



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 14 November 2019 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. J. G. Coxon CC (Chairman)

Mr. I. E. G. Bentley CC	Mr. W. Liquorish JP CC
Mr. M. H. Charlesworth CC	Mrs. J. Richards CC
Mr. B. Crooks CC	Mr. S. D. Sheahan CC
Mr. D. A. Gamble CC	Mrs. M. Wright CC
Mr. T. Gillard CC	Mr. M. B. Wyatt CC
Mr. D. Harrison CC	

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– Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 10 October 2019. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 36.



Reports of the Director of Environment and Transport on Tree Preservation Orders.

7. 2019/TPO/0100/LCC: Application to fell a sycamore tree T1, Douglasfir T2, 2 Lawson cypress trees T3, Portuguese laurel T4 and 2 yew trees T7 & T11 and raise the crown of beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 protected by LCC Horninghold TPO 1973. (Pages 7 - 16)
8. 2019/TPO/0214/LCC: Application to fell oak tree T1 protected by LCC Rothley TPO 1958. (Pages 17 - 24)

Reports of the Chief Executive on Planning Applications - County Matter Applications.

9. Exclusion of the press and public.

The public are likely to be excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972:-

Consideration of the action to take following the failure to comply with the terms of breach of condition notices (BCN).

10. Consideration of the action to take following the failure to comply with the terms of breach of condition notices (BCN). (Pages 25 - 30)
11. Any other items which the Chairman has decided to take as urgent.
12. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 10 October 2019.

PRESENT

Mr. J. G. Coxon CC (in the Chair)

Mr. I. E. G. Bentley CC
Mr. G. A. Boulter CC
Mr. M. H. Charlesworth CC
Dr. R. K. A. Feltham CC
Mr. D. A. Gamble CC
Mr. T. Gillard CC

Mr. W. Liquorish JP CC
Mrs H. L. Richardson CC
Mrs. J. Richards CC
Mr. S. D. Sheahan CC
Mrs. M. Wright CC

47. Minutes of the previous meeting.

The minutes of the meeting held on 12 September 2019 were taken as read, confirmed and signed.

48. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

49. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

50. Urgent items.

There were no urgent items for consideration.

51. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities. No further declarations were made.

52. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

53. Application by Mr. and Mrs. Allen to divert Public Bridleways D6 and D43 at Quenby Hall, in the Parish of Hungarton (Harborough District).

The Board considered a joint report of the Chief Executive and the Director of Environment and Transport, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedure for making representations to the Board, Mrs. J. Allen (Quenby Hall) spoke as the applicant and Mr. G. Barnett (local resident) spoke against the proposals.

Mr. I. E. G. Bentley CC proposed a motion that the officer's recommendation in the report be approved and it was seconded by Mr. T. Gillard CC. The motion was put and carried; with 6 members voting for and 6 against and the Chairman then used his casting vote in support of the officer's recommendation.

RESOLVED:

That an Order be made to divert the Bridleways D6 and D43 at Quenby Hall as shown on the Plan no. 2483/P appended to the report.

REASON FOR DECISION:

The application to divert the paths as it relates to Bridleway D6 and D43 satisfies the relevant statutory criteria set out under the provisions of the S119 of the Highways Act 1980. It is in the interests of the occupier and the alternative route is not substantially less convenient and would not have a significant negative effect on public enjoyment of the path as a whole.

54. 2019/TPO/0172/LCC: Application from Mr. Bradley of 4, Manor Close, Burbage to fell a sycamore tree T1 protected by LCC Burbage (Sketchley Hall) TPO 1967.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That consent be refused to fell the sycamore tree T1.

REASON FOR DECISION:

The removal of the sycamore tree T1 would have a significant detrimental impact on the amenity of the area.

55. 2019/TPO/0206/LCC: Application from Mr. Pollard of 9 Park Road, Birstall to fell an oak tree T1 protected by LCC Birstall (Park Road) No. 2 TPO 1964.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

The local member Mr. I. E. G. Bentley CC stated that it was unfortunate that the amenity value of the tree would be lost but it would be dangerous for the tree to remain in place given the risk posed by falling branches therefore he was in support of the application.

