

Delegated Report

Planning Ref: 24/01137/TPO

Applicant: Gill

Ward: Newbold Verdon With Desford & Peckleton

Site: Rotherwood, Station Road, Desford, Leicestershire



**Hinckley & Bosworth
Borough Council**

**Proposal: G1 6no. Gleditsia triacanthos - Pollard at approximately 15-20ft
T1 Acer psuedoplatanus - Pollard at trifurcation approximately 30ft**

1. Recommendations

1.1. Grant consent subject to the conditions

2. Planning Application Description

2.1 The application seeks planning consent for the following works at Rotherwood, Station Road, Desford, Leicestershire

- G1 6no. Gleditsia triacanthos - Pollard at approximately 15-20ft
- T1 Acer psuedoplatanus - Pollard at trifurcation approximately 30ft

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a residential dwelling, situated outside of the settlement boundary of Desford. The group of Gleditsia triacanthos (G1) and the Acer psuedoplatanus (T1) are both situated to the front 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 trees is protected by The Borough Council of Hinckley and Bosworth Desford (Station Road) Tree Preservation Order 1993 (93/00002/TPORD)

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

24/00835/TPO

- T1 - Silver Birch - Fell
- PERTPO
- 24.10.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received

6. Consultation

6.1. HBBC Conservation Officer

“As this tree is already covered by a Tree Preservation Order I have no comments to make on the proposal other than recommending any works are carried out in accordance with the relevant British Standards for Tree Work”

6.2. Desford Parish Council

No comments have been received

7. Policy

- 7.1. Core Strategy (2009):
- Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. Desford Neighbourhood Plan 2018 – 2036 (DNP) (2021):
- Policy H1: Settlement Boundary
- 7.4. National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)

- 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 trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be 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 trees, whilst situated to the front of the main dwelling are largely screened from the highway on Station Road due to the vast amount of trees present on site. The works are therefore considered to be acceptable and would not detract from the amenity value of the area.
- 8.6. The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7. The work proposed has been assessed and is considered to be reasonable. The work will aid future maintenance and ensure that the lifespan of the tree is preserved.
- 8.8. By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

A public authority must, in the exercise of its functions, have due regard to the need to:

- 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. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In conclusion the proposed works are considered to be acceptable. The works would not result in the loss or damage of a protected tree and would have minimal impact upon the overall character and appearance of the area. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be approved with conditions set out below

11. Recommendation

- 11.1. **Grant consent** subject to the planning conditions

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 136 of the NPPF (2024).

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 the 6 *Gleditsia triacanthos* (G1) shall be restricted to the pollarding at approximately 15-20ft

The proposed works to the *Acer pseudoplatanus* (T1) shall be restricted to pollarding at trifurcation approximately 30ft

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 136 of the NPPF (2024).

Notes to Applicant:

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.

This permission does not affect any private property rights and does not authorise the applicant to carry out work on land outside of their control. The applicant is therefore required to obtain the landowners consent prior to commencing any works.

It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore if the tree is mature and has hollow cavities, is covered with ivy or has a suitable habitat in which bats may roost we recommend that it be surveyed for bats before any work is carried out.

The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work 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 if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.