

Delegated Report

Planning Ref: 25/00479/TPO

Applicant: Deb Jeffs

Ward: Earl Shilton



**Hinckley & Bosworth
Borough Council**

Site: 97 High Street, Earl Shilton, Leicester, Leicestershire, LE9 7LR

Proposal: G1 – Crown lift the trees over the driveway to 4m from ground level and prune the lateral spread of the Lime tree nearest the house to gain 3 metres of clearance from the building. Removal of the basal epicormic growth alongside the crown lifting.

Case Officer: Jack Playle (Technical Planning Assistant)

1. Recommendations

- 1.1. Grant consent subject to the conditions at the end of this report.

2. Planning Application Description

- 2.1 The application, which has been revised since it was first submitted, seeks consent for the following works at 97 High Street, Earl Shilton, Leicester, Leicestershire, LE9 7LR.
- G1 - Crown lift the trees over the driveway to 4m from ground level and prune the lateral spread of the Lime tree nearest the house to gain only 3 metres of clearance from the building. Removal of the basal epicormic growth alongside the crown lifting.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to trees located on Ivydene Close within the settlement boundary of Earl Shilton.
- 3.2. The tree(s) affected by the proposed works are situated to the north of Ivydene Close. The trees are protected under G1 of the Hinckley and Bosworth, Earl Shilton (Land at Ivydene Close off High Street) Tree Preservation Order 1981 which protects Lime, Chamaecyparis, Yews, Holly, and Birch species.

4. Relevant Planning History

- None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- White Lodge, Ivydene Close, Earl Shilton, Leicester.
 - 2 Cotton Court, Earl Shilton, Leicester.
 - 1 Cotton Court, Earl Shilton, Leicester

5.2. No comments have been received

6. Consultation

6.1. HBBC Arboricultural Officer Response:

'I am satisfied that there are justifications for the tree works applied for at 97 High Street, Earl Shilton. I must insist however, that the works are slightly more subtle than proposed in the interest of industry best practice and as such only grant permission to crown lift the trees over the driveway to 4m from ground level and prune the lateral spread of the Lime tree nearest the house to gain a 3m clearance from the building. All works must be undertaken in accordance with the relevant British Standard (3998: 2010).'

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 trees are 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 trees in G1 are situated to the north of Ivydene Close and contribute positively to the character and appearance of the area and neighbouring properties. Due to the prominent location of the trees, they add to the street scene of both Ivydene Close and Main Street as well as neighbouring properties.

- 8.5. 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

- 8.6. The HBBC Arboricultural Officer has assessed the application and deemed the original proposal too drastic and therefore suggested a more subtle proposal for the works to trees. Upon agreement with the applicant, the revised proposal is considered to be more justified with the relevant British Standards for Tree work (3998:2010).
- 8.7. 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. 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 **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 (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 trees G1 shall be restricted to crown lifting to 4 metres over the driveway from ground level and pruning the lateral spread of the Lime tree nearest the house to gain only 3 metres of clearance from the building. Removal of the basal epicormic growth.

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.