RESOLVED:

That consent be granted to fell the oak T1 subject to the planting of a replacement oak tree as 8-10cm girth 2.5m high standard tree in the next planting season November 2019 to March 2020 and that should the replacement tree die within 5 years from planting a replacement tree of the same species must be planted.

REASON FOR DECISION:

The oak tree T1 is potentially dangerous.

56. 2019/0994/07 (2019/CM/0113/LCC): Mick George Ltd - Application for revised restoration of quarry workings utilising the importation of suitable inert material to achieve a beneficial afteruse of the site - Ibstock Brick Ltd, Leicester Road, Ibstock.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 10', is filed with these minutes.

Mr. Gamble CC proposed a motion that the proposed hours of operation be 09:00-14:00 on Saturdays as he felt the 07:00am start proposed in the officer's report was too early for a Saturday. However, there was no seconder for this motion therefore as per Standing Order 16 of the County Council's Meeting Procedure Rules no discussion or vote took place on this motion.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-30 as set out in the appendix to the report;
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

57. 2017/1380/03 (2017/CM/0237/LCC): Monier Redland - Extension of the period for the operation of the Shawell roof tile works to 31st December 2030 or one year after the permanent cessation of sand and gravel production at the adjacent Shawell Quarry processing plant, whichever is sooner - Shawell Tileworks, Gibbet Lane, Shawell.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 11', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-8 as set out in the appendix to the report;

- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

58. 2019/0541/04 (2019/CM/0104/LCC): Mr Hunt - Erection of a class B8 unit sized industrial warehouse unit - Watling Street, Burbage.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 12', is filed with these minutes.

RESOLVED:

That the application be refused.

REASONS FOR REFUSAL:

1. The proposed development is outside of the preferred locations for non-strategic waste facilities, as set out in policy W4 of the Leicestershire Minerals and Waste Local Plan. On the basis of the evidence provided with the submitted application, it has not been demonstrated that: it is necessary to locate the facility in this more dispersed location; there is an overriding need for the development; and this need cannot be met in the preferred locations of policy W4. It is considered that this proposal is an unsustainable development in the countryside for which the benefits are not sufficient to outweigh this unacceptability. Therefore, the proposal would be contrary to policies W4 and DM1 of the LMWLP, and policies DM4 and DM20 of the SADMP.
2. Lack of information in relation to the noise impacts of the development to demonstrate that the development would not have an unacceptable impact upon residential amenity and would be contrary to policies DM2 and DM11 of the LMWLP, and policy DM10 of the SADMP.
3. Lack of an appropriate ecological survey to demonstrate that the development would not harm biodiversity and would be contrary to policies DM3 and DM7 of the LMWLP, and policy DM6 of the SADMP.
4. Lack of evidence to demonstrate that the development would not have an unacceptable impact upon highway safety and would be contrary to policies DM9 and DM11 of the LMWLP, and policy DM17 of the SADMP.

