

Description of Site and Proposal

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

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

The development also includes a 90 sq. metre hydroelectric power station, which would generate energy from the existing watercourse that crosses the site.

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

Relevant Planning History

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

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

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

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

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

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

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

00/00665/OUT Residential development (Outline) – Withdrawn.

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

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

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

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

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

Key Policy Context:

RCUDP Designation	New Employment Site, Wildlife Corridor, Open Space Urban, Tree Preservation Order
National Planning Policy Framework (NPPF)	Core planning principles Delivering sustainable development 1. Building a strong, competitive economy 2. Ensuring the vitality of town centres 3. Supporting a prosperous rural economy 4. Promoting sustainable transport 7 Requiring good design 8 Promoting healthy communities 10 Meeting the challenge of climate change, flooding and coastal change 11 Conserving and enhancing the natural environment 12 Conserving and enhancing the historic environment Decision-taking Implementation Technical Guidance to the National Planning Policy Framework

**Regional Spatial Strategy
for Yorkshire and the
Humber**

YH1 Overall Approach and Key Spatial Priorities
YH7 Location of Development
E1 Creating a Successful and Competitive Regional
Economy
E2 Town Centres and Major Facilities
E5 Safeguarding Employment Land
ENV1 Development & Flood Risk
T2 Parking Policy

<p>RCUDP Policies</p>	<p>GE1 Meeting the Economic Needs of the District E3 New Employment Sites E 11 Hotels, Motels and Other Visitor Accommodation S2 Criteria for Assessing Retail Developments OS1 Protected Open Spaces BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE3 Landscaping BE4 Safety and Security Considerations BE5 The Design and Layout of Highways and Accesses BE6 The Provision of Safe Pedestrian Environments BE8 Access for All GT4 Hierarchy of Consideration GT5 Transport Assessments T1 Travel Plans T3 Public Transport Provision at New Development T18 Maximum Parking Allowances T19 Bicycle Parking Guidance T20 Motorcycle / Moped / Scooter Parking Guidance GNE2 Protection of the Environment NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE17 Biodiversity Enhancement NE18 Ecological Protection of Water Areas NE20 Tree Preservation Orders NE21 Trees and Development Sites EP5 Control of External Lighting EP8 Other Incompatible Uses EP12 Protection of Water Resources EP14 Protection of Groundwater EP17 Protection of Indicative Floodplain EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems EP25 Energy Efficient Development EP27 Renewable Energy in New Developments EP28 Development of Renewable Energy Sources</p>
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Publicity/ Representations:

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

Summary of points raised:

Objection:

- The proposed development would divert trade and damage the vitality and viability of Hebden Bridge town centre.
- The hospitality industry in Hebden Bridge would be harmed by the hotel.
- Jobs would be lost in Hebden Bridge and any created would be predominantly part-time.
- Retail would be an inappropriate use of an allocated employment site.
- Better employment generating uses of the site exist.
- The proposed development would be harmful to road safety and lead to congestion on local roads.
- Air quality would be harmed through increased traffic movements.
- Traffic counts carried out are inadequate.
- There is a lack of a footway on the southern side of King Street.
- Insufficient parking is proposed to serve the development.
- Harm to wildlife and ecology.
- The design and scale are inappropriate and would be harmful at a key gateway site.
- The site is prone to flooding.
- Light pollution would be caused.
- Emergency flood escape is unworkable.

Support:

- The proposed development would help the vitality and viability of Hebden Bridge town centre.
- The proposal would bring investment and create much needed jobs.
- Increased competition would bring lower prices.
- The site is in need of regeneration and would improve the appearance of the town on approach.

Ward councillor comments:

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

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

MP comments:

- None received

Parish/Town Council Comments

The Parish Councils are consulted on all applications in their areas. Where any have been received these are set out in full below and have been taken into account as part of the assessment of the application. Hebden Royd Parish Council supports the application.

Assessment of Proposal

Principle

Paragraph 14 of the NPPF states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

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

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

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

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

In justification for the application the agent highlights various factors:

Firstly, planning permission has already been granted (albeit now expired) for mixed residential and employment development. Secondly, the site has despite permission being granted for commercial development as long ago as 2004, has never been

developed. This, it is argued, is indicative of a lack for demand for B1 to B8 use of the site. Thirdly it is argued that employment levels would at least be equal to B1/B2 use, and greater than B8 use.

