

Delegated Report

Planning Reference 25/01088/TPO
Applicant(s) Mr Joshua Blurton
Ward Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site Sketchley Hill House, Rugby Road,
Burbage, Hinckley, Leicestershire, LE10 2ND

Proposal Pear Tree (T35) Remove as in poor location. Replacement tree to be planted in more suitable location.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

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

2. Planning Application Description

- 2.1. This application seeks consent for the removal of Pear Tree (T35) at Sketchley Hill House, Rugby Road, Burbage under Section 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2. The Applicant has stated that the protected tree needs to be removed because it is in a poor location in relation to the development approved via 22/00236/FUL. The Applicant has stated that a replacement tree would be planted in a more suitable location.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a protected Pear tree located to the northwest of, and within, Burbage on the eastern side of Rugby Road (B4109) to the rear of Sketchley Hill House. The site is wholly surrounded by residential properties and Sketchley Hill House benefits from planning permission for the erection of three dwellings via application 22/00236/FUL and construction has begun on site. Since the determination of this planning application, amendments were made to Plot 1 via 24/00486/CONDIT, and Plot 2 via 24/00434/CONDIT.
- 3.2. The tree affected by the proposed works is protected under T4 of The Borough Council of Hinckley and Bosworth (Sketchley Hill House, Rugby Road, Burbage, Leicestershire) (No 2) Tree Preservation Order 2017 which protects six trees within the site, five of which are located to the rear of Sketchley Hill House.

4. Relevant Planning History

4.1 25/00260/CONDIT

- Application to vary condition 2 of planning permission 22/00236/FUL. Amendments to Plot 3. Internal alterations and associated changes to fenestration and car parking redesign
- Permitted
- 24.06.2025

4.2 24/00842/DISCON

- Application to discharge Condition 13 (Replacement Trees) from planning application 22/00236/FUL
- Discharged
- 18.10.2024

4.3 22/00236/FUL

- Erection of 3no dwellings with vehicle access improvements, associated parking, amenity space and refuse/recycling facilities.
- Permitted
- 24.10.2022

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order and no publication therefore took place for this application.

6. Consultation

- 6.1 Burbage Parish Council objected to the felling of the tree because it was protected by a Tree Preservation Order.
- 6.2 The Council's Arboricultural Officer considered the removal of the protected tree to be appropriate only on the basis that the existing tree would be extremely close to the newly constructed property within the site.
- 6.3 The Arboricultural Officer stated that the replacement tree should be 1 × Liquidambar styraciflua that is container-grown and has a girth of 20–25cm. As the surrounding area would be heavily developed and unsuitable for tree establishment post-construction, the Arboricultural Officer confirmed that the planting of the replacement tree would require the installation of a correctly engineered cellular tree pit, the design and dimensions of which should be secured via planning condition.

6.4 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
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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

- Policy 2: Design and Layout
- Policy 12: Important Trees

7.4 National Planning Policies and Guidance:

- The Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 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. Planning decisions should ensure that new streets are tree-lined.

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 The affected tree is subject to a Tree Preservation Order, and the submitted Arboricultural Report identifies the tree as a Category B tree. The Arboricultural Report states that trees categorised as B within the application site are specimens in good condition and which offer good visual amenity and conservation value.

- 8.5 Given the above, the affected protected tree is considered to have a high level of amenity value that positively contributes to the character of the surrounding area.
- 8.6 The Arboricultural Officer advised that the removal of the Pear tree (T35) is justified due to its proximity to the approved dwelling under application 22/00236/FUL. However, they also recommended that a replacement Liquidambar styraciflua be provided within an engineered cellular tree pit. Details of the location and specifications of the engineered cellular tree pit can be secured via a pre-commencement condition under The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Legislation.
- 8.7 The Council's Arboricultural Officer has assessed the application and supports the proposal to remove the Pear tree (T35), subject to its replacement with a Liquidambar styraciflua as part of ongoing sustainable tree management. It is therefore considered that 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 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 the 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 Pear tree (T35) shall be restricted to the removal 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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Prior to the commencement of the removal and replacement of the Pear tree (T35), full details of the tree pit design, dimensions, and technical specifications for the replacement Liquidambar styraciflua, container-grown, with a girth of 20'25 cm shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be implemented in accordance with the

approved details in the first planting and seeding seasons following the removal of the existing tree.

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.