

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 5 April 2018

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## Subject:

An application for outline planning permission for the demolition of existing buildings and the construction of up to 142 dwellings on Land at Former Riverside Works, Keighley Road, Silsden.

## Summary statement:

The Regulatory and Appeals Committee previously resolved to grant outline planning permission for this development on 6<sup>th</sup> October 2016 subject to conditions and a Section 106 Legal Agreement .

The principle of development for this housing scheme remains the same as when previously considered by the Committee. Previously the Regulatory and Appeals Committee resolved to grant permission subject to infrastructure contributions and on-site affordable housing. However, an Affordable Housing Viability report has now been submitted which demonstrates that the development is not viable with the provision of on-site affordable housing together with the CIL payment applicable for this site.

An Independent Valuer has assessed the Affordable Housing Viability Report on behalf of the Council. Following the submission of additional information relating to abnormal development costs the Independent Valuer has concluded that the development cannot sustain an affordable housing contribution as previously agreed. However, if the site is to be developed for 100% market housing a developer contribution to local infrastructure not covered by CIL (including off-site affordable housing) to the value of £348,439 can reasonably be justified in viability terms.

The development is now CIL liable and would generate an anticipated payment of circa £300,000, with the final figure to be confirmed at the reserved matters application stage.

A full assessment of the application against all relevant planning policies and material planning considerations is included at Appendix 1. Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure a £348,439 affordable housing contribution; the entering into of a section 278 agreement; and the safeguarding of land adjacent to the proposed junction with Keighley Road the proposal is considered to be acceptable and it is recommended that Planning Permission is granted.

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## Portfolio:

**Regeneration, Planning and Transport  
Overview & Scrutiny Area:**

**Regeneration and Economy**

## **1. SUMMARY**

The Regulatory and Appeals Committee is asked to consider the recommendations for the determination of planning application 16/03804/MAO as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1.

## **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 this application.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

## **4. OPTIONS**

Members can decide to:

- Approve this application subject to conditions and a S106 legal agreement; or
- Approve the application with different conditions and or different heads of terms for the suggested legal agreement; or
- Refuse the application giving reasons as to why it is unacceptable; or
- Defer the application for further consideration

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

At the meeting of the Regulatory & Appeals Committee on 6<sup>th</sup> October 2016 it was resolved to grant Outline Planning Permission for the development of up to 142 houses on land at former Riverside Works, Keighley Road, Silsden. Access was included in the consideration of the application, with appearance, landscaping, layout and scale reserved for future consideration.

The resolution of the Committee was subject to the applicant entering into a Section 106 Agreement to deliver the following:

- Provision of 20% affordable housing (2 and 3 bedroom units) on the site
- Payment of education contribution of £265,299 towards primary facilities in Silsden
- Payment of a contribution of £141,132 towards recreation facilities in Silsden – to be used toward the following: 1st priority of the monies provide additional community facilities in Silsden to include bringing back into use the existing structures in the park and providing a new facility/flexible space for sports, meetings and new changing rooms for those playing sports in the park, and/or 2nd priority to retain the MUGA next to the youth centre in Elliott Street or towards general recreational facilities in Silsden park
- Payment of a contribution of £20,000 to mitigate impacts on sensitive habitats by bringing forward the improvements on nearby footpath routes
- Contribution of £100,000 toward a footbridge to cross the A629.
- A contribution amount of £20,000 for the provision of 2 x bus shelters (at bus stops 16917 and 16918).
- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101

Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site

- The entering into a S278 highway works agreement

The Section 106 Agreement was not completed and on 1<sup>st</sup> July 2017 the Council adopted the CIL Charging Scheme which is designed to incorporate certain infrastructure matters previously agreed.

On 7<sup>th</sup> August 2017 an Affordable Housing Viability Report was submitted to the Council by Lichfields Planning and Development Consultancy, on behalf of the applicant (Silvermantle). The report reviews the viability of the development and provides residual land valuations incorporating all build costs, abnormal costs, CIL, developer profit and end sales values to arrive at a land value. The report considers the viability of the development with an affordable housing provision of 20%, 10%, 5% and 0%. The report concludes that because of the abnormal costs associated with developing the site the development cannot sustain affordable housing provision as well as a CIL payment.

Cushman and Wakefield, acting on behalf of Bradford Council, have undertaken a review of the affordable housing viability report. The review analyses the methodology, assumptions and inputs of the affordable housing viability assessment to determine if the conclusions are reasonable. The review also includes a shadow appraisal of the development to determine its viability.

The Cushman & Wakefield review concludes that the development is not viable with the inclusion of affordable housing. However, the report advises that should the development be delivered with 100% market units a 'planning gain pot' of £405,439 could be justified.

Following the Cushman & Wakefield review, Lichfields raised concerns that the analysis undertaken overstated the viability of the development, primarily by understating the abnormal costs associated with the provision of a new substation, surface water attenuation measures and foundation details.

The abnormal costs relating to the new substation, surface water attenuation measures and foundation details have been considered further by Cushman and Wakefield. The review of this information concludes that the cost assumptions relating to the substation and foundations details are appropriate, but that an additional cost allowance should be made for the provision of surface water attenuation measures.

On this basis Cushman and Wakefield have updated their work and now recommend that the development is capable of providing a 'planning gain pot' of £348,439. The agent has confirmed that they wish to meet this planning obligation in full. The obligation is to be secured by a Section 106 Legal Agreement and it is recommended that it is prioritised for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

In addition to the £348,439 affordable housing contribution the development would generate an anticipated CIL payment of circa £300,000 for the provision of off-site infrastructure. In this regard, of the matters listed within the original Section 106 agreement, education, recreation, habitat mitigation and the footbridge provision are all matters which are now covered by the CIL charge.

In conclusion, it is considered that having regard to scheme viability as set out in policy ID2 of the Core Strategy and paragraphs 178 and 181 of the NPPF, in this instance, the provision of a financial contribution of £348,439 for off-site affordable housing has been robustly justified and policy HO11 of the Core Strategy is satisfied.

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

No implications.

## **7. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as the Local Planning Authority.

## **8. OTHER IMPLICATIONS**

### **8.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

### **8.2 SUSTAINABILITY IMPLICATIONS**

No sustainability implications are foreseen beyond those addressed in the Technical Report at Appendix 1.

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

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

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be lower than would be the case for alternative, less sustainable locations. Mitigation measures are also to be incorporated within the development in the form of Electric

Vehicle Charging points to encourage the uptake of sustainable modes of travel. A Travel Plan document has been submitted which references the use and promotion of low emission vehicles at the site and a condition to monitor the travel plan elements is suggested to be attached. In conclusion, subject to the identified mitigation measures no adverse greenhouse gas emission implications are foreseen.

#### **8.4 COMMUNITY SAFETY IMPLICATIONS**

The proposal is an outline application and the detailed design of the development, incorporating secured by design principles will be considered as part of a future reserved matters application.

