

**Minutes of the 44th Planning Committee, held on Tuesday 9<sup>th</sup> May at Holywell Green United Reformed Church, 6.30pm.**

**Present:** Cllrs Lyness-Brown (AL-B), Bottomley (JB), Knights and Mullany (MM) (Chair and minutes)

**2022P44.1 Apologies and reasons for absence and lateness**

Cllr Fieldhouse (illness)

**2022P44.2 Public participation session**

No members of the public attended.

**2022P44.3 To receive parish councillors' Declarations of Interest**

None.

**2022P44.4 To accept the minutes of the 38th Planning Committee held in November 2022**

These were accepted as a true record.

**2022P44.5 To receive an update on the Stainland tenter posts**

AL-B confirmed that an application had been lodged with Historic England (HE) for listing of the posts. This could take up to six months to determine. JK is submitting further supporting information to HE based on her own research.

**2022P44.6 To consider a response to consultation on current planning applications within or affecting the parish:**

Ref. No: 23/00246/HSE Lower New Yard Dog Lane Stainland Elland Calderdale HX4 9QD  
Part single, part two storey rear extension including alterations to fenestration. (Revision to 22/00593/HSE)

**Resolved:** The proposed extension is relatively modest in terms of additional volume due to the presence of the existing workshop. However, the proposed increase in residential area is considerable, as the extended area is similar in width/depth to the existing dwelling. This is a concern, particularly in light of current expansion of the site's parking areas and access into the Green Belt to accommodate existing vehicles, development for which permission is currently being sought retrospectively.

Ref. No: 23/00360/FUL West Vale Works Stainland Road Elland Calderdale HX4 8BB  
Demolition of existing buildings and construction of a new Lidl foodstore (Use Class E) with associated car parking and landscaping

**Resolved:**

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associated car parking and landscaping

## **Retail hierarchy**

Policy RT1 of the Local Plan (Calderdale Retail Hierarchy and Town Centre Uses) defines West Vale as a District Centre. Para 18.6 of the Plan defines District Centres as follows: *“District Centres provide appropriate convenience (food and grocery) facilities to enable a weekly shop, supported by a range of other shops, services, leisure and cultural facilities serving their local communities or rural catchments.”*

In terms of service provision West Vale currently adequately fulfils the role of District Centre in line with its designation. This designation has been made through the Local Plan process in the context of wider Plan proposals (including major planned development in Greetland) and based on the relevant Local Plan evidence base.

The proposal is unsustainable as it will undermine the distinction between Elland as Town Centre and West Vale as District Centre. As such the proposal could damage Elland Town Centre which the applicants acknowledge has a high vacancy rate and lower vitality compared to West Vale.

## **Loss of designated mixed use site, including planned (brownfield) housing**

Policy SD5 of the Local Plan (Allocated Mixed Use Sites) states (III)

*“Proposals to develop a Mixed Use site for a single use, or which include a disproportionately high amount of one particular use will only be permitted in exceptional circumstances. Such applications will need to be justified in terms of their non-suitability for mixed use development, or their contribution to the overall mix of uses in the local area, or their inclusion within a wider regeneration project where added benefits can be justified.”*

There is no exceptional need for the store in West Vale which functions appropriately as a District Centre hence its designation in the Local Plan. The applicant has not demonstrated the non-suitability of the site for mixed use development. The proposed store is not part of a wider regeneration project.

The proposal will involve the loss of 8 (brownfield) dwellings planned as part of the mixed use site. The parish council objects to this when Green Belt land has been allocated for housing within the parish (and, on a larger scale, in Greetland).

## **Loss of existing dwellings**

The loss of 4 existing dwellings including historic buildings to make way for the development is unjustified and unsustainable both in terms of reducing the housing stock and the waste of built resources and energy.

## **General Town Centre Principles**

Policy RT5 of the Local Plan (General Town Centre Principles) states:

*“1. New development in town centres will, through its design and construction, address and aim to improve the following:*

- a. Attraction - Increase the attraction of the centre to the local community, visitors and/or business, considering how the application will help to create a diverse range of uses in the centre, including local independent shops;*
- b. Accessibility - Improve accessibility from/to the centre and within it, and maximise ease*

*of travel for all users. Proposals should seek to increase physical activity where possible and to contribute a positive health impact. The Council will support proposals in line with the Local Transport Plan; and*

*c. Amenity - Enhance the amenity value of the area/local environment and make a positive contribution to distinctiveness and a unique sense of place in any proposal. This should include consideration of the scheme design, and safety and security of all potential visitors and users."*

West Vale Centre is currently dominated by traffic with well documented problems of congestion and air pollution which contribute to a poor quality pedestrian environment.

