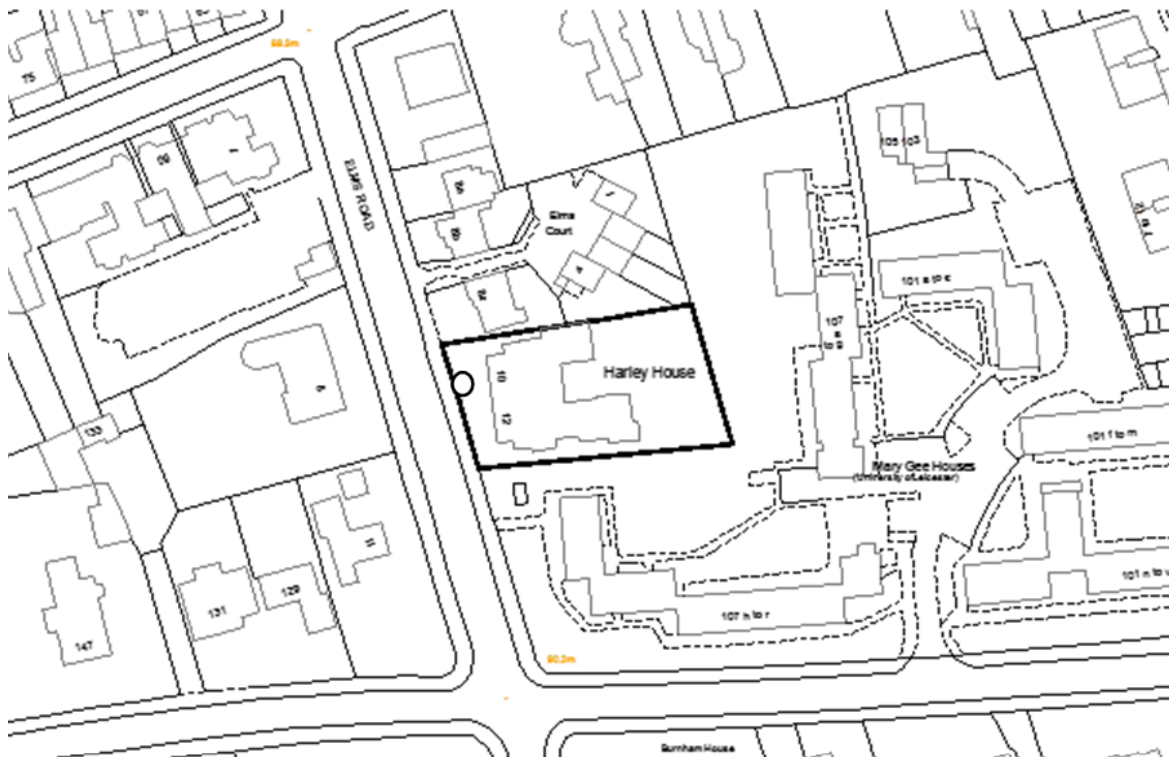


COMMITTEE REPORT

20251157	10-12 Elms Road, Harley House	
Proposal:	Confirmation of Leicester City Council 25004 Harley House, 10-12, Elms Road, Leicester Tree Preservation Order	
Applicant:	Mr Rajan Patel	
App type:	Confirmation of Tree Preservation Order	
Status:	Other development	
Expiry Date:	18 March 2026	
RB	TEAM: PM	WARD: Knighton



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Summary

- The confirmation of Leicester City Council 25004 Harley House, 10-12, Elms Road, Leicester Tree Preservation Order has been brought to committee as there has been 1 objection raised in relation to a delegated decision made by the City Council as local planning authority to make the provisional Tree Preservation Order on the tree.

- The issues raised by the objection are on the grounds of damage to the front boundary wall, overshadowing and loss of light to rooms in the care home and health and safety issues from branches falling.
- The main issues include the amenity value of the tree and any health and safety implications.
- It is recommended that the Tree Preservation Order is confirmed unmodified

The Site

The site relates to 2.5 storey building at 10-12 Elms Road that is currently in use as a care home. The site is within the Stoneygate Conservation Area.

There is a goat willow tree to the front of the property, directly adjacent to the front boundary wall.

Background

A valid application, under planning reference 20251157, for the notification of the felling of two trees located within Stoneygate Conservation Area was received on 9th July 2025. The application related to Tree 1 (T1), a goat willow to the front of the property, and Tree 2 (T2), a western red cedar tree located within the rear garden. The submitted application form proposed that the T1 is either trimmed or removed. Clarification was sought in relation to the proposed description and a justification statement was received by the applicant on 18th August confirming that the proposal should relate to the removal of T1.

The Local Planning Authority has 6 weeks to either approve applications for the notification of proposed works to trees in a conservation area or make a provisional Tree Preservation Order (TPO) for trees that meet the criteria which would effectively safeguard the tree pending the process towards a final decision on whether to confirm the TPO. If a provisional TPO is not made within the 6 week period, the works applied for can be carried out.

