

Delegated Report

Planning Ref: 24/01104/TPO
Applicant: Mrs Juliette Sherwin
Ward: Burbage



Hinckley & Bosworth
Borough Council

Site: 1 Sketchley Old Village, Burbage, Hinckley, LE10 3HT

Proposal: Holly hedge to be reduced by a maximum of 5 ft and siding off to prevent it from growing over the lawn

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 Sketchley Old Village, Burbage, Hinckley, LE10 3HT

- Holly hedge to be reduced by a maximum of 5 ft and siding off to prevent it from growing over the lawn

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a residential dwelling within the settlement boundary of Burbage. The Holly trees are situated to the rear of the property and are visible from the highway at Sketchley Manor Lane. At the time the Tree Preservation Order was made the trees were individual specimens however they have since grown to form a hedgerow.

3.2. The Holly trees (G2) are protected under The Borough of Hinckley and Bosworth Burbage (Sketchley Manor Lane) Tree Preservation Order 1992 (92/00003/TPO)

4. Relevant Planning History

07/00960/TPO

- WORKS TO GROUP OF TREES
- TPOPER
- 10.10.2007

07/01166/TPO

- REMOVAL OF ONE HOLLY TREE
- WDN
- 13.12.2007

08/00612/TPO

- WORKS TO TREE
- TPOPER
- 15.07.2008

09/00401/TPO

- REMOVAL OF THREE TREES (YEW, HOLLY AND SYCAMORE)
- TPOPER
- 23.07.2009

16/00816/TPO

- Trimming of holly hedges at top and sides
- TPOPER
- 17.10.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of support has been received which has been summarised below
- Delighted to have a reduction in the height and neaten it up
- 5.3. One letter of objection has been received which has been summarised below
- The trees provide an important nesting area for wildlife
 - Ecological implications should be prioritised over the occupants enjoyment of the garden

6. Consultation

- 6.1. Burbage Parish Council;

"No objections to this application and would support the recommendation of the borough tree officer or similarly qualified arborist, as appropriate".

7. Policy

- 7.1. Core Strategy (2009):
- Policy 4: Development in Burbage
- 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 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 12: Important Trees

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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 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 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, will only be permitted in exceptional circumstances.

8.5 The Holly trees (G2) are situated to the rear of 1 Sketchley Old Village and form a hedgerow offering screening to the property on 1 Sketchley Manor Lane. The preservation order also provides protection to the group of Holly trees situated to the eastern boundary of the property (G3). However it is important to note that this application only relates to the group of trees to the rear (G2).

8.6 The group of trees (G3) is currently lower in height than the trees to the rear (G2). Reducing the height of the trees in (G2) would result in a more balanced hedge line. The suggested works are therefore considered reasonable and would not have an adverse impact upon the amenity of the area by virtue of the submitted justification.

8.7 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.7 The work proposed has been assessed and has been considered to be justified. The works do not involve the removal of the hedgerow and will reduce the height to a manageable standard.

8.8 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 acceptable. The Local Planning Authority is satisfied that the works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is, therefore in accordance with policy DM10 of the SADMP, Policy 1, 2 and 12 of the Burbage Neighbourhood Plan and paragraph 136 of the NPPF. 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 Site Allocations and Development Management Policies DPD and paragraph 136 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 to the Holly Trees (G2) shall be restricted to a reduction in height of no more than 5ft and siding up to prevent it from growing over the lawn

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 136 of the NPPF.

Notes to Applicant:

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.

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.

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.

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.

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.