

Delegated Report

Planning Ref: 23/00592/TPO

Applicant: Mr Yates

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 28 Barton Road Market Bosworth Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: (T1) - Beech - Fell

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application seeks consent to fell a Beech tree at 28 Barton Road, Market Bosworth.

2.2. The Beech tree (T1) is protected by the Hinckley and Bosworth Tree Preservation Order reference 19/00013/TPORD.

3. Description of the site and surrounding area

3.1. The application site relates to a two-storey detached dwelling situated within the settlement boundary of Market Bosworth. It comprises the use of red brick, off white render and timber to the walls, red/brown tiles to the roof and uPVC windows and doors. Forward of the bungalow's principal elevation is a detached mono-pitched garage. Land levels are staggered to the front of the site, rising steeply from the west to the east and levelling out across the host dwelling rear garden (east).

3.2. The Beech tree is situated to the rear of the application dwelling and sits next to the northern boundary. Due to its size it is highly viewable from a public vantage point on Barton Road.

4. Relevant planning history

20/01307/HOU

- Remodelling of existing property to include increased ridge height, first floor and one and a half storey extensions to front, side and rear
- PER
- 25.03.2021

82/00109/4

- FORMATION OF ENCLOSED SWIMMING POOL FOR PERSONAL RECREATION
- PER
- 12.03.1982

80/00886/4

- EXTENSIONS TO GARAGE TO FORM A DOUBLE GARAGE AND ALTERATIONS TO ACCESS

- PER
- 18.06.1980

80/01058/4

- ALTERATIONS INCLUDING NEW BATHROOM 1ST FLOOR WITH DORMER WINDOW
- PER
- 02.09.1980

5. Publicity

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

6. Consultation

- 6.1. The HBBC Aboricultural Officer has no objections.
- 6.2. Market Bosworth Parish Council have raised the following objections;
- No aboricultural report
 - Loss to the landscape
- 6.3. The Market Bosworth Society have raised the following objections;
- Significant loss to amenity of the area
 - No evidence that the tree is diseased
 - No aboricultural report
 - Tree appears to be healthy from submitted image
- 6.4. Market Bosworth Parish Council and The Market Bosworth Society recommend that replacement planting takes places should the Beech tree be felled.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- Policy CE1: Character and Enviroment
 - Policy CE4: Trees
- 7.2. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - 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 Beech tree is subject to a tree preservation order and therefore considered to contribute towards a high level of amenity value. Policy CE4 of the Market Bosworth Neighbourhood Plan seeks to ensure that the loss or damage to protected trees does not occur without satisfactory justification.

8.3 The Beech tree (T1) is situated to the rear of the application dwelling and is positioned to the northern boundary. Due to the size of the tree it is highly viewable from a public vantage point from the public highway.

8.4 Concerns have been raised regarding the impact that the loss of the Beech tree will have upon the area of Market Bosworth. The felling of the Beech tree is considered to have an impact upon the amenity of the area, however this would be outweighed by the safety concerns that the tree currently poses upon the application dwelling and neighbouring property (30 Barton Road, Market Bosworth).

8.5 An arboricultural report is only a satisfactory validation requirement when an applicant/agent has fears regarding the condition of the tree and/or the tree is causing alleged subsidence damage. By virtue that the applicant has not raised the above concerns and as the tree has been assessed by the HBBC Arboricultural Officer deemed acceptable the Local Planning Authority do not see it fit to request a further arboricultural report in this case.

8.6 The proposed works have been assessed by the HBBC Arboricultural Officer, and have been considered to be acceptable. The Local Planning Authority believe that satisfactory justification has been provided by the agent.

Whether the application is justified

8.7 Works to the Beech tree (T1) have been deemed acceptable by the HBBC Arboricultural Officer. Whilst there is no current evidence on the tree of *Meripilus giganteus* fruiting bodies, the owner has presented photographs of them taken during the autumn. *Meripilus* fruiting bodies are not perennial and do not appear every year.

8.8 The tree is in full leaf and fungal colonisation could potentially be in its early stages and will progress. *Meripilus* is common on Beech trees and causes a white or soft rot which tends to be confined to the underside of root systems resulting in root plate failure.

8.9 After assessment the felling of (T1) is considered necessary for safety reasons by virtue of the size of the tree and it's close proximity to the application dwelling and neighbouring dwelling (30 Barton Road, Market Bosworth).

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.

10. Conclusion

10.1. In conclusion felling of the Beech tree is considered to be justified. The HBBC Arboricultural Officer is satisfied that the proposed felling is acceptable. The proposal is in accordance with policy DM10 of the SADMP and Policy CE4 of the Market Bosworth Neighbourhood Plan. As a result, the application is recommended for approval subject to conditions set out below.

11. Recommendation

11.1 **Grant consent** subject to:

- Planning conditions outlined at the end of this report

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 131 of the NPPF.

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 shall be restricted to the felling of the Beech tree (T1) only.

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 131 of the NPPF.

4. Within one month of the removal of the trees; details of trees, including their location, to replace T1 Beech; shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be planted in accordance with the approved details in the next available planting season (October to March).

Reason: To ensure that replacement trees are planted on site in the interests of protecting the amenity of the amenity area of Market Bosworth in accordance Policy CE4 of the Market Bosworth Neighbourhood Plan and Policy DM10 of the adopted Site Allocations and Policies Development Plan Document (2016).

11.3 Notes to applicant

- It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and / or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to the tree 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 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.
- It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.