OPTIMA
Intelligent Highways Solutions

Bolton Road, Silsden
Proposed Residential Development
Section 257 PRoW Diversions/Stopping Up – Supporting Statement

August 2024 (Rev 2)

Prepared on behalf of

Persimmon Homes Limited

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1. Introduction

1.1.1 Persimmon Homes submitted a full planning application for 140 residential dwellings on land to the east of Bolton Road, Silsden ('the Site') to City of Bradford Metropolitan District Council (CoBMDC) in early 2022.

1.1.2 The application was supported by a large suite of documents including a Planning Statement (February 2022) prepared by Lichfields, a Design & Access Statement (February 2022) prepared by ID Partnership, a Landscape & Visual Impact Assessment (January 2022) prepared by Robinson Landscape Design and a Transport Assessment (February 2022) prepared by Optima Highways. The application was validated by the Council on the 10th March 2022 and given the reference 22/01184/MAF.

1.1.3 The development Site, which is bound by the A6034 Bolton Road to the west, Brown Bank Lane to the north, open countryside to the east and Silsden primary school to the south, is shown on Figure 1 as well as the extract in Image 1.1 below.

Image 1.1 Site Boundary & Footpaths

1.1.4 As shown on Figure 1 (and Image 1.1) the Site is crossed by three Public Right of Way (PRoW) footpaths which are recorded on CoBMDC's Definitive Map and Statement, namely Footpath 34, Footpath 44 and Footpath 45.

1.1.5 The Site is also crossed by a claimed footpath route, which extends diagonally between the end of Hawber Cote Drive to the south-west and Footpath 34 to the north-east – as shown on Figure 1 and Image 1.1. This claimed route is the subject of an application for the making of a Definitive Map Modification Order (DMMO).

1.1.6 During the planning application determination period various amendments were made by Persimmon Homes to the proposed development Site layout (including a reduction to 138 dwellings) and the alignment of the proposed PRoW diversions to reflect the Councils suggestions and comments. The Public Rights of Way Officer provided three Consultation Responses dated 8th April 2022, 13th October 2022 and 31st March 2023 - copies of these are provided in Appendix A.

1.1.7 The planning application was considered at the Council's Regulatory and Appeals Committee on 26th October 2023 with a recommendation that members approve the application subject to the completion of a Section 106 Agreement and planning conditions. The Committee report, a copy of which is provided in Appendix B, identified 'Public Rights of Way' as being one of the main issues to consider (clearly being a material consideration) and included reference to the existing PRoW's 34, 44 and 45 crossing the Site as well as the claimed footpath route. The report concludes under this section that the development Site provides "*a permeable network of routes across the Site, whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy*" (underlining added). The report also confirms that there would be an opportunity to divert the claimed footpath should an Order be made. The full text of this section of the report is replicated below.

> *"Public Rights of Way*
>
> *Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.*
>
> *In conclusion the development is considered to provide a permeable network of routes across the site whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy.*
>
> *There is representation in respect of a 'claimed footpath'. This is at an early stage of the PRoW application process, and there would be an opportunity to divert this footpath if the proposed Order is made."*

1.1.8 The resolution of the Committee was to accept the Officer recommendation and approve the planning application subject to the completion of a Section 106 Agreement. A copy of the subsequent CoBMDC Decision Notice dated 16th April 2024 confirming the grant of planning permission subject to a S106 and setting out the associated conditions, is contained in Appendix C.

1.1.9 This Statement has been prepared on behalf of Persimmon Homes Limited to support an application pursuant to Section 257 of the Town and Country Planning Act 1990 (TCPA) for the diversion of the existing PRoW's 44 and 45 through the Site as well as the stopping-up of the claimed footpath crossing the Site. Such an order will enable development to be carried out in accordance with the granted planning permission.

1.1.10 The remaining chapters of the Statement cover the following topic areas:

- Chapter 2 – describes the existing Public Rights of Way 34, 44 and 45 and the claimed footpath route. The proposed diversions and stopping-up are also described in the context of the development proposals and compared with existing routes;
- Chapter 3 – provides a brief overview of the PRoW legislation, guidance and key tests that are applied and considered when making a Section 257 footpath diversion/stopping-up order;
- Chapter 4 – addresses the two key legal tests of 'necessity' and 'merit' when considering a Section 257 footpath diversion/stopping-up order.; and
- Chapter 5 – summarises and concludes the report.

1.1.11 A signed 'Agreed Statement of Facts' document (ASoF) dated 26th July 2024 is contained in Appendix D, which sets out the factual matters that have been agreed between City of Bradford Metropolitan District Council (CoBMDC) and Optima Highways (OH) on behalf of Persimmon Homes. It should be noted that the majority of Chapter 2 in this Statement is also included in the ASoF but has also been re-provided in this document for completeness.

2. Public Rights of Way

2.1 INTRODUCTION

2.1.1 This chapter describes the existing definitive Public Rights of Way 34, 44 and 45 and the claimed footpath route. The proposed diversions/stopping-up are also described and compared with existing routes.

2.2 EXISTING DEFINITIVE FOOTPATHS & CLAIMED FOOTPATH ROUTE

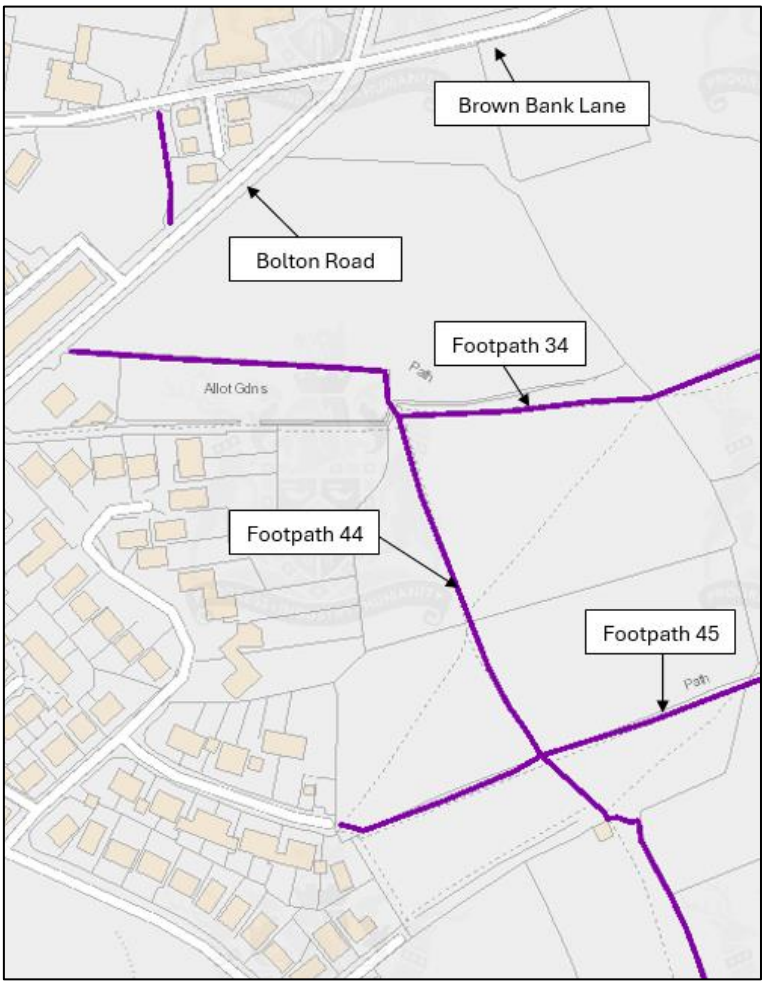
Existing Definitive Footpaths

2.2.1 CoBMDC are responsible for keeping and updating the official legal record of the Public Rights of Way (PRoW) across the authority area. These legal records are known as the Definitive Map, which shows the location of the PRoW, and the Definitive Statement, which records various key details of the PRoW such as its status, route description, width, length and surfacing.

2.2.2 The Council also produce and maintain an 'online' map which represents a digitised version of the Definitive Map. An extract of the online map (annotated to reference the PRoW's) is provided in Image 2.1 showing the existing PRoW Footpaths 34, 44 and 45 which cross the development Site.

2.2.3 The original Definitive Map has been observed (copy in Appendix E) and it is agreed with CoBMDC that the online version is reflective of the Definitive Map and satisfactorily represents the location and alignment of the existing PRoW Footpaths 34, 44 and 45.

Image 2.1 Extract from Council online PRoW Map



2.2.4 The key details of the overall lengths of Footpaths 34, 44 and 45, as described in the Definitive Statement, have been provided by CoBMDC. A copy of this information is contained in Appendix E and with respect to the sections of the PRoW's that cross the development Site, the surfacing and widths are defined as follows:

- **PRoW Footpath 34** – nature of surfacing described as '**arable land'** and the approximate width of the route is given as **1.2m**;
- **PRoW Footpath 44** – nature of surfacing described as '**grass'** and the approximate width of the route is given as **1.2m**; and
- **PRoW Footpath 45** – nature of surfacing described as '**arable land'** and the approximate width of the route is given as **1.2m**.

2.2.5 All three PRoW Footpaths have been walked and photographed in March 2024 and a copy of the representative photographs are provided in Appendix E of the ASoF document, which is contained in Appendix D of this Supporting Statement.

2.2.6 The routes within the development Site are described below:

Public Right of Way Footpath 34

2.2.7 Footpath 34 extends from Bolton Road in the west, past a cluster of allotments, before entering the development Site via a wooden gate (see Photo 5 in appended ASoF). The route continues east through the development Site to a narrow gap in the wall at the boundary (see Photo 2 in appended ASoF), beyond which it retains its uphill easterly course towards Swartha Lane.

2.2.8 Footpath 34 forms a section of the 'Millennium Way' walking route which is a 45 mile circular walk within the Bradford district, which was created as a concept by a group of Countryside Service volunteers to commemorate the millennium.

2.2.9 Within the development Site PRoW Footpath 34:

- Extends over a horizontal distance of some 125m – as shown on Figure 2 and the extract in Image 2.2;
- Falls east to west with an average gradient of 1 in 19 (5.2%) – calculation shown on Figure 2 and the extract in Image 2.2;
- Has a grassed surface (see Photos 3 and 4 replicated in Image 2.3), which is in generally good condition over most of its length (aside from at the gates at either end which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement states that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections at either end subject to the time of year; and
- Is not lit.

Image 2.2 Existing PRoW/Footpath Gradients within Site

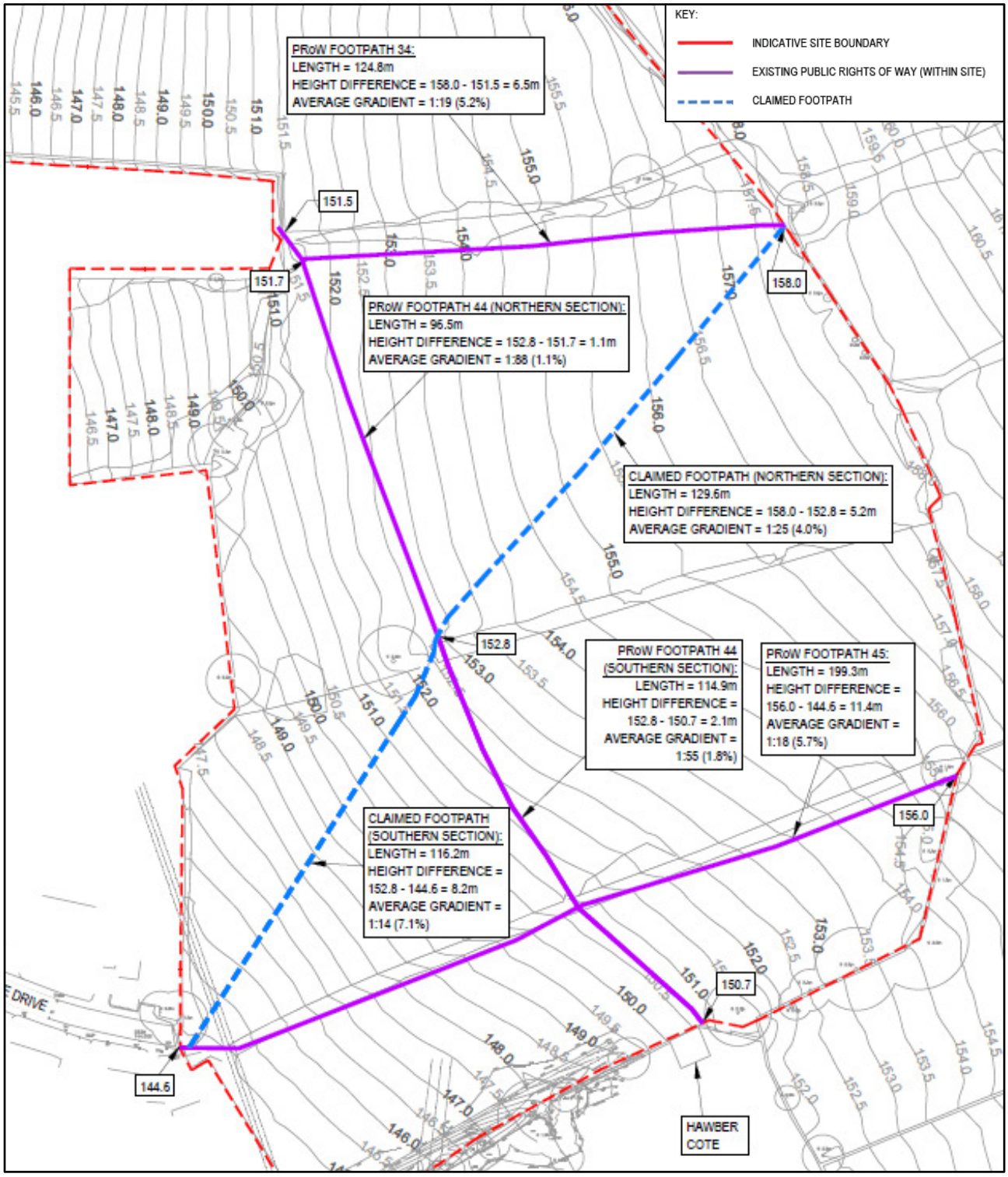


Image 2.3 PRoW Footpath 34 within Site (Left Photo: Looking West to Footpath 44 & Gate by Allotments / Right Photo: Looking East towards Development Site boundary)

Public Right of Way Footpath 44

2.2.10 Footpath 44 extends from PRoW 34 (close to the gate adjacent to the allotments on the western boundary of the Site) in a general south/south-easterly direction to meet the southern boundary of the development Site adjacent to the existing Hawber Cote building (as shown on Figure 2) where access is provided to the rear of Silsden Primary School car park via a metal gate (see Photo 24 in appended ASoF). The route then continues in a south easterly direction alongside the rear of the primary school and on to connect with Hawber Lane.

2.2.11 Within the development Site PRoW Footpath 44:

- Extends over a horizontal distance of some 211m – as shown on Figure 2 and the extract in Image 2.2;
- Is generally flat, broadly following the contours of the land, in particular within the northern section (between Footpath 34 and the first hedge line) where the average gradient is 1 in 88 (1.1%). The southern section (between the hedge line and the Hawber Cote building) falls very gradually from north to south with an average gradient of 1 in 55 (1.8%). The gradient calculations are shown on Figure 2 as well as the extract in Image 2.2;
- Has a grassed surface (see Image 2.4), which is in generally good condition over most of its length (aside from at the gates/stiles which can be muddy at certain times of the year);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement states that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate any muddy sections at gates/stiles subject to the time of year; and
- Is not lit.

Image 2.4 PRoW Footpath 44 within Site (Left Photo: Northern Section - Looking North to Footpath 34 & Gate by Allotments / Right Photo: Southern Section - Looking South to Hawber Cote Building)

Public Right of Way Footpath 45

2.2.12 Footpath 45 commences at the end of Hawber Cote Drive on the western boundary of the Site (see Photo 28 of stile in appended ASoF) and extends in a north-easterly direction through the development Site to a kissing gate on the eastern boundary (see Photo 36 in appended ASoF), beyond which it retains its uphill easterly course to reach Hawber Lane at a bend in the road where it becomes known as Swartha Lane.

2.2.13 Within the development Site PRoW Footpath 45:

- Extends over a horizontal distance of some 199m – as shown on Figure 2 and the extract in Image 2.2;
- Falls east to west with an average gradient of 1 in 18 (5.7%) – calculation shown on Figure 2 and the extract in Image 2.2;
- Has a grassed surface (see Image 2.5), which is in generally good condition over most of its length (aside from at the gates at either end which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement states that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections at either end subject to the time of year; and
- Is not lit.

Image 2.5 PRoW Footpath 45 within Site (Left Photo: Looking West towards Hawber Cote Drive/ Right Photo: Looking East to Development Site Boundary)

Claimed Footpath

2.2.14 The claimed footpath route extends diagonally across the development Site from the end of Hawber Cote Drive (and the commencement of PRoW Footpath 45) to the south-west and the point where PRoW Footpath 34 crosses the eastern boundary of the Site to the north-east – as indicated on Figure 1 and Image 1.1.

2.2.15 In July 2022 a Definitive Map Modification Order (DMMO) application was submitted to CoBMDC requesting that the claimed route be recognised as a PRoW and recorded on the Definitive Map'. The application is listed on the Council's Section 53B Register (File Ref: 66660/T75) as required by the Wildlife and Countryside Act 1981. Details of the submitted documents (application form and a plan) are provided in Appendix F.

2.2.16 Within the centre of the Site the route marked in red on the DMMO application plan (contained in Appendix F) has a slight variance from the path (um) shown in black on the Ordnance Survey base map. Taking into account the user evidence forms submitted in support of the DMMO application it is agreed with CoBMDC that the alignment of the claimed route should follow the path (um) shown in black on the Ordnance Survey base map used for the application plan.

2.2.17 Within the development Site the claimed footpath:

- Extends over a horizontal distance of some 246m – as shown on Figure 2 and the extract in Image 2.2;
- Falls north-east to south-west with an average gradient of 1 in 25 (4.0%) within the northern section (between Footpath 34 and the first hedge line), steepening slightly in the southern section (between the hedge line and Hawber Cote Drive) to an average gradient of 1 in 14 (7.1%). The gradient calculations are shown on Figure 2 as well as the extract in Image 2.2;
- Has a grassed surface (see Image 2.6), which is in generally good condition over most of its length (aside from at the gate/stile areas which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. The DMMO application does not make reference to a width;

- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections subject to the time of year; and
- Is not lit.

2.2.18 It is agreed with CoBMDC that the claimed route is considered, on the balance of probabilities, to be an existing public right of way (albeit not recorded on the Definitive Map and Statement).

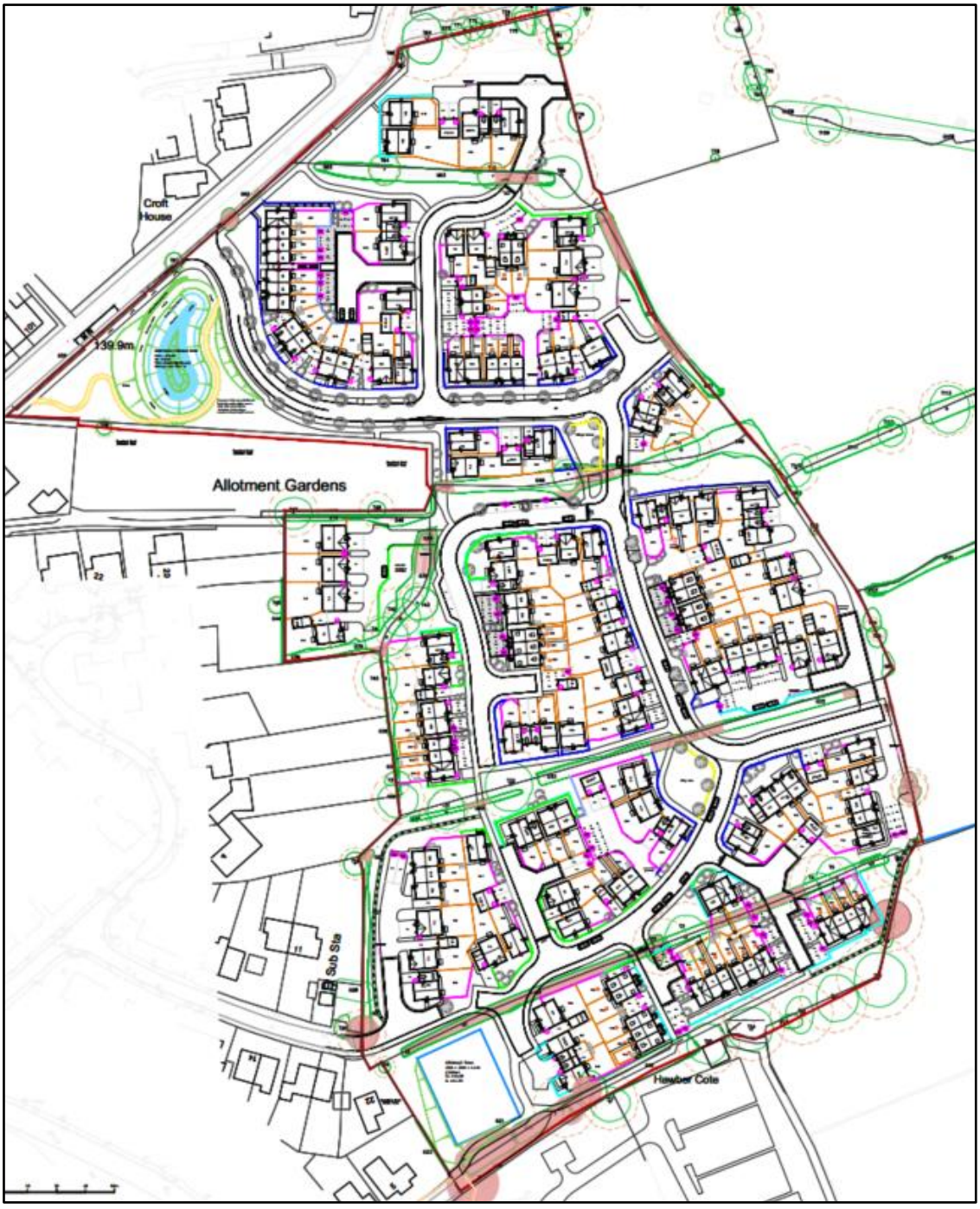
Image 2.6 Claimed Footpath within Site (Left Photo: Northern Section - Looking North-East towards Footpath 34 on Site Boundary / Right Photo: Southern Section - Looking South-West to Hawber Cote Drive)

2.3 PROPOSED PUBLIC RIGHT OF WAY DIVERSIONS/STOPPING-UP

Approved Development Plans

2.3.1 A copy of the approved Site Layout drawing prepared by Persimmon Homes is contained in Appendix G and an extract is provided in Image 2.7.

Image 2.7 Approved Planning Site Layout



2.3.2 During the course of the determination of the planning application (and as requested by the Council PRoW Officer in the 8th April 2022 consultation response) a 'PRoW Proposals' drawing was prepared by Robinson Landscape Design. As well as identifying the existing and proposed PRoW/Footpath routes, this drawing also indicated a proposed 'Perimeter Walk' route around the Site. In response to the Council's PRoW Officer request in the 8th April 2022 consultation, the drawing also proposed that an approximate 120m length of PRoW Footpath 34 (part of the Millennium Way walk) that runs adjacent to the Site boundary and existing allotments, is re-surfaced. The final version of this drawing (Revision F), which is also listed on the Decision Notice as an approved plan, is contained in Appendix H and an extract provided in Image 2.8.

Image 2.8 Approved Planning PRoW Proposals Plan

2.3.3 The PRoW Proposals drawing shown in Image 2.8 was subject to various amendments through the planning process in response to comments received from the Council's PRoW Officer as well as to reflect any revisions to the overall development layout. A copy of the drawing revisions is

provided in Appendix E of the ASoF document (which is contained in Appendix D of this Supporting Statement) and a brief summary of the amendments to each is provided in Table 2.1.

Table 2.1 PRoW Proposals Plan Revision Changes

Drawing Revision	Drawing Amendments	Comments
Initial Issue to Revision A	• Small diversion to PRoW 34 removed • Part of PRoW 44 diversion (and proposed perimeter walking route pushed around boundary through the green space • Diversion of claimed footpath route removed	• Small diversion to PRoW 34 removed in response to 13th October 2022 Council PRoW Consultation • Part of PRoW 44 diversion re-aligned through green space removed in response to 8th April 2022 Council PRoW Consultation
Revision A to Revision B	• Alignment of claimed footpath route added	• Alignment of claimed footpath added in response to 13th October 2022 Council PRoW Consultation
Revision B to Revision C	• Minor alteration to diversion routes to align with new scheme layout	-
Revision C to Revision D	• Change to Perimeter Walking route (removal of sections on eastern and northern boundaries	-
Revision D to Revision E	• Note on surfacing detail added for existing retained areas of PRoW and proposed diverted areas	• Surfacing detail note added in response to 13th October 2022 Council PRoW Consultation
Revision E to Revision F	• Updated/final scheme layout shown	• Final version and listed as approved plan on Planning Permission Decision Notice

2.3.4 In accordance with the approved drawings, and to enable the implementation of the planning permission to be carried out, it is necessary to divert the existing PRoW Footpaths 44 and 45 as well as to stop-up the claimed footpath that runs diagonally through the Site. These are described in detail further below.

2.3.5 It is proposed to keep PRoW Footpath 34 on its existing alignment through the Site thereby retaining the view of the existing hedge on its northern side. No diversion is therefore proposed for this route. Footpath 34 through the Site will be widened to 2.0m and its surfacing shall consist of self-binding crushed limestone. Where PRoW Footpath 34 crosses the proposed residential access road, new footpath signposts will be provided.

Proposed Public Path Diversion & Stopping-Up Order Application

2.3.6 It is proposed that CoBMDC makes a single Public Path Diversion & Stopping Up Order (PPDO) pursuant to Section 257 of the Town and Country Planning Act 1990 (TCPA) for the diversion of the existing PRoW's 44 and 45 through the Site as well as the stopping up of the whole width of the claimed footpath crossing the Site. Persimmon request that the 257 be a Combined Order, such as to also have the effect of modifying the definitive map and statement. Such diversions/closures are necessary to enable the development to be carried out in accordance with the planning permission.

2.3.7 The PPDO application will be supported by:

- The plan in Appendix I which shows the alignment of the existing PRoW's 44 and 45 through the development Site and the claimed footpath, overlaid on the land ownership titles. The drawings show that the affected routes fall under one landowner's title (DAVID HORACE WINSTANLEY and JOANNA AMANDA WINSTANLEY of The Elms, 20 Elm Grove, Silsden, Keighley BD20 0PU and STEVEN BRIGGS of Croft House, Station Road, Barnoldswick BB18 5NA as trustees of Mr Winstanley's Discretionary Settlement); and
- The plan in Appendix J overlays the consented development layout and shows the proposed diversion routes through the Site for PRoW's 44 and 45 as well as the claimed footpath stopping up. The PRoW 44 and 45 diversions effectively both have a 'closure' element for the existing route and a 'creation' element for the proposed new route. The whole width of the claimed route will be stopped up.

2.3.8 A summary of the proposed diversions and comparison with the existing routes is provided in Table 2.2 and illustrated on the drawing in Appendix J.

Table 2.2 Proposed Diversion Route Comparison

		Route Ref*	Length (m)*	Walking Time**	Height Difference (m)	Avg. Gradient Over Length	Width* ** (m)	Surfacing	Unlit / Lit
PRoW Footpath 44	**Proposed Closure**	A – B	198.7	2min 30s	1.0	1:199 (0.5%)	1.2	Grass	Unlit
	Proposed Creation/Diversion *(Change)*	A – C – B	357.8 *(+159.1)*	4min 30s *(+2mins)*	1.0	1:358 (0.3%)	2.0	Self-binding crushed limestone & bitumen	Partly lit
PRoW Footpath 45	**Proposed Closure**	C – D	186.2	2min 20s	10.9	1:17 (5.9%)	1.2	Grass	Unlit
	Proposed Creation/Diversion *(Change)*	C – B – D	231.8 *(+45.6)*	2min 55s *(+35s)*	10.9	1:21 (4.7%)	2.0	Self-binding crushed limestone & bitumen	Partly lit
Claimed Footpath	**Proposed Stopping Up**	E – F	245.9	3mins	13.3	1:18 (5.4%)	-	Grass	Unlit
	Overall Replacement Route (for comparison) *(Change)*	E – C – A - F	349.6 *(+103.7)*	4min 25s *(+1min 25s)*	13.3	1:26 (3.8%)	2.0	Self-binding crushed limestone & bitumen	Partly lit

* See Optima Drawing No. 20142/IN/52 in Appendix J

** Average walking time on 'average' route based on typical pedestrian speed of 400m in 5 mins i.e. 80m per minute as advised in 'Providing for Journeys on Foot' (rounded to nearest 5 sec)

*** 1.2m existing widths for Footpaths 44 & 45 as confirmed in PRoW Definitive Statement. Claimed Footpath width undefined.

3. Legislation, Guidance and Key Tests

3.1 INTRODUCTION

3.1.1 This chapter provides a brief overview of the PRoW legislation, guidance and key tests that are applied and considered when making a Section 257 footpath diversion order.

3.2 PROW LEGISLATION

3.2.1 Section 257 of the Town and Country Planning Act 1990 (TCPA), alongside Schedule 14 of the same, provides that a competent authority (Local Planning Authority or the Secretary of State) may, by order, authorise the stopping up or diversion of any footpath (as is the case here), bridleway or restricted byway. This is subject to the authority being satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the granted planning permission.

3.2.2 In this case the LPA who has the power to make the proposed S257 Public Path Diversion Order (PPDO) is City of Bradford Metropolitan District Council (CoBMDC). However, the made order can only be confirmed (and take effect) by the Council if it is unopposed following statutory notifications. If the made order is opposed then it is referred to the Secretary of State (SoS) to decide whether to confirm the order. An Inspector appointed by the SoS will then either hold a public inquiry or receive written representations.

3.3 PROW GUIDANCE

3.3.1 Guidance is provided for LPA's when deciding to make an order in the form of the document 'Rights of Way Circular (1/09)' published by the Department for Environmental, Food and Rural Affairs (DEFRA). The document provides advice on numerous topics including the recording, managing, maintaining, protecting and changing public rights of way. Guidance is also provided on how proposals for the development of land and planning permissions affect public rights of way. With respect to the making of an order under S257 of the TCPA paragraph 7.15 of the guidance states (**emphasis** added):

> *"The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does* ***not mean that the public right of way will therefore automatically be diverted or stopped up****. Having granted planning permission for a development affecting a right of way however,* ***an authority must have good reasons to justify a decision either not to make or not to confirm an order****. The* ***disadvantages or loss likely*** *to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be* ***weighed against the advantages of the proposed order****."*

3.3.2 In summary the issue is whether the proposed diversions/stopping-up are necessary to enable permitted development to proceed and be implemented in full, whether the public or adjoining property owners would be disadvantaged by the diversion, and if so, where the balance of advantage lies.

3.4 LEGAL TESTS

3.4.1 There are essentially two key tests to assess when a LPA considers making an order – these are referred to in caselaw as the '**necessity test'** and the '**merits test'**:

- **Necessity Test** – whether the order is necessary to enable development to be carried out in accordance with the granted planning permission.
- **Merits Test** – in exercising discretion whether to confirm an order, the relevant authority is obliged to take account of any material disadvantages or losses directly resulting from the order and then decide whether these are of such significance to outweigh the advantages and the fact that planning permission has been granted.

3.4.2 Both the 'necessity' and the 'merits' tests are explored further in chapter 4.

4. Review of Legal Tests

4.1 INTRODUCTION

4.1.1 This chapter addresses the two key legal tests of 'necessity' and 'merit' when considering a Section 257 footpath diversion/stopping-up order for Footpath 44, Footpath 45 and the claimed Footpath.

4.2 NECESSITY TEST

4.2.1 The approved Site layout and associated works (as shown on the drawing in Appendix H and Image 2.8) required in respect of the Planning Permission could not co-exist with the relevant parts of Footpath 44 and Footpath 45 or the claimed footpath. Effectively, the development for which planning permission has been granted could not be completed if these footpaths remain on their current alignment because they impact on the layout of the proposed houses, gardens and roads.

4.2.2 It is therefore clear that the *necessity test* is met, because it is necessary to divert or stop-up the footpaths to enable development to be carried out and lawfully implement the Planning Permission.

4.3 MERITS TEST

Disadvantages/Loss of PRoW Diversion or Stopping-Up

4.3.1 This section considers the various disadvantages or losses directly resulting from the proposed diversion/stopping-up order.

Length of Footpath/Journey Time

4.3.2 The diversion of Footpaths 44 and 45 would result in an increased journey length of some 159m and 46m respectively. Based on an average 80m/minute walking speed these distances equate to an increased journey time of between 35 seconds and 2 minutes.

4.3.3 The proposed stopping-up of the claimed footpath would result in an increased journey length of just under 104m along the replacement route. This equates to an increased walking time of 1 minute 25 seconds.

4.3.4 It is acknowledged that the proposed diversions and stopping-up would increase the length of footpath routes and journey times, but the magnitude of such increases are relatively short and are not considered to be significant. This is particularly so when set in the context of the affected sections being only a relatively short part of a longer route generally being travelled in a recreational/leisure capacity.

Type of User/Convenience

4.3.5 The predominant use of the footpaths is recreational/leisure/dog walking/running and in this respect the relatively short increases in journey length and time are not considered to represent an unacceptable inconvenience.

4.3.6 Furthermore, there are no known nearby services or facilities that would be unduly affected by the diversion/stopping-up of the footpaths. The affected footpaths within the Site are located on the edge of the Silsden settlement and are therefore generally used to access the countryside (as opposed to reaching local shops/services).

Safety

4.3.7 A section of the Footpath 44 diversion route would follow the footway provided alongside the proposed housing estate road. The proposed footway is segregated from the carriageway and in any event the housing estate roads will be very lightly trafficked and vehicle speeds will be low. As such the route poses no highway safety concern.

4.3.8 Furthermore, highway safety issues were considered during the planning application process and prior to the granting of planning permission for the development.

Character/Views

4.3.9 The proposed diversions cannot replicate the character or appearance of the existing routes to be stopped-up, but that is because the Planning Permission has been granted to develop fields on the edge of the settlement but within the settlement boundaries into residential development. Whilst there will be a loss in the rural character of the footpaths, this is as a result of the Planning Permission and not the proposed diversions/stopping-up. Furthermore, as part of the planning process and agreement with the LPA, part of the Footpath 44 diversion has been accommodated through the development green space, away from the estate road.

4.3.10 Similarly, views from the footpaths will clearly be affected by the proposed housing development. However, the layout of the residential development and its effect on the surrounding area were fully taken into account before planning permission was granted.

Advantages/Gain of Development & PRoW Diversion or Stopping-Up

4.3.11 This section considers the various advantages or gains directly resulting from the proposed diversion/stopping-up order.

Significance of the Proposed Development

4.3.12 The proposed development is clearly of considerable significance because it will deliver a substantial range of benefits to Silsden and the wider Bradford District.

4.3.13 It will deliver 138 dwellings (including 28 affordable homes) across a range of house types, sizes and tenures would make a substantive contribution to meeting the District's housing need and five year housing land supply within the context of a chronic and acute shortfall in housing land supply and housing delivery.

4.3.14 The proposed development will also comprise a very high quality landscape-led design that is accessible to the existing built up area of Silsden and well linked to the surrounding countryside.

4.3.15 In addition to these housing supply and design benefits, a wider range of socio-economic benefits will also be secured. These include the creation of open space and pedestrian/cycle routes, biodiversity gains, as well as the creation of jobs relating to the construction of the development and increased expenditure for local businesses as a result of new residents living in Silsden.

4.3.16 The S257 Order will allow full implementation of the Planning Permission, which has already been considered and approved by the LPA, and deliver the significant range of benefits that flow from it.

Footpath Width

4.3.17 The current defined width of Footpaths 44 and 45 is 1.2m. The width of the claimed footpath is undefined.

4.3.18 It is proposed that the diversion routes will be 2.0m wide i.e. an increase of 0.8m on the existing width defined within the Definitive Statement.

