

Delegated Report

Planning Ref: 23/01103/TPO
Applicant: Mr Jack Cousins
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 1 The Courtyard Higham Lane Stoke Golding

Proposal: T1, T2, T3, T4, T5, T6, T7 - Lime trees - Re-pollard lime trees back to the pollard knuckle, T8- Lime tree - To include crown raising above Higham Lane to allow for double decker busses to pass freely, removal of deadwood from the tree canopy and to further reduce the overall tree canopy by 2-3m.

1. Recommendations

1.1. Grant planning permission 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 1 The Courtyard, Higham Lane, Stoke Golding;

- T1 - T7 - Lime trees - Re-pollard lime trees back to the pollard knuckle;
- T8 - Lime tree - To include crown raising above Higham Lane to allow for double decker busses to pass freely, removal of deadwood from the tree canopy and to further reduce the overall tree canopy by 2.00 – 3.00 metres.

3. Description of the site and surrounding area

3.1. The application site relates to a former industrial site in which was converted into 12 flats, situated within the settlement boundary and conservation area of Stoke Golding. The trees are located west of the dwelling, in a parallel row and line onto Higham Lane, at the point at which it meets Station Road.

3.2. The trees are subject to the Hinckley and Bosworth Tree Preservation Order reference 91/00008/TPORD.

4. Relevant planning history

10/00357/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 27.07.2010

20/00446/TPO

- Pollard 7x Lime trees, and crown lift to 1x Lime
- PERTPO
- 06.07.2020

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. One objection has been received regarding the pollarding of Lime trees (T1-T7) summarising the below;

- The trees were only pollarded 3 years ago
- The proposed works seem excessive as the tree has a small canopy of leaf for the first time in a few years
- Pollarding has always been between 7 and 8 years
- The trees sit in a prominent position within the conservation area
- The trees provide a beautiful aspect on entry into the village along Higham Land and Station Rd
- All three tree surgeons that came to quote this year commented on their good health and condition.
- They have ample space around them away from buildings, street lighting and footpaths.

6. Consultation

6.1. No objections have been received from the below consultees;

- Stoke Golding Parish Council
- The HBBC Conservation Area
- The HBBC Aboricultural Officer

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) (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 trees are subject to a tree preservation order and are therefore considered to contribute towards a high level of amenity value. Policy SG12 of the Stoke Golding Neighbourhood Plan seeks to ensure that development that damages or results in the loss of ancient trees, hedgerows or trees of good arboricultural and amenity value will not normally be supported unless this is demonstrated not to be possible.
- 8.3 The trees are located west of, 1 The Courtyard and form a parallel row and can be viewed from a public vantage point from both Station Road and Higham Lane. The proposed works are, however considered proportionate and reasonable and would not detract from the amenity value of the area.
- 8.4 The HBBC Arboricultural Officer deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 The work as proposed has been assessed by the HBBC Arboricultural Officer. The re-pollarding and crown lifting to the Lime trees is considered appropriate and cyclical according to the context of the trees. The works proposed are also a repeat of those permitted in July 2020 by virtue 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 works to the Lime trees (T1-T8) area considered to be acceptable due to the works being minor and reasonable. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary and that the works will ensure that amenity of the tree is retained. The proposal is in accordance with policy DM10 of the SADMP. 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 131 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 works only;

- T1 - T7 - Lime trees - Re-pollard lime trees back to the pollard knuckle;
- T8 - Lime tree - To include crown raising above Higham Lane to allow for double decker busses to pass freely, removal of deadwood from the tree canopy and to further reduce the overall tree canopy by 2.00 – 3.00 metres.

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 131 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.