

Delegated Report

Planning Ref: 24/00607/TPO
Applicant: Mr Joshua Blurton
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 19 Welbeck Avenue Burbage Hinckley

Proposal: (T1 & T2) - Beech trees - Reduction to leave the trees at 5-6 metres in height.

1. Recommendations

- 1.1. **Refuse consent** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. The application seeks planning consent for the reduction of the Beech trees (T1 & T2) at 19 Welbeck Avenue, Burbage.
- 2.2. As a result of the proposed works the trees would host a height of 5.00-6.00 metres.
- 2.3. Amendments have been sought during the application process.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached residential bungalow situated within, but to the edge of Burbage settlement boundary. The dwelling comprises the use of red brick to the walls, with white cladding to the side dormer, brown interlocking tiles to the hipped to pitched roof and white uPVC to the windows. An array of 12 solar panels can be observed to the southern roof slope, and 2 Velux windows can be observed to the northern roof slope. The sites frontage hosts a generous tarmac hardstanding with 2.00 metre high dual gate to the side access which leads to a single pitched roof garage, situated to the rear.
- 3.2. The trees are situated to the west of the site and are highly viewable from a public vantage point. They contribute significantly to the line of trees along the rear of Welbeck Avenue, which accommodates a bridleway from Sketchley Lane to Watling Street.
- 3.3. The trees are protected under THE BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH BURBAGE (SKETCHLEY HOUSE) TREE PRESERVATION ORDER 1975 (Reference; 75/00002/TPORD).

4. Relevant planning history

13/00909/HOU

- Extensions and alterations to dwelling including installation of solar panels
- PER
- 14.01.2014

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

5.2. No objections have been received.

6. Consultation

6.1. HBBC Conservation Officer:

“These trees are not located within a conservation area so I have no comments to make on the proposal other than recommending any works are carried out in accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available)”

6.2. Burbage Parish Council:

“Burbage Parish Council objects to this application. Members would prefer to see the applicant apply to carry out remedial work to the trees, which are a significant feature in the street scene, rather than fell them.”

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

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 Beech trees are subject to an area 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 application previously sought consent for the felling of the Beech trees (T1 & T2) at 19 Welbeck Avenue, however the Local Planning Authority sought an amended description from the agent for lesser works which would retain the trees. The amended description seeks consent to conduct a crown reduction of the trees, which would result in the trees hosting a height of 5.00-6.00 metres.
- 8.6 The trees are highly visible from the adjacent highways, Welbeck Avenue and Kensington Avenue, as well as the bridleway from Sketchley Lane to Watling Street. They contribute significantly to the line of trees along the rear of Welbeck Avenue, which has an attractive appearance, considerably contributing to the setting of the area. The Local Planning Authority note that, although the revised works would retain the trees, it would be to a height which is considered to have a detrimental impact upon the health of the trees and the amenity of the area, without adequate justification.
- 8.7 Overall the proposed works to the Beech trees (T1 & T2) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would be contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The work as proposed has been assessed by the Local Planning Authority and has been considered to be unnecessary and highly damaging to the Beech trees (T1 & T2).
- 8.9 It is therefore considered that the proposed works are contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework and therefore, the application is recommended refusal.

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. The proposed works to conduct a crown reduction to the Beech trees (T1 & T2) at 19 Welbeck Avenue, Burbage would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would highly damage the Beech trees without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.
- 10.2. Should a further application be submitted in the near future such works should have a lesser impact on the character of the area and be appropriately justified

11. Recommendation

- 11.1 **Refuse consent** subject to the reasons at the end of this report.

11.2 Reasons

- 1. The proposed works to the Beech trees (T1 & T2) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would result in the damage to protected trees without proper justification. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 12 of the Burbage Neighbourhood Plan and paragraph 136 of the National Planning Policy Framework.

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.) 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.

