

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 19th March 2009

AA

Summary Statement – Part One

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

Miscellaneous Items:- Tree Preservation Orders

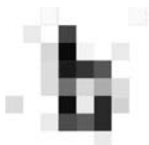
The sites concerned are:

1. Ilkley Road, Morton
2. Bury Lane, Morton
3. Judith Cliffe, Banks Road, Riddlesden
4. Land At Aireworth Road, Keighley
5. 4-60 Hollins Lane, Keighley
6. Longlands, Haworth

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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**TREE PRESERVATION 06/00160/WG
ILKLEY ROAD, MORTON**



Tree Preservation Order
Ilkley Road, Morton
No. 06/00160/WG

DEPARTMENT OF TRANSPORTATION
DESIGN AND PLANNING
Jacobs Well Bradford BD1 5RW
Head of Service Alan Mainwaring MSc CEng MICE

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Scale 1: 5000
Nov 2006

DATE: 19th March 2009
ITEM NUMBER: 1
WARD: KEIGHLEY EAST
SITE: ILKLEY ROAD, MORTON

**SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 06/00160/WG
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITHOUT MODIFICATION

Background:

TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and is one of the Authorities largest TPOs, protecting lots of old large trees which significantly contribute to the District. But, the increasing age of the TPO is making it increasingly more difficult for the Council to take action when there are breaches to the Order and this, coupled to government advice which suggests that TPOs should be reviewed regularly, has brought about a program 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 is nearing completion of the review of TPO 141 and has so far generated 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contain trees. Once all the objections to the new TPOs have been considered, TPO 141 will be revoked and the new TPOs will come into force, unless they have been confirmed already in cases where no objections have been made. The full revocation of TPO 141 will occur when all objections have been determined.

It is proposed that TPO 06/00160/WG ILKLEY ROAD, MORTON replaces 2B and 3B of TPO 141.

Objections to the new TPO were made even though the existing order protects 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.

Site description:

The site comprises of a number of fields known as Syon Hill and much of the TPO is within the grounds of Upwood Hall Farm which itself contains residential properties called The Bungalows which were once possibly part of the working farm in the past.

The trees run from Street Lane for a considerable distance up one side of Ilkley Road to Upwood Hall Farm and are a considerable feature. Behind The Bungalows is woodland which must have grown up after the original TPO was made.

The whole lands are classified greenbelt.

Summary of objections:

The owner has the best interests of the woodland at heart.

Several trees are showing signs decay and might be unsafe. Given the potential risk we feel that local management is essential.

Should the TPO be confirmed we would like the authority to guarantee their safety.

The planning process is often lengthy and delays might mean an increase of risk to my property.

TPOs will require the use of a contractor to do the work which will add to the burden when managing trees.

Trees are continually self seeding and I would lose the ability to produce vegetables in my garden.

My family has managed the trees for a considerable length of time and the TPO does not encourage replanting.

I find the TPO difficult to understand.

The woodland you intend putting a TPO on has been managed by me and I have uninterruptedly trimmed and cleared trees and the TPO will make the whole area a jungle that will kill the rest of the trees.

Leave well alone as this is my land managed by me and the TPO will make the area I live in impossible to maintain.

W1 consists of straggly self set trees which are invasive and if not checked may become problematic and a road might need to be widened.

We feel that the order is a slight on our stewardship.

Trees inhibit the growth of others and could cause the growth of bracken which is hazardous to human health and could house ticks.

The landowner has received none of DEFRA's scheme of Environmental Stewardship grant but despite this continues to manage the land well.

The TPO system is not effective.

Upwood Hall contains a number of rental properties and the TPO would restrict the management of trees and affect these properties.

I object to the government becoming involved in the maintenance of the property and I am astounded that the Council would wish to allocate funds to administer a TPO and I would prefer that my tax money is spent on the NHS instead.

Officer comment in response to the objections:

Many of the objections seem to centre around a TPO being imposed on land that is well managed and the bureaucratic processes alleged. However, the TPO is extant and has been since 1944 and there do not appear to be any applications on file to work on trees from the landowner. If management of the trees is required a TPO application would be

needed and works to trees will be granted if it is in the interests of good practice. The land might be well managed now but there is no certainty that this will continue into the future, if for instance, the land changes hands; the TPO is a charge on the land not on the landowner.

The trees form a significant feature that runs along Ilkley Road and opens out into larger woodland which consists mainly of Silver Birch and Scots Pine. The objection alleges harm to human health due to bracken and trees killing other trees but presents little evidence on these issues. The vast majority of the trees are indigenous to the area and it is not expected that their presence is harmful to human health. The only real harm could be trees that shed branches or die but work to such trees will be granted or could be exempt altogether from the TPO process; working on dead, dying and dangerous trees does not need council consent.

