

Delegated Report

Planning Ref: 25/00503/TPO
Applicant: Mr Stuart Liggins
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

**Site: 5 Church Road, Witherley, Atherstone, Leicestershire,
CV9 3NA**

Proposal: T2 Sycamore (Acer pseudoplatanus) - Crown reduction of 2.5-3 metres to ensure adequate clearance from the property. Ivy is severed at ground level and removed up to crown break to enable unobstructed inspection of the main stem in the future.

Case Officer: Jack Playle (Technical Planning Assistant)

1. Recommendations

- 1.1. Grant consent subject to the conditions at the end of this report.

2. Planning Application Description

- 2.1 The application seeks consent for the following works at 5 Church Road, Witherley, Atherstone, Leicestershire, CV9 3NA.
- T2 Sycamore (Acer pseudoplatanus) - Crown reduction of 2.5-3 metres to ensure adequate clearance from the property. Ivy is severed at ground level and removed up to crown break to enable unobstructed inspection of the main stem in the future.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a Sycamore tree (Acer pseudoplatanus) located at a two-storey dwelling within the settlement boundary of Witherley.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Witherley (Land Adjacent To 5 Road) Tree Preservation Order 1986 (86/00005/TPORD).

4. Relevant Planning History

20/01296/TPO

- Works to two trees.
- PERTPO
- 20.01.2021

14/01033/TPO

- Works to Sycamore tree
- TPOREF
- 09.12.2014

13/00229/TPO

- Works to Sycamore tree
- TPOREF
- 20.03.2013

5. Publicity

- 5.1. No neighbours were consulted on this application.

6. Consultation

- 6.1. HBBC Arboricultural Officer:

'I can see that there is justification here to prune the lateral crown spread away from the property, the respective limbs do appear to be overextended.

Mechanical failures are not presently foreseeable.

These works would leave an atypical crown form and as such there is a case for a reduction of the entire crown. If this is something that would be of interest to the agent/customer I believe a crown reduction of 2.5-3m would be suitable, using arborists discretion on most suitable pruning points.

I would also encourage that the Ivy is severed at ground level and removed up to crown break to enable unobstructed inspection of the main stem in the future.'

7. Policy

- 7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 7.2. Sheep Parish Neighbourhood Plan (2022)

- Policy S8: Design

- 7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

- 7.4. 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 tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.
- 8.4. The Sycamore tree (T2) is situated to the south of Church Road and is an important part of the character and amenity of the local area due to its prominent location.
- 8.5. The respective limbs of the tree do overextend over the dwelling. The proposal would ensure that the lateral crown spread of the tree is away from the property and ensures adequate clearance.
- 8.6. The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7. The HBBC Arboricultural officer has assessed the application and deemed that the original proposal would leave a 'a-typical crown form' and a 'entire crown reduction of 2.5-3 metres' would be more 'suitable'. Ivy severed at ground level is 'encouraged' for future 'unobstructed inspection of the main stem'. The proposal is now more in line with the Sheep Parish Neighbourhood Plan Policy S8 (Design) and paragraph 136 of the NPPF (2024).
- 8.8. By virtue of the above it is considered that the work would **not** have a significant impact upon public amenity and is therefore **acceptable**.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

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.
- 9.4. The decision has been taken having regard to all relevant planning legislation,

regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In conclusion the proposed works are considered to be acceptable. The proposal is, therefore in **accordance** with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). **As a result, the application should be approved with conditions set out below**

11. Recommendation

- 11.1. **Grant consent** subject to the planning conditions 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 136 of the NPPF (2024).

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 of 2.5-3 metres only to ensure adequate clearance from the property. Ivy severed at ground level and removed up to crown break to enable unobstructed inspection of the main stem in the future.

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 136 of the NPPF (2024).

Notes to Applicant:

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.

This permission does not affect any private property rights and does not authorise the applicant to carry out work on land outside of their control. The applicant is therefore required to obtain the landowners consent prior to commencing any works.

It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore if the tree is mature and has hollow cavities, is covered with ivy or has a suitable habitat in which bats may roost we recommend that it be surveyed for bats before any work is carried out.

The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work 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 if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.