

Delegated Report

Planning Reference 26/00088/TPO
Applicant(s) Mr Martin Piggins
Ward Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site The Market Bosworth School, Back Lane, Market Bosworth,

Proposal

T8 Maritime Pine - Deadwood within the crown, clean out.
T32 Large leafed Lime -Deadwood and broken hanging branch in crown, clean out.
T34 Silver Birch - Poor in advanced decline, section fell.
T40 Silver Birch - Fair, crown reduce three lowest branches over bus bay back to trunk.
T42 Silver Birch - Fair, crown reduce leggy upright leader down to small branch growing away from the school.
T43 Silver Birch - Fair, crown reduce branch over bus bay back to trunk to leave a more upright structure.

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 The Market Bosworth School, Back Lane, Market Bosworth:

- T8 (Maritime Pine) (Deadwood within the crown, clean out.)
- T32 (Large Leafed Lime) (Deadwood and broken hanging branch in crown, clean out.)
- T34 (Silver Birch) (Poor in advanced decline, section fell.)
- T40 (Silver Birch) (Fair, crown reduce three lowest branches over bus bay back to trunk.)
- T42 (Silver Birch) (Fair, crown reduce leggy upright leader down to small branch growing away from the school.)
- T43 (Silver Birch) (Fair, crown reduce branch over bus bay back to trunk to leave a more upright structure.)

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to several trees located to north, east and south of The Market Bosworth School within Market Bosworth. The trees affected by the proposed works are protected by The Borough Council of Hinckley and Bosworth (The Market Bosworth School, Back Lane, Market Bosworth) (No. 4) Tree Preservation Order 23/00004/TPOR, which protects of variety of trees.

4. Relevant Planning History

4.1 24/01129/TPO

- T39 Silver birch – Reduce main leader to below area of damage/decay.
- Permitted.
- 06.02.2025.

4.2 24/00730/TPO

- T9 – Lime tree – Crown lift tree by 2.00 metres.
- Permitted.
- 16.09.2024.

4.3 24/00595/TPO

- T17 - Dogwood - Crown reduction to suitable growth points at building and roofline only, to give a clearance from building. T19 - Japanese Maple - Crown reduction to suitable growth points at building and roofline only, to give a clearance from building.
- Permitted.
- 09.08.2024.

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order and therefore no publication took place for this application.

6. Consultation

- 6.1 The Council's Arboricultural Officer had no objections to the proposed works, subject to the provision of specific species and planting details for the replacement tree following the removal of T34 (Silver Birch). The Council's Arboricultural Officer confirmed that that a replacement Silver Birch of 12-14cm would be acceptable.
- 6.2 Market Bosworth Parish Council raised no objections to the proposed works.

6.3 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 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.

8.3 The affected tree(s) are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The trees (T8, T32, T34, T40, T42, T43) are situated to the north, east and south of The Market Bosworth School and due to the size and position of the trees, they are considered to play an important part for the character and the appearance of the local area.

8.4 The Council's Arboricultural Officer has assessed the application and supports the proposed works, which includes removal of deadwood, section fell and crown reduction of branches, as part of ongoing sustainable tree management. It is therefore considered that the proposed works would be suitable as long as they are carried out in accordance with BS 3998:2010.

- 8.5 By virtue of the above, it is considered that the proposed work would not have a significant impact upon public amenity and would therefore be acceptable 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.

- 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 would be 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 Maritime (T8), Lime (T32) and Silver Birch trees (T34, T40, T42 and T43) shall be restricted to cleaning out deadwood, section fell and crown reduction 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 Silver Birch (T34), details of the replacement Silver Birch, 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 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 the 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.