Footpath Surface

4.3.19 The existing Footpath 44, Footpath 45 and the claimed footpath have a grassed surface which is generally in good condition over most of its length, subject to weather conditions/time of year, but can be muddy at the gates/stiles.

4.3.20 The surface of the proposed diverted routes will either be bound crushed limestone (away from the estate roads) or bitumen (adjacent to the estate roads). Either way, the proposed surfacing will be an improvement on the existing situation, making the routes safer, more passable and less slippery particularly for those people with restricted mobility.

Lighting/Safety

4.3.21 The existing Footpath 44, Footpath 45 and the claimed footpath are all unlit.

4.3.22 It is proposed that the routes become partly lit (via the estate road street lighting) thereby improving safety and encouraging greater use during times of darkness, particularly over winter.

Footway Gradient

4.3.23 The proposed diversions and stopping-up would result in a relatively short increase in the length of the footpath routes. However, lengthening of the routes has the beneficial effect of slightly reducing the overall average gradient of the footpaths within the development Site.

Merits Test Summary

4.3.24 The disadvantages and losses of the proposed diversions/stopping-up are not considered to be of such significance that they outweigh the advantages/gains, which were fully considered by the LPA when granting planning permission.

4.3.25 Persimmon consider the merits test is fulfilled.

4.4 LEGAL TESTS CONCLUSION

4.4.1 It is submitted that the two legal tests of 'necessity' and 'merit' are met and therefore the Section 257 footpath diversion/stopping-up order for Footpath 44, Footpath 45 and the claimed Footpath should be made and thereafter confirmed.

5. Summary and Conclusions

5.1.1 Persimmon Homes submitted a full planning application for a residential development on land to the east of Bolton Road, Silsden ('the Site') to City of Bradford Metropolitan District Council (CoBMDC) in early 2022. Planning permission for 138 dwellings was duly granted by CoBMDC on 16th April 2024.

5.1.2 The Site is crossed by three Public Right of Way (PRoW) footpaths which are recorded on CoBMDC's Definitive Map and Statement, namely Footpath 34, Footpath 44 and Footpath 45. The Site is also crossed by a claimed footpath route, which extends diagonally between the end of Hawber Cote Drive to the south-west and Footpath 34 to the north-east. This claimed route is the subject of an application for the making of a Definitive Map Modification Order (DMMO).

5.1.3 It is agreed with CoBMDC that the claimed footpath route is considered, on the balance of probabilities, to be an existing public right of way (albeit not recorded on the Definitive Map and Statement).

5.1.4 It is proposed that CoBMDC makes a single (Combined DMMO) Public Path Diversion & Stopping Up Order (PPDO) pursuant to Section 257 of the Town and Country Planning Act 1990 (TCPA) for the diversion of the existing PRoW's 44 and 45 through the Site as well as the stopping up of the whole width of the claimed footpath crossing the Site. Such diversions/closures are necessary to enable the development to be carried out in accordance with the planning permission.

5.1.5 It is submitted that the two legal tests of 'necessity' and 'merit' have been met and therefore the Section 257 footpath diversion/stopping-up order for Footpath 44, Footpath 45 and the claimed Footpath should be made by CoBMDC without delay.

Figures

Key

- Indicative Development Site Boundary
- Existing Public Right of Way Footpath (as shown on definitive map)
- Claimed Footpath

Bolton Road
Brown Bank Lane
Brown Bank La
Bolton Road
North Street
Bolton Road
Bolton Drive
Breakmoor
Footpath 33
Footpath 34
Footpath 34
Footpath 34
A6034
Footpath 44
Footpath 33
Swartha Lane
Banklands Avenue
Driver Terrace
Hawber Cote Drive
Hawber Lane
Footpath 45
Footpath 44
Footpath 45
Banklands Lane
Silsden Primary School
Hawber Cote Lane
Hawber Lane
Silsden
Esri Community Maps Contributors, Esri UK, Esri, TomTom, Garmin, Foursquare, GeoTechno

TITLE

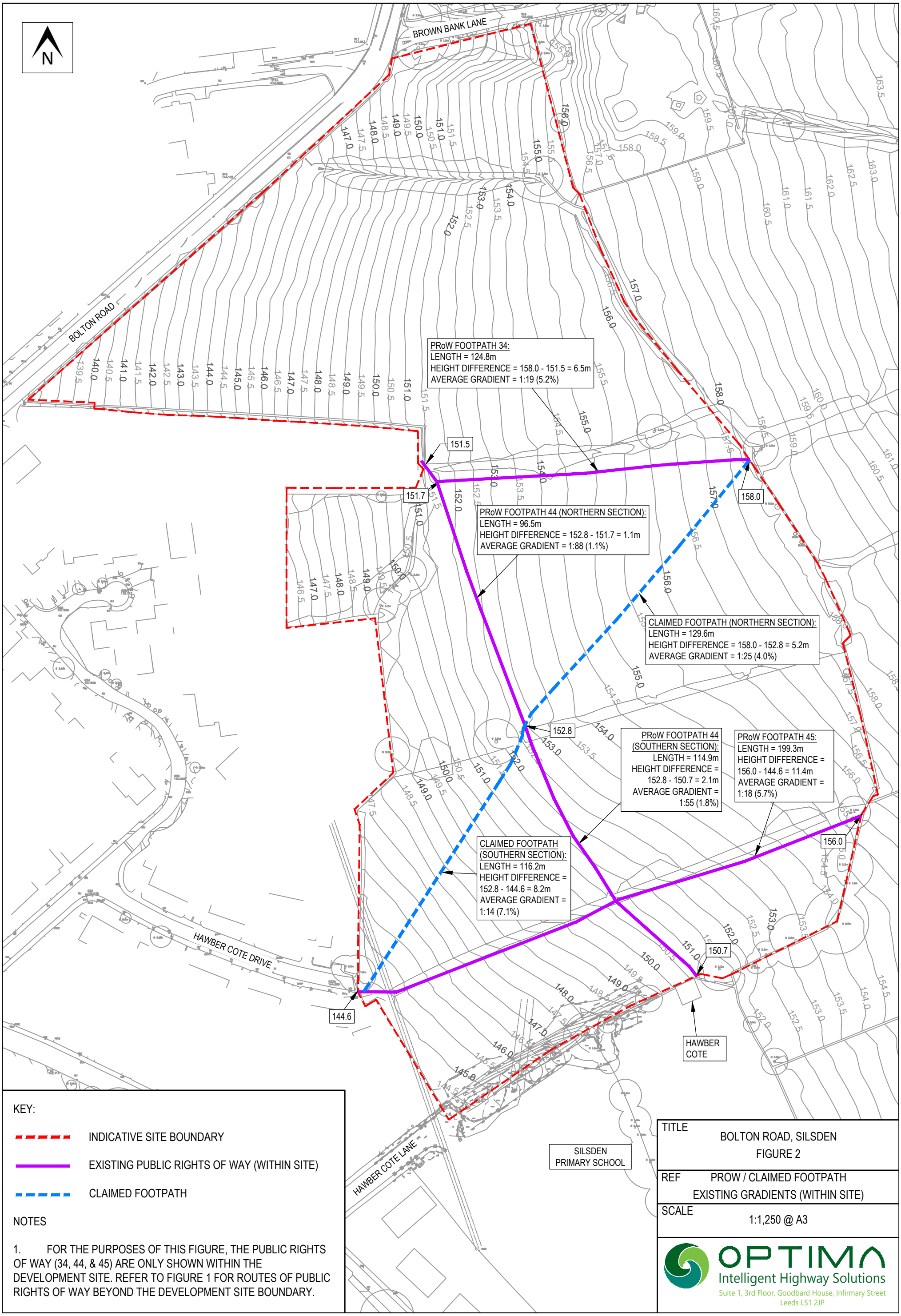
Bolton Road, Silsden
Proposed Residential Development Site
Existing Public Rights of Way & Claimed Footpath

SCALE @ A3: 1:2,000

FIGURE 1

OPTIMA
Intelligent Highways Solutions
Suite 1, 3rd Floor
Goodbard House
Infirmary Street, Leeds
Tel: 0113 245 1679
Fax: 0113 245 9042

Path: O:\Bolton Road, Silsden\DRAWINGS\GIS\ARCEDITOR\Bolton Road, Silsden - Footpath Plan.aprx


N
BROWN BANK LANE
BOLTON ROAD
HAWBER COTE DRIVE
HAWBER COTE LANE
SILSDEN PRIMARY SCHOOL
HAWBER COTE
PRoW FOOTPATH 34:
LENGTH = 124.8m
HEIGHT DIFFERENCE = 158.0 - 151.5 = 6.5m
AVERAGE GRADIENT = 1:19 (5.2%)
151.5
151.7
158.0
PRoW FOOTPATH 44 (NORTHERN SECTION):
LENGTH = 96.5m
HEIGHT DIFFERENCE = 152.8 - 151.7 = 1.1m
AVERAGE GRADIENT = 1:88 (1.1%)
CLAIMED FOOTPATH (NORTHERN SECTION):
LENGTH = 129.6m
HEIGHT DIFFERENCE = 158.0 - 152.8 = 5.2m
AVERAGE GRADIENT = 1:25 (4.0%)
152.8
PRoW FOOTPATH 44 (SOUTHERN SECTION):
LENGTH = 114.9m
HEIGHT DIFFERENCE = 152.8 - 150.7 = 2.1m
AVERAGE GRADIENT = 1:55 (1.8%)
PRoW FOOTPATH 45:
LENGTH = 199.3m
HEIGHT DIFFERENCE = 156.0 - 144.6 = 11.4m
AVERAGE GRADIENT = 1:18 (5.7%)
156.0
CLAIMED FOOTPATH (SOUTHERN SECTION):
LENGTH = 116.2m
HEIGHT DIFFERENCE = 152.8 - 144.6 = 8.2m
AVERAGE GRADIENT = 1:14 (7.1%)
150.7
144.6
KEY:
INDICATIVE SITE BOUNDARY
EXISTING PUBLIC RIGHTS OF WAY (WITHIN SITE)
CLAIMED FOOTPATH
NOTES
1. FOR THE PURPOSES OF THIS FIGURE, THE PUBLIC RIGHTS OF WAY (34, 44, & 45) ARE ONLY SHOWN WITHIN THE DEVELOPMENT SITE. REFER TO FIGURE 1 FOR ROUTES OF PUBLIC RIGHTS OF WAY BEYOND THE DEVELOPMENT SITE BOUNDARY.
TITLE
BOLTON ROAD, SILSDEN
FIGURE 2
REF
PROW / CLAIMED FOOTPATH
EXISTING GRADIENTS (WITHIN SITE)
SCALE
1:1,250 @ A3
OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP

Appendices

Appendix A CoBMDC PRoW Officer Consultation Responses (dated 8th April 2022, 13th October 2022 and 31st March 2023)

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major DevelopmentTeam
Development Services
Britannia House

Your Ref: 22/01184/MAF

8 April 2022

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for your memo requesting our observations on the above planning application.

Public Footpaths No. 34, 44 and 45 (Silsden) cross the site, as referred to within the submitted documents. Public Footpath No. 34 Silsden runs from Bolton Road, adjacent to the allotment gardens then through the site running east, to the south of an existing hedge. The Millennium Way, shown on Ordnance Survey maps as a promoted route, runs through the site following this footpath. Public Footpath No. 44 Silsden runs from Silsden 34 near the allotment gardens in a south easterly direction to the edge of the site adjacent to Hawber Cote. Public Footpath No 45 Silsden runs from Hawber Cote Drive in a north easterly direction to Hawber Lane, this footpath runs to the south side of an existing hedge line, two self-guided walks promoted via the Council's website follow the route of this public footpath. All the recorded public footpaths are very well used and form links to the wider countryside beyond the development site.

There are also a number of unrecorded routes, which are marked on the Ordnance Survey basemaps as path (um), these appear to have been used by the public for many years and could potentially be claimed as public rights of way.

The Council has received a request for the surface of the section of public Footpath No. 34 Silsden adjacent to the allotments to be improved as it becomes muddy during the winter. The developer should be required to carry out suitable improvements to this footpath as part of the development.

The submitted documents refer to the route of the Millennium Way being retained and makes various comments about the other footpath routes being incorporated or diverted. In order to be able to fully assess the impact of the development on the public rights of way the developer must supply a plan which clearly identifies both the existing routes of the recorded public rights of way and the intended diversions – the layout plan and various

diagrams and descriptions contained in other documents are not clear enough to be certain of these. I will make some general comments but will need to see more detailed plans before I can comment fully.

The 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.

The Landscape and Visual Impact Assessment refers to Footpath 34 Silsden running partially on a grass verge and partially on a pavement to the south of the retained hedge. I note that the footpath will retain the view of the hedge and wildflower planting to the side but the section on the pavement is not ideal, ideally this popular promoted route should be retained in a green corridor segregated from vehicles.

The Landscape and Visual Impact Assessment refers to Footpath 45 Silsden being crossed by three roads, running adjacent to the north side of the retained hedge and being along pavements. The existing path runs to the south side of the hedge so a legal order would be required to divert the footpath to the north of the hedge. At least one of the diagrams seems to show this footpath leaving the site at a different point on the eastern boundary to the existing path, appearing to sever the link with the wider path network, the intended route of this footpath must be clarified.

Footpath 44 Silsden appears to be the worst affected of the public rights of way crossing the site given the intention is to divert this path almost entirely on to pavements.

Government advice in Rights of Way Circular 1/09 makes it clear that where it is necessary to divert a footpath to accommodate development the alternative alignment should avoid the use of estate roads wherever possible. Preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

As the developer will be aware any proposed changes to the footpath network will be subject to separate public consultation processes, which may attract objections from the public and require a public inquiry to resolve. Diversion orders are not guaranteed to be successful, particularly if the alternative routes do not meet accepted guidance. If the paths are not successfully diverted the layout would need to accommodate them on their existing recorded routes. No development affecting the routes of the footpaths should take place until a diversion order has been successfully obtained.

If planning permission is granted, please ensure that the applicant is made aware of the need to adhere to the following standard requirements during the period of any works on site:

- The affected public footpaths must not be obstructed by any plant, materials or equipment. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

- If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact network.management@bradford.gov.uk for details.

- Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.

- If work alongside the public footpaths presents a danger to path users, the affected section should be fenced off with safety netting

- The surface of the footpaths should not be disturbed, however, if damage to the public footpaths is caused by development works it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way these must be approved, in advance, by the Rights of Way Section.

- Throughout the period of development, the line of the footpaths must be indicated on site. If building works remove features that would enable users to find the footpath the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

Thank you for consulting us about this proposal.

Yours sincerely

Fiona Plane
Rights of Way Officer

Find address or place
404586 446826 Meters
© Bluesky International Ltd. & Getmapping Plc.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major Development Team
Development Services
Britannia House

Your Ref: 22/01184/MAF

13 October 2022

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for requesting our further observations on the public rights of way proposals recently submitted in support of the above planning application.

As noted in my earlier comments (April 2022) the site is crossed by Public Footpaths No. 34, 44 and 45 (Silsden) all well used and forming links to the wider countryside beyond the development site. The promoted route the Millennium Way runs through the site along Footpath 34. The paths are all identified on the PROW Proposals drawing.

In July the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey basemaps as path (um). The application was supported by evidence of use by members of the public. Attached is a copy of the plan which accompanied this application, made under the Wildlife and Countryside Act 1981. This application is currently in a queue awaiting further investigation. The end points of this claimed footpath are marked on the PROW Proposals drawing with blue dots.

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 the developer will be aware 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. The Rights of Way Section can supply the application packs for the legal orders. Stopping up and diversion orders are not guaranteed to be successful, particularly if the alternative routes do not meet accepted guidance. If the paths are not successfully diverted/stopped up the layout would need to accommodate them on their existing recorded routes. No development affecting the routes of the footpaths should take place until a diversion/stopping up order has been successfully obtained.

Government advice in Rights of Way Circular 1/09 makes it clear that where it is necessary to divert a footpath to accommodate development the alternative alignment should avoid the use of estate roads wherever possible. Preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Footpath 34 (Silsden) The Millennium Way
I note the section of path adjacent to the allotments has been marked 'resurfaced section of Millennium Way in response to my request that this section should be improved as part of the development.

I note that the path across the site is to be maintained for the most part as a mown path through green space, retaining the view of the hedge and wildflower planting to the side.

The PROW proposals suggest the path is to be diverted where it crosses the estate road but it is not clear that this suggested diversion to the recorded route will be justifiable under the Town and Country Planning Act.

Public Footpath 44 (Silsden)
Footpath 44 Silsden appears to be the worst affected of the recorded public rights of way crossing the site given the intention is to divert this path almost entirely on to pavements, which does not meet the advice in Circular 1/09. As the alternative route is almost entirely on estate footways this would be processed as a stopping up under the Town and Country Planning Act rather than a diversion, this may be more likely to attract objections than a diversion.

I note that a clear connection is now shown to the continuation of this route to the south adjacent to the school site.

Public Footpath 45 (Silsden)
The PROW Proposals show a different diversion route to the earlier proposals taking the alternative route mainly through areas of green space as a mown path, rather than along estate footways. The required legal order for this could be processed as a diversion of the route.

I would like more detail of the route and information on the proposed width of the mown path. There appears to be a pinch point at the edge of plot 124 where there does not seem to be adequate space between the boundary of the plot and the site for the footpath to run.

Claimed footpath from Hawber Cote Drive
The claimed path is not accommodated within the layout. The PROW Proposals show that walkers would be expected to use part of Footpath Silsden 34 and part of the proposed diversion route of Footpath Silsden 44 as well as a section of estate footway/road as an

alternative to the claimed footpath. The legal order required to achieve this would be considered to be a stopping up rather than a diversion.

Generally, I note that the sections of path proposed to run through green spaces appear in the main to be overlooked by houses giving natural surveillance of the areas.

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.

I note the PROW Proposals plan shows a proposed perimeter walk for the site, partly on estate footways and partly on paths through areas of green space. If this is well maintained it could form a useful amenity for the site. More details of the proposed maintenance regime for the green spaces and the mown paths within them would be useful.

I note the footways through the site will give pedestrian access to the primary school site which will hopefully encourage residents to walk to school.

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 response during the period of any works on site.

Thank you for consulting us about this proposal.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major Development Team
Development Services
Britannia House

Your Ref: 22/01184/MAF

31 March 2023

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for requesting our further observations on the revised public rights of way proposals (Revision D) recently submitted in support of the above planning application.

As noted in my earlier comments (April and October2022) the site is crossed by Public Footpaths No. 34, 44 and 45 (Silsden) all well used and forming links to the wider countryside beyond the development site. The promoted route the Millennium Way runs through the site along Footpath 34.

In July 2022 the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey basemaps as path (um). This application is currently in a queue awaiting further investigation. The claimed footpath is marked on the PROW Proposals drawing with a blue line but not labelled or otherwise referred to.

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.

<u>Footpath 34 (Silsden) The Millennium Way</u>

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.

Claimed footpath from Hawber Cote Drive

The claimed path is not accommodated within the layout. The path while shown with a blue line is not referred to on the drawings. The proposals seem to show that walkers would be expected to use part of Footpath Silsden 34 and part of the proposed diversion route of Footpath Silsden 44 as well as a section of estate footway/road as an alternative to the claimed footpath. The legal order required to achieve this would be considered to be a stopping up rather than a diversion.

It would be useful to see details of the proposed widths and surfaces of all sections of the proposed alternative routes.

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.

Thank you for consulting us about the revised proposals.

Appendix B CoBMDC Report to the 26th October 2023 Regulatory and Appeals Committee

Public Document Pack

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 26 October 2023 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Shafiq Alipoor Mullaney	Brown Sullivan	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel I Hussain S Hussain Lal	Pollard Glentworth	Love

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From: **To:**

Asif Ibrahim
Director of Legal and Governance
Agenda Contact: Yusuf Patel
Phone: 07970 411923/07970 411623
E-Mail: yusuf.patel@bradford.gov.uk/jane.lythgow@bradford.gov.uk

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

(1) Members must consider their interests, and act according to the following:

Type of Interest	***You must:***
Disclosable Pecuniary Interests	*Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensatior*
Other Registrable Interests (Directly Related) **OR** *Non-Registrable Interests (Directly Related)*	*Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in th discussion or vote; and leave the meeting unless you have a dispensatior*
Other Registrable Interests (Affects) **OR** *Non-Registrable Interests (Affects)*	*Disclose the interest; remain in the meeting, participate and vote unless the matter affects the financial interest or well-being* *(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and* *(b) a reasonable member of the publi*

knowing all the facts would believe th
it would affect your view of the wider public interest; in which case speak o the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

(2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.

(3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

(4) Officers must disclose interests in accordance with Council Standing Order 44.

3. MINUTES

Recommended –

That the minutes of the meetings held on 15 September 2023 and 28 September 2023 be signed as a correct record.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

6. LAND OFF BOLTON ROAD, SILSDEN - 22/01184/MAF 1 - 40

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "D"**) which reports a full planning application for the development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden.

This item was deferred for consideration at the meeting on 28 September 2023.

Recommended –

That the application be approved subject to completion of the Section 106 and conditions contained within the technical report appended to Document "D".

(Hannah Lucitt – 07811503622)

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 26th October 2023

D

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/UR5.38, 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; residential amenity; design; trees; 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 -

The provision of 28 affordable homes;

The provision and management of public open space.

A financial contribution of £100,000 to the Council to assist with the provision of a new pedestrian/cycling bridge across the A629.

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 Mcards 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 traffic management and calming works within Silsden.

A financial contribution to ensure the implementation and review of an ecological enhancement scheme.

The completion of a footway works scheme, being the provision of a 2.0m footway along the Bolton Road Site frontage to connect with the existing footway.

The provision of a footway to the south of the Hawber Cote Lane access into the site should the Council require it in the future;

and conditions included in the report, Appendix 1.

Equality & Diversity:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010. The context of the site, the development scheme proposed, and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

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Assistant Director (Planning, Transportation & Highways)

Report Contact: Hannah Lucitt
Major Developments Manager
Phone: 07811503622
E-mail: hannah.lucitt@bradford.gov.uk

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 726 objections and 4 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

The application includes the following measures -
Operation of a robust 'sustainable procurement policy' which emphasises the legal and sustainable sourcing of building materials;
a Site Waste Management Plan (SWMP) will be implemented, which will adhere to the waste hierarchy of reducing, re-using and diverting from landfill;
best practice policies regarding site pollution will be implemented as standard; • Each of the proposed homes will be designed to achieve a water consumption lower than 110 litres per person per day; and each of the proposed homes will be constructed to a specification capable of exceeding the energy efficiency requirements of the Building Regulations Part L.
Electric vehicle (EV) charging points will also be installed at each of the proposed homes to promote the use of electric and low-emission vehicles

Finally, health and wellbeing has been considered as part of the design process with consideration of light and noise levels, and access to on-site greenspace.

No adverse sustainability implications are therefore foreseen. The development meets the sustainability criteria outlined in relevant national and local planning policies. Namely, the National Planning Policy Framework (2023), The Core Strategy Development Plan

Document (2017), The Homes and Neighbourhoods Design Guide (2020) and the Sustainable Design Guide (2006) Supplementary Planning Documents.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

The development of new buildings and land for residential purposes would invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised. It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations. To encourage alternative means of transport Electric Vehicle (EV) charging points will be secured by a planning condition at a rate of 1 per residential unit, for units with allocated parking, in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy. A Travel Plan will also be implemented to promote walking, cycling and public transport use in the vicinity of the site. The Travel Plan will continue as a formal process for 5 years after first occupation of the development and its implementation will be secured by a planning condition.

The site is within 800m of Silsden town centre and the proposed development includes a number of design and active travel measures which would address sustainability and would also secure a number of biodiversity/ecological benefits including a 10% biodiversity net gain.

7.3 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.

7.4 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.

7.5 TRADE UNION

None

7.6 WARD IMPLICATIONS

None

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS

None

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

None

7.9 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

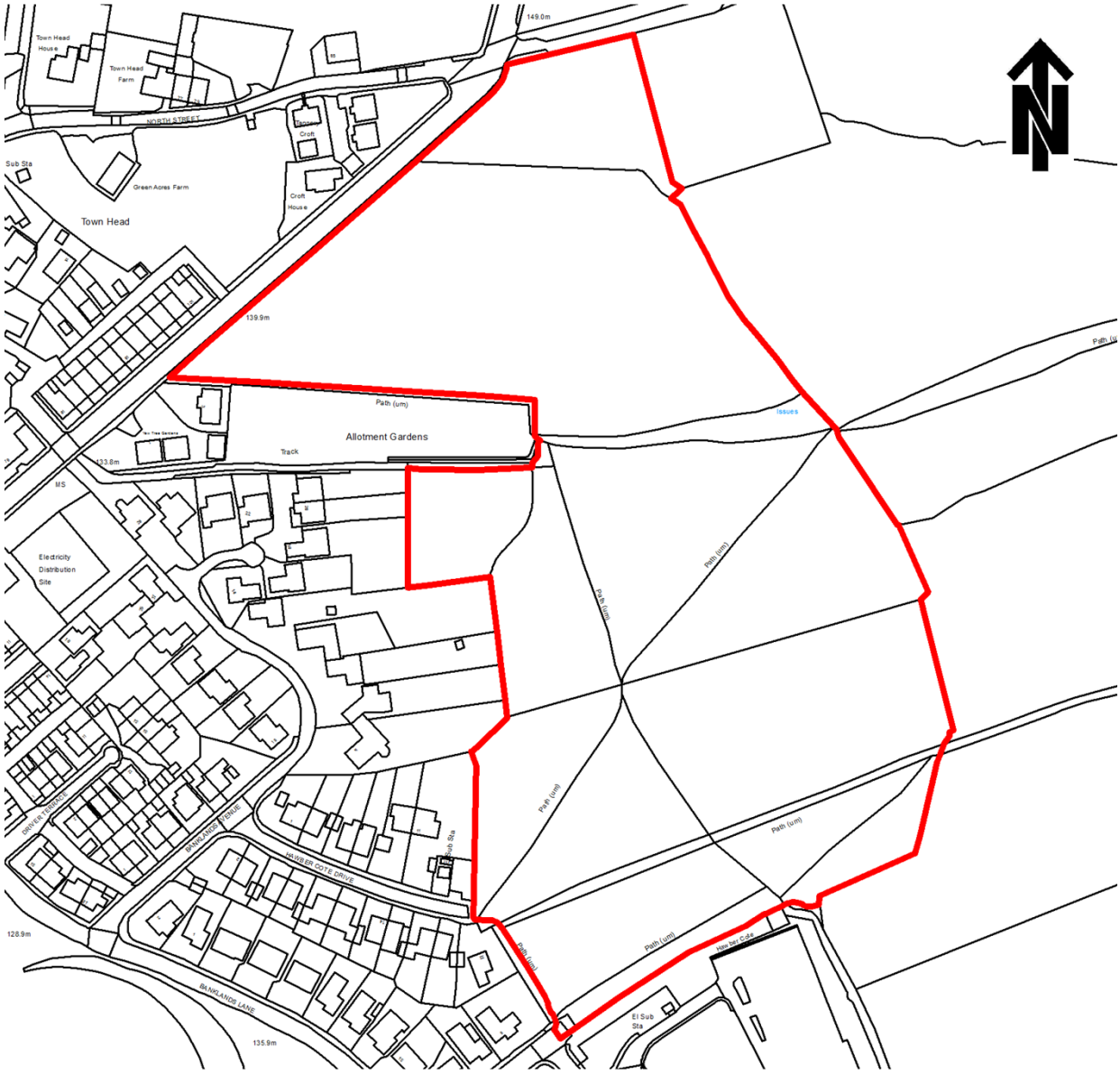
Appendix 1 - Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2023
Replacement Unitary Development Plan 2005
Core Strategy 2017
Steeton with Eastburn & Silsden Neighbourhood Plan 2021
South Pennine Moors SPA/SAC Planning Framework SPD 2022
Homes and Neighbourhoods: A Guide to Designing in Bradford SPD 2020
Landscape Character SPD 2008
Planning for Crime Prevention SPD 2007
Planning Obligations SPD 2007
Sustainable Design Guide SPD 2006

22/01184/MAF

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Land Off Bolton Road
Silsden
Keighley

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 Bolton Road and the north by Brown Bank Lane. To the west there are residential properties and allotments at Bolton Road. There are other agricultural fields to east; with the recently constructed Silsden Primary School located to the south.

Background:

The Replacement Unitary Development Plan (RUDP) was adopted in October 2005. The application site forms part of an allocated site in the RUDP, 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:

A Screening Opinion request for the proposed development at the application site was submitted on 15 November 2021 (application reference. 21/05803/SCR). On 6 December 2021, the Council confirmed that the proposed development is unlikely to have significant effects on the environment and, therefore, any future application on the application site is not required to be accompanied by an Environmental Impact Assessment

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 several Core Strategy Policies to be considered in the determination of the application.

SC1- Overall Approach and Key Spatial Priorities
SC2 - Climate Change and Resource Use
SC3 – Working Together to Make Great Places
SC4- Hierarchy of Settlements
SC5 – Location of Development
SC6 – Green Infrastructure
SC8- Protecting the South Pennine Moors and their Zone of Influence
SC9- Making Great Places
Sub Area Policy AD1 – Airedale
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1-Scale of Housing Required
HO2- Strategic Sources of Supply
HO3 – Distribution of Housing Requirement
HO5- Density of Housing Schemes
HO6- Maximising Use of Previously Developed Land
HO8- Housing Mix
H09-Housing Quality

HO11- Affordable Housing
EN2- Biodiversity and Geodiversity
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS2-Working with the Landscape
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions
ID7 – Community Involvement

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.

Within the emerging Local Plan, the northern part of the application site comprises a draft housing allocation (ref. SI2/H - Bolton Road, Brown Bank Lane), which has an indicative capacity of 40 dwellings. This states that this is a sustainable site within the settlement boundary for Silsden with access to local services and facilities as well as frequent public transport services. It will deliver an estimated 40 dwellings, however, will require sensitive design and layout to mitigate landscape impacts, as well as an appropriate access solution.

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.

Policy SWES1 Housing Development Within the Existing Urban Area of Steeton with Eastburn and Silsden
Policy SWES2 Design of New Housing
Policy SWES3 Housing Density
Policy SWES5 Airedale's Valued Landscape
Policy SWES7 Infrastructure for New Development
Policy SWES11 Protecting and Enhancing Sport and Recreation Provision

Supplementary Planning Documents

South Pennine Moors SPA/SAC Planning Framework SPD (2022)
Homes and Neighbourhoods: A Guide to Designing in Bradford SPD (2020)
Landscape Character SPD (2008)

Planning for Crime Prevention SPD (2007)
Planning Obligations SPD (2007)
Sustainable Design Guide SPD (2006)

National Planning Policy Framework (NPPF).

The National Planning Policy Framework (NPPF) 2023 provides the Government's overarching planning policies for England and is a material consideration in the determination of planning applications. In considering the proposed development, relevant chapters of the NPPF are: Chapter 2 - Achieving Sustainable Development Chapter 4 – Decision Making Pg 7/19 27042793v2 Section of Report Comments / Suggestions Chapter 5 – Delivering a Sufficient Supply of Homes Chapter 8 – Promoting Healthy and Safe Communities Chapter 9 – Promoting Sustainable Transport Chapter 11 – Making Effective Use of Land Chapter 12 – Achieving Well-Designed Places Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change Chapter 15 – Conserving and Enhancing the Natural Environment Chapter 16 – Conserving and Enhancing the Historic Environment

Other relevant national guidance and documents include: DLUHC and MHCLG: Planning Practice Guidance (2021) MHCLG: National Design Guide (2021) DCLG: Technical Housing Standards – Nationally Described Space Standards (2015)"

Publicity and Representations:

The application was advertised through site notices and in the local press. There have been 726 letters of objection and petition, including an objection from the MP and a Ward Councillor. There have been 4 letters of support.

Summary of Representations Received:

Principle of development
Housing numbers
Loss of green belt
Lack of consultation
Effect on footpaths
Unsuitable access
Lack of pedestrian access/footpaths
Drainage issues/flooding
Loss of wildlife/hedgerows/trees
Lack of infrastructure/facilities
Overshadowing/overlooking.
Pollution
Lack of greenspace
Impact on landscape
Community Wellbeing

Consultations:

Silsden Town Council
STC strongly object to this application.

Noise Assessment 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 considerable underestimation.
Both secondary schools listed are in Keighley, when in fact Silsden pupils all have South Craven as their designated placement.
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 doctor's 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)

The proposal now overcomes previous highways concerns.

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 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.

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) 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, 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 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.

Planning & Highways Access Forum
Level access to the development to allow entrance for disabled.
Kerb identification not possible if blind person learning new route due to shared spaces.
Will trees be sited within path or verge?
Proper pavement drops for wheelchairs and tactile pavement included?
New crossing, the kerbs need to be straight/square with pavement.
Accessibility around the SUDs pond.

Trees
The additional arboriculture information is noted, and the arboriculture impact assessment has been updated. The engineering issues within Root Protection Areas. as previously

highlighted would need to be dealt the under submission of details application for later approval. No objection to the proposal.

Environmental Health (Pollution)
EH Pollution has considered the application and the Preliminary Geo-Environmental Appraisal by Lithos.

The Appraisal 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.

West Yorkshire Police
Boundary treatments proposed.
Having examined the boundary treatment plan, boundaries such as the 1800mm high stone wall with fencing and the 1800mm high closed board timber fence which are used on both rear boundaries and as rear plot dividers are acceptable.

The 900mm high rear boundaries and gates used to secure rear boundaries are a concern as the level can easily be accessed. This boundary type and height is more suited to the front of a dwelling or around a public open space or side of a dwelling to allow natural surveillance. The plans show 1800mm high hedges used around some sections of rear gardens. We would recommend that where boundaries are being used to a secure a rear garden, it should be secure boundaries such be 1800mm high fencing or wall which are more durable.

Rear pathways allowing for bin access / rear parking courts.
There are several shared rear pathway routes with rear gated access which provides access to rear vehicle parking areas and shared bin access. Rear gates and rear pathways are features which are not supported by Police, as they lack natural surveillance and allow any stranger/s access into these areas, where entry can be attempted into rear gates. From the site plan this applies to plot numbers; 1, 2, 3, 4, 5, 6, 7 - 27, 28, 28, 30, 31, 32 - 88, 89, 90, 91, 92. Plots 1 to 7 show rear parking bays. the boundary for these dwellings shows a 900mm high stone wall and gates with planting behind which offers no security for the residents. We would recommend changing the boundary type to an 1800mm high stone wall with the railing inserts which will allow surveillance over the parking court whist the height provides the security. Any gates used at the rear should be lockable with a key from both sides to allow the gardens to be secured. Whilst rear parking and rear gates do not conform to SBD guidance, this would at least provide some level of surveillance to this parking court. As the rear doors for these plots will be frequently used for daily use as this in closer proximity to the parking areas, the doors should be changed from a glazed French door to a composite style door which is more durable, secure and suited for daily use. There will need to be external lights above the access doors and parking within the parking courts to increase surveillance. The parking bays should be visibility numbered per dwelling to prevent any abuse of parking bays. In relation to the

site plan, it shows electric vehicle charging points are located outside of the garden boundaries for plots 1 to 7. The concern is that with the cost of utilities on the rise they have the potential to be abused if there is no on/ off switch. (I note that there are a few visitor parking electric points, however it is likely to be payment via debit/credit card for usage unclear how these will be used, do visitor/ vehicle owners use a debit card to purchase electric charge? It is not very clear).

Plots 116, 117 and 118, 119, 126 shows parking bays to the side of the properties in an adjacent car park with only plots 120 and 121 overlooking this location. The bays are not numbered, so parking could be abused by visitors to the site, also the bays are not close for any residents with families who may be unloading or carrying in shopping/ taking in children which means leaving doors open to walk to and front the distance. It would be better to rotate the houses and have rear gardens at the back and parking to the front which is in closer proximity and has better surveillance.

