

## **Description of Site and Proposal 21/00017/LAA**

The proposals are sited at the north eastern side of Elland (north of the town centre) south and east of the A29, Calderdale Way and at West Vale, on the north west of Elland.

The proposals seek to enhance pedestrian and cycle access and improve connectivity to and from the new railway station, to create an active, low carbon, environment that supports sustainable travel. The scheme includes new bridges, off-highway cycle routes, improved cycle facilities on-highway; and landscaping and improved public realm interventions.

The main works in Elland are located on the Calder and Hebble Navigation and River Calder, to the north of Elland Town Centre and comprise a new bridge construction from Riverside Park across the River Calder with an access ramp to Gas Works Lane, across the Calder and Hebble Navigation onto Park Road to the east of the Barge and Barrel Public House. Additional works to improve pedestrian and cycle access are included.

In West Vale, around the Heath Rugby Club and the River Calder a new cycleway would be provided and new bridge constructed over the River Calder. Additional works would include improvements to pedestrian and cycle connectivity in multiple locations including Clayhouse Park.

The Elland Bridge is proposed to be a multi-span arch bridge. One span extends over the Hebble and Calder Navigation, from Park Road to Gas Works Lane. The largest span and tallest arch extending over the River Calder from Gas Works Lane to Riverside Park. A land span and ramps would be provided on Gas Works Lane to connect the bridge to the existing towpath and cycle route, a smaller land span would be provided in Riverside Park to reduce the length of the main river span.

The West Vale Bridge would be a steel truss bridge located approximately 1km upstream from Elland Bridge, crossing the River Calder at Heath Rugby Club.

Proposed cycleway and footpath improvements in Elland would include four primary routes including;

- A route linking Elland Wood Bottom Cycleway at Exley Lane(which runs alongside the A629 Halifax Road) and the new housing allocation identified in Exley
- A route linking to the Town Centre via Church Street and Eastgate
- A route linking to the area around Elland Lane on the eastern side of Elland Riorges Link; and
- A route linking to the new residential area to the east around Elland Lane / Lower Edge Road

Upgrading and / or widening of existing routes and new shared cycleways are proposed

- At the northern end of Elland Bridge, including the widening of the canal towpath and Exley Lane footway, and public realm enhancements to the Calderway pedestrian underpass
- From the proposed new railway station, along Wiston Lane heading south west to Century Road and Riverside Park and south to Eastgate and Elland Lane

- A new shared cycleway approach is proposed at the southern end of Elland Bridge, within Riverside Park
- A new Toucan crossing is proposed at Park Road
- The existing Pelican crossing at Elland- Riorges link will be upgraded to a Toucan crossing
- A new parallel crossing is proposed at Jubilee Way
- Improvements parallel to Elland Riorges Link, Century Road and Riverside Park
- At West Vale, new pedestrian and cycleway is proposed from Stainland Road, north of Block Brock that provides the 34m approach to the proposed West Vale bridge
- A new Toucan crossing on Stainland Way, upgrading of Rochdale Road crossing to a Tiger crossing and shared footway / cycleway facilities
- Public realm enhancements and landscaping proposals
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It is proposed to introduce a piece of Public Art under the railway way beidge

The application is accompanied by the following supporting documents:

- Design and Access Statement
- Arboricultural Impact Assessment
- Biodiversity Net Gain Assessment
- Ecological Impact Assessment
- Flood Risk Assessment – As revised
- Heritage Statement
- Transport Assessment
- Tree Survey

### **Relevant Planning History**

None

### **Key Policy Context:**

|   |   |
|---|---|
| <b>Replacement Calderdale Unitary Development Plan Designation/Allocation</b> | Green Belt<br>Wash Land<br>Open Space (Rural)<br>Open Space (Urban Area)<br>Wildlife Corridor<br>Cycle Corridor   |
| <b>Replacement Calderdale Unitary Development Plan policies</b>               | <b>GP1</b> Encouraging Sustainable Development<br><b>GBE1</b> The Contribution Of Design To The Quality Of The Built Environment<br><b>BE1</b> General Design Criteria<br><b>BE3</b> Landscaping<br><b>BE4</b> Safety and Security Considerations |

