

Delegated Report

Planning Ref: 23/00305/TPO

Applicant: Mrs Gerry Smith

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Moat House New Road Burbage

Proposal: Please see the attached Tree Survey and Plan

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 to conduct the following works at Moat House, New Road, Burbage;

- Sycamore (T1459) – Coppice all stems back to ground level
- Common Lime (T1460) – Clean stem to 2 metres
- Elder (T1461) - Coppice to ground level
- English Elm (G1) – Fell stem that is obscuring the road sign
- Corsican Pine (T1463) – Remove dying all branches with less than 30% needle density
- Corsican Pine (T1464) – Remove dying all branches with less than 30% needle density
- Common Ash (T1465) – Remove the lowest fork entirely back to 2.50 metres from its union with the main stem, shorten back remaining growth by 1.50 – 2.00 metres to side branching growth
- Beech (T1466) – Shorten back the three lowest limbs on the northern side by 1.50 – 2.00 metres to side branching growth
- Yew (T1468) – Remove tertiary branch growth from the lowest limbs north side to provide 2.50 metres clearance
- English Elm (T1469) – Fell
- English Elm (T1470) – Fell
- English Elm (T1471) – Fell
- Broad-leaved Lime (T1473) – Reduce back the 5 limbs on the east side of the crown by shortening them by up to 2.50 metres to secondary side branching growth
- Common Lime (T1475) – Reduce upright section of western stem by 3.00 metres
- Hawthorn (G2) – Server ivy at base
- Hawthorn (T1477) – Fell dead stems
- Sycamore (T1478) – Reduce back to a 6 metre pollard

- Sycamore (T1479) – Remove and strip ivy and reduce back to historic pollard points
- Myrobalan Plum (T1480) – Reduce all stems back in height by 1.50 metres and branch length by 2.50 – 3.00 metres

3. Description of the site and surrounding area

- 3.1. The application site relates to a care home situated within the settlement boundary and conservation area of Burbage. The trees surround the entirety of site boundary and grass verge to the south of the site and therefore are highly viewable from the surrounding highways; Grove Road, New Road, Pughe's Close and Pilgrims Gate.
3. The following trees are situated within the conservation area of Burbage; T1459, T1461, G1, T1469, T1470, T1471, T1478.
3. The following trees are situated within the conservation area of Burbage and are subject to the Hinckley and Bosworth Borough Council Tree Preservation Order reference 96/00002/TPORD; T1460, T1463, T1464, T1465, T1466, T1468, T1473, T1475, G2, T1477, T1479, T1480.

4. Relevant planning history

08/00009/PP

- ERECTION OF RESIDENTIAL CARE HOME
- WITHDRAWN
- 05.08.2008 **12/00011/ADV**
- ERECTION OF ONE NON ILLUMINATED ADVERTISEMENT
- DISMISSED
- 04.09.2012 **02/00177/FUL**
- ERECTION OF TRAINING ROOM
- PERMITTED
- 04.04.2002

02/00460/TPO

- WORKS TO 10 TREES
- TPO PERMITTED
- 15.05.2002

94/00076/C

- EXTERNAL FIRE ESCAPE
- CC
- 17.03.1994

96/00617/FUL

- ALTERATIONS TO ELEVATIONS OF RESIDENTIAL HOME
- PERMITTED

- 16.09.1996

99/00562/FUL

- FIRST FLOOR EXTENSION TO CREATE FIVE SINGLE BEDROOMS AND ASSOCIATED FACILITIES
- PER
- 18.08.1999

99/00630/TPO

- REMOVAL OF ONE PRUNUS AND ONE MULTI STEMMED SYCAMORE AND CROWN REDUCTION OF ONE ASH
- PER
- 27.08.1999

03/00766/TPO

- REMOVAL OF DEAD BRANCHES TO ONE ASH TREE
- TPOPER
- 20.08.2003

04/01250/TPO

- WORKS TO TREES
- TPOPER
- 25.11.2004

07/00333/FUL

- RETENTION OF TRAINING ROOM
- PER
- 08.05.2007

07/01066/FUL

- ERECTION OF RESIDENTIAL CARE HOME
- REF
- 16.01.2008

08/00536/FUL

- ERECTION OF RESIDENTIAL CARE HOME (RESUBMISSION OF 07/01066/FUL)
- PER
- 22.08.2008

08/00537/CON

- RESIDENTIAL CARE HOME
- APPRET
- 29.05.2008

09/00922/FUL

- DEMOLITION OF CARE/ NURSING HOME AND PROPOSED RE-DEVELOPMENT OF RESIDENTIAL/NURSING HOME AND EIGHT RESIDENTIAL UNITS
- PER
- 16.04.2010

09/00923/CON

- DEMOLITION OF EXISTING RESIDENTIAL CARE/NURSING HOME
- CONARA
- 16.04.2010

11/00222/CONDIT

- VARIATION OF CONDITION NO. 3, 15 AND 16 OF PLANNING PERMISSION 09/00922/FUL TO CARRY OUT THE DEVELOPMENT IN ACCORDANCE WITH ALTERNATIVE PLANS AND DETAILS
- PER
- 23.06.2011