There should not be more than 2 plots sharing an access pathway located between dwellings, where the number exceeds this, front bin storage should be provided for the 3rd dwelling or a change in the design to allow for an individual access gate for one of the dwellings. Where gates are set back installing a shared 1800mm high lockable gate along the front building line restricts access from the front of the dwelling.

Footpath link.
The footpath link between plots 4/5 should be gated at the front building line with an 1800mm high lockable gate and the same at the rear, so that this area is secured and under the ownership of these two plots, which prevents any desire lines or stranger access.

Surveillance of parking.
For plots 17 and 18, as noted above, changing the boundary type so this has a 10-15mm spacing between the panels or an 1500mm boundary with spacing and 300mm high trellis may increase surveillance levels into the parking bays of these plots. Plot 18s garden boundary should be taken forward to the pathway line and an inward opening 1800mm high lockable gate located here for immediate access for this plot.

If the boundary line for plot 17 is moved to the end building line of the garage, this would allow a pedestrian access door to be fitted in the rear of the garage for access, which allows an 1800mm high lockable gate access to be located along the front building line (right side) of the dwelling for access. If garages are automated, there should be a press release to open the garage door from the inside.

House types with an undercroft.
Having viewed the house types there are two types Knebworth drive through and Galloway drive through which show an open parking space beneath with a first floor above. Its unclear from the plans where these are located. If this house type remains, it needs to be made clear where it is positioned on the site plan and the space below which is intended for parking should be fully enclosed with an automated garage door to the front, and solid stone wall at the rear.

Public open space.
The areas of public open space should include a good management / maintenance plan. The area shown with the pond should include fencing around this location and planting to prevent any access for children.

External lights.

The access roads, pathways and routes through the open spaces including parking courts should include a good lighting level to increase visibility of these areas

Clean Air Plan

Under the provisions of the Low Emission Strategy planning guidance all major developments are required to provide 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/m3 (the annual average health-based objective is 40ug/m3).

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/m3 for nitrogen

dioxide and 0.12µg/m3 for PM10. 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.

Parks & Greenspaces Development
Whilst it is not possible for Parks & Greenspaces to secure financial contributions through Section 106 Agreements, the proposed development will have a significant impact on the

surrounding facilities due to 112 new residential units and a financial contribution will be sought from the CIL funds to help mitigate these impacts. If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Biodiversity
To be provided verbally.

Lead Local Flood Authority
The LLFA does not have any objections to the proposed development, if flood risk/drainage conditions are included with any grant of planning permission.

Yorkshire Water
If planning permission is to be granted conditions should be attached to protect the local aquatic environment.

The submitted FRA & Surface Water Strategy require amendments but if planning permission is granted the matter can be dealt with via conditions.

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 several 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 several 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 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.

Childrens Services
Overall, 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 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 Children's Services, may be used to expand provision where required to accommodate any additional children.

Transport Planning
The submitted Travel Plan is comprehensive but should include reference to the MCard and the installation of a power point in Each dwelling to charge battery powered cars.

WYCA
To encourage use of sustainable transport the developer needs to fund a package of sustainable travel incentives to encourage use of sustainable modes of transport. The fund to be used to purchase discounted Metrocards. The normal MCard scheme applied as bus only, contribution for this development would be £20,460.

WYAAS
Both an archaeological desk-based assessment and heritage impact statement have been carried out on the application site and a larger parcel of land.

The site lies in an area of archaeological potential with evidence of past activity from the Neolithic and Bronze Ages close to the application site (MWY13537 and 10660). The sites position on a south facing slope above the River Aire would potentially have made it attractive to settlement and other activities thin all periods.

The historic Ordnance Survey map dating to c. 1850s show evidence of long narrow property divisions pointing to cultivation during the medieval period. By this time some enclosure is likely to have taken place and fields defined by a succession of drystone walls and hedges (as recorded south of Hawber Cote Lane EWY7994 where a succession of boundaries and land improvements were recorded). Distinctive field barns are also present in adjacent fields from at least the mid-19th century. The applicant's heritage impact statement identifies these elements of the landscape and their underlying medieval origins.

These recent agricultural uses may mask archaeological evidence of earlier activity. This was the case at Belton Road, Silsden, where an early Bronze Age burial mound and Iron Age landscape were recorded to be overlain by later cultivation and boundaries. We would recommend a programme of archaeological evaluation is carried out in advance of determining the planning application. The applicant's archaeological desk-based assessment also makes this recommendation.

This evaluation would comprise a geophysical survey and the excavation of a number of archaeological evaluation trenches. This should be carried out prior to determining the application.

Following this the WYAAS will be able to make a better determination of the sites potential and recommend an appropriate approach which may range from refusal, a redesign of proposals to permit preservation in situ, preservation by record (an archaeological excavation or record) or no further work.

Should permission be granted then any further necessary work can be secured by an appropriate condition on any consent.

Summary of Main Issues:

Principle of Development
Housing Land Supply
Density
Design & Layout
Effect on Residential Amenity
Highways & Transportation
Affordable Housing
Biodiversity
Impact on Landscape & Trees
Drainage & Flooding
Public Rights of Way
Community Engagement
Other Issues raised by representations

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 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's defined settlement boundary. There are also no other planning or environmental designations covering the site.

In acknowledging that the application site is green field, the NPPF states para.11 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.

As the Local Plan does not currently include allocations, it is para 11d of the NPPF, that is applied in decision taking. Accordingly, there is no clear reason for refusing the application when applying policies in the NPPF, nor would any adverse impacts associated with the proposed development, significantly or demonstrably outweigh the planning and public benefits that would be secured should planning permission be granted.

The benefits of the proposed development include- delivery of 138 new homes (including 28 affordable homes) across a range of house types, sizes and tenures would make a substantive contribution to meeting the District's housing need and five year housing land supply within the context of a chronic and acute shortfall in housing land supply and housing delivery; the delivery of a high-quality development; a range of socio-economic benefits, including the creation of open space and pedestrian/cycle routes, as well as the creation of jobs relating to the construction of the development and increased expenditure for local businesses as a result of new residents living in Silsden.

Policy HO2 of the adopted Core Strategy confirms that housing targets for Bradford District will be met by several sources. Specifically, this includes safeguarded land sites identified in the RUDP. Given the application sites previous safeguarded land allocation, the adopted Core Strategy therefore intends for the application site to form part of CBMDC's housing land supply now. The site's suitability for housing development is also not dependent on the adoption of a Part 2 Plan, which is no longer being advanced by the Council. This is seen to further demonstrates the in-principle support for housing development on the application site.

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

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 statutory policies including the NDP.

Housing Land Supply

Paragraph 60 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 considering 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 normally 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 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.

ii) There are differing housing type needs in Bradford. 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 & Layout

Prior to the submission of the planning application in Summer 2022, the applicant undertook a Design Review of its proposal with Integreat Plus, the then independent design review provider for Yorkshire & the Humber. Design review is recognised in the NPPF as a tool to improve design outcomes in the built environment and can help design teams and local authorities to better achieve the principles set out in the NPPF and the National Design Guide. Through workshops and meetings, the design review process has resulted in several positive changes to the design and layout of the proposed development.

A 3-stage Design Review was carried out during the development of the masterplan proposals as outlined in the following pages. The format of the Design Reviews included conceptual proposals, a Building for a Healthy Life approach and more detailed design work.

The Design Review concluded that the design process and initial approach taken by the project team is commended by the Panel, notably the multi-disciplinary collaboration and the landscape-led nature of the work undertaken so far. Thorough site and contextual analysis has informed the initial design response and the key principles and aspirations for the project are credible and laudable.

Subsequently, the application has been subject to further design and layout amendments requested by statutory consultees including Highways, Landscape, Biodiversity and Trees. No concerns on design & layout have been raised by those consultees and it is considered that the application would accord with policies DS1, DS2, DS4, DS5 of the Core Strategy; policies SWES2 and SWES5 of the Steeton-with- Eastburn & Silsden Neighbourhood Development Plan.

In conclusion the development is of high quality in terms of design and placing making. It would create a strong sense of place and would be appropriate to the surrounding context in terms of layout, scale, design, details, and construction materials. The development would include a permeable network of streets connecting to the existing street and path networks which would be well overlooked and convenient for people to understand and move around. Finally, the development would include new landscape features and open spaces which would be visually attractive and functional with appropriate maintenance and management arrangements. The development is therefore considered to accord with the requirements of policies DS1, DS2, DS3 and DS4 of the Core Strategy and the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document.

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 overlooking or overshadowing of residents.

Highways & Transportation

The application incudes 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 revised to ensure that they are representative of the post-Covid situation. Traffic from several local approved development sites (including the nearby Skipton Properties development) have also 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 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 is demonstrated by the TA, that the Bolton Road site access junction would operate safely, when all 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 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 & 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 would be further enhanced by the 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, bike 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. (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 is safeguarded).

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.

In conclusion, para. 110 of the NPPF requires that in assessing planning applications it should be ensured that:
• appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
• safe and suitable access can be achieved to the site for all users;
• the design of streets, parking areas and other transport elements reflects current national guidance;
• any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the Framework makes clear that 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.

The application provides for a number of opportunities to promote sustainable modes of transport – residential Metrocards; a financial contribution to the Council to assist with the provision of a new pedestrian/cycling bridge across the A629 improving links to Steeton and Silsden railway station and National Cycle Network Route 69 along the Leeds Liverpool Canal towpath; provision of footpath along the Bolton Road Site frontage; provision of a footpath to the south of the Hawber Cote Lane access into the site.

The means of access to the site are safe and suitable to the development and its location. The design of streets, parking and other transport elements reflect current guidance. Any significant impacts on the transport network and highway safety have been acceptably mitigated. The application meets the Core Strategy policies TR1 and TR3.

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 within the supporting Planning Statement, it 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. The application therefore meets the requirements of Policy HO11.

Biodiversity
The site is not designated for its biodiversity value. However, it is within 6km of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) which is also a national statutory designated site, being a Site of Special Scientific Interest (SSSI). The submission is supported by a Preliminary Ecological Appraisal, Ecological Impact Assessment, and a Biodiversity Net Gain Assessment. The information has been reviewed by the Council's Biodiversity Officer who has confirmed that the information assesses the value of the ecological features and the likely impacts appropriately and that adequate mitigation has been recommended where necessary.

The development will introduce new residential properties within 7km of the South Pennine Moors SPA/SAC boundary. A Habitat Regulations Assessment has been carried out and it identifies that there would be likely significant effects arising from the development because of increased recreational pressure on the protected area. The South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document sets outs the necessary mitigation requirements for the recreational impacts of new development. A financial contribution of £52,585 is calculated to mitigate the impact, and

the developer has confirmed that this would be provided via a Section 106 Agreement. It is considered that subject to the conditions and the developer entering into a section 106 agreement to secure mitigation of recreational impacts the development would not result in any adverse biodiversity implications for habitats and species in designated or undesignated sites and the development would deliver substantial net gains for biodiversity. Accordingly, the development is considered to accord with the requirements of policies EN2 and SC8 of the Core Strategy and paragraph 180 of the NPPF and the SPA/SAC Planning Framework Supplementary Planning Document.

Impact on Landscape & Trees

A Landscape and Visual Impact Assessment (LVIA) Addendum was submitted to address comments received by the Council's Landscape Design Officer. The LVIA Addendum included updated viewpoints of the scheme from the area surrounding the application site.

In addition to the LVIA Addendum, the Landscape Masterplan (drawing no. 5937-99-004 LM Rev E) has been revised in response to consultee comments. Overall, the information submitted with the application and the additional LVIA Addendum and Landscape Masterplan submitted has resulted in a scheme that can be supported in terms of impacts on the landscape.

Following several revisions to the layout of the scheme, the layout has been agreed with the Tree Officer who raises no objection subject to conditions.

Drainage & Flooding

Paragraph 167 of the NPPF advises that 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. Development should only be allowed in areas at risk of flooding where in light of this assessment it can be demonstrated that: • 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; • the development is appropriately flood resistant and resilient; • it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; • any residual risk can be safely managed; and • safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 of the Framework sets out the importance of the use of sustainable drainage systems for Major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

At the local level the objectives of the framework are reflected in policy EN7 of the Core Strategy which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is considered.

The LLFA and Yorkshire Water have reviewed the submitted information and confirmed that the proposals outlined in the Drainage Strategy Report are acceptable. A planning condition shall be imposed requiring the submission of details of the finalised foul and surface water drainage arrangements which shall be designed in accordance with the principles outlined in the Drainage Strategy Report. Further conditions shall be imposed to

ensure that the development is drained on separate systems; that no piped discharge will take place until works to provide a satisfactory outfall have been completed.

Through the imposition of planning conditions, the development would be served by acceptable drainage infrastructure based on SuDS principles and suitable maintenance arrangements will be put in place to ensure an acceptable standard of operation for the lifetime of the development. The development is therefore considered to accord with the requirements of policy EN7 of the Core Strategy and paragraphs 167 and 169 of the NPPF.

Public Rights of Way

Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.

In conclusion the development is considered to provide a permeable network of routes across the site whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy.

There is representation in respect of a ‘claimed footpath’. This is at an early stage of the PRoW application process, and there would be an opportunity to divert this footpath if the proposed Order is made.

Community Engagement

The main focus of the applicant’s community engagement process was to undertake a digital consultation event in relation to the development proposals. This approach was to provide residents with an opportunity to:

• Obtain further information about the proposals, without the need to attend a face-to-face exhibition considering the COVID-19 pandemic; and
• Comment on the emerging development scheme.

A leaflet providing details of the consultation website, and the dates between which residents could provide feedback, was distributed to all postal addresses within Silsden on 13th September 2021 to publicise the launch of the website and invite feedback on the proposed scheme. This comprised over 4,200 homes and businesses. A QR included on the leaflet code could be scanned to direct people to the website. A leaflet and letter were also emailed directly to the Local Ward Councillors alongside a covering letter informing them of the proposals and inviting them to take part in the online consultation event. The leaflets were delivered, and the website was available to view from 13th September 2021, with comments to be made by the 4th October 2021.

The consultation website (https://www.boltonroadsilsden.co.uk/) was created to allow members of the public to view and comment on the detailed elements of the proposal online. The website was launched on 13th September 2021 after delivery of the consultation leaflet to all homes and businesses in the Silsden area.

The consultation website provided information on the site’s context and the detailed elements of the scheme (including proposed layout, scale, appearance, material strategy

and accessibility). Plans, visuals, and photos were included to help visualise the revised proposals. The website also provided an online survey through which feedback on the proposals could be made until 4th October 2021.

In the period between the website 'going live' (13th September) and the consultation period ending (4th October), the consultation website was visited by 2,699 different users and a total of 1,044 written responses were received via the online survey. Further visits have been made to the website, which remains live, since this time.

The number of visitors and responses to the consultation are seen to demonstrate that details of the consultation were effectively publicised and resulted in an appropriate level of engagement with the local community.

It is considered that the applicant has undertaken a level of community consultation that is commensurate with the scale of development proposed. The requirements of policy ID7 and the Council's Revised Statement of Community Involvement 2018 – 2023 are therefore met.

Other Matters Raised in Representations

Compliance with the NDP

The SWES Neighbourhood Development Plan (NDP) does not include any land use allocations, proposals or designations that relate specifically to the application site, and Policy SWES1 of the NDP provides in-principle support for housing development on sites within Silsden's settlement boundary, subject to conformity with other statutory policies of the Development Plan. Specifically, Paragraph 5.4 of the Neighbourhood Plan states that: "Given the Green Belt constraints, the NDP will support growth in Steeton with Eastburn and Silsden within the existing settlement boundary, as shown on the Policies Map, and will seek to influence the form and type of new housing development in the area up to 2030."

The application proposals are considered to comply with the policies of the adopted Steeton with Eastburn and Silsden Neighbourhood Development Plan as detailed above, p.20-23.

Site in Green Belt

The application site allocated as safeguarded under Policy UR5 of the RUDP, adopted in 2005. Whilst the safeguarded land allocation was not saved and carried forward when the Core Strategy was adopted in 2017, until the Local Plan is adopted, the site remains unallocated. The site is therefore not located in the Green Belt.

Furthermore, Policy HO2 of the Core Strategy confirms that housing targets will be met by several sources, including former safeguarded land sites in the RUDP. Given the site's previous safeguarded land allocation, the adopted Core Strategy includes such sites to form part of the Council's housing land supply.

(The site remains within the settlement limits of Silsden, as defined by the Steeton with Eastburn & Silsden NDP, there are no other planning or environmental designations covering the site).

Increased flooding and surface water run-off
The submission is supported by a Flood Risk Assessment and Drainage Strategy the details of which have been reviewed by the Lead Local Flood Authority, and Yorkshire Water. No objections have been raised and subject to imposing the recommended conditions the development would not result in increased flooding or surface water run-off.

Loss of greenfield
The Council's evidence base is clear that housing needs across the Bradford District and Silsden cannot be met solely on previously developed land. The Council's most recent Strategic Land Assessment (dated January 2021) identifies that there is only capacity for 212 homes to come forward on previously developed land in Silsden, against a Core Strategy requirement of 1,200 new homes. Therefore, whilst it is acknowledged that there would be the loss of greenfield, the development of brownfield sites alone would not meet the requirement for new homes in the Development Plan.

Impact on highways safety
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, because 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.

The primary site access junction on Bolton Road has been designed to relevant 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 and satisfactorily in the future design year when all the proposed development is built out. The extension of Hawber Cote Drive and provision of a formal turning head will provide a betterment to the operation of the existing local highway network.
The development proposals are suitable to cater for emergency vehicle access.

In conclusion, the proposed measures within Silsden town centre along with the design of the access arrangements at the site would not result in any adverse impact on highway safety. In addition, the provision of a pedestrian/cycle bridge over the A629 would provide a far safer route across the A629, to the benefit of pedestrians and cyclists travelling between the train station and Silsden and beyond.

Transport and connectivity
Several pedestrian/cycle connections will be provided to the application site from Bolton Road, Hawber Cote Drive and Hawber Cote Lane as well as connections to existing Public Rights of Ways (PRoWs). It is also proposed to provide a 2.0m footway along the Bolton Road Site frontage which would benefit both existing residents in Silsden and also residents from the application site.

The existing bus services would be within a short walk of the proposed development, and it is proposed to include a new bus shelter and footway widening at the bus stop.

Accessibility by rail would be further enhanced by the Council's proposals to provide a footbridge over the A629 at the Keighley Road roundabout (for which the proposed development is contributing £100,000 in funding)

Impact on wildlife

Whilst bats have been recorded in the 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.

The Biodiversity Officer is satisfied with the response to previous issues raised, and the inclusion of additional hedgerow planting on and off-site.

Effect on Footpaths
In 2022 the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey base maps as path (um). The application was supported by evidence of use by members of the public. This application, made under the Wildlife and Countryside Act 1981, is currently under further investigation.

Any proposed changes to the public rights of way network would be subject to a separate application and public consultation process. Where objections are received this could result in a public inquiry to resolve. (No development affecting the routes of the footpaths would take place until a diversion/stopping up order has been successfully obtained).

Impact on Hedgerows/Trees
The application has been the subject of consideration by both the Councils Trees Team and Biodiversity Officer. Following revisions to the scheme, the Tree Officer has offered no objection to the proposal subject to conditions. The applicant has agreed to complement the existing hedgerow system with additional hedge planting. This is supported by the Biodiversity Officer.

Lack of school places/Medical & Dental services
In considering the planning application, Childrens Services has confirmed that the proposed development could be accommodated, in terms of providing 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'/dentists, this is a matter for the NHS, not the Council and it is for the NHS to plan for any increased demands on its services.

Options:

The Committee can approve the application as recommended, subject to the completion of a Section 106 Agreement, and conditions included in the recommendation or refuse the application. If the application is refused, reasons for refusal would have to be provided.

Not for publication documents:

None

CIL

Based upon 138 new dwellings, circa £300,000 – £350,000 in CIL payments would be generated to assist with funding improvements to local infrastructure. As Silsden benefits from an adopted Neighbourhood Plan, 25% of the total CIL payments (i.e. circa £75,000 – £87,500) could be allocated directly to the local community.

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; drainage; trees/hedgerows; public rights of way; landscape; 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 Core Strategy policies –

SC1- Overall Approach and Key Spatial Priorities
SC2 - Climate Change and Resource Use
SC3 – Working Together to Make Great Places
SC4- Hierarchy of Settlements
SC5 – Location of Development
SC6 – Green Infrastructure
SC8- Protecting the South Pennine Moors and their Zone of Influence
SC9- Making Great Places
Sub Area Policy AD1 – Airedale
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1-Scale of Housing Required
HO2- Strategic Sources of Supply
HO3 – Distribution of Housing Requirement
HO5- Density of Housing Schemes
HO6- Maximising Use of Previously Developed Land
HO8- Housing Mix
H09-Housing Quality
HO11- Affordable Housing
EN2- Biodiversity and Geodiversity
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS2-Working with the Landscape
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions
ID7 – Community Involvement

Section 106:
Planning Obligations
A Section 106 has been drafted to include the following obligations -

- 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 several 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) 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: 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 because 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.
e.

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: 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: 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.

Appendix C Planning Permission Decision Notice dated 16th April 2024

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Application No: 22/01184/MAF

SEMAFZ

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Persimmon Homes (West Yorkshire) Limited
C/O Lichfields
3rd Floor
15 St Paul's Street
Leeds
LS1 2JG

GRANT OF PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden
Location: Land off Bolton Road Silsden Keighley West Yorkshire
Applicant: Persimmon Homes (West Yorkshire) Limited
Date Application Received: 10 March 2022
Date Application Valid: 10 March 2022

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

CONDITIONS AND ASSOCIATED REASONS:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Plan Type	Plan Reference	Version	Date Received
Location Plan	BRS-2020-007B	B	10th Mar 2022
Proposed Site Plan	SIKL-2021-001	X	19th Oct 2023
Highways Layout Access Arrangements	20142-GA-01	K	19th Oct 2023
Sections	1937	A	8th Jun 2023
Other	PROW	F	8th Jun 2023

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Proposed Floor Plans	AI_MA_END_R21-901		10th Mar 2022
Proposed Elevations	AI_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	BR_MA_END_R21-901		10th Mar 2022
Proposed Elevations	BR_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	BT_MA_DET_R21-901		10th Mar 2022
Proposed Elevations	BT_MA_DET_R21-905		10th Mar 2022
Proposed Floor Plans	BW_MA_DET_DT_R21-901	A	10th Mar 2022
Proposed Elevations	BW_MA_DET_DT_R21-905	A	10th Mar 2022
Proposed Floor Plans	BW_MA_DET_R21-901	A	10th Mar 2022
Proposed Elevations	BW_MA_DET_R21-905	A	10th Mar 2022
Proposed Floor Plans	DA_MA_END_R21-901		10th Mar 2022
Proposed Elevations	DA_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	DP_MA_END_R21-901		10th Mar 2022
Proposed Elevations	DP_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	GA_MA_DT_DET_R21-901	A	10th Mar 2022
Proposed Elevations	GA_MA_DT_DET_R21-905	A	10th Mar 2022
Proposed Floor Plans	GA_MA_SEM_R21-901	A	10th Mar 2022
Proposed Elevations	GA_MA_SEM_R21-905	A	10th Mar 2022
Proposed Floor Plans	KE_MA_END_R21-901		10th Mar 2022
Proposed Elevations	KE_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	KN_MA_END_DT_R21-901		10th Mar 2022
Proposed Elevations	KN_MA_END_DT_R21-905	A	10th Mar 2022
Proposed Floor Plans	KN_MA_END_R21-901		10th Mar 2022
Proposed Elevations	KN_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	SA_MA_END_R21-901		10th Mar 2022
Proposed Elevations	SA_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	SE_MA_DET_R21-901		10th Mar 2022
Proposed Elevations	SE_MA_DET_R21-905	B	10th Mar 2022
Proposed Floor Plans	SH_MA_DET_R21-901	A	10th Mar 2022
Proposed Elevations	SH_MA_DET_R21-905	A	10th Mar 2022
Boundary Treatment	BOUND-01		10th Mar 2022

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Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. Unless otherwise agreed in writing prior to the occupation of the development, a remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including (where necessary) evidence of quality control of imported soil materials and clean cover systems, shall be submitted to and approved in writing by the Local Planning Authority.

In circumstances where the development is carried out in phases, such verification shall be relevant to the phases of the development identified and agreed under the Remediation Strategy.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

4. 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.

5. 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 onsite Habitat Units and 9.54 onsite Hedgerow Units on land identified in Technical Note: LPA Response - Updated Biodiversity Metric Calculation and Outline Management Plan for Offsite Compensation 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.

Description and evaluation of features to be managed and enhanced.
Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans.
Ecological trends and constraints on site that might influence management.
Aims and objectives of management to include Target Biodiversity Units and Condition Criteria.
Appropriate management options for achieving aims and objectives.

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An annual work programme (to cover an initial 5 year period).
Details of the specialist ecological management body or organisation responsible for implementation of the Plan.
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.
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.
The Plan will be reviewed and updated every 5 years and implemented for 30 years.
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.

6. 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:

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) 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.
How the monitoring is funded and the specialist ecological body responsible.
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.

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Reason: To ensure Biodiversity Units are delivered as agreed in the approved Biodiversity Gain Plan for 30 years perpetuity.

7. Lighting Strategy

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.

8. Prior to commencement of the development a Construction Dust Management Plan for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include the recommended mitigation measures in Table 20 Redmore Environmental Air Quality Assessment version 4184r4.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF).

9. 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.

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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.

10. 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) information on the phasing of the construction of the development, including the intended timetable for implementation of the means of access, car parking and servicing arrangements);
ii) 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;
iii) intended hours of construction work, including any works of demolition;
iv) intended hours of delivery of materials;
v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
vi) car parking areas for construction workers, sales staff and customers;
vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
viii) 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;
ix) temporary warning and direction signing on the approaches to the site.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants.

11. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping (reflecting the general principles shown on the Landscape Masterplan reference 5937-99-004 LM Revision E) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

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i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
iii) The extent, types and heights of the means of enclosure to all curtilages.
iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.
v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved 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.

12. Prior to the commencement of development, A Noise Mitigation Strategy (based on Appendix D, SK03 of the submitted Noise Assessment dated 28.01.2022) should be submitted to and approved in writing by the local planning authority.

Reason: To minimise the impact of noise emitted from buildings on neighbouring noise sensitive locations.

13. 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 comprised in the approved landscaping details condition 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 where practicable, 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.

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

14. No development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure archaeological assets are properly accounted for in accordance with policy EN3 of the Local Plan.

15. A methodology for the 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 any materials being brought to site for those purposes.

If required by the Local Planning Authority, a verification report prepared in accordance with the approved quality control methodology shall be submitted to, and approved in writing by the Local Planning Authority on completion of the development.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

16. Prior to the commencement of development other than works of demolition, site clearance and site investigation, a Phase 2 Site Investigation and Risk Assessment to determine the nature and extent of contamination present or suspected on the site, including establishing the vulnerability of the development to ground gases, shall be carried out in accordance with the recommendations of the submitted Phase 1 Preliminary Risk Assessment.

A written report of the findings of that investigation, including a remedial options appraisal scheme, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

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17. If the Phase 2 Site Investigation and Risk Assessment reveal unacceptable risks of harm from contamination to the environment and/or future users of the site, a detailed Remediation Strategy, which removes unacceptable risks from contamination to all identified receptors, shall be submitted to, and approved in writing by the Local Planning Authority.

This Remediation Strategy shall be submitted prior to the commencement of development other than works of demolition site clearance and site investigation and prior to the implementation of any remediation works on the site.

The remediation strategy must include proposals for the verification of remedial works.

Where the proposed development is to be implemented in phases, remediation proposals for clearly identified phases of the development shall be detailed in the remediation strategy, along with details of arrangements for verification of remediation relevant to those phases.

The Remediation Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

Reason for pre-commencement condition: To avoid development that would cause harmful effects to health, the living conditions of future users of the site and the natural environment it is essential that the developer confirms that the risks from contamination can be fully avoided or mitigated before development begins.

18. 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 five 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 land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with policies DS5 and EN8 of the Core Strategy Development Plan Document.

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19. 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.

20. 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.

21. 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.

22. 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.

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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.

23. 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:-

- 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
- 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).
- 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.
- Charging points installed shall be retained thereafter.
- 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).

24. 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.

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25. 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.

26. 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.

27. 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.

28. 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.

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29. 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.

INFORMATIVES:

Informative: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Informative: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". For more information about the application process and fee please go to www.bradford.gov.uk/planning and click on “Apply for

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planning". Works must not commence until the necessary approval(s) have been obtained.

Informative: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk.

Informative: Waste arising from renovation, construction or demolition activities is classed as industrial waste and burning of such waste is not allowed on any site, including domestic premises without permission from the Environment Agency. The council will investigate all such complaints and will take enforcement action if required to ensure such activities cease. As most householders are not aware they are breaking the law when burning such waste officers will visit householders and offer advice on how to dispose of such waste in a responsible and legal manner.

Informative: If any aspect of your proposed works affects existing public footways, public highway, public rights of way, street lighting columns, erection of equipment on the highway or a new vehicular access you must ensure that relevant Highway Legislation and Statutory Notices are complied with and that all relevant fees are paid prior to commencement of your works. Please contact the Network Resilience and Management Team on 01274 437420 or email network.management@bradford.gov.uk

Informative: If your development involves the construction of a new road, a new footway to an existing road or a new public right of way, please contact the Highway Development Control office on 01274 433707 before any building work commences. Please note that Section 38 agreements take 6 -12 weeks to process.

Informative: If your development involves the construction of a new junction, or any alteration of an existing road or footway or street lighting columns, prior agreement (S278) by the Highway Authority is required. Please contact the Highway Development Control office on 01274 433707 before any building work commences. Please note that Section 278 agreements take 12-18 weeks to process.

Informative: In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Local Plan for Bradford policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

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Informative: The development site adjoins a public right of way. This must not be obstructed by any plant, materials or equipment during the development. Any obstruction of the route, including obstruction by the temporary storage of materials or equipment, would constitute an offence under the Highways Act 1980 and may lead to enforcement proceedings.

If building works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. For details, please contact the Council's Transportation and Highways (Network Resilience) team via network.management@bradford.gov.uk

The surface of the footpath should not be disturbed. However, if damage to the public footpath caused by development works does occur, it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section. No new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. Contact rightsofway@bradford.gov.uk.

The requirements of the Equality Act 2010 must also be considered.

If building works remove features that would enable users to find the public right of way, the line of the path must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

For the avoidance of doubt no tree work is approved as part of this consent unless it is strictly necessary to implement the approved development.

The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/

Richard Hollinson

Richard Hollinson, Assistant Director
(Planning, Transportation and Highways)
Department of Place

- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be future-proof.

- Standard charging points for single residential properties should have Mode 3 type 2 capability and meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles. https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-minimum-technical-specification
- Units that provide Mode 1 and/or Mode 2 charging only will not be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

Construction and maintenance activities in or near water have the potential to cause serious pollution or impact on the bed and banks of surface waters and on the quality and quantity of the water. Surface waters include rivers, streams/burns, dry ditches, lakes/lochs, loughs, reservoirs, ponds, canals, estuaries and coastal waters. It is advised that the applicant seeks specialist advice on how to manage the risk of pollution and comply with the law when planning construction, maintenance or other works in, near or over surface waters. This may include but is not restricted to managing silt, concrete and cement, oils and chemicals, maintaining structures over watercourses, waste management and responding to pollution incidents. Causing pollution of a watercourse may result in committing a criminal offence.

Informative: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on “view planning applications”.

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Richard Hollinson

Richard Hollinson, Assistant Director
(Planning, Transportation and Highways)
Department of Place

YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or

- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals can be made online at: https://www.gov.uk/appeal-planning-decision. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

You must send a copy of your appeal to Department of Place, Development Services, Britannia House, Hall Ings, Bradford or planning.appeals@bradford.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

Appendix D ‘Agreed Statement of Facts’ document dated 26th July 2024

OPTIMA
Intelligent Highways Solutions

Bolton Road, Silsden
Proposed Residential Development
S257 PRoW Diversions/Stopping Up – Agreed Statement of Facts

26th July 2024 (Final)

Prepared on behalf of

Persimmon Homes (West Yorkshire) Ltd

Optima Highways and Transportation Consultancy Ltd
Suite 1, 3rd Floor, Goodbard House, Infirmary Street, Leeds LS1 2JP
Tel: 0113 245 1679
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Quality Management

Bolton Road Silsden - S257 PRoW Diversions/Stopping Up – Agreed Statement of Facts Project No: 20142				
File reference	O:\Bolton Road, Silsden\TEXT\REPORTS\240726 S257 ASoF (Final).docx			

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Appendix B CoBMDC Report to the 26th October 2023 Regulatory and Appeals Committee
Appendix C Planning Permission Decision Notice dated 16th April 2024
Appendix D Definitive Map Extract and Statement Information (for PRoW 34, 44 & 45)
Appendix E Photographs of PRoW 34, 44, 45 & Claimed Footpath
Appendix F Claimed Footpath DMMO Application (Council Register Summary, Application Form, Footpath Plan)
Appendix G (not used)
Appendix H Approved Planning 'Site Layout' (Persimmon Drawing No.SIL-2021-001 Rev X)

Appendix I Approved Planning 'PRoW Proposals' (Robinson Landscape Design Drawing No.1937 Silsden Rev F)

Appendix J Previous Revisions of 'PRoW Proposals' Plan (Robinson Landscape Design Drawing No's.1937 Silsden Initial Issue, Rev A, Rev B, Rev C, Rev D and Rev E)

Appendix K Existing Definitive PRoW's 34,44,45 & Claimed Route with Land Titles (Optima Drawing No. 20142/IN/50 Rev A)

Appendix L Proposed Definitive PRoW's 44 & 45 Diversions & Claimed Footpath Stopping Up (Optima Drawing No.20142/IN/52 Rev A)

1. Introduction

1.1.1 This Agreed Statement of Facts (ASoF) document relates to an application by Persimmon Homes (West Yorkshire) Ltd ("Persimmon") pursuant to Section 257 of the Town and Country Planning Act 1990 (TCPA) for the diversion of Public Rights of Way relating to land to the east of Bolton Road, Silsden ('the Site'), which has the benefit of planning permission for residential development.

1.1.2 The development Site, which is bound by the A6034 Bolton Road to the west, Brown Bank Lane to the north, open countryside to the east and Silsden primary school to the south, is shown on Figure 1 as well as the extract in Image 1.1 below.

Image 1.1 Site Boundary & Footpaths

1.1.3 This ASoF sets out the factual matters that have been agreed between City of Bradford Metropolitan District Council (CoBMDC) and Optima Highways (OH) on behalf of Persimmon Homes (West Yorkshire) Ltd. A signed agreement is provided in Chapter 4. Unless stated otherwise, the content of this document is fully agreed between Persimmon and the Council.

1.2 BACKGROUND

1.2.1 Persimmon Homes (West Yorkshire) Ltd submitted a full planning application to CoBMDC in early 2022 for 140 residential dwellings to be constructed on the Site.

1.2.2 The application was supported by a large suite of documents including a Planning Statement (February 2022) prepared by Lichfields, a Design & Access Statement (February 2022) prepared by ID Partnership, a Landscape & Visual Impact Assessment (January 2022) prepared by Robinson Landscape Design and a Transport Assessment (February 2022) prepared by Optima Highways. The application was validated by the Council on the 10th March 2022 and given the reference 22/01184/MAF.

1.2.3 As shown on Figure 1 (and Image 1.1) the Site is crossed by three Public Right of Way (PRoW) footpaths which are recorded on CoBMDC's Definitive Map and Statement, namely Footpath 34, Footpath 44 and Footpath 45.

1.2.4 The Site is also crossed by a claimed footpath route, which extends diagonally between the end of Hawber Cote Drive to the south-west and Footpath 34 to the north-east – as shown on Figure 1 and Image 1.1. This claimed route is the subject of an application for the making of a Definitive Map Modification Order (DMMO).

