

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 11 March 2021.

BB

Subject:

An outline application for residential development of land, requesting consideration of access at The Willows, Hainsworth Road, Silsden.

Summary statement:

The application site is part of a larger site formerly allocated as Safeguarded Land, under policy UR5, and proposal area K/UR5.36, in the RUDP. However, the principal policy, Policy UR5 was not saved as part of the RUDP and sites identified are no longer allocated as Safeguarded Land.

The site was the subject of a previous application, 19/01661/MAO, which was refused on highways grounds. The decision was appealed and the appeal dismissed. The appeal was dismissed solely on the grounds of the application not providing affordable housing, the Inspector stating that the highways proposal within the application would address any concerns on the operation of the highway. Affordable housing is now provided for in accordance with policy, 20% as part of the application and is subject to a S106.

The principle of housing has been considered against the former Safeguarded Land allocation; the impact on the Leeds-Liverpool Canal Conservation Area and highway challenges. It is considered that the proposed residential development would be appropriate at this site, without substantively harming the conservation area or prejudicing highway safety. In addition, the proposal would increase the supply of housing, including affordable housing, within the District.

The application is recommended for approval subject to the completion of a Section 106 agreement to provide affordable housing and conditions included within the report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

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

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Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

The application is recommended for approval subject to the completion of a Section 106 and conditions included within the Technical Report, Appendix 1.

2. BACKGROUND

The application is reported to Committee, following 52 objections being received.

This application follows a previous application that was refused on the grounds of the proposed development resulting in an intensification of the use of a substandard access road, deficient in terms of width, geometry and forward visibility that would be prejudicial to highway safety. The applicant appealed this decision. Whilst the appeal was dismissed, in dismissing the appeal, the Inspector considered that the scheme would address the highways reason for refusal. The appeal was however, dismissed on the grounds that the applicant had not made provision for affordable housing.

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 centre, with various facilities and services provided in the centre. The application site is within walking distance of the town centre & it is not considered there are any adverse implications on 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 contained in Appendix 1, 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 completion of the Section 106 and conditions contained within the report.