A decision was made to approve the works to T2 and make a provisional TPO for T1. The removal of T2 was considered acceptable as it is located to the rear and the tree did not meet the assessment criteria for a TPO.

The TPO, Leicester City Council 25004 Harley House, 10-12, Elms Road, Leicester Tree Preservation Order, was authorised by the Head of Planning acting under delegated powers on the 18th September 2025 to make a TPO to protect T1.

The Order was made on the 18th September 2025 and a copy of Schedule 1 and plan are attached as Appendix 1. The Order was served by post on 18th September 2025 on the owners/occupiers of land affected by the Order.

An objection to the Order was received by the City Council on 30th September, which was within the required 28 day period.

Due to the receipt of the objection, in accordance with the scheme of delegation, the decision to confirm, not to confirm or modify the Tree Preservation Order must be made by the Planning and Development Control Committee before the provisional protection ceases on 18th March 2026.

Legislation

Section 198 of the Town and Country Planning Act (1990)

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

Guidance

Government Guidance: Tree Preservation Orders and trees in conservation areas (2014)

Objections

A formal objection was made to the order by the applicant on 30th September 2025. The following points have been raised in the objection regarding the impacts of the tree:

- The tree in question is causing physical damage to the wall at the front of the property at 10-12 Elms Road, including root intrusion and structural issues.
- Due to the size of the tree and the proximity to the property, it reduces the natural light to residents of the Care Home, resulting in implications for their comfort and wellbeing.
- The tree poses safety concerns, due to a history of it shedding branches during periods of high wind, posing a risk to public safety and property.

The objector requests that the making of the TPO is reconsidered, or that permission be granted to carry out appropriate works to mitigate the damage and restore light access through pruning, root management, or removal if necessary.

Consideration

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allow the Local Planning Authority (LPA) to make a TPO if it considers that the trees provide amenity value and/or are under threat.

In making assessments for Tree Preservation Orders and trees in conservation areas government guidance (2014) has been provided.

The guidance sets out that the following can be taken into account when assessing the amenity value of a tree

- visibility (the extent to which the tree is visible from the public realm);
- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and

- contribution to the character or appearance of a conservation area.

The amenity assessment, as set out in Appendix 2, is based on the amenity factors listed above, in addition to the impact on adjacent dwellings and structures. A score of 15 means that a tree meets the threshold for further protection. A total score of 15 was reached for T1 taking into account the various amenity factors. T1 met the criteria due to its visibility from public areas, life expectancy and size in particular. A score of -1 was given due to the significant impacts of the tree on the front boundary wall, which is the highest weighting that can be given to the impacts of the tree in the assessment.

I consider that the impacts on the structural integrity of the boundary wall could be mitigated against without the felling of T1.

Loss of light and overshadowing impacts because of a tree are generally not considered to be a sufficient reasons for felling or complete removal of a protected tree. In this instance, I consider that the impacts of the tree from overshadowing and loss of light are not significant.

If confirmed, the TPO would not prevent appropriate tree works to be carried out in future—it ensures that any proposed tree removal or management is subject to oversight via a formal application process.

The shedding of branches during periods of high wind is a normal occurrence for trees and can be mitigated against by proper maintenance of the tree. An application can be submitted for works to a tree protected by TPO.

Therefore, I consider that the tree provides a positive amenity value that is not outweighed by any health and safety implications.

Conclusion

I recommend that Committee confirms the making of The Leicester City Council 25004 Harley House, 10-12, Elms Road, Leicester Tree Preservation Order without modification.

Appendix 1

SCHEDULE SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Pussy Willow, Great,	E:480509 N:301927 Front of property

Groups of Trees (within a broken black line on the map)

