

Delegated Report

Planning Reference 26/00417/TPO

Applicant Pannell

Ward Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Application Site Woodrowe Healthcare, Woodrowe House,
Ratby Lane, Markfield

Proposal T027 – Lombardy Polar – Fell stem
T028 – Sycamore – Fell stem
T029 – Lombardy Poplar – Fell stem
T033 – Sycamore – Fell stem

Justification - Recommended as 6-month priority works in the accompanying tree survey report

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this Report:

2. Planning Application Description

2.1. This application seeks consent for the following works at Woodrowe Healthcare, Woodrowe House, Ratby Lane, Markfield:

- T027 - Lombardy Poplar - Fell stem
- T028 - Sycamore - Fell stem
- T029 - Lombardy Poplar - Fell stem
- T033 - Sycamore - Fell stem

2.2. The proposed works are supported by a six-month priority works Tree Survey Schedule (submitted: 07.05.2026)

3. Description of the Site and the Surrounding Area

3.1. This application relates to 4 protected trees located within the grounds of Woodrowe House along Pinewood Close to the southeast of Markfield in the designated countryside within Charnwood Forest and the National Forest. The trees affected by the proposed work are protected under the Hinckley and Bosworth Borough Council Land to South West and North East Side of Ratby Lane, Markfield Tree Preservation Order 1998 (98/00004/TPORD).

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

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

6. Consultation

- 6.1 The Council's Arboricultural Officer raised no objections to the scheme, and considered the application to be accompanied by sufficient justification for the proposed works, subject to confirmation regarding replacement planting. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 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 Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):

- Policy M5: Trees
- Policy M10: Design

- 7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

- 8.2 Policy DM10(c) of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 The affected trees within this application are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The 1998 Tree Preservation Order provides protection for two separate areas (A1 and A2 on the TPO map) either side of the highway on Pinewood Court. The trees (T27, T28 and T29) are situated to the east and protected tree T33 is to the West. Due to the size and position of the trees, these trees are considered to play an important part for the character and the appearance of the local area.
- 8.4 The submitted Schedule of Works recommends works to several other trees or tree groups within the vicinity. However, it is important to note that this application is only considering works to the Lombardy Poplar (T027), the Sycamore (T028), the Lombardy Poplar (T029) and the Sycamore (T033).
- 8.5 The Council's Arboricultural Officer has assessed the application and is satisfied that sufficient justification has been provided to support the proposal to fell the trees. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010. Given the positive contribution the trees make to the character and appearance of the area, a replanting condition is considered expedient to mitigate any adverse impact upon the overall amenity of the site. By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable 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.
- 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 and therefore in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works shall be restricted to stem felling of the Lombardy Poplar (T027), the Sycamore (T028), the Lombardy Poplar (T029) and the Sycamore (T033) 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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal of the tree's details of the replacements including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The Applicant is advised that the consent hereby granted is only 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.
2. 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.
3. 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, the affected tree(s) should be surveyed for bats before any work is carried out.
4. 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. All works to trees should therefore done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. 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.