

Delegated Report

Planning Ref: 23/00706/TPO

Applicant: Mr David Strutt

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 7 Pike Close Burbage Hinckley

Proposal: (T1) - Oak tree - Reduce branches back on the sides by 1-2 metres on the South West and East sides

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 reduce the branches of the Oak tree (T1) by 1-2 metres on the south west and east sides at 7 Pike Close, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated within the settlement boundary of Burbage. The dwelling sits on a corner plot and is surrounded by a strong line of vegetation which sits to the property's boundary line. To the exterior the dwelling hosts the use of light brick and yellow render to the walls, brown tiles to the roof and white uPVC windows and doors. A tarmac driveway and double garage sits to the front elevation of the dwelling; the garage doors feature a teal colour.
- 3.2. The Oak tree sits to the northern boundary of the property and is highly viewable from a public vantage point. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 85/00002/TPORD. This order protects a variety of trees situated to the eastern side of Sketchley Lane.

4. Relevant planning history

01/00883/TPO

- LOPPING OF SYCAMORE HOLLY OAK AND CHERRY TREES
- TPOPER
- 03.10.2001

06/00032/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 01.03.2006

08/00944/TPO

- WORKS TO TREES AND HEDGES
- TPOPER

- 19.11.2008

12/00790/TPO

- REMOVAL OF ONE AND WORKS TO THREE TREES
- TPOPER
- 02.11.2012

16/00940/TPO

- Works to trees - reduce spread of Oak (T1) over garden by 1.5m, reduce spread of Sycamore (T2) over garden by 1.2m, remove limb of Oak (T3) overhanging garden and reduce spread by 1.2m over garden, reduce spread of Cherry Trees (T4 and T5) towards garden by 1.5m.
- TPOPER
- 05.12.2016

19/01081/TPO

- Works to trees
- TPOPER
- 29.11.2019

20/01025/TPO

- Overall crown reduction by 2.5-3 metres (approx.) upon Oak, (T1), Sycamore (T2), Oak, (T3) and Wild Cherry (T4) and reduction to lateral branches by 1.5-2 metres (approx.)
- PERTPO
- 24.11.2020

86/00423/4

- REPOSITION OF TYPE H440 FROM POSITION ORIGINALLY APPROVED
- PER
- 03.06.1986

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 HBBC Aboricultural Officer
 - Burbage Parish Council

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 Oak tree is subject to a tree preservation order and is 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 Oak tree (T1) is situated to the side of the application dwelling, adjacent to Sketchley Lane. The tree forms a group of protected trees along the highway and due to their position they are highly viewable from a public vantage point.

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 work is a repeat of works approved work under application 20/01025/TPO.

8.5 By virtue of the proposed works 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 Oak tree (T1) is

considered to be justified. The tree at current is growing too close to the application dwelling posing safety risks and loss of light to the principle living space of the dwelling. The proposed works will ensure clearance from the application dwelling and allow more light flow into the principle windows.

- 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 Oak tree (T1) is considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary due to the trees close proximity to the application dwelling 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 planning permission** 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 Oak tree (T1) shall be restricted to the reduction of the branches by 1-2 metres on the South West and East sides 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.