council acknowledged that it has passed a motion of climate emergency and believes that any new development must aim for being close to carbon neutral. Although this application refers to 'low energy', the design features such as large south facing windows, were felt to be inadequate measures to reduce carbon at a time when this matter must become a priority.

The other main issue for councillors remains that the original permission was for 5 dwellings, and this application has increased that.

On balance, it was therefore agreed to object.

Summary of Determining Issues

- Principle of Development
- Impact on Residential Amenity
- Layout, Design and Materials
- Heritage Assets
- Highways and Movement
- Air Quality

- Flood Risk and Drainage
- Ground Conditions
- Protected Species and Biodiversity
- Trees and Landscaping

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) complements this requirement and 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.

At the heart of the NPPF is 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; 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 National Planning Policy Framework and the accompanying Planning Practice Guidance (PPG) require Councils to maintain a rolling 5-year supply of deliverable land for housing. Currently Calderdale has a 2 year housing land supply. Calderdale has also failed the government's 'Housing Delivery Test', triggering the application of the NPPF 'tilted balance' towards approval, unless specific national policies of restriction give a clear reason for refusal.

Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, whilst paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The application relates to a brownfield site which is directly adjacent to the settlement of Blackshaw Head. Although the site does not lie within the Village Envelope as set out on the RCUDP Proposals Map the site is not remote from the settlement or in an isolated location, and its northern boundary adjoins the rear gardens of Davey Hall and Davey Hall Cottage. It is therefore considered that the restrictions set out in paragraph 80 of the Framework do not apply in this instance.

The site is located in the Area Around Todmorden as set out in Policy NE8 of the RCUDP, and development in settlements in that Area must meet the criteria set out in Policy NE9 of the Plan. Policy NE8 refers to development in "the open countryside". Given the relationship between the application site and the settlement of Blackshaw Head as described in the previous paragraph, the site is not considered to be in the open countryside and rather forms part of the settlement itself.

Policy NE9 is supportive of residential development provided, among other criteria, that (in the case of residential development) it is located on previously developed land and is within the built-up area of the settlement.

The proposed dwellings will occupy broadly the same position as the existing agricultural buildings and will not encroach further into the countryside than the current arrangement. As such, and on balance, the development is considered to be within the built-up area of the settlement and the proposal is therefore in accordance with Policy NE9 of the Replacement Calderdale Unitary Development Plan and paragraphs 78 and 79 of the National Planning Policy Framework.

Taking all the above into consideration, and with regard to the presumption in favour of sustainable development triggered by the lack of an adequate housing supply, the proposal is considered to be acceptable in principle.

Residential Amenity

The proposed development would be over 50m from the nearest dwellings to the north and there are no neighbouring dwellings to the south, west or east. As such the proposal is not considered to result in any harm to the residential amenity of the occupants of existing dwellings. The proposed development is well laid out to avoid overlooking between dwellings, and the proposed single storey dwellings are not considered likely to cause overshadowing. The proposal is considered to provide a good standard of amenity for the future occupants of the development and is therefore in accordance with policies BE1 and BE2 of the Replacement Calderdale Unitary Development Plan in terms of residential amenity.

Appearance and Impact on Landscape

The application site lies within an area defined as a Special Landscape Area in the RCUDP where development must meet the requirements of policy NE12. The proposed development is sited within the built up area of the existing settlement and when viewed from the south will be viewed against the backdrop of the existing dwellings on The Long Causeway. The single storey design of the dwellings is such that the development will not be especially prominent in the landscape. The amended drawings show that the dwellings will be simple stone structures with dual pitched roofs with gabled ends which is considered to be in keeping with the local vernacular. The exact details of materials, pointing and coursing will be controlled by planning condition. Subject to this condition the proposal is considered to be in accordance with policies BE1 and NE12 of the Replacement Calderdale Unitary Development Plan.

Heritage Assets

To the north of the application site lie the Grade II listed Davey Hall and the attached Davey Hall Cottage. Objection comments have been received from neighbours on the grounds that the proposed development adversely affects the setting of these heritage assets.

