

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on September 29<sup>th</sup> 2016.



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**Subject:**

Planning Application 16/03577/MAO

The application seeks outline permission for residential development of 13 dwellings with layout being the only matter for consideration. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of separate application for reserved matters.

**Summary statement:**

The application relates to the proposed residential development of an undeveloped field on the outskirts of Silsden. The land is unallocated on the Replacement Unitary Development Plan Proposals Map.

The application proposes 13 detached and semi-detached houses with a new vehicular access from Cobbydale Way.

8 objections including 1 from a Craven Ward Councillor have been received.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points of objection and outlines consultation advice received. Officers recommend that planning permission should be granted subject to the suggested conditions and subject to the requirements of a Section 106 agreement, which are outlined in the report.

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**Portfolio:**  
**Regeneration, Planning and Transport**

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



## **1. SUMMARY**

This is an outline application for the construction of 13 dwellings with only layout for consideration. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

It is recommended that planning permission be granted subject to conditions and a S106 legal agreement to deliver the financial contributions to mitigate the impact of development on education and recreation infrastructure and also to mitigate or deflect the effects of additional recreational pressures on the South Pennine Moors Special Protection Area/Special Area of Conservation.

## **2. BACKGROUND**

This rectangular shaped field is unallocated as part of the Replacement Unitary Development Plan (2005).

The technical report attached as Appendix 1 explains the current planning policy context.

No planning permissions have previously been granted for development on the land. The application is submitted following pre-application enquiry.

## **3. OTHER CONSIDERATIONS**

There are no financial implications for the Council arising from matters associated with the report.

## **4. OPTIONS**

The Committee could:-

- (i) Grant permission in accordance with the suggested conditions and S.106 requirements outlined in Appendix 1
- (ii) Grant permission subject to additional or amended conditions and requirements.
- (iii) Refuse planning permission for reasons that must be given by the Committee.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from matters associated with the report.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None

## **7. LEGAL APPRAISAL**

The determination of the application is within the Councils powers as the Local Planning Authority.

## **8. OTHER IMPLICATIONS**

### **8.1 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 characteristic 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 but it is not considered there are any issues in this regard relevant to this application.

## **8.2 SUSTAINABILITY IMPLICATIONS**

It is considered that the proposed development would deliver housing and meets sustainable development criteria outlined in national and local policy. Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. This is a bespoke residential scheme designed to suit the character of the area and which takes into account the constraints of the site.

## **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as pasture. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport electric vehicle (EV) charging points are to be provided within the main car park serving the development, which is subject of a planning condition.

## **8.4 COMMUNITY SAFETY IMPLICATIONS**

None

## **8.5 HUMAN RIGHTS ACT**

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 - the 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. The representations received are summarised and analysed in the report forming appendix 1.

## **8.6 TRADE UNION**

No implications.

## **8.7 WARD IMPLICATIONS**

Implications for the Craven Ward arising are outlined in the Officer Report forming Appendix 1.

## **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. RECOMMENDATIONS**

To grant planning permission subject to the suggested conditions and a S.106 agreement.

**11. APPENDICES**

Appendix 1: Planning Officer's appraisal.

