

Delegated Report

Planning Ref: 25/00553/TPO
Applicant: Mr Ian Garnell
Ward: Desford



Hinckley & Bosworth
Borough Council

Site: Desford Hall, Leicester Lane, LE9 9JJ

Proposal:

T3 Common Lime - Deadwood (Dieback).

T5 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.

T7 Common Lime - Deadwood (Dieback) Cut back to the previous Pollard Point.

T9 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.

T12 Common Lime - Take off Previous Poor Pruning Stubs.

T13 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.

T15 Common Lime - Remove dead branches over road within 3 months of Deadwood.

T19 Common Lime - Pollard to 8 Metres.

T21 Common Lime – Deadwood.

T22 Common Lime – Deadwood.

T28 Common Lime - Deadwood (Dieback).

T31 Sycamore – Deadwood.

T55 Common Lime – Deadwood.

T57 Common Lime – Deadwood.

T61 Horse Chestnut - Veteran Tree, Disease present, tree in natural decline. Due to location and ecological value, tree should be allowed to decay. Consider reduction/veteranisation.

T65 Horse Chestnut - Tree in decline and is now unsafe - to be removed.

T77 Common Lime - Crown Lift and Deadwood.

T78 Common Lime - Crown Lift and Deadwood.

T79 Common Lime - Crown Lift and Deadwood.

Case Officer: Jack Playle (Technical Planning Assistant).

1. Recommendations

1.1. Grant consent subject to the conditions at the end of this report.

2. Planning Application Description

2.1 The application seeks consent for the following works at Desford Hall, Leicester Lane, Desford, LE9 9JJ.

- T3 Common Lime - Deadwood (Dieback).
- T5 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.
- T7 Common Lime - Deadwood (Dieback) Cut back to the previous Pollard Point.
- T9 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.
- T12 Common Lime - Take off Previous Poor Pruning Stubs.
- T13 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.
- T15 Common Lime - Remove dead branches over road within 3 months of Deadwood.
- T19 Common Lime - Pollard to 8 Meters.
- T21 Common Lime – Deadwood.
- T22 Common Lime – Deadwood.
- T28 Common Lime - Deadwood (Dieback).
- T31 Sycamore – Deadwood.
- T55 Common Lime – Deadwood.
- T57 Common Lime – Deadwood.
- T61 Horse Chestnut - Veteran Tree, Disease present, tree in natural decline. Due to location and ecological value, tree should be allowed to decay. Consider reduction/veteranisation.
- T65 Horse Chestnut - Tree in decline and is now unsafe - to be removed.
- T77 Common Lime - Crown Lift and Deadwood.
- T78 Common Lime - Crown Lift and Deadwood.
- T79 Common Lime - Crown Lift and Deadwood.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a tree(s) located at Desford Hall within the settlement boundary of Desford.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth (Desford – Glengate, Leicester Lane) Tree Preservation Order (No.1) 1988 which protects several tree species.

4. Relevant Planning History

21/00002/TPO

- WDN
- Crown lifting to x6 Oak trees, crown lifting to x2 Maple trees, removal of x3 Cherry trees, removal of x1 Silver Birch tree, removal of x2 Cypress trees, removal of unspecified tree, shaping of x4 Willow trees, shaping of x1 Cherry tree.

18/00678/TPO

- TPOPER
- Works to trees
- 13.07.2018

14/01045/TPO

- TPOPER
- Fell Horse Chestnut tree and replant suitable replacement tree
- 20.10.2014

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

HBBC Arboricultural Officer Comments:

- *'I am satisfied that the works proposed here are in the best interest of responsible tree management. As always, works must be undertaken in accordance with the relevant British Standard (3998:2010).'*
- *'I would like to ensure that T65- Horse Chestnut is replaced with a container grown standard which is deemed desirable to the site by the consultant, this must be sold in a container no smaller than 25 litres.'*

7. Policy

7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

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

7.2. Desford Neighbourhood Plan (2018-2036)

- Policy ENV 5: Local Heritage Assets

7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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 trees are subject to a tree preservation order and is 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. The trees (T3-T79) are situated around the site of Desford Hall and play an important part in the character and the amenity of the local area due to their prominent location. Policy ENV 5 of the Desford Neighbourhood Plan (2021) identifies Desford Hall as a local heritage site and any proposals should aim to preserve and enhance the setting of this heritage asset.

8.5. The respective tree works in the proposal contain a mix of the removal of deadwood (dieback), removing of epicormic growth, removal of dead branches, pollarding, crown lifting and the removal of a Horse Chestnut tree (T65). All of which is considered to maintain and preserve the character of Desford Hall.

8.6. The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.7. The HBBC Arboricultural officer has assessed the application and deemed that the works are in best interest of responsible tree management. Therefore, the proposal would seek to enhance the setting of Desford Hall which is in compliance with the Desford Neighbourhood Plan (2018-2036).

8.8. The HBBC Arboricultural officer has identified that the Horse Chestnut tree (T65) is of special interest and when removed it is to be replaced with a container grown standard which is to be deemed desirable by the consultant when on the site.

- 8.9. 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:

- 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. 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 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 **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 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 tree(s) shall be restricted to the below only:

- T3 Common Lime - Deadwood (Dieback).
- T5 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.
- T7 Common Lime - Deadwood (Dieback) Cut back to the previous Pollard Point.
- T9 Common Lime - Deadwood & Remove Epicormic Growth Base and Stem.
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- T77 Common Lime - Crown Lift and Deadwood.
- T78 Common Lime - Crown Lift and Deadwood.
- T79 Common Lime - Crown Lift and Deadwood.

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).

4. Within one month of the removal of the Horse Chestnut tree (T65), details of a container grown standard tree, including its location, shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that replacement trees are planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Policies Development Plan Document (2016) and paragraph 136 of the NPPF.

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.