



## Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 1 June 2023 at 10.00 am in Council Chamber - City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Shafiq Alipoor Mullaney	Brown Sullivan	Edwards

### Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel I Hussain S Hussain Lal	Pollard Glentworth	Love

### Notes:

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- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

### From:

Asif Ibrahim

Director of Legal and Governance

Agenda Contact: Yusuf Patel / Jane Lythgow

Phone: 07970 411923/07970 411623

E-Mail: [yusuf.patel@bradford.gov.uk](mailto:yusuf.patel@bradford.gov.uk)/[jane.lythgow@bradford.gov.uk](mailto:jane.lythgow@bradford.gov.uk)

### To:

## A. PROCEDURAL ITEMS

### 1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

### 2. DISCLOSURES OF INTEREST

(Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

#### **Notes:**

- (1) *Members must consider their interests, and act according to the following:*

<b>Type of Interest</b>	<b>You must:</b>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation</i>
<i>Other Registrable Interests (Directly Related)</i> <b>OR</b> <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only</u> if the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation</i>
<i>Other Registrable Interests (Affects)</i> <b>OR</b> <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being</i>

*(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and*

*(b) a reasonable member of the public*

*knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.*

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on 27 April 2023 be signed as a correct record.**

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

### **4. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

## **B. BUSINESS ITEMS**

### **5. MEMBERSHIP OF SUB-COMMITTEES**

**Recommended –**

**That the Panels set out in (Document “A” – to be tabled at the meeting) be appointed with memberships as shown and with the role and functions as contained in the Articles of the Council’s Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution.**

**That the Chairs and Deputy Chairs be appointed to the Panels as indicated in (Document “A”).**

(Yusuf Patel – 07970 411923/Jane Lythgow 07970 411623)

### **6. THE WILLOWS HAINSWORTH ROAD SILSDEN KEIGHLEY WEST YORKSHIRE BD20 0LY - 22/04827/MAR** 1 - 16

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document “B”**) which sets out a reserved matters application requesting consideration of appearance, landscaping, layout and scale for residential development of land (pursuant to outline approval 20/03878/MAO) at The Willows, Hainsworth Road, Silsden.

Please note that this item was deferred for consideration at the meeting on 27 April 2023.

**Recommended –**

**That the application be approved subject to the conditions contained within Appendix 1 to Document “B”.**

(Hannah Lucitt – 07811503622)



## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 1 June 2023.**

**B**

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### **Subject:**

A reserved matters application requesting consideration of appearance, landscaping, layout and scale for residential development of land (pursuant to outline approval 20/03878/MAO) at The Willows, Hainsworth Road, Silsden.

### **Summary statement:**

This reserved matters application follows an outline application for residential development, approved at R&A Committee, in 2021. The outline approval being granted for residential development and proposed access.

The application has been considered against the impact on the Leeds-Liverpool Canal Conservation Area and the relationship with existing housing. It is considered that the proposed residential development would be appropriate in terms of appearance, landscaping, layout and scale, without substantively harming the conservation area, nor adversely affecting residential amenity. In addition, the proposal would increase the supply of housing, including affordable housing, within the District.

The application is recommended for approval subject to conditions included within the report.

Richard Hollinson  
Assistant Director (Planning,  
Transportation & Highways)

**Portfolio:**  
**Change Programme, Housing, Planning and  
Transport**

Report Contact: Hannah Lucitt  
Major Developments Manager  
Phone:07811503622...  
E-mail: hannah.lucitt@@bradford.gov.uk

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

## **1. SUMMARY**

The application is recommended for approval subject to conditions included within the Technical Report, Appendix 1.

## **2. BACKGROUND**

The application is reported to Committee, following an outline application 20/03878/MAO being approved by the R&A Committee, and the request for the reserved matters application to be reported to this Committee.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are set out in Appendix 1.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The presentation of the proposal is subject to normal budgetary constraints.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as Local Planning Authority.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case, due regard has been paid to the Section 149 duty, it is not considered there are any issues in this regard, relevant to this application.

### **7.2 SUSTAINABILITY IMPLICATIONS**

The application site is located c.700m from Silsden town centre, with various services provided in the town centre. The application site is within walking distance of the town centre and it is not considered there are any adverse implications for sustainability.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

New development invariably results in the release of greenhouse gases associated with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided to each house within the proposed development.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

#### **7.5 HUMAN RIGHTS ACT**

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

#### **7.6 TRADE UNION**

None

#### **7.7 WARD IMPLICATIONS**

None

#### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

#### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

#### **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None

#### **8. NOT FOR PUBLICATION DOCUMENTS**

None

#### **9. OPTIONS**

The Committee can approve the application as per the recommendation, or refuse the application.

