

Delegated Report

Planning Ref: 25/00265/TPO
Applicant: Mr Martin Jarvis
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 5 Spinney Close, Groby, Leicester, Leicestershire, LE6 0BY

Proposal: Ash (T1) Crown reduce tree by 30% and bring in lateral branches by 2m leaving 5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.

Ash (T2) Crown reduce tree by 30% and bring in lateral branches by 1.5m leaving 3.5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.

1. Recommendations

- 1.1. Grant consent subject to the conditions/ Refuse consent subject to reasons at the end of this report

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at 5 Spinney Close, Groby, Leicester, Leicestershire, LE6 0BY
- Ash (T1) Crown reduce tree by 30% and bring in lateral branches by 2m leaving 5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.
 - Ash (T2) Crown reduce tree by 30% and bring in lateral branches by 1.5m leaving 3.5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a residential dwellinghouse situated within the settlement boundary of Groby.
- 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 1983

4. Relevant Planning History

04/00664/TPO

- CUTTING DOWN OF ONE ASH TREE
- TPOPER
- 12.07.2004

04/00864/TPO

- WORKS TO TREES
- TPOPER
- 07.09.2004

12/00996/TPO

- ASH TREE WITH BROKEN BRANCHES TO BE REMOVED, DEAD TRUNKS ON A MULTISTEM HAWTHORN TO BE REMOVED, PRUNING OF SWEET CHESTNUT
- APPRET
- 04.02.2013

13/00118/TPO

- Works to five trees
- TPOPER
- 24.04.2013

16/00789/TPO

- Fell Ash tree T1, Reduce Horse Chesnut tree G1 spread and remove dead Hawthorn tree G1
- TPOPER
- 18.10.2016

22/00797/TPO

- Works to trees (Please see application form)
- PERTPO
- 06.12.2022

23/00101/TPO

- (T8 & T9) Ash trees - Five metre reduction from the height and four metre reduction from the sides.
- REFTPO
- 29.03.2023

5. Publicity

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

6. Consultation**6.1. HBBC Arboricultural Officer**

"I believe these works to be justified and in the interest of managing the trees within their location.

Where 'reshape canopy' is mentioned; this should be done in accordance with establishing a typical crown form for the species. All work proposed must be completed to BS3998: 2010 and will remain auditable post work completion by the Local Planning Authority".

7. Policy

- 7.1. Core Strategy (2009):
 - Policy 1: Development in Hinckley
 - Policy 10: Key Rural Centres within the National Forest
- 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. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. 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. The tree preservation order provides protection to a number of trees within the vicinity of varying age and species. The Ash Trees (T1) and (T2), subject to this order are situated in the rear of the application property.

8.5. The application has been assessed by the HBBC Arboricultural who is satisfied that the above works are in the interest of managing the trees in their location.

8.6. The Local Planning Authority therefore deems the 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 by the HBBC Arboricultural Officer and is considered to be necessary maintenance, ensuring that the life span of the tree is preserved.

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 be acceptable. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (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 Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF (2024).

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 Ash tree (T1) shall be restricted to a 30% crown reduction, bringing in lateral branches by 2m leaving 5m. A reduction of branches over the neighbouring property leaving 5m and reshaping of the canopy. A reduction in height by 4.5m leaving 10.5m.

The proposed works to the Ash tree (T2) shall be restricted to a 30% crown reduction, bringing in lateral branches by 1.5m leaving 3.5m. A reduction of branches over the neighbouring property leaving 5m and reshaping of the canopy. A reduction in height by 4.5m leaving 10.5m.

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 (2024).

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.