

Delegated Report

Planning Ref: 23/00569/TPO

Applicant: Mrs Simone Walton

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Grange 2 Barton Road Market Bosworth

Proposal: (T1) - Copper Beech tree - Conduct a crown lift to approximately 5 meters to clear the building

1. Recommendations

- 1.1. **Refuse Tree Preservation Order Works** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. The application seeks to conduct a crown lift to a Copper Beech tree (T1) at The Grange, 2 Barton Road, Market Bosworth by approximately 5 metres.

3. Description of the site and surrounding area

- 1.1. The site is located within Market Bosworth Conservation Area and measures approximately 700 square metres. The site currently hosts a generous amount of office space (Class E) following a changes of use from a dwellinghouse. There are a number of mature and semi mature trees around the site within the grounds of the site. The building is a three storey building with under croft parking set back from Barton Road. Ground levels rise gradually from Barton Road to the west of the application site, and the site occupies an elevated position within the street.
- 3.1. The Copper Beech tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 00/00010/TPO. It sits to the northern side of the site approximately 15.20 metres from the highway (Barton Road).

4. Relevant planning history

02/00837/TPO

- WORKS TO TREES
- TPOPER
- 13.09.2002

97/00936/TPO

- REMOVAL OF ONE TREE AND GENERAL MAINTENANCE WORK TO FOUR TREES
- TPOCAP
- 03.11.1997

16/00080/COU

- Change of use of dwelling (C3) to an office (B1a)

- PER
- 22.03.2016

18/00203/TPO

- T1 Beech- Crown lift to 7m on the south side for building clearance. Shorten higher branches over the roof of 2 Barton Road to improve clearance from the chimney stack. Remove two low secondary branches from the low limb over the conifers to the west (front).
- T2 Birch- Pollard to a reduced shape and framework under the wires.
- T3 Cherry- Prune away from the wires but also with some formative pruning and total reshaping
- TPOPER
- 26.04.2018

23/00589/TCA

- (T1 & T2) - Eucalyptus Trees - Fell
- DTM
- 11.07.2023

91/00580/4L

- ERECTION OF ONE DWELLING AND GARAGES
- REFLIS
- 24.09.1991

91/00578/4

- ERECTION DWELLING AND GARAGES
- REF
- 24.09.1991

91/01111/4

- EXTENSION TO DWELLING CHANGE OF USE OF AGRICULTURAL LAND AND NEW ACCESS
- PER
- 21.01.1992

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. No objections have been received from the below consultees;
- Market Bosworth Parish Council
 - HBBC Conservation Officer
- 6.2. The below comments have been received from The HBBC Aboricultural Officer;

The work description is too vague.

I advise that the applicant provides an arborist's specification for tree surgery work that clearly defines any proposed work in accordance with BS3998:2010. Otherwise I recommend refusal of the application.

Crown lifting to a specified height may be more appropriate to clear a building. If the crown is to be thinned, the reason must be identified and the percentage defined. If specific branches are to be shortened, specify by how much.

6.3. The below comments have been received from The Market Bosworth Society;

The Market Bosworth Society has no objections to the proposed work. We would however, in view of the trees amenity value to the community ask that the following conditions are considered.

1. The beech tree should be pruned either in late winter or early spring during its dormant period. This will ensure that it doesn't bleed sap, which attracts insects that could be carrying spores and diseases that will affect the tree. It would be a shame to introduce disease to this tree when it can be avoided.
2. The work is carried out by a qualified and experienced arborists, with particular knowledge of Beech trees.

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- 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 Copper Beech 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 HBBC Arboricultural Officer has assessed the Copper Beech tree. The proposed description to crown lift the tree by approximately 5 metres is vague; and by virtue if approved would be highly damaging towards both towards the tree and the amenity of the area.
- 8.4 An revised description was sought on the 16th August and the 12th September. No further response in relations to the revision have been received.
- 8.5 Overall the proposed works to (T1) would have a significant, negative impact upon the overall character, appearance and visual amenity of the area.

Whether the application is justified

- 8.6 The work as proposed has been assessed by the HBBC Arboricultural Officer and has been considered to be unnecessary and highly damaging. Therefore, the application is recommended refusal.

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. The proposed works to crown lift (T1) by approximately 5 metres at Grange, 2 Barton Road, Market Bosworth would have a significant, negative impact upon the overall character, appearance and visual amenity of the area, and would be highly damaging to the Copper Beech tree without proper justification. The proposed work would not be in accordance with the Tree Officer's recommendations and would therefore be unacceptable. The proposal is contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 131 of the

11. Recommendation

1.2. Refuse Tree Preservation Order Works subject to the reasons at the end of this report.

11.1 Reasons

1. Without any satisfactory justification, the proposed works would result in a loss of natural form to a protected trees in acceptable condition, with no safety concerns. The proposed development would therefore result in a significant detrimental impact upon the visual amenity, contrary to Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.2 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.