

Delegated Report

Planning Reference **26/00589/TPO**
Applicant **Mr David Brown**
Ward **Earl Shilton**



Application Site **132 Station Road, Earl Shilton**

Proposal **Common Lime (T8 -T10) Prune all overhanging lateral growth back to the boundary up to a height of approximately 6 metres and prune to clear buildings by 2m to allow the encroaching branches to be cut back to the fence line**

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 to prune all overhanging lateral growth of protected Common Lime trees T8 to T10 back to the boundary up to a height of approximately 6 metres and to clear buildings by 2 metres at 132 Station Road, Earl Shilton to allow the encroaching branches to be cut back to the fence line.

2.2. The scope of the proposed works was amended during the course of this application following concerns raised by the Council's Arboricultural Officer. Originally, the application sought consent to reduce the branches of these protected trees by 2.5 metres.

3. Description of the Site and the Surrounding Area

3.1. This application relates to three Lime trees located along the access 132 Station Road on the western side of Station Road within the settlement boundary of Earl Shilton. The trees affected by the proposed work are protected by the Hinckley and Bosworth, Earl Shilton (Land Adjacent to 132 and 136 Station Road) Tree Preservation Order 2003 (03/00007/TPORD)

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

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 did not support the original proposal because it was not considered to constitute responsible or proportionate tree management. However, the Arboricultural Officer confirmed that they would be supportive of the latest proposed pruning works. 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 Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014):

- Policy 22: Development and Design

- 7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- 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 NPPF Policy DP3 confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. NPPF Policy N2 requires development proposals to conserve and enhance existing natural features of visual historic or nature conservation value (such as established trees and hedgerows) where possible.
- 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. The protected Lime trees (T8-T10) are situated along the entrance to 132 Station Road, along the southern boundary of Applicant's property at 130 Station Road. Due to the size and position of the trees, they are considered to play an important part for the character and the appearance of the local area.
- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposed pruning works 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. 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 and NPPF Policies DP3 and N2.

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 Policies DP3 and N2 of the National Planning Policy Framework (2026), 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).

3. The proposed works to the Lime trees (T8-T10) shall be restricted to the pruning of the overhanging lateral growth only back to the boundary line up to a height of 6 metres and the pruning of the branches encroaching the building by up to 2 metres only.

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).

a. 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.