|  |  |
|--|--|
|  | <b>BE5</b> The Design and Layout of Highways and Accesses<br><b>BE6</b> The Provision of Safe Pedestrian Environments<br><b>BE15</b> Setting of Listed Buildings<br><b>BE18</b> Development within Conservation Areas<br><b>BE21</b> Protection of Locally Designated Historic Parks and Gardens<br><b>NE15</b> Development in Wildlife Corridors<br><b>NE16</b> Protection of Protected Species<br><b>NE17</b> Biodiversity Enhancement<br><b>NE21</b> Trees and Development Sites<br><b>EP9</b> Development of Contaminated Sites<br><b>EP10</b> Development of Sites with Potential Contamination<br><b>EP14</b> Protection of Groundwater<br><b>EP17</b> Protection of Indicative Floodplain<br><b>EP20</b> Protection from Flood Risk<br><b>EP22</b> Sustainable Drainage Systems<br><b>T13</b> Cycle Corridors |
| <b>National Planning Policy Framework Paragraphs</b> | 2. Achieving sustainable development<br>9. Promoting sustainable transport<br>12. Achieving well-designed places<br>14. Meeting the challenge of climate change, flooding and coastal change<br>15. Conserving and enhancing the natural environment   |
| <b>Other relevant planning constraints</b>           | Flood Zones 2 and 3<br>Bat Alert Area<br>Public Footpath Elland 083 Clayhouse Park   |
| <b>Other Material Planning Considerations</b>        | Calderdale Climate Emergency Declaration   |

### **Publicity/ Representations:**

The application was publicised with site and press notices because it is a major development. In addition one neighbour notification letter was sent.

One letter of support was received.

### **Summary of points raised:**

Support

“I am an advocate for better cycling and walking routes, the shift from cars to active modes is definitely a positive step towards the climate emergency. Connection the

numerous cycling and footpaths around the Calder Valley is a great way to achieve a healthier community and a more inclusive connectivity.”

### **Parish/Town Council Comments**

The development is not located within a parished area

### **Assessment of Proposal**

#### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) complements this requirement. The revised NPPF was updated in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt...designated heritage assets*] or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The West Vale section of the works is in the Green Belt however, Black Brook is an existing pedestrian / cycleway on the edge of the Green Belt, that will be improved as part of the scheme, the western bridge abutment is on existing recreation land at the Rugby Club.

RCUDP policy GNE1 states “The plan will seek to restrain development outside the urban areas through the general extent of the Green Belt”. Whilst this policy is not out-of-date, it is strategic in nature and relevant to the establishment of Green Belt boundaries rather than individual applications.

The RCUDP does not include a criterion based policy for assessing individual developments in the Green Belt and it is therefore necessary to consider whether the Green Belt Policies

of the NPPF provide a clear reason for refusing this application. Policy E2 (Employment Development outside the Primary Employment Areas) of the RCUDP is considered to be up-to-date and compliance with this policy is considered later in the report

According to paragraph 138 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. According to Paragraph 148, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations

Paragraph 150 of the NPPF sets out certain other forms of development which

“are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including the land within it including:

...      b) engineering operations

            c) local transport infrastructure which can demonstrate a requirement for a Green Belt location...”

This is a Local transport infrastructure project as it addresses transport needs of a local nature and therefore is not inappropriate development in the Green Belt in accordance with paragraph 150 of the NPPF, and does not conflict with the purposes of including land within the Green Belt as set out in Paragraph 138 of the NPPF:

a) to check the unrestricted sprawl of large built-up areas – the development is not located on the edge of a large built-up area and cannot therefore result in unrestricted sprawl, as such there is no conflict with this purpose;

b) to prevent neighbouring towns merging into one another – the development proposals would retain the separation between the site and the urban area, as such there is no conflict with this purpose;

c) to assist in safeguarding the countryside from encroachment –the proposals are set against an existing urban settlement, on the edge of an industrial area. Several existing warehousing and commercial units are present on the opposite side of Black Brook. An industrial unit is within 30m of West Vale Bridge. The form of the development is linear

Therefore, regarding the impact of the proposal upon the openness of the Green Belt, given that the proposals are set against and close to an existing urban area, openness of the surrounding Green Belt will be preserved and would not conflict with the purposes of including land within it. as such there is no conflict with this purpose;

d) to preserve the setting and special character of historic towns – The development is not within the setting of an historic town, as such there is no conflict with this purpose;

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – Whilst the application site does not comprise of urban land, the proposed use would not in any case contribute to regeneration if it were located in such an area, and as such there is no conflict with this purpose.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.

The existing pedestrian and cycle infrastructure networks is mainly road based road within the vicinity of West Vale, the proposed link and bridge proposed are within the Green Belt the proposals are required to provide improved off road facilities to encourage a move towards low carbon modes of transport, linkages to the proposed Elland Railway Station and leisure facilities therefore works are required to be in the Green Belt.

The construction of the cycle/ pedestrian access and new bridge over the River Calder are regarded engineering works. The proposed infrastructure improvements across Elland will help to support redevelopment locally, and wider growth across West Yorkshire because of improved connections to and from Elland Station in accordance with the National Infrastructure Plan, SEP and Transport Strategies set out within the Planning, Design and Access Statement. The proposal to achieve a shift towards active, low carbon, sustainable travel such as walking and cycling through the combination of improved high-quality walking and cycling infrastructure, changes to the highway environment to reduce the dominance of motor vehicles and behavioural and attitudinal changes. Therefore, it is considered that the proposal would meet part c) of paragraph 146 of the NPPF.

