

Delegated Report

Planning Ref: 24/00650/TPO

Applicant: Mrs Colette Pitt

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 1 Sketchley Manor Lane Burbage Hinckley

Proposal: Reduce height of Holly Trees to 3.65 - 4.57 metres

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 reduce the height of the Holly trees (G1) to 3.65-4.57 metres at 1 Sketchley Manor Lane, Burbage.

2.2. A revised description has been sought and agreed with the applicant for a revised cut to 4.00 metres.

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey detached residential dwelling, situated within the settlement boundary of Burbage. The application dwelling comprises the use of red brick to the walls, brown tiles to the dual pitched roof and dormer and white uPVC to the windows. Forward of the principle elevation sits a blocked paved hardstanding and a variety of soft landscaping methods, accompanied by a detached north-west facing garage.

3.2. The Holly trees are situated to the north-east (front) boundary of the site and are protected by THE BOROUGH OF HINCKLEY AND BOSWORTH BURBAGE (SKETCHLEY MANOR LANE) TREE PRESERVATION ORDER 1992 (Reference; 92/00003/TPO). The holly hedges are publically visible from the adjacent highway and they serve as a private screen for the application dwelling.

3.3. The hedgerow (G1) extends to the north-east boundaries of 14, 15 and 16 The Stables, nevertheless it is noted that the proposed works subject to the application only relate to the section of hedgerow fronting 1 Sketchley Manor Lane. The order in question also protects Holly trees to the south-east of 1-11 Sketchley Old Village (G2) and Holly trees to the north-east of 1 Sketchley Old Village (G3).

3.4. A similar application was granted approval in 2016 under application 16/00816/TPO.

4. Relevant planning history

10/00982/TPO

- WORKS TO HOLLY TREES (MARKED G1 AND G2 ON TPO)
- TPOPER
- 25.02.2011

16/00816/TPO

- Trimming of holly hedges at top and sides
- TPOPER
- 17.10.2016

19/00998/TPO

- Work to trees
- NPW
- 10.09.2019

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. 3 letters of objection have been received as well as 9 letters of support, which have been summarised below;

Objections;

- The proposed works would spoil the rural view of Sketchley Manor Lane and the area;
- The proposed works would create a precedent for further works;
- The proposed works would result in a loss of privacy to the adjacent dwellings, which sit on higher ground levels;
- The hedgerow provides habitat to wildlife and nesting birds;
- The proposed description is imprecise;
- The proposed works would breach the Redrow agreement as made under application 98/00956/FUL.

Support;

- The hedgerow is an eyesore;
- The hedgerow is too tall and wide;
- The hedgerow is overgrown;
- The proposed works would improve viability on Sketchley Manor Lane.

6. Consultation

- 6.1. Burbage Parish Council;

“Burbage Parish Council objects to this application. Members accept the importance of the need for work to be carried out to maintain the hedge for the safety of footpath users, but can see no reason to alter the cutting height from 5m as approved in 2016 (application 16/00816/TPO) and supported by the Borough Tree Officer.”

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary

- Policy 12: Important Trees
- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
- 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) (2023)
 - 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 application is justified
 - Other matters

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 Holly trees (G1) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Paragraph 136 of the National Planning Policy Framework (NPPF) (2023) seeks to ensure that existing trees that make an important contribution to the character and quality of urban environments are retained wherever possible.
- 8.4 Policy 12 of the Burbage Neighbourhood Plan seeks to ensure that development proposals that damage or result in the loss of a tree or trees protected with a tree preservation order (TPO) or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances.
- 8.5 The Holly trees (G1) are situated to the north-east (front) boundary of the site. The hedgerow (G1), in question also extends to the north-east boundaries of 14, 15 and 16 The Stables, nevertheless it is noted that the proposed works subject to the application only relate to the section of hedgerow fronting 1 Sketchley Manor Lane. It is noted that work has occurred to other sections of the hedge, this is not considered under this application and has been referred to the Council's enforcement team.
- 8.6 The hedgerow is considered to hold a high character value within the local street scene, nevertheless following the Local Planning Authority's site visit on the 8th August 2024, the Local Planning Authority concluded that the hedgerow left unmanaged the hedge would reduce in quality and become significantly overgrown.

- 8.7 Concerns have been raised that reducing the hedge significantly from its current height would have a significant impact upon the character of the area and would create a precedent for further works within the street scene. The proposed works do not involve the removal of the hedgerow, but works to reduce the height to a manageable standard. The proposed works, would therefore not have a significant impact upon the character of the area and would positively manage the height of the hedgerow.
- 8.8 In 2016, the council's aboricultural officer supported the applicant's application to reduce the front boundary hedge to 4.00 metres in height under application 16/00816/TPO, the 5.00 metre reduction refers to the hedgerow to the north-west boundary. By virtue of this, a proposed reduction to 4.00 metres in height is considered to be acceptable in order to maintain the hedgerow at a manageable height for routine maintenance which will encourage new healthy growth. The proposed works would bear no significant harmful impact upon the character of the area.
- 8.9 Reference has been made to an agreement made with Redrow Homes under 98/00956/FUL which restricted the reduction of the hedgerow to lamppost height only. The Local Planning Authority are, however not aware of any agreements in regards to the height of the hedgerow; a copy of the said agreement has neither been provided.
- 8.10 The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.11 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The proposed works to the Holly trees (G1) are considered necessary as the height of the hedgerow is contributing to the loss of light to the applicants host windows and rear amenity space, as well as being of a significant height to maintain.
- 8.12 It is therefore considered that the proposed work is justified, in accordance with Policy DM10 of the SADMP.

Other matters

- 8.13 Concerns have been raised that the proposed works would result in the loss of privacy to the dwelling to the north-east of Sketchley Manor Lane. Following the proposed reduction the hedgerows would still host a generous height, which would be sufficient to provide adequate privacy to both the application dwelling and surrounding neighbours. The application dwelling hosts an approximate 38.00 metres separation distance from the adjacent residential dwellings.
- 8.14 Concerns have also been raised regarding the impact that the works would have upon the existing wildlife and nesting birds within the hedgerow. It should be noted that it is the responsibility of the applicant or arborist conducting the works to hedgerow to ensure to carry out a survey as in line with 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.

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 Holly trees (G1) are considered to be acceptable. The Local Planning Authority 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 therefore in accordance with Policy DM10 of the SADMP, Policy 1 and 12 of the Burbage Neighbourhood Plan and paragraph 136 of the NPPF. As a result, the application should be approved with conditions set out below.

11. Recommendation

11.1 **Grant planning permission** 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 Policy 12 of the Burbage Neighbourhood Plan 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 Holly trees shall be restricted to the reduction in height to 4.00 metres 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 Policy 12 of the Burbage Neighbourhood Plan 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.