

DATE: 27th September 2022
MY REF: Planning Committee
YOUR REF:
CONTACT: Nicole Cramp
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To Members of the Planning Committee

Cllr. Louise Richardson (Chairman)
Cllr. Nick Chapman (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Roy Denney
Cllr. Chris Frost

Cllr. Trevor Matthews
Cllr. Sam Maxwell
Cllr. Christine Merrill

Cllr. Phil Moitt
Cllr. Mike Shirley
Cllr. Bev Welsh

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 6 OCTOBER 2022** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Louisa Horton
Monitoring Officer



AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence
2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 5 - 16)

To approve and sign the minutes of the meeting held on 1st September 2022 (enclosed).

4. Applications for Determination (Pages 17 - 32)

To consider the report of the Senior Planning Officer.

5. Blaby District Council (The Brantings, Glenfield) Tree Preservation Order (Pages 33 - 54)

To consider the report of the Senior Planning Officer.

6. Tree Preservation Order (32 Moat Close, Thurlaston) Tree Preservation Order 2022 (Pages 55 - 66)

To consider the report of the Development Services Manager.

MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 1 SEPTEMBER 2022

Present:-

Cllr. Nick Chapman (Vice-Chairman)

Cllr. Cheryl Cashmore
Cllr. Roy Denney

Cllr. Christine Merrill
Cllr. Phil Moitt

Cllr. Mike Shirley
Cllr. Bev Welsh

Substitute:-

Cllr. Nigel Grundy (In place of Cllr. Chris Frost)
Cllr. Janet Forey (In place of Cllr. Louise Richardson)

Officers present:-

Cat Hartley	- Planning & Strategic Growth Group Manager
Ian Davies	- Development Services Team Leader
Louisa Horton	- Corporate Services Group Manager & Monitoring Officer
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

Apologies:-

Cllr. Trevor Matthews and Cllr. Sam Maxwell

1. **DISCLOSURES OF INTEREST**

No disclosures were received.

2. **MINUTES**

The minutes of the meeting held on 28th July 2022, as circulated were approved and signed as correct record.

3. **APPLICATIONS FOR DETERMINATION**

22/0110/OUT

Everards Brewery Ltd.

Outline planning application (with all matters reserved except for access) for the construction of an office campus (use class E(g)(i)) with a GFA up to 9,290m² together with a hotel (use class C1) with a GFA up to 5,575m² with associated infrastructure including car parking and landscaping.

Land At Everards Meadows, Cooper Way, Enderby.

DECISION

THAT APPLICATION 22/0110/OUT BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING PLANNING OBLIGATIONS:

A contribution of £11,337.50 for the monitoring of the Framework Travel Plan and the effects of the development using the County Council's monitoring programme payable prior to the occupation of any part of the development hereby permitted.

1. Appointment of a Travel Plan Co-ordinator from commencement of the development until five years after the occupation of the last unit. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

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2. One Travel Pack per employee from first use of the development hereby permitted to provide details of what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge.
3. One six-month bus pass per employee from first use of the development hereby permitted to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass.
4. An index linked contribution of £10,500 towards a revised configuration of the Soar Valley Way/Grove Way signalised junction.
5. An index linked contribution of £10,500 towards a revised configuration of the Everards Gyratory signalised junction.
6. The submission of an Employment Skills and Training Strategy.
7. A contribution of £250 towards the monitoring of the Employment Skills and Training Strategy.

AND SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall commence within five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters for the first Phase of the development, whichever is the later.

Reason: To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and in accordance with s.91 of the Town and Country Planning Act 1990.

2. The submission of the first application for approval of reserved matters under condition 3 shall include a Phasing Plan to be approved by the District Planning Authority. The Phasing Plan shall show either:

- a) one Phase covering the whole of the development (Offices and Hotel);
or
- b) the sequencing of two Phases, each comprising respectively:
 - (i) the Hotel element of the development; and
 - (ii) the whole of the Office Campus element of the development.

The development shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure that the development is delivered in a way which provides the appropriate quantity, quality and mix of employment opportunities across the whole of the site, consistent with the justification provided in the application, the sequential element of policy CS6 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, and with Strategic Objective (x) which underpins policies DM1 and SA5 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

3. Details of Reserved Matters for each of the Phases approved under condition 2 above shall be submitted to the District Planning Authority for approval in accordance with the following timetable:

- a) for the first or single Phase – all reserved matters shall be submitted within 3 years of the date of this permission
- b) for the second Phase - all reserved matters shall be submitted within 2 years of the date of approval of the reserved matters for the first Phase.

Development within any Phase shall not commence until Reserved Matters for that Phase have been approved in writing by the District Planning”

Reason: To encourage early delivery of the development, prevent the unnecessary accumulation of unimplemented permissions, and to enable the District Planning Authority to review the justification provided in the application for the mix of proposed uses if the development does not proceed in a timely fashion.

4. Submissions for approval of Reserved Matters for each Phase shall include details of the following:

- a) layout – including a Masterplan to show:
 - i) the overall final distribution of the different uses proposed across the entire development; and
 - ii) the mix of building types and sizes across the site
- b) scale - including a plan to show the distribution of building heights across the site
- c) appearance – including external materials and means of enclosure;
- d) landscaping.

Reason: The application has been made in outline form under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

5. Application for approval of reserved matters in accordance with condition 2 shall include details of the parking provision which shall accord with the Leicestershire Highways Design Guide or any subsequent revision or replacement. It shall provide:

- Regular, accessible car parking spaces and electric car parking spaces (including the correct dimensions);
- Secure cycle parking and motor cycle parking;
- Satisfactory swept path analysis showing the manoeuvring of service and delivery vehicles to/from the proposed hotel without the need for reversing.

The development shall be carried out in strict accordance with the approved parking details thereafter.

Reason: To ensure that adequate parking is provided on site to accommodate the demand generated by the development proposed. To ensure that the proposal complies with Policies CS10 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

6. Application for approval of reserved matters for the hotel required under condition 2 of this permission shall be accompanied by an assessment of the impacts on parking, access and sustainable transport options taking account of the full range of primary and ancillary facilities which are to be provided.

7.The development hereby permitted shall be carried out in accordance with the following approved plans, and with the principles and recommendations set out in the supporting documents submitted with the application as set out below, unless otherwise required by another condition of this permission:

- a)Site Location Plan EVM-FEA-S1-XX-SK-A-1361
- b)Revised Parameters Plan EVM -FEA-S1-XX-SK-A-1347 Rev C
- c)Revised Flood Risk Assessment – hsp consulting – Rev C – 15.03.22
- d)Arboricultural Assessment - fpcr – November 2021
- e)Transport Assessment – ADC Infrastructure - Version 3 – 09/11/22
- f)Ecological Report - fpcr – 3rd November 2021
- g)Design Code – Franklin Ellis Architects
- h) Design and Access Statement – Design and Movement Sections Franklin Ellis Architects
- i)Revised Landscape Strategy – April 2022

Reason: To define the permission, for the avoidance of doubt and to ensure that the proposal complies with Policies CS2, CS10 and CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM 1of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

8.Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 (both as amended and as may be varied in the future), the Office Campus hereby approved shall not be used for any purpose other than one falling within Use Classes E(g)(i) or E(g)(ii) of Schedule 2 Part A to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent re-enactment with or without modification).

Reason: For the avoidance of doubt and in order that the development is carried out in accordance with the parameters against which the application was assessed. To ensure that the proposal complies with the principles of Policies CS6 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policies DM1 and SA5 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

9.The hotel hereby approved shall not be used for any other purpose falling within Use Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent re-enactment with or without modification).

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Reason: To ensure that the development accords with the details put forward and assessed as part of the submitted planning application and against which the proposal was assessed. To ensure that the proposal complies with the principles of Policies CS6 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policies DM1 and SA5 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

10.The office campus hereby approved shall not exceed a total of 9,290m² in gross floor area or exceed 12m in height to the highest part of the roof.

Reason: To ensure that the development accords with the details put forward and assessed as part of the submitted planning application and would not create a development that would harm the character of the area. To ensure that the proposal complies with Policies CS2 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

11.The office campus shall comprise a minimum of 4 buildings each no greater than 3 stories in height and 848m² in footprint.

Reason: To ensure that the development accords with the parameters put forward and assessed as part of the submitted planning application, would be in-keeping with the principles set out in the design code and would not be detrimental to the character and appearance of the area. To ensure that the proposal complies with Policies CS2 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

12.The hotel hereby approved shall not exceed 5,575 m² in gross floor area, have more than 120 rooms, exceed 4 stories or 15m in height to the highest part of the roof.

Reason: To ensure that the development accords with the parameters put forward and assessed as part of the submitted planning application and would not create a development that would harm the character of the area. To ensure that the proposal complies with Policies CS2 and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

13. Prior to the commencement of development, finished floor levels for each topographical survey of the site and the finished floor levels of the buildings within phase 1.

Reason: To safeguard the appearance of the development and the character and appearance of the surrounding area. To ensure that the proposal complies with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

14. Prior to the commencement of the development, a scheme that specifies the provisions that will be implemented for the control of noise, vibration fumes and odours emanating from the site during operation shall be submitted to and approved in writing by the local planning authority. The noise mitigation shall be implemented in accordance with the approved details and, where necessary maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To ensure the impacts of the development are properly mitigated in a way that will ensure it does not unduly impact on neighbouring uses. To ensure that the proposal complies with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

15. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to, and approved in writing by the local planning authority The Construction Management Plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Site compound locations
- Storage of plant and materials used in constructing the development
- Measures to control the emissions of dust and dirt during demolition and construction
- Measures to control the emissions of noise during construction referring to appropriate standards
- Hours of construction and deliveries
- Measures for the control of vibration fumes and odours emanating from the site during construction
- A Construction Traffic Management Plan (CTMP) which includes

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Construction Phasing and Routing Plans, access arrangement and permitted construction traffic arrival and departure times. The CTMP shall be approved in consultation with National Highways. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

The approved details shall be adhered to throughout the construction period.

