

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 28<sup>th</sup> September 2023**

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### **Subject:**

**Development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden.**

### **Summary statement:**

**A full assessment of the application, relevant planning policies and material planning considerations are included in Appendix 1.**

**The application site was formerly allocated as Safeguarded Land, under policy UR5 - Proposal Area K/UR5.19, in the RUDP. However, the principal policy, Policy UR5 was not saved as part of the RUDP and sites previously allocated as Safeguarded Land are no longer allocated by the Development Plan.**

**The principle of housing has been considered, accounting for the former Safeguarded Land allocation; biodiversity; design; highways and drainage matters. It is considered that the proposed residential development would be acceptable at this site, without prejudicing those matters. In addition, the proposal would increase the supply of housing, including affordable housing, within the District.**

**The application is recommended for approval subject to the completion of Section 106 Agreement to include affordable housing; the funding of highway improvements within Silsden town centre and at the Aire Valley Road; biodiversity gain, and conditions included in the report, Appendix 1.**

Assistant Director (Planning,  
Transportation & Highways)

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**Portfolio: Change Programme, Housing,  
Planning and Transport**

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

## **1. SUMMARY**

The application is recommended for approval subject to the completion of a Section 106 and conditions included within Appendix 1.

## **2. BACKGROUND**

The application is reported to Committee, following 724 objections and 6 letters of support being received. A Ward Councillor and the MP have objected to the application.

## **3. OTHER CONSIDERATIONS**

All considerations material to the determination of this planning application are set out in Appendix 1.

## **4. FINANCIAL & RESOURCE APPRAISAL**

The presentation of the proposal is subject to normal budgetary constraints.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

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

## **7 OTHER IMPLICATIONS**

### **7.1 SUSTAINABILITY IMPLICATIONS**

#### **7.2 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 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, it is not considered there are any issues in this regard, relevant to this application.

#### **7.3 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS**

The application site is located c.800m from Silsden town centre, with various facilities and services available in the town centre. As such, it is not considered there would be any adverse implications on sustainability.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. In this instance, subject to appropriate access control, boundary treatments, being implemented, it is not considered that there are grounds to conclude that the proposed development would create an unsafe or insecure environment or increase opportunities for crime, in accordance with Core Strategy Policy DS5.

#### **7.5 GREENHOUSE GAS EMISSIONS IMPACTS**

New development invariably results in the release of greenhouse gases associated

with construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with development. Consideration should also be given as to whether the location of the proposed development is such that sustainable modes of travel would be best facilitated and future greenhouse gas emissions associated with the activities of building users minimised. Electric vehicle charging points would be provided to each house within the proposed development.

## **7.6 HUMAN RIGHTS ACT**

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

## **7.7 TRADE UNION**

None

## **7.8 WARD IMPLICATIONS**

None

## **7.9 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

## **7.10 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

None

## **7.11 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

The Committee can approve the application as per the recommendation, or refuse the application.

If the Committee decides that the application should be refused, the reason(s) for refusal would have to be given, based upon development plan policies or other material planning considerations.

## **10. RECOMMENDATION**

This application is recommended for approval subject to completion of the Section 106 and conditions contained within the report.

## **11. APPENDICES**

Appendix 1 - Report.

## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework 2021

Replacement Unitary Development Plan 2005

Core Strategy 2017

Steeton with Eastburn & Silsden Neighbourhood Plan 2021

## **APPENDIX 1**

### **Ward:**

Craven

### **Recommendation:**

That the Committee grant planning permission subject to a Section 106 Agreement and conditions. The Assistant Director Planning, Transportation and Highways be authorised to issue the grant of planning permission, upon completion of the Section 106 Agreement.

### **Application No.**

22/01184/MAF

### **Type of application:**

Full application for development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) at land off Bolton Road, Silsden.

### **Applicant:**

Persimmon Homes (West Yorkshire) Limited

### **Agent:**

Lichfields LLP

### **Site Description:**

The application site is located on the north eastern edge of Silsden and consists of several agricultural fields separated by hedgerows, trees, dry stone walls and field boundaries. It covers an area of 5.93ha. It is bounded immediately to the north west by the A6034 Keighley Road and the north by Brown Bank Lane. To the west there are residential development and allotments at Bolton Road. There are other agricultural fields to east; with the recently occupied Silsden Primary School located to the south.

### **Background:**

The Replacement Unitary Development Plan (RUDP) was adopted in October 2005. The application site was allocated in the RUDP as Safeguarded Land, identified as K/UR5.38 land west of Banklands Avenue. (Development for housing being an appropriate use for Safeguarded Land).

Since 2008, the Council has been preparing a Local Plan to replace the RUDP. Policies within adopted Local Plan documents have superseded some RUDP policies. As such Policy UR5 was not saved and consequently, the site is no longer part of a Safeguarded Land allocation.

The Council is currently working on producing the next stage of the Local Plan (Submission Draft Local Plan - Regulation 19) which is due for publication later this year. This plan will include updates to planning policies and allocated sites for housing, employment and other uses plus land designations for open space and other matters.

Under the proposed site allocations, site SI/2H Bolton Road Brown Bank Lane is allocated for 40 dwellings. This allocation forms the northern part of the application site, with the balance of the application site located to the south, comprising the former Safeguarded Land site.

**Relevant Site History:**

None

**RUDP:**

**Allocation:**

BANKLANDS AVENUE (WEST), SILSDEN. 8.51 ha. A greenfield site on the edge of the settlement. Developer contributions towards improved public transport links and recreation open space provision to redress local deficiencies would be required.

**Core Strategy:**

The current Development Plan for the area is comprised of the Replacement Unitary Development Plan (RUDP) (2005) and the adopted Core Strategy (2017).

There are a number of Core Strategy Policies to be considered in the determination of the application.

