

Delegated Report

Planning Ref: 23/00507/TPO

Applicant: Mr Shaun Robinson

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Trussells Cottage Little Lane Desford

Proposal: (T7) - Ash tree - Fell

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 an Ash tree (T7) at Trussells Cottage, Little Lane, Desford.

3. Description of the site and surrounding area

3.1. The application site relates to a site situated within the settlement boundary of Desford. Trussells Cottage is located north of the eastern side of Little Lane, Desford, which forms an unadopted highway that leads off Main Street and offers access to a small number of dwellings, plus the adjacent fields. It also forms a public footpath that leads out into the countryside to the northeast of the settlement.

3.2. The site is set up from Little Lane, and largely screened from this public view by an existing boundary hedge and trees. The access into the site, which also serves as a field access forms an unmade track that runs along the north-eastern side of the plot. The Ash tree (T7) is situated to the front of the site and therefore can be viewed from Little Lane, however not from the nearest highway (Main Street).

3.3. Planning Permission was granted on the site in March 2023 for the erection of a single dwelling (22/01097/FUL).

3.4. The Ash tree (T7) is situated to the front of the site. It is highly viewable from Little Lane, however cannot be viewed from the main public highway (Main Street). The tree is protected under the Hinckley and Bosworth Tree Preservation Order reference 18/00022/TPORD.

4. Relevant planning history

18/00976/FUL

- Erection of detached bungalow (wheelchair compliant)
- PER
- 13.12.2018

20/00274/DISCON

- Application to discharge condition 3 (Archaeology WSI) attached to planning permission 18/00976/FUL

- NDC
- 07.05.2020

20/01069/DISCON

- Application to discharge condition 3 (Archaeology) attached to planning permission 18/00976/FUL
- DISCHA
- 04.12.2020

21/00528/DISCON

- Application to discharge conditions 4 (Levels), 5 (Tree Protection), 6 (materials) attached to planning permission 18/00976/FUL
- DISCHA
- 09.09.2021

22/01097/FUL

- Erection of one dwelling (alternative scheme to approval 18/00976/FUL)
- PER
- 15.03.2023

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 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) (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 Ash tree is subject to a tree preservation order and are therefore is considered to have a high level of amenity value.

8.3 The Ash tree (T7) is situated to the front of the application site and is the only tree protected by the 2018 order (18/00022/TPORD. By virtue it is highly viewable from Little Lane, however cannot be viewed from the main public highway (Main Street) due to the site being largely screened from this public view by existing dwellings and an existing boundary hedge and trees.

8.4 The proposed felling of T7 has been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable. The felling is not considered excessive and the removal would not have a significant impact upon the amenity of the area.

Whether the application

8.5 The Local Planning Authority is required to consider the public benefit of proposed work to the protected tree. The proposed felling of the Ash tree (T7) is considered to be justified. There is currently extensive, visible, internal decay in the east fork of T7, this decay will extend through the main section of this primary limb and down into the main stem where it forks at 4 metres above the root flare. The canopy foliage is also thinner than normal with low vitality.

8.6 Due to the high risk of primary limb failure, with decay extending in excess of 2/3 diameter, the application is considered to be justified in accordance with Policy DM10 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.

10. Conclusion

10.1. In conclusion the felling of the Ash tree (T7) is considered reasonable due to condition of the tree having of significantly deteriorated. The HBBC Aboricultural Officer is satisfied that the felling proposed to the tree is necessary. The proposal is in accordance with policy DM10 of the SADMP. 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 felling should be restricted to the Ash tree (T7) at Trussells Cottage, Little Lane, Desford 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.