Reason: To ensure the impacts of the development on the surrounding area are properly controlled and that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety. To ensure that the proposal complies with Policy CS10 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policies DM1, DM8 and DM13 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

16. Prior to the commencement of any phase of development, all surface water drainage details shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a surface water drainage scheme for the relevant phase to be commenced. This shall include links to the wider surface water drainage scheme within Everards Meadows if necessary.
- details in relation to the management of surface water on site during construction of the development of that Phase.
- details in relation to the long-term maintenance of the surface water drainage system for that Phase.
- Infiltration testing (or suitable evidence to preclude testing), to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. If it is found that the site does not allow for infiltration to be used as a drainage element a suitable and workable alternative shall be identified, tested if necessary, and submitted as part of the surface water drainage scheme details required above.

The development must be carried out in accordance with these details once approved and completed prior to first occupation. The scheme shall be maintained in accordance with the approved details thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, to maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy and to establish a suitable maintenance regime that may be monitored over time and will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development. To ensure that the proposal complies with Policy CS22 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

17.No above ground construction shall take place until samples of the materials to be used on all external elevations of each building have been submitted to and agreed in writing by the District Planning Authority. Above ground construction shall then be carried out in accordance with the materials approved.

Reason: To ensure that the District Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity. To ensure that the proposal complies with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

18.If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals; works shall cease, and the District Planning Authority notified immediately. Remediation proposals shall be formulated/amended for consideration by the District Planning Authority for written approval and submitted within 5 working days of works ceasing. Works shall only commence again once the remediation proposals have been approved in writing by the District Planning Authority.

Reason: To ensure that the risks associated with any contamination are reduced to acceptable levels. To ensure that the proposal complies with Policy CS21 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM13 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

19.No part of the development hereby permitted shall be first occupied until an amended Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021). To ensure that the proposal complies with Policy CS10 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

20.Prior to first occupation of the development within each Phase, an external lighting scheme for that Phase shall be submitted to and approved in writing by the District Planning Authority. The scheme shall include details of the siting, height, design, level of illumination and position of the lighting proposed. All external lighting shall be implemented in accordance with the approved scheme thereafter and no other form of external lighting shall be implemented on the application site without the prior written approval of the local planning authority.

Reason: To ensure the impacts of the development are properly controlled and the use does not impact on the surrounding area and neighbouring uses. To ensure that the proposal complies with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

21.Access to the proposed development will be via the two vehicular accesses shown on Franklin Ellis Architects drawing number: EVM-FEA-S1-XX-SK-A-1343, 'Phase 2 - Proposed Development', Revision A.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

And subject to the following additional condition:

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22. The hotel use permitted under condition 2 of this planning permission shall not include conference facilities.

And subject to Condition 6 being amended to read as follows:

6. Application for approval of reserved matters for the hotel required under condition 2 of this permission shall be accompanied by an assessment of the impacts on parking, access and sustainable transport options taking account of the full range of primary and ancillary facilities which are to be provided.”

THE MEETING CONCLUDED AT 5.00 P.M.

Blaby District Council

Planning Committee

Date of Meeting **6 October 2022**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **26 September 2022** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	22/0625/FUL	17	54 Narborough Road South, Braunstone Town	Approve

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

4. Other options considered

These are included where appropriate as part of the reports relating to each individual application.

5. Background paper(s)

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

6. Report author's contact details

Ian Davies

planning@blaby.gov.uk

Development Services Team Leader

0116 272 7730

22/0625/FUL

Registered Date
20th June 2022

Mr Charles Chivi

Change of use from C3 (dwelling) to C2 (residential institution) children's home to accommodate a maximum of 3 children under the age 16 years old and the inclusion of bin store and cycle shelter.

54 Narborough Road South, Braunstone Town,
Leicestershire LE3 2FN

Report Author: Clementyne Murphy, Senior Planning Officer.

Contact Details: Council Offices. Tel: 0116 272 7692.

RECOMMENDATION:

THAT APPLICATION 22/0625/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

- 1) Statutory 3 year condition
- 2) Approved Plans
- 3) Maximum number of children at any one time to be 3 and under the age of 16 years only.
- 4) The dwellings use restricted to that of Use Class C2 only.
- 5) Vehicle parking to be provided and retained in perpetuity
- 6) Cycle parking to be provided and retained in perpetuity
- 7) Garage to be retained for parking in perpetuity.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee at the request of Cllr. S. Maxwell under the Members Call-In procedure for the following stated reasons:

- Concern over the principle of establishing this form of care unit within Braunstone Town as similar permissions have been permitted within the ward which leads to changes of the cohesion/demography of the local community;
- Concern regarding access and egress from the site and concerns regarding parking;
- Proposed business will be out of keeping with other local businesses and could impact on/add to saturation of local services.
- Concern of the overall suitability of the property to house 3 children with trauma, given that such young people will require considerable support from many professionals, impacting on vehicular movement, noise, possible ASB, overnight disturbances, and numbers of adults required to give adequate supervision in what is a relatively small residential house.

Policy

National Planning Policy Framework (2021)

National Planning Guidance

Blaby District Local Plan (Core Strategy) Development Plan Document (February 2013)

- CS1 Strategy for locating new development
- CS2 Design of new development
- CS24 Presumption in favour of sustainable development

Blaby District Local Plan (Delivery) Development Plan Document (February 2019)

- DM1 Development within the settlement boundaries
- DM8 Local parking and highway design standards

EXPLANATORY NOTE

The Proposal

This application seeks planning permission for the change of use of the residential dwelling, no. 54 Narborough Road South, (Use Class C3) to a children's home to accommodate a maximum of three children aged between 8 and 16 years old (Use Class C2).

The proposal does not alter the visual appearance or structure of the existing building. It is solely the use that is proposed to be changed.

The Site

The site address is located on the western side of Narborough Road South, within the settlement boundaries of Braunstone Town as defined on the Blaby District Local Plan Proposals Map (2019).

No. 54 Narborough Road South is a detached, bay-fronted dwelling that provides off-street parking to the rear of the site, accessed by a side road from Cyril Street. The property benefits from a rectangular rear garden area and detached garage which is partially dilapidated to the rear.

Consultations

Blaby District Council, Environmental Services – Has no objections to this proposal.

Blaby District Council, Housing Strategy – Supports the proposal.

Braunstone Town Council – Initially commented as follows:

“Braunstone Town Council objects to the change of use application due to insufficient arrangements for staff and visitor parking and for deliveries.

While Braunstone Town Council supported the principle of accommodating children who were in care in the community, rather than in an institutional setting; the cramped nature of the site would result in staff, visitor and delivery parking on the highway, close to a road junction, which presented highway safety concerns. The applicant in their Planning Statement acknowledges there would be additional parking compared to a residential property by referring to the two spaces to the rear and then adding that parking is available in front of the property and on Cyril Street.”

Following the receipt of amended off street car parking plans, Braunstone Town Council have provided the following additional response;

Braunstone Town Council does not object to the application; subject to the parking, as set out in the amended parking plan, being:

- a) provided prior to the occupation of the property as a children’s home and thereafter being permanently available for use,*
- b) surfaced with a hard bound material, and*
- c) not obstructed by a barrier, bollard or chain*

Leicestershire County Council, Highways – Initially objected to the application due to the applicant only providing two off street car parking spaces.

However, amended plans were subsequently requested and provided to include three off street car parking spaces. As such, and further to a reconsultation with LCC Highways, they have no objections subject to the imposition of conditions.

Representations

The application as originally submitted received 16 objections, and their objection reasons have been summarised below: -

- The proposal will lead to an increase in noise, crime and disturbance for neighbouring residents;
- The property’s location is unsuitable for a children’s home due to its residential location and proximity to a busy highway and crime.
- The use of the property would lead to highway issues, including insufficient off street and on street car parking, issues with access and egress from the site and highway safety due to an increased volume of traffic.
- Uses that this application proposes have already been approved within the ward.
- The use of the property would have a negative impact on the adjacent businesses
- The proposal would negatively impact upon local services.

Following statutory consultee responses, the applicant and their agent provided amended plans to provide three off street car parking spaces within the site. Amended plans were received on the 25th July. Following a re-consultation an additional 4 objections were received. Objection reasons have been summarised below: -

- The proposal will lead to an increase in noise and air pollution, and crime and disturbance for neighbouring residents due to an increase in activity.
- The proposal will cause detrimental impacts on the immediate area.

A petition of objection was also received by the District Planning Authority. This petition contained 90 signatures of those residents residing within the immediate locality of the site. The petition raised similar concerns which have been outlined above.

Relevant Site Address History

84/0141/1/PX	Kitchen Extension & 2 New Bedrooms, Relocation Of Bathroom & New W C.	Approved
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Similar Application Decisions in the District

20/0874/FUL	12 Blake Court, Enderby <ul style="list-style-type: none"> • A semi-detached dwelling Change of use from C3 to C2 (Children's Home OFSTED) (max 2 children to be cared for)	Approved
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20/0797/FUL	116 Turnbull Drive, Braunstone Town <ul style="list-style-type: none"> • A detached dwelling Change of use of C3 dwellinghouse to C2 Residential Institutions accommodating a maximum of 4 children of 8 to 18 years	Approved
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19/1152/FUL	59 Jewsbury Way, Thorpe Astley, Braunstone Town <ul style="list-style-type: none"> • A detached dwelling Change of use from dwelling (class C3) to residential institution (class C2) including conversion of garage and external alterations (max 3 children)	Approved
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19/0536/FUL	192 Narborough Road South, Braunstone Town <ul style="list-style-type: none"> • A semi-detached dwelling Change of use from dwelling house (Use Class C3) to residential children's home for up to 2 children (C2).	Approved
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20/1269/FUL	17 Narborough Road South, Braunstone Town <ul style="list-style-type: none"> • A semi-detached dwelling Change of use from C3 (dwelling) to C2 (residential institution) children's home to accommodate a maximum of 3 children aged 8-18 years old.	Approved
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21/0349/FUL	23A and 23B Valley Drive, Braunstone Town <ul style="list-style-type: none"> • Semi-detached dwellings Use of dwellings currently under construction as C2 residential institutions (to use both houses as separate children's homes)	Approved
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21/0443/FUL	89 and 91 Narborough Road South, Braunstone Town <ul style="list-style-type: none"> • 81 a semi-detached dwelling 	Approved
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	<ul style="list-style-type: none"> • 91 a detached dwelling Change of use of two houses from residential dwelling (C3) to care home (C2) including extensions and alterations (Revised Scheme).	
21/0931/FUL	132 Narborough Road South, Braunstone Town <ul style="list-style-type: none"> • A detached dwelling Change of use of a dwellinghouse (use class C3) to a children's home for a maximum of three under 16 year olds at any one time. (use class C2).	Approved
21/1019/FUL	207 And 207A Blaby Road, Enderby <ul style="list-style-type: none"> • Detached dwellings Change of use from C3 (dwellings) to C2 (residential institutions) children's homes to accommodate a maximum of 4 children per unit aged between 8-16 years old.	Refused
21/1194/FUL	165 Little Glen Road, Glen Parva <ul style="list-style-type: none"> • A semi-detached dwelling Change of use of C3 (dwelling) to C2 (residential institution) children's home to accommodate a maximum of 3 children aged between 8 -18 years old.	Approved
21/1301/FUL	49 Henley Crescent, Braunstone Town <ul style="list-style-type: none"> • A detached dwelling Change of use from C3 (dwelling) to C2 (residential institution) children's home to accommodate a maximum of 1 child aged between 8-18 years old (retrospective)	Approved

Planning Policy

Section 38(6) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise.

