

## **REPORT TO AREA PLANNING PANEL (KEIGHLEY)**

**REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF  
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 13<sup>th</sup> November 2008**

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### **SUMMARY STATEMENT - PART ONE**

**Items include:**

- ◆ Items deferred from a previous Sub-Committee
- ◆ Applications subject to approval under Section 106 Agreement of the Town and Country Planning Act 1990
- ◆ Applications with Petitions
- ◆ Requests for Enforcement/Prosecution Action
- ◆ Regulation 3 of the Town and Country Planning General Regulations 1992
- ◆ Decisions by the Secretary of State
- ◆ Miscellaneous Items

The sites concerned are:

Land at White Crag, Light Bank Lane, Silsden  
12 Flappit Springs, Haworth Road, Cullingworth  
Wire Fields, Ingrow Lane, Keighley  
Land at Linnburn Mews, Queens Road, Ilkley  
15 Kings Road, Ilkley  
Keighley Laboratories Ltd, Croft House, Keighley  
Land at Oakbank School, Oakworth Road, Keighley

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## MISCELLANEOUS ITEM

### APPEAL DECISIONS BY SECRETARY OF STATE

**ITEM NO:** 1  
**WARD:** Craven  
**SITE:** Land at White Crag, Light Bank Lane, Silsden  
**APPLICATION NO:** 07/4172/FUL  
**PROPOSAL:** Change of use of land to motor cycle trials use four days per year  
**DECISION:** Dismiss the appeal

**ITEM NO:** 2  
**WARD:** Bingley Rural  
**SITE:** 12 Flappit Springs, Haworth Road, Cullingworth  
**APPLICATION NO:** 07/08441/FUL  
**PROPOSAL:** Construction of rear two storey extension  
**DECISION:** Dismiss the appeal

**ITEM NO:** 3  
**WARD:** Keighley (West)  
**SITE:** Wire Fields, Ingrow Lane, Keighley  
**APPLICATION NO:** 07/10439/FUL  
**PROPOSAL:** Construction of 44 dwellings and 18 flats  
**DECISION:** Dismiss the appeal

**DATE:** 13th November 2008  
**Item Number:** 4  
**WARD:** Ilkley  
**SUBJECT:** CONSIDERATION OF AN OBJECTION TO TREE  
PRESERVATION ORDER 08/00053/IG  
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990  
**SITE:** Land at Linnburn Mews, Queens Road, Ilkley  
**RECOMMENDATION:** TO OVER-RULE THE OBJECTION AND CONFIRM THE  
TREE PRESERVATION ORDER WITHOUT MODIFICATION.

**Background:**

A Tree Preservation Order was made on 3rd July 2008 as a result of a Notice of Intent within the Conservation Area submitted on 27th May 2008 to prune a Beech tree and remove 2 Cypress trees. Due to the lack of detailed information on the extent of the pruning it was considered that this work would be likely to be detrimental to the health and amenity value of the tree and no indication of replacement planting was provided in relation to the Cypress trees which are of significant amenity value within the Ilkley Conservation Area. For these reasons the Tree Preservation Order was made.

The trees are of significant visual amenity value visible from Queens Road and the surrounding area.

The council cannot refuse a Notice of Intent and must either allow the works or make a TPO.

It is considered expedient to confirm the order as if not confirmed the trees could be destroyed in terms of their visual amenity value due to the unspecified nature of the works within the notice on the Beech and removal of the 2 Cypress and clearly this would be detrimental to the health of the trees.

There has been one letter received making general comment and one objection to the order on the following grounds.

**Summary of objection received:**

- The Beech tree has now got to a size that light is being restricted into sitting lounges.
- With a Tree Preservation Order the problem will get worse over the years.
- The residents are elderly and the decision will stop them enjoying the views over surrounding countryside that they currently enjoy.

**Officer comments in relation to the points of objection:**

- It is considered that some minor works would be considered acceptable to the Beech if the work did not affect the health and amenity value of the tree.
- Tree Preservation Orders do not prevent management works to trees. Consent would be required from the LPA and this is a free service.
- There is no legal right to view.

**Recommendation:**

It is requested that the objection be overruled and the Tree Preservation Order be confirmed without modification.

