

## REPORT OF THE HEAD OF PLANNING AND GROWTH

### APPEALS AND REVIEW COMMITTEE 21<sup>st</sup> August 2023

#### BOROUGH OF CHARNWOOD (Jubilee Walk GI corridor – Tickow Lane to Rockingham Road, Shepshed) TREE PRESERVATION ORDER 2023 - PROVISIONAL

#### 1.0 Introduction

#### 1.1 Background

The above order relates to woodlands W1 (all trees of whatever species) and W2 (all trees of whatever species) situated on Jubilee Walk from Tickow Lane to Tamworth Close and on Jubilee Walk from Tamworth Close to Rockingham Close in Shepshed respectively. The report of the Head of Governance and Human Resources identifies the reasons for serving the TPO.

Consultations with the Chair of Plans Committee and Ward Councillors have been carried out in accordance with the scheme of delegation, and no objections to serving the TPO were received.

To ensure the trees which make a significant contribution to the visual amenity of the area are properly protected, and retained in a satisfactory manner, a provisional Tree Preservation Order has been served

This will allow any proposed works to the tree to be carefully considered and refused if necessary.

#### 1.2 The Site

The site forms part of a wooded footpath/cycle link from Charnwood Road to the new housing developments on the western edge of Shepshed and further planned development to the west of Tickow Lane.

#### 1.3 Condition of the tree

The condition of individual trees has not been assessed but the woodland consists of a significant number of mature specimens and a dense understory, which appears healthy and verdant. It forms a substantial section of the green infrastructure of Shepshed and is widely used by local resident and as such is of high amenity value.

#### 2.0 The Objections to the Order

An objection was received from the owners of No.16 Rockingham Close. The following points were raised:

1. Concern regarding self seeded trees from Jubilee walk falling over into our garden and onto the property.

2. We have also had to trim back massively overhanging branches from trees lining the public footpath next to our house. These branches are blocking out the majority of sunlight to our property, causing mould problems in our house and vehicles, and also causing me huge anxiety over whether a good gust of wind will drop one of the trees directly onto our house. I have raised the issue of non-maintenance of these trees with Green Spaces Dept and the Tree Officer more than once as these trees are also self seeded and leaning towards the property. Each time I have raised this as a potential problem I am told the trees are on a list of works to be completed...this has been the case for approx 4 years now.

3. I do object to the tree protection order being placed with no necessary arboreal works being carried out in tangent.

No other representations have been made in relation to the Order.

### 3.0 Response to the Objections

1. Self seeded trees that fall and grow within the garden of No. 16 Rockingham Close are not covered by the Order and can be removed without permission from the Council.
2. While permission to trim back overhanging branches will require permission from the Council, the Order will not prevent appropriate maintenance works being carried or the removal of trees where there is a proven significant adverse impact on adjacent properties.
3. Necessary arboricultural works are the responsibility of the land owner or tenant and the undertaking of tree works could not therefore be conditional in confirming the Order.

### 4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the trees would not be protected from damaging tree works or felling.

The committee is therefore recommended to confirm the Order without modification.

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