

## REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995

(Please see notes at end of this letter)

To  
Prestigious Living (N.W.) Ltd  
c/o Inside Out Design Associates Ltd  
The Old Bank  
358 Manchester Road  
Hollinwood  
OLDHAM  
OL9 7NU

This council hereby refuses planning permission for

**Demolition of existing dwellings and construction of 90 residential units in three blocks of six-storey apartments.**

on land at

**Land On  
Crow Nest Road  
Hebden Bridge  
West Yorkshire  
HX7 6JF**

in accordance with the plans disapproved by the Council on 12.07.2005 for the following reasons:

1. The proposal by reason of its density, design, layout, height, massing and proposed use of materials would be out of character with this edge of built-up urban area, abutting the Hebden Bridge Conservation Area, Green Belt, Special Landscape Area, Wildlife Corridor and Ancient Woodland. The proposal would therefore be contrary to the provisions of Policies H1, H4, GN2, N2 and N4 of the adopted Calderdale Unitary Development Plan and Planning Policy Guidance Note 3 (Housing) paragraph 56.
2. The proposal would result in an undesirable intensification of use of the highway infrastructure that includes roads, which are signalised, narrow, unmade, with tight bends and forms part of a definitive right of way. This would lead to unacceptable conflicts thereby failing to provide a safe and convenient means of access. The proposal is therefore considered to be contrary to Policy T3 of the Calderdale Unitary Development Plan, with respect to access and highways.
3. The proposed development would not allow adequate provision within the site for the parking/turning of vehicles in connection with the use of the site. This would result in increased vehicle manoeuvring and the parking of vehicles in the highway to the detriment of the safe and free flow of traffic on Palace House Road/ Mayroyd and as such would be contrary to Policy T19 of the Calderdale Unitary Development Plan.
4. The proposal would result in additional traffic and parking on the definitive rights of

way surrounding the site leading to obstruction and conflict with existing public rights of way users that would be contrary T38 of the Calderdale Unitary Development Plan.

5. The proposal fails to make provision for affordable housing contrary to the provisions of Policy H14 of the Calderdale Unitary Development Plan, Planning Policy Guidance 3 Housing and Government Circular 6/98.
6. The proposed open space provision involving terracing and removal of potentially contaminated topsoil would threaten the survival of Protected Trees on the site contrary to the provisions of Policy N68 of the Calderdale Unitary Development.
7. The proposal fails to make adequate and usable provision for on or off-site open space contrary to the provisions of Policies N24 and CF5 of the Calderdale Unitary Development Plan.
8. The proposal would, in the opinion of the Local Planning Authority, create demand for additional school places in the area and fails to address the shortage of provision of adequate secondary school places. It therefore fails to ensure the co-ordination of housing development and school facilities in accordance with Policy CF18 of the adopted Calderdale Unitary Development Plan.
9. Insufficient information has been submitted with the application in order for the Local Planning Authority to assess the application in terms of land stability and the proposal is therefore contrary to the provisions of Policy N69 of the Calderdale Unitary Development Plan.
10. Insufficient information has been submitted with the application in order for the Local Planning Authority to assess the application in terms of surface water drainage contrary to the advice contained in Planning Policy Guidance 25 development and Flood Risk - Appendix E - Sustainable Drainage Systems.
11. Insufficient information has been submitted with the application in order for the Local Planning Authority to assess the application in terms of Land Contamination having regard to the provisions of Policy N95 of the Calderdale Unitary Development Plan and Planning Policy Statement 23 Planning and Pollution Control.

DATED: 14 July 2005

.....  
Chief Planning Officer

## **TOWN AND COUNTRY PLANNING ACT 1990**

### Appeals to the Secretary of State

- \* If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment, Transport and the Regions under Section 78 of the Town and Country Planning Act 1990.
- \* If you want to appeal then you must do so within six months of the date of this notice. You should use forms which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 372 6372). A copy of the completed appeal form should be sent to the Chief Executive, Calderdale MBC, Town Hall, Halifax, West Yorkshire, HX1 1UJ.
- \* The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- \* The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- \* In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notice**

- \* If either the Local Planning Authority or the Secretary of State for the Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- \* In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.