

**Report of City Solicitor**

**Report to Chief Planning Officer**

**Date: 22 APRIL 2016**

**Subject: CITY OF LEEDS TREE PRESERVATION ORDER NO.17 (2015)  
(LAND ADJACENT TO 320 PUDSEY ROAD LS13 4HX)**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Pudsey	<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 ("the Order") was made in respect of the above site on 20 November 2015 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 was received within the objection period, which was subsequently expanded upon by way of an arboricultural report.
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 be overruled and the Order be confirmed as originally served.

## **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 one objection to the Order has 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 should be confirmed as originally served.

## **2 Background information**

- 2.1 The Sustainable Development Team was contacted by Conservation and Planning Officers with a view to protecting woodland situated on land adjacent to 320 Pudsey Road Leeds 13. Concern was expressed as to current and future development aspirations in the area and the potential loss of trees.
- 2.2 The site was subsequently visited by a Tree Officer and it was evident that there was a highly prominent woodland block extending north from Pudsey Road which possessed sufficient collective amenity value to merit protection. An Order (as, therefore, made and served on 20th November, 2015

## **3 Main issues**

- 3.1 One objection to the Order was received, from the owner of the site on 16 December 2015. Following circulation of the Tree Officer's initial comments in response, the objection which was expanded upon by way of further representations contained in an arboricultural report, submitted on 16 February 2016 on behalf of both the present owner and a prospective developer looking to become the new owner of the site.
- 3.2 Both the initial grounds of objection and the further representations contained in the arboricultural report have been considered by the relevant Tree Officer and for the reasons given in his comments it is considered that the Order should be confirmed as originally served.

## **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', which are relevant to the aims of: maintaining high quality buildings, places and green spaces which are clean and looked after; respecting the City's heritage; enabling the growth of the city whilst protecting its distinctive green character. These aims 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**

- 5.1 The various 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.

## **6. Recommendation**

That the Order be confirmed as originally served.

## **7 Background documents<sup>1</sup>**

- 7.1 City of Leeds Tree Preservation Order (No.17) 2015 (Land adjacent to 320 Pudsey Road LS13 4HX) dated 20 November 2015.
- 7.2 The objection to the Order submitted by e-mail dated 14 December 2015 (**Exempt under Access to Information Rule 10.4(2))**
- 7.3 The Tree Officer's comments in respect of the initial objection
- 7.4 The arboricultural report submitted on 16 February 2016 (**Exempt under Access to Information Rule 10.4(2))**
- 7.5 The Tree Officer's comments in respect of the further representations contained in the arboricultural report

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.