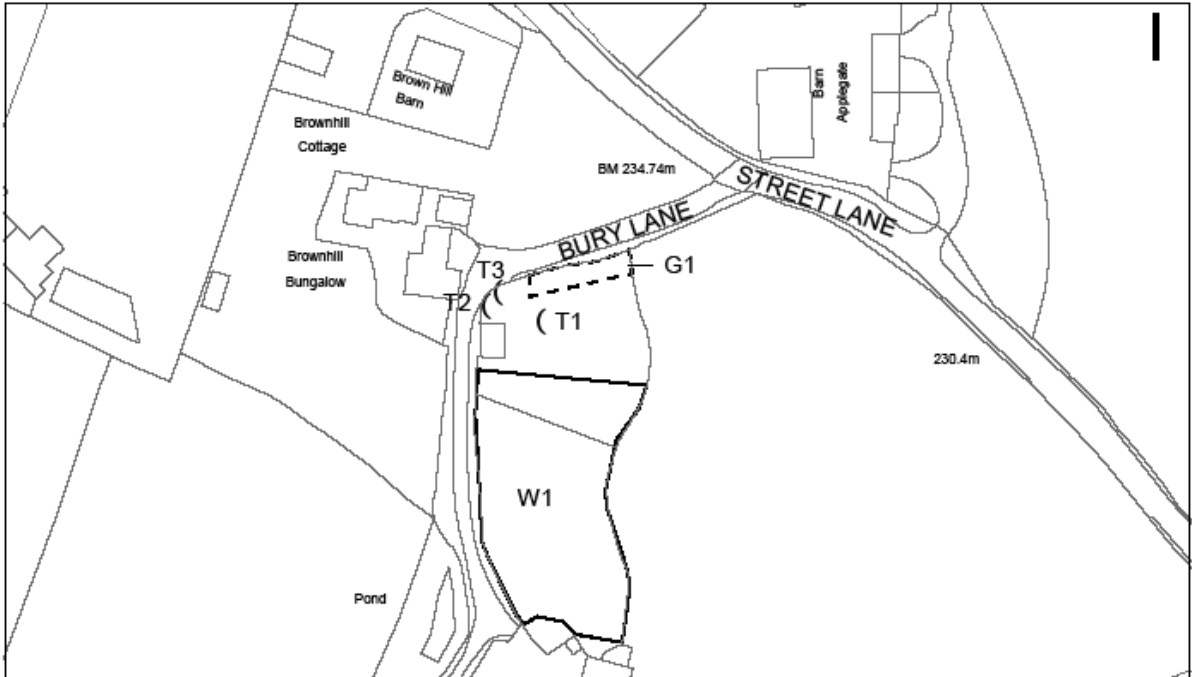
The case officer was informed during his site assessment that the landowner was intending to remove the Silver Birch within the new woodland to the north. These trees make up the majority of the woodland and removal of the trees therefore requires controlling to avoid excessive removal which would be detrimental to amenity. But whether this is or is not the intention, the new woodland forms a significant feature and it would make little sense not to include it, as it links into, fairly seamlessly, those trees previously protected. In terms of amenity the woodland is worthy of a TPO and it is expedient because of the possible threat of their removal.

The statutory period for gaining consent under the TPO Regulations is 8 weeks but the Trees Team usually considers applications well within this time frame. The Authority has no powers to compel a landowner to use a contractor to undertake tree work but we will, as a matter of course, condition works to be undertaken in such a way so as to not harm the health of the trees, and condition replanting if appropriate.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for the reasons set out in this report.

**TREE PRESERVATION ORDER 06/00161/IGW
BURY LANE, MORTON**



Tree Preservation Order
BURY LANE, MORTON
No. 06/00161/IGW

DEPARTMENT OF TRANSPORTATION
DESIGN AND PLANNING
Jacobs Well Bradford BD1 5RW
Head of Service Alan Mainwaring MSc CEng MICE

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DATE: 19th March 2009
ITEM NUMBER: 2
WARD: KEIGHLEY EAST
SITE: BURY LANE, MORTON

**SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 06/00161/IGW
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITHOUT MODIFICATION

Background:

TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and is one of the Authorities largest TPOs, protecting lots of old large trees which significantly contribute to the District. But, the increasing age of the TPO is making it increasingly more difficult for the Council to take action when there are breaches to the Order and this, coupled to government advice which suggests that TPOs should be reviewed regularly, has brought about a program 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 is nearing completion of the review of TPO 141 and has so far generated 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contain trees. Once all the objections to the new TPOs have been considered, TPO 141 will be revoked and the new TPOs will come into force, unless they have been confirmed already in cases where no objections have been made. The full revocation of TPO 141 will occur when all objections have been determined.

It is proposed that TPO 06/00161/IGW BURY LANE, MORTON replaces 4B of TPO 141.

Objections to the new TPO were made even though the existing order protects trees.

Site description:

The site is part of a field within greenbelt off Bury Lane and is surrounded by countryside. There are some residential properties close by which were possibly once working farms.

The site appears to have been used as a horse paddock and there is horse damage to woodland trees which the Trees Team is investigating.

Summary of objections:

The nearest tree to my property is sat in a raised position with weakened roots and its branches hit my roof and television aerial. It will need chopping back or cutting down.

Two months ago a large tree fell within W1 and there are two or three dead trees within W1 and I am only opposed to W1 as I am concerned with regards to safety.

