

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017.**

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### **Subject:**

Reserved Matters application 17/02617/MAR: Approval of details of appearance, landscaping, layout and scale in relation to the development of 223 dwellings and associated infrastructure on land south of Belton Road, Silsden.

### **Summary statement:**

Taking development plan policies and other relevant material considerations into account it is considered that the proposed details of layout, scale, appearance and landscaping will provide for a well-designed development which relates positively to the surrounding built and natural environment. It is therefore recommended that Reserved Matters Approval is granted, subject to the conditions set out in the Technical Report at Appendix 1.

The proposed detailed development scheme proposes an amount of development which is consistent with the outline consent, in terms of the footprint of the development. However the proposal provides for an increased proportion of smaller 2 and 3 bedroom properties. The consequence of this is that the number of dwelling units to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings will increase the number of families which the development can accommodate, placing an additional strain on local education infrastructure. Therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783.

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

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

## **1. SUMMARY**

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of reserved matters application ref. 17/02617/MAR made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

The proposals site is a 6.7 hectare greenfield area of land to the south of Belton Road and east of Keighley Road on the southern periphery of Silsden. The Regulatory and Appeals Committee previously resolved to grant outline planning permission, ref. 15/05875/MAO, for the residential development of this land on 21 June 2016. Subsequently outline planning permission was formally granted on 14 September 2016, following the completion of the requisite legal agreement under S106 of the Act.

The principle of developing housing on the site has therefore already been established and the matter for consideration in the current application is the whether the proposed detailed design of the development scheme, in terms of its layout, scale, appearance and landscaping, is acceptable. Detailed approval was granted for the means of access off Belton Road at the Outline stage.

The Reserved Matters for consideration in this current application are the appearance, landscaping, layout and scale of the development, which are defined as:

- the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- the height, width and length of each building proposed within the development in relation to its surroundings;
- the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
- the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

As assessed in detail within the Technical Report, taking development plan policies and other relevant material considerations into account, it is considered that the proposals will provide for a well-designed development, which will deliver a high standard of amenity for future residents, and a housing estate which relates positively to the surrounding built and natural environment, delivering an attractive new urban edge to this part of Silsden.

It is therefore recommended that Reserved Matters Approval is granted subject to the conditions set out in the Technical Report at Appendix 1 and subject to a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783.

## **2. BACKGROUND**

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the reserved matters application.

### 3. OTHER CONSIDERATIONS

All considerations material to the determination of this reserved matters application are set out in the Technical Report at Appendix 1.

### 4. OPTIONS

If the Committee proposes to follow the recommendation to grant Reserved Matters Approval then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional Reserved Matters Approval for the layout, scale, appearance and landscaping of the residential development approved under outline planning permission 15/05875/MAO.

Alternatively if the Committee decide that Reserved Matters Approval should be refused, they may refuse the application, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations. The Committee may also opt to approve the reserved matters application either unconditionally or subject to conditions which differ to those recommended in this report.

### 5. FINANCIAL & RESOURCE APPRAISAL

Outline planning permission 15/05875/MAO was granted subject to a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990 (S106 agreement), engrossed on 13 September 2016, which set out a series of planning obligations binding upon the land owner and their successors in title. This current application is for the approval of the matters reserved for detailed approval under outline planning permission 15/05875/MAO and will not result in the issuing of a new planning permission. Therefore the Planning Obligations set out in the S106 agreement dated 13 September 2016 will continue to be binding upon the developer (who is now the land owner) and the developer will not be liable for the new Community Infrastructure Levy Charge.

In summary the S106 agreement set out the following Planning Obligations:

<b>Education Infrastructure Contribution:</b>	£202,844
<b>Recreation Infrastructure Contribution:</b>	£161,863
<b>Pedestrian Footbridge Contribution:</b>	£100,000
<b>South Pennine Moors Impact Mitigation:</b>	£20,000
<b>Bus Stop Improvement Contribution:</b>	£20,000
<b>Affordable Housing:</b>	20%
<b>Highway Improvement Works:</b>	Dropped Crossing Refuge Crossing Pedestrian Island Upgrade VAS Signs
<b>Safeguarded Land:</b>	Safeguard & Allow Works/ Adoption of the Land Required for the Proposed Silsden Link Road
<b>SUDS Maintenance &amp; Management Plan:</b>	To be submitted & approved prior to development commencing

The applicant will have to meet all of the above Planning Obligations in full as well as complying with the planning conditions attached to the outline consent, including the requirement for specified flood mitigation works. However this reserved matters application proposes an increased proportion of smaller 2 and 3 bedroom properties.

The consequence of this is that the number of dwellings to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings are likely to place an additional strain on local education infrastructure and therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783. Although the increased number of dwellings will also increase pressure on local recreational infrastructure, the Council's Parks and Greenspaces Service have confirmed that they are satisfied that the on-site provision of greenspaces and recreational equipment proposed by the applicant will be sufficient to mitigate this additional impact.

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

Not applicable.

## **7. LEGAL APPRAISAL**

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990.

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics.

Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are included in the report attached at Appendix 1.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying

and coordinating development requirements, including the provision of infrastructure;

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Outline planning permission for the residential development of the land has already been granted and therefore the sustainability implications of building new houses on this land on the periphery of Silsden are not material to this Reserved Matters submission, having been appropriately considered and found to be acceptable at the Outline stage. However the National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Therefore it must be considered whether the submitted detailed development plans appropriately contribute towards the achievement of sustainable development.

As assessed in more detail in the report included at Appendix 1, it is considered that the design and layout of the proposed development scheme is acceptable in design terms. In particular it is considered that the proposed on-site provision of public open space and play spaces within the site layout and the proposed substantial tree planting incorporated into the landscaping scheme are positive aspects of the proposals which will contribute towards sustainable development.

Additionally it is noted that the submitted site layout provides for links to the existing local footpath network, at the north-eastern corner of the site, and proposes the provision of a footpath route along the southern boundary of the site in anticipation of the need for a sustainable transportation route to complement the planned link road development. It is considered that these pedestrian connections will serve to enhance the potential for residents to access surrounding land without the need to drive, in accordance with the principles of sustainable development.

In relation to sustainable drainage matters, condition 4 of the outline planning permission set out requirements for the site to be developed in manner which will neither subject new residents to an unacceptable risk of flooding, nor result in off-site flood risks being increased. This will be achieved by providing compensatory flood water storage amounting to at least 300m<sup>3</sup>, achieving minimum finished floor levels for new dwellings and providing an attenuated sustainable surface water drainage system with a restricted rate of discharge.

Although the applicant is not seeking approval for full details of the surface water storage system or flood mitigation works at this stage, the proposed site layout plan does make provision for flood water storage facilities to be provided on-site, with an indicative surface water connection shown to Silsden Beck at a point south-west of the site. An external works plan has also been provided which demonstrates that the required dwelling finished floor levels could be achieved for the proposed site layout without necessitating the introduction of unacceptable retaining features.

Overall it is considered that the submitted development details are consistent with the relevant design and sustainable development guidance as set out in the NPPF and the Local Plan Core Strategy.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The development of new housing will invariably result in the release of additional greenhouse gases associated with both construction operations and the activities of future residents. However it is considered that the proposed development will serve to minimise greenhouse gas emission impacts by virtue of the requirements to:

- i. introduce travel planning measures (condition 11),
- ii. provide footpath connections to surrounding land,
- iii. improve adjacent bus stops;
- iv. provide electric vehicle charging points to facilitate the uptake of more sustainable road vehicles (condition 9); and
- v. contribute towards the delivery of a new pedestrian bridge to better link Silsden to the existing train station on the opposite side of the A629.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

Local and National planning policies indicate that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces and providing for a layout which minimises the vulnerability of rear gardens.

