

Delegated Report

Planning Ref: 25/00304/TPO

Applicant: Mr Joshua Blurton

Ward: Ambien

**Site: 30 Wykin Lane, Stoke Golding, Nuneaton, Leicestershire,
CV13 6HN**



**Hinckley & Bosworth
Borough Council**

Proposal: Pine trees (T1-4) crown lift to 6m from ground level with no further removal or pruning of live growth. To facilitate the movement of tractors and associated equipment

Case officer: Rudi Simpson

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 30 Wykin Lane, Stoke Golding, Nuneaton, Leicestershire, CV13 6HN

- Pine trees (T1-4) crown lift to 6m from ground level with no further removal or pruning of live growth. To facilitate the movement of tractors and associated equipment

The original description for the proposal was as follows.

- Pine trees (T1-4) Lower limb removal on all 4 trees to provide clearance for the property, remove lower limbs adjacent to farmland as tractors now struggling to pass without causing damage and removal of deadwood

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two-storey residential dwelling in the settlement boundary of Stoke Golding.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Stoke Golding (The Vicarage) Tree Preservation Order 1980.

4. Relevant Planning History

81/00839/4

- ERECTION OF NEW PARSONAGE AND GARAGE
- REF
- 20.10.1981

85/00040/4

- DETACHED DWELLING HOUSE WITH INTEGRAL DOUBLE GARAGE
- PER
- 19.02.1985

83/00785/4

- ERECTION OF ONE DETACHED HOUSE AND GARAGE
- PER
- 25.10.1983

5. Publicity

- 5.1. Not Required

6. Consultation

- 6.1. Stoke Golding Parish Council;
No Comments Received

HBBC Arboricultural Officer

I appreciate the requirement here for crown lifting operations however there is no quantification of measurement. I would be happy to approve that the trees in question be crown lifted to 6m from ground level with no further removal or pruning of live growth. This should facilitate the movement of tractors and associated equipment as mentioned in the application.

The removal of deadwood isn't subject to TPO restrictions and is an acceptable practice in this instance.

Furthermore all works must be in accordance with BS3998:2010, this is auditable by the Local Authority post work completion.

HBBC Arboricultural Officer – second comments

I am not satisfied there is justification that a 10m crown lift is to be undertaken on these trees. I would like to re-recommend my original suggestion of lifting the crowns to 6m from ground level.

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 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 Pine trees (T1-T4) are located in the rear garden of 30 Wykin Lane, Stoke Golding and bounded by farmland to the rear. This application was submitted in order to provide adequate clearance to the application dwelling and facilitate the movement of the tractors on the farmland.
- 8.5. Due to their size and location, the trees are visible from the highway on Wykin Lane. They contribute positively to the character and appearance of the street scene.
- 8.6. The HBBC Arboricultural officer has assessed the application and now after discussions with the agent is satisfied with the proposed scope of works. He has negotiated that the trees can be crown lifted to a height of 6 metres above ground level.
- 8.7. With this in mind 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

- 8.8. The work proposed has been assessed and is considered to be justified in order to facilitate the movement of tractors and other equipment.
- 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.

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 Pine Trees (T1-T4) shall be restricted to crown lifting at 6 metres above ground level with no further removal or pruning of live growth.

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.