

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

**1. BACKGROUND**

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.

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.

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.

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. 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 24<sup>th</sup> March 2017.

**2. OBJECTION**

In response to the serving of the Order a letter of objection dated 21 April 2017 was received from the owner of the property

The objection sets out the above planning history and also refers to specific issues directly relating to the Order. The points raised in the objection can be summarised as follows:

1. The Tree Officer who dealt the 2014 Tree Works Notification did not mention the Beech Tree, nor the possibility of making an Order, in conducting his site visit.
2. In accordance with the 2014 Tree Works Notification two Sycamore trees on site were taken down, however, the permitted pruning works to two other Sycamores were not undertaken within the two year time limit due to family pressures. The 2017 Tree Works Notification was, therefore, submitted for the purpose of pruning the same two Sycamores, and also reducing height of some Holly Trees and sympathetically pruning the Beech tree. No discussion or consultation took place, however, in response to the Notification and no advice was received prior to the serving of the Order.

3. The Tree Officer Report in respect of the 2017 Notification refers to internal politics and matters not relevant to the current application. Exception is also taken to a background comment at paragraph 2 of the report in which the Tree Officer refers to the 2013 planning application being rejected in part due to the threat both presently and future that the development would create and that 'these concerns now appear to be proven well-founded'.
4. There is a reference in the Tree Officers Report to the arboricultural report that accompanied the 2017 Notification, indicating that no shade is cast to the property, when in fact that is not the case.
5. The Tree Officer made reference in his Report to previous works that were carried out by the West Yorkshire Police. It is questioned if permission was sought / granted for this in the past.
6. It is questioned how trimming a tree can threaten it.
7. The owner of the adjoining property at 1 Church Close has requested works to the trees.
8. It is questioned whether Tree Preservation Orders will also be made to prevent trimming of trees in respect of those extensive housing developments proposed for the Pool area.

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

1. The Planning History is a matter of record; the 2013 application was refused, the 2014 application was approved. It is correct that concerns as to the effect on trees was part of the reason for refusal of the former. The 2014 planning approval contained had conditions attached addressing this.

Irrespective of what may or may not have been discussed during the 2014 site visit, the fact is that the Order was made in response to the 2017 Tree Works Notification, based on the judgement of the Tree Officer at the present time.

2. The 2017 Tree Works Notification, was initially vague in respect of proposal to the Beech and clarification was required. The reduction on top of previous works was considered inappropriate and excessive and that, therefore, the making of an Order was justified.
3. The Report of the Tree Officer in response to the 2017 Tree Works Notification does detail historical matters by way of background information. There is reference to what may be seen as a lost opportunity to secure new planting pursuant to the planning permission granted in 2014. It is accepted that this is not directly relevant to the 2017 Notification, and that it was inappropriate to include it, however, this does not alter the fact that the proposed works to the Beech Tree could not be supported in the professional judgement of the Tree Officer.

4. The comment that 'these concerns now appear to be well founded' relate; firstly to concerns raised by the refused 2013 planning application, that the trees may suffer detriment from the development; and secondly to the fact that inappropriate reduction to the Beech tree was now being proposed in the professional judgement of the Tree Officer. There was no intent to suggest any underhand conduct on the part of the Owner.
5. Whilst it is accepted that the Beech tree will not be affected by the Owner's proposed development over the flat roofed portion of her property; as the Owner has stated, there is considered to be an issue with shade. It is considered that this may be alleviated by less excessive pruning than that proposed by the 2017 Notification.

The previous tree works, allegedly carried out by West Yorkshire Police, are historic in nature. It is considered that there is little benefit in investigating matters that will almost certainly be of such age, as to be beyond the point at which any action being able to be taken. The effect of historic works to the Beech Tree that have been undertaken, however, is to limit the scope of any future work, in that the lifting the crown has reduced the volume of the canopy, thus limiting the opportunity to reduce the height or spread of the tree.

6. The term 'trimming' is not a specific arboricultural operation. It is vague and can be interpreted in many ways. Inappropriate or excessive work can be detrimental to the tree in several ways. The legislation requires clear detailing of proposed work and trimming is not an acceptable description.
7. The owner of 1 Church Close was served with a copy of the Order as an adjoining owner and had the opportunity to object, but did not do so.
8. All proposed developments are treated on merit and a Tree Preservation Order will be served wherever it is considered appropriate to do so

#### **4. CONCLUSION**

The Order was served following the submission of a Tree Works Notification that made proposals, considered to be unacceptable and detrimental to the amenity value of the Beech tree.

The Beech tree is considered to be healthy and prominent and offer significant amenity value to its surroundings and the making and confirmation of the Order is considered to be justified.

Should the Order be confirmed, then any application for lesser pruning works to the Beech Tree will be properly considered.

#### **5. RECOMMENDATION**

That the Order be confirmed as originally as served.