

## Delegated Report

**Planning Reference** 26/00111/TPO  
**Applicant(s)** Mr Richard Hunter  
**Ward** Ambien



Hinckley & Bosworth  
Borough Council

**Application Site** 39 Convent Drive, Stoke Golding

**Proposal** T1 Sycamore to be felled and stump grinding, replacement trees to be small acers or small growing trees.

**Case Officer** Jack Playle (Technical Planning Assistant)

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### 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 fell and stump grind protected Sycamore tree ('T1') at 39 Convent Drive, Stoke Golding, and replace the tree with a small acer or small growing trees. The Applicant stated that the tree was too big for the area.

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

3.1. The application site relates to a Sycamore tree located to the south of Convent Drive, which is situated to the rear of No 39 Convent Drive within the settlement boundary of Stoke Golding.

3.2. The Convent Drive development received planning permission via 10/00358/OUT, 11/00219/REM, 12/00880/FUL, 13/00453/CONDIT, 13/00509/CONDIT, and 15/00845/CONDIT. The tree affected by the proposed work is 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.

### 4. Relevant Planning History

4.1 Other works to trees protected by this 2006 Tree Preservation Order, which were approved by Hinckley and Bosworth Borough Council but did not relate to the current application tree include: 24/00724/TPO, 14/00956/TPO, and 12/00505/TPO.

### 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.

- 5.2 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 did not identify any visible defects or visible features that would indicate that the tree required any arboricultural works. The Arboricultural Officer therefore objected to the proposed works and confirmed that the size of the tree in itself did not represent acceptable arboricultural justification for the felling of a protected tree. 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
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 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 Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

- 8.3 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.
- 8.4 Policy SG15(2) of the SGNP confirms that development must protect and where possible enhance important features such as hedgerows and trees.
- 8.5 The affected tree is subject to a Tree Preservation Order, and is therefore considered to have a high level of amenity value. The protected tree ('T1') is situated to the rear of No 39 Convent Drive and forms part of a wider group of trees of a similar size and stature, which pre-date the properties on Convent Drive. The Council's Arboricultural Officer has confirmed that the tree did not appear to have any visible defects or features that would indicate a need for arboricultural works. 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.
- 8.6 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who stated that there is insufficient evidence to justify the felling of, or undertaking any arboricultural works to, the protected tree in these site-specific circumstances. Therefore, the proposed works would be considered to be unnecessary and would result in the total loss of the protected tree to the significant and permanent detriment impact upon the character and appearance of the surrounding area, to which the protected tree currently positively contributes to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy SG15(2) of the SGNP, Policy DM10 of the SADMP, 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that consent for the proposed felling of the protected Sycamore tree ('T1') is refused.

## **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 total loss of the protected Sycamore tree ('T1'), which would result in a significant and permanent adverse impact upon the character and appearance of the surrounding area, to which the protected tree currently positively contributes to. The Applicant has failed to demonstrate that the proposed works would be justified in these site-specific circumstances. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy SG15(2) of the Stoke Golding Neighbourhood Plan (2024), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) 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: 05.02.2026)
  - Photo Tree (submitted 05.02.2026)
  - Site Location Plan (submitted 05.02.2026)