

Delegated Report

Planning Ref: 24/00945/TPO

Applicant: Jenny Bywater

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: The Lodge 1 Manor View Sibson

Proposal: (T1,T2,T3) - Ash trees - Remove to ground level, (T4) – Sycamore tree – Remove to ground level.

1. Recommendations

1.1. A split decision as set out below.

Grant consent for the below works subject to conditions at the end of the report;

- Ash trees (T1, T2, T3) – Removal to ground level.

Refuse consent for the below works subject to reason at the end of the report;

- Sycamore tree (T4) – Removal to ground level.

2. Planning application description

2.1. The application seeks consent for the removal of Ash trees (T1, T2 and T3) and Sycamore tree (T4) to ground level at The Lodge, 1 Manor View, Sibson.

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 and conservation area of Sibson. The site itself is situated within Manor View, a small cul-de-sac of larger residential houses, which are built behind the main frontage of Sheepy Road, adjacent to Glebe House a prominent two-storey brick property converted from a row of cottages to one dwelling. The application dwelling comprises red brick to the walls, brown tiles to the roof which is an *“angular, reproduction attempt of the traditional eye-brow dormer”* (as stated within the Sheepy Neighbourhood Plan) and to the uPVC windows.

3.2. The Ash trees (T1, T2 and T3) are situated to the east of the application dwelling and are particularly viewable from Manor View and Sheepy Road. The Sycamore tree (T4) is situated to the south of the application dwelling and is highly viewable from Sheepy Road. The trees are protected by the BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH (SIBSON (SIBSON MANOR, SHEEPY ROAD) TREE PRESERVATION ORDER 1990 (Reference: 90/00010/TPORD).

4. Relevant planning history

90/00359/4

- Residential development
- Refused
- 29.08.1990

18/00045/TPOCA

- T1-T8 Leylandii, Fell and grind large Leylandii group
- Permit Conservation Area TPO Works
- 12.03.2018

24/00935/TCA

- T1, T2 - Cypress trees (and any smaller Cypress trees with low health and poor amenity value.) - Fell
- Declined to Make
- 29.10.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following publication one letter of support has been received which is summarised below;
- Daylight to home is restricted;
 - Branches fall onto property;
 - Cracks and movement to wall;
 - Damage to fence panels;
 - Impact upon thatched roof;
 - Bird excrement.

6. Consultation

6.1. HBBC Conservation Officer

"In my opinion the trees proposed for felling make no particular contribution to the amenities of the conservation area so I raise no objection to their loss."

6.2. Sheepy Parish Council

"OBJECT

Please note this response is based on documents available on HBBC Planning Portal as at 16 October 2024. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022. Sheepy Parish Council has reviewed and OBJECTS to the above application 24/00945/TPO –(1 Manor View Sibson, (T1,T2,T3) - Ash trees - Remove to ground level, (T4) - Sycamore tree - Remove to ground level) as it considers that there is insufficient detail in the application to make any judgements as to whether the application is in line or counter to the Sheepy Parish Neighbourhood Plan made May 2022, whose policies all applications should be aligned to and whose policies should be considered together.

Sheepy Parish Council draws Hinckley & Bosworth Borough Council to the Town & Country Planning Act 1990, Application for Tree Works: Works to Trees Subject to a

Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in Conservation Areas (CA). Reasons must be given for work to trees protected by a TPO. The applicant has given no reason/justification why four trees with TPO's need to be removed to ground level in the documentation supplied to HBBC, documents reference 9/10/2024 – 24/00945/TPO – 1APP Public Form and 9/10/2024 – 24/00945/TPO – Site Location Plans. END.”

7. Policy

- 7.1. Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022)
 - Policy S8: Design
- 7.2. Core Strategy (2009)
 - Policy 12: Rural Villages
- 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) (2024)
 - 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
 - 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 trees (T1, T2 and T3) and the Sycamore tree (T4) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) seeks to ensure that existing trees that make an important contribution to the character and quality of urban environments are retained wherever possible.
- 8.4. Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that important local features such as trees are protected.
- 8.5. The Sheepy Parish Neighbourhood Plan also seeks to ensure that where trees need to be felled they are re-placed with sufficient numbers and of type to be carbon neutral and support biodiversity.
- 8.6. The application seeks consent for the removal of Ash trees (T1, T2 and T3) to ground level at The Lodge, 1 Manor View, Sibson. The proposed works have been assessed by the Local Planning Authority by way of a site visit.

