

## Delegated Report

**Planning Ref: 23/00263/TPO**

**Applicant: Mr Andrew Walker-Smith**

**Ward: Barlestone Nailstone And Osbaston**



Hinckley & Bosworth  
Borough Council

**Site: 73 Newbold Road Barlestone Nuneaton**

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

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### **1. Recommendations**

#### **1.1. Grant consent** subject to:

- Planning conditions outlined at the end of this report

### **2. Planning application description**

#### **2.1.** The application seeks consent to conduct the following works to the Lime tree (T1) at 73 Newbold Road, Barlestone;

- Reduce the crown by 2 metres all over
- Thin the crown by 10%
- Reduce the two lowest limbs over 73 Newbold Road, Barlestone by 3 metres

### **3. Description of the site and surrounding area**

- 3.1.** The application site is located to the east of Barlestone, outside of but adjacent to the settlement boundary. The site comprises a residential property set within large grounds and a number of existing buildings to the rear of the site. The Lime tree is situated to the north west of the application site and is not viewable from a public vantage point.
- 3.2.** The application site is subject to both a Leicestershire County Council order and a Hinckley and Bosworth order, however the Lime tree in question is protected by the Hinckley and Bosworth Tree Preservation Order reference 90/000001/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

#### **10/00571/ADV**

- BANNER

- APPRET
- 22.10.2010

**13/00546/FUL**

- Change of use of ground floor from B8 to A1
- WDN
- 02.09.2013

**13/00547/ADV**

- Erection of one advertisement
- WDN
- 02.09.2013

**13/00755/FUL**

- Change of use of ground floor from B8 to A1 including alterations to the shop front (retrospective)
- PER
- 18.12.2013

**13/00756/ADV**

- Erection of four advertisements (retrospective)
- ADV
- 18.12.2013

**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
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- 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

**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. The application has been publicised by sending out letters to local residents. No objections have been received.

**6. Consultation**

- 6.1. No objections have been received from;
- Barlestone Parish Council
  - The HBBC Arboricultural Officer

**7. Policy**

- 7.1. Core Strategy (2009)
- Policy 11: Key Rural Centres Stand Alone
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

### 7.4. 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 Lime tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value for the local area.

8.3 The Lime tree (T1) is a very large specimen, situated to the top of the drive, near the house and car port. By virtue of the location of (T1) it is not viewable from a public vantage point. The HBBC Arboricultural Officer has assessed the works and has concluded that the proposed works are considered reasonable and would not detract from the amenity value of the area as long as carried out in accordance with BS 3998:2010.

8.4 An application (2022/TPO/0159/LCC) was recently approved by Leicestershire County Council for works to a number of trees at this site.

#### Whether the application is justified

8.5 Works to Lime tree (T1) are considered to be justified. The stem of the Lime is forked at approximately 4 metres above ground level and decay pockets are present below the fork on the house side. Whilst the submitted risk assessment suggests that failure is improbable, it would be sensible to reduce crown weight on the car port, house and barn sides. This would be achieved by the proposed crown lifting and targeted crown reduction on the east and south sides of the tree. Crown thinning will enable removal of rubbing and crossing branches and provide space for climbing around the tree.

## 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.

## **10. Conclusion**

- 10.1. In conclusion the works to the Lime tree (T1) are considered to be reasonable due to the works being minor. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary. The proposal is in accordance with policy DM10 of the SADMP. As a result, the application should be approved with conditions set out below.

## **11. Recommendation**

- 11.1 **Grant consent** subject to:

- Planning conditions outlined at the end of this report

### **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 131 of the NPPF.

- 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 the reduction of the crown by 2 metres all over, the thinning of the crown by 10% and the reduction of the two lowest limbs over 73 Newbold Road, Barlestone 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 DPD and paragraph 131 of the NPPF.

### **11.3 Notes to applicant**

- It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are

protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to the tree 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 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.
- It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.