

CITY OF LEEDS TREE PRESERVATION ORDER (NO.44) 2024 TPO 2024 44 (POPLAR FARM BAGLEY LANE FARSLEY PUDSEY LS28 5LY)

1. BACKGROUND

A Conservation Area notification under s.211 of the Town and Country Planning Act 1990 (Ref: 24/02685/TR) was received by the Council. The notification was validated on 05 May 2024.

When considering applications under s.211 of the Town and Country Planning Act 1990 to grant consent to carry out prohibited activities to a tree in a Conservation Area in accordance with the 6 March 2014 Tree Preservation Orders and trees in conservation areas Guidance (Paragraph: 118 Reference ID: 36-118-20140306) Leeds City Council ('LCC') "may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead; or
- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice."

The Tree Preservation Orders and trees in conservation areas Guidance also provides guidance on the definition of amenity:

"What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

Paragraph: 007 Reference ID: 36-007-20140306

The notification was to undertake the proposed work:

T1-A2 Sycamore, T3-C2 Norway Spruce and T4-C2 Cypress - Fell support a future outline planning application with reserved matters, for 6 New proposed Eco-homes at Poplar Farm.

LCC Officer visited site 31 May 2024. T1 Sycamore was considered to be in good condition with amenity value.

In order to prevent removal of a tree with amenity value, it was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 18 June 2024.

2. OBJECTION

Objections to the Order were received from the agent, Dharmesh Patel of the Architekt partnership, by way of an email.

The objection may be summarised as follows;

- T1 needs to be removed to facilitate the development of six eco homes at the Poplar Farm site (1-6)

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

1. When assessing s211 applications for tree works in a Conservation Area, the main consideration for Tree Officers is if the proposed works will have an impact on wider amenity. The proposed removal of T1 was considered to be detrimental to the amenity of the site and Conservation Area, and so was not supported.
2. Tree removal to facilitate development, including trees protected by Conservation Area or TPO status, can be considered under full planning applications by colleagues in Development Management (DM).
3. From the Tree Statement and related documents provided by the agent, it does appear that T1 would need to be removed to facilitate development of six eco homes at the Poplar Farm site, in order for the development to comply with Highways requirements that the site is served by road built to adoptable standards.
4. However, it is notable that pre-application advice (PREAPP/19/00494) suggested that a road built to adoptable standards would not be suitable due to an "over-engineered" appearance that would adversely impact on the adjacent Listed Building and the terraced cottages that occupy the front of the site. It was suggested that the access should remain as existing, and development should be limited to four units.
5. Notably, the presence of T1 is not mentioned in the reasons for why changing the access to the site is considered unsuitable.
6. As the pre-app advice suggests the access should remain as existing, it is considered that retention of T1 does not negatively affect the development potential of the site.

4. CONCLUSION

The Order is warranted on the grounds of amenity and expediency and therefore, the imposition of the Order is appropriate.

The Council will consider future tree works applications. Permission is not required for the removal of dead wood.

5. RECOMMENDATION

TPO 44_2024 should be confirmed as originally served.