11. APPENDICES

Appendix 1 Technical report.
Appendix 2 Appeal decision

12. BACKGROUND DOCUMENTS

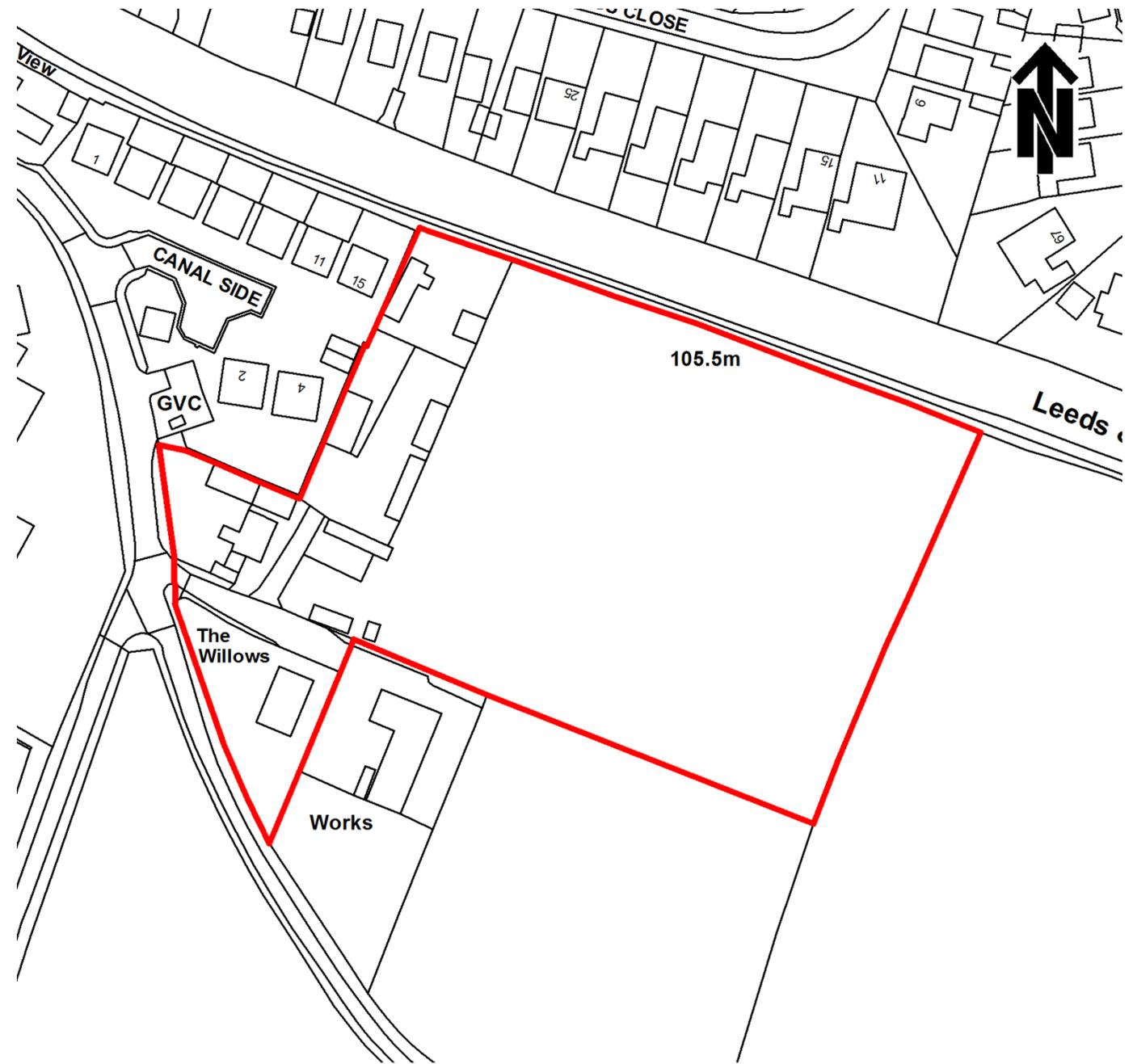
National Planning Policy Framework 2019

Adopted Core Strategy 2017

20/03878/MAO



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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The Willows
Hainsworth Road
Silsden BD20 0LY

APPENDIX 1

Ward **CRAVEN**

Recommendation

That the Committee grant outline planning permission subject to conditions and a Section 106 Agreement. The Assistant Director Planning, Transportation and Highways be authorised to issue the grant of planning permission upon the completion of the S106 Agreement.

Application No.

20//03878/MAO

Type of application

Outline application for residential development of land requesting consideration of access at The Willows, Hainsworth Road, Silsden.

Applicant

Mr Mick Smith

Agent

LARK Architects Ltd

Site Description

The application site is currently occupied by a bungalow, The Willows, and a number of outbuildings/structures. The balance of the site has been in use as 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 to the northern and southern boundaries of the site. The site is not within, but is adjacent to the boundary of the Leeds-Liverpool Canal Conservation Area.

Background

The application site was formerly allocated in the RUDP, as Safeguarded Land, identified as UR5.36 Hainsworth Road. Development for housing being an appropriate use for Safeguarded Land. However, this policy was not saved as part of the Core Strategy and the allocation no longer exists.

Relevant Site History

19/01661/MAO

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
HO1 Scale of Housing Required
HO3 Distribution of Housing Requirement
HO5 Density of Housing Schemes
HO11 Affordable Housing
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Place

The National Planning Policy Framework (NPPF).

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

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.

Publicity and Representations

The application was advertised through site notices and in the local press. There have been 84 letters of support and 52 objections to the application.

A Ward Councillor has objected with the main concern around highway safety. Believed that a substantial increase of vehicular movements would occur should the site be approved and this would cause unnecessary risk to drivers, pedestrians, dog walkers and cyclists who use this very narrow country lane. The main reason is that access and egress to the site is on a blind bend which cannot be adequately mitigated to ensure safety. Hainsworth Road is used by many residents and walkers to access green space and the local countryside, never more so during this Covid crisis. There is no pavement nor space to include one and if pedestrian safety cannot be guaranteed then the application should be refused. The Council has a duty care of care to all its residents and to approve such an application which put lives at risk is irresponsible.