- P1- Presumption in Favour of Sustainable Development
- SC1- Overall Approach and Key Spatial Priorities
- SC4- Hierarchy of Settlements
- SC8- Protecting the South Pennine Moors and their Zone of Influence
- SC9- Making Great Places
- TR1- Travel Reduction and Modal Shift
- TR2- Parking Policy
- TR3- Public Transport, Cycling and Walking
- HO5- Density of Housing Schemes
- HO6- Maximising Use of Previously Developed Land
- HO8- Housing Mix
- HO11- Affordable Housing
- EN2- Biodiversity and Geodiversity
- EN4- Landscape
- EN5- Trees and Woodland
- EN7- Flood Risk
- EN8- Environmental Protection
- DS1- Achieving Good Design
- DS3- Urban Character
- DS4- Streets and Movement
- DS5- Safe and Inclusive Places
- ID3- Developer Contributions

The emerging Local Plan is still at an early stage of preparation. Consultation on the Core Strategy Partial Review 'Preferred Options' was undertaken in July 2019. The Council has recently consulted on The Draft Bradford District Local Plan – Preferred Options (Regulation 18) and supporting documents from 8 February to 24 March 2021. These documents continue to be afforded “very limited weight” given their stage of preparation. In this context it is considered that full weight should continue to be afforded to the policies of the adopted Core Strategy (2017) and the RUDP (2005) in accordance with the degree of conformity with current national planning policy.

### **Steeton with Eastburn and Silsden Neighbourhood Development Plan (June 2021)**

Under the provisions of the Localism Act 2011 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended), Silsden Town Council together with Steeton with Eastburn Parish Council, developed a joint Neighbourhood Development Plan (NDP) to help shape the future growth and development of their areas.

A referendum was held and 81% of those voting voted in favour of the NDP. The NDP was adopted on 7 June 2021.

### **National Planning Policy Framework (NPPF).**

Para. 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para. 11. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Para.39 Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Para.40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a

developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Para. 41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

Para. 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para. 63. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required<sup>29</sup>, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Para.57 Planning obligations must only be sought where they meet all of the following tests a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Para. 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para. 95 It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted

Para. 104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport

networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Para. 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Para.124. Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

Para. 125. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

Para. 128 To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

Para.130. Planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture,



layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para. 133 Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life<sup>51</sup>. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

Para. 154. New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Para. 167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>55</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Para. 169 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

Para. 174 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory

status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para. 179 To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>61</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>62</sup>; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity

Para. 183. Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments. 184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### **Publicity and Representations:**

The application was advertised through site notices and in the local press. There have been 724 letters of objection and petition, including an objection from the MP and a Ward Councillor. There have been 6 letters of support.

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

- Unsuitable access
- Lack of pedestrian access
- Drainage issues/flooding
- Loss of wildlife
- Lack of infrastructure/facilities
- Overshadowing/overlooking
- Loss of greenspace

### **Consultations:**

## Silsden Town Council

STC strongly object to this application.

Noise Assessment Page (3) was undertaken before Skipton properties site started work, and noise will increase.

The October 2021 Census didn't take into account any of the new developments not yet completed, so any projections of future pupil figures based on it will be a considerable underestimation.

Both secondary schools listed are in Keighley, when in fact Silsden pupils all have South Craven as their designated placement.

Executive Summary Air Quality Assessment in support of persimmon homes STC query why BMDC have not responded / investigated the claims in this report as it is clearly not impartial Silsden, which sits in a natural amphitheatre shaped valley which stops the pollution generated by traffic in the Town Centre from being blown away by the wind.

Table 11 shows wind predominantly from the west, with this development being on the hillside, and exposed to the wind it will blow the pollution from the construction work and eventually that caused by the development across into the school site, to the detriment of the pupils' health.

Silsden Proposed bypass Require confirmation the by-pass is still proposed as not showing on the latest manifestation of the local plan

None of the figures quoted equate to the actual delays occurring through Silsden when traffic regularly backs up down to the A629 and up beyond Brown banks Lane.

### General comments

All of the infrastructure including that mentioned above is unable to cope with this increase in pressure on them, they include drainage both surface and foul water, electricity, gas, water supply.

Health services, the doctors' surgery is already having difficulty coping with the demand on it, the Dentist is unable to deal with anymore patients, the district nurses are stretch to breaking point with demand.

The site includes ancient tree and hedgerows that should be protected alongside the endangered species known to inhabit this area and the surrounding area.

Access and Egress from this site adds yet another dangerous entry way onto an already extremely busy Bolton Rd which will only get worse when the houses a few meters further up on the opposite are complete.

## Highways

Revised site plans have now been received (Refs: Proposed Bolton Road Site Access Arrangements – 20142/GA/01 Rev. I; Proposed Hawber Cote Lane Site Access Arrangements (inc. S106 Southern Footway) – 20142/GA/02 Rev. B; and Overall Planning Layout – SIL-2021-001 Rev. U)

Whilst the proposal now overcome previous highways concerns Highways would point out one minor amendment that is required and this should preferably be addressed prior to this application being determined, although it would still be possible to do this at the Section 38 detail design stage if the applicant is agreeable.

The amendment required is that rather than providing an 'Overrun area for larger vehicles' at the bend on the one-way link road into the site from Hawber Cote Lane the actual width of the road should be widened to accommodate a refuse vehicle with the overrun strip being omitted.

The Silsden Eastern Bypass is shown in the RUDP maps and safeguarded by TM20 and K/TM20.1. The RUDP line shown on the RUDP maps is an indicative line and since the publication of the RUDP a Highways Improvement Line (HIL) has been agreed. The HIL is considered to be the agreed line of the bypass to the south.

The north section of the bypass was subject to HIL amendment at the Councils Executive Committee in December 2021, therefore the Silsden Eastern Bypass is still infrastructure intended to be brought forward and the HIL should be safeguarded.

Part of the proposed alignment of Silsden Eastern Bypass lies within land enclosed by the blue line boundary for the current application and given that the current alignment is only indicative, and could be subject to change, it would be prudent to include ALL the land within the blue line boundary as safeguarded land for the purposes of the bypass.