**12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

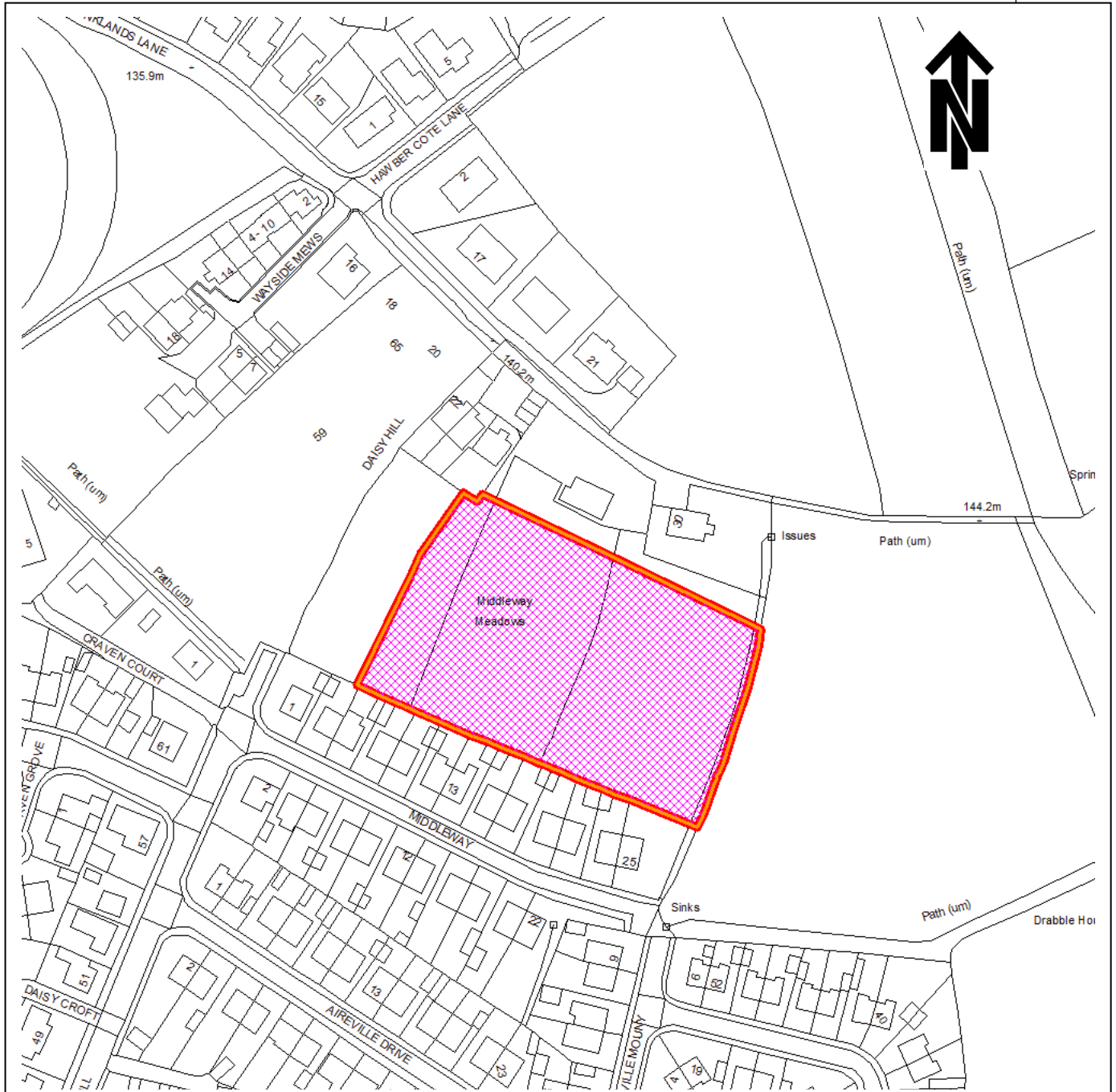
The Replacement Unitary Development Plan

Publication Draft Core Strategy (draft subject to an examination in public in March 2015).

**Regulatory and Appeals Committee**

**16/03577/MAO**

29 September 2016



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**LOCATION:**

**Land At Middleway  
Silsden**

**Appendix 1**

**29<sup>th</sup> September 2016**

**Ward:** Craven

**Recommendation:**

To grant planning permission with conditions and subject to a S.106 agreement

**The Heads of Terms of the S106 Legal Agreement are:**

Sum of £13,795 to mitigate the effects of additional housing on biodiversity and contribute towards enhancing the recreational infrastructure (at Silsden Park) in the vicinity of the site due to the extra pressure that will be created on it through the development.

Contribution of £11,261 towards provision of Metrocards to encourage use of public transport

**Application Number:**

16/03577/MAO

**Type of Application/Proposal and Address:**

The application seeks outline permission for residential development of 13 dwellings at Land at Middleway, Silsden.

The application seeks consideration of layout only. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

**Applicant:**

Snell Developments Ltd and Mr & Mrs Tillotson

**Agent:**

Mr Mark Johnson

**Site Description:**

The site is open pasture with levels falling towards the South. Residential property is located to three sides of the site, more mature property are located to the northern and southern boundaries, Banklands Lane and Middleway respectively, with a recent and on-going housing development to the west (Middleway Meadows). Access would be off Cobbydale Way on the western edge of the site from the recent housing development. There are a number of protected trees on the site with a row running down the site centrally and two significant individual trees towards the eastern end of the site.

**Relevant Site History:**

None other than pre-application advice.

