

**TOWN AND COUNTRY PLANNING ACT 1990
CITY OF LEEDS TREE PRESERVATION ORDER (NO.7) 2017
(115 ILKLEY ROAD, OTLEY)**

1. BACKGROUND

The Council received a Conservation Area Notification Ref 17/00354/TR on behalf of the owner of the above property proposing to fell all trees front, side and rear of garden. Whilst the notification did propose to retrain and prune 2 Birch Trees, the extent of pruning was not stated and a request for more information was sent to the applicant. The nature of proposed pruning still remained unclear.

The site was inspected and the trees found to form a highly prominent linear block running to the important River Wharf corridor, enhancing the surrounding Conservation Area

Whilst it was accepted that several specimens were poor and could be removed through a considered application, it was considered the whole sale removal of trees could not be justified.

In the circumstances the making a Tree Preservation Order to protect the trees was considered appropriate, such Order made and served on 7 March 2017

2. OBJECTIONS TO THE ORDER

Following the serving of the Order, two objections have been received, one from the tree owner and one from a neighbour.

OWNER'S OBJECTION

The Objection from the owner can be summarised as follows:

1. The Trees are situated within a Conservation Area and could only be removed with permission, so the making of a TPO is unnecessary.
2. The previous owner of the trees had allegedly obtained consent from the Council to fell trees on site
3. The intention is now to retain and sympathetically prune some of the trees.
4. Plans are to be drawn up to facilitate the construction of off street parking.

NEIGHBOUR'S OBJECTION

The Objection from neighbour can be summarised by following points:

1. When all the mixed deciduous trees are in full leaf they block all light into the garden.
2. Whilst some trees can be sympathetically pruned, others may require removal
3. As the trees grow, the roots will grow closer to the property and may cause a potential problem.
4. Those closest trees to the telephone lines will need trimming within the six months or else will interfere with telephone and broadband lines.

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

OWNER'S OBJECTION

1. Unless a Tree Preservation Order is made in response to a Conservation Area Notification, default consent for the works applied for would result on the expiry of the 6 week consultation period granted. Therefore, it was necessary to make a The TPO in the present case prior to the 6 week period elapsing.
2. The Council has no record of any prior Conservation Area Notifications for this property and in this regard, the Tree Officer who has covered the Otley area for the past 9 years has no knowledge of any consent being granted.
3. Following the serving of the TPO, the Owner email sent directly to Legal Officer who made and serve the Order, in which he referred to alternate potential proposals involving the retention and pruning of certain trees. As described, however, would envisage the heavy topping or crown reduction, which the Tree Officer would consider to be detrimental to continued health and visual amenity of the trees.

In the circumstances the Owner may wish to take professional arboricultural advice and to submit a further considered application for consideration. It would be necessary as part of such an application, to substantiate any allegation of ill health with firm evidence, providing a clear prescription of work, and proposing detailed replacement planting where trees are to be removed. Any further application would however be considered on its individual merit.

4. The construction of off street parking is a separate matter and likely to require planning permission. The formation of off street parking would be a separate matter and one that is likely to involve a significant engineering operation, requiring planning Permission. To that end, advice should be taken from Planner/ Conservation Officer. Tree removal and compensatory landscaping would be one factor to be considered as part of such a proposal

NEIGHBOUR'S OBJECTION

1. Approved crown thinning, the removal of Ivy or other sympathetic pruning would improve light penetration to the garden, as would reduction of an evergreen coniferous hedge (which is not protected by the Order).
2. Whilst in principal it well be the case trees can be sympathetically pruned, others may require removal, the Conservation Area Notification involved the removal of all trees from the garden, with the exception of 2 Birch Trees to form parking provision.
3. There is no current evidence of root damage to property and such damage is considered highly unlikely in view of the distances involved. Many of the trees located at a raised level to those properties in close proximity to them. Any evidence to the contrary would be considered on its merit.
4. Any sympathetic and considered proposals to trim those closest trees to the telephone lines would be considered on their individual merit.

4. CONCLUSION

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

5. RECOMMENDATION

That the Order be confirmed as initially served.