If the Committee decides that the application should be refused, the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

#### **10. RECOMMENDATION**

This application is recommended for approval subject to conditions contained within the report.

#### **11. APPENDICES**

Appendix 1 Technical report.

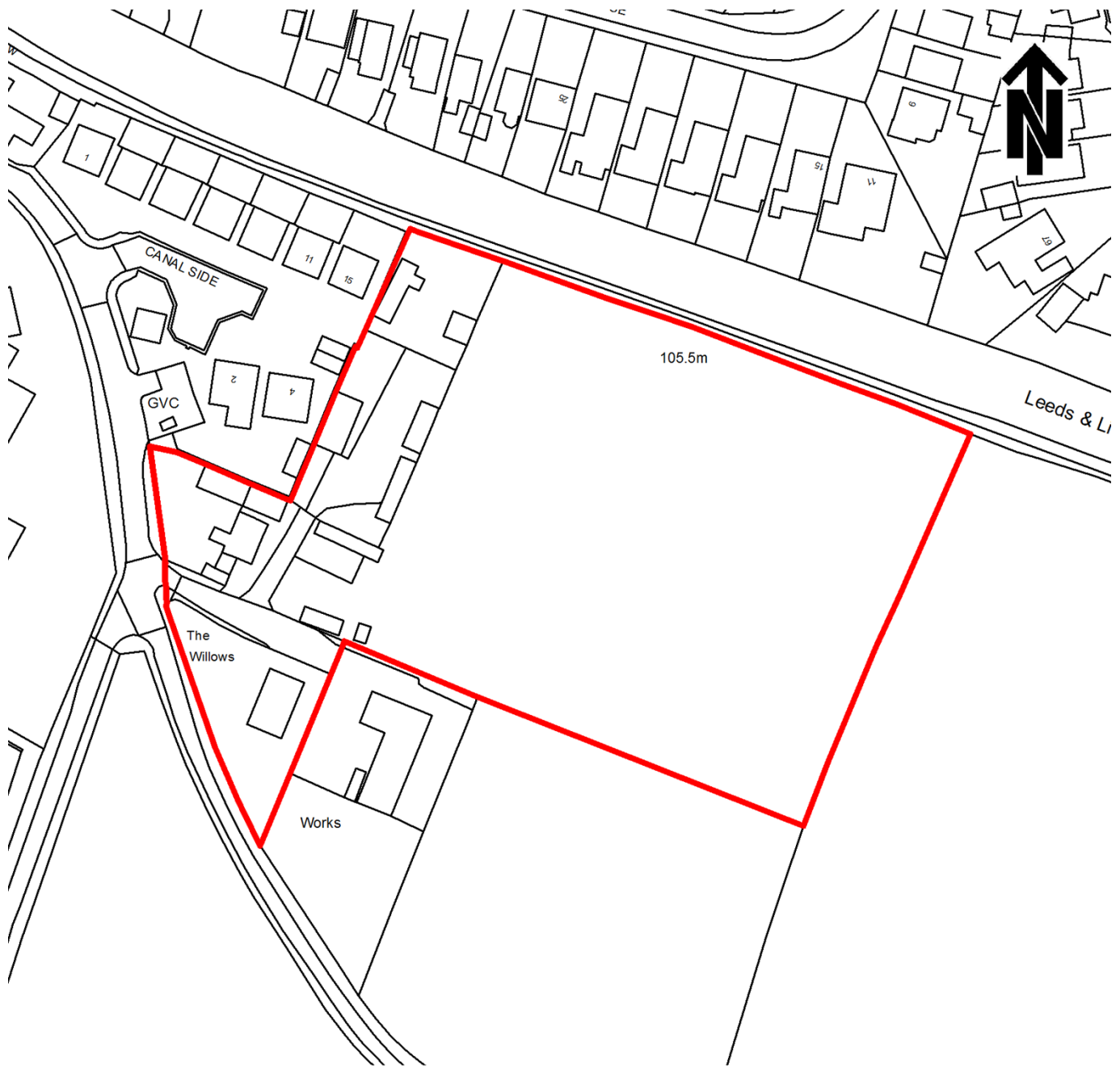
#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework 2021  
Adopted Core Strategy 2017

22/04827/MAR



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**The Willows  
Hainsworth Road  
Silsden  
Keighley  
BD20 0LY**



## **APPENDIX 1**

### **Ward**

Craven

### **Recommendation**

That the Committee grant planning permission subject to conditions.