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

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

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

The school car park will use a small area of land in the corner of the current school playing field. Due to its scale and location, the use will not undermine the capacity of the open space to be used for sport and recreation, and furthermore the use is complimentary and ancillary to the operation of the school. It is not therefore considered that the development presents any material conflict with policy OS1.

Policy E11(Hotels, Motels and Other Visitor Accommodation) of the RCUDP establishes that development proposals for either new or extended hotels, motels or other visitor accommodation within town centres (as defined on the Proposals Map) and other urban areas.... will be permitted provided that the proposal:-

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

In relation to the hydroelectric proposal, Policy EP 28 (Development of Renewable

Energy Sources) establishes that proposals for the generation of energy from renewable resources will be permitted provided:-

- i. the environmental benefits of the scheme in meeting local, regional and national energy needs and reducing global pollution outweigh any adverse impact;
- ii. the development would not cause significant harm to the visual quality or character of the landscape, to the local environment or to the recreational/ tourist use of the area;
- iii. the development would not significantly harm designated sites of nature conservation value or sites of archaeological or historic importance; and
- iv. the development would preserve or enhance any Conservation Areas and not adversely affect Listed Buildings or their settings.

These detailed considerations are considered elsewhere in the report.

Retail Impact

Policy S2 of the RCUDP sets out criteria for assessing retail developments. It is split into Part A, which applies to all locations, and Part B, which is applicable for all locations not within town centres. The proposed development is located in an out-of-centre location therefore all parts of Policy S2 apply except for Part Bi, which is superseded by national policy (The NPPF does not require the need for development to be demonstrated).

Part A states;

- i. the proposals relate to the role, scale and character of the centre and the catchment the development is intended to serve;
- ii. the development creates no unacceptable environmental, amenity, traffic, safety, or other problems;
- iii. the development preserves or enhances Conservation Areas and does not adversely affect Listed Buildings or their settings, where these are material considerations; and
- iv. all other relevant UDP Policies are met.

Part B states;

- i. the 'need' for the development is demonstrated;
- ii. having been flexible about the scale, format and design of the development and the provision of car parking, there are no reasonable prospects of the proposed development being accommodated on an alternative town centre site(s);
- iii. there will be no serious effect (either on its own or cumulatively with other similar permissions) upon the vitality and viability of any nearby town centre, as a whole;
- iv. the proposed development is located where it can serve shoppers using public transport or other modes of transport such as pedestrians or cyclists as

- well as those travelling by car;
- v. the likely effect on overall travel patterns and car use, the objective being the reduction in travel mileage;
 - vi. the implications for other relevant UDP policies which relate to the use of the site; and
 - vii. the development would not undermine the retail strategy of the Plan.

Rather than providing a full Retail Impact Assessment the applicant has considered the potential impact of the development in the context of the information provided by the White Young Green Calderdale Retail Needs Assessment 2009.

Based on existing shopping patterns, the WYG Assessment identifies a need for 525 sq metres of new retail floor space for Hebden Bridge in 2014, increasing to 735 sq. metres on 2026. It is understood that the market share of shops in Hebden Bridge is 49% (i.e. 51% of expenditure is spent outside the catchment in locations such as Halifax and Todmorden).

The applicant has suggested that of the £17m of convenience goods expenditure available within the catchment (in 2014), £8m would be available to new retail facilities leaving £9m for existing stores. The applicant's range of turnover assumptions for the proposed retail store (dependent upon the operator and with a net floorspace of 1,000 sqm) range from £5m - £8.4m (it is unclear why the applicant has based these figures on a floorspace that is less than what they actually propose). In addition the applicant has used a sales density figure of only £10,500/sqm for 'top 4 food retailers' which is very low. Company benchmark turnovers for the 'top 4' that have been used in other recent applications in the district range from between £12,000/sqm and £14,000/sqm. The use of £10,500/sqm has the result of significantly underestimating turnover of the proposed store as using the lower figure of £12,000/sqm, and the full 1,021sqm of proposed floorspace yields a store turnover of £12.25m.

The above information indicates that whilst there might be sufficient notional expenditure to support much, but not all of, a development along the lines proposed, there would be a reliance on a very significant shift in existing shopping patterns (i.e. much more expenditure would need to be clawed back from outside the catchment), as well as in-flow of expenditure from outside the catchment area. The extent to which such a high level of claw-back and in-flow is feasible is clearly a very significant issue. The alternative outcome is significant trade-draw from existing town-centre facilities.

