

Report of City Solicitor

Report to Chief Planning Officer

Date: 31 March 2021

**Subject: CITY OF LEEDS TREE PRESERVATION ORDER (NO.9) 2020
(GREY GABLES, OLD PARK ROAD, GLEDHOW, LS8 1JX)**

Are specific electoral wards affected? If yes, name(s) of ward(s): Roundhay	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Access to Information Procedure Rule number: Access to Information Rule 10.4(2) Appendix number: Background Documents 6.2 and 6.2.1 to 6.2.4 inclusive	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary

1. Main issues

- A Tree Preservation Order (“the Order”) was made in respect of the above site on 8 October 2020 on a provisional basis.
- Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order will expire if it has not been determined within 6 months of the date of making.
- One objection to the Order was submitted by an adjoining landowner.
- The Chief Planning Officer is requested to determine whether or not the Order should be confirmed, or alternatively confirmed subject to modification, in light of the objection.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Sustainable Infrastructure: Improving the resilience of the city’s infrastructure and the natural environment, reducing flooding and other risks from future climate change.

3. Resource Implications

- There are no resource implications

Recommendations

That the Order be confirmed as originally served.

1. Purpose of this report

- 1.1 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
- 1.2 To seek a determination from the Chief Planning Officer that the objection should be overruled in all the circumstances, and that the Order be confirmed as originally served.

2. Background information

- 2.1. A Conservation Area notice was submitted to the Council to undertake tree works and fell four trees at the above property, by an adjoining owner, reference number 20/04733/TR. The notification was submitted by an adjoining owner on the basis that they overhung her land and were dangerous.
- 2.2. A site visit was undertaken by the Tree Officer, who concluded that the trees were in good health and made a significant contribution to the area
- 2.3. A Tree Preservation Order was, therefore, made and served on 8 October 2020.

3. Main issues

- 3.1. One objection to the Order, dated 13 October 2020, was received from the same adjoining landowner.
- 3.2. The grounds of objection have been considered together by the Tree Officer. For the reasons given in his comments 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 trees 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 the Best Council Plan

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.

Climate Emergency

4.3.2. In light of the Climate Change Emergency recently declared by the Council, it is important to recognise the value of existing trees, in terms of carbon storage and their year on year carbon sequestration (in addition to public amenity and bio-diversity value). The retention of existing trees wherever possible, is a positive factor in combatting climate change (as well as contributing to the improvement of Biodiversity in Leeds). By way of comparison, it will take at least 30 years for newly planted trees planting to make a similar contribution.

4.4. Resources, procurement 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 their comments it is considered that the objection to the Order should be overruled.

6. Recommendations

6.1. That the Order be confirmed as originally served.

7. Background documents¹

7.1 None.

8. Appendices

8.1. City of Leeds Tree Preservation Order (No.9) 2020 (Grey Gables, Old Park Road, Gledhow Leeds 8) dated 8 October 2020.

8.2. Letter of Objection, dated 13 October 2020. **(Exempt under Access to Information Rule 10.4(2))**

8.2.1. First Photograph accompanying Objection

8.2.2. Second Photograph accompanying Objection

8.2.3. First Plan accompanying Objection

8.2.4. Second Plan accompanying Objection

(All Exempt under Access to Information Rule 10.4(2))

8.3. The Tree Officer's comments in respect of the letter of Objection.

¹ 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.