

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 25th February 2009

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Summary Statement – Part One

Items in Part One of this Agenda include at least one report for each of the following categories:-

Items Deferred from a Previous Sub Committee/Panel, Applications Subject to Approval under Section 106 Agreement of the Town and Country Planning Act 1990, Application with Petition, 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:

1. Land at Green Lane, Newsholme, Keighley
2. Land at 67 Drewry Road, Keighley
3. Land at Cragg House Farm, Fishbeck Lane, Silsden
4. 18 Barley Cote Road, Riddlesden, Keighley
5. Sunderland Street Works, Sunderland Street, Keighley
6. 67 Drewry Road, Keighley
7. Land at Cringle Caravan Park, Bolton Road, Silsden
8. 37 Valley View Close, Oakworth, Keighley

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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



9. Lower Turnshaw Farm House, White Lane, Oakworth, Keighley
10. Whitehill Farm, Whitehill Road, Oakworth, Keighley
11. 36 Albert Yard, Keighley
12. 22 Moorfield Road, Ben Rhydding, Ilkley
13. Longlands, Skipton Road, Steeton, Keighley
14. Land to the South West of Sheep Hills Farm, Whitehill Road, Oakworth, Keighley
15. Parkwood House, Parkwood Street, Keighley
16. 14 Daniel Close, Keighley
17. Land at 5 Oakburn Road, Ilkley
18. Land at 5 The Green, Addingham
19. 20 Craiglands Park, Ilkley

ENFORCEMENT COMPLAINTS CLOSED BY PLANNING MANAGER AS NOT EXPEDIENT TO PURSUE

Date: 25th February 2009
Item No: 1
Ward: Worth Valley (ward 29)
Recommendation: That the report be noted.
Enforcement Reference: 07/00815/ENFUNA

Site Location: Land At Green Lane Newsholme Keighley

Description: Unauthorised tipping

Reason: It is not considered that there is a clear breach of planning control which would warrant further enforcement action

Date Enforcement file closed: 06 January 2009

Date: 25th February 2009
Item No: 2
Ward: Keighley Central (ward 15)
Recommendation: That the report be noted
Enforcement Reference: 07/00602/TPOCN

Site Location: Land at 67 Drewry Road, Keighley

Description: Protected Tree

Reason: It is not considered that there is a clear breach of planning control which would warrant further enforcement action.

Date Enforcement file closed: 23 December 2008

Date: 25th February 2009
Item No: 3
Ward: Craven (ward 09)
Recommendation: That the report be noted.
Enforcement Reference: 07/01062/ENFUNA

Site Location: Land at Cragg House Farm, Fishbeck Lane, Silsden.

Description: Unauthorised tipping.

Reason: It is not considered that there is a clear breach of planning control which would warrant further enforcement action.

Date Enforcement file closed: 09 January 2009

ENFORCEMENT ITEM

Date: 25 February 2009

Item Number: 4

Ward: Keighley East

Recommendation: That the report be noted.

Enforcement number: 08/00417/ENFAPP

Site Location: 18 Barley Cote Road, Riddlesden, Keighley

Alleged breach of planning control: The unauthorised erection of a garage.

CIRCUMSTANCES:

The owner of the property submitted an application to build a dwelling house on part of his garden that adjoins Barley Cote Avenue in 2004. This application – 04/01704/FUL – was granted on 27 July 2004.

In Spring 2008 the owner built a double garage on the site of the proposed dwelling and on 21st April 2008 the Council requested that he submit a retrospective application for the retention of the garage. The owner has not submitted such an application, however, it is considered that if such an application were submitted it would be approved by the Local Planning Authority.

In the circumstances it is not considered expedient to take any further action.

ENFORCEMENT ITEM

Date:- 25 February 2009

Item Number: 5

Ward: Keighley Central

Recommendation: That the report be noted.

Enforcement number: 07/00101/ENFUNA

Site Location: Sunderland Street Works, Sunderland Street, Keighley

Alleged breach of planning control: The unauthorised erection of a wall and gates.

CIRCUMSTANCES:

This is an industrial property and is adjacent to other industrial properties. The owner has erected a 1.8m high wall and installed 2m high gates along the frontage with Sunderland Street in order to secure his property. A retrospective application has been requested but not received. The wall and gates are in keeping with existing structures along Sunderland Street and required for the security of the premises. It is considered that if an application were submitted it would be approved by the Local Planning Authority.

In the circumstances it is not considered expedient to take any further action.

ENFORCEMENT ITEM

Date: 25 February 2009

Item Number: 6

Ward: Keighley Central

Recommendation: That the report be noted.

Enforcement number: 06/00957/ENFUNA

Site Location: 67 Drewry Road, Keighley

Alleged breach of planning control: The unauthorised pigeon loft.

CIRCUMSTANCES:

An unauthorised pigeon loft was constructed at the dwelling in 2006. A retrospective application was subsequently submitted and refused. Despite negotiations with the owner the pigeon loft still remains unauthorised.

The Department of Legal and Democratic Services have therefore been instructed to serve an enforcement notice.

MISCELLANEOUS ITEM

APPEAL DECISIONS BY SECRETARY OF STATE

ITEM NO: 7
WARD: Craven
SITE: Land at Cringles Park, Bolton Road, Silsden.
APPLICATION NO: 08/00143/APPENF
PROPOSAL: Siting of a porta-cabin type building without planning permission
DECISION: The appeal fails on grounds (b), (c) and (f) and succeeds in part on ground (g). The notice is upheld with an extension to the compliance period.

ITEM NO: 8
WARD: Keighley West
SITE: 37 Valley View Close, Oakworth, Keighley.
APPLICATION NO: 06/01257/ENFUNA
PROPOSAL: Unauthorised carrying out of engineering operations involving the alteration of land levels and construction of retaining walls walls so as to form a hard surface are upon which surrounding timber fencing has been erected.
DECISION: The appeal fails and planning permission is refused. The notice is upheld with extensions to the compliance periods.

ITEM NO: 9
WARD: Worth Valley
SITE: Lower Turnshaw Farm House, White Lane, Oakworth, Keighley.
APPLICATION NO: 08/03643/FUL
PROPOSAL: A private access track and parking to an existing dwelling.
DECISION: Dismiss

ITEM NO: 10
WARD: Worth Valley
SITE: Whitehill Farm, Whitehill Road, Oakworth, Keighley
APPLICATION NO: 08/03162/FUL
PROPOSAL: Proposed garage and workshop
DECISION: Dismiss

ITEM NO: 11
WARD: Keighley Central
SITE: 36 Albert Yard, Keighley
APPLICATION NO: 08/00593/COU
PROPOSAL: Change of use of a dwelling to a waiting room (ground floor) For an adjacent private hire base.
DECISION: Dismiss

MISCELLANEOUS ITEM

APPEAL DECISIONS BY SECRETARY OF STATE

ITEM NO: 12
WARD: Ilkley
SITE: 22 Moorfield Road, Ben Rhydding, Ilkley
APPLICATION NO: 08/01315/FUL
PROPOSAL: Demolition of existing dwelling and construction of 4 no. detached dwellings.
DECISION: Dismiss

ITEM NO: 13
WARD: Craven
SITE: Longlands, Skipton Road, Steeton with Eastburn
APPLICATION NO: 07/09911/FUL
PROPOSAL: Construction of a 12 No apartment block and a 6 No Apartment plus 4 No Terrace house block plus associated works.
DECISION: Dismiss
DECISION FOR COSTS: The application fails and no award of costs is made.

ITEM NO: 14
WARD: Worth Valley
SITE: Land to the south west of Sheep Hills Farm, Whitehill Road, Oakworth, Keighley West Yorkshire BD22 0QJ
APPLICATION NO: 08/00833/FUL
PROPOSAL: Construction of field shelter, hay barn and all weather paddock.
DECISION: Dismiss

ITEM NO: 15
WARD: Keighley East
SITE: Parkwood House, Parkwood Street, Keighley
APPLICATION NO: 08/01571/FUL
PROPOSAL: Proposed demolition of Parkwood House and the construction
Of 8 Dwellings
DECISION: Dismiss

MISCELLANEOUS ITEM

APPEAL DECISIONS BY SECRETARY OF STATE

ITEM NO: 16
WARD: Keighley East
SITE: 14 Daniel Close, Keighley
APPLICATION NO: 07/08899/CLE
PROPOSAL: Use of part of field to rear of property as garden area.
DECISION: Dismiss

DATE: 25th February 2009
ITEM NO: 17
WARD: Ilkley
SITE: Land at 5 Oakburn Road Ilkley

**SUBJECT: CONSIDERATION OF FOUR OBJECTIONS AND A PETITION IN
RELATION TO-
PRESERVATION ORDER 08/00068/G
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

**RECOMMENDATION: TO OVER-RULE THE OBJECTIONS AND CONFIRM THE TREE
PRESERVATION ORDER WITHOUT MODIFICATION.**

Background:

A Tree Preservation Order was made on 18th September 2008 as a result of a Notice of Intent within the Ilkley Conservation Area submitted on 4th August 2008 to fell the two trees (1Lime and 1 Sycamore) with no replanting.

The group of trees are of significant visual amenity value and highly visible from Oakburn Road Ilkley, adjoining local roads and the surrounding area.

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

No subsequent application has been made under the Tree Preservation Order legislation to carry out works to the trees.

It is considered expedient to confirm the order as if not confirmed the tree work under the notice of intent could be carried out and there would be no requirement to replant which is essential to sustain this group of trees.

There have been four objections and a petition to the order supported by a councillor on the following grounds.

Summary of objections received:

- **The two trees are overlarge and too intrusive for their position between dwellings.**
- **The trees block light and views, cause hazards with dropping sap and large branches, reduce the house saleability and shade gardens. For a number of these reasons I do not consider the trees to be of significant visual amenity value.**
- **People directly adjacent the trees directly express their wish to remove the trees.**
- **In view of their age, height and likelihood of serious injury or damage to property the time is right to remove the trees.**

Officer comments in relation to the points of objection :

- No evidence has been provided to suggest damage to the property .
- In relation thinning.
- There is no right to a view in law.
- The trees are visibly significant from Oakburn Road and the surrounding area.
- No detailed condition report on the trees has been provided however deadwood could be removed without consent under the Tree Preservation Order legislation and should the trees be dead/dying or dangerous this could be dealt with under a 5 day notice to deal with health and safety issues.

The Treescape of the Ilkley area has generally encouraged higher property prices in the area because of the character it affords.

Recommendation:

It is requested that the objections be overruled and the Tree Preservation Order be confirmed without modification to the distance of trees to property the trees are in a relatively confined area and it is considered that with sensitive pruning and thinning the trees could be retained and light increased to gardens and dwellings. It is accepted that the trees will restrict the light to some extent after

DATE: 25th February 2009
ITEM NO: 18
WARD: CRAVEN
SITE: Land at 5 The Green, Addingham

SUBJECT: CONSIDERATION OF THREE OBJECTIONS TO TREE PRESERVATION ORDER 08/00058/G SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION: TO OVER-RULE THE OBJECTIONS AND CONFIRM THE TREE PRESERVATION ORDER WITHOUT MODIFICATION.

Background:

A Tree Preservation Order was made on 24th July 2008 as a result of a Notice of Intent within the Addingham Conservation Area submitted on 10th June 2008 to fell 5 trees and prune a 6th tree part of the group of 11 Sycamore.

The group of trees are of significant visual amenity value and highly visible from Skipton Road, adjoining local roads and the surrounding area located at the edge of the built environment.

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

A further application was made under the Tree Preservation Order on 7th August 2008 to carry out the same works and subsequently consent was granted for the removal of 4 trees and minor pruning to a 5th tree with a requirement to replace with 4 new trees.

It is considered expedient to confirm the order as if not confirmed the tree work under the notice of intent could be carried out and there would be no requirement to replant which is essential to sustain this group of trees.

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

Summary of objections received:

- The trees have been neglected for 9 years and removal and pruning will not adversely affect the amenity of the area.
- I am concerned about health and safety as the tree overhanging my garden is old and I believe diseased depositing substantial pieces in my garden.
- I have grave concerns regarding the health and safety and condition of the trees and the council's action will have the affect of stopping anyone taking the necessary measures.
- The trees are in close proximity and a danger to our dwelling.
- The trees are adjacent to and a danger Skipton Road.

Officer comments in relation to the points of objection :

- No evidence has been provided to suggest damage to the property in relation to the distance of tree to property and the trees are a considerable distance from the Well Close properties being adjacent to the bottom of a long rear garden.
- Consent has been granted for the removal of 4 trees and minor pruning to a 5th tree due to the condition of a number of the trees and the Tree Preservation Order legislation allows for removal of deadwood without consent. Dead /dying/dangerous trees can be dealt with under a 5 day notice.
- Tree works to trees protected by a Tree Preservation Order require consent from the Local Planning Authority. This is a free service and applications are generally dealt with within 4 weeks with health and safety being a priority.

Recommendation:

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

DATE: 25TH FEBRUARY
ITEM NO: 19
WARD: ILKLEY
APPLICATION NO: 08/07404/TPO

**APPLICATION UNDER TPO LEGISLATION TO CARRY OUT
WORKS TO A PROTECTED TREE. SECTION 201 TOWN AND COUNTRY
PLANNING ACT 1990**

SITE: 20 Craiglands Park Ilkley LS29 8SX

**RECOMMENDATION: TO DENY CONSENT TO REDUCE AND BALANCE THE
TREE AS REQUESTED AS THE PROPOSED WORKS
WOULD BE DETRIMENTAL TO THE HEALTH AND VISUAL
AMENITY VALUE OF THE TREE.**

Background:

An application has been received on 19th December 2008 from an employee of the council to balance and reduce the overall height of a Cherry tree to the side /rear of the property adjacent to a conservatory. An objection to this Tree Preservation Order (**NO 08/00010/1**) was recently overruled by this panel and subsequently the order was confirmed.

Summary of the application received:

- The Cherry tree has been badly pruned in the past and is now very lopsided. The proposed works are to reduce the overall height of the tree with some balancing.
- Hopefully the tree will look better and if more balanced will be less likely to come down in high winds.

Officer comments in relation to the application :

- There has been minor pruning to the tree in the past and the tree currently carries some deadwood.
- Deadwood can be removed without consent under the TPO legislation.
- The proposed reduction and unspecified balancing would destroy the visual amenity value of the tree and seriously impact on the health of the tree.

Recommendation:

It is requested that the application to reduce and balance the tree is denied as the proposals would be detrimental to the health and visual amenity value of the tree.

