

Delegated Report

Planning Reference 26/00587/TPO
Applicant Mrs Helen Chadwick
Ward Cadeby, Carlton, Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site St Marys C of E Parish Church, Main Street, Congerstone,

Proposal Lime (T10, T13, T15, T18, T22, T24), Copper Beech (T16), Scots Pine (T19), Black Pine (T25) and English Yew x 2 (G26) – Works as detailed in tree survey.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to condition at the end of this Report:

2. Planning Application Description

2.1. This application seeks consent for the following works at St Marys Church of England Parish Church, Main Street, Congerstone:

- Removal basal/ epicormic growth from Protected Lime Trees T10, T13, T15, and T18;
- Severing ivy from Protected Lime Trees T10 and T18 and Protected Black Pine Tree T25;
- Removal of deadwood from Protected Lime Trees T10 and T22;
- Removal of hyperextended lower limb over gravestones from Protected Cooper Beech Tree T16;
- Reduction of hyper extended leader by 1.5 to 2 metres and lowering of southern limb by 2 metres to prevent failure from Protected Scots Pine Tree T19;
- Crown raise of Protected Lime Tree T24 by 1.5 metres, Protected Lime Tree T22 by 2.5 metres, and two Protected English Yews (G26) over track by 2.5 metres; and
- Reduction of hyper extended lateral limbs of Protected Lime T22 by up to 3 metres.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to several protected trees including Lime, Copper Beech, Scots Pine, Black Pine and English Yew trees located within the grounds of the Grade II* Listed St Marys Church of England Parish Church, which is to the west of Main Street in the settlement boundaries of Congerstone and its associated Conservation Area. The grounds of St Mary's Church are identified as a Key Space within the

Congerstone Conservation Area Appraisal. The trees affected by the proposed work are protected under the Hinckley and Bosworth (St Marys C of E Parish Church, Congerstone) (No 3) Tree Preservation Order 18/00003/TPO, which protects a variety of trees.

4. Relevant Planning History

- 4.1 **26/00588/TCA** Permitted (determined: 28.07.2026)

Horse Chestnut (T39) - Bleeding Canker and Poor Crown Vigour. Reduce lateral south west limb over road by 4-5m to main union, leaving smaller southern branch to pendular growth point to prevent failure. reduce 3 further limbs by up to 3m. reduce most northern lower limb by 1m and crown raise by 4m to reduce southeastern hyperextended leader by 3.5m. Reduce remaining upper canopy by up to 2m to shape. Lime (T40) - Sever Ivy, Remove Basal Growth

- 4.2 **26/00586/TCA** Permitted (determined: 28.07.2026)

False Acacia (T3), Sycamore (T4), Wild Cherry x 2 (G23), Holly (T27), Japanese Cherry (T27), and Lime (T32) - Works as detailed in tree survey

- 4.3 **25/00319/TCA** Permitted (determined: 19.05.2025)

Lime (T5) – Fell standing dead

- 4.4 **25/00318/TPO** Permitted (determined: 27.05.2025)

Lime (T1) – Remove significant deadwood, basal and epicormic growth Lime (T20) - Remove significant deadwood, basal and epicormic growth.

- 4.5 **19/01132/TCA** Declined to Make (determined: 19.11.2019)

Works to Lime Tree

- 4.6 **18/00442/TPOCA** Declined to Make (determined: 06.08.2018)

Works to trees

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. Nevertheless, 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 was satisfied that the proposed works were in the interests of responsible tree management and raised no objections to the application. 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 Guidance:

- Congerstone Conservation Area Appraisal (2007)

8. Appraisal

- 8.1. 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.

- 8.2. NPPF Policy HE4(1) confirms that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should maintain or secure a use consistent with their conservation, and avoid (of it that is not possible, minimise), harm to the significance of heritage assets, and instead conserve this significance.

- 8.3. 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.
- 8.4. 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.
- 8.5. Policy DM11 of the SADMP states that the Borough Council will protect, conserve and enhance the historic environment throughout the Borough through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 of the SADMP states that proposals affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Policy DM12 of the SADMP also requires development proposals to ensure that the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features.
- 8.6. The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The proposed trees are situated within the grounds of the Grade II* Listed St Marys Church in an identified Key Space within the Congerstone Conservation Area. Due to their location, size, and position, the trees are considered to play an important part for the character and the appearance of the local area and the significance of the historic environment.
- 8.7. The Council's Arboricultural Officer has assessed the application and supports the proposed works 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. By virtue of the above it is considered that the work would protect the character and significance of the historic environment, and would not have a significant impact upon public amenity. The scheme would therefore be considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, and NPPF Policies DP3, HE5, HE9, 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 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 Lime (T10, T13, T15, T18, T22, T24), Copper Beech (T16), Scots Pine (T19), Black Pine (T25) and English Yews (G26) shall be restricted to removing basal/epicormic growths and deadwood, removing

hyperextended lower limbs, and crown raising only as outlined in the Tree Survey (submitted: 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 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 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 the 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.