An objection submitted on behalf of Co-operative Group states that:

"In the absence of an assessment by the applicant, retail analysts at the Co-operative Group have undertaken their own assessment of the turnover which is likely to be drawn from this store to the proposed development. This assessed (*sic*) considered the strength of competing facilities in higher order centres on the edge of the catchment area, and concluded that the proposed development will be limited in its ability to alter their market position. The outcome of this assessment is that the proposed development will have a **30%** impact upon the overall turnover of the Co-operative store. This is a significant impact upon a store within an existing town centre.

This level of trade diversion would undoubtedly impact upon the immediate operation of the store. Such a high level of trade diversion could result in a reduction of staffing levels, as fewer customers would be utilising the store, which would have a knock on effect upon the type and range of stock carried by the store, and in the longer term, the overall operation of the store.”

The Co-op has not provided details of their own assessment. However, they clearly consider that the proposed development would have a limited ability to draw trade from larger stores further afield. According to the applicants, ASDA at Halifax accounts for 17% of existing expenditure from the catchment and Morrisons at Todmorden 14%. Presumably expenditure also leaks to Tesco and Sainsburys in Halifax, and stores over the border in Lancashire.

Officers are concerned that the level of expenditure claw-back needed to support this development is overly optimistic and there is also concern that the applicant’s assumptions lack an empirical basis. The applicant states that ‘it is not envisaged that there would be any threat to the viability of ... existing businesses [in the town centre]’ however no evidence is provided to support this statement.

Officers have therefore requested that the applicant provides a more formal Retail Impact Assessment, ideally involving a local household/shopper survey. Such work would provide further information about the likely nature of the store in terms of anticipated catchment area, likely claw-back from other centres and trade draw from stores in Hebden Bridge Town Centre.

In response to this request the applicant’s agent indicated that as the scale of the proposal falls below the 2,500m² threshold for a retail impact assessment as set out in the NPPF (which applies where the LPA have not set their own threshold locally), it is difficult to see how a requirement for a retail impact assessment can be justified.

The agent also highlights that Policy S2 of the RCUDP also references a 2500m² threshold. Officers have therefore had to assess the application on the basis of the limited information highlighted above

The comments of the agent concerning the need for a Retail Impact Assessment are noted, however Policy S2 B) iii of the RCUDP requires the Council to assess applications on the basis of there being ‘no serious effect ... upon the vitality and viability of any nearby town centre’. Admittedly the proposal falls below the national threshold for requiring an impact assessment, however, when looking at the scale of the proposal in relation to the size of the centre, potential impacts should be considered. In the context of the application, Hebden Bridge is a small centre and the proposal is in effect equivalent to around 66% of the current net convenience floorspace in the town. Paragraph 6.22 of Policy S2 also states that ‘such assessments may occasionally be necessary for smaller developments depending on the size and nature of the development in relation to the centre concerned’. The Local Planning Authority is of the view that no positive conclusion could be reached in accordance with policy S2 B) iii, without the submission of further information relating to retail impact.

By way of further context the Preferred Options Core Strategy consultation document does set out the proposed 'local thresholds' for impact assessments ([Policy TPE5, p90](#)), which are based on a threshold of approximately 10% of expenditure within each individual centre. Current convenience expenditure is limited in Hebden Bridge, so the proposed threshold is very low - only 150 sq. metre. Whilst it is an indication of the direction of travel of future policy, none of the policies or the strategy itself is fixed at this time. Whilst it is too early to attach significant weight to the policies set out in the Preferred Options document, it clearly illustrates the Council's direction of travel on this matter. The thresholds set out in Policy TPE5 of the Preferred Options Core Strategy have been determined with the primary aim of ensuring the vitality of town centres in line with the NPPF. They are not seeking to make an early assessment of impact, or be a determinant of impact itself, rather they are seen as an important trigger point for undertaking a detailed analysis of the likely impacts of development.

It is also important to consider the development's geographical relationship to the town centre. In this respect the store is a substantial distance from the primary and secondary shopping frontage of Hebden Bridge. Given the amount of free parking that would be available within the development site, and the range of goods that would be sold at the store, it is considered that the development is likely to function as a freestanding retail destination with limited linked trips to town centre businesses.

In conclusion, whilst the application proposal would deliver a new supermarket that would improve choice, competition and the quality of the convenience retail offer of Hebden Bridge, these benefits need to be considered in the context of the impact that the proposal could have on the vitality and viability of the Town Centre. Based on the information available, it is not possible to come to a conclusion that the development would have an acceptable impact on the vitality and viability of Hebden Bridge Town Centre.

