

Delegated Report

Planning Ref: 23/00264/TPO

Applicant: Ms Sarah Saunders

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: St Catherines C Of E Parish Church Church Street Burbage

Proposal: Yew tree - (T1) - Prune to boundary line of 10 Crossland Row by 2 metres

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 consent to prune the overhang of the Yew tree (T1) to 2 metres over 10 Crossland Row, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the north-west of St Catherine's Church a Grade II* listed building located within the settlement boundary and conservation area of Burbage. The Yew tree is situated within the church grounds, however overhangs into the curtilage of 10 Crossland Row, Burbage.
- 3.2. The tree is protected by the Hinckley and Bosworth Borough Council Tree Preservation Order reference 91/00003/TPORD.

4. Relevant planning history

21/00932/TPO

- Works to T1 and T2 Yew trees
- WDN
- 14.09.2021

21/01522/TPO

- Crown lift of T1 Yew tree
- PERTPO
- 10.02.2022

00/00714/FUL

- EXTENSION OF CHURCH TO PROVIDE NEW TRANSCEPT AND ANCILLIARY FACILITIES
- PER
- 07.12.2000

00/00995/TPO

- WORKS TO 9 LIME TREES 1 OAK TREE AND 1 SILVER BIRCH
- TORDER

- 14.11.2000

01/00949/TPO

- REMOVAL OF LOWER BRANCHES OF 8 LIME TREES
- TPOPER
- 05.10.2001

02/00582/TPO

- WORKS TO TREES
- TPOCAP
- 17.06.2002

97/01074/TPO

- REMOVAL OF 2 SILVER BIRCH TREES AND CROWN REDUCTION AND DEADWOODING OF TWO OTHERS
- TPOCAP
- 22.12.1997

99/00096/TPO

- LOPPING OF LIME TREES
- TPOPER
- 19.02.1999

03/00934/TPO

- REMOVAL OF TWO CONIFER TREES AND BEECH AND HOLLY TREES
- TPOPER
- 22.09.2003

03/01401/TPO

- WORKS TO TWO YEW TREES
- TPOPER
- 06.01.2004

05/00146/TPO

- POLLARDING OF FOUR WEEPING WILLOW TREES
- TPOPER
- 21.03.2005

05/01202/TPOCA

- POLLARDING OF TWO YEW TREES
- TPOCAP
- 08.12.2005

05/01268/TPO

- WORKS TO TREES

- TPOPER
- 19.01.2006

06/00451/GDOT

- ERECTION OF 19M HIGH LIGHT POLE
- APPRET
- 10.07.2007

07/00939/TPO

- WORKS TO TREES
- TPOPER
- 06.09.2007

08/00823/TPO

- WORKS TO ELEVEN TREES AND FELLING OF TWO TREES
- TPOPER
- 08.10.2008

08/01152/TPO

- REMOVAL OF ONE ASH TREE
- TPOPER
- 11.02.2009

09/00898/TPO

- POLLARDING OF 4 WILLOW TREES
- TPOPER
- 14.01.2010

10/00573/FUL

- INSERTION OF GLASS DOORS
- WDN
- 17.09.2010

10/00574/LBC

- INSERTION OF GLASS DOORS
- WDN
- 17.09.2010

10/00754/FUL

- INSERTION OF GLASS DOORS AND OAK DOOR FRAME
- PER
- 11.11.2010

14/00577/TPO

- Section fell and stump chip Atlas Cedar (T15) and section fell Common Beech (T28)
- TPOPER
- 28.07.2014

14/01030/TPO

- Works to mixed hedgerow.
- WDN
- 28.01.2015

16/00057/TPOCA

- Works to trees
- TPOCAP
- 08.02.2016

16/00650/TPO

- Works to 2 No. yew trees 1 No. blue cedar, remove 1 No. holly, 3 No. pollarded lime's, 1 No. beech, 1 No. turkey oak, young oak and birch, and 5 No. pollarded lime's
- TPOPER
- 24.08.2016

17/01272/TPO

- Works to trees: T52 Lime - clear back over footpath by two thirds, reshape crown and remove dead wood. T53 Lime - clear back from property on Crossland Row by 2m, reshape crown and remove dead wood. T75 Copper Beech - trim back from church with 1.5m clearance and crown lift to 2.2m, clear out dead wood and self setters. T79 Common Yew - remove Ivy. T80 Common Yew - remove dead wood. T81 Common Yew - clear out dead wood and remove all climbers. T82 Common Yew - crown lift and remove dead wood, cut back secondary branches overhanging adjoining property to 3m height. T83 Irish Yew - coppice to raise to 1.5m. T84 Irish Yew - coppice to reduce to 1.5m and remove small adjacent stump. T85 Common Holly - reduce back by half, bring back away from building and remove bottom branches on east side and tip back to shorten elongated branches on south side.
- TPOPER
- 01.02.2018

19/00072/TPO

- Works to trees
- TPOPER
- 14.03.2019

19/00187/TPO

- Works to trees
- TPOPER

- 09.04.2019

20/01301/TPO

- Re-pollard Weeping Willow (T42), Section fell x2 Weeping Willows (T43 and T44), sever ivy on x3 Common Yew (T7, T11 and T13), crown lift x2 Lime trees (T52 and T53) to 6 metres (approx.), shorten lower branches back on T53 by 2-3 metres (approx.) and remove weaker branches
- TPOPER
- 01.03.2021

22/01195/TPO

- Lime trees (T1-T6) Pollard and remove epicormic and basal growth
- PERTPO
- 08.03.2023

93/00200/4

- EXTENSION TO CHURCH TO PROVIDE WC AND LOBBY
- PER
- 28.04.1993

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 following consultees;
- Burbage Parish Council
 - The HBBC Conservation Officer
 - The HBBC Arboricultural Officer

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
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- 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 amenity 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 Yew tree is subject to a tree preservation order and are therefore considered to have a high level of amenity value.

8.3 Policy DM11 of the SADMP requires all development proposals affecting heritage assets and their setting to secure their continued protection and enhancement. St Catherines C of E Church is a Grade II* Listed Building and is therefore considered to be a significant heritage asset forming part of the borough's historic environment.

8.4 Policy DM12 of the SADMP requires all development on sites located within a conservation area to preserve and enhance its significance. The application site is located within the Burbage Conservation Area as thus forms part of this area's identified significance

8.5 The Yew tree is situated to the east side of the application dwelling, within the Church grounds. T1 is positioned 2 metres from the boundary and has a 2 metre overhang into the narrow garden which is 6 metres wide. The majority of the foliage from the Church grounds is on the garden side of no.10 due to ivy suppression. An assessment has been carried out by the HBBC Arboricultural Officer and as the proposed works are considered reasonable and minor the works are considered to be acceptable and would not detract from the amenity value of the area as long as carried out in accordance with BS3998:2010.

8.6 Please note that final cuts should be made at the side shoots.

Whether the application is justified

8.7 Works to the Yew tree (T1) are considered to be justified. There are no visible stability issues, but with known toxicity of yew and infant involvement, the application is a reasonable request.

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 Yew tree (T1) are considered reasonable due to the known toxicity of yew and infant involvement. The HBBC Tree Officer is satisfied that the works proposed to the tree is 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 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 Yew tree (T1) shall be restricted to the pruning of the overhang by 2 metres over the garden of 10 Crossland Row, Burbage 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.