

Delegated Report

Planning Ref: 23/00491/TPO

Applicant: Mr Bill Kershaw

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 15 Victoria Road Burbage Leicestershire

Proposal: (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.

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks full planning consent for the re-pollarding of the Lime trees (T1, T2 & T3) to approximately 6 metres above ground level only at 15 Victoria Road, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached two-storey dwelling situated within the settlement boundary of Burbage. No.15 is situated to the southern side of Victoria Road. The dwelling features red brick, grey roof tiles, white uPVC windows and a black uPVC front door. To the principle elevation of the dwelling there is a mono pitched roof canopy spanning the front door and garage.
- 3.2. The construction of the application dwelling was permitted in 2009 under application 09/00543/FUL. Historically the land formed part of the curtilage of 20 Coventry Road.
- 3.3. The Lime trees (T1 and T2) are situated within the grounds of 15 Victoria Road, however the Lime tree (T3) is situated within the grounds of 20 Coventry Road. The trees are protected under the Hinckley and Bosworth Tree Preservation Order reference 85/00001/TPORD.

4. Relevant planning history

- None relevant.

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 the below consultees;
- Burbage Parish Council
 - HBBC Arboricultural Office

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

- Assessment against strategic planning policies
- 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 and T2) are situated to the front of 15 Victoria Road, and the Lime tree (T3) is situated to the rear of 20 Coventry Road. The trees form a line of 14 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 Lime trees have been previously pollarded. The previous pollards are 4-5 metres from the dwellings, approximately 14 metres high and have a 6-9 metre crown spread. 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.

- 8.5 By virtue of the proposed being in accordance with policies DM1 and DM10 of the SADMP and policy 4 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 work to the protected tree. The proposed works to the Lime trees (T1, T2 & T3) are considered to be justified. The trees at current are obscuring the highway lamp column, in contact with overhead telephone cables and are in close proximity to the application dwelling. The proposed pollarding will ensure clearance from the highway lamp column, overhead telephone cables and the application dwelling.
- 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, T2, and T3) are considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary due to safety concerns. The proposal is in accordance with policies DM1 and DM10 of the SADMP and policy 4 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 to the Lime trees (T1, T2 & T3) shall be restricted to the re-pollarding of the trees to approximately 6 metres above ground level 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.
- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

