

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**PLANNING COMMITTEE - 2 AUGUST 2016**

Title of report	<b>TO CONSIDER CONFIRMING A TREE PRESERVATION ORDER AT WILLESLEY LANE, ASHBY DE LA ZOUCH</b>
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Purpose of report	To consider the objections lodged by the Trustees of the J.C. Wheatley Will Trust in respect of the provisional Tree Preservation Order made on 26 February 2016.
Reason for decision	The TPO needs to be confirmed within six months. Trees will lose their protection if not confirmed within six months.
Council Priorities	Green Footprints
Implications	None
Financial/Staff	None
Link to relevant CAT	None
Risk Management	None
Equalities Impact Screening	Equality Impact Screening already undertaken, issues identified actioned.
Human Rights	Under the Human Rights Act, Article 8, there is a right to respect for private and family life, the home and correspondence. The making of a Tree Preservation Order potentially impacts on that right. However, in this case it is considered that the making of the Order is justified in the public interest.

Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory
Consultees	People with a legal interest in the land affected by the Order have been consulted and members of the public were consulted by the placing of site notices.
Background papers	On file
Recommendations	<b>THAT THE TPO BE CONFIRMED</b>

## 1.0 INTRODUCTION AND BACKGROUND

The Council has received a request to make a Tree Preservation Order in respect of two mature Lime trees located in a hedgerow at Willesley Lane to the west of 28 Wells Road. The trees are located at the entrance to Ashby de la Zouch, they are in fair condition with a life expectancy of 40-100 years. They are large, of good form and prominent but with no other special factors.

A TEMPO (Tree evaluation method for preservation orders) assessment has been carried out and it is considered that the two trees meet the criteria to merit protection by a Tree Preservation Order.

TEMPO assessments are carried out to show a consistency of approach by the Local Planning Authority. Both trees scored sufficiently and were assessed for condition, life expectancy, visibility, impact, rarity, form, age, historic importance, cohesion and expediency.

A provisional TPO was made on 26 February 2016.

To provide continued protection the TPO needs to be confirmed before 26 August 2016.

Other trees on the site were assessed but found not to merit protection by TPO.

## **2.0 OBJECTIONS AND OFFICER COMMENTS**

### **2.1 Summary of Representations Received**

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

One letter of objection has been received from the Trustees' agent. Trustees are of the opinion that the trees in question are not of sufficient importance to be worthy of protection.

### **2.2 Officer Observations**

The TEMPO appraisal carried out is consistent with the method used for all other TPO requests and the TPO was made in accordance with planning requirements.

The TEMPO assessment takes into account public visibility, individual impact and wider impact.

The trees are located in the roadside hedgerow at the entrance to Ashby de la Zouch, they are prominent, large and of good form, with a life expectancy that should make a significant contribution to local amenity and character in years to come. The trees would benefit from some remedial tree surgery but removal would have a significant impact on the local environment and its enjoyment by the public.

The poor condition and limited safe life expectancy of other trees assessed at this site, increases the importance of the two Lime trees.

The trees were previously proposed to have been felled in connection with a scheme for residential development on the site (planning application ref. 14/00520/FULM); that application was refused a subsequent appeal dismissed. The applicant's own arboricultural survey submitted at that time considered that both trees were worthy of retention and therefore it is considered that the two trees do merit protection by Tree Preservation Order.