

## Minutes of a meeting of the Regulatory and Appeals Committee held on Thursday, 24 March 2022 in the Council Chamber

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Commenced 10.00 am  
Concluded 12.15 pm

### Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Observer: Councillor Slater (Minute 54)

### Councillor Warburton in the Chair

#### 49. DISCLOSURES OF INTEREST

In the interest of transparency, Councillor Brown declared that he had worked with the West Yorkshire Archaeology Service on a number of projects, however it was not pertaining to the site relating to Land off Moss Carr Road (Minute 54).

In relation to the same item Councillor Lee declared that although she had had no discussions with anyone on this application, that she was the Ward Councillor for the area and that she was also familiar with the site, as her family had previously lived in the vicinity.

***ACTION: Interim City Solicitor***

#### 50. MINUTES

Resolved –

That the minutes of the meeting held on 16 December 2021 be signed as a correct record.

**51. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted to review decisions to restrict documents.

**52. MEMBERSHIP OF SUB-COMMITTEES**

There we no membership changes.

**53. EXTENSION FOR FURTHER 3 YEARS OF PUBLIC SPACE PROTECTION ORDER FOR PARTS OF BRADFORD DISTRICT**

The Strategic Director Place submitted a report (**Document “R”**) which outlined the proposals and sought approval to begin the required public consultation exercise to extend a Public Space Protection Order for defined areas within Bradford District relating to antisocial behaviour arising from lighting fires and barbecues (and other materials) on moorland sites and subsequent risk of wildfire. The current PSPO expires on 30th June 2022 and the intention would be to go out to consultation for a 6 week period.

It was stated that wildfires are a consistent risk on the district’s open spaces, particularly moorland sites where public access is allowed. A significant portion of the district’s moorland areas are subject to rights of access, either because of their designation as common land, or as “open country” and therefore subject to a right to roam afforded by the Countryside and Rights of Way Act 2000. Members of the public rightly visit these areas for recreation purposes, but often this includes lighting camp fires or using portable barbecues. Although there had not been any major incidents in the districts, it was important that the merits of the Order were pursued.

In relation to a question regarding the sale of disposable bbqs, particularly in shops that maybe in proximity to open countryside, it was stressed that although it was not illegal to sell such products, there was an emphasis to educate shop owners on their misuse and restrict their sale, where possible, as well as to provide guidance to purchasers on the issue of wildfires as a result of negligence or misuse of such products. To this end the West Yorkshire Fire Service campaign on being aware of wildfires had yielded good results and many national retailers such as Waitrose and Aldi had now stopped selling disposable bbqs.

**Resolved –**

- (1) That the Strategic Director, Place be authorised to undertake the required (minimum 6 week) consultation exercise to extend a Public Space Protection Order for Restricted Areas within Bradford District.**
- (2) That further to the completion of the necessary consultation process, the proposed Order be submitted to this Committee for approval or, alternatively, if there are no significant objections arising from the consultation.**
- (3) That further to the completion of the necessary consultation process, the extension of the proposed Order be approved under delegated powers by the Strategic Director, Place.**

***ACTION: Strategic Director Place***

**54. LAND OFF MOSS CARR ROAD LONG LEE KEIGHLEY - 19/04151/MAO**

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document "S"**) which set out an outline application for residential development of land for up to 103 dwellings requesting consideration of access, land off Moss Carr Road, Long Lee, Keighley.

During the PowerPoint presentation, the Assistant Director provided an overview of the proposed development, showing photographs of the site, plans and drawings and summarising the representations that had been received. An additional representation from a Ward Councillor was circulated in advance and tabled at the meeting, which drew attention to the fact that Moss Carr Road also has a narrow and sharp bend with poor visibility a couple of hundred yards from its junction with Long Lee Lane and these issues make it entirely unsuitable for it to be used as an access road to 103 dwellings; the previous major applications at or beside this site have been refused as a result of highways and drainage concerns; Moss Carr Road is a cul de sac that services residential properties, kennels, a cattery, and three working farms; Moving on to the junction with Long Lee Lane, there is a crossroads linking Moss Carr Road, Calton Road and Long Lee Lane; that a Village Green application was submitted almost three years ago by residents, with support from district councillors and no decision has been made yet. The Ward Councillor urge that Members refused the application, or defer it at the very least, to look properly into problems with the junction, village green, mines and unsuitability of the proposed highways mitigations. Photographic evidence was also submitted in support of the above points.

A full assessment of the application, relevant planning policies and material planning considerations were included in Document "S" at Appendix 1.

The application site was formerly allocated as Safeguarded Land, under policy UR5, proposal area K/UR5.19, in the RUDP. However, the principal policy, Policy UR5 was not saved as part of the RUDP and sites previously allocated are no longer allocated as Safeguarded Land.

The principle of housing has been considered against the former Safeguarded Land allocation, highway and drainage issues. It is considered that the proposed residential development would be acceptable at this site, without prejudicing highway safety and addressing drainage matters. In addition, the proposal would increase the supply of housing within the District.

