



Appeal Decision

Site visit made on 3 November 2015

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2015

Appeal Ref: APP/W4705/W/15/3049351

Land at Bolton Road, Silsden, West Yorkshire, BD20 9PW

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mr Geoff Mountain against the decision of the City of Bradford Metropolitan District Council.
 - The application (ref: 14/05107/MAO and dated 10 December 2014) was refused by notice dated 9 April 2015.
 - The development is described as 'residential development for up to 62 dwellings'.
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Application for costs

1. An application for costs was made on behalf of the appellant against the City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Decision

2. The appeal is allowed and outline planning permission is granted for residential development of up to 62 dwellings on land at Bolton Road, Silsden, West Yorkshire in accordance with the terms of the application ref: 14/05107/MAO (dated 10 December 2014) and the plans submitted therewith, subject to the conditions listed in the attached schedule.

Main issues

3. From what I have read and seen, I consider that this appeal turns on whether the proposal would:
 - i) constitute appropriate sustainable development at this edge of Silsden, or
 - ii) incorporate suitably safe access arrangements on to the A6034, commensurate with the scale of the scheme, or
 - iii) properly boost the supply of housing and contribute crucially to the 5-year provision required.

Reasons

The site

4. The site extends to almost 2.4ha and consists of 2 small grass fields at the northern edge of Silsden. The smaller of the two fields is enclosed by a cul-de-sac (Breakmoor Avenue and Nab View) of largely detached, semi-detached and some standardised 'self-build' dwellings (to the north and west), by the Listed Buildings at Townhead Farm (to the south) and by the extensive sheds and yards (Rotary Works - to the east). The larger field adjoins Nab View (to the west) and the industrial buildings (to the south), but rises northwards and eastwards amongst

other small grass fields towards an intermittent hedgerow and a stone wall beside the A6034. The 2 fields are joined by a gap between the head of the cul-de-sac at Nab View and the industrial buildings.

The proposal

5. The scheme is for the erection of up to 62 dwellings with all matters reserved for subsequent approval except the means of access. A single 'T' junction is to serve the proposed development taken from a straight, though rising, section of Bolton Road (A6034) roughly where 30mph signs herald this entrance into Silsden. An illustrative 'master-plan' indicates that those speed limit signs and a 'gateway' feature would be re-positioned beside the northern extremity of the development. The access road would branch into 2 main culs-de-sac, one leading towards the existing dwellings at Nab View and the other running parallel to the northern edge of the site. The illustrative plan also shows a footpath link to Breakmoor Avenue and a scheme accommodating dwellings of different sizes and types arranged in discernable groups. Significant landscaping is portrayed within the development, especially beside Bolton Road: existing trees and foliage are to be retained along the stream beside Nab View and along the northern boundary of the site: space and planting is indicated to protect the setting of the Listed Buildings at Townhead Farm. Approximately 12 dwellings (20%) would be offered as affordable homes, in accordance with the most up to date assessment of the local requirement.
6. A signed and dated section 106 Agreement would secure the provision of the affordable housing and the contributions to meet the need for recreational improvements, transport infrastructure and educational facilities. Measures both to secure the provision and control the price and disposal of the affordable dwellings to 'registered providers' are incorporated into the Agreement. Some £66,191 is intended to contribute to facilities at Hothfield Junior School in Silsden and £90,000 is to provide for transport related measures in the vicinity of the site, including a bus shelter and the relocation of the gateway feature on Bolton Road. Improvements to bridleways, the provision of new recreational walks (partly to mitigate the erosion associated with existing paths) and information boards in the South Pennine Moors SPA are to benefit from a contribution of £115,589.
7. Suggested conditions relate to flood risks, the management of surface water and drainage, parking, encouragement in the use of low emission vehicles, the control of construction operations, the preparation of a 'travel plan', the protection for the trees to be retained, the treatment of potential contamination and the provision of ecology and landscape management plans.

