

**CITY OF LEEDS TREE PRESERVATION ORDER (No.22) 2014
(HIGHWAY VERGE ADJACENT TO 2 BROADWAY GUISELEY LS20 8JU)**

1. BACKGROUND

The Council received a Conservation Area Notice of intention from the owner of 2 Broadway to remove a large Oak tree. The notification, Ref: 14/05259/TR was validated on 4 September 2014. The applicant stated in Section 4 of the standard application form that the tree was in his ownership.

This application referred to a number of issues with the tree, primarily, loss of light and the accumulation of detritus. It was also suggested that the tree was responsible for structural damage to the property; however, an accompanying structural report dated 25 September 2012 advised that “there is no indication of any ground heave or landslip affecting the property. No signs of any damage, due to tree root action, to the building were noted”

On inspection the tree was found to be a highly prominent, apparently healthy semi mature specimen with no apparent major defects or pathogens present.

The information submitted did not support the allegation of tree related subsidence and it was, therefore, considered expedient to protect it and a TPO was therefore served on 25th September 2014

2. OBJECTION

One objection to the TPO was subsequently received from the owner of 2 Broadway, supported by a new structural report dated 23 October 2014 which may be summarised as follows:-

The tree is causing structural issues to the property. In this regard the report concludes that;

‘the structural damage and exposure of the site services provides evidence to support the shrinkage of clays underlying the site, the most plausible cause of which has been identified to be the semi mature oak tree, which as a species are known to have a high water demand and radius of influence well in extent of the property. The seasonal variation in width and severity of the cracks at the property further support this hypothesis ...the cause of subsidence at 2 Broadway is attributed to shrinkage of the underlying superficial deposits resulting from moisture loss attributable to the Oak Tree located in close proximity to the property. No further sources of moisture demand have been identified which provide consistent evidence to support the data collated’

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

At the time of serving the TPO it was assumed that the tree was owned by the Objector. Following the serving the TPO, the ownership of the tree has been clarified and the tree found to be owned by Highways (adopted highway) and managed by Parks and Countryside.

Following investigation, it transpires that the applicant made a complaint to Parks and Countryside (as owner of the tree) on 1 May 2014. The complaint raised the issue of overhang and detritus but made no reference to structural issues.

With regard to the structural report submitted with the objection, it was noted that no physical investigations such as trial pits / detailed soil analysis or monitoring have been undertaken. Furthermore, no arboriculture information has been presented to currently implicate the tree.

In terms of subsidence, the requirements of the application form (under the Town & Country Planning Act 1990), for tree works subject to a tree preservation order and/or notification of proposed works to trees in conservation areas should be noted. The form requires;

‘A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.’

4. CONCLUSION

The Parks and Countryside Department have a robust policy when determining subsidence claims and is resourced to employ the necessary expertise. In this regard it is understood that claim forms have been sent to the objector.

In the absence of conclusive evidence at the present time to show that the tree is causing subsidence in relation to the objector's property, it is considered that the Order is warranted on the grounds of amenity and expediency and, therefore, its imposition is appropriate.

It may well be that the future of the tree will be determined through the conclusions of the subsidence claims process and any future Tree works application submitted under the TPO. Should the conclusion be to remove the tree, the TPO would allow replacement planting to be secured.

5. RECOMMENDATION

That the Order be confirmed as originally served.