The application was recommended for approval subject to the completion of a Section 106 Agreement to include the funding of highway improvements at the Coney Lane bridge, Keighley, and the conditions set out in the report. A number of additional conditions were also being proposed relating to drainage and requiring full details of the highway works prior to development commencing. It was also stressed that the developer was intending to make a funding contribution to the Council to carry out works to the Coney Lane bridge which had been an issue in this area for a number of years, and the works would be funded in lieu of the requirement to provide affordable housing on this site.

In order to deal with surface water run off a culvert was being proposed and the applicant was also happy to fund these works.

A Member stated that the proposed access would be a particular issue, and historically no development had been pursued on this site, as a result of the access issues, so what had changed with this application? In response it was stated that there was no recent planning history pertaining to this site, however Moss Carr Road was a two way carriageway with no restrictions on vehicular access.

A Member stated that there were also three working farms in the vicinity of this site, so what considerations had been given to their usage of the highway. In response it was stated that the use of the highway would not impact on the day to day running of the farms.

It was also highlighted that further away from this site, there was a very sharp bend and also a steep gradient and a blind bend towards Thwaites Brow; this had resulted in a number of accidents and ideally a traffic light system was required at the junction. In response it was stressed that this development would not impact on this part of the village in terms of the number of vehicle movements that this development would generate. In terms of installing traffic lights, again the thresholds for installing one had not been met, and it was not the applicant's responsibility to resolve highway issues further into the village.

In relation to emergency vehicle access onto the site, it was stressed that no issues could be foreseen that the proposed access layout would inhibit their access.

In response to a question regarding play facilities/ green spaces on the site, it was stated that this would be a matter for consideration at the reserved matters stage. However in terms of improving air quality, EV charging points would be installed by the developer to encourage the use of electric vehicles.

The Infrequency of the bus service in the vicinity of the application site was also cited as a concern which would further make the development unsustainable. In response it was stated that bus usage and frequency was the responsibility of the bus provider and not something this development could influence. However a Member stressed that a development in this location, with a poor bus service did not accord with the Council's transport policy aspirations.

A Member stated that the proposed access arrangement could impact on the village green. In response it was stated that no encroachment would take place and that the access would be independent of the green.

In relation to a question regarding flooding and the impact of surface water run-off, it was stated that any run-off would travel in an easterly direction and therefore the application did not raise any flooding concerns.

In relation to an indication of coal pits in the area, it was stated that a condition to further investigate the presence of coal pits would be covered by way of condition.

In response to a question regarding foul water discharge, it was stated that Yorkshire Water considered the proposals would not cause any additional issues and that the applicant was also willing to fund the culvert works.

There was a discussion around the proposed culvert and the potential for pollution of the pond situated at the nearby farm, and it was stated this would require further investigation and a detailed study, upon receipt of the drainage details, however it was stressed that there was a legal obligation to ensure that there was no pollution arising from any of the works.

A Ward Councillor was present at the meeting and stated that in relation to site history, he was aware that there had been four separate fields in the past before they were aggregated into one field over a number of years; that there had been applications for development on this site going back to the 1970's but it was felt that the constraint of Moss Carr Road was not able to serve a cul-de sac development. If houses were ever built in the context of the existing constraints on the Coney Lane Bridge, this development would only add additional congestion to the area, and the proposed access on the bend of Moss Carr Road would be inappropriate and compromise highway safety.

A representative of the objectors was present at the meeting and stated that the sharp bend and poor forward visibility and blind corner would impact on traffic in both directions; this would be further compounded by the farm and all the activities associated with its use; that the village green application had been hold because of this application; that there were coal mines on the site and the land was unsuitable for development; drainage and water run off already caused problems in the area and this development would only add to this; that the owner of the farm had not been consulted regarding the proposed drainage works which would have an impact on the farm.

In response to some of the issues raised by the objectors it was stated that parked cars on Moss Carr Road did not necessarily mean it was a single track road; and that parked cars can act as a natural traffic calming aspect; that the applicant had agreed to fund works to the Coney Lane Bridge area that would resolve the long standing issues there; that the applications pertaining to the 1970's were not relevant given the time that had passed.

In relation to a question on the Village Green application it was stated that this would be a separate process which had no bearing on the merits of this application, nor would there be any encroachment on the existing highway. However a Member was adamant that the access would impact on the Village Green and therefore it was a pertinent point.

The applicant's representative was also present at the meeting and stated that the proposed funding for works to the Coney Lane Bridge would offer a solution to a long standing problem in the area; that improvements were being proposed within the highway curtilage that would not impact on the village green. It was stressed that no agreement had been reached between the farm and the developer regarding the proposed culvert works, however it was in the applicant's interest to reach an agreement with the owners of the farm.

During the discussion, Members made the following observations on the merits of the application:

That the access needed to be looked at again as it was in the wrong place and that highway and pedestrian safety may be compromised.

That there were a number of drainage issues which warranted further investigation, including arrangements for the culvert.

That further information/update was required on the Village Green application, and it was therefore:

**Resolved –**

**That the application be deferred to a future meeting, to allow for further information/clarification to be provided on the following issues:**

- (i) Arrangements for the drainage/culvert**
- (ii) Access / egress and;**
- (iii) Provide an update on the Village Green application and assess its impact on Moss Carr Road.**

***ACTION: Assistant Director (Planning, Transportation & Highways)***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Regulatory and Appeals Committee.**