DELEGATED REPORT

Recommendation Made: 1 June 2011

Reference:- 11/00293/TPO **Parish:- Barwell Parish Council**

Applicant:- Mrs Higginson
136 Byron Street
Barwell
Leicester
Leicestershire

Location:- 136 Byron Street Barwell Leicester Leicestershire LE9 8FD

Proposal:- WORKS TO ONE OAK TREE (T16 ON TPO)

Introduction:-

This application seeks approval to carry out works to a protected mature Oak tree located in the rear garden of No. 136 Byron Street, Barwell. The Oak tree is protected under the Barwell (Peckleton Rise - Saffron Meadows) Tree Preservation Order 1982 (T16 on TPO).

The proposal consists of Crown thinning by 25%, Crown reduction by 10% to reduce the height to clear 1.5m and Crown cleaning. The reasons for the proposal are to control the canopy in line with insurance requirements due to previous subsidence and also to retain the shape and appearance of the tree. The previous subsidence report has been submitted as part of the application.

History:-

05/01267/TPO WORKS TO ONE OAK TREE Approved 20.01.2006

Consultations:-

The Borough Councils Arboriculturalist has replied saying that following the receipt of a previous subsidence claim there is a need to carry out the work specified within the application to control growth and moisture requirements. The neighbouring dwelling is particularly close to the tree and there is subsidence potential if the foundations are shallow on a shrinkable clay soil.

At the time of writing the report no comments have been received from:-

Ward Members
Barwell Parish Council

Development Plan Policies:-

No Policies.

Appraisal:-

The main considerations in the determination of this application are the health, safety and visual appearance of the tree.

The tree is very large and dominates the rear garden. It is in a prominent position within the streetscene, contributing to the visual amenity of the surrounding area and is clearly visible from the wider streetscene. Evidence of the previous work is present, as is the evidence that the tree has responded well to such works. The tree is a mature, healthy specimen, but is in need of some maintenance to the Crown to retain a suitable shape and appearance for it's location. It is not considered that the proposal would be detrimental to either the health, safety or visual amenity of the tree and therefore the application is recommended for approval.

Recommendation:- Consent to carry out work to tree(s) protected by a Tree Preservation Order subject to the following conditions:-

1 Works are limited to the Crown thinning by 25%, Crown reduction by 10% to reduce the height to clear 1.5m and Crown cleaning only.

2 All works shall be carried out in accordance with British Standards 3998 - 'Works to Trees'.

Reasons :-

1 To maintain the health, safety and visual appearance of the tree.

2 To ensure that the works are carried out in a satisfactory manner.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

3 It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to the tree is to be undertaken during the bird breeding season, we recommend that a suitably qualified ecologist surveys the tree for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.

Contact Officer:- Debbie Phillips Ext 5603