The West Yorkshire Police Architectural Liaison Officer (ALO) has reviewed the application and has made a number of recommendations, primarily relating to boundary treatments, parking surveillance and shared rear access paths. The applicant has attempted to address the majority of the concerns raised by the Police AOL; however certain of the proposed adjustments, such as designing out a rear parking courtyard adjacent to the northern boundary and increasing the height of the western boundary wall, would unacceptably compromise the development design. Nonetheless it is considered that the proposed detailed development scheme provides for a safe environment which would not be unacceptably vulnerable to crime and anti-social behaviour.

### **8.5 HUMAN RIGHTS ACT**

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing reserved matters approval will deprive anyone of their rights under the Human Rights Act.

### **8.6 TRADE UNION**

There are no implications for Trades Unions relevant to this application.

### **8.7 WARD IMPLICATIONS**

The proposal site is within the Craven Ward. Ward Councillors the Parish Council and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity (April 2017 and July 2017).

In response to this publicity 4 representations have been received, all of which object to the proposals. In addition the Parish Council have objected to the application. The second consultation period had not closed at the time of writing this report and any additional comments received prior to the committee meeting will be verbally reported to the Committee

The Technical Report at Appendix 1 summarises the material planning issues raised in the public and Parish Council representations and the appraisal gives full consideration to the effects of the development upon residents within the Craven Ward.

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

None

## **10. RECOMMENDATIONS**

To Grant Reserved Matters Approval for layout, scale, appearance and landscaping subject to the conditions recommended at the end of the Technical Report at Appendix 1 and also subject to a Deed of Variation being made in respect of the previously engrossed legal agreement under S106 of the Act to provide for an increased Education contribution from £202,844 to £244,783.

## **11. APPENDICES**

Appendix 1: Technical Report

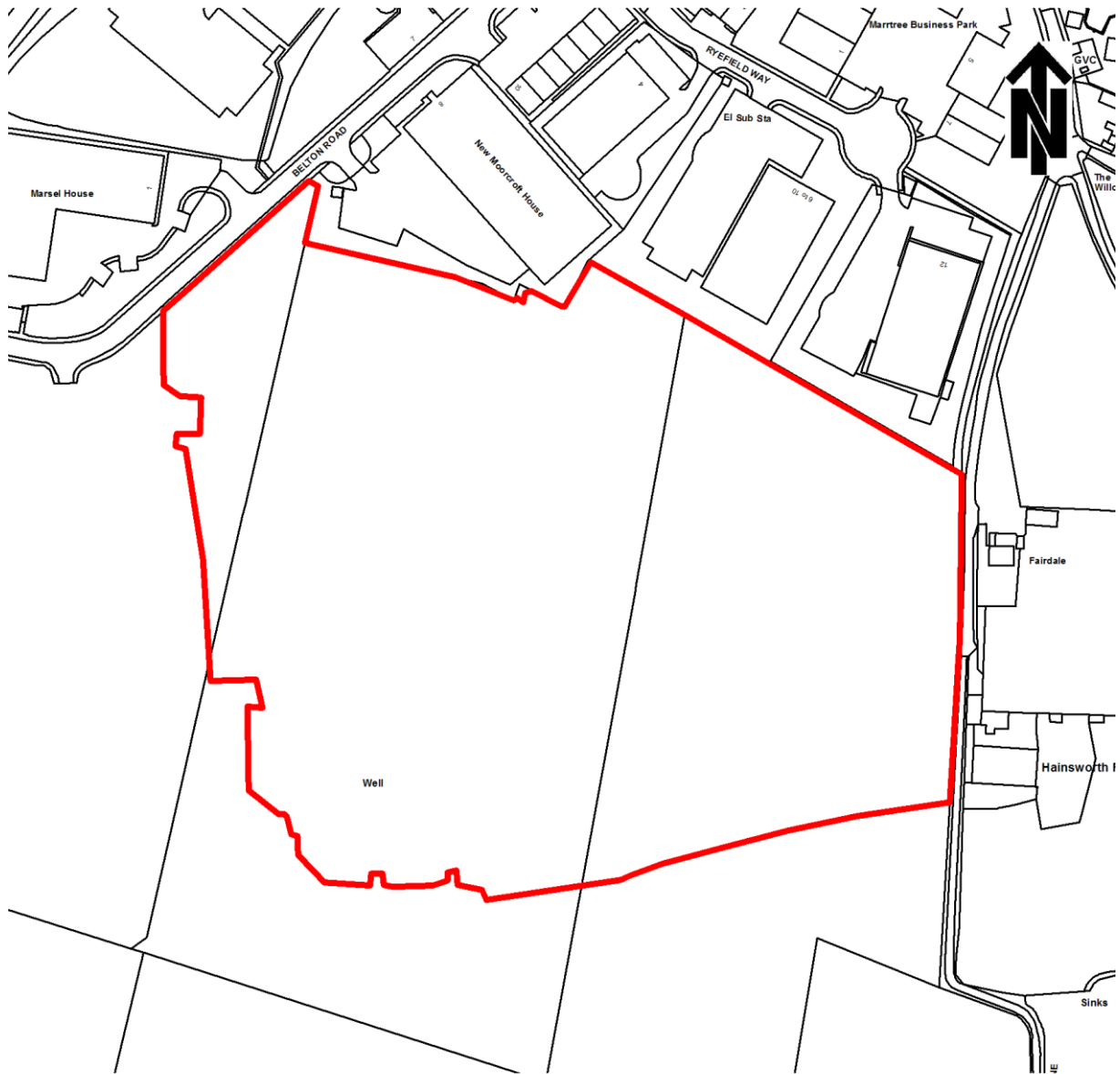
## **12. BACKGROUND DOCUMENTS**

- Replacement Unitary Development Plan for the Bradford District
- Local Plan Core Strategy
- National Planning Policy Framework
- Application File 17/02617/MAR
- Application File 15/05875/MAO

17/02617/MAR

City of Bradford MDC

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**Land At Belton Road  
Silsden**



## **Appendix 1**

10 August 2017

**Ward:** Silsden

**Recommendation:**

That the Committee resolve to Grant Reserved Matters Approval for layout, scale, appearance and landscaping subject to the conditions recommended at the end of this report and they delegate to the Assistant Director of Planning, Transportation and Highways authority to issue the approval of reserved matters subject to a Deed of Variation being made in respect of the previously engrossed legal agreement under S106 of the Act to provide for an increased Education contribution from £202,844 to £244,783.

**Application Number:**

- Reserved Matters Application: 17/02617/MAR

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

Reserved Matters application for approval of details of appearance, landscaping, layout and scale in relation to the development of 223 dwellings and associated infrastructure on land south of Belton Road, Silsden.

**Applicant:**

Barratt Homes Yorkshire West

**Agent:**

Mr Paul Butler

**Site Description:**

The proposal site comprises a 6.7 hectare greenfield site located at the southern edge of Silsden which is identified as safeguarded land (K/UR5.40) on the Development Plan Proposals Map. At present the site is used as pasture land (sheep grazing). The site is partitioned into fields by dry-stone walls; however the boundary between the site and the further grazing land to the south and west do not directly relate to field boundaries. The eastern boundary with the adjacent farm is marked by a hedgerow and field boundary wall running along the western margin of Hen Holme Lane.

The site is on a relatively gentle gradient sloping downwards from north to south towards the River Aire. At present there is no built development evident on the site; however the site has been disturbed by recent archaeological excavations undertaken in compliance with Condition 22 of the outline approval.

The site is bounded to the north by Belton Road and the Belton Road Business Park, to the west lies Keighley Road (A5034), beyond a further pasture field outside of the proposal site, and to the east the site bounded by Hen Holme Lane. To the south of the application site lies agricultural fields and land identified on the Proposals Map as washlands and green belt.

