

Delegated Report

Planning Reference 25/00904/TPO
Applicant(s) Mr David Abernethie
Ward Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Application Site 30 Lindridge Lane, Desford

Proposal T7 and T8 (Ash) - Fell due to ash dieback and recent failure of several large limbs. Fears over safety due to poor condition.

Case Officer Rudi Simpson

1. Recommendations

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

2. Planning Application Description

2.1. This application seeks consent for the following works at 30 Lindridge Lane, Desford, Leicestershire, LE9 9GN:

- **T7 and T8 (Ash) - Fell due to ash dieback and recent failure of several large limbs. Fears over safety due to poor condition.**

3. Description of the Site and the Surrounding Area

3.1. This application relates to two Ash trees (T7 and T8) situated to the front of 30 Lindridge Lane in the settlement boundary of Desford. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Desford (Lindridge Lane) Tree Preservation order 1982 (82/00005/TPORD).

4. Relevant Planning History

4.1 25/00083/TPO

- Ash tree (T1) - Fell due to heavy decline with large amount of deadwood
- PERTPO
- 19.05.2025

5. Publicity

5.1 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:

"Following a brief external inspection from the roadside, it is evident that both trees are exhibiting clear symptoms of Ash Dieback (Hymenoscyphus fraxineus) and, regrettably, will require removal on safety and management grounds.

Each tree must be replaced with a container-grown standard tree supplied in a pot of no less than 25 litres in volume. While it is difficult to replicate the ecological and landscape value of native ash, I recommend a replacement from the Quercus genus. Suitable options include Native Pedunculate Oak (Quercus Robur), Non-native Red Oak (Quercus rubra), or non-native Holm Oak (Quercus ilex).

The final species selection must be agreed with the Local Planning Authority, who will audit the replacement planting to ensure compliance."

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 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. Planning decisions should ensure that new streets are tree-lined.

- 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 The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value.
- 8.5 The Ash trees (T7 and T8) are located to the front of the property 30 Lindridge Lane and hold a prominent position on the highway. Due to the size and position of the trees, they are considered to play an important part for the character and the appearance of the local area and neighbouring properties.
- 8.6 The Council's Arboricultural Officer has assessed the application and supports the proposal to fell the Ash Trees due to their poor condition. The works are in the interest of public safety and responsible tree management. It is therefore considered that the proposed works are suitable as long as they are carried out in accordance with BS 3998:2010.
- 8.7 Given the positive contribution that the existing trees provide to the setting, a replanting condition is therefore considered expedient.
- 8.8 By virtue of the above it is considered that although the work would have an impact upon public amenity, it is considered acceptable subject to the replacement tree planting and therefore in accordance with Policy DM10 of the SADMP.

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 are considered to be acceptable and therefore in accordance with 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), subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 National Planning Policy Framework (2024).

3. The proposed works shall be restricted to the felling of to the Ash trees (T7 and T8)

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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal of the Ash trees (T7 and T8); details of the replacement trees, including their size, location, species and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement trees shall be of container-grown standards, each in a pot with a minimum volume of 25 litres. Suitable options include Native Pedunculate Oak (*Quercus Robur*), Non-native Red Oak (*Quercus rubra*), or non-native Holm Oak (*Quercus ilex*). 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 Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant(s)

1. The Applicant is advised that the consent hereby granted is only 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, the affected tree(s) should 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. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. 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.