

**CITY OF LEEDS TREE PRESERVATION ORDER (No.19) 2013,
LAND AT THE FORMER DEPARTMENT FOR WORK AND PENSIONS SITE
OTLEY ROAD, LAWNSWOOD**

1. BACKGROUND

The Local Planning Authority was first approached in respect of the site by an agent acting on behalf of the current landowner. At this time, however, the Council was under the impression that the site was owned by the Department for Work and Pensions (DWP) and that the agent represented The DWP.

An initial meeting took place on 17th August 2012 to discuss redevelopment options for the site. The need to consider tree retention and the need for an arboricultural report was made clear to the applicant. This meeting was not followed up in terms of the provision of further plans, and / or investigative reports for the Local Planning Authority to consider at the pre-application stage. As mentioned above, the Council believed at this time that the site was owned by The DWP, and as such, benefited from Crown Immunity, meaning that a provisional Tree Preservation Order (TPO) could not be issued without prior agreement.

The Planning Authority was again approached by the agent in March 2013 to have a pre-application meeting to discuss redevelopment proposals. Once again no information regarding trees or tree retention was submitted at this stage, although now it has come to light that a Tree Survey was undertaken in September 2012.

On Monday 24th June 2013, the Tree Officer was contacted by the Forestry Commission (F.C). The F.C had been contacted by a number of local residents concerned that trees had been felled on the site over the weekend and that further felling works were presently taking place. The F.C concern was that the works may require felling license consent under the Forestry Act 1967. The F.C sought to clarify whether the Council had knowledge of the works and if the trees were subject to statutory tree protection. The Council also received a number of complaints from concerned members of the public. At this time, it was still assumed that the site was Government owned and, therefore, subject to Crown immunity

Following the F.C. enquiry, an immediate site visit took place involving both the Tree Officer and Landscape Architect (who was involved with the pre application discussions). It was evident that a large number of trees had been felled (16 in total) with much of the remaining site tree cover marked for removal.

The Council's Tree Officer telephoned the F.C. and was advised that whilst the trees that had been felled did not require a licence, a felling license application would be required to remove any additional trees. It was suggested to the Tree Officer that the F.C considered that this was a development issue that could be considered through the Planning process rather than a felling license and this was conveyed to the agent.

Still under the assumption that the site benefitted from Crown Immunity, both the Council as planning authority and a local Councillor wrote to the DWP voicing concern as to the tree removal and inviting further dialogue through the planning process.

A letter from the Department of Work and Pensions dated 7th August 2013 to a Local Councillor confirmed the intention to fell trees at the site prior to the submission of a planning application and that the site had been sold to a private third party land owner. Due to the change in ownership the site did not benefit from Crown Immunity, and therefore the TPO was made and served on 14th August 2013, to ensure that a full appraisal of the health and status of the trees on site could be made and to protect any mature valuable trees present of high amenity value.

2. OBJECTION

An objection to the TPO was subsequently submitted by Turley Associates acting for the owner.

The points raised in the objections can be summarised as follows:

1. The trees are not at risk.
2. The TPO restricts the developable area of the site.
3. There is no evidence that Officers have visited the site to view the trees or that the amenity value or quality has been accessed.

3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION

1. The trees were felled after several pre-application meeting where the Council expressed the importance of tree retention within any future scheme. Sanitisation of the site was only prevented by the need to secure a Felling Licence. A TPO would have served much sooner had it been disclosed that the site had transferred into private ownership.
2. Whilst an outline planning application has been recently submitted (13/04008/OT) indicating tree loss; the site owner is still pursuing a Felling Licence application to remove an additional 60 trees, which could in effect bypass the planning process. This demonstrates that the trees remain at risk. The Felling Licence application is still pending consideration by the F.C and a number of objections to the granting of the licence have been lodged
3. The merits of a scheme and its impact upon tree cover are one of many factors considered by a planning authority in assessing a proposed development. There is no guarantee that the outline scheme submitted to the planning authority will gain planning consent in its current form. The removal of trees at this stage is therefore premature.

The site was visited on 24th June whilst the trees were being felled and numerous photographs were taken. The quality and amenity value of the tree cover was evident. The trees on site can be viewed from numerous public places including Otley Road, Ade Lane and are overlooked by numerous residential properties.

An independent tree report was submitted with the objection. The report was initially commissioned in September 2012 but had not been previously disclosed. It was amended in view of the felling of 16 trees.

The BS:5837 report grades the majority of site trees as Category B, some as Category C with only a handful graded as category U. It was noted that the report does not consider the trees to have deteriorated and the grades have remained constant. The report states that other than minor pruning to 3 trees, the trees require “no action” with the removal of the Category U trees considered to be “Low priority” More detailed inspection has been recommended for several others.

Given the nature of these statements, it is evident that the report considers there to be no arboricultural justification to remove the trees with the exception of the low priority removal of category U trees at a later date. The Tree Officer concurs with the views of the independent report.

4. CONCLUSION

The Order is warranted on the grounds of amenity and expediency and, therefore, the imposition of the Order is appropriate.

It was envisaged that beneficial pre-application discussions as part of a transparent planning process would result in a considered scheme being put forward. It was not anticipated that premature tree felling on site would occur, or other trees would be subject to a felling licence application. The Council has objected to the felling licence application and the confirmation of the Order would be in keeping with the importance that the Council and members of the public place on these trees.

5. RECOMMENDATION

That the Order be confirmed as originally as served.