

Delegated Report

Planning Ref: 23/01081/TPO

Applicant: Mrs Juliette Sherwin

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: St Catherines C Of E Parish Church Church Street Burbage

Proposal: T11 Common Yew - Crown Lift & clear street light, T12 Common Yew - Crown Lift & clear street light, T25 Small Leaves Lime - Re-Pollard, T26 Small Leaves Lime - Re-Pollard, T42 Weeping Willow - Re-Pollard, T45 Weeping Willow - Re-Pollard, T64 Common Yew - Crown Lift & clear street light, T86 Atlas Cedar - Clean out general works, T88 Small Leaves Lime - Pollard

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 crown lifting and clearance of street lights to Common Yew trees (T11, T12, T64), the re-pollarding of the Small Leaved Lime trees (T25, T26) and the Weeping Willow trees (T42, T45) and the pollarding of the Small Leaved Lime tree (T88) at St Catherines Church Of England Parish Church, Church Street, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the north-west of St Catherine's Church a Grade II* listed building located within the settlement boundary and conservation area of Burbage. The trees are situated within the church grounds,
- 3.2. The tree is protected by the Hinckley and Bosworth Borough Council Tree Preservation Order reference 91/00003/TPORD.

4. Relevant planning history

95/00739/ADV

- ILLUMINATED SIGNS
- WDN
- 12.12.1995

96/00237/ADV

- ERECTION OF SIGN
- ADV
- 23.05.1996

08/00335/FUL

- PROPOSED ERECTION OF VSAT SATELLITE DISH.
- WDN

- 01.05.2008

19/00187/TPO

- Works to trees
- TPOPER
- 09.04.2019

19/00606/ADV

- 1 no. externally illuminated fascia sign, 3 no. non illuminated projecting signs, 2 no. non illuminated sign holders
- ADV
- 20.01.2021

20/01301/TPO

- Re-pollard Weeping Willow (T42), Section fell x2 Weeping Willows (T43 and T44), sever ivy on x3 Common Yew (T7, T11 and T13), crown lift x2 Lime trees (T52 and T53) to 6 metres (approx.), shorten lower branches back on T53 by 2-3 metres (approx.) and remove weaker branches
- TPOPER
- 01.03.2021

22/00165/FUL

- Provision of self-contained residential unit above retail unit, reinstatement previously blocked front entrance door to No. 1 to provide access to flat above, and replacement shopfront to existing ground floor unit
- PER
- 29.07.2022

22/01195/TPO

- Lime trees (T1-T6) Pollard and remove epicormic and basal growth
- PERTPO
- 08.03.2023

00/00714/FUL

- EXTENSION OF CHURCH TO PROVIDE NEW TRANSCEPT AND ANCILLIARY FACILITIES
- PER
- 07.12.2000

00/00995/TPO

- WORKS TO 9 LIME TREES 1 OAK TREE AND 1 SILVER BIRCH
- TORDER
- 14.11.2000

01/00949/TPO

- REMOVAL OF LOWER BRANCHES OF 8 LIME TREES
- TPOPER

- 05.10.2001

02/00582/TPO

- WORKS TO TREES
- TPOCAP
- 17.06.2002

97/01074/TPO

- REMOVAL OF 2 SILVER BIRCH TREES AND CROWN REDUCTION AND DEADWOODING OF TWO OTHERS
- TPOCAP
- 22.12.1997

99/00096/TPO

- LOPPING OF LIME TREES
- TPOPER
- 19.02.1999

03/00934/TPO

- REMOVAL OF TWO CONIFER TREES AND BEECH AND HOLLY TREES
- TPOPER
- 22.09.2003

03/01401/TPO

- WORKS TO TWO YEW TREES
- TPOPER
- 06.01.2004

05/00146/TPO

- POLLARDING OF FOUR WEEPING WILLOW TREES
- TPOPER
- 21.03.2005

05/01202/TPOCA

- POLLARDING OF TWO YEW TREES
- TPOCAP
- 08.12.2005

05/01268/TPO

- WORKS TO TREES
- TPOPER
- 19.01.2006

06/00451/GDOT

- ERECTION OF 19M HIGH LIGHT POLE

- APPRET
- 10.07.2007

07/00939/TPO

- WORKS TO TREES
- TPOPER
- 06.09.2007

08/00823/TPO

- WORKS TO ELEVEN TREES AND FELLING OF TWO TREES
- TPOPER
- 08.10.2008

08/01152/TPO

- REMOVAL OF ONE ASH TREE
- TPOPER
- 11.02.2009

09/00898/TPO

- POLLARDING OF 4 WILLOW TREES
- TPOPER
- 14.01.2010

10/00573/FUL

- INSERTION OF GLASS DOORS
- WDN
- 17.09.2010

10/00574/LBC

- INSERTION OF GLASS DOORS
- WDN
- 17.09.2010

10/00754/FUL

- INSERTION OF GLASS DOORS AND OAK DOOR FRAME
- PER
- 11.11.2010

14/00577/TPO

- Section fell and stump chip Atlas Cedar (T15) and section fell Common Beech (T28)
- TPOPER
- 28.07.2014

