

Delegated Report

Planning Ref: 25/00072/TPO

Applicant: Mr Ben Harding

Ward: Cadeby, Carlton, Market Bosworth & Shackerstone

**Site: 24 Northumberland Avenue, Market Bosworth, Nuneaton,
Leicestershire, CV13 0RJ**



**Hinckley & Bosworth
Borough Council**

Proposal: (T1) Sycamore

Prune easterly limb growing over garage back by 1.5m

Prune southern limb growing over road back by 1m

Prune circumference of remaining lower 1/3 of canopy back by 1m to balance

Removal of epicormic growths from inside of lower crown

1. Recommendations

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

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at 24 Northumberland Avenue, Market Bosworth, Nuneaton, Leicestershire, CV13 0RJ
(T1) Sycamore

- Prune easterly limb growing over garage back by 1.5m
- Prune southern limb growing over road back by 1m
- Prune circumference of remaining lower 1/3 of canopy back by 1m to balance
- Removal of epicormic growths from inside of lower crown

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two storey residential dwelling on the corner of Northumberland Avenue. The tree is situated within the rear garden and makes a valuable contribution to the character and appearance of the streetscene.
- 3.2. The tree is protected by the Hinckley and Bosworth, Market Bosworth (South Farm (2) Shenton Lane) Tree Preservation Order 1986 (86/00003/TPORD)

4. Relevant Planning History

12/00464/TPO

- WORKS TO SYCAMORE (T2 ON TPO)
- TPOPER
- 02.08.2012

18/00969/TPO

- Works to trees
- TPOPER
- 19.11.2018

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. Market Bosworth Parish Council:

“Market Bosworth Parish Council has no objections to this planning application.”

Market Bosworth Society

“The Market Bosworth Society specifically comments upon applications within The Market Bosworth Conservation Area. We may comment upon other applications if they have an impact upon the Conservation Area or the approaches to. Trees are a very important aspect of Market Bosworth as it is a wooded hilltop. Having read the proposed works we find nothing to object to and hope that the works are allowed to progress”.

7. Policy

7.1. Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

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. Market Bosworth Neighbourhood Plan 2014 – 2026 (MBNP) (2015):

- Policy CE4: Trees

7.4. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other Relevant Guidance:

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Impact upon the amenity of the area
- Whether the application is justified

Impact upon the amenity of the area

- 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. Policy CE4 of the Market Bosworth Neighbourhood Plan seeks to ensure that mature trees are protected wherever possible. Development that will result in the loss of or damage to Protected Trees will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.
- 8.5. The Sycamore Tree is located in a prominent position in the rear garden of 24 Northumberland Avenue and offers a high level of amenity value to the due to its size and position.
- 8.6. The works proposed are considered to be acceptable in terms of visual amenity. The works will allow for a more balanced tree canopy and will ensure the tree continues to make a positive contribution to the character and appearance of the streetscene.
- 8.7. The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.8. The work proposed has been assessed and is considered to be necessary in order to ensure the lifespan of the tree is preserved.
- 8.9. None of the works proposed are considered to have the potential to cause harm to the tree itself or amenity value of the area.
- 8.10. 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 proposals will not have a detrimental effect on the health or appearance of this tree and therefore this application is recommended for approval subject to conditions. 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

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 Site Allocations and Development Management Policies DPD 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 (T1) shall be restricted to the pruning of the easterly limb growing over garage back by 1.5m, the pruning of the southern limb growing over road back by 1m, the pruning of the circumference of remaining lower 1/3 of canopy back by 1m and the removal of epicormic growths from inside of lower crown.

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 DPD and paragraph 136 of the NPPF (2024).

Notes to Applicant:

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.

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.

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.

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.

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.