2.00 - 3.25 pm
10 October 2019

CHAIRMAN

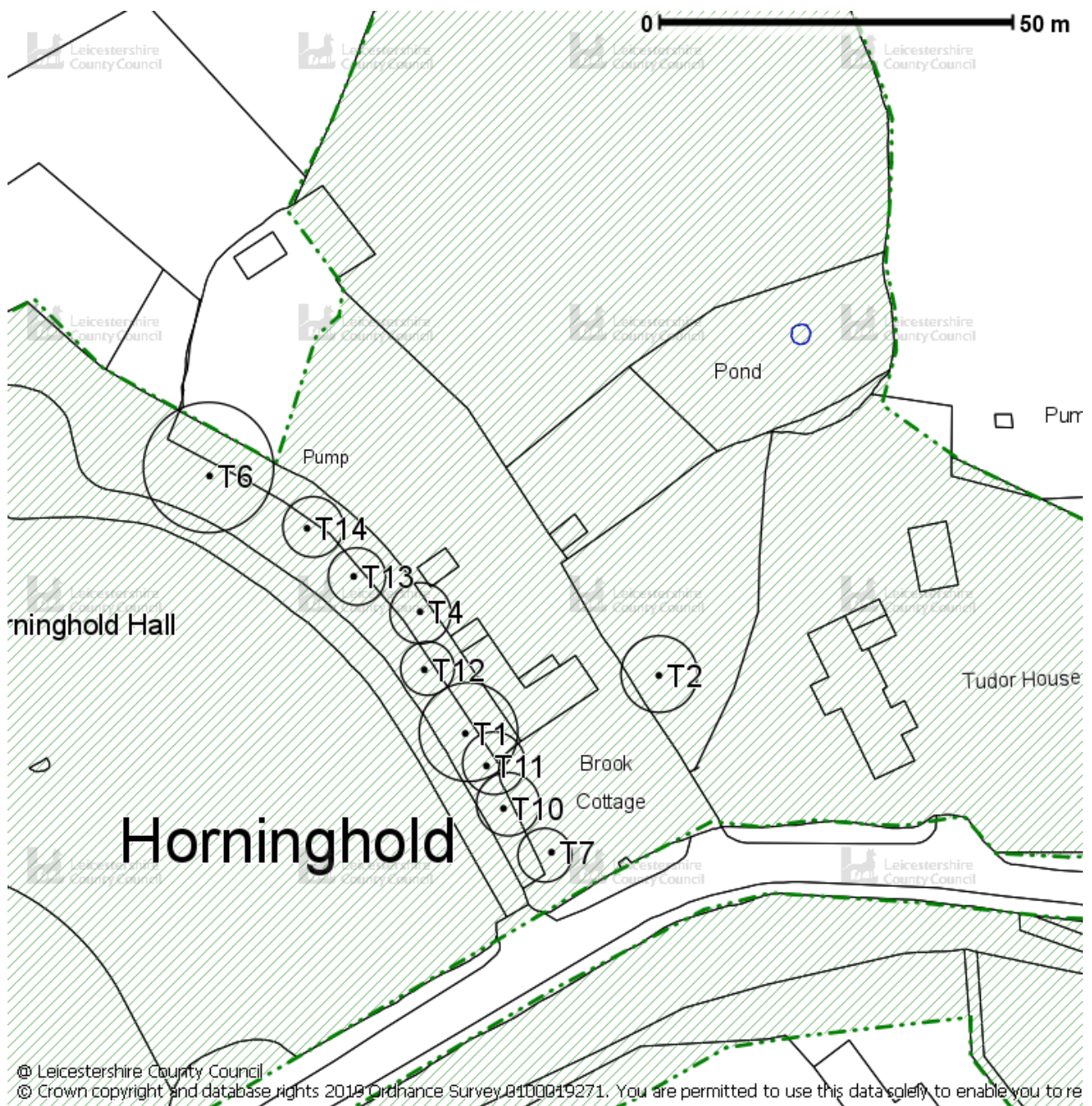


DEVELOPMENT CONTROL AND REGULATORY BOARD

14th NOVEMBER 2019

LEICESTERSHIRE COUNTY COUNCIL HORNINGHOLD TREE PRESERVATION ORDER AND YEAR 1973

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



Purpose of Report

1. To consider an application by Mr. Presland of Brook Cottage, Hallaton Road, Horninghold to fell a Douglas fir T2, a Portuguese laurel T4 and a yew tree T7 and crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown to 3.0m and raise the crown of a beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 to 3.0m.

