

Delegated Report

Planning Ref: 23/00821/TPO

Applicant: Mr Clifton

Ward: Newbold Verdon With Desford & Peckleton

Site: 9 Manor Gardens Desford Leicester



Hinckley & Bosworth
Borough Council

Proposal: (T1) - Sycamore - Remove Secondary lead overhanging neighbours property. Reduce spread towards both houses by 1.5m. Raise canopy to 6m. (T3) - Sycamore - Raise canopy to 6m. Reduce spread towards house by 3m from tips.

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 following works;

Sycamore tree (T1):

- Remove Secondary lead overhanging neighbours property
- Reduce spread towards both houses by 1.50 metres
- Raise canopy to 6 metres

Sycamore tree (T3):

- Raise canopy to 6 metres
- Reduce spread towards house by 3 metres from tips

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated within the settlement boundary of Desford. The dwelling is situated on a corner plot and is characterised by the use of red brick, brown tiles and light brown windows and doors. A canopy porch is situated to the front of the dwelling and a detached double garage is situated to the east side of the dwelling.
- 3.2. The trees are situated to the rear of the application dwelling. They are highly visible from a public vantage point due to the property being situated on a corner plot. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 89/00004/TPORD.

4. Relevant planning history

03/00512/FUL

- ERECTION OF CONSERVATORY
- PER
- 11.06.2003

14/00831/TPO

- Works to trees

- TPOPER
- 17.10.2014

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;
- Desford Parish Council
 - 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 Sycamore trees are subject to a tree preservation order and are therefore are considered to have a high level of amenity value.
- 8.3. The Sycamore trees (T1 & T3) are situated to the rear of the application site. The trees are highly viewable from Manor Gardens due to the layout of the plot; they can also be partially viewed from Manor Road.

- 8.4 The proposed works to the tree have been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable. The works are not considered excessive and would not have a significant impact upon the amenity of the area as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed works to the Sycamore trees (T1 & T3) are considered to be justified in order to maintain appropriate headroom and clearance from the two dwellings.
- 8.6 Taking the above into consideration, the application is considered to be 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 Sycamore tree (T1 & T3) are considered reasonable. The HBBC Arboricultural Officer is satisfied that the proposed works to the tree 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 the Sycamore trees (T1 & T3) shall be restricted to the below;

(T1) - Sycamore

Remove Secondary lead overhanging neighbours property

Reduce spread towards both houses by 1.50 metres

Raise canopy to 6m metres

(T3) - Sycamore

Raise canopy to 6 metres

Reduce spread towards house by 3 metres from tips

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.