**DATE:** 13th November 2008  
**Item Number:** 5  
**WARD:** Ilkley  
**SUBJECT:** CONSIDERATION OF TWO OBJECTIONS TO TREE PRESERVATION ORDER 08/00055/I SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990  
**SITE:** Land at 15 Kings Road Ilkley  
**RECOMMENDATION:** TO OVER-RULE THE OBJECTIONS AND CONFIRM THE TREE PRESERVATION ORDER WITHOUT MODIFICATION.

**Background:**

A Tree Preservation Order was made on 3rd July 2008 as a result of a Notice of Intent within the Ilkley Conservation Area submitted on 20th May 2008 to heavily prune a variegated Sycamore, Horse Chestnut and removal of a Cypress. Despite previous bad pruning to the Sycamore and Chestnut all three trees are in a significant visual position in relation to Kings Road and South Parade with considerable amenity value. There are vagaries in relation to the accuracy of an old Tree Preservation Order on the Cypress (TPO0136:1971) For these reasons a Tree Preservation Order was made on all three trees.

The trees are of significant visual amenity value visible from Kings Road and South Parade area.

The council cannot refuse a Notice of Intent and must either allow the works or make a TPO.

It is considered expedient to confirm the order as if not confirmed the trees could be destroyed in terms of their visual amenity value due to the excessive nature of the works within the notice on the Sycamore and Chestnut together with the removal of the Cypress and clearly this would be detrimental to the health of the trees.

Consent has since been granted and undertaken for minor works to the Sycamore and Chestnut. Consent to remove the Cypress has been denied and is currently at appeal.

There is currently an application for a single storey extension to the property at number 15 (08/05948/FUL) Received 22nd September 2008. This is likely to impact on the Cypress.

There have been two objections to the order on the following grounds.

**Summary of objections received:**

- The Cypress has grown alarmingly and constitutes a growing threat to the dwelling particularly in stormy weather.
- The Cypress tree has reduced the amount of light to the house, garden and restricts the use of the garden and views.
- The Cypress tree roots may threaten the house foundations and walls
- There is a risk of branch failure onto footway and pavement causing injury.
- The Cypress tree is too close to the building for its size.
- The Tree Preservation Order should be removed to take the appropriate action on the Cypress.

- The Tree Preservation Order on the Chestnut and Sycamore makes the management of the trees bureaucratic and more complex and ultimately far less likely to be able to improve them, maintain them in good and safe form and enhance their visual impact on the environment.
- We wish to replace the Cypress with a Yew or a Holly as the tree is staggeringly tall, continues to grow close to the property and overhangs the neighbours garden and pavement.

