

Delegated Report

Planning Ref: 23/00779/TPO

Applicant: Mrs Carrienne Houghton

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: The Hall Field High Street Earl Shilton

Proposal: (G1) - Group of 40 lime trees - Crown reduce in height by approx. 4m (back to previous points), Crown raise to 5-6m plus remove the epicormic growth from the main stems.

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 conduct the below works to Lime trees (G1) at The Hall Field, High Street, Earl Shilton;

- Crown reduction in height by approximately 4.00 metres
- Raise the crowns to 5.00 - 6.00 metres
- Remove of epicormic growth from the main stems

3. Description of the site and surrounding area

3.1. The Lime trees are situated within the grounds of The Hall Field Park an Open Space & Recreation Facility situated within the settlement boundary of Earl Shilton. The trees are located to the south-east of the park and form a prominent line of 40 Limes, they are considered to make a significant positive contribution to the amenity of the area.

3.2. The Lime trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 99/00011/TPORD. This order also protects various other trees at the site.

4. Relevant planning history

00/01047/TPO

- WORKS TO TREES INVOLVING GENERAL MAINTENANCE
- TPOPER
- 15.11.2000

98/00881/FUL

- ERECTION OF PLAY EQUIPMENT (PROVIDING 2 GOAL POSTS WITH BASKETBALL HOOPS)
- PER
- 03.03.1999

05/01048/TPO

- POLLARDING OF 31 LIME TREES

- TPOPER
- 13.10.2005

12/00055/TPO

- WORKS TO TREES (RETROSPECTIVE)
- TPOPER
- 25.04.2012

18/00167/TPO

- T1-T4 Horse Chestnut, T1 and T3 Remove branches affected by fruiting fungal body, Felling of T2 and T4
- T5 Malus- Fell
- T6 Cedar- Remove damaged branches
- T7 Cedar- Crown lift to 2.5 metres, remove broken and hanging branches, clean branch stub
- TPOPER
- 12.04.2018

19/00132/TPO

- Works to trees
- TPOREF
- 28.03.2019

19/00831/HOU

- Re-modelling of existing dwelling including conversion of garage to living accommodation, ground and first floor extensions, decking area, new roof, windows and 7 dormer windows
- PER
- 29.01.2020

20/00806/TPO

- Works to Wild Cherry, 2x Willows, and fell Bird Cherry
- TPOPER
- 05.10.2020

20/00959/TPO

- Crown lift x3 Lime trees on north side to provide approx. 1.5 metre clearance from neighbouring property
- PERTPO
- 11.11.2020

21/01246/TPO

- Re-pollarding of 28 Limes to previous pollard
- WDN
- 06.04.2022

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 Earl Shilton Town Council.

6.2. HBBC Arboricultural Officer Comments:

On the 17th May 2023 the below comments were provided to Earl Shilton Town Council:

Current tree height is about 19m. A 20% height reduction of approx. 4m. with radial spread shortened by 1.5m. or so would be an appropriate guide specification with crowns lifted to 5m. by removal of lower branches and thinned lightly as required.

The submitted description is similar to this and if extended lateral branches can be shortened as necessary I recommend approval of the application. Work should be carried out in accordance with BS3998:20120 during the dormant season.

7. Policy

7.1. Core Strategy (2009)

- None relevant.

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. 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 Lime trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value.

- 8.3 The Lime trees (G1) are situated to south-east of the application site. Adjacent to the trees sits a line of residential dwellings (Almeys Lane and George Foster Close). The trees are highly viewable from a public vantage point due to the site being an Open Space & Recreation Facility.
- 8.4 On the 17th May 2023 a series of work considered appropriate was recommended by the HBBC Arboricultural Officer. The applied for work is as recommended and is not considered to have a significant impact upon the amenity of the area.
- 8.5 By virtue of the proposed being in accordance the HBBC Arboricultural Officer's recommendations and with policies DM1 and DM10 of the SADMP the proposed works are deemed acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.6 The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed works to the Lime trees (G1) are considered to be justified. The trees at current are affecting the reasonable enjoyment of the owners/occupiers of the dwellings to Almeys Lane and George Foster Close. The proposed works will ensure that the light quality the dwellings receive is improved.
- 8.7 It is therefore considered that the proposed work is 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 works to the Lime trees (G1) is considered reasonable due to trees affecting the reasonable enjoyment of the dwellings to Almeys Lane and George Foster Close. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are 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 to Lime trees (G1) shall be restricted to the crown reduction in height by approximately 4 metres and the crown raising to 5-6 metres plus the removal of epicormic growth from the main stems 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.