The surrounding area is mixed in character with residential properties along with retail, commercial and employment properties evident. A notional route for a by-pass around the Town to take vehicles away from having to pass through the Kirkgate area (Silsden Local Centre) is shown on the Proposals Map as potentially being located to the south, south west and south east of the application site.

Silsden Public footpaths 48 (known as the Millennium National Trail) and 49 are located to the east and south of the site. The national and local cycle network runs along Keighley Road. Whilst the majority of the site lies within flood zone 1, an area in the south west corner falls within flood zones 2 and 3a.

**Relevant Site History:**

<b>Application Ref.</b>	<b>Description</b>	<b>Decision</b>
15/05875/MAO	Outline planning application for the erection of up to 190 dwellings with means of access to be considered with all other matters reserved.	Granted 14.09.2016

**Local Plan Core Strategy (LPCS)**

The Council's new Core Strategy, the key document setting out strategic planning policies which will form the core of the new Local Plan for the District, has now been adopted by the Council and should be given full weight in decision making. Whilst a substantial proportion of the saved policies of the replacement Unitary Development Plan (RUDP) have now been superseded by the policy content of the Core Strategy, certain specific RUDP policies remain relevant and the land allocations set out on the Proposals Map will be retained until an Allocations Development Plan Document has been produced. The following Core Strategy Policies are considered to be most relevant to the proposed reserved matters submission:

- AD1 – Airedale
- HO5 – Density of Housing Schemes
- HO8 – Housing Mix
- HO9 – Housing Quality
- DS1 – Achieving Good Design
- DS2 – Working with the Landscape
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places
- EN1 – Open Space , Sport and Recreation
- EN4 – Landscape
- TR2 – Parking Policy
- TR3 – Public Transport, Cycling and Walking

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

***Allocation***

- The proposal site is part of a wider area of land to the south of the existing settlement boundary of Silsden allocated on the RUDP Proposals Map as Safeguarded Land K/UR5.40.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework 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 Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

**Parish Council:**

*Silsden Town Council*

Objections as before on outline 15/05875/MAO still stand and this council request re-consultation when the issues raised by Bradford Highways, Bradford Drainage, West Yorkshire Police, Rights of Way and Environmental Health have been addressed by the applicant. We will also be sending a representative to the panel/committee meeting. Please advise when this date has been set.

Previous comments for clarity: In addition to our previous comments already lodged we raise the following from the additional information and reserved matters. STC fully support the request for a full site survey to be carried out by WYAAS prior to any determination. We note WYP concerns of no security by design and this matter needs addressing, The travel plan still hold incorrect information the 762 bus does not go from Keighley to Skipton, the pedestrian crossing proposed are at best unfit and at worse dangerous, the road is too narrow for the suggested crossings and the one by the bridge does not take into account the hump of the bridge and in reality there would be no clear site line for drivers over the bridge to see the crossing. The plans also states good cycle lanes, however there are no dedicated cycles lanes. The council note the amendments in connection to the flooding however the issues of the culvert on the site regularly overflowing have not been addressed.

**Publicity and Number of Representations:**

The application has been advertised through the publication of site notices and press advertisements and the issuing of notification letters to neighbouring properties. Two rounds of publicity were undertaken. The initial consultation period took place between 19 April 2017 and 25 May 2017 and a further consultation was initiated on 19 July 2017, following the receipt of revised site layout, house design and landscaping plans. This further consultation period will close on 09 August 2017 and any further representations received following the writing of this report will be verbally reported to Committee. In response to the publicity to-date 4 representations have been received, all of which object to the proposals.

In addition, the applicant has provided a statement confirming the scope of community consultation which they undertook prior to submission of the application. This statement

confirms that the applicant made contact with the local ward members and the Parish Council by letter and that correspondence has been exchanged with each of the local ward members.

In addition the statement confirms that the applicant consulted with owners of local residences and businesses via a letter drop to all of the existing residential and commercial properties that lie adjacent to the site. Five local residents and business owners responded to the invitation to meet with a representative of Barratt Homes on a one to one basis. These individual meetings took place on Wednesday 15th February 2017. The comments received and the applicant's responses are summarised in the submitted Statement of Community Involvement.

### **Summary of Representations Received:**

#### ***Highways***

- The junction between Belton Road and Keighley Road is already problematic from a road safety point of view.
- This junction struggles to cope currently and has many 40' lorries each day using and parking along the bottom of the road.
- The problem is the number of vehicles travelling down Keighley Road, the speed they travel at (often seeming to be above the speed limit) and their reluctance to slow down to allow vehicles to exit from Belton Road.
- The planning application document 'Junction Capacity Assessments' only seems to measure the traffic numbers rather than traffic behaviour and my fear is that a serious road traffic accident is inevitable if these houses are built, (regardless of the number that are built) if some road traffic measures at the Belton Road / Keighley Road junction are not made integral to this development.
- The additional number of cars from this development, (especially at peak times) will lead to queuing on Belton Road resulting in frustrated and impatient drivers.
- We estimate that the huge estate will bring a minimum of 500 + vehicles per day to the junction.
- I would suggest that serious consideration be given to the following possible options to mitigate the risk of serious injury from drivers exiting Belton Road and trying to 'Dash' into the Keighley Road traffic flow.
  - 1) Install traffic lights at the Belton Road / Keighley Road junction
  - 2) Install a mini-roundabout at the junction
  - 3) Road mark the junction with Yellow Hatched 'Do not Enter' markings
  - 4) Reduce the speed limit on Keighley Road to 20 mph
- Why are you proposing a single entry and exit point and why is this not direct on to the main road with a roundabout?
- You should consider at least 2 exit/entry points to such a vast estate.
- Silsden high street cannot cope with its current parking, where do you propose people park when the estate visits the centre?
- What measures are to be put in place to prevent parking on pavements?
- How do vehicle users drive through square corners? There should be markings on the road or the paving should be designed for cars to follow a curve. What would prevent people from parking on the block paved areas and making it awkward to move through the areas.
- The building of extra housing would presumably bring a significant number of additional cars into the area, putting further strain on the existing traffic flow through Silsden which is already excessive.

- The only access to the proposed site is at Belton Road which is a very busy and difficult junction to exit and enter often leading to queues, tailbacks and dangerous manoeuvres.
- Belton Road is the only entrance for both the current, significant, housing and the trading estate, which is also used by lorries.
- To add additional vehicles to the existing ones would make the junction even more challenging and dangerous.
- I would argue that traffic lights are already needed in that area, because of both the Belton Road junction and the Aldi store, and that the speed restriction through Silsden should factually be reduced to 20mph as it is in many of our communities.

### ***Landscaping***

- The submitted details do not include a proper LANDSCAPE MASTERPLAN which key in and explain both Hard and Soft Landscape treatments.
- The landscape proposals for the site frontage only include two areas marked and each area is approximately 8 square meters: thus only 16square metres in total. This is not a swathe as stated in the Landscape Masterplan.
- No-semi mature trees are proposed contrary to the key on the landscape master plan.
- Amenity green space to houses frontages is very small and does not reflect the character of the surrounding green space. More amenity green space would help alleviate or prevent flooding by absorbing water and holding it back. More amenity green space and less hard landscaping.
- The proposals include no details of how the hedge along the eastern boundary is to be managed.
- A list of planting species for all types of plants should be submitted for ecological evaluation. Plants that are suitable for wildlife would be preferential rather than ornamental species that offer no wildlife potential.
- Beech Hedging IS NOT a plant that has any particular ecological merit to birds or for harbouring insects. It's flowers also have no great value.
- All native species used should be of local provenance and not from sources outside of west or
- There is not enough screening to the west boundary to the site.
- Overall the scheme DOES NOT Provide an attractive and distinctive environment for residents through the use of ornamental tree, hedge and shrub planting on internal streets and in front gardens as it states it does in the Landscape Design Strategy statement. The design is NOT strong enough for this to happen

### ***Flooding***

- The proposed site is a flood plain and there seems to be little sense in building there when the site is regularly flooded. Bradford Council know only too well that within the last two years there has had to be significant work done on the walls around that area, presumably at considerable expense, when they were destroyed during flooding in 2015.
- Why are you building on a flood plane? We regularly see the water reach to the point where you propose houses.

