

**TOWN AND COUNTRY PLANNING ACT 1990
CITY OF LEEDS TREE PRESERVATION ORDER (NO.13) 2017
(LAND OFF BARNSDALE ROAD, ALLERTON BYWATER, WF10 2AD)**

1. BACKGROUND

In September 2017 the brownfield site off Barnsdale Road in Allerton Bywater on which the proposed Tree Preservation Order is located was granted Planning Permission for new affordable housing under Planning Application 17/02935/FU.

In the light of community concerns about potential loss of an established 'buffer strip' of woodland trees on the northern boundary of the site, between the proposed new houses and existing housing on Park Avenue, the retention of the trees was agreed as part of the Planning Permission.

Following assessment of the amenity value of the trees by Leeds City Council's Landscape Officer it was considered appropriate to serve a Tree Preservation Order ('the Order'), which was made and served on 7th September 2017. The Order protected a Woodland comprising of a mix of Sycamore, Cypress, Poplar, Norway Maple and Hawthorn.

2. OBJECTION TO THE ORDER

In addition to service of the Order on the owner and the beneficiary respectively, of the land upon which the trees are situated, together with the planning agent, 20 adjacent properties on Park Avenue were notified of the proposed Order.

One resident objected to the Order. The objector's concerns are stated as follows:

- The trees are too tall now that pit-washing no longer takes place on site;
- The height of the trees causes shading of the garden;
- The risk of a tree falling and damaging property;
- The trees are so high that they bend in the wind;
- The trees attract squirrels and vermin that may damage flowerbeds and roofs;
- Someone needs to take responsibility for the management of the trees.

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

The trees covered by the Order are categorised by the developer's Tree Survey for Planning Application 17/02935/FU as B grade (*trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years*); or C grade (*trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cm's in diameter which should be considered for re-planting where they impinge significantly on the proposed development*); apart from one Cypress Tree (Tree Survey ref. T2.9).

This tree was categorised as U grade (*trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years*), and has, therefore, been excluded from the Order.

Representations in response to Planning Application 17/02935/FU were made by local residents supporting retention of the trees for privacy and wildlife reasons. The developer's Tree Survey acknowledges the 'collective amenity value' of these trees, a view supported by amenity value

assessment of the trees by the Council's Landscape Officer. As such it is considered that the trees collectively provide a valuable screening 'buffer' strip between the existing houses on Park Avenue and the new housing development on the adjacent brownfield site.

The fact that pit-washing no longer takes place does not lessen their amenity value and the height of a tree does not justify its removal, unless it shows signs of a lack of structural integrity due to damage or disease for example. No such evidence of structural integrity was observed by the Landscape Officer during his site inspection.

Tree Preservation Order status would not prevent potential future essential safety works being applied for and carried out. Equally applications can be made for thinning works where trees are causing shading issues and any such applications would be considered on their merits.

The Owner of the Trees retains responsibility for their inspection management and maintenance, irrespective of the existence of a Tree Preservation Order.

Should trees be removed in future for safety reasons the Tree Preservation Order status would ensure appropriate new replacement planting. Indeed bringing this previously derelict site into active use and management through the housing development - including a requirement for a Landscape Management Plan to be implemented by the developer - in combination with the Tree Preservation Order should lead to more proactive management of the established trees for safety and amenity.

It is considered that the established nature of this group of trees and their wildlife value - for birds for example - contribute to their amenity value as a local landscape feature, and there is no particular reason to consider that the continued presence of the tree causes an excessive or undue risk of damage caused by squirrels or other animals.

4. CONCLUSION

For the reasons set out in Section 3 above it is considered that the Order is warranted on the grounds of amenity and expediency. Its imposition is therefore considered appropriate in respect of woodland strip W1.

5. RECOMMENDATION

That the Order be confirmed as originally served.