

Delegated Report

Planning Ref: 25/00417/TPO

Applicant: Mr Peter Logan

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Battleflat Lodge Farm, West Lane, Stanton Under Bardon

Proposal: Works to trees protected by TPO, ranging from removal of deadwood to felling to stump height.

Case officer: Gwion Russell

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 for the below works at **Battleflat Lodge Farm, West Lane, Stanton Under Bardon, Coalville, Leicestershire LE67 1FA:**

- Tree 1 - Sycamore - Pollard to 6m
- Tree 2 - Oak – Remove deadwood over road.
- Tree 4 - Sycamore (multi-stem) – Fell to stump height
- Tree 5 - Oak - Fell to stump height
- Tree 6 - Rowan - Fell to stump height
- Tree 7 - Oak - Pollard at 3m remove snapped limb
- Tree 8 - Rowan - Fell to stump height, chip on site
- Tree 9 - Holly - Fell to stump height
- Tree 10 - Ash - Fell to stump height
- Tree 11 - Oak - Climbing inspection and remove hanging branches

3. Description of the site and surrounding area

3.1. The application site relates to a HGV depot and various industrial units approximately 2.5 miles South of Coalville. The trees in question are located to the Southeast of the site on a strip of land which the adjoins the B585 road. The site is located within the Charnwood and National Forests.

3.2. The application relates to a selection of 10 trees protected by Hinckley and Bosworth Borough Council (TPO reference: **83/00007/TPORD**). Whilst the proposals affect trees in groups **W2**, **W3** and **W4**. The whole order outlines its protection for the following groups of trees:

W1 - Principally Oak, with Willow, Holly, Beech and Common Ash.

W2 - Oak with Holly boundaries and seedling Sycamore; also a few Beech and Larch.

W3 - Principally Oak with Holly, Mountain Ash and Sycamore.

W4 - Larch and Scots Pine mainly, with Oak, Sycamore, Common Ash, Holly and Mountain Ash.

4. Relevant planning history

4.1 There is no planning history specifically regarding tree works, however there have been several physical alterations to the nearby farmlands and units which have changed the landscape of the area. The most pertinent below:

- **17/00867/GDOD**
Demolition of Farm Buildings
20.09.2017
- **19/00338/FUL**
Erection of building for commercial
09.05.2019
- **24/10005/NAC**
Amendments to an existing warehouse unit.
18.02.2024

5. Publicity

5.1 The application has been publicised by sending a letter to the owner of the land. No objections have been received.

6. Consultation

6.1 The following have been consulted in relation to the proposed works:

- Stanton Under Bardon Parish Council
- Simon Green – Tree Officer at Hinckley and Bosworth Borough Council

"I am satisfied that the proposed works are in the best interest of responsible tree management. All works, as always must be undertaken in accordance with the relevant British Standard (3998: 2010). Where trees are felled they must be replaced with a container grown (minimum 20L) site-suitable broadleaf species."

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key rural centres relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

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

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 in question are subject to a group tree preservation order and are therefore considered to have a high level of amenity and visual value.
- 8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2024) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.4 The trees subject to the application are visible from various public vantage points from the adjacent highways - B538/West Lane and Victoria Road. The B538 connects the villages of Bardon Hill with Ibstock and Barlestone. There is a public right of way (in the form of a public footpath) separating tree groups **W3**, **W2** and **W4** as outlined in **83/00007/TPORD**.
- 8.5 The Local Planning Authority consider the works to be appropriate, by way of the submitted evidence. The works will result in the loss of protected trees (T4, T5, T6, T8, T9 and T10). Whilst this will have some impact on the area's amenity due to the trees' high public visibility - particularly given their proximity to a public footpath - the extent of the impact should be considered in the context of the surrounding landscape.
- 8.6 Although the trees proposed for removal are adjacent to the B538, a substantial number of nearby trees will remain, continuing to provide green infrastructure that separates the road from the industrial units behind. As a result, any impact on visual amenity will be mitigated by the density of the remaining tree cover. However, it is worth noting that various juvenile trees have also recently been planted within the site boundary.
- 8.7 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.
- 8.8 Where trees are felled they must be replaced with a container grown (minimum 20L) site-suitable broadleaf species. It is worth noting that the National Forest may provide grants and advice for tree replacement (see <https://www.nationalforest.org/grants-and-advice> for further details).

Whether the application is justified

- 8.9 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees.
- 8.10 The proposed works to the trees are justified as the condition of some trees are poor. The conditions and potential risks of the specific trees are outlined below, along with their recommendations from the Tree Health and Risk Assessment (*in italics*):
- Tree 1 – Sycamore - An early mature Sycamore adjacent to road. In significant decline. Within falling distance of road, however more likely to fall within woodland or

limbs to break apart within grass bank area - *Pollard to 6m.*

- Tree 2 - Oak – Located on site boundary. Vitality appears to be within the normal range. Some significant deadwood present throughout crown. Minor ivy on stem. Tree appears stable. Hanging branch in mid crown over road - *Remove deadwood over road, within 4 weeks.*
- Tree 4 - Sycamore (multi-stem) – A multi-stemmed Sycamore located adjacent to the B585. Sooty bark disease present. Two stems appear to be dead. Remaining parts of tree are in significant decline. Within falling distance of busy road - *Fell to stump height, within 6 months.*
- Tree 5 - Oak – A dead standing tree with significant basal decay leaning towards the road. Tree is within falling distance of road – *Removal of tree within 3 months.*
- Tree 6 - Rowan – Tree is in decline with peeling bark. Basal movement went pushed by hand. Tree is quite small but is within falling distance of road and should be removed – *Complete removal.*
- Tree 7 - Oak – Upper section of the tree has fractured and is currently lodged in an adjacent Holly tree, extending over the road. It appears that this condition has persisted for some time, as the broken limb is securely wedged in place - *Pollard at 3m and remove snapped limb.*
- Tree 8 - Rowan - A fallen Rowan resting in adjacent Holly leaning towards road. Appears well wedged – *Complete removal, within 3 months.*
- Tree 9 - Holly - A dead standing holly within falling distance of road. Minor basal movement when pushed by hand. Direction of future failure unknown but could reach road if the tree was to fail in that direction – *Complete removal, within 3 months.*
- Tree 10 - Ash - A partially uprooted and leaning ash tree adjacent to B585. Minor basal movement when pushed by hand suggesting tree is unstable. Potential total tree failure into road – *Complete removal, within 3 months.*
- Tree 11 - Oak - Snapped hanging branches in the mid and upper crown. Decayed central stem evident - *Climbing inspection and remove hanging branches.*

8.11 The works have been evidenced within the submitted Tree Health & Risk Assessment Report as received on the 17th March, 2025.

8.12 Due to the declining health of the trees, the proposed works are considered necessary and justified. By virtue of the above it is not considered that the work would 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:-

- (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 following trees: **T1, T2, T4, T5, T6, T7, T8, T9, T10, T11** are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF. 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 shall be carried out in accordance with the submitted application form for:

- Tree 1 – Sycamore
 - Tree 2 – Oak
 - Tree 4 - Sycamore (multi-stem)
 - Tree 5 – Oak
 - Tree 6 – Rowan
 - Tree 7 – Oak
 - Tree 8 – Rowan
 - Tree 9 – Holly

- Tree 10 - Ash
- Tree 11 - Oak

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.

4. Felled trees must be replaced with a container grown (minimum 20L) site-suitable broadleaf species. The replacement trees shall be planted during the same planting season, or the next available season, which runs from October to March. This condition will only be applicable for the following trees that are proposed to be felled: T4, T5, T6, T8, T9 and T10.

Reason: In accordance with Section 15, para 186 (c) of the NPPF (2024), the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists.

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.
- d) You are advised that if a protected tree is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.