National Planning Policy Framework (2021)

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester. Lower levels of growth are allowed in Rural Centre's, Medium Central Villages and Smaller Villages. The policy encourages development of previously developed land (brownfield) and underused land and buildings.

Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, including housing delivery - with the golden thread running through the decision making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will

always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Blaby Local Plan Delivery Development Plan Document (Delivery DPD) (2019)

The Delivery DPD was adopted on 4th February 2019 and full weight can be given to its policies. It sits alongside the Core Strategy to form part of the Development Plan for the District. The following Policies are relevant to this application;

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal meets a number of criteria. Development proposals consistent with other policies of the Local Plan will be supported.

Policy DM8 – Local Parking and Highway Design Standards

States that development will be required to provide an appropriate level of parking provision that complies with the most up to date Highways Design Guide and is justified by an assessment of the site's accessibility and the type of development proposed.

Planning Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal. The following are material planning considerations in the determination of this planning application:

- The principle of development
- Impact on Character and Appearance of the Area
- Impact on residential amenity
- Highway and parking implications

A number of issues tend to arise in respect of privately registered children's homes and whether or not planning permission is required.

The Town & Country Planning (Use Classes) Order 2015 (as amended) distinguishes a range of uses of buildings and specifically permits changes of use from one use to another within individual classes. Where activity results in a material change of use of a building to a use falling within a different use class then planning permission will be required.

Depending on the circumstances of each individual case, a children's home will either fall into Class C2 or C3.

Use Class C2 (Residential Institutions) of the above Order reads as follows:

- *Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre.*

Use Class C3 (Dwelling houses) reads as follows:

Use as a dwelling house (whether or not as a sole or main residence) by —

- *(a) a single person or by people to be regarded as forming a single household;*
- *(b) not more than six residents living together as a single household where care is provided for residents; or*
- *(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

A material change of use from Class C3 to C2 amounts to development requiring planning permission. There is therefore a potential requirement for planning permission to use a dwelling house as a children's home.

The starting point is to first establish as a matter of fact and degree, whether such a use would constitute a change of use from C3 to C2.

Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to "*use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents).*" If a children's home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

However, the matter is less clear when the care is based on shift patterns. In the North Devon District Council [2003] case Justice Collins made the point that children "*need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing full time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should.*"

The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24 hour care but were not resident could not be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist and children and carer must reside in the premises. In such circumstances, the use cannot therefore be considered to fall within Class C3 (b). A children's home run on shift patterns could not be considered to fall within Class C3 (a), because clearly, this is not occupation of a dwelling house by a single person or people living together as a family.

Equally, C3(c) distinguishes groups of people living together as a single household, which could for example include people with lodgers, or student accommodation for

up to six individuals. Children's homes based on shift patterns would not be considered to fall into these criteria either. Following an assessment of case law and an Inspector's decision of 2010 at Stockport, use of premises as a children's home will generally be held to fall within Class C2 of the Order (Residential institutions).

However, despite the above, it has to be taken into consideration as to whether the change from C3 to C2 has amounted to a material change of use and if not, then it does not amount to development which requires planning permission. So it is possible to conclude that no material change of use has occurred if there is no material difference in activity to that which may be anticipated in the case of a conventional residential use.

Therefore, if the premises have the look and character of a conventional residential dwelling, and the use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then no material change of use has occurred. Should the carers be living on the premises full-time, and have no other permanent address, the likelihood is this may amount to a C3(b) use even where substantial internal adaptation of the building has taken place.

With regard to this current application, it is considered that the proposed ratio of three carers (working in shift patterns) to three resident children would constitute a material change of use. Given that the carers are not residing at the property and are providing 24/7 care with comings and goings outside of what would usually be expected under C3(a), it is considered reasonable to arrive at such a conclusion.

The Principle of Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva). The application site is within the settlement boundary of Braunstone Town which is within the PUA and as such is considered to be in a sustainable location and compliant with Policy CS1.

Policy DM1 sets the principle for residential development within the Settlement boundary provided it has a satisfactory relationship with nearby uses and would not be significantly detrimental to the amenities enjoyed by existing and nearby residents. Given the residential nature of the proposal in this location it is considered that the principle of development has been established, subject to its impacts in terms of residential amenities and the character of the area.

Whilst concerns have been raised in the consultation replies in respect of the perceived saturation of Children's Homes within Braunstone Town, your Officers consider that as Braunstone Town forms part of the Principle Urban Area it follows therefore that, in broad principle terms, this is the most sustainable location for such uses to be located. As such, your Officers consider that the principle of the change of use of this existing residential dwelling into a children's home (Use Class C2) which is

sited within the settlement boundaries of Braunstone Town is acceptable and complies with Policies CS1 and DM1.

Impact on the character and appearance of the area

There would be no external changes to the building as part of this application, apart from the creation of off-street car parking and cycle parking. Your Officers have acknowledged that there is to be a bin store erected within the rear garden along with the cycle parking, however given the small scale of this addition along with its location, the residential character of the property will not outwardly change and therefore your Officers consider that there will be no impact upon the visual amenities of the street scene or wider character of the area.

Impact on Residential Amenity

Policies CS2 and DM1, in addition to enhancing the design of new development within the district, also set out criteria for development proposals to meet, to satisfy that the development works will not be significantly detrimental to the amenities enjoyed by existing or new occupiers of nearby uses. Development proposals that meet the criteria and provide a satisfactory relationship will be supported.

Representations have been received from local residents stating that this proposal will cause detrimental impacts on neighbouring residents from increased noise and disturbance. At present the application property is a dwelling house under Use Class C3 and could, now and in the future, be occupied by a traditional family unit that could include a number of children and therefore have the noise and disturbance associated with family life.

It is readily acknowledged, by your Officers, that the proposed use of this building could create some element of noise and disturbance. It is also readily acknowledged that the children to be placed within the home are unlikely to have a relationship to one another. This could lead to increased noise and disturbance when compared to a traditional family unit, however, your Officers have considered that three children within the property would not tip the planning balance that would mean the application would be considered for refusal.

The applicant has confirmed that there will only be one carer on site at one time, with the exception of shift change-over where there is likely to be two carers. Your Officers are of the opinion that the provision of two carers on site for a short period of time would unlikely give rise to noise or disturbance of that expected outside of a single family using the dwelling. Furthermore, your Officers have considered visitors to the property. The applicant has confirmed that should visitors wish to visit the property, this will be on an appointment basis only and will only consist of one visitor a day. The applicant has confirmed that;

“One Visitor will be on planned appointments only. These will be either a YP’s social worker or other professionals supporting them or a relative. These will be timed appointments in the house or outside the premises. On average professional visitor appointments can be once or twice a month as most

therapeutic appointments staff will take the YP to the appointment outside the premises.”

Furthermore, in having consideration to the concerns raised by residents and Cllr Maxwell in relation to disturbance, noise and air pollution and crime, your Officers have considered the fact the dwellinghouse could operate as a home of multiple occupation for up to six residents without the need for planning permission.

Members should also note that this application has been considered by the District Council's Environmental Services Department. Environmental Services Officers assessment on potential noise and disturbance concluded as follows:

“With regards to noise, the proposed change of use from C3 (dwelling) to C2 (residential institution) children's homes to accommodate a maximum of 3 children aged under the age of 16 years old is similar to the use of a C3. The dwelling will not require any internal or external works to be carried out to adapt the houses. Therefore, the noise impact from the proposed developments will not increase significantly above the levels expected in a family household with 3 children. However, the applicant is advised to take all relevant precaution to minimise the potential for disturbance to the occupiers of neighbouring properties. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received.”

Whilst your Officers acknowledge the concerns of the neighbours and understand those concerns, the use carried out from the site address will continue to have the character and appearance of a conventional residential dwelling, will continue to be of a residential nature and be in context with a dwelling of this scale. In addition, the proposal seeks no extensions or alterations to accommodate these children. Therefore it is considered, on balance, that the proposed use of the building will not be significantly detrimental to the amenities enjoyed by the existing or new occupiers of nearby uses.

Highways and Parking provision

The application originally proposed two off street car parking spaces for the dwelling to which Leicestershire County Council's Highways Department did not consider to be sufficient;

“The Applicant has stated that there are two parking spaces available outside the property on Narborough Road South Service Road and also parking available on Cyril Street. The LHA acknowledge that there are no parking restrictions at both of these locations, however it should be noted that these spaces are not designated solely for the use of 54, Narborough Road South.

The LHA acknowledge that parking in these locations is unrestricted however given that the area is already subject to a level of on-street parking there is no guarantee that space will be available for parking for the proposed development. The LHA request that the Applicant considers providing a third

off-road parking space at the rear of the site to reduce the possibility of an increase in on-street parking on Narborough Road South and Cyril Street.”

The applicant submitted amended plans to ensure the existing garage provides an off street car parking space. Furthermore, an additional off street car parking space to the rear is proposed to be created in line with Leicestershire County Council’s Highways Department recommendation. Leicestershire County Council’s Highways Department are now satisfied with the amendments and have commented as follows;

“The LHA welcome the addition of a third off-road parking space as shown in drawing No.002 Rev.A created by 13 Architectural Consultants. The Applicant now proposes the provision of one single garage and two off-road parking spaces which the LHA can confirm accords with Part 3, Paragraphs 3.165 and 3.200 of the Leicestershire Highway Design Guide (LHDG).

