

Time Not Before: 18.00 - 01

Application No: **05/02534/FUL**

Ward: **Calder**

Area Team: **Upper Calder**

Proposal:

Ten semi-detached dwellings

Location:

Land Off Rose Grove Hebden Bridge West Yorkshire

Applicant:

3045 Group

C/o Studio BAAD Linden Mill Linden Road HEBDEN BRIDGE

HX7 7DN

Recommendation: **MINDFUL TO PERMIT SUBJECT TO LEGAL AGREEMENT**

Policy Implication:

Head of Engineering Services Request:

Departure:

No

Parish Council Representations:

Yes Objections

Representations:

No

Consultations:

Building Consultancy

Education Services

Environment Agency

Environmental Health Services - Pollution Section

Engineering Services - Network Section

West Yorkshire Police ALO

Yorkshire Water Services Ltd

Recreation, Sport And Streetscene – Forestry Officer

Hebden Royd Town Council

Description of Site and Proposal

This steeply sloping wooded hillside of protected trees lies to the rear of the existing Linden Mill. The site abuts Rose Grove to the east, gardens off Moss Lane to the north and Mayfield Road to the west. The site is located outside the town centre designation but within walking distance. Linden Mill is a 3 to 4 storey building accommodating offices, art studios and other cultural facilities.

The proposal is to construct ten semi-detached two storey dwellings. The design will incorporate glass, outdoor timber decking planted with a grass roof terrace. The roofs will also incorporate south facing solar collector panels. The buildings are proposed to be constructed on small bore piles onto which a timber platform structure is to be placed, anchored into the hillside by rock anchors, constructed amongst the trees with access gained via an open timber staircase and raised walkways/decking.

The dwellings have been designed to address sustainability principles in terms of energy consumption, construction materials, reducing water consumption, green transport and other associated matters.

Access to the site would be from Rose Grove via a stepped ramp. Four visitor/shared parking spaces are proposed, together with a bin recycle and cycle store on the Rose Grove frontage.

A draft legal agreement has been submitted with the application.

Relevant Planning History

An application for the construction of 10 semi-detached dwellings was refused in September 2004 and dismissed at appeal in April 2005. The refusal reasons were that the development failed to preserve the character and appearance of the Conservation Area having regard to materials, design and trees, and that it would prejudice the retention of trees on the site. The policies listed in the refusal were N37, N39, N46, N47 and N68. The appeal was dismissed on materials and design grounds as well as the absence of any management issues relating to the trees on the site. (Application No 04/00794)

A further application for the construction of 10 semi-detached dwellings was also refused in November 2004, for the same reasons, and again dismissed at appeal in September 2005. However, amendments had been made to the materials and design, which the Inspector considered to be acceptable. However, although the applicant had attempted to address the management issue, the Inspector felt that this did not go far enough and a legal agreement was needed clearly setting out the terms of management before any permission could be granted. He specifically stated that this agreement should cover the management of the woodland, the prevention of uncontrolled parking on surrounding roads and to limit light pollution from the access deck linking the houses. (Application No 04/02525).

An application to fell 5 trees and prune 5 trees was granted at Planning Committee in April 2005. (Application No 04/20225)

Key Policy Context:

Regional Spatial Strategy	H1 H2	Distribution of additional housing Sequential approach to the allocation of housing land
PPG	3	Housing

15 Planning and the Historic Environment

UDP Designation

Primary Housing Area
Conservation Area
Wildlife Corridor

Draft Replacement UDP

Open Space in the Urban Area

UDP Policies

H1 Layout and design
H4 Primary Housing Areas
N2 Compatibility with area's character
N4 Design, layout and use of materials
N6 Privacy and daylight
N37 Conservation Areas
N39 Effects of development in Conservation Areas
N46 Retention Of Trees in Conservation Areas
N47 Open Spaces in Conservation Areas
N66 Woodland/Tree management
N68 Guidelines for the protection and planting of trees
T19 Car parking guidelines

Publicity/ Representations:

The application has been advertised with site and press notices, together with neighbour notification letters. 104 letters of objection have been received.

