

Delegated Report

Planning Ref: 24/00835/TPO

Applicant: Gill

Ward: Newbold Verdon With Desford & Peckleton

Site: Rotherwood Station Road Desford

Proposal: T1 - Silver Birch - 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 planning consent to fell the Silver Birch tree (T1) at Rotherwood, Station Road, Desford.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling, situated outside of the settlement boundary of Desford. The tree is situated to the centre of the site to the south-west of the application dwelling. Many mature trees can be found in the area that contribute significantly to the visual amenity of the area.
- 3.2. The tree relevant to the application is protected under the HINCKLEY AND BOSWORTH BOROUGH COUNCIL DESFORD (STATION ROAD) TREE PRESERVATION ORDER 1993 (Reference; 93/00002/TPORD). The order also protects various specimen standing within the vicinity of the application site to The Cottage.

4. Relevant planning history

10/00002/TREE

- REMOVAL OF THREE SYCAMORES (GROUP TPO ORDER).
- SPLIT
- 13.04.2010

02/01414/FUL

- EXTENSION TO DWELLING
- PER
- 05.02.2003

03/01447/TPO

- REMOVAL AND PRUNING
- APPRET
- 04.08.2004

08/01081/TPO

- WORKS TO TREES
- WDN
- 19.11.2008

08/01099/TPO

- WORKS TO TREES
- TPOPER
- 08.01.2009

09/00758/TPO

- REMOVAL OF THREE SYCAMORES (GROUP TPO ORDER).
- TPOSPL
- 07.01.2010

17/00462/TPO

- Felling of 2no. Horse Chestnut trees
- TPOREF
- 07.07.2017

17/01000/TPO

- T1 Sycamore - Remove 1no. low branch over driveway and cut ivy.
- T2 Beech - Raise canopy over driveway by removing 3no. low limbs.
- T3 Gleditsia - Remove 2no leaders.
- T4 Gleditsia - Remove lowest limb.
- T5 Gleditsia - Remove large low limb over lawn.
- T6 Silver Birch - Crown lift to 4 metres above ground level and clean out dead branches.
- T7 Beech - Remove 2no. low limbs.
- T8 Chestnut - Remove 2no low limbs.
- T9 Chestnut - Crown lift to 4 metres above ground level.
- T10 Chestnut - Lift canopy to 4 metres above ground level and remove the large, low limb over the lawn.
- T11 Sycamore - Raise canopy by removing 3-4 low limbs.
- T12 Walnut - Lift canopy to 6 metres above ground level over shrubbery by removal of secondary branches.
- T13 Beech - Lift canopy by 1-2 metres by removal of minor growth only.
- T14 Chestnut - Remove large low limb over footpath.
- T15 Chestnut - Remove large low limb over footpath.
- T16 Sycamore - Remove large low limb over footpath.
- TPOPER
- 13.11.2017

20/00287/TPO

- Crown lift to 3x Sycamore, 2x Lime, 2x Chestnut, and Gleditsia
- TPOPER
- 13.05.2020

23/00188/TPO

- T1 - (Chestnut) - Fell, T2 - (Silver Birch) - Crown reduction by approx. 2-3m in height, T3 - (Silver Birch) - Crown reduction by approx. 2-3m in height.
- PERTPO
- 14.04.2023

24/00563/TPO

- T1 - Walnut tree (*Juglans regia*) - Fell, T2 - Beech tree (*Fagus sylvatica*) - Fell
- PERTPO
- 29.07.2024

87/00674/4

- ERECTION OF HOUSE AND ROAD IMPROVEMENT TO B5380
- REF
- 04.08.1987

77/01449/4

- FORMATION OF ADDITIONAL ACCESS
- REF
- 20.12.1977

79/02401/4M

- ERECTION OF PORCH
- PER
- 19.12.1979

79/01392/4M

- CONVERSION OF GARAGE INTO DINING ROOM
- PER
- 05.09.1979

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. Desford Parish Council;

- No objections have been received.

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 Silver Birch tree (T1) is subject to a group tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3 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.
- 8.4 Policy H1 of the Desford Neighbourhood Plan seeks to ensure that development proposals within the Plan area on sites within the settlement boundary of Desford are supported where they respect the character of the area.
- 8.5 The application seeks planning consent to fell the Silver Birch tree (T1) at Rotherwood, Station Road, Desford. The tree is situated to the centre of the site to the south-west of the application dwelling.
- 8.6 The Local Planning Authority have assessed the proposed felling and can conclude that the felling will only have a minor impact upon the amenity of the area due to the volume of remaining trees at the site, nevertheless due to generous plot that the site hosts and the contribution that the existing tree has, a replanting condition is considered expedient.

- 8.7 The Local Planning Authority therefore deems the proposed felling as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The Silver Birch tree (T1) has been assessed to be in heavy decline, with the primary leaders of the tree either dead or dying, therefore the felling of the tree is considered to be justified.
- 8.9 A replanting condition has been implemented.
- 8.10 It is therefore considered that the proposed works are 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 proposed felling of the Silver Birch tree (T1) is considered to be acceptable. The Local Planning Authority is satisfied that the proposed felling is necessary and will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, paragraph 136 of the NPPF 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, paragraph 136 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

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 Silver Birch tree (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, paragraph 136 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

4. Within one month of the removal of the tree; details of tree, including its location, to replace the Silver Birch tree (T1); 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 a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, paragraph 136 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

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.