Background

2. The 10 trees are included in a 3.29ha Area Order that includes conifer and broadleaf trees located in the gardens of 5 residential properties on Hallaton Road.
3. The original proposal to fell the sycamore T1 and yew T7 has been amended so that instead of felling the trees it is proposed to crown reduce the sycamore T1 by up to 2.0m overall and crown raise by 3.0m and crown reduce the yew T9 by up to 2.0m overall and raise the crown to 3.0m. The proposal to fell 2 Lawson cypress trees T3 has been withdrawn.
4. The property Brook Cottage is in the Horninghold Conservation Area.
5. Planning consent 17/00127/FUL was granted by Harborough District Council on the 6th July 2017 for the erection of a two-storey rear and side extension; erection of a detached garage and plant room at Brook Cottage, subject to the conditions that a scheme of hard and soft landscaping and an Arboricultural Method statement are submitted.
6. The application 19/01068/PCD to discharge the Condition 3 landscape plan and Condition 4 the Arboricultural method statement planning has been approved by Harborough District Council.
7. The application was submitted by the Agent Mr. Lee Overton of Rutland Tree Care, 7, Spinney Lane, Stretton, Rutland LE15 7RB.
8. Consent was granted by the Development Control and Regulatory Board on the 13th September 2018 to fell the group of 3 Lawson cypress trees G1, the cherry plum T5 and the apple tree T7 and raise the crowns of the western red cedar T1 and Lawson cypress T2 by 4.0m, raising the crown of the Lawson cypress T4 by 5.0m and removing the basal shoots of the Cappadocian maple T8. This work has been carried out.
9. The sycamore T1, beech T6, 4 yew trees T10, T11, T13 & T14 and Portuguese laurel T12 are in the ownership of Horninghold Hall. The owners of the Hall have agreed to the proposed works.
10. The Applicant has applied to Harborough District Council to fell a young juniper tree and 2 early mature Lawson cypress trees protected by the Horninghold Conservation Area located on the west boundary of Brook Cottage. This application has not yet been determined.

Consultations

Borough Council

11. Harborough District Council have withdrawn their objection to the initial proposal and have discharged the landscaping scheme submitted as Condition 3 on the planning application 19/01068/PCD.

Parish Council

12. Horninghold Parish Council has objected to the proposal stating it is not justified to remove protected trees to allow the establishment of a new boundary hedge and that the removal of trees will result in loss of amenity in the village.

Local Member

13. No comments received.

Local Residents

14. An objection to the proposal has been received from residents at Cedar Cottage East Norton Road Horninghold stating that the removal of trees on the site would have a negative impact on the street view of Brook Cottage.
15. An objection to the proposal has been received from a resident at Horninghold House, Hallaton Road, Horninghold stating that the removal of trees on the site would have a disastrous impact on the street view of Brook Cottage, reduce the impact that the trees are having offsetting carbon and that the proposal could clear the site for subsequent planning applications.
16. An objection to the proposal has been received from a resident at Spring House, East Norton Road, Horninghold stating that the removal of trees on the site is not justified as the trees are not diseased or causing damage to the property and the planting of a boundary hedge is insufficient reason to remove trees.
17. An objection to the proposal has been received from residents at The Old Rectory, Hallaton Road, Horninghold stating that the removal of trees on the site is not justified as the trees are not diseased or causing damage to the property and the planting of a boundary hedge is insufficient reason to remove trees.
18. An objection to the proposal has been received from a resident at Bridgeford House Hallaton Road Horninghold stating that Horninghold is a planned village and that the trees were planted as part of the design of the village. There is no justification in felling trees that are healthy and not causing damage to buildings. The removal of mature and healthy trees is against the principles of LCC Environment Strategy 2018-2030. The removal of trees on the site would have a negative impact on the street scene in the Conservation Area.
19. An objection to the proposal has been received from a resident at Tudor Cottage Hallaton Road Horninghold stating that the removal of trees on the site would have a negative impact on the privacy of Tudor House. The removal of trees should be justified by the condition of the tree rather than any planning conditions.

20. An objection to the proposal has been received from a resident at Globe House East Norton Road Horninghold stating that there is no justification for the removal of healthy trees on the site that are not causing damage to buildings. The historic landscape features of the Conservation Area need to be protected and enhanced not destroyed.

