

**TOWN AND COUNTRY PLANNING ACT 1990
CITY OF LEEDS TREE PRESERVATION ORDER (NO.5) 2017
(LAND OFF NINELANDS LANE GARFORTH LEEDS)**

1. BACKGROUND

In February 2017, a planning application was under consideration for the re-development of the former Stocks Blocks site at Ninelands Lane in Garforth. The site consisted mainly of disused industrial premises and associated hard standing.

There were, however, a significant number of trees in two areas at the north and south ends of the site and a significant row of Poplars extending along most of the eastern boundary.

Local residents were concerned at the potential loss of trees, and colleagues involved in the on-going discussions around the proposed development also raised the matter. Subsequently the trees were inspected by a Tree Officer and found to be making a contribution to the amenity of the area. Given the amenity value of the trees and the early stages of the discussions, it was considered appropriate to serve a Tree Preservation Order ('the Order'); which was made and served on 17th February 2017.

2. OBJECTION TO THE ORDER

In response to the serving of the Order, one objection was received, submitted by Redrow Homes Yorkshire, the developer involved in the planning application.

THE OBJECTION

The objection is lengthy and is appended in full as background document 7.2 to the Report, but the main points can be summarised as follows.

- There are no objections to the continued protection of the Groups of trees 'G1', 'G2' & 'G3' (The Poplars)
- There is no objection to the continued protection of the Area designated as 'A1'.
- There is an objection to the retention of the Area designated 'A2', based on the following concerns.
 - The poor quality of existing trees.
 - The questionable stability of the ash piles on which the trees stand.
 - The likely contamination linked to the previous use of the site.

- The overall deliverability of the scheme due to the remediation requirements of the site.
- The design aspirations of the Developer.

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

The Tree Officer notes that there is no objection to the retention of Groups 'G1', 'G2' 'G3' and Area 'A1'.

The existing trees situated within Area 'A2' are self-sown and consist mainly of Birch and Goat Willow with some Ash developing. Whilst it is accepted that the individual trees are of indifferent quality, collectively they offer a significant body of vegetation that is of amenity value to the area generally. Therefore, it was considered appropriate to protect the trees by means of a Preservation Order following the initial site inspection.

In relation to the proposed development, the developer has proposed to mitigate the loss of any trees within Area 'A2' following development, with a comprehensive planting scheme, to provide a viable and long- lasting screen. This proposal is currently being discussed with planning officers as part of the planning application process.

Suitable species selection and planting will allow for future presence of a sustainable tree stock on this part of the site, which may not remain the case over time were Area 'A2' to be retained in its original form

In addition, a recent excavation of part of the ash heap at southernmost end of the site has revealed a face of lightly consolidated material giving some weight to the concerns as to stability of mature trees comprising Area 'A2'.

If investigations to be undertaken as part of the planning process reveal that that remediation works are required due the presence of the ash heap, then a scheme to secure necessary remediation requirements would need to be agreed with planning officers.

The present indications from planning officers are that the discussions are likely to reach a satisfactory conclusion, in terms of the agreement of an acceptable satisfactory approach to the remediation and development of the northern end of the site, to include appropriate compensatory planting.

The fact is, however, that discussions in relation to the planning application are continuing and there is no certainty as how these discussions may conclude, or as to whether the planning application will be approved.

Consequently, it is considered appropriate for the trees comprising Area A2 to remain protected by the Order at the present time, notwithstanding that the removal of some or all of those trees may be subsequently be allowed by planning officers as part of the planning application process.

4. CONCLUSION

The Order is warranted on the grounds of amenity and expediency and, therefore, its imposition is considered appropriate in respect of Groups 'G1', 'G2' & 'G3' and Area 'A1' (which together representing more than two-thirds of trees in total) and also Area 'A2'.

The Objection submitted raises issues that are in the main being addressed as part of ongoing the discussions around the planning application, with reference to Area 'A2' in particular.

The future of the trees comprising Area 'A2' is dependent on the outcome of continuing discussions in relation to the planning application. As there is currently no certainty as how these discussions may conclude, or as to whether the planning application will be approved, it is considered appropriate to retain this Area of trees within the Order, if confirmed

5. RECOMMENDATION

That the Order be confirmed as originally served.