



DEVELOPMENT CONTROL AND REGULATORY BOARD

10th OCTOBER 2019

LEICESTERSHIRE COUNTY COUNCIL
BIRSTALL (PARK ROAD) NO. 2 TREE PRESERVATION
ORDER 1964

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



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Purpose of Report

1. To consider an application by Mr. and Mrs. A. Pollard of 9, Park Road, Birstall LE4 3AX to fell an oak tree T1 located on their property.

Background

2. The oak T1 is protected by an 0.42ha Area Order that includes broadleaf and conifer trees located in the gardens of 3 residential properties and The Woodlands Day Nursery.
3. Consent was granted under delegated powers on the 30th August 2017 to fell a horse chestnut tree.
4. The application was submitted with a tree report by the Agent Mr. Ian Lockington of 6, Park Road, Birstall.

Consultations

Borough Council

5. Charnwood Borough Council objects to the felling of the oak tree T1 on the grounds of loss of amenity.

Parish Council

6. Birstall Parish Council do not object to the felling the oak tree T1 and request a replacement oak tree is planted.

Local Member

7. No comments received.

Local Residents

8. A resident at 27 Walker Road has written in support of felling the oak tree T1 that overhangs the garden of the property, stating that the number of branches falling from the tree in to the garden has recently increased and is concerned that undertaking gardening work under the tree is potentially hazardous.

Issues

9. The Applicants wish to fell the oak tree T1 as it has over the last 6 years had large diameter branches break out and, on the 13th July 2019, a major low branch 50cm in diameter and 6.0m in length weighting up to 1.0 tonne broke out causing significant damage to a vehicle parked in the grounds of 13, Park Road and damaging 20.0m of the boundary fence. The following day a further smaller diameter branch broke out narrowly missing the Applicant who was clearing up the previous broken branch. The fallen branches were found to have significant internal decay and have left wounds that are showing signs of decay in the main stem and major structural branches. The Applicants are concerned that other large diameter branches are very likely to break out potentially causing damage to both their property and that of their neighbours and putting themselves and their neighbours at risk of injury.
10. The oak tree T1 formed part of the 19th century parkland around Goscote Hall that was developed in the 20th century as a residential housing estate. The tree is in the Applicants rear garden 58.0m from Park Road and 50.0m from Walker Road. It has a stem diameter of 120cm and a height of 22.0m. The main stem splits at 7.0m in to 4 major structural branches that form a crown of over 15.0m in width. There are break out wounds on the main stem and the 4 main structural branches. The middle structural branch is 50cm in diameter has a decay cavity at 9.0m from the ground that extends 22cm in to the branch. The main branch on the east side of the stem was found to have a break out wound at 3.0m from the main stem and extends 11.0m with secondary branch growth end weighting the branch. A low large diameter branch on the north of the stem 12.0m in length grows over the rear garden of 27 Walker Road. The recent failure of the large branch of the oak T1 occurred in still weather conditions and showed signs of internal decay. The collapse of this heavy branch weakened the decayed smaller diameter branch below that failed the following day. The recent loss of the 2 branches on the west side of the tree has created a large opening in the crown that unbalances the tree. It was observed that the foliage in the crown is in good physiological condition with little dead wood.
11. The oak T1 tree can be partly viewed from both Park Road and Walker Road. It has minor amenity value when viewed from the highway. The frontages of residential properties on both sides of Park Road are screened by protected large mature trees.

12. There is sufficient space and light to plant a replacement oak tree.

Equality and Human Rights Implications

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

Conclusion

14. The oak T1 has in the last 6 years experienced failure of large diameter branches with internal decay. The recent failure of 2 branches also with internal decay that has caused damage to the boundary fencing and a neighbour's parked car indicates that the tree has internal decay through-out the main structural branches. The major middle structural branch that is now fully exposed to westerly winds has at 9.0m from the ground a decay cavity of 50% of the cross section of the branch supporting 13.0m length of branch weighing over 2.0 tonnes. This branch is at high risk of failing. The 2 over extended end loaded branches on the north and east of the tree are also at risk of failure. The oak tree T1 is potentially dangerous.
15. The loss of large heavy branches from the oak T1 is resulting in the Applicants and their neighbours not using the areas of their gardens that are under the canopy of the tree. The tree is significantly reducing both the Applicants and their neighbours' enjoyment of their property.
16. To remove the risk of branches failing, a crown reduction of over 50% in height and width would have to be carried out reducing the amenity value of the tree. This work would also leave significant wounding of the tree that would allow infection by fungal pathogens and cause it to decline.
17. Park Road is lined with protected mature trees and the removal of the oak T1 that is in the rear garden of the Applicants property would have a minor detrimental impact on the amenity of the area.
18. On balance the significant loss of enjoyment of their properties experienced by the Applicants and their neighbours outweighs the minor loss of amenity to the public.
19. There is sufficient space and light to plant a replacement oak tree as an 8-10cm girth 2.5m high standard oak tree.

Recommendations

20. It is recommended that Consent is granted to fell the oak T1 and plant a replacement oak tree as 8-10cm girth 2.5m high standard tree in the next planting season November 2019 to March 2020. Should the replacement tree die within 5 years from planting a replacement tree of the same species must be planted.

Reason for Recommendations

21. The oak tree T1 is potentially dangerous.

Background Papers

The background papers used in this report are held on the Environment and Transport file 2019/TPO/0206/LCC.

Circulation Under the Local Issues Alert Procedure

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Officers to Contact

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APPENDIX 1 PHOTOGRPHS

Oak T1 viewed from 9 Park Road



Oak T1 showing recent breakout wound and broken branch stub on west side of stem



Oak T1 showing break out wounds on east branch



Oak T1 showing middle major branch with decay wound at 9.0m



Oak T1 viewed from Park Road driveway of

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