#### **8.5 HUMAN RIGHTS ACT**

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

#### **8.6 TRADE UNION**

No implications

#### **8.7 WARD IMPLICATIONS**

The scheme provides housing development on highly visible Brownfield land within the urban area of Silsden.

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

Affordable Housing Viability Report (Lichfields)

Affordable Housing Viability Report Review (Cushman & Wakefield)

### **10. RECOMMENDATIONS**

That planning permission is granted subject to the conditions attached at appendix 1 and subject to a Section 106 Legal Agreement to deliver the following

- Payment of a contribution of £348,493 for the provision of off-site affordable housing in Craven or an adjacent ward.
- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site
- The entering into a S278 highway works agreement

### **11. APPENDICES**

Appendix 1 – Updated Report of the Assistant Director (Planning, Transportation and Highways).

### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

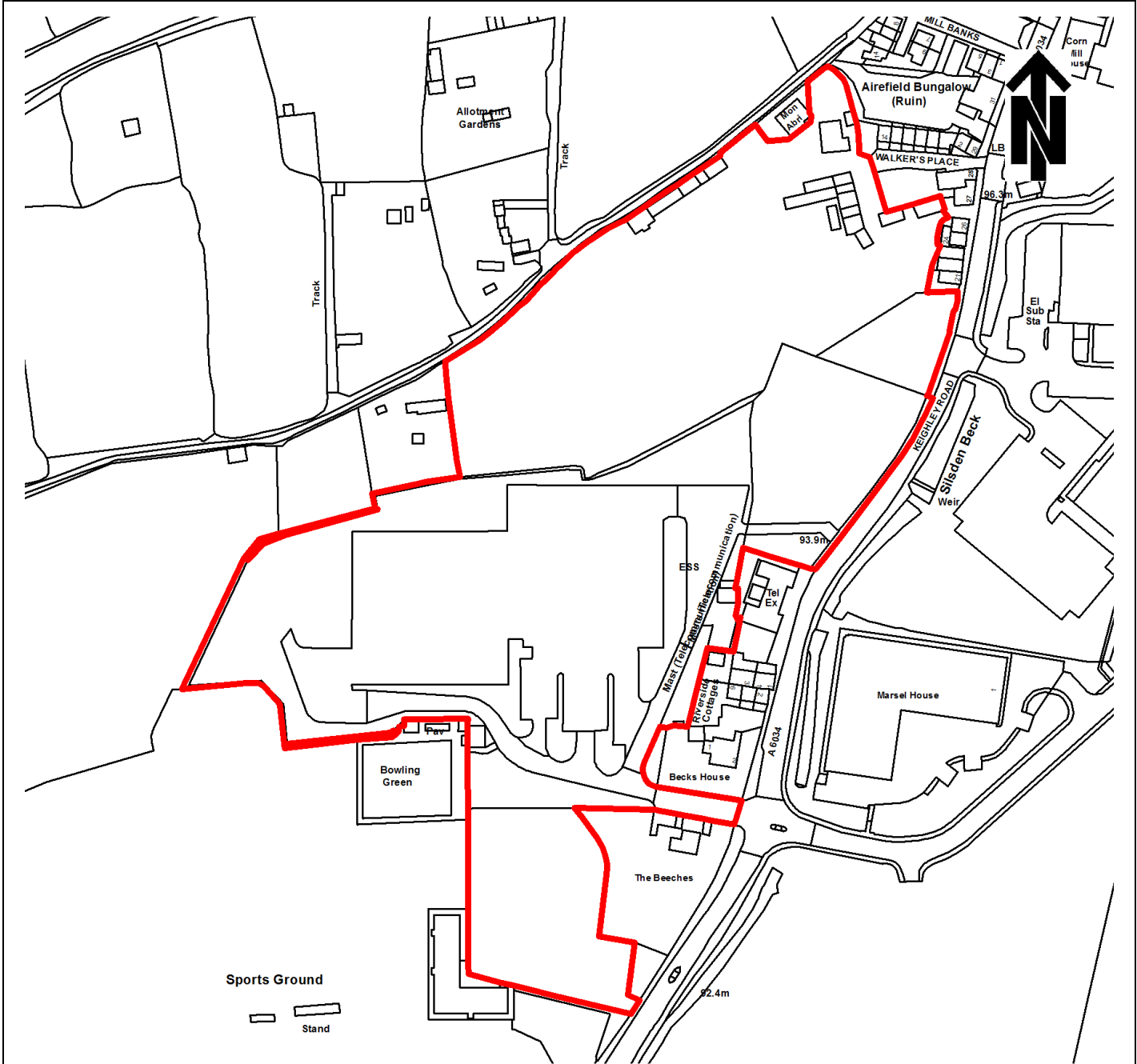
The Replacement Unitary Development Plan

Local Plan for Bradford

16/03804/MAO



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Former Riverside Works**  
**Keighley Road**  
**Silsden BD20 0EH**

5<sup>th</sup> April 2018

**Ward: Craven Ward**

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT.**

**Application Number:**

16/03804/MAO

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

Demolition of existing buildings and outline planning permission for residential development (use Class C3) on Land at Former Riverside Works, Keighley Road, Silsden-planning application 16/03804/MAO.

**Applicant:**

Heather T Jackson And Silvermantle Ltd

**Agent:**

Lichfields

**Site Description:**

This is an unusual shaped application site which extends to approximately 5.1hectares and is located with 2 frontages to Keighley Road, one with a main frontage of approximately 65m and a smaller existing one opposite Belton Road where it meets Keighley Road. The site is in the main vacant at present and forms unattractive scrubland as the former warehouse unit and some of the various former buildings on the site have been demolished. The site abuts the Silsden Conservation Area on its northern edge to Walker Place and the Leeds-Liverpool canal on its north western edge at Sykes Lane.

The site is relatively flat and part of its south eastern boundary abuts houses which lie in close proximity to Keighley Road. To the north of the existing houses but within the eastern apex of the site lies a long frontage boundary to Keighley Road and part of this land was formally allocated as a phase 1 house site (K/H1.40). To the south lies the green belt and the football and cricket sports pitches with their associated clubhouse, to the west of the site lies a parcel of safeguarded land (RUDP reference K/UR5.37) whilst to the north lies a parcel of employment land (RUDP reference K/E1.9) which is also within the employment zone. Sykes Lane forms part of the north western boundary of the site. Existing access to the site is via Keighley Road.

**Relevant Site History:**

13/00990/PN – Prior approval granted for demolition of single storey warehouse building.

14/01059/MAF - A full application for the (i) demolition of buildings and construction of a food store and petrol filling station with associated car parking, servicing, highway works including formation of vehicular access and cycle/foot way, and hard

and soft landscaping and; (ii) formation of all-weather sports pitches and associated car parking.

