

Delegated Report

Planning Ref: 23/00892/TPO

Applicant: Mr Kinch

Ward: Markfield Stanton & Fieldhead

Site: 6 The Paddock Markfield Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: (T2) - Pine - Take down to ground level

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 take down the Pine tree (T2) to ground level at 6 The Paddock, Markfield.

3. Description of the site and surrounding area

- 3.1. The site relates to a two-storey detached dwelling situated within a cul-de sac, within the settlement boundary of Markfield. The application dwelling comprises a mixture of red brick and stone to the walls, brown tiles to the roof and white uPVC to the windows. To the front the plot features a tarmac driveway and double garage.
- 1.2. The trees is protected by the Hinckley and Bosworth Tree Preservation Order reference 80/00002/TPORD. There are other Tree Preservation Orders are in place in the area, including 17/00004/TPORD, and 80/00004/TPORD for trees between Main Street, The Paddock, Dandeys Close, and Park Avenue.

4. Relevant planning history

02/01354/TPO

- REMOVAL OF FIVE LAWSON CYPRESS
- TPOPER
- 06.01.2003

98/00707/TPO

- WORKS TO PRESERVED TREES
- TPOPER
- 23.09.1998

07/01398/TPO

- WORKS TO ONE OAK TREE
- TPOPER
- 07.01.2008

10/00721/TPO

- REMOVAL OF TWO PINE TREES
- TPOSPL
- 05.11.2010

84/00777/4

- ERECTION OF ONE DETACHED HOUSE AND TWO SINGLE GARAGES
- REF
- 23.10.1984

89/00245/4

- EXTENSION TO HOUSE
- PER
- 21.03.1989

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 Aboricultural Officer
 - Markfield Parish Council

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- 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
 - 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

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 Pine tree is subject to a tree preservation order and therefore considered to contribute towards a high level of amenity value. Policy M5 of the Markfield Neighbourhood Plan seeks to ensure that proposals will be supported where they do not result in the unavoidable loss of trees or hedgerows.

8.3 The Pine tree (T2) is situated in the rear garden of 6 The Paddock, to the eastern corner of the site. The tree is partially viewable from a public vantage point from The Paddock. The proposed works have been assessed by the HBBC Arboricultural Officer and have deemed acceptable and would not have a significant impact upon the amenity of the area due to the works being minor and necessary.

8.4 By virtue of the proposed being in accordance with policies DM1 and DM10 of the SADMP and Policy M5 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

8.5 The Local Planning Authority is required to consider the public benefit of proposed work to the protected tree. The proposed works to the Pine tree are considered to be justified. The trees condition has severely deteriorated and it therefore requires felling for safety reasons. A number of pines have died in the Markfield area this year; possibly due to Dothistroma needle blight or Fusarium pitch canker. The proposed work is in accordance with Policy DM10 of the SADMP and Policy M5 of the Markfield 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 proposed works to the Pine tree (T2) are considered reasonable. The HBBC Tree Officer is satisfied that the works proposed to the tree is necessary for safety reasons. The proposal is in accordance with policies DM1 and 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 Pine tree (T2) shall be restricted to the taking down to ground level 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.