

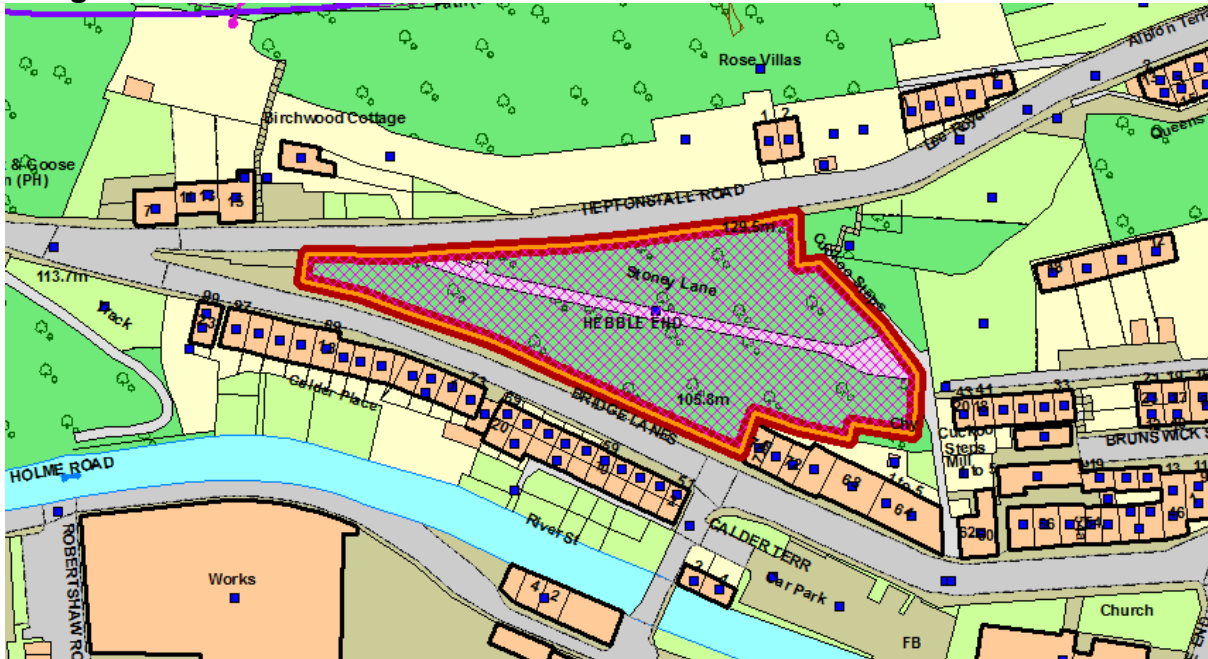
Time Not Before: 1400 - 03

Application No: 22/00740/FUL

Ward: **Calder**
Area Team: **North Team**

Proposal:
Construction of 20 new build affordable homes

Location:
**Land Between Heptonstall Road And Bridge Lanes Heptonstall Road Hebden
Bridge Calderdale**



Applicant:
Calder Valley Community Land Trust

Recommendation: **PERMIT**

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

Consultations:

Hebden Royd Town Council
Yorkshire Wildlife Trust
West Yorkshire Police ALO
Highways Section
Environmental Health Services - Pollution Section (E)
Yorkshire Water Services Ltd (BC)

West Yorkshire Combined Authority
Lead Local Flood Authority
Canal & River Trust
Education Services
Environment Agency (Waste & Water)
Business And Economy
Countryside Services (E)
Green Spaces And Street Scene
Historic England
Countryside Services (E)

Description of Site and Proposal

The site is located on a sloping area of land between Heptonstall Road and Bridge Lanes, Hebden Bridge. Heptonstall Road runs to the north of the site. There are a small number of dwellings immediately adjacent to Heptonstall Road, beyond which the land continues to rise steeply. To the east of the site there are residential properties, whilst to the south of the site, on both sides of the A646 are properties along Bridge Lanes. At the western end of the site is the junction between the A646 and Heptonstall Road, alongside the Fox and Goose Public House and dwelling numbers 11-15 Heptonstall Road.

The site is within the Hebden Bridge Conservation Area and is now designated as a new housing site in the emerging Local Plan (ELP).

The application seeks planning permission for the construction of 20 new dwellings, which the applicant is offering as 100% affordable homes.

The application is accompanied by the following supporting documents:

- Arboricultural Impact Assessment
- Design and Access Statement (including Heritage Statement)
- FRA and Drainage Impact Assessment
- Ground Investigation Report
- Ecological Impact Assessment
- Noise impact assessment
- Air quality Assessment
- Biodiversity metric

The reason that the application has been brought to Committee is because the Corporate Lead - Planning considers that the application should be referred to the Planning Committee for determination because of the sensitivity of the proposal.

Relevant Planning History

An application for 20 new build homes, comprising of 6No 1 bed apartments, 4No 2 bed duplexes, 7No 3 bed triplexes, 3No 3 bed townhouses was refused at planning committee on 12th February 2019 (application number 18/00948/FUL). The reasons that it was refused were that the height and use of timber would not preserve or enhance the appearance of the Hebden Bridge Conservation Area and would cause harm to the setting of nearby Listed Buildings impact on nearby listed buildings, and the location of the development in an Air Quality Management Area would expose proposed occupiers to air pollution from vehicular traffic.

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation	Conservation Area Open Space in Urban Area Wildlife Corridor
Replacement Calderdale Unitary Development Plan policies	OS1 Protected Open Spaces H9 Non-Allocated Sites BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE3 Landscaping BE4 Safety and Security Considerations BE5 The Design and Layout of Highways and Accesses BE15 Setting of a Listed Building BE18 Development within Conservation Areas T18 Maximum Parking Allowances NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE17 Biodiversity Enhancement EP1 Protection of Air Quality EP11 Development on Potentially Unstable Land EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage System
Emerging Local Plan	SD2 Housing Requirement SD6 Allocated Housing Sites HS2 Residential Density HS3 Housing Mix BT1 High quality, inclusive design BT2 Privacy, Daylighting and Amenity Space BT3 Landscaping BT5 Designing out Crime BT4 The Design and Layout of Highways and Accesses HE1 The Historic Environment IM5 Ensuring Development Supports Sustainable Travel Annex A Car & Bicycle parking standards.

	GN3 Natural Environment GN5 Trees CC3 Water Resource Management CC2 Flood Risk Management (Managing Flood Risk in New Development) EN1 Pollution Control EN2 Air Quality EN3 Environmental Protection
National Planning Policy Framework Paragraphs	5. Delivering a sufficient supply of homes 7. Ensuring the vitality of town centres 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 and enhancing the natural environment 16. Conserving and enhancing the historic environment.
Appendix 1 Constraints	- Possible Land Contamination - Hebden Bridge AQMA - Right of Way - BAP Priority habitat (Deciduous woodland) - Wildlife Habitat Network - Site is within 2.5km of the SPA/SAC - Hebden Bridge Conservation Area - No.74 Bridge Lanes opposite the site (Grade II Listed Building) - Nos. 51-69 Bridge Lanes (includes Nos. 2-20 River Street) opposite the site (Grade II Listed Building) - Nos. 71-95 Bridge Lanes (includes Nos. 1-19 Calder Place) opposite the site (Grade II Listed Building)

Publicity/ Representations:

The application was publicised with site and press notices.

