

**Objection to Planning Application**

**No. 05/02189/FUL**

**Construction of houses on Salem Millpond**

**Between Windsor View and Spring Grove.**



**1<sup>st</sup> December 2005**



## Objection to Application No: 05/02189/FUL

**Proposal:** Restoration of millpond and construction of 10 eco-homes and planting of new trees

**Address of proposal:** Land Opposite Windsor View Hebden Bridge West Yorkshire

**Applicant:** Green Tops Ltd

### Overarching Considerations relating to the site and planning policy

- 1. The land is open amenity not designated for housing development. This land is valuable open amenity space, valuable both in its visual and physical nature. There is no provision for housing development on this site, and none should be granted.**

The land entered into receivership and professional feasibility assessments were conducted regarding the potential planning options. None were found. The land was sold for £10 000. Rapacious development must not be allowed to infringe green spaces in the Calder Valley. The developers have argued that the building of houses is needed to lever money to pay for potentially expensive repairs to the millpond wall and that ‘landscaping’ the area will be an adequate substitution for the loss of open amenity land. No amount of ‘landscaping’ will be adequate to replace what is being lost here. Indeed the condition of the wall was clear prior to purchase and most interested parties withdrew from the sealed auction before it took place having realised there was a responsibility, with financial costs, in owning this land and no likely planning permission, as well as no legitimate access.

The land is highly valued as a green space. This has been demonstrated not only by the response of the local community around the millpond in fiercely trying to defend its current status, but also in the response of the wider Hebden Bridge community, walkers and visitors in the gathering of over 1200 signatures on a petition “We the undersigned object to the proposed housing development on the old Salem Millpond site. The existing wet woodland habitat should be conserved and enhanced for the future not through development, but by a woodland management scheme that will maintain the current green corridor between Hebden Bridge and Hardcastle Crag and preserve and increase the existing bio-diversity. “

The visual character of Hebden Bridge is important not just for the people who live here but also for visitors to the town, tourism being a key economic force within the town itself. That visual character is particular in terms of the tall houses in a semi-rural environment that includes woodland, green spaces and beautiful walks. To allow any despoiling of this piece of land devastates the visual nature for local residents, across the opposite valley sides for residents there, and for walkers and other visitors.



Community Clean-Up Millpond 2004



Far from being a derelict or unvalued piece of green land, it is local residents who have been not only the principal users (see land usage testimonies) but also the principal caretakers of the land regardless of who has owned it. The local community has a history of caretaking of land including the Delph and 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 and 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.

This area of land has been a significant visual landmark on the Hebden Bridge landscape for the last two centuries. Although the development proposals have referred to the site as brownfield, this is misleading in the impression given and it is vital to understand its actual land usage. The land represents the former Millpond and milldam for Foster mill. During the period of Hebden Bridge's industrial history Foster mill was an active fustian mill, the Windsor View and Windsor Road under and over dwellings were built by the mill owner to house mill workers. Perhaps a more unusual provision was the Delph with its green space and allotments, specifically designated for the recreational use of the mill workers and their families including hot houses complete with boilers and prize chrysanthemum growing. The millpond itself was used not simply as a vital part of the mill's functioning to supply the mill steam engines with water, but also by locals for fishing and picnics. It was, however, not simply an industrial and recreational focus but had a key role in the visual landscape. It separated the more industrial lower land and marked the beginning of the steep rising valley slopes with their particular upper and over dwellings.