Issues

21. The Applicant wishes to fell the Douglas fir T2 that is in poor condition with a limited life expectancy, a Portuguese laurel T4 and a yew tree T11 that are on the western boundary of the property to improve light conditions to the property and provide sufficient space to plant a new beech boundary hedge. It is also proposed to crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m, and crown reduce a yew T9 by up to 2.0m and raise the crown to 3.0m to provide clearance from the existing cottage and the approved extension. Permission is also requested to raise the crown of a beech T6 to 6.0m and raise the crowns of 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 to 3.0m to allow clearance for the approved extension and the planting of a beech boundary hedge that is part of the approved planning application 17/00127/FUL and the landscaping conditions set out in application 19/01068/PCD.
22. The Douglas fir T2 is located adjacent to the driveway, 10.0m to the east of Brook Cottage and 35.0m from the public highway Hallaton Road. It has a stem diameter of 72cm and a height of 20m. The main stem has broken out in the past and has formed 3 co-dominant leaders that are weakly attached to the main stem. The foliage in the crown is in poor physiological condition and the tree is in decline. The tree has a safe life expectancy of less than 20 years. The tree can be viewed from the public highway.
23. The Portuguese laurel T4 is located on the bank on the west boundary of the property 6.0m from the rear of Brook Cottage and 48.0m from the public highway. It has a stem diameter of 50cm and a height of 10.0m. The main stem has pockets of decay at the base. The tree is not visible from the public highway.
24. The yew T7 is located on the west boundary 9.0m from the public highway and adjacent to the lawn. The tree has 4 main stems diameter of 25cm and a height of 4.0m. The tree is partly visible from the highway.
25. The sycamore T1 is located on a bank on the west boundary of the property 3.0m from the gable end of Brook Cottage and 30.0m from the highway. The tree has a stem diameter of 49cm, height of 17.0m and crown spread of 15.0m. The shade cast by the crown when in leaf causes dense shade and the growth of moss on the roof of the property. The tree is visible from the highway.
26. The yew T11 is located on a bank on the west boundary of the property 3.0m from the gable end of Brook Cottage and 25.0m from the highway, with a stem diameter of 49cm, crown spread 9.0m and height of 14.0m. The shade cast by the crown causes dense shade and the growth of moss on the roof of the property. The tree is visible from the highway.
27. The mature beech T6 and the 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 are located on the west boundary of the property 80.0 to 20.0m from the highway. The foliage of the 4 trees is in good physiological condition with low

crowns that cast dense shade in to the property. The 4 trees are partly visible from the highway.

28. The site is stocked with over 30 protected mature and semi mature trees, hazel and laurel shrubs. The landscape proposal includes planting a beech boundary hedge between Brook Cottage and Horninghold Hall and planting over 70 new trees including beech, oak, hornbeam, wild cherry and yew in the open grass area to the rear and east of the property.

Equality and Human Rights Implications

29. There are no discernible equality and human rights implications.

Conclusion

30. The Douglas fir T2 has 3 potentially weak co-dominant leaders that should they fail would breakout on to the driveway. The tree has a limited safe life expectancy and is of low amenity value. The removal of the tree will have a negligible detrimental impact on the amenity of the area.
31. The Portuguese laurel T4 is of poor form with decay pockets in the main stem. The tree casts a dense shade and would prevent the establishment of a new beech hedge. The removal of the tree would have no detrimental impact on the amenity of the area.
32. The yew T7 is of poor form and low amenity value. The tree casts a dense shade and would prevent the establishment of a new beech hedge. The removal of the tree would have negligible detrimental impact on the amenity of the area.
33. The proposed crown reduction of a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown by 3.0m will improve light conditions to the exist cottage, the approved rear extension and the establishment of a new beech hedge. The work will have no detrimental impact on the amenity of the area.
34. The proposed crown raising work to the beech T6 and 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 will provide improved light conditions to the property, allow clearance for the new rear extension and enable the establishment of a new beech hedge. This work will have no detrimental impact on the amenity of the area.
35. There is sufficient space and light on the east open area of the property to plant 3 replacement trees of suitable species as standards 2.5 to 3.0m in height 8/10cm girth such as beech, oak, hornbeam or wild cherry.