Seventy-three letters of representation were received. These consisted of 3 neutral representations, 34 objections and 36 in support.

Summary of points raised:

Objection

- Loss of privacy
- Concerns over additional stress on the retaining wall on Bridge Lanes.
- Over-intensive use of this site
- Concerns about the use of UPVC windows

- All the supporting letters who use the need for social housing as justification for the development of this site should be dismissed.
- Impact on Air Quality, noise pollution and health
- Design out of character
- Land contamination
- Loss of wildlife
- Significant loss of trees
- Removal of contaminated soils would impact on land stability
- Traffic congestion
- Highway Safety
- Limited visibility from the site's access / exit
- Concerns over parking
- Appearance – it should be built into the fabric of the land rather than on top of it.
- Road safety
- Site requires a new junction
- Climate change and ecology go hand in hand
- Long term health of retained trees
- Impact on heritage
- Noise pollution will increase due to the built development
- Risk of Flooding from surface water run-off
- Ecological impact of the development would be severe
- Where are residents going to park their cars
- Loss of trees will have a negative impact on flood risk, ecological issues, pollution, and on visual amenity.

Support

- Excellent proposal providing affordable housing with easy access into Hebden Bridge without the use of a car
- Welcomes bike storage to the scheme
- Heat pumps, solar panels and mechanical ventilation and heat recovery makes this development a commendable example of sustainable housing.
- Improves the poor-quality open space
- Simple form and massing of the houses is to be welcomed, integrating well with listed building nearby.
- Would prefer to see the front elevation fully faced in stone (ie no render)
- Welcome the access to the Cuckoo steps
- The development would provide much needed affordable housing
- Long term affordable rental properties in short supply
- Residents will be within walking distance of the town centre
- Almost impossible to find affordable housing in Hebden Bridge
- Development be an exemplar in the town in terms of energy efficiency
- Some of the site will remain as an important green space
- Scheme has two wheelchair accessible or adaptable homes.
- Would like to see electric charging points in disabled parking bays

Ward Councillor Comments

Councillor Sarah Courtney provided the following comments:

“I support this application. We need affordable housing in Hebden Bridge, as well as across the borough.”

Councillor Scott Patient (Ward Councillor for Luddendenfoot) provided the following comments:

“Hebden Bridge sorely needs more affordable housing options for its young people, who are being consistently priced out of the area, although this is good for surrounding Mytholmroyd and Todmorden in terms of economic growth Hebden Bridge must remember to appeal to those who live here already and not just continue in its gentrification. This application is the result of years of extensive community consultations with the town's young people and residents &, would make good use of currently unused brownfield land in the town, and is very well thought out in terms of accessibility for disabled individuals and environmental impact. This ticks the boxes in terms of being away from the flood zone and also does not build upon greenfield so therefore fits well within both Local and Neighbourhood plans. We need more thinking like this, small infill developments in means tested areas with socially affordable housing for those young people that want to stay here and continue to contribute to the local economy.”

Parish/Town Council Comments

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

The Parish Council make the following comments:

“NO OBJECTION.”

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Calderdale currently comprises the saved policies within the Replacement Calderdale Unitary Development Plan (RCUDP, Saved 2009).

The Council's Local Plan was submitted to the then Secretary of State for Communities and Local Government on 11th January 2019, and subject to an Examination in Public by an independent inspector. The Examination in Public commenced June 2019.

The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2021). In particular, where the policies, proposals and designations in the Local Plan do not vary

from those within the RCUDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2021), these may be given increased weight.

The Council received the Inspector's Final report on 26th January, and therefore at this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the RCUDP remains the statutory Development Plan for Calderdale.

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.

As the site lies within the Hebden Bridge Conservation Area, which is a designated heritage asset, criterion 11i applies. This means that the presumption does not apply where there would be a conflict with the heritage policies in the NPPF, to the extent that there is a clear reason for refusing the development. Though, as discussed further under the heading 'Impact on heritage assets', it is considered that the proposed development would not conflict with the policies.

In the RCUDP Proposals Map the site is designated as Public Open Space in the Urban Area. Policy OS1 'Protected Open Spaces' is the principle policy consideration. Because the Council does not currently have a five-year supply of deliverable land for housing, though it will once the Local Plan is adopted, it is considered that the policy is out-of-date in accordance with paragraph 11 of the NPPF. This does not mean that it is an irrelevant consideration, rather that the weight attributed to the policy should reflect the presumption in favour of sustainable development and the decision should be based on whether the proposal is consistent with the policies set out in the NPPF when taken as a whole.

Policy OS1 states:

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

- i. is for the replacement or extension of an existing building(s) currently set in open space or for a new building which supports a recreational or sports*

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

This policy is not considered to be wholly consistent with the NPPF, as the specified circumstances are more restrictive than at paragraph 99 of the NPPF.

Section 8 of the NPPF deals with promoting healthy communities and paragraph 99 states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- (b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- (c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

The area was not assessed as part of the 2015 Open Space update with the last review being in 2006. This study treated the whole Open Space Site as one area (Ref 455). The subject site currently has a listed typology of Amenity Greenspace and had a quality score of 58% and a below average value score of 24%.

The site is classed as Amenity greenspace and is heavily covered in self-seeded trees and is a steeply sloping site from Heptonstall Road to Bridge Lanes. The main use of the site is at the eastern end of the site (the cuckoo steps) and these are being retained.

The Assistant Director – Neighbourhoods (Open Spaces) commented on the previous application (18/00948/FUL) and advised that there was other available open space in the area, and they had no objection to the development.

They have also commented on the current application and state;

“The site includes designated open space. Following consultation, GSSS state that there are other amenity green spaces and semi-natural/natural areas of this size in the catchment area but there is a deficit of allotments. Although due to its topography the site is not suitable for allotments, there is a licence for the cultivation of fruit trees on part of the site. It is possible that development of this land would be acceptable if fruit trees were planted in another area. Whilst these comments are noted, there is no shortage of the typologies potentially being lost in the catchment area. Further, it is not possible to secure enhancements to off site open spaces through site specific policies.”

It is considered therefore that the site does not perform as quality open space area and does not function as such. It is not necessary for the continuation or enhancement of established uses for recreation, leisure or nature in relation to OS1. Furthermore, in relation to paragraph 99 of the NPPF and the comments above it is considered that the land is surplus to requirements. The proposal therefore complies with RCUDP Policy OS1 and the NPPF.

Emerging Local Plan

In the ELP the site is allocated as a new housing site. As mentioned above, the plan and its policies are given significant weight having regard to the stage of preparation.

ELP Policy SD6 ‘Allocated Housing Sites’ identifies the site as being allocated for housing (site reference LP1503), as such in principle a residential development is in accordance with the policy. It requires that planning applications address the issues identified in Appendix 1 (included in the Key Policy Context table above, as Appendix 1 Constraints) and these are considered further under the headings below.