**Officer comments in relation to the points of objection :**

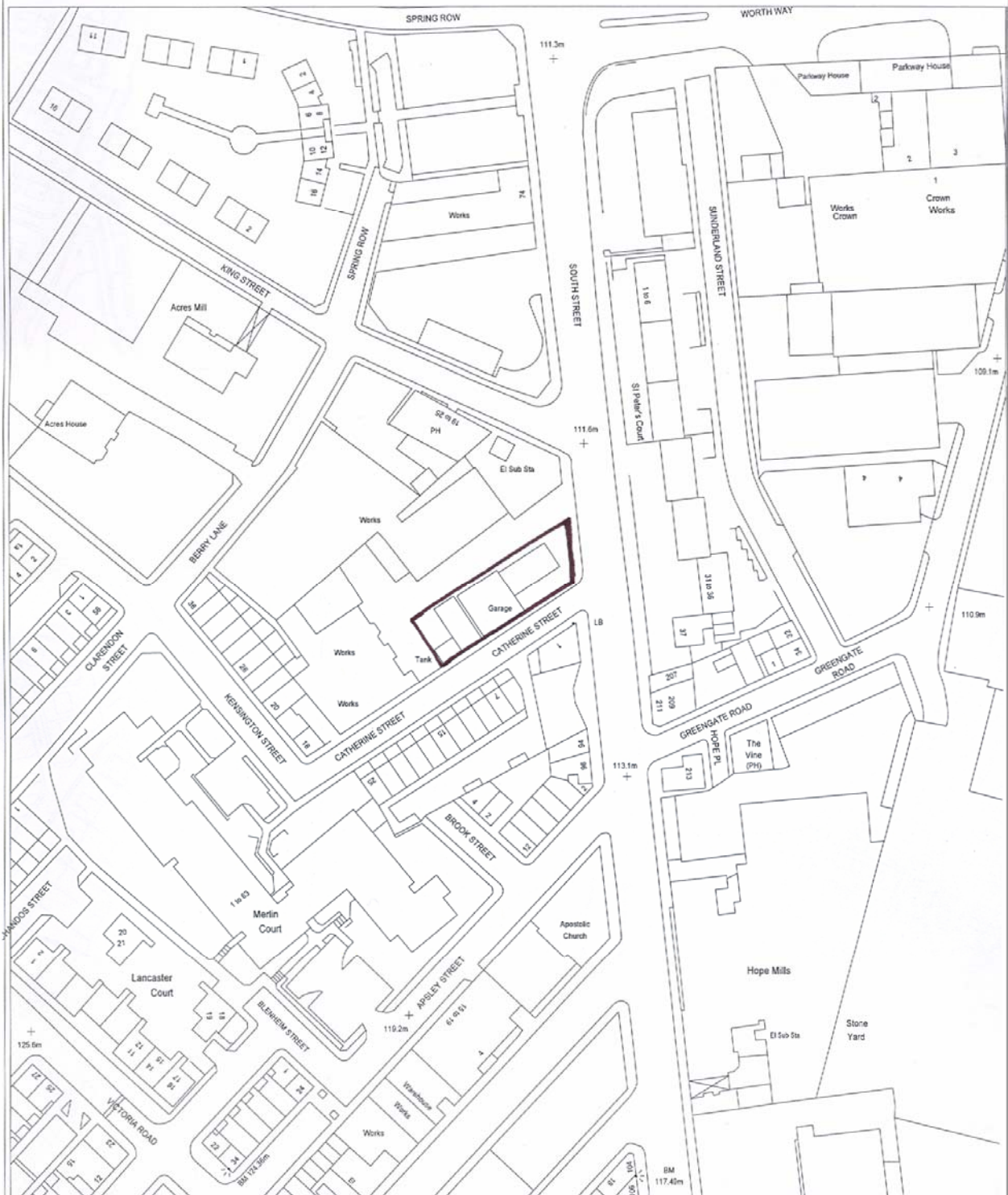
- Works have recently been granted and carried out to the Chestnut and the Sycamore.
- No evidence has been provided to suggest damage to the property in relation to the distance of tree to property. However their concerns will be compounded by the proposed single storey extension proposal, which is significantly closer to the tree than the dwelling.
- Pruning works under the Tree Preservation Order legislation will be supported by the LPA if the works are not detrimental to the health and amenity value of the tree.
- Tree preservation orders do not prevent management works to trees. Consent would be required from the LPA and this is a free service.
- There is no legal right to view.

**Recommendation:**

It is requested that the objections be overruled and the Tree Preservation Order be confirmed without modification.

# KEIGHLEY AREA PLANNING PANEL

DATE  
13 November 2008



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ITEM No. 6

LOCATION  
**CROFT HOUSE WORKS, SOUTH STREET, KEIGHLEY**

**DATE:** 13 NOVEMBER 2008  
**ITEM No:** 6  
**WARD:** KEIGHLEY CENTRAL  
**RECOMMENDATION:** TO GRANT PLANNING WITH CONDITIONS  
**APPLICATION No:** 08/03289/FUL

**Type of Application/Proposal & Address**

This application seeks full planning permission for the construction of a replacement industrial building at Keighley Laboratories Ltd., Croft House, Keighley BD22 1EG

**Site Description**

This application relates to the replacement of an existing disused commercial building that stands within the Keighley Laboratories complex on the west side of South Street, Keighley.

The existing building to be replaced comprises a single storey brick built structure with, for the most part, a profiled sheet metal roof, and with a smaller lean-to building attached at its eastern end. The building as a whole was formerly a motor vehicle repair garage and petrol filling station but it has remained disused for some years. Its forecourt, facing onto South Street, now comprises a car park associated with Keighley Laboratories Ltd.

The building fronts directly onto Catherine Street to the south, beyond which is a terrace of houses. Beyond South Street to the east is St Peter's Court, a sizable sheltered accommodation complex of flats. Otherwise the area is of mixed character with a predominance of industrial and commercial activity locally.

