

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 15th December 2022

Subject:

Outline application for residential development of land for up to 103 dwellings requesting consideration of access, land off Moss Carr Road, Long Lee, Keighley.

Summary statement:

This application was deferred at Regulatory & Appeals Committee on the 24 March 2022. The Committee 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.

The further information/clarification on the above issues is included in Appendix 1, updating the position on the drainage/culvert; access/egress and the Village Green application.

The application is recommended for approval subject to the completion of Section 106 Agreement to include the funding of highway improvements at Coney Lane bridge, Keighley, and conditions included in the report, Appendix 1.

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Portfolio:
Change Programme, Housing, Planning and
Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

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

2. BACKGROUND

The application is reported to Committee, following 93 objections being received.

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 on the eastern side of Long Lee. Within Long Lee there is a primary school; GP surgery; pharmacy; pub and convenience store. The site is c.1 mile from Keighley town centre, where there are various facilities and services provided in the town centre. It is not considered there would be any adverse implications on sustainability.

A bus service, K5, runs between Thwaites Brow and Keighley on a twice hourly frequency.

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 completion of the Section 106 and conditions contained within the report.

11. APPENDICES

Appendix 1 Technical report.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework 2019
Adopted Core Strategy 2017
RUDP 2005

APPENDIX 1

Ward:

Keighley East

Recommendation:

That the Committee grant outline planning permission subject to conditions and a Section 106 Agreement. The Assistant Director Planning, Transportation and Highways be authorised to issue the grant of planning permission upon the completion of the S106 Agreement.

Application No.

19/04151/MAO

Type of application:

Outline application for residential development of land requesting consideration of access at land off Moss Carr Road, Long Lee, Keighley.

Applicant:

David Hill Land LLP

Agent:

David Hill LLP

Site Description:

The site subject of the planning application was last in use as agricultural land and comprises a number of fields.

The site slopes from Moss Carr Road down into the site, with the north west corner of the site rising. There are a number of drystone walls enclosing the fields. Overhead electrical lines also cross the site.

A cricket pitch used by Long Lee Cricket Club is located to the north east of the site, agricultural land is located to the north and east and there are residential properties to the west and south of the site.

The application site is accessed from Moss Carr Road, to the south of the site.

Background:

The application site was formerly allocated in the RUDP, as Safeguarded Land, identified as UR5.19 Moss Carr Road. Development for housing being an appropriate use for Safeguarded Land. However, this policy was not saved as part of the Core Strategy and the allocation no longer exists.

Relevant Site History:

None

RUDP: Allocation

None

Core Strategy:

The relevant Development Plan for the area is the Replacement Unitary Development Plan (RUDP) (2005) and the Core Strategy (2017).

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.

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

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

The 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 154 letters of objection and a petition of 61 signatories.

A Ward Councillor has objected on the following grounds -.

- The proposed access road is heavily used by farm vehicles, residents' personal vehicles and business vehicles on Moss Carr Road. It is a single vehicle road and to add 200 vehicles on to it would cause chaos, particularly as residents park there too.
- Permission has been requested for the crag to be made a village green and a decision on this is still pending.
- The proposed access road became like a river on Sunday during the yellow weather warning. Homes on Moss Carr Road were almost flooded and the drains/gullies throughout Long Lee could not cope with the volume of water run-off and surface water. Vehicles could not pass through, and paving over fields will only add to the problem.
- I have ongoing concerns, as senior planning officers are aware, about the capacity of the road and rail bridges and the dog-leg shape of the road at the bottom of Park Lane (which was flooded and closed on Sunday). See the planning application for the large development on Long Lee Lane and the advisory note that was added as a result of my concerns being raised.

