



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**23<sup>rd</sup> MAY 2019**

**LEICESTERSHIRE COUNTY COUNCIL**  
**BURBAGE (COVENTRY ROAD) TREE PRESERVATION**  
**ORDER 1973**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**





### **Purpose of Report**

1. To consider an application by Mr. and Mrs. Fanthorpe of 33 Westminster Drive Burbage LE10 2HA to fell a horse chestnut tree T1 located on their property.

### **Background**

2. The horse chestnut T1 is located in an 8.5m wide by 240.0m long (0.2ha) Area Order along the line of the public footpath U57 and in the rear gardens of 11 residential properties and a public recreation ground.
3. Consent was granted under delegated powers on the 30<sup>th</sup> March 2011 to overall crown reduce horse chestnut tree T1 and horse chestnut T2 located on 31 Westminster Drive by 25%. This work has been carried out.
4. The Application was submitted by the Agent Mr. Mike Beddow of Beddow Tree Specialists, Ratby.

### **Consultations**

5. Hinckley and Bosworth Borough Council

No comments received.

6. Burbage Parish Council

The Parish Council objects to the application to fell the horse chestnut tree T1. The shade cast by the tree and the seasonal dropping of conkers and leaves is considered insufficient reason to remove the tree that has amenity value. In addition the removal of the tree would not have a significant effect on the amount of sun entering the garden.

7. Local Member Mrs. A. Wright CC

No comments received.

8. Local Residents

No comments received.

**Issues**

9. The Applicant wishes to fell the horse chestnut tree T1 to enable the garden that is densely shaded by the tree to be landscaped with a suitable flat surface, appropriate play equipment and vegetable garden to provide a safe play area for their son who suffers from a rare condition Neurofibromatosis Type 1. This condition causes significant impairment of the nervous system, vision, reduced muscle tone and learning difficulties. The child has a Leicestershire County Council Educational Health Care Plan. The shade cast by the horse chestnut tree T1 and the seasonal dropping of conkers and leaves create a significant safety risk to the child when playing out in the garden.
10. The mature horse chestnut T1 is located on the west boundary of the rear garden. The tree has a main stem diameter of 67cm that splits at 2.5m in to 2 co-dominant stems and is 16.0m in height. The crown has a spread of 8.0m and the foliage in the crown is healthy. The tree has an estimated safe life span of 20 plus years. The tree is likely to continue to grow in size to a width of up to 20.0m and a height of 28.0m. To maintain the tree to a reasonable size it will require regular pruning that is a significant cost to the Applicant and would in time result in cavity formation. Horse chestnut is a large growing tree that is an unsuitable species for relatively small suburban gardens.
11. There is a mature protected oak tree located adjacent to the public footpath to 6.0m to the north of the horse chestnut T1. The protected oak tree is growing in the hedge line that forms the east boundary of the public footpath U57 and includes a number of protected oak trees.
12. The rear garden is 13.0m long and 11.0m wide (143.0m<sup>2</sup>). It is significantly shaded to the west by the horse chestnut T1 when in leaf and to the south by an unprotected young conifer tree and an ever-green oak, a shrub and a protected horse chestnut at located in the garden of 31 Westminster Drive.
13. The horse chestnut T1 can be viewed from the public footpath U57, the recreation ground and Wyvern Way. The removal of the horse chestnut T1 will have a minor impact on the amenity of the area. There is insufficient space and light to plant a replacement tree.

**Equality and Human Rights Implications**

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

**Conclusion**

15. The safety risk to the child tripping or slipping on fallen conkers and leaves shed by the horse chestnut T1 is a seasonal hazard and can be mitigated by regular collection and disposal of the leaves and the conkers. The seasonal falling of leaves and fruit is not considered to be sufficient reason to remove protected trees.
16. The significant shade cast by the horse chestnut T1 is preventing the establishment of a level grass lawn and vegetable beds. It also results in damp conditions that would lead to the rapid deterioration of any specialist play equipment installed in the garden making it unsafe for children to use. The shade cast by the horse chestnut tree T1 is reducing the opportunities for their son to enjoy outdoor play in the rear garden.
17. The horse chestnut T1 is a large growing tree that has the potential to grow over the Applicants' garden. Approved regular pruning of the tree is potentially costly to the Applicants and in time may lead to weak branch unions and decay cavities in the tree.
18. The removal of the horse chestnut tree T1 would allow the garden to be landscaped and play equipment installed. The minor loss of amenity in the area would be mitigated by the mature protected oak tree growing outside the boundary of the Applicants garden.

**Recommendations**

19. It is recommended that Consent is granted to fell the horse chestnut T1.

**Reason for Recommendations**

20. The shade cast by the horse chestnut T1 when in leaf is reducing the Applicant's son the opportunity to enjoy outdoor play.

**Background Papers**

The back ground papers used in the preparation of this report are held on Environment and Transport files no. 2019/TPO/0078/LCC.

**Circulation Under the Local Issues Alert Procedure**

Mrs A. Wright CC

**Officers to Contact**

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**APPENDIX 1** PHOTOGRAPHS OF HORSE CHESTNUT T1



Horse chestnut T1 viewed from Applicants garden



Horse chestnut T1 viewed from public footpath and Wyvern Close



Oak growing adjacent to horse chestnut T1



Horse chestnut T1 and adjacent oak viewed from recreation ground

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