The northern boundary of the site is approximate 59m from the two listed buildings and is situated at a lower level due to being positioned on a sloping valley side. The proposed dwellings are to be single storey and to be constructed from natural stone with stone slate roofs. The exact details of the materials, pointing and coursing can be controlled via planning condition. Given the relationship between the proposed dwelling and the heritage assets described above, and the low rise nature of the proposed development the proposal is not considered to adversely affect the setting of the nearby listed buildings and subject to conditions controlling the materials is considered to be in accordance with policy BE15 of the Replacement Calderdale Unitary Development Plan.

Highways and Movement

The Highway Authority had a number of concerns regarding the original plans, however these were overcome by the amended scheme. The proposal is not considered likely to have a significant detrimental impact on the highway network. The proposed access is considered to be acceptable and subject to standard conditions the proposal is in accordance with policies BE5 and T18 of the Replacement Calderdale Unitary Development Plan.

Air Quality

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.

Flooding and Drainage

RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to surface water run-off or obstruction. Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected. Sustainable Drainage Systems should be incorporated where appropriate in accordance with RCUDP Policy EP22.

Public comments included concerns that the proposal does not include full details of a proposed drainage strategy. The site lies in Flood Zone 1 so is not at risk of flooding generally, and Yorkshire Water had no objection to the proposal in principle. A condition requiring the submission of drainage details for approval is therefore proposed. Subject to this condition the proposal complies with Policies EP14, EP20 and EP22.

Ground Conditions

The existing and historic agricultural uses of the site are not considered likely to have resulted in ground contamination however a condition is proposed to ensure that any unexpected contamination uncovered during construction is dealt with appropriately. Subject to the above the proposal is considered to be in accordance with policy EP10 of the Replacement Calderdale Unitary Development Plan.

Protected Species and Biodiversity

The Countryside Services team advised that the proposal is not considered likely to result in significant adverse ecological impacts. However, the land to the south and west of the proposed development is used by breeding waders including curlew and lapwing and the existing buildings could also be used by breeding birds. Conditions are therefore proposed preventing building or demolition works being carried out between 1st March and 31st July inclusive. Furthermore, and in order to achieve required net biodiversity gains, a condition requiring swift nesting features to be installed in the fabric of the dwellings is also proposed. Subject to these conditions the proposal is acceptable in terms of its impact on wildlife and biodiversity and is in accordance with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.

Trees and Landscaping

The original plans included details relating to landscaping but these have now been superseded by the current site layout. As such full details of an appropriate landscaping scheme will need to be provided by the developer for the areas of the application site which will not be within any residential curtilage and this will be secured by planning condition. Subject to this condition the proposal is considered to comply with policies BE3, NE12 and NE17 of the Replacement Calderdale Unitary Development Plan.

The Planning Balance

The principle of residential development on this was established via the 2018 planning approval, albeit this has now lapsed. A number of more ambitious proposals were subsequently submitted, including the original plans forming this application, all of which were considered to be excessive in scale and not in keeping with the rural location of the site. The design approach of the amended plans has reverted to the type and scale of dwellings contained in the 2018 approval and as such is considered to be acceptable. The current proposal can essentially therefore be considered to be a simple increase in dwellings from 5 to 6. There have been no material changes on site or to national and local planning policies since the previous approval which would warrant a different conclusion being drawn. The proposal will contribute to the District's housing supply in an established settlement and being single storey will be accessible for all when compared to the traditional cottages in the area. Conditions are proposed which will ensure that drainage, materials, landscaping and biodiversity gains are appropriate, and which will ensure the development provides a safe highway access. Accordingly, the application is recommended for approval.