The development is therefore considered to be not inappropriate development in the Green Belt and overall would not have an adverse impact on the openness of the Green Belt and therefore accords with paragraph 150 of the NPPF and RCUDP Plan policy GNE1 and is acceptable in principle.

The proposed development is considered to constitute sustainable development as it would secure gains across the three sustainability objectives set out in the NPPF as it would in particular contribute to building a strong economy by improving local transport links for all modes of transport, safe environment for all users which reflect the current and future needs and fully address flood risk and climate change through its design

Impact on heritage assets Layout, Design & Materials

The proposed development lies partially within the Elland Conservation Area, and immediately to the east of Wharf House which is Grade II listed,

The West Vale proposed interventions are located to the north west of the Grade II listed Woodside Locks. Improvements to the public realm in and around Clayhouse Park have potential to effect the setting of 24-26 Rochdale Road cottages Grade II listed and locally listed Clayhouse Park which includes Clay House, The Gabled Barn and The Long Barn all of which are Grade II\* listed.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest.

And

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The requirements of Sections 66 and 72 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

The submitted Heritage Desk Based Assessment and Heritage Statement, provide a comprehensive overview of Elland and its developmental change over the centuries in relation to the proposed scheme. The understanding of the historic significance of the river and canal environs and their wider relationship with the town is demonstrated within the application documents and I concur with their assessments.

In summary, the key elements of significance relate to the waterside uses of the buildings, with gaps and green spaces, consistent height and materials, presence of traditional surfacing on older routes and towpaths. The character of the area is further enhanced by the listed buildings of Elland Bridge, and Wharf House and other non-designated assets which contribute to the historic industrial character of the waterways.

In addition, paragraph 197 of the NPPF states that:-

*“In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness”*

Paragraph 200 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

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

*(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”*

Paragraph 201 of the NPPF states:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*(a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*



*(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*(d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

RCUDP Policy BE1 calls for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design

RCUDP Policy –BE15 Setting of a Listed Building states, that development will not be permitted, where through its siting, scale, design or nature, it would harm the setting of a Listed Building.

RCUDP Policy BE18; Development within Conservation Areas states seeks to preserve or enhance conservation areas , new development will only be permitted if they meet the criteria set out in the policy.

RCUDP Policy BE21 Protection of Locally Designated Historic Parks and Gardens states that development proposals that would harm the character, appearance, setting or the enjoyment of Locally Designated Historic Parks and Gardens will not be permitted unless it can clearly be demonstrated that there are reasons for the proposal that outweigh the need to safeguard.

Historic England have been consulted and provided the following comments

*“The origins of Elland are linked to its advantageous location as a crossing point of the river Calder and confluence of important routes to Halifax, Leeds, Wakefield and Rochdale. This strategic location allowed the town to thrive from as early on as the twelfth century. The construction of the Calder and Hebble Navigation, road improvements and the introduction of the railway in the eighteenth and nineteenth centuries contributed to boosting the growth and importance of the town on the subsequent centuries.*

*The plan form of Elland Conservation Area derives from the crossing point at the river, extending from the canal and the river in the north west, across the Elland bridge, along the main commercial and civic routes of Northgate and Southgate to the Town Hall. This relationship between town and its river setting remains clearly legible and it is extremely important to our understanding of the town and its origins as a river crossing.*

*The River and Canal Area forms a distinct character area within the Conservation Area. Its key characteristics are its waterside uses with gaps and green spaces in between, consistent height and materials, presence of traditional surfacing on older routes - such as the north towpath of the Navigation. The character of this area is enhanced by the presence of the eighteenth-century Elland Bridge (grade II listed) important historic buildings like the Wharf House (grade II listed) and other non-designated buildings which contribute to the historic and industrial character of the area.*

*The submitted proposals - also known as the Elland Access Package - need to be considered alongside the Elland Station Scheme. They represent an ambitious initiative to reintroduce a train station to the town and to improve pedestrian and cycleway connectivity*

*between the town centre and the new station. The whole scheme is of strategic importance for the area and will be highly beneficial for Elland and its conservation area, which is currently in Historic England Heritage at Risk Register. As such, the proposals are much welcomed.*

*The improvements to the accessibility comprise the upgrading and/or widening of existing routes and new cycleways, and include the construction of two bridges to cross the Calder and the Calder and Hebble Navigation. The proposals have been developed in consultation with a variety of stakeholders and early schemes were reviewed by the Yorkshire Design Review Panel, whose comments - included as part of the submitted documentation - we fully endorse. Our comments below will focus on the part of the scheme which falls within the River and Canal Character Area of the conservation area.*