The LHA are satisfied that the Applicant has proposed a suitable off-road parking provision to accommodate staff members and visitors and that the proposed development is unlikely to lead to a significant increase in on-street parking. The LHA are further satisfied that the provision of cycle parking and proximity to public transport links provides opportunities for the use of sustainable modes of travel.”.

Concerns have been raised by residents regarding access to the off street car parking at the rear of the property, the accumulation of cars within the vicinity and the impacts of this on highway safety. Leicestershire County Council’s Highways Department are satisfied with the access arrangement and that the use would not result in a concern for highway safety;

“Site Access

There is no existing or proposed vehicular access to the site on Narborough Road South Service Road (from number 2 to Parish boundary) which is an adopted unclassified road subject to a 30 mph speed limit. The LHA note that there are several small business' in the local area that have no off-road parking provision. The site is served by a vehicular access at the rear of the site via a private drive onto Cyril Street which is also an adopted unclassified road subject to a 30 mph speed limit.

The LHA are satisfied that the access on Cyril Street is safe and suitable to serve the proposed development.

Highway Safety

There has been one recorded Personal Injury Collision on Narborough Road South Service Road in the previous five years which was recorded as being 'slight' in severity. The LHA are satisfied that there are no patterns in the data which could be exacerbated by the proposed development.”

It is therefore considered, in the absence of a technical objection from the County Highways Authority, that this proposal is acceptable on highway grounds, and could not be resisted on highway safety matters.

Third Party Representations

Concern has been raised in some representations that the site address and the surrounding area are not suitable for such a use. Your Officers are aware of the issues such uses can cause in communities, however, it is more than likely many care-related uses run smoothly with no complaints in residential areas and generally, residential areas are the most suitable place for such uses. Officers agree with neighbours that in certain instances such uses should ideally be in larger detached dwellings, however, the level of accommodation that is required on an individual case by case basis comes down to a matter of fact and degree. This particular proposal is for a use that is very small scale, with a maximum of -three children being cared for at any one time. These uses are run as close to family units as possible in order to provide the type of care that will benefit the children. Should matters such as noise and disturbance occur, which can happen in any family situation and in any community, these matters will be dealt with by other statutory functions.

It has also been raised in representations that the applicant does not appear to have the experience or qualifications to run a children's home. However, the permitting of planning permission for a Class C2 use does not override the statutory functions of other governing and licencing organisations, who would undertake their own assessment of the applicants and their ability to run such an establishment at this specific location. The applicant's past experience and qualifications has no bearing on the consideration of the planning merits of this proposal.

Conclusion

The assessment of this application requires careful consideration and balancing of the need to protect the amenity expectations of residents in their communities against the need to ensure that vulnerable children are also appropriately accommodated. Given the limited amount of children to be cared for at the property and the fact there is to be one carer on site at one time, it is considered that this proposal would give rise to no greater level of disturbance or amenity issues than would be normally generated by a traditional Use Class C3 family home. Furthermore, the proposed parking arrangements are considered to be acceptable by the County Highways Authority.

On the basis of all of the above, and in the absence of any technical objections to this development, this application is accordingly recommended for approval subject to the imposition of the stated conditions.

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Blaby District Council

Planning Committee

Date of Meeting	28 July 2022
Title of Report	Blaby District Council (The Brantings, Glenfield) Tree Preservation Order 2022
Report Author	Planning & Strategic Growth Group Manager

1. What is this report about?

- 1.1 The purpose of the report is to consider whether or not to confirm the Tree Preservation Order (TPO) made on the 19th May 2022 on the trees situated on the piece of land to the north west of Glenfield.

2. Recommendation(s)

- 2.1 That the Planning Committee approve the confirmation of the Tree Preservation Order on Land northwest of Glenfield, as modified.
- 2.2 That Authority be delegated to the Planning and Economic Development Group Manager to confirm the Tree Preservation Order on Land northwest of Glenfield

3. Reason for Decision(s) Recommended

- 3.1 Having considered the representations received regarding the TPO, it is considered that there are insufficient grounds not to confirm the modified Order. The area of trees provides important visual amenity from Glen Park Avenue, Overdale Avenue, Overdale Close, Groby Road, Barrows Lane and a Public Right of Way.

4. Matters to consider

4.1 Background

The initial area TPO was made on 19th May 2022 in response to a request from a member of the public to protect a number of trees on land north of Glenfield which were considered to be worthy of protection. The trees are located on a site put forward for housing development as part of a 'call for sites' undertaken between March and May 2019 to inform possible sites for development as part of the new Blaby Local Plan. The site is referenced GLE032 on the 'Map of Assessed Sites' but no decisions have yet been made as to whether the site is likely to be allocated for housing development.

A site visit was undertaken by Officers of the Council to initially assess the merits of the trees and their worthiness for formal protection. Due to the size of the site put forward as part of the 'call for sites', and the need to issue the TPO promptly to avoid potential for loss of trees, the initial provisional TPO covered an area of approximately 50 hectares, and covered all trees within this area. The area is covered predominantly by open fields with hedgerows and hedgerow trees. The site is located to the immediate northwest of Glenfield and whilst the majority is not publicly accessible as it forms agricultural land, it is visible from several public highways around the perimeter and two public footpaths (R40 and R51) which cross the site. The public footpaths provide a route from Barrows Lane across a section of the site to Sacheverell Way.

The trees on the site are also visible from public viewpoints around the perimeter of the site, which includes the A50 Groby Road to the northeast, the A46 Leicester Western Bypass to the northwest, dwellings on Glen Park Avenue, Overdale Avenue and Branting Hill Avenue to the north, and from the Ivanhoe Trail (a cycle route) to the south.

Following the issuing of the provisional TPO, Leicestershire County Council's Principal Tree and Woodlands Manager attended a further site visit and returned to carry out a further assessment of the trees subject to the Tree Preservation Order to assess which trees within the initial area Order are of significant public amenity value to warrant protection.

This was followed up by a site visit by the Leicestershire County Council Forestry Officer, who carried out a Tree Evaluation Method for Preservation Orders Assessment (TEMPO) which gave certain trees/ group of trees within the site scores of 15, meaning a TPO was defensible for these trees.

In response to the TEMPO assessment, the original TPO has been amended to only protect those trees or groups of trees on the site which are considered to be of significant amenity value to warrant protection. These are now individually shown or shown within groups or woodlands on the modified Order. Other trees of insufficient amenity value, which were originally protected by the original area TPO, would now no longer be protected if the modified Order is confirmed.

4.2 Representations received

Seven responses were received from two members of the public and one letter from the agent acting on behalf of the land owners.

Three of the public responses were seeking clarification of the provisional TPO and requesting that additional trees are also assessed for a TPO. Another two responses were received supporting the provisional TPO, along with the final responses from the agent stating that the wide ranging TPO implications were impractical and requested that the trees be assessed for suitability for a TPO.

Consideration of Representations Received

As previously stated, the Forestry and Arboricultural Officer at Leicestershire County Council was consulted for his professional opinion as to the suitability of the various trees for protection by means of a TPO. The Forestry and Arboricultural Officer evaluated the initial area TPO and assessed which individual trees and group of trees were worthy of protection.

4.3 Conclusions

It is the view of your Officers that the individual trees and groups of trees shown on the modified TPO are worth preserving due to their public amenity value and contribution to the local landscape. Having regard to the points raised by the representations received (Appendix F) and the professional advice received from Leicestershire County Council's Forestry and Arboricultural Officer, your Officers have balanced all other issues and considered that there is no over-riding reason not to confirm the modified Tree Preservation Order.

5. What will it cost and are there opportunities for savings?

5.1 Not applicable

6. What are the risks and how can they be reduced?

6.1 There are no risks.

7. Other options considered

7.1 That the Tree Preservation Order not be confirmed. This option is not recommended for the reasons given in the report.

8. Other significant issues

8.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9. Appendices

9.1 Appendix A – Provisional Tree Preservation Order

9.2 Appendix B- Modification of Tree Preservation Order

9.3 Appendix C – Representations Received

9.4 Appendix D – Photos of Trees

10. Report author's contact details

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Senior Planning Officer
0116 250 3078

Appendix A – Provisional Tree Preservation Order

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Blaby District Council (The Brantings, Glenfield) Tree Preservation Order 2022

The Blaby District Council in exercise of the powers conferred on them by Sections 198 and 201 of the Town and Country Planning Act 1990 make the following Order:

Citation

1. This Order may be cited as Blaby District Council (The Brantings, Glenfield) Tree Preservation Order 2022.

Interpretation

2. – (1) In this Order “the authority” means the Blaby District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. – (1) Subject to Article 4, this Order takes effect provisionally **with immediate effect** on the date on which it is made.
(2) Without prejudice to subsection (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. - In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) or Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 19th day of May 2022