Whilst welcome the affordable element which has now been included in this new application, I do not accept that this will make them 'affordable' to first time buyers as has been suggested in comments by those supporting this application. I would suggest this is a misnomer.

In addition, housing numbers for the Bradford District will shortly be revised which will result in a significant reduction in the housing numbers required. Silsden has taken more than its fair share of new housing compared to other parts of the district. It does not need nor want any further housing.

The infrastructure is woefully inadequate within the town as stated by other objectors to this application. There are promises that it will be delivered after the housing is built. In reality this does not happen and as a result there is a poor, badly thought out, piecemeal approach to housing development within the town which greatly impacts on the existing residents of Silsden.

I request that this application is refused again.

Summary of Representations Received

- More housing needed.
- Provides affordable housing.
- Loss of greenfield site.
- Overdevelopment of the site.
- Increased traffic
- Highway too narrow
- Impact on pedestrian safety
- Cyclist safety
- Impact on wildlife
- Loss of hedgerow
- Impact on residential amenity
- Effect on conservation area
- Lack of school places/GP places

Consultations

The Canal and River Trust

Issues relevant to the Canal and River Trust (CRT) - impact on structural integrity of the canal; impact on the character and appearance of the canal corridor; impact on the biodiversity of canal corridor; potential for flood risk; additional usage of towpath.

It is requested by the CRT that any permission should be subject to requirements to safeguard the structural integrity of the canal; retention of hedgerow & trees; a management plan to safeguard habitats.

West Yorkshire Archaeology Advisory Service

The proposed development is located in an area of previously undeveloped land to the east of Silsden and south of the Leeds-Liverpool Canal. It lies in an area of archaeological potential dating from the prehistoric era to the early post-medieval period. The recent discovery of an early Bronze Age barrow and later Iron Age boundaries during a housing development 600m to the south-west off Belton Road shows that even in areas with no previously known archaeological potential significant remains may be present.

The development sites south to south-west facing aspect at a height of 100m above sea level would have made it potentially attractive to past communities from the prehistoric to early medieval periods.

The previously undeveloped portion of the site should have its archaeological potential fully evaluated prior to determination of the application.

The WYAAS recommends that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS.

However, the above works can be secured by the attachment of a suitable condition in accordance with the NPPF para. 199 and within the Department of the Environment's Circular 11/95.

Highways

A previous application (19/01661/MAO) was refused by the Council and dismissed on appeal due to lack of affordable housing.

The Inspector considered that with the proposed highway measures including footway and visibility improvements at the site access and the traffic management scheme on Hainsworth Road, highway and pedestrian safety would not be adversely affected by the proposed development and that these works could be secured by condition.

Although the Inspector noted the Council's concerns regarding the impact of the protected hedgerow on the poor visibility around the bend on the narrow section of Hainsworth Road, the Inspector agreed with the applicant's evidence that the appropriate forward stopping sight distance can be achieved within the carriageway based on the vehicle speeds recorded on Hainsworth Road, and would not be dependent on the maintenance of the adjacent vegetation. This however conflicts with the findings of the independent Road Safety Audit (RSA) that was submitted by the applicant to support the planning application, which confirmed that the vegetation around the bend on the narrow section of Hainsworth Road would need pruning on a regular basis to improve visibility. Notwithstanding this, the pruning could be carried out by the Highway Authority using existing highway powers.

A Transport Statement (TS) submitted with the application includes an assessment of the likely traffic that would be generated by the proposed development based on the nationally accepted TRICS database. This assessment is based on 85th percentile trip rates which assumes that public transport accessibility in the local area is poor, to ensure a robust assessment is made. The assessment shows that the worst case traffic generated by the proposed development would be 8 vehicles arriving and 23 vehicles departing in the am peak hour, and 27 arrivals and 6 departures in the pm peak hour. In both peaks this represents around 1 vehicle movement every two minutes which is a relatively modest level of traffic generated that can be safely accommodated within the surrounding highway network.

An examination of collision data for the past 5 years shows no personal injury collisions on either Hainsworth Road or Belton Road. This indicates that at present there are no highway safety problems in the vicinity of this site.