As part of this development proposal a southbound bus stop is to be provided along the site frontage on Bolton Road. The facilities proposed at the stop include a shelter and road markings. A new site access is also to be constructed on Bolton Road.

In order to carry out the works within the highway it is necessary to obtain separate Highway Authority approval of the specification and construction details and enter an agreement with Highways.

The applicant is advised to make early contact with Highway Development Control (email: [Highway.Development@bradford.gov.uk](mailto:Highway.Development@bradford.gov.uk)) prior to submission of condition discharge details to discuss this requirement further.

In order to help mitigate against the likely impact of the proposed development and to contribute towards the delivery of off-site highway & pedestrian infrastructure improvements the applicant has agreed to provide the following contributions:

- £100,000 contribution towards the provision of a footbridge over the A629;
- £48,000 to carry out a review of the parking along Kirkgate (includes £8,000 for the promotion of a new TRO) and to deliver traffic calming measure through the town centre to manage traffic speeds; and
- £8,000 for the Council to promote a Traffic Regulation Order to manage parking at the southern end of the site on Hawber Cote Lane and the one-way link into the development.

Also in order for the Developer to deliver a footway along the southern side of the proposed one-way link into the site from Hawber Cote Lane the Council will be required to make available a strip of land, which currently lies outside of the site boundary (refer to plan ref: Proposed Hawber Cote Lane Site Access Arrangements (inc. S106 Southern Footway) – 20142/GA/02 Rev. B).

A suitably worded condition should preferably be included within the S106 Agreement to control this.

As part of the proposed development a storage tank is to be constructed at the southern end of the site and this would lie within 1 – 2m of highway to be adopted and would provide support to the highway.

The developer must go through the approval process and submit an Approval in Principle (AIP), design calculations to the current relevant standards, and drawings for approval by the Technical Approval Authority (TAA) (these requirements apply to all highway retaining walls and other highway structures as defined in the Highways Act whether adopted or not).

The site is likely to be developed in phases and in order to ensure the timely delivery of the one-way link into the site from Hawber Cote Lane the Developer will be required to provide details showing how the site will be developed/constructed and these shall be approved by Highways prior to any development starting on site.

Highways have no further objections to raise regarding this proposal (subject to the overrun area issue being addressed as set out above) and if the Council were minded to approve this application the following conditions would be appropriate

### Trees

The additional arb information is noted and the arb impact assessment has been updated. The engineering issues within RPAs as previously highlighted will need to be dealt the under submission of details application for later approval.

### Environmental Health (Pollution)

EH Pollution has considered the application and the supplied Preliminary Geo-Environmental Appraisal by Lithos.

The report indicates that the site is “essentially greenfield with the exception of the former reservoir and allotments where some made ground is anticipated and is it considered likely that some (probably minor) ground contamination will be present in shallow soils.”

The report concludes that “Whilst the site is considered suitable for its current and proposed use, the proposed change in use will require intrusive investigation.” And recommends “Chemical testing on soil samples to assess the significance of contamination” An assessment of the risk of hazardous gas migration is also recommended “after inspection of any made ground associated with the former reservoir.”

Environmental Health agrees with the recommendations presented in the Preliminary Geoenvironmental Appraisal by Lithos. and therefore recommends that conditions are included on the decision notice.

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

#### Type 1 Mitigation

- Provision of electric vehicle recharging facilities at the rates set out in the LES planning guidance
- Adherence to *IAQM / London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

#### Type 2 Mitigation

- Provision of a low emission travel plan to discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.

In addition, some applications are required to submit an exposure assessment where the development has the potential to increase human exposure to poor air quality.

#### Type 3 Mitigation

- Undertaking of an emission damage cost calculation and provision of additional site specific emission mitigation (or financial contributions towards type 3 mitigation) to a level which reflects the magnitude of the calculated damage costs.

#### Exposure Assessment

The Redmore Environmental Air Quality Assessment version 4184r4 concludes there are no current air quality exposure concerns at the proposed development site. This conclusion is accepted in full and no further exposure assessment work is required. The CAP team has no concerns regarding the potential for exposure to air pollution of potential new residents on this site.

#### Air Quality Impact Assessment

The Redmore Environmental Air Quality Assessment version 4184r4 contains a detailed air quality impact assessment detailing expected changes in air quality in the surrounding area during the construction and operational phases of the site. The modelling work undertaken to support this air quality impact assessment has been reviewed in detail by the CAP team. We are now satisfied that the 2019 baseline modelling work is representative of air quality conditions in Silsden and has taken into consideration other planned development in the locality.

Both the 2019 baseline modelling and more recent air quality monitoring data (obtained by the CBMDC CAP team during 2022) indicate that current concentrations of nitrogen dioxide on Bolton Road are below 30ug/m<sup>3</sup> (the annual average health based objective is 40ug/m<sup>3</sup>).

Concentrations of pollutants by the proposed opening year of 2029 (with and without) the proposed development in place) have been calculated using worst case emission factors (which don't account for the expected further improvement in vehicle emission between 2019 and 2029 or expected improvement in background conditions). Even under this worst case scenario the maximum expected increases in pollutant concentrations at relevant receptor points due to the development are very small, 0.6µg/m<sup>3</sup> for nitrogen dioxide and 0.12µg/m<sup>3</sup> for PM<sub>10</sub>. In all cases resultant pollutant concentrations are predicted to remain well within current health based objectives.

#### Damage cost calculation

At the request of the CAP team an emission damage cost calculation has now been undertaken for the proposal. This indicates an emission damage cost over the first 5 years of the development of approximately £39,936 (Redmore Environmental Air Quality Assessment version 4184r). The purpose of the damage cost calculation is to ensure that the type 3 mitigation applied to the site is proportional to the magnitude of additional emissions arising. The damage cost mitigation does not usually include type 1 and 2 emission mitigation (EV charging points, construction emission management plan and travel plan arrangements) as these are required as standard on major developments. Whilst these measures are not considered type 3 emission mitigation it is understood that the applicant has agreed to make a large off site financial contribution towards the cost of improving walking and cycling links over the A629 which will considerably exceed £39,936. They are also to provide cycle storage units at a cost of £77K. It is recommended that both these type 3 emission mitigation measures are conditioned to ensure emission damage costs from this site are adequately off set.

