

Delegated Report

Planning Ref: 23/01007/TPO
Applicant: Mr Michael Monaghan
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Laurel Cottage Main Street Sutton Cheney

Proposal: (T1) - Oak tree - Crown lift by removal of epicormic growth on the side of the tree closest to Field View cottage to half the tree height. Shorten higher crown spread on the same side by 3m. to provide greater clearance from the dwelling. Thoroughly prune out dead branches.

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 to conduct the below works to the Oak tree (T1) at Laurel Cottage, Main Street, Sutton Cheney;

- Conduct a crown lift by the removal of epicormic growth on the side of the tree closest to Fieldview Cottage to half the height of the tree
- Shorten the higher crown spread on the same side by 3.00 metres
- Thoroughly prune out dead branches

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 and conservation area of Sutton Cheeny. The dwelling comprises the use of red brick to the walls, grey tiles to the roof and white windows with .. It hosts a generous garden space to the front of the dwelling, enclosed by a red brick wall. Various trees surround the dwelling.

3.2. To the north-west and south-east of the application dwelling sits a large area of Greenland. To the north-east and south-west sits a line of residential dwellings.

3.3. The Oak tree is situated to the north-east of the application dwelling and is protected by the Hinckley and Bosworth Provisional Tree Preservation Order reference 23/00006/TPORD. The order is currently awaiting confirmation.

4. Relevant planning history

23/00717/TCA

- Oak tree - (T1) - Prune to boundary line of Fieldview Cottage by 3-4 metres
- TORDER
- 11.09.2023

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;
- Sutton Cheney Parish Council
 - HBBC Conservation Officer
 - HBBC Aboricultural Officer

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
- 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
- Assessment against strategic planning policies
 - Design and impact upon the character of the area

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 Oak tree is subject to a provisional tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3. The Oak tree (T1) is situated to the north-east of the application dwelling. The tree is viewable from a public vantage point on Main Street. The tree overhangs over the boundary line of Fieldview Cottage.
- 8.4. An application (23/00717/TCA) was submitted on the 21st July 2023 for the pruning of the Oak to the boundary line of Fieldview Cottage by 3.00-4.00 metres. This application was refused due to the works being extreme and vague. Following an assessment being carried out the tree was deemed worthy of a TPO.
- 8.5. A further site visit was conducted between the HBBC Aboricultural Officer and the applicant on the 11th October 2023 to discuss more suitable works.

- 8.6 The proposed works have been assessed by The HBBC Arboricultural Officer and has been considered to be acceptable and minor. The works are in accordance with the HBBC Arboricultural Officers recommendations and would not have an impact upon the amenity of the area.
- 8.7 By virtue of the proposed being in accordance the HBBC Arboricultural Officer's recommendations and with policies DM1, DM10 and DM11 of the SADMP the proposed works are deemed acceptable.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed work to the protected trees. The proposed works to the Oak tree (T1) are considered to be justified.
- 8.9 The Oak tree is currently overhanging over the boundary line of Fieldview Cottage nearing the property. The proposed works will ensure that sufficient clearance is provided from the neighbouring dwelling.
- 8.10 It is therefore considered that the proposed work is justified, in accordance with Policies DM1, DM10 and DM11 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 Oak tree (T1) are considered reasonable due to the trees proximity to the neighbouring dwelling (Fieldview Cottage). The HBBC Arboricultural Officer is satisfied that the proposed works to the trees are necessary. The proposal is in accordance with policy DM1, DM10 and DM11 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 Oak tree (T1) shall be restricted to the crown lift by removal of epicormic growth on the side of the tree closest to Field View cottage to half the tree height, the shortening of the higher crown spread on the same side by 3.00 metres and to thoroughly prune out the dead branches 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.

