

CITY OF LEEDS TREE PRESERVATION ORDER (NO.32) 2024
TPO 2024 32 (RICHMOND ROAD LS6 1BX, AND BUCKINGHAM AVENUE LS6 1DJ)

Date: 27 November 2024

Report of: Tree Officer for City Development, reviewed by Principal Tree Officer

Report to: Chief Planning Officer

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- A request to serve a new Tree Preservation Order (TPO) was received by the Council in April 2024.
- LCC Officer visited site 11 April 2024. Trees at the site were found to be in good condition and with amenity value.
- It was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') at the sites, which was served 06 June 2024.
- Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the re-served Order will expire if it has not been determined within 6 months of the date of making.
- An objection to the Order were submitted by one of the residents. The resident included a structural engineers report that detailed damage being caused by the tree, that was not readily apparent at time of site visit.
- The Council responded to the objection in writing and by email. No further comment has been made.
- 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 objections.

Recommendations

- a) Having carefully considered the issue raised by the tree owner, Tree Preservation Order 32_2024 should be modified.
- b) T4 Oak is implicated in structural damage and so the imposition of a Tree Preservation Order on this tree is inappropriate.
- c) For the remaining trees on TPO 32_2024, a Tree Preservation Order is warranted on the grounds of amenity and expediency.
- d) That modified Order should be confirmed.

What is this report about?

- 1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact objections to the Order has been submitted to the Council.
- 2 To seek a determination from the Chief Planning Officer that the Order be confirmed.

What impact will this proposal have?

- 3 It will assist in protecting the distinctive green character of the city, amenity in the vicinity and assist in combating climate change by protecting the trees from unauthorised tree works or felling.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 4 Trees play a valuable role in helping to meet the City Council's wider ambitions by improving the liveability of places, especially in urban areas, including the link between greenspaces and trees as part of the wider determinants of health and well-being. They also promote the City as a place to invest in and live by creating attractive natural urban environments. In light of the Climate 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.

What consultation and engagement has taken place?

Wards affected: Roundhay

Have ward members been consulted? Yes No

- 5 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.

6 A minimum statutory objection period of 28 days applies in respect of any Order made

What are the resource implications?

7 There are no resource implications

What are the key risks and how are they being managed?

8 The TPO does not prevent this responsible management and maintenance from occurring and the tree owner would be recommended to engage a qualified arboriculture expert to advise on how to maintain their tree.

What are the legal implications?

9 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).

10 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.

11 The amenity of the tree(s) is considered on balance to justify the making confirmation of a Tree Preservation Order and to outweigh the rights of the property owner(s) to manage trees without local authority control.

12 The exempt appendices to this report are exempt under Access to Information Rule 10.4(2).

Options, timescales and measuring success

What other options were considered?

13 None

How will success be measured?

14 The trees identified for retention within the Order, make a significant contribution to the "green" character of the street and to the local quality of the surroundings.

What is the timetable and who will be responsible for implementation?

15 The Tree Preservation Order will be confirmed, as soon as possible, and by 06 December 2024, at the latest, should the Chief Planning Officer determine that the Order should be confirmed on this basis.

Appendices

- Objection of residents at 1 Buckingham Avenue (Exempt under Access to Information Rule 10.4(2))
- Response of the Tree Officer to the objections
- Email correspondence between Tree Officer and objectors (Exempt under Access to Information Rule 10.4(2))
- A copy of the Order
- Equality, Diversity, Cohesion and Integration (EDCI) screening

Background papers

- N/A