

Delegated Report

Planning Ref: 25/00148/TPO
Applicant: Dixie Grammar School
Ward: Cadeby Carlton M Bosworth & Shackerstone

**Site: Dixie Grammar School, Market Place, Market Bosworth,
Nuneaton, Leicestershire, CV13 0LE**

Proposal: T64 - Yew (Taxus Baccata) - Crown lift to 2m



**Hinckley & Bosworth
Borough Council**

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 Dixie Grammar School, Market Place, Market Bosworth, Nuneaton, Leicestershire, CV13 0LE
- T64 - Yew (Taxus Baccata) - Crown lift to 2m

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to an independent school located in Market Bosworth. Dixie Grammar School provides education for pupils aged 3-18 years old across two different sites. This application specifically relates to the secondary school located on Market Place, Market Bosworth.
- 3.2. The tree affected by the proposed work is protected by The Borough Council of Hinckley and Bosworth (Dixie Grammar School, Market Place, Market Bosworth, CV13 0LE) Tree Preservation Order (No 7) 2019 (19/00007/TPORD)

4. Relevant Planning History

04/01031/TPOCA

- REMOVAL AND WORKS TO TREES
- TPOCAP
- 17.09.2004

06/00745/TPOCA

- REMOVAL OF 3 TREES
- TPOCAP
- 16.08.2006

14/01197/TPOCA

- Removal of Goat Willow and Scotch Pine along with works to Leylandii, Sycamore, Cherry and Pine trees
- TPOCAP
- 12.01.2015

19/00390/TCA

- Works to trees
- TORDER
- 15.05.2019

21/00780/TCA

- T68 - Sycamore Provide 1m clearance around power cable, T71 - Sycamore Crown lift to 3m, T73 - Wild Cherry Take down to as close to ground level as possible, G1 - Conifers Fell x2 Reduce in height by 2m x 1 Reduce in height by 0.5m x 1
- DTM
- 19.08.2021

21/00820/TCA

- Hedge - Located near temporary classroom. Take down to ground level
- APPRET
- 14.07.2021

21/01126/TCA

- Crown reduction to 3x Conifers. Crown lift to 2x Sycamores. Fell Goat Willow.
- DTM
- 07.10.2021

25/00108/TCA

- Lawson Cypress (T66) Cut back southern face to allow as much clearance as reasonably possible
- Sycamore (T71) Sever Ivy and maintain clearance to the overhead phone cable
- Austrian Pine (T75) Remove Deadwood
- Austrian Pine (T76) Remove Deadwood
- Austrian Pine (T77) Remove North-East stem and reduce South-West stem by 2m
- Goat Willow (T79) Crown lift to 2m
- PERTCA
- 15.03.2025

5. Publicity

5.1. None relevant

6. Consultation

6.1. Market Bosworth Parish Council

“Market Bosworth Parish Council has no objections to this planning application.”

6.2. HBBC Conservation Officer

“As this tree is already covered by a Tree Preservation Order I have no comments to make on the proposal other than recommending any works are carried out in

accordance with the relevant British Standards for Tree Work and are in accordance with any advice provided by the Council's Tree Officer (if they are available)"

- 6.3. The Market Bosworth Society
"The Market Bosworth Society supports this application."

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. Market Bosworth Neighbourhood Plan 2014 – 2026 (MBNP) (2015):

- Policy CE4: Trees

- 7.3. National Planning Policies and Guidance:

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

- 7.4. 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 tree is subject to a tree preservation order and is 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. 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 tree is located in the north west corner of the site, set back from the wall. This application has been requested as the branches within the lower crown are beginning to overhang seating area.

- 8.6. The proposed works are therefore considered to be acceptable. They would not result in the loss or damage to a protected tree and will not have a significant

negative impact upon the character and appearance of the area.

- 8.7. 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

- 8.8. The work proposed has been assessed and is considered to be necessary in order to maintain public safety by providing adequate clearance over the seating area.
- 8.9. 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 necessary. The proposal is, therefore in accordance with policy DM10 of the SADMP 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 the planning 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 Yew (*Taxus Baccata*) (T64) shall be restricted to crown lifting to 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.