### **Application No.**

22/04827/MAR

### **Type of application**

Reserved matters application requesting consideration of appearance, landscaping, layout and scale for residential development of land (pursuant to outline approval 20/03878/MAO) at The Willows, Hainsworth Road, Silsden.

### **Applicant**

Skipton Properties Ltd

### **Agent**

Addison Planning Consultants Ltd

### **Site Description**

The application site is currently occupied by a bungalow, The Willows, ancillary outbuildings/structures, with the balance of the site previously used for grazing. The application site is relatively flat and bounded to the north by the towpath of the Leeds-Liverpool Canal, with agricultural land to the south and east. There are hedgerows and trees, a number of the latter being subject to TPO', to the northern and eastern boundaries of the site. The site is not within, but is adjacent to the Leeds-Liverpool Canal Conservation Area.

### **Background**

The application site was formerly allocated in the RUDP, Safeguarded Land, identified as UR5.36 Hainsworth Road. However, this policy was not saved as part of the Core Strategy and the site allocation no longer exists. The site is therefore unallocated in development plan terms.

Following refusal of outline planning permission in 2020, the applicant appealed the refusal and the appeal was allowed. Subsequently, a second outline application was submitted and approved in 2021. This approved the residential development and the access to the site.

### **Relevant Site History**

19/01661/MAO Outline application for residential development requesting consideration of access, refused 19 February 2020.

19/01661/MAO Outline application for residential development requesting consideration of access, approved on appeal 10 July 2020.

20/03878/MAO Outline application for residential development of land (site area 1.20 ha) requesting consideration of access, approved 18 May 2021.

### **RUDP**

#### **Allocation**

None

### **Core Strategy**

There are a number of Core Strategy Policies to be considered in the determination of the application.

SC9- Making Great Places

TR1- Travel Reduction and Modal Shift

TR2- Parking Policy

TR3- Public Transport, Cycling and Walking

HO5 – Density of Housing Schemes

HO8-Housing Mix

EN4- Landscape

EN5- Trees and Woodland

DS1- Achieving Good Design

DS3- Urban Character

DS4-Streets and Movement

DS5- Safe and Inclusive Places

### **The National Planning Policy Framework (NPPF).**

Para. 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para. 11. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) 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; 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.

Para. 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public

areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para.124. Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

Para. 125. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

Para.130. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para. 154. New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

### **Publicity and Representations**

The application was advertised through site notices and in the local press. There have been 16 objections to the application.

## **Summary of Representations Received**

Silsden cannot sustain any further development as the infrastructure eg. schools, drainage, GP' cannot support the level of housing.

Further increase in road traffic which results in congestion through Silsden.

Loss of greenfield.

Impact on canal.

## **Consultations**

### The Canal and River Trust

The main issues are identified as, the impact on the structural integrity of canal embankment and on the character of the canal corridor. Advise that amendment and conditions necessary to address the issues.

Construction works may impact on the stability of the retaining structure, so noted that information was requested through condition on the outline application, to ensure that there was no increased risk of land instability. The condition requires any requisite works to be carried out prior to the commencement of development.

A Construction and Environmental Management Plan is also required through condition to ensure no increased risk of land instability. Note that this was conditioned as part of the outline permission.

The hedgerow enhances the setting of the canal corridor. To ensure its retention there should be a greater distance between the properties and the hedge.

The boundary fencing should be visually appropriate.

Pedestrian access to the canal towpath requires consent from the CRT Estates section.

### Clean Air Programme

Previous comments on the outline still applicable. No further comments.

### Public Rights of Way

There are no recorded public rights of way within or adjacent to the application site.

### Silsden Town Council

No further development should take place until such times as the infrastructure has been improved, primarily for this site, the junction of Belton Rd/Keighley Rd requires upgrading with a roundabout at least and a holistic overview is required given the number of ongoing and proposed planning applications which exits/entry on to Keighley Rd. Other infrastructure including concerns of the capacity of the electric substation and sewers which are running at capacity. This Council believes that the lane is too narrow and the proposed widening cannot take place due to the protected hedgerows which should not be altered in any way. The proposed site is within the canal conservation corridor and the comments made by CRT should be investigated and resolved satisfactorily. The application states 20% affordable housing, this is in breach of Bradfords own adopted policy which states there needs to be a minimum of 30% affordable housing. Council concur that under the RUDP this land is designated as housing, however it also states that this can only happen in correlation with the proposed eastern bypass, therefore as no bypass in the proposal this plan cannot be granted. Give the number of objections Silsden Town Council request that this application be heard by panel and we confirm we will send a councillor to attend on our behalf.

