

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 10 August 2017**

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### **Subject:**

Outline planning application for up to 45 dwellings, with all matters reserved, except for access to the site, land at Redwood Close, Long Lee, Keighley.

### **Summary statement:**

This outline application is for residential development and includes solely details of the means of access. An indicative layout, showing 45 dwellings is provided, but the layout and scale of development would be dealt with in a reserved matters application.

The Committee is asked to consider the principle of residential development, along with the means of access to the site. The application site was formerly allocated as Safeguarded Land in the RUDP. However, the policy UR5 was not saved and the application site is now unallocated.

The application site is located with CIL Zone 4, where due to viability issues, the rate is nil. As part of the application, the applicant has agreed to provide affordable housing at 15% of the total no. of units, via a Section 106 Agreement.

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

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**Portfolio:**  
**Regeneration, Planning and Transport**

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

## **1. SUMMARY**

This is an outline application for up to 45 dwellings, with all matters, bar means of access, reserved. The principle of residential development on the application site is agreed. There are no concerns regarding the means of access to the application site. The application is recommended for approval subject to completion of the Section 106 agreement to provide on-site affordable housing.

## **2. BACKGROUND**

The application site was allocated as Safeguarded Land within the RUDP. The RUDP policy, UR5, has not been saved and until the Allocations DPD is adopted, the application site is unallocated. In view of the former allocation as Safeguarded Land; the shortfall in housing supply; the application site being surrounded by housing, it is considered that subject to the completion of the Section 106 to deliver affordable housing, the application for housing is recommended for approval.

## **3. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from matters associated with the report.

## **4. RISK MANAGEMENT & GOVERNANCE ISSUES**

No implications

## **5. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as the Local Planning Authority following consultation with the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009.

## **6. OTHER IMPLICATIONS**

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

### **6.2 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 on Long Lee Lane, connecting to Keighley and the surrounding area. The site is therefore considered to be located at a sustainable location.

### **6.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None.

#### **6.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications, other than those raised in the technical report.

#### **6.5 HUMAN RIGHTS ACT**

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the 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.

#### **6.6 TRADE UNION**

None.

#### **7. NOT FOR PUBLICATION DOCUMENTS**

None.

#### **8. RECOMMENDATION**

The application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions included within the technical report.

