

Delegated Report

Planning Ref: 24/00595/TPO

Applicant: Mr Martin Piggins

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Market Bosworth School Back Lane Market Bosworth

Proposal: T17 - Dogwood - Crown reduction to suitable growth points at building and roofline only, to give a clearance from building. T19 - Japanese Maple - Crown reduction to suitable growth points at building and roofline only, to give a clearance from building.

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks consent for a crown reduction to suitable growth points at building and roofline to the Dogwood tree (T17) and the Japanese Maple tree (T19) at The Market Bosworth School, Back Lane, Market Bosworth.

3. Description of the site and surrounding area

- 3.1. The application site relates to a secondary school situated within the settlement boundary of Market Bosworth. The school buildings are a range of architectural styles and ages but are generally single or two storey. An enclosed multi use sports, playing fields and car parking area lies to the north-west of the main school building.
- 3.2. The trees are situated to the south of the application site, to a grassed amenity area. A pathway to the school's library, hosted by green, metal picket fence runs between the sites frontage creating a separation barrier between either tree. The Dogwood tree (T17) is situated to the west of the pathway and the Japanese Maple tree (T19) is situated to the east of the pathway.
- 3.3. The trees are protected by The Borough Council of Hinckley and Bosworth (The Market Bosworth School, Back Lane, Market Bosworth) (No.4) Tree Preservation Order 2023, Reference; 23/00004/TPORD. The order protects various specimen at the site.

4. Relevant planning history

02/01360/C

- CONVERSION OF EXISTING METAL ROOM TO NEW KITCHEN
ERECTION OF DINING ROOM REPOSITIONED BALL COURT AND
NEW CAR PARK
- CC
- 09.01.2003

14/00420/FUL

- Erection of two storey classroom block and extension of existing parking area
- PER
- 23.06.2014

15/00328/FUL

- Erection of a single story modular building providing two classrooms
- PER
- 27.04.2015

15/00520/FUL

- Proposed car park extension and provision of new astro turf pitch
- PER
- 18.02.2016

19/00305/FUL

- Proposed car park extension and provision of new astro turf pitch
- PER
- 25.09.2019

21/00014/FUL

- Detached classroom block
- PER
- 21.04.2021

22/00504/TPO

- T2 - Oak: The selective pruning of secondary branches back to adequate growth points (by apx. 2-3m), would be sufficient to clear the overhang of the footpath and school building, also alleviating weight in the main supporting limbs. T4 - Horse Chestnut: Minor pruning works required to clear low-hanging branches extending over the footpath.
- PERTPO
- 20.07.2022

23/00352/TCA

- Please see the submitted application form - (T10, T16, T25, T29, T32, T36, T41)
- TORDER
- 08.06.2023

87/00400/4

- ERECTION OF FREE STANDING PUBLIC LIBRARY SIGN
- PER
- 08.06.1987

86/00468/4

- ERECTION OF YOUTH WING
- PER
- 29.07.1986

77/00649/4C

- PROPOSED TEMPORARY ELLIOTTS DOUBLE MOBILE CLASSROOM
- PER
- 12.07.1977

5. Publicity

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

6. Consultation

6.1. Market Bosworth Parish Council;

“In light of brutal works carried out recently to other trees on the School's site, and given the absence of specified measurements in this application, the Parish Council wonders what exactly is intended by 'a clearance' from the building. As such, the Parish Council would support a reduction to both the Dogwood and the Japanese Maple of approx. 1m - 2m and not exceeding the width of the path adjacent to the building. Furthermore, the works should be carried out by an arborist so the tree is maintained in a healthy condition.”

6.2. Market Bosworth Society;

“The Market Bosworth Society was dismayed to hear of a large scale felling of trees on land belonging to the Bosworth Academy. This has caused significant distress to neighbours. We wonder why such drastic works have been undertaken especially during the bird nesting season. It also does not accord with current thinking that trees can help to reduce climate change. It appears to be at odds with Academy policy and a poor example to young minds.

The Society does recognise that trees must be pruned to maintain them in a healthy and useful condition. We ask that the Borough Tree Surveyor examines the trees and sets limits regarding the amount of pruning to be allowed. We believe that a distance of 1 metre should be sufficient to protect a building from fouling by a tree. This may depend upon the age and type of the tree.

As the trees form the frontage of the Community Library we are eager to ensure that the street scene is not adversely affected and changes are kept to a minimum.”

6.3. Bosworth Vision Group;

- No objections have been received.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026

- 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) (2023)
 - 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 Dogwood tree (T17) and the Japanese Maple tree are subject to a group tree preservation order and are therefore considered to have a high level of amenity value.
- 8.3 Paragraph 136 of the National Planning Policy Framework (NPPF) (2023) seeks to ensure that existing trees that make an important contribution to the character and quality of urban environments are 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 application seeks consent for a crown reduction to suitable growth points at building and roofline to the Dogwood tree (T17) and the Japanese Maple tree (T19) at The Market Bosworth School, Back Lane, Market Bosworth.
- 8.6 The trees are situated to the south of the application site, to a grassed amenity area. A pathway to the school's library, hosted by green, metal picket fence runs between the sites frontage creating a separation barrier between either tree. The Dogwood tree (T17) is situated to the west of the pathway and the Japanese Maple tree (T19) is situated to the east of the pathway.
- 8.7 Concerns have been outlined by Market Bosworth Parish Council and Market Bosworth Society in regards to the extent of the proposed crown reductions. To alleviate concerns clarification has been obtained from the applicant that the meterage of the crown reduction would be to 1.50-2.00 metres to give a sufficient

clearance from the building/roof line. The Local Planning Authority have therefore determined the proposal based on this information and consider that the proposed works are acceptable and will not result in a negative impact upon the amenity of the area.

- 8.8 By virtue of the above, the proposed works will not result in the damage or loss of a protected tree and therefore will preserve the amenity of Station Road and the surrounding area. The Local Planning Authority therefore deems the amended proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.9 The Local Planning Authority is required to consider the public benefit of proposed works to protected trees. The proposed works to the Dogwood tree (T17) and Japanese Maple tree (T19) are considered necessary in order to provide sufficient clearance from the school.
- 8.10 It is therefore considered that the proposed work is justified, 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.

10. Conclusion

- 10.1. In conclusion the proposed works to the Dogwood tree (T17) and the Japanese Maple tree (T19) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is therefore in accordance with Policy DM10 of the SADMP, Policy CE4 of the Market Bosworth Neighbourhood Plan and paragraph 136 of the NPPF. As a result, the application should be approved with 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 136 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 to the Dogwood tree (T17) and the Japanese Maple tree (T19) shall be restricted to the crown reduction to 1.50-2.00 metres at building and roofline 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 136 of the NPPF.

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.
- You are advised that if a tree in a conservation area is removed, uprooted or destroyed the landowner is placed under a duty to plant another tree of an appropriate size and species at the same place as soon as he or she

reasonably can.