### Conservation

The application site adjoins the Leeds & Liverpool Canal Conservation Area. It is located immediately to the south of the towpath on the eastern side of the built-up edge of Silsden.

With regard to revised drawings indicating the canal side elevation, this has been amended to indicate alterations to the roofline and boundary treatments. The varied ridge height still remains, as does the inclusion of the contemporary glazed pitched apex window. The disparity in the varied heights of the ridgeline has been reduced somewhat and this has, in my opinion, improved the appearance of the canal side dwellings. Some concerns that the dwellings have an overly suburban appearance and that dwellings with a more rural character, influenced by vernacular architecture would be better suited to this location. That being said, it is acknowledged that the applicant has proposed the enhancement and bolstering of the existing hedgerow and landscaped buffer between the houses and the canal. The retention of the trees along with the addition of further trees and the management of the hedge to ensure that it provides an effective green buffer will, in time, help filter views of the development from the canal and will soften its impact.

It is noted that the previously indicated boundary fence is now proposed as a 'green screen'. This is acceptable as a boundary feature and if properly maintained, will be less visually intrusive than a solid fence. Details of the green screen, its construction and composition and how it is to be maintained should be provided.

It is noted that a Heritage Statement has been submitted.

On balance, the proposal is considered to result in less than substantial harm to the setting and significance of the heritage asset (the conservation area) and that this results in a level of conflict with the aims of Core Strategy Policy EN3. The harm has been mitigated to a degree with subsequent amendments and should you be minded to grant approval, the careful control of details such as materials, finishes and management plan for the landscaping and informal areas of open space (including the meadow grassland strip between the towpath hedge and the gardens) will be crucial to minimising the level of harm. In accordance with para. 202 of the NPPF, this harm should be weighed against the public benefits of the proposal.

### LLFA

No objections to the proposal.

### Biodiversity

The changes to the landscape plan respond well to previous comments, bar the bat and bird boxes.

### Trees

The site contains a number of important protected trees to the canal and east boundary of the application site. Along these boundaries are important hedgerows.

The hedgerows positively contribute to the character and appearance of the area. The large trees to the canal side are prominent along the towpath whilst the two oak (T9 and T10) to the east boundary are impressive A grade specimens and some of the best examples of the species in the District.

Plans relating to application 22/04827/MAR show canopy spreads of trees but otherwise the submission provides no arboricultural information. Given that there are significant protected trees and hedgerows that positively contribute to the character and appearance of the area, the lack of appropriate assessment and evidence is a concern.

The development as proposed poorly relates to trees and hedgerows despite their locations being along the boundaries. Management of the hedgerows are proposed but is in effect substantial lopping of the hedgerows away from residential curtilage. A ginnel appears between plot 29 and 30 requiring partial loss of H8 and presumably to allow access to the rest of the hedge but the ginnel appears to go nowhere and does not appear to allow access to the hedge length. It therefore appears likely that the hedge will become incorporated into curtilage and vulnerable to the vagaries of private ownership which has been a consistent concern over the last two applications.

The layout plan shows the removal of a large ash (T3) but there is no obvious reason for it to be removed. Trees Team consistent view on this matter is guided by 14(vii) of the Trees Regulations 2012 and the legal position under court of appeal decision *Barney-Smith & Anor v Tonbridge and Malling Borough Council* [2016] which confirms that felling must be necessary to implement a planning permission. The layout plan etc should therefore be amended showing retention.

The layout in relation to T10 is very poor as previously advised. The tree is A grade and an exceptional specimen. This tree will almost wholly overhang the rear gardens of plots 31 and 32 which in combination to the shade cast by the dwellings would result in the significant majority of garden receiving little to no direct sunlight except during winter months (evidence to the contrary should be provided by the applicant). Raised timber decking, fencing and hardstanding is proposed within the RPA and crucial details such as cut and fill, location of service runs and changes to ground levels are not provided. No tree protection plan or methodology showing how the development adequately considered direct and indirect impacts is provided.

