

Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 26 October 2023 in Council Chamber - City Hall, Bradford

Commenced 10.00 am
Concluded 12.05 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Shafiq Alipoor Lal	Brown Sullivan	Edwards

Apologies: Councillor Mullaney

Councillor Shafiq in the Chair

17. DISCLOSURES OF INTEREST

In the interest of transparency and in relation to Minute 21 – land off Bolton Road, Silsden, Councillor Sullivan disclosed that the applicant company had made a donation to Cullingworth Cricket Club and that he had presented the cheque to the club on the applicant’s behalf. The interest was not prejudicial, and he remained in the meeting during discussions and voting on that item.

In the interest of transparency, and in relation to Minute 21 – land off Bolton Road, Silsden, Councillors Alipoor and Brown disclosed that they had received a lobbying email from the applicant which they had not read or responded to. Their interests were not prejudicial, and they remained in the meeting during discussions and voting on that item.

Action: Director of Legal and Governance

18. MINUTES

Resolved –

That the minutes of the meetings held on 15 September 2023 and 28 September 2023 be signed as a correct record.

19. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review decisions to restrict documents.

20. MEMBERSHIP OF SUB-COMMITTEES

There were no changes proposed to Sub-Committee membership.

21. DEPUTY CHAIR'S NOTE

The Deputy Chair acknowledged Councillor Salam's dedication and commitment to the work of the Regulatory and Appeals Committee during his time as Chair of the Committee and he was thanked for all his hard work.

22. LAND OFF BOLTON ROAD, SILSDEN - 22/01184/MAF

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document "D"**) which reported a full planning application for the development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden.

The Senior Planning Officer gave a detailed PowerPoint presentation setting out the details of the application, showing photographs of the site and the adjoining area; site plans; access and landscaping arrangements and proposed house types.

It was reported that the application had been through a detailed design process and planning obligations which were required were set out in the technical officer's report.

It was confirmed that the application site was formerly allocated as Safeguarded Land, however, the principal policy, Policy UR5 was not saved as part of the Replacement Unitary Development Plan (RUDP) and sites previously allocated as Safeguarded Land were no longer allocated by the Development Plan.

The application was recommended for approval subject to conditions contained in the report.

Following the presentation Members asked a number of questions including the percentage of trees which would be lost due to the development. It was explained that it was intended that trees would be retained along the site boundaries. Mature trees would be lost along the Holloway which was the unadopted section of Hawber Cote Lane.

In response to a Member's concern that the development would have a major impact on the volume of traffic it was confirmed that traffic formulas utilised to gauge the impact were not blindly accepted and that they were subject to officer challenge. It was also confirmed that the application had obligations to consider parking and traffic issues in Silsden. The view of the development team had been that there would be an increase in traffic, but that this could be managed appropriately.

The Principal Engineer confirmed that the methods used to assess the impact of increased traffic were nationally accepted; challenged; updated and constantly reviewed. The volume of traffic anticipated from the development at peak hours was reported. It was recognised that traffic may queue at junctions, but it was considered that this was acceptable and safe.

A Member contradicted the traffic assessments contained in the report and felt it was hard to believe the traffic movements predicted. He referred to the impact on Bolton Road which he felt was already horrendous, parking issues in that location, the inability to widen the road due to the location of residential properties and that the movements generated from the development were inaccurate. In response it was explained that the figures utilised were an average flow from the site. It was accepted that due to the topography of the application site a higher percentage of people may choose to use a car. Officers had asked for higher rates to be utilised and a reassessment had been carried out. It had been concluded that the higher rates generated were still within acceptable parameters. Bolton Road was busy, but it was believed that the level of traffic could be accommodated if it was allowed to flow and that mitigating measures could be implemented to relieve the pressure in Silsden.

Concerns were raised about the ability for the local primary schools to accept additional children as the report stated that some schools were likely to be oversubscribed in 2023. In response it was confirmed that information, based on the most recent census data, and contained in the report, was that the development was unlikely to cause significant pressure on schools. It was anticipated that places would be available from 2023.

The safety of the road bridge, having a footway on only one side of the road, was questioned. It was explained that the footbridge over the bypass was remote from the development site. A condition of the development would see a contribution to upgrade that bridge and was seen as encouraging people to walk or cycle and would provide easier access to the train station. It was also confirmed that there was a cycle path to the school.

The impact on the allotment site was questioned and it was confirmed that the site would remain unaffected by the development.

The impact of a large development on Bradford's Clean Air Policy was queried and it was explained that measures to mitigate traffic movements had been considered. The scheme had been designed to ensure it encouraged other modes of transport including the use of public transport and cycling. Each new household would be provided with metro cards for travel. The applicant would be extending the footway on Bolton Road to enable bus users from the site to safely access public transport.

