

Delegated Report

Planning Ref: 24/00131/TPO

Applicant: Mr Williams

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 10 Sutton Lane Market Bosworth Nuneaton

Proposal: (T1) Lime - Raise canopy to 5 metres



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks consent to raise the canopy of the Lime tree (T1) to 5.00 metres at 10 Sutton Lane, Market Bosworth.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey semi-detached dwelling situated within the settlement boundary and conservation area of Market Bosworth. The application dwelling is compromised by the use of red brick and red cladding to the walls which is separated by stone to the ground and first floor. The dwelling features a pitched roof design which features white wood and stone to the gable and brown tiles to the roof. The front entrance porch sits to the southern elevation of the dwelling and compromises a mono-pitched roof.
- 3.2. The site features a blocked paved hardstanding to the south of the site which extends into the rear amenity area. The Lime tree is situated to the west of the site to the southern boundary and is therefore highly viewable from a public vantage point.
- 3.3. The Lime tree (T1) is protected by the Hinckley and Bosworth Tree Preservation Order reference 21/00001/TPORD.

4. Relevant planning history

20/01263/TCA

- Common Lime tree for pollarding down to the line of the adjacent mixed hedgerow at a height of approximately 2.5 metres. The tree is approximately 15m and not yet fully matured
- TPOREF
- 22.01.2021

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 Conservation Officer;

- No objections

6.2. Market Bosworth Parish Council;

- No objections

6.3. The Market Bosworth Society;

- *“Previously a request was made via an planning application to reduce this tree to hedge height. This would have a negative effect upon the street scene and therefore a TPO was placed upon the tree and the application declined. We feel that raising the crown to this extent would have a similar negative effect upon the street scene. The tree would look out of balance and would probably suffer damage as it would be top heavy. The tree has not finished its growing cycle and will be higher when mature. The application is to raise the canopy by 5 metres which is almost 3 metres higher than the outbuildings below is in our view excessive.*

We would support a more modest raising of the crown to say 3 metres to prevent fouling of the outbuildings.”

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment
- 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
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

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 and wider conservation area
- Whether the application is justified

Impact upon the amenity of the area and wider conservation 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 Lime tree (T1) is subject to a tree preservation order and therefore considered to have a high level of amenity value for the local area. 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 Lime tree is situated to the west of the site to the southern boundary and is therefore highly viewable from a public vantage point on Sutton Lane.
- 8.4 The Local Planning Authority have assessed the proposed works to the Lime tree (T1) and have concluded that the proposed works are considered proportionate and reasonable and would not detract from the amenity value of the area.
- 8.5 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

- 8.6 The works as proposed have been assessed by the Local Planning Authority. Works to the Lime tree (T1) are considered necessary in order to improve light to the garden without impacting on natural form.
- 8.7 The works are therefore considered acceptable and appropriate as long as the works are carried out as described. As a result, works are acceptable and should be allowed.

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 works to the Lime tree (T1) are considered reasonable due to the works being proportionate and minor. The Local Planning Authority is satisfied that the works proposed to the tree are necessary. The proposal is in accordance with policy DM10 of the SADMP and CE4 of the Market Bosworth Neighbourhood Plan. 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, Development Management Policies DPD, paragraph 136 of the NPPF and Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026.

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 Lime tree (T1) shall be restricted to the raising of the canopy to 5.00 metres 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, Development Management Policies DPD, paragraph 136 of the NPPF and Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026.

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.