

Delegated Report

Planning Ref: 25/00744/TPO

Applicant: Mr Entwistle

Ward: Markfield, Stanton and Fieldhead

Site: The Chapter House, 1 Quarrymans Court, Markfield, LE67 9XQ



**Hinckley & Bosworth
Borough Council**

Proposal: G1 - Group of 3x Mature Silver Birch - Reduce spread to East by 2m and reduce spread to West by 2m (over neighbours' property)

Case officer: Rudi Simpson

1. Recommendations

- 1.1. Grant consent subject to the conditions

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at The Chapter House, 1 Quarrymans Court, Markfield, LE67 9XQ

The original description for this application was

- **G1 - Group of 3x mature Silver Birch - Reduce spread to East by 2m, reduce spread to West by 2m (over neighbours' property) and thin canopy by 15%.**

However, this was amended after consultation with the HBBC Arboricultural officer to

- **G1 - Group of 3x mature Silver Birch - Reduce spread to East by 2m and reduce spread to West by 2m (over neighbours' property).**

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a residential dwelling situated within the Markfield settlement boundary and conservation area.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Borough Council (Land off Queen Street, Markfield) Tree Preservation order 1998.

4. Relevant Planning History 02/00150/TPO

- WORKS TO THREE TREES
- TPOPER
- 15.03.2002

09/00695/TPOCA

- WORKS TO THREE SILVER BIRCH TREES.
- TPOCAP
- 22.12.2009

13/00935/TPO

- Works to two silver birch trees (T1 and T2 on submitted plan)
- TPOPER
- 25.11.2013

17/01267/TPO

- Raise canopies to 4m, thin by 20% and crown clean to a group of 3 Silver Birches
- TPOPER
- 22.01.2018

20/00578/TPO

- Works to trees
- PERTPO
- 24.07.2020

20/00854/TPO

- Crown raise to 3x Silver Birch
- TPOPER
- 19.10.2020

22/00666/TPO

- G1 - Group of Silver Birch - Raise canopies to 4m from ground level. Thin canopies by 15%.
- PERTPO
- 19.08.2022

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. Markfield Parish Council
No comments have been received

HBBC Arboricultural Officer

"I am satisfied that the proposed reduction of the lateral spread of the Birch group represents sound and responsible tree management. This approach will help maintain appropriate clearance and structural balance while supporting the long-term health of the trees.

However, I do not support the proposed crown thinning operations. Crown thinning is now considered an outdated arboricultural practice, as research and industry experience have shown it offers no significant physiological or structural benefit to trees. It does not result in a meaningful increase in light penetration to the surrounding area, and in many cases, can lead to unnecessary wounding, increased susceptibility to pests and diseases, and disruption of the tree's

natural canopy dynamics. Current best practice favours targeted pruning to address specific structural or safety concerns rather than general thinning”

7. Policy

7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):

- Policy M5: 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 trees are subject to a 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) (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. The Markfield Neighbourhood Plan acknowledges the significance of trees and the role they play in ‘framing key buildings, softening the built fabric and enhancing the special character of the village’. The plan also acknowledges the importance of Tree preservation orders to ‘protect and preserve trees for public enjoyment, environmental and aesthetic purposes’.

8.5. This application seeks to reduce the spread of the lateral branches in the group of 3x mature Silver Birch trees (G1).

8.6. The trees are situated to the rear of the application dwelling. They offer a high level of amenity value due to their prominent position and visibility from the highway on Hillside.

8.7. The proposal has been assessed by the HBBC tree officer who didn’t feel that a crown trim was appropriate or best practice in this instance. He therefore suggested this be removed from the proposed scope of works

- 8.8. The revised works are similar in nature to works previously approved and are deemed necessary to ensure the balance of the crown is preserved. It is therefore expected that the works will ultimately enhance the overall amenity value of the trees.
- 8.9. 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

- 8.10 The HBBC tree officer is now satisfied that the revised works are reasonable and in the best interest of preserving the long term health of the tree.
- 8.11 The work is therefore considered to be justified as it would not result in the loss or damage of protected tree.
- 8.12 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 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 following 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 3 Mature Silver Birch (G1) shall be restricted to the reduction of the lateral spread to the East by 2m and the reduction of the lateral spread to the West by 2m

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.