- The Government has asked for the number of homes being built in Keighley to be revised down. Already, Long Lee is hosting its fair share of new-build properties without taking into account the revisions.
- CIL, as we know, is nil. Long Lee is becoming the location of more and more houses, without the infrastructure to back it up in terms of shops, amenities, green spaces and play areas. Green spaces would shrink further were this application to be approved. The state of the nation's mental health is declining - taking away green space is not conducive to a happy village.
- More homes are being built in Long Lee yet public transport provision is being cut (the hourly bus service has recently been reduced to half-hourly, causing misery for many residents). The people who need to use the bus cannot walk to (and especially back from) the town centre - if the new houses are aimed at families they will therefore likely be in cars, and young professionals are likely to be driving, too, as there is no employment in Long Lee due to there being few amenities. I would argue this is not the kind of village we want to create - particularly given the climate emergency and the poor route to town via Park Lane/Coney Lane mentioned previously.

Summary of Representations Received:

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

Consultations:

Keighley Town Council

Keighley Town Council recommends refusal due to overdevelopment and no infrastructure in place.

West Yorkshire Archaeology Advisory Service

The application site encompasses an area which may include archaeological remains related to ancient route ways, including the possible line of Roman Road 720 and a possibly later medieval route (West Yorkshire Historic Environment Record PRN 2712 and 5089). The Roman road is believed to follow the same line as an east to west foot path on the northern edge of the site and may extend in to it.

The present agricultural landscape of many small rectangular fields, designed for stock management, is illustrated on the First Edition Ordnance Survey Map of the area (Yorkshire Sheet 200, surveyed 1847-48 published 1852). This enclosure and improvement is likely to date to around 1800. However, Curren Laithe Farm, which is adjacent to the development site, dates to the 16th century with a medieval antecedent named Leach Farm dating from the 1200s also suspected in the vicinity. Any evidence of earlier agricultural settlements or practices would be of considerable interest.

Long Lee Coal Pits are recorded as lying on the western boundary of the development in the 1840s. It is currently not known if these coal workings extended east and further into the site. Early coal workings can be associated with the growth of industry in the region and are of archaeological interest. Small scale workings on the edge of the recognised coal field, such as these, may preserve evidence lost in more intensively exploited mining areas.

The WYAAS recommends that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS.

However, the above works can be secured by the attachment of a suitable condition in accordance with the NPPF para. 199 and within the Department of the Environment's Circular 11/95.

Highways

The proposals involve up to 103 dwellings on a Greenfield site, which was allocated as 'safeguarded land' in the RUDP. The site is located in Long Lee over 2km from Keighley Town Centre.

The site is accessed from Moss Carr Road which is an adopted road providing access to a number of existing dwellings and agricultural land. Moss Carr Road forms a priority junction with Long Lee Lane, Thwaites Brow Road and Carlton Road, which provides access to the highway network. Moss Carr Road is relatively wide at the junction and this can be a problem for pedestrians crossing the road which is exacerbated by vehicles 'cutting the corner' when turning right from Long Lee Lane. Approximately 140m to the east from this junction, Moss Carr Avenue forms a priority junction with Moss Carr Road and a priority junction at its other end with Thwaites Brow Road thereby providing a through route. To the east of Moss Carr Avenue, Moss Carr Road becomes a cul-de-sac and is also relatively substandard with a narrower carriageway and footway to one side only. There is also a sharp bend approximately 70m from Moss Carr Avenue with poor forward visibility which is exacerbated by on street parking. The proposed site access is located around 200m east from Moss Carr Avenue and an emergency access located around 50m to the east which will also provide pedestrian and cycling access. In support of the proposed development the applicant has submitted a Transport Assessment (TA) and a Travel Plan (TP).

The TA gives traffic generation information based on the nationally accepted TRICS database. The development proposal is predicted to generate some 59 two-way vehicle movements during the AM peak hour, and 60 during the PM peak hour. This is based on average trip rates which assumes that public transport accessibility in the local area is good. In my view public transport accessibility is poor with only one bus per hour on Long Lee Lane and therefore 85th percentile trip rates would have provided a more robust assessment. Notwithstanding this, I consider that the higher trip rates compared to the average trip rates for this scale of development would be unlikely to have a significantly increased impact on the operation of nearby junctions or lead to an increase in congestion or delay on the surrounding highway network subject to mitigation measures as discussed below.

