

Delegated Report

Planning Ref: 23/00380/TPO
Applicant: Mr Shawn Booth
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 188 Main Street Markfield Leicestershire

Proposal: T1 - Sycamore (Acer psuedoplatanus) - Shorten East facing low limb, which is extending over the boundary of No.188 Main Street to No.16 The Paddock by up to 2m.

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks consent to short the east facing low limb which extends over the boundary of 188 Main Street to 16 The Paddock by 2 metres.

3. Description of the site and surrounding area

- 3.1. The application site is a locally valued asset. It comprises a two-storey detached dwelling situated within the settlement boundary and conservation area of Markfield. No. 188 is situated to the eastern side of Main Street.
- 3.2. The Sycamore tree (T1) is situated to the rear of the application dwelling, however can be partially viewed from Main Street and The Paddock, due to the overall size of the tree.
- 3.3. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 80/00002/TPORD.

4. Relevant planning history

10/00050/TPO

- WORKS TO SYCAMORE TREE (T6 ON TPO)
- TPOPER
- 10.03.2010

15/00606/TPO

- Works to trees
- TPOPER
- 23.07.2015

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 following consultees;

- Markfield Parish Council
- The HBBC Conservation Officer
- The HBBC Arboricultural Officer

7. Policy

7.1. Markfield Neighbourhood Plan 2020-2039

- Policy M2: Landscape Character
- Policy M5: Trees
- Policy M9: Locally Valued Heritage Assets

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centre Relating to Leicester
- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

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. Sycamore tree (T1) is subject to a tree preservation order and therefore considered to have a high level of amenity value for the local area.

8.3 The Sycamore tree (T1) is located to the rear eastern boundary of the application site. T1 is situated within close proximity of both 186 Main Street and 16 The Paddock and due to its size the tree can be viewed from a public vantage point from both Main Street and The Paddock.

- 8.4 Policy DM11 of the SADMP requires that consideration should be given to protect, conserve and enhance the historic environment throughout the borough.
- 8.5 Policy DM12 of the SADMP requires that consideration be given to ensure that heritage assets to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. 188 Main Street is a listed heritage asset and therefore considered to contribute to the distinctiveness of the area.
- 8.6 Policy M9 of the Markfield Neighbourhood Plan states that *“Development proposals that will affect the following locally valued heritage assets or their setting will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 8.7 The works proposed to the Sycamore would not have a significant impact upon the amenity of the area and would neither affect the settling of the application dwelling, by virtue of the works being minor and reasonable.
- 8.8 By virtue of the proposed being in accordance with policies DM10, DM11 and DM12 of the SADMP and policies M2, M5 and M9 of the Markfield Neighbourhood Plan the proposed works are deemed acceptable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.9 Works to the Sycamore tree (T1) are considered to be justified. The proposed works will enable the limb of the tree to be pulled in line with the rest of the eastern side of the crown, reducing the overhang of the tree which at present extends over the boundary line of 16 The Paddock.

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. In conclusion the proposed works to the Sycamore tree (T1) are considered reasonable due to the tree having outgrown its context. The HBBC Tree Officer is satisfied that the works proposed to the tree is necessary. The proposal is in accordance with policy DM10, DM11 and DM12 of the SADMP and Policies M2, M5

and M9 of the Markfield Neighbourhood Plan. As a result, the application should be approved with conditions set out below.

11. Recommendation

11.1 Grant consent subject to:

- Planning conditions outlined at the end of this report

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 trees in accordance with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, paragraph 131 of the NPPF, and policies M2, M5 and M9 of the Markfield Neighbourhood Plan.

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 Sycamore tree (T1) shall be restricted to the shortening of the east facing low limb which extends over the boundary of 16 The Paddock by 2 metres 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, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, paragraph 131 of the NPPF, and policies M2, M5 and M9 of the Markfield Neighbourhood Plan.

11.3 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.
- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.