Recommendations

36. It is recommended that Consent is granted to fell the Douglas fir T2, Portuguese laurel T4 and yew T7, crown reduce a sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduce a yew T11 by up to 2.0m and raise the crown by 3.0m and raise the crown of beech T6 to 6.0m and 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 by 3.0m.

37. This recommendation is subject to a condition for the planting of 3 replacement trees of suitable species as standard 2.5 to 3.0m in height 8/10cm girth such as beech, oak, hornbeam or wild cherry in the next planting season November 2019 to March 2020. Should a replacement tree die within 5 years a new replacement tree of the same species must be planted.

Reason for Recommendations

38. The Douglas fir T2 is potentially dangerous and has a limited life expectancy.
39. The Portuguese laurel T4 and yew T7 are of poor form and the shade cast by the trees would prevent establishment of the new beech hedge.
40. The crown reduction of the sycamore T1 by up to 2.0m and crown raise by 3.0m and crown reduction of the yew T11 by up to 2.0m and raise the crown by 3.0m will improve light conditions to the exist cottage, the approved rear extension and the establishment of a new beech hedge
41. The crown raising work to beech T6 to 6.0m and 3 yew trees T10, T13 & T14 and a Portuguese laurel T12 by 3.0m is to provide sufficient light to allow the construction of the new extension and the establishment of a new beech boundary hedge.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport File No. 2019/TPO/0100/LCC.

Circulation Under the Local Issues Alert Procedure

Mr. S. J. Galton CC

Officers to Contact

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APPENDIX 1 PHOTOGRAPHS OF TREES

Sycamore T1 and yew T11



2 yew trees T13 & T14 shading boundary adjacent to gable end of Brook Cottage and site of proposed extension.



