

Delegated Report

Planning Ref: 24/00413/TPO
Applicant: Dave Formaston
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Willowbrook House 4 Manor View Sibson

Proposal: T3 - Ash tree - Remove the 2 lowest limbs to the main trunk. T4 - Ash tree - Remove to collar three low branches and reduce fork growing towards house by 2.00-3.00m. T5 - Ash Tree - Remove 4 low branches to collar reduce mid crown growing towards house by around 2.00-3.00m blending into crown and reducing away from the property.

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 to conduct the below works;

- T3 - Ash tree - Remove the 2 lowest limbs to the main trunk.
- T4 - Ash tree - Remove to collar three low branches and reduce fork growing towards house by 2.00-3.00 metres.
- T5 - Ash Tree - Remove 4 low branches to collar reduce mid crown growing towards house by around 2.00-3.00 metres blending into crown and reducing away from the property.

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey detached dwelling within a cul-de sac, within the settlement boundary and conservation area of Sibson. The dwelling is compromised by the use of red brick to the walls, brown tiles to the roof and cream uPVC to the windows. To the front elevation sits a pitched timber canopy, accompanying the main entrance of the dwelling and to the side (south-east) of the host dwelling sits a detached double garage.

3.2. The application site is accessed to the west of Manor View. The gated site access leads onto a block paved hardstanding; either side of the main access sit two mature Pine trees; the Pine trees are not protected by the order relevant to the application, however are protected by way of being situated within a conservation area. Works to Pine tree (T1) to the south of the access were approved under application 24/00412/TCA on the 3rd June 2024.

3.3. The Ash trees are situated to the rear of the application dwelling and are protected by the BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH (SIBSON (SIBSON MANOR, SHEEPY ROAD) TREE PRESERVATION ORDER 1990 (Ref; 90/00010/TPORD).

4. Relevant planning history

00/01013/TPO

- FELL TWO TREES CROWN REDUCE ONE TREE AND GENERAL MAINTENANCE

- TPOSPL
- 05.01.2001

16/00785/TPO

- Fell T1, Willow and replace with a English Oak
- WDN
- 08.09.2016

24/00412/TCA

- T1 - Pine - Reduce sides and top corners by up to 2.40 metres height and tidy up torn/dead branches. T2 - Maple - Raise lower canopy by removal of 3-4 branches.
- DTM
- 03.06.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No objections have been received.

6. Consultation

- 6.1. Sheepy Parish Council:

“NEUTRAL

Please note, this response is based on documents available on HBBC Planning Portal as at 6th May 2024. Please ensure that Sheepy Parish Council is notified and consulted on any changes to this application post this date to maintain full compliance with the Sheepy Parish Neighbourhood Plan made May 2022.

Sheepy Parish Council has reviewed the above application 24/00413/TPO - (4 Manor View Sibson, T3 - Ash tree - Remove the 2 lowest limbs to the main trunk. T4 - Ash tree - Remove to collar three low branches and reduce fork growing towards house by 2.00-3.00m. T5 - Ash Tree - Remove 4 low branches to collar reduce mid crown growing towards house by around 2.00-3.00m blending into crown and reducing away from the property) and it appears to be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2022.

Sheepy Parish Council is cognisant of the ‘Split Decision Permit/Refuse’ for 00/01013/TPO, 16 October 2000 for a previous application regarding work to a TPO at this property.

Furthermore, Sheepy Parish Council would like to draw attention to the incorrect information supplied by the applicant stating that the ‘work(s) to trees is NOT IN A CONSERVATION AREA. (HBBC Reference – 24/00413/TPO - Application Form – 30 April 2024)

Therefore, as the site is within Sibson Conservation Area, Sheepy Parish Council will respect HBBC's Tree Officer's wider planning regulation knowledge, not necessarily known by Sheepy Parish Council, on this matter."

6.2. 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. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S7: Local Heritage Assets

7.2. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.3. 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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 Ash trees (T3, T4 & T5) 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 Ash trees (T1, T2 & T3) are situated to the rear of the application site. The trees are only partially viewable from a public realm from the highway to the east, Manor View and from the highway to the west, Sheepy Road and by virtue of this 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.
- 8.7 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

- 8.8 The works as proposed to the Ash trees (T3, T4 & T5) have been assessed by the Local Planning Authority and are considered to be justified. The proposed works are required for general maintenance due to storm damage and to manage the progressive lateral growth over the rear amenity space.
- 8.9 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 Ash trees (T3, T4 & T5) 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 area is retained. The proposal is in accordance with policy DM10 of the SADMP, policy S7 of the Sheepy Neighbourhood Plan 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 of the Site Allocations and Development Management Policies DPD, paragraph 136 of the NPPF and policy S7 of the Sheepy Neighbourhood Plan.

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 shall be restricted to those outlined below only;

- T3 - Ash tree - Remove the 2 lowest limbs to the main trunk.
- T4 - Ash tree - Remove to collar three low branches and reduce fork growing towards house by 2.00-3.00 metres.
- T5 - Ash Tree - Remove 4 low branches to collar reduce mid crown growing towards house by around 2.00-3.00 metres blending into crown and reducing away from the property.

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, paragraph 136 of the NPPF and policy S7 of the Sheepy Neighbourhood Plan.

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.