1.2.5 During the planning application determination period various amendments were made by Persimmon Homes to the proposed development Site layout (including a reduction to 138 dwellings) and the affected PRoW network was amended to reflects the Councils suggestions and comments. The Public Rights of Way Officer provided three Consultation Responses dated 8th April 2022, 13th October 2022 and 31st March 2023 - copies of these are provided in Appendix A.

1.2.6 The planning application was considered at the Council's Regulatory and Appeals Committee on 26th October 2023 with a recommendation that members approve the application subject to the completion of a Section 106 Agreement and planning conditions. The Committee report, a copy of which is provided in Appendix B, identified 'Public Rights of Way' as being one of the main issues to consider (clearly being a material consideration) and included reference to the existing PRoW's 34, 44 and 45 crossing the Site as well as the claimed footpath route. The report concludes under this section that the development Site provides "*a permeable network of routes across the Site, whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy*" (underlining added). The report also confirms that there would be an opportunity to divert the claimed footpath should an Order be made. The full text of this section of the report is replicated below.

> *"Public Rights of Way*
>
> *Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.*

In conclusion the development is considered to provide a permeable network of routes across the site whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy.

There is representation in respect of a 'claimed footpath'. This is at an early stage of the PRoW application process, and there would be an opportunity to divert this footpath if the proposed Order is made."

1.2.7 The resolution of the Committee was to accept the Officer recommendation and approve the planning application subject to the completion of a Section 106 Agreement. A copy of the subsequent CoBMDC Decision Notice dated 16th April 2024 confirming the grant of planning permission subject to a S106 and setting out the associated conditions, is contained in Appendix C.

2. Existing Public Rights of Way

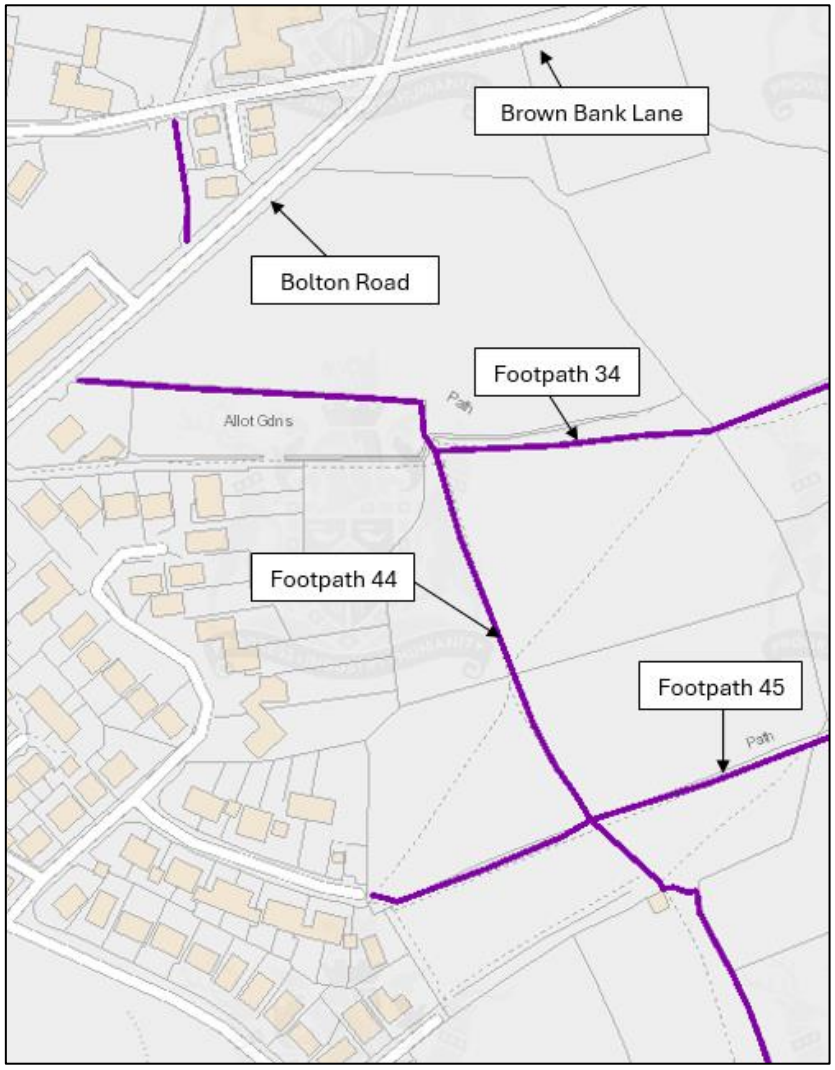
2.1 EXISTING DEFINITIVE PUBLIC RIGHTS OF WAY

2.1.1 CoBMDC are responsible for keeping and updating the official legal record of the Public Rights of Way (PRoW) across the authority area. These legal records are known as the Definitive Map, which shows the location of the PRoW, and the Definitive Statement, which records various key details of the PRoW such as its status, route description, width, length and surfacing.

2.1.2 The Council also produce and maintain an 'online' map which represents a digitised version of the Definitive Map. An extract of the online map (annotated to reference the PRoW's) is provided in Image 2.1 showing the existing PRoW Footpaths 34, 44 and 45 which cross the development Site.

2.1.3 The original Definitive Map has been observed (copy in Appendix D) and it is agreed that the online version is reflective of the Definitive Map and satisfactorily represents the location and alignment of the existing PRoW Footpaths 34, 44 and 45.

Image 2.1 Extract from Council online PRoW Map



2.1.4 The key details of the overall lengths of Footpaths 34, 44 and 45, as described in the Definitive Statement, have been provided by CoBMDC. A copy of this information is contained in

Appendix D and with respect to the sections of the PRoW's that cross the development Site, the surfacing and widths are defined as follows:

- **PRoW Footpath 34** – nature of surfacing described as '**arable land'** and the approximate width of the route is given as **1.2m**;
- **PRoW Footpath 44** – nature of surfacing described as '**grass'** and the approximate width of the route is given as **1.2m**; and
- **PRoW Footpath 45** – nature of surfacing described as '**arable land'** and the approximate width of the route is given as **1.2m**.

2.1.5 All three PRoW Footpaths have been walked and photographed in March 2024 and a copy of the representative photographs is provided in Appendix E.

2.1.6 The routes within the development Site are described below:

Public Right of Way Footpath 34

2.1.7 Footpath 34 extends from Bolton Road in the west, past a cluster of allotments, before entering the development Site via a wooden gate (see Photo 5 in Appendix E). The route continues east through the development Site to a narrow gap in the wall at the boundary (see Photo 2), beyond which it retains its uphill easterly course towards Swartha Lane.

2.1.8 Footpath 34 forms a section of the 'Millennium Way' walking route which is a 45 mile circular walk within the Bradford district, which was created as a concept by a group of Countryside Service volunteers to commemorate the millennium.

2.1.9 Within the development Site PRoW Footpath 34:

- Extends over a horizontal distance of some 125m – as shown on Figure 2 and the extract in Image 2.2;
- Falls east to west with an average gradient of 1 in 19 (5.2%) – calculation shown on Figure 2 and the extract in Image 2.2;
- Has a grassed surface (see Photos 3 and 4 in Appendix E and replicated in Image 2.3), which is in generally good condition over most of its length (aside from at the gates at either end which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement clarifies that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections at either end subject to the time of year; and
- Is not lit.

Image 2.2 Existing PRoW/Footpath Gradients within Site

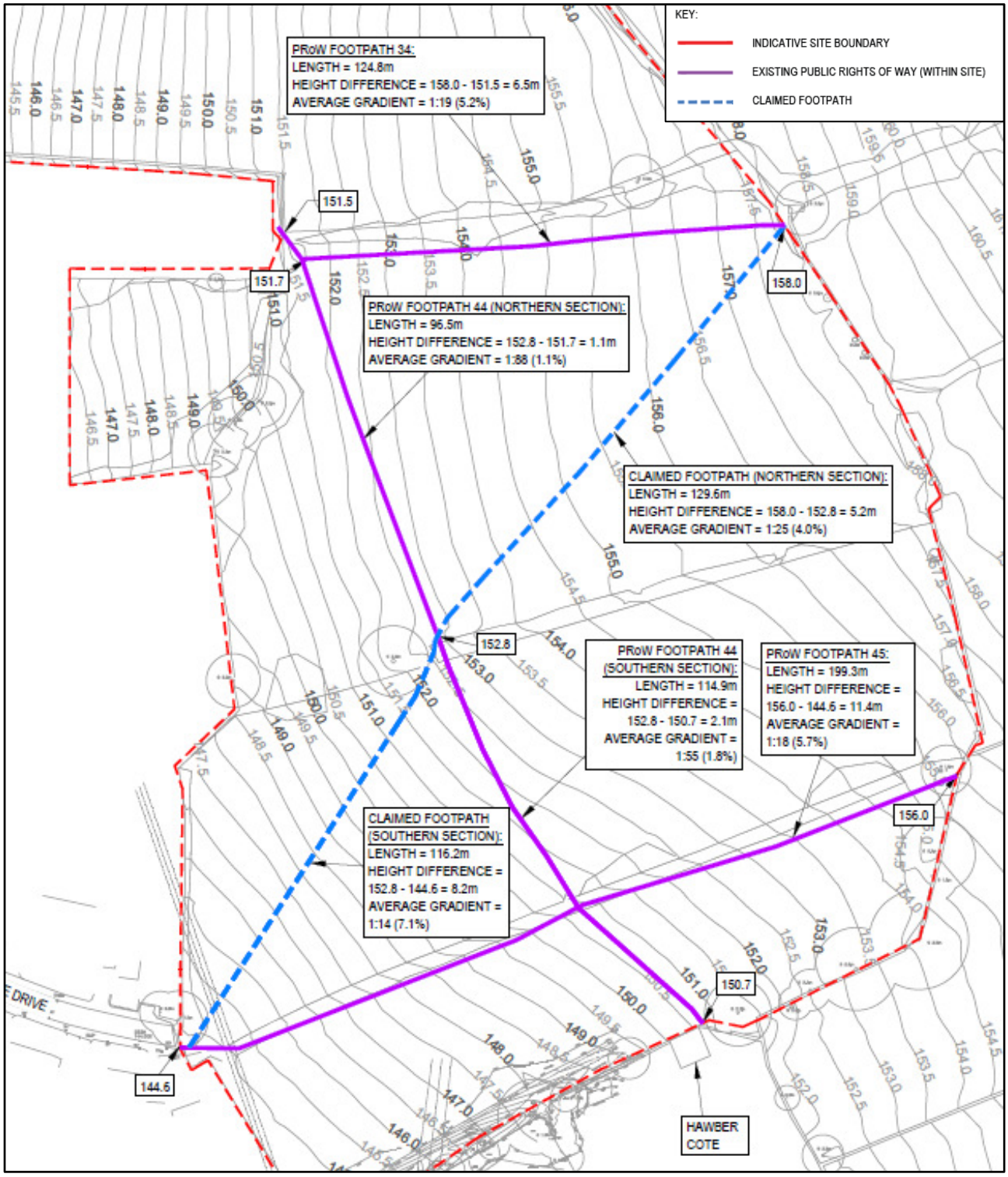


Image 2.3 PRoW Footpath 34 within Site (Left Photo: Looking West to Footpath 44 & Gate by Allotments / Right Photo: Looking East towards Development Site boundary)

Public Right of Way Footpath 44

2.1.10 Footpath 44 extends from PRoW 34 (close to the gate adjacent to the allotments on the western boundary of the Site) in a general south/south-easterly direction to meet the southern boundary of the development Site adjacent to the existing Hawber Cote building (as shown on Figure 2) where access is provided to the rear of Silsden Primary School car park via a metal gate (see Photo 24 in Appendix E). The route then continues in a south easterly direction alongside the rear of the primary school and on to connect with Hawber Lane.

2.1.11 Within the development Site PRoW Footpath 44:

- Extends over a horizontal distance of some 211m – as shown on Figure 2 and the extract in Image 2.2;
- Is generally flat, broadly following the contours of the land, in particular within the northern section (between Footpath 34 and the first hedge line) where the average gradient is 1 in 88 (1.1%). The southern section (between the hedge line and the Hawber Cote building) falls very gradually from north to south with an average gradient of 1 in 55 (1.8%). The gradient calculations are shown on Figure 2 as well as the extract in Image 2.2;
- Has a grassed surface (see Image 2.4 and photos in Appendix E), which is in generally good condition over most of its length (aside from at the gates/stiles which can be muddy at certain times of the year);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement clarifies that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate any muddy sections at gates/stiles subject to the time of year; and
- Is not lit.

Image 2.4 PRoW Footpath 44 within Site (Left Photo: Northern Section - Looking North to Footpath 34 & Gate by Allotments / Right Photo: Southern Section - Looking South to Hawber Cote Building)

Public Right of Way Footpath 45

2.1.12 Footpath 45 commences at the end of Hawber Cote Drive on the western boundary of the Site (see Photo 28 of stile in Appendix E) and extends in a north-easterly direction through the development Site to a kissing gate on the eastern boundary (see Photo 36), beyond which it retains its uphill easterly course to reach Hawber Lane at a bend in the road where it becomes known as Swartha Lane.

2.1.13 Within the development Site PRoW Footpath 45:

- Extends over a horizontal distance of some 199m – as shown on Figure 2 and the extract in Image 2.2;
- Falls east to west with an average gradient of 1 in 18 (5.7%) – calculation shown on Figure 2 and the extract in Image 2.2;
- Has a grassed surface (see Image 2.5 and photos in Appendix E), which is in generally good condition over most of its length (aside from at the gates at either end which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. Whilst the PRoW does not have a visible width on the ground the Definitive Statement clarifies that its width is 1.2m;
- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections at either end subject to the time of year; and
- Is not lit.

Image 2.5 PRoW Footpath 45 within Site (Left Photo: Looking West towards Hawber Cote Drive/ Right Photo: Looking East to Development Site Boundary)

2.2 CLAIMED FOOTPATH

2.2.1 The claimed footpath route extends diagonally across the development Site from the end of Hawber Cote Drive (and the commencement of PRoW Footpath 45) to the south-west and the point where PRoW Footpath 34 crosses the eastern boundary of the Site to the north-east – as indicated on Figure 1 and Image 1.1.

2.2.2 In July 2022 a Definitive Map Modification Order (DMMO) application was submitted to CoBMDC requesting that the claimed route be recognised as a PRoW and recorded on the Definitive Map'. The application is listed on the Council's Section 53B Register (File Ref: 66660/T75) as required by the Wildlife and Countryside Act 1981. Details of the submitted documents (application form and a plan) are provided in Appendix F.

2.2.3 Within the centre of the Site the route marked in red on the DMMO application plan (contained in Appendix F) has a slight variance from the path (um) shown in black on the Ordnance Survey base map. Taking into account the user evidence forms submitted in support of the DMMO application it is agreed that the alignment of the claimed route should follow the path (um) shown in black on the Ordnance Survey base map used for the application plan.

2.2.4 Within the development Site the claimed footpath:

- Extends over a horizontal distance of some 246m – as shown on Figure 2 and the extract in Image 2.2;
- Falls north-east to south-west with an average gradient of 1 in 25 (4.0%) within the northern section (between Footpath 34 and the first hedge line), steepening slightly in the southern section (between the hedge line and Hawber Cote Drive) to an average gradient of 1 in 14 (7.1%). The gradient calculations are shown on Figure 2 as well as the extract in Image 2.2;
- Has a grassed surface (see Image 2.6 and photos in Appendix E and replicated in Image 2.6), which is in generally good condition over most of its length (aside from at the gate/stile areas which were muddy);
- Doesn't have a visible 'width' but its alignment is apparent from the slightly more worn grass. The DMMO application does not make reference to a width;

- Is very walkable and accessible, just requiring appropriate footwear to navigate the muddy sections subject to the time of year; and
- Is not lit.

2.2.5 It is agreed that the claimed route is considered, on the balance of probabilities, to be an existing public right of way (albeit not recorded on the Definitive Map and Statement).

Image 2.6 Claimed Footpath within Site (Left Photo: Northern Section - Looking North-East towards Footpath 34 on Site Boundary / Right Photo: Southern Section - Looking South-West to Hawber Cote Drive)

3. Proposed Public Rights of Way Diversions/Stopping Up

3.1 PROW LEGISLATION

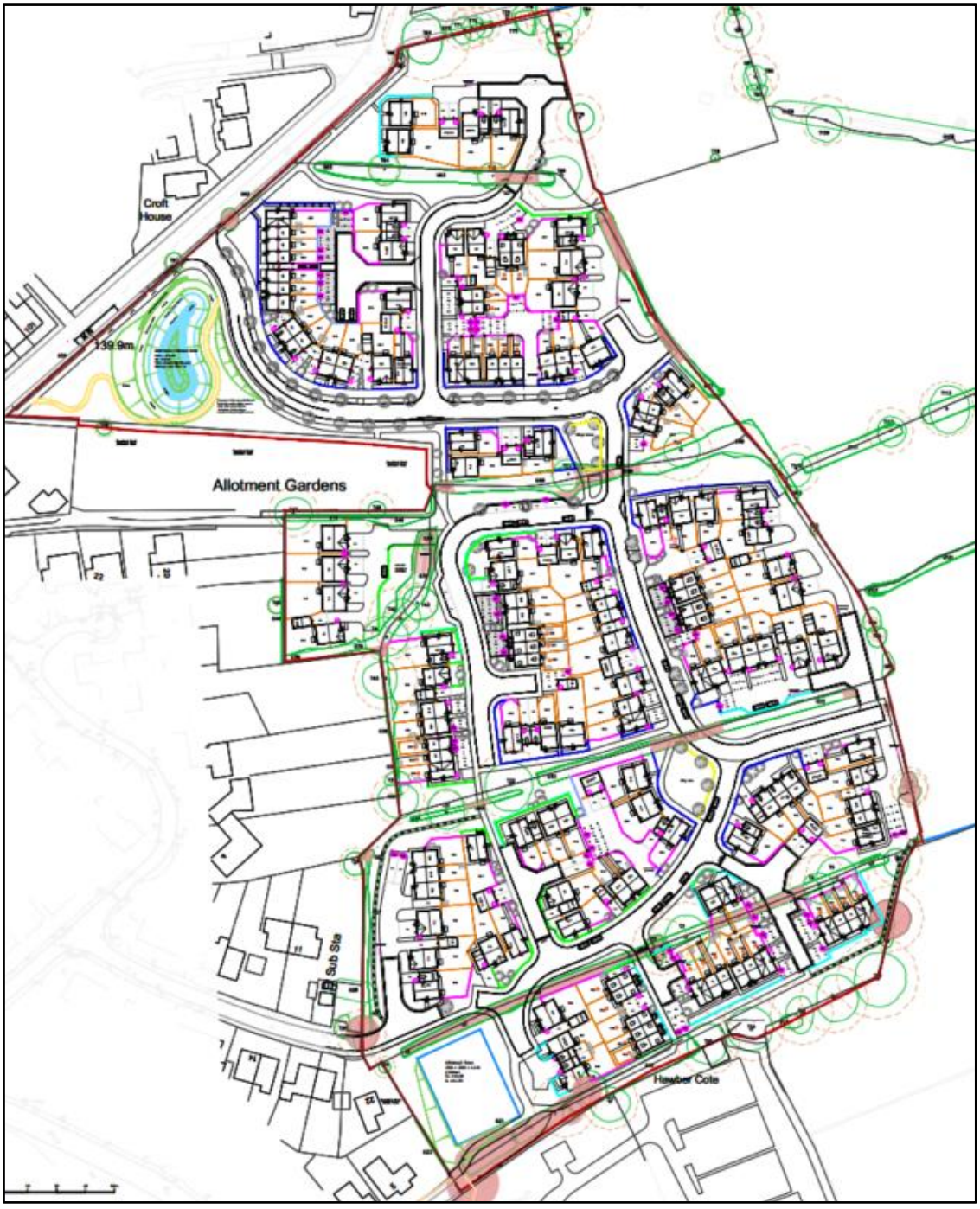
3.1.1 Section 257 of the Town and Country Planning Act 1990 (TCPA), alongside Schedule 14 of the same, provides that a competent authority (Local Planning Authority or the Secretary of State) may, by order, authorise the stopping up or diversion of any footpath (as is the case here), bridleway or restricted byway. This is subject to the authority being satisfied that it is necessary to do so.

3.1.2 In this case the LPA who has the power to make the proposed S257 Public Path Diversion Order (PPDO) is CoBMDC. It is agreed with CoBMDC that it is necessary to divert the existing PRoW Footpaths 44 and 45 and stop-up the claimed footpath that runs diagonally through the Site, in order to enable development to be carried out in accordance with the granted planning permission.

3.2 APPROVED DEVELOPMENT PLANS

3.2.1 A copy of the approved Site Layout drawing prepared by Persimmon Homes is contained in Appendix H and an extract is provided in Image 3.1.

Image 3.1 Approved Planning Site Layout



3.2.2 During the course of the determination of the planning application (and as requested by the Council PRoW Officer in the 8th April 2022 consultation response) a 'PRoW Proposals' drawing was prepared by Robinson Landscape Design. As well as identifying the existing and proposed PRoW/Footpath routes, this drawing also indicated a proposed 'Perimeter Walk' route around the Site. In response to the Council's PRoW Officer request in the 8th April 2022 consultation, the drawing also proposed that an approximate 120m length of PRoW Footpath 34 (part of the Millennium Way walk) that runs adjacent to the Site boundary and existing allotments, is re-surfaced. The final version of this drawing (Revision F), which is also listed on the Decision Notice as an approved plan, is contained in Appendix I and an extract provided in Image 3.2.

Image 3.2 Approved Planning PRoW Proposals Plan

3.2.3 The PRoW Proposals drawing shown in Image 3.2 was subject to various amendments through the planning process in response to comments received from the Council's PRoW Officer as well as to reflect any revisions to the overall development layout. A copy of the drawing revisions is provided in Appendix J and a brief summary of the amendments to each is provided in Table 3.1

Table 3.1 PRoW Proposals Plan Revision Changes

Drawing Revision	Drawing Amendments	Comments
Initial Issue to Revision A	• Small diversion to PRoW 34 removed • Part of PRoW 44 diversion (and proposed perimeter walking route pushed around boundary through the green space • Diversion of claimed footpath route removed	• Small diversion to PRoW 34 removed in response to 13th October 2022 Council PRoW Consultation • Part of PRoW 44 diversion re-aligned through green space removed in response to 8th April 2022 Council PRoW Consultation
Revision A to Revision B	• Alignment of claimed footpath route added	• Alignment of claimed footpath added in response to 13th October 2022 Council PRoW Consultation
Revision B to Revision C	• Minor alteration to diversion routes to align with new scheme layout	-
Revision C to Revision D	• Change to Perimeter Walking route (removal of sections on eastern and northern boundaries	-
Revision D to Revision E	• Note on surfacing detail added for existing retained areas of PRoW and proposed diverted areas	• Surfacing detail note added in response to 13th October 2022 Council PRoW Consultation
Revision E to Revision F	• Updated/final scheme layout shown	• Final version and listed as approved plan on Planning Permission Decision Notice

3.2.4 In accordance with the approved drawings, and to enable the implementation of the planning permission to be carried out, it is necessary to divert the existing PRoW Footpaths 44 and 45 as well as to stop-up the claimed footpath that runs diagonally through the Site. These are described in detail further below.

3.2.5 It is proposed to keep PRoW Footpath 34 on its existing alignment through the Site thereby retaining the view of the existing hedge on its northern side. No diversion is therefore proposed for this route.

3.2.6 Footpath 34 through the Site will be widened to 2.0m and its surfacing shall consist of self-binding crushed limestone. Where PRoW Footpath 34 crosses the proposed residential access road, new footpath signposts will be provided.

3.3 PROPOSED PUBLIC PATH DIVERSION & STOPPING UP ORDER APPLICATION

3.3.1 It is proposed that CoBMDC makes a Public Path Diversion & Stopping Up Order (PPDO) pursuant to Section 257 of the Town and Country Planning Act 1990 (TCPA) for the diversion of the existing PRoW's 44 and 45 through the Site as well as the stopping up of the whole width of the claimed footpath crossing the Site. Such diversions/closures are necessary to enable the development to be carried out in accordance with the planning permission.

3.3.2 The PPDO application will be supported by:

- The plan in Appendix K which show the alignment of the existing PRoW's 44 and 45 through the development Site and the claimed footpath, overlaid on the land ownership titles. The drawings show that the affected routes fall under one landowner's title (Winstanley); and

- The plan in Appendix L overlays the consented development layout and shows the proposed diversion routes through the Site for PRoW's 44 and 45 as well as the claimed footpath stopping up. The PRoW 44 and 45 diversions effectively both have a 'closure' element for the existing route and a 'creation' element for the proposed new route. The whole width of the claimed route will be stopped up.

3.3.3 A summary of the proposed diversions and comparison with the existing routes is provided in Table 3.2 and illustrated on the drawing in Appendix L.

Table 3.2 Proposed Diversion Route Comparison

		Route Ref*	Length (m)*	Walking Time**	Height Difference (m)	Avg. Gradient Over Length	Width* ** (m)	Surfacing	Unlit / Lit
PRoW Footpath 44	**Proposed Closure**	A – B	198.7	2min 30s	1.0	1:199 (0.5%)	1.2	Grass	Unlit
	Proposed Creation/Diversion *(Change)*	A – C – B	357.8 *(+159.1)*	4min 30s *(+2mins)*	1.0	1:358 (0.3%)	2.0	Self-binding crushed limestone & bitumen	Partly lit
PRoW Footpath 45	**Proposed Closure**	C – D	186.2	2min 20s	10.9	1:17 (5.9%)	1.2	Grass	Unlit
	Proposed Creation/Diversion *(Change)*	C – B – D	231.8 *(+45.6)*	2min 55s *(+35s)*	10.9	1:21 (4.7%)	2.0	Self-binding crushed limestone & bitumen	Partly lit
Claimed Footpath	**Proposed Stopping Up**	E – F	245.9	3mins	13.3	1:18 (5.4%)	1.2	Grass	Unlit
	Overall Replacement Route (for comparison) *(Change)*	E – C – A - F	349.6 *(+103.7)*	4min 25s *(+1min 25s)*	13.3	1:26 (3.8%)	2.0	Self-binding crushed limestone & bitumen	Partly lit

* See Optima Drawing No. 20142/IN/52 in Appendix L

** Average walking time on 'average' route based on typical pedestrian speed of 400m in 5 mins i.e. 80m per minute as advised in 'Providing for Journeys on Foot' (rounded to nearest 5 sec)

*** 1.2m existing widths as confirmed in PRoW Definitive Statement

3.3.4 As shown in Table 3.2 in the context of the recreational nature of the routes, the additional walking distances and times for the diversion/alternative roues are relatively short and are not materially less convenient/disadvantageous. Furthermore, the alternative routes are more useable throughout the year.

4. Signatures to Agreed Statement of Facts

4.1.1 The information within this document has been agreed between City of Bradford Metropolitan District Council (CoBMDC) acting as the Local Planning Authority (LPA) and Optima Highways (OH) acting on behalf of Persimmon Homes (West Yorkshire) Ltd.

Signed on behalf of the Local Planning Authority by:	.....
	Fiona Plane
Date:	..... 26th July 2024 .....
Position:	**Area Rights of Way Officer (City of Bradford Metropolitan District Council)**

Signed on behalf of Persimmon Homes (West Yorkshire) Ltd by:	.....
	Philip M Owen
Date:	..... 26th July 2024 .....
Position:	**Managing Director (Optima Highways)**

Figures

Key

- Indicative Development Site Boundary
- Existing Public Right of Way Footpath (as shown on definitive map)
- Claimed Footpath

Bolton Road
Brown Bank Lane
Brown Bank La
Bolton Road
North Street
Bolton Road
Bolton Drive
Breakmoor
Footpath 33
Footpath 34
Footpath 34
Footpath 34
A6034
Footpath 44
Footpath 33
Swartha Lane
Banklands Avenue
Driver Terrace
Hawber Cote Drive
Hawber Lane
Footpath 45
Footpath 44
Footpath 45
Banklands Lane
Silsden Primary School
Hawber Cote Lane
Hawber Lane
Silsden
Esri Community Maps Contributors, Esri UK, Esri, TomTom, Garmin, Foursquare, GeoTechno

TITLE

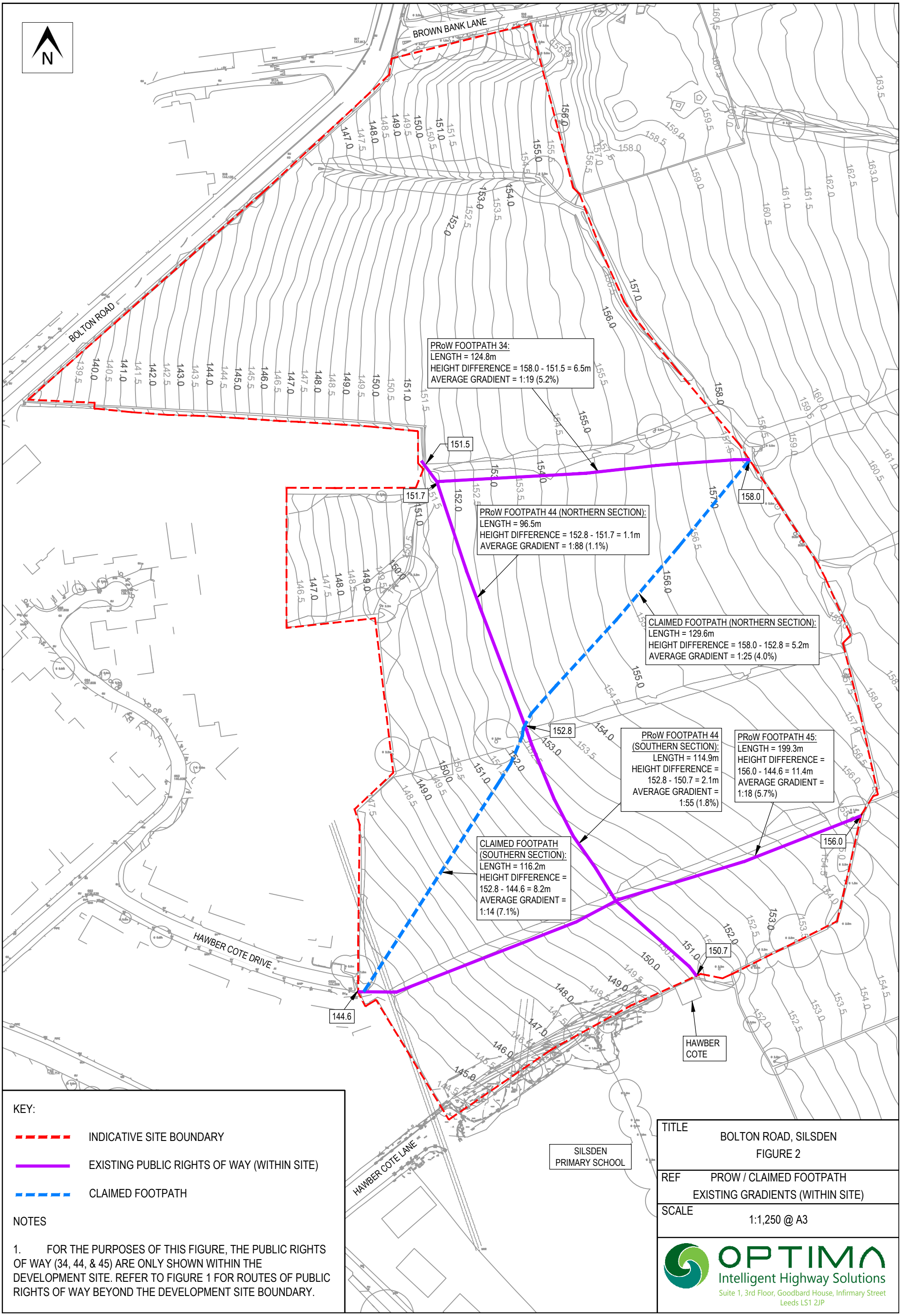
Bolton Road, Silsden
Proposed Residential Development Site
Existing Public Rights of Way & Claimed Footpath

SCALE @ A3: 1:2,000

FIGURE 1

OPTIMA
Intelligent Highways Solutions
Suite 1, 3rd Floor
Goodbard House
Infirmary Street, Leeds
Tel: 0113 245 1679
Fax: 0113 245 9042

Path: O:\Bolton Road, Silsden\DRAWINGS\GIS\ARCEDITOR\Bolton Road, Silsden - Footpath Plan.aprx


N
BROWN BANK LANE
BOLTON ROAD
HAWBER COTE DRIVE
HAWBER COTE LANE
SILSDEN PRIMARY SCHOOL
HAWBER COTE
PRoW FOOTPATH 34:
LENGTH = 124.8m
HEIGHT DIFFERENCE = 158.0 - 151.5 = 6.5m
AVERAGE GRADIENT = 1:19 (5.2%)
151.5
151.7
158.0
PRoW FOOTPATH 44 (NORTHERN SECTION):
LENGTH = 96.5m
HEIGHT DIFFERENCE = 152.8 - 151.7 = 1.1m
AVERAGE GRADIENT = 1:88 (1.1%)
CLAIMED FOOTPATH (NORTHERN SECTION):
LENGTH = 129.6m
HEIGHT DIFFERENCE = 158.0 - 152.8 = 5.2m
AVERAGE GRADIENT = 1:25 (4.0%)
152.8
PRoW FOOTPATH 44 (SOUTHERN SECTION):
LENGTH = 114.9m
HEIGHT DIFFERENCE = 152.8 - 150.7 = 2.1m
AVERAGE GRADIENT = 1:55 (1.8%)
PRoW FOOTPATH 45:
LENGTH = 199.3m
HEIGHT DIFFERENCE = 156.0 - 144.6 = 11.4m
AVERAGE GRADIENT = 1:18 (5.7%)
156.0
CLAIMED FOOTPATH (SOUTHERN SECTION):
LENGTH = 116.2m
HEIGHT DIFFERENCE = 152.8 - 144.6 = 8.2m
AVERAGE GRADIENT = 1:14 (7.1%)
150.7
144.6
KEY:
INDICATIVE SITE BOUNDARY
EXISTING PUBLIC RIGHTS OF WAY (WITHIN SITE)
CLAIMED FOOTPATH
NOTES
1. FOR THE PURPOSES OF THIS FIGURE, THE PUBLIC RIGHTS OF WAY (34, 44, & 45) ARE ONLY SHOWN WITHIN THE DEVELOPMENT SITE. REFER TO FIGURE 1 FOR ROUTES OF PUBLIC RIGHTS OF WAY BEYOND THE DEVELOPMENT SITE BOUNDARY.
TITLE
BOLTON ROAD, SILSDEN
FIGURE 2
REF
PROW / CLAIMED FOOTPATH
EXISTING GRADIENTS (WITHIN SITE)
SCALE
1:1,250 @ A3
OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP

Appendices

Appendix A CoBMDC PRoW Officer Consultation Responses (dated 8th April 2022, 13th October 2022 and 31st March 2023)

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major DevelopmentTeam
Development Services
Britannia House

Your Ref: 22/01184/MAF

8 April 2022

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for your memo requesting our observations on the above planning application.

Public Footpaths No. 34, 44 and 45 (Silsden) cross the site, as referred to within the submitted documents. Public Footpath No. 34 Silsden runs from Bolton Road, adjacent to the allotment gardens then through the site running east, to the south of an existing hedge. The Millennium Way, shown on Ordnance Survey maps as a promoted route, runs through the site following this footpath. Public Footpath No. 44 Silsden runs from Silsden 34 near the allotment gardens in a south easterly direction to the edge of the site adjacent to Hawber Cote. Public Footpath No 45 Silsden runs from Hawber Cote Drive in a north easterly direction to Hawber Lane, this footpath runs to the south side of an existing hedge line, two self-guided walks promoted via the Council's website follow the route of this public footpath. All the recorded public footpaths are very well used and form links to the wider countryside beyond the development site.

There are also a number of unrecorded routes, which are marked on the Ordnance Survey basemaps as path (um), these appear to have been used by the public for many years and could potentially be claimed as public rights of way.

