

Delegated Report

Planning Ref: 23/00958/TPO

Applicant: Mr Holt

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Manor Farm 53 High Street Desford

Proposal: (T1) - Sycamore - Fell, (T2) - Willow - Crown raise to approx 8m over highway and prune to provide 2m clearance to property

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 conduct the below works;

Sycamore tree (T1):

2.2. Fell

Willow tree (T2):

2.3. Crown raise to approximately 8.00 metres over the highway

2.4. Prune the tree to provide 2.00 metres clearance from the application dwelling

3. Description of the site and surrounding area

3.1. The application dwelling relates to a Grade II listed building, situated within the settlement boundary and conservation area of Desford. The dwelling is a three storey brick house built in the late 18th century with 20th century alterations. It comprises the use of red brick in Flemish bond with rubbed brick dressings and a slate roof. The 3 bay front has a central arched recess through 3 stories.

3.2. The trees are situated to the front of the application dwelling. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 22/00003/TPORD. A further order is also situated at the site (93/00003/TPORD) comprising a Birch tree.

4. Relevant planning history

96/00531/LBC

- EXTENSION TO DWELLING DETACHED GARAGE AND BOUNDARY WALL
- LISTED
- 14.08.1996

96/00535/FUL

- EXTENSION TO DWELLING, DETACHED GARAGE AND BOUNDARY WALL

- PER
- 13.08.1996

96/00965/FUL

- CONSTRUCTION OF REAR CONSERVATORY
- PER
- 31.01.1997

96/00967/LBC

- CONSTRUCTION OF REAR CONSERVATORY
- LISTED
- 31.01.1997

16/00550/TPOCA

- Works to 1 willow (T1) and 1 sycamore (T2) and fell 1 hawthorne (T3)
- TPOCAP
- 26.07.2016

22/00834/TCA

- T1 - Willow - Pollard to secondary unions at approx 12m. T2 - Sycamore - Fell
- WDN
- 10.10.2022

82/00090/4L

- APPLICATION FOR LISTED BUILDING CONSENT FOR RENOVATIONS TO PROPERTY
- WDN
- 16.06.1983

93/00433/4

- CHANGE OF USE TO B1 LIGHT INDUSTRIAL
- REF
- 28.07.1993

80/01134/4

- ERECTION OF 7 DETACHED HOUSES
- REF
- 02.09.1980

93/00841/4L

- ALTERATIONS TO LISTED BUILDING
- LISTED
- 27.10.1993

90/00504/4L

- RESTORATION OF BUILDING INCLUDING UNDERPINNING
- LISTED
- 26.06.1990

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. No objections have been received from the below consultees;
- Desford Parish Council
 - HBBC Conservation Officer
 - HBBC Aboricultural Officer

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
 - Policy DM12: Heritage Assets
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - 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 Sycamore tree and Willow tree are subject to a tree preservation order and are therefore considered to have a high level of amenity value.

- 8.3 The Sycamore tree (T1) and Willow tree (T2) are situated to the front of the application site to the southern boundary line. The trees are highly viewable from High Street.
- 8.4 The proposed felling of T1 has been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable. The removal would have an impact upon the amenity of the area due to its high public visibility, however due to the trees condition it is considered reasonable. The proposed works to T2 are minor, therefore they would not have a significant impact upon the amenity of the area.
- 8.5 By virtue of the proposed being in accordance the HBBC Arboricultural Officer's recommendations and with policies DM1, DM10, DM12 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 Sycamore tree (T1) and the proposed crown raising and pruning to the Willow tree are considered to be justified.
- 8.7 The Sycamore tree has visible central dead stems and crown dieback, by virtue the felling of the tree is required for safety reasons, before its condition deteriorates further.
- 8.8 The Willow tree currently has 5.00 metre clearance over the highway and 1.00 metre clearance from the adjacent dwelling. The proposed works will increase the clearance without overall detriment to tree condition and amenity value.
- 8.9 It is therefore considered that the proposed work is justified, in accordance with Policies DM1, DM10 and DM12 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 works to the Sycamore tree (T1) and Willow tree (T2) are considered reasonable due to condition of the trees and in order to provide clearance from the application dwelling and highway. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are necessary. The proposal is in accordance with policy DM1, DM10 and DM12 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 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 Sycamore tree (T1) shall be restricted to felling. The proposed works to the Willow tree (T2) shall be restricted to the crown raising to approximately 8.00 metres over the highway and the pruning to provide 2.00 metres clearance from the application dwelling 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 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.