Sequential test

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

The requirement to apply the sequential test applies to both the retail and hotels elements of the application. The applicant has considered whether these elements could be accommodated either within or on the edge of the Town Centre. Overall it is not considered that there are any sites currently available that could provide the quantum of floor space with the required areas for parking and servicing, even if the

development was disaggregated into its constituent parts.

Retail conclusions

Notwithstanding the conclusions in relation to the sequential test, the local planning authority have concerns that the application will be contrary to paragraph 27 of the NPPF and Policy S2 of the RCUDP on account of the applicant's failure to demonstrate that the impact on the vitality and viability of Hebden Bridge Town Centre would be acceptable.

Materials, Layout and Design

Policy BE 1 General Design Criteria of the RCUDP establishes that development proposals should make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. Where feasible development should:-

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

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

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

This is an important site and affects the 'experience' of the approaching character of Hebden Bridge. As submitted the Council's advisor on architectural and urban design matters expressed concerns about the proposed development. In the light of this further discussions with the applicant's agent were undertaken. These are outlined below:

Supermarket:

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

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

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

Hotel:

As submitted the design of the hotel was considered to be 'untidy' in architectural terms. It was therefore recommend that the architects consider simplifying the elevation by removing the slats to the loggia (raised ground floor level) and changing the general rendition. It was recommend that front left 'tower' element of the hotel be clad in say a dull charcoal colour patinated seamed zinc, or in coreten steel. The remainder of the elevation at all levels except the plinth at ground level should be in sawn ashlar cladding. The eaves / top line of the elevation would benefit from slightly recessed zinc or coreten capping and small upstand fascia to enclose the flat roof behind and to match the tower element. It would also help that the windows are metal fabricated of the same style and colour as for the supermarket and are set back well, within their reveals to accentuate the 'sculptural' quality of the window openings.

Finally it was recommended that the ground plinth level stone treatment be natural coursed dry-stone walling, rather than a narrow slate or flag stone, but either would run across both facades as unifying elements in the overall hard landscaping treatment.

Hydroelectric power station

The power station is of modest proportions and of a traditional design that reflects its function. There are therefore no objections to this aspect of the development from a design perspective.

Based on the current drawing the application is considered contrary to policy BE1 of the RCUDP and chapter 7 of the NPPF. However, discussions with the agent

suggest that officer's concerns about the design are capable of resolution. At the time of drafting this report amended plans are awaited and as such officers will update Members on the extent to which these concerns have been addressed or otherwise at the meeting.

Highways considerations

The relevant NPPF policies are in section 4, Promoting sustainable transport with paragraph 35 being most relevant "*plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people*". The Council's own policies are BE 5 "*The Design and Layout of Highways and accesses*" and T18 "*Maximum Parking Allowances*".

The Highway Network Manager was consulted on the application and made the following comments:

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

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

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

The sections of the Statement are considered as follows:-

A646 King Street and the access

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

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

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

Mytholm Lane

Additional parking is to be provided within the site for the benefit of staff at

Mytholm School this will alleviate the all day parking created at present by the school and reduce highway conflicts to the benefit of highway and pedestrian safety.

Pedestrian Facilities

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

Parking Availability

The proposal would include a total of 171 car parking spaces of which 109 spaces would be for the convenience store and 62 for the hotel and leisure.

This is a standard of 1 space to 19.6 M² and is in compliance with the Council's T18 parking requirement of 1 space for 14-20M²; this is also comparable with other stores in Todmorden. The existing Co-Op store in Hebden Bridge only has a parking provision of 1:35 but it is recognised that this store does mostly basket shopping and not predominately trolley shopping.

Travel Plan

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

Bus Services and Cycle Parking

The submitted layout shows a wide circulation route within the car park and has taken into consideration the potential to invite the local bus operator to use the site as part of the 'Hebden Bridger' route.

The layout also shows ten cycle parking spaces for the store and 3 spaces for the hotel; there will also be 4 motorcycle spaces on site.