The Council has received a request for the surface of the section of public Footpath No. 34 Silsden adjacent to the allotments to be improved as it becomes muddy during the winter. The developer should be required to carry out suitable improvements to this footpath as part of the development.

The submitted documents refer to the route of the Millennium Way being retained and makes various comments about the other footpath routes being incorporated or diverted. In order to be able to fully assess the impact of the development on the public rights of way the developer must supply a plan which clearly identifies both the existing routes of the recorded public rights of way and the intended diversions – the layout plan and various

diagrams and descriptions contained in other documents are not clear enough to be certain of these. I will make some general comments but will need to see more detailed plans before I can comment fully.

The 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.

The Landscape and Visual Impact Assessment refers to Footpath 34 Silsden running partially on a grass verge and partially on a pavement to the south of the retained hedge. I note that the footpath will retain the view of the hedge and wildflower planting to the side but the section on the pavement is not ideal, ideally this popular promoted route should be retained in a green corridor segregated from vehicles.

The Landscape and Visual Impact Assessment refers to Footpath 45 Silsden being crossed by three roads, running adjacent to the north side of the retained hedge and being along pavements. The existing path runs to the south side of the hedge so a legal order would be required to divert the footpath to the north of the hedge. At least one of the diagrams seems to show this footpath leaving the site at a different point on the eastern boundary to the existing path, appearing to sever the link with the wider path network, the intended route of this footpath must be clarified.

Footpath 44 Silsden appears to be the worst affected of the public rights of way crossing the site given the intention is to divert this path almost entirely on to pavements.

Government advice in Rights of Way Circular 1/09 makes it clear that where it is necessary to divert a footpath to accommodate development the alternative alignment should avoid the use of estate roads wherever possible. Preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

As the developer will be aware any proposed changes to the footpath network will be subject to separate public consultation processes, which may attract objections from the public and require a public inquiry to resolve. Diversion orders are not guaranteed to be successful, particularly if the alternative routes do not meet accepted guidance. If the paths are not successfully diverted the layout would need to accommodate them on their existing recorded routes. No development affecting the routes of the footpaths should take place until a diversion order has been successfully obtained.

If planning permission is granted, please ensure that the applicant is made aware of the need to adhere to the following standard requirements during the period of any works on site:

- The affected public footpaths must not be obstructed by any plant, materials or equipment. Any obstruction of the route constitutes an offence under the Highways Act 1980 and will be pursued accordingly.

- If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact network.management@bradford.gov.uk for details.

- Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Equality Act 2010 must also be considered.

- If work alongside the public footpaths presents a danger to path users, the affected section should be fenced off with safety netting

- The surface of the footpaths should not be disturbed, however, if damage to the public footpaths is caused by development works it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way these must be approved, in advance, by the Rights of Way Section.

- Throughout the period of development, the line of the footpaths must be indicated on site. If building works remove features that would enable users to find the footpath the line of the footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

Thank you for consulting us about this proposal.

Yours sincerely

Fiona Plane
Rights of Way Officer

Find address or place
404586 446826 Meters
© Bluesky International Ltd. & Getmapping Plc.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major Development Team
Development Services
Britannia House

Your Ref: 22/01184/MAF

13 October 2022

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for requesting our further observations on the public rights of way proposals recently submitted in support of the above planning application.

As noted in my earlier comments (April 2022) the site is crossed by Public Footpaths No. 34, 44 and 45 (Silsden) all well used and forming links to the wider countryside beyond the development site. The promoted route the Millennium Way runs through the site along Footpath 34. The paths are all identified on the PROW Proposals drawing.

In July the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey basemaps as path (um). The application was supported by evidence of use by members of the public. Attached is a copy of the plan which accompanied this application, made under the Wildlife and Countryside Act 1981. This application is currently in a queue awaiting further investigation. The end points of this claimed footpath are marked on the PROW Proposals drawing with blue dots.

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 the developer will be aware 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. The Rights of Way Section can supply the application packs for the legal orders. Stopping up and diversion orders are not guaranteed to be successful, particularly if the alternative routes do not meet accepted guidance. If the paths are not successfully diverted/stopped up the layout would need to accommodate them on their existing recorded routes. No development affecting the routes of the footpaths should take place until a diversion/stopping up order has been successfully obtained.

Government advice in Rights of Way Circular 1/09 makes it clear that where it is necessary to divert a footpath to accommodate development the alternative alignment should avoid the use of estate roads wherever possible. Preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

Footpath 34 (Silsden) The Millennium Way
I note the section of path adjacent to the allotments has been marked 'resurfaced section of Millennium Way in response to my request that this section should be improved as part of the development.

I note that the path across the site is to be maintained for the most part as a mown path through green space, retaining the view of the hedge and wildflower planting to the side.

The PROW proposals suggest the path is to be diverted where it crosses the estate road but it is not clear that this suggested diversion to the recorded route will be justifiable under the Town and Country Planning Act.

Public Footpath 44 (Silsden)
Footpath 44 Silsden appears to be the worst affected of the recorded public rights of way crossing the site given the intention is to divert this path almost entirely on to pavements, which does not meet the advice in Circular 1/09. As the alternative route is almost entirely on estate footways this would be processed as a stopping up under the Town and Country Planning Act rather than a diversion, this may be more likely to attract objections than a diversion.

I note that a clear connection is now shown to the continuation of this route to the south adjacent to the school site.

Public Footpath 45 (Silsden)
The PROW Proposals show a different diversion route to the earlier proposals taking the alternative route mainly through areas of green space as a mown path, rather than along estate footways. The required legal order for this could be processed as a diversion of the route.

I would like more detail of the route and information on the proposed width of the mown path. There appears to be a pinch point at the edge of plot 124 where there does not seem to be adequate space between the boundary of the plot and the site for the footpath to run.

Claimed footpath from Hawber Cote Drive
The claimed path is not accommodated within the layout. The PROW Proposals show that walkers would be expected to use part of Footpath Silsden 34 and part of the proposed diversion route of Footpath Silsden 44 as well as a section of estate footway/road as an

alternative to the claimed footpath. The legal order required to achieve this would be considered to be a stopping up rather than a diversion.

Generally, I note that the sections of path proposed to run through green spaces appear in the main to be overlooked by houses giving natural surveillance of the areas.

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.

I note the PROW Proposals plan shows a proposed perimeter walk for the site, partly on estate footways and partly on paths through areas of green space. If this is well maintained it could form a useful amenity for the site. More details of the proposed maintenance regime for the green spaces and the mown paths within them would be useful.

I note the footways through the site will give pedestrian access to the primary school site which will hopefully encourage residents to walk to school.

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 response during the period of any works on site.

Thank you for consulting us about this proposal.

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Memo

To: **Stewart Currie**
Major Development Team
Development Services
Britannia House

Your Ref: 22/01184/MAF

31 March 2023

Department of Place

Rights of Way
4th Floor
Britannia House
Bradford
BD1 1HX

From: **Fiona Plane**

Tel: **(01274) 431018**
E-Mail: fiona.plane@bradford.gov.uk
My Ref: TDP/66680T20/SIL34/44/45/FMP

Planning Application No: 22/01184/MAF Development of residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road on Land Off Bolton Road, Silsden, Keighley

Thank you for requesting our further observations on the revised public rights of way proposals (Revision D) recently submitted in support of the above planning application.

As noted in my earlier comments (April and October2022) the site is crossed by Public Footpaths No. 34, 44 and 45 (Silsden) all well used and forming links to the wider countryside beyond the development site. The promoted route the Millennium Way runs through the site along Footpath 34.

In July 2022 the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey basemaps as path (um). This application is currently in a queue awaiting further investigation. The claimed footpath is marked on the PROW Proposals drawing with a blue line but not labelled or otherwise referred to.

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.

<u>Footpath 34 (Silsden) The Millennium Way</u>

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.

Claimed footpath from Hawber Cote Drive

The claimed path is not accommodated within the layout. The path while shown with a blue line is not referred to on the drawings. The proposals seem to show that walkers would be expected to use part of Footpath Silsden 34 and part of the proposed diversion route of Footpath Silsden 44 as well as a section of estate footway/road as an alternative to the claimed footpath. The legal order required to achieve this would be considered to be a stopping up rather than a diversion.

It would be useful to see details of the proposed widths and surfaces of all sections of the proposed alternative routes.

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.

Thank you for consulting us about the revised proposals.

Appendix B CoBMDC Report to the 26th October 2023 Regulatory and Appeals Committee

Public Document Pack

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 26 October 2023 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Salam Shafiq Alipoor Mullaney	Brown Sullivan	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Engel I Hussain S Hussain Lal	Pollard Glentworth	Love

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

From: **To:**

Asif Ibrahim
Director of Legal and Governance
Agenda Contact: Yusuf Patel
Phone: 07970 411923/07970 411623
E-Mail: yusuf.patel@bradford.gov.uk/jane.lythgow@bradford.gov.uk

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

(1) Members must consider their interests, and act according to the following:

Type of Interest	***You must:***
Disclosable Pecuniary Interests	*Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensatior*
Other Registrable Interests (Directly Related) **OR** *Non-Registrable Interests (Directly Related)*	*Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in th discussion or vote; and leave the meeting unless you have a dispensatior*
Other Registrable Interests (Affects) **OR** *Non-Registrable Interests (Affects)*	*Disclose the interest; remain in the meeting, participate and vote unless the matter affects the financial interest or well-being* *(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and* *(b) a reasonable member of the publi*

knowing all the facts would believe th
it would affect your view of the wider public interest; in which case speak o the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

(2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.

(3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

(4) Officers must disclose interests in accordance with Council Standing Order 44.

3. MINUTES

Recommended –

That the minutes of the meetings held on 15 September 2023 and 28 September 2023 be signed as a correct record.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Yusuf Patel – 07970 411923 / Jane Lythgow 07970 411623)

6. LAND OFF BOLTON ROAD, SILSDEN - 22/01184/MAF 1 - 40

The Assistant Director (Planning, Transportation & Highways) will submit a report (**Document "D"**) which reports a full planning application for the development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden.

This item was deferred for consideration at the meeting on 28 September 2023.

Recommended –

That the application be approved subject to completion of the Section 106 and conditions contained within the technical report appended to Document "D".

(Hannah Lucitt – 07811503622)

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 26th October 2023

D

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/UR5.38, 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; residential amenity; design; trees; 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 -

The provision of 28 affordable homes;

The provision and management of public open space.

A financial contribution of £100,000 to the Council to assist with the provision of a new pedestrian/cycling bridge across the A629.

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 Mcards 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 traffic management and calming works within Silsden.

A financial contribution to ensure the implementation and review of an ecological enhancement scheme.

The completion of a footway works scheme, being the provision of a 2.0m footway along the Bolton Road Site frontage to connect with the existing footway.

The provision of a footway to the south of the Hawber Cote Lane access into the site should the Council require it in the future;

and conditions included in the report, Appendix 1.

Equality & Diversity:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010. The context of the site, the development scheme proposed, and the representations received have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Full details of the process of public consultation undertaken and a summary of the comments made are attached at Appendix 1.

.

Assistant Director (Planning, Transportation & Highways)

Report Contact: Hannah Lucitt
Major Developments Manager
Phone: 07811503622
E-mail: hannah.lucitt@bradford.gov.uk

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 726 objections and 4 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

The application includes the following measures -
Operation of a robust 'sustainable procurement policy' which emphasises the legal and sustainable sourcing of building materials;
a Site Waste Management Plan (SWMP) will be implemented, which will adhere to the waste hierarchy of reducing, re-using and diverting from landfill;
best practice policies regarding site pollution will be implemented as standard; • Each of the proposed homes will be designed to achieve a water consumption lower than 110 litres per person per day; and each of the proposed homes will be constructed to a specification capable of exceeding the energy efficiency requirements of the Building Regulations Part L.
Electric vehicle (EV) charging points will also be installed at each of the proposed homes to promote the use of electric and low-emission vehicles

Finally, health and wellbeing has been considered as part of the design process with consideration of light and noise levels, and access to on-site greenspace.

No adverse sustainability implications are therefore foreseen. The development meets the sustainability criteria outlined in relevant national and local planning policies. Namely, the National Planning Policy Framework (2023), The Core Strategy Development Plan

Document (2017), The Homes and Neighbourhoods Design Guide (2020) and the Sustainable Design Guide (2006) Supplementary Planning Documents.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

The development of new buildings and land for residential purposes would invariably result in an increase in greenhouse gas emissions associated with both construction operations and the activities of future users of the site. Consideration should also be given as to whether the location of the proposed development is such that the use of sustainable modes of travel would be best facilitated and future greenhouse gases associated with activities of the residents are minimised. It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations. To encourage alternative means of transport Electric Vehicle (EV) charging points will be secured by a planning condition at a rate of 1 per residential unit, for units with allocated parking, in line with the Type 1 Mitigation requirements set out in the Bradford Low Emission Strategy. A Travel Plan will also be implemented to promote walking, cycling and public transport use in the vicinity of the site. The Travel Plan will continue as a formal process for 5 years after first occupation of the development and its implementation will be secured by a planning condition.

The site is within 800m of Silsden town centre and the proposed development includes a number of design and active travel measures which would address sustainability and would also secure a number of biodiversity/ecological benefits including a 10% biodiversity net gain.

7.3 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.

7.4 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.

7.5 TRADE UNION

None

7.6 WARD IMPLICATIONS

None

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS

None

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

None

7.9 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

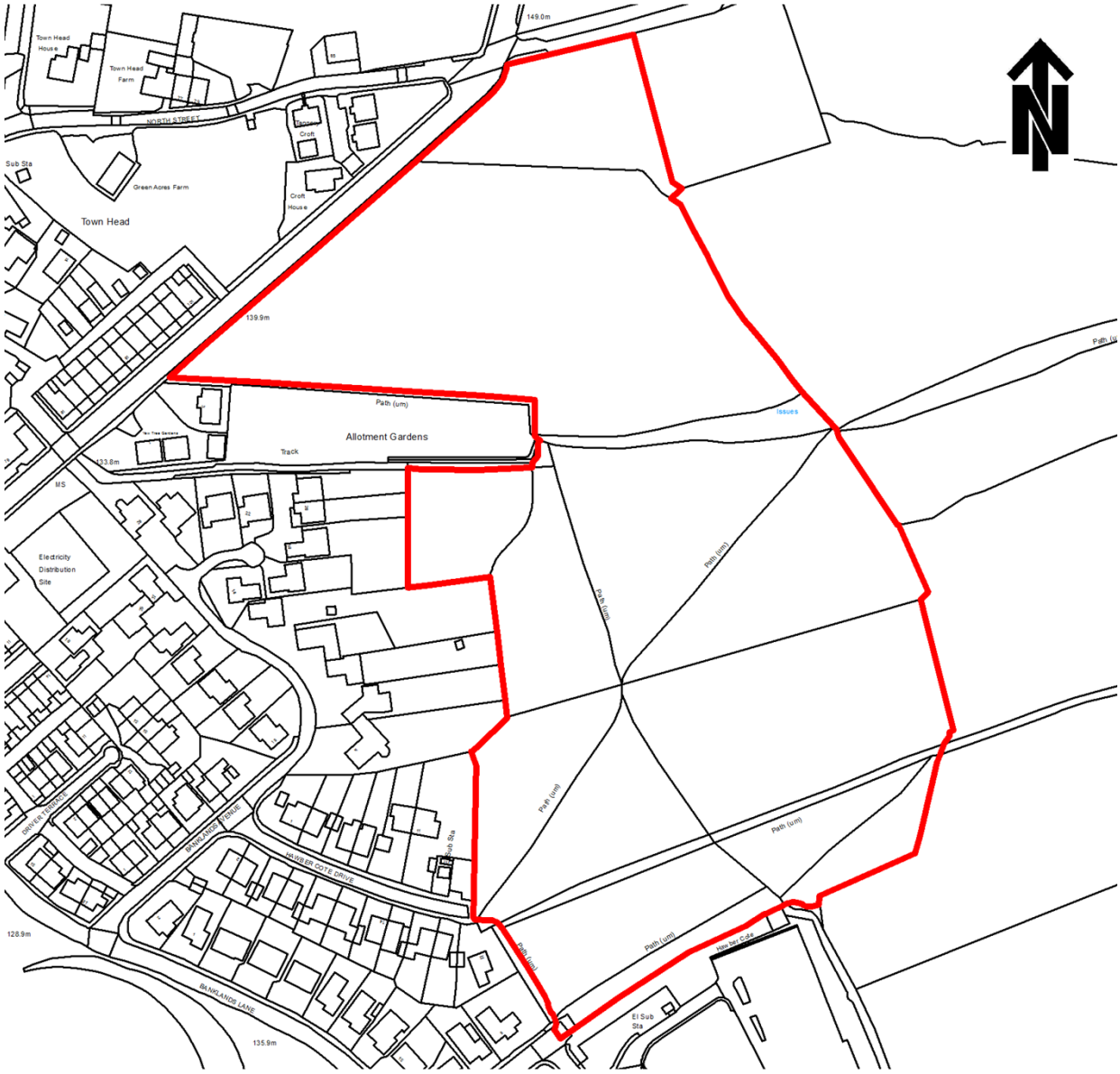
Appendix 1 - Report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2023
Replacement Unitary Development Plan 2005
Core Strategy 2017
Steeton with Eastburn & Silsden Neighbourhood Plan 2021
South Pennine Moors SPA/SAC Planning Framework SPD 2022
Homes and Neighbourhoods: A Guide to Designing in Bradford SPD 2020
Landscape Character SPD 2008
Planning for Crime Prevention SPD 2007
Planning Obligations SPD 2007
Sustainable Design Guide SPD 2006

22/01184/MAF

City of BRADFORD METROPOLITAN DISTRICT COUNCIL



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Land Off Bolton Road
Silsden
Keighley

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 Bolton Road and the north by Brown Bank Lane. To the west there are residential properties and allotments at Bolton Road. There are other agricultural fields to east; with the recently constructed Silsden Primary School located to the south.

Background:

The Replacement Unitary Development Plan (RUDP) was adopted in October 2005. The application site forms part of an allocated site in the RUDP, 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:

A Screening Opinion request for the proposed development at the application site was submitted on 15 November 2021 (application reference. 21/05803/SCR). On 6 December 2021, the Council confirmed that the proposed development is unlikely to have significant effects on the environment and, therefore, any future application on the application site is not required to be accompanied by an Environmental Impact Assessment

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 several Core Strategy Policies to be considered in the determination of the application.

SC1- Overall Approach and Key Spatial Priorities
SC2 - Climate Change and Resource Use
SC3 – Working Together to Make Great Places
SC4- Hierarchy of Settlements
SC5 – Location of Development
SC6 – Green Infrastructure
SC8- Protecting the South Pennine Moors and their Zone of Influence
SC9- Making Great Places
Sub Area Policy AD1 – Airedale
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1-Scale of Housing Required
HO2- Strategic Sources of Supply
HO3 – Distribution of Housing Requirement
HO5- Density of Housing Schemes
HO6- Maximising Use of Previously Developed Land
HO8- Housing Mix
H09-Housing Quality

HO11- Affordable Housing
EN2- Biodiversity and Geodiversity
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS2-Working with the Landscape
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions
ID7 – Community Involvement

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.

Within the emerging Local Plan, the northern part of the application site comprises a draft housing allocation (ref. SI2/H - Bolton Road, Brown Bank Lane), which has an indicative capacity of 40 dwellings. This states that this is a sustainable site within the settlement boundary for Silsden with access to local services and facilities as well as frequent public transport services. It will deliver an estimated 40 dwellings, however, will require sensitive design and layout to mitigate landscape impacts, as well as an appropriate access solution.

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.

Policy SWES1 Housing Development Within the Existing Urban Area of Steeton with Eastburn and Silsden
Policy SWES2 Design of New Housing
Policy SWES3 Housing Density
Policy SWES5 Airedale's Valued Landscape
Policy SWES7 Infrastructure for New Development
Policy SWES11 Protecting and Enhancing Sport and Recreation Provision

Supplementary Planning Documents

South Pennine Moors SPA/SAC Planning Framework SPD (2022)
Homes and Neighbourhoods: A Guide to Designing in Bradford SPD (2020)
Landscape Character SPD (2008)

Planning for Crime Prevention SPD (2007)
Planning Obligations SPD (2007)
Sustainable Design Guide SPD (2006)

National Planning Policy Framework (NPPF).

The National Planning Policy Framework (NPPF) 2023 provides the Government's overarching planning policies for England and is a material consideration in the determination of planning applications. In considering the proposed development, relevant chapters of the NPPF are: Chapter 2 - Achieving Sustainable Development Chapter 4 – Decision Making Pg 7/19 27042793v2 Section of Report Comments / Suggestions Chapter 5 – Delivering a Sufficient Supply of Homes Chapter 8 – Promoting Healthy and Safe Communities Chapter 9 – Promoting Sustainable Transport Chapter 11 – Making Effective Use of Land Chapter 12 – Achieving Well-Designed Places Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change Chapter 15 – Conserving and Enhancing the Natural Environment Chapter 16 – Conserving and Enhancing the Historic Environment

Other relevant national guidance and documents include: DLUHC and MHCLG: Planning Practice Guidance (2021) MHCLG: National Design Guide (2021) DCLG: Technical Housing Standards – Nationally Described Space Standards (2015)"

Publicity and Representations:

The application was advertised through site notices and in the local press. There have been 726 letters of objection and petition, including an objection from the MP and a Ward Councillor. There have been 4 letters of support.

Summary of Representations Received:

Principle of development
Housing numbers
Loss of green belt
Lack of consultation
Effect on footpaths
Unsuitable access
Lack of pedestrian access/footpaths
Drainage issues/flooding
Loss of wildlife/hedgerows/trees
Lack of infrastructure/facilities
Overshadowing/overlooking.
Pollution
Lack of greenspace
Impact on landscape
Community Wellbeing

Consultations:

Silsden Town Council
STC strongly object to this application.

Noise Assessment 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 considerable underestimation.
Both secondary schools listed are in Keighley, when in fact Silsden pupils all have South Craven as their designated placement.
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 doctor's 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)

The proposal now overcomes previous highways concerns.

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 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.

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) 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, 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 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.

Planning & Highways Access Forum
Level access to the development to allow entrance for disabled.
Kerb identification not possible if blind person learning new route due to shared spaces.
Will trees be sited within path or verge?
Proper pavement drops for wheelchairs and tactile pavement included?
New crossing, the kerbs need to be straight/square with pavement.
Accessibility around the SUDs pond.

Trees
The additional arboriculture information is noted, and the arboriculture impact assessment has been updated. The engineering issues within Root Protection Areas. as previously

highlighted would need to be dealt the under submission of details application for later approval. No objection to the proposal.

Environmental Health (Pollution)
EH Pollution has considered the application and the Preliminary Geo-Environmental Appraisal by Lithos.

The Appraisal 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.

West Yorkshire Police
Boundary treatments proposed.
Having examined the boundary treatment plan, boundaries such as the 1800mm high stone wall with fencing and the 1800mm high closed board timber fence which are used on both rear boundaries and as rear plot dividers are acceptable.

The 900mm high rear boundaries and gates used to secure rear boundaries are a concern as the level can easily be accessed. This boundary type and height is more suited to the front of a dwelling or around a public open space or side of a dwelling to allow natural surveillance. The plans show 1800mm high hedges used around some sections of rear gardens. We would recommend that where boundaries are being used to a secure a rear garden, it should be secure boundaries such be 1800mm high fencing or wall which are more durable.

Rear pathways allowing for bin access / rear parking courts.
There are several shared rear pathway routes with rear gated access which provides access to rear vehicle parking areas and shared bin access. Rear gates and rear pathways are features which are not supported by Police, as they lack natural surveillance and allow any stranger/s access into these areas, where entry can be attempted into rear gates. From the site plan this applies to plot numbers; 1, 2, 3, 4, 5, 6, 7 - 27, 28, 28, 30, 31, 32 - 88, 89, 90, 91, 92. Plots 1 to 7 show rear parking bays. the boundary for these dwellings shows a 900mm high stone wall and gates with planting behind which offers no security for the residents. We would recommend changing the boundary type to an 1800mm high stone wall with the railing inserts which will allow surveillance over the parking court whist the height provides the security. Any gates used at the rear should be lockable with a key from both sides to allow the gardens to be secured. Whilst rear parking and rear gates do not conform to SBD guidance, this would at least provide some level of surveillance to this parking court. As the rear doors for these plots will be frequently used for daily use as this in closer proximity to the parking areas, the doors should be changed from a glazed French door to a composite style door which is more durable, secure and suited for daily use. There will need to be external lights above the access doors and parking within the parking courts to increase surveillance. The parking bays should be visibility numbered per dwelling to prevent any abuse of parking bays. In relation to the

site plan, it shows electric vehicle charging points are located outside of the garden boundaries for plots 1 to 7. The concern is that with the cost of utilities on the rise they have the potential to be abused if there is no on/ off switch. (I note that there are a few visitor parking electric points, however it is likely to be payment via debit/credit card for usage unclear how these will be used, do visitor/ vehicle owners use a debit card to purchase electric charge? It is not very clear).

Plots 116, 117 and 118, 119, 126 shows parking bays to the side of the properties in an adjacent car park with only plots 120 and 121 overlooking this location. The bays are not numbered, so parking could be abused by visitors to the site, also the bays are not close for any residents with families who may be unloading or carrying in shopping/ taking in children which means leaving doors open to walk to and front the distance. It would be better to rotate the houses and have rear gardens at the back and parking to the front which is in closer proximity and has better surveillance.

There should not be more than 2 plots sharing an access pathway located between dwellings, where the number exceeds this, front bin storage should be provided for the 3rd dwelling or a change in the design to allow for an individual access gate for one of the dwellings. Where gates are set back installing a shared 1800mm high lockable gate along the front building line restricts access from the front of the dwelling.

Footpath link.
The footpath link between plots 4/5 should be gated at the front building line with an 1800mm high lockable gate and the same at the rear, so that this area is secured and under the ownership of these two plots, which prevents any desire lines or stranger access.

Surveillance of parking.
For plots 17 and 18, as noted above, changing the boundary type so this has a 10-15mm spacing between the panels or an 1500mm boundary with spacing and 300mm high trellis may increase surveillance levels into the parking bays of these plots. Plot 18s garden boundary should be taken forward to the pathway line and an inward opening 1800mm high lockable gate located here for immediate access for this plot.

If the boundary line for plot 17 is moved to the end building line of the garage, this would allow a pedestrian access door to be fitted in the rear of the garage for access, which allows an 1800mm high lockable gate access to be located along the front building line (right side) of the dwelling for access. If garages are automated, there should be a press release to open the garage door from the inside.

House types with an undercroft.
Having viewed the house types there are two types Knebworth drive through and Galloway drive through which show an open parking space beneath with a first floor above. Its unclear from the plans where these are located. If this house type remains, it needs to be made clear where it is positioned on the site plan and the space below which is intended for parking should be fully enclosed with an automated garage door to the front, and solid stone wall at the rear.

Public open space.
The areas of public open space should include a good management / maintenance plan. The area shown with the pond should include fencing around this location and planting to prevent any access for children.

External lights.

The access roads, pathways and routes through the open spaces including parking courts should include a good lighting level to increase visibility of these areas

Clean Air Plan

Under the provisions of the Low Emission Strategy planning guidance all major developments are required to provide 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/m3 (the annual average health-based objective is 40ug/m3).

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/m3 for nitrogen

dioxide and 0.12µg/m3 for PM10. 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.

Parks & Greenspaces Development
Whilst it is not possible for Parks & Greenspaces to secure financial contributions through Section 106 Agreements, the proposed development will have a significant impact on the

surrounding facilities due to 112 new residential units and a financial contribution will be sought from the CIL funds to help mitigate these impacts. If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Biodiversity
To be provided verbally.

Lead Local Flood Authority
The LLFA does not have any objections to the proposed development, if flood risk/drainage conditions are included with any grant of planning permission.

Yorkshire Water
If planning permission is to be granted conditions should be attached to protect the local aquatic environment.

The submitted FRA & Surface Water Strategy require amendments but if planning permission is granted the matter can be dealt with via conditions.

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 several 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 several 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 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.

Childrens Services
Overall, 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 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 Children's Services, may be used to expand provision where required to accommodate any additional children.

Transport Planning
The submitted Travel Plan is comprehensive but should include reference to the MCard and the installation of a power point in Each dwelling to charge battery powered cars.

WYCA
To encourage use of sustainable transport the developer needs to fund a package of sustainable travel incentives to encourage use of sustainable modes of transport. The fund to be used to purchase discounted Metrocards. The normal MCard scheme applied as bus only, contribution for this development would be £20,460.

WYAAS
Both an archaeological desk-based assessment and heritage impact statement have been carried out on the application site and a larger parcel of land.

The site lies in an area of archaeological potential with evidence of past activity from the Neolithic and Bronze Ages close to the application site (MWY13537 and 10660). The sites position on a south facing slope above the River Aire would potentially have made it attractive to settlement and other activities thin all periods.

The historic Ordnance Survey map dating to c. 1850s show evidence of long narrow property divisions pointing to cultivation during the medieval period. By this time some enclosure is likely to have taken place and fields defined by a succession of drystone walls and hedges (as recorded south of Hawber Cote Lane EWY7994 where a succession of boundaries and land improvements were recorded). Distinctive field barns are also present in adjacent fields from at least the mid-19th century. The applicant's heritage impact statement identifies these elements of the landscape and their underlying medieval origins.

These recent agricultural uses may mask archaeological evidence of earlier activity. This was the case at Belton Road, Silsden, where an early Bronze Age burial mound and Iron Age landscape were recorded to be overlain by later cultivation and boundaries. We would recommend a programme of archaeological evaluation is carried out in advance of determining the planning application. The applicant's archaeological desk-based assessment also makes this recommendation.

This evaluation would comprise a geophysical survey and the excavation of a number of archaeological evaluation trenches. This should be carried out prior to determining the application.

Following this the WYAAS will be able to make a better determination of the sites potential and recommend an appropriate approach which may range from refusal, a redesign of proposals to permit preservation in situ, preservation by record (an archaeological excavation or record) or no further work.

Should permission be granted then any further necessary work can be secured by an appropriate condition on any consent.

Summary of Main Issues:

Principle of Development
Housing Land Supply
Density
Design & Layout
Effect on Residential Amenity
Highways & Transportation
Affordable Housing
Biodiversity
Impact on Landscape & Trees
Drainage & Flooding
Public Rights of Way
Community Engagement
Other Issues raised by representations

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 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's defined settlement boundary. There are also no other planning or environmental designations covering the site.

In acknowledging that the application site is green field, the NPPF states para.11 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.

As the Local Plan does not currently include allocations, it is para 11d of the NPPF, that is applied in decision taking. Accordingly, there is no clear reason for refusing the application when applying policies in the NPPF, nor would any adverse impacts associated with the proposed development, significantly or demonstrably outweigh the planning and public benefits that would be secured should planning permission be granted.

The benefits of the proposed development include- delivery of 138 new homes (including 28 affordable homes) across a range of house types, sizes and tenures would make a substantive contribution to meeting the District's housing need and five year housing land supply within the context of a chronic and acute shortfall in housing land supply and housing delivery; the delivery of a high-quality development; a range of socio-economic benefits, including the creation of open space and pedestrian/cycle routes, as well as the creation of jobs relating to the construction of the development and increased expenditure for local businesses as a result of new residents living in Silsden.

Policy HO2 of the adopted Core Strategy confirms that housing targets for Bradford District will be met by several sources. Specifically, this includes safeguarded land sites identified in the RUDP. Given the application sites previous safeguarded land allocation, the adopted Core Strategy therefore intends for the application site to form part of CBMDC's housing land supply now. The site's suitability for housing development is also not dependent on the adoption of a Part 2 Plan, which is no longer being advanced by the Council. This is seen to further demonstrates the in-principle support for housing development on the application site.

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

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 statutory policies including the NDP.

Housing Land Supply

Paragraph 60 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 considering 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 normally 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 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.

ii) There are differing housing type needs in Bradford. 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 & Layout

Prior to the submission of the planning application in Summer 2022, the applicant undertook a Design Review of its proposal with Integreat Plus, the then independent design review provider for Yorkshire & the Humber. Design review is recognised in the NPPF as a tool to improve design outcomes in the built environment and can help design teams and local authorities to better achieve the principles set out in the NPPF and the National Design Guide. Through workshops and meetings, the design review process has resulted in several positive changes to the design and layout of the proposed development.

A 3-stage Design Review was carried out during the development of the masterplan proposals as outlined in the following pages. The format of the Design Reviews included conceptual proposals, a Building for a Healthy Life approach and more detailed design work.

The Design Review concluded that the design process and initial approach taken by the project team is commended by the Panel, notably the multi-disciplinary collaboration and the landscape-led nature of the work undertaken so far. Thorough site and contextual analysis has informed the initial design response and the key principles and aspirations for the project are credible and laudable.

Subsequently, the application has been subject to further design and layout amendments requested by statutory consultees including Highways, Landscape, Biodiversity and Trees. No concerns on design & layout have been raised by those consultees and it is considered that the application would accord with policies DS1, DS2, DS4, DS5 of the Core Strategy; policies SWES2 and SWES5 of the Steeton-with- Eastburn & Silsden Neighbourhood Development Plan.

In conclusion the development is of high quality in terms of design and placing making. It would create a strong sense of place and would be appropriate to the surrounding context in terms of layout, scale, design, details, and construction materials. The development would include a permeable network of streets connecting to the existing street and path networks which would be well overlooked and convenient for people to understand and move around. Finally, the development would include new landscape features and open spaces which would be visually attractive and functional with appropriate maintenance and management arrangements. The development is therefore considered to accord with the requirements of policies DS1, DS2, DS3 and DS4 of the Core Strategy and the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document.

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 overlooking or overshadowing of residents.

Highways & Transportation

The application incudes 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 revised to ensure that they are representative of the post-Covid situation. Traffic from several local approved development sites (including the nearby Skipton Properties development) have also 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 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 is demonstrated by the TA, that the Bolton Road site access junction would operate safely, when all 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 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 & 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 would be further enhanced by the 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, bike 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. (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 is safeguarded).

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.

In conclusion, para. 110 of the NPPF requires that in assessing planning applications it should be ensured that:
• appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
• safe and suitable access can be achieved to the site for all users;
• the design of streets, parking areas and other transport elements reflects current national guidance;
• any significant impacts from the development on the transport network or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the Framework makes clear that 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.

The application provides for a number of opportunities to promote sustainable modes of transport – residential Metrocards; a financial contribution to the Council to assist with the provision of a new pedestrian/cycling bridge across the A629 improving links to Steeton and Silsden railway station and National Cycle Network Route 69 along the Leeds Liverpool Canal towpath; provision of footpath along the Bolton Road Site frontage; provision of a footpath to the south of the Hawber Cote Lane access into the site.

The means of access to the site are safe and suitable to the development and its location. The design of streets, parking and other transport elements reflect current guidance. Any significant impacts on the transport network and highway safety have been acceptably mitigated. The application meets the Core Strategy policies TR1 and TR3.

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 within the supporting Planning Statement, it 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. The application therefore meets the requirements of Policy HO11.

Biodiversity
The site is not designated for its biodiversity value. However, it is within 6km of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) which is also a national statutory designated site, being a Site of Special Scientific Interest (SSSI). The submission is supported by a Preliminary Ecological Appraisal, Ecological Impact Assessment, and a Biodiversity Net Gain Assessment. The information has been reviewed by the Council's Biodiversity Officer who has confirmed that the information assesses the value of the ecological features and the likely impacts appropriately and that adequate mitigation has been recommended where necessary.

The development will introduce new residential properties within 7km of the South Pennine Moors SPA/SAC boundary. A Habitat Regulations Assessment has been carried out and it identifies that there would be likely significant effects arising from the development because of increased recreational pressure on the protected area. The South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document sets outs the necessary mitigation requirements for the recreational impacts of new development. A financial contribution of £52,585 is calculated to mitigate the impact, and

the developer has confirmed that this would be provided via a Section 106 Agreement. It is considered that subject to the conditions and the developer entering into a section 106 agreement to secure mitigation of recreational impacts the development would not result in any adverse biodiversity implications for habitats and species in designated or undesignated sites and the development would deliver substantial net gains for biodiversity. Accordingly, the development is considered to accord with the requirements of policies EN2 and SC8 of the Core Strategy and paragraph 180 of the NPPF and the SPA/SAC Planning Framework Supplementary Planning Document.

