

Delegated Report

Planning Reference 25/00906/TPO
Applicant(s) Mr Scarborough
Ward Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Application Site 122 Leicester Road, Hinckley

Proposal Oak (T1) - Overall crown reduction by approximately 2-3m. Works are in the interest of containment and to restore a balanced, naturalistic crown shape following recent storm damage and resulting loss of limbs

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 122 Leicester Road, Hinckley, Leicestershire, LE10 1LU:

- **Oak (T1) - Overall crown reduction by approximately 2-3m. Works are in the interest of containment and to restore a balanced, naturalistic crown shape following recent storm damage and resulting loss of limbs**

3. Description of the Site and the Surrounding Area

3.1. This application relates to an Oak tree (T1) situated in the rear garden of 122 Leicester Road within the settlement boundary of Hinckley. The tree(s) affected by the proposed work is protected under the Borough Council of Hinckley and Bosworth Hinckley (122 Leicester Road) Tree Preservation Order 1983 (83/00004/TPORD).

4. Relevant Planning History

4.1 25/00726/TPO

- Oak tree (T1) - large branch fallen into neighbouring garden. Remove remnant of branch (approx 3-4m long and 0.25m diameter) from tree trunk, remove deadwood and crown trim.
- WDN
- 08.09.2025

4.2 **01/01033/TPO**

- Works to one Oak tree including crown thinning and deadwood
- TPOPER
- 06.11.2001

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.

6. Consultation

- 6.1 The Council's Arboricultural Officer stated:

"I support the proposed crown reduction of approximately 2'3 metres, to be carried out in accordance with BS 3998:2010 ' Tree Work Recommendations, using the arborist's professional discretion to determine appropriate pruning points."

- 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 Oak tree (T1) is located in the rear garden on the boundary between 122 and 124 Leicester Road. The tree has a large canopy which extends over the neighbouring dwellings of 124 Leicester Road and 10 Bramcote Close. The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value.
- 8.5 The Council's Arboricultural Officer has assessed the application and supports the proposal to reduce the crown of the tree by approximately 2-3 metres, allowing the appointed arborist to use their professional expertise to determine the most appropriate pruning points.
- 8.6 Given the recent limb failure, it is expected that the works to re-shape the crown will enhance the overall amenity value of the tree. 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 By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable 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 to the Oak tree (T1) shall be restricted to the overall crown reduction of approximately 2-3 metres back to arborist recommended pruning points.

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).

a. Notes to Applicant:

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 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.