#### Public Rights of Way

The PROW Proposals plan identifies both the existing routes of the recorded public rights of way and the intended diversions with each path given a different colour.

As referred to in my previous comments any proposed changes to the footpath network will be subject to a separate application and public consultation process, which may attract objections from the public and require a public inquiry to resolve. No development affecting the routes of the footpaths should take place until a diversion/stopping up order has been successfully obtained.

### *Footpath 34 (Silsden) The Millennium Way*

I note the latest revision of the proposals removes a suggested diversion of the footpath where it crossed the estate road. The path is to be retained on its existing route.

### *Public Footpath 44 (Silsden)*

I note the latest revision has amended part of the alternative route proposed for this path. Instead of being entirely on footways parts of the route are now routed through green areas which is an improvement on the initial proposals and more in line with Circular 1/09.

### *Public Footpath 45 (Silsden)*

The PROW Proposals show a diversion route mainly through areas of green space. The pinch point at the edge of plot 124 on the earlier version of the proposals appears to have been addressed.

The recorded footpaths will be crossed in various places by the estate roads, the developer should be required to provide new footpath signposts at each new crossing point.

If planning permission is granted, please ensure that the applicant is made aware of the need to adhere to the standard requirements outlined in my previous responses during the period of any works on site.

### Biodiversity

We are satisfied with the response to our previous comment dated 04/09/2023 which were received by email which included adequate responses to our queries and the inclusion of additional hedgerow planting on and off site.

### Lead Local Flood Authority

The LLFA do NOT have any objections to the proposed development, provided that flood risk/drainage conditions are included with any grant of planning permission.

### Local Plans

The Council is currently in the process of preparing a new single Local Plan for Bradford District. This plan reflects recent changes to national policy, in particular the method for calculating housing need, as well as local priorities. The emerging plan will set out detailed policies and proposals (including site allocations) to support the growth and development of the District over its plan period.

The emerging Local Plan is still at an early stage of development, having reached the Preferred Options stage (Regulation 18) in February 2021 and was subject to community and stakeholder consultation between 8th February and 24th March 2021.

At this stage, the emerging Local Plan would only carry very limited weighting in decision making, as it is at an early stage of preparation. There are currently unresolved objections to the Plan's policies and allocations that will need to be addressed. In addition, it may be subject to change based on the outcomes of the most recent consultation stage as well as on-going work to develop the evidence base that will support it. This aligns with the approach taken within the NPPF.

### Steeton with Eastburn and Silsden Neighbourhood Development Plan (June 2021)

Under the provisions of the Localism Act 2011 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended), Silsden Town Council together with Steeton with Eastburn Parish Council, developed a joint neighbourhood development plan

(NDP) to help shape the future growth and development of their areas. It was developed over a number years commencing in 2014 and subject to significant community/stakeholder engagement. An independent examination took place during 2020, following which the Examiner recommended that subject to a number of modifications, it met the Basic Conditions set out in law and should proceed to referendum.

A local referendum was held on the neighbourhood plan on the 6th May 2021 and of those who voted, 81.81% voted in favour. The neighbourhood plan was subsequently adopted by City of Bradford Metropolitan District Council on 7th June 2021 and now forms part of the District's development plan. As such it is relevant to this planning application.

The overall aim of the NDP is *"to promoted and protect a healthy and pleasant environment for those who live, work and play in the area, offering opportunities for employment, leisure, education, shopping and housing and improved connectivity. The plan will act as an advocate for the area and will ensure involvement in higher level decision-making processes."* The overall aim is supported by 10 Objectives, within which the NDP's policies are framed. The NDP policies that are relevant to this application include, but are not restricted to:

- SWES1: Housing Development with the Existing Urban Area of Steeton with Eastburn & Silsden;
- SWES2: Design of New Housing Development within the Steeton with Eastburn and Silsden Neighbourhood Plan Area.
- SWES3: Housing Density
- SWES7: Infrastructure for New Development

Silsden, together with five other settlements, is identified in the settlement hierarchy under Policy SC4 of the Core Strategy as a Local Growth Centre (LGC). These growth centres are considered to be the most sustainable local centres, and accessible to higher order settlements such as Bradford, Keighley and Ilkley.

#### Former Safeguarded Land

The application site is located on land previously identified in the Bradford Replacement Unitary Development Plan (2005), as safeguarded land under Policy UR5 (ref: K/UR5.38).

Safeguarded land is often characterised as land between the edge of the built up area and the Green Belt and is sometimes identified and designated in Local Plans to provide an additional reserve of land for development in the longer term beyond the end of the plan period. This in turn supports a long standing and key element of national planning policy which is to ensure the longevity of Green Belt boundaries.

RUDP Policy UR5 was originally saved as part of a direction schedule issued by the Secretary of State in September 2008. However, following the adoption of the Core Strategy an updated schedule indicated which RUDP policies had been superseded by the Core Strategy (and other DPDs) and which remain saved.

RUDP Policy UR5 was not saved (together with the land designations) but was considered superseded by Core Strategy DPD Policy SC7. However, although the two policies are not directly comparable (as Core Strategy Policy SC7 only deals with Green Belt and not safeguarded land), the application site is nonetheless located on land classified as 'former safeguarded land'.



With reference to the Core Strategy DPD, Policy HO2 details that strategic sources of housing supply include 'safeguarded land sites identified in the RUDP'. Under this policy, 'safeguarded land' is considered more 'within' the current plan housing supply rather than as a long term post plan land resource. At a strategic level, this policy position is intended to make best use of both unimplemented (former) RUDP housing allocations and safeguarded land under Policy HO2.

