

Delegated Report

Planning Ref: 23/01215/TPO

Applicant: Mrs Pip Gould

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Pickard Recreation Ground Cottage Lane Desford

Proposal: Works to trees

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks consent for the below works at Pickard Recreation Ground, Cottage Lane, Desford;

- Norway Maple (T1) - Tip back over extended branch (south) by up to 2.00 metres;
- Horse Chestnut (T2) - Aerial inspect rib wound at 4.50 metres (south) on primary limb to assess if associated with an internal fracture/shorten limb as appropriate to findings;
- Horse Chestnut (T3) - Reduce in height by approximately 4.00 metres and reduce in spread and proportionately by approximately 3.00 metres.

3. Description of the site and surrounding area

- 3.1. The trees are located within Pickard Recreation Ground, which is a designated open space within the Site Allocations and Development Management Document 2016. It has a pedestrian access from Stewards Close and is surrounded by dwelling houses on its north, east and west sides. Littlefield Lane borders its western edge. The trees are directly visible from Littlefield Lane.
- 3.2. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 19/00003/TPORD.

4. Relevant planning history

02/00434/TPO

- WORKS TO HORSE CHESTNUT TREE
- TPOPER
- 15.05.2002

02/00827/TPO

- REMOVAL AND REPLACEMENT OF ONE TREE
- PER
- 26.08.2002

03/01291/FUL

- NEW PLAYGROUND EQUIPMENT

- APPRET
- 10.12.2003

04/00087/FUL

- NEW PLAYGROUND EQUIPMENT AND LANDSCAPING
- PER
- 19.04.2004

06/01267/TPOCA

- WORKS TO TREES
- TPOCAP
- 19.12.2006

09/00097/TPOCA

- WORKS TO TREES.
- TPOCAP
- 18.03.2009

12/00685/TPOCA

- WORKS TO TREES
- TORDER
- 13.09.2012

13/00659/TPO

- Works to Horse Chestnut (T7, T15, T19, T21) and Sycamore (T20)
- TPOPER
- 14.10.2013

19/00126/TPO

- Works to trees
- TPOCAP
- 05.04.2019

21/00922/TPO

- One Mature Sycamore - declining branch removal. One Horse Chestnut - northern branching cut back by 1.5 to 2 metres, low north western branch cut back by 1.5 metres.
- PERTPO
- 12.11.2021

22/00428/FUL

- Erection of 6m column to support CCTV monitoring equipment
- PER
- 12.07.2022

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;

- The HBBC Conservation Area
- The HBBC Arboricultural Officer
- Desford Parish Council

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 trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value.

- 8.3. The Norway Maple tree (T1) and the Horse Chestnut trees (T2 and T3) are situated to the south-west of the application site. The trees are highly viewable from Littlefield Lane.

- 8.4. The proposed works have been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable. The works would not have an 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 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 DM10 of the SADMP requires that consideration be given to the impact of the proposal upon amenity and the character of the surrounding area. The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees.
- 8.7 As the affected trees are the subject of a Tree Preservation Order they are considered to have a high level of amenity value. The trees are highly visible from a number of public vantage points and located within designated (public) open space. These trees therefore contribute significantly to the amenity of this space. They are of good health and are considered to be good specimens. The proposed works will allow for the proper management of the trees, and ensure the integrity of their health. Therefore, the works are considered acceptable. The reasons for proposed works have been justified within the Arboricultural Report Survey submitted to the Local Planning Authority.
- 8.8 The proposed works to the Norway Maple (T1) and Horse Chestnut (T2) are minor and justifiable. The proposed works to the Horse Chestnut (T3) are considered appropriate based on the findings in the submitted Arboricultural Report Survey of strip canker and Honey fungus colonization.
- 8.9 The works would result in no adverse impact upon the character of the area and as a result the works should be allowed. 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 trees are considered reasonable due to condition of the trees. 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 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 below works only;

- Norway Maple (T1) - Tip back over extended branch (south) by up to 2.00 metres;
- Horse Chestnut (T2) - Aerial inspect rib wound at 4.50 metres (south) on primary limb to assess if associated with an internal fracture/shorten limb as appropriate to findings;
- Horse Chestnut (T3) - Reduce in height by approximately 4.00 metres and reduce in spread and proportionately by approximately 3.00 metres.

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.

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.