

## Delegated Report

**Planning Ref: 24/00319/TPO**

**Applicant: Mandy Oram**

**Ward: Hinckley Castle**



Hinckley & Bosworth  
Borough Council

**Site: 21 St Georges Avenue Hinckley Leicestershire**

**Proposal: T1, T2 & T3: Mature Cedar trees in rear garden to be crown cleaned by removal of dead, damaged or crossing branches and Cedar situated closest to the house to have limbs pruned by 2m away from the building**  
**T2: Cedar to have lowest limb pruned by 2m to reduce weight and risk of failure**

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### **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 at 21 St Georges Avenue, Hinckley;

- Mature Cedar trees (T1, T2 & T3) - Removal of dead, damaged or crossing branches within the crown.
- Mature Cedar tree (T1) - Pruning of the limbs pruned by 2.00 metres away from the application dwelling.
- Mature Cedar tree (T2) - Pruning of the lowest limb by 2.00 metres only.
- Mature Cedar tree (T3) Removal of deadwood

**Planning Officer note - (Please note that the removal of deadwood is exempt from the need of a formal application.)**

### **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 Hinckley. The application dwelling is constructed predominately with white painted rendered walls, red brick bay and plain clay tile roofs. The site is a large extensive plot of land located adjacent similarly designed large dwellings. To the north-east of the site sits Hollycroft Park.
- 3.2.** The three mature Cedar trees are situated in the rear garden of the site. They are highly viewable from a public realm from the adjacent highways, St Georges Avenue and Linden Road. The trees are protected by the Borough Council of Hinckley and Bosworth (Land at 21 St Georges Avenue Hinckley) Tree Preservation Order 2014 (Reference; 14/00004/TPORD).

### **4. Relevant planning history**

#### **12/00561/TPOCA**

- REMOVAL OF TWO HOLLY TREES AND WORKS TO ONE PINE AND THREE CEDAR TREES
- TPOSPL
- 14.08.2012

**12/00688/TPO**

- WORKS TO 1 NO. PINE TREE (T1) AND 1 NO. CEDAR TREE (T3)
- TPOPER
- 08.10.2012

**14/00278/TPOCA**

- Works to Pine tree
- TORDER
- 01.05.2014

**14/00333/FUL**

- Extensions and alterations to dwelling to form an annexe
- PER
- 04.07.2014

**14/00466/TPO**

- Works to Pine tree
- TPOPER
- 16.06.2014

**14/01195/TPO**

- Overall crown reduction of Atlas Cedar by 1m-1.5m
- TPOPER
- 26.01.2015

**14/01196/TPOCA**

- Removal of T1 Austrian Pine
- TPOCAP
- 09.01.2015

**14/01228/FUL**

- Proposed two storey side extension to dwelling to form an annexe and single storey rear extension.
- REF
- 17.02.2015

**16/00006/HOU**

- Demolition of existing detached garage, two storey side and rear extension, repositioning site access and erection of basement
- PER
- 10.06.2016

## **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. HBBC Conservation Officer:

*"I have no comments to make on the proposed works other than recommending they are carried out in accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available for comment)"*

## **7. Policy**

- 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

- 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
- Policy DM12: Heritage Assets

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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 Mature Cedar trees (T1, T2 & T3) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.

- 8.3. Policy DM11 of the SADMP requires that the Borough Council protect, conserve and enhance the historic environment throughout the borough.

- 8.4. Policy DM12 of the SADMP requires that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features

- 8.5 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.
- 8.6 The Mature Cedar trees (T1, T2 & T3) are situated to the south-west (rear) of the application site. The trees are highly viewable from a public realm from the adjacent highways, St Georges Avenue and Linden Road, due to the scale of the trees and the steep gradient of St Georges Avenue.
- 8.7 Notwithstanding the high visibility of the trees 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.
- 8.8 Additional works are proposed to the Privet and Laurel hedgerow at the site, the hedgerows do not merit protection by tree preservation order and therefore the works are considered acceptable.
- 8.9 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

- 8.10 The works as proposed to the Mature Cedar trees (T1, T2 & T3) have been assessed by the Local Planning Authority and are considered to be justified. The proposed removal of dead, damaged or dying branches is required for general maintenance. The pruning of T1 by 2.00 metres will ensure that the relevant clearance is provided from the application dwelling and the pruning of the lower limb of T1 to 2.00 metres is required in order to reduce weight and risk of failure.
- 8.11 By virtue of the above it is not considered that the work would 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:-
- (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 Mature Cedar trees (T1, T2 & T3) 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 conservation area is retained. The proposal is in accordance with policies DM10, DM11 and DM12 of the SADMP, 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, DM11 and DM12 of the Site Allocations and Development Management Policies DPD 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 Mature Cedar trees (T1, T2 & T3) shall be restricted to the removal of dead, damaged or crossing branches within the crown. The proposed works to the Mature Cedar tree (T1) shall be restricted to the pruning of the limbs pruned by 2.00 metres away from the application dwelling. The proposed works to the Mature Cedar tree (T2) shall be restricted to the pruning of the lowest limb by 2.00 metre.

**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, DM11 and DM12 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

### **11.3 Notes to applicant**

- a) 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.

- b) 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.
- c) 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.