

Delegated Report

Planning Reference 26/00233/TPO
Applicant Mr Connor Gardner
Ward Burbage, Sketchley & Stretton
Application Site 20E Merrifield Gardens, Burbage



Hinckley & Bosworth
Borough Council

Proposal Poplar - (T14) - Reduce the lateral limb extending towards the neighbouring property by approximately 10 metre to a suitable growth point. Works to reduce the weight and mechanical loading on compression union at approximately 1.5m above ground level.

Additional reduction to higher overhanging growth, approximately 2m above the limb to reduce weight and overloading above neighbouring property.

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this Report:

2. Planning Application Description

2.1. This application seeks consent for the following works at 20E Merrifield Gardens, Burbage, Hinckley.

- Poplar - (T14) - Reduce the lateral limb extending towards the neighbouring property by approximately 10 metre to a suitable growth point. Works to reduce the weight and mechanical loading on compression union at approximately 1.5m above ground level.
- Additional reduction to higher overhanging growth, approximately 2m above the limb to reduce weight and overloading above neighbouring property.

3. Description of the Site and the Surrounding Area

3.1. This application relates to a Poplar Tree ('T14') situated in the rear garden of 20E Merrifield Gardens, within the settlement boundary of Burbage. The tree is protected by The Borough Council of Hinckley and Bosworth Burbage (Merrifields, Sketchley Road) Tree Preservation Order 1978 (78/00005/TPORD)

4. Relevant Planning History

- 4.1 Application 26/00224/TPO, which proposed to reduce the crown of the protected Poplar Tree, was withdrawn on 25 March 2026. There is no further relevant planning history for this protected tree.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. One letter of support has been received. No further responses have been received.

6. Consultation

- 6.1 Burbage Parish Council did not object to the application, subject to the Council's Arboricultural Officer's assessment of the proposed works. The Arboricultural Officer raised no objections to the proposed works. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 7.3 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):

- Policy 12: Important Trees

- 7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

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 Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 Policy 12 of the Burbage Neighbourhood Plans recognises that Trees are important visually and form part of the landscape character of the village. The policy states 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 Poplar Tree (T14) subject to this application is situated within the rear garden of 20E Merrifield Gardens to the northeast of the application dwelling. The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The Preservation Order provides protection for a number of individual trees within the local area of varying species namely, Sycamore, Poplar, Ash, Acer, Atlantic Cedar, Beech and Deodar Cedar. The Order also protects three separate groups throughout the site.
- 8.6 The Council's Arboricultural Officer has assessed the application and supports the proposal as part of ongoing sustainable tree management. The works are necessary in order to prevent any future mechanical failure and are in the best interest of both the tree and public safety. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.7 By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable in accordance with Policy DM10 of the SADMP.

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.

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 and 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), subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

1. 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.

2. 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).

3. The proposed works to the Poplar Tree (T14) shall be restricted the reduction of the lateral limb extending towards the neighbouring property by approximately 10 metre to a suitable growth point, works to reduce the weight and mechanical loading on compression union at approximately 1.5m above ground level and additional reductions to higher overhanging growth, approximately 2m above the limb to reduce weight and overloading above neighbouring 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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant(s)

1. The Applicant is advised that the consent hereby granted is only 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, the affected tree(s) should 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. All works to trees should therefore done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if the 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.