### ***General***

- How will this benefit Silsden?

- I note that the Planning application was originally for 190 houses. This current application now suggests 223 houses. Where has the 223 figure come from?
- The so called low cost housing will NOT be low cost either as buyers or renters will still have to pay all bills at regular pricing. Proper eco insulation such as recycled paper together with solar energy or ground source heat pumps will without a doubt meet the requirements for low cost properties.
- When will you build the extra school, doctors and dental surgeries to come?
- Why were residents not informed about this?
- Why are you allowing 223 dwellings when only 190 were initially applied for?

**Consultations:**

***Airedale Drainage Commissioners***

- Thank you for the opportunity to respond to this application which sits on the border of the Airedale Drainage Commissioners' District.
- The Board has a number of assets in the area which are known to be subject to high flows during storm events.
- The Board previously commented on this application at the outline stage under reference 15/05875/MAO.
- The Board notes the amendments that have been made in relation to this application however these do not fundamentally alter the issues raised by the Board in relation to drainage matters.
- As a result the Board stands by the comments it made in its letter of 17'h June 2016 and would wish to see any approval granted conditioned to ensure that the drainage issues are addressed prior to the development being brought into use.

***Drainage Unit (Acting in the Capacity of Lead Local Flood Authority)***

The Drainage Authority has assessed the documentation relating to flood risk mitigation on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. The Drainage Authority deem the submitted information relating to the mitigation of flood risk **insufficient** for the following reason;

The proposed layout should be supported by AOD level information to show in complies with the recommendations of the approved flood risk assessments: Oct 2015 / WYG Engineering; Addendum 1: Jan 2016 / WYG Engineering; Addendum 2: Feb 2016 / WYG Engineering as approved in planning application reference 15/05875/MAO: The following mitigation methods should be shown to be addressed and referenced within the layout;

- I. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
- II. No non water-compatible development within flood zone 3b.
- III. Finished floor levels for plots 183 and 182 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
- IV. Finished floor levels for plots 99 through to 112 are to be set no lower than 91.326m Above Ordnance Datum (AOD).
- V. Finished floor levels for plots 165, 166 and 168 to 181 are to be set no lower than 600mm above the 1 in 100cc level for the plot location, between 93.545m and 91.326mAOD (Addendum 2).

### **Education**

- The primary schools which are readily accessible from the development include Aire View Infants, Hothfield Junior, Eastburn and Steeton.
- Based on data available as at May 2017 despite recent expansion current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in several year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population.
- We would therefore need to request a contribution towards expansion of 4 out of the 7 year groups in primary provision.
- The secondary schools which are reasonably accessible from the development are 11-18 schools Beckfoot Oakbank, The Holy Family and University Academy Keighley.
- Based on data available as at May 2017 and the current capacity in the above schools there are places available in each of the year groups even allowing for the desire to operate at 95% occupancy to allow for population changes.
- We would not therefore need to request a contribution towards secondary school expansion in this area. It should also be noted that many children from this area transfer to South Craven School in North Yorkshire.
- Requested a contribution of £244,783 for primary school expansion.

### **Environment Agency**

The submitted layout plan does not show the extent of the flood zone, however by reviewing this with the outline layout and our flood map we have been able to assess the suitability of the new location plan.

We note that the Location plan (Drawing P16:5035:01C) submitted removes the properties at the south of the site from Flood Zone 3 (FZ3). However as the houses to the West of the site are still within FZ3 we also note that the number properties has increased. We have adapted our previous conditions to account for the change in layout which are detailed below.

Environment Agency position: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the flood risk assessment and subsequent amendments submitted with this application are implemented and secured by way of a planning condition on any planning permission:

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA): *Oct 2015 / WYG Engineering; Addendum 1: Jan 2016 / WYG Engineering; Addendum 2: Feb 2016 / WYG Engineering; Addendum 3: May 2016 / WYG Engineering*, and the following mitigation measures detailed within the FRA:

1. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
2. No non water-compatible development within flood zone 3b.
3. Finished floor levels for plots 219 – 222 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
4. Finished floor levels for plots 198 - 218 are to be set no lower than 600mm above the associated 1 in 100cc level for the plot location, between 93.545m

and 91.326mAOD (as previously identified in Addendum 2).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

***Environmental Health (Nuisance)***

Construction site nuisance: The site is located in an area where the noise, vibration, dust, odours, fumes and/or lighting generated from construction works may result in complaints to this department. Therefore the applicant must follow the guidance in BS 5228 to mitigate noise and dust impacts and submit evidence to demonstrate how they will control other potential environmental nuisance issues. Environmental Health may recommend appropriate planning conditions when consulted on the application.

Existing operations and new residential development: As the buildings in the area are of a commercial or industrial nature, the developer should provide evidence that any future occupiers of the proposed dwellings will not be disturbed by environmental nuisances such as noise, vibration, dust, odours, fumes and/or lighting emanating from these existing premises. Evidence regarding noise should be submitted in the form of a noise impact report employing a methodology which meets the requirements of the National Planning Policy Framework (NPPF) paragraph 123 which supersedes PPG24. Environmental Health may recommend appropriate planning conditions when consulted on the application.

Existing traffic conditions and new residential development: The development is adjacent to Belton Road. This road experiences extremely high levels of traffic throughout much of the day. This being the case, the developer should provide evidence that any future occupiers of the proposed dwellings will not be disturbed by environmental nuisances such as noise, vibration, dust, odours, fumes and/or lighting from traffic. Evidence regarding noise should be submitted in the form of a noise impact report employing a methodology which meets the requirements of the National Planning Policy Framework (NPPF) paragraph 123 which supersedes PPG24. Environmental Health may recommend appropriate planning conditions when consulted on the application.

***Environmental Health (Air Quality)***

A condition was placed on the outline planning consent requiring the provision of an electric vehicle recharging point at every property with a dedicated parking space. The design and access statement (Part 3) recognises this requirement and states that it "will be accommodated".

Having reviewed the plans I can see no firm proposals for the delivery of the EV charging points. There is a reference within the garage plans to "optional electric locations for on-plot garage only" but it is unclear if this is related to the EV charging point provision requirement.

The applicant should be made aware that the EV charging condition will only be discharged if as a minimum every property with a dedicated parking space is provided with suitable safe access to an overnight trickle charge solution for an electric vehicle. This will apply to all properties including those without garages and those where parking may be remote from the main building.



It will be the responsibility of the developer to ensure that safe and practical EV charging solutions are provided to all properties with dedicated parking spaces. In some cases they may need to allow for the ducting of cables beneath gardens / footpaths and installation of sockets remote from the main building. This should be given due consideration and accommodated into any landscaping schedule.

It is the developer's responsibility to ensure that the EV charging scheme is given full consideration before the build commences and that they are able to fully meet the condition as stated. Poor scheme design and failure to consider the EV charging requirements from the outset will not be accepted as a reason to amend or vary the planning condition applied.

It is recommended that a plan showing the proposed location of the EV charging points is provided as soon as possible and that any issues arising with delivery of the condition are brought to the attention of the local authority before a final decision is taken on this current application.