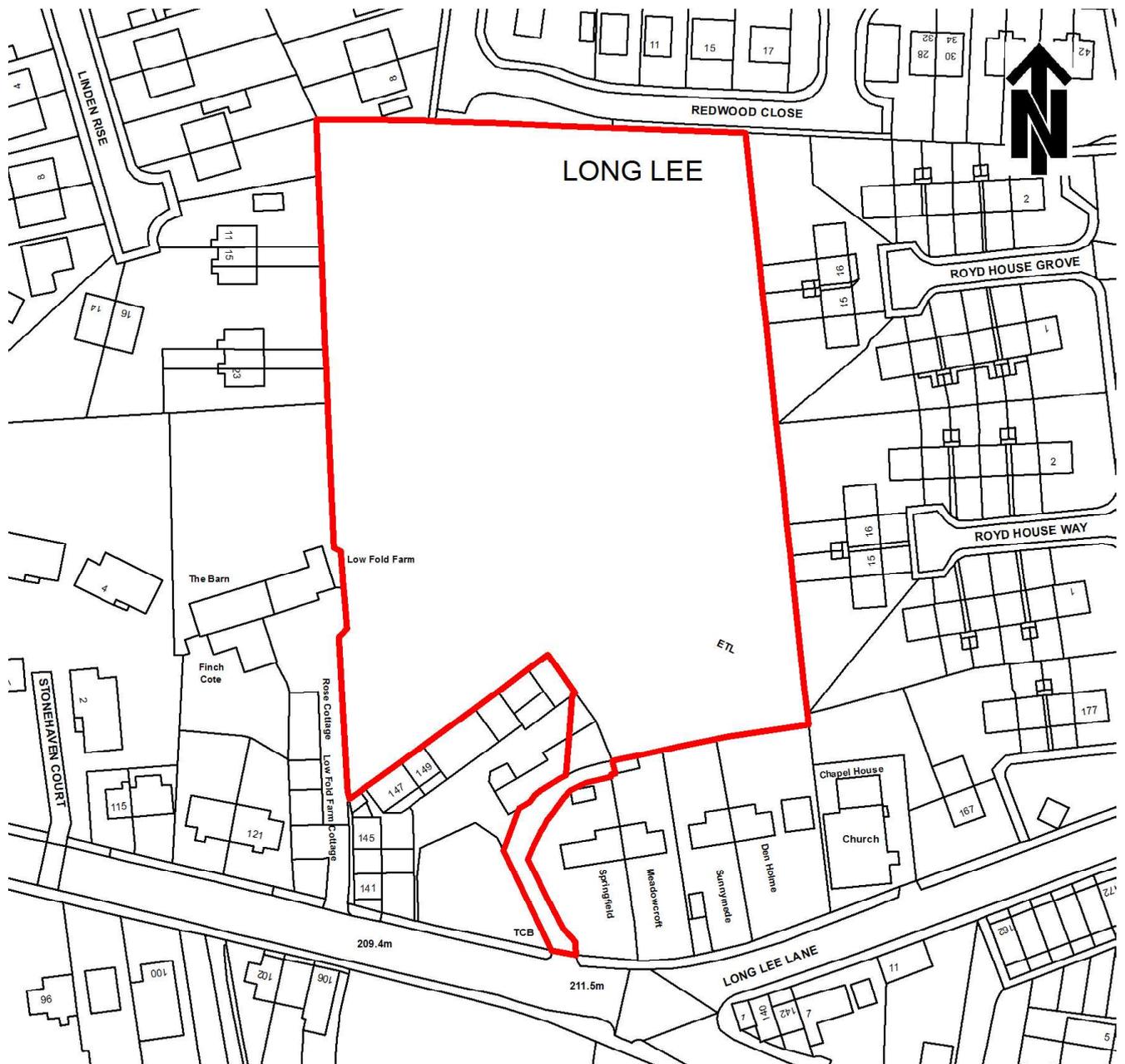
#### **9. APPENDICES**

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

#### **10. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy

17/02809/MAO



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**Land At Redwood Close  
Long Lee  
Keighley**

**Ward:**

Keighley East

**Recommendation:**

To grant planning permission subject to conditions and a S106 agreement to deliver on-site affordable housing.

**Application Number:**

17/02809/MAO

**Type of Application/Proposal and Address:**

Outline application for up to 45 dwellings (with all matters reserved except for access to the site), land at Redwood Close, Long Lee, Keighley.

**Applicant:**

Mr Stuart Brook

**Agent:**

Heritage Planning Design

**Site Description:**

The site is broadly rectangular in shape and comprises a grass field, surrounded by housing. To the north, the site adjoins Redwood Close; to the south, it adjoins High Fold Farm, including a listed barn and properties along Long Lee Lane; to the east, it adjoins properties off Royd House Road; and to the west, it adjoins properties off Linden Rise and an unadopted highway.

The land slopes downwards, from north to south and is used for agricultural grazing.

The southern part of the site is crossed by electricity cables, although there are no pylons within the site.

**Relevant Site History:**

None applicable.

**The National Planning Policy Framework (NPPF):**

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such, the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

### **The Core Strategy**

The Core Strategy was adopted in July 2017. The policies in the Core Strategy now take effect in the determination of planning applications.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in detail in other consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- HO5 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN1 Open Space, Sports and Recreation
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

### **Replacement Unitary Development Plan (RUDP):**

#### **Allocation**

Within the Replacement Unitary Development Plan this application site was identified as safeguarded land (K/UR5.21: Redwood Close). A new greenfield site, allocated for housing in the adopted UDP and located within the urban form. Access to the development would be dependent on highway constraints at Coney Lane Bridge being resolved.

#### **Publicity and Number of Representations:**

Site notices were displayed at and around the application site, a notice placed in the Telegraph and Argus and individual neighbourhood notifications were also carried out, with the statutory period of expiry being 22 June 2017.

There have been 36 letters of objection and an objection from Keighley Town Council.

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

Letters of objection raise various concerns on the proposed development -

There'd be a negative effect on the residents of Redwood Close.

It will overload local roads, schools and Doctors.

The village does not have the roads to support the extra housing; also feel that the land is far too small to accommodate 45 houses.

Can local amenities, school, bus, road to Keighley particularly railway bridge at Parkwood support additional traffic and residents?

School overflowing.

Traffic congestion will be horrendous in winter, no traffic can get up close.

The proposed development has a steep gradient from north to south which would be undesirable for vehicle access during winter months.

The planned pedestrian access would be dangerous and the access is only wide enough for a car.

There are bats nesting in the barns opposite Rose Cottage at the bottom of the proposed building works.

The effects from site construction of noise, dust and pollutants would undoubtedly affect the bat population.

Does the planning application take into consideration the impact on flora and fauna in the area?

