

Via email

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Contact: Martin Farrington
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Ref: F17447 - 18037 Appeal

17th March 2017

Dear Mr. Marjoram,

EIR Appeal: Planning Enforcement File – 16/00413/UTW3

I write in response to your above Environmental Information Regulations appeal requests, received in this office on 20th January 2017 and 1st March 2017.

Your original request asked for:

I have recently received correspondence from Mr Afsor Ullah in relation to planning case: 16/00413/UTW3

Please provide all information in this file, including correspondence to and from the following persons/organisations:

Leeds City Council / Calverley Horticultural Society Leeds City Council / Councillor Andrew Carter/Amanda Carter/Rod Wood Leeds City Council / Number 3 Pearson Street Leeds City Council to any other named plot holder / party.

**I require to see all documents relating to site visits, including date and time.
I also require any record of correspondence between the resident of Number 3 Pearson Street and Leeds City Council.**

This information is necessary to me in order to supply my own replies to the questions asked of me by the case officer.

Your request was responded to by Jayne Conboy, the City Development Department's Information Practitioner who provided the information in question. Ms. Conboy also advised that any personal information held with regard to your request had been excepted in accordance with Reg 12(3) of the Environmental Information Regulations, as its release would breach the first data protection principle of the Data Protection Act 1998. I note that, in your appeal request, you state that you are not asking for this matter to be reviewed, but instead raise a number of separate points. I have, as such, addressed these below.

I do not believe the file contains all of the necessary information to make a Planning Enforcement decision.

Specifically: correspondence between residents of Pearson Street and Thornhill Estates Limited (and/or their agents and/or representatives) where residents of Pearson Street requested permission to clear the trees due to their unsightly nature and incidences of anti-social behaviour. I believe the Council has received this information verbally by way of telephone but not added a minute to the file or requested any correspondence from the counter-party.

Such information should be added to the file or a specific reason given for it being withheld.

In addressing this matter, I would firstly note that both the Freedom of Information Act, and the Environmental Information Regulations concern information held in a recorded format. They are not concerned with what information members of the public believe should be held on a particular file, or should be required to take a particular decision. As such, this is not a matter that I can address as part of this appeal.

I have, however, raised this matter with both our Planning Compliance team and Tree Works officers. They have confirmed that they do not have any record of correspondence between the parties concerned and nor do they have recollections of such discussions (although I do note that one of the officers who dealt with this site is no longer employed by the authority). That said, even if this information were held, as tree works within a conservation area require formal approval by the Local Planning Authority, these would not be relevant to the enforcement case in question and would not be kept on this file.

I do understand, however, that the Compliance Service, in light of the low amenity value of the trees, has decided not pursue this matter further and trust that this resolves the concerns you raise.

Also, Information relating to Number 9 Pearson Street where an application was allowed to remove trees within the Conservation Area. This is directly relevant to the above file and should be included.

This information is not relevant to the compliance case at hand as the works in question were subject to formal applications to the Council which received approval. To be of assistance, however, I can advise that these applications are available to view in the public domain from the below link (please search for 'Pearson Street' under the 'Address' field:

<https://publicaccess.leeds.gov.uk/online-applications/search.do?action=advanced>

Please also provide an update on all site visits and their duration up to 20th January 2017 and any other recent documents pertaining to the above.

A list of site visits undertaken by the Compliance Service is detailed below. No additional documentation is held with regard to these separate to that which you were previously provided

with:

22.04.2016 – Tree officer visit and photos taken.

05.05.2016 - Initial site visit - seems like some trees within a conservation area have been removed adjacent to some allotment to allow for light. Not sure who the trees belong to or who has carried out the works.

12.10.2016 – Follow up visit to check – nothing changed on site - still not been cleared and the ring barked tree is still in situ.

06.12.2016 - Follow up visit, nothing changed on site.

The PDF document provided is a very interesting summary of the Conservation Area AFTER IT HAD BEEN INTRODUCED. I requested information on the consultations undertaken and responses received BEFORE the Conservation Area was extended/altered.

Specifically – what consultation was undertaken with landowners (whether Freehold, Leasehold or other forms of passing tenancy) as to the implications of the Conservation Area on trees within its geography.

Am I to presume from the inability to answer this question that no such consultation was undertaken?

To advise, details of the consultation undertaken, and the responses to this were provided in the response to your initial request which stated:

I am pleased to provide details of the consultation in question in the attached documents (in particular, please see Appendix 1 of the file 'Signed DDN, PB Report and London Gazette (Redacted))

The appendix referenced details the consultations undertaken with the three ward councillors, internal Leeds City Council services, and residents, along with the responses to this.

I do note, however, that the Whatdotheyknow.com website does not appear to display all attachments provided immediately and requires that the user click the 'Show all attachments' button to display these. It may, therefore, be possible that you were not aware that this particular document was attached and I have, consequently, reattached it again so as to be of best assistance.

This concludes my response to your appeal. I trust that I have addressed all the points you have raised, however, if you remain dissatisfied, under Regulation 18, you are entitled to apply to the Information Commissioner for a decision as to whether, in any specified respect, your request has not been dealt with in accordance with parts 2 and 3 of the Regulations.

Should you wish to contact the Commissioner's Office then you can write to the following address:

Office of the Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow, Cheshire,
SK9 5AF

Yours sincerely



Martin Farrington
Director of City Development