DEVELOPMENT CONTROL AND REGULATORY BOARD

16TH NOVEMBER 2017

LEICESTERSHIRE COUNTY COUNCIL LUBENHAM (OLD HALL LANE) TREE PRESERVATION ORDER 1966

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT
Purpose of Report

1. The purpose of this report is to consider an application by Mrs. Helen Wilkinson of Lime Tree House, Old Hall Lane, Lubenham, LE16 9TJ to fell a Lombardy poplar tree T1 located on her property. The application was submitted by the Agent Mr. Wilkinson of Landmark Planning Ltd., Leicester.

Background

2. The Lombardy poplar T1 is protected by 1.27ha Area Tree Preservation Order that consists of mature broadleaf and conifer trees located in the gardens of 6 residential properties that were developed in the 1960s in a former grass paddock.

3. A climbing inspection of the Lombardy poplar tree T1 was undertaken by George Walker Tree Care Limited that found that the main union at 5.0m from the ground has a small cavity 150mm deep. The wood around the unions and a large indentation on the stem appeared to be sound. The report concluded that as the tree was 30.0m in height, over mature with dead wood and that the neighbouring property is 10.0m from the tree, it would be appropriate to consider the future retention of this tree.

4. The Lombardy poplar tree T1 is located in the Lubenham Conservation Area.

Consultations

5. No comments from the Planning Officer for Harborough District Council have been received.
6. Lubenham Parish Council objects to the felling of the Lombardy poplar tree T1 as the tree has amenity in the area, there is no evidence that the tree is dying or diseased and the tree has been identified as important in the Lubenham Neighbourhood Plan.

**Proposals**

7. The Applicant wishes to fell the Lombardy poplar T1 that is 10.0m from the neighbouring residential properties 50 and 52 School Lane on the grounds that the tree is 30.0m in height, the main stem splits into multi stems at 5.0m and the crown has significant amounts of large diameter dead wood. Should large diameter live or dead branches break out of the crown or the tree blows over it would cause significant structural damage to the neighbouring properties and put the occupants at risk of injury. The applicant is proposing to plant a suitable replacement tree.

8. The mature Lombardy poplar tree T1 is located on the west boundary of the property in a line of protected mature conifers and a Lombardy poplar tree growing in the grounds of Lubenham All Saints Primary School. The tree is 10.0m from the rear elevation of the residential properties 50 and 52 School Lane. The main stem is 70cm in diameter with an estimated height of 30.0m. The main stem splits into 4 main structural branches at 5.0m. The union between the stem and the structural branches was obscured by growth of ivy. The dead wood in the crown had an estimated stem diameter of 75mm. The foliage in the crown was found to be healthy with no significant dieback. The Lombardy poplar T1 is estimated to be over 70 years old. The safe life expectancy of Lombardy poplar trees is about 70 years.

9. The climbing inspection removed the ivy and identified a minor cavity in one of the main structural branch unions. It was found that the other branch unions and the large inundation in the stem appeared to be sound. A number of 75mm diameter pieces of dead wood were found in the crown.

10. The Lombardy poplar tree T1 can be viewed from the public highway on Old Hall Lane at a distance of 90.0m and School Lane at a distance of 38.0m. The tree provides a moderate contribution to the amenity of the village.

11. There is sufficient space on the site to plant a replacement tree of suitable species such as small leaved lime.
12. There are no discernible equality and human rights implications.
Conclusion

13. The Lombardy poplar T1 is at least 70 years of age and trees of this species have been identified as having a life expectancy of 70 years. As the Lombardy poplar trees become over mature the main stem becomes susceptible to fungal decay that weakens the wood and can lead to breakage of branches and the main stem. The tree is within falling distance of the residential properties 50 and 52 School Lane and should any large branches break out or the root plate fail in high winds these properties would sustain significant structural damage and the occupants could suffer injury. The tree is potentially dangerous.

14. The removal of the Lombardy poplar tree will have a moderate detrimental impact on the amenity of the area.

15. There is sufficient space and light on the site to plant a replacement tree of suitable species such as a small leaved lime (Tilia cordata).

Recommendations

16. It is recommended that consent is granted to fell the Lombardy poplar tree T1 at, Lime Tree House, Old Hall Lane, Lubenham, subject to the condition that a replacement standard (2.5-3.0m in height 8-10cm in girth) small leaved lime tree (Tilia cordata) is planted in the next planting season November 2017 to March 2018. Should the replacement tree die within the next 5 years it must be replaced with a tree of the same species and size.

Reason for Recommendations

18. The Lombardy poplar tree T1 is in close proximity to residential properties and at 70 years old it has reached the end of its safe life expectancy. The tree is potentially dangerous.

19. The planting of a replacement lime tree will mitigate the moderate loss of amenity.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport File No. 2017/TPO/0239/LCC.

Circulation under the Local Issues Alert Procedure

Dr. P. Bremner CC

Officer to Contact

Mr. Andrew Shaw
Landscape Officer, Environment and Transport Dept. (Tel. 0116 305 7061)
Email: andrew.shaw@leics.gov.uk
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