**The National Planning Policy Framework (NPPF):**

The NPPF is now a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The site is unallocated on the RUDP.

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

UR6 Planning Obligations and Conditions

H7 Housing Density – Expectation

H8 Housing Density – Efficient Use of Land

H9 Affordable Housing

D1 General Design Considerations

D4 Community Safety

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

NR16 Surface Water Run Off and Sustainable Drainage Systems

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

NE10 Protection of Natural Features and Species

CF2 Education Contributions in New Residential Development

OS5 Provision of recreation Open Space and Playing Fields In New Development

**Parish Council:**

Silsden Town Council – Objects on the grounds that no further house building should take place in Silsden until the infrastructure is in place; this includes the road networks and electricity supply. We have concerns whether the local sewer pipes can cope and the impact on flooding of even more surface water. The design of the houses could cause overlooking problems as they primarily look out onto bungalows and the plans do not show any turning spaces for bin lorries or emergency vehicles.

**Publicity and Number of Representations:**

Publicised by neighbour letters, advertisement in the local press and site notice with an overall expiry date of 30.06.2016.

8 objections including 1 from a Craven Ward Councillor have been received.

**Summary of Representations Received:**

- Development should not take place on green belt land.
- The proposal would have an unacceptable impact on trees.
- Drainage concerns regarding increased run-off and impact on local sewer network.
- Development would be out of character with bungalows near the site.
- Traffic congestion would be worsened and extra pressure on schools and other infrastructure.
- The proposal would result in a loss of green space and impact on wildlife.
- Proposed landscaping planting would overshadow existing properties gardens.
- Not enough affordable housing for the site.
- The proposed properties are too close to bungalow properties to the south of the site and would overlook them.
- There are no details of the heights of the proposed properties.
- Any development should control hours of construction.

**Consultations:**

**Drainage**

The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have no objection to the proposed development.

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. Notwithstanding all the documentation submitted, an assessment of the Flood Risk Assessment and Drainage Appraisal report referenced 16039-CR-01 has been carried out, and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have no objection to the proposed development.

**Trees**

Note some of the grade changes proposed in the sections are likely to be within root protection areas (RPAs) which is not acceptable and the development needs to do work on this to ensure no grade changes are within construction exclusions zones/tree protection areas.

No tree protection plan or arboricultural impact assessment is proposed. No services are shown. This is all required in order to assess the application's suitability in relation to trees. Tree shading is also required and the application must be accompanied with evidence that the retained trees will not be under pressure to be lopped or removed from future occupants or damaged during construction. Further comment can be provided when this information is available. Conditions can be attached for the provision of a tree protection plan, arboricultural impact assessment and tree shadow plan are all documents which would be submitted with a detailed application.



#### Education

13 new homes will have a very marginal effect on the primary and secondary schools in the area.

#### Parks and Greenspace Service

For 13 dwellings, a contribution of £13,795 is required for the provision or enhancement of recreation open space and playing fields.

#### Yorkshire Water

No objection in principle

#### Highways

As amended the proposal is acceptable in highway safety terms.

#### Environmental Health

Phase 1 desk study should be submitted and proportionate updated Phase 2 intrusive site investigation may be required by condition.

#### Biodiversity

Raise concerns regarding a highlighted tree in has moderate potential as bat habitat and that its removal should not take place without required surveys taking place.

The plots are close to protected mature trees.

While the principle of development on this site is generally acceptable, objection is made to the current layout (outline) as it doesn't demonstrate with enough confidence that the significant, mature protected trees on the site can achieve ultimate maturity without adverse impacts from construction or safety concerns from future residents.

Habitat Regulations Assessment (HRA): The site is within c2.2km of the South Pennine Moors South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC) and therefore within the 2.5km/7km zones of influence. The site is unlikely to constitute 'functionally linked supporting habitat', due to its proximity to existing residential property but as a result of the increase of 13 residential properties will have an adverse impact on the European site in respect of increased recreational pressure etc. Therefore developer contributions towards mitigation will be required before the development can go ahead.

If the application is to be permitted, the following matters/considerations need to be included as part of a Reserved Matters application or conditions as appropriate:- Lighting plan, landscaping, bat boxes, other biodiversity enhancement as suggested in sections 48-50 of the Ecological Appraisal (Brooks 2015) should also be detailed for approval. Also, developer contributions towards mitigation in respect of Habitat Regulations.