The application was refused permission for the following reason:

*As a result of the total retail floor space proposed for both convenience and comparison goods, the development is likely to have a significant, cumulative, adverse impact on the vitality and continued viability of the Silsden Local Centre and would therefore be contrary to Paragraphs 26 and 27 of the National Planning Policy Framework*

### **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.

### **The Local Plan for Bradford**

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

A large part of the site is unallocated but lies within a designated employment zone (K/E6.1) within the Replacement Unitary Development Plan. A small part of the site forms part of a much larger parcel of employment land (K/E.19). A small area of land in the south apex of the site lies within the greenbelt. The remainder of the application site is allocated as a former housing site (K/H1.40).

Accordingly, the following adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Replacement Unitary Development Plan saved policies:



E1-Protecting Allocated Employment Sites  
E6-Employment Zones  
GB1-New Building in the Green Belt

Core Strategy policies:

P1-Presumption in Favour of Sustainable Development  
SC1- Overall Approach and Key Spatial Priorities  
SC3-Working together to Make Great Places  
SC4- Hierarchy of Settlements  
SC5- Location of Development  
SC7-Green Belt  
SC8- Protecting the South Pennine Moors and their Zone of Influence  
SC9- Making Great Places  
AD1- Airedale  
TR1-Travel Reduction and Modal Shift  
TR2- Parking Policy  
TR3- Public Transport, Cycling and Walking  
HO1- Scale of Housing Required  
HO3- Distribution of Housing Requirement  
HO5- Density of Housing Schemes  
HO6- Maximising Use of Previously Developed Land  
HO8- Housing Mix  
HO9- Housing Quality  
HO11- Affordable Housing  
EN1- Open Space, Sports and Recreation  
EN2- Biodiversity and Geodiversity  
EN3-Historic Environment  
EN4-Landscape  
EN5-Trees and Woodlands  
EN7- Flood Risk  
EN8- Environmental Protection Policy  
DS1-Achieving Good Design  
DS2- Working with the Landscape  
DS3-Urban Character  
DS4- Streets and Movement  
DS5- Safe and Inclusive Places  
ID2-Viability  
ID3-Developer Contributions

**Town Council:** Objections on the following grounds-

- This land is designated employment land not residential land,
- The entry and exit impacts on an already dangerous road, highlighted by the developers own objections to an application on the other side of the road, there is absolutely no indication of what type of junction e.g. signal, priority etc. therefore little to comment on, same with the fact that this application has come to consultation with no comments available from Bradford highways
- Silsden Town Council request they be granted to right to comment again once these are available to the public, the applicant states that amenities are within reasonable walking distance, this does not included the new school site which is

outside that boundary.

- Concerns over the width of the internal road at 6.75m this is not suffice to deal with 'link to future development' bearing in mind the main road which already struggles is 8.29m wide.
- This area is prone to flooding and it is believed the land is contaminated.

Comments on revised application details: Objections on the following grounds –

- The land is protected employment land not housing land,
- This application should be considered and implemented if passed at the house building stage otherwise it will cause duplication of road closures and inconvenience.
- This appears to be a 'safeguarding exercise' for land for future development beyond the current application.
- BMDC refused traffic lights when an application for a supermarket was submitted at the site, and it would seem to highlight a conflict of interest and be disingenuous if passed now when BMDC have a financial gain to be had from the development of this land and beyond as this would include the council having a third of the increase an value of any land and subsequent housing being paid to them.
- The layout will have an adverse effect on the existing bus routes and there is no consideration given for cyclists even though this is said to be encouraged on the application for housing.
- The number of exits and entries already existing on this road already causes problems and is a safety issue this would just exacerbate the unacceptable situation

### **Publicity and Number of Representations:**

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments on the amended scheme details being 29<sup>th</sup> August 2016. 4 letters of representation have been made objecting to the scheme along with a petition (of 7 signatures) objecting.

All comments summarised below are written in no particular order of importance. Any additional representations which may be received after the publication of this report will be reported orally at the committee.

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

- Object to houses on the old riverside Works due to the severe flooding in the area over winter
- Concerned about the size of the bridge but was assured that it could cope with twice the amount of water that could ever pass through Silsden beck. However, it was never able to cope with the volume of water, especially during heavy rain.
- The bridge has since been demolished after collapsing into the back during the flooding of winter 2015.
- A new bridge under Belton road was built roughly 20 years ago, this too cannot cope with the capacity of the beck. The walls on top of the bridge have since been reduced in height to allow the back water to flow over onto Belton road preventing Marsel House industrial unit from flooding.

- Concerned about the volume of traffic increasingly dangerous to pull out of back yards
- Already congested on the roads due to the Aldi store
- Potential loss of parking outside the house
- Cannot find reference to the existence or the safe removal of the bank of Japanese knotweed which runs alongside the pavement and occupies the areas which will be proved entrance to the development. This should be controlled and eliminated for the site before any work is started on the site.
- Affect the outlook at the back of existing houses
- The Aldi supermarket car park which was flooded after merely 8 months of opening.
- Not only are the becks unable to cope with the volume of water, have seen the tow-path on the canal under six inches of water in previous years. Although pleased to hear that the beck wall that has collapsed is to be re-instated am worried that the problem of sewage coming up through my downstairs toilet will be worsened by this

### **Consultations:**

#### Highways Development Control Section – Original comments:

Access to the site is to be taken from Keighley Road at the eastern site boundary via a new priority junction. The Transport Assessment (TA) states that the junction has been designed and positioned to provide access and egress to the site as well as future potential development to the east and north of the proposed site. However in a further statement it identifies further development sites to the north and 'west'. The applicant should amend one of these comments to be consistent.

The Transport Assessment has assessed traffic impacts arising from development not just within the application site but also from further development on the SHLAA site (site ref. SI/013). The current scheme aims to deliver a point of access (via the internal spine road connecting to Keighley Road) to land to the north and west of the application site (connecting to Keighley Road) to land to the north and west of the application site (SHLAA site).

The applicant has undertaken an initial analysis of the potential development density for SHLAA site and considers it could accommodate around 170 units. In accordance with current design guidelines a combined development of 320 dwellings would require at least two points of access from the highway network. For the purposes of the sensitivity test it has been assumed within the TA that only 50% of the traffic generated by development on the SHLAA site would use the Keighley Road access.

Given the location of the SHLAA site, if this statement is to be accepted by Highways then the applicant should provide some evidence as to where the second access could potentially be provided / accommodated. Otherwise it should be assumed that 100% of the SHLAA traffic would also use the same access as their application site and the TA should be amended to reflect this.

The development site lies within walking distance of Steeton & Silsden station however the pedestrian crossing facilities across the A629 are extremely poor. The

Council has a wish to provide a new footbridge across this road and therefore a contribution will be sought from the developer towards the provision of this. Planning application 15/05875/MAO (for 190 dwellings at land south of Belton Road) is to provide a £100,000 contribution for the crossing and the Council should seek to secure a similar amount as part of this application. The applicant should confirm their willingness to provide this. Furthermore improvement to bus stop facilities in the form of bus shelters, real time bus information and raised bus kerb edges will be required at bus stops 45016917 and 45016918 located on Keighley Road. The details submitted do not indicate that this is to be offered.