The applicant has agreed to provide the following mitigation measures to address the highway issues around the site:

1. Provision of a splitter island and dropped footway crossings on Moss Carr Road at its junction with Long Lee Lane/Thwaites Brow Road/Carlton Road.
2. Provision of dropped crossings on Long Lee Lane to provide access to/from the northern bus stop.

Whilst the above access improvements would normally be sufficient to support a residential development of this scale in highway terms, the long standing highway

constraints at Coney Lane Bridge have still not been resolved. Members have raised concerns too regarding additional development in Long Lee without improvements at Coney Lane Bridge.

The applicant has carried out capacity assessment of the Park Lane/Longcroft/Coney Lane junction and the respective junctions at Worth Way which demonstrates that the scale of traffic that would be generated by the proposed development would not have a material impact within the vicinity of Coney Lane Bridge and that any impact would not be severe enough to warrant refusal, in accordance with paragraph 109 of the NPPF. The assessment also demonstrates that there is no significant cumulative impact in capacity terms of this proposal and the existing residential development approvals.

The main issue raised by Committee and objectors relates to the capacity of the section of Park Lane passing under the rail bridge and over the river bridge which is impacted due to the geometrical layout, width of carriageway and substandard pedestrian facilities. The road layout necessitates larger vehicles, to and from Longcroft, to use the whole carriageway which can be intimidating not only for vehicles travelling in the opposite direction but also pedestrians. The applicant suggested that large vehicles could be banned from Longcroft but the rerouted traffic could cause problems at East Parade/Coney Lane and the presence of these heavy vehicles would still be intimidating for pedestrians on Park Lane. The movement of HGVs and buses on Park Lane/Coney Lane Bridge in conjunction with substandard pedestrian facilities discourages people living in Parkwood, Long Lee and Woodhouse from walking and cycling to and from the town centre. It's considered that unless development proposals in these areas make it more attractive to walk and cycle along this route then this conflicts with advice in NPPF Paragraph 110 which says give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

The situation at Coney Lane Bridge could be likely to worsen in the future with new residential site allocations in the Local Plan. Although these sites are likely to be much smaller in scale than existing sites, the combined number of sites could double the number of dwellings. The recent approvals at Long Lee Lane and Redwood Close were accepted on balance to allow some contribution from this area towards the housing targets. But support of further development proposals in Long Lee and the surrounding area, without highway improvements at Coney Lane Bridge, would bring the Highway Authority into disrepute.

Following protracted discussions on the above issues, the applicant has agreed to fund highway improvements at Coney Lane Bridge. A total of £1,000,000 would be provided. In addition to this, the applicant will also fund the highway mitigation measures outlined above at cost through a S278 agreement.

The internal layout is subject to change as this is an outline application with all matters reserved except access. The internal highways layout should be designed in accordance with the Manual for Streets and the prevailing local guidance.

It is considered that adequate and safe access can be achieved to this site, subject to the mitigation measures, and the modest level of traffic likely to be generated by this development can be safely accommodated within the surrounding highway network. If the Council is minded to approve this planning application, then highway conditions should be included in the decision notice.

Environmental Health (Pollution)

This is a minor development for the purpose of the West Yorkshire Low Emission Strategy (adopted December 2016) and the West Yorkshire Low Emission Planning Guidance.

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

Type 1 Mitigation

- Provision of electric vehicles charging facilities at the rates set out in the West Yorkshire Low Emission Planning Guidance.
- Adherence to the *London Best Practice / IAQM Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

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.

Public Rights of Way

Proposals as submitted include provision of a footpath/cycleway to link with the existing footpath route. While I would have no objections to this provision as a footpath, any provision for cyclists would require the landowner of the existing footpath/track (to Thwaites Brow Road) to formally dedicate cycle use or to fund a cycle track conversion order. Provision of the footpath/cycleway link within the site should be provided to adoptable standards. We would though request that the site developer commits to complementing the works already carried out by the Cricket Club by carrying out further surface improvements to the existing footpath/track. Suggested improvements should include minor drainage works and surfacing with limestone to its junction with Thwaites Brow Road.