Officer comment in response to the objections:

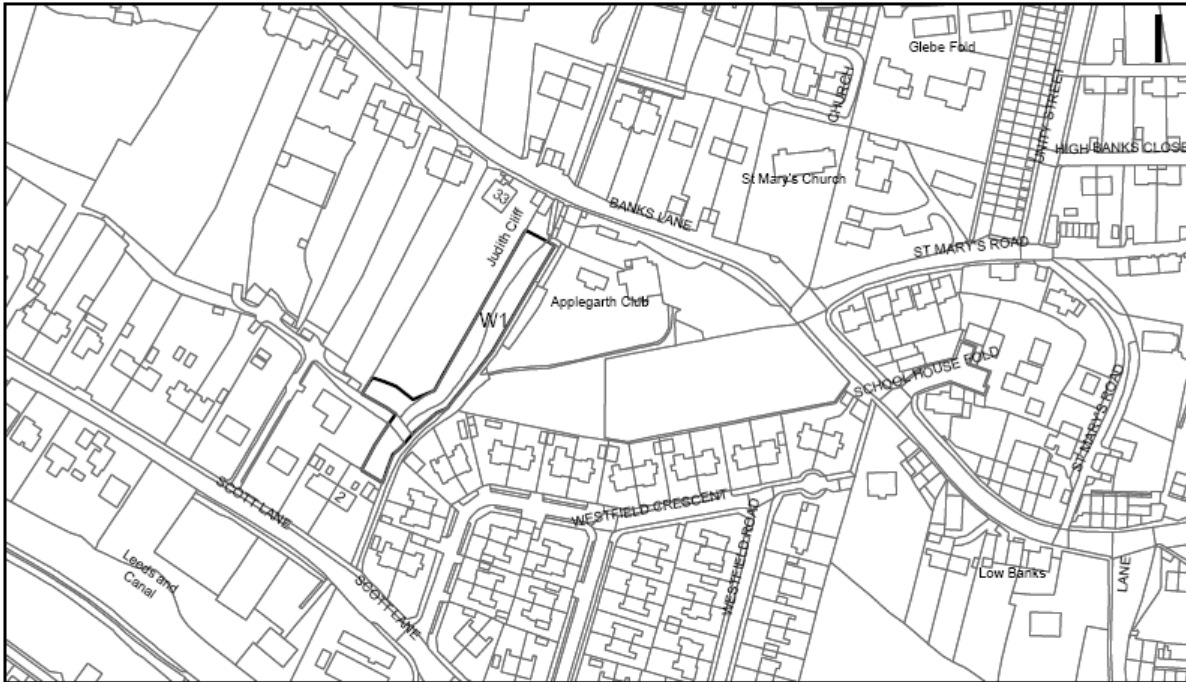
There is no evidence that the tree closest to the objector's house is in a dangerous condition and there is plenty of clearance to the tree and the house, resulting from approval to prune following a planning application.

W1 does contain some dead or nearly dead trees as a result of animal damage. Dead and dying trees are exempt from TPO control and can be removed without council consent. The dead trees are near the middle of the woodland and are not considered a significant threat because there is little there for them to hit should they fail and in addition, the objector to the TPO is the landowner who can remove dead trees at any time and is responsible for the safety of the trees. No application to remove or prune trees has ever been made.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for reasons set out in this report.

**TREE PRESERVATION ORDER 06/00167/W
JUDITH CLIFF, BANKS LANE, RIDDLESDEN**



Tree Preservation Order
Judith Cliff, Banks Lane, Riddlesden
No.06/00167/W

DEPARTMENT OF TRANSPORTATION
DESIGN AND PLANNING
Jacobs Well Bradford BD1 5RW
Head of Service Alan Malnwarding MSc CEng MICE

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Nov 2006

DATE: 19th March 2009
ITEM NUMBER: 3
WARD: KEIGHLEY EAST
SITE: JUDITH CLIFFE, BANKS ROAD, RIDDLESDEN

**SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 06/00167/W
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITHOUT MODIFICATION

Background:

TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and is one of the Authorities largest TPOs, protecting lots of old large trees which significantly contribute to the District. But, the increasing age of the TPO is making it increasingly more difficult for the Council to take action when there are breaches to the Order and this, coupled to government advice which suggests that TPOs should be reviewed regularly, has brought about a program 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 is nearing completion of the review of TPO 141 and so far generated 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contain trees. Once all the objections to the new TPOs have been considered, TPO 141 will be revoked and the new TPOs will come into force, unless they have been confirmed already in cases where no objections have been made. The full revocation of TPO 141 will occur when all objections have been determined.

It is proposed that TPO 06/00167/W JUDITH CLIFFE, BANK ROAD, RIDDLESDEN replaces 12B of TPO 141.

Objections to the new TPO were made even though the existing order protects trees.

Site description:

The site is located to the south of Banks Lane and comprises of a strip of woodland running parallel with Judith Cliffe, which is a public footpath. The site is residential and there are several pockets of piecemeal development near by, including approved development within the curtilage of 33 Banks Lane, which resulted in some tree felling within the woodland.

The land drops considerably from Banks Lane down to Scott Lane and through the middle of the woodland is a stream with steep banks. The trees comprise of a mixture of natural regeneration but also trees that were deliberately planted trees to either side of Judith Cliffe.

The mature trees are significant features in their own right and together form an avenue-like effect to either side of Judith Cliffe. There has been a general lack of management of the woodland in recent years and this is probably because of the steep nature of the lands making management difficult. However, the lack of management has encouraged regeneration to come through which will eventually replace the mature trees in time.

Summary of objections:

I object to the introduction of a TPO near my home as the trees are large and interfering with the growth of my conifers. Placing a TPO on the trees will not encourage the land owners to manage the trees and branches have fallen onto my fence.