Housing Issues

Whilst the site is allocated for housing in the ELP, it is not currently allocated in the adopted development plan. RCUDP policy H9 applies to residential development on non-allocated sites, though the policy is considered to be out-of-date because the preclusion against development of greenfields is inconsistent with the NPPF (the NPPF encourages the effective use of land by reusing land that has been previously developed; however, it does not prohibit the development of green field sites), and the Council does not currently have a five year supply of housing.

The policy sets out a number of criterion, and it is considered that the development complies with these. It is in a sustainable location within walking distance of the town centre and its amenities, it can be accommodated by infrastructure, there are no constraints or problems that cannot be addressed by mitigation, with the use of conditions the development would not result in significant harm to the Conservation Area or setting of Listed Buildings and the harm is outweighed by the benefits of providing housing, and it complies with other RCUDP policies.

Impact on heritage assets

A number of the objections centre around the impact on the Conservation Area and the Listed properties adjacent and opposite the site.

The site lies within the Hebden Bridge Conservation Area, and in addition a number of Listed Buildings are adjacent to the site. The closest Listed Building on the north side of Bridge Lanes (A646) is the Grade II Listed no.74 Bridge Lanes. To the south of Bridge Lanes (A646), no.'s 51 to 93 Bridge Lanes are all Grade II Listed. In addition, no.'s 60-62 Bridge Lane which lies to the east of the Cuckoo Steps is also Grade II Listed.

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 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.

Paragraph 195 of the NPPF states

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this 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. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

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.

With regards to the RCUDP, policies BE15 and BE18 are of relevance.

BE15 'Setting of a Listed Building' states that *"Development will not be permitted, where through its siting, scale, design or nature it would harm the setting of a Listed Building."*

Policy BE18 refers to 'Development Within Conservation Areas'. This states that *"the character or appearance of Conservation Areas, defined on the Proposals Map, will be preserved or enhanced. New development and proposals involving the alteration or extension of a building in or within the setting of a Conservation Area will only be permitted if all the following criteria are met:-*

- i. the form, design, scale, methods of construction and materials respect the characteristics of the buildings in the area, the townscape and landscape setting;*
- ii. the siting of proposals respects existing open spaces, nature conservation, trees and townscape/roofscape features;*
- iii. it does not result in the loss of any open space which makes an important contribution to the character of the Conservation Area or features of historic value such as boundary walls and street furniture; and*
- iv. important views within, into and out of the area are preserved or enhanced."*

Historic England was consulted on the proposal and provided the following comments.

"Historic England has no objection to the proposal on heritage grounds. The site is proposed as an allocation in the Calderdale Local Plan; we did not object to the principle of residential development, but did suggest mitigation measures that would be necessary to ensure development preserved or enhanced the character of the Hebden Bridge Conservation Area and setting of the listed buildings.

We welcome the amendments that have been made to the scheme since the previous application in 2018, which address our previous concerns and the

proposed site requirements in the draft Local Plan. The proposed use of render is a slight departure from the Local Plan recommendations, and we recommend your authority weigh this departure against the public benefits of the scheme as a whole, in line with paragraph 202 of the NPPF. We have also suggested some areas where the proposals could be developed to even better reflect the architectural character of the Hebden Bridge area, which your authority may wish to consider.

Hebden Bridge is a characteristic Pennine valley town which developed as a commercial and industrial centre around the confluence of the River Calder and Hebden Water. The dramatic topography of the intersecting valleys has influenced a distinctive pattern of stone-built, primarily terraced development which follows the contours of the valley sides. This topography also allows long-reaching views along and across the valleys. The town is most densely developed along the valley bottom and development gradually gets more sparse up the valley sides. The result of this is that the heavily wooded valley sides, fields and moorland above are prominent in many views within the conservation area and the built form of Hebden Bridge is strongly linked with its landscape setting.

The application site is located at the western end of the conservation area, on steeply rising ground between Bridge Lanes and Heptonstall Road. The site was densely developed with characteristic terraces at upper and lower levels. The survival of the alignment of High Street, the Cuckoo Steps and remnants of external walls from previous houses indicate the extent of previous development. There are also archive photographs which have been reproduced in the application's Design and Access Statement.

The site is located at a key gateway to the town from the west and is highly visible from the opposite side of the valley on New Road and Horsehold Road. It is also within the setting of a number of Grade II listed terraces.

In our response to the allocation of this site for residential use in the emerging Calderdale Local Plan we highlighted the positive contribution the site makes to the character and appearance of the conservation area and consequently the potential for this contribution to be compromised by redevelopment of the site. We requested that additional sites considerations were added to the policy for this site, along with the following lines:

- The design, layout, height and massing of development must conserve and enhance the appearance of the Hebden Bridge Conservation Area and the settings of heritage assets in the area;*
- Development must respect the historic pattern of development, in particular the characteristic terraced form;*
- Building materials should reflect those characteristics of Hebden Bridge.*

In our response to the previous application on this site (18/00948/FUL) we welcomed the approach that had been taken to understanding the characteristics of built development in Hebden Bridge and advised that the site could accommodate a terraced form of development, referencing the historic densely developed character of the site. We did however highlight concerns

about the proposed use of timber and the way in which the development would have projected from the valley side, rather than being built against it.

Current proposals (22/00740/FUL)

The development will be very prominent in views north from the opposite side of the valley (from New Road and Horsehold Road). It will also be very prominent in closer views, particularly north from Stubbing Holme Road and the listed buildings at Bridge Lanes. The development will also impact on dynamic views travelling east and west along Bridge Lanes. We very much welcome the amendments that have been made to the proposals for the site. The biggest change in approach is the proposal to utilise the traditional "under-dwelling" typology which would produce a four-storey south elevation with a two-storey elevation to the north. The development is also now solely located to the north of High Street, which reduces the visual impact on Bridge Lanes and the listed buildings to the south.

We also welcome the introduction of natural sandstone for the south elevation. Clearly, stone across the entire elevation would be preferable, but we note the justification provided that the amount proposed is the maximum that could be achieved in order to make the scheme affordable. In determining this application, we recommend your authority considers this justification and weighs the departure from the predominant material palette against the public benefits of the scheme.

We would have no objection to the proposed in-line PV panels on the roof of the development, subject to the panels being of a matt finish to avoid glare in views from the opposite of the valley. The Design and Access Statement identifies pre-application advice provided by your authority's Conservation Officer in relation to the proposed balconies. One way for the proposed balconies to better reflect the character of Hebden Bridge would be to reduce the number of balconies, randomise them across the elevation and/ or include a mix of projecting and recessed balconies to reduce the uniformity of the balconies across the south elevation. A greater differentiation in window types between the stepped blocks on the south elevation may also assist this, but we appreciate there may be limitations given the affordable nature of the scheme.

Historic England has no objection to the proposal on heritage grounds. The site is proposed as an allocation in the Calderdale Local Plan; we did not object to the principle of residential development but did suggest mitigation measures that would be necessary to ensure development preserved or enhanced the character of the Hebden Bridge Conservation Area and setting of the listed buildings.

