DELEGATED REPORT

Recommendation Made:

Reference:- 11/00146/TPOCA **Parish:- Markfield Parish Council**

Applicant:- Mrs Sarah Payne
51 The Green
Markfield
Leicestershire
LE67 9WD

Location:- 51 The Green Markfield Leicestershire LE67 9WD

Proposal:- WORKS TO FOUR TREES AND REMOVAL OF TWO TREES.

Introduction:-

The is application seeks to notify the Local Planning Authority of intent to remove two trees and carry out works to five trees at 51 The Green, Markfield. The trees fall within Markfield Conservation Area but are not currently protected by a Tree Preservation Order.

Tree works Schedule

T1 Whitebeam: Remove 2 low limbs over garden and raise to 10ft
T2 Walnut : Raise by bottom 3/4 branches
T3 Purple Plum : Shape and Reduce
T5 Hawthorne : Reduce by 6ft and shape
T6 Hawthorne : Prune away from building to give 6ft clearance
T7 Laburnums : Remove and treat stump

Trees identified as T1,T2,T3 and T5 on the submitted plans are located at the front of the property and are clearly visible to Mill Hill Lane, Hill Side, The Green and the public area of St Michaels and All Angels C Of E Parish Church. A public footpath extends along the side of the property and The Green is used to access the public allotments to the rear of the site.

Relevant site history

06/00478/TPOCA - Felling of two trees - Permitted
06/00855/TPOCA - Works to trees - Permitted

Consultations:-

No consultation response has been received from Markfield Parish Council

The Local Planning Authority's Tree Officer has commented as follows :

Trees T5 Hawthorn and T4 Norway Maple do not merit a Tree Preservation Order.

Most other trees (which are part of this application) and more do merit a Tree Preservation Order. There is high public visibility from the road and both lanes and as a result the trees provide good amenity at present and will continue to do so in the future.

The specifications are too vague and the works described are excessive in some cases and if work is undertaken, it would be detrimental to the amenity value and the trees' health.

The Tree Officer has also recommended that three other trees on site are of equal value, although they do not form part of this notification.

Development Plan Policies:-

No policies

Appraisal:-

The main consideration with regards to this notification is whether these trees are worthy of protecting with a Tree Preservation Order having regard to amenity, health and threat.

Siting and Amenity

The trees within the front and rear garden of No. 51 The Green Markfield are visible to the public from the opposite Church Yard and both roads which run along side the site. As a result, the trees are a key feature in the street scene and are in a prime position to provide a high level of amenity value.

Health of the trees

Trees T5 Hawthorn and T4 Norway Maple are poor specimens and do not warrant protection.

Trees T1 Whitebeam, T2 Walnut, T3 Purple leaf Plum, T6 Hawthorn and T7 Laburnum are valuable now and are highly likely to continue to provide amenity value in the future. The proposed works which have been described for T5 and T3 are not precise enough to consider impact. The works identified to be carried out to T1 and T2 and considered to be excessive. These trees are considered to be of a healthy standard which does warrant a Tree Preservation Order.

In summary, trees T5 Hawthorn and T4 Norway Maple do not warrant protection due to their poor physical form. However, collectively, trees T1 Whitebeam, T2 Walnut, T3 Purple Plum, T6 Hawthorne and T7 Laburnum provide a high level of amenity level and are of a good enough health to warrant protecting with a Tree Preservation Order. The specification of works provided with this application is considered excessive and too vague in some cases and if permitted, are likely to have a detrimental affect on the health and amenity of the trees.

In addition to the trees which from part of this application, three further trees have been identified as being suitable for protection with a Tree Preservation Order as they are appear healthy and are also sited on the front garden in view of the public. The specie's are a Snowy Mespil, Cherry and Silver Birch Tree.

On this basis it is recommend that no objection be raised to the removal of T5 Hawthorn and T4 Maple which are located at the front of the site and a provisional group Tree Preservation Order be placed on the remainder of the site excluding trees to the rear of the property which are not clearly visible to the public.

It is also proposed that a note should be placed on any decision notice issued advising the applicant to contact the Local Planning Authority's Arboricultural specialist for advice regarding appropriate work to the trees and that any further applications to carry out works to the trees must be accompanied by a schedule of works equivalent to the standard required by BS3998:2010.

Recommendation:

In respect of trees T1Whitebeam, T2 Walnut, T3 Purple Plum, T6 Hawthorn and T7 Laburnums, Hinckley and Bosworth Borough Council is unable to grant consent for the works proposed in the application referred to in Part 1 hereof in accordance with the application form and plans submitted as their loss would have a detrimental effect on the visual amenity of the area.

The Hinckley and Bosworth Borough Council has made a Tree Preservation Order in respect of the trees and no works to the trees shall be carried out until the appropriate application has been received and determined by the Local Planning Authority.

In respect of tree T5 Hawthorne, no objection is raised to the removal of this tree as it is not considered suitable to merit the protection of a Tree Preservation Order.

Reasons :-

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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