Another concern is the refuse collections more collections from more properties to an already cut service? And will access be given to proposed site for refuse collection?

This land is supposed to be classified as green belt so how come this planning is now being submitted?

The road is already sinking in various places which I assume is due to the mines underneath. Heavy traffic from wagons carrying building materials will probably cause further damage to the road and underlying drains, pipes etc.

With reference to flood risk Low Fold has experienced surface flooding due to excess rainfall and melting snow during winter.

### **Consultations:**

#### **Highways**

The application is accompanied by a Transport Statement which is acceptable in terms of the development's traffic generation and its impact on the highway network. The Transport Statement shows that the development would generate around 25 two-way vehicle trips in the weekday peak periods. This level of additional traffic could be accommodated on the local highway network without causing highway safety or congestion problems.

The existing Redwood Close would be extended in a southerly direction to provide access into the site. Five dwellings would be served directly from Redwood Close. This is an existing adopted road which is capable of accommodating the traffic generated by the development. The new access road into the site would be a traditional estate road designed to adoptable standards with a 5.5m carriageway and 2m footways to both sides.

### **Environmental Health- Pollution Team**

The proposed development constitutes a minor development for the purposes 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 Guidance on the Control of Dust and Emissions from Construction and Demolition* during all demolition, site preparation and construction activities at the site.

### **Sport & Leisure**

Parks and Greenspaces requests a recreation contribution of £24,375 for 45 houses associated with the planning application, for the provision or enhancement of recreation open space and playing fields due to the extra demands placed on the locality by this development.

The contribution would be split between capital and revenue and used towards the provision and or enhancement of existing recreational facilities and infrastructure work, including but not exclusive to drainage works, footpath works and fencing at Long Lee Recreation Ground.

### **Environmental Health- Land Contamination**

The applicant recommends that prior to commencing with any development “a Phase 2: Ground Investigation (intrusive investigation) is completed to determine if any ground contamination is present on the site which could pose a risk towards the proposed end users and / or the environment.”

Environmental Health concurs with the findings of the applicants Phase 1 Desk Study and therefore recommends conditions to include the requirement for ground investigation, Phase 2.

### **Lead Local Flood Authority**

The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the proposed surface water disposal, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If the following details are implemented and secured by way of a planning condition, the Lead Local Flood Authority has no objection to the proposed development.

### **Yorkshire Water**

Following the submission of further details, Yorkshire Water has been re-consulted on the application and comments will be reported verbally.

## **West Yorkshire Police-Architectural Liaison Officer**

A number of issues have been raised by WYP concerning designing out crime. As an outline application, the final layout has will be subject to a further planning application. Comments raised by WYP would be considered at that stage.

### **Childrens Services**

Primary

Not all year groups are full, so 3 year groups are used for the calculation:

$0.02$  (yield per year group)  $\times$  3 (year groups)  $\times$  45 (number of dwellings)  $\times$  £13721 (cost per place) = £37,047.

Secondary

No contribution requested.

Total request for 45 houses: = £37,047

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

Principle of development

Planning obligations

Impact on residential amenity

Highways

### **Appraisal:**

Principle of development

Within the Replacement Unitary Development Plan (RUDP), the application site was allocated as Safeguarded Land (K/UR5.21: Redwood Close).

The Safeguarded Land policy, UR5 has not however, been saved and consequently with no Core Strategy policy superseding the RUDP policy, the site is now unallocated.

However, given the application site is not green belt, it was formerly safeguarded land (for new housing development), it is considered this former policy position is a strong material consideration, particularly when there is no 5-year housing supply.

In conclusion, the additional housing would contribute to the housing supply shortfall and the development of the site, which is bounded on three sides by housing, is believed to be acceptable in principle for housing.

The application includes solely details of the means of access. This being a single access/egress on the northern boundary, off Redwood Close. The means of access is considered acceptable in highway terms to serve the proposed residential development.

Whilst the application description refers to up to 45 dwellings, the layout is not being considered under the outline application and is indicative only. A layout would be agreed as part of a subsequent reserved matters application.

### Planning Obligations

The Council's Community Infrastructure Levy (CIL) was approved 18<sup>th</sup> July 2017. CIL is a tariff system that is charged on certain types of new development and it replaces parts of the Section 106 system.

CIL is intended to provide infrastructure to support development of an area, rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund through the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education, including primary and secondary provision.
- ii) Community sport and recreation facilities.
- iii) Sustainable transport improvement schemes.