Summary of points raised:

- Loss of valued amenity area/green space and trees
- Loss of wildlife habitat
- Route across site used as footway
- Fails to preserve or enhance appearance of Conservation Area both in the loss of the space and design/materials of the dwellings
- Concern over privacy/overlooking/overbearing at high level
- Loss of views
- Inadequate parking/access arrangements and enforceability of non-car ownership and car-sharing
- Extra traffic on surrounding roads including private roads during/after construction
- Additional burden on drainage and other services
- Concern over bin-store and recycling – both visual and nuisance
- Noise nuisance as site in an acoustic “bowl” both during and after development
- Possible destabilisation of hillside
- Use of rock anchors and effect on adjoining land outside applicants control
- Retention of dwellings as affordable
- Site to be designated as Open Space in new UDP

Town Council Comments

Hebden Royd Town Council comments as follows:

'Objection – contravention of Policies N37, it would neither preserve nor enhance the appearance of the Conservation Area, N39 and N47 in that it would adversely affect the townscape features and views within the Conservation Area. Members were also of the opinion that the development would result in a loss of trees contrary to policies N46 and N68. Concern was expressed re highways issues T3, with particular reference to emergency services, and T19.'

Assessment of Proposal

Principle

The site lies within a Primary Housing Area in the Calderdale UDP. As has been pointed out in the objections, the draft replacement UDP proposes to designate the site as Open Space in the Urban Area, however, there have been objections to this and therefore little weight can be attached to the replacement UDP allocation at this stage.

Policy H4 of the adopted UDP outlines that support will be given for applications for housing development within such areas provided that no unacceptable environmental, amenity, traffic or other problems are created and the quality of the housing area is not harmed, and wherever possible enhanced. Policy H1 of the UDP outlines general criteria which proposals for residential development should have regard to.

PPG3 seeks to promote a more sustainable pattern of housing development. It introduces a presumption that previously developed land and buildings should be re-used first for housing before greenfield sites and advises planning authorities to avoid the inefficient use of land.

The site forms the rear curtilage to the mill and was once used for the disposal/burning of waste textiles, when the mill was a trouser factory. However, this activity has long ceased and the site can be reasonably considered to have now blended back into the landscape, given the significant tree growth on the site. Therefore it is not considered to be a previously developed site. However, the site is located at the heart of an existing and well established urban centre that has excellent public transport links and community infrastructure. In this context it represents a site in a sustainable location.

Notwithstanding this, the target for new housing under the Regional Spatial Strategy for Yorkshire and the Humber is given as a further 8,100 new dwellings between 1998 and 2016. As of 31 December 2004, 4,413 new dwellings had been completed since 1998 and a further 5,187 had planning permissions - not including those waiting the signing of legal agreements. Therefore in view of the number of new dwellings, either completed or with extant permissions, and the Council's determination to make decisions on applications for new housing in the light of PPG3 and RSS advice, there is no current demonstrable need to support housing developments on greenfield sites. Having said that though, the previous applications were not refused on the issue of principle and the Inspector did not raise it as an issue in considering either of the two previous appeals.

Finally, on the issue of principle, the emerging UDP does, as indicated, propose a re-allocation of the site to Open Space, although this has been subject to objections. However, the Inspector presiding over the most recent appeal did in any case make reference to the potential Open Space re-allocation and took the view that if this was carried forward, the development proposal would still be acceptable in principle as the site's visual amenity value could only be appreciated from close positions and its wider role in the townscape was limited.

Conservation, Materials and Design

This is one of the two key issues previously highlighted in the earlier refusals and in the appeal deliberations.

The site lies within the long-established Hebden Bridge Conservation Area, characterised by hillside terraces with under and over dwellings being a particular feature. The distinct stone built terraces are interspersed with trees and open spaces that provide important and distinctive breaks in the otherwise tightly knit urban fabric. The town lies in a steep-sided junction of valleys, whereby all the hillsides and views across are distinct and prominent.

PPG 15 advises that new development should preserve or enhance the appearance of the Conservation Area. The applicant attempted to address the concerns raised in the refusal of the first application in relation to design and materials, in the second submission. This involved the introduction of pitched slate roofs and stone clad walling, with the roofs also incorporating south facing solar panels. The design of the buildings, raised up amongst the trees, with decking and areas of reflective glass and solar roof panels would be visible across the valley. The applicants have indicated in the draft legal agreement submitted with this third application, that construction materials would be sourced within a 35 mile radius.

Whilst the second application was refused on the grounds of impact on the Conservation Area, the appeal Inspector took a different view and concluded that whilst the scheme would clearly differ markedly from the traditional terraces that surround the site (which was a fundamental concern in the refusal of both of the previous applications), it was a high quality, architecturally innovative scheme which could be successfully woven into the urban fabric of Hebden Bridge and he considered the “green” credentials of the development should be supported.