The dwellings are tight to the RPA (of T10) and there is no likelihood of the RPA being a construction exclusion zone as would be expected. The issue can be rectified by appropriate design such as changing the three dwellings to a single detached dwelling (within a larger garden) offset from the tree.

As per previous responses trees team cannot support the application because it poorly relates to the few but important trees that are on the site (mainly T2, T9 and T10 and the likely impact on the hedgerows). The matters cannot be rectified by the arb submission currently submitted under the SUB03 application because those reports have simply attempted to justify the poor layout after the fact, do not fundamentally address tree protection concerns and proposals do not comply with BS5837:2012 or BS3998:2010.

### **Summary of Main Issues**

Consideration of reserved matters

Impact on heritage assets

Impact on canal

Impact on trees.

Other matters raised in representations

### **Appraisal**

This reserved matters application seeks approval of the appearance of the development, landscaping, layout and scale of development. It is only those matters that are for consideration.

#### *Appearance*

The proposed development comprises a mix of detached, semi-detached and terraced dwellings, along with a small apartment block to the north eastern part of the application site. The house types are simple in design, with the exception of the houses adjacent to the canal been designed with balconies and ornate eave details.

The dwellings would be constructed in natural stone with grey tiled roofs.

The appearance of the dwellings is considered to appropriately relate to its context and would accord with policies DS1 and DS3 of the Core Strategy.

### *Landscaping*

The landscape scheme has been designed to complement the existing trees within the application site and the hedgerows along the site boundary. The latter would be supplemented by additional hedgerow planting. An area of meadow grassland would be provided along the canal boundary, demarked from the private gardens by a metal railing and 'green screen'. This grassland being maintained by a management company. Further details on this have been requested and will be reported at Committee.

The Biodiversity Officer has welcomed the additional hedgerow planting and subject to the management of the landscaping, the development is considered to be acceptable and accords with the requirements of policy DS2 of the Core Strategy.

### *Layout*

The site layout is based around a number of culs-de-sac, with private drives off the culs-de-sac, serving the properties to the canal side. The houses are predominantly located to the site perimeter, with a limited number of houses centrally located. The layout appropriately relates to the site boundaries and Hainsworth Road.

The proposed layout provides sufficient separation distances to ensure that the habitable room windows and rear gardens of the proposed dwellings, would not result in the overlooking of existing dwellings. The proposed dwellings would benefit from appropriately sized amenity areas to ensure that prospective residents are afforded an acceptable level of residential amenity.

A pedestrian link would be provided between the application site and the canal towpath.

In conclusion, it is considered that the layout would respond appropriately to the site and its surroundings, ensuring that dwellings and pedestrian routes relate to each other and the wider context of the site. The development is considered to accord with the requirements of policies DS1, DS2, DS3 and DS4 of the Core Strategy, and the Homes and Neighbourhoods Design Guide Supplementary Planning Document, (SPD).

### *Scale*

The proposed dwellings would range in storey height from 2-3 storeys. The 3-storey houses been located along the northern boundary, to the canal. As the application site sits at a lower level than the canal towpath, the houses would appear as 2-storey in height.

The proposed apartment block is similarly 2-storeys. As such, the scale of the dwellings is considered to be consistent with the scale of existing nearby properties and would not appear incongruous when viewed from the Leeds-Liverpool Cana. The proposal is therefore considered to accord with policies DS1 and DS3 of the Core Strategy.

### Impact on heritage assets

In considering planning applications adjacent to a conservation area, there is a duty of the decision maker to consider any impacts on setting. Paragraph 190 of the NPPF states: "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.”

When considering impacts, the NPPF paragraph 196 states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

The application site abuts the Leeds-Liverpool Canal Conservation Area, to its northern boundary and a heritage statement has now been submitted.

The appearance and scale of the proposed housing to the canal boundary has been designed to respond appropriately to the conservation area. The proposed housing is at a lower level than the canal towpath, due to the topography of the site and whilst the proposed houses are 3-storey, due to level differences would be seen as two-storey. In addition, the roof form of the canal side housing has been revised to create a more uniform roof line.

In addition, the boundary treatment has been amended to now include a ‘green screen’ in place of the solid timber fence. The provision of a secondary planting screen to the canal frontage is considered more appropriate visually, complementing the existing hedgerow to the benefit of the setting of the conservation area.

A number of protected trees along the canal boundary are to be retained and these, along with the hedgerow are important elements that form part of the character of the conservation area.