### Children's Services

On the whole, based on the most recent census data, the above housing development is unlikely to cause significant concerns over where children of families coming to reside in the development might attend school.

However, a development of this size could be expected to attract approximately an additional 20 primary school children and 11 secondary school children; should these children be clustered in particular year groups, schools may need to make adjustments to accommodate them. Parents usually have an expectation that their children will be able to secure a school place at their local school and minimise the distance they need to travel; it is unlikely that this will be possible for all families moving here.

The following schools are within a reasonable distance of the proposed development:

Primary Schools: Silsden Primary School and Steeton Primary Schools

Secondary Schools: University Academy Keighley and The Holy Family Catholic School

October 2021 census data for the village primary school indicates vacancies in some year groups but not others. However, the neighbouring village school in Steeton has vacancies in most year groups, so it is likely that children moving to this proposed development could be accommodated in a local school.

Forecasts for the future Reception intakes for these schools suggest they are likely to be oversubscribed in 2023 but surplus places are likely to become available for the foreseeable future after that.

Census data for these secondary schools indicate there is some availability across all year groups.

Forecasts for the future Y7 intakes for these schools suggest they are likely to be oversubscribed for the next couple of years but surplus places may become available from 2025.

It is worth noting that many families living in this area choose to apply for schools across the border in North Yorkshire. Information relating to school places outside the Bradford District is not held.

Any District Community Infrastructure Levy (CIL), if granted to the Children's Services department, may be used to expand provision where required to accommodate any additional children.

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

Principle of development

Housing Land Supply

Density

Design & Layout

Highways  
Affordable Housing  
Effect on residential amenity  
Other Issues

## **Appraisal:**

### Principle of development

In 1998, the application site was removed from the Green Belt by the Bradford UDP and formed a wider area of 'safeguarded land' to the east of Silsden under Policy UR5. This remained the case when CBMDC adopted the RUDP in 2005, with the RUDP specifically identifying the application site as safeguarded land under Policy UR5 (site reference. K/UR5.38). In line with national planning policy at the time, the purpose of identifying safeguarded land was to meet longer term development needs.

Along with all other such land in the District, the application sites Safeguarded Land allocation under RUDP Policy UR5 was not saved and carried forward when the Core Strategy was adopted, 2017. As an Allocations DPD has not been progressed, the application site now comprises unallocated land outside the Green Belt and within Silsden defined settlement boundary. There are also no other planning or environmental designations covering the site.

Policy HO2 of the Core Strategy confirms that housing targets for Bradford District will be met by a number of sources. Specifically, this includes 'safeguarded land sites identified in the RUDP'. Given the application site's previous safeguarded land allocation, it is argued that the Core Strategy includes for Safeguarded Land to form part of the housing land supply.

In acknowledging that the application site is green field, the NPPF states that where there are no relevant development plan policies, planning permission should be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is not considered that there any clear policy reasons to refuse the application, nor would there be any adverse impacts, that would outweigh the benefits of the proposed development, when measured against the NPPF.

It is not considered that there any clear policy reasons to refuse the application, nor would there be any adverse impacts, that would outweigh the benefits of the proposed development, when measured against the NPPF.

In the NDP, SWES1 new housing development will be supported on sites within the settlement boundary (see Policies Map) allocated in the Local Plan and other sites subject to conformity with other statutory policies including those in this Plan. The application site is located within the settlement boundary and the proposed development would accord with NDP.

In conclusion, the application site is within the settlement boundary of the NDP where housing development is supported.

It is considered that all planning and technical considerations have been addressed and, the application is supported in accordance with Paragraph 11c of the NPPF where for decision taking -.

c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In regard of para 11d of the NPPF, any adverse impacts associated with the proposed development would not significantly nor demonstrably outweigh the planning and public benefits that would be secured should planning permission be granted.

### Housing Land Supply

Paragraph 59 of the NPPF 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.

Policy HO3 of the Core Strategy identifies the need to accommodate 3,400 dwellings within the South Pennine Towns and Villages up to 2030.

The Bradford Council Five Year Housing Land Statement (2018-2023) indicates that the 5-year deliverable supply currently stands at 2.06 years. Under these circumstances paragraph 11d of the Framework confirms that the relevant policies for the supply of housing should not be considered up-to-date and the 'tilted balance' is engaged.

In light of the record of persistent under-delivery and the chronic housing land supply shortfall relative to the requirements of the Framework, there is an urgent need to increase the supply of housing land in the District. The contribution that this development would make towards addressing both market housing and affordable housing need is therefore a significant benefit of the proposal and one which is afforded significant weight.

### Density

Core Strategy Policy HO5 seeks to ensure that the best and most efficient use of land is made as part of new residential developments. This means delivering the most houses possible whilst taking into account the need to have a well-designed layout, reflecting the site's nature, its surroundings and the type/size of housing needed within the area. The policy requires development to achieve at least a minimum net density of 30 dwellings per hectare (dph). NDP Policy SWES3 adopts the same density requirement. The accompanying Design and Access Statements highlights the proposed development seeks to achieve different densities within two indicative characters – 35 to 40 dph and 30 to 35 dph.

Paragraph 5.3.88 of the Core Strategy also makes it clear that Policy HO5 is flexible and allows for the negotiation of either lower or higher housing yields.

Policy HO5 does include for provisions to be made in the policy to enable lower housing densities where: i) well designed layouts reflect the nature of the site and its surroundings; and ii) the type and sizes of housing needed in the area are provided.

i) The Planning Statement and Design and Access Statement set out in detail the iterative design process undertaken with Integreat Yorkshire prior to the submission of the planning application, which has ultimately resulted in a scheme of very high design and landscape quality to protect the setting of the site and the landscape character of the local area. To this end, we understand that there are no objections from your Landscape, Design and Conservation Team regarding the application.

ii) The policy note we provided you (dated 21 October 2022) sets out additional details on the differing housing type needs in Bradford District. As there has been no update to the 2019 SHMA since the policy note was issued, Paragraph 4.4 of the note remains relevant as it states:

“... the latest Strategic Housing Market Assessment (SHMA) (2019) identifies that the strongest need in Bradford District is for two and three-bedroom dwellings, whilst there is a continued need for one and four-bedroom dwellings. To help meet these needs, the proposed development comprises predominantly two, three and four-bedroom homes, with a small number of five-bedroom homes also proposed...”

