

Delegated Report

Planning Ref: 23/01086/TPO

Applicant: Mrs Clo

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 34 Arguile Place Hinckley Leicestershire

Proposal: T1 - Lime Tree - Reduce spread to optimise form and prevent the development of hazard beams.

Remove lowest limb. Remove dead branches (not protected)

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 full planning consent to conduct the below works to the Lime tree (T1);

- Reduce the spread of the tree;
- Remove the lowest limb of the tree;
- Remove dead branches from the tree

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey semi-detached dwelling situated within the settlement boundary of Hinckley. The dwelling is compromised by the use of red brick to the walls, brown interlocking tiles to the roof and white uPVC windows. Arguile Place is situated to the north-east of Hollycroft.

3.2. T1 is situated to the front (west) of the application dwelling. The Lime tree is subject to the Hinckley and Bosworth Tree Preservation Order reference 89/00010/TPORD. Various TPO's are present at and around the site.

4. Relevant planning history

05/01325/TPO

- REMOVAL OF TREE
- TPOREF
- 29.12.2005

06/00010/TPO

- WORKS TO ONE LIME TREE
- TPOPER
- 08.02.2006

19/00835/TPO

- Fell x1 Lime tree

- TPOREF
- 17.09.2019

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 HBBC Arboricultural Officer.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 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) (2021)
 - 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 Lime tree (T1) is subject to a tree preservation order and therefore area considered to contribute towards a high level of amenity value.
- 8.3. The tree is situated to the (front) western boundary of the site adjacent to the dwellings private parking area. The tree is highly viewable from Arguile Place, however cannot be seen from any other adjacent highways. The proposed works are considered proportionate and reasonable and would not detract from the amenity value of the area.
- 8.4. The HBBC Arboricultural Officer recommended the proposed works are suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 Works to Lime tree (T1) are considered to be justified. The proposed works to shorten the branch spread to a more uniform shape will provide an increased clearance from the application dwelling and garden located close by (The Lodge, 58 Hollycroft, Hinckley). Additionally, the one low branch proposed to be removed would provide increased low level clearance.
- 8.6 The application is therefore considered to be justified in accordance with 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.

10. Conclusion

- 10.1. In conclusion the works to the Lime tree (T1) are considered reasonable due to the works being proportionate and minor. The HBBC Arboricultural Officer is satisfied that the works proposed to the tree are necessary. 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 Lime tree (T1) shall be restricted to the reduction of the spread, the removal of the lowest limb and removal of dead branches 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.