We welcome the amendments that have been made to the scheme since the previous application in 2018, which address our previous concerns and the proposed site requirements in the draft Local Plan. The proposed use of render is a slight departure from the Local Plan recommendations, and we recommend your authority weigh this departure against the public benefits of the scheme as a whole, in line with paragraph 202 of the NPPF. We have also suggested some areas where the proposals could be developed to even better reflect the architectural character of the Hebden Bridge area, which your authority may wish to consider.

Historic England has no objection to the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 197, 199 and 200 of the NPPF.”

The Council's Conservation Officer was also consulted and provided the following comments:

“This site is very sensitive, situated on a prominent sloping hillside within the Hebden Bridge Conservation Area, being highly visible in both near and far-reaching views, and forming an important gateway site into the Conservation Area and the town centre. In addition and importantly, the terraced properties close to the site on the south side of Bridge Lanes are Grade II listed buildings, as is number 74 Bridge Lanes which is the last property before the site on the north side of Bridge Lanes. The site forms part of the settings of those listed buildings.

The Hebden Bridge Conservation Area Appraisal identifies the site as open / green space. The recent ‘Local Plan: Heritage Impact Assessments’ has assessed the site and its heritage significance and notes the “steep wooded green spaces on the hillside” and identifies the interaction of the built form and

green spaces within and around the Conservation Area as being particularly important and substantially contributing to the area's significance. It also notes the use of stone as being "vastly predominant and an important characteristic". Thus, the site is considered currently to contribute positively to the character and appearance of the Conservation Area.

It is considered that the loss of part of this green space to development will have an impact on the character and appearance of the Conservation Area, by encroaching into its important and characteristic landscape setting, and impacting on views across and into the Conservation Area. Similarly, the development will also impact on the settings of the nearby listed buildings. The proposal seeks an amended simplified layout however, when compared to the previous scheme, with the proposed terrace of dwellings located on the northern part of the site. As was stated at pre-application stage, this revised siting of the terrace further back and up the slope is much preferred in terms of the impact on the Conservation Area and the nearby listed buildings on Bridge Lanes, including the listed cottage at number 74. It will result in a less visually dominating impact, particularly if the lower slopes are retained in their existing or enhanced green state whilst also retaining a green screen to the rear onto Heptonstall Road.

The proposed scale and massing of the development is reduced and simplified compared to the previous scheme, and generally reflects the existing built form of the town, the context of the site and its history, and the topography of the steeply sided valley. The built form is regular but staggered along its frontage and along its roofscape, giving further vertical emphasis and interest. The proposed 'under and over dwelling' arrangement is also welcomed, it being a distinctive and highly characteristic local typology, allowing the built form to be set back into the slope rather than emerging from it as in the previous scheme.

In terms of the proposed materials, render is proposed over much of the main south-facing frontage. Hebden Bridge is characterised by the almost total predominance of stone as a building and finishing material. There is very little render elsewhere in the locality, and certainly not in such a visually prominent expanse as is proposed here. Concerns were expressed at pre-application stage in terms of the render's flat uniform finish, contrasting with the often decorative and highly textural stone finishes across the town; how the render will appear in near and far views; how it will age and weather, and how it will be maintained and these concerns still remain. The reasons for proposing render are appreciated in terms of the viability and affordability of the scheme, and the proposed southern elevation does have a considerable proportion of stone facing. However, the development will be very prominent in the landscape. It is noted that the Design & Access Statement refers to the need for stone to be "predominantly at lower levels as this is where people engage most with buildings....." - however in this case it may be the upper levels that are more widely seen in views across the valley and across the Conservation Area. Might there be a case therefore for concentrating any render at lower levels?

The proposed use of bricks to the rear elevation is considered to be acceptable subject to them being of a good quality, and of a colour and texture which compliments the surrounding built form, which is almost solely natural stone. The suggested use of alternate buff and red brick is of concern. Again, the D&A Statement refers to the existence of some red brick on rear elevations nearby but these examples are rare and uncharacteristic and should not necessarily be seen as a precedent for their use here.

In terms of roofing materials, it is considered that on a development of this scale and prominence, and in such a sensitive location, that a good quality natural roofing material should be used.

Balconies - external space in the form of balconies or terraces are seen on a number of buildings throughout Hebden Bridge. The balconies proposed appear prominent across the southern elevation, to every upper floor of every dwelling, however it is appreciated that in this case the balconies provide external space for residents and also shading and shelter for lower windows and the entrance doors. The comments from Historic England are noted - they suggest either reducing the number of balconies, randomising them across the elevation and/ or include a mix of projecting and recessed balconies to reduce the uniformity of the balconies across the south elevation. I would echo these points and suggest further consideration is given as to the number and design of the balconies.

Windows - the application proposes uPVC frames. The use of plastic frames is questionable given the sustainability approach underlying the proposed scheme. In addition, plastic frames tend to be relatively chunky and are generally considered inappropriate in an historic setting, and therefore aluminium or timber would be strongly preferred.

To conclude, whilst the proposed development is certainly an improvement on the previous scheme, it is considered as stated above that it will still have an impact on the character and appearance of the Conservation Area, by encroaching into its landscape setting and impacting on important views across, into, and out of the Conservation Area. For the same reasons, it will also impact on the settings of nearby listed buildings. Amendments have been made in this revised scheme to reduce the impact, notably in terms of its siting, form and scale, and these are welcome. There are however still areas of concern, particularly in terms of materials as detailed above. Thus it is considered that the proposal would result in harm to the significance of the Hebden Bridge Conservation Area and the nearby listed buildings. In the language of the NPPF, the scale of such harm would be considered to be less than substantial.

Paragraph 199 of the NPPF is a general statement and requires great weight to be given to an asset's conservation irrespective of the level of harm. Paragraph 200 is specific to the notion of harm and 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.....". Paragraph 202 is specific to instances where there is considered to be less than substantial harm, and requires any such harm to be weighed against the public benefits of the proposal.

There are clear benefits associated with the development in the form of the provision of much needed affordable housing, which may be considered to be justification for harm to the significance of the Conservation Area. Whilst it is for others to determine whether, in the planning balance, the harm is justified and whether it can be weighed against the public benefits of the scheme, it is considered that any such harm can at least be minimised through very careful attention to materials and other details to ensure an appropriate development."

The areas of concern could be addressed through minor amendments to the scheme and ensuring that appropriate materials are used in its construction. These can be secured by conditions, which would require the following:

- Materials including a requirement for sample panels of walling materials.
- Details of all windows and doors.
- Details of balconies and fenestration on the south elevation.
- Details of external staircases.
- Details of the solar panels – to have a dark, matt finish.

Subject to approval of the conditions, it is considered that the proposed development would not result in substantial harm to the significance of the heritage assets. The proposal will make a reasonable contribution towards housing supply within Hebden Bridge, including the provision of affordable housing, and it is considered that this public benefit does outweigh the marginal harm.

It is considered that the proposal accords with policies BE15 and BE18 of the RCUDP, policy HE1 of the ELP and NPPF paragraph 202.

Layout, Design & Materials

A number of objections centred around the scale, height and materials of the proposed development.

RCUDP Policy BE1 calls 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.