Impact on Landscape & Trees

A Landscape and Visual Impact Assessment (LVIA) Addendum was submitted to address comments received by the Council's Landscape Design Officer. The LVIA Addendum included updated viewpoints of the scheme from the area surrounding the application site.

In addition to the LVIA Addendum, the Landscape Masterplan (drawing no. 5937-99-004 LM Rev E) has been revised in response to consultee comments. Overall, the information submitted with the application and the additional LVIA Addendum and Landscape Masterplan submitted has resulted in a scheme that can be supported in terms of impacts on the landscape.

Following several revisions to the layout of the scheme, the layout has been agreed with the Tree Officer who raises no objection subject to conditions.

Drainage & Flooding

Paragraph 167 of the NPPF advises that 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. Development should only be allowed in areas at risk of flooding where in light of this assessment it can be demonstrated that: • 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; • the development is appropriately flood resistant and resilient; • it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; • any residual risk can be safely managed; and • safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 of the Framework sets out the importance of the use of sustainable drainage systems for Major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

At the local level the objectives of the framework are reflected in policy EN7 of the Core Strategy which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure is considered.

The LLFA and Yorkshire Water have reviewed the submitted information and confirmed that the proposals outlined in the Drainage Strategy Report are acceptable. A planning condition shall be imposed requiring the submission of details of the finalised foul and surface water drainage arrangements which shall be designed in accordance with the principles outlined in the Drainage Strategy Report. Further conditions shall be imposed to

ensure that the development is drained on separate systems; that no piped discharge will take place until works to provide a satisfactory outfall have been completed.

Through the imposition of planning conditions, the development would be served by acceptable drainage infrastructure based on SuDS principles and suitable maintenance arrangements will be put in place to ensure an acceptable standard of operation for the lifetime of the development. The development is therefore considered to accord with the requirements of policy EN7 of the Core Strategy and paragraphs 167 and 169 of the NPPF.

Public Rights of Way

Policy TR3 of the Core Strategy requires that through planning decisions the Council will improve public transport, walking and cycling infrastructure. This is to be achieved by requiring the layout of new development to encourage walking and cycling by taking opportunities to connect to the existing street and path network, local facilities and public transport in obvious and direct ways and requiring that new development creates attractive places that encourage walking and cycling by providing a permeable network of routes that are well overlooked, and which balance the needs of all users by treating highways as streets rather than as roads.

In conclusion the development is considered to provide a permeable network of routes across the site whilst also connecting with the existing footpath network in obvious and direct ways. The development is therefore considered to accord with the requirements of policy TR3 of the Core Strategy.

There is representation in respect of a ‘claimed footpath’. This is at an early stage of the PRoW application process, and there would be an opportunity to divert this footpath if the proposed Order is made.

Community Engagement

The main focus of the applicant’s community engagement process was to undertake a digital consultation event in relation to the development proposals. This approach was to provide residents with an opportunity to:

• Obtain further information about the proposals, without the need to attend a face-to-face exhibition considering the COVID-19 pandemic; and
• Comment on the emerging development scheme.

A leaflet providing details of the consultation website, and the dates between which residents could provide feedback, was distributed to all postal addresses within Silsden on 13th September 2021 to publicise the launch of the website and invite feedback on the proposed scheme. This comprised over 4,200 homes and businesses. A QR included on the leaflet code could be scanned to direct people to the website. A leaflet and letter were also emailed directly to the Local Ward Councillors alongside a covering letter informing them of the proposals and inviting them to take part in the online consultation event. The leaflets were delivered, and the website was available to view from 13th September 2021, with comments to be made by the 4th October 2021.

The consultation website (https://www.boltonroadsilsden.co.uk/) was created to allow members of the public to view and comment on the detailed elements of the proposal online. The website was launched on 13th September 2021 after delivery of the consultation leaflet to all homes and businesses in the Silsden area.

The consultation website provided information on the site’s context and the detailed elements of the scheme (including proposed layout, scale, appearance, material strategy

and accessibility). Plans, visuals, and photos were included to help visualise the revised proposals. The website also provided an online survey through which feedback on the proposals could be made until 4th October 2021.

In the period between the website 'going live' (13th September) and the consultation period ending (4th October), the consultation website was visited by 2,699 different users and a total of 1,044 written responses were received via the online survey. Further visits have been made to the website, which remains live, since this time.

The number of visitors and responses to the consultation are seen to demonstrate that details of the consultation were effectively publicised and resulted in an appropriate level of engagement with the local community.

It is considered that the applicant has undertaken a level of community consultation that is commensurate with the scale of development proposed. The requirements of policy ID7 and the Council's Revised Statement of Community Involvement 2018 – 2023 are therefore met.

Other Matters Raised in Representations

Compliance with the NDP

The SWES Neighbourhood Development Plan (NDP) does not include any land use allocations, proposals or designations that relate specifically to the application site, and Policy SWES1 of the NDP provides in-principle support for housing development on sites within Silsden's settlement boundary, subject to conformity with other statutory policies of the Development Plan. Specifically, Paragraph 5.4 of the Neighbourhood Plan states that: "Given the Green Belt constraints, the NDP will support growth in Steeton with Eastburn and Silsden within the existing settlement boundary, as shown on the Policies Map, and will seek to influence the form and type of new housing development in the area up to 2030."

The application proposals are considered to comply with the policies of the adopted Steeton with Eastburn and Silsden Neighbourhood Development Plan as detailed above, p.20-23.

Site in Green Belt

The application site allocated as safeguarded under Policy UR5 of the RUDP, adopted in 2005. Whilst the safeguarded land allocation was not saved and carried forward when the Core Strategy was adopted in 2017, until the Local Plan is adopted, the site remains unallocated. The site is therefore not located in the Green Belt.

Furthermore, Policy HO2 of the Core Strategy confirms that housing targets will be met by several sources, including former safeguarded land sites in the RUDP. Given the site's previous safeguarded land allocation, the adopted Core Strategy includes such sites to form part of the Council's housing land supply.

(The site remains within the settlement limits of Silsden, as defined by the Steeton with Eastburn & Silsden NDP, there are no other planning or environmental designations covering the site).

Increased flooding and surface water run-off
The submission is supported by a Flood Risk Assessment and Drainage Strategy the details of which have been reviewed by the Lead Local Flood Authority, and Yorkshire Water. No objections have been raised and subject to imposing the recommended conditions the development would not result in increased flooding or surface water run-off.

Loss of greenfield
The Council's evidence base is clear that housing needs across the Bradford District and Silsden cannot be met solely on previously developed land. The Council's most recent Strategic Land Assessment (dated January 2021) identifies that there is only capacity for 212 homes to come forward on previously developed land in Silsden, against a Core Strategy requirement of 1,200 new homes. Therefore, whilst it is acknowledged that there would be the loss of greenfield, the development of brownfield sites alone would not meet the requirement for new homes in the Development Plan.

Impact on highways safety
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, because 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.

The primary site access junction on Bolton Road has been designed to relevant 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 and satisfactorily in the future design year when all the proposed development is built out. The extension of Hawber Cote Drive and provision of a formal turning head will provide a betterment to the operation of the existing local highway network.
The development proposals are suitable to cater for emergency vehicle access.

In conclusion, the proposed measures within Silsden town centre along with the design of the access arrangements at the site would not result in any adverse impact on highway safety. In addition, the provision of a pedestrian/cycle bridge over the A629 would provide a far safer route across the A629, to the benefit of pedestrians and cyclists travelling between the train station and Silsden and beyond.

Transport and connectivity
Several pedestrian/cycle connections will be provided to the application site from Bolton Road, Hawber Cote Drive and Hawber Cote Lane as well as connections to existing Public Rights of Ways (PRoWs). It is also proposed to provide a 2.0m footway along the Bolton Road Site frontage which would benefit both existing residents in Silsden and also residents from the application site.

The existing bus services would be within a short walk of the proposed development, and it is proposed to include a new bus shelter and footway widening at the bus stop.

Accessibility by rail would be further enhanced by the Council's proposals to provide a footbridge over the A629 at the Keighley Road roundabout (for which the proposed development is contributing £100,000 in funding)

Impact on wildlife

Whilst bats have been recorded in the 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.

The Biodiversity Officer is satisfied with the response to previous issues raised, and the inclusion of additional hedgerow planting on and off-site.

Effect on Footpaths
In 2022 the Rights of Way Section received an application to legally record as a public footpath a route linking Footpath 45 Silsden at Hawber Cote Drive to Footpath 34 Silsden, marked on the Ordnance Survey base maps as path (um). The application was supported by evidence of use by members of the public. This application, made under the Wildlife and Countryside Act 1981, is currently under further investigation.

Any proposed changes to the public rights of way network would be subject to a separate application and public consultation process. Where objections are received this could result in a public inquiry to resolve. (No development affecting the routes of the footpaths would take place until a diversion/stopping up order has been successfully obtained).

Impact on Hedgerows/Trees
The application has been the subject of consideration by both the Councils Trees Team and Biodiversity Officer. Following revisions to the scheme, the Tree Officer has offered no objection to the proposal subject to conditions. The applicant has agreed to complement the existing hedgerow system with additional hedge planting. This is supported by the Biodiversity Officer.

Lack of school places/Medical & Dental services
In considering the planning application, Childrens Services has confirmed that the proposed development could be accommodated, in terms of providing 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'/dentists, this is a matter for the NHS, not the Council and it is for the NHS to plan for any increased demands on its services.

Options:

The Committee can approve the application as recommended, subject to the completion of a Section 106 Agreement, and conditions included in the recommendation or refuse the application. If the application is refused, reasons for refusal would have to be provided.

Not for publication documents:

None

CIL

Based upon 138 new dwellings, circa £300,000 – £350,000 in CIL payments would be generated to assist with funding improvements to local infrastructure. As Silsden benefits from an adopted Neighbourhood Plan, 25% of the total CIL payments (i.e. circa £75,000 – £87,500) could be allocated directly to the local community.

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; drainage; trees/hedgerows; public rights of way; landscape; 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 Core Strategy policies –

SC1- Overall Approach and Key Spatial Priorities
SC2 - Climate Change and Resource Use
SC3 – Working Together to Make Great Places
SC4- Hierarchy of Settlements
SC5 – Location of Development
SC6 – Green Infrastructure
SC8- Protecting the South Pennine Moors and their Zone of Influence
SC9- Making Great Places
Sub Area Policy AD1 – Airedale
TR1- Travel Reduction and Modal Shift
TR2- Parking Policy
TR3- Public Transport, Cycling and Walking
HO1-Scale of Housing Required
HO2- Strategic Sources of Supply
HO3 – Distribution of Housing Requirement
HO5- Density of Housing Schemes
HO6- Maximising Use of Previously Developed Land
HO8- Housing Mix
H09-Housing Quality
HO11- Affordable Housing
EN2- Biodiversity and Geodiversity
EN4- Landscape
EN5- Trees and Woodland
EN7- Flood Risk
EN8- Environmental Protection
DS1- Achieving Good Design
DS2-Working with the Landscape
DS3- Urban Character
DS4- Streets and Movement
DS5- Safe and Inclusive Places
ID3- Developer Contributions
ID7 – Community Involvement

Section 106:
Planning Obligations
A Section 106 has been drafted to include the following obligations -

- 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 several 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) 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: 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 because 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.
e.

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: 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: 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.

Appendix C Planning Permission Decision Notice dated 16th April 2024

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Application No: 22/01184/MAF

SEMAFZ

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Persimmon Homes (West Yorkshire) Limited
C/O Lichfields
3rd Floor
15 St Paul's Street
Leeds
LS1 2JG

GRANT OF PLANNING PERMISSION SUBJECT TO A S106 AGREEMENT

Proposal: Development of 138 residential dwellings with open space, associated landscaping and infrastructure works (including access to and within the site) off Bolton Road, Silsden
Location: Land off Bolton Road Silsden Keighley West Yorkshire
Applicant: Persimmon Homes (West Yorkshire) Limited
Date Application Received: 10 March 2022
Date Application Valid: 10 March 2022

City of Bradford Metropolitan District Council hereby gives notice of its decision to **GRANT** planning permission for the development described above, in accordance with the plans, drawings and documents which form part of the application as listed below, and subject to the following schedule of conditions:

CONDITIONS AND ASSOCIATED REASONS:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Plan Type	Plan Reference	Version	Date Received
Location Plan	BRS-2020-007B	B	10th Mar 2022
Proposed Site Plan	SIKL-2021-001	X	19th Oct 2023
Highways Layout Access Arrangements	20142-GA-01	K	19th Oct 2023
Sections	1937	A	8th Jun 2023
Other	PROW	F	8th Jun 2023

Date of Issue:
16 April 2024
REGCOM

Richard Hollinson, Assistant Director
(Planning, Transportation and Highways)
Department of Place

Proposed Floor Plans	AI_MA_END_R21-901		10th Mar 2022
Proposed Elevations	AI_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	BR_MA_END_R21-901		10th Mar 2022
Proposed Elevations	BR_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	BT_MA_DET_R21-901		10th Mar 2022
Proposed Elevations	BT_MA_DET_R21-905		10th Mar 2022
Proposed Floor Plans	BW_MA_DET_DT_R21-901	A	10th Mar 2022
Proposed Elevations	BW_MA_DET_DT_R21-905	A	10th Mar 2022
Proposed Floor Plans	BW_MA_DET_R21-901	A	10th Mar 2022
Proposed Elevations	BW_MA_DET_R21-905	A	10th Mar 2022
Proposed Floor Plans	DA_MA_END_R21-901		10th Mar 2022
Proposed Elevations	DA_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	DP_MA_END_R21-901		10th Mar 2022
Proposed Elevations	DP_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	GA_MA_DT_DET_R21-901	A	10th Mar 2022
Proposed Elevations	GA_MA_DT_DET_R21-905	A	10th Mar 2022
Proposed Floor Plans	GA_MA_SEM_R21-901	A	10th Mar 2022
Proposed Elevations	GA_MA_SEM_R21-905	A	10th Mar 2022
Proposed Floor Plans	KE_MA_END_R21-901		10th Mar 2022
Proposed Elevations	KE_MA_END_R21-905		10th Mar 2022
Proposed Floor Plans	KN_MA_END_DT_R21-901		10th Mar 2022
Proposed Elevations	KN_MA_END_DT_R21-905	A	10th Mar 2022
Proposed Floor Plans	KN_MA_END_R21-901		10th Mar 2022
Proposed Elevations	KN_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	SA_MA_END_R21-901		10th Mar 2022
Proposed Elevations	SA_MA_END_R21-905	A	10th Mar 2022
Proposed Floor Plans	SE_MA_DET_R21-901		10th Mar 2022
Proposed Elevations	SE_MA_DET_R21-905	B	10th Mar 2022
Proposed Floor Plans	SH_MA_DET_R21-901	A	10th Mar 2022
Proposed Elevations	SH_MA_DET_R21-905	A	10th Mar 2022
Boundary Treatment	BOUND-01		10th Mar 2022

Richard Hollinson

Richard Hollinson, Assistant Director
(Planning, Transportation and Highways)
Department of Place

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. Unless otherwise agreed in writing prior to the occupation of the development, a remediation verification report providing evidence that risks from contamination have been effectively remediated in accordance with the approved Remediation Strategy, including (where necessary) evidence of quality control of imported soil materials and clean cover systems, shall be submitted to and approved in writing by the Local Planning Authority.

In circumstances where the development is carried out in phases, such verification shall be relevant to the phases of the development identified and agreed under the Remediation Strategy.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

4. 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.

5. 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 onsite Habitat Units and 9.54 onsite Hedgerow Units on land identified in Technical Note: LPA Response - Updated Biodiversity Metric Calculation and Outline Management Plan for Offsite Compensation 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.

Description and evaluation of features to be managed and enhanced.
Extent and location/area of proposed habitats and Biodiversity Units on scaled maps and plans.
Ecological trends and constraints on site that might influence management.
Aims and objectives of management to include Target Biodiversity Units and Condition Criteria.
Appropriate management options for achieving aims and objectives.

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An annual work programme (to cover an initial 5 year period).
Details of the specialist ecological management body or organisation responsible for implementation of the Plan.
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.
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.
The Plan will be reviewed and updated every 5 years and implemented for 30 years.
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.

6. 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:

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) 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.
How the monitoring is funded and the specialist ecological body responsible.
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.

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Reason: To ensure Biodiversity Units are delivered as agreed in the approved Biodiversity Gain Plan for 30 years perpetuity.

7. Lighting Strategy

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.

8. Prior to commencement of the development a Construction Dust Management Plan for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The dust management plan must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include the recommended mitigation measures in Table 20 Redmore Environmental Air Quality Assessment version 4184r4.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF).

9. 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.

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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.

10. 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) information on the phasing of the construction of the development, including the intended timetable for implementation of the means of access, car parking and servicing arrangements);
ii) 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;
iii) intended hours of construction work, including any works of demolition;
iv) intended hours of delivery of materials;
v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
vi) car parking areas for construction workers, sales staff and customers;
vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
viii) 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;
ix) temporary warning and direction signing on the approaches to the site.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants.

11. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping (reflecting the general principles shown on the Landscape Masterplan reference 5937-99-004 LM Revision E) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

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i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
ii) Details of proposed new trees and details of new shrub and grass areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
iii) The extent, types and heights of the means of enclosure to all curtilages.
iv) Details of types of hard surfaces within the development other than those within the domestic curtilages.
v) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved 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.

12. Prior to the commencement of development, A Noise Mitigation Strategy (based on Appendix D, SK03 of the submitted Noise Assessment dated 28.01.2022) should be submitted to and approved in writing by the local planning authority.

Reason: To minimise the impact of noise emitted from buildings on neighbouring noise sensitive locations.

13. 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 comprised in the approved landscaping details condition 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 where practicable, 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.

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

14. No development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure archaeological assets are properly accounted for in accordance with policy EN3 of the Local Plan.

15. A methodology for the 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 any materials being brought to site for those purposes.

If required by the Local Planning Authority, a verification report prepared in accordance with the approved quality control methodology shall be submitted to, and approved in writing by the Local Planning Authority on completion of the development.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

16. Prior to the commencement of development other than works of demolition, site clearance and site investigation, a Phase 2 Site Investigation and Risk Assessment to determine the nature and extent of contamination present or suspected on the site, including establishing the vulnerability of the development to ground gases, shall be carried out in accordance with the recommendations of the submitted Phase 1 Preliminary Risk Assessment.

A written report of the findings of that investigation, including a remedial options appraisal scheme, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

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17. If the Phase 2 Site Investigation and Risk Assessment reveal unacceptable risks of harm from contamination to the environment and/or future users of the site, a detailed Remediation Strategy, which removes unacceptable risks from contamination to all identified receptors, shall be submitted to, and approved in writing by the Local Planning Authority.

This Remediation Strategy shall be submitted prior to the commencement of development other than works of demolition site clearance and site investigation and prior to the implementation of any remediation works on the site.

The remediation strategy must include proposals for the verification of remedial works.

Where the proposed development is to be implemented in phases, remediation proposals for clearly identified phases of the development shall be detailed in the remediation strategy, along with details of arrangements for verification of remediation relevant to those phases.

The Remediation Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with Policies DS5, EN8 of the Bradford Local Plan Core Strategy Development Plan Document.

Reason for pre-commencement condition: To avoid development that would cause harmful effects to health, the living conditions of future users of the site and the natural environment it is essential that the developer confirms that the risks from contamination can be fully avoided or mitigated before development begins.

18. 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 five 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 land is suitable for its proposed future use and to avoid the effects of contamination on health, the living conditions of future users of the site and the natural environment in accordance with policies DS5 and EN8 of the Core Strategy Development Plan Document.

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19. 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.

20. 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.

21. 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.

22. 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.

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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.

23. 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:-

- 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
- 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).
- 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.
- Charging points installed shall be retained thereafter.
- 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).

24. 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.

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25. 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.

26. 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.

27. 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.

28. 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.

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29. 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.

INFORMATIVES:

Informative: The developer's attention is drawn to the obligation under Section 106 of the Town and Country Planning Act 1990 affecting this site. This permission must, therefore, be read in conjunction with that obligation.

Informative: Please note that the development hereby approved may contain conditions that require details to be submitted to and approved in writing by the Council either prior to the commencement of the development or at another specified period. To comply with the requirements of these conditions the developer is required to submit an "application for the approval of details reserved by a condition". For more information about the application process and fee please go to www.bradford.gov.uk/planning and click on “Apply for

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planning". Works must not commence until the necessary approval(s) have been obtained.

Informative: Please note that this approval does not convey any form of approval under the Building Regulations. You are therefore advised to contact Building Control to find out whether your proposal requires building regulations approval before starting work. Contact Building Control on 01274 433807. Email - buildingcontrol@bradford.gov.uk.

Informative: Waste arising from renovation, construction or demolition activities is classed as industrial waste and burning of such waste is not allowed on any site, including domestic premises without permission from the Environment Agency. The council will investigate all such complaints and will take enforcement action if required to ensure such activities cease. As most householders are not aware they are breaking the law when burning such waste officers will visit householders and offer advice on how to dispose of such waste in a responsible and legal manner.

Informative: If any aspect of your proposed works affects existing public footways, public highway, public rights of way, street lighting columns, erection of equipment on the highway or a new vehicular access you must ensure that relevant Highway Legislation and Statutory Notices are complied with and that all relevant fees are paid prior to commencement of your works. Please contact the Network Resilience and Management Team on 01274 437420 or email network.management@bradford.gov.uk

Informative: If your development involves the construction of a new road, a new footway to an existing road or a new public right of way, please contact the Highway Development Control office on 01274 433707 before any building work commences. Please note that Section 38 agreements take 6 -12 weeks to process.

Informative: If your development involves the construction of a new junction, or any alteration of an existing road or footway or street lighting columns, prior agreement (S278) by the Highway Authority is required. Please contact the Highway Development Control office on 01274 433707 before any building work commences. Please note that Section 278 agreements take 12-18 weeks to process.

Informative: In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Local Plan for Bradford policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Date of Issue:
16 April 2024
REGCOM

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Informative: The development site adjoins a public right of way. This must not be obstructed by any plant, materials or equipment during the development. Any obstruction of the route, including obstruction by the temporary storage of materials or equipment, would constitute an offence under the Highways Act 1980 and may lead to enforcement proceedings.

If building works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. For details, please contact the Council's Transportation and Highways (Network Resilience) team via network.management@bradford.gov.uk

The surface of the footpath should not be disturbed. However, if damage to the public footpath caused by development works does occur, it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section. No new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. Contact rightsofway@bradford.gov.uk.

The requirements of the Equality Act 2010 must also be considered.

If building works remove features that would enable users to find the public right of way, the line of the path must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

For the avoidance of doubt no tree work is approved as part of this consent unless it is strictly necessary to implement the approved development.

The applicant should have regard to:

- YALPAG (formerly YAHPAC) 'Technical Guidance for Developers, Landowners and Consultants. Development on Land Affected by Contamination'
- YALPAG 'Verification Requirements for Cover Systems' if remediation or quality control of imported soil materials is required, and
- YALPAG (2016) guidance on 'Verification Requirements for Gas Protection Systems' if gas protection is necessary.

Current editions of these documents are available on the Bradford MDC website https://www.bradford.gov.uk/planning-and-building-control/planning-applications/planning-application-forms/

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- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be future-proof.

- Standard charging points for single residential properties should have Mode 3 type 2 capability and meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles. https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-minimum-technical-specification
- Units that provide Mode 1 and/or Mode 2 charging only will not be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

Construction and maintenance activities in or near water have the potential to cause serious pollution or impact on the bed and banks of surface waters and on the quality and quantity of the water. Surface waters include rivers, streams/burns, dry ditches, lakes/lochs, loughs, reservoirs, ponds, canals, estuaries and coastal waters. It is advised that the applicant seeks specialist advice on how to manage the risk of pollution and comply with the law when planning construction, maintenance or other works in, near or over surface waters. This may include but is not restricted to managing silt, concrete and cement, oils and chemicals, maintaining structures over watercourses, waste management and responding to pollution incidents. Causing pollution of a watercourse may result in committing a criminal offence.

Informative: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on “view planning applications”.

The Bradford Council website uses cookies. For more information about these cookies and how they are used, please visit http://www.bradford.gov.uk/bmdc/government_politics_and_public_administration/our_websites

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to grant planning permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or

- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals can be made online at: https://www.gov.uk/appeal-planning-decision. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

You must send a copy of your appeal to Department of Place, Development Services, Britannia House, Hall Ings, Bradford or planning.appeals@bradford.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

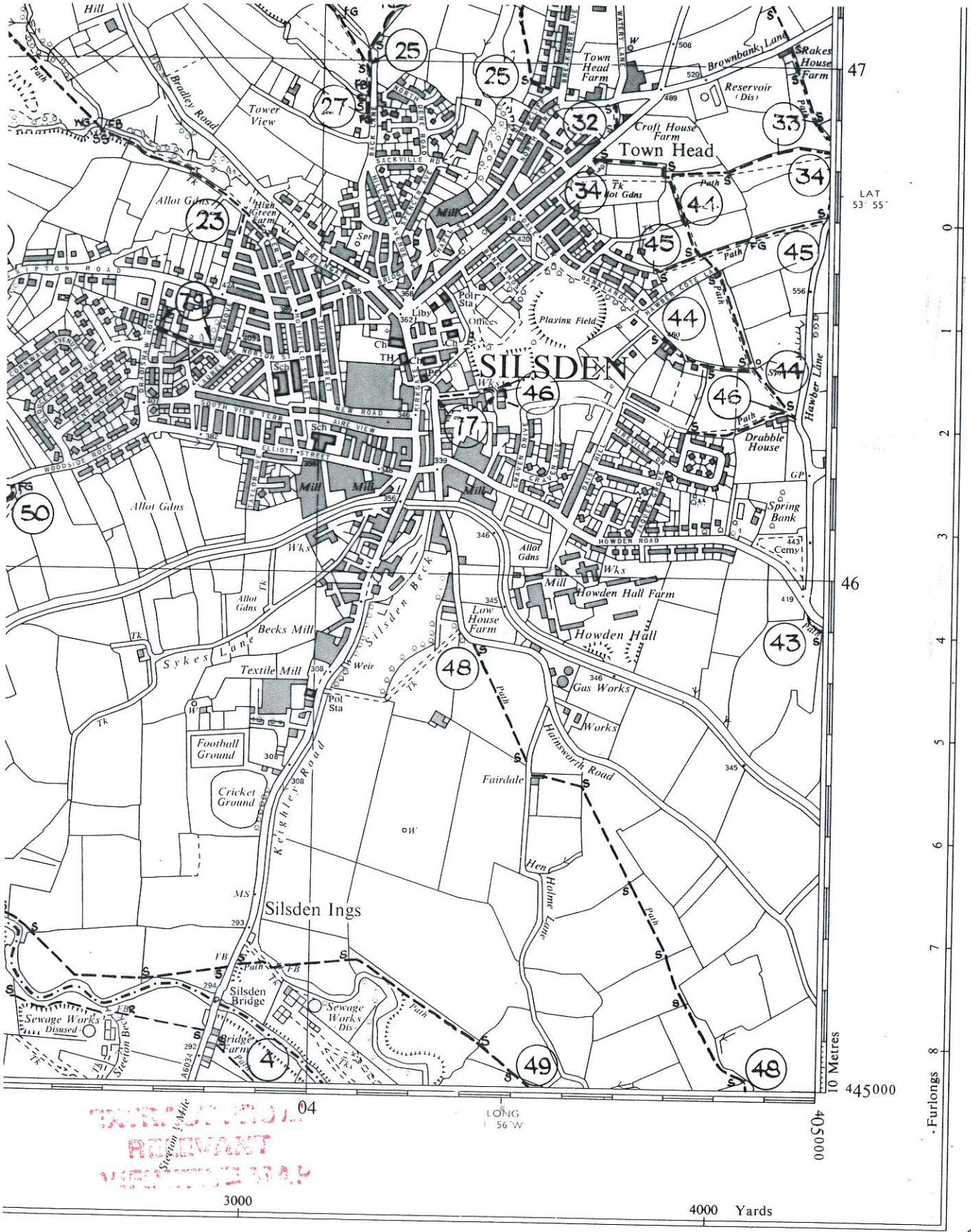
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.

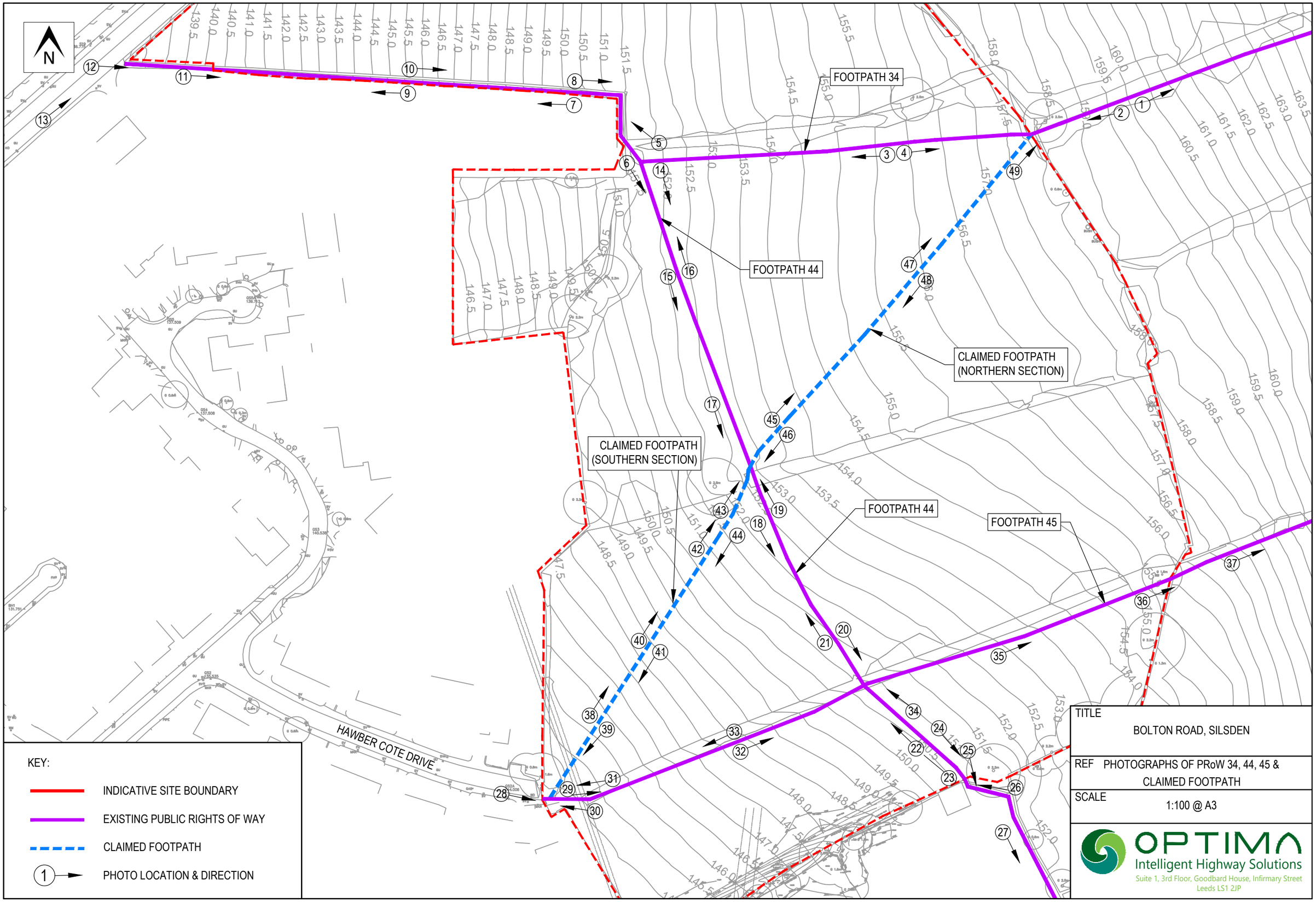
Appendix D Definitive Map Extract and Statement Information (for PRoW 34, 44 & 45)

Definitive Statement Information

Path No	Description of Route	Map Ref	Nature of Surface	Approx Length (miles)	Approx Length (metres)	Approx Width (feet)	Approx Width (metres)	General	Limitations and Conditions
034	Footpath from Bolton Road near Town Head eastwards to Hawber Lane where it continues to Swartha Lane northward over Brown Bank to Brown Bank Lane.	SE 04 NW 0446 SE 04 NE	Arable Land Metalled	0.85 0.25	1368 403	4 8	1.2 2.4	7 Stiles 1 Wicket Gate	
044	Footpath from Path No.34 near Allotment Gardens via Hawber Cote to Drabble House with a branch north westerly along Banklands Lane turning at SE 0476 4641 to a generally south westerly direction to its junction with Footpath 46 at Middleway	SE 04 NW 0446	Stone Grass with 1 metre gravel Grass Stone Grass with 1 metre gravel		211.5 220 121 101 146.5		1.2 3 1.2 1.2 3	6 Stiles Amended by LEMO Relevant Date 28 April 2023	
045	Footpath commencing at Hawbercote Drive and proceeding in a north easterly direction to Hawber Lane.	SE 04 NW 0446	Arable Land	0.23	370	4	1.2	3 Stiles 1 Field Gate	


SILSDEN
Silsden Ings
Town Head
Howden Hall
Howden Hall Farm
Low House Farm
Croft House Farm
Town Head Farm
Rakes House Farm
Reservoir (Dis)
Brownbank Lane
Tower View
Allot Gdns
High Green Farm
Drabble House
Spring Bank
Hawber Lane
Playing Field
Offices
Pol Sta
Liby
Ch
Sch
Mill
Wks
Gas Works
Textile Mill
Becks Mill
Silsden Beck
Weir
Sykes Lane
Football Ground
Cricket Ground
Keighley Road
Fairdale
Hainsworth Road
Holme Lane
Silsden Bridge
Sewage Works Disused
Sewage Works Dis.
Bridge Farm
Howden Road
Cemy
Path
Tk
FB
FG
Stream
Steeton Beck
A6034
Steeton ½ Mile
Bradley Road
Sackville Rd
Kirkgate
New Road
Aire View
Elliott Street
Roodside Road
Skipton Road
Queen Street
Victoria Street
Cornmill Avenue
Gladstone Avenue
Queen Avenue
Craven Drive
Craven Avenue
Hawber Cote Lane
Watery Lane
Park Moore Ave
Park Moore Drive
Park Moore Rise
Park Moore Way
Sackville Rd
Brook Street
Bridge Street
Kirkgate

Appendix E Photographs of PRoW 34, 44, 45 & Claimed Footpath


N
FOOTPATH 34
FOOTPATH 44
CLAIMED FOOTPATH
(NORTHERN SECTION)
CLAIMED FOOTPATH
(SOUTHERN SECTION)
FOOTPATH 44
FOOTPATH 45
HAWBER COTE DRIVE
KEY:
INDICATIVE SITE BOUNDARY
EXISTING PUBLIC RIGHTS OF WAY
CLAIMED FOOTPATH
PHOTO LOCATION & DIRECTION
TITLE
BOLTON ROAD, SILSDEN
REF PHOTOGRAPHS OF PRoW 34, 44, 45 & CLAIMED FOOTPATH
SCALE
1:100 @ A3
OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP

Bolton Road, Silsden – PRoW 34, 44, 45

PRoW Silsden 34

Photo 1	
Location	Facing eastwards along PRoW 34 beyond eastern Site Boundary

Photo 2	
Location	Facing westwards along PRoW 34 towards the development Site. Access onto the development Site via wooden stile.

Photo 3	
Location	Facing westwards along PRoW 34 within the development Site.

Photo 4	
Location	Facing eastwards along PRoW 34 within the development Site towards the eastern boundary of the development Site.

Photo 5	
Location	Facing northwest from within the development Site, looking towards allotments adjacent to PRoW 34.