12/00114/ADV

- ERECTION OF ONE NON ILLUMINATED ADVERTISEMENT
- RCDA
- 12.04.2012

12/00301/ADV

- ERECTION OF ONE NON ILLUMINATED ADVERTISEMENT
- ADV
- 01.06.2012

13/00500/ADV

- Erection of one non illuminated advertisement
- ADV
- 09.08.2013

15/01235/TPOCA

- Works to trees
- TPOCAP
- 06.01.2016

16/00022/FUL

- Insertion of 10x roof lights
- PER
- 03.03.2016

16/01144/TPO

- Fell - T66 (poplar), T67 (ash), T65 (lime)

- Prune - T23 (ash), T40 (beech), T41 (sycamore), T44 (yew), T65 (lime), T73 (lime), T77 (sycamore), T83 (lime), T84 (lime), T102 (sycamore), T126 (plum). Minor Surgery - T1 Lime, T20 (Yew), T104 (Yew)
- TPOPER
- 16.02.2017

18/00360/TPO

- T1 & T2 Sycamore- Fell
- TPOPER
- 01.06.2018

18/01058/FUL

- Ground and first floor extension with balcony with glazed balustrade at first floor level to existing east side lounges (facing inner courtyard), balconies with glazed balustrades at first and second floor to existing south (front) feature lounge.
- PER
- 12.12.2018

19/00950/FUL

- Proposed first floor balcony extension to existing rear lounge
- PER
- 22.10.2019

94/00076/4

- ERECTION OF GALVANISED EXTERNAL FIRE ESCAPE
- PER
- 12.04.1994

5. Publicity

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

6. Consultation

- 6.1. No objections have been received from the below consultees;
- Burbage Parish Council
 - The HBBC Conservation Officer
 - The HBBC Arboricultural Officer

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026
- Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 12: Important Trees

- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
- 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) (2021)
 - 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

Impact upon the amenity of the area

- 7.6. 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 therefore considered to contribute towards a high level of amenity value.
- 7.7. The trees are situated around the boundary of Moat House and to the grass verge to the south of the site. They are all of various species and maturity. The majority of the trees are highly viewable from a public vantage point due to their location, however as the proposed works are not considered to have a significant impact upon the amenity of the area as they are considered acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.2. The proposed works have been assessed by the HBBC Arboricultural Officer and are considered to be justified.
- 8.3. Works to the Sycamore (T1459) will allow regeneration.
- 8.4. Works to the Common Lime (T1460) will help facilitate a review of the stem due to the dense basal growth making a stem assessment impossible.
- 8.5. Works to the Elder (T1461) will allow regeneration.
- 8.6. Works to the English Elm (G1) will ensure that the road sign within close proximity is no longer obscured from the view of highway users.
- 8.7. Works to the Corsican Pine (T1463) will remove the dying branches.
- 8.8. Works to the Corsican Pine (T1464) will remove the dying branches.
- 8.9. Works to the Common Ash (T1465) will help reduce the weight of the lowest limb to the north-east.
- 8.10. Works to the Beech (T1466) will reduce weight on the crown.

- 8.11 Works to the Yew (T1468) will provide clearance over the below car parking spaces.
- 8.12 Works to the English Elm (T1469) are necessary as the tree is dead.
- 8.13 Works to the English Elm (T1470) are necessary as the tree is dead.
- 8.14 Works to the English Elm (T1471) are necessary as the tree is dead.
- 8.15 Works to the Broad-leaved Lime (T1473) will reduce the weight on the inclined side.
- 8.16 Works to the Common Lime (T1475) will help reduce stress on the previous topping point.
- 8.17 Works to the Hawthorn (G2) will sever ivy at the base of the tree.
- 8.18 Works to the Hawthorn (T1477) are necessary due to dead stems.
- 8.19 Works to the Sycamore (T1478) are necessary as the majority of the upper growth of the tree is heavily squirrel damaged and liable to splitting out.
- 8.20 Works to the Sycamore (T1479) will allow regeneration.
- 8.21 Works to the Myrobalan Plum (T1480) are necessary as the tree is declining and prone to limb breakage.
- 8.22 Please note that the removal of deadwood is exempt from the need of a formal application.

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 works to the trees are considered to be reasonable and justified. The HBBC Arboricultural Officer is satisfied that the works proposed to the tree is acceptable. The proposal is in accordance with policy DM10 of the SADMP. As a result, the application is recommended for approval subject to conditions set out below.

11. Recommendation

- 11.1 **Grant consent** subject to:

11.2 • Planning conditions outlined at the end of this report
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 trees shall be restricted to the works as set out in the Arboricultural Survey Schedule as received by the Local Planning Authority on the 28th March 2023.

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.