Provision of the footpath/cycleway route off Moss Carr Road is supported and again should be provided to adoptable standards.

Lead Local Flood Authority

Further to our on-site, drainage investigations, the LLFA is satisfied that there is a culvert within the application site and that this runs towards the east of the site, continues off-site towards Curren Laithe Farm, where it discharges into a small pond. This culvert appears to be blocked at some points and this is impeding the natural drainage of the site and causing water to back-up and flood the applicants land.

The LLFA is satisfied that the applicant can expect the downstream landowners to remove any impediments to flow within the culvert, in order that the application site can be effectively drained. As such, the LLFA is satisfied that there is a viable means for the disposal of surface water drainage from the proposed development.

Policy

No comments received.

Summary of Main Issues:

Principle of development
Housing Land Supply
Density
Highways
Drainage
Village Green
Affordable Housing
Effect on residential amenity
Other Issues

Appraisal:

Principle of development

The application site is part of a larger site, formerly allocated as Safeguarded Land in the RUDP, policy UR5 and identified as UR5.19, Moss Carr Road, “a new greenfield site allocated for housing. Before development of the site is undertaken ecological and archaeological surveys are required. Access to the development would be dependent on highway constraints at Coney Lane Bridge being resolved”.

However, Policy UR5 was not saved as part of the adoption of the Core Strategy and the site is therefore unallocated. This application, on unallocated land, is therefore assessed on its merits.

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

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

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

In terms of the previous concern regarding the constraint at Coney Lane bridge being resolved, the applicant has entered into discussion with the Council, to fund a scheme of highway improvement at Coney Lane. The affordable housing equates to c.£800,000. Instead of providing affordable housing on site the applicant/developer would facilitate highway improvements at Coney Lane, to enable safer pedestrian and vehicle movements at this location, and to accommodate traffic from the development on the local highway network.

As part of the draft Bradford District Plan Preferred Options, the application site is a proposed allocation, KY/18H, for housing. In regard of sustainability, development at this site would be unlikely to result in a significant effect, either positive or negative, on sustainability objectives. Generally, there would be a benefit of new residential development for the local economy. It is concluded that this is a sustainable site within the settlement boundary for Keighley with access to local services and facilities including a community centre and GP surgery.

In conclusion, the application site has previously been allocated for development, as Safeguarded Land. There has been no material change in circumstances since the site was allocated for housing and as such, the principle of residential development is accepted.

Housing Land Supply

Paragraph 59 of the Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. The adopted Core Strategy underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future development of the district is the need to house Bradford’s growing population by delivering 42,100 new residential units by 2030.

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

Policy HO5 of the Core Strategy advises that residential development should usually achieve a minimum density of 30 dwellings per hectare. This submission has all matters reserved but it includes an indicative site layout plan which illustrates a potential arrangement of up to 103 dwellings. The site has an area of 4.4 hectares and the development of 103 dwellings would provide a density of 23 dwellings per hectare. As can be seen from the site photographs, the application site slopes down from the south and at the northern part of the site there are particular topographical challenges with the terrain. Given the nature of the application site, it is considered that a density of 23 dwellings per hectare would be appropriate.

Highways

The application site lies c.2km from Keighley town centre. When travelling between the application site & Keighley, traffic would travel via Coney Lane, over the River Worth. The bridge is currently constrained being relatively narrow with a single footway to its eastern side. The road beyond the bridge is also constrained by virtue of being under the Keighley & Worth Valley Railway line, where again there is a footway to only one side of the road and the bridge span constrains the passage of vehicles, particularly hgv'. For these reasons, use by both pedestrians and vehicles is compromised at this location.

The applicant would through a S106, fund improvements at Coney Lane bridge, with a highways scheme to be designed by the Council in agreement with the developer, to address the identified constraint.

