

Delegated Report

Planning Reference 26/00488/TPO
Applicant(s) Mr Conley
Ward Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site The Sycamores, 60 Windsor Street,
Burbage, Hinckley, Leicestershire, LE10 2EF

Proposal T1 – Sycamore – Remove as causing subsidence of
building.

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 to remove the Sycamore tree (T1) in the garden of The Sycamores Public House, 60 Windsor Street, Burbage, on the basis that it is causing subsidence to the building. A supporting subsidence damage review letter identifies damage to the floor slab within the bar area and states that the Sycamore tree to the left-hand side of the property is likely to be the external influence, with moisture extraction from its root system contributing to shrinkage of the subsoils beneath the slab.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a Sycamore tree located to the west of Windsor Street and is situated to the west of The Sycamores Pub, 60 Windsor Street, within the settlement boundary of Burbage. The tree affected by the proposed work is protected under A1 of the Borough of Hinckley and Bosworth (Land at The Sycamore Public House, Windsor Street, Burbage) Tree Preservation Order 03/00002/TPORD which protects a variety of Sycamore, Beech and Oak trees at The Sycamore Public House.

4. Relevant Planning History

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|-----|--|-----------|--------------------------|
| 4.1 | 21/00517/TPO | Permitted | (determined: 02.08.2021) |
| | T1 – Sycamore: Crown lift tree up to roughly 7-8m by removing 2x lower branches. | | |
| 4.2 | 18/00280/TPO | Permitted | (determined: 10.05.2018) |
| | Works to trees | | |
| 4.3 | 11/00355/TPO | Refused | (determined: 30.06.2011) |
| | Removal of 4 Sycamore Trees | | |

- 4.4 **03/00742/TPO** Permitted (determined: 17.03.2003)
Removal of one Sycamore and works to a second Sycamore

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 and therefore no publication has taken place for this application.

6. **Consultation**

- 6.1 The Council's Arboricultural Officer objected to the proposed works because insufficient information had been submitted to justify the removal of this protected tree, and the Applicant had not demonstrated that alternative mitigation measures including structural repairs had been explored.
- 6.2 Burbage Parish Council strongly objected to the proposed works because the application did not include sufficient supporting evidence to demonstrate or justify the removal of the protected tree, which the Parish considered to be an iconic feature within the character of the street scene.
- 6.3 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 Burbage Neighbourhood Plan 2015 – 2026 (BNP) (2021):
- Policy 2: Design and Layout
 - Policy 12: Important Trees
- 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 2 of the BNP states that residential development must respect its surroundings and retain existing important nature features such as trees.
- 8.3 Policy 12 of the BNP confirms that development proposals that damage or result in the loss of a tree or trees protected with a Tree Preservation Order or a tree or trees of significant amenity value and with important arboricultural, landscape or ecological significance, will only be permitted in exceptional circumstances.
- 8.4 The affected tree is subject to a Tree Preservation Order and therefore is considered to have a high level of amenity value. The tree (T1) is situated to the west of The Sycamore Public House, 60 Windsor Street and due to its size and position, the protected tree is considered to play an important part for the character and the appearance of the local area.
- 8.5 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who considered that insufficient information had been submitted as part of this application to justify the removal of this protected tree, and the Applicant had not demonstrated that alternative mitigation measures including structural repairs had been explored.
- 8.6 Given the above, the proposed works would result in the loss of the protected Sycamore tree, which would be considered to result in a significant harm to the protected tree and the character of the surrounding area to which the tree positively contributes to. The Applicant has failed to demonstrate that the proposed removal of the protected tree would be necessary in these site-specific circumstances, nor that alternative mitigation measures have been explored. By virtue of these factors, the proposal would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Policies 2 and 12 of the BNP, 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 result in the loss of the protected Sycamore tree, which would be considered to result in significant harm impact to the protected tree and the character of the surrounding area to which the tree positively contributes to. The Applicant has failed to demonstrate that the proposed removal of the protected tree would be necessary in these site-specific circumstances, nor that alternative mitigation measures have been explored. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted SADMP, Policies 2 and 12 of the BNP, and Paragraph 136 of the NPPF.

11. Recommendation

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

11.2 Reasons

1. The proposed works would result in the loss of the protected Sycamore tree, which would result in a significant harm to the protected Sycamore tree and the character of the surrounding area to which the tree positively contributes to. The Applicant has failed to demonstrate that the proposed removal of the protected tree would be necessary in these site-specific circumstances, nor that alternative mitigation measures have been explored. 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), Policies 2 and 12 of the Burbage Neighbourhood Plan (2021) 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:

- Application Form (submitted: 28.05.2026)
- Site Location Plan (submitted: 28.05.2026)
- Site Photos (submitted: 28.05.2026)
- Subsidence Letter (submitted: 28.05.2026)