Photo 6	
Location	Facing southeast away from the allotments into the development Site. PRoW 34 heads towards the left and PRoW 44 heads towards the right.

Photo 7	
Location	Facing westwards towards Bolton Road adjacent to the north of allotments.

Photo 8	
Location	Facing east towards the development Site adjacent to the north of allotments.

Photo 9	
Location	Facing west towards Bolton Road circa 85m east of Bolton Road.

Photo 10	
Location	Facing east towards development Site adjacent to the north of allotments circa 85m east of Bolton Road

Photo 11	
Location	Facing east towards development Site adjacent dwelling.

Photo 12	
Location	Westernmost point of PRoW 34 heading eastwards towards development Site.

Photo 13	
Location	Facing north on Bolton Road at westernmost point of PRoW 34.

PRoW Silsden 44

Photo 14	
Location	Facing southeast along PRoW 44 towards the centre of the development Site.

Photo 15	
Location	Facing southeast along PRoW 44 towards the centre of the development Site.

Photo 16	
Location	Facing northwest towards the north of the development Site at PRoW 34 and allotments.

Photo 17	
Location	Facing southeast along PRoW 44 towards hedge line and large tree.

Photo 18	
Location	Facing south towards hedge line and stile granting access to PRoW 45.

Photo 19	
Location	Facing north looking at junction between the northern section of PRoW 44 and claimed footpath.

Photo 20	
Location	Facing south along PRoW 44 at wooden style providing access onto PRoW 45.

Photo 21	
Location	Facing northwest towards the centre of the development Site at junction between the northern section of PRoW 44 and claimed footpath.

Photo 22	
Location	Facing north at hedge line and wooden stile providing access towards the northern section of PRoW 44.

Photo 23	
Location	Facing north from Hawber Cote at the PRoW 45, the hedge line and wooden stile.

Photo 24	
Location	Facing towards southern boundary of the development Site at metal gate providing access onto PRoW 44 adjacent to Silsden Primary School.

Photo 25	
Location	Photo of metal gate providing access onto PRoW 44 adjacent to Silsden Primary School.

Photo 26	
Location	Facing towards southern boundary of development Site at metal gate adjacent to Hawber Cote.

Photo 27	
Location	Facing south along PRoW 44 adjacent Silsden Primary School.

PRoW Silsden 45

Photo 28	
Location	Facing eastwards towards development Site from Hawber Cote Drive. Photo shows wooden stile providing access onto PRoW 45 and southern section of claimed footpath.

Photo 29	
Location	Facing eastwards at PRoW 45 running via gap in the hedge line.

Photo 30	
Location	Facing west from PRoW 45 towards wooden stile and metal gate providing access to eastern terminus of Hawber Cote Drive.

Photo 31	
Location	Facing east from PRoW 45 towards gap in hedge line and Hawber Cote Drive beyond.

Photo 32	
Location	Facing eastwards along PRoW 45 adjacent to hedge line.

Photo 33	
Location	Facing west along PRoW 45 towards western boundary of development Site.

Photo 34	
Location	Facing north at junction between PRoW 44 & 45 looking wooden stile providing access onto the southern section of PRoW 44.

Photo 35	
Location	Facing eastwards along PRoW 45 looking at eastern boundary of development Site.

Photo 36	
Location	Facing east at metal gate providing access onto PRoW 45 beyond development Site.

Photo 37	
Location	Facing east along PRoW 45 away from development Site.

Claimed Footpath (Southern Section

Photo 38	
Location	Facing northeast along claimed footpath towards centre of development Site.

Photo 39	
Location	Facing southwest on southern section of the claimed footpath looking at Hawber Cote Drive & PRoW 45.

Photo 40	
Location	Facing northeast along claimed footpath towards centre of development Site.

Photo 41	
Location	Facing southwest towards Hawber Cote Drive and western boundary of development Site.

Photo 42	
Location	Facing northeast along claimed footpath towards junction with claimed footpath and PRoW 44.

Photo 43	
Location	Looking at junction with claimed footpath and PRoW 44.

Photo 44	
Location	Facing southwest from centre of development Site at southern section of claimed footpath and Hawber Cote Drive beyond.

Claimed Footpath (Northern Section)

Photo 45	
Location	Facing northeast along northern section of claimed footpath towards the east of the development Site.

Photo 46	
Location	Facing southwest at junction between the northern section of PRoW 44 and claimed footpath.

Photo 47	
Location	Facing northeast along northern section of claimed footpath towards the east of the development Site.

Photo 48	
Location	Facing southwest along northern section of claimed footpath towards centre of development Site.

Photo 49	
Location	Facing northeast at eastern boundary of development Site. Access onto PRoW 34 provided via a stone stile.

Appendix F Claimed Footpath DMMO Application (Council Register Summary, Application Form, Footpath Plan)

Countryside and Rights of Way Service

Section 53 Register

Search options

Please select 1 or more of the filter options below or select view all

Postcode search All postcodes

Keyword

Application year All years

View All Search CLR

Latest applications

Displaying 1...29 of 29 records

	File reference	Application date	Application known as	Intended effect of application	Postcode(s)	Locality	Ward
View	66660/T76	07/07/2023	Fishbeck Lane, Silsden	Other	BD20	Silsden	Craven
View	66660/T75	25/07/2022	Hawber Cote Drive to Silsden 34, Silsden	Add a Footpath	BD20	Silsden	Craven

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

FORM WCA 5

Application for Modification to the Definitive Map and Statement of Public Rights of Way

Wildlife & Countryside Act 1981: Schedule 14

To: Countryside & Rights of Way Service, City of Bradford Metropolitan District Council

(i) I/~~We~~ CAROLINE WHITAKER

(ii) Of
84 BOLTON ROAD
SILSDEN
WEST YORKSHIRE, BD20 0JT

hereby apply for an order under Section 53 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement of the area by *(please complete **one** of the following four sections as appropriate)*:

1. **DELETING** the *footpath / bridleway / ~~byway~~ open to all traffic / ~~restricted byway~~ that runs

from

to

2. **ADDING** a *footpath / ~~bridleway / restricted byway that runs~~

from SE 04651 46607 ADJACENT TO 22 HANBER COTE DRIVE

to SE 04790 46807 THE JUNCTION WITH FOOTPATH 34 SILSDEN

(i) Name(s) of Applicant, (ii) Address of applicant(s), * Please delete as appropriate **WCA 5 (cont'd)**

3. ***UPGRADING / DOWNGRADING** the *footpath / bridleway / byway open to all traffic / restricted byway ***to*** a *footpath / bridleway / restricted byway that runs

from .....

to .....

4. ***AMEND** the particulars relating to the *footpath / bridleway / byway open to all traffic / restricted byway without changing the recorded status of the way that runs

from .....

to .....

by providing that (describe the changes required to the Definitive Statement):

.....

.....

.....

.....

I/We attach a map of the route and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of documents provided:

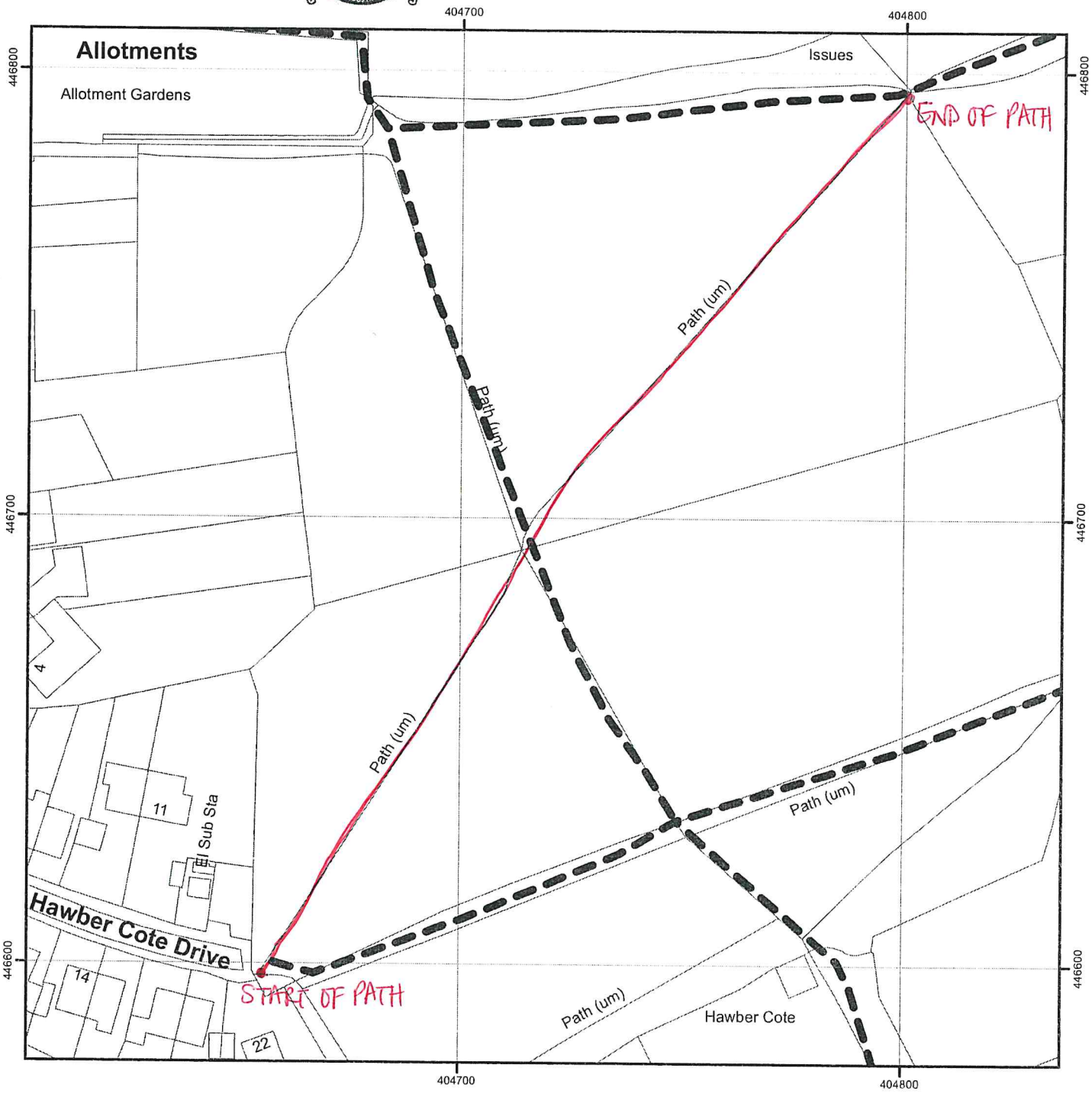
STATEMENT OF WITNESS FROM:-
1. Stuart CAMPBELL
2. David GUNN
3. William HORTON
4. Janet JONES
5. Alan RAINE
6. Roger SMITH
7. Brian ROBINSON
8. Janet ROBINSON
9. Jo WHITEHEAD
10 Anna YOUNG
PLUS
11. GOOGLE EARTH PHOTOS 2002 & 2020
12 ORDNANCE SURVEY MAP (2015) EXTRACT
13. MAP SHOWING LINE OF REQUESTED FOOTPATH

Signed C. Rutaich Date 25/7/22

Important: Bradford Council keeps a register of all Definitive Map Modifications Order applications as required under Section 53B of the Wildlife & Countryside Act 1981. This register is available to the public at council offices and on the council's website. Please indicate if you would rather personal details provided in your application be omitted from the register.

☐ Tick this box if you wish personal details to be omitted from the Section 53B register.

City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



Application plan 1 - claimed paths off Hawber Cote Drive, Silsden

Legend

Public Footpath recorded on Definitive Map

N
W E
S

Scale	1:1,250
OS Sheet	SE 0446
Drawn By	FP
Checked By	
Date	20/04/2022

Based upon Ordnance Survey Map with permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. City of Bradford MDC License No. 100019304

Appendix G (not used)

Appendix H Approved Planning 'Site Layout' (Persimmon Drawing No.SIL-2021-001 Rev X)

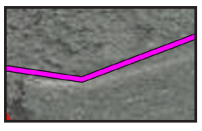
Croft House
139.9m
ADOPTABLE STORAGE POND
Base - 141.40
TBL 142.00 (0.150+ve)
Storage Vol - 425m3
Pond
Proposed 1.5m gravel informal footpath partly within access strip with consent from adjacent landowner where required along length in areas
Allotment Gardens
Occasional Small Allotment Trees
Village Green
PRIVATE PUMPING STATION
Play area
STORAGE TANK
28m x 28m x 2.1m
156tbm2
SL 144.80
IL 142.70
Hawber Cote
El Sub Sta
Connection to PROW along school site
Proposed One-way link to the existing Hawber Cote Lane omitted and replaced with a footpath / cycle link. Turning head added infront of plot 106 and private drive shown to access plots 104-106.
X 19.10.23 CJB
Affordable symbols amended
W 05.10.23 RLS
Pavement outside plot 108 revised as per optima drawing
V 04.08.23 RLS
Site entrance road opposite plot 118 updated inline with Optima highway designs
U 03.07.23 CB
Turning head adjacent plot 20 extended, enlarged splays added road between plots 14 & 15, approach to turning head opposite plot 80 widened to 6m and Road widened to 5.5m adjacent plot 93 and extended 0.6m inline with comments made by Highway consultants.
T 07.03.23 CB
Overall scheme reduced to 138 plots and mix revised. Patios added to all properties & Car charging icons updated. Layout amended inline with engineering comments, Tree's 134 & 134 shown removed including extents of G1 removed to allow for construction works. Turning heads amended inline with comments by Highway officer.
S 07.02.23 CB
Plots 101-106 & 121-124 moved away from red line boundary to allow PROW realignments and perimeter walk / plots 98 -100 and adjacent footpath amended to accommodate / turning head from Hawber Cote Drive amended
R 18.11.22 DB
Layout amended following Highway officer comments 14.10.22 - footpath along Bolton Road realigned to north of site access / T61 category C tree removal indicated to facilitate footpath / amendment to junction at plots 15 & 27 / reduction of block paving to primary street main access / amendment to shared surface street serving plots 1-7 / plots 15 & 16 reorientated / plots 21 & 22 parking amended / footpath added to side of plot 34 / footpath and verge added to north of Village green / plot 39 access changed / footpath and VP added to road at front of plots 48-40 / service verge added to road around play area / footpath and road access to turning head serving plots 77-86 amended / VP removed and footpath added adjacent to plot 126 / turning head adjacent to plot 101 amended / rumble strips to side streets pushed back / angular block paved shared surfaces / additional on street visitor parking provided / rainwater gardens introduced to plots 1-7 and 27 / front gardens of plots 46&47 changed to adopted verge with rainwater garden / 900mm gates to plots 1-7, 40&43 rear access
Q 04.11.22 DB
Footpath below plots 41-43 (adjacent to Millennium Way PROW) removed/ access gate to plot 114 relocated
P 05.09.22 DB
Layout amended to revised tracking - carriageway widened adjacent to plot 93 / VPs removed adjacent plot 132 / 3m foot & cycleway to one-way school link / surface treatment to one-way link
O 30.08.22 DB
Layout amended following urban design officer comments 16.08.22 - tree lined verge to south of entrance road / block paving surface treatment extended to site entrance and any applicable junctions to shared surface streets / amendments to RCPs / footpaths amended around verge build outs adjacent to plots 74 & 87 / footpath removed outside plot 126 / VP added adjacent to plot 121 / gates amended to plots 51,58,63,84 / school buildings and access added to OS
N 18.08.22 DB
Turning area adjacent plot 115 extended / all parking allocated / rumble strip notes added / 3m foot & cycle way extended to eastern boundary on main route / VPs relocated / parking for plots 118-120 re-arranged
M 15.08.22 DB
Footpath added to southern side of entrance road and VPs removed in this location / road carriageway width reduced and street trees added adjacent to plots 174 &175 / footpath added to north west corner of plots 098 & 106 / one-way link reinstated to Hawber Cote Lane and internal road alignments readjusted in south west corner / plots 107-109 amended / bin collection points added / sheds added / turning space for plots 113 & 114 / car parking amended for plots 57-59
L 05.08.22 DB
Vehicular school link replaced with foot and cycle only link / footpath connection added to southern boundary PROW opposite plot 115
K 15.02.22 DB
Access junction and one-way link amended to highways consultant design / southern tank position amended to engineering design / schedule of accommodation added
J 09.02.22 DB
Plots17-20 rear boundary pushed back to hedge / change of surface to roads serving plots 17-20 and 77-86 / footpath added to north side of main street opposite plot 38 / new bus stop shown to Bolton Road / pond design updated / swale to entrance road removed / rear boundary to plot 74 amended to allow for planting screen / new tank location (south) / tank removed from 137 & 138 rear garden
I 02.02.22 DB
Affordable provision increased to policy requirement (20%) - plots 21-22 and 110-111 swapped from Saunton to Braunton
H 17.01.22 DB
Instant hedge boundary treatment added to Eastern edge / plot 20 rotated and plots 17-19 amended to accommodate / estate railing to plots 107-109 replaces box hedge / boundary type B added to a number of rear courts / around village green
G 12.01.22 DB
Plot 1 garden and parking amended / plot 2 parking relocated / plot 45 handed / plot 37 turning area / EV charging positions included and access paths added to terraced units
F 17.12.21 DB
Layout amended for refuse collection tracking / boundaries and materials added
E 16.12.21 DB
Various amendments to layout (plot 10 parking to side / plots 41-43 reconfigured for sales area and show home / plots 19&20 remixed / tree removal indicated
D 24.11.21 DB
Various amendments to layout / new garages plotted / garages to Knebworths / reconfiguration of plots 52-63 & 90-96 to interface with existing tree
C 15.11.21 DB
Amendments to entrance / southern boundary blocks / vehicular loop removed following updated tree survey - alternative entrance composition option
B 10.11.21 DB
Layout amended following Highways & MD comments
A 16.09.21 DB
Comments
Rev.
Date
Drn
Raikes House Farm
Allotment Gardens
Hawber Cote
School
189.0m
171.0m
164.3m
158.5m
149.0m
192.5m
176.2m
178.8m
SCHEDULE OF ACCOMMODATION
Alnmouth
3 bed
Semi / terrace
22 no.
Danbury
3 bed
Semi / terrace
10 no.
Deepdale
3 bed
Semi / end terrace
11 no.
Galloway
3 bed
Semi / terrace
12 no.
Sherwood
3 bed
Detached
6 no.
Barnwood
3 bed
Detached
11 no.
Saunton
3 bed
Semi
4 no.
Braunton
3 bed
Semi / terrace
10 no.
Galloway DT
4 bed
Semi / detached
4 no.
Knebworth
4 bed
Semi / detached
12 no.
Barnwood DT
4 bed
Semi / detached
12 no.
Kennet
4 bed
Semi
7 no.
Brampton
4 bed
Detached
7 no.
Selwood
5 bed
Detached
7 no.
Knebworth DT
5 bed
Semi / detached
3 no.
KEY
Denotes affordable home
Denotes chimneys
Denotes 1800mm gate positions
Illustrative plot planting / planting under management company - refer to landscaping plan
Street trees
Potential mown footpath link connection to PROW
Sheds providing cycle storage(location on plot indicative)
All garages provide adequate cycle storage
VP Denotes visitor parking space
Denotes potential on-street visitor parking
Boundaries Schedule
(A) 1800mm high stone wall with horizontal fence panels
(B) 900mm high stone wall with planting behind (see landscaping plan)
(C) 1800mm high close boarded timber fence
(D) 900mm high stone wall
(E) 900mm high black estate railing
(F) 900mm high black estate railing with box hedge behind
(G) Box hedge (see landscaping plan)
(H) 450mm high timber knee rail
EV Charging Points
Approximate position of car charging port (refer to house & garage working drawing)
Position of free standing pillar car charging point
Tree Identification Key
Denotes existing trees / hedges to be retained
Denotes extent of tree root
Denotes trees / hedge to be removed
G1 Portions removed from category C hedge for access to southern most blocks / school link & Attenuation tank
T2 Removal of category C tree
T7 Removal of category C tree
T8 Removal of category C tree
G14 Removal of category C tree
G25 Removal of category C hedge for school link
G26 Removal of category C hedge for school link
G33 Removal of category B hedge for school link
G34 Portion removed from category C hedge to site access from Hawber Cote Drive
G37 Portion removed from category C hedge for plot 104 & 105 garage
G38 Portion removed from category C hedge for pedestrian connectivity / south.
G39 Portion removed from category C hedge for access to southern portion of site
T44 Removal of category C tree
T45 Removal of category C tree
G39 Portion removed from category C hedge for access into plots 137-140
G40 Portion removed from category C hedge for pedestrian connectivity / access to southern portion of site
T47 Removal of category C tree for access road to northern most blocks
G43 Portion removed from category C hedge for access road to northern most blocks
T61 Removal of category C tree
G77 Portion removed from category C hedge for pedestrian connectivity / plot 037 and end of turning head
PERSIMMON
Persimmon Homes (West Yorkshire)
Development
Land off Bolton Rd.
Silsden
Drawing Title
Overall planning layout
Date Aug 2021
Scale 1:500@A0
Drawn DB
Dwg. Ref. SIL-2021-001
Rev. X
0 10 20 30 40 50m
Scale 1:500

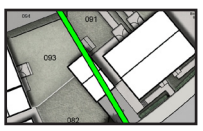
Appendix I Approved Planning 'PRoW Proposals' (Robinson Landscape Design Drawing No.1937 Silsden Rev F)

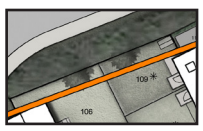
Resurfaced section of Millennium Way

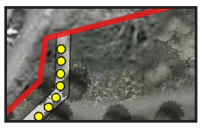
Surfacing detail
All areas of existing retained PRoW and proposed PRoW diversion to be finished using Self-Binding Crushed Limestone, to a width of 2m

LEGEND

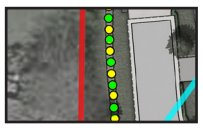

Public Right of Way No.34 (Millennium Way)

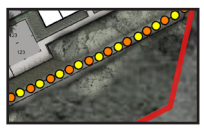

Public Right of Way No.44


Public Right of Way No.45


Proposed perimeter walk

Public Right of Way Application; Connecting Footpath 45 at Hawber Cote Drive to Footpath 34 Silsden


Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

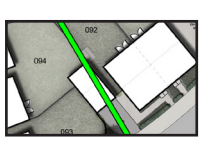
1937 Silsden

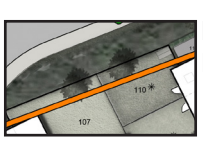
Public Rights of Way

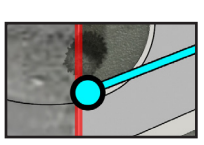
North: -	Project: 1937 Silsden
Rev: F	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

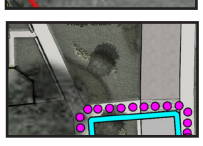
Appendix J Previous Revisions of 'PRoW Proposals' Plan (Robinson Landscape Design Drawing No's.1937 Silsden Initial Issue, Rev A, Rev B, Rev C, Rev D and Rev E)

Public Right of Way No.34 (Millennium Way)

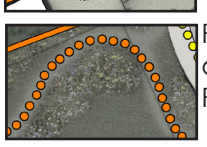

Public Right of Way No.44

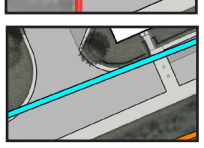

Public Right of Way No.45


Public Right of Way Application; Point-point grid references


Public Right of Way No.34 (Millennium Way) Proposed Diversion

Public Right of Way No.44 Proposed Diversion


Public Right of Way No.45 Proposed Diversion


Public Right of Way Application; Addition of new route section, to connect application points, via diversions along PROW44 & PROW34 Millenium Way.

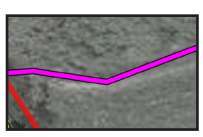
Proposed perimeter walk

Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

1937 Silsden

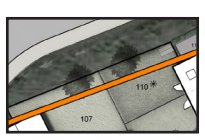
Public Rights of Way

North: -	Project: 1937 Silsden
Rev: -	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

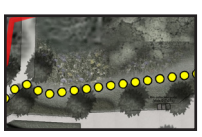


Public Right of Way No.34 (Millennium Way)

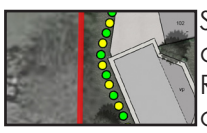
Public Right of Way No.44



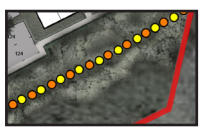
Public Right of Way No.45



Proposed perimeter walk



Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk



Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

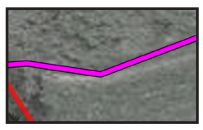
Shared proposed diversion of Public Right of Ways No.44, No.45 and Proposed Perimeter Walk

Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

1937 Silsden

Public Rights of Way

North: -	Project: 1937 Silsden
Rev: A	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans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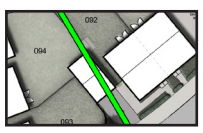
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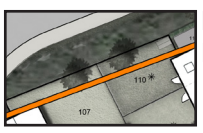
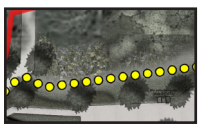
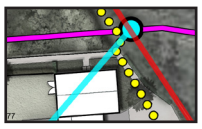
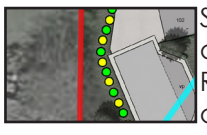
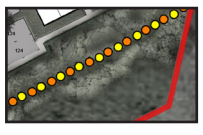

Public Right of Way No.45


Proposed perimeter walk


Proposed PROW Planning reference; 66660/T75
PROW mitigated via proposed perimeter walk


Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

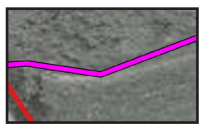
Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

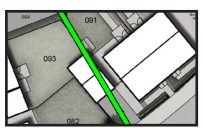
Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

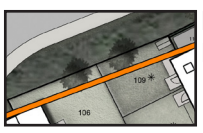
1937 Silsden

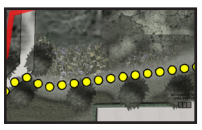
Public Rights of Way

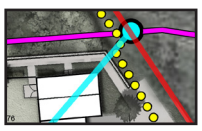
North: -	Project: 1937 Silsden
Rev: B	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

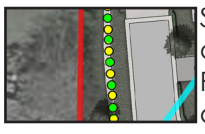

Public Right of Way No.34 (Millennium Way)

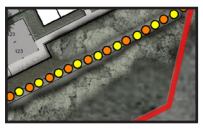

Public Right of Way No.44


Public Right of Way No.45


Proposed perimeter walk


Proposed PROW Planning reference; 66660/T75
PROW mitigated via proposed perimeter walk


Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

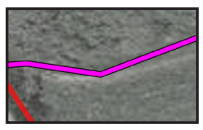
Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

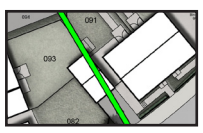
Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

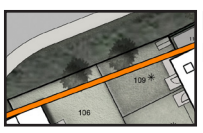
1937 Silsden

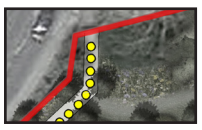
Public Rights of Way

North: -	Project: 1937 Silsden
Rev: C	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

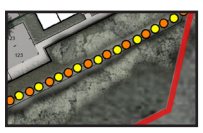

Public Right of Way No.34 (Millennium Way)


Public Right of Way No.44


Public Right of Way No.45


Proposed perimeter walk

Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

1937 Silsden

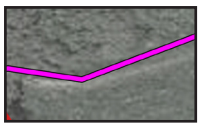
Public Rights of Way

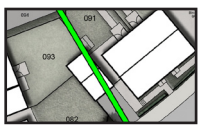
North: -	Project: 1937 Silsden
Rev: D	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

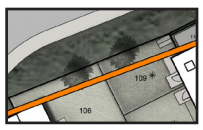
Reinforced section of Millenium Way

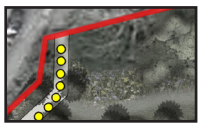
Surfacing detail
All areas of existing retained PRoW and proposed PRoW diversion to be finished using Self-Binding Crushed Limestone, to a width of 2m

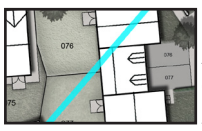
LEGEND

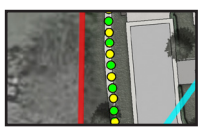

Public Right of Way No.34 (Millennium Way)

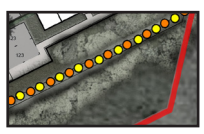

Public Right of Way No.44


Public Right of Way No.45


Proposed perimeter walk


Public Right of Way Application; Connecting Footpath 45 at Hawber Cote Drive to Footpath 34 Silsden


Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

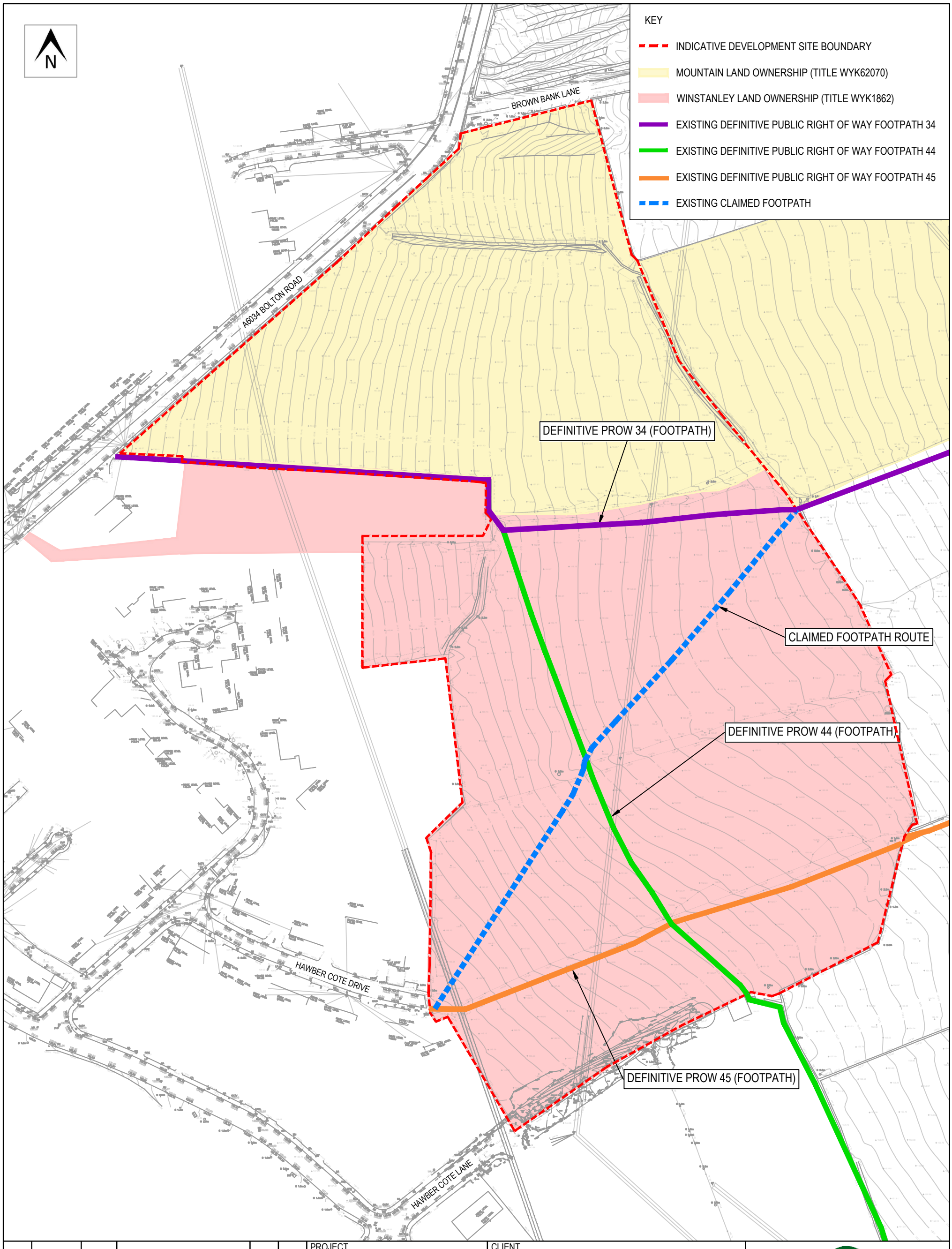
Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

1937 Silsden

Public Rights of Way

North: -	Project: 1937 Silsden
Rev: E	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

Appendix K Existing Definitive PRoW's 34,44,45 & Claimed Route with Land Titles (Optima Drawing No. 20142/IN/50 Rev A)



REV	DATE	BY	DESCRIPTION	CHK	APP
A	26/07/24	RP	ADDED CLAIMED FOOTPATH	PMO	PMO
-	19/04/24	CJR	INITIAL ISSUE	PMO	PMO

STATUS: PRELIMINARY

PROJECT: BOLTON ROAD, SILSDEN

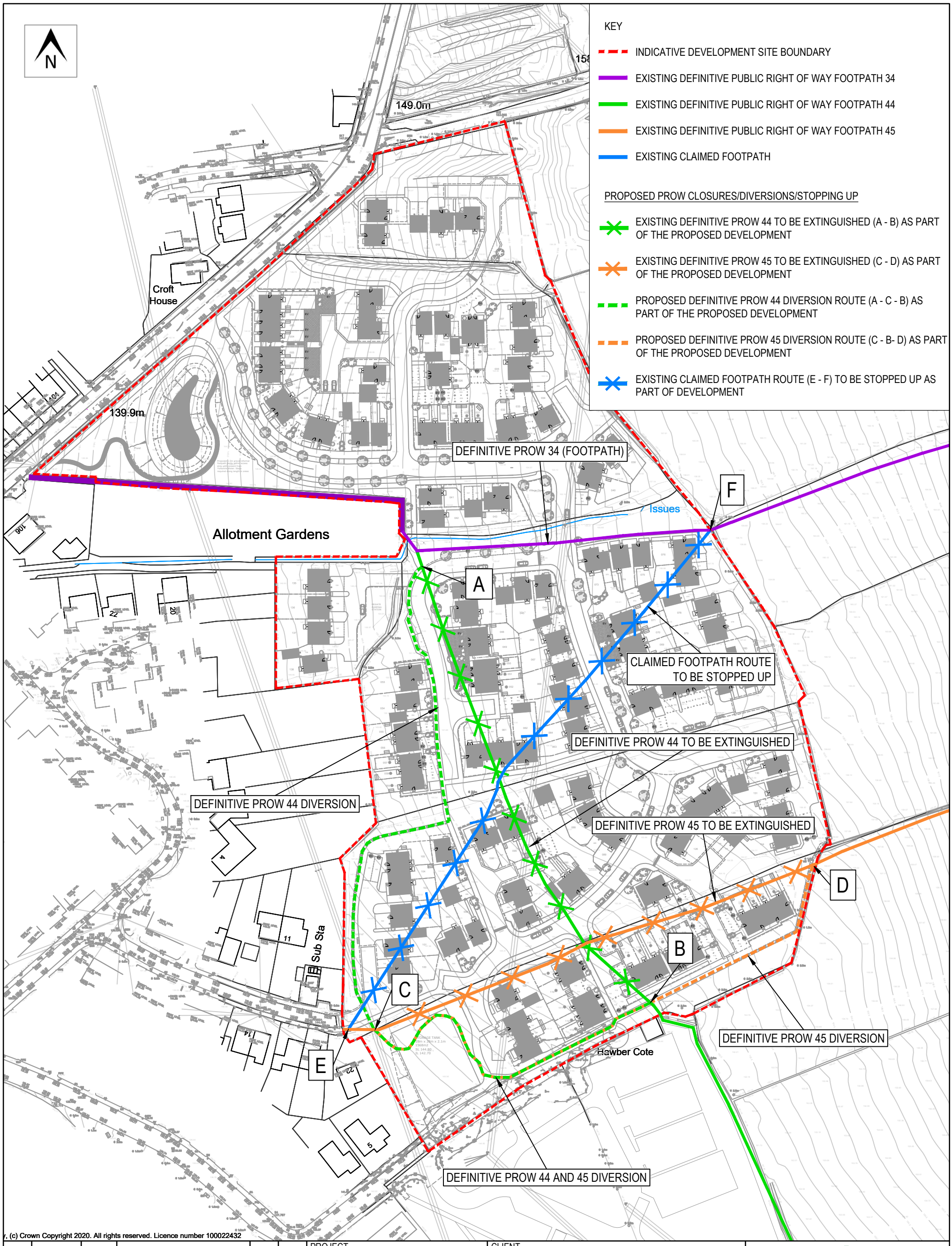
CLIENT: PERSIMMON HOMES

DRAWING TITLE: EXISTING DEFINITIVE PUBLIC RIGHTS OF WAY (34, 44 & 45) & CLAIMED FOOTPATH WITH LAND TITLES

CHECKED	APPROVED	DRG No.	
PMO	PMO	20142/IN/50	
DRAWN BY:	SCALE @ A3	DATE	REV.
RP	NTS	JULY 2024	A

OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP
optimahighways.com T 0113 245 1679