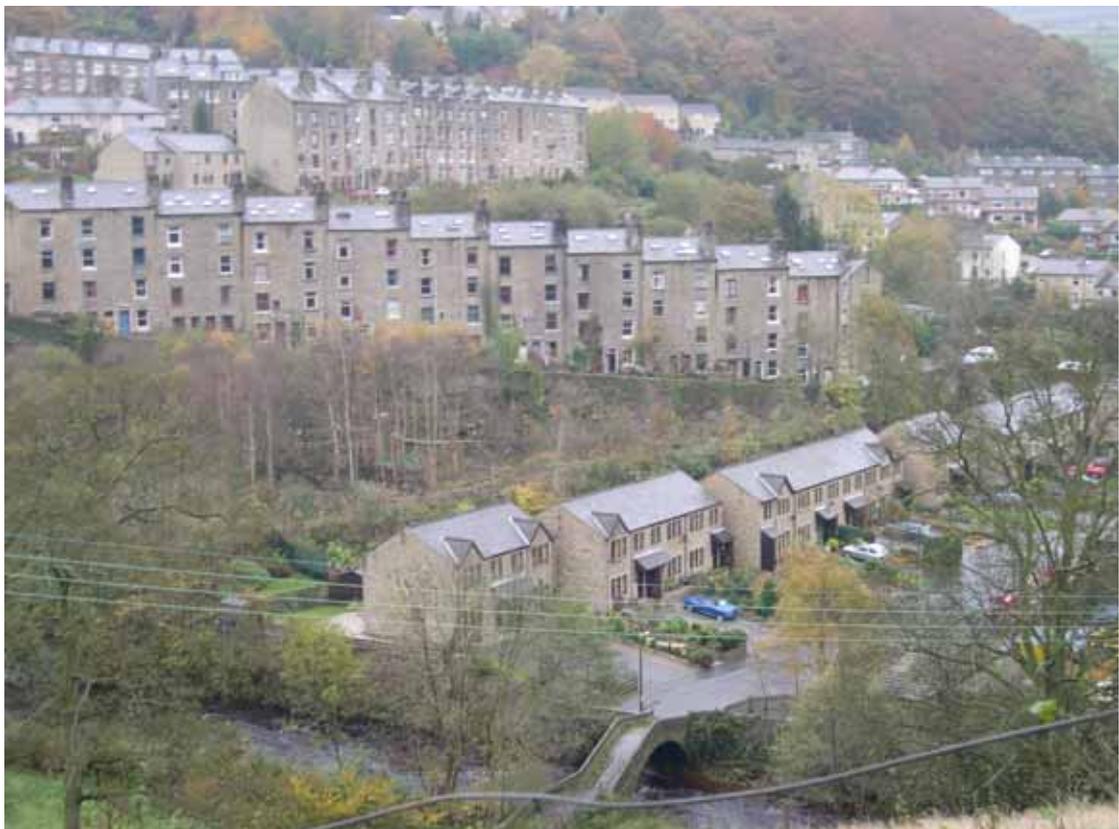
Of course, the eventual electrification of Foster Mill resulted in the absence of an industrial use for the millpond, which was drained. The site gradually evolved, becoming increasingly wooded, and a valuable wet woodland emerged with a rich habitat of its own. It has continued to provide an important recreational space for local people, however its visual impact has become ever more important. Not simply the impact gained from the presence of trees but that gained from the habitat provided by a wet woodland and the wildlife that attracts.

**2. 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.**

When Foster Mill was demolished and the row of Spring Grove houses built in 1987, planning conditions were imposed on the former millpond site. It was to remain for the amenity and recreational use of the local population. This condition had the added advantage of resisting the over-intensification of the area. Although various suggested landscaping measures were never undertaken the land continued moving naturally



Views from across the valley before and after tree felling



towards its current emergence as a wet woodland and was valued as such. These planning conditions still exist and although appeals have been made in the past they have not been overturned.

**3. The land is subject to a current tree preservation order – TPO no C1234 2004P**

The TPO was sought by the local community, a measure of the value they attach to this land. The Council's position was supportive of the retention of the trees and most significantly they state, "The council have made the order because this area is characterised by scenic views of which woodlands form a part. It is considered by the Local Planning Authority that this woodland makes an important contribution to the variety of the landscape and it is considered that the trees are retained and incorporated into any future redevelopment proposals for the land." (24/10/2003). This followed a visual inspection by council officers. Although many of the trees covered by this order have been felled by the current developers, the woodland was in the most part self-seeded, new saplings have already emerged, there are signs of witch elm and ash as well as birch and willow. If left, this woodland will regenerate. Certainly using the fact that so many trees have already been felled as an excuse for redesigning the land is cynical in the extreme. The group order covers the triangular section at the centre of the site; before any planning application is submitted and approved, this order must be first subject to the proper and legitimate legal appeal process.