### ***Highways Development Control***

- The site access is from the same location point on Belton Road as approved previously.
- The dwellings fronting Belton Road which were previously accessed directly from Belton Road are now accessed internally.
- The applicant has demonstrated that the additional 33 dwellings would not have a significant impact that would require additional mitigation measures to those approved previously.
- Although the internal layout is much revised compared to that presented with the outline approval, it incorporates a loop road for emergency purposes which was required previously due to the provision of a single point of site access.
- I have the following comments on the revised site layout:
  1. Further information should be provided on the level of car parking provision. Garage types 135 & 136 are not a suitable size to be counted against parking spaces.
  2. Visitor parking provision for shared surface areas appears to be low. The requirement is 1 space per 4 dwellings.
  3. A Type 3B Street with a notional carriageway width of 4.8m does not allow for on - street parking.
  4. Block paved carriageways would only be acceptable if the applicant agrees to higher commuted sum payment for maintenance.
  5. Refuse vehicle tracking in turning heads shows 9.4m service vehicle which is unacceptable. The tracking should use 11.6m vehicle.
  6. Junction plateaus should be removed.
  7. Traffic hump features should be removed.
  8. Carriageway width of 5.5m should be maintained on through and loop routes including Type 3B Streets.
  9. Footways at transitions should extend a minimum of 2.0m beyond top of ramp.
  10. All Type 2 Streets should have a minimum carriageway width of 5.5m.

### ***Landscape Design***

- The increased number of dwellings from 190 to 223 will result in an increase in housing density with opportunities of open green areas reduced. This characteristic is not in keeping with a typical rural settlement within this part of the District.
- The increased number of dwellings will also increase the impact of the development and is likely to be detrimental on the surrounding landscape character area with additional vehicular traffic and deterioration of the current rural environmental characteristics.
- Additionally the site has only one access road from Belton Road this will cause traffic congestion and make it very difficult to enter and exit the site.
- The proposed site is situated to the south of Silsden and adjacent to the Green Belt.
- It is greenfield land and used for pasture. A public right of way is to the north-east corner of the site.
- Within the land there are dry stone walls as field boundaries and around the edges of the site there are trees and hedgerows.
- To the south of the site is the Floodplain Pasture of the Airedale Landscape Character Area.
- The Aire Valley opens out at this location and the floodplain is at its broadest making this a unique setting within the District, as there are no other expansive areas of floodplain. The particular qualities and characteristics of this landscape should be preserved.
- However the proposed layout disregards existing features such as dry stone walls and hedges.
- We are in agreement with the Design Review Panel that the 'dry stone walls are a strong part of the site's identity.' and 'the proposal should work around some of these historic features to help give the proposals greater local identity.'
- The site due to the large expanse and the open character of the area is visible from all the major transport routes running through the floodplain and from the valley sides. The proposals though, do not give sufficient consideration to its impact on views in and out of the site.
- Mitigation measures are essential for reducing the impact of the development; these should be in the form of open spaces; with trees for softening and providing a rural interface appropriate for the local landscape.
- Open space is considered at the southern edge of the site; this treatment should be replicated to the western edge of the site with open space and frontages rather than the back of houses.
- Public open spaces should also be located within the site to help reduce the likely negative impact of the development on the countryside.
- In fact, as advised by the Design Review Panel, shared outdoor space should also be considered for the northern edge of the site and linked to the open space to the south through smaller parcels of land.

### ***Natural England***

Your Authority should consider the Habitats Regulation Assessment (HRA) of the Draft Bradford Core Strategy, which identifies the potential for adverse effects with respect to new housing allocations in proximity to the South Pennine Moors SPA and SAC, particularly in relation to urban edge effects (fly-tipping, invasive species, cat predation and increased risk of fire), loss of feeding areas used by SPA birds and recreational disturbance/trampling. Proposed mitigation has been identified by your Authority and

further survey work has been undertaken to ensure the Core Strategy directs development away from areas used by SPA birds and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/tramping.

It will be necessary to ensure consistency between the evidence base work for the Core Strategy and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

### ***Parks and Greenspaces Service***

This application shows an increase in number of units from the original application 15/05875/MAO. Our concern is that we have only small amounts of POS in Silsden and the large number of new residents would saturate the existing POS and have previously suggested a co-ordinated approach to all new developments in Silsden to provide a substantial POS to offset the large number of residents. We are happy with the original S106 agreement amount if the contractor provides an on-site play area and maintains it.

### ***Rights of Way***

Public footpath 48 (Silsden) is adjacent to the red outlined site. I note the proposals to provide a pedestrian link on the north-eastern corner to link with this public footpath. Reference is made within the documents and on the landscape master plan to this link giving direct access towards Hainsworth Road. The status of Hen Holme Lane has been queried recently by the adjacent landowner and as far as I am aware Highways have stated that Hen Home Lane is not a route open to the public. The pedestrian link will therefore give a link to Public footpath No. 48 (Silsden) and from it to the wider rights of way network but it will not give direct access towards Hainsworth Road. Clear signage will be required to ensure that residents are made aware the link is to the route of the public footpath only and Hen Holme Lane should not be used.

### ***Urban Design***

The requirement for good design is set out in the NPPF (paragraphs 58-60, 61 and 64), the RUDP (Policy D1) and the Core Strategy (Policies DS1-DS5).

Building for Life 12 (BfL12) is the nationally recognised standard for assessing the design quality of housing schemes (the principles of BfL12 are reflected in the Core Strategy design policies).

The applicant has submitted a BfL12 assessment of their scheme which identifies that scheme fulfils all of the 12 questions. This view is not concurred with and to help achieve good design it is advised that further consideration is given to the following areas:

- Connections (BfL Question 1) with regard to pedestrian/cycle links to adjacent land proposed in the Masterplan.
- Public Transport (BfL Question 3) as above with regard to the opportunity to provide more convenient access to train station.
- Character (BfL Q5) with regard to reinforcing local distinctiveness and responding to local patterns of development.
- Working with the site and its context (BfL Q6) with regard to the edges of the site, including the industrial uses to the north.

- Easy to find your way around (BfL Q8) with regard to creating a clearer primary street, entrance to the site and focus to the development.
- Streets for all (BfL Q9) with regard to taking a more place based approach to the highway design.
- Car parking (BfL Q10) with regard to providing a range of parking solutions to avoid vehicle dominated street scenes.
- Public & private spaces (BfL Q11) with regard to the potential for further areas of open space within the site.

#### ***West Yorkshire Police Architectural Liaison Officer***

- Whilst not objecting to the development in principle West Yorkshire Police have raised a number of issues in relation to crime prevention, as follows:
  - Openness of front gardens/ definition of private space;
  - Footpath lighting;
  - Height of western boundary feature (recommend raising to 1800mm)
  - Security issues associated with inclusion of shared pathways/ gated alleyways/ bin storage arrangements;
  - Natural surveillance of parking areas;
  - Recommendation to install intruder alarms;
  - Recommendation to install external lighting to front and rear entrances;
  - Recommended minimum security standards for windows and doors.

#### ***West Yorkshire Combined Authority***

As I am sure you are aware, WYCA provided comments on the outline application 15/05875/MAO.

As part of the S106 agreement, funding was secured for 2 new bus shelters that have to be installed prior to occupation of any dwellings on the site.

Please be aware that we have a minimum of a 12 week lead time to supply and install bus shelters. We therefore suggest that the payment is made for these works at the earliest opportunity to the Council who then need to provide notification to WYCA. We are not able to order shelters until we receive the funding.

#### ***Yorkshire Water***

- We are aware of this site from the recent 15/05875/MAO planning consultation.
- We have no comment to make on this consultation which is to increase the number of proposed buildings.
- Our previous planning conditions relating to drainage are still relevant.