Yew T7 & T10 viewed from Hallaton Road



Douglas fir T2 viewed
from Hallaton Road



Douglas fir T2 showing 3
co dominant leads



Yew T7 & T10 viewed
from driveway across
front lawn



Portuguese laurel T4



View of main stem of
Portuguese laurel T4
with broken branch and
decay pockets



Portuguese laurel T4



Portuguese laurel T12 on
boundary line



2 yew trees T13 and T14
Portuguese laurel T12



Sycamore T1 and yew
T11 viewed from rear
garden

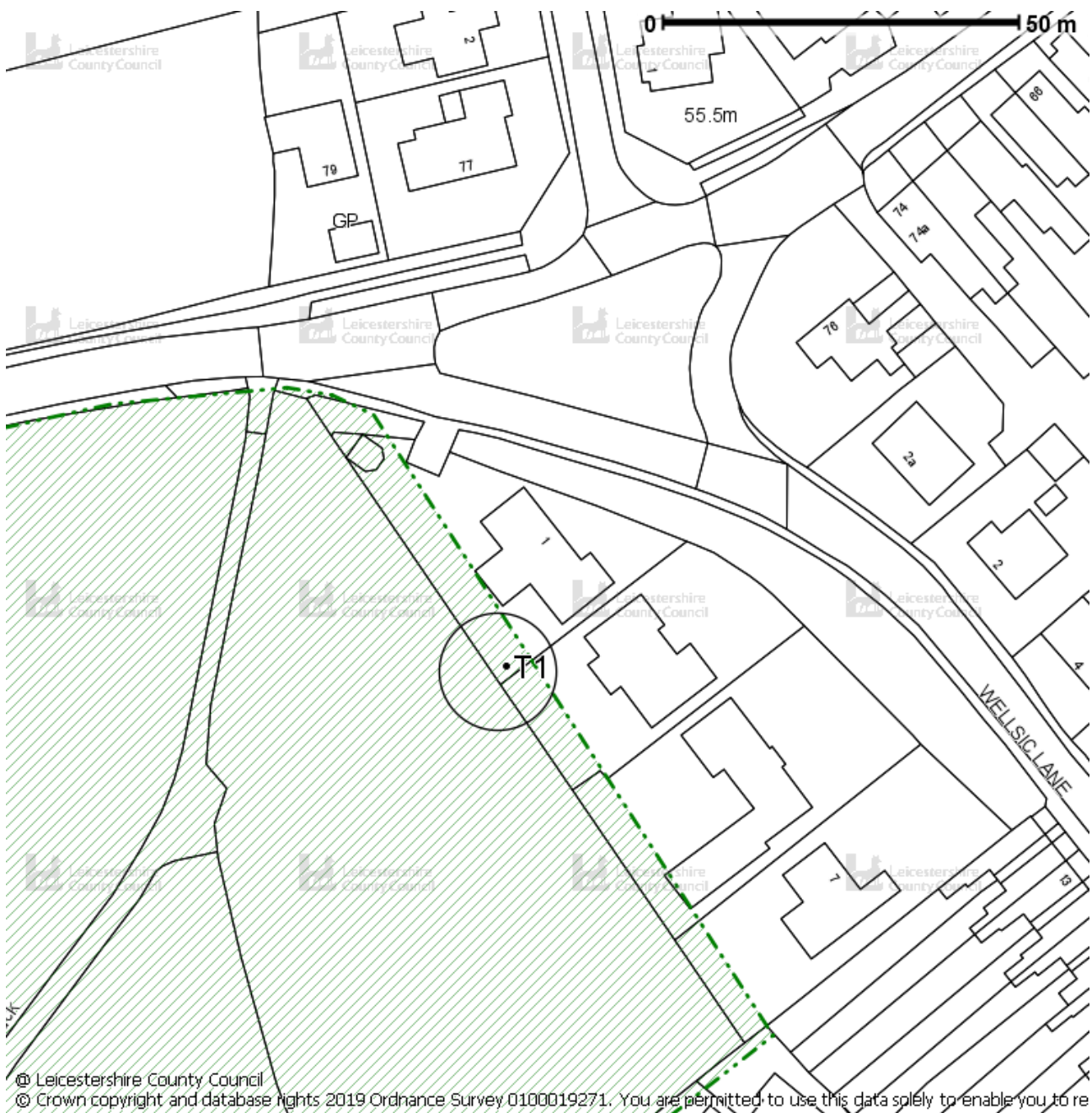


DEVELOPMENT CONTROL AND REGULATORY BOARD

14th NOVEMBER 2019

LEICESTERSHIRE COUNTY COUNCIL
ROTHLEY TREE PRESERVATION
ORDER 1958

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



Purpose of Report

1. To consider an application by Mr. Michael Walters of 1 Wellsic Lane, Rothley LE7 7QB to fell an oak tree T1.

Background

2. The oak T1 is in a line of 5 mature oak trees in the rear gardens of 4 residential properties on Wellsic Lane. The line of oak trees is protected by 74.0ha Area Order A12 that forms part of an Order that includes 50 Individual trees, 7 Groups, 12 Areas and 15 Woodlands.
3. Consent was granted on the 14th June 1999 to thin the crowns of 6 oak trees including oak tree T1 located on 1 and 3 Wellsic Lane. This work has been carried out.
4. It was confirmed by a letter dated 10th April 2001 to the occupant of 1, Wellsic Lane that a wind damaged protected mature oak tree located on the property was exempt from the Order and could be felled in the interests of safety. This work has been carried out.
5. Consent was refused by the DCRB on 16th November 2006 to fell an oak tree (not oak tree T1) located 3.0m from the conservatory attached to the rear of 1, Wellsic Lane.
6. Consent (P/18/1577/2) was granted under delegated powers by Charnwood Borough Council on 26th September 2018 to fell an oak tree on 3 Wellsic Lane that was infected by Acute Oak Decline bacteria. This work has been carried out.
7. On the 12th September 2019 Mr Walters submitted an application to fell the oak tree T1 on safety grounds due to the likelihood of falling branches. An officer from Leicestershire County Council conducted a site visit on 30th September 2019 and discovered weeping black lesions on the main stem of the tree which indicated that the tree could be infected with Acute Oak Decline bacteria or fungal phytophthora disease.

