



Development Control Committee	Thursday, 30 October 2025	Matter for Decision
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Report Title: **The Borough Council of Oadby and Wigston (161 Gloucester Crescent) Tree Preservation Order 2025**

Case Officer(s): **Michael Bennetto (Arboricultural Officer)**

Site Address:	Land fronting No. 161 Gloucester Crescent, Wigston, Leicestershire, LE18 4YH.
Application Description:	N/A
Purpose of Report:	To consider and determine the Tree Preservation Order accordingly. The provisional Tree Preservation Order requires Member ratification due to an objection being received on behalf of the landowner.
Recommendation(s):	That Members confirm the provisional Tree Preservation Order.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Teresa Neal (Strategic Director) (0116) 288 8961 teresa.neal@oadby-wigston.gov.uk Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 adrian.thorpe@oadby-wigston.gov.uk Jamie Carr (Planning Policy & Development Manager) (0116) 257 2652 jamie.carr@oadby-wigston.gov.uk Michael Bennetto (Arboricultural Officer) (0116) 257 2697 michael.bennetto@oadby-wigston.gov.uk
Consultees:	Owners of the site were consulted for comment as part of the Tree Preservation Order confirmation process.
Background Papers:	Oadby and Wigston Borough Council Tree Strategy Town and Country Planning Act 1990 Part VIII, Chapter I, Trees. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Planning Practice Guidance - Tree Preservation Orders and trees in conservation areas
Appendices:	1. TPO-0375-TREE Provisional 2. Site Owner TPO Objection 3. Council Response to TPO Objection 4. Photographs of Damage 5. TEMPO Assessment

1. Site and Location



- 1.1 The trees subject to this provisional Tree Preservation Order (TPO) are located at the frontage of the Metalfactory site at No. 161 Gloucester Crescent, within an established industrial estate, however opposite residential. The trees are situated on private land but directly adjacent to and highly visible from the public highway and contribute to the visual amenity of the area.

2. Description of Proposal

- 2.1 To consider the confirmation of Provisional Tree Preservation Order TPO/0375/TREE, which was served on 28 May 2025 to protect 5 trees comprising 3 Atlantic Cedar (*Cedrus atlantica*) and 2 Silver Birch (*Betula pendula*) at the above location. For information, the provisional order is valid until 28 November 2025.

3. Relevant Planning History

- 3.1 A pre-application enquiry was received by the Council in relation to potential development at the Metalfactory site, which raised immediate concerns about the future of the trees.
- 3.2 A previous provisional TPO lapsed whilst the Council was undertaking further assessment of site owner's objections and assertions. A replacement provisional TPO was served to ensure continued protection while the matter is considered.
- 3.3 The morning after the initial provisional TPO lapsed, works were carried out with the apparent objective of making the trees retention untenable, consisting of cutting around the base of the trees (see images below showing examples of the works). However, subsequent site visits have shown that the trees have not suffered from significant decline, exhibiting continued growth and typical seasonal development.



- 3.4 In 4 out of the 5 trees, there remains a visible connection of the cambium layer - the living tissue responsible for the production of new cells and the transport of nutrients between the roots and canopy. This continuity suggests that, despite the damage observed at the base, the trees retain physiological function and the potential for recovery. Evidence of new leaf growth and callus formation further supports the view that the trees are responding to the injury and may continue to establish vascular reconnection over time. As such, the site owners presumed reduction in life expectancy cannot be assumed with certainty at this stage.

4. Key Consultations and Responses

- 4.1 Landowner/Agent (ACS Consulting): Submitted an objection to both provisional TPO's, raising concerns about the trees amenity value, visibility, structural damage, and seasonal nuisance.
- 4.2 OWBC Arboricultural Officer: Provided a detailed response addressing each point of objection, including reference to the TEMPO assessment, amenity considerations, and management options.

5. Neighbour and Resident Responses

- 5.1 No representations have been received from neighbouring properties or members of the public.

