

Delegated Report

Planning Ref: 24/00696/TPO

Applicant: Mr Mays

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: The Stables 1 Pine Close Stoke Golding

Proposal: T1 - Sycamore - Remove

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 fell the Sycamore tree (T1) at The Stables, 1 Pine Close, Stoke Golding.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached 1960's style dwelling, situated within the settlement boundary of Stoke Golding. The dwelling is situated on a corner plot and by virtue of its design features an "L" shaped wrap around garden, which although can be partially viewed from Pine Close, is predominantly screened from Hinckley Road, due to the strong line of existing hedgerows to the boundary line.
- 3.2. The Sycamore tree (T1) is situated to the north of the application dwelling and is sited in a relatively central position within the garden; the tree is of considerable maturity and therefore contributes to the amenity of the area significantly.
- 3.3. THE BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH (1 Pine Close) TREE PRESERVATION ORDER 1982 (Reference; 82/00007/TPO) protects predominantly Sycamore and Beech trees at the application site.

4. Relevant planning history

01/00076/TPO

- REDUCTION OF ONE SYCAMORE TREE
- TORDER
- 28.02.2001

01/00155/TPO

- REDUCTION OF ONE SYCAMORE TREE
- APPRET
- 27.02.2001

08/00748/TPO

- WORK TO 7 NO. TREES
- TPOPER

- 26.08.2008

09/00023/FUL

- EXTENSION AND ALTERATIONS TO DWELLING
- PER
- 25.02.2009

18/00735/TPO

- Work to trees
- TPOPER
- 17.09.2018

85/00787/4

- ERECTION OF GARAGE AND PORCH ROOF
- PER
- 19.09.1985

80/01422/4D

- ERECTION OF A DWELLING
- OUT
- 25.11.1980

13/00012/PP

- ERECTION OF SOLAR PANEL FIELD AND ASSOCIATED INFRASTRUCTURE
- ALLOW
- 14.04.2014

01/00822/GDOT

- ERECTION OF TELECOMMUNICATIONS MAST FOUR DISHES AND TEN EQUIPMENT CABINETS
- GDOT
- 14.09.2001

07/00669/FUL

- 5M EXTENSION TO EXISTING 15M MAST WITH 3 NO. ANTENNA, 1 NO. DISH, 2 NO. CABINETS AND ANCILLARY EQUIPMENT
- REF
- 03.08.2007

12/00873/FUL

- ERECTION OF SOLAR PANEL FIELD AND ASSOCIATED INFRASTRUCTURE
- REF
- 02.04.2013

14/00441/COU

- Partial demolition of existing stables and outbuildings with extension to stables for change of use to B8 storage
- PER
- 26.08.2014

14/00488/NOMAT

- Non-material amendment to permission APP/K2420/A/13/2198127 to substitute approved inverter substation, substation and control room detail and site plan drawings
- PERNMA
- 24.06.2014

14/01168/NOMAT

- Non-material amendment to retain the hardstanding surface to permission 12/00873/FUL (Appeal Reference: APP/K2420/A/13/2198127) for a solar farm and associated infrastructure.
- PERNMA
- 16.12.2014

93/00674/4

- ERECTION OF SEVEN STABLES
- PER
- 06.10.1993

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No objections have been received.

6. Consultation

- 6.1. Stoke Golding Parish Council;
 - No objections have been received.

7. Policy

- 7.1. Stoke Golding Neighbourhood Plan 2020-2039
 - Policy SG12: Trees and Hedgerows
- 7.2. Core Strategy (2009)
 - Policy 11: Key Rural Centres Stand Alone
- 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) is subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2023) 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 Policy SG12 of the Stoke Golding Neighbourhood Plan seeks to ensure that development proposals that cannot avoid harm to the biodiversity or the geological significance must compensate for that harm.
- 8.5 The application seeks consent for the felling of the Sycamore tree (T1) at The Stables, 1 Pine Close, Stoke Golding. The tree is situated to the north of the application dwelling and is sited in a relatively central position within the garden; the tree is of considerable maturity and therefore contributes to the amenity of the area significantly.
- 8.6 The Local Planning Authority have assessed the felling of the tree and considered it to be appropriate, by way of the submitted evidence. The felling will not have a negative impact upon the amenity of the area as long as replacement planting is carried out in accordance with the implemented replacement planting condition, to mitigate for the loss of the Sycamore tree (T1).
- 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.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The proposed felling of the Sycamore tree (T1) is required as the tree has suffered from a significant loss of foliage to a degree that recovery is not expected, this is due to suspected Honey Fungus.
- 8.9 A replanting condition has been imposed.
- 8.10 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 felling of the Sycamore tree (T1) is 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, Policy SG12 of the Stoke Golding Neighbourhood Plan 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, Policy SG12 of the Stoke Golding Neighbourhood Plan 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 restricted to the felling of Sycamore tree (T1).

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, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 of the NPPF.

4. Within one month of the removal of the tree; details of the tree, including its location, to replace the Sycamore tree (T1); shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in accordance with the approved details in 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 Site Allocations and Development Management Policies DPD, Policy SG12 of the Stoke Golding Neighbourhood Plan 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.
- You are advised that if a tree in a conservation area 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.