The site manager from Silsden Primary School addressed the meeting and acknowledged that the school were grateful that the applicant had considered their concerns and amended the access arrangements. It was felt, however, that those amendments did nothing to prevent the destruction of the landscape and habitat on Hawber Cote Road. He reported that the road included an ancient track serving two holloways which had been preserved in Silsden. The holloway

provided access to a barn which was part of the primary school's forest school, and that daily exploration of that area was of great educational value to pupils. It was requested that a S106 obligation to protect that area be sought and that construction traffic should not be allowed to use that area.

A local resident reported his belief that the application lacked detail and that the archaeological impact should be assessed in advance of determination of the application. He was concerned that the land contamination assessment was merely a walk over assessment and that no bore hole studies had been undertaken on the site. He felt the contributions requested of the applicant were small and that a developer of the size of the applicant could afford to develop a local relief road and still make a profit.

A resident referred to unlogged water courses in the area and felt the houses would have to be built 2.5 metres above ground to account for drainage. He reported that a local storm had eroded footways and felt that Bolton Road had been like a river at that time.

A Member questioned if it was in the gift of the Committee to request a S106 be conditioned to allow work to protect the holloway located near to Silsden Primary School. Members also questioned if the site included sufficient measures to mitigate potential flood issues.

A Silsden Town Councillor addressed the meeting and expressed concern that the area had been subject to overwhelming housing development in recent years. He stated that the community were crying out for a pause to traffic blockages, increased pollution and the extensive disruption to local life that came in the wake of such rapid growth which had been 20% in the last 10 years. It was felt that Silsden had 'done its bit'. It was maintained that the proposed mitigation of the damaging aspects of that completely failed to address the effect on people's lived experience within the existing community and failed to recognise the cumulative effect of rushed development.

He referred to the Council's 18-year-old Local Plan which was set to be replaced. The replacement was originally timetabled by Bradford's Local Plan Team to be completed by early 2023 but felt to be actually much nearer its completion than its commencement. The draft plan showed significant departures from the obsolete old plan. It provided that in places like Silsden preferred housing sites were more closely defined. He stressed that the majority of the land included in the application being considered was not identified as a housing site in the new plan. He contested the case officer's comment that this new plan can only be given 'limited weight, firstly because the details of the old plan contrasted so strongly with currently accepted standards and expectations, and secondly because of the sheer scale and impact of those differences. It was maintained that the report was extremely confusing when it came to discussing the status of land previously safeguarded for housing. Its original purpose was to protect the greenbelt by reserving buffer space for possible future development beyond the timescale of the Local Plan. It was never meant simply to be 'up for grabs'. However, the government's now discarded requirement for Councils to demonstrate a five-year supply of housing sites, coupled with the attractiveness of green field sites, had encouraged developers to make opportunistic applications. It was believed that approval of the application today would rob the town of the

opportunity to make better choices for Silsden in the near future. It was stated that there was no clear reasoning in the report as to why this site must be accepted for housing development rather than following the principles of the new plan. A significant feature in both plans was a protected route for a bypass to the east of Silsden. It was originally envisaged that this would, at least in part, be funded by housing development in Silsden. It was felt that ship had sailed long ago because the Council had not observed that principle when granting previous planning permissions. If the Council wished to adhere to the development plan, then it needed to adhere to all of its principles, and not simply ignore the missing piece of the development jigsaw. No Bypass, no more houses.

A local Ward Member reported the enormous value placed on the stretch of countryside by the community of Silsden. She referred to an objective of Steeton with Eastburn and Silsden's Neighbourhood Development Plan to conserve and enhance the area's natural environment and quoted the National Policy Planning Framework's statement that policies and decisions should contribute to and enhance the local environment by protecting and enhancing valued landscapes and that decisions should protect and enhance biodiversity. She maintained that the application went against the 'grit and grain' of those objectives and did little to address the real needs for truly affordable housing on sustainable sites.

Reference was made to the Council's supplementary planning document 2008, describing the area's landscape as a balance of industry, settlement, woodland and farmland uses throughout Airedale which could be jeopardised by the encroachment of development further up the valley. It was stressed that was exactly what the proposal under consideration would do.

Photographs depicting the local area and wildlife were provided and it was reported that a State of Nature Report 2023 had stated that the area had never been so depleted. The object of the Neighbourhood Plan was to conserve the natural environment and the decision made by the Committee should enhance and protect biodiversity. She reported there had been over a 50% decline in listed birds in the area due to increased development. It was questioned why a financial contribution was requested towards the management and monitoring of the South Pennine Moors when foraging land was being taken from species in the local area. It was felt that wildlife would be destroyed as large continuous corridors would be destroyed. It was stressed that ancient boundaries and centuries old footpaths would be lost.

