

## Delegated Report

**Planning Ref: 24/00724/TPO**  
**Applicant: Mr Joshua Blurton**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: 39 Convent Drive Stoke Golding Nuneaton**

**Proposal: T1 - Ash - Fell, T2 - Cherry - Fell**

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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 for the felling of the Ash tree (T1) and Cherry tree (T2) at 39 Covent Drive, Stoke Golding.

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

- 3.1. The application site relates to a semi-detached residential dwelling situated within, although to the edge of the settlement boundary of Stoke Golding. The application dwelling comprises the use of predominantly red brick to the walls, with the use of cream render to the ground floor front elevation. Grey tiles are present to the main pitched roof and pitched canopy, along with cream uPVC to the windows. A shared tarmac hardstanding sits forward of the principle elevation, hosting a provision for one off-street parking space. A slabbed access way sits to the north-west of the hardstanding.
- 3.2. The site forms part of the residential development, which sought consent for 59 dwellings. The said development was approved in June 2011 (11/00219/REM).
- 3.3. The Ash tree (T1) and Cherry tree (T2) are situated to the east-west (rear) of the site and are subject to the HINCKLEY AND BOSWORTH (Land at St. Martins Convent, Dadlington Road, Stoke Golding) TREE PRESERVATION ORDER 2006 (Reference; 06/00017/TPORD). The order protects various specimen within the grounds of the residential dwelling.

### **4. Relevant planning history**

#### **10/00358/OUT**

- RESIDENTIAL DEVELOPMENT FOR UPTO 59 DWELLINGS (OUTLINE - ACCESS ONLY)
- PER
- 09.09.2010

#### **11/00219/REM**

- ERECTION OF 59 DWELLINGS (SITING, APPEARANCE, LAYOUT AND LANDSCAPING)
- PER
- 24.06.2011

## **5. Publicity**

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

## **6. Consultation**

### 6.1. Stoke Golding Parish Council:

- No objections have been received.

## **7. Policy**

### 7.1. Stoke Golding Neighbourhood Plan 2020-2039

- Policy SG12: Trees and Hedgerows

### 7.2. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone

### 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

### 7.5. 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 Ash tree (T1) and Cherry tree (T2) are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.

8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2023) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

8.4 Policy SG12 of the Stoke Golding Neighbourhood Plan seeks to ensure that development proposals that cannot avoid harm to the biodiversity or the geological significance must compensate for that harm.

- 8.5 The application seeks consent for the felling of the Ash tree (T1) and Cherry tree (T2) at 39 Covent Drive, Stoke Golding. The trees are situated to the east-west (rear) of the site, and are moderately visible from the adjacent highways, Covent Drive and Stoke Road. A Beech tree is to be retained to the south-west of the site which holds significant amenity value.
- 8.6 The Local Planning Authority have assessed the felling of the trees and considered the works to be appropriate, following a site visit as conducted on the 10<sup>th</sup> September 2024 from the roadside. The felling's will not have a negative impact upon the amenity of the area as long as replacement planting is carried out in accordance with the implemented replacement planting condition, to mitigate for the loss of the Ash tree (T1) and Cherry tree (T2).
- 8.7 The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.8 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The proposed felling of the Ash tree (T1) and Cherry tree (T2) is required as the trees have outgrown the site, and are evidently leaning to the south-west (towards the application dwelling.)
- 8.9 A replanting condition has been imposed.
- 8.10 By virtue of the above it is not considered that the work would 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:-
- (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 proposed felling of the Ash tree (T1) and Cherry tree (T2) is considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 of the NPPF. 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, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 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 shall be restricted to the felling of the Ash tree (T1) and Cherry tree (T2) 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, Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 of the NPPF.

4. Within one month of the removal of the trees; details of a tree, including its location, to replace Ash tree (T1) and Cherry tree (T2); shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details in the next available planting season (October to March).

**Reason:** To ensure that replacement trees are planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Policies Development Plan Document (2016), Policy SG12 of the Stoke Golding Neighbourhood Plan and paragraph 136 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.
- You are advised that if a tree in a conservation area is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can.