

Delegated Report

Planning Ref: 23/00959/TPO

Applicant: Mrs Graham

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 12 Goulton Crescent Desford Leicester

Proposal: (T1) - Poplar - Remove epicormic growth from main stem up to crown break at approx 10m.

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 remove the epicormic growth from the main stem up to the crown of the Poplar tree (T1) by approximately 10.00 metres at 12 Goulton Crescent, Desford.

3. Description of the site and surrounding area

- 3.1. The application site relates to a modern (Early 21 C) detached, brick built, two storey dwelling (under a duo pitched roof) with dormer extension to rear roof slope. The property is sited within the head of a cul-de-sac type development and is flanked by similar dwellings. The application site and neighbouring dwellings are bounded by open countryside located to the north of their rear boundaries.
- 3.2. The Poplar tree is situated to the rear of the application dwelling. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 08/00004/TPORD.

4. Relevant planning history

08/00306/FUL

- DEMOLITION OF NO'S 33 AND 35 AND ERECTION OF 19 NO. DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
- PER
- 01.07.2008

12/00072/TPO

- WORKS TO POPLAR TREE
- TPOPER
- 22.03.2012

13/00290/HOU

- Extension and alterations to dwelling
- PER
- 21.05.2013

14/00022/TPO

- Works to black poplar tree
- TPOPER
- 10.02.2014

18/01047/TPO

- Works to trees
- TPOPER
- 11.12.2018

20/00008/TPO

- Remove lowest limb of Poplar
- TPOPER
- 02.03.2020

21/00837/HOU

- Demolition of existing extension, new single storey extension to rear of dwelling to extend kitchen, living and dining areas.
- PER
- 01.02.2022

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 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
- 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 works are 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 Poplar tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.

8.3 The Poplar tree (T1) is situated to the rear of the application site to the north-west boundary line. The tree is not viewable from a public vantage point. The proposed works to T1 have been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable. The proposed works would not have an impact upon the amenity of the area.

8.4 By virtue of the proposed being in accordance the HBBC Arboricultural Officer'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

8.5 The Local Planning Authority is required to consider the public benefit of proposed work to the protected tree. The proposed works to the Poplar tree (T1) are considered to be justified.

8.6 The removal of the epicormic growth from the main stem up to the crown of the Poplar tree (T1) by approximately 10.00 metres would constitute to very minor maintenance which is appropriate and acceptable.

8.7 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 works to the Poplar tree (T1) are considered reasonable as they constitute to the maintenance of the tree. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are 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 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 Poplar tree (T1) shall be restricted to the removal of the epicormic growth from main stem up to crown break at approximately 10.00 metres 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.