

Delegated Report

Planning Ref: 24/00556/TPO

Applicant: Mrs Chambers

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 8 The Grange Earl Shilton Leicester

Proposal: G2 - Ash tree - Remove to ground level

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 remove the Ash tree (G2) to ground level at 8 The Grange, Earl Shilton.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached bungalow situated within a cul-de sac, within the settlement boundary of Earl Shilton. The application dwelling comprises the use of red, grey brick and stone to the walls, brown tiles to the roof and brown uPVC to the windows. A detached two car garage is situated to the south-east of the site and is surrounded by a generous tarmac hardstanding.
- 3.2. The Ash tree is situated to the north-east boundary line of the site. The Ash tree is protected under G2 of the HINCKLEY AND BOSWORTH, EARL SHILTON (151 STATION ROAD) TREE PRESERVATION ORDER 1979 (Reference; 79/00003/TPO) which protects predominantly lime, chestnut, beech, sycamore, norway maple, pine, sequoia, cedar, ash tree, larch and wych elm species.
- 3.3. An application was granted permission in May this year for the removal of the overhang from the Sycamore and Lime trees within G2 (Reference; 24/00236/TPO).

4. Relevant planning history

15/00339/TPO

- Removal of T1 with works to T2 and T3
- TPOPER
- 11.05.2015

15/00642/TPOCA

- Works to trees
- TPOCAP
- 04.08.2015

24/00236/TPO

- G2 - Remove the overhang from these trees back to boundary line - all cuts will be to suitable growth points. In doing this it will be more of a crown

raise to around 6 metres to allow more light into the neighbours garden.
The sycamore are marked with blue lines and the lime is a green line.

- PERTPO
- 01.05.2024

91/01109/4

- FRONT EXTENSION TO BUNGALOW
- PER
- 30.12.1991

83/00742/4

- ERECTION OF A BUNGALOW AND GARAGE
- PER
- 25.10.1983

81/00213/4

- ERECTION OF A DETACHED HOUSE AND GARAGE
- PER
- 24.03.1981

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. Earl Shilton Town Council:

- No objections have been received.

7. Policy

- 7.1. Core Strategy (2009)

- None relevant.

- 7.2. Site Allocations and Development Management Policies DPD (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) (2023)
- 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 Ash tree (G2) is subject to a group tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2023) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 8.4 The Ash tree is situated to the north-east boundary line of the site. The tree is highly viewable from a public vantage point from the adjacent highways, The Grange and Equity Road. The Local Planning Authority recognise that the proposed works would result in the loss of a protected tree, nevertheless are satisfied that expertise justification has been provided to support the removal.
- 8.5 The site hosts a generous amount of trees a present and therefore due to the scale of the site, it is not deemed expedient to impose a replanting condition in this case.
- 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 to the Ash tree (G2) have been assessed by the Local Planning Authority and are considered to be justified.
- 8.8 The Ash tree has sustained ash dieback (*hymenoscyphus fraxineus*) and there are signs of shaggy bracket (*inneotus hispidus*) on the upper canopy which stretches over the neighbouring dwellings.
- 8.9 By virtue of the above it is not considered that the work would 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:-

- (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 works to the Ash tree (G2) are considered reasonable due to the works being necessary. The proposal is in accordance with policy DM10 of the SADMP. 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 shall be restricted to the removal of Ash tree (G2) to 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 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.
- You are advised that if a tree in a conservation area is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.