

## Delegated Report

**Planning Reference** 25/00809/TPO  
**Applicant** Mr Nigel Harris  
**Ward** Earl Shilton



Hinckley & Bosworth  
Borough Council

**Application Site** 9 Prospect Way, Earl Shilton, Leicester,  
Leicestershire, LE9 7EA.

**Proposal:** T1 Sycamore. Works - Crown reduction 30% approximately 4m from tips. Raise canopy to 5m from ground level. Remove dead branches. Reason - Decline and squirrel damage in upper canopy. This has left some branches prominent from the rest of the canopy. The crown reduction will address the prominent branches and reduce risk of failure. Overhanging public park with high use and private driveway to neighbouring property.

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### 1. Recommendations

1.1. **Grant consent** subject to the conditions the end of this report.

### 2. Planning Application Description

2.1 The application seeks consent for the following works at 9 Prospect Way, Earl Shilton, Leicester, Leicestershire, LE9 7EA:

- T1 Sycamore. Works - Crown reduction 30% approximately 4m from tips. Raise canopy to 5m from ground level. Remove dead branches. Reason - Decline and squirrel damage in upper canopy. This has left some branches prominent from the rest of the canopy. The crown reduction will address the prominent branches and reduce risk of failure. Overhanging public park with high use and private driveway to neighbouring property.

### 3. Description of the Site and the Surrounding Area

3.1. The application site relates to a Sycamore tree located to the north of King's Walk and is situated the rear of No 9 Prospect Way within the settlement boundary of Earl Shilton.

3.2. The tree(s) affected by the proposed work is protected under A1 of the Hinckley and Bosworth, Earl Shilton (Kings Walk) (Modified) Tree Preservation order 1975 (79/00002/TPORD).

### 4. Relevant Planning History

**19/01180/TPO**

- Work to 4x sycamore 2x silver birch and felling of Whitebeam and Field Maple.
- 24.10.2019
- TPOPER

## **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 Arboricultural Officer:

*'I am satisfied there is justification for a 4m crown reduction and to lift the crown to 5m from ground level in the interest of reinstating a typical canopy form and managing the dead and damaged areas of the crown. All work must be undertaken to the relevant British Standard (3998:2010).'*

## **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. 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 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 (T1) is situated to the rear of No 9 Prospect Way and is situated towards to the end of King's Walk. Due to the size and position of the tree, it plays 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 is satisfied that there is adequate justification for the proposed crown reduction and crown lifting in the interest of reinstating a typical canopy form and managing the dead and damaged areas of the crown.

8.6. It is therefore considered that the proposed works as suitable as long as 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.

## **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 at the end of this report.

## 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) 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 Sycamore tree (T1) shall be restricted to the crown reduction of 4 metres from the tips and the crown lifting of 5 metres from ground level 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 adopted Site Allocations and Development Management Policies Development Management Policies Development Plan Document (2016) and Paragraph 136 of the NPPF (2024).

### a. Notes to Applicant:

1. 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.
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 we recommend that it 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. 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.

5. 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.