## **Considerations in Planning Applications**

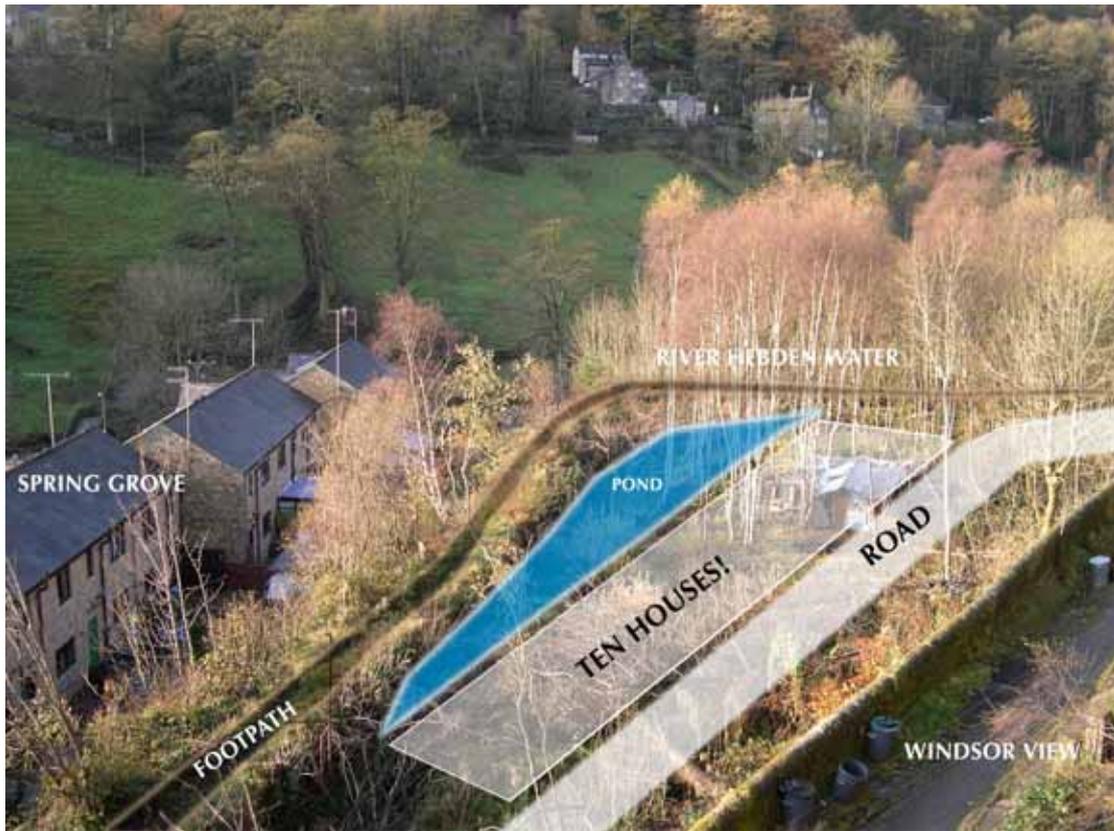
*A. the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);*

**1. This site is a wet woodland and has intrinsic value as such.**

Despite the fact that many trees on the site have been felled, new saplings are already emerging, the site will return to its former naturally evolved state. It is greatly valued for its habitat, its diversity, and the opportunities for recreation afforded by its particular nature.

**2. The visual amenity provided by the wooded nature of this area was appreciated throughout the valley by locals and tourists. It represents an important entrance to the green corridor.**

The outlook from across the valley or indeed from the windows of the houses surrounding the millpond has changed since the trees were felled. Indeed this site provides clear definition between the semi-urban and semi-rural areas of the valley. It



A generous perspective using developer's projections



The apex of the site

is key in providing a lead into the green corridor up to Hardcastle Craggs. Any building on this site will automatically detract from that.

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. The nature of the houses proposed will be extremely stark in their visual impact, both for local people living alongside or opposite them as well as for tourists and walkers.

**3. This site was host to a variety of animals reliant on particular habitats.**

It represented an important breeding ground for frogs and was a definite feeding ground for owls and bats. A wider variety of birds, including woodpeckers used to nest here. The area is considered to have many potential bat roosts, though no complete survey has ever been conducted at the right season, please see the notes on the developers own bat survey. All this will recover from the tree devastation if no building work is conducted.

