

Delegated Report

Planning Reference 25/00811/TPO
Applicant Mr Kube
Ward Groby
Application Site 1 Spinney Close, Groby, Leicester,
Leicestershire, LE6 0BY



Hinckley & Bosworth
Borough Council

Proposal

T8 Ash - Remove
Reason - Weak union at base, potential for failure.

T9 Ash - Crown reduce by 30% approximately 4m from tips. Remove Northern lead to 1.5m stub.
Reason - Reduce wind loading if adjacent tree is removed. Prevent failure due to canker and decay.

T10 Ash - Remove
Reason - Multiple Innonotus hispidus infection points which are likely failure points. (Safety)

Case Officer Rudi Simpson

1. Recommendations

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

2. Planning Application Description

2.1 The application seeks planning consent for the following works at 1 Spinney Close, Groby, Leicester, Leicestershire, LE6 0BY:

- T8 Ash - Remove
Reason - Weak union at base, potential for failure.
- T9 Ash - Crown reduce by 30% approximately 4m from tips. Remove Northern lead to 1.5m stub.
Reason - Reduce wind loading if adjacent tree is removed. Prevent failure due to canker and decay.
- T10 Ash - Remove
Reason - Multiple Innonotus hispidus infection points which are likely failure points. (Safety)

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a detached two storey residential dwelling at 1 Spinney Close, Groby. The property is set back from the highway with access gained via a private a private driveway.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Groby (The Sandpit, Ratby Road) Tree Preservation Order 83/00003/TPO.

4. Relevant Planning History

00/01182/TPO

- REMOVAL OF TWO TREES AND WORKS TO TWO TREES
- TPOPER
- 10.01.2001

04/00961/TPO

- WORKS TO TREES
- TPOPER
- 28.09.2004

17/00434/TPO

- T1 Oak: Remove one low branch extending towards 11 Oaktree Close.
- T2 Twin-stemmed Ash: South stem: Shorten one low branch by 60-70%.
North stem: Reduce two low branches by 50%, Reduce one branch by 30%.
- T3 Ash: Remove three minor secondary branches from the underside of the limb system extending towards the drive gate.
- TORDER
- 20.07.2017

20/00289/TPO

- T1 Oak: Remove one low branch extending towards 11 Oaktree Close.
- T2 Twin-stemmed Ash: South stem: Shorten one low branch by 60-70%.
North stem: Reduce two low branches by 50%, Reduce one branch by 30%.
- T3 Ash: Remove three minor secondary branches from the underside of the limb system extending towards the drive gate.
- TORDER
- 20.07.2017

5. Publicity

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

6. Consultation

- 6.1. (HBBC Arboricultural Officer);

"I am satisfied that there is sufficient justification for the removal of trees T8 and T10, along with a significant reduction of approximately four metres to the crown of T9. The trees to be removed must be replaced with container-grown standards, each in a pot with a minimum volume of 35 litres. It is acknowledged that replanting directly on the original positions may not be feasible due to the compact nature of the tree group. Therefore, the replacement specimens should be sited in the nearest suitable locations, outside of the existing crowns and driplines. In order to appropriately reflect the value and contribution of the felled trees, I recommend the planting of one Field Maple (Acer campestre) and one Pedunculate Oak (Quercus robur)."

Grobby Parish Council

"Grobby Parish Council 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 trees are subject to a Tree Preservation Order and are 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 Ash trees are protected by the Tree Preservation Order 83/00003/TPORD which offers protection to a number of trees within the woodland, comprising of Ash, Thorn, Birch, Crabtree, Larch and Oak. The trees are located to the rear of the application dwelling and are visible from the highway to the rear on Oaktree Close. They have no visibility from Spinney close due to the density of the trees within the woodland.
- 8.5. Whilst the proposed felling of trees T8 and T10 is likely to have an impact upon the visual amenity of the area, the trees have been assessed by the Council's Arboricultural Officer who has confirmed that the trees T8 and T10 are in poor health and condition. Therefore, it is considered that, in conjunction with the professional advice of the Arboricultural officer, that the removal of these protected trees is justified in these site-specific circumstances.
- 8.6. In order to prevent future failure caused by the removal of the adjacent trees, the Arboricultural Officer also considered the significant crown reduction to T9 to be acceptable, subject to the provision of replacement planting of Pedunculate Oak (*Quercus robur*) and Field Maple (*Acer campestre*).
- 8.7. By virtue of the above it is considered that although the work would have a significant impact upon public amenity it is considered acceptable subject to replacement tree planting and the works being undertaken in accordance with BS 3998:2010.

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 provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

3. The proposed works shall be restricted to the removal of Ash trees (T8 and T10) and the proposed works to the Ash tree (T9) shall be restricted to a crown reduction of 30% approximately 4m from tips.

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).

4. Within one month of the removal of the Ash Trees (T8 and T10); details of the replacement Pedunculate Oak (*Quercus robur*) and Field Maple (*Acer campestre*), including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement trees shall be of container-grown standards, each in a pot with a minimum volume of 35 litres and sited outside of the existing crowns and driplines. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area 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).

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.