- 8.7 The Ash trees (T1, T2 and T3) are situated to the east of the application dwelling and the Sycamore tree (T4) is situated to the south of the application dwelling. The trees are all highly viewable from Sheepy Road by virtue of their maturity and prominent location which contributes to the setting of Sibson
- 8.8 The removal of the Ash trees would have a significant impact upon the amenity of the area, nevertheless, by way of the site findings justified below within para. 8.12. – 8.13. the removal of the trees are considered to be appropriate as long as carried out in accordance with BS 3998:2010.
- 8.9 The removal of the Sycamore tree would, however, have a significant impact upon the amenity of the area, without any proper arboricultural justification contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework and is not considered to be appropriate. Whilst the Councils Conservation Area raises no issue with the removal of the trees on heritage grounds, the tree is in a prominent location and contributes to the verdant character of Sheepy Road. It therefore has a high general amenity value to the character of the area.

Whether the application is justified

- 8.10 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees.
- 8.11 The agents have stated that the works to the Ash trees (T1, T2 and T3) are to make the area more manageable for the applicants, whilst allowing room for the retaining trees to thrive; an insufficient arboricultural justification for the felling of three trees of such high amenity value to this part of Sibson.
- 8.12 Despite this, following a site visit on the 9th January 2025 it was observed that the trees although of a fair condition, have already begun to significantly outgrow their positions at the site some of which are developing a lean to the east, impacting the neighbouring dwelling, Rose Cottage, Sheepy Road.
- 8.13 Cracks were also observed to the eastern brick wall within the garden, however, it should be noted that as evidence from an appropriate expert has not been submitted, the Local Planning Authority cannot be certain that the damage has been caused by the trees.
- 8.14 By virtue of the above, it is considered that the likelihood of long term retention of the trees is negligible and the Local Planning Authority therefore consider the works to Ash trees (T1, T2 and T3) to be appropriate.
- 8.15 The works to the Sycamore tree (T4) are also needed to allegedly to make the area more manageable for the applicants, whilst allowing room for the retaining trees to thrive. As stated above an insufficient arboricultural justification or reasoning for the felling of a tree of such high amenity value.
- 8.16 Whilst it is noted that the works to the Ash trees (T1, T2 and T3) have been considered to be acceptable under the same insufficient arboricultural justification, the Sycamore tree (T4) is positioned away from the main rear amenity space to the east and is of a significantly smaller scale to the Ash trees and it is considered that much lesser works could be conducted to the tree to ensure its growth management if desired. The agent/applicant was asked to consider lesser works which still allowed for the retention of the tree but this has not been forthcoming.

- 8.17 The Local Planning Authority therefore consider the works to the Sycamore tree (T4) to not be appropriate and the works should consequently be refused for lack of justification.

Other matters

- 8.18 A replanting condition is not considered to be expedient in this case, due to the nature of the application. Nevertheless, the applicant should be advised that if a tree in a conservation area 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.

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 (T1, T2 and T3) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary. There would be a degree of conflict with Policy DM10 of the SADMP and the Sheepy Neighbourhood Plan, however on balance the works are considered to be justified. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the NPPF. As a result, the works should be approved subject to the conditions set out below.
- 10.2. The proposed works to the Sycamore tree (T4) would, however, have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would result in the loss of a protected tree without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the NPPF. As a result, the works should be refused subject to the reason at the end of the report.

11. Recommendation

- 11.1 **Split decision:**

Grant consent for the below works subject to conditions at the end of the report;

- Ash trees (T1, T2, T3) – Removal to ground level.

Refuse consent for the below works subject to reason at the end of the report;

- Sycamore tree (T4) – Removal to ground level.

11.1 **Conditions and Reasons (Approval)**

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, paragraph 136 of the NPPF and Policy S8 of the Sheepy Neighbourhood Plan.

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 trees (T1, T2 and T3) shall be restricted to the removal to ground level 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 136 of the NPPF and Policy S8 of the Sheepy Neighbourhood Plan.

11.2 **Reason (Refusal)**

1. The proposed works to the Sycamore tree (T4) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would result in the loss of a protected tree in acceptable condition without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy S8 of the Sheepy Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.

11.2 **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.
- You are advised that if a tree in a conservation area 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.