The development would improve the existing site access and provide the required visibility splays in both directions. The existing footway on Hainsworth Road would also be extended into the site thereby improving pedestrian connectivity and safety. Tactile dropped paving at junctions will also need to be considered as part of the detailed design process.

A S278 agreement would be required to reform the site entrance and other off site-highway works. The proposed Traffic Management Scheme is accepted in principle but additional measures such as reduction in speed limit and vertical traffic calming may also be required. Therefore, the scheme would need to be assessed in detail through the S278 process.

In view of the above and on balance, I consider that the proposed development would not have an unacceptable impact on highway and pedestrian safety along Hainsworth Road. And therefore, no objections to raise on the development in highway terms, subject to conditions.

Environmental Health (Pollution)

This is a minor development for the purpose of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.

Under the provisions of the LES planning guidance minor developments are required to provide Type 1 emission mitigation as follows:

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
- Adherence to the *London Best Practice / IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

In addition, some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

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, 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 concerns of the capacity of the electric substation and sewers which are running at capacity. This council believe that the lane is too narrow and the proposed widening cannot take place due to the protected hedgerows.

The proposed site is within the canal conservation corridor and the comments made by CRT should be investigated and resolved satisfactorily. 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.

Airedale Drainage Commissioners

Having reviewed the information available online, we note that the site in question is outside of the Drainage Board's usual area of consultation. However, because of the topography of the land any increase run-off from this site will have an impact on the ADC's drainage infrastructure and of course the River Aire.

Therefore, if the application is to be approved the ADC recommends that a condition is attached which restricts any run-off from site to be that of no greater than Greenfield run-off rates which will ensure that the development site does not impact negatively on the local drainage infrastructure.

Conservation

The Heritage Assessment summarises that the proposed development would have an effect on the setting of the conservation area and that it would be minor in nature. I would concur with this summary. There is conflict with Core Strategy Policy EN3, which seeks to ensure that all development conserves or enhances the significance of designated heritage assets and their setting. I consider that the proposal is likely to result in harm to the setting of the Leeds & Liverpool Canal Conservation Area, however, I consider that this harm will be less than substantial and therefore this should be weighed up against the public benefits of the proposal, as set out in para. 196 of the NPPF.

Notwithstanding the above, I note that all matters are reserved and therefore information that has been provided about the layout of the site and design is therefore indicative only. There is an expectation that any development will utilise the highest standards of design and that a palette of natural materials will be used.

Should approval be granted, matters such as the layout and design of the dwellings, boundary treatments (particularly and crucially along the northern boundary of the site where it forms the edge of the towpath), scale and materials will be of paramount importance in terms of mitigating any negative impacts upon the setting of the conservation area and striving towards a development which makes a positive contribution to the character and appearance of the conservation area, in which it would form the immediate setting.

LLFA

The proposed surface water drainage strategy is acceptable to the LLFA, but the details would have to be acceptable to the highway authority. Anything larger than 900mm span is considered to be a structure and needs to be located outside the influence of the adopted highway. The drainage details can be submitted with the Reserved Matters application.

Trees Team

Concern is expressed on the indicative layout and consideration of impact on protected trees.

Biodiversity

The applicant has provided a good appraisal of the potential of the land to support foraging birds which are qualifying species or part of the qualifying assemblage of the SPA which is accepted. Following this appraisal, it is agreed that the likelihood of these birds being present on the land is highly unlikely.

The zone C impact is less convincing. It is considered that there would be insufficient space on the site, to overcome the impact of additional recreation to the qualifying habitats and species from the European sites. This additional impact from new dwellings was assessed under our own Habitats Regulation Assessment as an impact. A contribution is likely to be required for the mitigation of this impact.

Although no analysis of net gain has been provided, as long as all mitigation and enhancements which are suggested are put in place, as outlined in the Ecological Impact Assessment, it can be supported. These should be secured in suitably worded conditions to supply a Construction Environmental Management Plan and Ecological Management Plan, if planning permission is granted.

Policy

No comments received.

Summary of Main Issues

Principle of development

Effect of the proposed development on highway and pedestrian safety

Impact on heritage assets

Impact on canal

Other Issues

Appraisal

Principle of development

The application site is part of a larger site, formerly allocated as Safeguarded Land in the RUDP, policy UR5 and identified as UR5.36, Hainsworth Road. The development being dependent on the construction of the Silsden by-pass, between Keighley Road and Holden Lane.

