

## Delegated Report

**Planning Ref: 23/00591/TPO**

**Applicant: Mr Davidson**

**Ward: Newbold Verdon With Desford & Peckleton**

**Site: 56 Main Street Desford Leicester**



Hinckley & Bosworth  
Borough Council

**Proposal: (T1) - Ash - Fell, (T2) - Walnut - Fell, (T3) - Robinea pseudoacacia 'Casque Rouge' - Fell**

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### **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 an Ash tree (T1), a Walnut tree (T2) and a Robinea pseudoacacia 'Casque Rouge' tree (T3) at 56 Main Street, Desford.

### **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 and conservation area of Desford. It comprises red brick to the walls, brown tiles to the roof and white uPVC windows and doors. A large gravelled driveway sits to the front of the dwelling which is surrounded by a 2 metre high brick wall.
- 3.2. T1 and T2 are situated to the rear of the application dwelling and T3 is situated to the front of the application dwelling. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 76/00005/TPORD.

### **4. Relevant planning history**

#### **96/00712/FUL**

- EXTENSION TO DWELLING
- PER
- 31.10.1996

#### **98/00201/FUL**

- FIRST FLOOR SIDE EXTENSION
- PER
- 22.04.1998

#### **99/00720/TPO**

- WORKS TO ONE POPLAR AND TWO ASH TREES
- TORDER
- 28.10.1999

#### **03/01061/TPO**

- REMOVAL OF ONE ELM AND WORKS TO TWO ASH TREES
- TPOPER
- 27.10.2003

**07/00190/TPO**

- REMOVAL OF TWO ASH TREES
- TPOPER
- 24.08.2007

**13/00841/TPO**

- Removal of reverted variegated acer branch, approximately 25% of the upper part of the tree
- TPOPER
- 02.12.2013

**18/00837/TPOCA**

- Works to ash tree
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- DTM
- 02.10.2018

**79/01293/4**

- ERECTION OF HOUSE AND GARAGE
- PER
- 25.09.1979

**76/00490/4**

- ERECTION OF ONE DWELLING WITH GARAGE
- OUT
- 26.05.1976

**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 following consultees;
- HBBC Arboricultural Officer
  - HBBC Conservation Area 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 trees are subject to a tree preservation order and therefore considered to contribute towards a high level of amenity value. Policy H1 of the Desford Neighbourhood Plan seeks to ensure that development within the settlement boundary of Desford is supported where it respects the character of Desford.
- 8.3 T1 and T2 are situated to the rear of the application dwelling and T3 is situated to the front of the application dwelling. The trees are all highly viewable from a public vantage point from the highway therefore the felling's will no doubt impact the area slightly due to the contribution they hold. However this is outweighed by the decline in condition of the trees.
- 8.4 The proposed felling of T1, T2 and T3 are considered acceptable as long as carried out in accordance with BS 3998:2010.
- Whether the application is justified
- 8.5 The proposed works have been assessed by the HBBC Arboricultural Officer and are considered to be justified.
- 8.6 The Ash tree (T1) is suppressed with some canopy dieback to the north. The proposed felling will generate space to allow the adjacent Specimen Copper Beech and Norway Maples trees to develop.
- 8.7 The Walnut tree (T2) is leaning acutely and makes the tree unsuitable for a long term retention therefore the felling is considered justified.
- 8.8 The Robinea pseudoacacia 'Casque Rouge' tree (T3) is positioned within a close proximity to the wall of the existing house causing the root system to be restricted due to the wall foundations. The felling is considered justified as, as the roots

develop in size there is potential for direct damage to be caused to the wall.

## **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 Ash tree (T1), a Walnut tree (T2) and a Robinea pseudoacacia 'Casque Rouge' tree (T3) are considered reasonable as the trees are in decline. The HBBC Tree Officer is satisfied that the works proposed to the tree is necessary due to the tree significantly overhanging into the neighbouring property. 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), Walnut tree (T2) and (Robinea pseudoacacia 'Casque Rouge' (T3) 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.