

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 11 November 2010

Summary Statement - Part Two

Miscellaneous Items

| | <u>No. of Items</u> |
|--------------------------------------------------------------|---------------------|
| Items Considered Not Expedient to Pursue (page 33) | (4) |
| Requests for Enforcement/Prosecution Action (page 35) | (1) |
| Decisions made by the Secretary of State – Allowed (page 37) | (2) |
| Tree Preservation Order (page 38) | (1) |

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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



**ENFORCEMENT ENQUIRIES CLOSED BY
THE PLANNING MANAGER (ENFORCEMENT & TREES)/SENIOR ENFORCEMENT
OFFICER
AS NOT EXPEDIENT TO PURSUE**

Date: 11 November 2010
Item Number: 5
Ward: Keighley West
Complaint Ref No: 07/00247/ENFCON
Recommendation: THAT THE REPORT BE NOTED

Description:
Alleged restoration levels exceeded

Address:
Braithwaite Edge Quarry, Black Hill Lane, Keighley BD22 6RA

Reason:
It is not considered expedient to take any further action in relation to restoration of quarry as it has been graded out and landscaped sufficiently that it causes no significant harm to visual amenity. Issues of drainage appear to have been resolved by the cutting of a small trench across the field. The access to the site has no requirement for removal as it was granted under a separate planning decision.

Date Enforcement File Closed: 22 September 2010

Item Number: 6
Ward: Keighley East
Complaint Ref No: 08/00389/ENFUNA
Recommendation: THAT THE REPORT BE NOTED

Description:
Alleged unauthorised tipping

Address:
Hog Holes Quarry, Glen Lee Lane, Long Lee, Keighley

Reason:
Recent use of land for deposit of waste has ceased and land has been restored/topsoiled and grassed. It is also not considered expedient to taken any further action in relation to laying down of small section of internal track as it causes no harm to visual amenity and does not affect access of site.

Date Enforcement File Closed: 22 September 2010

Item Number: 7

Ward: Worth Valley
Complaint Ref No: 09/00972/ENFUNA
Recommendation: THAT THE REPORT BE NOTED

Description:
Tipping in field

Address:
Land At Grid Ref 402990 440357, Lower Holme Way, Laycock, Keighley

Reason:
The small amount of stone deposited on the farm field does not have a detrimental impact on the openness of the green belt.

It is not considered expedient to pursue the removal of a limited amount of stone rubble deposited on a farm field.

Date Enforcement File Closed: 22 September 2010

Item Number: 8

Ward: Craven
Complaint Ref No: 09/00753/TPOCN
Recommendation: THAT THE REPORT BE NOTED

Description:
Unauthorised pruning

Address:
Main Road, Steeton With Eastburn

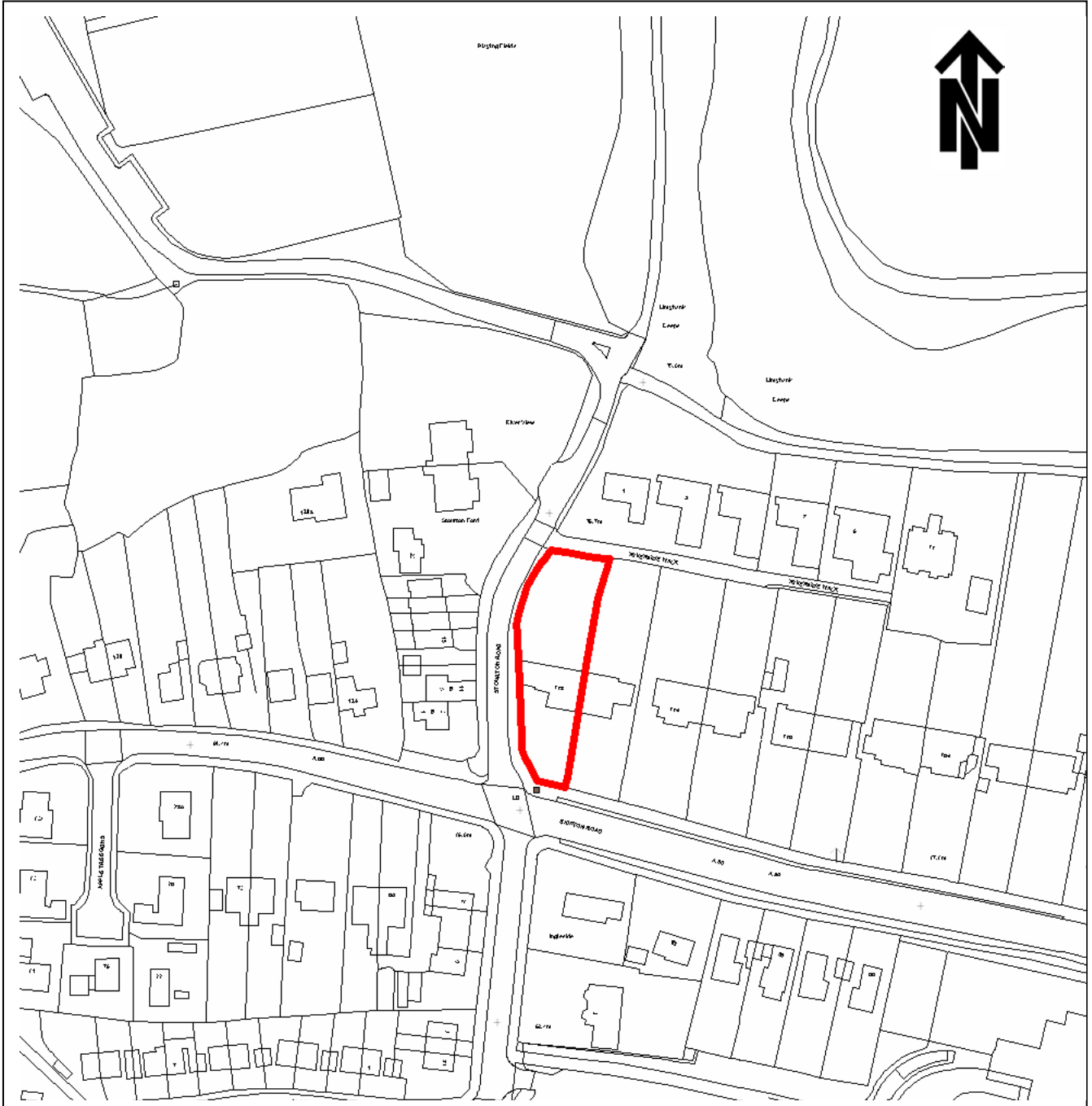
Reason:
The breach of planning control is not expedient to pursue as the integrity of the group of protected trees has not been materially affected and replacement trees have been replanted on land to the north of the trees

Date Enforcement File Closed: 12 October 2010

Area Planning Panel (Keighley)

10/00229/ENFCOU

11 November 2010



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| | |
|----------------------------|---------------------------------------------------------|
| <p>ITEM NO. : 9</p> | <p>LOCATION: 118 Skipton Road Ilkley</p> |
|----------------------------|---------------------------------------------------------|

11 November 2010

Item Number: 9
Ward: ILKLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
10/00229/ENFCON

Site Location:
118 Skipton Road, Ilkley, West Yorkshire, LS29 9HE

Description:
Breach of condition attached to planning approvals 03/03483/COU and 10/00976/FUL stating that:

“The child minding use hereby permitted shall be limited to the care of no more than 16 children, not including children normally resident as part of the occupier's family, and no more than 5 childminders or assistants (other than the property occupier) shall be engaged at the premises at any one time.”

Enforcement Action for the breach of the above condition was authorised on 12 October 2010 as it is considered that the breach of the condition is detrimental to highway safety due to the lack of off street parking provision within the site. The increase in the number of children and staff also has an adverse impact on the living conditions of neighbouring residents due to the increased noise from the property.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

| <u>ITEM No.</u> | <u>WARD</u> | <u>LOCATION</u> |
|------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Keighley East (ward 16) | 24 Dale View Road, Long Lee, Keighley, BD21 4YF Two storey extension to side, single storey extension to rear, open canopy to front and detached garden building to rear garden as replacement of existing building - Case No: 10/00515/HOU Appeal Ref: 10/00132/APPHOU |
| 11 | Craven (ward 09) | Moorcock Hall Farm, Bank Lane, Silsden, BD20 9JB Unauthorised development - Case No: 09/01176/ENFUNA Appeal Ref: 10/00036/APPENF |

Appeals Dismissed

There are no Appeal Dismissed Decisions to report this month

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

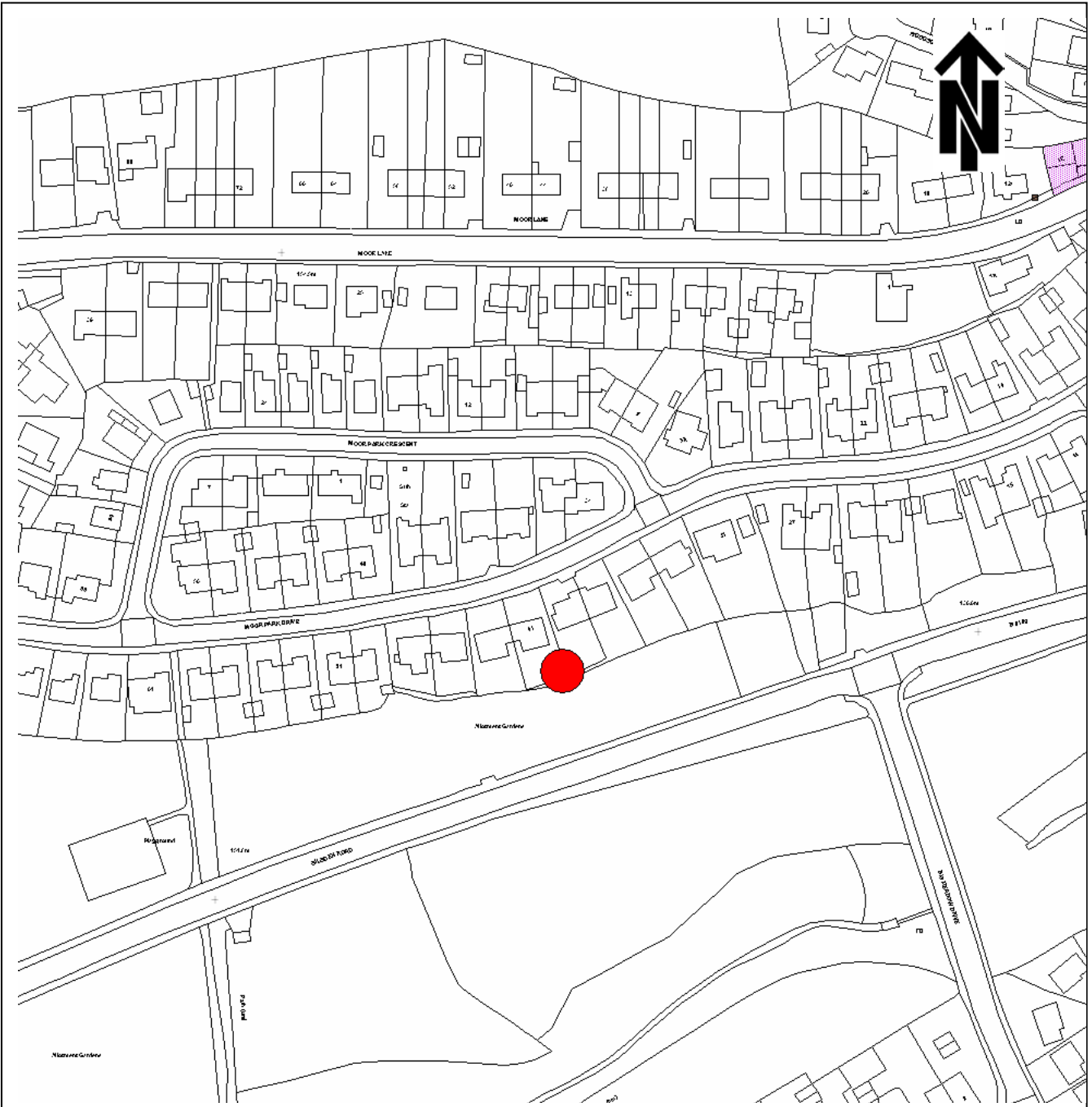
Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Area Planning Panel (Keighley)

10/00018/I

11 November 2010



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LOCATION:

**Rillside
41 Moor Park Drive
Addingham**

ITEM NO. : 12

11 November 2010

Item Number: 12
Ward: CRAVEN
Subject:
CONSIDERATION OF AN OBJECTION TO
TREE PRESERVATION ORDER 10/00018/I
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990

Site:
Land at 41 Moor Park Drive, Addingham.

Recommendation:
TO OVER-RULE THE OBJECTION AND CONFIRM THE TREE PRESERVATION ORDER
WITHOUT MODIFICATION

Background:

A Tree Preservation Order was made on 13 May 2009 on 1 Oak tree a result of a request to consider a Tree Preservation Order by the owner as the adjoining property which the tree overhangs was changing ownership. Subsequently consent was given to an application made by the owner for minor balancing of the tree on 1 July 2010 (Application ref: 10/03056/TPO).

The Oak is of significant amenity value located in a prominent position being highly visible from Silsden Road.

It is considered expedient to confirm this order as if not confirmed the Oak could be felled or pruned impacting on the character and amenity value of the area.

There has been 2 letters of objections from 37 and 39 Moor Park Drive made in relation to the order on the following grounds:-

Summary of objection received:

- The tree will affect my amenity of my property, my right to light in my garden, and main living rooms within my house.
- The tree causes shade and prevents plants from growing, foliage and leaves making the ground boggy and footpath's slippery with sap.
- The tree stops enjoyment of sunshine in the garden and restricts natural light into the rooms.
- The tree will restrict the use of allotments and my garden due to the lack of light.
- My illness means I have to have good light.
- I am worried that the roots could affect the foundations of my house and the drains which are located at the back of my garden by the tree.
- The need to deal with leaves from trees will cause considerable expense to deal with and this is a large tree out of character and size to its location. The tree is uneven and unattractive to look at.

Officer comments in relation to the points of objection:

- If there is significant shading consideration can be given to sympathetic pruning of the tree (i.e. minor crown thinning) to improve light to property subject to the works not being detrimental to the health and amenity value of the tree. Consent will be required from the Local Authority.
- Oak trees do not generally deposit sap.
- If the tree was a major issue regarding the objector at Number 39 they had the choice not to purchase the property knowing the tree was present.
- The tree is of significant amenity value within the area and works could be considered should there be any imbalance in the trees crown.
- There has been no evidence of damage to drains or house foundations.
- Leaf fall and debris does occur naturally with trees and this is generally a routine maintenance issue.

Recommendation:

It is requested that the objections be overruled and the Tree Preservation Order be confirmed without modification as the tree has significant amenity value in forming part of the character setting of the built environment and it is expedient to confirm in order to restrict the possibility that the tree is felled to the detriment of the local landscape.