This is also reflected in Section 12 of the NPPF, which 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.”*

RCUDP policy BE3 is concerned with landscaping.

The site comprises of one block of accommodation, built over the north slope with all development to the north of High Street (the road which runs through the site).

The proposals retain most of the trees to the south of High Street, and additional landscaping is proposed by way of more trees to the north of the proposed dwellings, with additional planting along the southern slope.

The car parking is provided with three spaces to the west of the units and to the south of the units.

With regards to the accommodation to the ground floor, there is an internal bin store and bike store. There are four, one bed apartments (3 of them duplex), consisting of entrance hall, store, open plan living / kitchen area, bathroom and bedroom. Three 2 bed apartments (two of them duplex) consisting of entrance hall, store, two bedrooms and bathroom, open plan living/kitchen area.

To the first floor, there is one three bed apartment providing three bedrooms, hallway, storey, bathroom and open plan living / kitchen area and one two bed apartment providing two bedrooms, hallway, store, bathroom and open plan kitchen/living area.

At the second floor level, there are one 1 bed apartment, four two bed apartments (duplex), five 3 bed apartments (duplex). All consisting of hallway, store, bedrooms, bathroom and open plan kitchen/living area. The third floor provides one apartment, the rest are second floors of the duplex apartments.

In total there are 20 units each unit having a balcony and those duplex apartments having a balcony on each level.

The buildings are four-storey and positioned at the back of the site, set back from the road. The proposal includes stepped and varied depth rooflines, with the roofs having solar panels on the south pitch. The building is in a linear arrangement to reflect the layout of existing development within the area, such as the buildings on Bridge Lane that align the highway. As expressed by the Conservation Officer, the scale and massing of development is considered to be in keeping with the character and appearance of the town. As it would be set back, with landscaping to the front, it is considered that the development would sit comfortably in the streetscene.

With regards to materials, the application proposes the use of sandstone to the east and west gable elevations. The front elevation being a mix of sandstone and render, with the north elevations varying between sandstone, red brick and buff coloured brick. The roofing material is proposed as being natural or artificial slate. Whilst the site is screened by trees, the materials need careful consideration as the immediate area consists of natural stone and natural stone slate roofs or natural blue slate roofs. The materials will be controlled by conditions.

The balconies on the south elevation are considered to dominate that elevation in a way that is not characteristic of the area. In line with comments from HE and the Conservation Officer, it is considered that the elevation could be more sympathetically designed. A condition requiring the submission of revised details, including alterations to the fenestration where required, is proposed in order to address this.

It is considered that overall the proposed development would be a good design that reflects local characteristics, though there are some elements to be addressed and this is to be done by planning conditions.

Subject to the conditions, the proposal accords with policies BE1 and BE3 of the RCUDP and section 12 of the NPPF and policies BT1 and BT3 of the ELP.

Residential Amenity

A number of objections were received regarding the loss of privacy and light with regards to residents of Bridge Lanes opposite the development site.

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. Policy EP8 refers to other incompatible uses.

In terms of separation distances, the western end of the site is approximately 30m from the Bridge Lanes dwellings, towards the centre of the site the distance increases to approximately 40m , whilst at the eastern end of the site the distance increases to over 50m.

The main block of dwellings is over 21m to the rear of no. 74 Bridge Lanes. As the dwellings are set back to the north of the High Street (the existing access to the site), the distances to third party dwellings are considered acceptable. Additionally, there is further landscaping proposed to screen the site from Bridge Lanes.

The dwellings will be over 30m from the dwellings on Heptonstall Road (1 and 2 Rose Villas).

As the site is in excess of Annex A guidelines from the centre of the site across to the eastern part of the site in relation to Bridge Lanes it is considered to accord with policy BE2.

In terms of the main block and its relationship with no.74 Bridge Lanes, the proposed dwellings would be over 21m from no. 74 Bridge Lanes as, the proposal is at the northern part of High Street compared to the previous scheme.

The proposal accords with policy BE2 and the distances to third party dwellings are in excess of the guidelines set out in Annex A in relation to the nearest existing dwellings.

Policy H9 (iv) requires that development does not create any unacceptable amenity problems. The site is in close proximity to the A646 and Heptonstall Road, where there is potential for greater road noise than in a less busy location. The Environmental Health officer was consulted and provided the following comments:

"I have assessed the Noise Report and Air Quality Report submitted by the applicant and I am satisfied with the methodologies and conclusions reached within the documents.

The Noise Report indicated that normal double glazing would mitigate the noise from the nearby A656 road. I do not consider it necessary to condition this matter."

The proposal is considered to accord with policies BE2 and EP8 of the RCUDP and policies BT2 and EN3 of the ELP.

Highway Considerations

A number of objections referred to the impact of the development on traffic levels, parking, and highway safety.

Policy BE5 seeks to ensure the safe and free flow of traffic in the interest of highways safety. Policy T18 sets out maximum parking allowances for new development.

The Assistant Director – Strategic Infrastructure (Highways) was consulted on the proposals and provided the initial comments:

“The site is considered to be in a sustainable location given the walking distance to the centre of Hebden Bridge and the associated facilities and services in the town centre. Within 400m there is a foodstore, primary school and bus stops.

Improved facilities for pedestrians and cyclists are being provided at the Heptonstall Road - A646 junction as part of the West Yorkshire Combined Authority Corridor Improvement Programme.

The main shortcoming for pedestrians is the steep gradient on part of the route, whether using the footway along Heptonstall Road or via the more direct stepped route. There is a controlled crossing of the A646, which will allow pedestrian access to the bus stop on the south side that serves westbound services. The applicant will need to fund the provision of a bus shelter at the stop on the site frontage that serves eastbound services.

The vehicular access route along a widened High Street will be a shared surface as it would also be used by pedestrians and cyclists. That would be the level access connection to the highway so should be block paved. There will also be a pedestrian-only route behind the buildings to the north, referred to as Back High Street in the submission. Both routes would be connected to the Cuckoo Steps.

The existing High Street vehicular access is not ideal as it meets Heptonstall Road at an acute angle. The access road will be widened to 4.1m and the gradient on the approach to the give-way line will be raised to improve visibility at the give-way, as previously agreed with the applicant.

Whilst the majority of vehicular movements will be to/ from the A646, the left turn into the site and the right turn out of the site will need to be prohibited by a Traffic Regulation Order for safety reasons. Those manoeuvres would require the full width of the carriageway and the regular on-street parking restricts this.

Speed surveys have been carried out to inform the visibility requirements. Vehicles will need to be restricted to left turns out so that the driver will have sufficient visibility at 2.4m back, that is without the need for the front of the vehicle to encroach into the carriageway. Therefore, the visibility at the proposed access is acceptable subject to the TRO condition.

The Traffic Regulation Order may also need to extend into the site so protect the pull-in area from car parking. The TRO would restrict the pull-in area for refuse and unloading vehicles only with all other vehicles prohibited including disabled drivers. If the applicant wishes this length to remain as a private road then a condition requiring a management regime would be required.

