

Delegated Report

Planning Ref: 23/01034/TPO

Applicant: Mrs Juliette Sherwin

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Desford Hall Leicester Lane Desford

Proposal: Works to trees

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 for the below works to (T1-T7) at Desford Hall, Leicester Lane, Desford.

Oak trees (T1-T3), Sycamore trees (T4-T6) and Ash tree (T7);

Raise the crowns of the trees by 5.10 metres over Leicester Lane, Desford;

Raise the crowns of the trees to provide a 1.00 metre clearance above the cables and remove any structually defective branches;

Oak trees (T1-T3);

Shorten branches of the Oak trees touching the cable to provide a 1.50 metre clearance.

3. Description of the site and surrounding area

- 3.1. Desford Hall is a late 19th century grade II listed building in which was converted to offices. It is characterised by the use of white brick with ashlar dressings, a slate roof and two moulded external stacks. The site lies outside the settlement boundary of Desford in the open countryside. The site can be accessed from Leicester Lane.
- 3.2. The trees are situated to the southern boundary of the site, adjacent to Hollows Park Lane and are protected by the Hinckley and Bosworth Tree Preservation Order reference 88/00006/TPORD.

4. Relevant planning history

03/00246/TPO

- REMOVAL OF ONE SYCAMORE TREE
- TPOPER
- 09.04.2003

96/00683/LBC

- DEMOLITION OF TOILET BLOCK AND ALTERATIONS TO BUILDING
- LISTED
- 14.10.1996

99/00891/TPO

- MAINTENANCE WORK TO TREES INCLUDING CROWN REDUCTION DEAD WOODING AND REMOVAL OF BASAL GROWTH
- TORDER
- 15.11.1999

05/00573/FUL

- DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING
- PER
- 14.10.2005

05/00587/LBC

- DEMOLITION OF OUTBUILDINGS AND ERECTION OF NEW OFFICE BUILDING
- LISTED
- 14.10.2005

07/00419/TPO

- WORKS TO TREE
- TPOPER
- 11.05.2007

07/00437/TPO

- WORKS TO TREE
- APPRET
- 18.07.2007

08/00527/FUL

- INSERTION OF GLAZED SCREENS TO ARCHED SIDE ENTRANCES AND REVISED INTERNAL LAYOUT (VARIATION OF APPROVAL 05/00573/FUL)
- PER
- 21.07.2008

08/00985/FUL

- ADDITIONAL OFFICE ACCOMMODATION WITHIN ROOF SPACE AND MODIFICATIONS TO PARKING LAYOUT AND COMPOUND
- PER
- 23.12.2008

13/00790/LBC

- Replacement windows to part ground floor west elevation
- LISTED
- 18.12.2013

14/01045/TPO

- Fell Horse Chestnut tree and replant suitable replacement tree
- TPOPER
- 12.12.2014

18/00678/TPO

- Works to trees
- TPOPER
- 07.09.2018

21/00002/TPO

- Crown lifting to x6 oak trees, crown lifting to x2 Maple trees, removal of x2 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
- WDN
- 08.04.2021

21/01055/FUL

- Proposed metal doorway canopy / portico
- PER
- 07.12.2021

21/01056/LBC

- Proposed metal doorway canopy / portico
- LISTED
- 07.12.2021

89/00490/4

- THREE STOREY OFFICE BLOCK USED FOR OFFICE SPACE OUTLINE
- REF
- 23.05.1989

88/00841/4

- HELICOPTER GARAGE AND FUEL TANK
- PER
- 23.08.1988

93/00289/4L

- EXTERNAL STAIRCASE
- LISTED
- 28.04.1993

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 Desford Parish Council
- 6.2. The HBBC Arboricultural Officer has no objections to the works providing the description is amended as in accordance with his recommendations.

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
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 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 Oak, Sycamore and Ash trees are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3. Policies DM11 and DM12 of SADMP requires all development on sites of heritage asset to preserve and enhance its significance. The application site is a 19th century grade II listed building as thus forms part of this area's identified significance.
- 8.4. The Oak trees (T1-T3), Sycamore trees (T4-T6) and Ash tree (T7) are situated to the front of the application site to the southern boundary line. The trees are highly viewable from Hollows Park Lane and Leicester Lane.
- 8.5. The application originally sought consent to carry out branch removal to T1-T7 by 12.00 metres. The Arboricultural Officer deemed the works as excessive. A revised description has since been obtained following the HBBC Arboricultural Officer's

recommendations. The revised works are deemed as acceptable and would not have a significant impact upon the amenity of the area.

- 8.6 By virtue of the proposed being in accordance the HBBC Arboricultural Officer's recommendations and with policies DM1, DM10, DM12 of the SADMP and Policy H1 of the Desford Neighbourhood Plan the proposed works are deemed acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7 The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed works to the Oak trees (T1-T3), Sycamore trees (T4-T6) and Ash tree (T7) are considered to be justified.
- 8.8 A site visit as carried out by the HBBC Arboricultural Officer has indicated that the trees along the southern boundary of the site are close to or touching the overhead telephone cables and overhanging Hollows Park Lane. The proposed works will therefore ensure that sufficient clearance is provided from both the overhead cables and highway.
- 8.9 It is therefore considered that the proposed work is justified, in accordance with Policies DM1, DM10 and DM12 of the SADMP and Policy H1 of the Desford Neighbourhood Plan.

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 Oak trees (T1-T3), Sycamore trees (T4-T6) and Ash tree (T7) are considered reasonable in order to provide clearance from the overhead lines and highway. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are necessary. The proposal is in accordance with policy DM1, DM10 and DM12 of the SADMP and Policy H1 of the Desford Neighbourhood Plan. 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 136 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 trees shall be restricted to the below only;

Oak trees (T1-T3), Sycamore trees (T4-T6) and Ash tree (T7);

- Raise the crowns of the trees by 5.10 metres over Hollows Park Lane, Desford;
- Raise the crowns of the trees to provide a 1.00 metre clearance above the cables and remove any structurally defective branches.

Oak trees (T1-T3);

- Shorten branches of the Oak trees touching the cable to provide a 1.50 metre clearance.

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.

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.