

Delegated Report

Planning Ref: 24/00093/TPO

Applicant: Mr Peter Savage

Ward: Burbage St Catherines & Lash Hill

Site: 17 Elm Tree Drive Burbage Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Works to trees

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 full planning consent for the crown reduction by 2.50 metres to the Sycamore tree (T1) and the restricted to the trimming of the tree back to old cuts by approximately 3.00 metres to the Maple tree (T2) at 17 Elm Tree Drive, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey semi-detached dwelling situated within the settlement boundary of Burbage. The application dwelling comprises the use of red brick and grey render to the walls, grey tiles to the roof and white uPVC to the windows. To the north-west (front) elevation of the dwelling sits an integrated gabled double garage and to the ground floor and a dormer window to the first floor.
- 3.2. The Sycamore tree (T1) and Maple tree (T2) are situated to the north-west (front) of the dwelling. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 05/00005/TPORD.

4. Relevant planning history

05/00449/OUT

- OUTLINE APPLICATION FOR THE ERECTION OF THREE DWELLINGS
- OUT
- 22.06.2005

06/00872/FUL

- ERECTION OF 3 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
- WDN
- 20.09.2006

06/01147/FUL

- ERECTION OF THREE DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
- PER

- 06.12.2006

07/00101/TPO

- WORKS TO TREES
- TPOPER
- 22.02.2007

10/00001/TPO

- REMOVAL OF MULTI-STEMMED HOLLY (MARKED T2 ON TPO ORDER).
- TPOPER
- 10.03.2010

10/00012/TPO

- WORKS TO TREES (MARKED T5, T6 AND T7 ON TPO)
- TPOPER
- 11.03.2010

18/00460/TPO

- I am seeking permission to reduce the amount of tree cover to two large trees to the right front of my house. This work will be done by trained specialists and will not be completed until the appropriate time i.e. after the leaves have dropped. I would seek to reduce the amount of tree cover by 50%.
- APPRET
- 14.05.2018

18/00520/TPO

- Works to trees
- TPOREF
- 09.08.2018

18/01004/TPO

- Works to trees
- TPOPER
- 26.11.2018

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. Burbage Parish Council;

- No objections

7. Policy

7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- 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) (2023)
- 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 Sycamore tree (T1) and Maple tree (T2) are subject to a tree preservation order and are therefore considered to have a high level of amenity value.

8.3 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.

8.4 The Sycamore tree (T1) and Maple tree (T2) are situated to the north-west (front) of the dwelling. They follow a parallel form to the south-west boundary of the site which borders, 18 Elm Tree Drive, Burbage. The trees are highly viewable from a public vantage point from the adjacent highway, Elm Tree Drive.

8.5 The Local Planning Authority have assessed the proposed works and can conclude that the works will not have an adverse impact upon the amenity of the area. The proposed works will not result in the damage or loss of a protected tree and therefore also complies with Policy 12 of the Burbage Neighbourhood Plan.

8.6 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 works as proposed have been assessed by the Local Planning Authority. Works to the two protected trees are considered necessary. The works are considered acceptable and appropriate if works are carried out as described. As a result, works are acceptable and should be allowed.

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 Sycamore tree (T1) and Maple tree (T2) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is in accordance with policy DM10 of the SADMP and policy 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 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 Sycamore tree (T1) shall be restricted to the crown reduction by 2.50 metres and the proposed works to the Maple tree (T2) shall be restricted to the trimming of the tree back to old cuts by approximately 3.00 metres 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 136 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.