

Delegated Report

Planning Ref: 25/00339/TPO
Applicant: Shackerstone Parish Council
Ward: Shackerstone Parish Council
Site: Hall Lane, Odstone, Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: English Oak x 5 (G99) - Remove deadwood
English Oak (T98) - Remove deadwood and crown raise to 5m over road side only

Case officer: Rudi Simpson

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 Hall Lane, Odstone, Leicestershire - English Oak x 5 (G99) - Remove deadwood - English Oak (T98) - Remove deadwood and crown raise to 5m over roadside only The original description for the proposal was as follows. - English Oak x 5 (G99) - Remove significant deadwood and inspect for further defects - English Oak (T98) - Remove significant deadwood and crown raise over road to 5m
3.	Description of the Site and the Surrounding Area
3.1.	The Oak trees are situated within a maintained grass area bounded by trees on Hall Lane Odstone.
3.2.	The tree(s) affected by the proposed work is protected by The Borough Council of Hinckley and Bosworth (Hall Lane, Odstone) (No.7) Tree Preservation Order 2022 (22/00007/TPORD)
4.	Relevant Planning History
	None relevant
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.	<u>HBBC Arboricultural Officer 16/04/2025</u> "I am not satisfied from the application that there is justified works to the trees in question. The survey states 'major deadwood'; there is no quantification of the size of this or any mention of it in the form of a report glossary. Major deadwood is typically anything greater than 100mm in diameter, the presence of this within Oak species is usually well within a tolerable level of risk, especially on private land or on low frequency roads (as per the nature of this site) and forms an important benefit in itself. On section 8, subsection 1 of the application the 'Yes' box has been ticked beside condition of trees, despite the attached survey stating that the tree group G99 is both in physiologically and structurally good condition. Crown lifting over the highway is a typical management practice and I would be happy for this to go ahead for T98. However the above still applies for the other proposed works. I would like to see the correct supporting information to enable permissions here." <u>HBBC Arboricultural Officer 28/05/2025</u> "Given additional evidence; I am satisfied that there is suitable justification to remove major deadwood (>100mm in diameter) from the Tree Group (G99) and for the crown of T98 to be raised over the highway only to gain 5m clearance. All works, as always must be undertaken in accordance with the British Standard 3998: 2010." <u>HBBC Arboricultural Officer (04/06/2025)</u> "Following further investigation, I am satisfied there is adequate justification due to the target volume and frequency on site to remove all of the deadwood from the Oak specimens. English Oak (T98) is to be crown lifted over the highway side only as this is typical practice to facilitate movement on the highway network and avoids wounding to the tree where it is not necessary."
7.	Policy
7.1.	Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016): • Policy DM1: Presumption in Favour of Sustainable Development • Policy DM10: Development and Design
7.2.	National Planning Policies and Guidance: • National Planning Policy Framework (NPPF) (2024) • Planning Practice Guidance (PPG)
7.3.	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

	<u>Impact upon the amenity of the area</u>
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 trees are subject to a tree preservation order and are 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.	The Oak Trees are situated within a maintained grass area bounded by trees on Hall Lane Odstone which leads on to the Parish play area. They are protected by an area TPO which offers protection to 6 English Oak Trees.
8.5.	They offer a high level of amenity value and contribute significantly to the character and appearance of the area.
8.6.	The HBBC Arboricultural Officer has assessed the application and now after discussions with the agent is satisfied with the proposed scope of works. The description of the application was revised to ensure that The English Oak (T98) was crown lifted over the highway only in order to avoid causing unnecessary harm to the tree.
8.7.	The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.
	<u>Whether the application is justified</u>
8.8.	The work proposed has been assessed and is considered to be justified. The application has been submitted by the Parish Council as part of wider scheme of scheduled maintenance works on the trees within the local area.
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 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 to the group of English Oak Trees (G99) shall be restricted to the removal of deadwood The proposed works to the English Oak Tree (T98) shall be restricted to crown raising over the roadside only and the removal of deadwood 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).
	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.