CONCLUSION

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

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

Date: 12th April 2022

Further Information

Should you have any queries about this application report, please contact:-

Leon Carroll on 07596 889568

Conditions

1.
 - a) Prior to the commencement of building operations above damp-proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, pointing, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.
 - b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.
2.
 - a) Prior to the commencement of building operations above damp-proof course of the development hereby permitted details of the design and materials of all boundary treatments shall be submitted in writing to and approved in writing by the Local Planning Authority.
 - b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1, Class A to Class H shall be formed in any part of this development.
4.
 - a) Notwithstanding the details already submitted and prior to the commencement of the development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:
 - i. Construction working hours
 - ii. Parking and turning facilities for vehicles of site operatives and visitors
 - iii. Loading and unloading of materials
 - iv. Storage of plant and materials used in constructing the development
 - v. A scheme for recycling/disposing of waste resulting from construction works
 - vi. Temporary portacabins and welfare facilities for site operatives
 - vii. Site security arrangements including hoardings
 - viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
 - ix. Measures to prevent flying debris
 - x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

- 5. Prior to the commencement of the construction phase of the development hereby permitted the new vehicular access shall be laid out and constructed to base course. The access shall be completed in accordance with the permitted plans before any part of the development is brought into use and shall be so retained thereafter.
- 6. Prior to the first occupation of any dwelling forming part of the development hereby permitted the sightlines as illustrated on the approved plans shall be provided in both directions at the centre point of the new access at its junction with the existing highway and these shall be kept free of any obstruction to visibility exceeding 0.9m in height 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. Prior to the first occupation of each dwelling forming part of the development hereby permitted, 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.
- 9. Prior to the installation of any drainage infrastructure, a scheme for the disposal of foul and surface water (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) shall be submitted in writing to and approved in writing by the Local Planning Authority. The aforementioned scheme shall make provision for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and National Planning Practice Guidance.

Where a sustainable drainage scheme is to be provided, the submitted details shall include but are not limited to:

- i. Details of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters and increasing flood risk to downstream land;
- ii Design details of all components and in accordance with CIRIA report C753 The SuDS Manual
- iii. A timetable for its implementation; and
- iiii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme (including all physical measures and the management and maintenance measures) shall be implemented prior to the first occupation of the development and shall be so retained thereafter in a functioning and effective state.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
12. No demolition works shall be carried out between 1st March and 31st August inclusive unless a competent ecologist has undertaken a bird survey immediately before such works have commenced and provided written confirmation that no birds will be harmed or disturbed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation should be submitted in writing to and approved in writing by the Local Planning Authority.
13. Prior to the completion of the walls a total of three permanent swift nesting feature constructed of concrete, woodcrete, ecostyrocete or similar material shall be installed within the fabric of the dwellings within 50cm of the north facing rooflines (but not directly above any windows or doors). The swift nesting features shall be so retained thereafter.
14.
 - a) Notwithstanding the details already submitted and prior to commencement of the development hereby permitted, a detailed landscaping scheme shall be submitted in writing to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and retained as such thereafter.
 - b) If within a period of 5 years from the date of the planting of any trees, shrubs or plants, that tree, shrub or plant, or any tree, shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place in the following planting season.

Reasons

1. To ensure the satisfactory appearance of the development and to comply with policy BE1 of the Replacement Calderdale Unitary Development Plan.
2. To ensure the satisfactory appearance of the development and to comply with policy BE1 of the Replacement Calderdale Unitary Development Plan.
3. To safeguard the character and amenity of the Special Landscape Area and nearby heritage assets in accordance with policies BE1, BE15 and NE12 of the Replacement Calderdale Unitary Development Plan.
4. To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with policy BE1 and GNE2 of the Replacement Calderdale Unitary Development Plan.

