

Delegated Report

Planning Reference 26/00584/TPO

Applicant Mrs Helen Chadwick

Ward Cadeby, Carlton, Market Bosworth & Shackerstone



Hinchley & Bosworth
Borough Council

Application Site St. Peter's C of E Parish Church, Church Road, Shackerstone

Proposal English Yew (T42 – T46, T65 – T67 and T69) and Lime Trees (T56 – T61 and T63) Works as detailed in tree survey

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 to protected English Yew trees T42 to T46, T65 to T67 and T69, and to protected Lime Trees T56 to T61 and T63 at St Peters Church of England Parish Church, Church Road, Shackerstone:

Proposed Works to English Yew Trees

- T42 (Crown raise over path to 2.5m and over road to 4m)
- T43 (Crown raise over road to 4m)
- T44/ T45 (Sever ivy)
- T46 (Sever ivy and clear phone lines by 1m)

- T65 (Crown raise over road to 4m and over graveyard to 2.5m, and sever ivy)
- T66/ T67 (Crown raise over road to 4m and sever ivy)
- T69 (Crown raise all round to 2.5m)

Proposed Works to Lime Trees

- T56 (Remove basal growth and crown raise to 2.5m)
- T57/ T58/ T59/ T60/ T61 (Remove basal growth, crown raise to 2.5m over graveyard and 4m over road)
- T63 (Remove basal growth and crown raise to 4m)

3. Description of the Site and the Surrounding Area

- 3.1. This application relates to several English Yew and Lime Trees located within the grounds of the Grade II* Listed St Peters Church of England Parish Church in Shackerstone and its associated conservation area. The trees affected by the proposed work are protected by the Hinckley and Bosworth Shackerstone (St. Peter's Church) Tree Preservation Order (77/00008/TPORD).

4. Relevant Planning History

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|-----|---------------------|-----------|--------------------------|
| 4.1 | 26/00585/TCA | Permitted | (determined: 28.07.2026) |
|-----|---------------------|-----------|--------------------------|

Wild Cherry (T48), Rowan (T49), English Oak (T50, T85-T88), Apple (T52 and T53), Holly (T62 and T68), Horse Chestnut (T64, T71 and T76), Lime (T70, T77 and T82), Ash (T72), Leylandii (G75), False Acacia (T88) - Works as detailed in tree survey

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|-----|---------------------|-----------|--------------------------|
| 4.2 | 25/00317/TCA | Permitted | (determined: 19.05.2025) |
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Horse Chestnut (T71) - Reduce canopy by up to 2m, thin out crown by 20% and remove significant deadwood
Ash (T72) - Fell due to advanced Ash dieback

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| 4.3 | 25/00316/TCA | Permitted | (determined: 19.05.2025) |
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English Oak (T51) - Crown raise to 2.5m and remove significant deadwood

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| 4.4 | 25/00307/TPO | Permitted | (determined: 23.05.2025) |
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Common Lime (T78) - Crown raise over the road to 5m

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|-----|---------------------|-----------|--------------------------|
| 4.5 | 19/01194/TPO | Permitted | (determined: 02.12.2019) |
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Fell x1 Lime tree

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| 4.6 | 18/00666/TPO | Permitted | (determined: 24.08.2018) |
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Works to trees

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| 4.7 | 16/00024/TPOCA | Permitted | (determined: 23.02.2016) |
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Works to trees

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| 4.8 | 14/00981/TPO | Permitted | (determined: 09.12.2014) |
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Pollard seven lime trees to 8 – 9m in height

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| 4.9 | 01/01055/TPO | Permitted | (determined: 19.11.2001) |
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Lopping of seven lime trees

5. Publicity

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

6. Consultation

- 6.1 The Council's Arboricultural Officer raised no arboricultural objection to the proposal. 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
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- 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 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

- 8.5 The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The protected trees are located within, and positively contribute to, the setting of a Grade II* Listed Church, which is a designated open space facility, within the Shackerstone Conservation Area. Due to the central location of the site within Shackerstone, the protected trees form part of a key focal point of the area that benefits from prominent public views from Church Road and Church Walk, and from within the grounds of the Church itself. As such, the protected trees are considered to make an important contribution to the character and the appearance of the surrounding area and the historic environment.
- 8.6 This scheme proposes works to several of the protected English Yew trees and Lime trees on site as part of ongoing routine maintenance. The Council's Arboricultural Officer has assessed the application and supports the proposed works. The works would therefore be considered to be acceptable as part of sustainable tree management as long as they are carried out in accordance with BS 3998:2010.
- 8.7 By virtue of the above, it is considered that the proposed works would not have a significant adverse impact upon public amenity or the historic environment in accordance with Policies DM10, DM11 and DM12 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 Policies DM10, DM11 and DM12 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 Policies DM10, DM11, and DM12 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 English Yew (T42-T46, T65-T67 and T69) and Lime Trees (T56 -T61 and T63) shall be restricted to the works as defined within the 'Tree Survey' submitted to the Local Planning Authority on 17.06.2026.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policies DM10, DM11, and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant

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 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.