Planning policy and the main issues

8. The Development Plan now consists of the 'saved' policies in the Replacement UDP (2005). The draft Local Plan Core Strategy was published in February 2014 and the EiP closed on 19 March 2015; work on modifications is nearing completion. Guidance is also offered by the Framework (NPPF).
9. The site is a small part of a much larger allocation of land (under policy K/UR.5.39 of the Replacement UDP) located between the built up part of Silsden and the Green Belt; all but the appeal site lies on the slopes rising to the east of the A6034 towards buffer zones around areas protected for nature conservation. The allocated land is to be 'safeguarded' during the Plan period to avoid any prejudice to the potential longer term need to develop it for housing or employment purposes. This is intended (at least partly) as a means to secure the 'permanence'

of Green Belt boundaries; the fields to the north of the site lie within the Green Belt. Although the UDP 'strategy' looked forward to 2020, the detailed policies in Part 2 of the Plan (of which this is one) sought to cater for development only up to 2014. Hence, if a requirement for housing or employment land were to be identified now, it seems to me that it might well constitute just such a 'longer term need' and warrant a proposal for a suitable scheme on the appeal site, provided that any local deficiency in public transport links and recreational open space could be adequately redressed (as the policy requires).

10. While it may be too early to rely on the precise details currently identified in the draft Local Plan Core Strategy, the broad outline emerging identifies Silsden as one of several 'local growth centres' in Airedale intended to serve as an important focal point for affordable and market housing, as well as employment and associated community facilities. Although not yet finalised, the current intention is that Silsden should cater for about 1,000 new homes (with associated community facilities) and the creation of the 'Silsden Rural Business Park'. The latter is to be located to the south of the town, taking advantage of existing transport links but also of significant planned transport improvements to the east. However, the 'strategy' would not appear to explicitly preclude some development to the north.
11. The Framework advises that 'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites'. Although I consider that 'not being up-to-date' is not quite the same as being 'out-of-date', paragraph 14 of the Framework indicates, where policies are 'out-of-date', that the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Such advice is a material consideration here.
12. However, the Council refused planning permission because they considered the scheme to be an unsustainable form of development due to its location in relation to local amenities, such as shopping, employment facilities and access to public transport, thereby contravening policies UDP1 and UR2 of the Replacement UDP and the advice in paragraphs 6-16 of the Framework. In addition, they believed that the use of the access, onto a busy classified road without adequate footways and on a hill, would be unsafe, given the speed of the traffic on the main road and the scale of development proposed. The scheme would thus be prejudicial to highway safety and be contrary to policies TM1 and TM2 of the Replacement UDP and paragraph 32 of the Framework. I thus turn to consider issues of sustainability and road safety before considering the requirement for housing here, as indicated above.

Sustainability

13. Sustainability is a multi-faceted concept within which accessibility is an important element. The Framework advises that developments likely to generate large numbers of trips should be located in or next to towns or service centres accessible by public transport, walking or cycling. In this case, although much of the site would be over 800m from parts of the town centre, that situation would be no different from several of the existing dwellings in nearby Nab View or Breakmoor Avenue. Some facilities would be closer. Indeed, I saw that most of the site would

be within about 650m of the local Co-operative store via quite a pleasant walk along North Street and the proposed footpath link to Breakmoor Avenue. Perhaps the return journey, toiling up the hill with provisions, would not be so attractive. But a half hourly bus service along Bolton Road would deliver prospective residents to a bus stop and a proposed bus shelter barely 250m from the entrance to the site, though I can see no physical impediment to the creation of a new stop rather closer. And, although a walk to the station would entail a 2.5km tramp along the A6034 past fields and across a dual carriageway, the same would apply to residents of the nearby dwellings; indeed, the station is not conveniently located to serve the town at all.

14. More importantly, this proposal would be located within, and next to, a town identified within the emerging 'strategy' as one of several 'local growth centres' in Airedale. The place is intended to serve as a focal point for additional affordable and market housing; the scheme would provide additional affordable and market housing and, in so doing, meet the current requirement for the former as identified in the latest assessment. I realise that the emerging 'strategy' appears to focus the intended growth towards the south and east of the town, particularly in relation to the mooted infrastructure improvements and the creation of the 'Silsden Rural Business Park'. But modest additions elsewhere are not prohibited and it seems to me that a very modest addition to the north of the town would be reasonably consistent with, rather than undermine, the emerging 'strategy'. This scheme would represent a very modest addition, just 6% of the growth currently mooted. Moreover, it would utilise land specifically 'safeguarded' to accommodate a 'longer term need' for new housing or employment, provided local deficiencies in public transport links and recreational open space are adequately addressed. This scheme would meet those requirements. It would entail the provision of new housing and offer contributions to improve recreational facilities and transport infrastructure. The proposed 'travel plan' is also intended to encourage the use of more sustainable non-car modes of transport.
15. For all those reasons, I agree with the advice of the Planning Officer that this proposal would meet '*the sustainability criteria outlined in established national and local policy*'; I thus find that the scheme would comply with the policies and the guidance indicated above. I agree too that the illustrative layout would provide a sound basis for the creation of an attractive and landscaped scheme that would safeguard the setting of the nearby Listed Buildings, integrate into the existing built form and 'round-off' the pattern of development here.

