

Delegated Report

Planning Ref: 23/00300/TPO

Applicant: Mrs Jones

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 1 Drayton Lane Fenny Drayton Nuneaton

Proposal: Lime - (T1) - Raise Canopy to 6 metres

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks consent to raise the canopy of the Lime tree (T1) to 6 metres at 1 Drayton Lane, Fenny Drayton.

3. Description of the site and surrounding area

- 3.1. The application site is a detached dwelling situated on a corner plot within the settlement boundary of Fenny Drayton. The Lime tree is located in a prominent position at the corner of Drayton Lane and Old Forge Road close to the centre of Fenny Drayton. The tree is positioned in a raised garden and lawn area behind a brick retaining wall, which is part of the residential development.
- 3.2. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 06/00010/TPORD.

4. Relevant planning history

06/00680/FUL

- DEMOLITION OF EXISTING PROPERTY AND ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED ACCESS
- WDN
- 11.08.2006

06/01160/FUL

- DEMOLITION OF EXISTING DWELLING AND GARAGE AND ERECTION OF 5 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
- PER
- 08.12.2006

13/00339/TPO

- Removal of Silver Maple tree and works to Lime tree
- TPOPER
- 18.06.2013

20/00379/TPO

- Fell T1 Lime
- TPOREF
- 20.01.2021

90/00708/4

- EXTENSION TO DWELLING
- PER
- 24.07.1990

5. Publicity

5.1. None relevant.

6. Consultation

6.1. No objections have been received from;

- Witherley Parish Council
- HBBC Arboricultural Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

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 Lime tree is subject to a tree preservation order and therefore considered to contribute towards a high level of amenity value.

8.3. The Lime tree is situated on the corner of Drayton Lane. The tree's position and stature make it an important feature within the street scene. However, as the

proposed works are considered reasonable and minor the works are considered to be acceptable they would not detract from the amenity value of the area.

- 8.4 The HBBC Arboricultural Officer has deemed the proposed works to be proportional and appropriate as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 Works to the trees are considered to be justified. The proposed works are in accordance with the standard lime management and are necessary in order to clear the highway.

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 Lime tree (T1) are considered to be acceptable due to the works being minor and reasonable, the works will ensure that amenity of the tree is retained as well as providing clearance from the application dwelling and retaining the safety. The HBBC Tree Officer is satisfied that the works proposed to the trees 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 Lime tree (T1) shall be restricted to the raising of the canopy to 6 metres 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.