

Delegated Report

Planning Ref: 24/00070/TPO

Applicant: Groby Parish Council

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Land To The Rear Of 15 Timberwood Drive Groby

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 consent for the below works at Land to the Rear of 15 Timberwood Drive, Groby;

- Common Ash tree (T2) - General Works and Clear Out;
- Common Ash tree (T3) – Crown Lift and General Works;
- Field Maple tree (T4) - Crown Lift and General Works.

3. Description of the site and surrounding area

3.1. The application site relates to an Open Space & Recreation Facility situated to the north of Timberwood Drive, within the settlement boundary of Groby. The area is predominantly residential. To the north-east of the site sits Elizabeth Woodville Primary School, which is accessed from Glebe Road.

3.2. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 75/00006/TPORD.

4. Relevant planning history

- None

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 Groby Parish Council.

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key rural centres relating to Leicester
- Policy 21: National Forest

- 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 Common Ash tree (T2), Common Ash tree (T3), and Field Maple tree (T4) are subject to a tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 The Common Ash tree (T2) is situated to the north of 16 Timberwood Drive, Groby; the Common Ash tree (T3) is situated to the north of 15 Timberwood Drive, Groby; and the Field Maple tree (T4) is situated to the south of 31 Highfield Road, Groby. The trees can all be seen from a public vantage point from the adjacent highways.
- 8.4 The proposed works have been assessed by the Local Planning Authority and are considered to be acceptable. The works would not have a detrimental impact upon the amenity of the area or the health of the trees.
- 8.5 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

- 8.6 The work as proposed has been assessed by the Local Planning Authority and has been considered necessary.
- 8.7 The Common Ash tree (T2) is at current overhanging into the adjacent private garden (16 Timberwood Drive, Groby) therefore the proposed works are considered to be justified in order to provide clearance.
- 8.8 The Common Ash tree (T3) is at current overhanging into the adjacent private garden (15 Timberwood Drive, Groby) therefore the proposed works are considered to be justified in order to provide clearance.
- 8.9 The Field Maple tree (T4) is at current overhanging into the adjacent private garden (31 Highfield Road, Groby) and is within close proximity to the nearby street light therefore the proposed works are considered to be justified in order to provide clearance.

- 8.10 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 proposed works to the Common Ash tree (T2), Common Ash tree (T3), and Field Maple tree (T4) are considered to be acceptable. The HBBC Tree Officer 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. 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 Common Ash tree (T2) shall be restricted to the General Works and Clear Out, the proposed works to the Common Ash tree (T3) shall be restricted to the Crown Lift and General Works and the proposed works to the Field Maple tree (T4) shall be restricted to the Crown Lift and General Works 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.