However, Policy UR5 was not saved as part of the adoption of the Core Strategy and the site is therefore unallocated. The previous requirement for a by-pass to be built before development at the site, as part of the former RUDP policy, also therefore no longer stands. This application, on unallocated land, is therefore assessed on its merits.

In acknowledging that the application site is green field, the NPPF states that where there are no relevant development plan policies, planning permission should be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is not considered that there any clear policy reasons to refuse the application, nor would there be any adverse impacts, that would outweigh the benefits of the proposed development, when measured against the NPPF.

As such, the principle of residential development is accepted.

Effect of the proposed development on highway and pedestrian safety

The previous application at the application site was refused on the grounds of highways safety. Following that decision being appealed by the applicant, the appeal was subsequently dismissed on the grounds of lack of affordable housing. In deciding the appeal, the Inspector did not concur with the Councils highways reason for refusal.

The appeal decision makes reference to the highways reason for refusal and concludes that the proposed development would not have an unacceptable impact on highway or pedestrian safety.

In detail, the Inspector commented that the Transport Statement (TS) provides accident data which shows no personal injury accidents in the last five years, on either Hainsworth Road or Belton Road. This therefore indicates that at present there are no highway safety problems in the vicinity.

Furthermore, the Inspector stated that at present, whilst visibility at the site access is poor, as part of the application, it is proposed to improve the existing site access and to provide the required visibility splays in both directions. In addition, it is proposed to extend the current footway to the application site entrance, so that continuous pedestrian access is provided. This would, according to the Inspector, improve both pedestrian connectivity and safety.

In addition, the appeal decision concludes that there is no evidence to disagree with the conclusion of the TS that the traffic movements likely to be generated by the proposal could be accommodated within the local highway network without having an adverse impact.

The Inspector comments further - between the application site and the junction with Belton Road, the width of Hainsworth Road varies. This includes a stretch of c. 23m where it is too narrow to accommodate two-way traffic flows. This stretch includes a bend in the road which restricts forward visibility. Given this, a traffic priority scheme is proposed, whereby cars travelling in a south easterly direction, travelling towards the application site would have to give way to oncoming traffic. It is noted that there are concerns regarding visibility and the impact the adjacent protected hedge has on this. However, the appellant's evidence shows that, based on the vehicle speeds recorded on Hainsworth Road, the appropriate forward stopping sight distance can be achieved within the carriageway, and so is not dependent on the maintenance of the adjacent vegetation. It is considered that with the proposed highway improvements, highway and pedestrian safety would not be adversely affected by the proposed development. These works would be secured by condition.

It was concluded by the Inspector that the proposed development would not have an unacceptable impact on highway or pedestrian safety. As the Councils Highways DC team has no objection to the proposed development and proposed highway arrangements, there are no highways grounds on which to refuse the application.

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. A Heritage Statement has been submitted to assess impact on this Conservation Area. It is concluded that the proposed development would harm the setting of the Leeds-Liverpool Canal Conservation Area. However, 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.

Trees

Whilst the layout is not under consideration, as part of the outline application, the applicant has been advised that protected trees would need to be accommodated in the detailed layout of any subsequent reserved matters application. In any event, any proposal for works to protected trees would require the consent of the Council.

Impact on Leeds-Liverpool Canal

The Canal and River Trust has commented on the application and outlines a number of issues concerning the effect on the canal. These are identified in the consultation response above. Provided the proposal is subject to further details being provided through conditions/reserved matters application, the issues raised by the CRT would be addressed.

Other Issues

Overdevelopment of the site.

The application site is 1.2 ha in area. Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. As part of any reserved matters application, the layout and number of houses would be subject to detailed consideration and an appropriate layout in design terms would be achieved, meeting the density requirement, without being overdevelopment of the site.

Impact on highway

A Transport Assessment has been submitted and considered by Highways Development Control. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network.

Impact on pedestrian safety

As part of the planning application, it is proposed to undertake highway improvements. These include improvements to and extension of the footway along Hainsworth Road. This would improve pedestrian safety and connectivity along Hainsworth Road.