Signed on behalf of the Blaby District Council

T. White
.....

Authorised by the Council to sign in that behalf

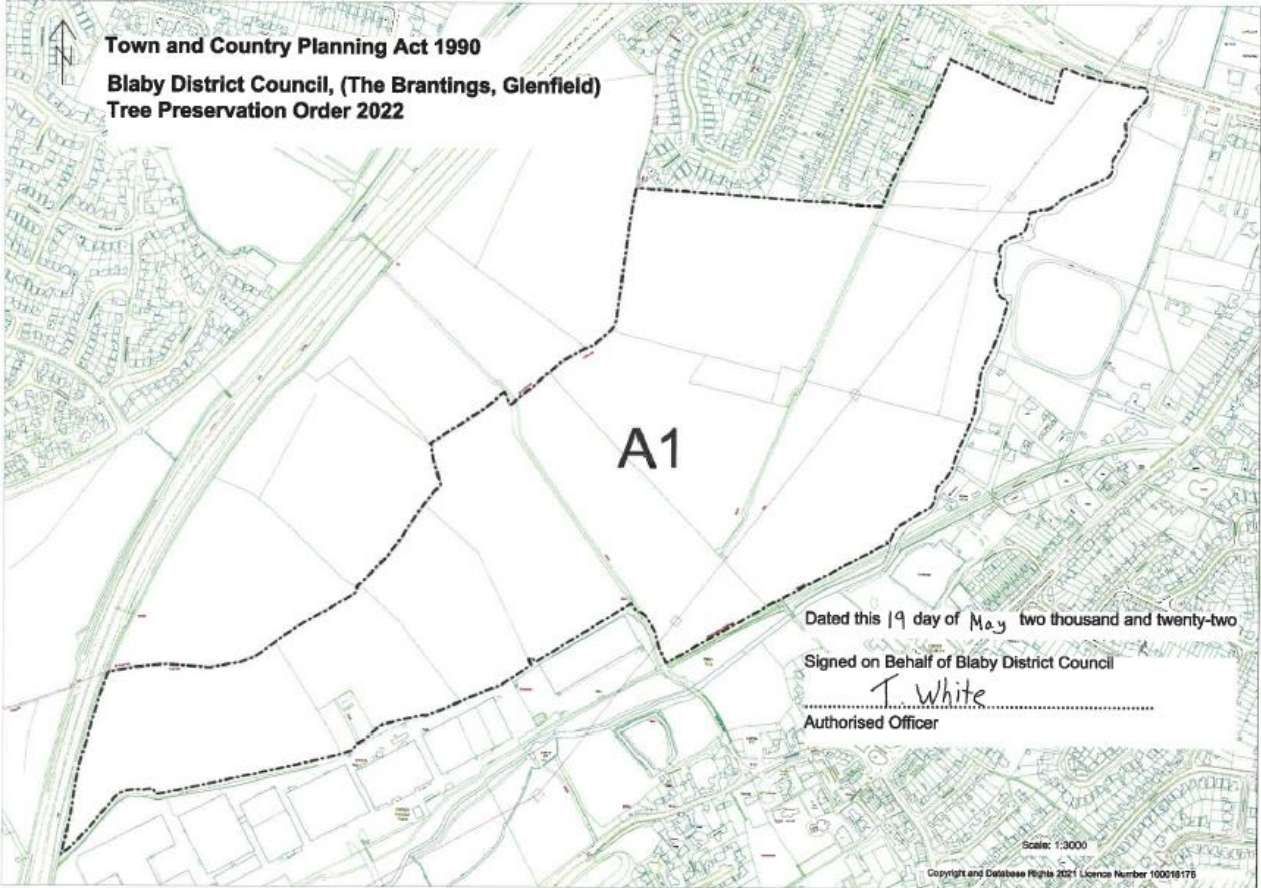
SCHEDULE

SPECIFICATION OF TREES

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Trees (of whatever species) within the area marked A1 on the map	Land within the area of Branting Hill, covering the area between the A50 Groby Road and the A46 Leicester Western Bypass, to the east of the boundary with Hinckley and Bosworth Borough and west of the Rothley Brook.



Appendix B – Modification of Tree Preservation Order

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Blaby District Council (The Brantings, Glenfield) Tree Preservation Order 2022

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 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. - In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) or Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [REDACTED]

Signed on behalf of the Blaby District Council

T. White
.....

Authorised by the Council to sign in that behalf

SCHEDULE
SPECIFICATION OF TREES

Trees specified by reference to an area

(within a dotted black line on the map)

+	<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
1		Oak - Quercus robur	Within Field south of Overdale Close
2		Ash - Fraxinus excelsior	Field Boundary Within Branting Hill
4		Field Maple - Acer campestre	Field Boundary Within Branting Hill
5		Oak - Quercus robur	Field Boundary Within Branting Hill
6		Oak - Quercus robur	Field Boundary Within Branting Hill
7		Oak - Quercus robur	Field Boundary Within Branting Hill
8		Oak - Quercus robur	Within Field south of Overdale Close
9		Oak - Quercus robur	Field Boundary Within Branting Hill
10		Oak - Quercus robur	Field Boundary Within Branting Hill
11		Oak - Quercus robur	Field Boundary Within Branting Hill
12		Oak - Quercus robur	Field Boundary Within Branting Hill
13		Oak - Quercus robur	Field Boundary Within Branting Hill
14		Oak - Quercus robur	Field Boundary Within Branting Hill
15		Ash - Fraxinus excelsior	Field Boundary Within Branting Hill
16		Oak - Quercus robur	Field Boundary Within Branting Hill
17		Oak - Quercus robur	Field Boundary Within Branting Hill
18		Oak - Quercus robur	Field Boundary Within Branting Hill
19		Field Maple - Acer campestre	Field Boundary Within Branting Hill
20		Oak - Quercus robur	Field Boundary Within Branting Hill
21		Ash - Fraxinus excelsior	Field Boundary Within Branting Hill

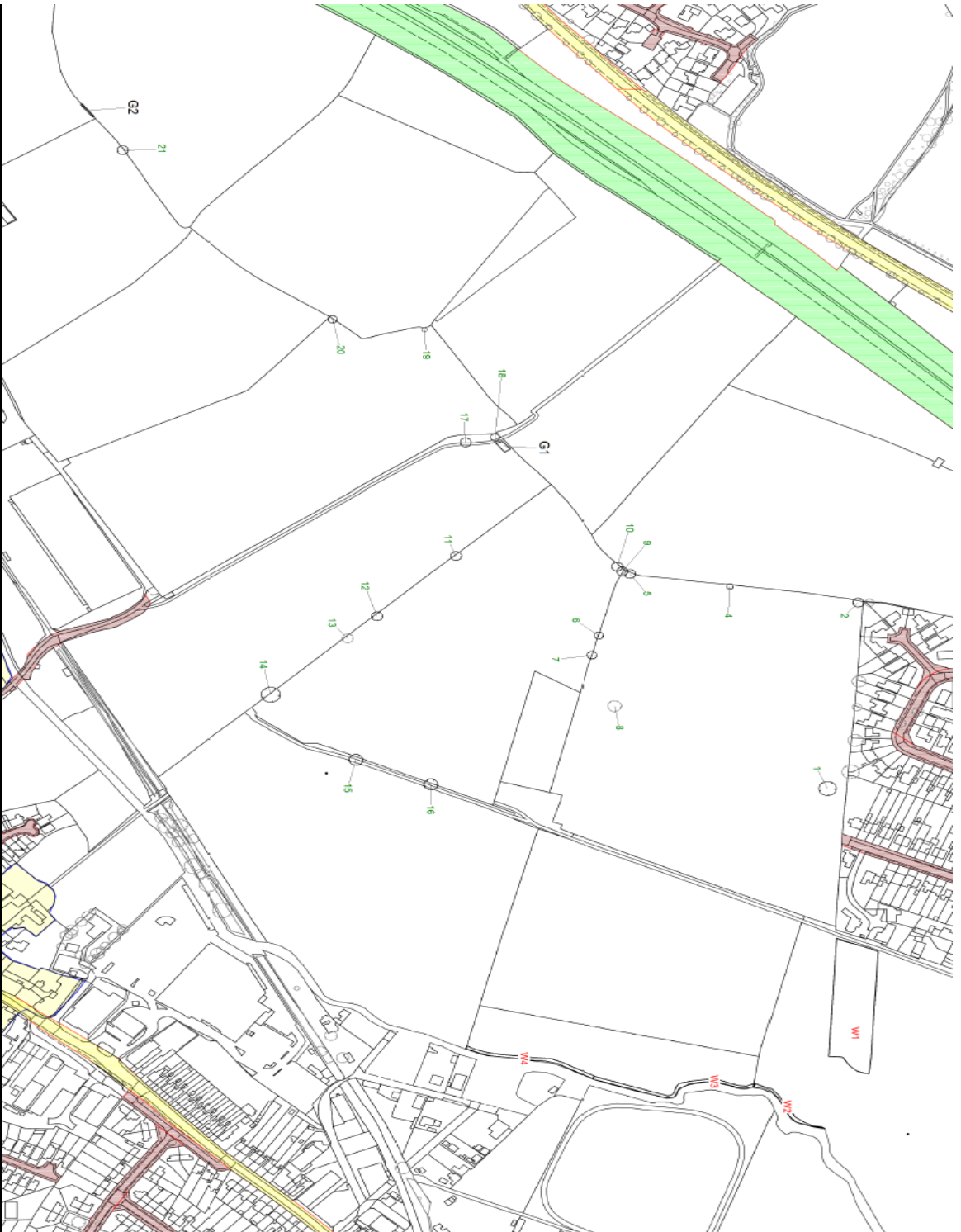
Groups of Trees specified by reference to an area

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	2No. Oak - Quercus robur	Field Boundary Within Branting Hill
G2	5No. Ash - Fraxinus excelsior	Field Boundary Within Branting Hill

Woodlands

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed Broadleaved predominantly Oak	Field East of Glendale Avenue
W2	Mixed broadleaved predominantly willow and Ash	Adjacent to Rothely Book
W3	Mixed broadleaved predominantly willow and Ash	Adjacent to Rothely Book
W4	Mixed broadleaved predominantly willow and Ash	Adjacent to Rothely Book

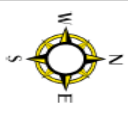
|



Blaby District Council, (The Brantings, Glenfield) Tree Preservation Order 2022

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Scale	Unknown
Date	23/07/2022



Appendix C – Representations Received

From: David Marvin <[REDACTED]>
Sent: 20 May 2022 09:59
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: FAO Tom White: Ref Tree Preservation Order, The Brantings, Glenfield.

Dear Tom

I called today to ask for clarification as to the extent of the tree preservation order (TPO) that residents were given notice of, by letter, yesterday. Unfortunately you were out of the office so I thought I would email my question. The page headed, Schedule and Specification of Trees, gives the location of the TPO as land within the area of Branting Hill, covering the area between the A50 Groby Road and the A46 Western Bypass, to the east of the boundary with Hinckley and Bosworth Borough and west of the Rothley Brook. Having looked at the map provided, the boundary of the TPO to the north would appear to end at the boundary line of the residential properties.

Question:

Does the term "land within Branting Hill" refer to and include the residential area and properties of residents or is the area A1 on the map, the definitive area of the TPO? Please could you confirm which is correct.

The reason for my question is that during a site visit on 04.06.21 with the County Councillor (Nick Chapman) and the Chair and Tree Warden of Glenfield Parish Council (Roy Denny) there were 4 trees identified in the gardens of the houses along Overdale Ave and Branting Hill Ave that were worthy of preservation. One of these trees is located part within the properties of No 72 and No 74 Branting Hill Ave. No 74 Branting Hill Ave has been very recently sold and I am aware that the new owners have concerns about the 200 plus year old Oak tree located part within what will become their garden in Sept 2022, therefore this tree may be at risk!

I have attached a copy of the site visit notes that I sent on 07.06.21 to Nick Chapman and Roy Denny, and later on 19.07.21 to Blaby District Council Planning department who had declined to attend the meeting due to Covid 19, as I was concerned that the planning department may not have been fully aware of the detail of the site visit.

Regards

Davi Marvin

From: Sue Clarke <[REDACTED]>
Sent: 23 May 2022 18:17
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: Blaby District Council (The Brantings and Glenfield) Tree Preservation Order 2022

Tom,

I am writing regarding the notice dated 19.05.22, which was put through our door. I am totally in agreement with the order being made permanent. From where I live I can look across the fields to the West of Rothley Brook and land within Branting Hill and Western Bypass and A50. I have a very pleasant view over the fields and feel the trees and hedges make a positive visual contribution to the local area and add beauty and offer peace and tranquility. The hedges and trees provide birds and wildlife with habitats and nesting sites and they rely on the green belt area for their survival. Also with the issue of climate change we need to plant and retain as many trees and hedges and green belt area as possible in order to protect our wildlife and environment for the future. As you are aware Blaby District Council local Plan 2022 - 2029 there is a possibility of a housing development on this green belt area. This would be devastating for myself and my partner as we live in a bungalow and any two storey developments would totally destroy our privacy and the peace we have in the area. There would also be a dramatic increase in traffic, pollution and a loss of habitats for our wildlife. Preservation of trees and hedgerows is essential so that we may be offered maximum screening.

Sue Clarke

Resident 57 Overdale Avenue, Glenfield

23.05.2022

REF: Town and Country Planning act 1990
Blaby district council (The Brantings Glenfield) Tree Preservation Order 2022

Cat Hartley
The Planning and Economic Development Manager
Blaby District Council
Desford Road
Narborough
Leicester LE19 2EP

Dear Cat Hartley,

Sue Clarke



I am writing regarding the notice which was dated 19.05.2022 and was put through our door and also put on a lamp post on our street. The tree Preservation order for Brantings and Glenfield. The order in question said that it is temporary for 6 months and will be reviewed after this date and considered whether it should be made a permanent order. I am writing to say I agree with the order and I am totally in favour of the order being made permanent status.

From where I live at 57 Overdale Avenue, if I stand on my bench I can see across the fields to Rothley Brook and also the land within Branting Hill, covering between A50 and Western Bypass. I have a good and pleasant view of the fields, trees and hedges which definitely make a positive visual contribution to the local area and add beauty and help with the mental health of local residents by providing peace and tranquillity. The trees and hedges provide screening and a sound barrier from the Western Bypass traffic noise and housing and business developments.

Also with the issue of climate change there is a need to keep and plant as many trees and hedges and green belt areas as possible in order to protect the environment. The trees and hedges provide essential nesting places and habitats for birds and wildlife. We get a large variety of birds, as well as hedgehogs, bees, bats and foxes that rely on the green belt area for their habitats and survival.

There is an oak tree in the neighbour's garden at 59 Overdale Avenue, which must be in the region of 100 years old. The owner of the property is a 90 year old gentleman and is keen on keeping the tree. However when he passes away, we would be keen to try to have a preservation order put on this tree as new owners may see a large tree as an inconvenience in their garden. We regard the tree as a sanctuary for birds and it provides us with screening and a beautiful view from our bungalow.

As you will be aware the Blaby District Council Local Plan 2022 – 2029, there is a possibility of housing developments on the fields West of Rothley Brook and land within the area of Branting Hill and Western Bypass and A50. If there were to be housing developments in this location this would be devastating for myself and my partner and other residents affected as we live in a bungalow and two storey housing would cause us to be overlooked and ruin our privacy.

This would also add to noise disturbance and traffic increase.

So preservation of trees is essential so that screening and habitats are provided for our wildlife.

Yours sincerley



From: David Bennett [REDACTED]
Sent: 06 June 2022 14:25
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: Your Ref: 361/DC - Tree Preservation Order

For the attention of **Cat Hartley** -
Planning & Economic Development Group Manager

Dear Ms Hartley

**TOWN and COUNTRY PLANNING ACT 1990
TOWN and COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
BLABY DISTRICT COUNCIL (THE BRANTINGS, GLENFIELD) TREE PRESERVATION ORDER 2022**

Thank you for your letter dated 19th May 2022, giving formal Notice of what appears to be a "blanket" Tree Preservation Order (initially for a 6-month period).

I am writing on behalf of my co-Trustees and although we fully appreciate the importance of some of the beautiful Oak trees on our land, we feel that the very wide ranging implications of the Order are impractical.

Kindly arrange for the identification of the individual trees which should be subject to TPO's.

Many thanks and with kind regards.

Yours sincerely
David R Bennett, FRICS FAAV
David Bennet
.

Planning Department

31.05.22

To: The Planning and Economic Development Manager, Blaby District Council.

Reference: The Brantings, Glenfield. Tree Preservation Order 2022.

I am writing concerning the above temporary Tree Preservation Order (TPO), specifically concerning the boundary of the TPO adjacent to the rear of the residential properties on Overdale Ave and Branting Hill Ave.

The map provided, dated 19.05.22, with the notice of the temporary TPO would appear to indicate that the boundary on the TPO does not include four mature Oak trees located in the gardens of the following properties:

No 59 Overdale Avenue.

No 63 Overdale Ave.

No 76 Branting Hill Ave.

Part located in both No 74 & No 72 Branting Hill Ave.

The above four trees have been previously identified as worth of a Tree Preservation order during a site visit carried out 04.06.21 by Councillor Nick Chapman and the Chair (and Tree Warden) of Glenfield Parish Council, Roy Denny. This fact was confirmed in a summary of the site visit sent to both Nick and Roy on 07.06.21 and forwarded, by email, to Blaby District Council, Planning Department on 19.06.21. I have cut a pasted this below for your convenience.

- 5) The 4 Oak trees which are located to the northeast of the field which are in residential gardens in Overdale Ave & Branting Hill Ave were all considered worthy of a TPO. Nick made the comment concerning a possible green corridor in relation to these trees, whose branches extend into the field proposed for development.

As these trees have previously been identified as being worthy of a TPO, being of a suitable and age and providing a visual balance to the field which has other trees to in its boundary, I request that these four trees be included in the TPO for The Brantings Glenfield.

I have previously emailed Tom White for clarification on the extent of the boundary as he was not in the office when I called to discuss this matter 20.05.22. As I am still waiting a reply, and there is a time limit on residents comments, I have written as requested in the TPO notification. My immediate

concern relevant to these four trees is that No 74 Branting Hill Ave has been sold in the last 2 months and I am aware that the new owners, who will take up residence before September 2022, have concerns about the 200 year old Oak tree located part in their garden. Therefore this tree may be at risk!

Regards

David Marvin

[REDACTED]
6th June, 2022

Blaby District Council
Planning Department

BROWN & CO
FOX BENNETT
Leicester Office

Blaby District Council
Planning Department
Council Offices
Desford Road
NARBOROUGH
Leicester
LE19 2EP

For the attention of **Cat Hartley** -
Planning & Economic Development Group Manager

BY HAND

Dear Ms Hartley

TOWN and COUNTRY PLANNING ACT 1990
TOWN and COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
BLABY DISTRICT COUNCIL (THE BRANTINGS, GLENFIELD) TREE PRESERVATION ORDER 2022

Thank you for your letter dated 19th May 2022, giving formal Notice of what appears to be a "blanket" Tree Preservation Order (initially for a 6-month period).

I am writing on behalf of my co-Trustees and although we fully appreciate the importance of some of the beautiful Oak trees on our land, we feel that the very wide ranging implications of the Order are impractical. Kindly arrange for the identification of the individual trees which should be subject to TPO's.

Many thanks and with kind regards.

Yours sincerely

[REDACTED]
DAVID R BENNETT, FRICS FAAV
Consultant
for and on behalf of Brown & Co Fox Bennett -
Property and Business Consultants LLP

Regulated by RICS. Brown & Co is the trading name of Brown & Co - Property and Business Consultants LLP. Registered Office: The Atrium, St George's Street, Norwich, Norfolk NR3 5AB
Registered in England and Wales. Registered number OC302092. A list of members is available for inspection at the Registered Office.

David Marvin <[REDACTED]>

Mon, Jun 7, 10:43

AM to Chapman, RJ

Dear Nick and Roy

Thank you for your time last Friday when an assessment of trees in the field behind Branting Hill Ave and Overdale Ave and adjacent to Glen Park Ave was

made. I thought it would be useful to summarise the main points of our discussions. I have listed these below:

1) The Oak tree, which Roy identified as being approximately 400 years old, which stands in the field, near to the boundary of gardens in Branting Hill and Glen Park Ave was deemed more than suitable to preserve and it was agreed an application for a TPO would be made.

2) The single Oak tree in the field on the northwest side of the field, approaching the hedgerow between the two fields proposed for development, was estimated at 200 years old and being of a good shape was also considered worthy of a TPO application.

3) The Oak trees in the hedgerow between the two fields where the farmer has planted a 20 meter margin of trees approximately 8-10 years ago, as best I can remember, were considered to be of less value compared to trees in points 1 & 2, but selected ones would be considered for a TPO.

4) The various trees in the hedgerow to the north of the field, which borders the field adjacent to the A46 were not considered worthy of a TPO.

5) The 4 Oak trees which are located to the northeast of the field which are in residential gardens in Overdale Ave & Branting Hill Ave were all considered worthy of a TPO. Nick made the comment concerning a possible green corridor in relation to these trees, whose branches extend into the field proposed for development.

Any other business

As a number of discussions took place during the site visit, I thought that points below may serve as a reminder to us all.

1) Footpaths:

There are a number of long established common use footpaths which I understand have been assessed by Roy and Piers Lindley from County Hall. As was clearly visible from the number of people, of all ages, using the fields for walking & recreation, during the site visit, this land is an important amenity to the people of the area. I understand from our discussion that there are a number of these common paths to be preserved should any development take place. Please could I have a list or better still a map of the paths planned to be preserved?

2) Trees located in the second field to the northwest of the one behind Overdale Ave and Branting Hill Ave:

The assessment of the trees in the field "approaching the TNT warehouse" was raised by Roy as a task to be undertaken. Please could I be kept informed of your findings, once the assessment has been made?

3) Site access via an elevated road from the A50 over the Rothley Brook and across the floodplain:

As I had wrongly assumed that the access road was via Brooks Lane in Glenfield it was explained that the proposed road was from the A50 between the Shell petrol station and the Rothley Brook bridge. This was later discussed as I had raised the subject of Parish Council owned land (Glenfield Meadows) being a better alternative for development than the green wedge land titled as Land North of Glenfield, as it has better access directly onto the A50 and to my knowledge is not used by residents in the area. Although Roy pointed out there is access across the A50 via the Pelican crossing at the bus gate, there is no car park and I pointed out that most parents would not allow their child to cross this road, yet it was seen during the site visit to assess trees, that a number of unaccompanied young children were playing in the field in the green wedge.

It was later explained that County Hall Highways Department would NOT even allow a car park access from Glenfield Meadows, therefore development of this land was not an option. At this point I raised the matter that County Hall cannot have vetoed an access onto the A50 some 200 meters south of the Glenfield Meadows site, as if this was the case the developer would not be progressing their plans for 330 houses.

Please could you confirm the number of acres the Glenfield Meadows site measures?

4) The Spinney to the south of the field titled as Land North of Glenfield:

It was NOT until after the site visit that I thought about the route of the proposed access road across the Rothley Brook. The direct route would require the removal of a long established spinney measuring approximately 150 meters by 50 meters. Within this spinny are a number of old Oak trees and being surrounded, on three sides by cultivated fields, serves as an important wildlife habitat. To by-pass this Spinney would require the access road to pass within 10 to 20 meters of Rothley Brook. I suggest that this spinney be assessed and I would like to be informed of your findings.

Thank you again for all of your time last Friday

Regards

David Marvin

Appendix D – Aerial Photos of Trees





Blaby District Council

Planning Committee

Date of Meeting	6 October 2022
Title of Report	Tree Preservation Order (32 Moat Close, Thurlaston) Tree Preservation Order 2022
Report Author	Development Services Manager

1. What is this report about?

- 1.1 The purpose of the report is to consider whether or not to confirm the Tree Preservation Order (TPO) made on the 08 June 2022 on the trees situated at No. 32 Moat Close, Thurlaston.

2. Recommendation(s) to Council

- 2.1 The Planning Committee approve the confirmation of the Tree Preservation Order at No. 32 Moat Close, Thurlaston.
- 2.2 That Authority be delegated to the Planning & Economic Development Group Manager to confirm the Tree Preservation Order at No. 32 Moat Close, Thurlaston.

3. Reason for Decision(s) Recommended

- 3.1 Having consideration of the representations received regarding the TPO, it is considered that there are insufficient grounds not to confirm the Order. The trees are considered to positively contribute to the character of the surrounding area and to have local amenity value. In addition, it is considered that the trees are well established and provide screening and a backdrop to the surrounding development. Furthermore, given the extent and age of the trees it is considered that they provide well established wildlife habitats and corridors within the area, positively contribute to enhancing the biodiversity of the area and help to mitigate against harmful emissions from nearby road networks. Following correspondence from the owner of the property it is also considered that the trees are threatened or potentially threatened.

4. Matters to consider

4.1 Background

A request was received by the owner of the trees asking whether the trees were protected as they wished to remove them. A site visit was subsequently undertaken to assess the value of the trees and their worthiness for protection. The visual amenity value of the trees and the positive contribution to the

character of the area was highlighted as were the age, scale and form of the trees and their environmental benefits. Concerns that the trees may be imminently threatened was also a factor in the decision to impose a Tree Protection Order (TPO).

The TPO site forms the rear garden area of No. 32 Moat Close. The site is situated within a predominantly residential area and is bounded by dwellings to the east, west and south with the Thurlaston Village allotments bounding the site to the north.

An Order was imposed on the site on the 8th of June 2022 in order to allow time for the assessment of the trees across the site. The trees were assessed for their suitability for a TPO by the Case Officer using the Tree Evaluation Method for Preservation Orders assessment (TEMPO) which gave the trees a score of 18 – putting them in the “Definitely merits TPO” category.

The Forestry and Arboricultural Officer at Leicestershire County Council has not raised an objection to the imposition of the temporary Order.

Having regard to representations received and taking into consideration the trees’ amenity value, their contribution to the character of the surrounding area and the potential threat to the trees it was considered expedient to issue a temporary TPO to prevent the removal of this area of trees.

The Tree Preservation Order, known as the Blaby District Council (32 Moat Close, Thurlaston) Tree Preservation Order 2022 was made under delegated powers on 8th June 2022. It specifies Trees (of whatever species) within the area marked G1. A copy of the original Order and First Schedule and plan of the TPO is attached as Appendix A.

Following a review of the Order, the plan and schedule is now before the Committee for your consideration. The Order before the Committee specifies Trees within the areas marked G1 (3 x Horse Chestnut Trees) on the map. A copy of the Order, Schedule and plan of the TPO is attached as Appendix B.

4.2 Representations Received

Notification and consultation on the Tree Preservation Order was carried out from 8th June 2022 through to 29th June 2022.

Five letters of representations were received, Four of which objected to the imposition of the Order based on the following issues:

- The size and proximity of the trees to properties,
- Damage to property and safety concerns arising from the trees,
- A loss of light caused by the trees,
- Concerns around who is responsible for the upkeep of the trees,
- Concerns surrounding the debris arising from the trees and resultant inconvenience caused,

- Comments in relation to a lack of communication prior to the imposition of the TPO.

One letter of support was received, which made the following observations:

- Scale of trees and the requirement for their long term maintenance,
- Damage to property and safety concerns arising from the trees,
- Potential diseased nature of one of the trees.

A copy of the representations are attached as Appendix C.

4.3 Consideration of Representations Received

It is acknowledged that the trees are of a significant size and are sited relatively near to adjacent dwellings, which in turn could result in the issues raised by residents in relation of damage to property, safety issues, and loss of light. It is however considered that many of these issues can be satisfactorily addressed through the suitable management and maintenance of the trees which would be dealt with through the submission of a formal application to the Council for consent to works to the trees. Should any safety or damage be an issue, technical evidence would need to be submitted as part of the application to establish the extent of damage and inform the necessary works required.

Regarding the responsibility for the maintenance of the trees, the imposition of the Order will not alter the present situation which is that the land owner would remain responsible for the maintenance of the trees.

With regard to the amount of debris resulting from the trees, it is considered that this can be dealt with through the regular upkeep of private residential properties.

During the consideration of the Order, in response to concerns raised with regard to the health and integrity of the trees, a site visit was undertaken by the Case Officer and Leicestershire County Council Arboricultural Officer. At this site visit, only minor decay was found on the leaves, which was considered unlikely to cause a significant reduction in the tree's lifespan and is now a common occurrence across the country.

Given the potential threat and that the trees have been assessed as 'Definitely Meriting TPO' by the Case Officer and the Forestry and Arboricultural Officer (who confirms that the trees meet the criteria for the confirmation of the Tree Preservation Order as a group of 3 No. Horse Chestnut trees) it is the view of Officers that the Order should be confirmed which will allow the protection of the trees and ensure that their health and vitality is considered through the formal application process, and in turn would allow the trees to continue to contribute to the character and appearance of the area for future generations.

4.4 Conclusions

Having regard to the points raised by the representations received (Appendix C) and the advice received from the Forestry and Arboricultural Officer, your Officers have balanced all other issues and considered that there is no over-riding reason not to confirm the Tree Preservation Order.

5. What will it cost and are there opportunities for savings?

5.1 Not applicable.

6. What are the risks and how can they be reduced?

6.1 There are no risks.

7. Other options considered

7.1 That the Tree Preservation Order not be confirmed. This option is not recommended for the reasons given in the report.

7.2 That the original Tree Preservation Order be confirmed without modification. This option is not recommended for the reasons given in this report.

8. Other significant issues

8.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9. Appendix

9.1 Appendix A – Provisional Tree Preservation Order

9.2 Appendix B – Modified Tree Preservation Order for confirmation

9.3 Appendix C – Representations Received

10. Report author's contact details

Charles Ebdon
planning@blaby.gov.uk

Senior Planning Officer
0116 272 7691

Appendix A – Provisional Tree Preservation Order

Town and Country Planning Act 1990

Blaby District Council (32 Moat Close, Thurlaston) Tree Preservation Order 2022

Crown Copyright & Database Rights Blaby District Council 2022 Licence No. 100018176

Dated this 8th Day of June Two Thousand and Twentytwo

Signed on Behalf of Blaby District Council

Charles Ebdon

Authorised by the Council to sign in that behalf

Scale
1:1250

Extract
SP5099SW

SCHEDULE

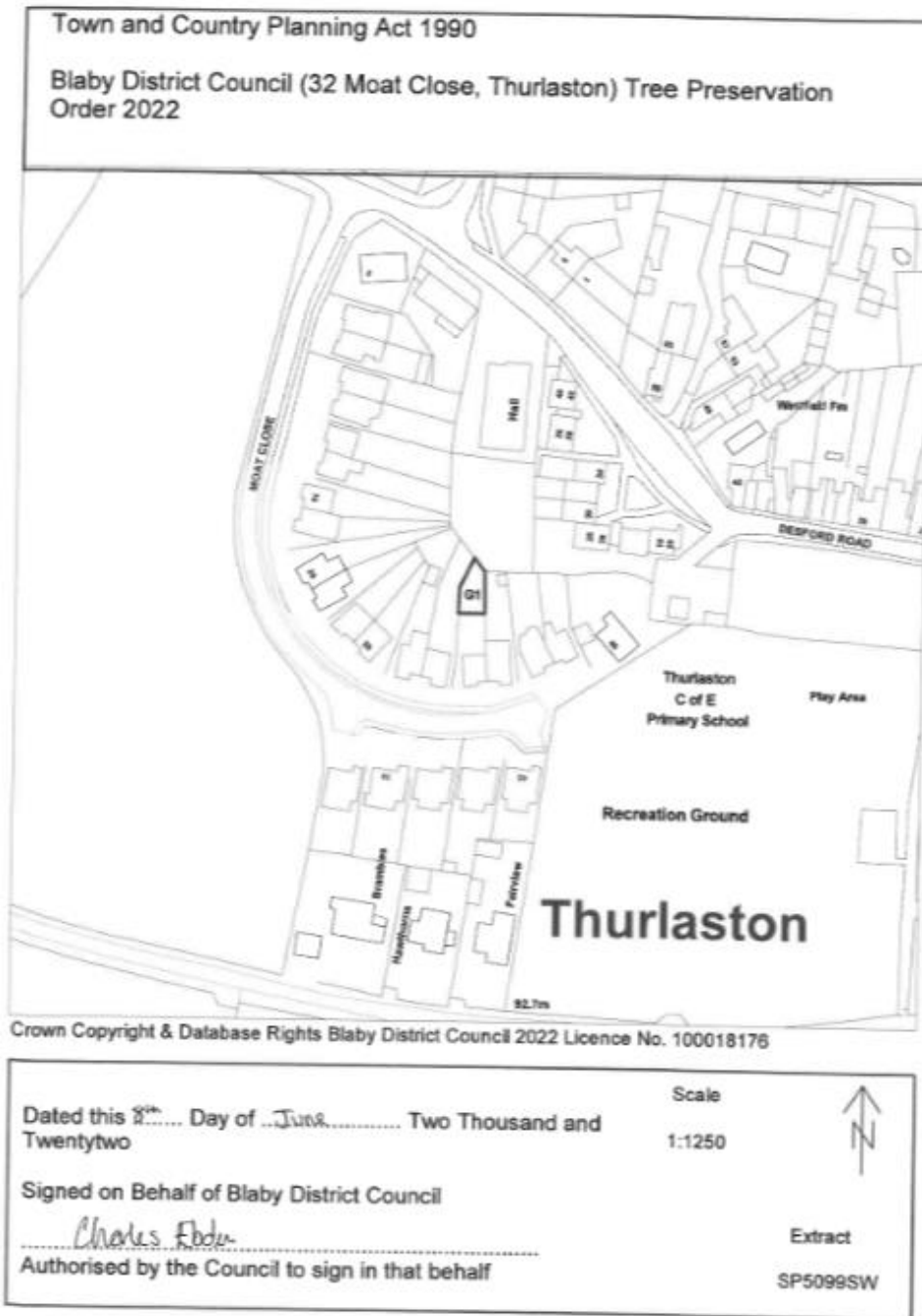
SPECIFICATION OF TREES

Trees specified by a group.

(within a black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Trees (of whatever species) within the area marked G1 on the map	Land within the rear garden area of No. 32 Moat Close, Thurlaston.

Appendix B – Plan and First Schedule of the recommended modified TPO



SCHEDULE

SPECIFICATION OF TREES

Trees specified by a group.

(within a black line on the map)

Reference on map	Description	Situation
G1	Trees (3 No. Horse Chestnut) within the area marked G1 on the map	Land within the rear garden area of No. 32 Moat Close, Thurlaston.

Appendix C – Representations received

To whom it may concern,

My name is Ross Webber and I am the current owner of 32 Moat Close. Please consider this correspondence an official appeal to the Temporary TPO that has recently been placed on the tress within my property boundaries.

I am most upset that this Temporary TPO has been put into place following my communication to find out if there was one already existing. Although the trees were not on the councils list of protected trees in the area, nor was I informed of any TPOs during the recent purchase of the property, I still wanted to go ahead and check with yourselves to ensure this was definitely the case. To then have a Temporary TPO placed before even responding to my communication I found insulting.

The reason for looking into if the tress on the property was due to the many complaints that I have received from neighbours since moving in. These have been regarding the mess that the trees creates on their properties throughout the duration of the year. The blocking of sunlight to our neighbours garden. The damages and near damage to our neighbours property. Our neighbours being unable to [REDACTED] in certain areas of their garden due to the danger the trees have caused.

[REDACTED] who have been very concerned, like myself with the damage that the trees have caused to the property. The pathway throughout the garden has been damaged due to the roots of the trees and has caused the area of the garden to be very dangerous. [REDACTED] had taken a bad fall in the garden due to the damage caused to the flooring. This area is unsafe [REDACTED] and the trees cover over half of the garden space. The trees have also grown a considerable amount since the purchase of the property and the bottom branches on the trees fall so low that they block off the majority of the garden.

The mass amount of conkers that fall from these trees means that our dogs will be unable to use this space. Not only are conkers dangerous due to their spikes for both dogs and [REDACTED] soon occupying the property, conkers are also poisonous for dogs which has raised further concerns.

Before purchasing the property there were a further two trees which had become diseased and had fallen.

As you can see, The trees are an inconvenience for those impacted and I hope you take this appeal seriously as there are serious health & safety concerns.

Many Thanks

38 Moat Close
Thurlaston
Leicester
LE9 7TN

17th June 2022

Blaby District Council
Council Offices
Desford Road
Narborough
Leicester
LE19 2EP

Town and Country Planning Act 1990 Tree Preservation England Regulation 2012
Blaby District Council 32 Moat Close Thurlaston Tree Preservation Order 2022

Ref: 365/DC

Dear Charles Ebdon/Cat Hartley,

With reference to the above tree preservation order I would like to make the following observations.

The main tree within the land at the rear of the garden of No 32 Moat Close Thurlaston is a mature Horse Chestnut tree. The recommendations for a horse chestnut trees are that they should not be planted within a min 10 m up to a max 23 m from any foundation, this is according to the Subsidence Bureau. This tree is also situated close to the main lateral drain which we the residents have had problems with in the past, the problem being due to land movement.

The size of the Horse Chestnut tree is blocking sun light from the rear gardens of 3 properties between approx 4 pm and up to 8 pm daily.

I am surprised that this tree has not been brought to the councils attention by the local Tree Warden before now.

Now that a tree preservation order has been made can I assume that the council will be responsible for any damage that may be caused by this tree and its roots.

A tree of this size dose not belong in a residential area and should not have been allowed to develop to its current size. I hope the council will insure that the correct action is taken to remove any problems this tree may cause in the future.

Yours sincerely

Peter Richardson

From: Helen [REDACTED]
Sent: 22 June 2022 14:40
To: Planning Mailbox <planning@blaby.gov.uk>
[REDACTED]
Subject: TPO 32 Moat Close Thurlaston

FAO Planning and Economic Development Manager

I am writing in response to the temporary tree preservation order for 32 Moat Close Thurlaston LE9 7TN. My objections as a neighboring property are as follows:

- The trees cross over the property boundary and cover approximately 1/4 of our north facing garden causing considerable shade after midday. This prevents us from successful growing in the majority of the garden.
- Our garden is completely hard landscaped and produces virtually zero garden waste. However we have to dispose of 3 to 4 cubic metres of waste annually from the trees in the form of leaves, branches, blossom and conkers.
- There is a lot of dangerous debris falling from a great height such as branches and conkers which in autumn and winter make it unsafe for us to walk beneath the tree [REDACTED] take extra care when playing outside.
- Pigeons roosting in the branches produce a large amount of droppings constantly onto our patio which requires continual cleaning. This also prevents [REDACTED] from using a portion of the garden.

In conclusion, I think that the trees are too large for a residential garden and should be permitted to have branches removed.

Yours sincerely

Mrs Helen Naylor
34 Moat Close
Thurlaston
Leicester
LE9 7TN

From: Jean Wilson [REDACTED]
Sent: 10 June 2022 09:02
To: Planning Mailbox <planning@blaby.gov.uk>
Subject: 32 Moat Close, Thurlaston - Treet Preservation Order 2022

F.A.O Charles Ebdon

Good Morning

I am a bit bewildered regarding the Tree Preservation Order recently placed (08/06/22) on 32 Moat Close - For what reason has this been made as this is a private property - I live at 10 Moat Close and all the trees at the boundary's to the rear of properties 14-32 are way too big and need topping by at least half the height for the situation they are in.

I look forward to hearing your comments

Many Thanks

Regards

Jean Wilson
10 Moat Close
Thurlaston

30, Moat Close,
Thurlaston,
LE9 7TN

Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Blaby District Council (32, Moat Close, Thurlaston) Tree Preservation Order 2022

Dear Mr Ebdon,

I totally support the preservation of trees.

In this case, I feel that there are mitigation reasons as to why you should consider the removal of some of these trees and the crowning of others.

In the designated area, there are 3 extremely large horse chestnut trees and numerous overgrown shrubs. The garden has not been maintained for a significant number of years.

Of the three horse chestnut trees, one is an original which was there when the houses were built in the 1960's. The other two have self-set since that time, but are now fully grown.

Tree 1

This one the original tree and is on the boundary between No. 32 and No. 34. It is an enormous tree which needs some maintenance work and crowning, if it is to remain. I am not sure of the effect of this tree on the residents of No. 34. Advice on how to manage such a large tree should be given to the owners.

Trees 2 & 3

These are the two self-set trees and are the boundary between No. 32 and No. 30. They are growing very close to each other and at first glance can appear to be one tree. The branches overhang the garden of No. 30 and are now touching the shed in that garden. The previous owner of No. 32 refused to allow any work on the trees and refused to allow me to seek advice. I was not even allowed to remove any of the lower overhanging branches. There is one branch, in particular, that I am very concerned about as it has a large split in it. I would like to see one or both of these two trees removed. If only one is removed, then the other should be crowned and maintained. If both of these two trees are removed, I would replace them with a smaller variety of tree at the lower end of the garden. I would undertake to purchase a tree of a suitable size and have it professionally planted.

Prior to my purchase of No. 30 in 2020, the previous owner told me that there had been a second original tree on the border of No. 32 and No. 30. This tree had to be taken down due to disease several years ago. In fact, the trunk was still there but then fell over just before the purchase was completed. With this in mind, all 3 trees must be checked for disease and safety. If any of the trees do fall, their proximity to the properties could mean that significant damage would be caused.

In summary:

Tree 1 to be checked for disease, crowned and advice to be given on the maintenance of such a large tree. If it is to be felled then there should be an order to replace it with a suitably sized tree further down the garden.

Trees 2 & 3 - at least one to be felled and the other crowned and maintained. If both are felled then there should be an order to replace it with a suitably sized tree further down the garden.



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