

Delegated Report

Planning Reference 25/00805/TPO

Applicant Mr Andrew Grimley

Ward Groby

Application Site Land To The Rear Of 1 Spinneyside, Groby,
Leicester, Leicestershire, LE6 0GX



Hinckley & Bosworth
Borough Council

Proposal Crown lift directly over the summer house to a height of approximately 3.5 metres above ground level

Case Officer Rudi Simpson

1. Recommendations

1.1. **Grant consent** subject to the conditions.

2. Planning Application Description

2.1 The application originally sought planning consent for the following works at Land To The Rear Of 1 Spinneyside, Groby, Leicester, Leicestershire, LE6 0GX:

- Oak Tree - Cut back overhanging branches as now touching our summer house. The size and growth of the tree presents a potential light blockage and its sheer size is very imposing

However, after negotiation with the Council's Arboricultural Officer the proposed scope of works was amended to the following:

- Crown lift directly over the summer house to a height of approximately 3.5 metres above ground level

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a detached two storey residential dwelling in Spinneyside, Groby.

3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Groby (Glebe Farm) Tree preservation order 1975 (75/00006/TPORD).

4. Relevant Planning History

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- Oak Tree 2 metre crown reduction and a crown clean to remove the deadwood
- REFTPO
- 02.04.2025

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. One letter of objection has been received which has been summarised below

- The tree is a classic form and shape for an oak tree.
- The tree was there long before the summer house
- The tree does not block light
- There are many similar and larger trees in the spinney
- The tree represents a valuable environmental asset.
- Any attempt to carry out a reshaping of the tree would destroy its form and leave it unbalanced.
- HBBC Tree Officer visited site as part of the previous application recommended no action required.

6. Consultation

6.1. HBBC Arboricultural Officer

A crown lift to approximately 3.5 metres above ground level is considered appropriate to address the lateral crown spread overhanging the property. No further works are deemed suitable at this time. All works must be undertaken to the relevant British Standard (3998:2010) and this remains auditable by the Local Planning Authority.

HBBC Arboricultural Officer amended comments

Minor works to lift the portion of the crown directly overhanging the summer house to a height of approximately 3.5 metres above ground level are considered appropriate. No further works are deemed to be required. All operations must comply with British Standard 3998:2010 and remain subject to audit by the Local Planning Authority.

Groby Parish Council;

Groby Parish Council's Planning & Development Committee considered the application and raised no objections to the proposed tree works.

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. National Planning Policies and Guidance:

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

7.3. Other Relevant Guidance:

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified.

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 tree is situated on land which lies beyond the rear garden of the application dwelling formally known as Glebe Farm, Groby as indicated by area G1 on the Tree Preservation Order.

8.5. Leicestershire County Council also have a protection order on the neighbouring land under 'Leicestershire County Council Ratby Rd and Cowpen Spinney 1970 Woodland Tree Preservation Order'. It is important to note however that the Oak tree in this application is subject to the Hinckley and Bosworth Tree Preservation Order 75/00006/TPORD.

8.6. An application was submitted earlier in the year for works to the same Oak Tree requesting a 2-metre crown reduction and a crown clean which was subsequently refused. The Council's Arboricultural Officer deemed that the works were unnecessary and would ultimately cause harm to a tree in physiologically and structurally good condition.

- 8.7. The intent behind this current application is to focus on the removal of the branches overhanging the summer house only.
- 8.8. The revised scope of works within this present application has been negotiated by the Council's Arboricultural Officer and the Applicant to ensure that the works are localised and address the branches overhanging the summerhouse only. Thereby avoiding unnecessary wounding and preserving the life of the tree.
- 8.9. In light of the above, and in conjunction with the professional advice of the Council's Arboricultural Officer, the proposed works are considered to be justified, and the proposed works are suitable as long as they are carried out in accordance with BS 3998:2010. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (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

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

2. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

3. The proposed works to the Oak Tree shall be restricted to a crown lift directly over the summer house to a height of approximately 3.5 metres above ground level.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant:

1. 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.

2. **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.**
3. 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.
4. 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.
5. 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.