

CITY OF LEEDS TREE PRESERVATION ORDER (NO.10) 2016, LAND OFF A58 WETHERBY ROAD SCARCROFT

1. BACKGROUND

In May 2016, concerns were expressed by a Ward Councillor to the Council that it was believed that the upcoming auction of a piece of land adjacent to the A58 in Scarcroft could lead to the loss of a number of trees on that land, with a subsequent loss of amenity. A request for a Tree Preservation Order was made as a consequence

A site visit was undertaken and it was concluded that the trees did make a significant contribution to the amenity of the area and were generally in a healthy condition.

It was, therefore, considered appropriate to make a Tree Preservation Order. Given the number of trees and the nature of the cover, a Woodland Order was made.

2. OBJECTIONS TO THE ORDER

In response to its making of the Order, three objections to the Order were submitted, together with two representations in support from local residents.

The objections were made firstly on behalf of the beneficial owners, secondly on behalf of the successful bidders, and thirdly from a property company.

The Objections are summarised below, together with the comments in response of the Tree Officer.

2a. Objection of the Beneficial Owner

1. The property was never woodland, the site was formerly Springfield House and its large gardens. This is supported by a plan from 1973 showing the house. The gardens are now overgrown and the woodland designation is certainly not appropriate for private gardens or individual trees causing damage within the curtilage of the house.
2. It is thought beneficial to rebuild the house and to bring the gardens back into use, but the Order will hinder this. Only the trees on the A58 frontage have amenity value; other trees are not visible so the TPO is not necessary
3. It is believed many trees on the property are dead dying or dangerous though individual trees on the A58 frontage may merit assessment and reclassification. It is proposed that the TPO in its current form should not be confirmed.

2a. Response to Objection of the Beneficial Owner

1. The site of the former Springfield House and gardens has been derelict for a lengthy period of time. Many of the trees on site would have been of a substantial size, even in 1973; for example the A58 frontage trees and the mature trees adjacent the public path to the north west of the site.

The nature and character of the site when inspected was that of a developing woodland and this was considered to be the most appropriate designation for the Order.

2. Damage by the trees to a property that is no longer standing is not a valid ground of objection. The proposal to rebuild the house would be considered on its merits within the usual Planning framework. The trees protected by the Order would be material to such consideration.
It is not agreed that only the A58 frontage trees have merit. A public right of way leading from the A58 to Syke Lane, borders the site. It runs in close proximity to a large number of mature trees and affords views into the site.
3. The assertion that many of the trees are dead, dying or dangerous is not supported by any evidence, nor was this apparent during the site inspection. It is considered that the trees are generally healthy. The legislation allows for any trees that may be dead or dangerous to be dealt with as necessary without reference to the Council notwithstanding the making of the Order, though the onus of proof lies with the Owner to demonstrate that any works undertaken were justified and necessary and not in breach of legislation.

The possible reclassification of the A58 boundary trees within any confirmed Order, whilst excluding the remaining trees on site would leave the majority of the trees currently unprotected. This would not be acceptable, as they are of amenity value to the many users of the right of way.

2b. Objection of the Successful Bidder

1. The Order covers a far wider area than applied for. The protection of every tree on the site is excessive. There is no immediate threat to the trees.
2. The land is Green Belt but has been included in the Strategic Housing Land Availability Assessment. No Planning Permission has been applied for, if it were it is likely that the trees fronting the A58 would be kept as a screen.
3. There is no evidence that the trees are of special interest, have high amenity value or are rare.
4. The reasoning in the application that the trees are part of the natural environment could apply to any tree in the area. There is no evidence of any public benefit in protecting the trees. There is no evidence of the amenity value of these trees, and no immediate threat to the site as a whole.

2b. Response to the Objection of the Beneficial Owner

1. The fact that the request received for the making of the Order from a Ward Member referred to trees in a specific location does not preclude the Order from covering additional trees considered to be of amenity value and at risk. The wider area of land to be auctioned was deemed to contain significant, valuable trees across its entirety and therefore the Woodland designation applied.

It is clear that there may be a threat to the trees in that all three objections mention a degree of development.

2. It is not contested that the land is in the Green Belt or that the site is referred to in the Strategic Housing Land Availability Assessment (though its status within that is as yet unconfirmed), or that no Planning Permission has yet applied for. Should a Planning Application be made, however, it would be foreseeable that a site of this nature would have the tree issue as a consideration. The suggestion that it is “likely” that the trees lining the A58 would be retained as a screen provides no certainty, nor does it deal with potential development pressure upon trees across the site as a whole.
3. Whilst it is accepted that there is no special historic or rarity value to the trees, this is not a pre-requisite for the making of an Order. It is not agreed that the trees as a whole possess no amenity value. Many of the trees are highly visible from the A58. In addition the public right of way running along the entire north-west boundary of the site benefits both from those trees immediately adjacent and the views at various points into the site.
4. The comment that the trees are part of the natural environment is a general comment has no particular significance to the reasons for making the Order. For the reasons stated above, the trees are considered to possess amenity value and it is clear that there are development aspirations for the site. It is appropriate to use the Order to protect the trees for the benefit of local residents adjoining, users of the A58 and users of the right of way to the north-west. Were trees to be lost, it is further considered that there would be a consequent loss of amenity to the area generally.

2c. Objection of the Property Company

1. The Order applies to all the trees on the land preventing any possible development
2. Whilst a couple of the trees on site together with some trees along the A58 boundary could be protected, the site as a whole is overgrown and wild, and some of the trees seem to offer no amenity benefit to the local area.

2c. Response to the Objection of the Property Company

1. The making of the Order is not intended to frustrate reasonable development. It is incorrect to suggest that the Order will prevent any possible development. Should a planning application to be submitted, it would be considered on its merits and the existence of the trees would be one of many factors to be taken into account in assessing the application.
2. Whilst the Objection suggests that the trees on the A58 frontage should be retained together with some in the body of the site- again this excludes the majority of the trees across the site, including all those most prominent adjacent to the right of way.

The fact that the land is considered overgrown and wild is not a reason to limit the scope of the Order. The land may in the past have been managed as gardens but that was clearly many years ago and the nature of the land is now quite different.

It is not agreed that the trees as a whole possess no amenity value. Many of the trees are highly visible from the A58. In addition the public right of way running along the entire north- west boundary of the site benefits both from those trees immediately adjacent and the views at various points into the site. As a whole the trees are considered to be highly significant as an amenity to this part of Scarcroft.

4. CONCLUSION

The Objections have been carefully considered, and it is concluded that none of the points raised in objection justify the removal or amendment of the Order.

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

The Council would consider any sensible tree works application on its merits.

Any future development related tree issues can be considered through the Planning process, where trees will be one of many considerations

5. RECOMMENDATION

That the Order be confirmed as originally served.