

Delegated Report

Planning Ref: 24/00246/TPO

Applicant: Mr Pegden

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 1 Grange Court Desford Leicester

Proposal: T1 - Sycamore - Overall crown reduction by approx. 1.50-2.00 metres for containment within properties, and to reduce loading on lower main union. T2 - Yew - Reduce canopy by approx. 1.5m on Southern and Eastern sides to restore naturalistic crown shape and prevent further branch failure

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 planning permission for the below works;

Sycamore tree (T1)

- To conduct an overall crown reduction by approximately 1.50-2.00 metres;
- To reduce the loading on lower main union.

Yew tree (T2)

- Reduction in the canopy by approximately 1.50 metres on the southern and eastern sides.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated within a cul-de sac, within the settlement boundary and conservation area of Desford. The application dwelling is compromised by the use of red brick to the walls, brown tiles to the pitched roof and white windows.
- 3.2. The trees are situated within the rear garden of Fox Haven, 1 Grange Court, Desford. The TPO covers an area from Church Lane which covers Grange Court in its entirety. The affected tree is covered by the Hinckley and Bosworth Borough Council Tree Preservation Order 76/00005/TPORD.

4. Relevant planning history

09/00016/TREE

- REMOVAL OF BEECH TREE AND WORKS TO TWO SYCAMORE AND TWO YEW TREES
- SPLIT
- 09.12.2009

01/00971/TPO

- CROWN RAISING OF 3 YEW TREES AND WORKS TO TWO SYCAMORES AND ONE BEECH TREE

- TPOPER
- 26.10.2001

98/00569/TPO

- PRUNE ONE SYCAMORE AND FELL ONE YEW TREE
- TPOREF
- 16.09.1998

06/01420/TPO

- WORKS TO 2 TREES
- TPOPER
- 26.01.2007

08/00113/TPO

- REMOVAL OF YEW TREE
- TPOPER
- 26.03.2008

08/00816/FUL

- EXTENSIONS AND ALTERATIONS
- REF
- 08.10.2008

08/01075/CLU

- CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT FOR REAR EXTENSION
- CERTPU
- 05.01.2009

09/00154/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING AND ERECTION OF TRELLIS FENCE
- PER
- 08.05.2009

09/00370/TPO

- REMOVAL OF BEECH TREE AND WORKS TO TWO SYCAMORE AND TWO YEW TREES
- TPOSPL
- 14.07.2009

13/00777/TPO

- Felling of yew tree
- TPOREF
- 28.10.2013

14/00613/TPO

- Work to Yew tree
- TPOPER
- 22.07.2014

18/01200/TPO

- Fell One Sycamore Tree
- TPOPER
- 21.01.2019

90/01358/4

- ERECTION OF DETACHED DWELLING
- PER
- 18.02.1991

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. Desford Parish Council:

- No objections have been received.

6.2. HBBC Conservation Officer:

"I have no comments to make on the proposed works other than recommending they are carried out in accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available for comment)"

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) (2023)

- 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 tree (T1) and Pine tree (T2) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 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.
- 8.4 The trees are situated within the rear garden of Fox Haven, 1 Grange Court, Desford. The Sycamore tree (T1) sits to the south-west of the site and the Pine tree (T2) sits to the north-west of the site. The trees are highly viewable from a public vantage point from Grange Court and Church Lane due to the open nature of the application site.
- 8.5 Notwithstanding the trees high visibility and contribution to the Conservation area, the Local Planning Authority have assessed the proposed work and can conclude that the proposed works are considered to be minor and acceptable. The proposed works would not result in the loss of protected trees and would ensure their retainment.
- 8.6 By virtue of the proposed works being in accordance the Local Planning Authority's recommendations and with policies DM1 and DM10 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.
- 8.8 The proposed crown reduction and reduction of the lower main union of the Sycamore tree (T1) is considered justified for containment purposes within the application site.
- 8.9 The proposed reduction of the canopy to the Yew tree (T2) is also considered justified in order to restore the naturalistic crown shape and to prevent further branch failure.

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 works to the Sycamore tree (T1) and Yew tree (T2) are considered reasonable due to the works being proportionate and minor. The Local Planning Authority is satisfied that the works proposed to the tree are necessary. The proposal is in accordance with policy DM10 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, paragraph 136 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

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 tree (T1) shall be restricted to the overall crown reduction by approximately 1.50-2.00 metres and the reduction of the loading on lower main union only. The proposed works to the Yew tree (T2) shall be restricted to the reduction in the canopy by approximately 1.50 metres on the southern and eastern sides 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, paragraph 136 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

11.3 Notes to applicant

- a.) 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.
- b.) 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.
- c.) 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.