The trees are so large that the branches overhang the garden and interfere with the growth of the conifers and simply allowing the trees to grow bigger and bigger is not the answer.

The TPO should not protect the smaller trees although I have no problems with it protecting the larger ones.

Officer comment in response to the objections:

There is no evidence that protected trees pose a significant risk of harm to life or limb. Should applications be made, a Tree Officer will assess the application and grant work to trees in accordance with good arboricultural practice and to reduce risk.

TPOs cannot force landowners to undertake works to trees but it can be used to ensure that any management is done correctly.

The TPO protects a number of trees, many of which are significant in their own right. In addition there are new trees coming through which will replace the older trees in time. It is important that the woodland TPO protects the less established trees so as to ensure the continuity of the woodland. However, it is good forestry practice to thin out woodland from time to time to encourage the growth of stronger trees and applications to undertake such works will be looked upon favourably if in accordance with good management.

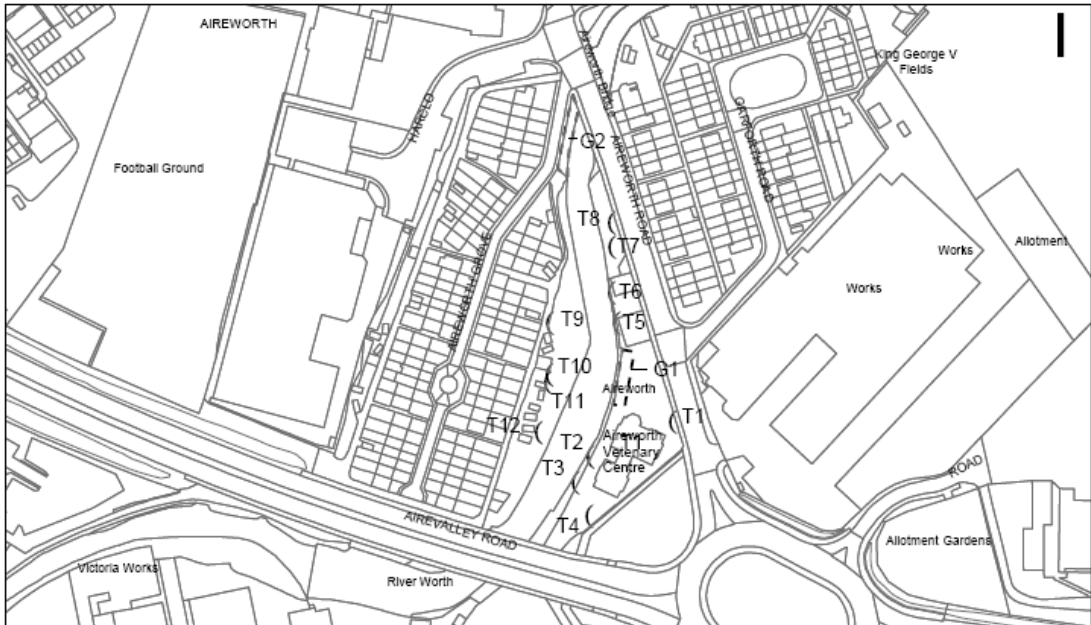
The woodland is highly visible from a number of vantage points including parts of the Leeds Liverpool Canal Conservation Area. This significant amenity is considered to outweigh alleged growing problems with conifers, however, reasonable applications to prune trees back will be supported.

Many of the established trees are large, and trees do grow. So for instance, removing the tops of trees is not supported because such works are contrary to good arboricultural practice and harmful to amenity.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for reasons set out in this report.

**TREE PRESERVATION ORDER 06/00171/IG
LAND AT AIREWORTH ROAD, KEIGHLEY**



Tree Preservation Order
Land at Aireworth Road,
Keighley
No. 06/00171/IG

DEPARTMENT OF TRANSPORTATION
DESIGN AND PLANNING
Jacobs Well Bradford BD1 5RW
Head of Service Alan Mainwaring MSc CEng MICE

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DATE: 19th March 2009
ITEM NUMBER: 4
WARD: KEIGHLEY CENTRAL
SITE: LAND AT AIREWORTH ROAD, KEIGHLEY

**SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 06/00171/I
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITH MODIFICATION

Background:

TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and is one of the Authorities largest TPOs, protecting lots of old large trees which significantly contribute to the District. But, the increasing age of the TPO is making it increasingly more difficult for the Council to take action when there are breaches to the Order and this, coupled to government advice which suggests that TPOs should be reviewed regularly, has brought about a program 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 is nearing completion of the review of TPO 141 and has so far generated 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contain trees. Once all the objections to the new TPOs have been considered, TPO 141 will be revoked and the new TPOs will come into force, unless they have been confirmed already in cases where no objections have been made. The full revocation of TPO 141 will occur when all objections have been determined.

It is proposed that TPO 07/00261/I LAND AT AIREWORTH ROAD, KEIGHLEY replaces 19B & 20L of TPO 141.

Objections to the new TPO were made even though the existing order protects trees.

Site description:

The site is located just to the north of Aire Valley Road (A650) at the junction of the roundabout and where the River Worth meets and flows under the road.

There is a veterinary surgeons' business and at the other side of the river are houses. The trees are situated on both sides of the river and are significant, large and mature specimens.

