

Delegated Report

Planning Ref: 25/00118/TPO

Applicant: Linda Cox

Ward: Hinckley Trinity



**Hinckley & Bosworth
Borough Council**

**Site: Penlan, Wykin Road, Wykin, Hinckley, Leicestershire,
LE10 3EF**

Proposal: T1 Sycamore - Fell to ground level due to physiological decline and recent large limb failure, replace with Acer species standard in approximately same location

1. Recommendations

- 1.1. Grant consent subject to the conditions

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at Penlan, Wykin Road, Wykin, Hinckley, Leicestershire, LE10 3EF
- T1 Sycamore - Fell to ground level due to physiological decline and recent large limb failure, replace with Acer species standard in approximately same location

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two storey detached residential dwelling in Hinckley. The Sycamore is located to the front of the property adjacent the highway on Wykin Road.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Wykin (Penlan, Wykin Road) Tree Preservation Order 1996.

4. Relevant Planning History

02/00875/TPO

- WORKS TO ONE TREE
- TPOPER
- 12.09.2002

14/00801/TPO

- 2 metre crown reduction to (T1) Sycamore tree
- TPOREF
- 14.10.2014

5. Publicity

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

6. Consultation

6.1. HBBC Tree Officer:

“I am satisfied there is a case here for felling of the tree with the condition that it is replaced with a suitable species (container grown heavy standard) with a similar growth habit, rate and form. This will be auditable in the future by the Local Planning”

7. Policy

7.1. Core Strategy (2009):

- Policy 1: Development in Hinckley

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

7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- 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 tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.

8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.

8.4. This application is requesting to fell the Sycamore (T1) due to poor health which was evidenced by a recent limb failure.

8.5. Due to the poor condition of the tree it is felt that the proposed felling of the Sycamore (T1) will not have a negative impact on the public amenity of the area providing that a suitable replacement tree is planted in order to mitigate the loss.

8.6. The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7. The work proposed has been assessed by the HBBC Tree Officer and is considered to be acceptable.
- 8.8. A replanting condition has been implemented in line with the HBBC Tree officer's recommendations.
- 8.9. By virtue of the above it is considered that the work would not 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: -

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. The Local Planning Authority is satisfied that the proposed works to the trees is reasonable and that the works will ensure that amenity of the area is retained. The proposal is, therefore in accordance with policy DM10 of the SADMP and paragraph 136 of the NPPF (2024). As a result, the application should be approved with conditions set out below.

11. Recommendation

- 11.1. **Grant consent** subject to the planning conditions

- 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 136 of the NPPF (2024).

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 Sycamore (T1).

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 136 of the NPPF (2024).

4. Within one month of the removal of the Sycamore (T1) full details of a replacement tree, which shall be container grown and heavy standard in size, including its location 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 during the next available planting season (October to March) following removal of the existing tree.

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 Policies Development Plan Document (2016) and paragraph 136 of the NPPF (2024).

Notes to Applicant:

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.

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.

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 we recommend that it be surveyed for bats before any work is carried out.

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. We therefore recommend that work to trees is done outside the nesting season - i.e. between the end of August and beginning March. If work 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 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.