*The proposals will greatly improve connectivity and accessibility to this part of the conservation area; this in turn has the potential to help its revitalisation and enhance its character. The introduction of the two new bridges here will open up important views in which the town will be appreciated alongside the historic bridge. The design of the bridges has been carefully considered and the submitted visualisations show a good integration within this historic context. The proposals are well detailed at this stage and we appreciate the effort that has gone into seeking enhancement through sensitive landscaping.*

*Consequently, the proposals can be considered to accord with paragraph 197 of the National Planning Policy Framework, which asks local authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness and paragraph 206, which asks local authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.*

*The success of these proposals will depend on its careful detailing, and in that regard, we wish to offer the following points for observation. These are largely matters of detail and we consider that they can be dealt with through condition as the proposal develops. We recommend these are discussed and agreed in liaison with your in-house conservation advisers.*

*Ramps to southern towpath/Works Lane and seating area underneath. The seating area currently proposed underneath the bridge and ramps appears secluded from its surroundings, as this space would be limited on its north side by a 1.80-metre-tall wall and to the south by the descending ramps and a low 45 cm low wall in between ramp sections. We consider that the space would be more successful if the solution appeared less fragmented.*

*For instance, a more attractive alternative could be achieved by giving more emphasis to the area in front of the Wharf House instead. If the ramps could be narrowed from 4.0 metres to 2.4 or 3.0 metres (we note that the proposed ramps landing on Riverside Park are only 2 metres wide) then the area in front Wharf House would gain more prominence, providing a better sense of arrival. The proposed seating could be relocated to this space, enjoying unrestricted views of the canal. Relatedly, the lower section of the ramp could be integrated more naturally within the landscape, for instance within grass banking. This could allow the possibility of removing the outer balustrade, creating a more fluid transition between the different elements.*

*Widening of the north towpath. Overall, we consider that this has been integrated sensitively. We have concerns however, about the loss of the traditional paving, as this contributes importantly to the character of this historic area. If it is not possible to retain the entire expanse due to accessibility requirements, an acceptable compromise could be achieved by retaining some rows of setts next to the reclaimed coping stones that form the edge of the towpath; the change in texture serving as an warning for users that they are getting too close to the edge.*

*Finally, attention should be paid to ensure a consistent appearance along the towpath. In that regard, it would be preferable if the new paving could continue westwards to reach the listed bridge.*

### *Recommendation*

*Historic England is supportive of the proposals. Given the scope of the interventions and their relevance to the character of this part of the conservation area, we ask that our comments above, finer details and samples of materials are discussed and agreed to the satisfaction of your in-house conservation advisers.*

*In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

*In addition, you should bear in mind section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.”*

The Council's Conservation Officer has been consulted

### *“Elland – New Bridge*

*The construction of the new Navigation and Calder Bridge will constitute the most dramatic change to the existing environment and has the potential to impact on the setting of the conservation area and listed buildings. Nevertheless, it also provides a new opportunity to access and appreciate the conservation area and listed buildings, opening up important views of the river and canal environs with the historic townscape forming an important backdrop.*

*The change to the setting of the listed buildings, in this instance is not considered to be harmful. The design of the bridges has been carefully considered and integrates well within the historic context. Wider views of the conservation area will include the bridge structures, which given the quality of design and sensitive siting is considered to add interest to the wider landscape.*

*The use of dark grey coated metal for the bridge structure with natural stone piers complements the surrounding historic fabric and sits well within the streetscene. Whilst either colour options will work with the surroundings, the darker colour (RAL7024) seems to*

*be a better fit from the visualisations. However, it is noted that this is subjective, and I have no objection to either grey.*

*In relation to the bridge surfacing options, the Indian bauxite surface treatment appears too harsh and most akin to tarmac in its colouring which would jar with the surrounding palette of sandstone buildings. Conversely the Chinese bauxite although buff, may be too pale coloured and on balance the Guyanan bauxite would be more favoured. However, there is no objection to the use of the Chinese bauxite if that is preferred.*

*Concerns have been raised by the Canal and River Trust and Historic England in relation to the ramped access onto Gas Works Lane and the new landscaping and seating area. Suggestions have been put forward to make this area less fragmented and minimise any potential for antisocial behaviour from perceived secluded spots.*

*I note the submitted Technical Note regarding the ramp design and consider that on balance, the above can be effectively dealt with through a landscaping condition to ensure the proposals surrounding the ramp structure can be sensitively detailed, addressing the connection between spaces, transitional areas and ensuring avoidance of secluded areas to reduce potential for antisocial behaviour is achieved.*

#### *Canal Towpath*

*The proposal involves the widening of a short section of the northern canal towpath to the east of Elland Bridge. The existing towpath is made up of original cobbled setts and large stone edgings which provide an important historic character to the canalside and enhance its appearance and appreciation for historic waterway environment. I concur with Historic England in that loss of traditional paving, which provides such an important contribution to character, should be avoided; and the original materials sensitively reused in the resurfacing of the towpath. Similarly, any new surfacing materials should be sensitive to the historic nature of the area. Standard tarmacadam would not be acceptable.*

