

Delegated Report

Planning Ref: 23/00736/TPO

Applicant: Mr Peter Blake

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 20 Coventry Road Burbage Hinckley

Proposal: (T1-T12) - Lime trees - Pollard

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 pollard lime trees (T1-T12) at 20 Coventry Road, Burbage.

2.2.

3. Description of the site and surrounding area

3.1. The application site relates to a residential dwelling, situated within the settlement boundary of Burbage. The application site currently comprises outdoor garden amenity space serving 20 Coventry Road. 20 Coventry Road is a large two storey detached dwelling located on a sizable plot, with access and associated parking to its front off Coventry Road. The plot has been previously subdivided for the erection of two dwellings on no.20's north east side (ref. 09/00543/FUL and 14/00693/CONDIT) and permission for the erection of a further dwelling to the south west side has recently been permitted in March 2023 (22/00355/REM). A number of trees are on the plot, including within the application site are protected by the Hinckley and Bosworth Tree Preservation Order reference 85/00001/TPORD.

3.2. The 12 Lime trees are situated to the rear of the application dwelling and back onto Victoria Road, they are highly visible from a public vantage point from the highway.

3.3. A letter from LCC Highways was sent to the owner of the application dwelling on the 26th June 2023 stating that works to the trees must be carried out in order to provide a height clearance of 2.15 metres over the footpath and a height clearance of 5.00 metres over the carriageway. These works are exempt from the need of a formal application as per the Highways Act 1980 – Section 154. The application was made aware of this upon submission.

4. Relevant planning history

23/00491/TPO

- (T1, T2) - Lime trees - Remove the limbs of both trees to the original pollarding point (see annex 5), (T3) - Lime tree - Removal of limbs to the pollarding point which come over the boundary.
- PERTPO
- 12.07.2023

20/00010/PP

- Erection of one dwelling (outline - access and layout only)

- DISMIS
- 22.07.2020**98/00543/FUL**
- EXTENSION TO GARAGE
- PER
- 13.08.1998

07/00050/TPO

- WORKS TO TREES
- TPOPER
- 09.02.2007

07/00783/TPO

- WORKS TO COPPER BEECH TREE
- TPOPER
- 21.08.2007

07/01035/TPO

- WORKS TO ONE COPPER BEECH TREE
- TPOPER
- 15.10.2007

07/01061/FUL

- ERECTION OF ONE DWELLING (ADJACENT TO 18 COVENTRY ROAD)
- WDN
- 15.10.2007

07/01062/FUL

- ERECTION OF ONE DWELLING (adjacent to 11 Victoria Road with access of Victoria Road)
- PER
- 05.11.2007

08/00450/FUL

- ERECTION OF FOUR BEDROOMED DETACHED DWELLING RE-SUBMISSION OF 07/01061/FUL
- PER
- 18.06.2008

09/00543/FUL

- ERECTION OF 1NO. DWELLING
- PER
- 10.09.2009

12/00510/FUL

- ERECTION OF ONE NEW DWELLING

- PER
- 01.10.2012

12/01028/TPO

- Works to three copper beech trees
- TPOPER
- 14.01.2013

14/00693/CONDIT

- Variation of condition 2 of planning permission 12/00510/FUL for erection of one new dwelling
- PER
- 28.10.2014

19/00564/OUT

- Erection of one dwelling (outline - access and layout only)
- WDN
- 10.07.2019

19/00833/OUT

- Erection of one dwelling (outline - access and layout only)
- REF
- 24.10.2019

20/00980/OUT

- Erection of one dwelling (outline - access and layout only) (resubmission of 19/00833/OUT)
- OUT
- 17.11.2020

22/00355/REM

- Approval of Reserved Matters (Appearance, Scale and Landscaping) following Outline Approval 20/00980/OUT (Erection of 1no. dwellinghouse)
- APRREM
- 10.03.2023

23/00450/DISCON

- Application to discharge conditions 3 (Materials), 5 (Boundary Treatment), 7 (Waste and Recycling) attached to planning 22/00355/REM
- PDE
-

74/00405/4

- ERECTION OF 2 DWELLINGS
- OUT

- 28.08.1974

08/00051/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 14.03.2008

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. No objections have been received from Burbage Parish Council.
 6.2. No objections have been received from the HBBC Aboricultural Officer, however it is advised that the pollarding is conducted in February.

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 10: Landscape Character
- 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 Lime trees are subject to a tree preservation order and are therefore considered to have a high level of amenity value. 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, are only permitted in exceptional circumstances.
- 8.3 The Lime trees (T1-T12) are situated to the rear of 20 Coventry Road, adjacent to Victoria Road. The trees form a strong line of 12 trees along Victoria Road and are highly viewable from a public vantage point. The trees have a valuable contribution to the landscaped character of the street scene.
- 8.4 The proposed works have been assessed by the HBBC Arboricultural Officer and have deemed acceptable and would not have a significant impact upon the amenity of the area due to the works being minor and necessary. The Lime trees are lapsed pollards with highway encroachment. Cyclic pollarding is required.
- 8.5 By virtue of the proposed being in accordance with policies DM1 and DM10 of the SADMP and Policies 1, 2, 10 and 12 of the Burbage Neighbourhood Plan the proposed works are deemed acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.6 The Local Planning Authority is required to consider the public benefit of proposed pollarding to the protected trees. The proposed works to the Lime trees (T1-T12) are considered to be justified. The trees at current are obstructing the highway and are contributing to the loss of light to the dwellings on Victoria Road. The proposed pollarding will ensure clearance from the highway and allow more light flow to the neighbouring dwellings.
- 8.7 It is therefore considered that the proposed work is justified, 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.

10. Conclusion

- 10.1. In conclusion the proposed works to the Lime trees (T1-T12) are considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary due to highway safety and loss of light concerns. The proposal is in accordance with policies DM1 and DM10 of the SADMP and Policies 1, 2, 10 and 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 pollarding of Lime trees (T1-T12) 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 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.