DEVELOPMENT CONTROL AND REGULATORY BOARD
12th JULY 2018

LEICESTERSHIRE COUNTY COUNCIL
THURLASTON (THE HOLT) TREE PRESERVATION ORDER 1970

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

APPLICATION NO. 2018/TPO/0082/LCC
PROPOSAL TO FELL 2 YEW TREES T3 & T16
RED HORSE CHESTNUT T5, BEECH T7, CORSICAN PINE T15. WORKS TO
2 HORSE CHESTNUT T4 & T6, 3 BEECH T8, T9 & T12,
4 LIME TREES T10,T11,T13 & T14
**Purpose of the Report**

1. The purpose of this report is to consider an application by Mr. James Abraham of The Holt, Desford Road Thurlaston to fell 2 yew trees (T3 and T16), a red horse chestnut tree (T5), a beech (T7) and a Corsican pine (T15) on the property. The application originally proposed to fell another yew tree - T2 - but this has since been withdrawn.

2. The Director of Environment and Transport is minded to grant consent under delegated powers for proposed pruning works to the 2 horse chestnut trees (T4 and T6), 3 beech trees (T8, T9 and T12), and 4 lime trees (T10, T11, T13 and T14).

**Background**

3. The trees are protected by an 11.14ha Area Order that includes broadleaf and conifer trees both in the grounds and the surrounding grazing land at The Holt, Desford Lane, Thurlaston.
4. An over mature horse chestnut tree located adjacent to the driveway was found to be infected with the decay fungus *Polyporous squamosus* and bleeding canker *Pseudomonas syringae pv aesculi*. The Applicant was informed on the 27th March 2018 that the tree was dangerous and exempt from the Order and that it could be felled in the interests of safety. This felling work has been carried out.

5. The application was submitted by the Agent Mr. Steve Maloy of Apples to Oaks Tree Care.

6. A Tree Report has been submitted by Mr. Richard Jones MICFor of R.J. Tree Services.

7. Blaby District Council permitted on the 7th June 2018 a planning application 18/0494/HH to erect a two-storey outbuilding incorporating garages, potting shed, gym and office with new hardstanding and associated landscaping at The Holt. The Decision Notice grants planning permission solely for the outbuilding only and does not grant permission for works to be carried out to trees protected by the County Tree Preservation Order which are located within the redline boundary as shown on the Proposed Site Plan.

8. A planning application 18/0690/FUL for the erection of 5 dwellings and associated detached garages with new vehicular access from Desford Road in the grounds of The Holt has been submitted to Blaby District Council. The application is awaiting a decision.

**Consultations**

Blaby District Council

9. No comments received.

Thurlaston Parish Council

10. Thurlaston Parish Council object to the application on the grounds of loss of amenity.

Local Member(s)

11. Mr. L. Breckon CC has submitted comments on the application, supported by Mr. R. Blunt CC. A copy is attached to this report as Appendix B. Mr. Breckon suggests that trees T15 (Corsican pine) and T16 (yew) off Desford Lane should not be included in the proposal. He notes the architectural and historic importance of the site and considers that whilst the other mature trees included in the application require some work, they do not need removing and that remedial measures should be taken instead. Mr. Breckon notes concerns expressed by the Parish Council (paragraph 10 above) about the proposed works and asks that the recommendations be reconsidered.
Local Residents

13. Four residents have objected to the felling and pruning proposals on the grounds of potential loss of amenity.

14. A resident has objected specifically to the proposed felling of the yew T2 (since removed from the application), the red horse chestnut T5 and the yew T16 on the grounds of the potential loss of amenity.

Issues

15. The Applicant proposes to fell 2 yew trees (T3 and T16), red horse chestnut (T5), beech (T7) and Corsican pine (T15) in the interests of safety, access, and improving the landscaping within the grounds of the property. The application also proposes pruning works (crown raising) to 2 horse chestnut trees (T4 and T6), 3 beech trees (T8, T9 and T12), and 4 lime trees (T10, T11, T13 and T14) to provide a clearance of up to 5.0m over the driveway from Earl Shilton Lane. This can be determined under the Director's delegated powers, and it is intended that consent will be granted.

16. The early mature yew T3 is located adjacent to the driveway and an overhead power line. The tree has a stem diameter of 57cm and height of 8.0m. The crown is unbalanced and suppressed by an adjacent sycamore tree with damage to lower branches in crown. The tree has low amenity value and is not visible from the public highway.

17. The over mature red horse chestnut T5 is located adjacent to the driveway and has a stem diameter of 90cm and height of 18.0m. There is extensive decay in the stem that leans into the field and the crown is also unbalanced over the field. The tree has low amenity value and is partly visible from the public highway.

18. The mature beech T7 is located adjacent to the driveway. It has a stem diameter of 58cm and height of 14.0m. There is a 3.0m long open cavity in the main stem and the crown is unbalanced over the driveway. The tree has low amenity value and is partly visible from the public highway.

19. The over mature Corsican pine T15 is located adjacent to Desford Road and a gated entrance to the grounds of The Holt. The main stem is 58cm in diameter with a height of 16.0m. The tree is in an exposed location and the main stem has a significant lean to the east. The tree can be viewed from the public highway.