#### **Summary of Main Issues:**

- 1) Principle
- 2) Density/ Mix
- 3) Design, Landscape and Visual Impact
- 4) Access and Highways
- 5) Flood Risk and Drainage
- 6) Ecology and Trees
- 7) Affordable Housing Provision, Education and Recreation Contributions
- 8) Community Safety Implications
- 9) Equality Act 2010, Section 149

### **1) Principle**

Outline planning permission for the residential development of the site was granted on 14 September 2016 subject to 28 conditions and several planning obligations secured through a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. Condition 3 sets out the Reserved Matters, prohibiting the commencement of development until plans showing the appearance, landscaping, layout and scale of the development have been submitted to and approved in writing by the Local Planning Authority. Details of the internal access road are also reserved for approval. Proposals for the main site access onto Belton Road were provided with the Outline application and were approved under planning decision ref. 15/05875/MAO.

The Development Management Procedure Order defines the reserved matters listed in condition 3 as follows:

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

The principle of residentially developing the site has already been established and approved through planning application 15/05875/MAO, as have provisions for the site access onto Belton Road. The only matters for consideration in the reserved matters application are the acceptability of the proposed details of the appearance, landscaping, layout and scale of the residential development, as assessed below.

The applicants have submitted a case to increase the number of dwelling units in the reserved matters submission over and above the number indicated in the outline consent given. Whilst the outline consent included a number of units in the description of development there was no planning condition limiting the number of dwelling units to this figure. The applicants make reference to a legal case known as the ‘I’m Your Man’ case (*I’m Your Man Ltd v Secretary of State for the Environment, Transport and the Regions* 1999). It established the principle that where planning permission is granted

for a certain development, any limitation on the development must be imposed by express condition, not just in the description of the development.

Although the number of dwellings proposed on the site layout plan submitted with this application is 33 more than the upper development parameter of 190 indicated in the outline planning application, it is not considered that this change to the amount of development proposed is significant enough to preclude the development from being carried out under the authority of permission ref. 15/05875/MAO.

The increase in house numbers is due to the housing mix proposed by the applicant being broader than was suggested at the outline stage. With the illustrative layout plan provided to support the outline application showing primarily large detached properties, whereas the currently submitted detailed site layout plan proposes a substantial proportion of the houses to be terraced and semi-detached 2 and 3 bedroom properties.

## **2) Density/ Mix**

Policy HO5 of the Core Strategy states that, in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, developers will be expected to make the best and most efficient use of land. This will mean delivering the most houses possible while taking account of the need to arrive at a well-designed layout which reflects the nature of the site, its surroundings and given the type and size of housing needed in the area. Densities should normally achieve at least a minimum of 30 dwellings per hectare, although higher densities would be possible in areas well served by public transport and/or close to the City Centre and Principal Town Centres.

Policy HO8 states that the Council, will ensure that a mix and balance of housing is provided to meet the needs of the district's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures. The exact mix should be based both on market demand and evidence of local need within the district's SHMA together with any other robust local evidence or information. The location and nature of the site and its surroundings and the profile of the existing stock in the area should also be considered.

The detailed development proposals included with the current Reserved Matters submission provide for a development density of 33 dwellings per hectare, in-line with the standard set out in Policy HO5 and significantly in excess of the density suggested at the outline stage. The site layout proposes an urban grain which reflects the density characteristics of Silsden with denser terraced housing at the more urban northern end of the site transitioning to less dense detached and semi-detached housing as the site interfaces with the countryside to the south.

In addition it should be noted that the development proposes 44 of the units as 2 and 3 bedroom Affordable Housing units in-line with the S106 agreement and the requirements of policy HO11. The housing mix provides for approximately 68% of the development comprising more affordable 2 and 3 bedroom properties with the remainder being 4 bedroom properties, a mix which is considered to respond appropriately to the need within the locality for family housing which would suit buyers looking for properties at both the lower and higher ends of the market.

Giving consideration to the need to respect the character of the surrounding built and natural environment, it is considered that the proposed density of development and housing mix is appropriate to the site and responds sufficiently to housing need in the area. Therefore the proposed detailed development proposals are considered to be consistent with Core Strategy policies HO5 and HO8 and the provisions of paragraph 50 of the NPPF.

### **3) Design, Landscaping and Visual Impact**

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At the local level the design policies within the Core Strategy indicate that development schemes should be informed by a good understanding of the site/area and its context, take a comprehensive approach to development, work with the landscape to reduce the environmental impact of development, create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose.

At the outline stage approval was granted for the development of housing on the site. However certain concerns were raised in relation to the indicative development design proposals put forward at that stage, principally in relation to the way in which the development scheme would relate to the countryside to the south. In order to attempt to address these concerns the current applicant sought design advice both through the Council's Pre-application service and through the Regional Design Review Panel. In addition the proposed development plans were further revised during the assessment of the current Reserved Matters application, particularly in relation to the landscaping of the northern boundary with the adjacent business park, the treatment of the Belton Road frontage and amount of planting provided for within the landscaping proposals.

The outcome of the design review processes which the application has been through is a development scheme which, whilst not addressing every concern raised by consultees and the public, is considered to strike a reasonable balance between urban design, secure by design, landscaping and highway design imperatives and the applicants own interests as a commercial house builder. The proposal includes a very positive approach to the southern interface with the floodplain countryside beyond, with a green and open linear public open space provided across the southern boundary of the site, overlooked by low-density detached properties, interspersed with native trees and hedges and naturalistic play equipment.

In terms of the northern area of the site, although the applicant has not re-orientated the development in the manner suggested by the design review panel, a strong landscaped buffer with screen planting is now proposed along this boundary which should serve to acceptably moderate the relationship between the housing and the adjacent business units. However the Council's Environmental Health Service have advised that acoustic attenuation may be required for the residential units backing onto the business park, a requirement which is proposed to be imposed by condition. In-line with pre-application advice the applicant has also removed previous proposals to provide for frontage access for the 5 properties proposed to front onto Belton Road, with instead a landscaped strip provided on the roadside.

The western boundary of the site backs onto an area of land which is currently undevelopable due to flood risk issues. Concerns were initially raised that the applicant has not fully considered the relationship between the properties backing onto this boundary and a potential future development scheme on the adjacent safeguarded land. Concerns were also raised in relation to the potential need for retaining structures along this boundary to provide for the necessary flood resistant finished floor levels. However it is considered that these concerns have been satisfactorily addressed through the submission of further information, including an external works drawing proposing only very limited retaining along this boundary, with sloping gardens and a stone wall and planting proposed on the site boundary, and also an indicative masterplan provided showing that the development could relate acceptably to potential further housing development to the west.

The eastern part of the development site backs onto Hen Holme Lane. It is considered that the proposed relationship between the site and adjacent land to the east, involving the retention of the existing hedge supplemented with additional planting, is appropriate. Internally it is considered that the urban grain of the development, with density decreasing from north to south is contextually appropriate and also that the proposed highway layout/ hierarchy of streets and mix of house designs is suitable to the character of the locality and will provide for a visually interesting street scenes, complemented by the proposed internal tree and hedge planting. The applicant has also revised their standard house designs to provide for more contextually relevant architecture, including simplified elevations and use of artificial stone materials.

Overall it is considered that the design quality of the proposed detailed development scheme is such that it will not prejudice the environmental quality of, nor have a detrimental impact on the character of, either the adjacent floodplain landscape or the settlement of Silsden. It is further considered that the proposed detailed development plans will provide for an attractive well connected new housing development of high amenity value, will not create insecure spaces vulnerable to crime or antisocial



behaviour and will not unacceptably prejudice the visual or residential amenities enjoyed by the occupants of surrounding land. Therefore the proposal is considered to accord with the design principles set out in paragraphs 58, 64 and 130 of the NPPF and Core Strategy Policies DS1, DS2, DS3, DS4 and DS5.