#### Conservation

The proposed development does not have implications for any known heritage assets.

#### West Yorkshire Combined Authority (WYCA)

Recommend developer contributions to encourage public transport (Metrocards)  
£11,261.25

**Summary of Main Issues:**

1. Principle
  2. Impact on local and residential amenity
  3. Trees
  4. Highway safety
  5. Drainage
  6. Biodiversity
  7. Recreation open space
  8. Affordable housing
  9. Education
  10. Contaminated land
  11. Visual amenity
- Other issues

**Appraisal:**

**1.Principle**

The application seeks outline planning permission, only considering siting for a residential scheme comprising 13 dwellings.

The site is unallocated on the RUDP but has been identified within the Strategic Housing and Land Availability Assessment (SHLAA) as a potential housing site that is suitable for housing now. The SHLAA site extends to include the adjacent residential development now nearing completion to the west of the site and which was granted permission under reference 13/02487/MAF for 26 dwellings on 14.11.2013.

Paragraph 47 the NPPF stresses the need for planning authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's SHLAA Update Report 2013 indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that that relevant policies for the supply of housing should not be considered up-to-date and that there should be a presumption in favour of sustainable development.

The emerging Local Plan reiterates this strong planning policy support for the delivery of new housing. It emphasises that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The provision of 13 dwellings on the site would therefore be supported in broad terms by national and local planning policy in respect of the delivery of housing within the area. However the NPPF does not change the statutory status of the development plan as the starting point for decision making and site specific policy constraints must be considered. In this regard the site is unallocated on the RUDP.

This parcel of land will help boost the supply of new homes at a time where housing delivery has dropped to low levels. Therefore if an acceptable scheme is achieved, the site would contribute to the Council's five-year land supply and thus reduce the

pressure and threat of unplanned releases of land in other locations which conflict with current RUDP policy such as green belt. In conclusion, and as on the adjoining parcel of land being developed for housing, the residential use of the site is acceptable in principle providing it can be shown to be sustainable development as outlined by the NPPF.

#### Sustainability and Density

The NPPF advises that the purpose of the planning system is to contribute to sustainable development. The key sustainable development principles articulated through the NPPF are that good quality, carefully sited and accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

In terms of the sustainability criteria set out in the saved policies of the RUDP, saved policy UDP1 is relevant, which seeks to focus new development on the urban areas. The proposal would infill open undeveloped land within the existing settlement of Silsden. The site would neither result in the creation of a new settlement in open countryside nor result in the sprawl of the existing settlement of Silsden into the surrounding Green Belt.

Policy H7 of the RUDP advises that planning permission for residential development will only be granted if a density of 30 to 50 dwellings per hectare net at least is proposed. Policy H8 confirms that the Council will refuse planning permission where it is satisfied that the site is capable of accommodating a greater density of development than that proposed. The application site has an area of 1.16ha and the provision of 13 dwellings would yield a density below the requirements of policies H7 and H8 of the RUDP. However paragraph 47 of the NPPF advises that local planning authorities should set out their own approach to housing density to reflect local circumstances. The proposed density is therefore considered to reflect local circumstances such as on site protected trees and is likely to accord with paragraph 47 of the NPPF.

The development site meets the key sustainability considerations as set out in national and local planning policy documents and the density achieved and would reflect local circumstances.

#### **2. Impact on Local and Residential Amenity**

Concern has been raised by neighbours and interested parties regarding the proposal's likely impact on neighbouring property and the residential amenities of their occupants. Particular concern has been raised with regard to overlooking and over dominance of the bungalow properties to the south on Middleway.

As previously noted, the application is outline and only seeks consideration of layout with all other matters for consideration at a later stage in the planning process.

With regard to the submitted layouts the proposal achieves Council's required separation distances. The proposed dwellings at the southern edge of the site would be

between 22 and 23 metres from the rear elevations of the bungalow property on Middleway; distances to shared boundaries are between 7 and 13 metres.

Separation of the properties at the northern edge of the site is between 23 and 24.6 metres, with distance to boundaries between 12 and 6.5 metres.

There is a fall in levels towards the southern boundary. Section drawing has been submitted and shows that two-storey properties can be sited without having adverse impact on daylight. It should be noted that the proposed dwellings lie to the north of the bungalows at Middleway and as such direct overshadowing would be reduced.