**4. This is a small enclosed site. The sheer scale and size of these dwellings will dominate the site regardless of any 'landscaping measures'.**

The proposals submitted by the developers seem completely out of scale with the size of the land available. There seems a vast acreage in the way the plans and projected images are presented. An attempt at fitting all that is proposed into the available area is shown on an attached photograph. Here the attempt to squeeze in ten houses, a road and a pond makes the point that the houses can barely fit in and the pond will prove little more than the average garden pond. There is no seriousness in terms of the landscaping measures proposed. The footpath is show edged by trees and bushes, but there is no physical space for this, especially given the insistence by Greentops that all root structures must be removed from proximity to the millpond walls.

**5. The development will have an overbearing effect on the structural environment, which is highly unsuitable for such concentrated weight-bearing.**

The last time there was water in the millpond, Foster Mill was still standing, the southern wall was buttressed against the mill. The pond had mainly silted up before the mill was demolished to build Spring Grove, but drainage of ground water was undertaken as a precaution and even so subsidence of the first few houses on Windsor View occurred as a result. These had to be underpinned, a concrete brace was erected at the apex of the site under the culvert and the wall had to have reinforcement to the buttresses. This delicate structural environment makes the prospect of reinstating the



Culvert at apex



Concrete beam bracing millpond walls at apex

pond, building ten houses, parking 15 cars and constructing a road cutting right across the most unstable part of the structure, terrifying.

Although the structural engineer employed by Greentops has stated that he doesn't see any particular problems with the site, it is clear that as yet he has not conducted any detailed structural engineering surveys of the site. He is not aware and has not examined the concrete brace, nor the underpinning and history of subsidence associated with the site. He has been unable to conduct any measures of silt levels or indeed soil type. He does not seem to have conducted any detailed assessment of the many small streams, which drain from the valley into the millpond site. He has not been able to provide details of how the drainage will be handled on such a difficult site, especially given the loss of trees, which are currently responsible for much of the water uptake. Unfortunately because Greentops are unable to resource this important information, and have no experience of building, let alone on a millpond, they are unable to make any assessment of the dangers posed by vibrational forces and ground heave when pile driving including the risk here of liquefaction and the catastrophic results of such an event. Nor are they able to provide local residents with the assurances necessary that the safety of their homes will not be put at risk through the development of this site as a housing venture.

Of concern is that an independent engineer was asked to make an assessment of the site with reference to the tree protection order, on behalf of Calderdale council, in his report he stated "I do not feel that it would be appropriate to use large machinery on this site as no information has been gained to show that the ground within the dam is capable of sustaining large loads of this machinery. The dam structure itself may not be capable of sustaining the additional loads placed on it by machinery. Access on to the site would have to be formed and this would also involve additional earthworks which would put additional pressures on the dam structures." John A. Wood – independent structural engineer reporting for and commissioned by Calderdale council. If the prospect of machinery for felling trees is of concern, then clearly the load-bearing ability of this site for a row of houses, a road, a pond and fifteen cars, without considering the construction equipment must be of deep concern and reservation to all but the reckless.

Numerous culverts run through this site, their course and outlines are not shown on any of the development proposals. Without a clear indication of their path through the site, it seems ludicrous to propose the formation of a row of houses, since it might be assumed that pile-driving through culverts is not a safe engineering option. Constructing house on top of such land would surely cause stability problems.

No planning application for this site can be considered without looking at the structural environment because it is particular, specific and vulnerable.



Proximity of Windsor Rd/View and Spring Grove to proposed development site



Original footpath through centre of Millpond, below outlook of proposed new path



*B. the amenity and privacy of dwellings;*

- 1. New houses should be at least 18m from their lounges to existing houses bedrooms. Houses constructed on slopes with roof terraces should be well over 21m from the nearest dwelling. These proposed houses are 12m from Spring Grove and 13.6m from Windsor View/Rd houses. (See planning policy N6)**

This development will completely overlook Spring Grove houses in every sense. Spring Grove residents will no longer be able to use their gardens without every move being observed. The main living areas of the new houses will look directly into bedrooms on Spring Grove. The roof terraces will view the entire living space of residents.

The trees provided an important visual screen between the houses on the steeper part of the slope and the lower, particularly Windsor Road and Spring Grove houses. Without the screen it is unfortunately possible to see directly into the houses on Spring Grove from the Windsor Road houses and vice versa, privacy has been compromised simply by the loss of trees, without the insertion of another row of houses.

The lack of space will ensure that any noise is transmitted directly from house to house. Windsor Rd overdwelling will see every small occurrence on the roof terraces whether they wish or not. This is desperate over intensification, well outside of Calderdale's own planning policy.

- 2. The proposed footpath will bring people walking through the area into direct line with people's bedroom windows, and will afford them clear views of Spring Grove resident's entire living space and garden areas.**

The Millpond has always had a footpath running through but this followed the central section, not the wall. See enclosed photograph. The planning outline submitted shows trees/bushes/ between the footpath and the houses, but this is not spatially or structurally feasible.



Photographs showing path of proposed road, its relation and proximity to Spring Grove houses and its path through the Windsor View millpond wall and across apex.



*C. the character of an area in other senses (in terms of noise or other forms of pollution);*

- 1. The trees used to provide an important noise buffer, between the industrial units and the two rows of houses. Already noise is more keenly heard. Bringing traffic into a place where no traffic exists will greatly increase noise, apart from the usual noise made by a brand new street of people.**

This woodland area has been extremely valuable in providing a barrier to industrial lowland in terms of its noise absorption as well as the visual barrier. It is perhaps worth mentioning the noise quality in the area of the Calder valley. It probably shares these qualities with other similar valleys in that any noise appears to echo and be amplified off the valley sides. There are few great noise generating industries in the local vicinity but the noises which are there, are greatly buffered by the presence of the trees. The removal of a large number of them has significantly increased the volume of the noise for the houses.

- 2. The road will bring vehicles directly in line and less than a few metres away from peoples bedrooms.**

This kind of vehicle pollution will cause serious risk to anyone with respiratory conditions and will be detrimental to the healthy. It is certainly outside any recommended parameters for road construction, traffic flows and residential units. People on Spring Grove will be unable to leave their windows open without inhaling traffic fumes.

- 3. This area is prone to midges. The creation of an area of stagnant water next to people's homes will cause misery in the summer for those wanting to enjoy their gardens or leave their windows open.**

*D. road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);*

- 1. The road access suggested enters the site through the wall at a structurally weak point which is already braced, the traffic then passes directly next to and 30ft above the Spring Grove gardens.**

Residents of Spring Grove at this point will be unable to comfortably use their gardens. Traffic noise and concerns of safety with traffic passing, at height, only a few metres from their homes and bordering their gardens will be deeply concerning and is surely a reckless design proposal.



Windsor View, Road suitable for pedestrians only and utilised by resident owners. This is the point at which the developers plan to break through the wall and construct a road



- 2. This road from the start of Windsor View is unsuitable for vehicular access, clearly stated by independent engineers and the council's engineers.**

Local residents use the road for vehicles only in cases of absolute necessity, not for daily use as this has over previous years caused serious detriment to the road's structural integrity. It is an old Victorian structure built as a pedestrian thoroughfare not to take vehicular traffic. To propose using it for a new development is outrageous.

- 3. There is no vehicular route onto the site; a public footpath has existed de-facto for over twenty years. This is a pedestrian area, used by walkers, nature lovers, children and local residents, not a vehicular one.**
- 4. Previous attempts to build on the site have been refused for many reasons, including traffic congestion on the local roads.**

The report from Mayo, Planning Inspectorate, Dept. of Environment, following the appeal by Jourdon Developments No 90/02888 in January 1992 states "The issue .. is the effect of the traffic generated by the proposal on the two access routes from the area to the town's main road network, along Victoria Rd-Valley Rd to the town centre and along Foster Lane to Keighley Road. I found Valley Road congested with parked vehicles on both sides of the road. Only single traffic flow was available at the times and some reversing manoeuvring was taking place at the time of my visit. Foster Lane is satisfactory for 2-way flow from Windsor Rd but then narrows to a carriage-way width of about 4.4m. The parked cars on one side only allow single way flow over part of this road. Despite the installation of traffic signals I found the physical layout of the junction still makes manoeuvre to and from Keighley Rd to the north very difficult.....The access roads to the towns road network are narrow with narrow footpaths. They are both presently congested and subject on occasions to single way flow.....I would therefore conclude that the traffic generated.....would be harmful to highway safety along the 2 access routes to the road network because of existing congestion and the single way flow that occurs from time to time because of parked cars and the loading and unloading of vehicles on Valley Rd."

This has only worsened over the years. Parking is constantly under pressure. The traffic flow works only on a courtesy system down Foster lane. This will be further exacerbated when new traffic flows are instigated in Hebden forcing more cars to exit via Foster lane onto the extremely busy Keighley Road.



*E. public services, such as drainage and water supply;*

- 1. The water run-off for the hillside runs into the millpond. This used to be absorbed by the trees. It is a boggy site, a wet woodland.**

No details regarding drainage have been given and it is of concern, particularly to existing dwellings. Since the felling of the trees there has been an increase in surface water. Indeed the water management on this site, should this development proceed, is a major issue. The drainage of the land itself, the drainage from the houses and the water management of the proposed pond, all need further elaboration since there is no obvious solution to these issues.

- 2. The proposal for a sewage treatment plant on the riverbank, of whatever type, in the green corridor, an area of outstanding natural beauty is of deep concern to people who have used or cared for this area for years.**

Reed beds, septic tanks or integral sewage treatment plants will all be problematic here. The banks are liable to flooding and 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.

*F. public proposals for using the same land;*

- 1. The land has been well used as a local amenity since the mill was built. It is designated open amenity.**

It should remain a place for nature lovers, walkers, local people and diverse wet woodland species to enjoy. The wet woodland will in time recover and regenerate, especially if nurtured and cared for by local people. The woodland report makes a constructive proposal “I would suggest entering into a management agreement to manage the site for the benefit of its wet woodland”.... It “would be a considerable asset to Calderdale’s biodiversity.”

*G. public rights of way;*

- 1. There has been a de-facto public right of way across this land for many years. The mill owner encouraged the use of it for recreational purposes.**

A footpath leads over a stile in the wall on Windsor view down, through the centre of the woods, and down the riverbank to the steps for Hardcastle Craggs. This footpath has been in continuous use for over twenty years, it is currently the subject of an application for registration.



H. *the need to safeguard valuable resources such as good farmland or mineral reserves.*

- 1. This area was valued as a wet woodland before Greentops decimated it. However it will regenerate and there are very few wet woodlands in Calderdale. This is one of the key areas in the council's own biodiversity action plan. To lose it would be contrary to all principles of sustainable development. Replacing it with a menial pond is frankly absurd.**

The millpond is a developing wet woodland and has particular and 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 and 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 are few in number particularly in the upper valley". Indeed this is supported by local usage as can be found in the written testimonies, the local children's name for the site being 'froggy land'.

The site has held, and supported as a feeding ground, a rich variety of wildlife. The owls, bats and woodpeckers are particular examples of the wildlife appreciated by the members of the local neighbourhood not agile enough to regularly spring over the wall. Their absence outside residents' windows at the end of the row of houses has been felt acutely since the destruction of trees at the far end of the site and their return is awaited as the trees begin to re-grow.

A biodiversity survey conducted in March of this year by Colin P Duke of the Halifax Scientific Society revealed an extensive catalogue of plants, birds and animals and is provided.

- 2. '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 and breeding habitat for so many species is not 'eco'. The substitution of a pond for a wet woodland, is not 'eco'. The loss of semi-urban green spaces in an area dominated by upper and overdwelling with little or no garden is not 'eco'. Far from being an example of sustainable development, which refers to the whole environment, physical as well as social, this is an example of inappropriate development, destructive in its approach and ultimately damaging and costly in its realisation.



### **Supporting Documents**

Aerial photograph

TPO

Woodland Survey

John Wood Structural Survey

Previous Planning Issue Timeline

Oral history/land usage statements

Petition with over 1200 signatures - submitted separately

From

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