Consultations

Borough Council

8. When the application was originally submitted it was not known that the tree was likely to be diseased and therefore Charnwood Borough Council objected to the felling of the oak tree T1 as the tree was believed to be in a sound and healthy condition and significantly contributes to the appearance of the area. When it was later discovered that the oak T1 appeared to be infected with Acute Oak Decline or phytophthora disease the Tree Officer then agreed that consideration should be given to removing the oak tree T1.

Parish Council

9. Rothley Parish Council has raised an objection to felling the oak tree T1 stating that the application provided insufficient evidence that the tree is in poor health. The oak

T1 is in a row of other mature protected oak trees that contribute to the amenity of the area.

Local Member

10. No comments received.

Local Residents

11. No comments received.

Issues

12. The Applicant wishes to fell the oak T1 in the interests of safety, as he is concerned that following the loss of large decayed branches in the last 2 years, further branches may break out from the tree and fall on to the rear bedroom of the bungalow that is 10.0m from the tree.

13. The mature oak tree T1 is in the rear garden on the south boundary of the property. The main stem is 82cm in diameter with a height of 20.0m. The main stem leans over the boundary into the rear garden of 3, Wellsic Lane. There are 3 weeping black lesions on the bark indicating that the tree could be infected with either the bacteria that causes Acute Oak Decline or phytophthora fungal disease. Both these diseases produce lesions and therefore it cannot be said for certain which disease the tree has. Acute Oak Decline is a disease which causes the cambium to die and the disease can develop rapidly in 18 months. It has been found to kill oak trees in 5 years from the initial infection. Phytophthora disease also causes oak trees to decline and will eventually kill the tree.

14. A recently fallen 15cm diameter branch was found to have broken out from a height of 11.0m leaving a tear out wound on the main stem. The crown is unbalanced to the south with over extended branches that are at risk of breaking out in high winds. There is dieback of foliage and dead wood on the west side of the crown.

15. The oak tree T1 can be viewed from the public highway on Wellsic Lane.

16. A second mature oak tree is growing in the rear garden 3.5m from the conservatory and 8.0m from the oak T1. The second oak tree is in moderate condition and has amenity value in the area.

17. The Forestry Commission guidelines on Acute Oak Decline state that where there are a limited number of infected oak trees on a site, it may be prudent to fell the infected trees to prevent the spread of the disease to healthy trees. Phytophthora disease is transmitted by fungal spores from diseased to healthy trees in moisture droplets in the air.

18. There is insufficient space and light in the rear garden to establish a new oak tree.

Equality and Human Rights Implications

18. There are no discernible equality and human rights implications.

Conclusion

19. The oak tree T1 is at risk of shedding further large diameter branches that could cause damage to property and injury to persons. The weeping black lesions on the main stem of the tree indicates that the tree is infected by either the bacteria that causes Acute Oak Decline or the fungal phytophthora disease.
20. The bacteria or the fungus spores in the weeping black fluid can infect other healthy oak trees in the area and it is considered prudent in this case to fell the infected oak tree T1 to prevent the spread of the disease.
21. There is insufficient space and light in the rear garden to plant a new oak tree. Existing trees contribute significantly to the amenity of the area and the loss of this tree will not have an overall detrimental impact on the amenity of the area.

Recommendations

22. It is recommended that Consent is granted to fell the oak tree T1.

Reason for Recommendations

23. The oak tree T1 is likely to be infected with either the bacteria that causes Acute Oak Decline or phytophthora disease and is shedding live branches that could damage property or cause injury to persons. The removal of the tree is in the interests of safety and good tree management.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport Department File No. 2019/TPO/0214/LCC.

Circulation Under the Local Issues Alert Procedure

Mr. P. C. Osborne CC

Officers to Contact

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APPENDIX 1 PHOTOGRAPHS

Oak T1 viewed
from Wellsic
Lane



Oak T1 viewed from
Rothley Park
showing protected
oak trees in gardens



Oak T1 viewed from Rothley Park showing lean of stem and unbalanced crown



Oak T1 showing die back of foliage and dead wood in crown



Branch broken
out of oak T1



Bleeding lesion on bark of
oak T1

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By virtue of paragraph(s) 6b, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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