Service Arrangements

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

Highway conclusions

The site is located within a sustainable area, close to local bus routes and in close proximity to major local trip generating land uses. There will also be reduced mileage by diverting trolley shopping from stores in Todmorden or

further afield. It also provides the opportunity for future users to walk, cycle or to use public transport facilities to access the site as a genuine alternative to the car and offers a high propensity for linked trips. It therefore complies with the broad objectives of the Council's transportation policy

Flood Risk and drainage issues

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

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

The application site is located within Flood Zones 2 and 3 and as such the application is accompanied by a Flood Risk Assessment. The Environment Agency has reviewed the submitted FRA and comment as follows:

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

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

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

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

Unfortunately the information submitted with the application does not specifically address the flooding sequential and exception tests. Given that much of the town centre of Hebden Bridge is known to flood, it is considered unlikely that the development could be located in a lower area of flood risk without seriously compromising the need for the development to be located in a sustainable location as close as possible to the Town Centre. The applicant has been requested to provide further information on this matter and Members will be updated at the meeting.

The Council's Drainage Engineer and Yorkshire Water were also consulted on the application. Neither of these consultees has any objections subject to conditions.

The Environment Agency note that the application also includes a proposal for a hydro-electric scheme. Hydropower schemes can be complex and need to be designed and managed carefully to ensure that they include appropriate measures to protect the local environment and avoid unacceptable impacts.

Government policy on minimising impacts on biodiversity set out in the National Planning Policy Framework (NPPF) paragraph 118, requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications. The Environment Agency does not consider that this has been adequately demonstrated in the present application. In particular they require the following information:

- 1) A site plan including details of the point of abstraction and discharge, together with information on how much water will be abstracted. It should be noted that if abstraction led to reduced opportunity for fish migration, fish passage improvements might be required as part of the scheme which would need to be incorporated into the design.
- 2) An assessment of the potential impacts of the scheme on fish, if present. This information is required in order for comments to be made on the need for turbine screening which can be a critical element in the design of a hydro-scheme.
- 3) more information on turbine type, as different types of turbine have different screening requirements

At present they consider that insufficient information has been submitted to satisfy the requirements of the NPPF.

Residential Amenity issues

Policy BE2 of the RCUDP states “Development proposals should not significantly affect the privacy, daylighting and private amenity space of adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.”

Policy EP8 of the RCUDP states “Where development proposals could lead to the juxtaposition of incompatible land-uses, they will be only permitted if they do not lead to an unacceptable loss of amenity caused by odour, noise or other problems.” The Head of Housing & Environment has considered the Environmental Health issues concerning this application and he has made the following comments;

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

The Head of Housing and Environment was consulted on the application and indicated that:

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

The site is situated in a valley bottom adjacent to the busy A646 road. To the east of the site is the residential care home Mytholm Meadows whilst to the western boundary in an elevated position are the residential properties at Savile Road and East View whilst to the northern boundary overlooking the site are the dwellings at Oak Bank.

During the day the ambient noise climate is dominated by road traffic however during the evening, the noise level will decrease due to the reduction in road traffic. Given that the site is in a valley bottom, any noise created will resonate up the valley sides and thus a wider range of noise receptors could be affected. In terms of potential noise sources associated with developments of this nature these would include:

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

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

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

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

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

Presently the land has been unoccupied for several years, with this application exterior lighting will be necessary for both parts of the site. I consider that this site lies in an Environmental Zone E3- i.e. is one of medium brightness, as featured in the ILE Guidance notes for obtrusive light [now the Institute of Lighting Professionals GN01]. Given the varying height of surrounding terrain I would like to recommend the following (NPPF para.125 and RCUDP policy S2 part Aii).

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

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

Overall it is considered that the application complies with policies BE2 and EP8.

Trees and landscaping

Policy NE 20 (Tree Preservation Orders) of the RCUDP establishes that the Council will make Tree Preservation Orders to protect individual trees, groups of trees or woodlands that make an important contribution to local amenity or local landscape character and which are under threat. A development proposal that would result in the removal or damage, or would threaten the future survival of one or more trees covered by an Order will not be permitted unless either:-

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

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

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

Policy BE 3 (Landscaping) of the RCUDP establishes that development proposals will be required, where appropriate, to be accompanied by landscaping schemes that include good quality hard and soft landscaping. They should be designed as an integral part of the development proposal and should contribute to the character and amenity of the area and, where possible, enhance local biodiversity. The scheme should be implemented in full within an agreed timescale and include details of:-

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

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

A general ground inspection has not been undertaken but the group of mature trees adjacent to the entrance appears to be in a reasonable condition. Any problems with the trees would be highlighted in the arboricultural report. The trees did however contain deadwood and had low crowns so works will be required to maintain the trees in a healthy and safe condition.

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

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

A number of self seeded Birch and Sycamore trees have grown up in the centre of the site but the Tree Officer would not raise any objection to the loss of these trees subject to replacement trees being planted as part of the landscaping scheme.

Should the scheme be approved before any works take place and machinery is brought on site the retained trees should be protected as per BS5837 until the development is completed. Further to the above, an arboricultural report and impact assessment has been requested and this was provided late in the process of assessing the application. Any further observations in the light of this report will be provided at the meeting.

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

Wildlife Corridor and Ecology

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

- i. damage the physical continuity of the Corridor; or

- ii. impair the functioning of the Corridor by preventing movement of species; or
- iii. harm the nature conservation value of the Corridor.

Policy NE16 of the RCUDP states that development will not be permitted if it would harm the habitat requirements of legally protected, rare or threatened wildlife species and the species themselves.

Policy NE18 establishes that development on or adjacent to areas of flowing or standing water will only be permitted if it would not harm the ecological value of the area.

Policy EP28 Development of Renewable Energy Sources requires, amongst other things, that the development would not significantly harm sites of nature conservation value.

West Yorkshire Ecology were consulted on the application and state that:

“We have been trying to make sense of the information supplied with this application include the ecological assessment which dates from 2004/5 and appears to relate to a time before the site was cleared.

This apart our main concern at present is understanding the implications of the hydroelectric scheme. We have picked through the diagrams and reports but are struggling to find a plan showing the source of the water. We note that we have records of brown trout in the Colden Water, but is this the Wragley valley referred to in the hydro report? The plans are missing from the report. We have not seen any data which indicates how much water would be abstracted from the water course and what discussions have taken place with the Environment Agency over compensation flow requirements, fish screens etc. From previous applications we understand that the planning permission and abstraction licensing processes should run in parallel with good communication between the Council and the EA...

We would also like to see further information presented on the potential for the mill goyt to support roosting and hibernating bats. The 2004 survey seems to have identified a brick tunnel in Target Note 3, but did not access the structure due to health and safety concerns. If this goyt is to be fitted with a 1.4km long pipe to feed the turbine we would like additional information on the potential impact this may have on bats and ways in which this might be mitigated.”

Natural England was also consulted and stated that:

Natural England objects to the proposed development. The survey report provided by the applicant indicates that common pipistrelle and noctule bats, and breeding birds were using features that are to be affected by the proposed development at the time of survey (2005). Unfortunately the information supplied is insufficient for Natural England to provide advice on the likely impact on these species. We advise the council to ask the applicant

for the following additional information:

- The ecology survey provided with the application is from June 2005, and cannot therefore be relied upon to provide an up-to-date picture of the usage of the site by protected species. We would therefore expect to see an updated ecology report, including bat, amphibian and breeding bird surveys.
- The ecology report should also assess the potential impacts of the hydro-electric scheme, both the connection and potential impacts upon the water course and species within it.

At the current time there is insufficient information to conclude that the development complies with policies NE15 and NE16 of the RCUDP. Further information has been submitted and an update will be provided at the meeting.

Renewable Energy

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

In view of the inclusion of a hydroelectric power station within the development there is no doubt that the applicant is committed to complying with the aims and objectives of the above policy. The application is therefore considered to be acceptable in this context.

Crime prevention

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

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

The Architectural Liaison Officer was consulted on the application and he has provided advice for the applicant to take into account in preparation of detailed

designs. In the event of the application being permitted a condition should be imposed requiring a scheme for crime prevention to be agreed with the Council prior to commencement of development. On this basis the application complies with policy BE4.

Balance of Considerations

Whilst the development would deliver benefits through the provision of improved retail and hotel facilities this is outweighed by the failure of the applicant to demonstrate that the development would have an acceptable impact on the vitality and viability of Hebden Bridge and; insufficient information relating to the impact of the development biodiversity and the impact of the hydroelectric proposal on the aquatic environment.

CONCLUSION

The proposal is not considered to be acceptable. The recommendation to refuse planning permission has been made because the development is not in accordance with policies S2, NE15, NE16, NE18 and EP28 in the Replacement Calderdale Unitary Development Plan, or Sections 2 and 11 of the National Planning Policy Framework, nor have there been any material considerations to indicate that an exception should be made in this case.

Geoff Willerton
Head of Planning and Highways

Date: 20th November 2012

Further Information

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

Daniel Child (Case Officer) on Tel No: 392232 or Richard Seaman (Senior Officer) on Tel No: 392241