Additionally, the applicant would through S278 agreement provide improvements at the Long Lee Lane/Moss Carr Road junction along with highway safety measures at the proposed access to the development.

At the Regulatory & Appeals Committee in March 2022, further information/clarification was sought on the access/egress arrangements serving the application site.

The option of accessing the site from an alternative location, Thwaites Brow Road, via the Dickie Bird pub was raised. This has been explored by the applicant. However, visibility from the side road and visibility for right turns into the side road is considered to be inadequate. Based on the speed limit of 30mph, sight lines of 43m are required. For the junction, this should be achieved from a set-back distance of 2.4m. For the inbound right turns, this needs to be measured from the centre of the lane for the waiting vehicle and the approaching vehicle. Based on this review, neither are considered to be achievable and consequently, access to the application site from the Dickie Bird pub could not be supported by Highways.

The application has been revised and includes a single point of access/egress, on Moss Carr Road. The position of the access has been revised, following concerns raised by the Committee and members of the public, to a position c.125m to the west of the original access/egress point on Moss Carr Road. As the proposed access would no longer be opposite the area subject of a village green application, the access could not be seen to have any impact on the village green.

In terms of the proposed access/egress from Moss Carr Road, this is agreed by Highways and is not considered to unacceptably impact on highway or pedestrian safety.

As part of the reconsideration of the proposed access, the applicant undertook a road safety audit. In reviewing the documents no problems were identified by the Audit Team and in particular, in relation to the proposed access arrangements and 44 Moss Carr Road. In response to specific issues raised by the occupiers of 44 Moss Carr Road, the applicant has responded, see below.

Given the revised access proposal, this now makes the one and only entrance into the proposed development, directly opposite to our drive and access.

It is acknowledged that the proposed access to the site will involve the realignment of Moss Carr Road in the vicinity of the access to this property. However, the drawing has been revised to demonstrate where the proposed dropped crossing would be to facilitate access and egress.

With an estimate of over 200 extra vehicles using this one access, how possibly is this safe to use our drive way, accessing directly on a bend.

The Transport Assessment submitted in support of the planning application sets out the likely vehicle movements which will be generated by the development. It is considered that even during the AM and PM peak hours the level of activity will not be at a level which would prevent the unsafe use of the access in question. Inter-visibility between highway users and those manoeuvring to/from the access is considered acceptable.

Either entering or exiting our property on a busy bend will put us at increased risk, plus the extra vehicles in and out of the development.

See response above

We need to park in front of the property to move vehicles on and off the drive, as even though we have space for three vehicles, we only have single vehicle access. This is due to the width of opening, and position of the street lamp.

It is considered that the manoeuvring of vehicles to/from the driveway will not be prevented by the proposed realignment of Moss Carr Road. There will remain sufficient space for a vehicle to park, clear of the proposed waiting restrictions, for a short period of time.

Also, cars leaving the proposed development at night, will cause constant headlight pollution directly into our front windows. Not to mention the increased traffic noise.

The property in question sits at a higher level than Moss Carr Road and as such headlights would be unlikely to shine directly into the window. In terms of traffic noise it is considered that as vehicles would be travelling at slow speeds, due to the proposed alignment of Moss Carr Road, the resultant noise would be minimal.

Plus, if the entrance is blocked for any reason, how can emergency vehicles access the site?

The level of development is such that a secondary or emergency access is not required. Such an emergency situation would occur on a very infrequent basis and the proposed scenario is the same for many other cul-de-sac developments.

In terms of the revised proposed access/egress on Moss Carr Road, this is considered to be designed in a manner that would not adversely impact on highway safety.

Drainage

On submission of the application, the applicant proposed to connect surface water to the public sewer. Subsequently, Yorkshire Water objected to this due to concerns on the capacity of the public sewer. At that point, the application was effectively held in abeyance as the means of draining the site were being reviewed. The applicant, late 2021, identified a culvert within the application site which could be used to drain surface water from the proposed development. The existence of the culvert was confirmed at a site meeting in January 2022, also attended by the Principal and Senior Drainage Engineers, who confirmed that the drainage proposal would be acceptable. Subject to connection to the culvert, the Council, as Lead Local Flood Authority has confirmed that the drainage proposal is acceptable. A condition would be imposed, requiring connection to the culvert.

