

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Area Planning Panel (Keighley) held on Thursday 19 March 2009 in the Council Chamber, Keighley Town Hall

Commenced 1000
Concluded 1150

PRESENT – Councillors

CONSERVATIVE	LABOUR
Greaves	Lee
Hill	Rowen
Ellis	

Apologies: Councillor Shabir Hussain

Councillor Greaves in the Chair

124. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

125. MINUTES

Resolved -

That the minutes of the meetings held on 13 November and 18 December 2008 be signed as a correct record.

126. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



127. PUBLIC QUESTIONS

There were no questions submitted by the public.

128. ILKLEY ROAD, MORTON**Keighley East**

Consideration of objections to Tree Preservation Order (TPO) - 06/00160/WG at Ilkley Road, Morton, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and was one of the Authority's largest TPOs, protecting lots of old large trees which significantly contributed to the District. The increasing age of the TPO was making it increasingly more difficult for the Council to take action when there were breaches to the Order and this, coupled to government advice which suggested that TPOs should be reviewed regularly, had brought about a programme of TPO reviews to bring the Council's whole Tree Register up to date and fit for purpose, starting with TPO 141.

The Trees Team was nearing completion of the review of TPO 141 and had so far served 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were eight sites that no longer contained trees. Once all the objections to the new TPOs had been considered, TPO 141 would be revoked and the new TPOs would come into force, unless they had been confirmed already in cases where no objections had been made. The full revocation of TPO 141 would occur when all objections had been determined. It was proposed that TPO 06/00160/WG Ilkley Road, Morton should replace Paragraphs / Sections 2B and 3B of TPO 141.

Objections to the new TPO were made even though the existing Order protected the trees. During the site survey the case officer was informed that it was the landowner's intention to remove much of the woodland from behind The Bungalows.

The local planning authority's legal representative advised that when considering the objections the Panel ought to consider in particular the continued amenity of the trees in question and also whether or not there was any risk of harm to those trees which would render it expedient for the Council to make the replacement TPO. She also advised that any new TPO needed to become effective on the date that the former TPO (141) was revoked.

The Strategic Director, Regeneration recommended that the objections be overruled and the TPO be confirmed without modification for the reasons set out in his report and due to the amenity value of the trees and for the purpose of expediency.

Members made the following comments:

- Officers from the local planning authority should contact the owner of the trees at Ilkley Road, Morton to explain the purpose of the TPO, the rights and responsibilities of the owner and the local planning authority, and this should also be done by standard letter to other tree owners.
- The present owner may have the best interests of the woodland at heart but a future owner may not.
- The objection should be overruled due to the continuing amenity value of the trees and for the purpose of expediency due to the landowners intention to remove

- much of the woodland.
- The TPO should be confirmed without modification.

Resolved –

- (1) **That the objections be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to the continued amenity value of the trees and for the purpose of expediency and that Tree Preservation Order 06/00160/WG be confirmed without modification, to take effect from the date that TPO 141 is revoked.**
- (2) **That officers from the local planning authority be asked to contact the owner of the trees at Ilkley Road, Morton to explain the following:**
 - **the purpose of the TPO.**
 - **the rights and responsibilities of the owner in respect of the TPO.**
 - **the rights and responsibilities of the local planning authority in respect of the TPO.**
- (3) **That a standard letter outlining the information above be circulated to all owners of trees where the new order is a replacement of a dated order which is part of a TPO review.**

ACTION: Strategic Director, Regeneration

129. BURY LANE, MORTON

Keighley East

Consideration of an objection to Tree Preservation Order (TPO) 06/00161/IGW at Bury Lane, Morton, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that the trees team was nearing completion of the review of TPO 141 and had so far served 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contained trees. Once all the objections to the new TPOs had been considered, TPO 141 would be revoked and the new TPOs would come into force, unless they had been confirmed already in cases where no objections had been made. The full revocation of TPO 141 would occur when all objections had been determined.

It was proposed that TPO 06/00161/IGW Bury Lane, Morton should replace Paragraphs / Sections 4B of TPO 141. Objections to the new TPO were made even though the existing order protected the trees.