It would appear that a number of huts or very small garages were built along the riverbank close to the trees and these are generally dilapidated and in a poor state of repair, but some have been rebuilt in the past.

Without the trees the landscape could be considered quite stark.

Summary of objections:

I want T9 removed to replace an existing garage.

T9 is situated only 8 to 10 metres away from the property and the branches about 5 metres away, and the roots have caused damage to a garage.

We fear the tree will cause damage to the property due to growing roots and the tree causes us distress in extreme weather conditions and we feel the tree is a health and safety risk.

Officer comment in response to the objections:

The objections refer to T9 only.

This tree is a prominent tree of significant amenity value. A garage has been built under the spread of the tree in the distant past and damage to the garage is alleged yet the objection also stated that the garage is to be rebuilt. An application was made to remove the tree in 2008 which was refused due to the adverse effect on amenity removal would have and the decision was not appealed. It is most likely that a garage could be easily built without having to remove the tree.

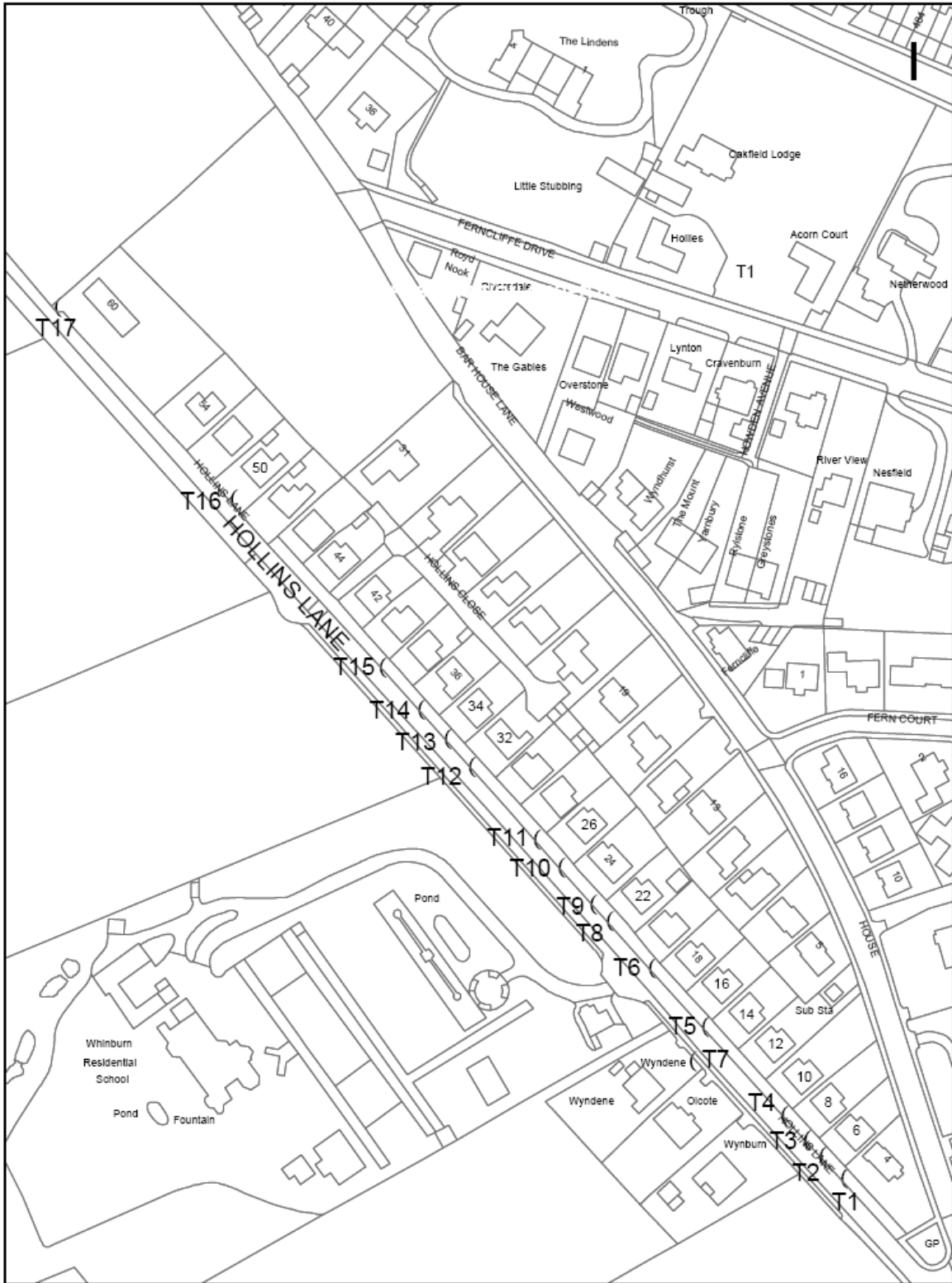
Works in accordance with good arboricultural practice will be granted but the removal of T9 is not supported because this will be to the detriment of amenity. The reason for the TPO is to safeguard amenity and not to prevent reasonable works.

Aire Valley Road is a transport corridor where special provisions apply. It is a key priority identified in Bradford's 2020 Vision that the environment makes a positive contribution alongside transport corridors. The trees to which the proposed TPO relates are considered significant, being highly prominent and meet the aims of the 2020 Vision.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for reasons set out in this report.