*Whilst in the main it is considered that the widening of the towpath has been integrated sensitively, I note the Canal and River Trust's concern over the loss of canal infrastructure by virtue of widening the towpath. The public benefits of the proposals should be clearly demonstrated to ensure compliance with NPPF para 197, where there is harm to non-designated heritage assets. It is my understanding that the applicants are working with the CRT to minimise the intervention and further justify this aspect of the proposal. I have no objections to the sensitive widening of the canal towpath, subject to satisfactory details of the finish of any intervention, reuse of the historic surfacing and sensitive new surfacing.*

*Any new railings to sections of towpath or in relation to accessing the towpath or canal infrastructure should be designed and finished to reflect the normal design of furniture along the canal.*

#### *West Vale*

*The construction of the new West Vale bridge is simple in its design and form and will be an understated addition in the wider landscape. It is considered that the impact on the canal will be minimal and will not affect the significance of the canal as an important non-*

*designated heritage asset. The setting of the listed lock and bridge will not be harmed as a result of the intervention; the existing mature vegetation along the river and canal providing screening and softening of the proposal. The use of black finish to reflect other historic canal infrastructure is supported, and the increased accessibility to the historic waterway is welcomed.*

*In relation to the works within the vicinity of grade II\* Clay House, care needs to be taken with the alterations to the access routes into Clay House Park. The existing gates and gate piers are considered to be curtilage structures of the listed building and must not be altered or removed at part of the proposals.*

*As outlined in the Heritage Statement, the opportunity to reveal the original cobbled setts at the western entrance to Clay House Park should be explored and incorporated into the scheme. At the eastern entrance, the existing cobbled setts shall be retained and the details of the design and finish of the steel railings is required. The railings should not be attached to the historic gate piers. The existing gates on the eastern entrance should be retained. These could be held open if required. The colour and finish of the flags for the toucan crossing should be detailed so as not to detract from the entrance to the park. These additional details can be secured through condition.*

*There are no concerns regarding the setting of the grade II listed cottages at 24-26 Rochdale Road, which will be slightly enhanced by improvements to the public realm environment.*

#### *Recommendations*

*It is considered that the proposed Access Package is a measured and sympathetic response to the need to address existing inadequacies in pedestrian and cycling connectivity in Elland, and has been designed to be sensitive to and complement the surrounding historic environment in which it is located.*

*The Conservation Team are supportive of the proposals and subject to the finer details being agreed through conditions, the scheme is considered to comply with the requirements of Section 16 of the NPPF, in particular paras 197, 198, 203 and 206."*

The Canal and River Trust have been consulted

*Thank you for your consultation upon the revised Heritage Statement and additional justification provided in response to our comments made on 19th February 2021.*

*We have reviewed the information supplied. In our previous response, we advised that the Trust was unable to make a substantive response under the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) due to the absence of information detailing the impact of and justification for the towpath worsening works.*

*Having reviewed the information supplied, we note that minor amendments have been made to the Heritage Statement, which provides more clarity over the historic impact of the widening works and removes the reference to the use of tarmac (which is unlikely to be sympathetic to the character and appearance of the locality). However, we do consider that additional information is still required to justify why the towpath widening works are*

*considered necessary; specifically with regards to the public benefits brought by the proposal.*

*As referred to in our last response, the Trust consider that the alteration of historic assets and fabric should be a last resort with clear justification. Pinch points are often accepted on the Trust's network to retain the existing historic fabric; and alternative measures including safety railings, requirements for cyclists to dismount etc have often been incorporated instead. Our previous response highlighted that additional information should be provided to detail why the widening works are considered necessary, including details of any assessments, surveys or safety assessments.*

*The justification statement provided in section 1.2 of the report by JBA consulting refers to the widening works being necessary to provide "sufficient space for pedestrian and mooring activity [to] accommodate wheelchair and buggy users along with relatively low levels of cycling". However, no information has been provided in the form of surveys or public consultation to suggest that towpath usage will increase and/or the mode of towpath usage will change warranting these specific alterations. The alternatives considered in the response are also limited to exploring alternative routing for cyclists and pedestrians as opposed to alternative measures that could be incorporated at the existing pinch points (e.g. requiring cyclists to dismount).*

*We advise that the justification should be expanded to include detailed safety analyses (by an appropriately qualified Health and Safety specialist) to demonstrate the extent of the existing hazard for existing and new users, and whether less intrusive alterations to the existing pinch point can be incorporated as an alternative. Any safety analyses should also include an assessment of the risk of any widening project resulting in an increase in cyclist speeds close to the waters edge (a hazard the Trust have identified where widening works have taken place elsewhere). We also advise that the justification should include an assessment of the likely increase in use to the towpath brought about by the wider access improvement scheme, to identify whether the usage of the towpath will increase to an extent that justifies any works.*

*We believe that the above is required to enable an assessment to be made with regards to the public benefits brought by the scheme. This is necessary to enable an assessment to be made with regards to whether the harm to the heritage asset, identified in the submitted Heritage Assessment, is outweighed by the public benefits brought by the scheme, in line with the requirements of paragraph 202 of the National Planning Policy Framework. We will make a substantive response within 21 days from the date of receipt of this information.*

*As advised previously, we wish to remind the applicant that consent from the Secretary of State would be required for works resulting in the loss of waterspace associated with the towpath widening. This would require the need for public consultation, advertising and the submission of justification and a compliant report to comply with the Charities Act.*

#### *Other Comments*

*In addition to our request for additional information, we note that the response by JBA consulting includes comments in response to our concerns regarding the design of the bridge structure and associated ramps, and measures to protect the canal during construction.*

### *Design of the Bridge and Associated Ramps*

*The response commentary confirms that the tied arch bridge option was selected for submission following development, optioneering and consultation. However, the details do not include information upon alternative design options that were considered. As a result, we are unable to comment as to whether the Bow String design chosen is the most appropriate design choice for the Location compared to any alternatives. The Local Authority may therefore wish to consider if additional information is necessary to justify the design approach taken.*

*Concerning the ramp design, we wish to repeat our concern that covered spaces below provide sheltered spaces that can encourage anti-social behaviour. This is an issue that the Trust have identified in other locations on our network where open covered spaces have been provided. We therefore advise that the Local Planning Authority fully explore this concern and whether any landscaping measures can be incorporated to discourage such activity alongside the final design.*

### *Protection of the Canal during Construction*

*We note that the statement includes confirmation that a Construction and Environmental Management Plan (CEMP) will be submitted prior to the commencement of works. We welcome this confirmation, which is in line with our original request."*

Additional information has been provided by the applicant as a result the following additional comments have been received

*"Proposals to infill the canal and remove sections of the existing canal wash wall would change the historic character and integrity of the wharf and wharfage. Careful consideration therefore needs to be given to ensuring that any potential harm to these heritage assets can be fully justified and mitigated against, in line with the provision of the National Planning Policy Framework (NPPF).*

*We note that additional justification for the works has been received from the applicant, detailing the likely increase in pedestrian use brought about by connections to the towpath from the two proposed bridge projects. In addition, information has been received to demonstrate why re-routing of the pathway or the installation of railings is not considered to be feasible or practical.*

*Whilst the loss of waterspace associated with the proposed works is regrettable the principle of the works may be considered acceptable on balance if the benefits of the scheme are found to outweigh the harm to the historic environment. We do consider that amendments to the proposals may be needed to ensure that the scheme complies with the aims of paragraph 193 of the NPPF, which requires weight to be given to the assets' conservation and would offer the following advice on this matter.*

*The historic fabric of the existing wash wall and existing setts and copings should be retained in situ and recorded, with the proposed wall of sheet piling constructed in front of the historic wash wall and dressed in stone above water level. The surfacing to increase the width of the towpath should be appropriately detailed and include retention of the existing setts and copings to delineate the historic fabric with new stone setts and copings abutted*

*to the existing coping stones, such that the width and alignment of the existing towpath and the patina of change is clearly legible. The current proposals show an arrangement where the existing wash walls would be hidden from view, and where both the existing and new towpath would be surfaced with a replacement material. Tarmac is suggested within the supporting details. This arrangement, shown in drawing reference BDX-JBAU-XX-EL-DR-C-0072, is not considered to be appropriate as it would remove all visual reference to the historic line of the canal and the removal of existing cobbles would be detrimental to the character and setting of the canal corridor.. We therefore request that amendments should be undertaken to allow the visible fabric of the existing wash wall and existing setts and copings to be retained in situ.*

*Where there is a potential trip hazard in the abutment of new surface treatment alongside the historic copings, an acceptable level surface would need be achieved without the introduction of unsightly and inappropriate 'packing' to the joints. Picked or flamed finish to the stone setts is likely to be most appropriate but we would be happy to provide further advice to the applicant on this.*

*We request that information is provided at application stage to confirm a general arrangement of materials upon the widened towpath to ensure that the principle of the retention of the visible line of the existing wash wall can be agreed upon.*

*We advise that samples of the material finish and large-scale details of the juxtaposition between the original and new towpath surface should be provided prior to the commencement of that part of the development. Final approval of the material finish could be reserved by the use of an appropriately worded condition".*

The proposed development will introduce the most dramatic change to the existing environment in recent years and has the potential to impact on the setting of the conservation area and listed buildings. Nevertheless, it also provides a new opportunity to access and appreciate the conservation area and listed buildings, opening up important views of the river and canal environs with the historic townscape forming an important backdrop.