One of the reasons the application was deferred at Committee was to clarify the arrangements for the proposed drainage/culvert serving the proposed development. One of the issues concerning the proposed drainage and culvert serving the development was the effect on the pond downstream at Currer Laithe Farm. Subsequently, following discussion with Drainage and the LLFA, it is proposed to include a drainage condition which would require two levels of water quality treatment, to address the downstream landowners concerns on the risk of pollution at the farm. Additionally, as part of the Section 106 Agreement, the developer, would fund a Drainage Improvement Scheme to ensure the existing culvert is fit for purpose.

On the basis of the above, it is considered that the proposed development can be managed to ensure no adverse impact on the downstream property.

Village Green

Following an application for registration of land on the southern side of Moss Carr Road, opposite the original vehicular entrance to the application site, the Committee sought clarification on the status of a village green application and how it could be impacted upon by the proposed access. In order to clarify the position, discussion has taken place between the Interim City Solicitor, Planning, and Asset Management, as the Council owns the land subject of the village green application.

An application to register land as Village Green has to be considered against any trigger event that would prevent its registration under the Commons Act 2006. It has been demonstrated that a trigger event occurred, as the Core Strategy, an adopted Development Plan Document has identified the land with potential for development. The only way for the trigger event to terminate is either for the current version of the Local Plan to be revoked, or the relevant policy to be superseded by another. Consequently, the legal position is that the Village Green application is legally invalid until such time as a new Development Plan Document is adopted.

However, under the Commons Act, a landowner can apply to register its land as Village Green. The Council, as landowner, has started the process to voluntarily dedicate the land as village green.

Planning Obligations

As referred to above and included within the minutes of previous R&A Committee', concerns have been raised on the limitations of the highway at Coney Lane bridge, which currently constrains traffic movements and pedestrian connectivity between Keighley-Long Lee & beyond. (This constraint was identified as being required to be addressed in the RUDP).

It is noted that two sites in Long Lee have been the subject of recent residential development, at Redwood Close/Long Lee Lane and Park Lane, c.102 houses, with the development at Park Lane being part occupied. Both these developments were approved by the R&A Committee, acknowledging the fact that the constraint at Coney Lane bridge had yet to be addressed. This in part being a result of there been no allocated funding to carry out works at Coney Lane.

With further housing development now being proposed at Long Lee, there has been discussion around finally addressing the constraint of Coney Lane bridge. Consequently, a draft scheme for improvements at the bridge has been prepared by Highways. The applicant has agreed to make a contribution of £1,000,000 for the highway improvements at Coney Lane bridge.

This contribution would however, be in lieu of any other planning obligations the applicant would be liable for, in this instance affordable housing. The provision of on-site affordable housing or a commuted sum for off-site provision is estimated at c.£800,000. It should be noted that this means of dealing with the planning obligations, with the possibility of no affordable housing being provided, would however, ensure the delivery of a highway scheme, that would benefit the local area and connectivity within the District.

The Committee is advised if the monies, in their entirety, for improvements at Coney Lane bridge are not delivered as part of this application, then the opportunity to address the constraint would be lost. The application is one of the largest housing developments under consideration in this part of Keighley and the approach outlined is considered to deal with Coney Lane bridge in a comprehensive manner, avoiding the piecemeal approach that has resulted in the lack of delivery of improvements at Coney Lane, to date.

In considering the delivery of planning obligations, it is noted that two developments, by Yorkshire Housing and Accent Housing comprise all affordable housing, 102 houses. Ordinarily, the requirement would be 15 affordable houses between the two developments. This scale of affordable housing being provided at Long Lee has been factored in to the approach, where potentially no affordable housing would be provided by the Moss Carr Road development. Even without the affordable housing requirement being met, there are an additional 87 affordable houses being delivered in Long Lee.

