

Delegated Report

Planning Ref: 25/00307/TPO

Applicant: Mrs Helen Chadwick

Ward: Cadeby Carlton M Bosworth & Shackerstone

**Site: St Peters C Of E Parish Church, Church Road,
Shackerstone, Nuneaton, Leicestershire, CV13 6NN**



**Hinckley & Bosworth
Borough Council**

Proposal: Common Lime (T78) - Crown raise over the road to 5m

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 St Peters C Of E Parish Church, Church Road, Shackerstone, Nuneaton, Leicestershire, CV13 6NN
- Crown raise over the road to 5m

3. Description of the Site and the Surrounding Area

- 3.1. The lime tree is situated within the grounds of St Peters C Of E Parish Church, Shackerstone.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Shackerstone (St. Peter's Church) Tree Preservation Order 1977 (77/00008/TPORD).

4. Relevant Planning History

01/01055/TPO

- LOPPING OF SEVEN LIME TREES
- TPOPER
- 19.11.2001

14/00981/TPO

- Pollard seven lime trees to 8 - 9m in height
- TPOPER
- 09.12.2014

16/00024/TPOCA

- Works to trees
- TPOCAP
- 23.02.2016

18/00445/TPOCA

- T1-T7 Lime trees to reduce, T8 Holly tree to reduce
- APPRET
- 09.07.2018

18/00666/TPO

- Works to trees
- TPOPER
- 24.08.2018

19/01194/TPO

- Fell x1 Lime tree
- TPOPER
- 02.12.2019

5. Publicity

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

6. Consultation

- 6.1. HBBC Arboricultural Officer:

“Certainly, grant permission for essential highway clearance of the tree in question.”

HBBC Conservation Officer

“I have no comments to make on the proposed works other than recommending they are carried out in accordance with the relevant British Standards for Tree Work”.

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 Tree Preservation Order offers protection to several Lime and Yew trees within the grounds of St Peters C Of E Parish Church. The Lime tree subject to this application is located on north eastern boundary of the Church's grounds which run alongside Church Lane and Church Walk.
- 8.5. Due to the size of the tree and its prominent position within the church grounds, it offers a high level of amenity value and contributes significantly to the character and appearance of the street scene.
- 8.6. Similar maintenance works have been carried out previously on the trees within the grounds.
- 8.7. 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. This application has been submitted in the interest of public safety. The work proposed has been assessed and is considered to be necessary in order provide adequate clearance above the highway and the adjacent footpath.
- 8.9. The works have also been assessed by the HBBC arboricultural officer who is in support of the application.
- 8.10 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 justified. 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 (T78) shall be restricted to crown raising over the road by 5m.

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.