6. Planning Policy Relevant to the Proposal

- 6.1 The following planning policy and legislative frameworks are relevant to the consideration of this Tree Preservation Order:
 - 6.1.1 Town and Country Planning Act 1990 (as amended)
 - 6.1.2 Section 198 allows local planning authorities to make TPOs where it is expedient in the interests of amenity.
 - 6.1.3 Section 197(b) places a duty on authorities to ensure adequate provision is made for the preservation and planting of trees when granting planning permission.
 - 6.1.4 Tree Preservation (England) Regulations 2012
 - 6.1.5 These regulations govern the making, confirmation, and enforcement of TPOs.
 - 6.1.6 A TPO does not prohibit works but ensures they are subject to formal consent and appropriate assessment.
 - 6.1.7 National Planning Policy Framework (NPPF)
 - 6.1.8 Paragraph 131 encourages the retention of trees where they make a significant contribution to the character and quality of urban environments.
 - 6.1.9 Paragraph 174 supports the protection and enhancement of valued landscapes and recognises the benefits of trees and woodland.
 - 6.1.10 Oadby and Wigston Local Plan (2011–2031) – Adopted April 2019
 - 6.1.11 Relevant policies include:
 - (i) Policy 8: Green Infrastructure
Supports the protection, enhancement, and creation of green infrastructure, including trees, as part of sustainable development.
 - (ii) Policy 9: Open Space, Sport and Recreation Facilities
Recognises the role of green spaces and tree cover in contributing to health, wellbeing, and environmental quality.
 - (iii) Policy 44: Landscape and Character
Requires development to respect and enhance the local landscape character, including the retention of existing trees and vegetation where they contribute to visual amenity.

(iv) Policy 45: Local Green Space

Supports the protection of designated green spaces and features that contribute to the character and setting of the Borough.

- 6.1.12 These policies collectively support the Council's approach to protecting trees that contribute to public amenity, biodiversity, and landscape character. The TPO ensures that any future works are appropriately assessed and that the long-term environmental value of the trees is safeguarded.

7. Planning Considerations

- 7.1 Amenity Value: The trees, while not of cultural or historic significance, are among the few mature specimens in an otherwise sparse industrial streetscape. They provide visual softening between industrial and residential uses and contribute to the character of the area.
- 7.2 Visibility: While some trees out of the group are less individually prominent, their collective presence and species diversity enhance their amenity value.
- 7.3 Structural and Safety Concerns: No evidence has been submitted to substantiate claims of structural damage. The Council's response notes that surface damage is repairable and that root pruning or no-dig construction methods may be viable alternatives.
- 7.4 Seasonal Nuisance: Issues such as leaf fall and shading are not considered sufficient grounds to refuse a TPO. These are natural processes and can be managed through appropriate maintenance.
- 7.5 Liability and Risk: Tree owners have a duty of care, but this does not necessitate removal. Regular inspections and maintenance are considered appropriate mitigation.
- 7.6 Replacement Planting Proposal: The landowner has proposed removing the trees in exchange for planting on Council land. However, there is no suitable Council-owned land in the immediate vicinity, and any planting on the highway would require consent from Leicestershire County Council.
- 7.7 TPO Purpose: The TPO does not prevent works but ensures that any proposals are subject to proper assessment and management and, where appropriate, replacement planting can be secured.

8. Conclusion

- 8.1 The trees are considered to make a positive contribution to the local environment and streetscape. The objections raised do not outweigh the public amenity value provided by the trees. The TPO ensures that any future works are appropriately managed and that the trees are retained or replaced in a manner consistent with planning policy.

9. Recommendation

- 9.1 That Tree Preservation Order TPO/0375/TREE be confirmed without modification.
- 9.2 Reasons:
- 9.2.1 Amenity Value: The trees form a prominent and cohesive group that contributes significantly to the visual amenity of this part of the street - Gloucester Crescent. They provide a valuable green buffer between residential and industrial uses and enhance the character of the streetscape.
- 9.2.2 Visibility and Landscape Contribution: While some trees in the group are less individually prominent, their collective presence and species diversity (including cedar and silver birch) contribute to the broader landscape quality and visual interest of the area.
- 9.2.3 Expediency: The provisional TPO was made in response to a credible threat of removal following a pre-application enquiry. The use of the TEMPO system

confirmed the trees' suitability for protection, with a score indicating that a TPO was clearly merited.

- 9.2.4 Tree Viability: In 4 of the 5 trees, the cambium layer remains visibly connected, indicating continued physiological function. New growth and callus formation suggest potential for recovery, and a reduced life expectancy as inferred by the site owner cannot be assumed.
- 9.2.5 Management Options Available: Seasonal debris and shading are not grounds for removal. Pruning and maintenance remain viable alternatives.
- 9.2.6 No Feasible Off-Site Planting: The owner's proposal for replacement planting on Council land is not achievable due to lack of suitable space and the need for third-party consent.