Revised highway comments: Additional information in the form of a TA Addendum document and revised access arrangement plans have been submitted to address the highway concerns raised in the initial consultation response.

*1) TA addendum and access arrangements:*

The proposed development is to be served via a ghost island priority controlled 'T' junction and there would be sufficient capacity with this type of arrangement to accommodate the proposed development of up to 150 dwellings. Therefore there is no further objections to raise regarding the traffic impact assessments for this scale of development.

The proposed access arrangements shown on plan "Proposed Access Junction and Internal Link Road" (Ref: SIL-BWB-00-02-DR-TR-100 / S2 / Rev P2) would be acceptable to serve the proposed development of up to 150 dwellings but would not be able to accommodate future development of the SHLAA site Ref. SI/013. In order to overcome this, the applicant is proposing to safeguard additional land around the proposed site entrance so that this can be reconstructed in the future to provide a signalised junction (Plan Ref: SIL-BWB-00-01-DR-TR-101 / S2 / Rev P1). This signalised junction would then be able to accommodate traffic from both the current application site as well as the SHLAA site. The additional land take required for the future signalised junction should be secured by way of a Section 106 Agreement.

NB: The signalised junction would be delivered by the developer of the remaining SHLAA site when or if this comes forward.

*2) Pedestrian Link Improvements*

The site lies within walking distance of Steeton & Silsden station however the pedestrian crossing facilities across the A629 are extremely poor. The Council has a wish to provide a new footbridge across this road and therefore a contribution from the developer towards the provision of this should be secured as part of a Section 106 Agreement. Planning application 15/05875/MAO (for 190 dwellings at land south of Belton Road) is to provide a £100,000 contribution for the crossing and the Council should seek a similar amount as part of this application.

*3) Works within the highway*

Provision of the site access will require extensive works to be carried out on Keighley Road. Therefore in order to carry out these works the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council. This is likely to include additional works not currently shown on the site access arrangement plan such as possible new Traffic Regulation Orders etc.

*4) Public transport improvements*

Previous highway advice has suggested that improvement to bus stop 45016917 and 45016918 located on Keighley Road are required in the form of bus shelters, real time bus information and raised bus kerb edges however the details submitted to date do not indicate that this is to be offered.

Overall there are no objections in principle subject to conditions and a S106 legal agreement.

West Yorkshire Combined Authority – It is considered that the site is accessible. There are 4 identified bus stops on the Keighley Road and it is expected that this is improved to provide shelter upgrades to 2 of these stops, one in each direction – at a cost of £10,000 per shelter. It is the view of WYCA that the site is no poorly served by public transport.

To ensure that sustainable transport can be a realistic alternative to the car the development needs to fund a package of sustainable travel measures. Recommend contributions to metro cards, personalised travel planning, car club use, cycle purchase schemes, and other infrastructure enhancements. The contribution appropriate for this development would be £90,750 which equates to 150 bus and rails zone Metro cards.

Lead Local Flood Authority – have assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If the submitted details are implemented and secured by way of a planning conditions on any planning permission the Lead Local Flood Authority have no objection to the proposed development. Note: these suggested planning conditions have been attached to the rear of this agenda and relate to each of the proposed uses at the site.

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

Yorkshire Water – No objections subject to conditions being attached to any permission granted.

Airedale Drainage Commissioners – the site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

The Board notes that this application is for the development of a substantial area of

land for residential use. The Board also notes that the land is currently a mixed site with both Greenfield and Brownfield elements. Depending on the final site layout and the extent of the impermeable areas created, the development could result in significant increase the run-off rate from the site if uncontrolled.

Given the size of the development and the sensitivity of the flooding issue the Board is concerned about this application in its current form. If the Ipa is minded to give approval the Board would suggest a suitable condition to ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

Canal and Riverside Trust – No comments.

Conservation Section – Original Comments

A heritage statement should be provided to consider the impact of the development on the heritage assets, and will also be required to accompany any subsequent application for reserved matters. The application is for access only with all other matters reserved. This must call into question the significance which can be attached to the layout plans referred to in the design and access statement.

The planning authority in respect of any buildings or land in a conservation area, has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72, Listed Buildings and Conservation Areas Act 1990).

It is imperative that development here enhances the setting of the Silsden conservation area, and reinforces the character of the town by restoring the southern gateway to the town. It will be imperative for buildings adjacent to Keighley Road to directly address the road and both by their physical presence, relationship with the road and architectural design, restore the local distinctiveness of this approach to the town.

Elsewhere in the development the layout, built form and sense of place of the development should read as a seamless continuation of the character of Silsden, that is an irregular and intimate layout with clusters of buildings of random and varied size, shape and form reflecting piecemeal organic development. The submitted statements suggest an appreciation of the need for exceptional quality of development here, but unfortunately the layout and building design fails to make this a reality. The layout remains that of a suburban estate with open, sweeping approach into the development, flanked by standard house types. It is considered unlikely that the broad application of standard house types will achieve a successful integration of the development into the local context. This layout, spacing and architecture appears to have limited recognition of the local context or character. The relationship of buildings to the roads and orientation of built form conflicts with local character in the conservation area.

It is questioned whether consideration of access in isolation is adequate to enable proper consideration of the impacts in respect of Section 12 of the NPPF, the relevant heritage and design policies, and in respect of the duty under Section 72 of the Listed Buildings and Conservation Areas Act 1990.

In order to secure a layout and design which will enhance the heritage assets, a formal design review of the existing would likely prove beneficial. At present, the intended development is concluded to fail to respond to its context and to accord with policies UDP3, D1 and BH7 of the RUDP, and would cause significant harm to the setting of the conservation areas.

Revised heritage comments

No heritage consultation comments received on the submitted heritage assessment which argues that the site is not in the conservation area and is in outline form at this particular time.

Police Architectural Liaison Officer – As this is only an outline application (access only) WY police would have no objection in being able to support the application as the illustrative layout provides a good level of natural surveillance and defensible spaces. If the application is granted approval then all other matters i.e. boundary/plot treatments, access control to the rear of properties and other measures can be dealt with by way of reserved matters.

Landscaping - To the south, the site is within the “Floodplain Pasture” of Airedale Landscape Character Area as described in the Local Development Framework for Bradford. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan.

The SPD states that the floodplain pasture is “Prominent and Open”:

- *“The large area of flat land is prominent from all the major transport routes running through it as well as from the valley sides. Though surrounded by valley slopes the landscape has an open character.*

The policy guidelines for this area is to conserve and restore; and it states that:

- *“With strong character, high historic continuity, and being prominent, and open, this landscape is very sensitive to change; and the fact that there is virtually no historic pattern of development here would indicate that any development could only be detrimental to the landscape character.*
- *In addition there are no other expansive areas of floodplain in the District and once it’s open, undeveloped character is breached, this distinctive landscape will be lost forever.*

The SPD also states that views along the floodplain pastures around Silsden, are Key Views and Vistas of the landscape character of the area; and it is important to preserve them.