Given that this same conclusion on the impact of the development on the Conservation Area has now been reached by two appeal Inspectors, it is not considered that a continued rejection of the proposal on these grounds can be sustained.

Tree Issues

The site contains 35 trees, protected by a Tree Preservation Order. Whilst no trees are proposed to be lost as part of this application, a separate application in 2005 (04/20225) was approved for the felling of 5 trees and works to a further 5. The applicants indicate that hand digging or similar to minimise root disturbance would be utilised in the construction period, with no requirement for access onto the site by large-scale machinery, in order to protect the retained trees. Services would run beneath the decking and would not require any excavation of trenches in the ground.

A new grove of birch trees to the front of the proposed dwellings is proposed as a condition of permission being granted.

The Head of Recreation Sport and the Streetscene advises that the trees as a whole offer immense value but accepts that there are several poor individual specimens within the group. The proposal attempts to protect the trees from site activity by proposing pile type foundations and stating that there will be no access by large scale machinery, which he considers to be acceptable, subject to conditions.

He does though have serious concerns relating to the future use of the site for residential purposes and the resultant conflict that may arise between trees and future occupiers of the houses. Shade cast, lack of light, lack of sunlight and finally the dropping of honeydew will, in his opinion, be likely to result in requests to severely prune and or remove the trees once the development is occupied.

However, this issue was addressed by the Inspector in the most recent appeal and whilst he shared the concerns expressed by the Head of Recreation Sport and the Streetscene, he concluded that a “Residents Charter” as proposed by the applicant would have the potential to provide the safeguards that are needed. This Charter would ensure that the developer retains a freehold interest and that the individual leases would contain detailed obligations to enforce and enshrine all the ecological and other sensitive issues associated with the development. The Charter is set out in the draft legal agreement submitted with the application and the Inspector considered that provided such an agreement could be concluded to the satisfaction of both the developer and the Council, then this would overcome concerns about any threats to the retention of trees in the future.

Highways Considerations

Access to the site would be from Rose Grove via a stepped ramp. Four visitor/shared parking spaces are proposed, together with a bin recycle and cycle store on the Rose Grove frontage.

The Head of Engineering Services advises that the site lies outside the designated town centre and should normally make parking provision. However the site is on the periphery and within the 400m walking distance of local services. There is also some concern over the distance, at the western end of the site, of some of the proposed dwellings to the public highway (Mayfield Road is private) for the purposes of access by normal deliveries and emergency services.

Notwithstanding the above on balance the Head of Engineering Services raise no objection given the proximity of the site to the town centre and recognising the intention to reduce road traffic, subject to conditions relating to the proposed parking area.

Also, the appeal Inspector considered that the proposed legal agreement should cover the issue of uncontrolled parking on surrounding roads.

Crime Prevention

The West Yorkshire Police Architectural Liaison Officer has raised concerns over the isolation of parking spaces from the proposed development, security issues and the standards for glazing, and recommends that the walkways are adequately lit.

These issues can be covered by the inclusion of a condition. It is also worth noting that the appeal Inspector referred to the legal agreement including the level of lighting to the walkways in the interests of the Conservation Area, and the applicant proposes the use of low energy dusk to dawn lights.

Privacy Issues

The topography of the site means that properties on Mayfield Road will look over the roofs of the proposed development, and the development itself will look over and down onto Linden Mill. The scheme complies with Policy N6.

Education

The proposal is for one bed houses and therefore Schools and Children’s Services advise that no contribution is required as it is not expected that the development would create any demand for additional school places.

Land Stability/Structural Matters

The applicants have indicated that their structural engineers confirm that the design is robust enough not to require foundation structures to extend beyond the boundary line of the rear of the site and that the Party Wall Act protects neighbours rights during construction

Management Issues

Objectors have raised concerns over the enforceability of matters relating to car sharing, non-ownership of cars, and one bed dwellings.

In order to address these matters and those raised by the most recent Inspector, the applicants have submitted a draft legal agreement with the current application setting out obligations which the applicant is prepared to enter into as part of the development should planning permission be forthcoming. These include ownership and management arrangements including car sharing policy, agreement not to fell or prune any trees other than those dead, decaying or dangerous, not to harm any trees, to manage the landscape, to source construction materials within a 35 mile radius and to reduce carbon emissions.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below and a legal agreement covering the following:

- **Ownership, management and maintenance of the woodland**
- **Measures to control parking on surrounding roads**
- **Lighting of access deck/walkways linking the houses**

The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Unitary Development Plan set out in the “Key Policy Context” section above and there are no material considerations to outweigh the presumption in favour of such development.

