

Delegated Report

Planning Ref: 23/00969/TPO

Applicant: Mr Beck

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Manor House Bosworth Road Barlestone

Proposal: (T1) - Cedar- 2-3m reduction of extended limbs and 15% thin.

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 selective reduction of longer lateral branches by 2.00-3.00 metres and removal of weak branches or branches of low vigour by 15% to the Cedar tree (T1) at The Manor House, Bosworth Road, Barlestone.

3. Description of the site and surrounding area

- 3.1. The application site relates to an early 18th century Grade II listed building, situated within the settlement boundary of Barlestone. The dwelling is characterised by red brick in Flemish bond with ashlar dressings, a Welsh slate roof and 2 brick gable stacks. All openings have splayed rubbed brick arches with stepped keystones.
- 3.2. The Cedar tree (T1) is situated to the east of the application dwelling and is protected by the Hinckley and Bosworth Tree Preservation Order reference 82/00001/TPORD.

4. Relevant planning history

92/00370/4

- ERECTION OF CAST IRON RAILINGS TO BOUNDARY WALL
- PER
- 08.06.1992

81/00884/4

- CONVERSION OF OLD BARN TO NEW OFFICES
- PER
- 22.09.1981

92/00371/4L

- ERECTION OF CAST IRON RAILINGS TO BOUNDARY WALL
- LISTED
- 08.06.1992

83/00061/4L

- APPLICATION FOR LISTED BUILDING CONSENT FOR ALTERATIONS TO OFFICE ACCOMMODATION
- LISTED
- 22.03.1983

81/01183/4

- APPLICATION FOR LISTED BUILDING CONSENT FOR THE REBUILDING OF A BARN TO FORM OFFICE ACCOMMODATION
- LISTED
- 26.01.1982

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 below consultees;
- Barlestone Parish Council
 - HBBC Aboricultural Officer

7. Policy

- 7.1. Barlestone Neighbourhood Plan 2020-2039
- Policy H2: Settlement Boundary
- 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
 - Policy DM12: Heritage Assets
- 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
- Whether the application is justified
 - Impact upon the amenity of the area

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 H2 of the Barlestone Neighbourhood Plan seeks to ensure that proposals on sites within the settlement boundary of Barlestone are supported where they respect the character of the area. The Cedar tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3 The Cedar tree (T1) is situated to the east of the application dwelling. The tree is screened by the application dwelling and existing vegetation to the boundary of the site, by virtue it cannot be viewed from a public vantage point on Bosworth Road.
- 8.4 The proposed works have been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable and minor. The works would not have an impact upon the amenity of the area due to the Cedar trees low public visibility.
- 8.5 By virtue of the proposed being in accordance the HBBC Arboricultural Officer's recommendations and with policies DM1, DM10, DM12 of the SADMP and Policy H2 of the Barlestone 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 Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed works to the Cedar tree (T1) are considered to be justified.
- 8.7 The Cedar tree has recently shed a limb in non-extreme weather conditions, therefore following assessment and the risk of limb failure the works are considered justified.
- 8.8 It is therefore considered that the proposed work is justified, in accordance with Policies DM1, DM10 and DM12 of the SADMP and Policy H2 of the Barlestone Neighbourhood Plan.

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 Cedar tree (T1) are considered reasonable due to condition of the trees and in order to alleviate the risk of limb failure. The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are necessary. The proposal is in accordance with policy DM1, DM10 and DM12 of the SADMP and Policy H2 of the Barlestone 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 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 Oak tree (T1) shall be restricted to the selective reduction of longer lateral branches by 2.00-3.00 metres and removal of weak branches or branches of low vigour by 15% 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 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.