

Delegated Report

Planning Reference 26/00686/TPO
Applicant Mrs Tattenborough
Ward Barwell
Application Site Stanley House, 29 High Street



Proposal T1 Copper Beech - 30% crown reduction approximately 3m from tips. Raise canopy to 6m to clear traffic using the road and create a balanced form.

Reason: The location offers considerable impact on the rear garden. Without size management the tree would ultimately completely cover the garden preventing light and growing of plants etc. It is proposed to manage the tree with cyclical crown reductions to control canopy size and prevent gross conflict with the owners use of their garden

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 works to a protected Cooper Beech tree, including a 30% crown reduction approximately 3m from tips and raising the canopy to 6m above ground level to clear the public highway at Stanley House, 29 High Street, Barwell. The Applicant has stated that the works are justified because there is reducing the amount of daylight to their garden.

3. Description of the Site and the Surrounding Area

3.1. This application relates to a Copper Beech Tree (T1) located within the rear garden of Stanley House, 29 High Street within the settlement boundary and conservation area of Barwell. The tree affected by the proposed work is protected by the Hinckley and Bosworth Borough Council Barwell (26 High Street) Tree Preservation Order 1994 (94/00001/TPORD).

4. Relevant Planning History

- 4.1 **26/00464/TPO** Refused (determined: 07.07.2026)
Beech (T1) - Fell as the tree is overbearing in an urban area and concerns over root damage and debris
- 4.2 **20/00624/TPO** Permitted (determined: 18.09.2020)
Crown raise and thin to Beech (T1)
- 4.3 **19/01381/TPO** Refused (determined: 10.03.2020)
Crown raise, crown reduction and clear out to Beech tree

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order therefore no publication therefore took place for this application

6. Consultation

- 6.1 The Council's Arboricultural Officer and Barwell Parish Council raise no objection to the proposed works providing the works are carried out by a suitably qualified person and are carried out in accordance with BS3998:2010. 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) (2026)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Local Authority Guidance:

- Barwell Conservation Area Appraisal (2010)

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. 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.

8.3 NPPF Policy HE4(1)(b) requires development proposals to avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance. NPPF Policy HE9(1)(a) states that development proposals within or affecting the significance of conservation areas should retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible. 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.

8.4 The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The Barwell Conservation Area Appraisal also recognises that where trees occur, either as street trees or trees within the grounds of private property, they make a positive contribution to the character and appearance of the area. They form an important soft backdrop to the skyline where they are visible in longer views. Their contribution to the character of the area is therefore very important.

- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposal to reduce the crown by 30% approximately 3m from tips and to raise canopy to 6m above ground level as part of ongoing sustainable tree management. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.6 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 Policies DM10, DM11 and DM12 of the SADMP and Policies DP3, N2, HE4, and HE9(1)(a) of the NPPF.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is considered that the proposed works would be acceptable. It is therefore recommended that consent for the proposed works is granted, 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 Ash Tree (T1) shall be restricted to a 30% crown reduction approximately 3m from the tips and the raising of the canopy to 6m above ground level in accordance with BS 3998:2010 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

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.