The drawing also demonstrates that the neighbouring properties to the north on Banklands are set at higher level and would not be significantly adversely affected.

Whilst the section drawing submitted indicates some planting proposals, boundary treatments and two-storey properties, it should be noted that this application is only for the consideration of layout only, not scale, appearance, etc.

Whilst the concerns of neighbours have been carefully noted, the proposed layout submitted meets with acceptable spacing standards.

Detailed design proposals and which include design, scale and landscaping would be required in subsequent application for reserved matters where specific concerns regarding tree planting, boundary treatments and overlooking can be considered fully in relation their impact on neighbouring property.

It is not accepted that existing homes along the site boundaries will notice any appreciable loss of sunlight or privacy from the layout and house types proposed and there is no conflict with policies D1 or UR3 of the RUDP in this respect.

### **3. Trees**

No trees are required to be removed to facilitate the development though three (ref T3, T6 and T7) are proposed for removal due to identified health issues with them in the submitted tree survey.

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst Policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located within the boundaries of the site with the bulk being located in a central belt and some notable specimens on the eastern edge of the site. A Tree Preservation Order exists on trees on the land.

There is concern regarding proposed grade changes within (RPAs of trees and a section of hawthorn hedge would be removed to allow access road through the site but most of it is to be retained.

Given the application is at outline stage only considering layout, and following discussion with the Trees Officer, it is advised that an appropriate condition could be

attached to require a tree protection plan with methodology and tree shading diagram at reserved matters stage. Any shaded areas close to proposed dwellings could then be designed to avoid future daylight issues with consideration of window placements etc.

#### **4. Highway Safety**

Public comment has been received regarding the impact of an additional 13 properties on existing highway conditions, including an increase in both on-street parking and of vehicular movements in the area. The Council's Highways Engineer has assessed the application and has secured some amendment to the scheme, which include:-

- Swept Paths Plan for a large refuse vehicle (Drawing No. 16039-C-55 Rev A )
- Proposed Site Plan (Drawing No. 03 Rev A)
- External Works Layout (Drawing No. 16039-C-54 Rev A)

The amended plans incorporate a number of changes to the scheme including, the incorporation an 8metre radius turning head allowing the dustbin lorry to turn within the carriageway. The gradient on the adopted turning head and to driveways has been amended to 1 in 15. The refuse area at the end of the private drive has also been added to Plots 10 –13.

Accordingly and following receipt of the amended plans the Highway Engineer advises that they have no objections to the proposal.

The development is of a scale that would not generate a level of traffic that would overwhelm the local highway network. The layout allows for off-street parking of at least 2 vehicles per dwelling in line with required standards, detailed design of the facilities would be considered under a reserved matters application. Overall therefore it is not considered that the proposal will be detrimental to highway safety.

#### **5. Drainage**

The Council's Drainage Engineer has examined the submitted Flood Risk Assessment and Drainage Appraisal Report (ref 16039-CR-01) and, if its details are implemented and secured by way of planning conditions, no objection to the proposed development are raised. Detail should be submitted regarding full details and calculations for surface water disposal and also the foul water drainage plans.

#### **6. Biodiversity**

Impact on the South Pennine Moors SPA/SAC

The site is within 2.5 km of the South Pennine Moors which are designated at national and international (European) level for their nature conservation interest. At national level, the moor is designated as a Site of Special Scientific Interest (SSSI).

Internationally, as part of the South Pennine Moors Phase 2 designation, the moor qualifies under Article 4.1 and 4.2 of the EU Birds Directive as a SPA by supporting breeding populations of European bird species and breeding bird assemblage. The moor is also included in the South Pennine Moors EU Habitats Directive designation as a SAC as it supports Annex 1 habitat types (European dry heath, blanket bog and oak woodlands).

The most recent and relevant policy is contained within the Bradford Local Development Plan Core Strategy. A HRA identified a range of likely significant impacts which would come into play if residential developments were located close to the European site boundaries. These impacts would depend on the proximity of the

development and Strategic Core Policy SC8 was formulated to address potential conflict between development and the SPA/SAC.

Although not yet formally adopted, the Core Strategy, including policy SC8, has been subject to public examination and there have been no substantial objections to this element of the policy. The Policy should therefore be considered as a material consideration in the decision making process.

