

**Blaby District Council  
Planning Committee**

**Date of Meeting** 11 January 2024  
**Title of Report** **Blaby District Council (Brockenhurst Drive, Braunstone Town) Tree Preservation Order 2023**  
**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 24<sup>th</sup> October 2023 on the trees situated on the irregular shaped piece of land Off Brockenhurst Drive and sited to the east of Lubbesthorpe Way.

**2. Recommendation(s)**

- 2.1 The Planning Committee approve the confirmation of the Tree Preservation Order on Land off Brockenhurst Drive.
- 2.2 That Authority be delegated to the Planning and Strategic Growth Group Manager to confirm the Tree Preservation Order on Land Off Brockenhurst Drive, Braunstone Town.

**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 area of trees provides important visual amenity and amenity woodland, which can be viewed and accessed from Brockenhurst Drive and Lubbesthorpe Way and Mosssdale Meadows.

**4. Matters to consider**

4.1 Background

This area of woodland was considered for a TPO following its recent advertising for sale with signboards and online advertisements of a 4.60 acres site described as amenity woodland. A Councillor for both the District and Braunstone Town Council contacted Blaby District Council in regard to the woodland and development potential concerns due to the sale.

A site visit was undertaken by Officers of the Council to initially assess the merits of the trees and their worthiness for formal protection. Leicestershire County Council's Principal Tree and Woodlands Manager also attended and provided a further assessment of the woodland subject to the Tree Preservation Order.

The TPO site covers an area of approximately 7.13 Acres and covers a larger area than that illustrated on the sales particulars for the site to encompass other woodland and trees that are also considered worthy of protection.

The site is covered by woodland developed from natural regeneration, with some trees in early maturity and hawthorn scrubland. There are some oak trees within the site close to Lubbesthorpe Way adjacent to the Public Right of Way (PROW).

The site is located to the west of Brockenhurst Drive, which terminates at a turning head at the end of the Drive and which the order runs adjacent to. Properties 63 and 94 Brockenhurst Drive also abut the TPO. To the north of the site, is Mosssdale Meadows with playing fields for the public. To the east, the dual carriageway of Lubbesthorpe Way (A563) is located, which separates the site from Meridian Business Park. It is noted that another TPO is located within the Business Park, which protects woodland known as Long Spinney, Foxholes Spinney (Woodclose Plantation, Braunstone Town).

Two footpaths (W133a, W9, and a Bridleway (W5)) intersect the site, providing the public with views into the woodland area. The paths link Braunstone Town from Watergate Lane at the south to Mosssdale Meadows at the north of the site and provide links across from Lubbesthorpe Way to the south and north of the site. There are informal tracks through the site in addition to the designated paths. The site is accessible to the public.

In addition, the site provides a verdant backdrop to the end of Brockenhurst Drive and Mosssdale Meadows playing fields. The trees are highly visible from the Lubbesthorpe Way, when travelling along the road. It is considered that the trees offer amenity and value to the site and the setting of the area from all viewpoints.

The site is noted to have Local Wildlife potential, which extends from the southern part of the TPO to the south, however the whole site may have some of these features.

The group of trees/woodland were initially assessed for their suitability for a TPO by the Case Officer. Taking into consideration the trees' amenity value and their positive contribution to the character of the immediate and surrounding area, along with the foreseeable threat of site clearance, it was considered expedient and in the interests of amenity to issue a TPO. This temporary Order was imposed on all trees within the specified area on the plan.

This was followed up by the Principal Tree and Woodlands Manager site visit who reviewed the Case Officers Tree Evaluation Method for Preservation Orders Assessment (TEMPO) which gave the group of trees scores of “12” giving the group an initial status of “TPO defensible” category. LCC Forestry Officer provided the following comments on the TEMPO Assessment, which wrote:

*‘I have reviewed your TEMPO scores and think you have been fair and reasonable in your assessment as follows –*

*Pt 1a\* I would be happy with a score of (3) for condition/suitability as the trees are currently in fair condition and not yet subject to any obvious decline (although Ash Dieback is a real concern). I wouldn’t consider the trees to have poor form – they are typical of a young woodland and provide an important local amenity and well used walk. Hawthorn is present from old hedgerows and provided natural regeneration throughout.*

*Pt1b\* Suitable (2) I think again this is reasonable. Based on current condition and the age of ash/oak (20+yrs) a higher score could be argued.*

*Pt1c\* Medium sized trees (3) is a reasonable assessment – the trees are visible from the by-pass, Brockenhurst Road and form an important link between green space in the area.*

*Pt1d\* Agree that the group is important for cohesion (4) and provides an important backdrop and provision of screen/amenity buffer.*

*Pt2\* – (1) precautionary only. Agreed.*

*In general I think a TEMPO score of 12 is acceptable’.*

*\*(Pt 1a – Amenity Assessment, Pt1b – Retention Span, Pt1c – Relative Public visibility and suitability for TPO, d – Other Factors and Pt2 – Expediency Assessment).*

Following a recent objection from an individual currently undergoing purchase of the site, the expediency assessment should be increased to a score of three, which states that there is ‘foreseeable threat to the tree’, based on the purchasers request to remove the trees for development. Therefore, the TPO assessment is increased to an overall score of “14”, which further reinforces the overall decision of ‘TPO defensible’.

#### 4.2 Representations received

1 response was received in objection following issue of the TPO from an objector who is in the process of purchasing the site from the current owner.

Two responses were received in support of the TPO, one came in from a neighbour and the other from Braunstone Town Council.

The objection comments included the following points:

1. Their intention is to improve the land for use by the public by turning the land into a parking lot or self-storage facility. They state that these land uses are difficult to find and expensive.
2. They consider that it would be acceptable for the dual carriageway to provide an entry.
3. They want to obtain permission to clear all trees from the area designated as W1 on the plan.

Supporting comments on the TPO included the following:

1. The woodland was considered for inclusion in the Local Plan, Delivery of Development document and the conclusion was reached that it should not be included in the Local Plan allocation due to potential impact on valuable biodiversity and green infrastructure assets.
2. The site has high ecological value. The site also adjoins a candidate local wildlife site.
3. This tree protection order will help to protect this valuable local asset from unnecessary development.

Braunstone Town Council provided the following response:

Braunstone Town Council supports this TPO and would like to ask that the established/mature trees on the site be considered for a permanent Tree Preservation Order.

#### 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 worthiness of the woodland's suitability for a TPO. Your Officers met with him on site where a professional assessment of the trees was made. During this site visit the Forestry and Arboricultural Officer agreed with your Officer's initial assessment for the trees' worthiness of a TPO for the reasons set out above.

#### 4.3 Conclusions

It is considered that the group of trees, due to the site area coverage and contribution to the local landscape, are worth preserving due to their wider impact. Having regard to the points raised by the representations received (Appendix D) 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 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 – Tree Preservation Order for confirmation

9.2 Appendix B – Google overhead image

9.3 Appendix C – Site Photographs taken September 2023

9.4 Appendix D – Representations Received

9.5 Appendix E – Map Demonstrating PROW

**10. Report author's contact details**

Charlene Hurd  
Charlene.Hurd@blaby.gov.uk

Senior Planning Officer  
0116 250 3101

# Appendix A – Tree Preservation Order for confirmation

Town and Country Planning Act 1990

Blaby District Council (Brockenhurst Drive, Braunstone Town) Tree Preservation Order 2023



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Dated this 24 Day of October Two Thousand and Twentythree

Signed on Behalf of Blaby District Council

C.A. Hurd  
Authorised by the Council to sign in that behalf

1:1000

Extract



SK5501NW

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

**Town and Country Planning Act 1990**

**Blaby District Council (Brockenhurst Drive, Braunstone Town) Tree  
Preservation Order 2023**

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 (Brockenhurst Drive, Braunstone Town) Tree Preservation Order 2023

**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 24<sup>th</sup> day of October 2023

Signed on behalf of the Blaby District Council

C. a. nurd.....

Authorised by the Council to sign in that behalf

## SCHEDULE

### SPECIFICATION OF TREES

#### Trees specified by reference to a woodland

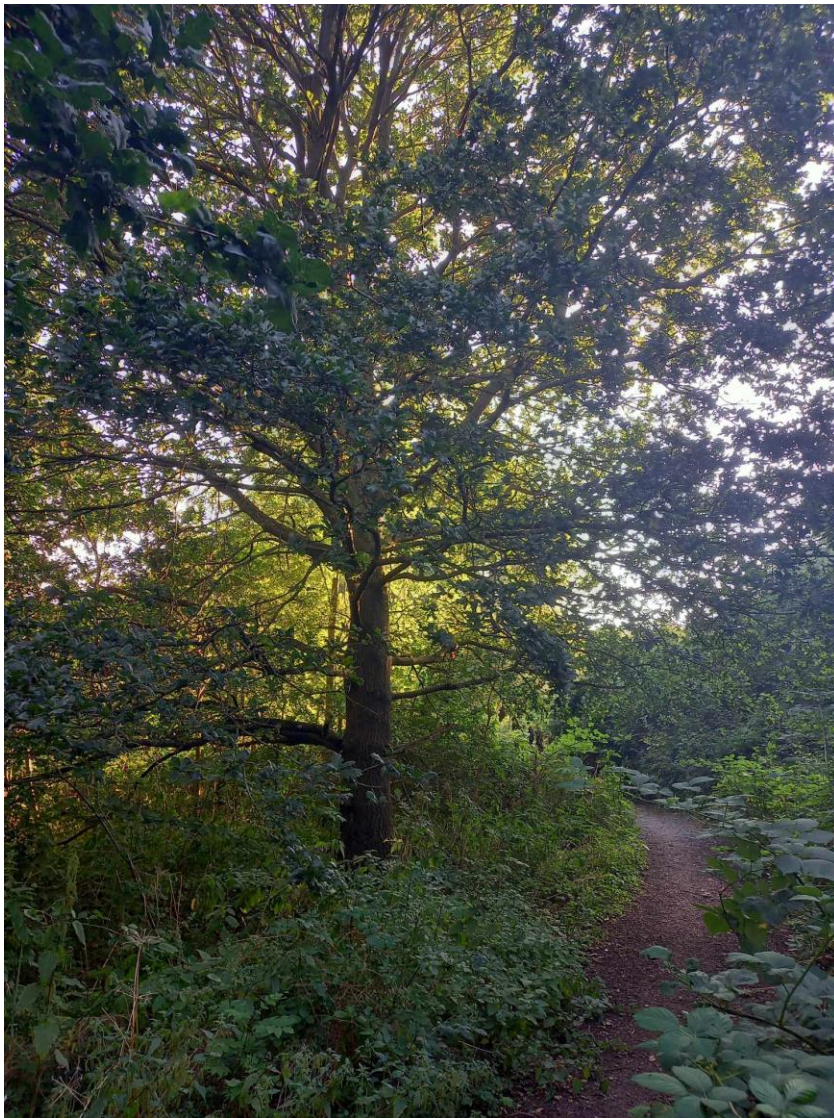
(within a dashed black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Trees (of whatever species) within the area marked W1 on the map	Land within the rectangular piece of land off Brockenhurst Drive, to the east of Lubbesthorpe Way (A563) and to the south Mossdale Meadows.

**Appendix B – Google overhead image**



**Appendix C – Site Photographs taken September 2023**









## Appendix D - Representations Received:

94 Brockenhurst Drive  
Leicester  
LE3 2UB

16<sup>th</sup> November 2023

### Blaby District Council (Brockenhurst Drive, Braunstone Town) Tree Preservation Order 2023

Dear Sir/Madam

I am writing in support of the above temporary tree preservation order which came into force on 24<sup>th</sup> October 2023.

As you know this woodland was considered for inclusion in the Local Plan, Delivery of Development Plan Document. The conclusion reached was:

*The site (SBRA009) should not be included as a Local Plan allocation due to the potential impact on valuable biodiversity and green infrastructure assets.*


The associated appraisal document also noted:

*Site has high ecological value. Likely to result in loss of a woodland, grassland, scrub mosaic and a pond with biodiversity value. The site adjoins a candidate Local Wildlife Site which will require a 10m buffer, and development will cut off a green corridor.*

This area provides a valuable habitat for rabbit, foxes and badgers as well as countless birds. This tree protection order will help to protect this valuable local asset from unnecessary development.

I feel strongly that this order is hugely important and should be made permanent.

Yours faithfully

  
Geoffrey Tinton

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Your ref: 371/DC

18 December 2023

**Blaby District Council**

Dear Sir/Madam

Re: Town and Country Planning Act 1990; Town and Country Planning (Tree Preservation) (England) Regulations 2012  
Blaby District Council (Brockenhurst Drive, Braunstone Town) Tree Preservation Order 2023.

I write about the above proposed order.

By way of introduction, I am in the process of buying the site from the present owners, who have passed on a copy of your letter of 24 October 2023.

I would like to object to the order being made permanent as this will. My objection is for the following reasons:

- My intention with this land is to improve its use by the public because it is close to Braunstone Town, which attracts a lot of people. I would like to turn this land into a parking lot or a self-storage facility because these days it's difficult to find both and they can be very expensive. I also want to make it easier for those who can afford to feel safe with their properties in this land and for others who are close to Braunstone Town.
- it is acceptable for the dual carriageway to provide an entry.
- Thus, I would like to know if I may obtain your permission to clear all trees from the area designated as W1 on the plan.

I am very thankful for your consideration on this matter and am interested to reach an agreement that is mutually beneficial. My contact information is

[REDACTED]

I look forward to hearing from you.

Yours faithfully

Global Transport

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## BRAUNSTONE TOWN COUNCIL

Serving the communities of Braunstone Town and Thorpe Astley

*Darren Tilley – Chief Executive & Town Clerk*

Braunstone Civic Centre, Kingsway, Braunstone Town, Leicester, LE3 2PP

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Our Ref:

Your Ref:

When calling please ask for:

Darren Tilley

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

13<sup>th</sup> November 2023

Dear Sir/Madam

### **Woodland off Brockenhurst Drive, Braunstone Town - Tree Preservation Order**

We are in receipt of the 6 month Tree Preservation Order that had been made on the 24<sup>th</sup> October 2023 for the Woodland site off Brockenhurst Drive and Braunstone Town Council supports this and would like to ask that the established/mature trees on the site be considered for a permanent Tree Preservation Order.

If you have any queries, please contact me.

Yours faithfully

Darren Tilley  
Chief Executive & Town Clerk



VAT Reg No. 11476248

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## Appendix E – Map Demonstrating PROW:

Orange – Bridleways

Pink – Footpaths

Red – denotes site.

