

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 15<sup>th</sup> April 2021.**

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**BE**

### **Subject:**

Full application for demolition of dwellings and farm buildings and construction of 9 dwellings with associated landscaping and access road, Long Lee Lane, Long Lee, Keighley.

### **Summary statement:**

The application site includes a number of former dwellings, associated buildings and land. A previous outline application for residential development, for the field to the north of the application site, included the land, but not the buildings and was approved in 2018.

The dwellings and associated buildings have not been occupied for a number of years. The proposal would result in a net increase in dwellings and with the further delivery of housing is recommended for approval subject to conditions.

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

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

## **1. SUMMARY**

The application is recommended for approval subject to conditions, included within the Technical Report, Appendix 1.

## **2. BACKGROUND**

The application, whilst not a major development, is reported to this Committee following the receipt of 16 objections and a Ward Councillor request for the application to be determined by Committee.

The applicant is a registered provider and has stated that the houses would be delivered as shared ownership and offered on an affordable

## **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 EQUALITY & DIVERSITY**

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

### **7.2 SUSTAINABILITY IMPLICATIONS**

The application site is located within the settlement of Long Lee, outside of Keighley. There is a nearby primary school and bus services travel to and from Keighley, connecting Long Lee and the surrounding area. The site is considered to be located at a sustainable location.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

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

Electric vehicle charging points would be provided to each house within the proposed development.

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

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

#### **7.5 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.

#### **7.6 TRADE UNION**

None

#### **7.7 WARD IMPLICATIONS**

None

#### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

None

#### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

None

#### **7.10 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 contained in Appendix 1, 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 conditions contained within the report.

