

Delegated Report

Planning Ref: 24/00079/TPO

Applicant: Rohan Saigal

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Manor Lodge 13 Station Road Desford

Proposal: Works to tree

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks consent to fell Pine tree (T10) at Manor Lodge, 13 Station Road, Desford.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated within the settlement boundary of Desford. Station Road consists of large detached dwellings, set back from the highway and are individual in design.
- 3.2. The Pine tree (T10) is situated to the southern boundary of the site and is sited adjacent to the highway. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 14/00005/TPORD. The order protects various trees within the grounds of the site.

4. Relevant planning history

15/00472/FUL

- Demolition of existing dwelling and erection of 3 dwellings with a detached garage and associated access
- PER
- 22.12.2016

19/01161/DISCON

- Application to discharge conditions 3 (Materials), 7 (Landscaping and Tree Protection) and 9 (Drainage) attached to planning permission 15/00472/FUL
- DISCHA
- 19.12.2019

21/00436/TPO

- T1 Pine - Fell
- T2 Pine - Fell
- PERTPO
- 24.06.2021

23/00377/FUL

- Demolition of existing dwelling and erection of replacement dwelling with associated landscaping and access
- PER
- 06.07.2023

23/00890/DISCON

- Application to discharge condition 3 (Landscaping and Tree Protection) attached to planning permission 23/00377/FUL
- DISCHA
- 10.11.2023

22/01235/FDTREE

- 5 day notice to fell - Cedar (T6)
- DTM
- 01.11.2022

77/00689/4M

- ERECTION OF ADDITIONAL GARAGE
- PER
- 14.06.1977

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No objections have been received.

6. Consultation

6.1. Desford Parish Council:

- No objections have been received.

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H1: Settlement Boundary

7.2. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Impact upon the amenity of the area
- Whether the application is justified

Impact upon the amenity of the area

8.2 Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The Pine tree is subject to a group tree preservation order and is therefore considered to have a high level of amenity value.

8.3 The Pine tree (T10) is situated to the southern boundary of the site and is sited adjacent to the highway.

8.4 The Local Planning Authority have assessed the proposed works and can conclude that the works will not have an adverse impact upon the amenity of the area. The proposed works will result in the loss of a protected tree and therefore the Local Planning Authority have imposed a condition for replacement planting to take place at the site.

8.5 By virtue of the proposed being in accordance the Local Planning Authority's recommendations and with policies DM1 and DM10 of the SADMP and Policy H1 of the Desford Neighbourhood Plan the proposed works are deemed acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.6 The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed felling of the Pine tree (T10) is considered to be justified.

8.7 The Pine tree (T10) is situated within close proximity of Station Road and has developed a lean to the south of the site presenting a high risk towards the highway. T10 has been suffering with Dothistroma Needle Blight or pine necrosis, if left the disease would lead to the canopy thinning, needle loss and the eventual death of the Pine tree.

8.8 It is therefore considered that the proposed work is justified, in accordance with Policies DM1 and DM10 of the SADMP and Policy H1 of the Desford Neighbourhood Plan.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. In conclusion the proposed felling of the Pine tree (T10) are considered reasonable for safety reasons. The Local Planning Authority is satisfied that the proposed works to the tree is necessary. The proposal is in accordance with Policy DM1 and DM10 of the SADMP and Policy H1 of the Desford Neighbourhood Plan. As a result, the application should be approved with conditions set out below.

11. Recommendation

- 11.1 **Grant consent** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

- 1. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

- 2. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: In accordance with the provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

- 3. The proposed works shall be restricted to the felling of the Pine tree (T10) only.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

- 4. Within one month of the removal of the Pine tree; details of the replacement tree, including it's location, to replace Pine tree (T10); shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be

planted in accordance with the approved details in the next available planting season (October to March).

Reason: To ensure that replacement trees are planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Policies Development Plan Document (2016).

11.3 Notes to applicant

- 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.
- You are advised that the consent is valid for a period of two years commencing from the date permission is granted, the works for this consent may only be carried out once unless stated otherwise by condition.
- It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.