

Appeal submissions

I have spoken to Planning Aid & they said that the inspector will look at two main things

1. Does the proposal fit into the development plan for the area (UDP)?
2. What other material considerations are there which may support or refute the appeal?

This means that we can introduce any points we consider to be ‘material considerations’, however it is wise to rebut the specific points raised by Greentops appeal in the first instance & then go on to add other things. I have made a summary of Calderdale’s reasons for refusing planning permission & set them against Greentops grounds for appeal. I’ve then suggested points we could raise & pick from in our own objections to Greentops appeal. Please feel free to pick & choose, & then add other specific issues you wish (for ideas see objection bullet points from the planning application suggestions). If you want to do it online, Chris has set up a link from hebweb. If you wish to write, don’t forget to send it in triplicate. If you have any supporting documents & statements you need to send them with your objections & also in triplicate! If you want the inspector to see something from your particular perspective on his site visit, you should also let him know now with you submission.

I hope this is of some help, happy objecting! I hope its correct, if anyone spots a mistake or omission, please let the group know. Thanks.

Calderdale’s Reasons for Refusing Planning permission	Greentops Appeal Arguments – They Say	<u>Possible objections to raise against Greentops appeal</u> <u>We Say</u>
The site is open amenity land & is subject to policy N19 “to retain the open space character, appearance or function of sites”	The value of the site has not been established. Policy N19 of the UDP permits development of open space if it would not cause significant harm to the open space character, appearance or function in respect of public views & vistas, existing landscape features & ecology & existing recreational use. This proposal will provide genuine access, create a recreational route, create new & improved habitats for flora & fauna, significantly enhance woodland planting, put all of the woodland planting under a management scheme & reintroduce a historic landscape feature & so enhance the open space value of the site to the benefit of the community of Hebden Bridge & the flora & fauna of the locality.	<p>The site was open amenity, & has since reverted to Green Belt status in the newly adopted UDP. The statement & evaluation of the independent inspector was clear “both (river banks) appear to be part of the open countryside & relate well to the wider open area. As such they help fulfil purposes of the green belt in they prevent settlements from merging by safeguarding the undeveloped areas from encroachment & preserve the setting of Hebden bridge.”</p> <p>The land was open amenity at the time of this application, not designated for housing development. The land entered into receivership & professional feasibility assessments were conducted regarding the potential planning options. None were found. This land is valuable open amenity space, valuable both in its visual & physical nature to both the local community & beyond.</p> <p>The land is also subject to a previous planning condition 88/00438. The planning permission for the houses on Spring Grove adjacent to the millpond site was subject to a condition specifically forbidding development on the Foster Mill Pond site allowing only for landscape/amenity/gardens.</p>

<p>Planning policy Guidance 3: previously developed land & buildings should be re-used for housing before Greenfield sites. This site is heavily wooded & as the millpond structure has disappeared, the site can be considered part of the natural surroundings. It is not considered a ‘brownfield’ or previously developed site.</p>	<p>Annex C PPG3: “previously developed land is that which is or was occupied by a permanent structure & associated fixed surface infrastructure” It covers the curtilage (i.e. surrounding land e.g. yard or field associated with a building) of the development.¹ The site is a former millpond associated with Foster Mill & was part of the curtilage of the mill. It is wholly manmade in the walls, rock face & embankments. Whilst some natural regrowth has occurred the site is waterlogged & of poor quality. Given its nature & the fly tipping, which has occurred, the site retains all the characteristics of degraded urban land which has been previously developed & which PPG3 seeks to encourage development on.</p>	<p>This site has never been the site of pollution & has no residual industrial buildings. It should be considered under the auspices of recycling of urban land - a natural process of woodland reclaiming a millpond site to the benefit of the local, visiting & wildlife populations.</p> <p>Far from being a derelict or unvalued piece of green land, it is local residents who have been not only the principle users but also the principle caretakers of the land regardless of who has owned it. The local community has a history of caretaking of land including the Delph & Dog Bottom which it owns under the trusteeship of the Steepfields residents association. Periodic clean-ups are organised. Whilst it is impossible to stop everyone from inappropriate dumping or indeed persuade everyone to take their rubbish home with them, members of the local community commit themselves & their time to clearing away debris. Without this the woodland would have never emerged, it is exactly this ‘light touch’ approach combined with the way people enjoy the benefits of this land which has allowed nature to win a rare victory in a semi-urban environment.</p>
	<p><u>Other Material considerations:</u> structural problems on the site need to be dealt with for health & safety reasons. There is evidence of movement within the existing retaining wall & steep embankment & there has been material degradation of the wall supporting Windsor View. Significant expenditure is needed to carry out proper remedial engineering works. The development of the site offers opportunity to finance this. This constitutes very special circumstances which would justify the development .</p>	<p>The independent UDP inspector states unequivocally “Whilst I understand the land owners desire to fund essential repair works by development, I do not, in principle, consider that to be a good reason to permit development on land whether it be subject to green belt or open space policies”</p> <p>The land was purchased via Grant Thornton receivership company. This company had stated that it was their role to maximise revenue, if feasible, they would apply for outline planning permission before selling the land to increase its value. However following their research, they concluded that the land had no development potential. Two main concerns were the lack of access & the condition of the walls. Most developers, builders & speculators withdrew their expression of interest at this stage. Greentops bought the land in full knowledge of its status within the local development plan, the absence of development potential & the condition of the wall.</p>

¹ The definition in annex c goes on to say that in certain circumstances land can be excluded from the definition if it was previously developed but “where the remains of any structure of activity have blended into the landscape in the process of time (to the extent that it can reasonable be considered as part of the natural surroundings) where there is a clear reason that could outweigh the reuse of the site – such as it’s contribution to nature conservation – or it has subsequently been put to amenity use & cannot be regarded as requiring development”.