With prominent and open landscape any development within this character area should contribute to conserving and restoring the landscape characteristics and qualities of the area. The urban characteristics of the proposed development together with the intensified use of the site and the additional vehicular traffic are likely to contribute to the deterioration of the current rural environmental characteristics of the area and they are also likely to alter the current views.

The submitted Landscape and Visual Appraisal (LVA) reveals that the existing built form and natural features including the existing vegetation limits part of the views in close proximity of the site and it filters elevated views into the site.

Agree with the proposed Mitigation Measures and Recommendations. The proposals should aim at providing a good landscape framework for the site with a strong landscape content and contribute positively to the character and identity of the area. Additional tree planting and landscaping to further reduce the impact of the development should also be considered in the form of avenues of trees for the public footpaths and the access roads within the site.

Trees Section – The applicants have now argued that whilst they appreciate the need for full assessment of the impact of development upon trees, they question whether it is necessary or beneficial to the determination of this application to provide a detailed arboricultural impact assessment and tree protection plan at this stage given that it is an outline application, the layout of the development is not established at this stage and therefore, the actual impact upon individual trees is yet to be determined.

Trees consider this a reasonable approach as within the application only one tree is to be removed for the outline access to be provided

Biodiversity/Countryside – It is noted that a small bat roost has been found in Building 2 Detached Garage (Preliminary Ecological Appraisal). An EPS Mitigation Licence will be required before the building can be legally demolished. I recommend a Condition under Reserved Matters for a Biodiversity Enhancement and Management Plan (BEMP) is imposed, as well as a Construction and Environment Management Plan (CEMP) as suggested. The CEMP should include the requirement to attain the EPS Mitigation Licence prior to demolition, provision for removing invasive species, further surveys and assessments for other protected species as detailed in the above PEA, and the BEMP other biodiversity protection and biodiversity enhancement/naturalised landscaping details including long term management. It is expected that a scheme of this magnitude should incorporate significant and appropriate green infrastructure throughout the site. In addition, features relating to sustainable drainage which also benefit biodiversity, such as rainwater harvesting, green roofs/wall, bio swales/detention ponds and rain gardens etc. should be incorporated into the design proposals .

Environmental Health (Air Quality) – Have reviewed the content of this application and concluded that it constitutes a medium application for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (LES)(adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the Bradford LES planning guidance all medium developments are required to provide Type 1 and 2 emission mitigation as follows:

- Provision of electric vehicles charging facilities (at a rate of 1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking).
- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)



Exposure assessment: - Although not required under the provisions of the Bradford LES, the applicant has submitted a comprehensive air quality impact assessment that considers changes in exposure to air pollutants for existing and new residents as a result of the proposed development. This indicates that current and future air quality in the area is expected to remain within national air quality objectives and will not result in a need for further AQMA declarations. The results and conclusions of the exposure assessment are accepted and the area is considered suitable for residential development.

Suggested conditions are recommended to be attached to any permission granted: electrical vehicle charging points, submission of a construction environmental management plan and a low emission travel plan.

Environmental Health (Contamination) – The submitted report identifies that the site and surrounding area have been historically developed with a number of potentially contaminative land uses including but not limited to textile mills, dye works and residential dwellings. Historical site investigations have been undertaken by Encia and Eastwood and Partners, in the northern end of the site, which identified localised elevated heavy metals and PAH within the made ground.

On the basis of the site history we concur with the applicants Phase 1 Desk Study, and recommend that to protect public health and the environment a proportionate Phase 2 intrusive site investigation including a gas assessment will be required before the development commences.

Environmental Health, therefore, recommends the following conditions on any permission granted – site investigation scheme and implementation, remediation strategy and verification, unexpected contamination and materials importation.

Housing and Enabling (affordable housing section ) – The affordable housing requirement is up to 20% of the number of units on the site.

Education/Children's service – Have assessed the situation in this area and can advise that we would need to request a contribution towards primary educational provision as all schools serving this area are now full. The calculation for 142 houses is as follows:

Primary

Houses:  $0.02$  (yield per year group)  $\times$   $7$  (year groups)  $\times$   $142$  (number of dwellings)  $\times$   $\pounds 13345$  (cost per place) =  $\pounds 265,299$

This is based on all dwellings having between 2 and 4 bedrooms, for larger homes the calculation would increase.

There is sufficient capacity therefore no request for section 106 funding to expand secondary educational provision.

Total section 106 request for education purposes:  $\pounds 265,299$

Recreation/leisure services - Parks and Green Spaces Service require a recreation contribution of £161,132 for 142 houses/units associated with the attached planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. This is in compliance with policy OS5 of the RUDP. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing in Silsden. However, we do feel that a co-ordinated approach to provision of a new public open space for Silsden should all the proposed developments in the area proceed.

If the developer is looking to the Council to maintain any areas of public open space on the development a commuted sum will be required to maintain the areas for the next 25 years. If the developer is looking to maintain the areas themselves a full landscape management plan will need to be produced and agreed as part of the planning process.

**Summary of Main Issues:**

Principle of development

Sustainability

Design and Landscaping

Heritage Implications

Highway Safety

Flooding/drainage matters

Impacts on the amenities of the nearby properties

Other impacts: - biodiversity/South Pennine Moors SPA, contamination, air quality

Further Issues Raised by Representations

Developer Contributions: CIL/Planning Obligations/Section 106 Heads of Terms

Community Safety

**Appraisal:**

Outline planning permission is sought for the construction of up to 142 houses by introducing a development of mix of housing types onto this site. Illustrative plans should show how the provision of housing can be accommodated throughout the development but it should be noted that this layout is just illustrative and is put forward to inform that there could be the potential to put up to 142 houses on the site (of varying styles, sizes and density areas etc.) Only matters of access to the site are to be considered at this outline stage with the appearance, landscaping, layout (including highway layout within the site) and scale of the proposals reserved for any future application(s) which may be made.

Highway details of the application include:-

- Access to the site is located off Keighley Road the (A6034).
- The provision of a spine road through the site to Sykes Lane.
- A new ghost island junction with protection of the land requirement for if a signals junction is required to facilitate future development of land beyond the application site boundaries (and in different ownerships)
- A proposed central refuge to protect right turning vehicles

Whilst the appearance, layout (including internal highway access), landscaping and scale of the proposed development is not for consideration within this application, an illustrative master plan has been submitted to show how the quantum of development of the site could be accommodated (subject to all required flood mitigation measures) in any future reserved matters applications. A small parking area is also indicatively shown within the residential layout to facilitate better access to the existing bowling provision. No built development is shown on the small parcel of land which is allocated as green belt.

### Principle

This is a well located brownfield site, a large part of which is unallocated but lies within a designated employment zone (K/E6.1) within the Replacement Unitary Development Plan. A small area of land in the south apex of the site lies within the greenbelt. The remainder of the site was formerly allocated as a housing site (K/H1.40) within the Replacement Unitary Development Plan (RUDP). The proposed use of the site for residential development is considered to be acceptable in principle. The justification for this statement is outlined below.

