

Delegated Report

Planning Ref: 24/00236/TPO

Applicant: Simon Creedy

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 8 The Grange Earl Shilton Leicester

Proposal: 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.

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 planning permission for the removal of overhang from the Sycamore and Lime trees (G2) to the boundary line 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 group of trees are situated to the north-east (rear) of the site and are highly viewable from a public vantage point from adjacent highway, The Grange. The trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 79/00003/TPO. G2 protects all trees, however predominantly Lime, Chestnut, Beech, Sycamore, Norway Maple, Pine, Sequoia, Cedar and Ash trees.

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

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

01/01187/FUL

- SINGLE STOREY SIDE AND REAR EXTENSIONS
- PER
- 29.01.2002

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 Lime and Sycamore trees (G2) are subject to a group tree preservation order and therefore is considered to contribute towards a high level of amenity value

8.3 The group of trees are situated to the rear of 8 The Grange, Earl Shilton and border the north-east boundary line. The trees are highly viewable from a public vantage point due to their close proximity to the adjacent highway and mass. Works applied for relate to four Sycamore trees and one Lime tree.

8.4 The Local Planning Authority have considered the proposed works as proportionate and reasonable and they would not detract from the amenity value of the area. By virtue of the above the Local Planning Authority deems the proposed works are suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.5 Works to Sycamore and Lime trees (G2) are considered to be justified. The proposed works will ensure that adequate distance is achieved between the branches and the residential dwelling, 8 Equity Road, Earl Shilton.

8.6 The application is therefore considered to be justified in accordance with Policy DM10 of the SADMP.

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 Sycamore and Lime trees (G2) are considered reasonable due to the works being proportionate and minor. The Local Planning Authority is satisfied that the works proposed to the tree are 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 to G2 shall be restricted to the removal of the overhang back to the boundary line 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

- a.) 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.
- b.) 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.
- c.) 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.