

Delegated Report

Planning Ref: 23/00651/TPO

Applicant: Denise Bray

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 18 The Paddock Markfield Leicestershire

Proposal: (T1) - Beech (*Fagus sylvatica*) - Reduce the height of the crown by up to 3m and lateral spread by up to 2.5m

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);

- Reduce the height of the crown by up to 3.00 metres
- Reduction in the lateral spread by up to 2.50 metres

3. Description of the site and surrounding area

3.1. The application site relates to a detached bungalow situated within the settlement boundary of Markfield. The exterior of the dwelling comprises a mixture of red brick and stone to the walls, brown tiles to the roof and white uPVC windows and doors. The dwelling hosts a block paved driveway, with an area of vegetation and stones to the north east of the driveway. A detached single car garage sits behind the principle elevation of the existing dwellinghouse.

3.2. The Beech tree (T1) is situated to the rear of the application dwelling and sits on the northern boundary line. The tree is currently protected by the Hinckley and Bosworth Tree Preservation Order reference 80/00002/TPORD.

4. Relevant planning history

07/00195/TPO

- WORKS TO TREES
- TPOPER
- 15.03.2007

12/00729/TPO

- WORKS TO BEECH TREE (T1 ON TPO)
- TPOPER
- 09.11.2012

16/00627/TPO

- Crown 1 beech tree by 20% and reshaping by reducing branch tips by up to 1 Metre

- TPOPER
- 02.09.2016

18/00989/TPO

- Works to Beech tree
- TPOPER
- 04.12.2018

80/00837/4

- ERECTION OF 19 DWELLINGS WITH GARAGES ROADS AND SEWERS
- PER
- 30.09.1980

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;
- The HBBC Arboricultural Officer
 - Markfield Parish Council

7. Policy

- 7.1. Markfield Neighbourhood Plan 2020-2039
- Policy M2: Landscape Character
 - Policy M5: Trees
- 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
- 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. 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 M5 of the Markfield Neighbourhood Plan seeks to ensure that replacement planting takes place where development proposals that result in the unavoidable loss of trees or hedgerows.

8.3 The Beech tree (T1) is situated to the rear of the application dwelling and sits on the northern boundary line close to 2 Leicester Road, Markfield and the drystone boundary wall. T1 can be viewed from the street scene of Leicester Road due to its size.

8.4 The proposed works have been assessed by The HBBC Arboricultural Officer and have been considered to be acceptable in order to maintain the tree. The proposed works would not result in the loss of a tree, and therefore would be in accordance with Policy M5 of the Markfield Neighbourhood Plan and Policy DM10 of the SADMP as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.5 Works to the Beech tree (T1) have been deemed acceptable by the HBBC Arboricultural Officer. The proposed works are a repeat of cyclic works which helps maintain the tree at a size considered appropriate for its position.

8.6 It is therefore considered that the proposed work is justified, in accordance with Policy DM10 of the SADMP.

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 Beech tree (T1) are considered reasonable due to the works being minor, the works will ensure that the tree is maintained at a reasonable size for its location. The HBBC Tree Officer is satisfied that the works proposed to the trees are necessary. The proposal is in accordance with policy DM10 of the SADMP and Policy M5 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 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 reduction in the height of the crown by up to 3.00 metres and reduction in the lateral spread by up to 2.50 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.