

Delegated Report

Planning Ref: 24/00570/TPO
Applicant: Mr David Strutt
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 7 Pike Close Burbage Hinckley

Proposal: T2 - Sycamore tree - Crown reduction by 30% of the foliage, and reduction of the canopy by approximately 2.00 metres. T3 - Oak tree - Reduction in spread towards the dwelling by approximately 2.00 metres.

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks consent for the below works to the Sycamore tree (T2) and Oak tree (T3);

Sycamore tree (T2);

- Crown reduction by 30% of the foliage, and reduction of the canopy by approximately 2.00 metres.

Oak tree (T3);

- Reduction in spread towards the dwelling by approximately 2.00 metres.

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey detached dwelling situated within the settlement boundary of Burbage. The dwelling sits on a corner plot and is surrounded by a strong line of vegetation which sits to the property's boundary line. To the exterior the dwelling hosts the use of light brick and yellow render to the walls, brown tiles to the roof and white uPVC windows and doors. A tarmac driveway and double garage sits to the front elevation of the dwelling.

3.2. The Sycamore tree (T2) and Oak tree (T3) are situated to the northern boundary of the property and is highly viewable from a public vantage point. The trees relevant to the application are protected under THE BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH BURBAGE (SKETCHLEY LANE (CROSSROADS FARM)) TREE PRESERVATION ORDER 1985 (Reference; 85/00002/TPORD). The order protects various specimen standing within the vicinity of the area.

4. Relevant planning history

01/00883/TPO

- LOPPING OF SYCAMORE HOLLY OAK AND CHERRY TREES
- TPOPER
- 03.10.2001

06/00032/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 01.03.2006

08/00944/TPO

- WORKS TO TREES AND HEDGES
- TPOPER
- 19.11.2008

12/00790/TPO

- REMOVAL OF ONE AND WORKS TO THREE TREES
- TPOPER
- 02.11.2012

16/00940/TPO

- Works to trees - reduce spread of Oak (T1) over garden by 1.5m, reduce spread of Sycamore (T2) over garden by 1.2m, remove limb of Oak (T3) overhanging garden and reduce spread by 1.2m over garden, reduce spread of Cherry Trees (T4 and T5) towards garden by 1.5m.
- TPOPER
- 05.12.2016

19/01081/TPO

- Works to trees
- TPOPER
- 29.11.2019

20/01025/TPO

- Overall crown reduction by 2.5-3 metres (approx.) upon Oak, (T1), Sycamore (T2), Oak, (T3) and Wild Cherry (T4) and reduction to lateral branches by 1.5-2 metres (approx.)
- PERTPO
- 24.11.2020

23/00706/TPO

- (T1) - Oak tree - Reduce branches back on the sides by 1-2 metres on the South West and East sides
- PERTPO
- 11.09.2023

86/00423/4

- REPOSITION OF TYPE H440 FROM POSITION ORIGINALLY APPROVED
- PER
- 03.06.1986

5. Publicity

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

6. Consultation

- 6.1. Burbage Parish Council:
"Burbage Parish Council raises no objections to this application and would support the recommendation of the Borough Tree Officer."

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026
 - Policy 1: Settlement Boundary
 - 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) (2023)
 - 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

- 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 Sycamore tree (T2) and Oak tree (T3) 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) (2023) 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 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 Sycamore tree (T2) and Oak tree (T3) are situated to the northern boundary of the property and are highly viewable from a public vantage point. The order protects various specimen standing within the vicinity of the area.
- 8.6 The Local Planning Authority have assessed the proposed works and can conclude that the works will not have an adverse impact upon the amenity of the area. The proposed works will not result in the damage or loss of a protected tree and therefore will preserve the amenity of the conservation area.
- 8.7 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The proposed works to the Sycamore tree (T2) and Oak tree (T3) are considered necessary in order to reduce the overhang and growth density, which is currently extending over the application dwelling, causing safety concerns and loss of light to the applicants host windows and rear amenity space.
- 8.9 It is therefore considered that the proposed work is justified, in accordance with Policy DM10 of the SADMP.

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 Walnut tree (T1) and Beech tree (T2) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the SADMP, Policy 1 and 12 of the Burbage Neighbourhood Plan and paragraph 136 of the NPPF. 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 Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 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 Sycamore tree (T2) shall be restricted to the crown reduction by 30% of the foliage, and reduction of the canopy by approximately 2.00 metres only. The proposed works to the Oak tree (T3) shall be restricted to the reduction in spread towards the dwelling by approximately 2.00 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 Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 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.

- 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.