

Delegated Report

Planning Ref: 23/00915/TPO

Applicant: Mrs Fiddy

Ward: Newbold Verdon With Desford & Peckleton

Site: 6 Manor Gardens Desford Leicester

Proposal: (T1) - Robinea psuedoacacia - Fell



Hinckley & Bosworth
Borough Council

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 to fell the Robinea psuedoacacia tree (T1) at 6 Manor Gardens, Desford.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated within a cul-de-sac, within the settlement boundary of Desford. The dwelling features red brick to the walls, brown tiles to the roof and brown uPVC to the windows and doors. To the front of the dwelling sits an area of block paved hardstanding, along with an area of vegetation. To the east sits a double garage.
- 3.2. The Robinea psuedoacacia tree (T1) is situated to the rear of the site, however can be seen from a public vantage point on Manor Gardens due to its scale. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 89/00004/TPORD. The order protects various trees in the area.

4. Relevant planning history

02/00397/TPO

- WORKS TO TWO TREES
- TPOPER
- 07.05.2002

05/00047/TPO

- REMOVAL OF TREE
- TPOREF
- 11.03.2005

07/01129/TPO

- WORKS TO TREE
- TPOPER
- 26.10.2007

13/00707/TPO

- Works to two Sycamore trees
- TPOPER
- 25.09.2013

14/00871/TPO

- Works to (T1) acacia
- TPOPER
- 04.11.2014

20/01074/TPO

- Works to two sycamore trees
- WDN
- 07.01.2021

20/01390/TPO

- Works to two sycamore trees
- PERTPO
- 06.04.2021

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 Desford Parish Council.
6.2. No objections have been received from the 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 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 Robinea psuedoacacia tree is subject to a tree preservation order and are therefore is considered to have a high level of amenity value.
- 8.3 The Robinea psuedoacacia tree (T1) is situated to the rear of the application site to the north-east boundary line. The tree is viewable from Manor Gardens, however by virtue of the tree being situated behind the existing garage only the upper 2/3 of the tree is visible. T1 is not prominent within the street scene and therefore felling would be acceptable, its loss would only have a very limited harm to the visual amenity of the area.
- 8.4 The proposed felling of T1 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 is justified

- 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 Robinea psuedoacacia tree (T1) is considered to be justified.
- 8.6 A climbing inspection was undertaken by the agent (a qualified arborist) concluding that the heartwood has decayed in multiple locations causing limb failure.
- 8.7 The only alternative to felling would be a crown reduction, however this would be a short term measure. Due to the trees close proximity to the application dwelling and neighbouring dwelling felling is considered to be the safest option.

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 felling of the Robinea psuedoacacia tree (T1) is considered reasonable due to trees condition and for safety reasons. The HBBC Aboricultural Officer is satisfied that the proposed felling of 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 works shall be restricted to the felling of the Robinea psuedoacacia (T1) 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.