The Strategic Director, Regeneration recommended that the objection be overruled and the TPO be confirmed without modification for the reasons set out in his report, due to the amenity value of the trees and for the purpose of expediency.

An objector was present at the meeting and made the following points:

- She had an agricultural tenancy on the land and attended the meeting to speak for the owner as well as herself.
- The paddock was used for ewes and ponies.

- The land tended to get water logged and as a result many of the trees had died.
- During the winter some of the trees were felled by the wind.
- There was not a problem in planting new trees but it would be difficult for them to get established if they became water logged.
- She had tried to drain the area.
- If new trees were planted he would need to consider carefully where to put the trees.

Members made the following comments:

- Drainage measures or fencing were not the cheapest options.
- Some trees were good at soaking up excess water.
- Someone was needed to oversee the woodland.
- The Tree Officer had the right to have a look at and see what the problem was.
- It might be possible to plant other species to help with the drainage problems.
- Officers and the local planning authority should be asked to liaise with the owner and tenant on the ongoing process of replacement of the trees at Bury Lane, Morton.
- The owner and tenant should be supplied with contact details of bodies that can assist them in this matter.

The Strategic Director, Regeneration responded to the Members and objectors comments and made the following points:

- There were a lot of dead trees in the area and the area needed to be preserved as a woodland.
- It was possible to change the species of trees planted in the area in question.
- He agreed that the owner should contact the Forest of Bradford Project to obtain assistance.

Resolved –

- (1) That the objection be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to the continued amenity value of the trees and for the purpose of expediency and that Tree Preservation Order 06/00161/GW be confirmed without modification, to take effect from the date that TPO 141 is revoked.**
- (2) That officers from the local planning authority be asked to liaise with the owner and tenant on the ongoing process of replacement of the trees at Bury Lane, Morton and the introduction of a more appropriate species on the site.**
- (3) That the owner and tenant be supplied with contact details and advised to contact bodies that can assist them in this matter such as the Forest of Bradford Project.**

ACTION: Strategic Director, Regeneration

130. **JUDITH CLIFFE, BANKS ROAD, RIDDLESDEN**

Keighley East

Consideration of an objection to Tree Preservation Order - 06/00167/W at Judith Cliffe, Banks Road, Riddlesden, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that it was proposed that TPO 06/00167/W Judith Cliffe, Bank Road, Riddlesden should replace Paragraphs / Sections 12B of TPO 141. Objections to the new TPO were made even though the existing order protected the trees.

The Strategic Director, Regeneration recommended that the objection be overruled and that the TPO be confirmed without modification for the reasons set out in his report and due to amenity value of the trees and for the purpose of expediency.

An objector was present at the meeting and made the following points:

- The 'dog leg' shape of land was not woodland but was a garden and should not be covered by the overall TPO.
- He confirmed that the 'dog leg' shape of land was not part of his garden.
- He confirmed that there were six to seven big trees and a lot of small ones in the 'dog leg' area of land.

Members made the following comments:

- The area in question was covered by TPO 141.
- Would the Tree Officer object to thinning the woodland to get rid of some of the small trees?
- The area of woodland not attached to 33 Banks Lane had many mature trees on it.
- The area not attached to the house was no longer a garden.
- If a lot of the saplings were removed then it was necessary to consider the issue of drainage.

The Strategic Director, Regeneration responded to Members and the objectors comments and made the following points:

- The objection only related to the protection of the saplings in the 'dog leg' area of land.
- It was not advisable to make a woodland TPO in a garden but this had been done in Ilkley.
- The main issue was about the amenity value of the trees in question.
- It might be possible to clear some of the saplings.

The local planning authority's legal representative advised that Paragraph 3.15 of government guidance stated that the use of Woodland TPO'S was not normally appropriate for gardens. She also advised that the Panel needed to consider both the continued amenity value of the woodland and whether it was expedient to retain the TPO.

Resolved –

- (1) That the objection be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to amenity value of the trees and for the purpose of expediency and that Tree Preservation Order 06/00167/W be confirmed without modification, to take effect from the date that TPO 141 is**

revoked.

- (2) That officers from the local planning authority be asked to liaise with the owner of the land at Judith Cliffe, Banks Road, Riddlesden to encourage them to enhance the quality of the woodland and to consider the issue of run off of water on the land.

ACTION: *Strategic Director, Regeneration*

131. **LAND AT AIREWORTH ROAD, KEIGHLEY**

Keighley Central

Consideration of objections to Tree Preservation Order (TPO) 06/00171/I, Land at Aireworth Road, Keighley, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that it was proposed that TPO 07/00261/I Land at Aireworth Road, Keighley should replace Paragraphs / Sections 19B and 20L of TPO 141. He recommended that the objections be overruled and the TPO be confirmed without modification for the reasons set out in his report and due to the continued amenity value of the trees and for the purpose of expediency.

An objector was present at the meeting and made the following points:

- The tree was in the way of her garage.
- Her objection was to the location of the tree as it was only eight metres from her house and the branches were only three to four metres.
- The tree was growing very fast.
- The tree took a lot of moisture from the area around it.

Members made the following comments:

- What was the view of the Tree Officer about the possibility of damage being caused by the tree?
- What type of tree was it?
- Was it possible to do work to the tree?
- Who owned the tree?
- Officers from the local planning authority should be asked to liaise with the owner of the trees in respect of the agricultural management of the said trees.
- The ownership of the tree should be ascertained.
- This area was a flood plain and the tree helped to soak up moisture.

The Strategic Director, Regeneration responded to Members and the objectors comments and made the following points:

- It was a sycamore tree.
- The tree was growing about two inches a year and the younger part of the tree was growing quicker.
- The growth of the tree depended on how much moisture there was around the tree.
- It was possible to do work to the tree.
- There had been a previous application to remove the tree which had been refused.
- It was possible to do a Land Registry search to check the ownership of the tree.

Resolved –

- (1) **That the objections be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to the continued amenity value of the trees and for the purpose of expediency and Tree Preservation Order 06/00171/I be confirmed without modification, to take effect from the date that TPO 141 is revoked.**
- (2) **That officers from the local planning authority be asked to liaise with the owner of the trees on land at Aireworth Road, Keighley in respect of the arboricultural management of the said trees.**

ACTION: Strategic Director, Regeneration

132. 4 – 60 HOLLINS LANE, KEIGHLEY

Keighley Central

Consideration of objections in relation to Tree Preservation Order (TPO) - 07/00261/I, at 4 – 60 Hollins Lane, Keighley, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that it was proposed that TPO 07/00261/I 2-60 Hollins Lane, Keighley should replace 32L of TPO 141. Objections to the new TPO were made even though the existing order protected the trees.

The Strategic Director, Regeneration recommended that the objections be overruled for the reasons set out in his report and due to the continued amenity value of the trees and for the purpose of expediency. The TPO should be confirmed with the modification that the plan to accompany the TPO be altered to accurately plot T4 in line of the boundary between properties 10 and 12 Hollins Lane.

A supporter of the TPO was present at the meeting and made the following points:

- He was from No. 4 Hollins Lane.
- The trees were a very great amenity for the area.
- Debris did occasionally fall off the trees during windy weather.
- The local planning authority should not lose the opportunity to protect other trees located between No. 4 and No. 60 Hollins Lane, Keighley.
- He supported the extension of the TPO to other areas.
- He had informed the local planning authority that T4 was in the wrong place.
- One tree had blown down outside number 10 Hollins Lane.

Members made the following comments:

- Officers from the local planning authority should be asked to investigate the viability of making a further TPO to protect other trees located between No. 4 and No. 60 Hollins Lane, Keighley.
- Any Member of the public can ask for a TPO.
- If the Council had owned the tree outside number 10 Hollins Lane then it should replace it.
- It was possible for anyone to contact their Ward Councillor, get in touch with the Keighley Area Office or to go to their neighbourhood forum to raise the issue of

trees.

- The trees were vital for the area.
- There were a lot of water/drainage problems and as the Council owned the trees it should do something about these problems.

The Strategic Director, Regeneration responded to Members and the supporter of the TPO's comments and made the following points:

- There were four objections to this TPO with 17 trees covered by the TPO.
- Some of the trees were Council owned and some were not.
- The TPO only covered those trees that were being done under TPO 141.
- It would be expedient to extend the coverage of the TPO.

Resolved –

- (1) **That the objections be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to the continued amenity value of the trees and for the purpose of expediency and that Tree Preservation Order 07/00261/I be confirmed to take effect from the date that TPO 141 is revoked with the modification that the plan to accompany the TPO be altered to accurately plot T4 in line of the boundary between properties 10 and 12 Hollins Lane.**
- (2) **That officers from the local planning authority be asked to investigate the viability of making a further TPO to protect other trees located between number 4 and number 60 Hollins Lane, Keighley.**
- (3) **That officers from the local planning authority be asked to seek the replacement of the felled tree outside No. 10 Hollins Lane, Keighley.**
- (4) **That officers from the Trees Team be requested to ask the Highway Authority to undertake necessary arboricultural management work on the trees located between number 4 and number 60 Hollins Lane, Keighley.**

ACTION: Strategic Director, Regeneration

133. LONGLANDS, HAWORTH

Worth Valley

Consideration of objections to Tree Preservation Order (TPO) 07/00272/IGW, Longlands, Haworth, Section 201 Town and Country Planning Act 1990.

The Strategic Director, Regeneration reported that it was proposed that TPO 07/00272/IGW Longlands, Haworth should replace 64B and 66B of TPO 141. Objections to the new TPO were made even though the existing order protected the trees.

The Strategic Director, Regeneration recommended that the objections be overruled and the TPO should be confirmed without modification for the reasons set out in his report and due to the continued amenity value of the trees and for the purpose of expediency.

An objector was present at the meeting and made the following points:

- The trees surrounded Longlands Estate (youth hostel).
- He objected to the TPO in relation to trees T6 and T7 which were at the bottom of his garden.
- Two of the young beech trees had been planted by the previous owner.
- He had bought his house twenty four years ago but might not have done so if he had known the trees would be covered by a TPO.
- He was concerned that the trees could damage the original stonewall.
- The houses were built in the 1960's.
- He had paid to have some of the trees removed.
- He had no plans to cut down the beech tree.
- He supported the overall TPO on the avenue, especially the sycamore.

Members made the following comments:

- Was this a woodland TPO?
- Were any of the trees extant in 1944 still valid?
- The trees were not there in 1944 and the objector had confirmed that the houses were built in 1960s.
- Could not see why the trees cannot be included in the TPO.
- It should be possible to include the two trees in the TPO due to the amenity value of the trees and for the purpose of expediency.
- The issue of buying a house was not relevant to the Panel.
- Would rather have a TPO on the existing tree than people plant 30 trees and cut them down.
- The TPO says that the local planning authority cares about the amenity value of the trees and the environment.
- The Panel should uphold the officer's recommendations.

The Strategic Director, Regeneration responded to the objectors and Members comments:

- The TPO was not just a woodland TPO.
- Only the trees extant in 1944 were valid.
- The officer recommendation was that the TPO should be confirmed without modification.
- The TPO made in 1944 was not accurate anymore.
- The two beech trees and T6 / T7 trees were planted after the estate was built and were not included in the previous TPO.
- The resident was aware of the TPO but did not know what would be included.

The local planning authority's legal representative advised that the governments current guidance on TPO'S stated that local planning authorities should review old TPO'S such as those made in the 1940s particularly as land use might change, as was the case in this application where a new estate appeared to have been built over what had been part of land protected under a woodland TPO. Planning permission could remove the effect of a TPO and the old 1944 Order was no longer reflective of the current geographical landscape. The current issue before the Panel was the amenity value of the trees, whether it outweighed any objections made and whether it was still expedient to have retained the TPO, if so then the TPO should be upheld and the objections should be overruled.

Resolved –

That the objections be overruled for the reasons set out in the report of the Strategic Director, Regeneration and due to the continued amenity value of the trees and for the purpose of expediency and that Tree Preservation Order 06/00272/IGW be confirmed without modification, to take effect from the date that TPO 141 is revoked.

ACTION: Strategic Director, Regeneration

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Committee.

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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER