

Delegated Report

Planning Ref: 23/01062/TPO

Applicant: Mr Brown

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 2 Spinney Close Groby Leicester

Proposal: (T1) - Ash - Fell

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 Ash tree (T1) at 2 Spinney Close, Groby.

3. Description of the site and surrounding area

- 3.1. The application site relates to a residential two-storey detached dwelling situated within the settlement boundary of Groby. The site is situated to the north of Spinney Close. The dwelling is compromised by the use of facing brick and brown timber cladding to the walls, concrete brown interlocking tiles to the roof and white uPVC windows. To the south elevation of the dwelling sits an adjoined double garage.
- 3.2. The Ash tree is situated to the front (east) of the site. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 83/00003/TPORD.

4. Relevant planning history

04/00832/FUL

- EXTENSION AND ALTERATIONS TO DWELLING
- PER
- 03.08.2004

08/00818/TPO

- WORKS TO TREES
- TPOPER
- 17.09.2008

19/01095/TPO

- 2 x Ash Trees - Both have died. Acorn Tree Surgeons have visited and advised that both trees should be removed removed. they are in close proximity to a neighboring house.
- NPW
- 09.10.2019

20/01058/TPO

- Crown lift x1 Oak to 7 metres (approx.) above ground level by removal of lower branches overhanging no.6 Spinneyside and removal of side limb from main scaffold above this to 8 metres (approx.) above ground level
- TPOPER
- 06.01.2021

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;
- HBBC Aboricultural Officer
 - Groby Parish Council

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 Ash tree is subject to a tree preservation order and is therefore considered to have 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 Ash trees (T1) is situated to the front (east) of 2 Spinney Close, Groby. Due to the location of the site the tree is only minimally viewable from a public vantage point from the adjacent highways (Spinney Close, Oak Tree Close and Ratby Road).
- 8.4 The proposed works have been assessed by the HBBC Arboricultural Officer and have deemed acceptable and would not have a significant impact upon the amenity of the area due to the tree only being minimally visible from a public vantage point.
- 8.5 By virtue of the proposed being in accordance with policies DM1 and DM10 of the SADMP and policy SG12 of the Stoke Golding 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 tree. The proposed felling of the Ash tree (T1) is considered to be justified. The photographs as submitted on the 8th November 2023 indicate that the Ash tree has extensive crown dieback, by virtue due to the trees condition felling is required for safety reasons.
- 8.7 It is therefore considered that the proposed work is justified, in accordance with Policy DM10 of the SADMP and policy SG12 of the Stoke Golding 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 felling of the Ash tree (T1) is considered reasonable. The HBBC Tree Officer is satisfied that the works proposed felling of the tree is necessary due to safety concerns. The proposal is in accordance with policies DM1 and DM10 of the SADMP and policy SG12 of the Stoke Golding 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 felling of the Ash tree (T1) 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.
- The applicant is requested to note that this permission does not affect any

private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.