Hedgerows and trees on the site were reported as containing at least nine species of native trees or shrubs. Whilst it was felt some hedgerows would be retained as garden hedges none would be continuous and corridors to valuable wildlife would be destroyed.

Footpaths linked to ancient field boundaries were described and it was felt that a walkway, cut through by housing estate roads, could not offer a remotely similar experience to that of a century's old footpath across countryside rich in wildlife. It was felt difficult to overstate the significance and meaning of the footpaths to local people who found a sense of place and rooted identity there.

In conclusion she believed that the development would destroy an iconic landscape, reduce biodiversity and deprive local people of the health benefits of a

special place. Members were asked to walk the footpaths of Hawber Cote Fields for themselves.

A second Ward Member addressed the meeting and reported that in April 2022 Bradford Highways Department had issued a written report on the application, saying that the lack of a second vehicle link road into the development from Hawber Cote Lane was “not acceptable and could not be supported”. The applicant, therefore, incorporated a one-way vehicle access into the design. Silsden Primary School had raised objections regarding the impact on road safety at its entrance by the creation of the vehicle link and the applicant had now changed to scheme to remove it. The amended scheme was submitted last Thursday evening after Members had received their documents pack including the case officer’s report based on the previous layout. The design being considered currently reverted back to what was previously deemed unacceptable and there was no explanation in the public domain which reported if, or why highways were supporting the change, nor was there anything in the meeting papers to address any knock-on issues for trees, footpaths or traffic movements.

Other highways issues with the application were also reported. It was stated that the road network in Silsden was cramped, causing gridlock and pollution in the town. There was one classified road, the A6034 Bolton Road/Kirkgate/Keighley Road, which passed through the middle of Silsden. It was reported that the road was a traffic ‘sewer’ carrying HGVs, buses and commuter traffic heading from Lancashire towards Leeds, from the South Pennines to Harrogate, local traffic connecting with Skipton, Ilkley and Keighley plus nearly all the local traffic movements within Silsden. It was felt that compensatory S106 money for traffic calming would do nothing to stop the exponential increase in congestion in Silsden arising from new housing.

In addition, she believed that the Council's own highways assessment was that the site 'was not considered to be in a particularly sustainable location', and the Council’s Core Strategy policy P1 required a presumption in favour of sustainable development. The developer’s traffic impact assessment concluded that 85% of journeys, from the 138 houses proposed, would be made by car. She found it difficult to see how increasing the number of vehicles on Bolton Road met the aims of ‘limiting traffic growth’ and ‘reducing congestion’ required by policy ‘TR1 of the Council’s adopted Core Strategy.

It was stressed that Council officers’ advice to the Committee was reliant on the information provided by the applicant’s Transport Assessment. That assessment was based on information from November 2021 and could not actually have measured the significant increases to traffic in that part of the town as since that date the adjacent 600 pupil / 80 staff Primary School had opened in January 2022 and the Bolton Gardens development, along with three other ongoing housing developments at Riverside Works, The Willows and Saxon Dene have and would add 400 homes.

It was believed that the application should be refused for reason of Paragraph 111 of the NPPF - ‘the residual cumulative impacts on the road network would be severe.’

It was stated that the development would lead to more unsustainable travel across

the district and was contrary to NPPF paragraph 95 which stated, 'It is important that sufficient choice of school places is available to meet the needs of existing and new communities.'

In relation to the case officers report, it was appreciated that staff were under considerable time pressure but there were two troubling parts of the report.

Members were informed that there were now 831 objections to the application from members of the public. Unlike usual practice, where objections were properly summarised for Members, here they were merely summarised in only 45 words.

The report stated that consultees, the West Yorkshire Archaeology Service, had requested that a programme of archaeological evaluation be carried out in advance of determining the planning application, but this had not been done and consequently site archaeology had not been protected.

In conclusion it was felt that:

- The committee was considering a scheme which had been altered only a week ago and without all the appropriate updated documentation.
- This was a complex green field site with lots of issues and adverse consequences would result from it being developed.

The Committee were urged to visit the site before making its final decision.

A third Ward Member reported his belief that the town had suffered continual development without the infrastructure to support that growth. It was felt that the level of traffic flow along Bolton Road would have a significant impact on the area. Traffic calming measures would result in a loss of parking and have a detrimental impact on local businesses. Drainage and wastewater issues were a concern, and it was requested that construction work on the weekends be prohibited. In conclusion he felt that the area had suffered from over development and the proposal did not have the infrastructure to support the community.

Members queried why the access road which had been initially in the plans included in the application had now been deemed unnecessary. In response it was explained that the request for the second access road was requested by highways officers to relieve pressure on Daisy Bank to Bolton Road. The developer accepted that request. The primary school then said they could manage the traffic flow around the school and did not feel egress from Hawber Cote Road was required and that it would be detrimental to pupils if that link were developed. At no time had the developer been required to provide the additional access road and a single point of access was deemed to be safe.

