

Delegated Report

Planning Reference 26/00399/TPO
Applicant(s) Sarah Beale
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site Convent Drive, Stoke Golding,
Leicestershire

Proposal Oak (T1) approximately 9m to be crown reduced by 4m, cut back limbs from over school and remove deadwood. Lime (T2-T5) approximately 20m to be reduced by 10m, remove deadwood and limbs overhanging school and road back to main stem. Horse Chestnut (T6) approximately 5m to be crown reduced by 2m.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Refuse consent** subject to reasons at the end of this Report:

2. Planning Application Description

2.1. This application seeks consent for the following works at Convent Drive, Stoke Golding:

- Oak (T1) crown reduce by 4m, cut back limbs from over school and remove deadwood
- Lime (T2 – T5) crown reduce by 10m, remove deadwood and limbs overhanging road and school back to main stem
- Horse Chestnut (T6) crown reduce by 2m

2.2. No justification has been submitted for the proposed works.

3. Description of the Site and the Surrounding Area

3.1. The application site comprises six protected trees including an Oak Tree (T1), three Lime Trees (T2 – T5) and a Horse Chestnut Tree (T6). The application trees are protected under G1 of the Hinckley and Bosworth (Land at St. Martins Convent, Dadlington Road, Stoke Golding) Tree Preservation Order 06/00017/TPORD, which protects a variety of trees. The application trees are located at the entrance to the Convent Drive residential estate, adjacent to the northern and northeastern boundaries of St Martin's Catholic Voluntary Academy within Stoke Golding.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order. Nevertheless, the application has been publicised by sending out letters to local residents. No responses have been received.

6. Consultation

- 6.1 The Council's Arboricultural Officer stated:

'I object to the proposed works due to the excessive nature of the crown reductions sought. The proposed ~50% height reduction to each tree is unduly severe and would not constitute good Arboricultural practice. Such works would be contrary to the principles of BS3998;2010. Furthermore, no robust Arboricultural evidence has been provided to demonstrate that reductions of this extent are necessary.'

- 6.2 No further responses have been received.

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

- 7.3 Stoke Golding Neighbourhood Plan Review 2020 – 2042 (SGNP) (2024):

- Policy SG1: Decision-Taking
- Policy SG15: Design

- 7.4 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. Policy Sg15 of the SGNP requires development to be in keeping with the scale, form and character to its surroundings.
- 8.3. The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. Due to the size and position of the protected trees, they are considered to play an important part for the character and the appearance of the local area. No justification has been submitted by the Applicant for the proposed development.
- 8.4. The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who has advised that the works would not constitute good arboricultural practice and would be contrary to the principles of BS3998;2010.
- 8.5. Therefore, the proposed works would be considered to be unnecessary and would result in a significant and detrimental impact upon the protected trees and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the SADMP, Policy SG15 of the SGNP, and Paragraph 136 of the NPPF.

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 would be considered to be unnecessary and would result in a significant and detrimental impact upon the protected trees and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy SG15 of the Stoke Golding Neighbourhood Plan (2024), and Paragraph 136 of the National Planning Policy Framework (2024).

11. Recommendation

- 11.1 **Refuse consent** subject to reasons at the end of this report:

11.2 Reasons

1. The proposed works would be considered to be unnecessary and would result in a significant and detrimental impact upon the protected trees and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy SG15 of the Stoke Golding Neighbourhood Plan (2024), and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant(s)

1. The application has been determined in accordance with the following submitted details:
 - Aerial Imagery – Site Location Plan (submitted: 29.04.2026)
 - Application Form (submitted: 29.04.2026)
 - Photos of the Trees (submitted: 29.04.2026).