

Delegated Report

Planning Ref: 23/00301/TPO
Applicant: Mr Tom Woolliscroft
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 12 Riverside Witherley Atherstone

Proposal: Yew tree (T1) - Crown lift to 5m from ground level, reduce tree by approx 1 metre in height and spread to re-align crown

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks consent to conduct a crown lift to 5 metres from ground level and to carry out a reduction by 1 metre in height and spread to the Yew tree (T1) at 12 Riverside, Witherley.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two-storey detached dwelling, situated within the settlement boundary and conservation area of Witherley.
- 3.2. The Yew tree (T1) is sited at the rear of the main house at 12 Riverside also known as The Limes. By virtue of the considerable size of the tree, it can be seen from the street scene above the roofs of the properties on the eastern side of Riverside. To the northern side of the site sits St Peters Church and to the western side of the site sits River Ankler.
- 3.3. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 94/00006/TPORD.

4. Relevant planning history

03/00602/TPO

- WORKS TO ONE YEW TREE
- TPOPER
- 08.07.2003

04/00247/FUL

- REAR SINGLE AND TWO STOREY EXTENSION
- REF
- 26.04.2004

05/00619/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 10.08.2005

06/00056/FUL

- ERECTION OF OUTBUILDING
- PER
- 16.03.2006

06/00371/TPOCA

- FELLING OF THREE ASH TREES
- TPOCAP
- 13.04.2006

20/00939/TPO

- Crown lift to Yew
- TPOPER
- 09.11.2020

82/01139/4

- ERECTION OF ONE DETACHED HOUSE AND DOUBLE GARAGE
- PER
- 22.02.1983

82/00541/4

- ERECTION OF A DETACHED DWELLING WITH GARAGE
- PER
- 24.08.1982

76/00898/4

- ERECTION OF ONE DWELLING
- OUT
- 27.07.1976

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;
- Witherley Parish Council
 - The HBBC Conservation Officer
 - The HBBC Arboricultural Officer

7. Policy

- 7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 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
- 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 Yew tree is subject to a tree preservation order and therefore considered to have a high level of amenity value for the local area.
- 8.3 The Yew tree is situated to the rear (east) of the dwelling, however viewable from public vantage points as the tree can be viewed from the front of the dwelling due to its size and the dwellings open plan garden. The photograph submitted with the application clearly indicates the extent of proposed pruning work which is acceptable within the context of the site and is appropriate maintenance for the species and position.
- 8.4 Overall the proposed works to the Yew tree are considered reasonable and minor and would not detract from the amenity value of the area as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.5 Works to the Yew tree (T1) are considered to be justified. The proposed works are minor and considered to be appropriate routine maintenance.

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 Yew tree (T1) are considered justified due to the works being minor and reasonable. The HBBC Tree Officer is satisfied with the description and that the works proposed to the trees 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 Yew tree (T1) shall be restricted to the crown lifting to 5 metres from ground level and the reduction of the tree by 1 metre in height and spread 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.