A short section of double yellow lines will be required on Heptonstall Road opposite the High Street access and also on the east side to protect the visibility splay from parked vehicles

The applicant will be required to fund the costs of the new TRO and any changes to the existing TRO on Heptonstall Road. It should be noted that the exact details of the restriction will be dependent upon a public consultation exercise.

There are 14 car parking spaces proposed for 20 dwellings. This provision is less than 1 space per dwelling although it is noted that there are 6 number 1 bedroom dwellings. On balance the number of parking spaces is acceptable having considered the specific circumstances. These include the housing type, proximity to the town centre, local car ownership levels, and the fact that

potential residents will be aware of restricted availability of local on-street parking.

Only some of the car parking spaces are shown as having electrical charging facilities. However all of the parking spaces should have electrical charging. This can be conditioned.

The cycle parking is acceptable. There is a communal cycle store that can accommodate 18 cycles. Residents prefer to store cycles in their own property and it is noted that there are also storage areas that could accommodate cycles in each property.

The servicing arrangements are acceptable. The applicant has engaged with the West Yorkshire Fire Service regarding access by fire tender. The communal bin store is located sufficiently close to the pull in area for the refuse vehicle and therefore the waste and recycling strategy is acceptable. There is a turning area indicated at the end of the access road. That will be sufficient for the vehicles used for supermarket and parcel deliveries. Signage is required at the site entrance prohibiting vehicles larger than a long-wheel based transit vehicle

Conditions will be required for items such as contractor parking, details of the site compound, electrical vehicle charging, funding of a Traffic Regulation Order, the access road surface and a restriction on the size of vehicles that can use the turning head.”

Having regard to the advice from highways, it is considered that, subject to conditions, the proposal is acceptable in relation to policies BE5 and T18 of the RCUDP and policies BT4 and IM5 of the ELP.

Flooding and drainage

Some objectors raised concerns over increased flood risk as a result of the proposed development removing tree cover which assists with reducing run off rates.

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.

Section 14 (Meeting the challenge of climate change, flooding and coastal change) paragraph 166 of the NPPF seeks to ensure flood risk is not increased elsewhere.

For major developments the Secretary of State's Written Ministerial Statement, dated 18 December 2014, establishes that sustainable drainage systems for the management of run-off should be put in place, unless demonstrated to be inappropriate. RCUDP Policy EP22 also establishes that sustainable drainage systems should be incorporated where appropriate.

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 applicant in this instance is proposing to dispose of foul sewage via a mains sewer, whilst surface water is proposed to be dealt with by a mix of sustainable drainage systems, soakaway, and mains sewer.

Yorkshire Water was consulted on the application and they have requested conditions requiring separate systems of drainage for foul and surface water, and no piped discharge of surface water prior to completion of the surface water drainage works.

The Lead Local Flood Authority were also consulted and requested one condition in relation to provision of full details of drainage.

There is no evidence that an acceptable drainage solution cannot be achieved. The development will be required to provide surface water drainage, and with this in place there should not be an increased risk of flooding due to water run-off.

Subject to the above conditions the proposal accords with policies EP14, EP20 and EP22 of the RCUDP and policies CC3, CC2 of the ELP.

Ground conditions

A number of objections referred to land stability issues on the site and contamination.

Paragraph 184 of the NPPF establishes that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

The site does not fall within the area of potentially unstable land identified on the Proposals Map, nonetheless it is a sloping site and it is the developer's responsibility to ensure that development is safe. The applicant has provided supporting information in relation to the stability of the site. The initial stability assessment states that *“the ground investigation undertaken to date by others indicates that the existing slopes are essentially stable under the present conditions. The currently proposed development will have a low impact on the overall stability of the slopes as it is understood that there is very little amendment to the slopes apart from the removal of surface vegetation and construction of minor, at contour access tracks for mobilisation of lightweight plant. All parties to the development process should be made aware that major remodelling of the existing slopes must not be undertaken on this site under any circumstances”*

RCUDP policy EP10 refers to development of sites with potential contamination.

In relation to land contamination the applicant submitted a phase 1 and phase 2 ground investigation report, which concluded that *“based on historic land uses and its current usage, the overall risk from land contamination at the site is considered to be moderate”*.

The Phase 2 report recommended a number of mitigation measures and the adherence to these will be subject to a condition. The Environmental Health Officer was consulted in regard to land contamination but did not comment.

Overall subject to the recommendations in the phase 2 ground investigation report the proposal accords with policies EP10 and EP11 and policy EN3 of the ELP.

Wildlife Conservation

A number of objections were raised in relation to the ecological impact arising from the development and the fact the ecological survey was carried out in winter.

The proposed development lies within a Wildlife Corridor in the RCUDP Proposals Map, and it is within a bat alert area.

RCUDP policy NE15 establishes that development will not be permitted if it would damage the continuity, function or conservation value of the corridor.

RCUDP policy NE16 seeks to protect protected species and their habitats, and NE17 requires enhancement where appropriate.

The NPPF also seeks to enhance the natural environment and indicates that opportunities to improve biodiversity should be integrated into development. ELP Policy GN3 requires that development follows the mitigation hierarchy and achieves measurable net gains in biodiversity.

An Ecological Impact Assessment (EIA) and Biodiversity Metric have been submitted with the application. The EIA acknowledges that the proposal would impact on the habitat without mitigation, but it would not result in complete severance of its connectivity to the habitat network. Compensation and ecological enhancement is proposed, which includes enhancement of the woodland habitat, a new area of tree and mixed scrub planting, Japanese Knotweed removal, provision of habitat boxes for bats and birds. Offsite ecological enhancement is also suggested, either at a selected location offsite, or through a monetary contribution.

Measures to avoid an ecological impact are also suggested, which include translocation of bluebells, avoiding removal of vegetation during bird nesting season, and appropriately designed exterior lighting to avoid impacts on bats.

The Assistant Director – Neighbourhoods (Conservation) advises that the scheme would result in the direct loss of deciduous woodland, which is a UK Priority Habitat. They comment “*Should this application be approved, there will be a need to demonstrate 'exceptional circumstances where the reasons for the proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives'*”. The applicant previously sought permission for development on the southern section of the site, which had a lesser impact on the woodland, however Planning Committee considered that this development would have a detrimental impact on Hebden Bridge Conservation Area. Due to the size of the site it is not possible to locate the development in an area that would both address the ecological and heritage concerns.

The development will make a meaningful addition towards local housing supply, including the provision of affordable housing. As discussed further in the headings below, there is limited opportunity for such development in the Calder Valley and it is considered that the provision of affordable housing is a substantial benefit of the development. Conversely, whilst the development would have an ecological impact, it could be addressed by appropriate offsite mitigation. It is considered that there are no appropriate alternatives and the benefits of providing affordable housing, in a position that would not significantly harm the significance of the Conservation Area, does outweigh the value of the ecological feature in this case.

Further information is required in respect of the enhancement to be provided, as there is an error in the biodiversity metric. This will be provided prior to determination. Any offsite provision or monetary contribution would need to be secured by a S106 agreement.

Because the provision of 100% affordable housing is justification for the loss of a UK Priority Habitat, it is proposed to secure this through a S106 agreement, without which the dwellings could subsequently be sold for market housing.