The change to the setting of the listed buildings, in this instance is not considered to be harmful. The design of the bridges has been carefully considered and integrates well within the historic context. Wider views of the conservation area will include the bridge structures, which given the quality of design and sensitive siting is considered to add interest to the wider landscape.

The proposed development subject to the design details being secured through conditions is considered to accord with Policies BE1, BE15, BE18 and BE21 of the RCUDP and Section 16 of the NPPF.

#### Highway Considerations

RCUDP Policy BE5 seeks to ensure that new development provides for safe and efficient movement by pedestrians, vehicles and cyclists.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and has provided the following comments *"There are no concerns related to the proposals which will*



*increase connectivity from the proposed Elland rail station to existing and proposed housing & employment areas as well as the town centre.*

*The drawings have been reviewed in terms of acceptability in planning terms. It should be noted that whilst items such as the junction crossing types and locations, and cycle / pedestrian segregation are considered acceptable, a detailed check against standards has not been undertaken. For example of the forward visibility to the new crossing on Stainland Road.*

*Therefore, whilst it is understood that transportation and highway design colleagues have had input to the design process, a detailed review of the submitted drawings should be carried out prior to detailed design. This should include input from maintenance and street lighting colleagues; for instance to check that the bollard lighting specification is acceptable.*

*A Stage 1 Road Safety Audit would normally be expected to accompany an application of this type given its scale and detail. The applicant has proposed to undertake a combined Stage 1/ 2 with the detailed design. It is recommended that a Stage 1 Audit is undertaken following any approval of this application, as any fundamental changes to the design can then be made.*

*There is a departure from guidance in Local Transport Note 1/20 in terms of the sections of shared cycle and pedestrian facilities proposed. This is acceptable given the local characteristics and expected number of users. In particular the current behaviour of the mixed pedestrian and cyclist use on the towpaths that will connect to the scheme, which are effectively shared use paths.*

*Similarly the proposed widths and gradients are acceptable having considered the topographical and land constraints.*

*The applicant has advised that a separate planning application will be submitted for the new rail station. The accompanying Transport Assessment would include a review of the traffic impact of vehicles attracted to the new car park.*

*The temporary construction access details are acceptable. Conditions will be required to control matters such as mud on the highway, contractor parking and other construction compound details.*

*Requested conditions:*

*Notwithstanding the provisions of Part 4, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, before construction works commence, details shall be submitted for the written approval of the Local Planning Authority in respect of the provision of a contractors compound and staff car parking area within the site. Such details shall include the provision of protective fencing to the boundaries of the construction site. The details so approved shall thereafter be implemented in advance of construction works commencing and shall be retained for the duration of construction works unless otherwise agreed in writing by the Local Planning Authority.*

*Prior to commencement of works at the site, a scheme for the prevention of mud or other material being deposited onto the public highway, including full details of any equipment on*

*the site used to clean the hardstanding areas, access, wheels and chassis of vehicles, equipment location and means of drainage, shall be submitted to and approved in writing by the local/mineral [delete as applicable] planning authority. The permitted scheme shall be implemented on commencement of works. The scheme shall be updated where the mineral planning authority consider mud on the road to be a recurrent problem by the operator or their agents in liaison with and to the written approval of the local/mineral [delete as applicable] planning authority. The updated scheme shall be implemented within a timescale to be agreed. In the event of mud or other material being deposited onto the public highway, immediate remedial and preventative action shall be taken, including suspension of operations if necessary."*

Subject to the imposition of the recommended conditions the proposed development is considered to accord with RCUDP Policy BE5

### Flooding and drainage

RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to surface water run-off or obstruction. Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

Sustainable Drainage Systems should be incorporated where appropriate in accordance with RCUDP Policy EP22. For major developments, paragraph 165 establishes that sustainable drainage systems should be incorporated "*unless there is clear evidence that this would be inappropriate*".

The LLFA has been consulted has raise no objections subject to details of foul and surface water drainage being submitted

The Environment Agency have been consulted and provided the following response

*"Following a detailed review of the modelling and discussions with the applicant's team, we are now in a position to remove our objection to the proposed development.*

*Environment Agency position:*

### *Flood Risk*

*The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.*

### *Condition*

*The development shall be carried out in accordance with the submitted flood risk assessment (ref Rev C03 07.05.2021/BDX-JBAU-XX-00-RP-C-0001-A03-C03-Elland\_FRA /JBA Consulting) and the accompanying technical note (09.04.2021, 2019s0633, JBA Consulting) and the following mitigation measures they detail:*

1. *The soffit level of the Elland Bridge shall be no lower than 68.70mAOD.*
2. *The soffit level of the West Vale Bridge shall be no lower than 67.76mAOD.*
3. *The associated improved routes will consist of changes to the surface layout and will not have any additional features or land raising (as highlighted in 3.4.4).*

*These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development."*

Subject to the conditions recommended by LLLFA and EA the proposed development is considered to accord with RCUDP Policies EP14, EP20 and EP22.

