

**Report of City Solicitor**

**Report to Chief Planning Officer**

**Date: 21 SEPTEMBER 2017**

**Subject: CITY OF LEEDS TREE PRESERVATION ORDER (NO.8) 2017  
(POLICE HOUSE CHURCH CLOSE POOL IN WHARFDALE LS21 1LN)**

|  |   |  |
|--|---|--|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s): Otley & Yeadon  | <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?<br>If relevant, Access to Information Procedure Rule number:<br>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 24 March 2017 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.
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**

- 1.2 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
- 1.3 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 In 2013, a planning application (ref.13/05657/FU) was refused in relation to the above property, partly due to concerns as to the effect on trees located within its grounds.
- 2.2 In 2014, a further planning application (ref.14/02016/FU) to construct an extension was approved, subject to a condition that required the protection of trees on site.
- 2.3 The same year, a Conservation Area Tree Works Notification (ref.14/04509/TR) was submitted, supported by an arboricultural report, proposing the removal of two Sycamores and the pruning of two others. No objection was made to this proposal.
- 2.4 In 2017, a further Tree Works Notification (ref.17/00264/TR) was submitted, proposing the pruning of a Beech tree. Following clarification of the proposal, it was made clear that a 15% overall reduction to the tree was being proposed.
- 2.5 The Tree Officer dealing with the Notice concluded that the proposal was excessive and so in the circumstances it was considered appropriate, in the interests of amenity, to make a Preservation Order. An Order was, therefore, made and served on 24th March 2017.

## **3 Main issues**

- 3.1 In response to the serving of the Order a letter of objection dated 21 April 2017 was received from the owner of the property.
- 3.2 The grounds of objection have been considered by a Tree Officer and for the reasons given in the comments annexed at background document 7.4, 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 tree 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 All 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 Tree Works Report in response to Tree Works Notification (ref.17/00264/TR).
- 7.2 City of Leeds Tree Preservation Order (No.8) 2017 (Police House Church Close Pool in Wharfedale LS21 1LN) dated 24 March 2017.
- 7.3 E-mail objection to the Order submitted by the owner dated 21 April 2017 **(Exempt under Access to Information Rule 10.4(2)).**
- 7.4 Tree Officer's comments in respect of the Objection.

---

<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.