

Delegated Report

Planning Ref: 24/00905/TPO
Applicant: Mrs Andrea Gudgeon
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 6 Ward Close, Barwell, Leicester

Proposal: T1-T7 Holly trees - Reduce by 2.5 metres in height

1. Recommendations

1.1. Grant consent subject to the conditions

2. Planning Application Description

2.1 The application seeks planning consent for the following works at 6 Ward Close, Barwell, Leicester

- T1-T7 Holly trees - Reduce by 2.5 metres in height

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a residential dwelling in the settlement boundary of Barwell. The Holly trees are part of a group order covering several trees of various species many of which have been removed under previous permissions.

3.2. The trees are protected by The Borough Council of Hinckley and Bosworth (Land at Cedars, 138 Shilton Road Barwell) Tree Preservation Order (03/00009/TPORD)

4. Relevant Planning History

07/00981/TPO

- Works to 3 No Holly Trees and removal of 3 No Holly Trees
- 09.10.2007

09/00244/TPO

- Works to Trees
- TPOREF
- 20.05.2009

09/00303/TPO

- Felling of 9 x Holly Trees and 1x Red Horse Chestnut Tree
- TPOSPL
- 10.06.2009

12/00290/TREES

- Chameaecypris (x2) and one Goat Willow-G5 reduce in height by one third

because of excessive shading and low amenity value and prune branches of goat willow overhanging neighbours property

- APPRET
- 17.04.2012

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received

6. Consultation

6.1. Barwell Parish Council

“No objection providing 10% reduction on the trees and the work is carried out by a professional arboriculturalist”

7. Policy

- 7.1. Core Strategy (2009):
 - Policy 3: Development in Barwell
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (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) (2024)
 - 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 trees are subject to a 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) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.
- 8.4. The Holly trees are situated on the boundary of 6 Ward Close neighbouring

Claybrooke House, 136 Shilton Road. The trees are spread throughout the length of the garden with three forming a small group that is visible from the Highway on Shilton Road. The entrance to Ward Close is a private gated driveway and as such visibility of the remaining trees is restricted.

- 8.5. This application originally sought to reduce the height of the trees by 50% (3 meters). The Parish council have suggested a 10% reduction in height would be more appropriate.
- 8.6. After conducting a site visit it was noted that the trees would benefit from some general maintenance. As such it has been decided that a reduction in height of no more than 2.5m would be suitable and for the canopy to be lightly trimmed and re-shaped. The applicant has subsequently agreed to revise the description of proposed works.
- 8.7. The suggested works are therefore considered reasonable and would not have an adverse impact upon the amenity of the area by virtue of the submitted justification.
- 8.8. 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

The work proposed has been assessed and is considered to be justified. The works will reduce the height to a manageable standard whilst maintaining sufficient screening between the application dwelling and Claybrooke House, 136 Shilton Road.

By virtue of the above it is considered that the work would not 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: -

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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data

Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In conclusion the proposed works are considered to be justified. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be approved with conditions set out below

11. Recommendation

- 11.1. **Grant consent** subject to the planning

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 (2024).

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 a reduction in height of no more than 2.5m and for the canopy to be lightly trimmed and re-shaped.

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 (2024).

Notes to Applicant:

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.

This permission does not affect any private property rights and does not authorise the applicant to carry out work on land outside of their control. The applicant is therefore required to obtain the landowners consent prior to commencing any works.

It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore if the tree is mature and has hollow cavities, is covered with ivy or has a suitable habitat in which bats may roost we recommend that it be surveyed

for bats before any work is carried out.

The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work 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 if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.