14/01030/TPO

- Works to mixed hedgerow.
- WDN
- 28.01.2015

16/00057/TPOCA

- Works to trees
- TPOCAP
- 08.02.2016

16/00650/TPO

- Works to 2 No. yew trees 1 No. blue cedar, remove 1 No. holly, 3 No. pollarded lime's, 1 No. beech, 1 No. turkey oak, young oak and birch, and 5 No. pollarded lime's
- TPOPER
- 24.08.2016

17/01272/TPO

- Works to trees: T52 Lime - clear back over footpath by two thirds, reshape crown and remove dead wood. T53 Lime - clear back from property on Crossland Row by 2m, reshape crown and remove dead wood. T75 Copper Beech - trim back from church with 1.5m clearance and crown lift to 2.2m, clear out dead wood and self setters. T79 Common Yew - remove Ivy. T80 Common Yew - remove dead wood. T81 Common Yew - clear out dead wood and remove all climbers. T82 Common Yew - crown lift and remove dead wood, cut back secondary branches overhanging adjoining property to 3m height. T83 Irish Yew - coppice to raise to 1.5m. T84 Irish Yew - coppice to reduce to 1.5m and remove small adjacent stump. T85 Common Holly - reduce back by half, bring back away from building and remove bottom branches on east side and tip back to shorten elongated branches on south side.
- TPOPER
- 01.02.2018

19/00072/TPO

- Works to trees
- TPOPER
- 14.03.2019

19/00187/TPO

- Works to trees
- TPOPER
- 09.04.2019

20/01301/TPO

- Re-pollard Weeping Willow (T42), Section fell x2 Weeping Willows (T43 and T44), sever ivy on x3 Common Yew (T7, T11 and T13), crown lift x2 Lime trees (T52 and T53) to 6 metres (approx.), shorten lower branches back on T53 by 2-3 metres (approx.) and remove weaker branches

- TPOPER
- 01.03.2021

22/01195/TPO

- Lime trees (T1-T6) Pollard and remove epicormic and basal growth
- PERTPO
- 08.03.2023

23/00264/TPO

- Yew tree - (T1) - Prune to boundary line of 10 Crossland Row by 2 metres
- PERTPO
- 12.05.2023

93/00200/4

- EXTENSION TO CHURCH TO PROVIDE WC AND LOBBY
- PER
- 28.04.1993

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. One letter of support has been received the contents are summarised below;

- I am in total support of the proposed works, in particular the work to reduce the crown of T64

6. Consultation

6.1. No objections have been received from the following 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
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

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 amenity 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 trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Policy DM11 of the SADMP requires all development proposals affecting heritage assets and their setting to secure their continued protection and enhancement. St Catherine's Church Of England Church is a Grade II* Listed Building and is therefore considered to be a significant heritage asset forming part of the borough's historic environment.
- 8.4 Policy DM12 of the SADMP requires all development on sites located within a conservation area to preserve and enhance its significance. The application site is located within the Burbage Conservation Area as thus forms part of this area's identified significance
- 8.5 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.
- 8.6 The Common Yew trees (T11, T12) are situated to the south-west (front) of the site directly adjacent to the highway (Church Street).
- 8.7 The Common Yew tree (T64) is situated to the north of the site and overhangs into the neighbouring dwelling, 10 Crossland Row, Burbage.
- 8.8 The Small Leaved Lime trees (T25, T26, T88) are situated to the south of the site and border Manor Farm.
- 8.9 The Weeping Willow trees (T42, T45) are situated to the north-east of the site T43 borders 31 Cambourne Road, Burbage and T45 borders 33 Cambourne Road, Burbage and 14 School Close, Burbage.
- 8.10 The majority of the trees are highly viewable from a public vantage point on Church Street.
- 8.11 An assessment has been carried out by the HBBC Arboricultural Officer and as the proposed works are all considered reasonable and minor the works are considered to be acceptable and would not detract from the amenity value of the area as long as carried out in accordance with BS3998:2010.

Whether the application is justified

- 8.12 Works to the trees are considered to be justified. The crown lifting and clearance of street lights proposed to the Common Yew trees (T11, T12, T64) would provide appropriate ground and overhead clearance.
- 8.13 The re-pollarding of the Small Leaved Lime trees (T25, T26) and the Weeping Willow trees (T42, T45) and pollarding of the Small Leaved Lime tree (T88) would provide appropriate clearance to the neighbouring dwellings.

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 trees are considered reasonable and they will ensure that the necessary ground and overhead clearance is provided. The HBBC Tree Officer is satisfied that the works proposed to the tree is necessary. The proposal is in accordance with policy DM10, DM11 and DM12 of the SADMP and policies 1, 2 and 12 of the Burbage Neighbourhood Plan. 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 shall be restricted to the crown lifting and clearance of street lights to Common Yew trees (T11, T12, T64), the re-pollarding of the Small Leaved Lime trees (T25, T26) and the Weeping Willow trees (T42, T45) and the pollarding of the Small Leaved Lime tree (T88) 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.