### Design

Prior to the submission of the planning application in 2022, the applicant undertook a Design Review with Integreat Plus. Through a number of workshops and meetings, the design review process, has resulted in a number of positive changes to the layout and design of the proposed development. The scheme has been subject to further design and layout amendments requested by statutory consultees eg. Highways and Landscape Teams, over the course of the application.

The design and layout of the proposed development has evolved positively. The proposed scheme would meet the priorities of the Homes and Neighbourhoods SPD and provide high quality housing.

### Highways & Transportation

The application includes a Transport Assessment and Travel Plan, which have been considered as part of the determination of the planning application. The traffic surveys within the Transport Assessment (TA), which were undertaken during the Covid pandemic, have been increased to ensure that they are representative of post-Covid situation. Traffic from several local approved development sites (including the nearby Skipton Properties development) have been incorporated into the highway submission.

The Transport Assessment and subsequent Addendum report demonstrate that the existing local highway network can safely and adequately accommodate the traffic impact of the proposed development. Additionally, the applicant has agreed to make a financial contribution to deliver of improvements to the existing and post-development position, with traffic management and calming within Silsden.

The access on Bolton Road has been designed to meet highway standards including carriageway widths, footway/cycle provision and junction visibility. It has been demonstrated in the TA that the Bolton Road site access junction would operate safely, when all of the proposed dwellings are built.

The proposal includes for a secondary route, which extends from Hawber Cote Lane. Additionally, it is proposed to provide an extension to Hawber Cote Drive for a short distance into the site to provide a turning head within the application site. The extension of Hawber Cote Drive and provision of a turning head would provide a betterment for future occupiers of the development.

The existing bus service would be within a short and accessible walk of the proposed development, and it is proposed to improve the bus stop facilities on Bolton Road, to include a new bus shelter and footway widening. (The 62 bus service on Bolton Road provides regular services every 30 minutes throughout the day, connecting the application site with Silsden town centre, Steeton and Silsden railway station and other destinations beyond including Keighley and Ilkley).

Steeton and Silsden Station provides connections to numerous destinations and can be reached by foot within 30 minutes, bicycle within 10 minutes, bus within 10 to 15 minutes (using the no. 62 bus service) and car within 5 to 10 minutes. Site accessibility will be further enhanced by the Council's proposal to provide a footbridge over the A629 (for which the proposed development is contributing £100,000 in funding).

In summary, the development proposals comply with the Core Strategy which refers to a focus upon good walking and cycling links to public transport facilities. The proposed development provides good connections and accessibility by foot, cycle and public transport to a range of local services, facilities and employment opportunities. As such, it is in a sustainable location and is compliant with the NPPF which requires that people are given "*a genuine choice of transport modes*" and that "*significant development should be focused on locations which are or can be made sustainable*".

The RUDP includes a proposal for Silsden Eastern Bypass (K/TM20.1). This was carried forward from the 1998 Adopted UDP and is shown on the RUDP proposals map, forming part of RUDP Policy TM20 (Transport and Highway Improvements). This policy was partly replaced by Core Strategy Policy TR7, in relation to broad investment priorities but not in relation to schemes which are saved until adoption of the Local Plan. Therefore, at this stage, the intended line of the Silsden Eastern Bypass remains part of the Development Plan, until such time that the new Local Plan is adopted.

#### Affordable housing

Core Strategy Policy HO11 seeks to ensure that there is a sufficient supply of good quality affordable housing across the District. Given the potential number of dwellings (more than 15), affordable housing would be required as part any future development on this site. The policy seeks up to 20% of the homes provided to be affordable (subject to viability). It is noted that paragraph 6.44 of the supporting Planning Statement that is intended to provide a total of 28 affordable homes within the proposed development. It outlines that there will be a mix of tenures and that the affordable units would be mixed with other units across the site. It is noted that affordable housing is clustered in parts of the site including a concentration to the south of the scheme. The location of affordable units would be subject to agreement with the registered provider.

#### Effect on Residential Amenity.

Policy DS5 requires that the design of the development should ensure that amenity of existing or prospective residents is not compromised. The distances between the existing houses and the proposed development indicates that the required separation distances would be achieved.

It is not considered therefore, that the distance between existing properties and proposed properties would result in any adverse impact on privacy, or overshadowing of residents.

## Other Issues Raised in Representations

### Impact on highway

The application site is located c.800m from Silsden town centre and is located off the principal highway, Bolton Road, connecting Silsden with the A629 and A65.

A Transport Assessment has been submitted and considered by Highways Development Control. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network, as a result of increased traffic. The applicant will make contributions towards highway improvements within Silsden town centre – TRO for traffic calming to manage traffic speeds and review of parking on Kirkgate; and a contribution towards the planned pedestrian/cycle bridge over the Aire Valley Road, A629.

In terms of highways safety, the provision of a pedestrian/cycle bridge over the A629 would provide a far safer route across the A629 to the major benefit of pedestrian and cyclists travelling from the rail station and Steeton.

### Impact on biodiversity

Whilst bats have been recorded in the local area, there was no conclusive evidence of any protected species on the site or the surrounding areas, which would be adversely affected by the proposed development, subject to the mitigation proposed. The provision of bat roosting and bird nesting features within the site would result in increased use of the site by some species. Accordingly, there would be no adverse impact on biodiversity as a result of the proposed development.

### Lack of school places/GP places

In considering the planning application, Children's Services has confirmed that the development could be accommodated in terms of primary and secondary school places.

As with any planning application for residential development, there would be subsequent pressures on local services and infrastructure. In terms of NHS services eg. GP', this is a matter for the NHS, not the Council and it would be for the NHS to plan for any increased demands on its services.

### **Options:**

The Committee can approve the application as recommended or refuse the application. If the application is refused, reasons for refusal would have to be provided.

### **Community Safety Implications:**

None

### **Human Rights Act:**

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

### **Not for publication documents:**

None

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

The development of formerly allocated safeguarded land for residential development is considered appropriate, providing the opportunity for sustainable development within Silsden. The effects of the proposal on the highways network, biodiversity of the site itself, the surrounding locality; and neighbouring residential properties have been assessed and are considered acceptable. As such the proposal would meet policies

SC8- Protecting the South Pennine Moors and their Zone of Influence

SC9- Making Great Places

TR1- Travel Reduction and Modal Shift

TR2- Parking Policy

TR3- Public Transport, Cycling and Walking

HO5- Density of Housing Schemes

HO6- Maximising Use of Previously Developed Land

HO8- Housing Mix

HO11- Affordable Housing

EN2- Biodiversity and Geodiversity

EN4- Landscape

EN5- Trees and Woodland

EN7- Flood Risk

EN8- Environmental Protection

DS1- Achieving Good Design

DS3- Urban Character

DS4- Streets and Movement

DS5- Safe and Inclusive Places

ID3- Developer Contributions

## **Section 106:**

### Planning Obligations

A Section 106 has been prepared to include the following -

- The provision of 28 affordable homes comprising 21 no. dwellings categorised as affordable housing and 7 no. dwellings categorised as 'First Homes'.
- The provision and management of public open space within the application site.
- A financial contribution of £100,000 to the Council to assist with the provision of a new pedestrian/cycling bridge across the A629 and/or improving links to Steeton and Silsden railway station and National Cycle Network Route 69 along the Leeds Liverpool Canal towpath.
- A financial contribution of £52,585 to the Council towards the management and monitoring of the South Pennine Moors SPA in accordance with the South Pennine Moors SPA/SAC Planning Framework SPD.
- A financial contribution of £20,460 to the Council towards the provision of measures to encourage the use of sustainable travel modes by the residents of the proposed dwellings.
- A series of financial contributions to the Council towards assisting with a number of traffic management and calming works within Silsden.
- A financial contribution to ensure the implementation and review of an ecological enhancement scheme.

- The submission and completion of a footpath works scheme, in relation to the provision of a 2.0m footway along the Bolton Road Site frontage which will connect with the existing footway.
- The provision of a footpath to the south of the Hawber Cote Lane access into the site should the Council require it in the future.

**Conditions of Approval:**

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.

Before the date of first occupation every dwelling on the site shall be provided with access to a purpose built EV charging point with Mode 3 Type 2 capability. The charging points shall be provided in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

The scheme shall meet at least the following minimum standard for numbers and power output: -

- o A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) with Mode 3 type 2 capability provided at every residential unit that has a dedicated parking space and/or garage
- o One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) with Mode 3 type 2 capability for every 10 unallocated residential parking spaces (not including visitor spaces).
- o Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational.
- o Charging points installed shall be retained thereafter.
- o Information about the provision of the EV charging point and how to use it should be included in the new home welcome pack.

Reason: To facilitate the uptake and use of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be designed in accordance with the principles outlined in the Flood Risk Assessment and Drainage Strategy, Report: 5142/FRA01 (rev C), dated: 30.03.22. The maximum surface water discharge rate, off-site, shall not exceed 12.3 litres per second, ie 8.8 L/s to the watercourse and 3.5L/s to the public sewer. The scheme so approved shall thereafter be implemented in accordance with the approved details. Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of effective drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

The development shall not begin until a Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Lead Local Flood Authority.



Once built, the drainage scheme shall be maintained thereafter, in accordance with the approved Plan.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Reason for pre-commencement condition: It is necessary to secure agreement of the maintenance provisions for the drainage system, before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure an appropriate drainage strategy for the construction phases of the approved development, and the prevention of surface water and sediment run-off into adjacent watercourses, in line with EN7: Flood Risk and EN8: Environmental Protection of the adopted Core Strategy.

Before any development works commence on site, full details of the phasing of the construction of the development including the intended timetable for implementation of the means of access, car parking and servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that a suitable form of access, parking and servicing facilities are made available at an appropriate stage throughout the course of the construction works, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

Before any part or phase of the development is brought into use, the proposed means of access serving that part or phase of the site shall be laid out and constructed to binder course level in accordance with details to be submitted and approved in writing by the LPA; or completed to such other construction specification as has first been approved in writing by the Local Planning Authority. As and when a phase or the whole development is completed, the final road surfacing and the street lighting and drainage infrastructure relating to that phase of the development shall be laid out and the highway drainage and street lighting relevant to that phase shall be installed.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

Before any part of the development is brought into use, the visibility splays shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance

with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

Prior to construction of the development the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme contained within the supplied Preliminary Geo-Environmental Appraisal by Lithos. 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 EN8 of the Local Plan for Bradford.

Prior to construction of the development, 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 EN8 of the Local Plan for Bradford.

A remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

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. The approved methodology shall be complied with in implementing the development.

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 Local Plan for Bradford.

The development hereby permitted shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

No piped discharge of surface or foul water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

Before any development works commence on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary along the proposed one-way link into the site from Hawber Cote Lane shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

The applicant is advised to make early contact with Highway Structures (email: [Highway.Structures2@bradford.gov.uk](mailto:Highway.Structures2@bradford.gov.uk)) prior to starting any works on site.

Reason: Agreement of effective measures for highway stability must be approved before work begins to avoid harm to the safety of users of the adjoining highway network and ensure that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Framework.

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a Construction Plan specifying proposals for the management of construction site access and the layout of construction site facilities has been submitted to and approved in writing by the Local Planning Authority.

The construction plan shall include the following details:

- i) full details of the position and width of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) intended hours of construction work, including any works of demolition;
- iii) intended hours of delivery of materials;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) 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;
- viii) temporary warning and direction signing on the approaches to the site

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

Reason: In order to safeguard the amenity of neighbouring occupiers and the safety of road users it is essential that the detail of these facilities is satisfactorily resolved before

any work begins. To accord with Policies DS5, DS9, TR2 and DS4 of the Core Strategy Development Plan Document.

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

Reason: In the interests of amenity and highway safety, and in accordance with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

The approved and agreed tree protection measures shall remain in place, and shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or root protection areas without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

The existing wall(s) along the boundary of the site shall be retained during and after completion of the development and those parts of the boundary wall that are damaged or removed shall be made good using materials of similar appearance, and to a similar coursing to the remaining wall, prior to the first occupation of the development hereby permitted.

Reason: In the interests of visual amenity and privacy and to accord with Policies DS2, DS3 and DS5 of the Core Strategy Development Plan Document.

In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local

Planning Authority, the landscaping proposals forming part of the approved plans schedule shall be implemented in accordance with the submitted specifications and details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

Prior to the occupation of any part of the development, a schedule of landscape maintenance for all amenity and recreation open space areas within the site and covering a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan to define all communal hard and soft landscaped areas to be maintained under the maintenance regime, an outline of maintenance works to be undertaken and the frequency of those works, together with details of responsibilities for implementing the maintenance regime by a Management Company or other agency. It shall provide email, postal address and telephone contact details of such a company or agency.

Landscape maintenance of the identified areas shall subsequently be carried out in accordance with the approved schedule for the period agreed.

Reason: To ensure effective future maintenance of the landscaped areas in the interests of visual amenity and to accord with Policies DS2, DS3 and DS 5 of the Core Strategy Development Plan Document.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall put in place measures to retain and protect the 0.27 Biodiversity Habitat Units (modified grassland to be enhanced) and 4.53 Biodiversity Hedgerow Units (to be retained or enhanced) as discussed in Technical Note: LPA Response - Updated Biodiversity Metric Calculation and Outline Management Plan for Offsite Compensation (Ref: 1387.02\_TN\_JL\_V4 Date: 28/03/2023, James Longley MCIEEM, Baker Consultants) and calculated in the associated Natural England Metric v3.1 (dated 03/09/2023, James Longley) and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" including Tree Protection Zones for retained trees and hedges.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to ensure the protection of existing biodiversity features in accordance with Core Strategy Policy EN2, the NPPF, and BS 42020:2013.

A Biodiversity Gain Plan (BGP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The Plan shall deliver a minimum of 18.15 Habitat Units and 9.54 Hedgerow Units on land identified in Technical Note: LPA Response - Updated Biodiversity Metric Calculation and Outline Management Plan for Offsite Compensation (Ref: 1387.02\_TN\_JL\_V4 Date: 03/09/2023, James Longley MCIEEM, Baker Consultants) and calculated in the associated Natural England Metric v3.1 (dated 28/02/2023, James Longley) and include the following.

- a. Description and evaluation of features to be managed and enhanced
- b. Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans
- c. Ecological trends and constraints on site that might influence management.
- d. Aims and objectives of management to include Target Biodiversity Units and Condition Criteria.
- e. Appropriate management options for achieving aims and objectives.
- f. An annual work programme (to cover an initial 5-year period)
- g. Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h. The BGP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- i. For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
- j. The Plan will be reviewed and updated every 5 years and implemented in perpetuity.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BGP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy EN2, NPPF and BS 42020:2013.

Prior to occupation of the first dwelling a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the LPA. It shall include the first Monitoring Report, to take place after full implementation of approved landscaping and habitat creation establishment works, and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30-year period to be submitted to the LPA. The Monitoring Report will include the following:

- a. Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the 0.27 Biodiversity Habitat Units (modified grassland to be enhanced) and 4.53 Biodiversity Hedgerow Units (to be retained and enhanced) as described in Technical Note: LPA Response - Updated Biodiversity Metric Calculation and Outline Management Plan for Offsite Compensation (Ref: 1387.02\_TN\_JL\_V4 Date: 28/03/2023, James Longley MCIEEM, Baker Consultants) and calculated in the associated Natural England Metric v3.1 (dated 03/09/2023, James Longley)

- b. Where the Target Condition is not yet met provide an assessment of time to Target Condition for each habitat and any changes to management that are required
- c. How the monitoring is funded and the specialist ecological body responsible
- d. Confirmation by photographs that all integral bird nesting and bat roosting features are in place as approved

Subsequent Monitoring Reports will be submitted to the LPA in years 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 and where remedial measures or changes in management are required these will be addressed in the subsequent Biodiversity Gain Plan annual work programmes.

Reason: to ensure Biodiversity Units are delivered as agreed in the approved Biodiversity Gain Plan for perpetuity.

Prior to occupation, a “lighting design strategy for biodiversity” for the whole development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect sensitive ecological features such as foraging bats and breeding birds from adverse indirect effects of lighting no habitat of value for these (and other) groups ensuring retained and created habitats maintain a high functional value for species.

Prior to occupation a Biodiversity Welcome Pack for new residents should be written and agreed with the LPA. The Biodiversity Welcome Pack should comprise a document which details the landscaping of the development and how this has been designed and managed for benefits for biodiversity. The welcome pack should discuss why the on-site BNG habitats are important with reference to the Council’s and national government’s aim to halt biodiversity loss. The welcome pack should discuss the bird species recorded on site as well as the valuable hedgerow habitats which are to be retained and enhanced. The Welcome Pack should also highlight the importance of gardens and gardening to species from pollinators to bats, birds and other mammals in residential areas and provide advice for gardening for wildlife.

Reason: In order to encourage retention of vegetated gardens and encourage further enhancement of those gardens for wildlife. The aim being to secure biodiversity gains provided by domestic gardens in the long term.