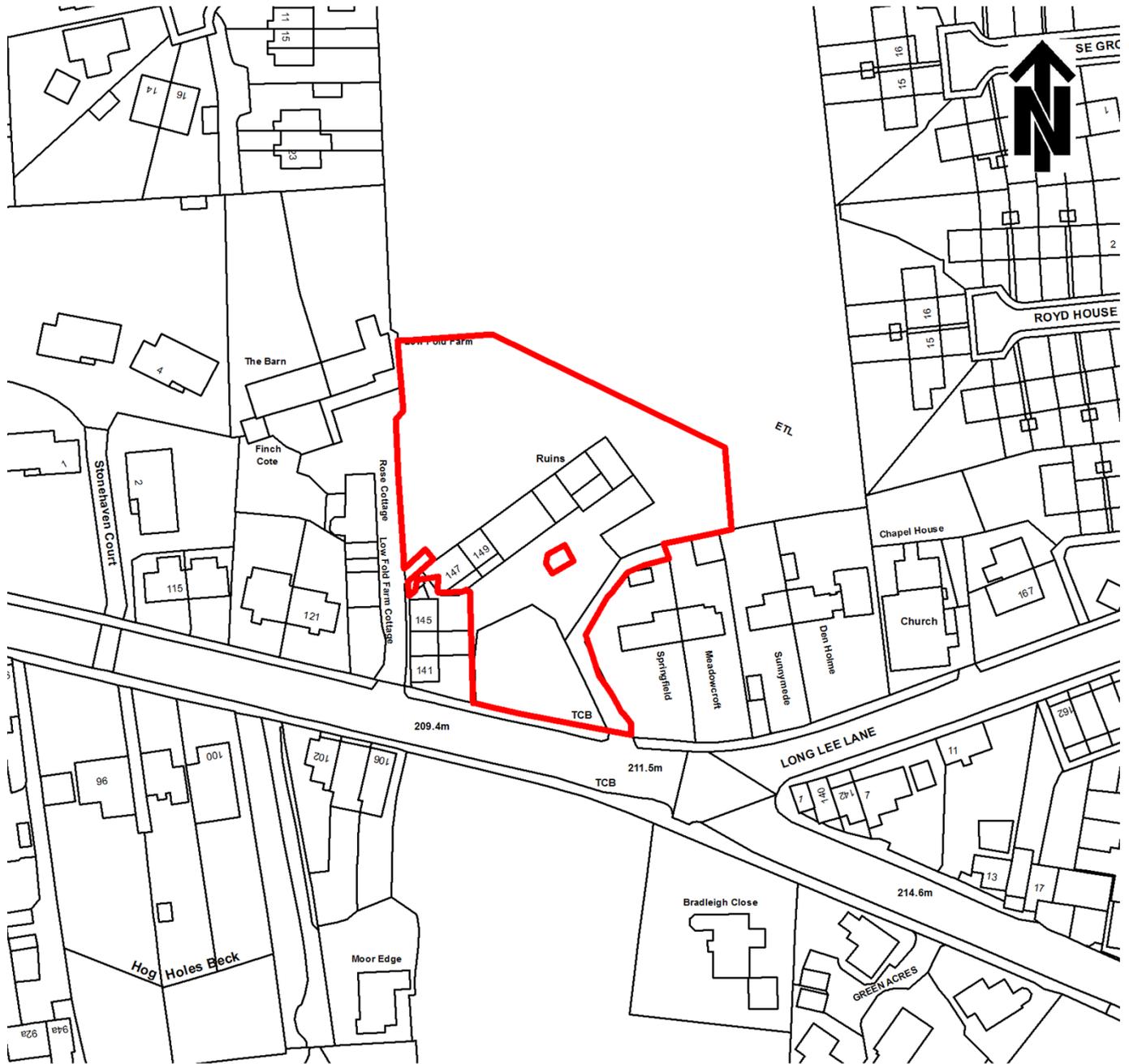
#### **11. APPENDICES**

Appendix 1 Technical report.

#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework 2019  
Adopted Core Strategy 2017

20/05577/FUL



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**Land At Long Lee Lane  
Long Lee  
Keighley**

## **APPENDIX 1**

### **Ward**

Keighley East

### **Recommendation**

That the Committee grants planning permission subject to conditions.

### **Application No.**

20//05577/FUL

### **Type of application**

Full application for demolition of buildings and 9 dwellings with associated landscaping and access road.

### **Applicant**

Accent Housing Ltd & Urban Construction Interiors Ltd

### **Agent**

Brewster Bye Architects

### **Site Description**

The application site currently comprises a number of former dwellings and ancillary buildings, with associated land. The buildings have been unoccupied for some time. Access is directly from Long Lee Lane.

The site slopes upwards from south to north. There are residential properties to the south, east and west of the application site.

### **Background**

The application site was in part, identified as Safeguarded Land, under policy UR5 of the RUDP. The RUDP policy, UR5, was not saved as part of the Core Strategy and currently the site has no allocation. In view of the identification of the land as Safeguarded Land, suitable for development; the shortfall in housing supply and the application providing housing, the principle of development is accepted.

### **Relevant Site History**

17/02809/MAO (Part of site).

### **RUDP**

#### **Allocation**

None

### **Core Strategy**

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

SC9 Making Great Places

TR1 Travel Reduction and Modal Shift

TR2 Parking Policy

TR3 Public Transport, Cycling and Walking

HO1 Scale of Housing Required

HO3 Distribution of Housing Requirement

HO5 Density of Housing Schemes

HO11 Affordable Housing  
DS2 Working with the Landscape  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Place

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

Local planning authorities are required to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development, where possible

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Planning policies and decisions should make more intensive use of existing land and buildings, especially where it would help to meet housing need.

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

### **Publicity and Representations**

The application was advertised through site notices and in the local press. There have been 16 letters of objection to the application.

A Ward Councillor has also objected.

### **Summary of Representations Received**

The development is not needed & the loss of greenfields would be detrimental to the area. I am concerned about the access to the proposed site onto a main road into Keighley.

These proposed houses are family sized and the local school is already oversubscribed. This development would disturb wild plant life and animals in an established eco system and green space.

Increase housing without any services provided.

Local roads already inadequate to cope.

Danger to wildlife such as bats which are protected.

Disruption for neighbouring houses, noise and potential increase of rodents.

The proposed development in Long Lee as a whole must be considered alongside the unsuitability of the road and rail bridges on Coney Lane/Park Lane. Several sites are earmarked for development in Long Lee and they should not be allowed to go ahead without the issue of these bridges being addressed.

