

Delegated Report

Planning Ref: 25/00139/TPO

Applicant: Daniel Ritchie

Ward: Groby



**Hinckley & Bosworth
Borough Council**

Site: 9 Spinney Close, Groby, Leicester, Leicestershire, LE6 0BY

Proposal: Ash Tree (T1) 50% reduction in height due to heavy weight in limbs which have potential signs of dying back. Lots of dead limbs and weak unions lower down on the stem

1. Recommendations

- 1.1. Grant consent subject to the conditions

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at 9 Spinney Close, Groby, Leicester, Leicestershire, LE6 0BY
- Ash Tree (T1) 50% reduction in height due to heavy weight in limbs which have potential signs of dying back. Lots of dead limbs and weak unions lower down on the stem

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two storey detached residential dwelling in the settlement boundary of Groby.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Groby (Glebe Farm) Tree preservation order 1975 (75/00006/TPORD).

4. Relevant Planning History

04/00766/FUL

- ERECTION OF A REAR CONSERVATORY
- PER
- 22.07.2004

07/01114/TPO

- WORK TO TREES
- WDN
- 07.12.2007

07/01435/TPO

- WORKS TO TREES
- TPOPER
- 29.01.2008

13/01009/TPO

- Remove English oak (T1) to ground level

- TPOPER
- 20.12.2013

19/01281/TPO

- Reduce spread of Oak tree (T1) overhanging boundary by 2 metres (approx.) and remove secondary lead on Ash tree (T2) overhanging boundary
- TPOPER
- 07.01.2020

20/01186/TPO

- Remove x2 lowest secondary limbs from T1 Ash that overhang into neighbouring property and remove x2 lowest branches from T2 Oak overhanging into garden
- TPOPER
- 07.01.2021

5. Publicity

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

6. Consultation

- 6.1. Grobby Parish Council

“The Planning & Development Committee have no objections to the tree works proposed and to refer to the Tree Officer at Hinckley & Bosworth Borough Council for comment”

7. Policy

- 7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.2. National Planning Policies and Guidance:
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.3. 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 tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.
- 8.4. The tree is located to rear of 9 Spinney Close, Groby. Numerous other trees within the vicinity are protected by the same group preservation order.
- 8.5. This application has been requested due to the heavy weight in the limbs of the tree. The Ash tree (T1) has had several limbs removed over the years and an Oak tree was also removed from the application site.
- 8.6. It is not considered that the proposed work would have a significant impact upon the amenity of the area due to the vast amount of remaining trees present.

The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7. The work proposed has been assessed and is considered to be justified. Previous applications have permitted the removal of dead or nuisance limbs given the size of the tree in relation to the size of the garden. It is therefore felt that this application is necessary and will allow for the tree to be retained.
- 8.8. By virtue of the above it is considered that the work would not 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: -

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 as it will not result in the loss of a protected tree. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be approved with conditions set out below.

11. Recommendation

- 11.1. **Grant consent** subject to the planning conditions

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 (2024).

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 (T1) shall be restricted a 50% reduction in height and removal of any deadwood.

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 (2024).

Notes to Applicant:

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.

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.

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 we recommend that it be surveyed for bats before any work is carried out.

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. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work 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 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.