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence. In this Policy:

Zone A is land up to 400m from the South Pennine Moors SPA and SAC boundary;

Zone B is land up to 2.5km from the SPA and SAC boundary; and

Zone C is land up to 7km from the SPA and SAC boundary.

The application site is within 2.5km of the edge of the SPA/SAC i.e. zones B/C.

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

In Zone A no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated. The mitigation may be:

(i) such that the developer elects to offer, either onsite and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or

(ii) in the form of a financial contribution from the developer to:

1. the provision of additional natural greenspace and appropriate measures to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace;

2. the implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors;

3. a programme of habitat management and manipulation and subsequent monitoring and review of measures.

To mitigate impacts on the SPA and SAC European sites due to the increase in population, an SPD will be adopted that sets out a mechanism for the calculation of the financial planning contributions, by reference to development types, the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.

Although not yet formally adopted, the Core Strategy, including policy SC8, has been subject to Examination in Public and so can be afforded weight in decision making.

This site is within Zone B. The Biodiversity Officer accepts that the site is not of value as supporting habitat to the SPA/SAC. However, the additional 13 dwellings would increase potential recreational pressure on the SPA/SAC moorland due to the additional people living in close proximity.

To mitigate these effects, it is proposed to require mitigation in the form of a financial contribution from the developer towards appropriate countryside management measures to mitigate pressure on moorland habitats or for the development of alternative outdoor recreation facilities in the area to deflect such pressures.

The Council's Countryside and Rights of Way Officer advises that the figure asked for by Parks and Greenspace Service for improvements to the facilities at the nearby recreation ground (Silsden Park) to the north west would fulfil this requirement.

Therefore the financial contribution of £13,795 for 13 houses for the provision or enhancement of recreation open space and playing fields is also considered sufficient to mitigate the effects of additional housing on the integrity of the SPA and SAC.

#### **Biodiversity Issues On Site**

The significant, mature protected trees on the site can achieve ultimate maturity without adverse impacts from construction or safety concerns from future residents. This can be ensured and given further consideration at reserved matters stage when proposals for design and scale are submitted. Trees to the eastern edge of the site are being retained as part of the development and therefore an emergence survey for bats would not be required at this time, instead it can be a condition of a future reserved matters application.

Other matters relating to lighting, landscaping, bat boxes and other biodiversity enhancement can be addressed by conditions and/or at reserved matters stage.

#### **7. Recreation Open Space**

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Within the site there is no provision for either formal or informal recreation open space. As such the Parks and Greenspace Service has requested the payment of a commuted sum of £13,795 that will be used towards the provision or enhancement of existing recreation open space and playing fields in the locality due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Silsden Park. This money will be secured via a Section 106 Legal Agreement and the applicant has accepted this contribution.

#### **8. Affordable Housing**

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision. The number of units proposed as part of this application is below that for which an element of affordable housing provision can be sought (15 units).

## **9. Education**

At pre-application stage advice was received from the Education Officer who advised that all schools at primary sector level in vicinity of the site are operating at capacity and therefore there will be the requirement of a commuted sum will be required towards improving the existing infrastructure. The sum equates to £24,288 at primary sector level. This has been included in the applicants S106 Heads of Terms. However the consultation response to this current application advises that the proposal would not have a significant impact on local schools.

## **10. Contaminated Land**

The site comprises previously undeveloped pasture and submitted environmental report indicates a low risk of contamination on the site. Given the outline nature of the proposal it is considered reasonable to require the submission of a Phase 1 desk study should be submitted and proportionate updated Phase 2 intrusive site investigation if required by condition.

Appropriate conditions are therefore recommended in relation to the carrying out of further site investigations and dependent on the findings of such investigations there may be a requirement to submit a Remediation Statement outlining how the contamination will be dealt with.

## **11. Visual Amenity**

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The application is in outline form with only details of the layout submitted for consideration. Details of the scale and external appearance have been reserved for consideration at a later stage.

Overall therefore it is considered that the layout of the site, through the retention of the on-site trees, will allow the provision of a development that it will not be visually intrusive on the streetscene.

### **Other Issues**

Other issues raised during the publicity period that have not been assessed in the above sections of the report includes the overloading of local amenities such as public transport, schools and medical services; the issue of the schools being full has been considered by the Council's Education Officer. With regard to overloading medical services, these are often based on the level of demand and respond to any such increase through provision of expanded facilities. This is outside the control of the current planning system and no contributions can be secured towards their improvement.