The School Site Manager explained that they managed the traffic situation out of necessity and had never been in favour of access to the proposed development. They had redesigned arrangements to allow people to use a one-way system to prevent drivers turning their vehicles and causing traffic chaos.

In response to a Member question about biodiversity in the area it was explained

that the site had no value in terms of a designated site. It was located in close proximity to the South Pennies Moors. Migrating birds did visit the site but any impact on fields would be mitigated against as there were four conditions around biodiversity contained in the report.

The local planning agent for the applicant addressed the meeting together with the applicant's highway engineer and biodiversity advisor. It was reported that they would be willing to an additional S106 condition to secure the holloway for the schools use in the future. It was stressed that they had endeavoured to address all technical requirements and that the scheme would deliver much needed affordable housing. It was explained that young people and key workers struggled to buy homes in the area. Details of the local homes guarantee to be offered by the applicant were provided and included that people living within a five-mile radius would be given first refusal on the homes. The 28 affordable homes would be available in a range of tenures and would help address large waiting times for social housing.

It was maintained that the development accorded with the local development plan and the safeguarded land was for the provision of longer-term housing. The scheme had been amended to remove vehicle access to Hawber Cote Lane and the applicant was prepared to discuss how the holloway could be used.

A financial contribution would be provided towards improvements to the footbridge crossing the A629 road which it was understood was a local priority. The layout and design of the scheme had included an independent audit. High quality homes would be linked to three acres of public space, the local allotments would not be impacted, and accessibility would be improved. The 10% net gain in biodiversity the scheme provided was above local requirements.

Assurances were provided that assessments had shown that there were no concerns about the provision of local school places and had revealed that the local school was capable of expansion.

The applicant's highways officer acknowledged the concerns of residents regarding traffic issues but provided assurance that a lot of detailed work had been conducted to ensure that the site was in accordance with the National Policy Framework in a sustainable site. The site was in an area with the benefit of local schools, a train station and cycle network. It was agreed that there would be additional traffic but following assessment and surveys outlined in the technical officer's report it was not felt that this was unacceptable.

The applicant's biodiversity advisor confirmed that many surveys had been conducted and valuable and significant efforts had been made to retain hedgerows and trees and to create grasslands to support the Curlews and other birds.

Following the applicant's presentation, a Member queried if this was a financially viable proposition. In response it was explained that increased build costs and assumptions on house prices had been factored into calculations and it was considered to be a viable project.

In response to questions about land required for a future relief road in the area

the Principal Engineer confirmed that the site land was not required for that road.

A Member questioned if the developer would be prepared to conduct a below ground survey of the area to check for archaeological interest and hidden gullies which could be utilised to provide better drainage of the site. The applicant reported that following consultation on the development a geo physical survey to assess the possibility of any archaeological remains had been conducted. The results of that survey had shown limited likelihood of any archaeological remains in the area. The conditions attached to the proposal included that prior to any work commencing further trenching surveys be carried out to confirm that the results of the initial survey were correct. The applicant was confident that drainage requirements were acceptable but if the survey contradicted that belief the plans would be amended.

It was questioned if the attenuation tank on the site would be the responsibility of the residents and it was confirmed that would not be the case. It was explained that the size of the tank could change but not significantly.

Action to determine if there was any contaminated land in the area was questioned and assurances were provided that land samples and excavation were required. It was felt unlikely that any contamination would be found but assurances would be sought before the land was purchased.

The legality of the changes to the access road which had been undertaken following publication of the report was questioned. Members were assured that neither planning or highways had any concerns about the legality of the amendment.

The amount of social housing which would be provided was queried and the details of various tenures were provided.

A proposal to refuse the application on the grounds that it would not be sustainable was not supported.

A Member suggested that construction work at the weekend should be prohibited and that proposal together with a recommendation that an archaeological and drainage study be conducted was supported.

Resolved –

That the application be approved subject to completion of the Section 106, including the management of the sunken lane, the unadopted part of Hawber Cote Lane and conditions contained within the technical report appended to Document “D” and including an additional condition as follows:

- 1. No development to take place within the application site until the applicant or their agents or successor in title has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been**

submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure archaeological assets are properly accounted for in accordance with policy EN3 of the Core Strategy DPD.

Reason for pre-commencement condition: It is necessary to secure agreement to carry out an archaeological recording prior to the commencement of development to ensure the recording of any archaeological assets to accord with Policy EN3 of the core Strategy DPD.

To be actioned by: Assistant Director Planning, Transportation and Highways

(Stewart Currie – 01274 434380)

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER