

Delegated Report

Planning Reference 25/00958/TPO
Applicant(s) Mr Phillip Hemming
Ward Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Application Site 100 Roston Drive, Hinckley,
Leicestershire, LE10 0XP.

Proposal Ash Tree (T1) fell due to presence of 'Inonotus Hispidus'. Indicated a progressive decline in the structural integrity of the tree and requires removal. Replacement tree to be an Acer campestre (Field Maple).

Case Officer Jack Playle (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 the following works at 100 Roston Drive, Hinckley, LE10 0XP:

- Ash Tree (T1) fell due to presence of 'Inonotus Hispidus'. Indicated a progressive decline in the structural integrity of the tree and requires removal. Replacement tree to be an Acer campestre (Field Maple).

3. Description of the Site and the Surrounding Area

3.1. The application site relates to an Ash tree located to the west of Roston Drive and is situated to the front of No 100 Roston Drive within the settlement boundary of Hinckley. The tree(s) affected by the proposed work is protected under T12 of the Hinckley and Bosworth (Roston Drive) Tree Preservation Order 1974 75/00008/TPORD which protects a variety of trees.

4. Relevant Planning History

4.1 22/00279/TPO

- T1 Ash: Overall crown reduction by roughly 1-2m back to growth points.
- PERTPO
- 22.03.2022

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

6. Consultation

6.1 The Council's Arboricultural Officer stated:

'Following a site visit, I am satisfied that the tree is suitable for removal. The tree displays a substantial presence of Inonotus hispidus within the main stem and around crown break unions, which has compromised both its structural integrity and overall vitality.'

As a replacement, I recommend Acer campestre (Field Maple). This species is native, supports local biodiversity, and is well-suited to urban environments due to its tolerance of pruning and pollution. Its compact, rounded form and moderate, non-aggressive root system make it appropriate for planting near roads and driveways.'

The replacement tree should be a Heavy Standard specimen (10–12 cm girth) and container-grown to aid successful establishment and provide the best return.'

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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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 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 The affected tree(s) are subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value.
- 8.4 The tree (T1) is situated to the front of No 100 Roston Drive and 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 and neighbouring properties.
- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposal to remove the Ash tree and replant with an Acer campestre (Field Maple) 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.

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 Paragraph 136 of the National Planning Policy Framework (2024), 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) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to **the Ash tree (T1)** shall be restricted to **the removal** 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) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal of the Ash Trees (T1); details of the replacement *Acer campestre* (Field Maple) including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be of a heavy standard specimen (10-12cm girth) and container grown. The replacement tree shall be

planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

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 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.