

Delegated Report

Planning Ref: 23/01016/TPO

Applicant: Mark Newton

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Appleby House Priory Walk Hinckley

Proposal: (G1) - Lime trees - Remove epicormic growths - Line of 7 no. recently pollarded Lime with extensive epicormic stem growth. Remove basal & stem epicormic growth to approx 5m.

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 removal of basal and stem epicormic growth to approximately 5.00 metres to Lime trees (G1) at Appleby House, Priory Walk, Hinckley.

3. Description of the site and surrounding area

- 3.1. The application site relates to a three storey apartment building situated within the settlement boundary of Hinckley. The building comprises the use of red brick and cream render to the walls, grey tiles to the roof and white uPVC to the windows and doors. The site sits within St Peters Court.
- 3.2. The Lime trees line the western boundary of the site and sit adjacent to public footpath (V1) from Holliers Walk to Stockwell Head, Hinckley (Baptist Walk).
- 3.3. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 99/00016/TPORD.

4. Relevant planning history

02/01358/TPO

- POLLARDING OF 8 LIMES
- TPOPER
- 30.12.2002

06/01179/TPO

- WORKS TO THREE LIME TREES
- TPOPER
- 27.11.2006

08/01172/TPO

- WORKS TO NO 8 LIMES
- TPOPER
- 12.02.2009

09/00972/TPO

- WORKS TO THREE LIME TREES (T1,T2 AND T3 ON TPO)
- TPOPER
- 05.02.2010

13/00051/TPO

- Works to 8 no. lime trees
- TPOPER
- 25.02.2013

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. The HBBC Aboricultural Officer has no objections.

7. Policy

- Hinckley Town Centre Area Action Plan
- 7.2. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 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

- 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 trees

(G1) are subject to a tree preservation order and therefore area considered to contribute towards a high level of amenity value.

- 8.3 The trees are situated to the western boundary of the site, and form a line of seven Lime trees. Due to the location of the trees they can be viewed from Priory Walk, Wood Close, Wood Street Close and the adjacent public footpath (V1). The proposed works are, however considered proportionate and reasonable and would not detract from the amenity value of the area.
- 8.4 The HBBC Arboricultural Officer recommended the proposed works are suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 Works to Lime trees (G1) are considered to be justified. The proposed works will ensure that the trees are maintained in good health. The works are classed as ground level, basic maintenance and there should be no need for annual applications.
- 8.6 The application is therefore considered to be 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 works to the Lime trees (G1) are considered reasonable due to the works being proportionate and minor. The HBBC Arboricultural Officer is satisfied that the works proposed to the tree 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 trees (G1) shall be restricted annually to the removal of epicormic growths and removal of basal & stem epicormic growth to approximately 5.00 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 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.