The approach taken, to deliver the improvements at Coney Lane, in lieu of affordable housing, is considered on balance to be an appropriate means of dealing with planning obligations and the Committee is requested to endorse this approach.

Effect on Residential Amenity.

Policy DS5 requires that the design of development should ensure that amenity of existing or prospective residents is not compromised. As such, the distance between the existing houses on Moss Carr Road/Moss Carr Avenue and the proposed development has been shown indicatively. The indicative site layout indicates that the required separation distances are achievable with the quantum of development proposed.

It would then be ensured that the development meets with standards set out in the Homes and Neighbourhoods Design Guide Supplementary Planning Document through the reserved matters application.

It is not considered that the distance between existing properties and proposed properties would result in an adverse impact on privacy, or overshadowing of residents, to warrant refusal of the application.

Other Issues Raised in Representations

Overdevelopment of the site.

The application site is 4.4 ha in area. Policy HO5 of the Core Strategy indicates a housing density of 30 dwellings per hectare being required. This would equate to c. 120 houses. At 103 houses, the development would fall below the density requirements. At the proposed density, the development could not be considered overdevelopment of the site.

Impact on highway

A Transport Assessment has been submitted and considered by Highways. Traffic generated by the proposed development has been assessed and it is not believed that there would be any adverse impact on the highway network as a result of increased traffic. It is considered that the additional traffic can be accommodated within the local network.

Additionally, the proposal includes improvements on Moss Carr Road, with formalised parking, and the introduction of a footway along the southern side of Moss Carr Road. These measures along with those secured at Coney Lane bridge would in fact provide improvements on the local highway network, to the benefit of pedestrians and road users.

Impact on wildlife

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

Lack of school places/GP places

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

Planning Obligations

As outlined above, the application would be required to meet an obligation for highway improvements at Coney Lane bridge, by way of a contribution of c.£800,000. As a consequence of the applicant meeting the full costs of the highway improvements, this is intended to be in lieu of the affordable housing obligation.

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 effects of the proposal on the biodiversity of the site itself, the surrounding locality; and the adjacent neighbouring residential properties has been assessed and are considered acceptable. As such the proposal would meet policies SC9, TR1, TR2, TR3, EN2, HO1, HO3, HO5, HO9, HO11, DS2, DS3, DS4 and DS5.

Section 106:

The applicant has agreed heads of terms and planning permission would be subject to Section 106 for a contribution of £1,000,000 to fund the delivery of highway improvements on the local highway, Coney Lane, in lieu of affordable housing.

Community Infrastructure Levy:

Outline applications are not liable to the CIL and the application site is located within Zone 4 of the CIL map where there is no CIL liability.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) layout
- iv) and scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. 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 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 in accordance with policies DS4 and DS5 of the Local Plan for Bradford.

5. Before any part of the development is brought into use, the visibility splays shown on the approved plan 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 visibility is maintained at all times in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

6. The development shall not begin until details of the following highway mitigation works are submitted to and approved by the Council and the development shall not be brought into use until the said works have been constructed in accordance with the approved details

The works are:

1. Provision of a splitter island and dropped footway crossings on Moss Carr Road at its junction with Long Lee Lane/Thwaites Brow Road/Carlton Road.

2. Provision of dropped crossings on Long Lee Lane to provide access to/from the northern bus stop.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

7. A site specific dust risk assessment shall be undertaken for all construction, demolition and earthworks undertaken at the site and an appropriate dust control plan put in place for all relevant stages of work. The dust risk assessment and control measures shall be developed in accordance with the IAQM guidance on the assessment of dust from demolition and construction. Plans shall be submitted to and approved in writing by the LPA and should be maintained on site for inspection throughout the duration of the project. All works on site shall be undertaken in accordance with the approved dust management plans.