20. The early mature yew T16 located adjacent to the Desford Road entrance is multi-stemmed with an average stem diameter of 30cm and a height of 9.0m. There is extensive dead wood in the lower crown. The tree has low amenity value and can be partly viewed from the public highway.

21. The site is densely stocked with protected and unprotected broadleaved and conifer trees that form a screen around the grounds of The Holt.

22. There is sufficient space and light on the site to plant 5 replacement trees of suitable species.
**Equality and Human Rights Implications**

23. There are no discernible equality and human rights implications arising from the recommendations in this report.

**Conclusion**

24. The yew tree T3 is in poor condition with little amenity value and its removal will have no detrimental impact on the amenity of the area.

25. The red horse chestnut T5 has extensive decay in the main stem and has a life expectancy of less than 5 years. The tree is potentially dangerous and its removal will have a negligible detrimental impact on the amenity of the area.

26. The beech T7 has significant decay to the main stem that increases the risk of the tree falling across the access drive and it is therefore potentially dangerous. Its removal will have a negligible detrimental impact on the amenity of the area.

27. The Corsican pine T15 is located adjacent to the highway and the main stem is over extended with a significant lean towards the highway, making it potentially dangerous. Its removal will have a minor detrimental impact on the amenity of the area.

28. The yew T16 has extensive dead wood in the lower crown and is in poor condition with low amenity value. Its removal will have a minor detrimental impact on the amenity of the area and this can be mitigated by the planting of a new yew tree of better form.

29. There is sufficient space on the site to plant 5 standard 2.5 to 3.0m high replacement trees of shade bearing species such as yew, lime, beech or hornbeam.

**Recommendations**

30. It is recommended that consent be granted to fell the 2 yew trees T3 and T16, red horse chestnut T5, beech T7 and Corsican pine T15, subject to a condition that 5 standard trees 2.5 to 3.0m in height, of suitable shade bearing species including yew, lime, beech or hornbeam, are planted in the next planting season (November 2018 to March 2019), and that should a replacement tree die within 5 years it is replaced with a tree of the same species.

**Reason for Recommendations**

31. The 2 yew trees (T3 and T16) are in poor condition and have low amenity value. The red horse chestnut (T5), the beech (T7) and Corsican pine (T15) are in poor condition and are potentially dangerous. There is sufficient space on the site to plant replacement trees and this will mitigate the effect of the works on the local amenity.
Background Papers

32. The background papers on this application are held on the Environment and Transportation Department file 2018/TPO/0082/LCC.

Appendices

Appendix A - photographs
Appendix B - comments from Mr. L. Breckon CC

Circulation Under the Local Issues Alert Procedure

Mr. R. Blunt CC and Mr. L. Breckon JP CC

Officer to Contact

Mr. Andrew Shaw
Landscape Officer
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APPENDIX A

General view of protected trees surrounding The Holt from Moat Road

Corsican pine T15 from Desford Road showing lean towards the highway

Yew T15 showing die back of lower crown and poor form
Beech T7 showing decay in stem

Red horse chestnut T5 showing decay in main stem

Yew T3 showing damage to lower branches and suppression of crown by adjacent sycamore
Re: Planning Objection re TPO works at The Holt, Thurlaston, LE9 7TE.

I am concerned about this application as the 2 trees T15 and T16 on Desford road are needed to be removed as part of the now submitted plans to BDC LPA 18/0690/FUL - Erection of 5 dwellings and associated detached garages with new vehicular access from Desford Road, yet this is not mentioned in the application for the tree work.

The TPO’s were put in place to protect the historic and architectural importance of the site. The Holt is a building of historical and architectural importance within the village of Thurlaston. Built in 1845 by the Reverend Bruxner, it was the original Rectory. It was occupied by the Bruxner and Bruxner-Randall families until 1922 when it was sold to a Leicester ‘gentleman’. The property whilst being maintained remained empty for a number of years. During the 1939-1945 War the property was occupied by the Nuns of the Order of Perpetual Adoration, their London premises having been bombed. It has long been regarded locally as being the ‘Manor House’ of the village.

The grounds of the Holt are regarded as a ‘conservation’ area with all the trees within the boundaries of the property covered by Tree Preservation Orders (TPO).

The TPO application is two-fold with the works on the lane and the two trees T15 and T16 off Desford lane. I ask for the two on Desford lane be removed from the application and thereby allowing the TPO in place to do what it is intended for to protect the conservation area. All mature trees need some works but they do not need removing and I would ask that the officer consider remedial works as an alternative and not the recommended removal and replanting of any trees.

Consultation on the emerging Fosse Villages Neighbourhood Plan, during 2017, demonstrated that of those Parish residents who responded 81% supported the designation of the site as a Locally Important Heritage Asset. The current proposals have no regard for the preservation of the building or site.

The Parish Council made its views known through dialogue with the LPA and were strong in their concerns regarding the applicants intentions with a drip feed of applications for tree works and applications for building works to BDC.

I urge that the above and the concerns of the village of Thurlaston be take on board and the officer be asked to revisit the recommendation in front of you in his report.

Lee Breckon.

Submitted by Lee Breckon on behalf of both myself and Richard Blunt - Fellow Divisional County Cllr.
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