**TREE PRESERVATION ORDER 07/00261/1
4-60 HOLLINS LANE, KEIGHLEY**



TREE PRESERVATION ORDER:
No. 06/00261/1
4-60 HOLLINS LANE,
KEIGHLEY

DEPARTMENT OF REGENERATION
Jacobs Well Bradford
BD1 5RW

Head of Service
Alan Malnwarig MSc CEng MICE

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Feb 2007

DATE: 19th March 2009

ITEM NUMBER: 5
WARD: KEIGHLEY CENTRAL
SITE: 4-60 HOLLINS LANE, KEIGHLEY

SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 07/00261/I
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITH MODIFICATION

Background:

TPO 141 was made in 1944 by the former Keighley District Council. The TPO contains 83 separate areas scattered throughout the District and is one of the Authorities largest TPOs, protecting lots of old large trees which significantly contribute to the District. But, the increasing age of the TPO is making it increasingly more difficult for the Council to take action when there are breaches to the Order and this, coupled to government advice which suggests that TPOs should be reviewed regularly, has brought about a program 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 is nearing completion of the review of TPO 141 and has so far generated 36 new TPOs with 21 waiting to be served to replace the 83 existing ones. There were 8 sites that no longer contain trees. Once all the objections to the new TPOs have been considered, TPO 141 will be revoked and the new TPOs will come into force, unless they have been confirmed already in cases where no objections have been made. The full revocation of TPO 141 will occur when all objections have been determined.

It is proposed that TPO 07/00261/I 2-60 HOLLINS LANE, KEIGHLEY replaces 32L of TPO 141.

Objections to the new TPO were made even though the existing order protects trees.

Site description:

Hollins Lane appears to have been built around the mid-20th century and comprises of a number of good sized detached two story dwellings built on a hillside. The trees were possibly planted as a condition to the development, or had been planted not much before then, and protected so as to ensure their long term retention which has clearly worked.

The trees are located on grass verges to one side of Hollins Lane but there are mature trees further up on the other side of the road as well which are protected with TPOs.

Hollins Lane is at the edge of the built up area with green fields and a rural setting beyond. The trees, the subject of this report and others, form a distinct boundary to the urban area.

Summary of Representations:

I am delighted the Council have made a TPO and would like it extending to include other important trees... [states trees for inclusion].

The Order is to protect the visually attractive avenue of specimens that grace Hollins Lane and I welcome this Order which is vital to the preservation of this tree-lined avenue. I propose the order is confirmed to include more trees ...[states trees for inclusion].

Summary of objections:

Some of the trees are very large and pose a hazard in high winds.

The trees have not been pruned for many years.

Many of the trees are sycamore and a TPO on these weed trees seems excessive.

The girth of T11 is 4cm from the edge of our drive, impeding the drive, and the council have consistently refused to take action regarding this tree and we have repeatedly asked for the tree to be removed and the council has done nothing. In the end we ended up having to extend our drive to avoid disturbing the tree.

The tree obscures the view of traffic from our drive and is a safety hazard.

We have tried unsuccessfully to have T11 removed and luckily no serious accident has occurred yet but it is only a matter of time before someone is hurt and unless the council takes action soon we will hand the matter over to the Health and Safety Executive.

One tree is not in the correct place. It is outside no.12.

The minimum planting distance of tree to my house is 12m and the tree is only 9m away and the roots must be underneath my house causing damage.

The tree is 60 to 80 foot high and the canopy overhangs my boundary by 3m and blocks light.

Aphids from the tree stick to my house and window sills and cars are damaged.

The height of the tree resulted in my chimney having to be raised to create a down draft which cost me £500.

The tree outside no.10 fell down in high winds and the council did not provide a fast response to this and the tree could have hit the house.

Not enough care is taken by the council to clear up leaves.

Officer comment in response to the representations and objections:

The trees cited for inclusion in the order are already covered by existing orders or are to be included in other TPOs as part of the review of TPO 141. The inclusion of other trees as suggested is not required.

There is no evidence that there is a significant risk posed from the trees. Trees do sway in the wind but it is perhaps a perceived risk from the trees rather than a substantiated actual one.

There were no immediate problems observed with regards to tree management and the trees look like they have been periodically pruned in the past.

Although many of the trees are sycamore, the fact that they are sycamore has not detracted from the amenity given. For instance a line of lime trees would have similar amenity to a line of sycamore and some of the finest specimens this District are sycamore. The sycamores were deliberately planted and are not weeds.

One of the points of having protection afforded to trees is to control development which could be harmful to amenity. The Trees Team considers that the retention of T11 is highly desirable and the felling of T11 for driveway improvements would not be supported.

There is no evidence presented that the trees increase the risk to traffic or pedestrians.

Tree 4 is shown between properties 8 and 10 when it should be outside properties 10 and 12. It is proposed that the TPO is modified accordingly.

It is not uncommon for damage from trees to be perceived and there are no arboriculturally accepted minimum planting distances for trees to houses as alleged, despite there being information relating to such on the internet and other sources. Tree-related subsidence is complicated and is dependant on the tree species, the soil type, the type and depth of foundations and seasonal precipitation, amongst others. There is no information given that any trees are causing subsidence and it is not suspected that trees are presently causing damage. However, if a claim is made via insurers the Trees Team will deal with such applications via the TPO Regulations where decisions can be appealed.

None of the trees are considered to be affecting the reasonable enjoyment of the adjacent properties and are considered an asset to the area. There has been a lot of pruning to the trees in the past and it has now come to the point that further pruning may spoil the shapes of the trees and harm their health. However, future applications to prune will be granted if it is accordance with good arboricultural practice.

There is no evidence presented that honeydew has caused damage to cars or property but if such evidence is presented it will be given proper consideration in the future management of the trees and the Trees Team would weigh up whether significant pruning or felling of trees is appropriate due to honeydew.

There does not appear to have been an application for tree removal because a chimney stack needed to be raised for improved updraft. Nevertheless, the chimney has been built now and no trees, presumably, need to be removed anymore. It is unlikely that the Trees Team would support removal of large trees to improve updraft into a chimney stack.

If a tree had fallen over in the past, this does not have any particular relevance to the trees now standing which were found to be in good health.

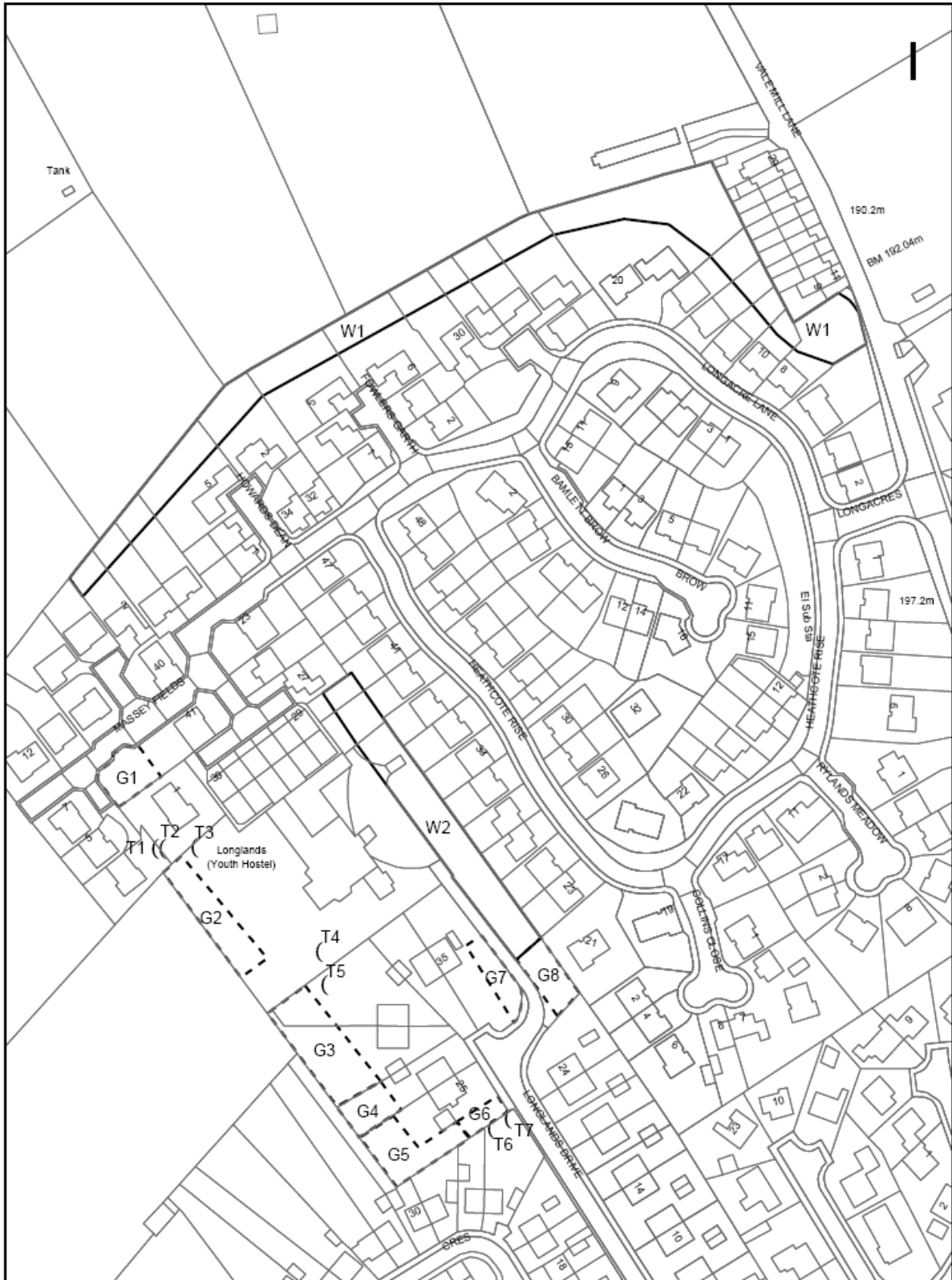
The removal of leaves on highway land is undertaken but there are no plans to increase this level of service. The council currently does not undertake a leaf removal service for leaves on privately owned land.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for reasons set out in this report.

T4 to be moved in line of the boundary between properties 10 and 12 Hollins Lane.