<p>In view of the number of new dwellings, completed or with planning permission, the targets for new housing under the Regional Spatial Strategy for Yorkshire & Humber has been exceeded to 2016. There is no demonstrable need to support housing developments on greenfield sites</p>		<p>The pressure in this area on infrastructure from the explosion in new housing, given the high profits to be made in Hebden Bridge specifically, is causing tremendous strain. Specific housing requirements do exist eg low cost housing but this corner of Hebden Bridge has recently had permission granted (& construction begun in one case) for a total of 36 houses & apartments. There can be no rationale for then releasing open space or greenbelt land for further housing development in a small area over burdened with new dwellings. To do so would create intense infrastructure & community pressure.</p>
<p>Visual Amenity: the site makes an important contribution to the character of the area in terms of both trees & its undeveloped nature & can be viewed from many places in the area including across the valley.</p>		<p>The visual amenity provided by the wooded nature of this area is appreciated throughout the valley by locals & tourists. It represents an important entrance to the green corridor.</p>
<p>The site abuts a conservation area & is an important contributor, by reason of its wooded character, to the setting of that Conservation area. The proposal is contrary to provisions in policy N47 relating to open spaces in conservation areas.</p>	<p>The proposals are for 10 eco homes adjoining the conservation area, but sited so that they are not apparent in the context of the conservation area & therefore not harmful to its character.</p>	<p>'eco' refers to the whole environment. The only nod to 'ecological' principles in this proposal are the materials used to build the houses. They are 'eco' only in relation to other more formal building methods. The decimation of a wet woodland for housing is not ecological. The destruction of a feeding & breeding habitat for so many species is not 'eco'. The substitution of a pond for a wet woodland, is not 'eco'.</p>
<p>The proposed scheme is an uncompromisingly modern design, making no reference to the architecture of the adjoining existing vertical stone terracing, characteristic of the Hebden Bridge Conservation area.</p>	<p>Design & materials used are a direct response to government initiatives. The site is not in the conservation area & the houses are not apparent in the streetscene. Therefore the design, materials & appearance are considered appropriate & should be encouraged.</p>	<p>This is a small enclosed site. The sheer scale & size of these dwellings will dominate the site regardless of any 'landscaping measures'. Given that this land's boundary wall is within the conservation area the houses will make a very particular visual statement out of keeping with the rest of the hillside</p>
<p>There is currently a TPO on this site. Development within the red line will result in loss of trees that are presently offering values to the local community & to the area as a whole when viewed from other vantage points.</p>	<p>It is accepted that there would be a loss or poor quality self seed trees². This would be compensated for by planting of a significant number of new trees. There would be a net gain in quantity & quality. Existing woodland area would be managed also. This would be overall benefit to woodland, flora & fauna.</p>	<p>The wooded area provides an important contribution to the valley in both visual & environmental amenity. This is a wet woodland site & to assess the trees in any other terms is to ignore the special value & characteristics provided within this type of habitat. Of course the trees will be different in nature & quality, this does not in any way detract from their importance. Planting new trees & establishing a new 'woodland' is a very different proposal & habitat from that which currently exists. The wet woodland on the otherhand is a specific biodiversity priority within Calderdale.</p>

² TPO contested in terms of its appropriateness by greentops

<p>Objections from the environment agency in relation to the proposed sewage treatment plant & insufficient information submitted to assess impact of development on protected species.</p>	<p>Sufficient details were submitted. Even so it is a technical matter which could be addressed by conditions being attached to the planning permission.</p>	<p>The proposal for a sewage treatment plant on the river bank, of whatever type, in the green corridor, an area of outstanding natural beauty & particular natural habitat is of deep concern. Reed beds, septic tanks or integral sewage treatment plants will all be problematic here. The banks are liable to flooding & this must have a bearing on how sewage is dealt with. The concept of heavy vehicles using the site to empty sewage facilities is also of concern.</p>
<p>The development will result in the loss of wet woodland, together with other woodland. Although reference is made to tree planting, woodland management & pond creation, it is impossible to judge whether these will compensate for the loss of wildlife habitats. There is insufficient information to fully assess ecological impact on protected species. Further information required.</p>		<p>The millpond is a developing wet woodland & has particular & special value as such. That value can be appreciated not just at local level but also in wider terms as part of Calderdale's biodiversity assets & plans. For example, a woodland survey conducted on 15/03/04 revealed "74 clumps of frogspawn which would indicate a breeding population of 350 – 400 frogs. These are a Biodiversity Action Plan Priority Species as their breeding areas which are few in number particularly in the upper valley".</p> <p>The site has held, & supported as a feeding ground, a rich variety of wildlife. The owls, bats & woodpeckers are particular examples of the wildlife appreciated by the members of the local neighbourhood not agile enough to regularly spring over the wall.</p>

Other examples of material considerations to add include 1) loss of privacy to Spring Grove, 2) health & safety implications of a road running 30ft up & outside Spring Grove bedrooms, 3) absence of vehicular access & creation of new highway, 4) structural risk to Windsor View/Windsor Rd houses near the apex of the site, 5) traffic congestion, re-instigation of body of water above & behind houses on Spring Grove could threaten insurance potential, 6) structural risks of actually building using pile drivers on site 7) poor accessibility to site, over private land etc....