Although it can be concluded that the proposed development would harm the setting of the Leeds-Liverpool Canal Conservation Area, that harm is considered to be less than substantial and would be outweighed by the public benefit of additional housing, including affordable housing being provided at the site.

It is not considered that there would be any substantial harm to heritage assets that warrants the application not being supported.

#### Impact on Leeds-Liverpool Canal

The Canal and River Trust (CRT) outlines a number of issues concerning the effect on the canal. These are identified in the consultation response above.

The mature hedgerow alongside the canal towpath would be further augmented with ‘gap’ planting to increase the density of the hedgerow, which would therefore further enhance the setting of the canal corridor.

The hedgerow would be retained and included within a managed area, outside of the ownership of the private gardens. Whilst this does not provide a greater distance between the hedge and houses it ensures its retention and maintenance.

The boundary fencing would be visually appropriate, complemented by further planting.

As the proposed pedestrian access to the towpath requires consent from the Trust, an informative will be included, if the reserved matters application is approved.



### Impact on trees.

Following the concerns raised by the Trees team, the concerns were discussed with the applicant on the date of the report deadline. Consequently, a number of revisions have been requested and the outcome of further discussion will be reported verbally at Committee.

### Other Matters raised in representations

#### Impact on highway

A Transport Assessment was submitted with the outline application and impact on the highway considered by Highways Development Control.

Whilst this is not a matter for consideration within the reserved matters, traffic generated by the proposed development was assessed and it is not believed that there would be any adverse impact on the highway network, as a result of increased traffic.

#### Impact on pedestrian safety

As part of the development agreed as part of the outline approval, it is proposed to undertake highway improvements including extension of the footway along Hainsworth Road. This would improve pedestrian safety and connectivity along Hainsworth Road.

#### Impact on wildlife

A contribution was secured through a Section 106 agreement, to improve footpath routes, to mitigate against potential impacts on protected habitats and species in the South Pennines Moors.

#### Impact on residential amenity

The housing layout is considered as part of the reserved matters application. As such, the distances between existing properties and the proposed housing do not raise any issues on residential amenity. The relationship between existing and proposed properties has been assessed and agreed there would be no adverse impact on residential amenity of existing occupiers or prospective residents.

#### Lack of school places/GP places

As with any planning application for residential development, there would be subsequent pressures on local services and infrastructure. The reserved matters application is subject to the Community Infrastructure Levy, where monies could be provided to address the potential increase demand on school places. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

### Planning Obligations

The applicant has agreed to meet the policy requirement of 20% provision of affordable housing, as part of the outline permission.

The applicant would also be providing a contribution of £11,000 towards public footpath enhancements, to mitigate impacts on the Moors.

Both these obligations being achieved through a Section 106 agreement, completed as part of the earlier outline planning permission.

### **Options**

The Committee can approve the application as recommended or refuse the application. If the application is refused, reasons for refusal would have to be provided.

## **Community Safety Implications**

None

## **Human Rights Act**

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

## **Not for publication documents**

None

## **Reason for Granting Planning Permission:**

The development of formerly allocated safeguarded land for residential development is considered appropriate, providing the opportunity for sustainable development within Silsden. The development would provide affordable housing and ensure that the character of the surrounding area is maintained. The effect of the proposal on the heritage assets adjoining the site, the biodiversity of the site itself, the surrounding locality; and the adjacent neighbouring residential properties has been assessed and are considered acceptable. As such the proposal would meet policies TR1, TR2, TR3, HO5, HO8, DS1, DS2, DS3, DS4 and DS5.

## **Community Infrastructure Levy:**

The application site is located with CIL Zone 3 and therefore the application would be liable for the relevant CIL levy.

## **Conditions of Approval:**

Before development above damp proof course commences on site, details of bat roosting and bird nesting features to be included in the building design shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the exact location, specification and design of the habitats. The bat roosting and bird nesting features shall then be installed in accordance with the agreed details and retained thereafter whilst ever the development subsists.

Reason: To ensure adequate provision of bat roosting and bird nesting features within the development in accordance with the requirements of policy EN2 of the Core Strategy.

Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the proposed highways provisions hereby approved, including roads, parking spaces, turning areas and footpaths, shall be laid out, hard surfaced, sealed and drained within the site and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that suitable roads, footways and parking and turning provisions are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Local Plan for Bradford.

Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Local Plan for Bradford.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason: In the interests of ensuring that adequate levels of parking are provided on the site, in accordance with policy TR2 of the Local Plan for Bradford.

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason for the condition: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

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