

Delegated Report



Hinckley & Bosworth
Borough Council

Planning Ref: 26/00192/TPO
Applicant: Geoffrey Bingham
Ward: Ambien
Site: Grove House, 3 Manor View, Sibson, Nuneaton

Proposal: T1 - To dismantle the large conifer to just above ground level.
Located within blanket tree preservation area.

T2 – Adjacent Pine tree also within the blanket tree preservation area, to remove to collar on low ivy engulfed limb. Sever ivy band at base (or as low as possible) to allow to die off naturally. Trees require maintenance, garden overcrowding

Case Officer: Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report:

2. Planning Application Description

2.1. This application seeks consent for the following works at Grove House, 3 Manor View, Sibson, Nuneaton

- T1 - To dismantle the large conifer to just above ground level. Located within blanket tree preservation area.
- T2 – Adjacent Pine tree also within the blanket tree preservation area, to remove to collar on low ivy engulfed limb. Sever ivy band at base (or as low as possible) to allow to die off naturally. Trees require maintenance, garden overcrowding

3. Description of the Site and the Surrounding Area

3.1. This application relates to a Cypress Tree (conifer) T1 and a Pine tree T2 located to the south of Grove House, 3 Manor View, Sibson.

3.2. The tree(s) affected by the proposed work are protected by the Borough Council of Hinckley and Bosworth Sibson (Sibson Manor, Sheepy Road) Tree Preservation Order 1990 (90/00010/TPORD).

4. Relevant Planning History

03/00024/TPO

- WORKS TO ONE ASH
- TPOPER
- 01.04.2003

07/00830/TPO

- WORKS TO TWO TREES
- TPOPER
- 21.08.2007

11/00327/TPO

- REMOVAL OF ONE ASH TREE AND ONE SYCAMORE (AREA TPO)
- TPOSPL
- 04.07.2011

11/00676/TPO

- WORKS TO 2NO. TREES
- TPOPER
- 09.02.2012

14/00819/TPO

- Felling of Lime tree and Copper Beech tree
- TPOPER
- 28.10.2014

24/00519/TPO

- T1 - Ash Tree - To lift the crown to approx. 5 metres from ground level.
- PERTPO
- 20.06.2024

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. The following concerns were raised:

5.2 No responses have been received.

6. Consultation

6.1 HBBC Arboricultural Officer

Following a site inspection, I raise no Arboricultural objection to the removal of the Cypress species tree, the removal of a single limb from the Pine, and the severance of Ivy growth in order to facilitate the retention of the tree in situ.

6.2 Sheepy Parish Council

Sheepy Parish Council has reviewed the above application 26/00192/TPO and it appears to be in line with the policies, which should be considered collectively, in the Sheepy Parish Neighbourhood Plan made May 2022.

As the site is within Sibson Conservation Area, Sheepy Parish Council will respect HBBC's Tree Officer's wider planning regulation knowledge, not necessarily known by Sheepy Parish Council, on this matter

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies.

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)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

8.2 Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4 The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value.

8.5 The trees (T1 and T2) are situated to the front of the application dwelling and due to their size and position, they are considered to contribute positively to the character and the appearance of the local area.

8.6 The trees hold a prominent position and have a high level of visibility from the properties on Manor View, however due to the vast number of trees within the area visibility from the highway on Sheepy Road is restricted.

- 8.7 The Council's Arboricultural Officer has assessed the application and supports the proposal to remove the Cypress tree T1 and the limb from Pine T2 the as part of ongoing sustainable tree management. It is therefore considered that the proposed works are suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.8 In order to mitigate the loss of T1 a replanting condition is considered expedient.
- 8.9 By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable 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.
- 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 acceptable and therefore in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the

National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to the Cypress (T1) shall be restricted to the dismantling to just above ground level only.

The proposed works to the Pine Tree (T2) shall be restricted to the removal of the low ivy engulfed limb to the collar

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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal of the Cypress Tree (T1); details of the replacement including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

Notes to Applicant(s)

1. The Applicant is advised that the consent hereby granted is only 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.
2. 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.
3. 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, the affected tree(s) should be surveyed for bats before any work is carried out.
4. 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. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. 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.