Chief Officer: Duncan Hartley
Head of Planning and Regeneration

Date: 9 March 2006

Further Information

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

Margaret Hutton (Case Officer) on Tel No: 392215

Or

Richard Seaman (Senior Officer) on Tel No: 392248

Conditions

1. Notwithstanding any details shown on the permitted plans the development shall not begin until details and/or samples of the proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details/samples so approved and shall be so retained thereafter.
2. The development shall not begin until details/samples of the materials to be used in the construction of the wallways and roof terracing have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before any dwellings are occupied and shall be so retained thereafter.
3. Before the development begins a specification of measures to be taken to address crime prevention at the site shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be fully implemented before the development is occupied.
4. The development shall not begin until details of the treatment of the 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.
5. Before the development hereby permitted is first brought into use, a system of drainage shall be installed such that the development is drained using separate foul sewer and surface water drainage systems. These shall thereafter be retained.
6. The development shall not begin until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and off site works, have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the first occupation of any part of the development and shall be so retained thereafter.
7. Unless otherwise agreed in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
8. Prior to the development commencing a Phase II investigation relating to actual/potential contamination shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including an agreed scheme of validation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of any part of the development hereby approved.
9. Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
10. The development shall not begin until details of measures to ensure that the Rating Noise Level in accordance with BS4142, within any dwelling with the windows closed shall not

exceed 45 dB LAeq (1 hour) from 0700 hours to 2300 hours or 35 dB LAeq(1 hour) from 2300 hours to 0700 hours have been submitted to and approved in writing by the Local Planning Authority. These measures shall thereafter be implemented in accordance with the details so approved prior to the first occupation of each dwelling and shall be retained thereafter.

11. Before the development begins, details of the method of storage and access for the collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be so retained thereafter.
 12. The development shall not begin nor shall any construction materials, plant or machinery be brought onto the site until a chestnut paling fence of a minimum 1 metre height or such other fencing as may otherwise be agreed in writing by the Local Planning Authority, has been erected in a continuous length at least 1 metre beyond the outer edge of the crown spread of the retained trees. This fencing shall be retained until the completion of the development and no materials, plant or equipment shall be stored, no bonfires shall be lit nor any building or excavation works of any kind shall take place within the protective fencing.
 13. Excavations in respect of the dwellings and access walkways where such works are beneath the crown spread of the trees shall be hand dug only (ie, no mechanical plant, tools or equipment shall be used in respect of such excavations).
 14. The development shall not begin until full details of the position, size and depth of all services (including drains, cables, pipes or similar) and their means of installation have been submitted to and approved in writing by the Local Planning Authority. Such services shall thereafter be provided only in accordance with the details so approved and shall be so retained thereafter.
 15. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not begin until a scheme of landscaping the site, which shall include details of the proposed tree planting in front of the dwelling, has been submitted to and approved in writing by the Local Planning Authority.
 16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and shall be so retained thereafter, unless any trees or plants within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased. These shall be replaced in the next planting season with others of similar size and species, (unless otherwise agreed in writing by the Local Planning Authority) and these replacements shall be so retained thereafter.
 17. This permission shall relate to the application as amended by the revised plans marked A received by the Local Planning Authority on 3 February 2006.
-

SEE SITE LOCATION MAP ON WEB PAGE

www.calderdale.gov.uk/build-plan/planning/control/search/index.jsp

Time Not Before: 18.00 - 02

Application No: **05/02326/LBC**

Ward: **Luddendenfoot**
Area Team: **Upper Calder**

Proposal:

Conversion of Kershaw House to six apartments and construction of four houses and two bungalows to rear with associated car parking and landscaping (Listed Building Consent)

Location:

**Kershaw House Inn Luddenden Lane Luddendenfoot Halifax West Yorkshire
HX2 6NW**

Applicant:

Calder Valley Motors

**C/o Moreton Deakin Associates Harleywood Gate Blackshawhead HEBDEN BRIDGE
HX7 7JB**

Recommendation: **MINDFUL TO GRANT LISTED BUILDING CONSENT REFER TO OFFICE
DEPUTY PRIME MINISTER**

Policy Implication: HP TP
Head of Engineering Services Request:

Departure: No
Parish Council Representations: N/A
Representations: Yes

Consultations:

English Heritage
Environment and Regeneration Group
West Yorkshire Archaeology Service