

Delegated Report

Planning Ref: 25/00083/TPO

Applicant: Mr Abernethie

Ward: Newbold Verdon With Desford & Peckleton

Site: 30 Lindridge Lane, Desford, Leicester, Leicestershire, LE9 9GN



**Hinckley & Bosworth
Borough Council**

Proposal: Ash tree (T1) - Fell due to heavy decline with large amount of deadwood

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 30 Lindridge Lane, Desford, Leicester, Leicestershire, LE9 9GN
- Ash tree (T1) - Fell due to heavy decline with large amount of deadwood

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a large detached residential dwelling in Desford. The Ash tree is located to the front of the property on Lindridge Lane
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Desford (Lindridge Lane) Tree Preservation order 1982.

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. HBBC Tree Officer
"It is evident based on the report findings that this tree is due removal, following this the stump should be ground out to 400mm below ground level and replanted with a Pedunculate Oak (Quercus robur)."

Desford Parish Council

"No objection but endorse suggestion to replace with an oak sapling"

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

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. The tree is located at the front of the property and holds a prominent position on the highway on Lindridge Lane. Due to its size and location the tree offers a high level of amenity value.

8.5. The tree has been assessed by the HBBC Tree officer who has confirmed that the tree is in poor health and warrants removal. In order to protect the future impact, the removal of the tree will have on the area it has been proposed that a Pedunculate Oak (*Quercus robur*) should be planted in its place.

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. Whilst the proposed felling will have an impact upon the visual amenity of the area, the work proposed has been assessed and is considered to be justified due to the poor condition of the tree.

8.8. Given the positive contribution that the existing tree provides to the setting, a replanting condition is therefore considered expedient.

8.9. By virtue of the above it is considered that although the work would have a significant impact upon public amenity it is considered acceptable subject to replacement tree planting.

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 shall be restricted to the felling of the Ash Tree (T1) ensuring the stump is ground out to 400mm below ground level.

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 Ash Tree (T1); details of the replacement Pedunculate Oak (*Quercus robur*), 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 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 Policies Development Plan Document (2016) and paragraph 136 of the NPPF.

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.