- Residents have said there is an owl and newts in the field, and bats in the barn.

- Various drainage issues in Long Lee are already causing problems in several locations

I object to the building on any land in Long Lee until the current issues are addressed and any developer can ensure drainage will be 100% effective, both land drainage and surface water.

- There is already serious traffic build-up in peak times turning right out of Cherry Tree Rise, which will be exacerbated by any new houses.

- There is no usable or landscaped green space in the plan - just wasteland between the two sites, with no details about who it belongs to or how it would be maintained. This goes directly against the council's housing design guide states we should have "connected networks of green infrastructure".

- Very few trees and electricity cables are directly over some gardens.

- The overall design and the way it's been submitted in two halves for effectively one development is poor, and has been confusing for residents and councillors alike! This, again, goes against the housing design guide's principle that "design and planning processes should work together".

- very concerned that any increase in road traffic access at the proposed entrance to the development site would pose a threat and danger to road and pedestrian users. The entrance is situated below the junction of Long Lee Lane and Harden Rd.

## **Consultations**

### Environmental Health

No objections to the proposal.

### West Yorkshire Police

West Yorkshire Police has no objection to the proposal, provided that its recommendations are implemented as part of any planning approval.

### LLFA/Drainage

Bradford Lead Local Flood Authority (LLFA) does not have any objections to the proposed development, provided that the conditions are included with any grant of planning permission.

### Keighley Town Council

Recommends the application is referred to this Committee.

### Trees Team

To be reported verbally

### Yorkshire Water

Regarding the proposed development if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

### Highways

No objection subject to conditions.

## **Summary of Main Issues**

Principle of development

Design & Layout

Other Issues

## **Appraisal**

### Principle of development

The northern part of the application site was included within a site granted outline permission in 2018. With part of the application site being previously identified for development, the existing buildings on-site being derelict, with an increase in housing nos. the principle of housing is accepted.

The proposed development would provide further housing; the design and layout of the development is acceptable and there are no issues re: adverse impact on highways or biodiversity.

### Design & Layout

The application has been submitted separately to the application by the same applicant for residential development on the adjoining site to the north. The site to the north was the subject of an outline planning application for residential development approved in 2018. At that time there was no development proposed at the High Fold Farm site, subject of this application. Since then the applicant has acquired the High Fold Farm site. Subsequently, the two sites would be developed as two phases of the same development. The house types, the detailing of boundary treatment and the highways details, within the two sites, would read as a single development.

There are overhead electricity cables, travelling across the northern part of the site, in an east-west direction. Given the likely prohibitive cost, for a relatively small scheme, of diverting or laying the cables underground, the scheme has been designed accounting for the presence of the cables.

The applicant has addressed this by providing an easement below the line of the cables. There would be no houses below the overhead cables but some gardens would be within the easement. This is considered an appropriate compromise to designing that part of the site constrained by the overhead cables. The easement area would provide natural grassland to provide habitats, as well as a small trail footpath and benches with an area of maintained grassland. It also includes planting and a footpath connecting this application site and the one to the north, subject of a separate application by the same applicant.

Similarly, with the two sites being submitted as separate planning applications, but for essentially the same development, the option of a vehicular through-route between the sites, from Long Lee Lane to Redwood Close was considered. However, due to the steeply sloping nature of the site, this would not be achievable, as the gradient would exceed what would be acceptable when measured against highway standards.

Given the circumstances of two sites being developed by a single applicant, the design & layout of the proposed development is considered appropriate in the context of the surrounding area and how it would relate to the adjoining site.

### Other Issues

#### Impact on highway

The application has been assessed by Highways Development Control and the impact on the local highway network. It is not considered that there would be any adverse impact on the highway network as a result of increased traffic from the development.

The single point of access/egress on Long Lee Lane is at an acceptable position in relation to the nearby junctions and would not have an adverse impact on highway safety.

In regard of Coney Lane bridge being identified as a constraint, the proposed development, 9 houses, along with the application at Redwood Drive, 32 houses, would result in 41 houses. The earlier outline application was approved for up to 45 houses, with no proposed changes to the highway at Coney Lane bridge/Park Lane. Therefore, with the actual number of houses being less, there would also be less traffic travelling via Coney Lane bridge/Park Lane, than already approved.

#### Impact on biodiversity

An ecological assessment was submitted with the application and considered by the Councils Biodiversity Officer. Following a recording of a bat at the site, mitigation measures would be put in place to provide temporary and new roosting features at the site.

A biodiversity net gain assessment has been carried out by the applicant.

The proposed development has addressed the issues raised re: protected species and habitats and it is considered that there would not be any adverse impact on biodiversity at the application site.

#### Lack of school places/GP places

As the application is not a major development, Education was not consulted on the proposal. However, it is noted that the consultation response from Education on the Redwood Close application, states that census data for primary schools indicates that at Long Lee Primary, Parkwood Primary, St Joseph's Catholic Primary and Victoria Primary there are places across some year groups. However, Eastwood Primary, Holycroft Primary, Ingrow Primary and Keighley St Andrew's CE Primary Schools currently have spaces across all year groups.

Census data indicates that there are a small numbers of places available in most year groups across secondary schools - Beckfoot Oakbank Academy, The Holy Family Catholic School and University Academy Keighley.

It should therefore be possible to accommodate the relatively low number of additional primary and secondary school aged children who may come to live here.

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 would be for the NHS to plan for any increased demands on its services.

#### Impact on residential amenity

The distances, as measured, between neighbouring existing houses and the proposed houses, meet the standards used by the Council, when considering residential amenity. Consequently, there are no concerns on overlooking, overshadowing or loss of privacy. The distances between existing houses and the proposed houses would not result in any adverse impact on residential amenity.

As with any development, with construction and associated activities, it is proposed to use conditions to manage site operations thus ensuring residential amenity is not adversely affected by the proposed development.

## Drainage

The drainage measures to be incorporated within the proposed development are acceptable and there is no objection to the application on drainage grounds.

## Options

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

## Community Safety Implications

None

## Human Rights Act

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

## Not for publication documents

None

## Reason for Granting Planning Permission:

The development of formerly allocated safeguarded land for residential development is considered appropriate, providing the opportunity for sustainable development within Long Lee. The development would provide housing and ensure that the character of the surrounding area is maintained. The effect of the proposal on the biodiversity of the site itself, the surrounding locality; and the local highway network has been assessed and is considered acceptable. As such the proposal would meet policies SC9, TR1, TR2, TR3, HO1, HO3, HO5, HO9, HO11, DS2, DS3, DS4 and DS5.

## Community Infrastructure Levy

The application site is in residential zone 4 where the CIL charge is nil.

## Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years from the date of this permission or two years from the final approval of the last reserved matters application, whichever is the later.

Reason: To accord with the requirements of Section 92 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 dwgs. dated 07.12.2020; 08.03.2012; 24.03.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. Prior to commencement of development, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Development above damp proof course level of any buildings on the site shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details: 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.

6. 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.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off-site.

Reason: In the interest of satisfactory and sustainable drainage.

9. Prior to the occupation of the building(s) hereby permitted, details of the type, colour and finish of all hard surface materials, including those to parking areas, access driveways, forecourts, parking and turning areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy EN2 of the Core Strategy.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

12. In the first planting season (1st December to 15th March) following the substantial completion of the development, a minimum number of replacement trees shall be planted within the development site. These replacement trees shall comprise of species to be agreed in writing by the LPA; planted at least 1.5 metres away from any areas of hard standing and at least 2 metres outside the canopy spreads of existing trees and shrubs, or as otherwise agreed with the Local Planning Authority. All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised, staked and tied in accordance with good arboricultural practice. The Local Planning Authority shall be notified in writing of the date of planting and shall have confirmed that the trees are planted in accordance with the requirements of this condition before the development is brought into use. Any trees or plants comprising this replacement planting scheme that become uprooted, damaged or diseased or which die within the first 5 years following the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the environmental impact of the development, and provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of visual amenity and in accordance with Policies SC9 and EN5 of the Core Strategy Development Plan Document