Reason: To protect the amenity and health of surrounding residents in line with the Council's Low Emission Strategy, policy EN8 of the Bradford Local Plan and National Planning Policy Framework (NPPF).

8. Before the date of first occupation every household on the development shall be provided with access to a purpose built EV charging point. 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 the following minimum standard for numbers and power output-

a Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) 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) for every 10 unallocated residential parking 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.

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).

9. 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 that are to be retained until the tree protection fencing and other tree protection measures are installed in strict accordance with an arboriculture method statement or tree protection plan to BS5837:2012 to be approved in writing by the Local Planning Authority.

10. 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.

11. Prior to the occupation of the development, or prior to the occupation of such phases of the development as have been agreed in writing with the Local Planning Authority, written verification/evidence that the developer has arranged and implemented site supervision and monitoring of the approved tree protection measures by a suitably qualified and pre-appointed tree specialist, at regular and frequent intervals throughout the duration of the construction period, shall be submitted to the Local Planning Authority.

Reason: To ensure that trees have been adequately protected by the developer during development activity and that harm to the trees has been effectively prevented or mitigated by the measures proposed in the planning application submission. To ensure that protection measures have prevented harm to trees and visual amenity, to accord with Policy EN5 of the Bradford Local Plan Core Strategy.

12. Development shall not commence until a feasibility study into the use of sustainable drainage systems (SuDS) has been submitted to, and approved by the council.

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.

13. The development shall 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.

14. The development shall not begin until a Maintenance Plan for the foul and 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

15. 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 FRA Addendum by FRC, doc ref. BL/061219/2019-052-02, dated 06/12/2019. The maximum surface water discharge rate, off-site, shall not exceed 3.5 litres per second. 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.

16. The development shall not begin until details of a foul and surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The maximum surface water discharge rate, off-site, shall not exceed 3.5 (three point five) litres per second. The maximum foul water discharge rate, off-site, shall not exceed 6.0 (six) litres per second. 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.

17. No groundworks, including the stripping of top-soil, shall commence until a construction phase drainage strategy 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 strategy.

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.

18. No development to take place within the area indicated 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.

19. Prior to the commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall subsequently be carried out in accordance with the approved Plan.

Reason: In the interests of safeguarding protected habitats in accordance with policy EN2 of the Local Plan.

No site clearance involving the removal of grassland areas, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of protected species and to accord with Policy EN2 of the Core Strategy.

20. Prior to the commencement of development, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the consideration of the following aspects of construction:

- a) Site wide construction and phasing programme.
- b) Principal Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for Principal Contractors and construction workers.
- c) Construction and demolition hours, which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- d) Prior notice and agreement procedures for works outside agreed limits and hours.
- e) Delivery and collection times for construction purposes.
- f) Outline Waste Management Plan (OWMP), providing a statement of site specific reuse and recycling objectives with appropriate targets, compliance training for sub-Principal Contractors, construction code of conduct together with regular auditing and reporting on target achievements and quantities disposed, ensuring that such materials are only consigned to authorised treatment/recovery or disposal facilities, including consideration of participation in a Materials Re-use and Recycling Forum.
- g) Noise and Vibration (including piling) impact / prediction assessment, monitoring, recording protocols and consideration of mitigation measures in accordance with BS5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded) including the use of best practical means to minimise noise and vibration disturbance from construction works.
- h) Confirmation on whether a concrete crusher will be used
- i) Dust suppression management and wheel washing measures, including the deposition of all debris on the highway
- j) Site lighting details.
- k) Screening and hoarding details.
- l) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- m) permanent and temporary realignment, diversions and road closures.
- n) Consideration of ecological and other sensitive receptors.

Reason: In the interests of residential amenity and to accord with policy and in accordance with policy DS5 of the Local Plan.

21. No development shall take place until details of the construction of foundations and any new retaining walls at the application site have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: In the interests of minimising the risk of land instability in accordance with advice and guidance in paras. 170 e) and 178 of the NPPF.

22. Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment shall be submitted for the approval in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport.