

Delegated Report

Planning Ref: 23/00770/TPO
Applicant: Mr Stephen Webb
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Twycross House School 1 Main Road Twycross

Proposal: (T1) - 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 Ash tree (T1) at Twycross House School, 1 Main Road, Twycross.

3. Description of the site and surrounding area

- 3.1. The application relates to a private educational school situated within
- 3.2. The site is adjacent to open countryside to the south, with land levels falling away gradually in this direction. To the north and west of the application site is the Twycross Cricket Ground and the Orton Lane Playing Fields. The main school buildings are immediately to the east of the site.
- 3.3. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 75/00012/TPORD.

4. Relevant planning history

94/00021/FUL

- ERECTION OF SPORTS HALL
- PER
- 17.03.1994

94/00252/CONDIT

- VARIATION OF CONDITION NO. 4 APPLICATION NO. 94/00021/FUL
- PER
- 27.04.1994

97/00113/FUL

- EXTENSION TO SPORTS HALL
- PER
- 03.04.1997

99/00559/FUL

- RETENTION OF LPG AUTOGAS TANK

- PER
- 18.08.1999

03/01366/FUL

- EXTENSION TO SPORTS HALL
- PER
- 16.01.2004

10/00433/FUL

- EXTENSION AND ALTERATIONS TO DWELLING
- PER
- 23.08.2010

13/00821/FUL

- Erection of new implement shed.
- PER
- 05.12.2013

13/00842/CON

- Erection of new implement shed.
- CONARA
- 05.12.2013

21/01462/TCA

- T11, T18, T24, T27, T28, T33, T36, T38, T39 To follow Tree Survey report as BS 3998 1989 Recommendations
- DTM
- 25.01.2022

23/00228/FUL

- Extension to existing garage/outbuilding to incorporate additional car port
- PER
- 08.06.2023

86/00593/4

- CHANGE OF USE FROM RESIDENTIAL TO SCHOOL
- WDN
- 04.11.1986

90/00712/4L

- DORMER WINDOW EXTENSION TO FORM GAMES ROOM
- REFLIS
- 21.08.1990

89/00783/4

- CONSTRUCTION OF SCHOOL ACCESS ROAD TO PROVIDE ONE WAY VEHICULAR FLOW INTO SCHOOL GROUNDS FROM FLAX LANE
- REF
- 22.08.1989

93/00751/4

- EXTENSION TO DWELLING SCHOOL ADDITIONAL LIVING ACCOMMODATION
- PER
- 20.10.1993

93/00731/4

- CONSTRUCTION OF TENNIS COURT
- PER
- 20.10.1993

90/01026/4

- NON COMPLIANCE WITH CONDITIONS 4 5 AND 6 ATTACHED TO 90 0721 4
- PER
- 23.10.1990

91/00175/4

- VARIATIONS OF CONDITIONS 9 AND 10 APPLICATION NO 87 1200 4
- PER
- 23.04.1991

89/00777/4

- CONSERVATORY EXTENSION
- PER
- 06.09.1989

87/00684/4

- CLASSROOM EXTENSION TO SCHOOL
- PER
- 25.08.1987

87/00683/4

- BEDROOM EXTENSION
- PER
- 25.08.1987

88/00297/4

- CONSERVATORY EXTENSION
- PER

- 18.04.1988

87/01200/4

- SWIMMING POOL FOR SCHOOL
- PER
- 23.02.1988

86/01235/4

- UTILITY ROOM EXTENSION
- PER
- 19.01.1987

86/01182/4

- WC EXTENSION
- PER
- 27.01.1987

86/01225/4

- CHANGE OF USE OF PART OF SCHOOL PLAYING FIELD TO A CAR PARK
- PER
- 27.01.1987

83/00734/4

- ERECTION OF CARETAKER S DWELLING OUTLINE
- OUT
- 25.10.1983

93/00749/4L

- EXTENSION TO DWELLING SCHOOL ADDITIONAL LIVING ACCOMMODATION
- LISTED
- 20.10.1993

90/01231/4L

- EXTENSION TO FORM DORMER WINDOW
- LISTED
- 21.12.1990

89/01177/4L

- CONSERVATORY EXTENSION
- LISTED
- 24.10.1989

00/00808/FUL

- CONVERSION OF STABLES AND EXTENSION TO PROVIDE ADDITIONAL CLASSROOMS
- PER
- 11.10.2000

00/00809/LBC

- CONVERSION OF STABLES AND EXTENSION TO PROVIDE CLASSROOMS
- LISTED
- 11.10.2000

00/01236/LBC

- RETENTION OF RE-BUILT WALL
- LISTED
- 12.04.2001

01/00067/FUL

- RETENTION OF RE-BUILT WALL
- PER
- 12.04.2001

02/00294/TPO

- WORKS TO ONE OAK TREE
- WDN
- 19.04.2002

96/00945/FUL

- EXTENSION TO CLASSROOM AND WC
- PER
- 06.02.1997

05/00875/TPOCA

- WORKS TO TREES
- CC
- 06.10.2005

05/00880/TPOCA

- WORKS TO TREES
- WDN
- 22.09.2005

06/00329/FUL

- EXTENSIONS TO SCHOOL TO PROVIDE PORCH AREAS
- PER
- 18.05.2006

06/00330/LBC

- EXTENSIONS TO SCHOOL TO PROVIDE NEW PORCH AREAS
- LISTED
- 18.05.2006

06/01132/FUL

- EXTENSION AND ALTERATIONS TO CLASSROOM (RETROSPECTIVE)
- PER
- 21.12.2006

07/00591/FUL

- ERECTION OF IMPLEMENT SHED
- PER
- 17.07.2007

08/00678/LBC

- EXTENSION TO FORM SIXTH FORM ROOM _ W.Cs
- APPRET
- 08.07.2008

08/00679/FUL

- EXTENSION TO FORM CLASSROOM & W.Cs
- WDN
- 23.09.2008

08/00931/FUL

- EXTENSION TO FORM CLASSROOM AND TOILETS
- PER
- 18.11.2008

10/00432/FUL

- DEMOLITION OF EXISTING CLASSROOM BLOCK AND ERECTION OF REPLACEMENT CLASSROOM BLOCK (RETROSPECTIVE)
- PER
- 11.08.2010

10/00488/CON

- DEMOLITION OF CLASSROOM BLOCK
- CONARA
- 11.08.2010

11/00957/TPOCA

- REMOVAL OF THREE LOMBARDY POPLAR TREES
- TPOCAP

- 13.02.2012

12/00875/FUL

- EXTENSIONS AND ALTERATIONS TO SCHOOL
- PER
- 21.12.2012

16/00462/TPO

- Fell 1x turkey oak (T8) and fell 1x copper beech (T15)
- TPOPER
- 28.06.2016

16/00670/LBC

- Erection of a theatre/drama studio
- LISTED
- 21.09.2016

16/00671/FUL

- Erection of a theatre/drama studio
- PER
- 21.09.2016

18/00451/TPO

- Works to tree
-
- TPOPER
- 07.08.2018

19/01196/FUL

- Widening of existing access
- PER
- 02.01.2020

21/00319/FUL

- Artificial Grass Pitch with access path, spectator area, floodlighting and perimeter fencing
- PER
- 24.06.2021

21/00926/DISCON

- Application to discharge condition 4 (Archaeology) attached to planning permission 21/00319/FUL
- PDC
- 09.09.2021

93/00644/4

- ERECTION OF GROUNDS MAINTENANCE BUILDING
- PER
- 21.09.1993

90/01077/4

- ERECTION OF FIRE ESCAPE STAIRCASE
- PER
- 21.12.1990

90/00209/4

- EXTENSION TO SCHOOL
- PER
- 09.01.1991

88/00615/4

- EXTENSION TO FORM CHANGING ROOM AND STUDY CLASSROOM
- PER
- 28.06.1988

86/00557/4

- KITCHEN AND CONSERVATORY EXTENSION
- PER
- 01.07.1986

81/00776/4

- FORMATION OF TENNIS COURT WITH ACCESS
- PER
- 25.08.1981

91/00024/4L

- ERECTION OF CLASSROOM AND KITCHEN EXTENSION
- LISTED
- 26.02.1991

90/00593/4L

- EXTENSION TO FORM CLASSROOM
- LISTED
- 21.12.1990

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 below consultees;