The application argues that a) the development site is highly accessible by public transport and b) that the existing pedestrian environment is of a high quality.

In fact the site itself is poorly served by public transport, particularly from Greetland which is the proposed store's primary catchment. One service 343 (hourly to and from Greetland and Elland) currently serves bus stops on Saddleworth Road near the proposed site entrance. There are no bus services to the site from the Stainland and District parish (ie Holywell Green, Stainland and Sowood, Outlane Jagger Green) save for a two hourly service at evenings and Sundays only.

Regular services from Elland only (503 and E4) stop not far from the proposed site on the eastern arm of Saddleworth Road. However, to return using these services or to access regular services to Greetland you would have to use stops located on Rochdale Road some 230m-275m from the site. For many people that would be a long way to carry the 'weekly shop' which the proposed store aims to provide and the distance becomes more significant when the poor quality of the pedestrian environment is factored in. West Vale is characterised by constant, slow moving heavy traffic; poor air quality, narrow pavements often blocked by parked vehicles and numerous junctions including chaotic entrances to existing Coop and Tesco stores.

We note that the applicants estimate the 85 parking spaces provided will be well in excess of the expected usage. By contrast CMBC highways comment that based on experience of other similar local stores usage is likely to be well in excess of the proposed provision. This raises serious doubts about the credibility of the proposal and much of the evidence on which it rests in particular the transport and air quality assessments.

The proposal targets shoppers in Greetland, no doubt with an eye on the major housebuilding planned in the area over the Local Plan period. However, the transport and air quality assessments make no reference to the Local Plan proposals or evidence base or their projected impact on local roads and air quality.

It is difficult to see how the proposed development which the accompanying reports show will make traffic and air quality worse will make the centre as a whole more attractive or accessible as policy RT5 intends. We note the Travel Plan submitted is for employees only.

Also contrary to RT5, the proposal will significantly harm distinctiveness and sense of place in West Vale. It will result in a further deterioration of amenity problems in West Vale resulting from congestion, pollution and poor quality pedestrian environment.

**Substantial harm to historic character and appearance of West Vale**

Policy HE1 of the Local Plan (Historic Environment) states:

*“Applications for development which are likely to affect the significance of a heritage asset (whether designated or not), including its setting, will be required to include an appropriate understanding of the significance of the assets affected. Where it is necessary to understand the impact of the proposals upon the heritage asset, this should also be accompanied by a Heritage Impact Assessment or, in the case of archaeological remains, an appropriate archaeological assessment.”*

*“Development proposals will be expected to conserve heritage assets in a manner appropriate to their significance. Harm to a designated heritage asset (or a Class II archaeological site) will only be permitted where this is outweighed by the public benefits of the proposal.”*

The applicant’s heritage statement makes clear the impact on West Vale Works including West Vale House: *“The proposal will result in the near complete loss of the remaining buildings of the West Vale Mill complex and buildings that contribute to the streetscape”*

The Statement also makes clear that the development will negatively impact the setting of listed buildings at 92 Saddleworth Road (Heyhurst) and also West Vale Viaduct which is within 50m of the site.

The proposed development in no way provides public benefits significant enough to outweigh the harm caused by complete loss of the (undesignated) heritage assets combined with the negative impact on the setting of the designated assets.

Further, Policy BT1 of the Local Plan (High Quality Inclusive Design) states:

*“II. The design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness, in particular any heritage assets. Contemporary, innovative design will be encouraged where it can be demonstrated that this will not harm local distinctiveness or the significance of any designated heritage assets in its vicinity, including, where relevant, their setting. Aesthetics includes a range of factors including height, massing, scale, form, siting and materials.”*

The proposed development has shown no respect for the character and appearance of existing buildings (including historic and functional existing dwellings) and surroundings. It will involve the complete loss of historic built fabric and streetscape of the area. It takes no account of its local context and distinctiveness or heritage assets.