**Relevant Site History**

00/02394/FUL – New workshop. Refused (inadequate details)  
98/03231/FUL – Extension to pit furnace and heat treatment shop. Granted  
97/02515/FUL – New workshop, extension of existing workshop and improved car park. Granted.  
93/00408/FUL – New office and toilets. Granted.

**Unitary Development Plan (UDP) Proposals & Policies**

Unallocated on the RUDP Proposals Map.

Relevant Policies:

UDP3 – quality of built development  
UR3 – local planning considerations  
TM2 – highway impact  
TM19A – traffic management and highway safety

**Town/Parish Council**

Keighley Town Council recommends approval.

**Publicity and Number of Representations**

Advertised by neighbour letters and site notice. Expiry 3 September 2008  
A petition of objection containing a total of 96 names has been received.



### **Summary of Representations**

1. Presently there is noise, smoke and smell from the Keighley Laboratories site.
2. An expansion would add to the distress of neighbours
3. Doors into the existing building enable the processes to be watched from residential properties in St. Peters Court
4. Noise prevents sleep for occupiers of St Peters Court
5. Smoke from the existing buildings makes it appear the site is on fire
6. Development would increase traffic in South Street

### **Consultations**

Environment Agency – No objections subject to conditions.

Minerals and Waste Team – No comment

Drainage – No building within 3.0 metres of sewer crossing the site. Separate drainage system within site boundary. Liquid chemical, oils etc to be stored within containment bunds.

Environmental Protection – Recommend hours restriction on construction work

### **Summary of Main Issues**

Principle of industrial development

Local amenity implications

Highway implications

### **APPRAISAL**

#### **Principle**

The Keighley Laboratories business is a significant local employer with international recognition and markets for its products. The continuing success and vitality of the business is clearly in the interests of local employment and overall economic regeneration in Keighley.

The existing building, which is to be demolished and replaced with the proposed new structure, was formerly in use for car repairs (an activity that falls within Use Class B2 – General Industrial Use) and thus could be put to a B” General Industrial use by Keighley Laboratories Ltd for industrial purposes without needing to apply for planning permission, although clearly the building does not benefit from sound insulation and is generally obsolete.

The proposals submitted here for a modern building therefore present an opportunity to replace the existing unsightly building with a new structure that is built to current standards, with better insulation, and of a design that matches that of other nearby buildings within the complex.

Accordingly, and subject to matters of local amenity and highway safety being resolved, the principle of the replacement of this building is acceptable.

#### **Local Amenity**

The existing building to be replaced is constructed of a variety of materials and has been patched up over a number of years so that its appearance is unattractive in the street

scene. As noted above, there is the potential for an improvement in the visual appearance of the site as a consequence of the proposed development.

The replacement building would be 1.5 metres higher to eaves level than the existing structure, and as a consequence there would be additional implications for the nearest terraced housing along Catherine Street. Three of these properties directly face the application site at a distance of approximately 11.7 metres and the increase in height of the structure would be noticeable, although the roof of the new building would pitch away from those nearest properties so that the overall height of the new building would be less intrusive.

The size of the proposed building is dictated by the space needs of the processes to be housed and the building would appear to be of significant scale when viewed from South Street to the east of the site. This impact would, however, be tempered by the substantial gradient through the site which results in buildings to the rear (west) appearing high in relation to the overall site. The proposed building would be seen against this backdrop of substantial buildings.

### **Industrial Processes**

The proposed use of the building would involve an electrical induction process that would be relocated from a building sited some 100 metres to the east beyond Berry Lane, and the proposals are aimed at improving the efficiency and productivity of the business. The process does not generate noise, smoke, smell or other disturbance and as a consequence the proposed occupancy of the building would not give rise to adverse environmental effects locally. The operations within the building could be restricted by way of condition to maintain the protection of local amenity, and in any event the building would be constructed with sound insulation to satisfy current standards.

The present arrangement of the Keighley Laboratories site involves a secondary vehicular access taken from Catherine Street facing the nearest residential properties. This access would be permanently closed as part of the development, thus removing any HGV movements in Catherine Street leading into this part of the Keighley Laboratories site, to the benefit of the amenities of those residents closest to the site.

Amendments to the proposals have resulted in improved arrangements so that day to day access to the building would be via a side door leading into the building from the main yard, thus limiting any external disturbance. The loading doors to the building frontage facing onto South Street would be opened only 2 to 3 times per year for maintenance and movement of heavier equipment, again limiting potential disturbance.

Whilst the proposed building is necessarily of a greater scale than the building it replaces, it is considered that on balance the proposed low key use, the changes to vehicular access, the benefits to this successful local business and the overall visual improvement arising from the removal of the dilapidated existing building make the proposals attractive.

In the circumstances, whilst the concerns of neighbouring residents are noted – and have been addressed to a degree by amendments to the proposals – it is considered that the development would be acceptable in terms of local amenity and the appearance of the wider street scene.

Accordingly the proposals are considered to be in accordance with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

### **Highway implications**

The proposals do not have implications for the free flow of traffic on South Street or for highway safety generally given that it is an extension to an existing industrial use.

### **Community Safety Implications**

There are no community safety implications.

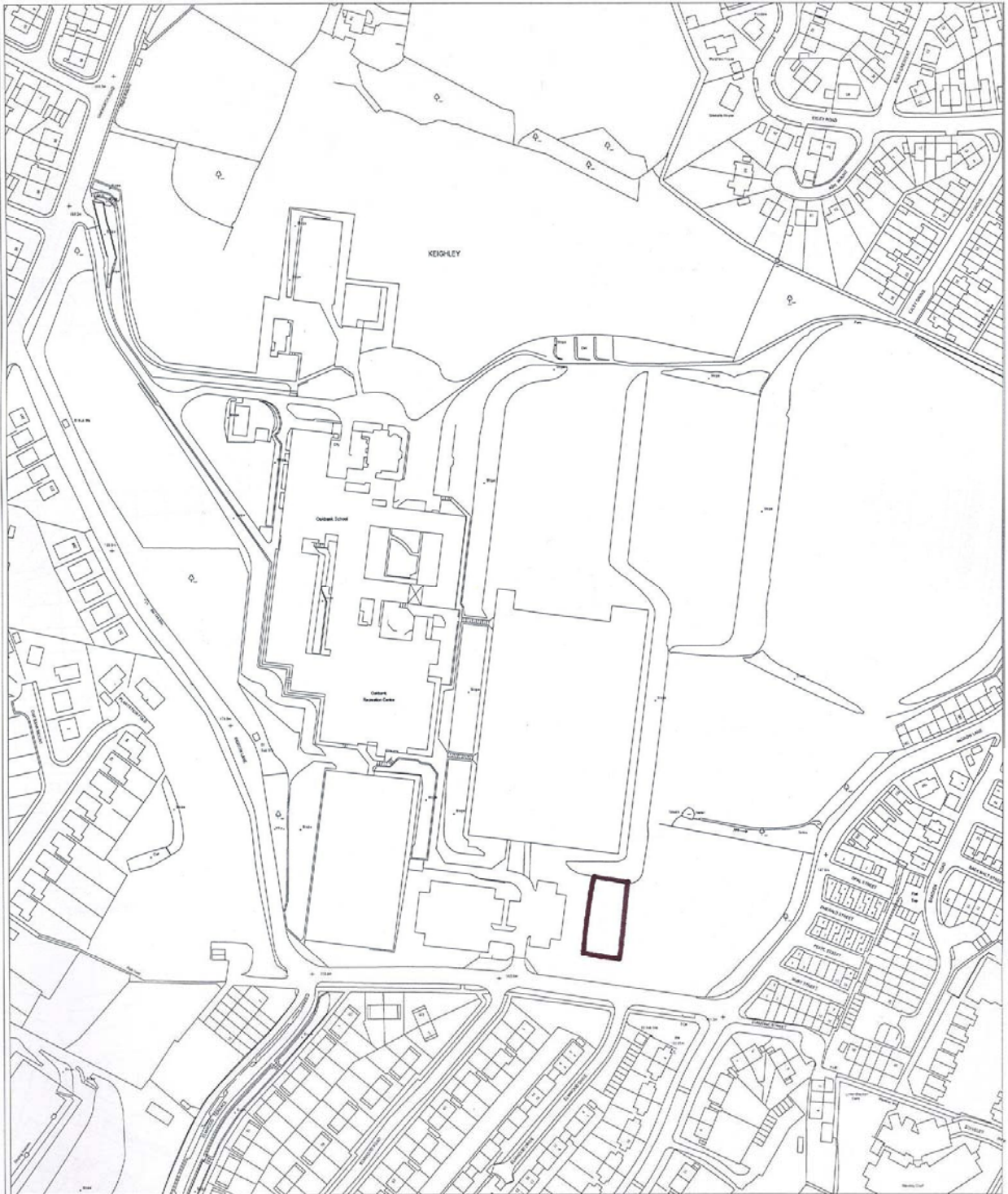
### **Conditions of Approval**

It is recommended that Planning Permission be GRANTED subject to the following conditions:

1. Commence within 3 years
2. Prior to commencement of development materials samples shall be submitted to and approved by the LPA and the development constructed using the approved materials.
3. Sound insulation is to be installed in the new building in accordance with details to be submitted to and approved in writing by the LPA prior to commencement of development.
4. Drainage to be on separate systems
5. Prior to work commencing, site investigation, remediation and validation scheme to be implemented to address possible ground contamination.
6. Any liquid storage tanks or drums associated with subsequent uses are to be stored within a bunded enclosure.
7. No building to take place within 3 metres of public sewer in the site.
8. Building and construction work to be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and no work undertaken on Sundays or Bank Holidays

# KEIGHLEY AREA PLANNING PANEL

DATE  
13 November 2008



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ITEM No. 7

LOCATION

**OAKBANK SCHOOL, OAKWORTH ROAD, KEIGHLEY**

**DATE:** 13 NOVEMBER 2008  
**ITEM No:** 7  
**WARD:** KEIGHLEY WEST  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION WITH CONDITIONS  
**APPLICATION No:** 08/04739/FUL

**Type of Application/Proposal & Address**

Full planning application for the construction of a concrete skatepark, with associated footways and internal access works.

Land at Oakbank School, Oakworth Road, Keighley

**Site Description**

An area of ground within the curtilage of Oakbank School, adjacent to the existing tarmac car parking facilities that serve both the school and the school sports centre. The land is set below the level of the car park. The site is close to the southern boundary of the school complex, where the grounds front onto Ingrow Lane beyond which are areas of housing to the south and east. A number of mature trees stand along this boundary of the school property with Ingrow Lane and the boundary itself is formed by a 2 metre stone wall. The trees and wall provide screening to the site of the skateboard park.

There is also palisade type steel security fencing around the premises, which prevents late night access to the school and its grounds.

**Relevant Site History**

None directly relevant

**Unitary Development Plan (UDP) Proposals & Policies**

The site is within an area of school playing fields as allocated on the RUDP Proposals Map and protected by Policy OS3.

Relevant Policies:

UDP3 – quality of built development

OS3 – protection of playing fields

UR3 – local planning considerations

D1 – general design considerations

D4 – community safety

TM2 – highway impact

TM19A – highways

**Town/Parish Council**

Keighley Town Council expresses support for the proposal.

**Publicity and Number of Representations**

Advertised by neighbour letters and site notice. Expiry 27 August 2008.

42 standardised letters of objection bearing addresses and signatures and a petition of objection containing 42 signatures have been received.

## **Summary of Representations**

1. The development will increase anti-social behaviour in the area
2. The use will generate noise, crime, drinking and drug dealing
3. The concrete would be an eyesore
4. The development would harm the wildlife value of the site
5. There are no proposals for additional policing in the area
6. There is a skatepark at Crossroads park
7. The skatepark should be at Cliffe Castle or Victoria Park

## **Consultations**

West Yorkshire Police – Not available at time of report. To be reported orally at the meeting. The Police do not oppose the development.

## **Summary of Main Issues**

Principle – the need for such facilities.

Local amenity implications, particularly feared disturbance and anti social behaviour.

Highway implications

## **Appraisal**

### **Principle – the need for skatepark facilities**

The application site is part of the Oakbank playing fields, allocated as such on the RUDP and protected for sports purposes by Policy OS3 of the RUDP. This part of the grounds is sloping and so is unsuitable for conventional sports pitches but the skateboard facility would seem an ideal alternative outdoor sports use that will complement the more conventional pitches.

The provision of facilities for outdoor sport and recreation – especially those for use by the public is a development that in principle will normally be supported and the support for this community facility from Keighley Town Council is acknowledged. National planning policies, expressed through PPG17 (Planning for Open Space, Sport and Recreation), seek to ensure that local authorities carry out assessments and audits of their existing levels of recreation provision and of levels of demand for such facilities taking into account future growth. The proposal here comprises part of the Bradford Council's Play Partnership "All to Play For" strategy to improve play provision for children in Bradford and is part of the £1.4 million Lottery Children's Play Fund award.

There are three new skate parks to be provided across Bradford district and the sites have been identified where there are gaps in provision in the Open Space Strategy.

SportKeighley is the organisation that has provided evidence of demand and has selected this preferred location following consultation with young people. It is also noted that pupils at Oakworth School requested skate facilities as part of the school curriculum and for after school activities. Oakbank School itself is a specialist school for physical education and technology and the wish of the school is to work in partnership with SportKeighley and other partners to provide the new skate facility.

Whilst the community and sporting benefits of the proposed skatepark are acknowledged, it is also recognised that such a facility will be a focal point for young people to gather, and the facility will attract gatherings. The concern of local residents about such gatherings is considered in detail below.

As a matter of broad principle however, it is considered that an appropriate off-street facility for skateboards and skaters is preferable to a situation where these activities continue to take place on public highways and parks where safety is more often compromised.

Subject then to adequate safeguards that can be dealt with by Conditions, the development here is considered acceptable in principle and is considered to accord with land use planning policy since it comprises a sport and recreation facility within an established school curtilage.

### **Local Amenity Implications**

Although concerns about noise and disturbance from the skatepark by local people are acknowledged it should be appreciated that the skatepark would be sited approximately 40 metres from nearest residential properties located to the south on Elmwood Drive and Elmwood Road.

The site is also screened from view from areas to the south and east by a high stone boundary wall and by stands of mature trees. These features would also serve to limit noise disturbance for nearest occupiers although clearly this would only apply to the skatepark itself and not to the approaches to the site or the access point from Ingrow Lane.

The question of CCTV monitoring of the facility to assure both the neighbours and indeed the safety of users of the park has been examined and it is established that the existing school CCTV system already covers the whole of the area of school property affected by the proposed development.

The existence of CCTV coverage, and appropriate signage to remind users that images of activity on and around the site are recorded, should discourage anti-social behaviour and satisfactorily address concerns expressed by nearest neighbours regarding misuse of the site.

The impact of the skatepark would, in effect, extend the hours that children and young people are active on the school grounds. There would be some noise generation but given the distances to nearest neighbouring dwellings, and the intervening boundary wall and trees, it is not considered that disturbance would be a significant issue.

Skateboards and skates are already well used by children and young people and that at present these are generally used on pavements, on roads and in public parks in the area. This has the potential to generate nuisance and, clearly, a risk to highway and pedestrian safety. The provision of a facility designed for the purpose would address these existing issues of local amenity and highway safety and from a local amenity perspective the proposals are on balance attractive.

It is considered that the skatepark construction would be sited with sufficient separation from the trees on the site frontage. It is suggested that protective fencing be provided so that no damage occurs whilst the facility is being constructed.

For these reasons the development would be in general accordance with Policy UR3 of the Replacement Unitary Development Plan

### **Highway implications**

The proposals are within an existing school curtilage and adjacent to a fairly large car park. It is anticipated that most young people using the facility would not be car drivers. As limited traffic would be generated by the skatepark there a separate vehicular access to it are not necessary and in the circumstances, the development would have no implications for highway safety or the free flow of traffic.

The proposals therefore accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

### **Community Safety Implications**

There are no community safety implications. For the reasons stated above, it is not considered that the facility would generate anti-social behaviour and can be adequately supervised so that misuse can be safeguarded by the existing CCTV and management of the Oakbank site.

### **Conditions of Approval**

1. Commence within 3 years
2. Any illumination of the facility shall only be carried out in accordance with details to be submitted to and agreed by the Local Planning Authority and thereafter implemented as approved.
3. Signage, including in respect of CCTV coverage to be subject of details to be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented as approved.
4. Protective fencing to be provided to trees on the Ingrow Lane frontage during construction.