**TREE PRESERVATION ORDER 07/00272/IGW
LONGLANDS, HAWORTH**



<p>TREE PRESERVATION ORDER: No. 07/00272/IGW LONGLANDS, HAWORTH</p>	<p>DEPARTMENT OF REGENERATION Jacobs Well Bradford BD1 5RW Head of Service Alan Mainwaring MSc CEng MICE</p>
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DATE: 19th March 2009
ITEM NUMBER: 6
WARD: WORTH VALLEY
SITE: LONGLANDS, HAWORTH

**SUBJECT: CONSIDERATION OF AN OBJECTION TO TREE PRESERVATION ORDER
NUMBER: 07/00272/IGW
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990**

RECOMMENDATION: THAT THE TPO IS CONFIRMED WITHOUT MODIFICATION

Background:

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

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It is proposed that TPO 07/00272/IGW LONGLANDS, HAWORTH replaces 64B and 66B of TPO 141.

Objections to the new TPO were made even though the existing order protects trees.

Site description:

The TPO covers quite a large area of land and a total of two woodlands, eight groups and seven individual trees are proposed for protection.

The lands were possibly part of the old Longlands Estate before being sold off for development purposes, with Longlands now being a youth hostel and the rest given over to residential housing approximately 25 years ago.

To the north of Longacre Lane is greenbelt whilst to the west of Longlands is designated Village Greenspace.

It would appear that many of the originally protected trees were removed or died during the construction of the housing estate. For instance the original TPO shows a protected area extending from Longlands right down to Haworth Road and nearly all the trees have gone. However, as W2 and G8 and W1 remain fairly intact, it is proposed to protect these areas with the new TPO.

The remaining trees are considered to form an important framework throughout the residential areas and bring character to a large housing estate which lies at the urban fringe and adjacent to greenbelt. But despite significant losses in the past there are still some very important trees, particularly within the curtilage of Longlands. In addition W1 is a prominent feature separating and screening properties on Longacre Lane.

Summary of objections:

Branches of protected trees overhang my garden and no works to these trees have been carried out.

The trees make the cultivation of garden plants difficult.

Debris falls from the trees into gutters.

Lopping the trees will improve light to my property.

I have to deal with an enormous amount of leaves.

I live to the south of the trees.

The trees were not in place when Lawcliffe Crescent was built.

We feel we are being penalised as we have to apply for permission to carry out tree work.

The TPO would deter us from planting trees in the future.

The trees last had deadwood removed in April 2001 and require pruning again.

The trees are too close to the rear of 13 Vale Mill Lane.

Young children occupy the rear bedroom and if the trees were to fall my children could be killed.

All of the trees along the back of Vale Mill Lane stop natural light penetrating the gardens.

The trees require topping to allow light penetration.

The council has received complaints about these trees but has done nothing and to my knowledge no inspections have been made and I feel it is irresponsible of the council to make an Order without inspecting each tree.

I would like to know what duty the Council has on the upkeep of the trees.

Officer comment in response to the objections:

The trees are on privately owned land and the Council is not responsible for the maintenance of them although Tree Officers will advise on management when required to do so. There have been several granted applications to prune and remove trees in accordance with good arboricultural practice, and applications will be looked upon favourably when they accord with good practice.

There is a general right to prune trees and cut overhanging branches back to boundaries. Where the trees are protected, the pruning is controlled via the TPO Regulations and if

branches over third party land are to be removed the landowner's permission is also required.

Many of the trees are large, deciduous specimens and they will shed their leaves annually. It is reasonable to assume that potential purchasers may have considered the trees before buying the property and clearing up leaves might be a reasonable part of the upkeep of a property purchased close to large protected trees. The courts have held that falling leaves are not a nuisance under law.

All the properties are to the south side of W1 and the affect of the trees on the adjacent houses is limited. Reasonable pruning to the trees will be supported but topping will be detrimental to their health and harmful to amenity. Such pruning will not be supported and would be refused but decisions can be appealed to the Planning Inspectorate. There have been applications approved in the past and this will continue to be the case when applications are proposed in accordance with good practice.

Should protected trees be removed it is usual for there to be replanting conditioned in the interest of maintaining tree cover and to retain amenity.

The Council is not responsible for the maintenance of privately owned trees but can advise the landowners accordingly. The TPO is made in the interest of amenity and does not deflect responsibility of management upon the Council.

There is no evidence presented that protected trees pose a significant risk of harm to life or limb.

The trees were inspected during the review assessment by an expert in arboriculture. No dangerous trees were protected by the Order and dangerous trees are exempt. This means that trees could be removed without having to apply to the Council if they are dangerous and in such cases the onus of proof lies with the person responsible for doing the work.

The trees in and around Longlands form a significant feature and greatly add to character and amenity and many trees are visible from long distances. Since the TPO was made a housing estate has been built and the trees contribute to the character of it. There are some important individual trees, particularly within the curtilage of Longlands Youth Hostel and W1 is of particular importance as it separates the built up area from greenbelt. It is also important to note that the field adjacent to Longlands Youth Hostel is designated village greenspace which the protected trees contribute to.

Many of the objections focus on the lack of tree management in the past but the objectors, or their neighbours, are responsible for the maintenance of the trees and unfortunately the council cannot control the frequency of applications. However, significant tree management did not seem to be a major issue during the assessment, and previous applications made have been granted.

The TPO is there to protect amenity and not to inhibit reasonable works to trees.

Officer Recommendation

That the Tree Preservation Order be confirmed without modification for reasons set out in this report.