Access

16. The access arrangements proposed entail the creation of a single priority 'T' junction on a straight, though rising, section of Bolton Road (A6034). The Highway Authority explain that although the Council would generally aim to limit the number of junctions on such roads (especially where alternatives exist), constraints restrict suitable alternatives here; visibility at the junction of North Street and Bolton Road is poor, Breakmoor Avenue is unadopted and in a state of disrepair and Nab View would not adequately cater for the traffic likely to be generated by the scheme. No highway objections are raised to the principle of development here. And, given that the estimate of the traffic likely to be generated is deemed to be robust, that the visibility splays to be provided at the access are deemed to be adequate to cater for the speed of traffic currently encountered and that contributions would facilitate further improvements, no technical objection is raised to the details of the scheme,

which are deemed to be satisfactory and in accordance with the established highway standards and applicable policies.

17. The subsequent concerns leading to the reason for refusal relate partly to the potential conflict between slow moving vehicles emerging from or entering the site and the faster traffic on a classified rural road (particularly that descending the hill) and partly to the alleged inadequate pedestrian facilities 'around' the site. But, the purpose of relocating the gateway feature and the speed limit signs on Bolton Road is to both calm vehicle speeds descending the hill and to signify that this section of Bolton Road is no longer an unrestricted classified rural road, but a restricted urban one. As such, this section of Bolton Road ought to be capable of accommodating traffic turning into, or emerging from, residential side streets satisfactorily and safely. And, far from pedestrian facilities 'around' the site being inadequate, they would appear to be reasonable. Footpaths and footpath connections to existing residential streets are shown on the submitted master-plan. A pavement roughly 1.8m wide runs along Bolton Road adjacent to, and way past, the site connecting it to the heart of the town. There is no pavement on the opposite side of the road. But, since that side of the road is, and would remain, undeveloped I can see no obvious need to provide one or, indeed, a pedestrian crossing. Again, I agree with the Planning Officer that the provision of the highway access in the manner proposed would be satisfactory and not compromise highway safety. On the contrary, it would accord with established highway standards and operative planning policies.
18. In addition, the 'travel plan' would promote accessibility to the site by means other than the private car and incorporate measures to reduce the number of car-borne journeys undertaken with the driver as the sole occupant. Sustainable travel options are to be encouraged, including efforts to prevent the deterioration of air quality.

Housing supply

19. The Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development and Councils are exhorted to 'boost significantly the supply of new housing'. To that end a supply of deliverable housing sites, sufficient to meet the housing required over the next 5 years, is to be identified.
20. As the Planning Officer makes clear, the delivery of housing here has not kept pace with the requirements and the provision currently achieved since 2008/9 falls short by over 5000 units of the supply estimated as being 'needed'. The latest assessment produced for the EiP into the emerging Core Strategy (March 2015) indicated that an identifiable supply of deliverable housing sites would provide sufficient dwellings to meet the requirement for barely 2 years, a supply well short of the 5-years advocated. There is thus a compelling need to identify suitable housing sites to redress the identified shortfall, not just to provide the housing that the district needs, but also to avoid undermining prospects for regeneration, or exacerbating problems of overcrowding or adding to the long waiting lists for social housing. In that respect, the scheme would provide 20% of the 62 dwellings as affordable homes, catering for the provision identified as necessary in the evidence set out in the published Core Strategy. Given that the scheme would represent a sustainable form of development (for the reasons outlined above) and generate additional benefits (including job creation, the new homes bonus, and expenditure in the local economy), the Framework advises that it should not be prevented

unless the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the guidance in that document taken as a whole.

21. I think that any seriously adverse impact of the scheme would be hard to find. I have already found that the proposal would be 'sustainable' and the access arrangements safe. The density illustrated may be a little below that normally sought, but this is a peripheral site adjacent to the Green Belt incorporating a landscaped buffer along Bolton Road, existing vegetation beside Nab View and elsewhere, as well as space to preserve (as agreed) the setting of Listed Buildings. The layout and design would respond to the main features on the site and maintain an appropriate distance sufficient to incorporate subsequent details that should protect the amenities neighbouring residents might reasonably expect to enjoy. Nature conservation issues are addressed and neither the Council's specialist officers nor Natural England have raised any objections to the scheme, subject to the imposition of appropriate conditions. Similarly, the Environment Agency, Yorkshire Water and the Council's drainage engineers see no difficulty, provided suitable conditions are imposed to ensure that the proposal is implemented in line with the recommendations of submitted reports or in accordance with 'good practice'.
22. In those circumstances, it seems to me that the proposal would make an important contribution to meeting the identified needs for market and affordable housing here and do so in a reasonably sustainable way. Any adverse impact would not be sufficient to significantly and demonstrably outweigh the benefits attributable to the scheme.

Conditions and the Undertaking

23. The conditions are imposed to ensure that the scheme would be implemented as intended without seriously impinging on the surroundings or the amenities of neighbouring residents. In addition, my conclusion rests upon the preparation of suitable details, the landscaping of the site, the tree protection measures, the drainage and the access arrangements. The encouragement to use low emission vehicles would be in accordance with the Bradford Air Quality Action Plan and the preparation of a 'travel plan' would help to reduce the reliance on car-borne travel and enhance the 'sustainable' credentials of the scheme; an additional requirement to provide cycle storage facilities would complement those aims. The control of construction operations is intended to minimise the potential impact on neighbouring residents and, due to the proximity of several existing dwellings, I have slightly restricted the hours of operation from those suggested. Given the results of the investigation already undertaken, the need to further investigate potential contamination on the site only remains in relation to any unexpected occurrence and the possibility of encountering asbestos in a small building on the site. I have incorporated some of the suggested conditions for controlling operations on the site into what would now be required in the 'construction and management plan'. However, I doubt the need to insist on the submission of details that have either been submitted (the access arrangements) or are reserved for subsequent approval.
24. The provisions of the signed and dated section 106 Agreement are set out above; they should comply with the tests set out in CIL Regulations 122 and 123. The measures to secure the provision of the affordable housing would help to meet a need in line with the latest expression of emerging policy and my conclusion rests

on that important provision. The education contribution would be in accordance with policy CF2 and would meet a need that cannot be met within the capacity of the existing primary schools in the vicinity; no contribution would be sought in respect of secondary schools, since sufficient capacity exists to cater for the scheme. The transport contributions would be crucial to provide the improvements and alterations on which my decision rests. As no recreation areas are identified on the site, policy OS5 would require some provision or enhancement to be made elsewhere in the vicinity and, to satisfy the requirements of the Habitat Regulations, to mitigate effects of additional use on sensitive areas in the South Pennines Moors SPA. As indicated in the letter dated 1 September 2015, the Council has now identified specific projects to benefit from the contributions sought and the wording of the Agreement has been altered to render the contributions CIL compliant. I agree. Hence, I consider that the provisions of the submitted Agreement conform to the CIL Regulations.

Conclusion

25. I have found that the scheme would meet the sustainability criteria outlined in established national and local policy and that the access arrangements would be satisfactory and not compromise highway safety. Importantly, the dwellings proposed would contribute to meeting the identified needs for market and affordable housing here and any adverse impacts identified would not be sufficient to significantly and demonstrably outweigh the benefits of the scheme. Hence, and having considered all the other matters raised, I conclude that this appeal should be allowed, subject to the conditions listed in the attached schedule.

David Cullingford
INSPECTOR

Richborough Estates

Schedule of Conditions

Details

- 1) Details of reserved matters set out below ('The Reserved Matters') shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. layout,
 - ii. scale,
 - iii. appearance, and
 - iv. landscaping.The development shall be carried out in accordance with the approved 'Reserved Matters'. Approval of all 'Reserved Matters' shall be obtained from the Local Planning Authority in writing before any development commences.
- 2) The development shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out along the lines shown on the 'illustrative master-plan' 1167DHP/THFS-IMO1 REV.G and shall be limited to no more than 62 dwellings.

