

## Delegated Report

**Planning Reference** 26/00661/TPO  
**Applicant** Mr Patel  
**Ward** Groby



**Application Site** 4 Spinney Close, Groby

**Proposal** T1 Ash

**Work:** Reduce height by 6m

**Reason:** Secondary lower canopy is developing, resulting in an isolated top growth which is of lower vigour and likely to be cast off by the tree. Reduction in height reduces risk of failure during transitional process. Upper growth showing minor Ash Die back.

**Case Officer** Rudi Simpson (Technical Planning Assistant)

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### 1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this Report.

### 2. Planning Application Description

2.1. This application seeks consent to reduce the height of protected Ash tree ('T1') at 4 Spinney Close, Groby. The Applicant has stated that the proposed works are required to reduce the risk of failure during the development of the secondary lower canopy.

### 3. Description of the Site and the Surrounding Area

3.1. This application relates to an Ash tree located to the rear of 4 Spinney Close, a residential dwelling within the settlement boundary of Groby. The tree affected by the proposed work is protected by the Hinckley and Bosworth Groby (The Sandpit, Ratby Road) Tree Preservation Order 1983 (83/00003/TPORD).

#### **4. Relevant Planning History**

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

#### **5. Publicity**

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

#### **6. Consultation**

- 6.1 The Council's Arboricultural Officer stated:

*"Whilst crown reduction of this nature would not normally be considered best practice under BS3998, I support the proposed works in this instance due to the tree's location and condition, as the intervention is considered necessary to retain and preserve the tree in situ."*

- 6.2 No further responses have been received.

#### **7. Policy**

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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) (2026)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

#### **8. Appraisal**

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified.

- 8.2 NPPF Policy DP3 confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. NPPF Policy N2 requires development proposals to conserve and enhance existing natural features of visual historic or nature conservation value (such as established trees and hedgerows) where possible. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The Ash tree (T1) is protected by a woodland TPO, which provides protection for 60 individual trees together with 18 groups of thorn specimens including Ash, Oak Thorn, Birch, Crabtree and Larch. Overall, the tree is considered to make a positive contribution to character and the visual amenity of the local area.
- 8.4 The Council's Arboricultural Officer has assessed the application and supports the proposal as part of ongoing sustainable tree management. It is therefore considered that the proposed works are suitable as long as they are carried out in accordance with BS 3998:2010. By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable in accordance with NPPF Policies DP3 and N2, and Policy DM10 of the SADMP.

## **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.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1 In conclusion, the proposed works are considered to be acceptable and therefore in accordance with Policies DP3 and N2 of the National Planning Policy Framework (2026) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), subject to the imposition of appropriate conditions.

## **11. Recommendation**

- 11.1 **Grant consent** subject to conditions at the end of this Report.

### **11.2 Conditions and Reasons**

1. The works to which this consent relates shall be completed within two years from the date of this consent.

**Reason:** To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed works to the Ash Tree (T1) shall be restricted to a height reduction of 6 metres 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 Development Plan Document (2016).

**a. Notes to Applicant(s)**

1. The Applicant is advised that the consent hereby granted is only 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.
2. This permission does not affect any private property rights and does not authorise the Applicant to carry out work on land outside of their control. The Applicant is therefore required to obtain the landowners consent prior to commencing any works.
3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore, if the tree is mature and has hollow cavities, is covered with ivy, or has a suitable habitat in which bats may roost, the affected tree(s) should be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of Section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.