- The HBBC Conservation Officer
- Twycross Parish Council

6.2. HBBC Arboricultural Officer Comments;

The old ash tree has a large wound with associated decay at ground level on the south side of the trunk. Additionally there is a scar at 4-5m. above ground level on the south-west side where fungal bracket attachment marks are present. Fallen *Inonotus hispidus* fungal brackets are present, lying on the ground below the scar. *Inonotus hispidus* causes a white rot which decays the lignin component and also in some cases, a soft rot.

To provide evidence of internal condition I have carried out Resistograph drill tests to measure timber resistance at:

- a) 0.3m. above ground level
- b) 4.5m. above ground level.

Perfectly accurate test results are not possible but from the readings I estimate there is:

- a) 31% of the radius decayed, 31% incipient decay and 38% sound wood.
- b) 55% of the radius decayed and 45% sound wood.

The Mattheck bench mark formula to determine whether or not a tree poses a risk is the t/R ratio. If the value of t (sound wood)/ R (radius) < 0.3 there is a risk of failure. World wide field tests have shown that failure rate increases rapidly in trees with a hollow centre beyond 70% decay. This tree has some outer stem decay at both wounds and therefore the likelihood of failure increases.

Due to the likelihood of *Chalara* colonisation increasing if a crown reduction was undertaken and the hazard being in a school setting, I recommend approval of the application to fell.

The school could however consider reduction to a monolith to retain some ecological benefit.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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 Ash tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3 The Ash tree is situated to the rear of the application site and sits on the north-south boundary line adjacent to the neighbour dwelling (The Folly, 3 Main Road, Twycross). The tree is very limited from a public vantage point from the nearest highways.
- 8.4 The proposed felling has been assessed by the HBBC Arboricultural Officer and have been deemed acceptable. The proposed would not have a significant impact upon the amenity of the area due to the works being necessary and due to the location of the tree.
- 8.5 By virtue of the proposed being in accordance 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 tree. The proposed works to the Ash tree are considered to be justified. The HBBC Arboricultural Officer has carried out external and internal tests to the tree. The tests have concluded that there is a large wound with associated decay at ground level on the south side of the trunk, in addition to a scar at 4.00 – 5.00 metres above ground level on the south-west side where fungal bracket attachment marks are present. Fallen *Inonotus hispidus* fungal brackets are also present, lying on the ground below the scar.

8.7 *Further test results are summarised below;*

To provide evidence of internal condition the HBBC Arboricultural Officer has carried out Resistograph drill tests to measure timber resistance at:

- a) 0.3m. above ground level*
- b) 4.5m. above ground level.*

Perfectly accurate test results are not possible but from the readings the HBBC Arboricultural Officer estimates there is:

- a) 31% of the radius decayed, 31% incipient decay and 38% sound wood.*
- b) 55% of the radius decayed and 45% sound wood.*

- 8.8 The Mattheck bench mark formula to determine whether or not a tree poses a risk is the t/R ratio. If the value of t (sound wood)/R (radius) <0.3 there is a risk of failure. World wide field tests have shown that failure rate increases rapidly in trees with a

hollow centre beyond 70% decay. This tree has some outer stem decay at both wounds and therefore the likelihood of failure increases.

- 8.9 It is therefore considered that the proposed felling 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.

9.4

10. Conclusion

- 10.1. In conclusion the proposed felling to the Ash tree (T1) is considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the tree is necessary due to condition of the tree and it being sited within school grounds. The Local Planning Authority are satisfied that adequate justification has been provided for the proposed works. The proposal is in accordance with policies DM1 and 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 Ash 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 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.
- 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.