

Delegated Report

Planning Ref: 24/00535/TPO
Applicant: Mr Michael Walton
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Chestnut Cottage Park House Court Main Street

Proposal: 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.

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 fell the Horse Chestnut tree (T1) and to reduce the secondary leader to the east and to reduce the end loading of the Horse Chestnut tree (T8).

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey semi-detached dwelling situated within the Settlement Boundary and Conservation Area of Stoke Golding, nevertheless the trees are located at the front of Park House Court, Main Street, Stoke Golding on the corner of the road which joins Station Road.
- 3.2. To the south-west of the site sits Ancient Monument, The Moats and the Tumulus. To the north-east of the site sits a Cycle Route.
- 3.3. The trees are protected by The Borough Council of Hinckley and Bosworth (Land at Park House Court, Stoke Golding) (No 5) Tree Preservation Order 2018 (Reference; 18/00005/TPORD). The 2018 order predominantly protects Horse Chestnut trees at the site, notwithstanding this the order also protects a Copper Beech tree and a Silver Birch tree.

4. Relevant planning history

12/00711/HOU

- EXTENSION AND ALTERATIONS TO DWELLING
- WDN
- 26.10.2012

12/01058/HOU

- Extension and alterations to dwelling
- PER
- 06.02.2013

18/00036/TPOCA

- T1 Horse Chestnut- Reduction of any long limbs which have evidence of decay and removal of dead branches.
- T2 - Chestnut: Shorten two south limbs towards bungalow by 50%. Clean out, crown lift to 5 metres and inspect cavity.
- T3 & 4 Chestnuts: Reduce extended laterals over highway by 2-3m.
- TPOCAP
- 12.03.2018

5. Publicity

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

6. Consultation

- 6.1. Stoke Golding Parish Council;
 - No objections have been received.
- 6.2. HBBC Conservation Officer;

“The details submitted with the application appear to provide a sound justification for the felling of the horse chestnut tree. I have no comments to make on the proposed works to the retained tree other than recommending they are carried out in accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available)”.

7. Policy

- 7.1. Stoke Golding Neighbourhood Plan 2020-2039
 - Policy SG12: Trees and Hedgerows
- 7.2. Core Strategy (2009)
 - Policy 11: Key Rural Centres Stand Alone
- 7.3. Site Allocations and Development Management Policies DPD (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
- 7.4. 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 Horse Chestnut tree (T1) and the Horse Chestnut tree (T8) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Policy DM11 of the SADMP requires all development on sites located within the setting of an ancient monument to preserve and enhance the historic environment throughout the borough.
- 8.4 Policy DM12 of the SADMP requires all development on sites located within a conservation area to preserve and enhance its significance. The application site is located within the Stoke Golding Conservation Area as thus forms part of this area's identified significance
- 8.5 Policy 136 of the National Policy Planning Framework (NPPF) (2023) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 8.6 Policy SG12 of the Stoke Golding Neighbourhood Plan seeks to ensure that development proposals that cannot avoid harm to the biodiversity or the geological significance must compensate for that harm.
- 8.7 The Horse Chestnut tree (T1) is situated to the north of Chestnut Cottage and the Horse Chestnut tree (T8) is situated to the eastern boundary of the site, adjacent to Main Street. The trees are both highly viewable from a public vantage point from the adjacent highways, Main Street and Station Road.
- 8.8 The Local Planning Authority have assessed the proposed works and can conclude that the works will have a minor impact upon the amenity of the area and the conservation area due to the loss of T1, however due to the vast amount of trees at the site and the imposed replanting condition the adverse impacts are considered to be outweighed. The works to T8 are minor.
- 8.9 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.10 The works as proposed to Horse Chestnut tree (T1) and Horse Chestnut tree (T8) have been assessed by the Local Planning Authority and are considered to be justified.
- 8.11 The proposed felling of the Horse Chestnut tree (T1) is required due to the presence of bark wounds, branch socket cavities, epicormic growth, pruning wounds and Horse chestnut leaf miner disease (*Cameraria ohridella*). The crown is also compacted at the ground.

- 8.12 The proposed works to the Horse Chestnut tree (T8) are required due to the presence of branch socket cavities, epicormic growth and dead wood. The crown also extends over the adjacent public footpath and highway to the east, causing the secondary stem to east to be long and etiolated.
- 8.13 A replanting condition has been imposed.
- 8.14 By virtue of the above it is not considered that the work would have a significant impact upon public amenity and is therefore acceptable.

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 Horse Chestnut trees (T1 and T10) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained, as long as condition 4 is complied with. The proposal is therefore in accordance with Policy DM10, DM11 and DM12 of the SADMP, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 of the NPPF. As a result, the application should be approved with conditions set out below.

11. Recommendation

- 11.1 **Grant planning permission** 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, DM11 and

DM12 of the SADMP, Policy SG12 of the Stoke Golding Neighbourhood Plan 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 to the Horse Chestnut tree (T1) shall be restricted to the felling and the proposed works to the Horse Chestnut tree (T8) shall be restricted to the reduction of the secondary leader to the east back and the reduction to the end loading 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, DM11 and DM12 of the SADMP, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 of the NPPF.

4. Within one month of the removal of the Horse Chestnut tree (T8); details of the replacement tree, including its location, to replace Horse Chestnut tree (T8); shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details in the next available planting season (October to March).

Reason: To ensure that replacement trees are planted on site in the interests of protecting the amenity of the conservation area in accordance with Policy DM10, DM11 and DM12 of the SADMP, Policy SG12 of the Stoke Golding Neighbourhood Plan 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.

- You are advised that if a tree in a conservation area is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.
- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.