Cyclist safety

As part of the development, there would be a priority traffic scheme introduced, which has been designed to reduce the potential conflict between road users, including cyclists, along Hainsworth Road.

Impact on wildlife

An ecological assessment has been submitted and considered by the Councils Biodiversity Officer. The proposed development has accounted for biodiversity and it is not considered that there would be any adverse impact on biodiversity. A contribution would be 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

Whilst the housing layout is not part of this outline application, the distances that could be achieved between existing properties and proposed housing are not believed to raise any issues on residential amenity. This would be detailed at reserved matters stage and the relationship between existing and proposed properties assessed and agreed to ensure there would be no adverse impact on residential amenity.

Lack of school places/GP places

As with any planning application for residential development, there would be subsequent pressures on local services and infrastructure. In the event that planning permission was granted, any future reserved matters application would be 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 on-site. As this is an outline planning application, the specific figure would be determined when a reserved matters application was submitted. The Section 106 would ensure that affordable housing provision is met.

In addition, the applicant has agreed to a contribution of £11,000 which would be used to improve part of the public footpath network, south of the application site, to encourage visitors to this part of the District, rather than to the South Pennines Moor.

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 SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS2, DS3, DS4 and DS5.

Section 106

The applicant has agreed heads of terms and planning permission would be subject to Section 106 for the delivery of:

- 20% affordable housing on-site;
- a contribution of £11,000 towards footpath improvements at to mitigate impacts on South Pennines Moors and protected habitats and species.

Community Infrastructure Levy

Outline applications are not liable to the CIL but any subsequent reserved matters application would be liable to the CIL.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout
- iv) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved 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 a suitable form of access is made available to serve the development in the interests of highway safety and in accordance with policies DS4 and DS5 of the Local Plan for Bradford.

5. Before any development work starts on site, full details of the highway works, including a Traffic Priority Scheme and extension of footway shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied unless the highways works specified in dwg. no. 10981-005 including a Traffic Priority Scheme have been implemented. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

6. Before any part of the development is brought into use, the visibility splays shown on the approved plan shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

7. A site specific dust risk assessment shall be undertaken for all construction, demolition and earthworks undertaken at the site and an appropriate dust control plan put in place for all relevant stages of work. The dust risk assessment and control measures shall be developed in accordance with the IAQM guidance on the assessment of dust from demolition and construction. Plans shall be submitted to and approved in writing by the LPA and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved dust management plans.

Reason: To protect the amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

8. Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) provided at every residential unit that has a dedicated parking space and/or garage.

One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

9. The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboriculture method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

10. The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

11. Prior to the occupation of the development, or prior to the occupation of such phases of the development as have been agreed in writing with the Local Planning Authority, written verification/evidence that the developer has arranged and implemented site supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

12. The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

13. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the FRA Addendum by FRC, doc ref. BL/061219/2019-052-02, dated 06/12/2019. The maximum surface water discharge rate, off-site, shall not exceed 3.5 litres per second. The scheme so approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

14. No groundworks, including the stripping of top-soil, shall commence until a construction phase drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved strategy.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

15. No development to take place within the area indicated until the applicant, or their agents or successors 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 Local Plan.

16. Prior to the commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall subsequently be carried out in accordance with the approved Plan.

Reason: In the interests of safeguarding protected habitats in accordance with policy EN2 of the Local Plan.

17. Prior to the commencement of development, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the consideration of the following aspects of construction:

- a) Site wide construction and phasing programme.
- b) Principal Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for Principal Contractors and construction workers.
- c) Construction and demolition hours, which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- d) Prior notice and agreement procedures for works outside agreed limits and hours.
- e) Delivery and collection times for construction purposes.
- f) Outline Waste Management Plan (OWMP), providing a statement of site specific reuse and recycling objectives with appropriate targets, compliance training for sub-Principal Contractors, construction code of conduct together with regular auditing and reporting on target achievements and quantities disposed, ensuring that such materials are only consigned to authorised treatment/recovery or disposal facilities, including consideration of participation in a Materials Re-use and Recycling Forum.
- g) Noise and Vibration (including piling) impact / prediction assessment, monitoring, recording protocols and consideration of mitigation measures in accordance with BS5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded) including the use of best practical means to minimise noise and vibration disturbance from construction works.
- h) Confirmation on whether a concrete crusher will be used
- i) Dust suppression management and wheel washing measures, including the deposition of all debris on the highway
- j) Site lighting details.
- k) Screening and hoarding details.
- l) Access and protection arrangements around the site for pedestrians, cyclists and other road users.

