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.

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.

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

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. Annexe 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

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