

Delegated Report

Planning Ref: 23/00901/TPO

Applicant: Mrs Houghton

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: The Hall Field High Street Earl Shilton

Proposal: G5 - Lime trees (27 trees) - The crowns to be lifted to 5m. above ground level by removal of lower branches. Crowns to be thinned by 50-75% or more depending upon crown density. Each evenly spaced, retained branch to be reduced to 1.5m. length to create the new candelabra framework. Each tree to have an even top height. There are approximately 6no. weaker, suppressed limes which could be felled to favour the more dominant trees.

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks consent to conduct the below works at The Hall Field, High Street, Earl Shilton;

- Fell six suppressed Lime trees
- Crown lift to 5 metres above ground level by removal of lower branches.
- Crowns to be thinned by 50-75% or more depending upon crown density.
- Each evenly spaced, retained branch to be reduced to 1.50 metre in length to create the new candelabra framework.
Each tree to have an even top height.

3. Description of the site and surrounding area

- 3.1.** The Lime trees are situated within the grounds of The Hall Field Park an Open Space & Recreation Facility situated within the settlement boundary of Earl Shilton. The trees are located to the north of the park and form a prominent line of 27 Limes, they are considered to make a significant positive contribution to the amenity of the area.
- 3.2.** The Lime trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 99/00011/TPO. This order also protects various other trees at the site.
- 3.3.** A recent application (23/00779/TPO) has been approved at the site for works to a line of 40 Limes (G1) to the south-east boundary line.

4. Relevant planning history

00/01047/TPO

- WORKS TO TREES INVOLVING GENERAL MAINTENANCE
- TPOPER
- 15.11.2000

98/00881/FUL

- ERECTION OF PLAY EQUIPMENT (PROVIDING 2 GOAL POSTS WITH BASKETBALL HOOPS)
- PER
- 03.03.1999

05/01048/TPO

- POLLARDING OF 31 LIME TREES
- TPOPER
- 13.10.2005

12/00055/TPO

- WORKS TO TREES (RETROSPECTIVE)
- TPOPER
- 25.04.2012

18/00167/TPO

- T1-T4 Horse Chestnut, T1 and T3 Remove branches affected by fruiting fungal body, Felling of T2 and T4
- T5 Malus- Fell
- T6 Cedar- Remove damaged branches
- T7 Cedar- Crown lift to 2.5 metres, remove broken and hanging branches, clean branch stub
- TPOPER
- 12.04.2018

19/00132/TPO

- Works to trees
- TPOREF
- 28.03.2019

19/00831/HOU

- Re-modelling of existing dwelling including conversion of garage to living accommodation, ground and first floor extensions, decking area, new roof, windows and 7 dormer windows
- PER
- 29.01.2020

20/00806/TPO

- Works to Wild Cherry, 2x Willows, and fell Bird Cherry
- TPOPER
- 05.10.2020

20/00959/TPO

- Crown lift x3 Lime trees on north side to provide approx. 1.5 metre clearance from neighbouring property

- PERTPO
- 11.11.2020

21/01246/TPO

- Re-pollarding of 28 Limes to previous pollard
- WDN
- 06.04.2022

23/00779/TPO

- (G1) - Group of 40 lime trees - Crown reduce in height by approx. 4m (back to previous points), Crown raise to 5-6m plus remove the epicormic growth from the main stems.
- PERTPO
- 03.10.2023

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. One letter of support has been received summarising the below;

- The trees branches over half of garden
- Trees drip sap and insects
- Grass has been killed
- Large amount of leaves in garden
- Trees branches regularly fall, hit windows and garden furniture
- Concern regarding the continued upwards growth on the root system
- Effects on household drains
- Trees are out of hand

6. Consultation

6.1. No objections have been received from Earl Shilton Parish Council
 6.2. No objections have been received from the HBBC Arboricultural Officer

7. Policy

- None relevant

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton

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

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. 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 Lime trees are subject to a tree preservation order and therefore considered to contribute towards a high level of amenity value.

8.3 The Lime trees (G5) are situated to north of the application site. Adjacent to the trees sits a line of residential dwellings (The Beeches and Castle Close). The trees are highly viewable from a public vantage point due to the site being an Open Space & Recreation Facility.

8.4 An application was submitted in October 2021 for the proposed re-pollarding of the Limes. The application was assessed by the HBBC Aboricultural Officer and recommended for refusal, following the previous pollarding works having had a detrimental impact upon the trees. These works left the trees with a poor appearance even after crown regeneration. This application was later withdrawn in April 2022 following agreement between the case officer and applicant.

8.5 The HBBC Aboricultural Officer recommended the applied for works on the 2nd February 2022. By virtue, the revised proposal is in line with the HBBC Aboricultural Officer's advice and with policies DM1 and DM10 of the SADMP 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 works to the Lime trees (G5) are considered to be justified. The trees at current are affecting the reasonable enjoyment of the owners/occupiers of the dwellings to The Beeches and Castle Close. The proposed works will ensure that the light quality the dwellings receive is improved along with ensuring that less debris falls into the garden.

8.7 It is therefore considered that the proposed work is justified, in accordance with Policy DM10 of the SADMP.

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 works to the Lime trees (G5) is considered reasonable due to trees affecting the reasonable enjoyment of the dwellings to The Beeches and Castle Close. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are necessary. The proposal is in accordance with policy DM10 of the SADMP. As a result, the application should be approved with conditions set out below.

10.2.

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 131 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 to the Lime trees (G5) shall be restricted to the felling of the six suppressed Limes and the below further works to the further 21 Lime trees;

- Crown lift to 5 metres above ground level by removal of lower branches.
- Crowns to be thinned by 50-75% or more depending upon crown density.
- Each evenly spaced, retained branch to be reduced to 1.50 metre in length to create the new candelabra framework.
- Each tree to have an even top height.

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 131 of the NPPF.

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.