DELEGATED REPORT

Recommendation Made:

Reference:- 11/00367/TPO **Parish:-**

Applicant:- Mr Kevin Woods
13 Hays Lane
Hinckley
Leicestershire
LE10 0LA

Location:- Land Adjacent 12 Brascote Road Hinckley Leicestershire

Proposal:- WORKS TO LIME TREE

Introduction:-

This application seeks approval to carry out works to a Lime Tree which is situated on a building plot off Brascote Road, Hinckley. The Lime tree is covered by the Hinckley and Bosworth Borough Council (Land adjacent to 12 Brascote Road) Tree Preservation Order 2005.

The application originally requested the following works :-

Crown raise to provide a clearance of 4 metres above ground level.

However, since receipt of the application, the following revised schedule of works has been received (21/7/11) :-

Crown raise to provide a clearance above ground level of 3m
Reduce branches which extend towards the proposed dwelling to provide a clearance of 1 metre.

Site history

83/00324/4 - Erection of 57 Houses - Permitted
08/00564/FUL - Erection of one dwelling - Permitted

Consultations:-

The Local Planning Authority's Tree Officer had reservations to the initial schedule of works which requested a crown raise to provide 4m clearance. This was considered excessive for this tree in this location.

The revised schedule of works requests a crown raise to provide a clearance of 3 metres, and the Tree Officer finds this a more acceptable degree of works. In addition, the proposal to reduce the branches which extend towards the new residential property (which is currently under construction) by 1 metre is considered acceptable as this will protect the tree and the building from contacting with each other.

Development Plan Policies:-

No policies

Appraisal:-

The main considerations with regards to this application is whether the proposed works will have a detrimental affect on the health and amenity of this tree and the surrounding area.

Health

The proposal to crown raise the Lime Tree to provide a clearance 3 metres above ground level will allow for

pedestrians to pass under the tree freely without restriction and will not harm the long term health of the tree. The proposal to reduce the branches which extend towards the building to provide a clearance of 1 metre will not harm the tree due to its size and age, and will allow the tree and the building to exist in harmony and prevent any damage to either party.

Amenity

The tree is visible to the public highway and footpath along Brascote Road and currently appears overgrown and excessive with only one metre clearance above the footpath. The proposed works will result in a more balanced appearance and as such, will not be detrimental to the visual amenity provided.

In summary, it is considered that the proposed works will benefit this tree having regard to the siting and adjacent building.

Recommendation:- Consent to carry out work to tree(s) protected by a Tree Preservation Order subject to the following conditions:-

1 Works are limited to the following only :

i) crown raise to provide a clearance of 3 metres above ground level
ii) a reduction in length of the branches which extend towards the building to provide a clearance of 1 metre

2 All works are to be carried out in accordance with British Standards 3998 - 'Works to Trees'.

Reasons :-

1 To maintain the health and appearance of the tree and the surrounding area.

2 To ensure the works are carried out in a satisfactory manner.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Nick Cox Ext 5659