

Delegated Report

Planning Ref: 25/00085/TPO
Applicant: Mr Jonathan Green
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: 73 Newbold Road, Barlestone, Nuneaton, Leicestershire, CV13 0DT

Proposal: Lime Tree (T1) - Pollard back to suggested pruning points as it has a deep fissure on the main stem (east side) running from the base to 1.7m high. The fissure has cambial decay

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 73 Newbold Road, Barlestone, Nuneaton, Leicestershire, CV13 0DT.
- Lime Tree (T1) - Pollard back to suggested pruning points as it has a deep fissure on the main stem (east side) running from the base to 1.7m high. The fissure has cambial decay.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two-storey detached residential dwelling situated outside of but adjacent to the settlement boundary of Barlestone.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Barlestone (73 Newbold Road) Tree Preservation Order (No1) 1990 (90/00001/TPORD).

4. Relevant Planning History

07/01336/CTPO

- WORKS TO TREES FRONTING ROAD
- CC
- 29.11.2007

09/00857/CTPO

- REMOVAL OF 2 TREES
- CC
- 23.11.2009

16/00258/TPO

- Felling of 1x lime and crown reduction of 1x horse chestnut and 1x lime
- WDN
- 19.05.2016

20/01018/TPO

- Works to 2x Lime and 2x Horse Chestnut
- APPRET
- 05.10.2020

20/01066/CTPO

- Raise the crown of 3 lime trees T15, T24 & T25 and horse chestnut T23 by 5.0m protected by LCC Barlestone (Newbold Road) TPO 1973
- CC
- 23.10.2020

21/01503/FUL

- Change of use of building from shop on ground floor and storage on first floor to residential annex associated with main house
- PER
- 18.07.2022

22/01142/CTPO

- Works to trees
- CC
- 19.12.2022

23/00263/TPO

- Lime tree (T1) - Reduce crown by 2m all over, thin crown by 10%, two lowest limbs over building reduce by 3m
- PERTPO
- 02.05.2023

79/01685/4

- USE OF RESIDENTIAL DEVELOPMENT
- REF
- 23.10.1979

93/00863/4

- RETENTION OF PORTACABIN FOR THE STORAGE OF FABRIC
- PER
- 10.11.1993

88/01444/4

- CHANGE OF USE OF FORMER AGRICULTURAL BUILDING FOR OFFICE USE AND STORAGE TEXTILES
- PER
- 21.03.1989

83/00565/4

- ERECTION OF A HOUSE GARAGE AND STABLES
- PER
- 23.08.1983

5. Publicity

5.1. None Relevant.

6. Consultation

6.1. Barlestone Parish Council;

“The Parish Council have no objection to the application above.”

6.2. HBBC Arboricultural Officer

The Lime tree in question (*Tilia europaea*) is suitable for pollarding works due to the co-dominant and somewhat structurally poor crown structure. I would however like to enforce that this is done at a greater height, where the secondary limbs unionise with the primary limbs to establish correct pollard heads; this is approximately 8.5m from ground level. This eliminates any foreseeable threat in the instance of a mechanical failure causing damage or injury and will be less drastic in terms of the impact it will have on the physiological aspect of the tree and its vitality.

7. Policy

7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.3. 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 tree is subject to a tree preservation order and is 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 Lime tree (T1) being assessed as part of this application is protected by the aforementioned Hinckley and Bosworth tree preservation order. However, it is also important to note that Leicestershire County Council also have a tree preservation order covering the application dwelling and surrounding land under Leicestershire

County Council, Barlestone (Newbold Road) Tree Preservation Order 1973
(73/00001/TPO RD)

- 8.5. An application (2025/TPO/0044/LCC) has recently been submitted to Leicestershire County Council for works to several of the other trees on site. This has yet to be determined.
- 8.6. The Lime tree (T1) is situated in the northwest corner of the site and is not viewable from a public vantage point. The HBBC Arboricultural Officer has assessed the works and has concluded that providing the pollard takes place where the secondary limbs unionise with the primary limbs (approximately 8.5m from ground level) the proposed works are considered reasonable.
- 8.7. The Local Planning Authority therefore deems the proposed works as suitable and would not significantly detract from the amenity value of the area as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.8. The work proposed has been assessed and is considered to be justified. The works are considered necessary due to the co-dominant and poor crown structure of the Lime Tree (T1) and will reduce the likelihood of future mechanical failure.
- 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 not 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 acceptable. 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 conditions

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 Lime tree (T1) shall be restricted to pollarding where the secondary limbs unionise with the primary limbs to establish correct pollard heads; this is approximately 8.5m from ground level.

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.