Conditions are proposed to cover other matters, such as production of a Biodiversity Enhancement Management Plan (BEMP), Biodiversity Net Gain monitoring strategy, Construction Environmental Management Plan (CEMP), nesting bird protection, invasive species control, lighting and provision of integrated bat roosting / bird nesting features.

Subject to a number of conditions and finalisation of the required enhancement the proposal is considered to be acceptable in relation to policies NE15, NE16 and NE17 of the RCUDP.

Trees and Landscaping

Objections referred to the impact the loss of trees may have on the site, including visual, flood risk and pollution impacts.

RCUDP policy NE20 establishes that development will not be permitted where it would result in the removal or damage of protected trees unless it is in the interests of good arboricultural practice, or the benefits of the development outweigh the harm. Policy NE21 refers to Trees and Development sites.

The Council's Tree Officer was consulted on the proposal and stated that, I have not been able to visit the site however from previous visits in relation to the last application and a recent notification of intent to prune and remove trees (21/22015/TCA) after looking at the submitted tree report, I have no reason to disagree with the conclusions of the tree report in relation to the trees overall health and condition.

If approved, retained trees should be protected during the development works as per BS5837:2012 as noted in section 4.4 of the Arboricultural Impact Assessment and Method Statement.

Should development be considered acceptable suitable long-term management of the retained trees should be undertaken in order to reduce competing and poor specimen trees so that the tree cover improves over time, this appears to have been noted in Appendix 4 of the Ecological Impact Assessment.

The Forestry Commission has commented "*Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover. It is Government policy to reuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 180)*".

In this case it is considered that the provision of affordable housing clearly outweighs the loss.

Subject to a condition regarding the protection of retained trees the proposal is considered to accord with policy NE20 and NE21 of the RCUDP and policy GN5 of the ELP.

Public health

A number of the objections to the development related to the impact on Air Quality the proposed development would have.

The site lies close to, but not within the Hebden Bridge Air Quality Management Area. Policy EP1 of the RCUDP states that "*Development which might cause air pollution (including that from modes of transport) will only be permitted if:*

- i. *It would not harm the health and safety of users of the site and surrounding area; and*
- ii. *It would not harm the quality and enjoyment of the environment.*

Where permission is granted, appropriate conditions and / or planning obligations will be attached to ensure that air quality is maintained”

Policy EP8 refers to ‘Other Incompatible Uses’.

Paragraph 93 of the NPPF states:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: ...

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”

Paragraph 186 of the NPPF states that:

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The Council’s Environmental Health Officer was consulted on the proposal and provided the following comments

“The Air Quality Report indicated that the proposed development would not be exposed to Nitrogen Dioxide or particulate matter in exceedance of the permitted levels, despite being close to, but not in, an Air Quality Management Area (AQMA 3 Hebden Bridge).

It also indicated that the proposed development would have a negligible impact on the surrounding area in terms of air pollution.

Environmental Health does not object to the proposed development subject to a condition requiring dust control measures identified in the air quality report.”

Given the above, the proposal is considered to comply with RCUDP policies EP1 and EP8, paragraph 186 of the NPPF and policy EN3 of the ELP.

Crime Prevention

RCUDP policy BE4 'Safety and Security Considerations' explains that *Developers should, prior to submitting detailed proposals, seek advice from the West Yorkshire Police Architectural Liaison Officer on designing out crime, and any recommendations received should be incorporated into the development proposal unless these conflict with other significant interests (for example, the interests of Listed Buildings). Developers are also encouraged to submit statements in conjunction with planning applications that emphasise the measures taken to design out crime.*

Paragraph 130 (f) of the NPPF seeks to ensure developments create places that are safe, inclusive an accessible and which promote health and wellbeing with a high standard of amenity for existing future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

The West Yorkshire Police ALO has been consulted and has provided details of crime prevention measures. Whilst they have no objections to the proposals, they recommend the site should be built to "secured by design" standards to keep the calls for service to a minimum.

Subject to a condition requiring the development is built to agreed standards, the proposal accords with RCUDP policy BE4 and Policy BT5 of the ELP.

Infrastructure and Other Needs

RCUDP policy GCF1 establishes that all infrastructure and other needs, including education and open space, which arise from development should be provided by the developer either on or off site.

ELP policy IM10 establishes that applications will be permitted where mechanisms are in place to ensure the impact of the development on infrastructure can be satisfactorily mitigated. In applying this policy regard will be had to the Council's Infrastructure Delivery Plan and any adopted Supplementary Planning Documents.

The Assistant Director – Education and Inclusion made the following comments: -

- "contribution not sought for affordable homes."

Policy OS5 requires all new residential developments provide for the recreational needs of their residents in accordance with standards set by the Council.

The Assistant Director of Neighbourhoods made the following comments: -

"The site includes designated open space. Following consultation, GSSS state that there are other amenity green spaces and semi-natural/natural areas of this size in the catchment area but there is a deficit of allotments. Although due to its topography the site is not suitable for allotments, there is a licence for the cultivation of fruit trees on part of the site. It is possible that

development of this land would be acceptable if fruit trees were planted in another area. Whilst these comments are noted, there is no shortage of the typologies potentially being lost in the catchment area. Further, it is not possible to secure enhancements to off site open spaces through site specific policies.”

As such, no requests for a contribution towards open space have been received although planting of fruit trees on part of the site have been requested.

Affordable Housing

Paragraph 65 Of the NPPF requires that for major development at least 10% of the homes are to be available for affordable home ownership.

ELP policy HS6 requires the inclusion of affordable homes in residential developments, and for Hebden Bridge this should represent a minimum of 35% of the proposed dwellings. In this case the applicant proposes 100%, which exceeds the policy requirements.

The Assistant Director – Economy, Housing and Investment comments:

“The applicant has proposed a fully affordable scheme of 20 dwellings in Hebden Bridge, which would be a welcome contribution to Calderdale’s housing register need. There is little opportunity for new development within Hebden Bridge and the Calder Valley. There is therefore also little opportunity to increase the number of affordable homes in this area. Hebden Bridge is located in a high value area where affordability is low, this site therefore provides an important opportunity in addressing local affordable housing need.”

In order to secure the provision of affordable housing a S106 agreement is required. As discussed previously, the provision of 100% affordable units is considered to be justification for development that would result in less than substantial harm to heritage assets and harm to the value of a UK Priority Habitat, as such the S106 it to require 100% provision.

Balance of Considerations

The proposed development will provide much needed affordable housing within Calder Valley and this benefit is given substantial weight. It would also result in less than significant harm to designated heritage assets and harm to a habitat of ecological value and loss of ancient woodland, all of which are given substantial weight. However, the harm can be mitigated through appropriate measures discussed in the report above, whereas there are limited opportunities to provide affordable housing in the area. For this reason it is considered that on balance the benefits of the development outweigh the harm.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions and S106 agreement for affordable housing and biodiversity net gain. 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: 3 March 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 392215 or Claire Dunn (Lead Officer) on 01422 392155.