The proposals also fall short of BT1’s requirements for sustainability in such developments, failing to meet the required BREEAM standards, failing to minimise waste of existing resources/embodied energy (unjustified demolition of existing buildings), failing to make efficient use of land and failing to meet design standards for proposals which have significant townscape impact.

### **Retail Impact**

'Family Shopper'/Post Office/Laundrette store is located on Stainland Road, Holywell Green within the retail catchment defined by the applicant. It is the only local convenience shop remaining in the parish, there being no similar shops in Stainland, Sowood or Jagger Green.

The parish council notes that the applicant's reference to the store as 'Nisa' in the retail impact study is out of date. The store has been under new management for some time and has a significantly improved offer and usage level. The impact may therefore be greater than that identified. In any case we would be concerned about undue impact on the profitability of this local store which is the only one left within the parish and also provides a base for other local services including post office and launderette.

### **Flood Risk, Biodiversity and Climate Change**

A significant part of the site is in Flood Zone 3 and as such the Flood Risk/hydrology assessment provided is not detailed enough in terms of modelling of flood extent/depths and addressing mitigation measures. Sequential/Exception tests are also lacking.

Given the area of the site within Flood Zone 3 the proposed 5m buffer to Black Brook is insufficient and this should be increased to the 10m recommended by the Council in its Local Plan assessment of the site. Moreover, in line with the Local Plan's aims and policies in relation to flood risk, biodiversity and climate change, within Flood Zone 3 a further of area of green infrastructure could be provided to offer further benefits to habitats/biodiversity and flood risk/climate change mitigation.

Possible land contamination

- UK BAP priority area (Black Brook)
- Listed Building in close proximity
- Historic Environment Record (PRN3675)
- Risk of reservoir flooding
- Potential fluvial flood risk
- Non main watercourse (Black Brook)

Flood Risk Assessment including Hydrological Assessment, and detailed modelling to confirm flood extents and depths

- Exception Test
- Land Contamination Assessment
- Bat Survey

Provision of SuDS

- Realignment of retaining wall of the adjacent area
- Buffer of 10m to Black Brook
- Minimise light pollution and other disturbance in the area of Black Brook
- Noise mitigation
- Good quality design layout and materials
- Implementation of the recommendations provided in the [Heritage Impact Assessment](#) or other suitable mitigation measures agreed by the Local Planning Authority to avoid or minimise the impact on the significance of heritage assets and their setting
- Site requires masterplanning in accordance with [Policy IM7](#)

**Sequential Test** – good adjacent to WV town centre

**Retail Impact** on other centres/stores

**Loss of employment land** but they argue there is no demand – Victoria Mills and Lowfields Site is

designated for mixed use, so exceptional circumstances needed to go against this

Loss of 4 housing units

40 new jobs

85 car parking spaces

Bus services overstated Transport – promotes sustainable travel patterns? Reducing journeys to other stores?

Coffee drive through

Lack of main food shopping centre in Greetland – what about Elland

Holywell Green part of catchment

3% impact on Holywell Green shop (diversion)

Opportunity for better bus services? But we didn't need a supermarket to justify this!

Heritage Demolition of mill owners buildings

Ecology

Flood zone 1 – mostly FRA needed

Air Quality

Energy /sustainability – no aspirational standards-bog standard

Conditions on noise, light, delivery hours and electric vehicles proposed by EHO

Ref. No: 23/00036/FUL Land East Of Padan Arum Cottage Old Lindley Road Outlane

Elland Calderdale

Retrospective application for re-location and extension to the agricultural building built under 17/00895/FUL

**Resolved:**

The Parish Council cannot support a development which has clearly shown no regard for the terms of planning permission granted, the building erected being 71% greater in area and located in a different position to that approved. The native hedgerow offered as mitigation/screening should have been a condition of the original approval and is far from adequate compensation for the planning breach incurred on this Green Belt site.

**2022P44.7 To receive an update on applications determined since the last meeting**

**2022P44.8 To receive an update on current planning enforcement issues in the parish**

No further updates.

**2022P44.9 Any other business**

None.

**2022P44.10 Date of next meeting**

Tuesday 13th June 2023 6.30pm.

Meeting closed: 7.55pm