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030. More specifically, policy HO3 of the Core Strategy identifies Silsden as a Local Growth Centre where there is a need to provide 1,200 new homes up to 2030.

In the above context there is an urgent need for the Council to provide appropriate housing land. In relation to housing land supply, the National Planning Policy Framework (NPPF) indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment Update Report 2015 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 49 of the NPPF confirms that where a five-year supply of housing land cannot be demonstrated housing applications should be considered with a presumption in favour of sustainable development.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This proposal would make a valuable contribution towards meeting that need and accordingly the principle of residential development is considered to be acceptable.

Policy GB1 of the Replacement Unitary Development Plan states that except in very special circumstances planning permission will not be granted in the Green Belt for development other than for uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. Paragraph 90 of the NPPF sets out similar provisions. A small parcel of land is shown within the application site but is allocated as green belt. This parcel of land is shown on the illustrative plan as being open and as such would have no additional or material impact on openness or conflict with the purposes of including land within it. As such, this part of the application would not comprise inappropriate development in the Green Belt.

### Sustainability

The National Planning Policy Framework advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

- 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;
- 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;
- 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.

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

It is considered that the proposed development meets the sustainability criteria set out in both national and local planning policy. Indeed, it is considered that the site is very well located in relation to the built-up area, including easy access to Silsden Local Centre facilities and the supermarket on the adjacent side of Keighley Road. There is also a reasonable level of accessibility by non-car modes of transport (especially as this site is at the southern edge of Silsden) and as such one of the closest development sites in the Town to the nearby Steeton Railway Station.

The site is located in relatively close proximity to major distributor roads within the District (running between Skipton and Keighley and to Bradford/Bingley). Keighley

Road itself is a major distributor road to the A65 which runs between Skipton and Ilkley. There are also existing bus routes which run along Keighley Road.

Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. The layout provided is indicative at this stage but informs that an appropriate design, with different residential areas can be achieved for the site. The Local Planning Authority considers that future applications would be able to provide a well-designed scheme which respects the location of this site as a highly visible gateway into Silsden and is well-connected into the surrounding community. Any proposed houses can be designed in distinct character areas across the site in order to propose an appropriate design response to the highly visible location. In addition, the establishment of a landscaping management strategy can mitigate the impact of the development and provide increased biodiversity over time.

The proposal is considered to represent a sustainable form of development which would comply with policies P1, SC5 and SC9 of the Core Strategy.

### Density

Policy HO5 of the Core Strategy advises that densities should usually achieve a minimum of 30 dwellings per hectare. 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.

The total site area for residential development is just over 5 hectares. The provision of up to 142 dwellings on the site would give a density of approximately 28 dwellings per hectare. Whilst the density is marginally below the policy H05 target of 30 dwellings per hectare it is considered that given the constraints of the site the density is sufficient to ensure the efficient re-use of this predominantly brownfield site.

### Design and Landscaping

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning and should 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 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 policy DS1 of the Core Strategy seeks to ensure that development proposals achieve good design and create high quality places and policy DS3 requires that proposals create a strong sense of place and are appropriate to their context. In respect of landscaping policy DS2 seeks to ensure that development proposals include appropriate and effective site landscaping. Policy DS5 requires that development proposals are designed to ensure a safe and secure environment and reduce opportunities for crime.

The design approach (as set out in the Design & Access Statement), is based on a number of positive aspects. In any reserved matters application an appropriate design of the layout and street scene and its impact on the open landscape at this location can be provided in order to ensure that any proposal complies with policies DS1, DS3 and DS5 of the Core Strategy and the National Planning Policy Framework and Guidance.

### Heritage Implications

The site is located outside, but adjacent to the boundary of, Silsden Conservation Area and the Leeds-Liverpool Canal Conservation Area. There are no heritage assets within the site boundary. The provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply where a proposal would affect a listed building or its setting and where a building or land is located within a conservation area.

The NPPF sets out national planning policy requirements in relation to heritage assets. Paragraph 128 requires applicants to describe the significance of any heritage assets affected by proposals for development (including the contribution made by their setting) with a level of detail proportionate to the importance of the asset. In accordance with Paragraph 128 of the NPPF, an overview of the significance of the heritage assets which could be affected by the proposed development of the application site for residential uses has been undertaken by the applicants.

The assessment considers that given that the application site is currently a vacant area of land, there will inevitably be a change to the character and appearance of the site. However, contemporary development is not in itself harmful to the historic environment and rather it reflects the changes which occur in towns and cities over time. The negative contribution made by the Keighley Road approach to the conservation area is recognised in the Council's character appraisal. In this context, introducing new uses to this vacant site will provide an opportunity to provide an appropriate form of street frontage to Keighley Road and create a new high-quality

southern gateway to the Town.

The application has been submitted in outline (with all matters reserved except for access) and therefore details of the design and internal layout of the proposals will be agreed at reserved matters stage. Sykes Lane will be retained as part of any development proposals and will continue to provide a link to the Town Centre. As such, it is agreed that a suitable layout can be achieved through detailed design at reserved matters stage. In particular, it will be possible to deliver appropriate spacing between properties, an architectural style which references the character and appearance of the historic core of Silsden, preserves the character and appearance of the conservation areas and responds appropriately to Sykes Lane, in accordance with the requirements of policy EN3 of the Core Strategy and the NPPF.

### Highway Safety

The consultation comments from the highways section have been enclosed earlier within the consultation section of this report. A Transport Assessment and Travel Plan have been submitted as part of the suite of supporting documents to the application. There is no highway objection in principle to this proposed development as the highway issues which were originally identified have now been resolved by the provision of a proposed ghost island junction with the land requirements for a signal junction safeguarded.

Highway engineers consider that the proposed residential development can be satisfactorily accommodated on the surrounding highway network without raising any undue highway safety concerns. It is also considered that sufficient car parking provision can be made within the site (as part of any reserved matters submission) for the proposed houses. Certain highway restrictions are also required to be carried out prior to any development being carried out on the site to ensure that the development is satisfactory. These the attachment of conditions to any permission granted for the provision of accesses, control of lighting, control of construction management during the construction phases and the funding of a Traffic Regulation order (if needed).

Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway safety but will accord with established highway standards and policies TR1 and TR2 of the Core Strategy.

The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make people aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of this travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with policy TR1 and TR3 of the Core Strategy and the National Planning Policy Framework. A condition regarding the implementation of a travel plan for this development which incorporates matters raised by the Councils Air Quality section is suggested on any permission granted.

### Flooding/Drainage matters

The Environment Agency, the Lead Local Flood Authority, the Airedale Drainage Commissioners and Yorkshire Water have all made consultation comments on the application scheme. In a summation each of the above advise that planning permission can be granted for the scheme subject to conditions being attached to any permission granted. These conditions are set out at the end of this report.