However, the application site is within 'Residential - Zone 4' in which the rate is nil. This rate was the result of a modification by the Planning Inspector at the CIL examination, due to viability issues in certain parts of the District. It is noted that CIL calculations are finalised at the reserved matters stage and so if the CIL rates change before these are submitted, the rate will be reviewed and there could be a charge at that time.

The affordable housing requirement for this area is 15%. Accordingly, the applicant has agreed to provide 15% of the total number of dwellings as affordable. This would be via a Section 106 agreement.

#### Impact on residential amenity

At this stage, other than the point of access/egress to the site, any impact on residents cannot be assessed until a layout is provided, as part of a future application. Issues, including the relationship between properties and the concerns raised by the objectors would be considered as part of a future reserved matters application. It would be at that stage, when the housing layout is provided, that any issues raised by local residents would be considered.

#### Highways

The details of the single point of access/egress to the application site are to be determined as part of the outline application.

The potential for additional traffic and any impact on the local highway network has been assessed. It's considered that the generation of traffic from the proposed development could be accommodated within the local highway network. There are no concerns regarding the means of access to the site.

In regard of the sloping nature of the application site, Highways has looked at the issue of road gradients that would serve the development. The highway design guidance would ordinarily seek gradients of no more than 1:15. However, in instances of challenging sites, a gradient of 1:12 could be accepted. It is expected that the site would be served by road gradients no steeper than 1:12.

Any issues regarding highways maintenance would be dealt with through normal highways procedures, subject to budgetary constraints. As with other housing developments, provision would be made for refuse collection.

The Transportation & Highways service has confirmed that at the present time, there is no programmed highways scheme for improvements to Coney Lane Bridge. On this basis,

whilst ideally a highways scheme would have been programmed to mitigate the constraints of the bridge, the contribution made by the development towards the housing supply is believed to outweigh the requirement to carry out highway improvements. The constraint of the bridge, for this scheme based on c.45 houses, would not cause significant harm to highway safety and is not considered to be sufficient to override the need for housing, warranting refusal of the planning application.

In conclusion, the development would not prejudice pedestrian or vehicular safety and the means of access could be appropriately accommodated without adversely impacting on the local network.

#### Other matters

An ecological report was submitted as part of the application, with a desk top study, and a site survey was also carried out. There was no record of fauna on-site and given the limited offer for foraging/breeding, the loss of habitats is not believed to have a significant ecological impact. In view of the farm buildings located to the south west boundary of the application site, any future application would be subject to a 'buffer zone' between the buildings and proposed housing. The farm buildings including the barn are not within the application site and do not form part of the proposed development.

The Lead Local Flood Authority (LLFA) has assessed the application relating to surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. If measures are implemented and secured by planning condition, development would decrease any risk, rather than increase it, as the drainage of the land would be formalised. The LLFA has no objection to the proposed development.

#### **Section 106**

The applicant has confirmed that 15% of the total number of dwellings would be provided as affordable housing. This would be delivered through a Section 106 Agreement.

#### **Reason for Granting Approval:**

The application site was allocated as Safeguarded Land in the RUDP. Following the deletion of RUDP Policy UR5, the application site is unallocated, until the Allocations DPD is adopted. The former allocation of the site is considered to carry significant weight in determining the application. Along with the shortfall in housing supply, it is considered that this is a material consideration and along with the proposed development meeting the requirements of Core Strategy policies P1, SC5, SC6, SC9, H05, H08, H09, H011, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5 and ID3 the application is supported.

#### **Conditions:**

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.

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 SC9 of the Core Strategy.

Any application for the reserved matter of siting shall include plans showing the following:

- i) adequate cross sections of the site,
- ii) details of the existing and proposed ground levels,
- iii) proposed finished floor levels of buildings,
- iv) levels of any paths, drives, garages and parking areas,
- v) height of any retaining walls,

and the development shall be carried out in accordance with the details so approved.

Reason: To ensure that works are carried out at suitable levels in relation to adjoining properties and highways and in the interests of visual amenity and to accord with Policy SC9 of the Core Strategy.

Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy SC9 of the Core Strategy.

Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for

verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy SC9 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

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.

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The rate of discharge of surface water to surface water sewer shall not exceed 5 (five) litres per second, the point of connection to be agreed by the statutory sewerage undertaker. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

From the date of first occupation every property on the site with dedicated parking shall be provided with access to a fully operation EV charging point (on a dedicated circuit) which as a minimum shall be capable of providing an overnight 'trickle' charge to an electric

vehicle. Every other property (with none dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas and /or within garage parking spaces. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

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 and the National Planning Policy Framework (NPPF).