

CITY OF LEEDS TREE PRESERVATION ORDER (NO.3) 2024 (LAND OFF WHITEHALL ROAD, DRIGHLINGTON BD11 1LS)

1. BACKGROUND

A full planning application (23/06437/FU) for residential development comprising 10 dwellings and conversion of existing barn into two dwellings was received by the Council on 24 October 2023. During consideration of the application, it became apparent that several trees had recently been removed from the site, and other site trees of good quality and amenity value were at risk of removal and damage to facilitate development.

The trees were assessed by a Leeds City Council Landscape Officer and a Tree Officer during a site visit on 4 January 2024. Several site trees were considered to merit individual or group TPOs.

Considering the amenity value of the site trees, it was deemed expedient for the Council to make a provisional TPO for the site, which was made and served on 11 January 2024.

On 2 February, a member of the public reported to Planning Enforcement that tree works were being carried out on a tree included in the TPO (T2). It became apparent that Land Registry had not been updated with new ownership and the Council's online TPO map had not been updated to show the new TPO, and so the landowner could not reasonably be aware of the TPO. T2 was seriously damaged and has therefore been omitted from the TPO as shown on a modified Order Map and Schedule.

On 4 June, the landowner requested that email correspondence between the landowner, landowner's Agent, Legal Officer, Landscape Officer between 15 March – 6 June 2024 are appended to the objection report.

2. OBJECTION 1

On 1 March 2024 an objection to the Order was received by email correspondence from JCA Arboriculturist on behalf the landowner. The grounds of objection detailed related to the inclusion of three trees and two groups of trees (identified as T1, T2, T3, G1, G2) in the Order and may be summarised as follows;

1. The site has a history of pre-applications since 2019 which have not resulted in a TPO and so the TPO appears to be based on development control related to application 23/06437/FU, and not amenity value of the trees.
2. The TPO has reduced the land value.
3. T3, G1 and G2 should not be included in a TPO because they will require removal to facilitate development of the site, will require regular maintenance regardless of development, and are not of sufficient amenity value to justify a

TPO. Additionally, one Ash tree within G2 (T7 in the tree survey submitted for 23/06437/FU is in decline and requires removal for health and safety reasons.

4. T1 and T2 should not be included in the TPO because they will require removal to facilitate development of the site and a new footpath with improvements to highway safety.

The below comments of the Landscape Officer in relation to the objection were sent to JCA Arboriculturist and the landowner on 14 March 2024.

3. COMMENTS OF THE LANDSCAPE OFFICER IN RELATION TO OBJECTION

1

1. The suitability of applying a TPO relies on the Order being expedient in the interests of amenity (Town and Country Planning Act 1990 section 198). A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out for each tree and group. T1 scored 18, T2 scored 16, T3 scored 17, G1 scored 18, and G2 scored 20. A score of 16+ denotes a tree or trees which definitely merit TPO and have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise.
2. Land value is not a factor which influences the TPO process.
3. The acceptability of development proposals in relation to trees is not considered as part of the TPO process. Trees T3, G1, G2 comprise 8 Sycamore and 1 Ash which are considered to be in good condition, and as above, scored sufficiently in the TEMPO assessment to definitely merit a TPO. The Ash tree identified as T7 in the tree survey submitted for 23/06437/FU is not included in the TPO.
4. As T2 has been seriously damaged since the TPO was made, it has been omitted from the TPO as shown on the modified Order Map and Schedule. As above, the acceptability of development proposals in relation to trees is not considered as part of the TPO process, and so T1 will remain in the TPO.

5. OBJECTION 2

On 2 April 2024 a further objection to the Order was received by email correspondence from JCA Arboriculturist on behalf the landowner. The following comments were of the Landscape Officer in relation to the second objection were sent to JCA Arboriculturist and the landowner on 1 May 2024.

The additional objection was not considered to raise significant new points of objection but did include a TEMPO assessment which found that all TPO trees either definitely merited TPO or TPO defensible.

This second objection did query the exclusion of trees on adjacent land from the TPO and it was clarified that this TPO only included trees within the same ownership in an attempt to simplify and speed up the process for trees at risk, with a colleague

progressing a TPO for adjacent trees at the Old Vicarage; this was additionally requested by a resident on 23 January and was made and served on 16 April.

6. CONCLUSION

Having carefully considered the issue raised by the objections the Council is on balance satisfied that the Tree Preservation Order is warranted on the grounds of amenity and expediency and that confirmation of the Order is appropriate with a modified Order Map and Schedule.

7. RECOMMENDATION

That the Order be confirmed with a modified Order Map and Schedule.