Yorkshire Water acknowledges that the application is in outline form. As such, the layout plan submitted with the application is for illustrative purposes only. The final layout of dwellings, gardens, open spaces etc. will be fixed and approval sought for it at reserved matters stage. The only aspect of the proposal that is being “fixed” at this outline stage is the location and design of the access junction from Keighley Road and the alignment of the internal spine road through the development site. A small stretch of combined sewer is shown entering the application site towards the northern end of the Keighley Road frontage (further north than the point of access on the opposite side of the road that serves Aldi). It is possible that this stretch of sewer served the Becks Mill industrial buildings that previously occupied the northern part of the application site.

### Residential Amenity

There are a number of residential properties abutting the site on Keighley Road and Walkers Place. However it is considered that the indicative layout adequately demonstrates that the quantum of development can be accommodated within the site without resulting in any adverse residential amenity implications for existing residents neighbouring the site, or on the future occupants of the proposed dwellings. The proposal is therefore considered to accord with policy DS5 of the Core Strategy which requires that development does not harm the amenity of existing or prospective users and residents.

### Other Impacts - Biodiversity

In relation to Policy SC8 of the Core Strategy this site is within Zone B, which extends up to 2.5 Km from the boundary with the SPA/SAC (Special Protection Area/Special Area of Conservation). The policy, adopted in July 2017, states:

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

HRA (Habitat Regulations Assessment) information eliminates the issue regarding loss of functionally linked supporting habitat, as no SPA birds are likely to use this Brownfield site. However, there is still likely to be an in-combination effect from all the housing allocations in Airedale and Wharfedale of increased recreational pressure leading to erosion, trampling, disturbance to nesting birds through dog walking and other informal recreational activities. However Habitat Mitigation is identified on the Council’s CIL Regulation 123 list and therefore the development would make the necessary mitigation contribution via the CIL charge for the entire



development, which is anticipated to be £302,121. The proposal is therefore considered to accord with policy SC8 of the Core Strategy.

#### Other Impacts - Contamination Issues

Sufficient information has been submitted within the application to identify and quantify contamination on the site and proposals to remove unacceptable risk from the site. As such, conditions regarding remediation strategy and verification, unexpected contamination and materials importation need to be attached to any permission granted. Subject to the aforementioned conditions the proposal is considered to accord with policy EN8 of the Core Strategy.

#### Further Issues Raised by Representations

There is opposition to this development from both the Town Council and nearby residents in the local community. Several representations comment that they don't necessarily object to the principle of development just the details with regard to highway and flooding matters. The issues raised in the letters of representations have in the main been covered within the relevant sections of the above report .e.g. highway safety details and the capacity of the road network and flooding within Silsden. The Town Council does object to the loss of land within the employment zone for residential use, but due to the lack of a 5 year housing supply it can be argued that the sustainable benefits of providing both market and affordable housing substantial weight in the planning balance must be given to the acute need for housing in the district and to the persistent and chronic failure of the Local Planning Authority to deliver a 5 year housing land supply.

#### Developer Contributions

Policy ID3 of the Core Strategy states that development proposals will be expected to contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.

Through planning application discussions the Council will negotiate the contribution to be secured through a planning obligation. The nature and scale of the contribution sought will be determined having regard to the:

1. Scale and form of development;
2. Capacity of existing infrastructure provision; and
3. Potential impact of the development upon the surrounding area and facilities.
4. Opportunity to support the public sectors equality duty
5. Economic Viability

The appropriate range and level of contributions will be assessed in a comprehensive manner, taking into account the above criteria, strategic infrastructure requirements and, where appropriate, the use of standard charges and formula. Where development has a significant impact on the Strategic Road Network developer contributions will be sought through Section 278 agreements. Where a Community Infrastructure Levy is in place, contributions will be made in line with the adopted CIL charging schedule.

### Community Infrastructure Levy (CIL)

The site is located within CIL 'Residential Zone 3' where there is a charging rate of £20 per sq. m of the gross internal residential floor area created. Whilst the exact floor area of the development will be calculated at reserved matters stage it is anticipated that the development will result in a CIL payment of approximately £302,121. The CIL contribution will be apportioned to the infrastructure requirements set out in the Councils Regulation 123 List or on anything else that is concerned with addressing the demands that the development places on the area. For clarification the Regulation 123 List includes improvements to strategic pedestrian and cycle routes (footbridge), education, recreation and habitat mitigation measures.

### Planning Obligations

Policy HO11 of the Core Strategy sets out the Council's affordable housing requirements and states that subject to viability, the Council will negotiate for up to 20% provision in towns, suburbs and villages. The proposed development is therefore subject to an affordable housing requirement of up to 20%.

However, the affordable housing requirement is subject to viability considerations and in line with policy ID2 of the Core Strategy an Affordable Housing Viability Report has been submitted for consideration. The viability report makes clear that the development is unviable with the provision of any affordable housing, primarily because of abnormal costs associated with developing the site.

In line with the approach set out in policy ID2 (6.15) an assessment of the Affordable Housing Viability Report by an independent valuer (Cushman & Wakefield) has been undertaken on behalf of the Council.

Following the submission of further details relating to the abnormal costs associated with developing the site the independent valuer has concluded that the development cannot sustain an affordable housing contribution. However, if the site is to be developed for 100% market housing a planning obligation of £348,439 can reasonably be justified.

The developer has agreed to enter into a Section 106 agreement to fulfil this obligation and it is recommended that the £348,439 is used for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

Therefore, having regard to scheme viability as set out in policy ID2 of the Core Strategy and paragraphs 178 and 181 of the NPPF it is considered that in this instance the provision of a financial contribution of £348,439 for off-site affordable housing has been robustly justified and policy HO11 of the Core Strategy is therefore satisfied.

### Section 106 Heads of Terms

- Payment of a contribution of £348,439 for the provision of off-site affordable housing in Craven ward, or an adjacent ward.

- Safeguarding land shown hatched in red on plan SIL-BWB-00-01-DR-TR-101 Rev P1 adjacent to the proposed junction with Keighley Road to provide for any improvements to the junction which may be required in future to facilitate access beyond the current application site.
- The entering into a S278 highway works agreement

### **Community Safety Implications:**

As the scheme is in outline only, it is considered that issues of detail with regard to (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences and (ii) lighting of the development can be satisfactorily resolved when the reserved matters application(s) is/are submitted. The proposal is therefore not considered to conflict with policy DS5 of the Core Strategy.

### **Equality Act 2010, Section 149:**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

### **Reason for Granting Planning Permission**

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of statutory and other consultees, public representations about the application and planning policy contained within the National Planning Policy Framework and the Local Plan for Bradford.

The Council considers that the following matters justify the grant of planning permission:

The redevelopment of this prominent Brownfield gateway site with a residential scheme in the manner proposed is considered acceptable in principle. It is a proposal that gives the opportunity to provide a suitable pattern of development of the site within Silsden, an identified local growth area within the Core Strategy.

