

Delegated Report

Planning Reference 26/00158/TPO

Applicant Mr Steve Smithers

Ward Ambien

Application Site Saddleback Barn, Park House Court, Main Street, Stoke Golding



Hinckley & Bosworth
Borough Council

Proposal

T1 - Declining Horse Chestnut next to driveway to be reduced by 30-40%. - Deadwood crown.
T2 & T3 - Horse Chestnuts to have overreaching limbs toward parking area cut back by 50% for weight reduction.
T2 -T8 - All Horse Chestnuts situated along border wall to have overhang cut back by 1-2m, away from road to the property line.

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report:

2. Planning Application Description

2.1. This application seeks consent for the following works at Saddleback Barn, Park House Court, Main Street, Stoke Golding

- T1 - Declining Horse Chestnut next to driveway to be reduced by 30-40%. - Deadwood crown.
- T2 & T3 - Horse Chestnuts to have overreaching limbs toward parking area cut back by 50% for weight reduction.
- T2 -T8 - All Horse Chestnuts situated along border wall to have overhang cut back by 1-2m, away from road to the property line.

3. Description of the Site and the Surrounding Area

3.1. This application relates to eight Horse Chestnut trees within the grounds of Park House Court, Main Street Stoke Golding with the application dwelling Saddleback Barn located to the southwest of the site. The trees affected by the proposed work are protected under The Borough Council of Hinckley and Bosworth (Land at Park House Court, Stoke Golding) (No 5) Tree Preservation Order 2018 (18/00005/TPORD).

3.2. The site itself is situated within Stoke Golding and its associated Conservation Area. To the rear of the site is the scheduled monument known as 'Hlaew and medieval farmstead' which represents a well-preserved example of the earthwork and buried remains of a Saxon burial mound and a medieval farmstead.

4. Relevant Planning History

4.1 24/00535/TPO

- T1 - Horse Chestnut - Fell due to structural issues and re-plant with another tree, T8 - Horse chestnut. Reduce secondary leader to east back to leave stem length within boundary wall To reduce end loading.
- Permitted
- 19.07.2024

5. Publicity

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

6. Consultation

- 6.1 The Council's Arboricultural Officer considered the proposed works to represent responsible tree management and raised no formal objection to the application. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified.

- 8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.4 The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The Horse Chestnut (T1) is situated centrally within the courtyard, with the remaining trees (T2-T8) lining the north eastern border. Due to their size and prominent position, the trees are highly visible from the highway on Main Street, Station Road and High Street. They are therefore considered to play an integral part in enhancing the character and the appearance of the surrounding area and the Stoke Golding Conservation Area.
- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposal as part of ongoing sustainable tree management. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.6 The proposed works are therefore considered to be justified and would improve the overall health of the trees. The work would not have an adverse impact of the character and amenity of the Conservation Area or the Scheduled Monument. By virtue of the above the proposal would therefore be considered to accord with Policies DM10, DM11 and DM12 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.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 In conclusion, the proposed works are considered to be acceptable and therefore in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

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

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to the Horse Chestnut Tree (T1) shall be reduced by 30-40%. - Deadwood crown only.

The proposed works to the Horse Chestnut Trees (T2 & T3) shall have the overreaching limbs toward parking area cut back by 50% for weight reduction.

The proposed works to the Horse Chestnut Trees (T2-T8) shall have overhang limbs cut back by 1-2m, away from road to the property line.

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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant(s)

1. The Applicant is advised that the consent hereby granted is only 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.
2. This permission does not affect any private property rights and does not authorise the Applicant to carry out work on land outside of their control. The Applicant is therefore required to obtain the landowners consent prior to commencing any works.
3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore, if the tree is mature and has hollow cavities, is covered with ivy, or has a suitable habitat in which bats may roost, the affected tree(s) should be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of Section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.