- m) permanent and temporary realignment, diversions and road closures.
- n) Consideration of ecological and other sensitive receptors.

Reason: In the interests of residential amenity and to accord with policy and in accordance with policy DS5 of the Local Plan.

18. No development shall take place until details of the construction of foundations and any new retaining walls at the application site have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: In the interests of minimising the risk of land instability in accordance with advice and guidance in paras. 170 e) and 178 of the NPPF



The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2020

Appeal Ref: APP/W4705/W/20/3250030

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mick Smith against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01661/MAO, dated 4 June 2019, was refused by notice dated 19 February 2020.
 - The development proposed is residential development up to 44 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved except for access. I have determined the appeal on this basis treating the plans which show a potential site layout as illustrative.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on highway and pedestrian safety; and
 - whether or not the proposed development would make adequate provision for affordable housing and for habitat mitigation measures.

Reasons

Highway and Pedestrian Safety

4. The appeal site would be accessed from Hainsworth Road utilising the existing vehicular access point which provides access for the various buildings and uses on the site. From its junction with Belton Road to the site access Hainsworth Road varies in width but is mainly a single carriageway road with low traffic flows. For most of its length it has a footway to one side and street lighting, although the footway stops before the site entrance. The speed limit until just beyond the site access is 30 mph but then increases to the national speed limit. Belton Road connects to Keighley Road – a main road linking Silsden to the A629.

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5. The appellant's Transport Statement (TS) provides accident data which shows no personal injury accidents in the last five years on either Hainsworth Road or Belton Road. This therefore indicates that at present there are no highway safety problems in the vicinity.
6. At present visibility at the site access is poor but as part of the appeal scheme it is proposed to improve the existing access point and to provide the required visibility splays in both directions. In addition, it is proposed to extend the current footway to the site entrance so that continuous pedestrian access is provided. This would improve pedestrian connectivity and safety.
7. The TS uses the TRICS database to predict the vehicular flows that the proposal would generate. This indicates that the development would generate around 1 vehicle movement every 2-3 minutes in the weekday peak periods. This data has not been disputed by the Council. The Council have indicated that the highway infrastructure in this part of Silsden is limited and constrains development, but I have not been provided with any substantive evidence to support this or to show capacity issues in the local network. In the absence of any such evidence to the contrary I see no reason to disagree with the conclusion of the TS that the traffic movements likely to be generated by the proposal could be accommodated within the local highway network without having an adverse impact.
8. As noted above, between the site and the junction with Belton Road the width of Hainsworth Road varies. This includes a stretch of around 23m where it is not wide enough to accommodate two way traffic flows. This coincides with a bend in the road which restricts forward visibility. Given this, a traffic priority scheme is proposed whereby cars travelling in a south easterly direction would have to give way to oncoming traffic.
9. I note the concerns regarding visibility and the impact the adjacent protected hedge has on this. However, the appellant's evidence shows that, based on the vehicle speeds recorded on Hainsworth Road, the appropriate forward stopping sight distance can be achieved within the carriageway, and so is not dependent on the maintenance of the adjacent vegetation. I therefore consider that with the proposed highway improvements highway and pedestrian safety would not be adversely affected by the proposed development. These works could be secured by condition.
10. The Council have indicated that on street parking has been observed in close proximity to where the traffic priority scheme would be, and that, as a result, a Traffic Regulation Order (TRO) may be required to prevent parking. They suggest that as this may receive objections it is unlikely to be achieved. However, I noted during my site visit that the housing in the area had dedicated parking provision so demand for on-street parking is likely to be low. Furthermore, the presence of objections to a TRO does not prevent it being made as they can be overruled by the Council or be considered at an inquiry. Thus, I do not consider this would necessarily prevent the implementation of the proposed road improvements to which the Council's highway department raised no objections.
11. All in all, I consider that the proposed development would not have an unacceptable impact on highway or pedestrian safety. I note that the reason for refusal does not refer to any policies within the development plan. However, given my conclusion on this matter, there would be no conflict with

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the *National Planning Policy Framework* (the Framework) which requires that safe and suitable access should be provided for all users and that developments should not have significant impacts on the transport network or highway safety.

