

Report of City Solicitor

Report to Chief Planning Officer

Date: February 2015

Subject: CITY OF LEEDS TREE PRESERVATION ORDER (No.21) 2014

**(LAND AT 55 RODLEY LANE & LAND TO THE REAR OF 22-33 HAWTHORN GROVE
RODLEY LS13 1HN)**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Calverley & Farsley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. A Tree Preservation Order was made in respect of the above site on 8 September 2014 on a provisional basis.
2. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order will expire if it has not been confirmed (whether or not subject to modification) within 6 months of the date of making.
3. One objection to the Order has been received within the statutory objection period.
4. The Chief Planning Officer is requested to determine whether or not the Order should be confirmed or confirmed subject to modification in light of the objection.

Recommendation

5. That the objection overruled and the Order be confirmed subject to modification of the Order Plan for the purpose of removing those trees possessing insufficient amenity value to justify their inclusion.

1. Purpose of this report

- 1.1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact that four objections to the Order have been submitted to the Council
- 1.2 To seek a determination from the Chief Planning Officer that the objection should be overruled in all the circumstances and that the Order be confirmed, subject to the modification referred to in this Report.

2 Background information

- 2.1 The Council received a request from a member of the public and Ward Councillor to make a TPO on the above land, situated south of Oaklands Car Wash. It is understood that the land was formerly allotments and had come up for sale. The information conveyed was that the trees were considered to be under imminent threat.
- 2.2 Following a site visit by a former Tree Officer of the Council, the trees on the former allotment land and adjacent Olive Tree restaurant were considered to provide significant visual amenity value to the surrounding area and an Area TPO was, therefore, served on 8 September 2014.

3 Main issues

- 3.1 One objection to the TPO was subsequently received from the owner of Oaklands Hand Car Wash in relation to those trees situated on former allotment land. The objection was accompanied by a report from Treescapes Consultancy Ltd.
- 3.2 No objection has been received from The Olive Tree Restaurant in respect of those trees situated on land adjacent to the restaurant.
- 3.3 Support to the order has been indicated by Ward Councillor and a member of the Public.
- 3.4 The grounds of objection have been considered by the relevant Tree Officer and for the reasons given in his comments it is considered, following re-inspection, that the Order should be confirmed subject to the modification referred to in this Report.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 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.
- 4.1.2 A minimum statutory objection period of 28 days applies in respect of any Order made.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Human Rights. 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. In the present case the amenity of the trees is considered on balance to justify the making confirmation of a Tree Preservation Order and to outweigh the rights of the property owners to manage trees without local authority control.

4.3 Council policies and City Priorities

- 4.3.1 The work of the Sustainable Development Unit forms a vital element of the Vision For Leeds, City Priority Plan and Council Business Plan, the following two of which are relevant to are The aims of maintaining high quality buildings, places and green spaces, which are clean, looked after and respect the City's heritage and of enabling growth of the city whilst protecting its distinctive green character are promoted by the making of Tree Preservation Orders.

4.4 Resources and value for money

- 4.4.1 There are no resource implications.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Report is not subject to call in.
- 4.5.2 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).

4.6 Risk Management

- 4.6.1 There are no specific risks involved.

5 Conclusions

- 5.7 The grounds of objection have been considered by the Tree Officer and for the reasons given in his comments it is considered that the objection should be overruled subject to the modification referred to in this Report.

6. Recommendation

That the Order be confirmed as originally served subject to a modified Order Plan for the purpose of removing the garden areas from the Order, subject to modification of the Order Plan for the purpose of removing those trees possessing insufficient amenity value to justify their inclusion.

7 Background documents¹

¹ The background documents listed in this section are available to download from the Council's website,

- 7.1 City of Leeds Tree Preservation Order (No.14) 2014 (Land situated off Otley Road Adel Leeds) dated 28 July 2014.
- 7.2 Letter of objection dated 7 October 2014 accompanied by a consultancy report.
(Exempt under Access to Information Rule 10.4(2))
- 7.3 The Tree Officer's comments in respect of the objection.
- 7.4 Proposed Modified Order Plan