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 installation of any drainage, 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, the facing of the development shall not begin until details of the proposed facing materials, including a sample panel on site, have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
4. Notwithstanding any details shown on the submitted plans, the roofing of the development shall not begin until details of the roofing material 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.
5. Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The plan shall include the following details:
 1. Wheel washing facilities capable of cleaning the wheels, body and underside of vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
 2. Location of temporary compound area;
 3. A scheme of working hours for construction and delivery;
 4. A noise management plan including a scheme for the monitoring of construction noise;
 5. A scheme for the control of dust arising from building and site works;
 6. Temporary parking / turning and loading/unloading areas for on site staff and construction traffic taking into account the nature and number of vehicles visiting the site;

The measures agreed and contained within the CMP shall be implemented throughout the construction period.

6. 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 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 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.
7. 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.
8. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of the apartments, prior to the occupation of the apartments, 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 site shall be developed with separate systems of drainage for four and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
10. 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) The means of discharging to the public sewer network at rate not to be exceed 3.5 litres per second.
11. 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.
12. No construction materials, plant or machinery shall be brought onto site until the trees to be retained are protected by suitable fencing as recommended in British Standards 5837:2012 Trees in Relation to Design, Demolition and Construction. This fencing shall be retained until the completion of the

development and no materials, plant or equipment shall be stored, no bonfires shall be lit nor any building or excavation works of any kind shall take place within the protected fencing.

13. Prior to occupation of any of the dwellings a traffic regulation Order (TRO) along Heptonstall Road on the site frontage to prevent parking within the visibility splay and prevent right turns by vehicles exiting the development shall be enacted.
14. Prior to the installation of any windows and doors details shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details and retained thereafter.
15. Prior to construction above ground details of the balconies and fenestration on the south elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained thereafter.
16. Prior to the installation of the external staircases details shall be submitted to and approved in writing by the Local Planning Authority. The staircases shall be installed in accordance with the approved details and shall be so retained thereafter.
17. Prior to the installation of the solar panels details shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details and shall be so retained thereafter.
18. Prior to the first occupation of the development a scheme of landscaping the site, which shall include details of all existing trees and hedges on the land and details of any to be retained, shall be submitted to and approved in writing by the Local Planning Authority.
19. 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 development 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.
20. Prior to the first occupation of the development details of a biodiversity enhancement management plan (BEMP), including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall be implemented in accordance with the details so approved and shall be so retained thereafter.

21. Prior to the first occupation of the development a Biodiversity Net Gain monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the details approved.
22. No removal of hedgerows, trees or other planting that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken an appropriate survey and prepared an accompanying report of findings which has been submitted to and been approved in writing by the local planning authority and demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. All such works shall be carried out in accordance with the details as approved and an agreed programme.
23. Notwithstanding any details shown on the permitted plans, prior to the installation of boundary treatments details of measures to be incorporated into boundaries to facilitate the movement of hedgehogs across and around the site shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be installation upon installation of the boundary treatments and shall be so retained thereafter.
24. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Japanese Knotweed and any other invasive species shall be supplied to and agreed in writing by the local planning authority. The agreed method statement shall be adhered to and implemented in full.
25. Prior to the installation of external artificial lighting details, which shall be designed to reduce any impacts of night lighting on nocturnal species such as bats, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved plans and so retained thereafter.
26. Prior to the installation of the facing material above third floor, details of bat roosting and bird nesting features to be integrated into the development shall be submitted to and approved in writing by the Local Planning Authority. The features shall be installed in accordance with the details so approved and shall be so retained thereafter.
27. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'.
 - c) Practical measures to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
 - g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

- 28. Prior to the installation of any boundary treatments details shall be submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in accordance with the approved details and shall thereafter be retained.
- 29. None of the dwellings hereby approved shall be occupied until details of signage at the site entrance prohibiting vehicles larger than a long-wheel based transit vehicle from entering has been submitted to and approved in writing by the local planning authority. The measures shall be provided in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and shall be so retained thereafter.
- 30. The development hereby approved shall be carried out in accordance with the mitigation measures recommended in the Phase II report.

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.

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 EP20 EP22 of the Replacement Calderdale Unitary Development Plan and policies CC2 and CC£ of the Emerging Local Plan
3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies BE1, BE18, BE15 of the Replacement Calderdale Unitary Development Plan and policies BT1, and HE1 of the Emerging Local Plan
4. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with policies BE1, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan and policies BT1 and HE1 of the Emerging Local Plan
5. To safeguard residential amenity, prevent highway safety issues due to mud or other materials on the road, and to reduce congestion and mitigate any obstruction to the flow of traffic on the highways network.
6. In the interests of highway safety and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
7. To ensure that suitable access is available for the development and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan and BT4 of the Emerging Local Plan
8. 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.
9. In the interests of satisfactory and sustainable drainage.
10. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
11. In the interests of safety and security of the property and to ensure compliance with policy BE4 of the Replacement Calderdale Unitary Development Plan and BT5 of the Emerging Local Plan.
12. To ensure compliance with policy NE21 of the Replacement Calderdale Unitary Development Plan and GN5 of the Emerging Local Plan.
13. In the interests of highway safety and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan and BT4 of the Emerging Local Plan.

14. In the interests of visual amenity and to ensure compliance with Policies BE1, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan.
15. In the interests of visual amenity and to ensure compliance with Policies BE1, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan.
16. In the interests of visual amenity and to ensure compliance with Policies BE1, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan.
17. In the interests of visual amenity and to ensure compliance with Policies BE1, BE15 and BE18 of the Replacement Calderdale Unitary Development Plan.
18. In the interests of amenity and to ensure compliance with Policies BE3, BE18, NE16, NE17 and OS1 of the Replacement Calderdale Unitary Development Plan.
19. In the interests of amenity and to ensure compliance with Policies BE3, BE18, NE16, NE17 and OS1 of the Replacement Calderdale Unitary Development Plan.
20. In the interests of biodiversity and to ensure compliance with Policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan.
21. In the interests of biodiversity and to ensure compliance with policy NE17 of the Replacement Calderdale Unitary Development Plan.
22. In the interests of protected species and to ensure compliance with policy NE16 of the Replacement Calderdale Unitary Development Plan.
23. In the interests of priority species and to ensure compliance with policy NE16 of the Replacement Calderdale Unitary Development Plan.
24. To minimise the risk of spreading invasive plant species.
25. In the interests of protected species and to ensure compliance with policy NE16 of the Replacement Calderdale Unitary Development Plan.
26. In the interests of biodiversity enhancement and to ensure compliance with policy NE17 of the Replacement Calderdale Unitary Development Plan.
27. In the interests of protected species and biodiversity and to ensure compliance with policy NE16 of the Replacement Calderdale Unitary Development Plan.
28. In the interests of amenity and to ensure compliance with policies BE1 and BE18 of the Replacement Calderdale Unitary Development Plan.

29. In the interests of highway safety and to ensure compliance with Policy BE5 of the Replacement Calderdale Unitary Development Plan.
 30. To ensure that any ground contamination is identified and remediated, and to ensure compliance with Policies EP9 and EP10 of the Replacement Calderdale Unitary Development Plan.
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