Affordable Housing and Habitat Mitigation

12. Policy HO11 of the *Bradford Core Strategy Development Plan Document* (adopted July 2017) requires that in towns such as Silsden, subject to viability, residential developments of 15 units or more should provide up to 20% affordable housing. The supporting text for the policy sets out the need for affordable housing in the district which is supported by evidence from the Strategic Housing Market Assessment.
13. The appellant has not disputed the need for affordable housing but whilst it is stated that Heads of Terms for a S106 agreement have been agreed with the Council, no signed Unilateral Undertaking or S106 agreement is before me.
14. The requirement for an affordable housing contribution as set out in Policy HO11 is necessary to the acceptability of the development, is directly related to it, and is fairly related in scale and kind. As such, it would accord with the provisions of Regulation 122 of the *Community Infrastructure Levy Regulations 2010* (the Regulations), and the tests for planning obligations set out in the Framework. Annex N of the *Procedural Guidance - Planning Appeals - England* (July 2020) is clear that any form of planning obligation should be submitted with the appeal documentation. Without any mechanism before me which would secure the provision of affordable housing on the site, I am not satisfied that the proposed development would make adequate provision for affordable housing.
15. The Council have also stated that the development needs to make a contribution towards habitat mitigation measures within the ward. However, I have been provided with no policy justification for this contribution and so cannot determine whether such a contribution is necessary having regard to the statutory tests in the Regulations. In these circumstances, the absence of a planning obligation for this issue does not weigh against the development.

Other Matters

16. The Council have suggested that the site is not situated in a sustainable location or well located for public transport. However, the nearest bus stops are on Keighley Road which is within walking distance of the site and the train station is within cycling distance. Silsden town centre has a good range of services and facilities, many of which are also within walking distance. As such, I consider the site to be an accessible location for both services and public transport.
17. The site lies adjacent to the Leeds Liverpool Canal Conservation Area and so forms part of its setting. The canal's setting has clearly altered significantly since it was built in the 18th century as Silsden has grown. The appeal scheme would extend built development along the canal side, but housing already exists along the canal both adjacent to the site and along the opposite bank. Thus, the canal's setting at this point is already largely residential in nature. As such, the development of further housing would not alter the character of the area to any significant degree. In addition, the existing hedging along the

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site boundary restricts views into and out of the conservation area. Given this I consider that overall the proposal would have a broadly neutral impact on the setting of the conservation area and so would preserve the character and appearance of the conservation area and its setting.

18. As the scheme is an outline application, matters such as the amount of development and its potential impact on infrastructure such as schools, the provision of landscaping and open space on the site and ensuring adequate living conditions for existing occupiers are matters that would be considered at the reserved matters stage. Moreover, there is no requirement for applications to be delayed until a Neighbourhood Plan is adopted and I have not been made aware that such a document is even currently being prepared for the local area.

Planning Balance and Conclusion

19. The appellant has stated that the Council cannot demonstrate a 5 year housing land supply, with the current figure being 2.06 years. This has not been disputed by the Council. This is a considerable shortfall and is clearly a matter of significant weight. The Framework indicates that in such circumstances permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole (paragraph 11d).
20. It is indicated that the site would provide up to 44 dwellings which would make a modest contribution to reducing this shortfall. As noted above, I consider the site to be in an accessible location, close to a good range of services and facilities as well as public transport. The development, both through the construction phase and through the spending of future occupiers, would bring some benefits to the local economy.
21. However, in the absence of any mechanism to secure the provision of affordable housing on the site, the proposal would be contrary to the development plan and would fail to make any contribution to meeting the need for affordable housing in the district.
22. Overall, I consider the benefits of the proposed development would be modest and the harm caused by not providing affordable housing would significantly and demonstrably outweigh the benefits.
23. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR