

CITY OF LEEDS TREE PRESERVATION ORDER (NO.25) 2024
TPO 2024 25 (LAND TO REAR OF CHURCH CLOSE POOL IN WHARFEDALE OTLEY LS21 1LN)

Date: 16 September 2024

Report of: Tree Officer for City Development, reviewed by Principal Tree Officer

Report to: Chief Planning Officer

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- A Conservation Area notification under s.211 of the Town and Country Planning Act 1990 (Ref: 24/00580/TR) was received by the Council. The proposed works included:

T2 Horse chestnut - On council land to be cut back as it is covered in ivy to the top and due to its sticky buds it makes the ground and children's play equipment sticky.

T3 Holly - To be thinned and branches that hang over cut back at the side of the property just over the fence on the council land.

T4 Sycamore - Crown to be reduced and branches thinned, tree is taller than the house and slightly leaning branches are over hanging to the garden.

These trees, and the woodland group, are owned by the Council.

- A Leeds City Council (LCC) Tree Officer visited site on 28 February 2024. The proposed works were considered to be detrimental to the condition and amenity value of the trees.
- It was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 19 March 2024
- Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order will expire if it has not been determined within 6 months of the date of making.
- Objections to the Order were submitted by adjacent homeowners on 17 April 2024. The objection was based on the trees already being within a Conservation Area, the classification of TPO used, the amenity value of the trees and their relationship with the landscape, nuisance issues, concerns regarding health and safety, increased carbon emissions, and the Council's intention with serving the TPO.
- The Council responded to the objection on 25 July 2024. No further comments have been made by the objectors.
- The Chief Planning Officer is requested to determine whether or not the Order should be confirmed, or alternatively confirmed subject to modification, in light of the objections.

Recommendations

- a) Having carefully considered the issue raised by the tree owner, on balance it is considered that the Tree Preservation Order is warranted on the grounds of amenity and expediency.
- b) That the Order be confirmed, as originally served.

What is this report about?

- 1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact objections to the Order has been submitted to the Council.
- 2 To seek a determination from the Chief Planning Officer that the Order be confirmed.

What impact will this proposal have?

- 3 It will assist in protecting the distinctive green character of the city, amenity in the vicinity and assist in combating climate change by protecting the trees from unauthorised tree works or felling.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 4 Trees play a valuable role in helping to meet the City Council's wider ambitions by improving the liveability of places, especially in urban areas, including the link between greenspaces and trees as part of the wider determinants of health and well-being. They also promote the City as a place to invest in and live by creating attractive natural urban environments. In light of the Climate Emergency recently declared by the Council, it is important to recognise the value of existing trees, in terms of carbon storage and their year-on-year carbon sequestration (in addition to public amenity and bio-diversity value). The retention of existing trees wherever possible, is a positive factor in combatting climate change (as well as contributing to the improvement of Biodiversity in Leeds). By way of comparison, it will take at least 30 years for newly planted trees planting to make a similar contribution.

What consultation and engagement has taken place?

Wards affected: Adel and Wharfedale

Have ward members been consulted?

Yes

No

- 5 Tree Preservation Orders are served on landowners on a provisional basis any other party holding an interest in the land other parties and adjoining landowners where any trees overhang their boundary.
- 6 A minimum statutory objection period of 28 days applies in respect of any Order made

What are the resource implications?

- 7 There are no resource implications

What are the key risks and how are they being managed?

- 8 The TPO does not prevent this responsible management and maintenance from occurring and the tree owner would be recommended to engage a qualified arboriculture expert to advise on how to maintain their tree.

What are the legal implications?

- 9 The Chief Planning Officer is authorised to take the decision whether to determine Tree Preservation Orders under Part 3 Section 2A of the Constitution (Council non-executive functions).
- 10 It is necessary to balance the rights of the landowners against the public interest in the protection of trees provided for by the statutory provisions. Local Planning Authorities have the powers to make Tree Preservation Orders if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.
- 11 The amenity of the tree(s) is considered on balance to justify the making confirmation of a Tree Preservation Order and to outweigh the rights of the property owner(s) to manage trees without local authority control.
- 12 The appendix containing the objection of residents at Chapel Hill Road, dated 23.04.2024 is exempt from publication under Access to Information Rule 10.4(2).

Options, timescales and measuring success

What other options were considered?

- 13 None

How will success be measured?

- 14 The trees identified for retention within the Order, make a significant contribution to the "green" character of the street and to the local quality of the surroundings.

What is the timetable and who will be responsible for implementation?

- 15 The Tree Preservation Order will be confirmed, as soon as possible, and by 19 September 2024, at the latest, should the Chief Planning Officer determine that the Order should be confirmed on this basis.

Appendices

- Objection of residents at Chapel Hill Road, dated 23.04.2024 (**Exempt under Access to Information Rule 10.4(2)**)
- Response of the Tree Officer to the objections
- A copy of the Order
- Equality Screening

Background papers

- N/A