5. In the interests of highway safety and to ensure the safe operation of the development in accordance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
 6. In the interests of highway safety and to ensure the safe operation of the development in accordance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
 7. In the interests of highway safety and to ensure the safe operation of the development in accordance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
 8. In the interests of meeting the government's targets for radical reductions in greenhouse gas emissions, and to ensure compliance with Paragraph 8(c) and 112(e) of the National Planning Policy Framework
 9. In order to secure the proper drainage of the site and to ensure compliance with policy EP14 of the Replacement Calderdale Unitary Development Plan.
 10. In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to ensure compliance with policy EP14 of the Replacement Calderdale Unitary Development Plan.
 11. To ensure that the site is remediated appropriately for its intended use and to comply with policy EP10 of the Replacement Calderdale Unitary Development Plan.
 12. In the interests of wildlife conservation in accordance with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.
 13. In the interests of wildlife conservation in accordance with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.
 14. In the interests of safeguarding the character and amenity of the Special Landscape Area in accordance with policies BE1, BE3 and NE12 of the Replacement Calderdale Unitary Development Plan.
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Time Not Before: 14.00 - 02

Application No: 20/01111/FUL

Ward: **Greetland And Stainland**

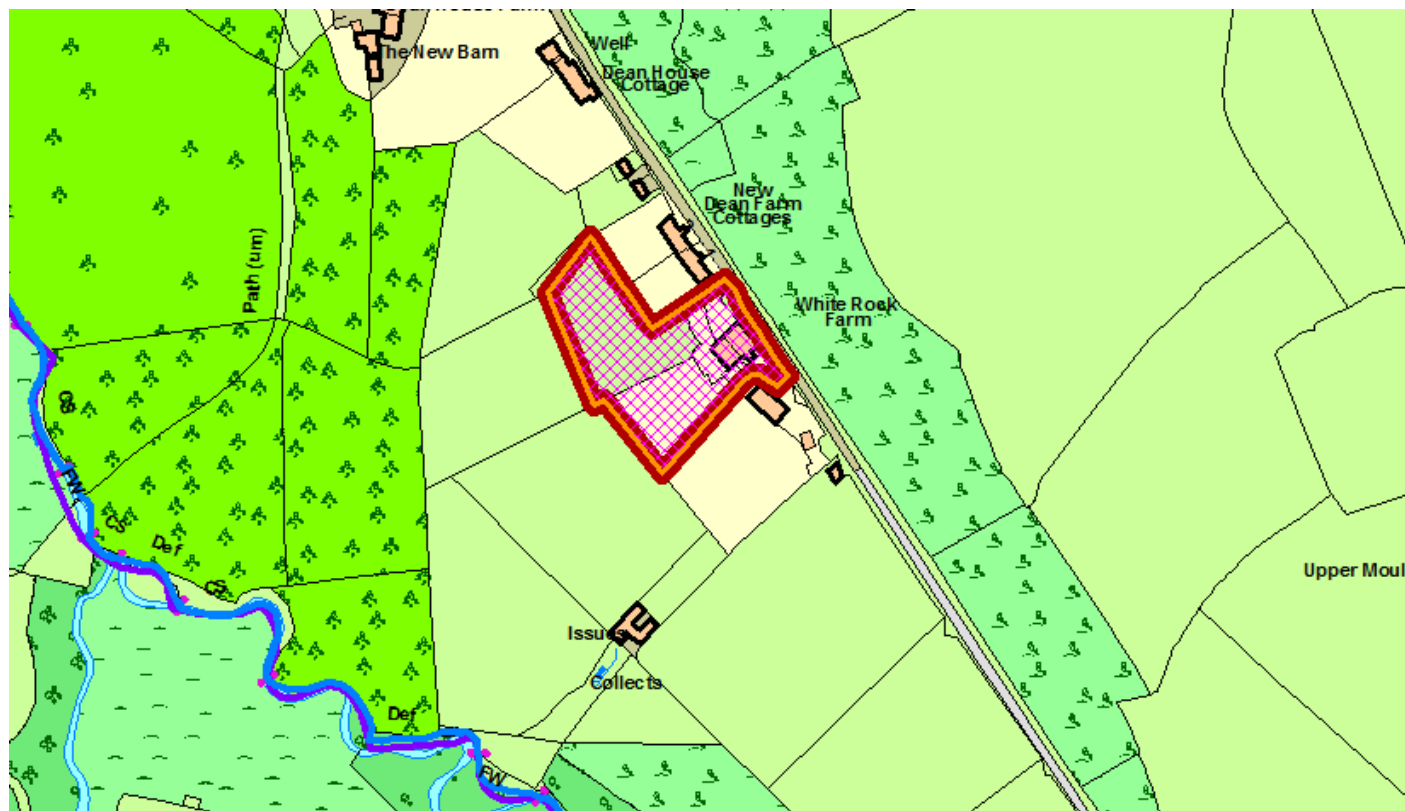
Area Team: **North Team**

Proposal:

Sub-division of existing dwelling to form 2no. dwellings including external alterations

Location:

**White Rock House Farm Dean House Lane Stainland Elland Calderdale
HX4 9LG**



Applicant:

Mr J Grafton

Recommendation: **PERMIT**

Parish Council Representations: N/A

Representations: No

Departure from Development Plan: No

Consultations:

Countryside Services (E)

Highways Section

Countryside Services (E)

Highways Section

Countryside Services (E)

Stainland And District Parish Council

Highways Section

Description of Site and Proposal

The dwelling is a stone building which has been extended by way of a single storey extension at the front in 1979 when it was converted from a barn into a single dwelling. It is located to the south side of Dean House Lane which is a bridleway (079). There are residential dwellings to the north 1 & 2 New Dean Farm Cottages and to the south White Rock Barn. Whilst the majority of the building is currently a dwelling, there is a section currently used as a workshop/storage area on the south west elevation.

Planning permission is sought for sub-division of existing dwelling to form 2 dwellings including external alterations.

The application is accompanied by the following supporting documents:

- Structural report
- Bat self assessment form
- Foul drainage assessment form

The application has been brought to Committee because the recommendation to permit conflicts with an objection raised by The Assistant Director – Strategic Infrastructure (Highways).

Relevant Planning History

An application for conversion of existing barn/stable into private dwelling house was permitted under delegated powers on 8th May 1979 (application number 79/00647/CON)

An application for extension and conversion of barn to dwelling house was permitted under delegated powers on 31st July 1979 (application number 79/01930/FUL).

An application for extension and conversion of barn to dwelling (including new double NE garage) was permitted under delegated powers on 24th October 1983 (83/02342/FUL)

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation.	Green Belt Special Landscape Area
Replacement Calderdale Unitary Development Plan policies	GNE1 Containment of the Urban Area NE4 Conversion or Change of use of Buildings in the Green Belt BE1 General Design Criteria BE2 Privacy, Daylight and Amenity Space BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Allowances EP14 Protection of ground Water EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems NE12 Special Landscape Area NE16 Protection of Protected Species NE17 Biodiversity Enhancement

National Planning Policy Framework	7. Requiring good design 9. Promoting sustainable transport 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	Bat alert area Bridleway 079 Non- mains sewerage
Other Material Planning Considerations	Climate Emergency Declaration (Jan 2019) Emerging Local Plan/Emerging NDP

Publicity/ Representations:

The application was publicised with three neighbour notification letters.

Four letters of representation were received.

Summary of Points Raised:

- Additional parking is needed – currently not enough parking
- Further congestion
- Dean House Lane is a bridleway
- Will the proposal make use of the existing Septic tank, which already serves two properties.
- Object to septic tank location due to standing foul water on our land.
- Dean House Lane is a single track road with no passing places.
- Road already deteriorated
- Need details of septic tank
- Loss of privacy
- Adverse environmental impact
- Fire safety
- Incorrect boundaries (*private legal matter*)

Parish/Town Council Comments

The development is located within the boundaries of Stainland and Greetland District Parish Council.

The Parish Council make the following comments:

“Concerns currently expressed by CMBC Highways are supported regarding:

- the unsustainable location of the proposed development;*
- the unsuitable nature of the Dean House Lane as an access route for additional traffic due to its narrowness, unmade condition, tight bends, steep gradient and lack of passing places for vehicles or separate path for pedestrians*
- evidence that proposed parking provision could meet necessary standards*

Dean House Lane, is a popular bridleway/recreational route appreciated for its upland character and the excellent views it affords of surrounding countryside which forms part of a designated Special Landscape Area (SLA). Additional development relying on motor vehicle access will increase conflict with bridleway users and detract from this valuable amenity.

The area is also ecologically sensitive and the proposals will increase disturbance to valuable wildlife habitat adjacent to Dean House Lane (identified in emerging Local Plan) and to nearby designated Local Wildlife Site Red Lane Dike Grasslands

Should measures be proposed which aim to address the concerns of Highways for instance the introduction of passing places, widening and/or extensive hard surfacing of the track these would not be supported. However, if implemented landscaping work should include compensatory measures with condition imposed in order to ensure that there is a net gain for biodiversity.

Concerns expressed by neighbours regarding potential pollution and animal welfare implications of the pro-posed foul drainage system are also supported. Details of the system for foul drainage have not been clearly set out in the drainage assessment and proposed plans, and evidence of suitable ground conditions has not been supplied. It is noted that the foul drainage assessment suggests that a soakaway system is to be employed. This appears to conflict with Environment Agency guidance for the use of septic tanks which prohibits the use of soakaways for foul drainage:

You cannot use a soakaway (designed for draining rainwater), well or borehole for discharging effluent to ground. Instead you must either upgrade to a drainage field or apply for a permit so that the Environment Agency can assess the risk of using this sort of system in your location. (From Rules for existing and new discharges.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>).

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated on 21st 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.

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.

RCUDP policy GNE1 establishes that the plan will seek to restrain development outside the urban areas through the general extent of the Green Belt. However, RCUDP policy NE1, which was the specific part two policy relating to development within the Green Belt, was not saved when the RCUDP was amended by Direction of the Secretary of State on 25 August 2009. As such it is considered that the principle consideration is Section 13 (protecting Green Belt land) of the NPPF.

NPPF paragraph 149 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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.

The proposal is to sub-divide an existing dwelling to form 2 dwellings including external alterations. The external alterations relate to parking provision for the second dwelling, fence at the rear to subdivide the garden areas and relocation of septic tank to serve both dwellings. As the proposal relates to the sub-division of an existing dwelling to provide two. It is considered to meet the requirements of section 13 of the NPPF.

Materials, Layout and Design

Policy BE1 of the Replacement RCUDP seeks development that contributes positively to the local environment through high quality design, respecting the established character of the area in particular scale, design, materials, appropriate landscaping, being energy efficient and includes consideration for crime prevention.

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...

RCUDP policy NE12 seeks to ensure that within Special Landscape Areas, development which would adversely affect landscape quality will not be permitted. Special attention should be paid to conserving and enhancing the visual quality and minimising the environmental impact of development in the area through detailed consideration of the siting, materials and design of the new development.

The proposal relates to the sub-division of one large dwelling into two – four bedroom dwellings.

A new parking area similar to the existing parking for plot one will be provided for plot 2 which will provide parking for up to three cars.

The proposed alterations relate to:-

New staircases from the ground floor to the lower ground floor into what will become a garden room for each dwelling, with a door and side window created at basement level. There is an existing side window on the south elevation to serve the garden room for plot 2 and a new window on the north elevation of the garden room is proposed for plot 1. The existing door will also be utilised on this elevation.

On the west elevation facing the proposed gardens, the existing windows at ground floor level will be retained and utilised by plot 1 and two new windows to mirror those on plot 1 will be provided for plot 2.

At first floor level a new window to serve a bedroom will be provided for plot 2 to mirror the window for plot 1.

A new 2m high fence between both plots at the rear to separate garden spaces will be provided.

A new rooflight is proposed to serve plot 2 for bedroom two of that property.

Plot 1 will have a new window to serve bedroom two at first floor level.

It should be noted that the majority of window and door openings are existing, and these few new openings are proposed to enable the sub-division of the existing building.

The existing septic at the front of the existing dwelling adjacent the road will be relocated to the north of plot 1 and will serve both properties along with being easily accessible. More details will be requested as a drainage condition.