### **Community Safety Implications:**

There are no other community safety implications other than those referred to in this report.



**Equality Act 2010, Section 149:**

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 this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic 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 but it is not considered there are any issues in this regard relevant to this application.

**Reason for Granting Planning Permission:**

Although undeveloped, this site is not protected by Green Belt or any other protective land designations and residential development here is considered to be acceptable in principle considering the need for housing development in the Bradford District. The layout of houses is compatible with the characteristics of the locality, and the layout achieves appropriate separation between existing and neighbouring dwellings and protected trees. The scheme makes appropriate provision in respect of the mitigation of any impact of additional housing on recreation facilities and the South Pennine Moors SPA/SAC and on site biodiversity.

Subject to conditions and a Section 106 Agreement the proposed development would not cause any significant harm to visual amenity, residential amenity, flood risk, biodiversity or trees and can provide good standards of amenity for existing and future occupiers. The proposal is compatible with the NPPF and complies with the above-noted policies of the RUDP.

**Conditions of Approval:**

**1. Time Scale for Reserved Matters**

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. Time Scale for Commencement**

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. Reserved Matters**

Before any development is begun plans showing the:

- i) access
- ii) appearance,
- iii) landscaping, and,

iv) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

#### 4. Site Investigation Scheme

Prior to development commencing, a Phase 1 site investigation and risk assessment in addition to the environmental report already submitted, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

#### 5. Site Investigation Implementation

Prior to development commencing the proportionate Phase 2 site investigation and risk assessment must be completed. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

#### 6. Remediation Strategy

Prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

#### 7. Remediation Verification

A remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with Policy UR3 of the Replacement Unitary Development Plan.

#### 8. Unexpected Contamination

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

#### 9. Car Parking Provision

Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whilst ever the use hereby permitted subsists.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

#### 10. Surface Water Drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

#### 11. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

#### 12. Foul Water Drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the Local Planning Authority

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

### 13. Construction Hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

### 14. Electric Vehicle Charging Points

Before the development hereby permitted commences on site a scheme for the provision of electric vehicle charging points based on 1 space per 10 communal spaces shall be submitted to and approved in writing by the Local Planning Authority. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

### 15. Tree Methodology

Construction of the housing development shall be carried out using the tree-friendly construction techniques. No development shall be carried out within the root protection areas of the retained trees until further details of such arboricultural protection and remediation measures, that comply with industry best practice, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be formulated in accordance with BS 5837 "Trees In Relation To Construction" and indicate all excavation and grade changes likely to affect root protection areas together with changes to surface treatment affecting these areas. It shall show how the development is to proceed without interfering with tree protection measures and agreed root protection areas and shall provide, at least, the following information:

- (a) Identification of the position of all new sewers, drains, electrical, gas and other service trenches in proximity to the retained trees, which shall be outside the root protection areas;
- (b) Details of any ground level changes that would affect root protection areas;
- (c) Method of construction of car parking areas and building foundations - where root protection areas are affected;
- (d) Details of surfacing materials for areas within root protection areas;
- (e) Timing of operations.

The development shall be carried out in accordance with the details so approved.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

### 16. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any

subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:-

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

#### 16. Preventive Measures: Mud on Highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

#### 17. Bat Emergence Survey

No development shall commence on the site until the developer has carried an up-to-date bat roost survey and report to establish the presence or otherwise of bats and/or bat roosts within the existing development site, and until the survey and its findings have been submitted to and approved in writing by the Council. The report shall include proposals for methodology and phasing of development to safeguard bats should the presence of bats be confirmed and measures to mitigate the impact of the proposals on bats. The development hereby approved shall then be carried out in strict accordance with the phasing, methodology and mitigation measures outlined in the report, agreement to which shall first be confirmed in writing by the Local Planning Authority.

Reason: To safeguard bats and bat roosts that may be found to exist on the site and to accord with Policy NE10 of the Unitary Development Plan.

18. Biodiversity Improvements

Before any development takes place a detailed strategy for making provision for bats, and improving biodiversity on the site, shall be submitted to, and approved in writing by the Local Planning Authority. This strategy shall provide the detailed mitigation strategy and measures, including details of the proposed timing of development activities. The development shall then be carried out in strict accordance with those agreed details.

Reason: In the interests of nature conservation and to accord with policy NE10 of the replacement Unitary Development Plan.