

Delegated Report

Planning Reference 25/01106/TPO
Applicant(s) Mrs Charlotte Knot
Ward Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site Beech House, 7 Church Street, Market Bosworth,
Nuneaton, Leicestershire, CV13 0LG

Proposal

T1 (Corsican Pine) – Removal due to suppressed Ivy and constrained location. Replacement: Korean fir (*Abies koreana*).

T2 (Scots Pine) – Removal suitable due to limited remaining contribution. Replacement: Western hemlock (*Tsuga heterophylla*).

T3 (Self-Seeded Sycamore) – Removal with no replacement, as given its age it would not fall under the existing TPO on the site.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report:

2. Planning Application Description

2.1. This application seeks consent for the following works at Beech House, 7 Church Street, Market Bosworth:

- T1 (Corsican Pine) – Removal due to suppressed Ivy and constrained location. Replacement: Korean fir (*Abies koreana*).
- T2 (Scots Pine) – Removal suitable due to limited remaining contribution. Replacement: Western hemlock (*Tsuga heterophylla*).
- T3 (Self-Seeded Sycamore) – Removal with no replacement, as given its age it would not fall under the existing TPO on the site.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to Corsican Pine, Scots Pine and Sycamore trees located to the west of Church Street and situated to the rear of No. 7, Beech House, within the settlement boundary of Market Bosworth and its Conservation Area.

- 3.2. The trees affected by the proposed works are protected under A1 of the Hinckley and Bosworth, Market Bosworth (Bosworth Hall and The Wilderness) Tree Preservation Order 87/00008/TPORD which protects a variety of trees. Whilst on site, the Council's Arboricultural Officer noted that whilst T1 (Corsican Pine) and T2 (Scots Pine) falls under 87/00008/TPORD, the age of T3 (Self-Seeded Sycamore) indicates that it would not fall under the Tree Preservation Order.

4. Relevant Planning History

4.1 24/01153/TCA

- G1 - Mixed species group of Cypress, Holly and low level shrubbery. Over mature with some dead and poorly formed specimens. Fell to allow re-planting and landscaping of area. T1 - Sycamore -Self set stem located on abutting the boundary. Fell due to poor siting and outgrown location; no plans to re-plant for these reasons
- Permitted
- 03.02.2025

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. No responses have been received.

6. Consultation

- 6.1 Market Bosworth Parish Council objected to the development because the submitted plans were unclear and no supporting arboricultural information was submitted to justify the proposed works.
- 6.2 Whilst the Market Bosworth Society did not object to the proposal, concerns were raised in relation to the clarity of the submitted details, the lack of arboricultural justification for the removal of the trees, and the fact only two of three trees are proposed to be replaced.
- 6.3 Originally, the Council's Arboricultural Officer also objected to the application due to the limited supporting information which failed to establish whether the works were necessary and consistent with arboricultural practice. However, following a site visit undertaken by the Case Officer, the Council's Arboricultural Officer and the Agent on 23 January 2026, the Arboricultural Officer confirmed that the removal of all three trees was justified in these site-specific circumstances. Given the age and location of T3, the Arboricultural Officer did not consider the self-seeded Sycamore tree to be protected by the existing Tree Preservation Order.
- 6.4 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- No relevant policies.

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Market Bosworth Neighbourhood Plan 2020 – 2039 (MBNP) (2025):

- Policy CE4: Trees and Hedgerows

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets.

8.3 Policy CE4 of the MBNP states mature trees, woodland and ancient hedgerows should be protected wherever possible, and the loss or damage or any mature trees, woodlands, or hedgerows will not be supported unless a satisfactory scheme for the replacement of lost trees, woodlands and hedgerows or mitigation of any damage to the landscape is agreed.

8.4 Given its position and age, T3 (Self-Seeded Sycamore) would not be considered to be subject to the existing Tree Preservation Order within the site.

- 8.5 Whilst it is appreciated that T3 is located within the Market Bosworth Conservation Area, and the Council's Arboricultural Officer confirmed that three was not worthy of a Tree Preservation Order under a TEMPO assessment, nor was it suitable for replacement given the constraints of the application site.
- 8.6 By virtue of these factors, the removal of T3 would not be considered to result in any significant adverse impacts to the character of the surrounding area or the Market Bosworth Conservation Area in accordance with Policies DM10, DM11, and DM12 of the SADMP, and Policy CE4 of the MBNP.
- 8.7 However, T1 (Corsican Pine) and T2 (Scots Pine) are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value that contributes to the character and appearance, and thus significance, of the local area and the Market Bosworth Conservation Area.
- 8.8 Upon an inspection of the affected trees, the Arboricultural Officer considered the condition of T1 (Corsican Pine) to have been suppressed by ivy and a mature neighbouring tree, and to have a poor form due to its location. The Arboricultural Officer also considered T2 (Scots Pine) to have limited remaining contribution to the character of the area. In light of this, the Arboricultural Officer considered that removal of the affected protected tree to be justified in these site-specific circumstances, subject to the provision of a suitable replacement tree.
- 8.9 By virtue of these factors, the removal of T1 and T2 would not be considered to result in any significant adverse impacts to the character of the surrounding area or the Market Bosworth Conservation Area in accordance with Policies DM10, DM11, and DM12 of the SADMP, and Policy CE4 of the MBNP.

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.
- 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 acceptable and therefore in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant consent** subject to conditions at the end of this report:

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to the Corsican, Scots and Self-Seeded Sycamore trees (T1, T2, T3) shall be restricted to the removal 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 Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

4. Within one month of the removal of the Corsican Pine (T1) and Scots Pine (T2) details of the replacement Korean fir (*Abies koreana*) and Western Hemlock (*Tsuga heterophylla*) and including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement trees shall be of container-grown standards, each in a pot with a minimum volume of 35 litres and sited outside of the existing crowns and driplines. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. **Notes to Applicant(s)**

1. The Applicant is advised that the consent hereby granted is only 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.
2. 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.
3. 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, the affected tree(s) should be surveyed for bats before any work is carried out.
4. 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. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. 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.