At basement level both plots will benefit from new garden rooms.

At ground floor level, plot 2 will provide a entrance hall, utility room, cloakroom, storage, kitchen/dining area, study/playroom, and lounge. Plot 1 will provide a lounge, entrance hall, wc, kitchen/dining room.

At first floor level both plots have a master en-suite bathroom and three further bedrooms and family bathroom.

The proposal is considered to still maintain the character of the existing building although it will now be two dwellings rather than one.

It is considered that the proposal would not be out of character with the area and it complies with policies BE1 and NE12 of the RCUDP.

Residential Amenity

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

The dwelling is existing and whilst the rooms will be reconfigured to allow the sub-division into two dwellings, the outlook from both dwellings (white Rock Barn and White Rock House Farm) remains the same.

In relation to plot one, the nearest dwelling to plot 1 (to the north) is 1 New Dean Farm Cottages, at a distance of over 21m and therefore considered acceptable.

To the east, the dwellings will look onto the bridleway Dean House Lane.

To the west, the dwellings will look onto their proposed garden spaces and fields beyond. The nearest dwelling to the south to plot 2 is White Rock Barn which is located at right angle to the site. Concerns have been raised by the occupier relating to direct overlooking into bedroom windows at this property, as it is at a lower level than White Rock House Farm. Whilst there is some reconfiguration of rooms to allow the sub-division, it should be noted that the relationship of windows to White Rock Barn is existing, although they currently serve the storage/workshop of the existing dwelling. The distance is approximately 10m.

The windows on the side elevation of plot 2 currently and once converted, will look towards the front garden area of White Rock Barn and will not directly impact on the privacy or amenity of White Rock Barn, as their main private amenity space for that dwelling is at the rear (looking west). However, to ensure there is no direct overlooking, a condition will ensure that sufficient boundary treatment is provided on the boundary of plot 2 with White Rock Barn to maintain privacy for both properties.

The proposal complies with policy BE2 of the RCUDP.

Flooding and Drainage

RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to the surface water run-off or obstruction. Sustainable Drainage Systems should be incorporated where appropriate in accordance with RCUDP Policy 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.

The site is currently served by a septic tank which is located between the dwelling and the bridleway. This is to be relocated within the grounds of plot 1 to the north and would serve both properties.

In terms of drainage, standard drainage, conditions relating to the submission of full drainage details to be submitted for the LPA's written approval is suggested.

Subject to a condition, the proposal would be acceptable in terms of RCUDP policies EP14, EP20 and EP22.

Wildlife Conservation

Policy NE16 discusses the protection of protected species and establishes that development will not be permitted if it would harm the habitat requirements of legally protected, rare or threatened wildlife species and the species themselves unless provision is made to protect those species and their habitats.

Policy NE17 discusses biodiversity enhancement and that development will be required where appropriate to enhance biodiversity conditions or planning obligations will be attached to

- I. Protect. Maintain and enhance biodiversity;
- II. Protect, restore and manage features of ecological importance and important species and their habitats; and
- III. Create new wildlife habitats, especially where they will link wildlife corridors or isolated habitats or create buffer zones.

The Council's Wildlife and Biodiversity Officer was consulted on the application and has made the following comments:-

"I consider the bat report to be satisfactory and I am satisfied that there is a low chance of an adverse impact on roosting bats.

External lighting features must be of low output; lights must be installed at a low level with all light directed downwards. There must be no upward light

spill, shrouds or deflector fittings are a simple way of avoiding this. Guidance provided by the Institute of Lighting Professionals (ILP, 2018) should be used to plan the lighting schemes and with the aim of limiting the impact that lighting may have on local bat populations.

In line with the biodiversity enhancement requirements set out in Policy NE17 and in the NPPF, I also recommend a planning condition requesting a bat roosting feature to be installed, However, should works not commence by 1st April 2022, an updated bat survey meeting West Yorkshire minimum standards should be submitted and approved by the LPA.”