#### **4) Access and Highways**

Paragraph 32 of the NPPF indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Core Strategy Policy TR2 states that new developments will be assessed against indicative parking standards contained in Appendix 4. The parking standard for a residential development outside of Bradford, Ilkley and Keighley is an average of 1.5 spaces per dwelling unit. Policy DS4 indicates that residential development should:

- A. Creating a network of routes which are well overlooked and convenient and easy for all people to understand and move around.
- B. Connecting to existing street and path networks, public transport and places where people want to go in obvious and direct ways, and where necessary improving existing routes and public transport facilities.
- C. Integrating existing footpaths/cycle routes on the site into the development.
- D. Take an approach to highway design which supports the overall character of the place and which encourages people to use streets as social spaces rather than just as routes for traffic movement.
- E. Take a design led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

Approval for the proposed main vehicular access for the site off Belton Road has already been granted through outline planning application ref. 17/02617/MAO. However the outline approval assessed the traffic impacts of the residential development on the basis of the 190 residential units which it was estimated that the development would comprise at that time. The proposed detailed site layout provides for the construction of 223 units and therefore the applicant has submitted an updated highway capacity assessment to demonstrate that the increase in units would not result in significant adverse traffic conditions. The Council's Highways Development Control team have confirmed that they consider that the applicant has demonstrated that the additional 33 dwellings would not have a significant impact that would require additional mitigation measures to those approved previously.

It must also be considered whether the proposed highways layout is appropriate in design terms and in terms of highways safety issues, parking provision and the connectivity and permeability of the site. In relation to the highways layout the

developer has provided a satisfactory level of parking, with 2 parking spaces provided for the majority of houses and an average in excess of 1.5 spaces per unit. In relation to highway design standards the Council's Highways Development Control team have not objected to the general layout and arrangement of roads within the site but have raised certain points of detail which will need to be addressed in order to ensure that the new estate roads are of an adoptable standard. A revised layout intended to address these minor layout adjustment requirements has been submitted at the time of writing this report and any further feedback received from the Council's Highway Development Control Unit will be verbally reported to Committee.

In relation to urban design principles, whilst it is acknowledged that the proposed development would be relatively road and car dominated, the applicant has included various positive aspects to the internal highway design, include the use of shared surface roads, an internal circulation loop, use of side and rear parking for some units and the provision of hedges and planting besides roads. The proposed layout also provides for pedestrian linkages both to the footpath network located at the north-eastern corner of the site and through the public open space located along the southern edge of the site. At the request of the Urban Design Officer this path to the south of the site was adjusted to allow for future off-site connections to facilitate the delivery of a sustainable transport route to complement the planning link road development.

Overall it is considered that the proposed highway arrangements and connectivity provisions included in this Reserved Matters submission will appropriately provide for a well-connected and safe development. The applicant has sought to adjust the originally submitted layout to address the minor design concerns raised by the Council's new estate road adoption team. Subject to any final minor adjustment which may be required to ensure that the road layout meets the Council's adoption standards it is considered this Reserved Matters application is acceptable in highways terms and accords with the provisions of Core Strategy policies TR2 and DS4 and paragraph 32 of the NPPF.

### **5) Flood Risk and Drainage**

Core Strategy policy EN7 states that the Council will manage flood risk pro-actively and in assessing proposals for development will:

- 1) Integrate sequential testing into all levels of plan-making
- 2) Require space for the storage of flood water within Zones 2 and 3a
- 3) Ensure that any new development in areas of flood risk is appropriately resilient and resistant
- 4) Safeguard potential to increase flood storage provision and improve defences within the Rivers Aire and Wharfe corridors
- 5) Manage and reduce the impacts of flooding within the beck corridors, in a manner that enhances their value for wildlife
- 6) Adopt a holistic approach to flood risk in the Bradford Beck corridor in order to deliver sustainable regeneration in LDDs and in master planning work
- 7) Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is taken into account
- 8) Seek to minimise run-off from new development; for Greenfield sites run off should be no greater than the existing Greenfield overall rates

- 9) Require developers to assess the feasibility of implementing and maintaining SUDS in a manner that is integral to site design, achieves high water quality standards and maximises habitat value
- 10) Use flood risk data to inform decisions made about Green Infrastructure. Only support the use of culverting for ordinary water courses, and additional flood defence works that could have adverse impacts on the environment, in exceptional circumstances.

The suitability of the site for development in relation to flood risk issues is a matter which was appropriately considered at the outline planning application stage. A full Flood Risk Assessment was submitted at that stage and the development was not objected to by the Environment Agency or the Council's Drainage Unit, acting in their capacity as lead local flood authority. However the outline approval was made subject to the imposition of conditions requiring a suite of mitigation requirements, including providing compensatory flood water storage amounting to at least 300m<sup>3</sup>, achieving minimum finished floor levels for new dwellings and providing an attenuated sustainable surface water drainage system with a restricted rate of discharge.

Although the applicant is not seeking approval for full details of the surface water storage system or flood mitigation works at this stage, the proposed site layout plan does make provision for flood water storage facilities to be provided on-site, with an indicative surface water connection shown to Silsden Beck at a point south-west of the site. To address concerns raised by the Council's Drainage Unit an external works plan has also been provided which demonstrates that the required dwelling finished floor levels could be achieved for the proposed site layout without necessitating the introduction of unacceptable retaining features.

In relation to sustainable drainage issues, it is noted that the proposed site layout provides for an engineered solution to allow the site to be drained without increasing flood risk. This solution involves the underground storage of surface water and the use of a pumping station to allow an outfall to Silsden Beck to be provided. It would be preferable for additional SUDS features to be utilised, such as swales, ponds or detention basins, which provide for improved treatment of surface water in addition to attenuation and also potential ecological benefits. However it is acknowledged that an engineering led approach is required in this instance due to the site topographical constraints and the need to provide for a maintainable, adoptable drainage system. Neither the Environment Agency nor the Council's Drainage Unit have objected to the proposal in relation to the provisions for SUDS made within the site layout.

Subject to the approval of a detailed drainage design scheme and implementation of the flood mitigation measures, as reserved by conditions 4, 5, 6, 7, 23, 24, 25, 26, 27 and 28 of the outline Planning Permission, it is considered that the submitted details of site layout, scale, appearance and landscaping are acceptable in terms of flooding and drainage issues and do not conflict with Core Strategy Policy EN7.

## **6) Ecology and Trees**

Core Strategy policy EN2 states that proposals should contribute positively towards the overall enhancement of the District's biodiversity resource. They should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically

connected patchworks of grasslands, woodlands and wetlands. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.

Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 109 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

Ecological issues including the ecological harm which would result from the development of the site and the impact of the development upon off-site ecological receptors, such as the South Pennine Moors Special Protection Area, were primarily assessed and addressed through the outline planning application. The conditions and planning obligations attached to the outline permission ensure that, prior to commencement of the development, the applicant will have to secure approval for an ecology management strategy and make a contribution towards mitigating the impact upon the South Penning Moors which would result from increased recreational usage pressure. However consideration must also be given to whether the landscaping proposals which have been submitted for approval as part of this Reserved Matters application provide for appropriate ecologically beneficial features in accordance with Core Strategy policy EN2.

The proposed landscape masterplan provides for a range of soft landscaping features including native tree, shrub and hedge planting internally within the site, dense screen planting along the northern boundary of the site, native poplar, willow and alder linear planting and wildflower meadow areas within the open space provided to the south of the development area and further tree and shrub planting along the western boundary of the site and the Belton Road frontage. The proposed layout also proposes the retention of an individual field tree of high landscape/ amenity value within the southern POS and the protection of the existing hedge along the eastern boundary of the site in-line with Core Strategy policy EN5.

