

Delegated Report

Planning Ref: 23/01105/TPO

Applicant: Mrs Walton

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Grange 2 Barton Road Market Bosworth

Proposal: (T1) - Beech - Crown reduction by 2-3m to form a more compact crown. Cut back the lower canopy to improve the clearance to both adjacent properties (2-3m Clearance).

1. Recommendations

1.1. Grant consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks consent to conduct the following works to the Beech tree (T1) at The Grange, 2 Barton Road, Market Bosworth;

- Crown reduction by 2.00 - 3.00 metres;
- Cut back of the lower canopy by 2.00 - 3.00 metres

3. Description of the site and surrounding area

- 3.1.** 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.
- 3.2.** The Copper Beech tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 00/00010/TPORD. It sits to the northern side of the site approximately 15.20 metres from the highway (Barton Road).
- 3.3.** An application (23/00569/TPO) was refused for works to T1 in November 2023.

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

23/00569/TPO

- (T1) - Copper Beech tree - Conduct a crown lift to approximately 5 meters to clear the building
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- REFTPO
- 06.11.2023

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
 - The HBBC Conservation Officer
 - The HBBC Aboricultural Officer

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 Copper Beech tree (T1) is situated to the northern boundary of the site and overhangs the neighbouring dwelling, 18 Barton Road, Market Bosworth.

- 8.4 An application (23/00569/TPO) was refused for works to T1 in November 2023 as the description to crown lift the tree by approximately 5 metres was vague; and by virtue if approved would have been highly damaging towards both towards the tree and the amenity of the area.
- 8.5 The HBBC Arboricultural Officer has assessed the proposed works to the Copper Beech tree and has concluded that the revised proposed works are considered proportionate and reasonable and would not detract from the amenity value of the area.
- 8.6 The HBBC Arboricultural Officer recommended the proposed works are suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7 Works to the Copper Beech tree (T1) are considered to be justified. The mature Beech has a 15.00 metre crown spread and is positioned in a 7.00 metre gap between two dwellings, the proposed crown reduction is therefore a sensible operation to carry out to enable the tree to better co-exist within the built environment.
- 8.8 The application is therefore considered to be justified in accordance with Policy DM10 of the SADMP and Policies CE1 and CE4 of the Market Bosworth Neighbourhood Plan.

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 works to the Copper Beech tree (T1) are considered reasonable due to the works being proportionate and minor. The HBBC Arboricultural Officer is satisfied that the works proposed to the tree are necessary. The proposal is in accordance with policy DM10 of the SADMP. 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 tree in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and paragraph 131 of the NPPF.

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 Beech tree (T1) shall be restricted to the crown reduction by 2.00 - 3.00 metres and to the cutting back of the lower canopy by 2.00 - 3.00 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 of the Site Allocations and Development Management Policies DPD and paragraph 131 of the NPPF.

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.