Subject to conditions, the proposal is therefore considered to accord with RCUDP policies NE16 and NE17 of the RCUDP.

Highway Considerations

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

Access to the existing dwelling is on Dean House Lane, a bridleway which serves a number of properties (approximately 35) along that Lane. Furthermore, there is an extant permission for White Rock Quarry until 2042 which is also accessed from Dean House Lane.

There already exists a parking area for up to four cars which currently serves the property and once converted will be retained as parking area for up to four cars for plot 1.

A new parking area is proposed as part of the conversion for plot 2 for the parking of up to three cars. As the proposal is sub-dividing an existing dwelling to create two, The Assistant Director – Strategic Infrastructure (Highways) was consulted on the application and have raised concerns initially with regard to the site not being in an accessible location in terms of local facilities such as schools and convenience shopping, narrow unlit roads without footways and the distance to the nearest bus stops being over 2900m. Furthermore, it was considered that Dean House Lane is the primary vehicular and pedestrian access for several residential properties as well as it being a designated bridleway.

Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Whilst highways initially objected to the remote rural location, after reviewing paragraph 111 (see above), it was considered that the subdivision of existing dwellings in the countryside is considered acceptable, and removed this element from their initial objection.

However, highways have maintained their objection in terms of the intensification and its impact of users of the right of way, which has limited passing place opportunities and additional vehicular traffic that the additional dwelling would create.

It is noted that the site is in a rural setting on a single track road, with no passing places, places or footpaths. However, the bridleway already serves a number of dwellings and the Local Planning Authority consider that the addition of 1 house in this instance, would not have any significant or material impact on the Local Highway Network.

Planning Balance

It is noted that the site is in a rural area and the access road leading to the site is a bridleway, without any passing places, footpaths or street lighting.

It is considered that the subdivision of one dwelling into two would itself not have an unacceptable impact on highway safety or that its residential cumulative impact would be severe given the existing levels of traffic movements on the bridleway.

Paragraph 111 of the NPPF clearly states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Therefore on balance, given the bridleway is an existing access for a number of dwellings and the potential for quarry traffic until 2042, it is considered that the proposal would not lead to additional movements that would materially affect or significantly erode the continued and safety operation of the highway network. The development is considered to accord with National and Local Planning Policy.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions. 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 & Strategy

Date: 14th March 2022

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 392215

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. Prior to the completion of the external works two log lasting bat roosting features shall be installed as close to the SW facing roofline as possible (but not directly above any windows or doors), details of which shall be first submitted to and approved in writing by the Local Planning Authority. The bat roosting features shall be installed in accordance with the details so approved and shall be so retained thereafter.
3. No building works should be carried out between 1st March and 31st August inclusive unless a competent ecologist has undertaken a bird survey immediately before such works have commenced and provided written confirmation that no birds will be harmed or disturbed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation should be submitted to the Local Planning Authority.
4. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of each dwelling, prior to the occupation of the dwellings, 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.
5. The development shall not be occupied until details of the treatment of the western boundary of plot 2 and White Rock Barn 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 that dwelling and shall thereafter be retained.
6. The development shall not be occupied until the off street parking facilities shown on the permitted plans for that dwelling have been constructed and surfaced using permeable paved surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
7. Prior to the first occupation of the development, 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) shall 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.

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. In the interests of conservation and to protect the ecological species and in order to ensure compliance with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.

3. In the interests of conservation and to protect the ecological species and in order to ensure compliance with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.
 4. In the interests of sustainability and to ensure compliance with Paragraph 112 of Section 9 (Promoting sustainable transport), of the National Planning Policy Framework.
 5. In the interests of amenity and privacy and to ensure compliance with Policy BE2 of the Replacement Calderdale Unitary Development Plan.
 6. In the interests of highway safety and to achieve a satisfactory layout and to ensure compliance with Policy BE5 of the Replacement Calderdale Unitary Development Plan.
 7. To ensure proper drainage of the site and to ensure compliance with Policies EP20 EP22 of the Replacement Calderdale Unitary Development Plan.
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