

Delegated Report

Planning Ref: 24/00913/TPO
Applicant: Ms Carol Lincoln
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 3 Spinney Close Groby Leicester

Proposal: Ash Tree 1366 - Reduce to a monolith at 6.00 to 8.00 metres in height. Ash Tree 1368 - Reduce by 6.00 metres in height.

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 below works at 3 Spinney Close, Groby;

- 1366 - Ash Tree - Reduce to a monolith at 6.00 to 8.00 metres in height.
- 1368 - Ash Tree - Reduce by 6.00 metres in height.

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey detached residential dwelling situated within the settlement boundary of Groby and within the ancient woodland. The site can be accessed via an private highway situated to the north-east of Spinney Close, adjacent to an open space & recreation facility. The access accommodates residential dwellings, 1-3 Spinney Close.

3.2. The Ash trees subject to the application are situated to the rear (east) of the site and are protected by THE BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH GROBY (THE SANDPIT, RATBY ROAD) TREE PRESERVATION ORDER 1983 (Reference; 83/00003/TPO). The order protects 60 individual tree species together with 18 groups of thorn specimens.

4. Relevant planning history

01/01098/TPO

- WORKS TO 7 ASH TREES
- WDN
- 15.11.2001

04/01274/TPO

- WORKS TO TREES
- TPOPER
- 03.12.2004

08/00697/TPO

- WORK TO COMMON ASH TREE
- TPOPER

- 26.08.2008

20/01323/TPO

- Remove one stem from x1 mature Ash Tree growing 3.3 metre (approx) above base
- PERTPO
- 25.03.2021

22/00073/TPO

- Remove T1 and T2 Ash
- PERTPO
- 21.03.2022

22/10176/FDTREE

- 5 day notice to fell - T1
- APROVD
- 14.02.2022

5. Publicity

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

6. Consultation

- 6.1. Groby Parish Council;

“The Planning & Development Committee agreed to refer the application to the Tree Officer at Hinckley & Bosworth Borough Council for comment and propose removal of trees and replacement planting.”

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 8: Key rural centres relating to Leicester
 - Policy 21: National Forest
- 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) (2023)
 - 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 Ash trees (1366) and (1368) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2023) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 2.2. The application seeks consent for the reduction of the Ash tree (1366) to a monolith at 6.00 to 8.00 metres in height and the reduction of the Ash tree (1368) to 6.00 metres in height at 3 Spinney Close, Groby.
- 8.4 The trees subject to the application are visible from a public vantage point from the adjacent highways, Spinney Close and Spinneyside.
- 8.5 The Local Planning Authority consider the works to be appropriate, by way of the submitted evidence. The works will not result in the loss of protected trees, however will noticeably have an impact on the amenity of the area due to the trees high public visibility and the extent of the work. Notwithstanding this, due to the trees condition the impact is inevitable and can only be compensated by replacement planting in the future should the trees be inevitably felled. In this case there are a number of self-seeded trees which will mitigate the impact of the works in the long term.
- 8.6 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees.
- 8.8 The proposed works to the Ash tree (1366) are required due to findings of decay at its base, along with crown dieback.
- 8.9 The proposed works to the Ash tree (1368) are required due to findings of ash heart rot (a fungal decay), along with crown dieback.
- 8.10 The works have been evidenced within the submitted Tree Assessment Report as received on the 30th September 2024.
- 8.11 By virtue of the above 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 proposed works to the Ash trees (1366) and (1368) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF. 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 136 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 shall be restricted to the below only;
 - 1366 - Ash Tree - Reduce to a monolith at 6.00 to 8.00 metres in height.
 - 1368 - Ash Tree - Reduce by 6.00 metres in height.

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 136 of the NPPF.

11.3 Notes to applicant

- a) 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.
- b) 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.
- c) 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.
- d) You are advised that if a protected tree is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.