It is considered that the development, although only at the outline stage, can at the detailed application stage respect and maintain the qualities and the character of the surrounding area. The effect of the proposal on the biodiversity of the site itself, the nearby moorland habitats, the surrounding locality and the nearby neighbouring residential properties/sports facilities has been assessed and are considered acceptable. The provision of vehicular access to Keighley Road in the manner and locations proposed is now appropriate. As such the proposals will not compromise highway and pedestrian safety and will sustainably link the development into the existing community.

It is considered that the provision of a residential scheme together with the proposed vehicular and pedestrian accesses takes into account the constraints of the site and builds upon the opportunities of the site. As such, it is considered development in the manner proposed is in conformity with the core principles of the National Planning Policy Framework, policies P1, SC1, SC3, SC4, SC5, SC7, SC8, SC9, AD1, TR1, TR2, TR3, HO1, HO3, HO5, HO6, HO8, HO9, HO11, EN1, EN2, EN3, EN4, EN5, EN7, EN8, DS1, DS2, DS3, DS4, DS5, ID2 and ID3 of the Core Strategy and saved policies E1, E6 and GB1 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

2. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

3. Access (other than at the Keighley Road junction and the provision of an internal link road as shown on drawing SIL-BWB-00-02-DR-TR-100 rev P2), appearance, landscaping, layout, and scale comprise the reserved matters. Details of the access (other than as described above) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To accord with the requirements of the Town and Country Planning (General Development Procedure) Order 2015.

4. The development hereby permitted shall be carried out in accordance with the approved flood risk assessment (FRA) Weetwood: "Land West of Keighley Road, Silsden, FRA Addendum ref.3025/FRA Addendum v 1.0, dated 18 th July 2016. On submission of each relevant reserved matters application subsequent to the grant of outline planning permission, details shall be provided to demonstrate that the proposed finished floor levels of buildings shall:

- a) be set no lower than 300 mm above adjacent ground levels;
- b) be set no lower than 300 mm above the 1:100 year plus 50% climate change flood level, taking consideration of overland flows emanating from Silsden Beck.

The above details shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be fully implemented 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 and maintained for the life time of the development.

Reason: To reduce flooding to the proposed development and future occupants and increasing flood risk elsewhere to accord with policies DS5 and EN7 of the Core Strategy.

5. All applications for the approval of details of the (a) layout and (b) scale of any housing on this site shall be submitted to and approved in writing by the Local Planning Authority. Each layout and scale submission shall include an assessment of the pre- and post-development fluvial flows across the site in a 1 in 100 annual probability event from Silsden Beck including a 30% allowance for climate change, to assess the impact of the development on flood risk to third party land.

Reason: To reduce flooding to the proposed development and future occupants and increasing flood risk elsewhere to accord with policies DS5 and EN7 of the Core Strategy.

6. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority. Consideration should be given to discharge surface water to soak away, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be agreed with the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy

7. The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Local Planning Authority for approval.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy.

8. Before any development begins full details shall be submitted to and approved in writing by the Local Planning Authority for all of the following to demonstrate that the level of flood risk is appropriate for development proposed, and that the development will be safe for its lifetime with no increase in flood risk to surrounding area:

- I. details of flood prevention/mitigation measures that will be put in place to ensure that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk to the surrounding area
- II. details of the measures taken to ensure the development can be safely accessed during its lifetime taking into account the presence of flood risk.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policies EN7 and DS5 of the Core Strategy.

9. Before any dwelling house on any individual phase of development is first occupied all flood prevention/mitigation measures approved in accordance with condition 9 set out in this approval shall be fully implemented in strict accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants and to comply with the requirements of the National Planning Policy Framework, and policy EN7 of the Core Strategy.

10. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority.

Reason: To ensure that foul water drainage is deal with appropriately and to accord with policy EN7 of the Core Strategy.

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewerage system which will prevent overloading. In accordance with policy EN7 of the Core Strategy,

12. Prior to the commencement of development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the phasing plan as approved unless otherwise agreed in writing by the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.

Reason: To ensure the satisfactory delivery of all elements of the proposed

development.

13. Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with policy EN8 of the Core Strategy and the National Planning Policy Framework (Paragraph 35).

14. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent legislation, the development of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

The Construction Environmental Management Plan details for each phase as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that phase is completed unless otherwise agreed in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition.

Reason: To protect amenity and health of surrounding residents in line with the council's Low Emission Strategy and the National Planning Policy Framework and to ensure the provision of proper site construction facilities in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord

with Policies DS5 and EN8 of the Core Strategy.

15. The development shall not be occupied prior to implementation of those parts of the approved Travel Plan (ref: BWB Travel Plan; LDT2128, dated 19 April 2016) that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: To encourage alternative modes of sustainable transport and build upon existing modes of transport to provide a sustainable development in accordance with paragraphs 17, 29, 32 and 36 of the National Planning Policy Framework and policy TR1 and SC9 of the Core Strategy.

16. Before the first dwelling is occupied the proposed means of vehicular and pedestrian access hereby approved (as shown on drawing SIL- BWB-00-02-DR-TR-100 rev. P2) shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

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

Reason: To prevent mud being taken onto the public highway in the interests of highway safety and to accord with policies DS4, and, DS5 of the Local Plan for Bradford.

18. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and premises and to accord with Policy DS5 of the Core Strategy.

19. As part of an reserved matters application for the site, a Biodiversity Enhancement and Management Plan (BEMP) which shall include biodiversity enhancement/naturalised landscaping details for the site along with long term management of the green spaces shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management



plan/maintenance agreement shall be carried out as approved.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site and to ensure the site is developed in accordance with the principles of the National Planning Policy Framework and policies EN2 and SC6 of the Core Strategy and to ensure proper management and maintenance of the landscaped communal areas in the interests of amenity in accordance with policy DS5 of the Core Strategy.

20. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors and to comply with policies DS5 and EN8 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy DS5 and EN8 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy DS5 and EN8 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policies DS5 and EN8 of the Core Strategy.

24. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and

the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policies DS5 and EN8 of the Core Strategy

25. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN8 of the Core Strategy.

26. Any application for approval of reserved matters with respect to siting of buildings or access/vehicular servicing including revisions to these items shall include an accurate Arboricultural Implication Assessment which includes a Tree Survey and a Tree Protection Plan showing all existing trees on and adjacent to the site. This must be undertaken in accordance with the guidelines set down in BS 5837 (2005) Trees in Relation to Construction - Recommendations.

Reason: To ensure an accurate assessment of the impact of the development on the sustainability of the trees and in the interests of visual amenity to accord with policy EN5 of the Core Strategy.

27. Prior to commencement of each phase of development a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in line with the recommendations of BS5837 (2015), for that phase, should be submitted to and approved in writing by the Local Planning Authority. No operations shall commence on site in connection with a particular phase of development (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until such time as the TPP and AMS for that phase has been formally agreed and any root protection scheme for that phase are in place.

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 and to accord with policy EN5 of the Core Strategy.

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