

Delegated Report

Planning Ref: 25/00699/TPO

Applicant: Terry Hunt

Ward: Burbage St Catherines & Lash Hill

**Site: Oakleigh, 166 Sapcote Road, Burbage, Hinckley,
Leicestershire, LE10 2AY**



**Hinckley & Bosworth
Borough Council**

**Proposal: Oak Tree T3 has a branch that overhangs hangs our border and just needs trimming away where it is in contact with the summerhouse.
Just one lower branch of about 3M in length and 4M above ground level to be removed.**

Case officer: Rudi Simpson

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 Oakleigh, 166 Sapcote Road, Burbage, Hinckley, Leicestershire, LE10 2AY
- Oak Tree T3 has a branch that overhangs hangs our border and just needs trimming away where it is in contact with the summerhouse. Just one lower branch of about 3M in length and 4M above ground level to be removed.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a detached residential dwelling in the settlement boundary of Burbage.
- 3.2. The tree(s) affected by the proposed work is protected by The Borough Council of Hinckley and Bosworth (Land To The South Of 168 Sapcote Road, Burbage) (No.1) (23/00001/TPORD)

4. Relevant Planning History

None relevant

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. HBBC Arboricultural Officer;

“Given the minimal impact of the proposed pruning works (secondary branch removal), I have no objection to the proposal. All works must be carried out in accordance with BS3998:2010.”

Burbage Parish Council

“Burbage Parish Council has no objections to this application and notes the response from the Borough Tree Officer, whose recommendation they would support.”

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 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 12: Important Trees

7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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 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. Policy 12 of the Burbage Neighbourhood Plan seeks to ensure that development proposals that damage or result in the loss of a tree or trees protected with a tree preservation order (TPO) or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances.

8.5. The tree preservation order (23/00001/TPORD) provides protection to three Oak trees to the rear of 166 Sapcote Road. The works being proposed in this application affect the Oak Tree (T3) only.

8.6. Due to its size the Oak tree is highly visible from the highway on Sapcote Road. However, despite the trees prominence, the proposed works are minor and will not have a negative impact on the character or appearance of the street scene.

- 8.7. The proposal has been assessed by the HBBC Arboricultural officer who also feels that the works are suitable and will have 'minimal impact'.
- 8.8. 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

- 8.9. The work proposed has been assessed and is considered to be justified. Due to the nature of the works, the proposal will not have a detrimental impact on the long term health of the tree.
- 8.10. 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

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 Oak tree (T3) shall be restricted to the removal of the lower branch overhanging the summer house.

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.