

Delegated Report

Planning Ref: 23/01040/TPO

Applicant: Simon Creedy

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 21 De La Bere Crescent Burbage Hinckley

Proposal: Works to trees

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 at 21 De La Bere Crescent, Burbage;

- T1 - Ash tree - Reduce by 2 metres and shape the sides in accordingly.. Crown thin by 10%.
- G2 - Maple tree - Crown thin by 20% and raise the crown to 3.00 metres.
- G2 - Whitebeam tree - Thin the crown through by 15%.
- G2 - Lime tree - Raise the crown on these trees to a height of 3.00 metres and thin the crown by 20%.

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 of Burbage. The application dwelling comprises the use of red brick to the walls, brown interlocking tiles to the pitched roof and white uPVC to the windows and doors. To the front (eastern) elevation of the dwelling sits an adjoined double garage, two-dormers and a mono-pitched roof canopy to the main entrance.
- 3.2. The Ash tree is situated to the rear (western) side of the application dwelling and the Whitebeam tree, Maple tree and Lime tree (G2) are situated to the grass verge adjacent to the application dwelling. The trees are highly viewable from a public vantage point on Woodstock Close and are protected by the Hinckley and Bosworth Tree Preservation Order reference 18/00010/TPORD.

4. Relevant planning history

23/00693/TPO

- (T1) Ash tree - Reduce by 2 metres and shape the sides in accordingly. We will only be pruning secondary branches on this tree. (T2) - Whitebeam reduce in height by 2 metres the sides are already suppressed by the adjacent maple tree. Again it will only be secondary branches removed. (T3 & T4) Maples reduce again by 2 metres and shape the sides in accordingly and it will only be secondary branches being touched.
- WDN
- 13.09.2023

81/00667/4

- ERECTION OF A DETACHED HOUSE AND GARAGE
- PER
- 21.07.1981

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. Burbage Parish Council have no objections.

- 6.2. HBBC Arboricultural Officer:

“The proposed works as specified to the Whitebeam tree, Maple tree and Lime tree (G2) are acceptable.

The proposed works to the Ash tree (T1) are not considered to be acceptable as no justification has been provided by the agent. My advice is to thin the crown by 10-15%, if any structural defects are noted while climbing the tree, then provide a report with justification for any other work thought to be needed.”

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

- 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 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 tree is subject to a tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 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
- 8.4 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.
- 8.5 The Ash tree is situated to the rear (western) side of the application dwelling and the Whitebeam tree, Maple tree and Lime tree (G2) are situated to the grass verge adjacent to the application dwelling. The trees are all highly visible from the public highway (Woodstock Close).
- 8.6 The proposed works to the Whitebeam tree, Maple tree and Lime tree (G2) are considered to be acceptable and are not considered to have an impact upon the amenity of the area.
- 8.7 Notwithstanding, the HBBC Arboricultural Officer's advice the proposed works to the Ash tree (T1) are also considered to be acceptable as the Local Planning Authority are content that the relevant justification has been provided by the agent. The proposed works would subsequently not have a detrimental impact upon the amenity of the area.
- 8.8 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

- 8.9 The work as proposed has been assessed by the HBBC Arboricultural Officer and the Local Planning Authority and has been considered necessary. The Ash tree (T1) is developing signs of crown dieback due to Chalara disease. The proposed works to the Ash tree (T1) will therefore give the tree the best chance of recovery.
- 8.10 The proposed works to the Whitebeam tree, Maple tree and Lime tree (G2) are considered to be justified. The proposed works will ensure that the trees are maintained accordingly in order to achieve a long life span.
- 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 Ash tree (T1), Whitebeam tree, Maple tree and Lime tree (G2) are considered to be acceptable. The HBBC Tree Officer 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 and DM12 of the SADMP and policy 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 shall be restricted to the below;

- T1 - Ash tree - Reduce by 2 metres and shape the sides in accordingly.. Crown thin by 10%.
- G2 - Maple tree - Crown thin by 20% and raise the crown to 3.00 metres.
- G2 - Whitebeam tree - Thin the crown through by 15%.
- G2 - Lime tree - Raise the crown on these trees to a height of 3.00 metres and thin the crown by 20%.

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.