#### Ground conditions

RCUDP Policy EP9 Development of Contaminated sites requires applicants to carry out a contamination survey to assess risks of the development. The applicant has submitted a Desktop Study prepared by JBA Consulting Ltd dated August 2020

The Assistant Director – Neighbourhoods (Environmental Health) has been consulted and raises no objections subject to the recommendations contained within the land contamination report being carried out

Subject to a conditions the proposed development is considered to accord with RCUDP Policy EP9

#### Wildlife Conservation

RCUDP Policy NE15 ( Development in Wild Life Corridors) and NE16 (Protection of Protected Species) and seek to protect and prevent harm to wild life corridors and habitats which support legally protected, rare or threatened wildlife species and species themselves RCUDP Policy NE17 (Biodiversity Enhancement) seeks appropriate enhancement to biodiversity. Section 15 of the NPPF paragraph 174 states that Planning policies and decisions should contribute to and enhance the natural and local environment by;

*"d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;..."*

The Assistant Director – Neighbourhoods Countryside has been consulted and provided the following comments *"I consider the Ecological Impact Assessment (EclA) and Biodiversity Net Gain reports to be satisfactory. The EclA highlights the need for a sensitive lighting scheme to avoid adverse impacts on sensitive protected species (otter, bats). I accept the conclusion that, following the application of mitigation, compensation and enhancement measures specified in the EclA, no significant residual impacts will result from the scheme. Accordingly, I have no objections to this application, providing the following measures are the subject of planning conditions:*

*No works in the vicinity of the Rugby Club bridge location shall be carried out unless the LPA has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead; or*
- b) a statement in writing from an appropriately qualified ecologist to the effect that it does not consider that the development will require a licence.*

*Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the LPA and include the following:*

- a) Risk assessment of potentially damaging construction activities*
- b) Identification of 'biodiversity protection zones'*
- c) Measures to avoid or reduce impacts during construction*
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds*
- e) The times during construction when specialist ecologists need to be present on site to oversee works*
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication*
- g) Use of protective fences, exclusion barriers and warning signs*
- h) Details of ecological surveys that need to be conducted prior to commencement of construction activities.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.*

*Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 11.98 Biodiversity Habitat Units and include details of the following:*

- a) Description and evaluation of features to be managed and enhanced*
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans*
- c) Ecological trends and constraints on site that might influence management*
- d) Aims and Objectives of management*
- e) Appropriate management Actions for achieving Aims and Objectives*
- f) An annual work programme (to cover an initial 5 year period)*
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan*
- h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period*

- i) The Plan will be reviewed and updated every 5 years and implemented for perpetuity*

*The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.*

*Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the LPA of integral bat roosting and bird nesting features within bridges. The agreed Plan shall show the number and specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first use of the bridges on which they are located and retained thereafter.*

*Prior to commencement of construction, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

*a) Identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in and around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*

*b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

*Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*), Wall Cotoneaster (*Cotoneaster horizontalis*) and Himalayan Balsam (*Impatiens glandulifera*) on site. The measures shall be carried out strictly in accordance with the approved scheme."*

Subject to the recommended conditions the proposed development is considered to accord with RCUDP Policies NE15,16 and 17

### Trees and Landscaping

RCUDP Policy NE221 (Trees and Development Sites) states that developers will be expected to give priority to the retention of trees

The Councils Tree Officer has been consulted and provided the following comments

*"Although trees will be lost to accommodate the proposals at various locations for example East Gate/Elland Lane crossing and Exley Lane/Park Road, the majority of the trees are to be retained and significant replacement tree planting is taking place along the route. I therefore have no objection to the proposals. All pruning works to cut back retained trees should be undertaken to BS3998: 2010 Recommendations for tree works".*

Subject to the recommended condition the proposed development is considered to accord with RCUDP Policies NE22

## Public health

Paragraph 92 of the NPPF states:

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

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

The proposed development would deliver improved connectivity for cyclists and pedestrians thereby providing social, recreational and cultural facilities for the community of Elland and West Vale to choose alternatives to carbon based transport to access the proposed Elland Railway Station and town facilities and wider network for leisure activities.

The proposed development is considered to accord with paragraph 92 of the NPPF.

## **CONCLUSION**

**The proposal is considered to be acceptable subject to the conditions specified below . The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the ‘Key Policy Context’ section above and there are no material considerations to outweigh the presumption in favour of such development.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 2.9.2021

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## Further Information

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

Anita Seymour 07714 922699