

Delegated Report

Planning Ref: 23/00641/TPO
Applicant: Mr Kenneth Whordley
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 2B Blake Close Hinckley Leicestershire

Proposal: (T2) - Ash tree - Reduce two branches growing towards the south west and west back by 3 to 4 meters back to growth points

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 reduce the two branches of the Ash tree (T2) growing towards the south west and west back by 3 to 4 meters back to growth points at 2B Blake Close, Hinckley.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached bungalow situated within the settlement boundary of Hinckley. The exterior of the dwelling comprises a mixture of brick and white render to the walls, brown/red tiles to the roof and white uPVC to the windows and doors. The dwelling hosts a narrow gravelled driveway, which leads down to the main dwellinghouse and its accompanying detached single car garage. The principle elevation of 2B Blake Close is screened by a 2 metre fence and mature vegetation.
- 3.2. The Ash tree (T2) is situated to the rear eastern boundary of the application dwelling and is subject to Hinckley and Bosworth Borough Council Tree Preservation Order reference 92/00008/TPORD. The order also protects a further Ash tree to the front of the site.

4. Relevant planning history

06/00488/TPO

- WORKS TO TREE
- TPOPER
- 07.06.2006

16/00780/TPO

- Works to trees to reduce the spread of the crown on SE side over the applicant's garden by pruning selected branches back on the SE side
- TPOPER
- 21.10.2016

18/00032/TPO

- Fell 1x Ash Tree (T2)

- TPOREF
- 05.03.2018

18/00208/TPO

- T1- Ash
- a. Crown clean to remove dead branches
- b. Remove lower Limb over no 24 rear garden.
- c. Raise canopy to secondary branches
- d. Reduce spread of canopy by 2m where branch extends beyond the main canopy
- TPOPER
- 16.04.2018

19/00700/TPO

- Works to trees
- APPRET
-

92/00959/4

- EXTENSION TO SEWAGE WORKS
- PER
- 25.11.1992

89/00333/4

- DETACHED BUNGALOW AND DOUBLE GARAGE
- APRREM
- 25.04.1989

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. One representation has been received as summarised below;

- In support of works to the Ash tree (T2)
- The sketch provided is not clear as to which tree the applicant wishes to conduct works to
- The tree is dangerous
- Restricts light
- Further works need conducting to the tree

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
- Other matters

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 therefore considered to contribute towards a high level of amenity value.

8.3 The tree is situated to the eastern side of the application dwelling. Due to the size of the tree it is highly viewable from a public vantage point from the highway (Blake Close). The proposed works are, however 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 Ash tree (T2) are considered to be justified. The proposed works will ensure that adequate clearance to the south west and the west of the tree is provided. It will also ensure that a higher level of light is provided to the application dwelling.

8.6 The application is therefore considered to be justified in accordance with Policy DM10 of the SADMP.

Other matters

8.7 Concerns have been raised regarding the site location plan not being clear. The Local Planning Authority are satisfied that the site location plan as submitted on the

29th June 2023 meets the relevant validation requirements and by virtue clearly identifies the Ash tree (T2).

- 8.8 Concerns have also been raised that more extensive works should be permitted. The Local Planning Authority only assess the works proposed by the applicant/agent upon submission of the application. No further works have been deemed necessary by the HBBC Aboricultural Officer following conducting a site visit. If the owner of the tree/any interested party wishes to apply for further works the Local Planning Authority would welcome and application.

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 Ash tree (T2) are considered reasonable due to the works being proportionate and minor. The HBBC Aboricultural 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 Ash tree (T2) shall be restricted to the reduction in the two branches growing towards the south west and west by 3-4 metres back to growth points 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.