Subject to full details of tree protection and planting being reserved by condition and the fulfilment of the requirement to provide an ecological management plan for the site and to contribute toward the mitigation of impacts upon the south Pennine Moors SPA, as required under the Outline consent, it is considered that the application has appropriately addressed ecology and tree protection issues and provided for appropriate ecologically beneficial features and habitats within the landscaping proposals. The application is therefore considered to accord with Core Strategy Policies EN2 and EN5 and the principles set out in paragraph 109 of the NPPF

## **7) Affordable Housing Provision, Education and Recreation Contributions**

Outline planning permission 15/05875/MAO was granted subject to a legal agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990 (S106 agreement), engrossed on 13 September 2016, which set out a series of planning obligations binding upon the land owner and their successors in title. This current application is for the approval of the matters reserved for detailed approval under outline planning permission 15/05875/MAO and will not result in the issuing of a new planning permission. Therefore the Planning Obligations set out in the S106

agreement dated 13 September 2016 will continue to be binding upon the developer (who is now the land owner) and the developer will not be liable for the new Community Infrastructure Levy Charge.

In summary the S106 agreement set out the following Planning Obligations:

<b>Education Infrastructure Contribution:</b>	£202,844
<b>Recreation Infrastructure Contribution:</b>	£161,863
<b>Pedestrian Footbridge Contribution:</b>	£100,000
<b>South Pennine Moors Impact Mitigation:</b>	£20,000
<b>Bus Stop Improvement Contribution:</b>	£20,000
<b>Affordable Housing:</b>	20%
<b>Highway Improvement Works:</b>	Dropped Crossing Refuge Crossing Pedestrian Island Upgrade VAS Signs
<b>Safeguarded Land:</b>	Safeguard & Allow Works/ Adoption of the Land Required for the Proposed Silsden Link Road
<b>SUDS Maintenance &amp; Management Plan:</b>	To be submitted & approved prior to development commencing

The applicant will have to meet all of the above Planning Obligations in full as well as complying with the planning conditions attached to the outline consent, including the requirement for specified flood mitigation works. However this reserved matters application proposes an increased proportion of smaller 2 and 3 bedroom properties. The consequence of this is that the number of dwellings to be delivered has increased from the 190 estimated at the outline stage to 223 units proposed in the submitted detailed layout.

The additional dwellings are likely to place an additional strain on local education infrastructure and therefore it is recommended that the approval of Reserved Matters is made conditional upon a Deed of Variation to the previously engrossed S106 agreement being entered into to provide for an increased Education contribution from £202,844 to £244,783. Although the increased number of dwellings will also increase pressure on local recreational infrastructure, the Council's Parks and Greenspaces Service have confirmed that they are satisfied that the on-site provision of greenspaces and recreational equipment proposed by the applicant will be sufficient to mitigate this additional impact.

### **8) Community Safety Implications:**

Local and National planning policies indicate that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. The proposed development includes various provisions to minimise the vulnerability of the development to crime and anti-social behaviour including natural surveillance of the play area and public open spaces and providing for a layout which minimises the vulnerability of rear gardens.

The West Yorkshire Police Architectural Liaison Officer (ALO) has reviewed the application and has made a number of recommendations, primarily relating to boundary treatments, parking surveillance and shared rear access paths. The applicant has attempted to address the majority of the concerns raised by the Police AOL; however

certain of the proposed adjustments, such as designing out a rear parking courtyard adjacent to the northern boundary and increasing the height of the western boundary wall, would unacceptably compromise the development design. Nonetheless it is considered that the proposed detailed development scheme provides for a safe environment which would not be unacceptably vulnerable to crime and anti-social behaviour.

**9) Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010. The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound basis to conclude that the proposal would lead to either significant or disproportionate adverse impacts on any groups of people or individuals who possess protected characteristics. Likewise, if reserved matters approval were to be refused by the committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

**Reason for Granting Approval of Reserved Matters:**

The details submitted in relation to appearance, landscaping, layout and scale are considered to be acceptable. The detailed development scheme proposed should provide for an appropriate new urban edge to this part of Silsden and an attractive, visually interesting and contextually appropriate housing development, with external spaces of high amenity value, without significantly detrimentally affecting the surrounding environment or the occupants of adjacent land. The proposal is considered to accord with the relevant national planning policies set out in the NPPF and the local planning policies set out in the Core Strategy, in particular policies AD1, HO5, HO8, HO9, DS1, DS2, DS3, DS4, DS5, EN1, EN2, EN5, EN4, TR2 and TR3.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of two years from the date of this Reserved Matters approval.

Reason: To ensure that the development is begun within a reasonable timeframe without prejudicing the viability of implementing the scheme and to accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2) The construction of the dwellings to which this notice relates shall not be begun and no site preparation works or engineering operations shall commence, until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005), which shall first have been submitted to and approved in writing by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and be retained for the duration of the development. No excavations, engineering works, service runs and installations shall take place

between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

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 Policy EN5 of the Core Strategy.

3) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the hard and soft landscaping features illustrated on drawing ref. P16:5035:100–D, including planting specifications and details of the play equipment to be provided, have been submitted to and approved in writing by the local planning authority. Thereafter the approved landscaping details shall be implemented in full, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for an attractive public realm and external environment of high amenity value to residents, to maintain the character of the landscape and to mitigate the ecological harm which will be caused by the development, to accord with Policies DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

4) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the acoustic attenuation measures which will be provided to ensure that residents are not subject to an unacceptable level of noise disturbance have been submitted to and approved in writing by the local planning authority. Thereafter the approved acoustic attenuation measures shall be implemented in full, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that residents are not subject to unacceptable noise disturbance, subsequent to the Noise Assessment submitted with the Outline application dated October 2015, in accordance with Core Strategy Policy EN8 and paragraph 123 of the National Planning Policy Framework.

5) None of the dwellings to which this decision notice relates shall be brought into occupation until full details of the directional signage to be erected at the footpath link in the north-eastern corner of the site, have been submitted to and approved in writing by the local planning authority. Thereafter the approved sign shall be fully installed, either before any of the dwellings to which this decision notice relates are brought into occupation or in accordance with a Phasing Plan submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that footpath users understand what is the correct footpath route, to accord with Policy DS4 of the Core Strategy.

6) The construction of the houses to which this decision notice relates shall not begin until full details of all facing materials, including samples of roofing and walling materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development is sympathetic to the built and natural environment in the locality, in accordance with Policy DS3 of the Core Strategy.

7) Either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority, the proposed highways provisions hereby approved, including roads, parking spaces, turning areas and footpaths, shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered P16:5035:01–E and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that suitable roads, footways and parking and turning provisions are made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy.

8) The development to which this reserved matters consent relates shall be carried out in accordance with the approved flood risk assessment (FRA): *Oct 2015 / WYG Engineering*; Addendum 1: *Jan 2016 / WYG Engineering*; Addendum 2: *Feb 2016 / WYG Engineering*; Addendum 3: *May 2016 / WYG Engineering*, and the following mitigation measures detailed within the FRA:

1. Compensatory storage is to be provided on a volume for volume and level for level basis. This is to be no less than 300m<sup>3</sup>.
2. No non water-compatible development within flood zone 3b.
3. Finished floor levels for plots 219 – 222 are to be set no lower than 93.545m Above Ordnance Datum (AOD).
4. Finished floor levels for plots 198 - 218 are to be set no lower than 600mm above the associated 1 in 100cc level for the plot location, between 93.545m and 91.326mAOD (as previously identified in Addendum 2).

The mitigation measures shall be fully implemented either before any of the dwellings hereby approved are brought into occupation or in accordance with a Phasing Plan approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants, and increasing flood risk elsewhere, in accordance with Core Strategy Policy EN7.

9) No retaining walls shall be constructed on the site to which this decision notice relates, except where details have been submitted to and approved in writing by the Local Planning Authority of the precise location, height and face treatment of the retaining wall. All retaining walls shall only be constructed in accordance with the approved details.

Reason: To ensure that only appropriate retaining walls are constructed, to accord with Policy DS1, DS2, DS3, DS4 and DS5 of the Core Strategy.

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