Access

- 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 in accordance with the approved plan 'Proposed Site Access and Visibility Splays' No.8204-01 Rev A and completed to a constructional specification approved in writing by the Local Planning Authority.
- 5) Before any part of the development is brought into use, the visibility splays hereby approved on plan 'Proposed Site Access and Visibility Splays' No.8204-01 Rev A shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height above road level within the splays so formed.

Drainage and water supply

- 6) The development hereby permitted shall be carried out in accordance with the approved flood risk assessment (FRA), compiled by ARP and dated December 2014, and the mitigation measures listed in that document (at section 6.17) shall be fully implemented prior to the occupation of the dwellings, hereby approved. The mitigation measures shall thereafter be retained in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before development commences.
- 7) Full details of the foul and surface water drainage from the site shall be submitted to and approved by the Local Planning Authority before the commencement of any development hereby approved. There shall be separate systems of drainage for foul and surface water and the approved details shall be implemented in full before the development is first occupied and shall be retained at all times thereafter.
- 8) No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
- 9) No development shall commence until a scheme to manage surface water storage and run-off from the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate measures to adequately cater for a 1:100 year event plus 30% (to allow for climate change) and it shall be fully implemented and thereafter retained, in accordance with details specified within the scheme.
- 10) No development shall take place until a scheme demonstrating that the development can be served by an adequate water supply without detriment to the existing public water supply network has been submitted to, and approved in writing by, the Local Planning Authority.

Sustainability and travel

- 11) Cycle storage facilities shall be provided for each dwelling in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. The approved cycle storage facilities shall be retained at all times thereafter.
- 12) Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the electrical requirements of BS7671:2008 and have regard to the guidance in the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7. All charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack and Travel Plan.
- 13) No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to promote the use of non-car modes of transport and encourage car sharing; details to implement and monitor the Plan shall be set out and undertaken in accordance with the approved details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the Plan arising from those results.

Tree protection

- 14) Prior to the commencement of development, any demolition, or any site preparation, ground works, tree removals, or materials or machinery brought on to the site, a tree protection plan and arboricultural method statement that accords with BS5837:2012 shall be submitted for approval to the Local Planning Authority. Once the tree protection plan and method statement have been agreed in writing by the Local Planning Authority, all the details shall be implemented in full and in accordance with any timescales laid out in the tree protection plan and method statement and no excavations, engineering works, service runs or installations shall be between any tree protective fencing and a protected tree for the duration of the development without written consent by the Local Planning Authority.
- 15) A management and maintenance plan for the long term management and maintenance of communal or public open areas, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to, and approved in writing by the Local Planning Authority, prior to the first occupation of any unit. The management and maintenance plan shall relate to the landscaping details approved as a 'Reserved Matter' and it shall be carried out as approved.

Ecology

- 16) No development shall take place until an ecology management strategy and timetable has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include a lighting plan and it shall be implemented in accordance with the approved details.

Contamination

- 17) No development shall take place until an investigation of the small metal barn in the south east corner of the site has been undertaken in relation to the nature and extent of any contamination with asbestos, in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be made available to the Local Planning Authority before any development begins.
- 18) If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance or works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.
- 19) If, during the course of development, any contamination is found which has not been identified in the site investigation or in the submitted Desk Study and Geo-Environmental Report', additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
- 20) A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a verification report shall be submitted to, and approved in writing by, the Local Planning Authority.

Construction method statement

- 21) Construction works pursuant to this permission shall not take place other than between the hours 08.00hrs and 18.00hrs Monday to Fridays and between 08.00hrs and 13.00hrs on Saturdays. No works shall take place on Sundays or on Bank or Public Holidays.
- 22) No development shall commence until a Construction, Transport & Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
 - i. Parking for vehicles of site personnel, operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Provision of boundary hoarding behind any visibility zones;
 - v. Wheel washing facilities;
 - vi. Measures to dispose of any contaminated surface water;
 - vii. Measures to prevent mud, debris or dirt from the site getting on to the highway;
 - viii. Measures to control the emission of dust and dirt during construction;
 - ix. Details of the phasing of the construction work;
 - x. On-site turning facilities for construction vehicles; and
 - xi. A scheme for recycling or disposing of waste resulting from the construction works.