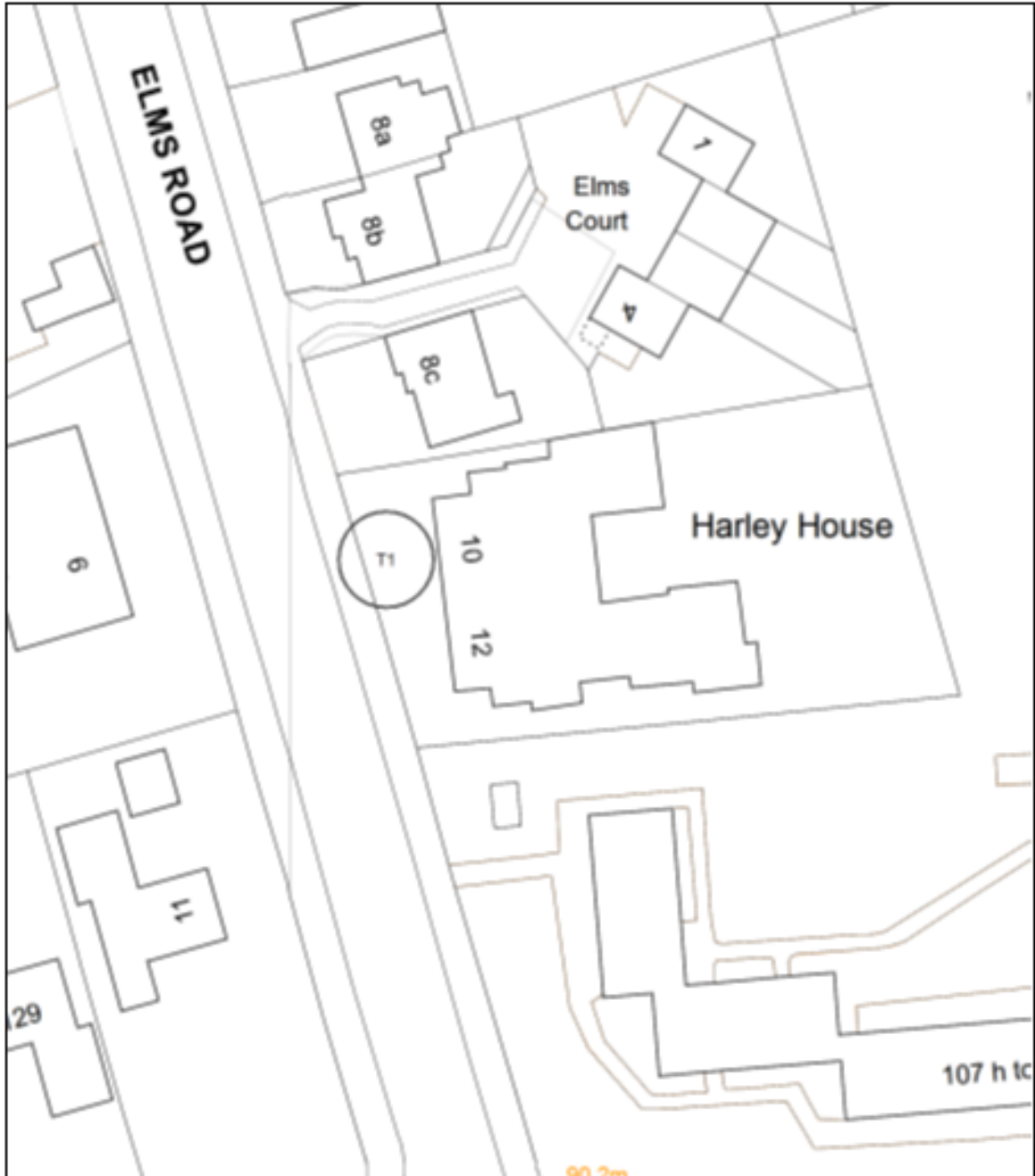
Reference on Map	Description	Situation
NONE		

Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Reference to an Area (within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		



Tree Preservation Order No 25004
 Harley House, 10-12, Elms Road, Leicester

Grant Butterworth
 Head of Planning
 Authoriser Signatory




The scale shown is approximate and should not be used for accurate measurement.

Scale	1:800
Date	18/05/2024

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Scale	1:800
Date	18/05/2024



Appendix 2

Amenity Evaluation Rating for TPOs

TPO NO: 25004	SITE VISIT DATE: 12/09/2025
TREE SPECIES: Salix caprea (Goat Willow)	EFFECTIVE DATE: Click here to enter a date.
ADDRESS: Harley House, 10-12, Elms Road	TPO DESIGNATION:
AMENITY VALUE RATING: 15	SURVEYED BY: DG
REASON FOR TPO: App 20251157 submitted to fell a tree which meets the criteria for further protection.	

1. Size 1 very small 2-5m ² 2 small 5-10m ² 3 small 10-25m ² 4 medium 25-50m ² 5 medium 50-100m ² 6 large 100-200m ² 7 very large 200m ²	Score 4	6. Suitability to area 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	Score 2
2. Life expectancy 1 5-15yrs 2 15-40yrs 3 40-100yrs 4 100yrs+	3	7. Future amenity value 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	1
3. Form -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form	1	8. Tree influence -1 Significant 0 Slight 1 Insignificant	-1
4. Visibility 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places.	3	9. Added factors If more than one factor relevant maximum score can still only be 2 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status	
5. Other trees in the area 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	2	10. Notes and total score Choose an item. for inclusion within the TPO Click here to enter text.	15

Typical useful life expectancy of common trees

300+	Yew
200-300	Oak, Sweet Chestnut, Plane, Sycamore, Lime
150-200	Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar
100-150	Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear
70-100	Rowan, Whitebeam, Apple, Gean, Catalpa, Robinia, Ailanthus
50-70	Poplars, Willows, Cherries, Alders, Birches

ADD EACH FACTOR TOGETHER – 1+2+3+4+5+6+7+8+9 = Rating figure
(The suitable benchmark rating for inclusion within a TPO is 15)