

Delegated Report

Planning Ref: 23/00496/TPO

Applicant: Mrs Hutton

Ward: Newbold Verdon With Desford & Peckleton

Site: 9 Goulton Crescent Desford Leicester



Hinckley & Bosworth
Borough Council

Proposal: (T1) - Ash - Remove outgrown epicormic stem to clear boundary. (T2) - Oak - Fell

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks consent for the below works;

- Ash tree (T1) - Remove the outgrown epicormics stem
- Oak tree (T2) - Fell

3. Description of the site and surrounding area

3.1. The application site compromises a two-storey detached dwelling situated, within a cul-de sac, within the settlement boundary of Desford. No.9 is situated to the north of Goulton Crescent. The dwelling is part of a residential development which was constructed in early 2011. T1 is situated within the grounds of 39 Station Road, Desford and T2 is situated to the rear of the application dwelling.

3.2. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 08/00004/TPORD.

4. Relevant planning history

08/00306/FUL

- DEMOLITION OF NO'S 33 AND 35 AND ERECTION OF 19 NO. DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
- PER
- 01.07.2008

13/00867/TPO

- Works to Ash tree and felling of two sycamores
- TPOPER
- 20.11.2013

13/01061/TPO

- Removal of two Sycamore trees.
- TPOSPL
- 27.01.2014

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 HBBC Arboricultural Officer
 - Desford Parish Council

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. Policy H1 of the Desford Neighbourhood Plan seeks to ensure that proposals within the Settlement Boundary will be supported where they respect the character and amenity of Desford.
- 8.3. The trees are subject to a tree preservation order and therefore considered to have a high level of amenity value for the local area. The Ash tree (T1) is situated within the grounds of 39 Station Road, Desford to the western boundary and the Oak tree (T2) is situated to the rear of the application site to the northern boundary. Due to the size of the trees they can be viewed from a public vantage point from both Goulton Crescent and Station Road.

- 8.4 The works proposed to the Ash tree (T1) and Oak tree (T2) would not have a significant impact upon the amenity of the area and would neither affect the settling of the application dwelling, by virtue of the works being minor and reasonable.
- 8.5 By virtue of the proposed being in accordance 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

- 8.6 The proposed works to the trees are considered to be justified. The removal of the outgrown epicormic stem to the Ash tree (T1) is necessary in order to provide clearance into the garden of the application site.
- 8.7 The proposed felling of the Oak tree (T2) is considered necessary as the suppressed stem of the Oak is at present under the canopy of adjacent Beech tree. Removal of T2 would benefit the Beech tree which is of higher amenity value.
- 8.8 Following the removal of T2 the applicant wishes to re-plant a Rowan tree in more suitable location within the grounds of the application site.

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 Ash tree (T1) and Oak tree (T2) are considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary. The proposal is in accordance with policies DM1 and DM10 of the SADMP and Policies 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 131 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 Ash tree (T1) shall be restricted to the removal of the outgrown epicormic stem and the proposed works to the Oak tree (T2) shall be restricted to the felling 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 131 of the NPPF and Policy H1 of the Desford Neighbourhood Plan.

4. Within one month of the removal of the tree; details of the replacement tree, including its location, to replace T2 Oak; shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be planted in accordance with the approved details in the next available planting season (October to March).

Reason: To ensure that the replacement tree is 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 Policy H1 of the Desford Neighbourhood Plan.

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 their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.