

**CITY OF LEEDS TREE PRESERVATION ORDER (No.24) 2014,
(STONE GAP, MILL LANE BARDSEY, LEEDS LS17 9AN)**

1. BACKGROUND

The Council was asked to consider making a Tree preservation Order (“the Order”) following concerns expressed by residents of neighbouring properties in respect of activity undertaken by the Owner perceived to be a threat to trees of significance in his ownership. It is understood that garden fires had been periodically lit under the canopy of a large copper birch tree.

The site was consequently visited by a tree officer and was found to contain a wide range of tree species. The site is highly prominent with the trees visible from a number of public places both along Mill Lane and Wood Lane. It was considered expedient to protect these trees due to their collective amenity value and an Order was, therefore, made and served on 15 October 2014, using an ‘Area’ classification.

2. OBJECTION

One objection to the Order was subsequently received from the Owner of the property.

The points raised by the objector can be summarised as follows:

1. The use of an ‘Area’ Order is inappropriate as the boundary indicated on the plan includes of non-tree items in the garden such as lawns, flowerbeds, vegetable garden.
2. The Area to be protected is not one of significant amenity benefit to the locality.
3. Garden fires that have been lit under the Copper Beech have not damaged.
4. Development has been tried and failed and the trees are not under threat. Therefore the Owner should not be penalised for something that may or may not arise in the future

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

1. The Area covered by the TPO only protected trees present at the property with the boundary shown on the plan and was not intended to nor could it protect other features. To clarify the matter, however, a further site visit was undertaken by the Tree Officer in the presence of the owner, resulting in a proposal to modify the Order to protect 12 twelve individual trees in place of the Area originally specified.

A copy of the modified plan was promptly sent to the Owner hope of the objection being withdrawn should it prove acceptable. No communication of withdrawal has been received.

2. The 12 trees to be protected are located primarily at the boundaries of Mill Lane and Wood Lane, are readily visible and collectively offer significant amenity to the surrounding area.
3. 'Beech' is a thin barked species and both direct and indirect heat from fire can damage the vascular system of a tree. Fire can also trigger dormant fungi although these are more associated with coniferous species. Smoke can also block the stomata in leaves. Whilst it may appear that damage has not occurred, such damage can be progressive and concealed. A weakening of the tree can cause secondary pathogens.
4. The Owner has had a planning application refused and dismissed at appeal. It is conceivable that further applications could be made in the future, either by the present Owner or subsequent owners.

It is not uncommon for constrained sites to be cleared to reduce the number of obstacles to future development unless trees are protected. Whilst there is no suggestion that the present Owner has any intention of taking such action, and his previous management of the trees is noted, it is considered expedient to ensure that the trees are subject to long-term future protection.

4. CONCLUSION

The Order is warranted on the grounds of amenity and expediency and, therefore, its imposition is appropriate, subject to modification of the Order Plan and Schedule for the purpose of protecting twelve individual trees in place of the Area originally specified.

5. RECOMMENDATION

That the Order be confirmed subject to the modification referred to above.