Appendix L Proposed Definitive PRoW's 44 & 45 Diversions & Claimed Footpath Stopping Up (Optima Drawing No.20142/IN/52 Rev A)



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REV	DATE	BY	DESCRIPTION	CHK	APP
A	26/07/24	RP	ADDED CLAIMED FOOTPATH	PMO	PMO
-	19/04/24	CJR	INITIAL ISSUE	PMO	PMO

STATUS: PRELIMINARY

PROJECT: BOLTON ROAD, SILSDEN

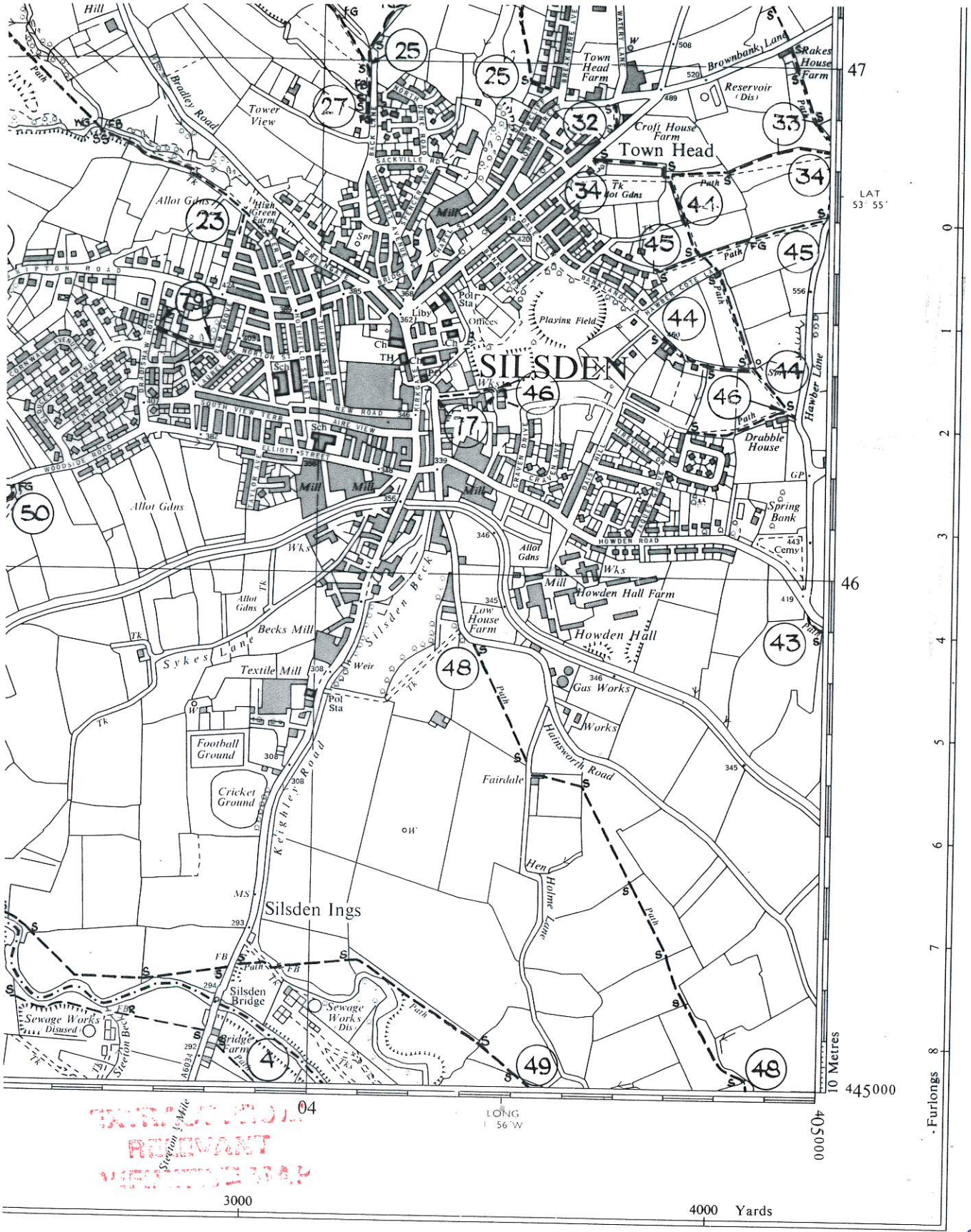
CLIENT: PERSIMMON HOMES

DRAWING TITLE: PROPOSED DEFINITIVE PROW'S (44 & 45) DIVERSIONS & CLAIMED FOOTPATH STOPPING UP

CHECKED	APPROVED	DRG No.	
PMO	PMO	20142/IN/52	
DRAWN BY:	SCALE @ A3	DATE	REV.
RP	NTS	JULY 2024	A

OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP
optimahighways.com T 0113 245 1679

Appendix E Definitive Map Extract and Statement Information (for PRoW 34, 44 & 45)


SILSDEN
Silsden Ings
Town Head
Howden Hall
Howden Hall Farm
Low House Farm
Croft House Farm
Town Head Farm
Rakes House Farm
Reservoir (Dis)
Brownbank Lane
Tower View
Allot Gdns
High Green Farm
Drabble House
Spring Bank
Hawber Lane
Playing Field
Offices
Pol Sta
Liby
Ch
Sch
Mill
Wks
Gas Works
Textile Mill
Becks Mill
Silsden Beck
Weir
Sykes Lane
Football Ground
Cricket Ground
Keighley Road
Fairdale
Hainsworth Road
Holme Lane
Silsden Bridge
Sewage Works Disused
Sewage Works Dis.
Bridge Farm
Howden Road
Cemy
Path
Tk
FB
FG
Stream
Steeton Beck
A6034
Steeton ½ Mile
Bradley Road
Sackville Rd
Kirkgate
New Road
Aire View
Elliott Street
Roodside Road
Skipton Road
Queen Street
Victoria Street
Cornmill Avenue
Gladstone Avenue
Queen Avenue
Craven Drive
Craven Avenue
Hawber Cote Lane
Watery Lane
Park Moore Ave
Park Moore Drive
Park Moore Rise
Park Moore Way
Sackville Rd
Brook Street
Bridge Street
Kirkgate

Definitive Statement Information

Path No	Description of Route	Map Ref	Nature of Surface	Approx Length (miles)	Approx Length (metres)	Approx Width (feet)	Approx Width (metres)	General	Limitations and Conditions
034	Footpath from Bolton Road near Town Head eastwards to Hawber Lane where it continues to Swartha Lane northward over Brown Bank to Brown Bank Lane.	SE 04 NW 0446 SE 04 NE	Arable Land Metalled	0.85 0.25	1368 403	4 8	1.2 2.4	7 Stiles 1 Wicket Gate	
044	Footpath from Path No.34 near Allotment Gardens via Hawber Cote to Drabble House with a branch north westerly along Banklands Lane turning at SE 0476 4641 to a generally south westerly direction to its junction with Footpath 46 at Middleway	SE 04 NW 0446	Stone Grass with 1 metre gravel Grass Stone Grass with 1 metre gravel		211.5 220 121 101 146.5		1.2 3 1.2 1.2 3	6 Stiles Amended by LEMO Relevant Date 28 April 2023	
045	Footpath commencing at Hawbercote Drive and proceeding in a north easterly direction to Hawber Lane.	SE 04 NW 0446	Arable Land	0.23	370	4	1.2	3 Stiles 1 Field Gate	

Appendix F Claimed Footpath DMMO Application (Council Register Summary, Application Form, Footpath Plan)

Countryside and Rights of Way Service

Section 53 Register

Search options

Please select 1 or more of the filter options below or select view all

Postcode search All postcodes

Keyword

Application year All years

View All Search CLR

Latest applications

Displaying 1...29 of 29 records

	File reference	Application date	Application known as	Intended effect of application	Postcode(s)	Locality	Ward
View	66660/T76	07/07/2023	Fishbeck Lane, Silsden	Other	BD20	Silsden	Craven
View	66660/T75	25/07/2022	Hawber Cote Drive to Silsden 34, Silsden	Add a Footpath	BD20	Silsden	Craven

City of BRADFORD METROPOLITAN DISTRICT COUNCIL

FORM WCA 5

Application for Modification to the Definitive Map and Statement of Public Rights of Way

Wildlife & Countryside Act 1981: Schedule 14

To: Countryside & Rights of Way Service, City of Bradford Metropolitan District Council

(i) I/~~We~~ CAROLINE WHITAKER

(ii) Of
84 BOLTON ROAD
SILSDEN
WEST YORKSHIRE, BD20 0JT

hereby apply for an order under Section 53 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement of the area by *(please complete **one** of the following four sections as appropriate)*:

1. **DELETING** the *footpath / bridleway / ~~byway~~ open to all traffic / ~~restricted byway~~ that runs

from

to

2. **ADDING** a *footpath / ~~bridleway / restricted byway that runs~~

from SE 04651 46607 ADJACENT TO 22 HANBER COTE DRIVE

to SE 04790 46807 THE JUNCTION WITH FOOTPATH 34 SILSDEN

(i) Name(s) of Applicant, (ii) Address of applicant(s), * Please delete as appropriate **WCA 5 (cont'd)**

3. ***UPGRADING / DOWNGRADING** the *footpath / bridleway / byway open to all traffic / restricted byway ***to*** a *footpath / bridleway / restricted byway that runs

from .....

to .....

4. ***AMEND** the particulars relating to the *footpath / bridleway / byway open to all traffic / restricted byway without changing the recorded status of the way that runs

from .....

to .....

by providing that (describe the changes required to the Definitive Statement):

.....

.....

.....

.....

I/We attach a map of the route and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of documents provided:

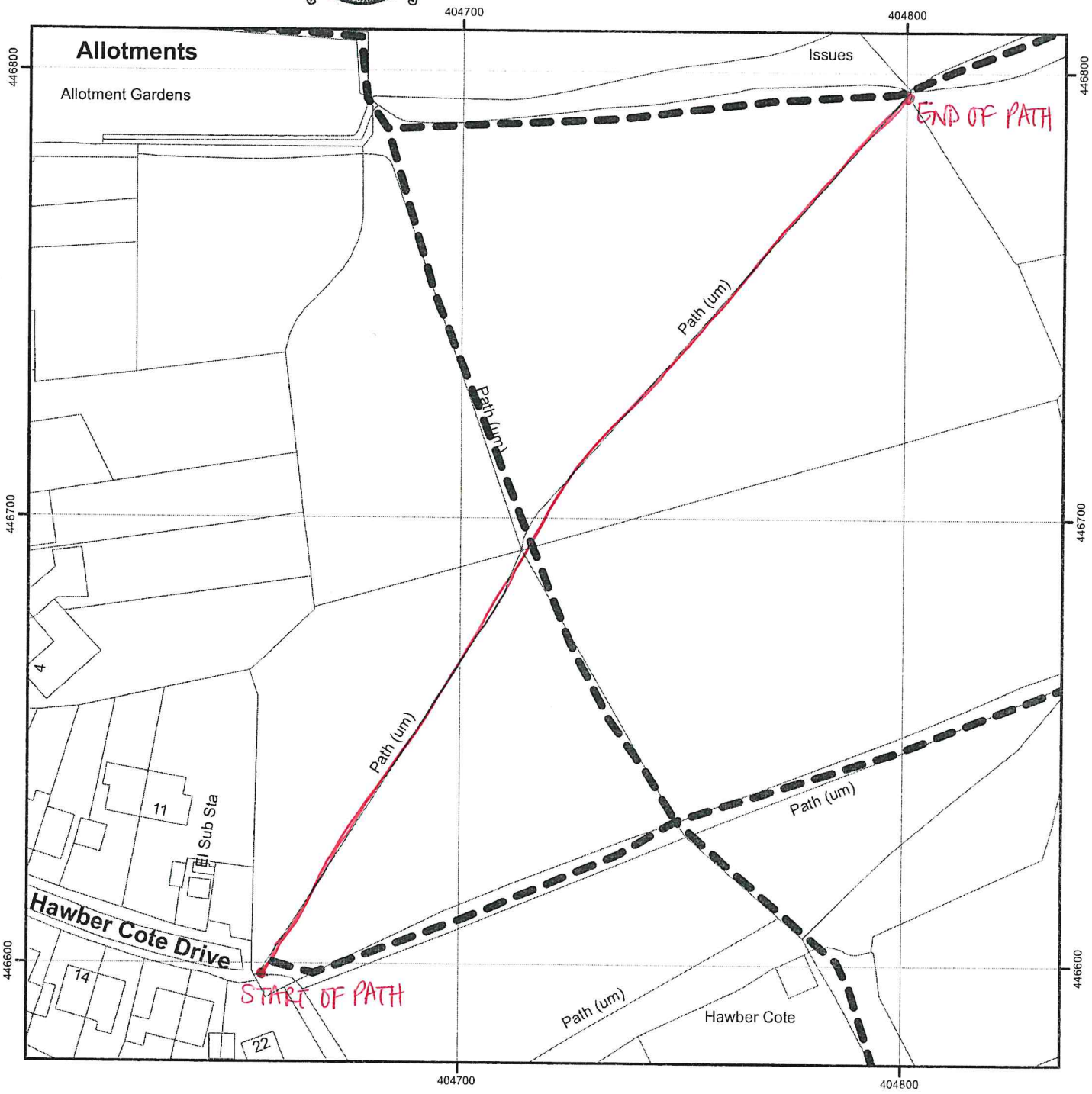
STATEMENT OF WITNESS FROM:-
1. Stuart CAMPBELL
2. David GUNN
3. William HORTON
4. Janet JONES
5. Alan RAINE
6. Roger SMITH
7. Brian ROBINSON
8. Janet ROBINSON
9. Jo WHITEHEAD
10 Anna YOUNG
PLUS
11. GOOGLE EARTH PHOTOS 2002 & 2020
12 ORDNANCE SURVEY MAP (2015) EXTRACT
13. MAP SHOWING LINE OF REQUESTED FOOTPATH

Signed C. Rutaich Date 25/7/22

Important: Bradford Council keeps a register of all Definitive Map Modifications Order applications as required under Section 53B of the Wildlife & Countryside Act 1981. This register is available to the public at council offices and on the council's website. Please indicate if you would rather personal details provided in your application be omitted from the register.

☐ Tick this box if you wish personal details to be omitted from the Section 53B register.

City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



Application plan 1 - claimed paths off Hawber Cote Drive, Silsden

Legend

Public Footpath recorded on Definitive Map

N
W E
S

Scale	1:1,250
OS Sheet	SE 0446
Drawn By	FP
Checked By	
Date	20/04/2022

Based upon Ordnance Survey Map with permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. City of Bradford MDC License No. 100019304

Appendix G Approved Planning 'Site Layout' (Persimmon Drawing No.SIL-2021-001 Rev X)

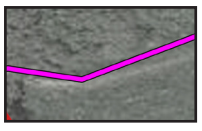
Croft House
139.9m
ADOPTABLE STORAGE POND
Base - 141.40
TBL 142.00 (0.150+ve)
Storage Vol - 425m3
Pond
Proposed 1.5m gravel informal footpath partly within access strip with consent from adjacent landowner where required along length in areas
Allotment Gardens
Occasional Small Allotment Trees
Village Green
PRIVATE PUMPING STATION
Play area
STORAGE TANK
28m x 28m x 2.1m
156tbm2
SL 144.80
IL 142.70
Hawber Cote
El Sub Sta
Connection to PROW along school site
Proposed One-way link to the existing Hawber Cote Lane omitted and replaced with a footpath / cycle link. Turning head added infront of plot 106 and private drive shown to access plots 104-106.
X 19.10.23 CJB
Affordable symbols amended
W 05.10.23 RLS
Pavement outside plot 108 revised as per optima drawing
V 04.08.23 RLS
Site entrance road opposite plot 118 updated inline with Optima highway designs
U 03.07.23 CB
Turning head adjacent plot 20 extended, enlarged splays added road between plots 14 & 15, approach to turning head opposite plot 80 widened to 6m and Road widened to 5.5m adjacent plot 93 and extended 0.6m inline with comments made by Highway consultants.
T 07.03.23 CB
Overall scheme reduced to 138 plots and mix revised. Patios added to all properties & Car charging icons updated. Layout amended inline with engineering comments, Tree's 134 & 134 shown removed including extents of G1 removed to allow for construction works. Turning heads amended inline with comments by Highway officer.
S 07.02.23 CB
Plots 101-106 & 121-124 moved away from red line boundary to allow PROW realignments and perimeter walk / plots 98 -100 and adjacent footpath amended to accommodate / turning head from Hawber Cote Drive amended
R 18.11.22 DB
Layout amended following Highway officer comments 14.10.22 - footpath along Bolton Road realigned to north of site access / T61 category C tree removal indicated to facilitate footpath / amendment to junction at plots 15 & 27 / reduction of block paving to primary street main access / amendment to shared surface street serving plots 1-7 / plots 15 & 16 reorientated / plots 21 & 22 parking amended / footpath added to side of plot 34 / footpath and verge added to north of Village green / plot 39 access changed / footpath and VP added to road at front of plots 48-40 / service verge added to road around play area / footpath and road access to turning head serving plots 77-86 amended / VP removed and footpath added adjacent to plot 126 / turning head adjacent to plot 101 amended / rumble strips to side streets pushed back / angular block paved shared surfaces / additional on street visitor parking provided / rainwater gardens introduced to plots 1-7 and 27 / front gardens of plots 46&47 changed to adopted verge with rainwater garden / 900mm gates to plots 1-7, 40&43 rear access
Q 04.11.22 DB
Footpath below plots 41-43 (adjacent to Millennium Way PROW) removed/ access gate to plot 114 relocated
P 05.09.22 DB
Layout amended to revised tracking - carriageway widened adjacent to plot 93 / VPs removed adjacent plot 132 / 3m foot & cycleway to one-way school link / surface treatment to one-way link
O 30.08.22 DB
Layout amended following urban design officer comments 16.08.22 - tree lined verge to south of entrance road / block paving surface treatment extended to site entrance and any applicable junctions to shared surface streets / amendments to RCPs / footpaths amended around verge build outs adjacent to plots 74 & 87 / footpath removed outside plot 126 / VP added adjacent to plot 121 / gates amended to plots 51,58,63,84 / school buildings and access added to OS
N 18.08.22 DB
Turning area adjacent plot 115 extended / all parking allocated / rumble strip notes added / 3m foot & cycle way extended to eastern boundary on main route / VPs relocated / parking for plots 118-120 re-arranged
M 15.08.22 DB
Footpath added to southern side of entrance road and VPs removed in this location / road carriageway width reduced and street trees added adjacent to plots 174 &175 / footpath added to north west corner of plots 098 & 106 / one-way link reinstated to Hawber Cote Lane and internal road alignments readjusted in south west corner / plots 107-109 amended / bin collection points added / sheds added / turning space for plots 113 & 114 / car parking amended for plots 57-59
L 05.08.22 DB
Vehicular school link replaced with foot and cycle only link / footpath connection added to southern boundary PROW opposite plot 115
K 15.02.22 DB
Access junction and one-way link amended to highways consultant design / southern tank position amended to engineering design / schedule of accommodation added
J 09.02.22 DB
Plots17-20 rear boundary pushed back to hedge / change of surface to roads serving plots 17-20 and 77-86 / footpath added to north side of main street opposite plot 38 / new bus stop shown to Bolton Road / pond design updated / swale to entrance road removed / rear boundary to plot 74 amended to allow for planting screen / new tank location (south) / tank removed from 137 & 138 rear garden
I 02.02.22 DB
Affordable provision increased to policy requirement (20%) - plots 21-22 and 110-111 swapped from Saunton to Braunton
H 17.01.22 DB
Instant hedge boundary treatment added to Eastern edge / plot 20 rotated and plots 17-19 amended to accommodate / estate railing to plots 107-109 replaces box hedge / boundary type B added to a number of rear courts / around village green
G 12.01.22 DB
Plot 1 garden and parking amended / plot 2 parking relocated / plot 45 handed / plot 37 turning area / EV charging positions included and access paths added to terraced units
F 17.12.21 DB
Layout amended for refuse collection tracking / boundaries and materials added
E 16.12.21 DB
Various amendments to layout (plot 10 parking to side / plots 41-43 reconfigured for sales area and show home / plots 19&20 remixed / tree removal indicated
D 24.11.21 DB
Various amendments to layout / new garages plotted / garages to Knebworths / reconfiguration of plots 52-63 & 90-96 to interface with existing tree
C 15.11.21 DB
Amendments to entrance / southern boundary blocks / vehicular loop removed following updated tree survey - alternative entrance composition option
B 10.11.21 DB
Layout amended following Highways & MD comments
A 16.09.21 DB
Comments
Rev.
Date
Drn
Raikes House Farm
Allotment Gardens
Hawber Cote
School
189.0m
171.0m
164.3m
158.5m
149.0m
192.5m
176.2m
178.8m
SCHEDULE OF ACCOMMODATION
Alnmouth
3 bed
Semi / terrace
22 no.
Danbury
3 bed
Semi / terrace
10 no.
Deepdale
3 bed
Semi / end terrace
11 no.
Galloway
3 bed
Semi / terrace
12 no.
Sherwood
3 bed
Detached
6 no.
Barnwood
3 bed
Detached
11 no.
Saunton
3 bed
Semi
4 no.
Braunton
3 bed
Semi / terrace
10 no.
Galloway DT
4 bed
Semi / detached
4 no.
Knebworth
4 bed
Semi / detached
12 no.
Barnwood DT
4 bed
Semi / detached
12 no.
Kennet
4 bed
Semi
7 no.
Brampton
4 bed
Detached
7 no.
Selwood
5 bed
Detached
7 no.
Knebworth DT
5 bed
Semi / detached
3 no.
KEY
Denotes affordable home
Denotes chimneys
Denotes 1800mm gate positions
Illustrative plot planting / planting under management company - refer to landscaping plan
Street trees
Potential mown footpath link connection to PROW
Sheds providing cycle storage(location on plot indicative)
All garages provide adequate cycle storage
VP Denotes visitor parking space
Denotes potential on-street visitor parking
Boundaries Schedule
(A) 1800mm high stone wall with horizontal fence panels
(B) 900mm high stone wall with planting behind (see landscaping plan)
(C) 1800mm high close boarded timber fence
(D) 900mm high stone wall
(E) 900mm high black estate railing
(F) 900mm high black estate railing with box hedge behind
(G) Box hedge (see landscaping plan)
(H) 450mm high timber knee rail
EV Charging Points
Approximate position of car charging port (refer to house & garage working drawing)
Position of free standing pillar car charging point
Tree Identification Key
Denotes existing trees / hedges to be retained
Denotes extent of tree root
Denotes trees / hedge to be removed
G1 Portions removed from category C hedge for access to southern most blocks / school link & Attenuation tank
T2 Removal of category C tree
T7 Removal of category C tree
T8 Removal of category C tree
G14 Removal of category C tree
G25 Removal of category C hedge for school link
G26 Removal of category C hedge for school link
G33 Removal of category B hedge for school link
G34 Portion removed from category C hedge to site access from Hawber Cote Drive
G37 Portion removed from category C hedge for plot 104 & 105 garage
G38 Portion removed from category C hedge for pedestrian connectivity / south.
G39 Portion removed from category C hedge for access to southern portion of site
T44 Removal of category C tree
T45 Removal of category C tree
G39 Portion removed from category C hedge for access into plots 137-140
G40 Portion removed from category C hedge for pedestrian connectivity / access to southern portion of site
T47 Removal of category C tree for access road to northern most blocks
G43 Portion removed from category C hedge for access road to northern most blocks
T61 Removal of category C tree
G77 Portion removed from category C hedge for pedestrian connectivity / plot 037 and end of turning head
PERSIMMON
Persimmon Homes (West Yorkshire)
Development
Land off Bolton Rd.
Silsden
Drawing Title
Overall planning layout
Date Aug 2021
Scale 1:500@A0
Drawn DB
Dwg. Ref. SIL-2021-001
Rev. X
0 10 20 30 40 50m
Scale 1:500

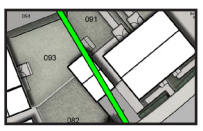
Appendix H Approved Planning 'PRoW Proposals' (Robinson Landscape Design Drawing No.1937 Silsden Rev F)

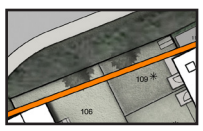
Resurfaced section of Millennium Way

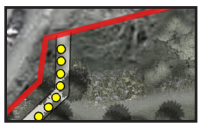
Surfacing detail
All areas of existing retained PRoW and proposed PRoW diversion to be finished using Self-Binding Crushed Limestone, to a width of 2m

LEGEND

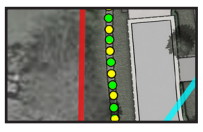

Public Right of Way No.34 (Millennium Way)

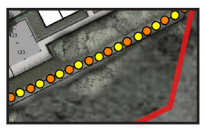

Public Right of Way No.44


Public Right of Way No.45


Proposed perimeter walk

Public Right of Way Application; Connecting Footpath 45 at Hawber Cote Drive to Footpath 34 Silsden


Shared proposed diversion of Public Right of Way No.44 and proposed perimeter walk


Shared proposed diversion of public Right of Way No.45 and proposed perimeter walk

Shared proposed diversion of Public Right of Ways No.44, No.45 and proposed perimeter walk

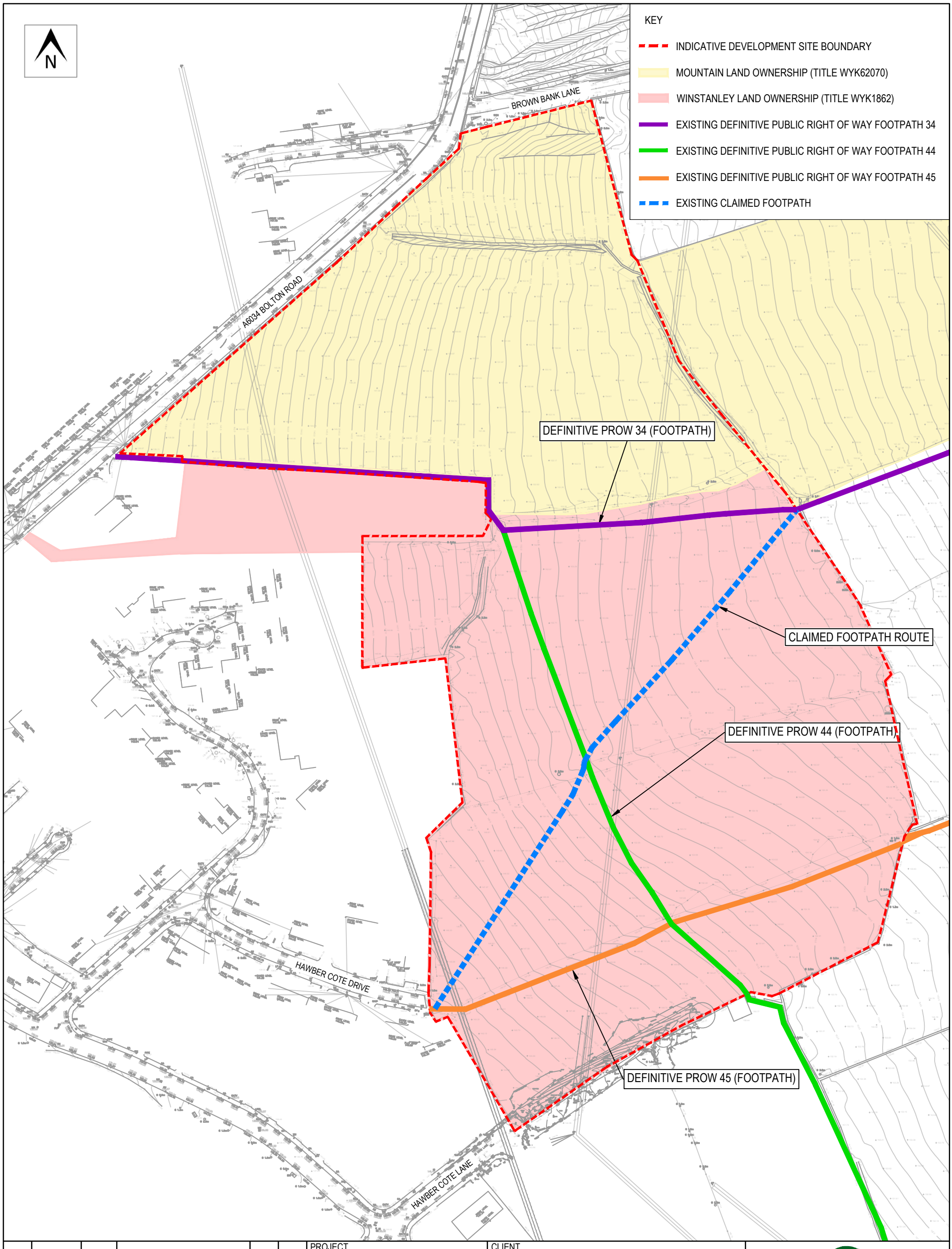
Robinson Landscape Design
The Studio, Hedgeley, North Bank
Haydon Bridge, Hexham, NE47 6LY
Tel: 01434 684 100
info@robinsonlandscapedesign.co.uk

1937 Silsden

Public Rights of Way

North: -	Project: 1937 Silsden
Rev: F	Name: Public Rights of Way
Scale: -	File Location: Server (S:)\ 5937 Silsden \ RLD \ 99 - Masterplans

Appendix I Existing Definitive PRoW's 34,44,45 & Claimed Route with Land Titles (Optima Drawing No. 20142/IN/50 Rev A)



REV	DATE	BY	DESCRIPTION	CHK	APP
A	26/07/24	RP	ADDED CLAIMED FOOTPATH	PMO	PMO
-	19/04/24	CJR	INITIAL ISSUE	PMO	PMO

STATUS: PRELIMINARY

PROJECT: BOLTON ROAD, SILSDEN

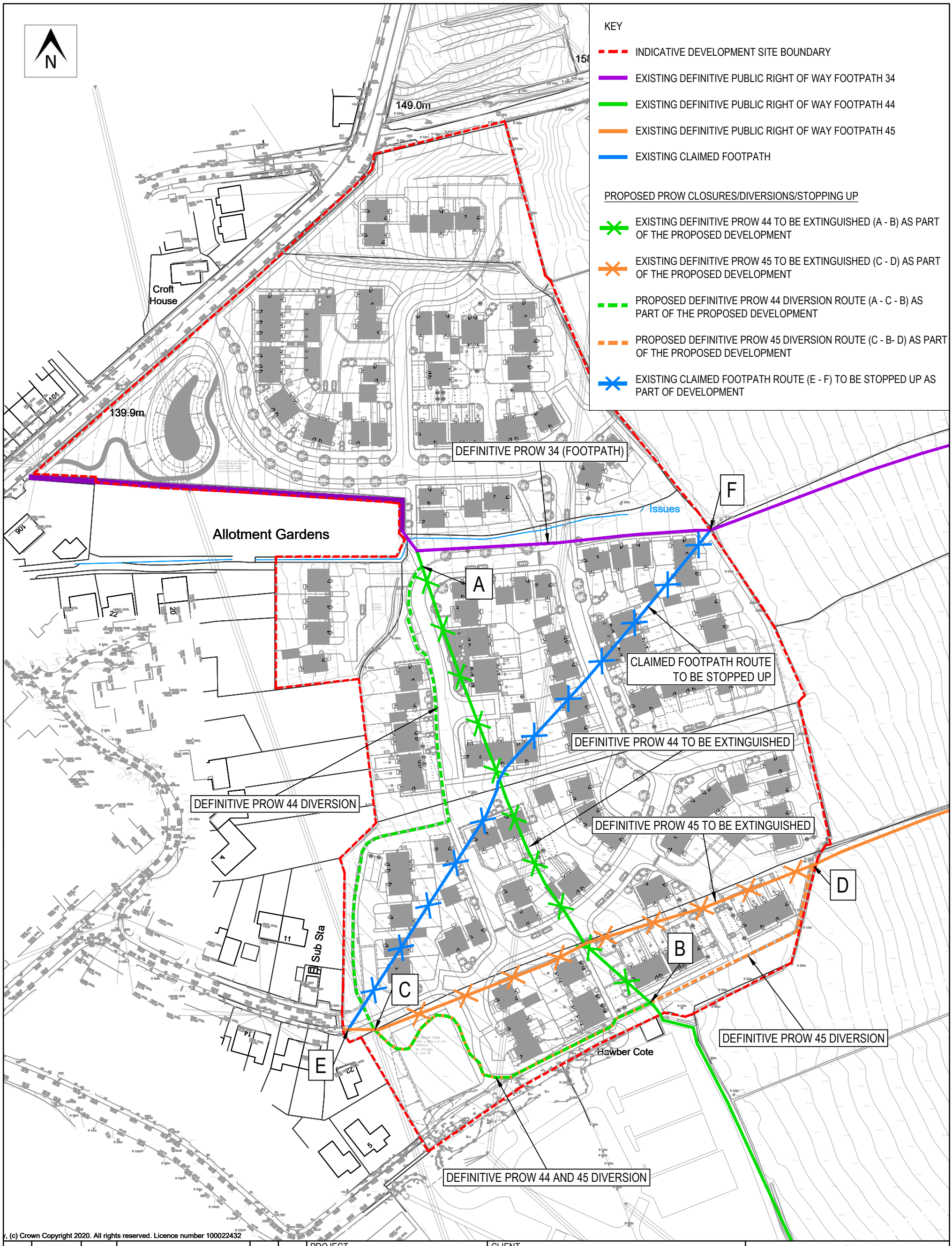
CLIENT: PERSIMMON HOMES

DRAWING TITLE: EXISTING DEFINITIVE PUBLIC RIGHTS OF WAY (34, 44 & 45) & CLAIMED FOOTPATH WITH LAND TITLES

CHECKED	APPROVED	DRG No.	
PMO	PMO	20142/IN/50	
DRAWN BY:	SCALE @ A3	DATE	REV.
RP	NTS	JULY 2024	A

OPTIMA
Intelligent Highway Solutions
Suite 1, 3rd Floor, Goodbard House, Infirmary Street
Leeds LS1 2JP
optimahighways.com T 0113 245 1679

Appendix J Proposed Definitive PRoW's 44 & 45 Diversions & Claimed Footpath Stopping Up (Optima Drawing No.20142/IN/52 Rev A)



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REV	DATE	BY	DESCRIPTION	CHK	APP
A	26/07/24	RP	ADDED CLAIMED FOOTPATH	PMO	PMO
-	19/04/24	CJR	INITIAL ISSUE	PMO	PMO

STATUS: PRELIMINARY

PROJECT: BOLTON ROAD, SILSDEN

CLIENT: PERSIMMON HOMES

DRAWING TITLE: PROPOSED DEFINITIVE PROW'S (44 & 45) DIVERSIONS & CLAIMED FOOTPATH STOPPING UP

CHECKED	APPROVED	DRG No.	
PMO	PMO	20142/IN/52	
DRAWN BY:	SCALE @ A3	DATE	REV.
RP	NTS	JULY 2024	A

OPTIMA
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Leeds LS1 2JP
optimahighways.com T 0113 245 1679