

Delegated Report

Planning Ref: 24/00195/TPO

Applicant: Mr William Oliver

Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Osbaston House Farm Lount Road Osbaston

Proposal: T1 - Copper Beech tree - Raise the lower canopy from 2.00 metres to 3.00 metres, removing lateral growth and small braches only. Reduce the NW canopy spread from 13.50 metres to 11.00 metres, the SW canopy spread from 14.50 metres to 12.00 metres. Remove heat damaged limbs.

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 below works to the Copper Beech tree (T1) at Osbaston House Farm, Lount Road, Osbaston;

- Raise the lower canopy from 2.00 metres to 3.00 metres, removing lateral growth and small braches only;
- Reduce the NW canopy spread from 13.50 metres to 11.00 metres;
- Reduce the SW canopy spread from 14.50 metres to 12.00 metres;
- Remove heat damaged limbs.

3. Description of the site and surrounding area

3.1. Osbaston House Farm is a (61.00 hectare) agricultural holding situated outside of the settlement boundary of Osbaston. The farm includes 57.00 hectares of arable cropping, and 4.00 hectares of permanent grassland which is utilised for grazing of cattle. The farm also includes a diversified glamping business which is known as 'The Dandelion Hideaway'.

3.2. The site is surrounded by a vast area of Greenland and a handful of residential dwellings. To the north-east of the site sits a public right of way footpath (S54) which is joined from the A447 north-west footpath (S51).

3.3. The Copper Beech tree (T1) is situated to the north (front) of the site and is therefore highly viewable from the adjacent highway, Lount Road. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 19/00009/TPORD.

4. Relevant planning history

93/00156/4

- EXTENSION TO AGRICULTURAL BUILDING
- PER
- 02.04.1993

93/00155/4

- EXTENSION TO AGRICULTURAL BUILDING
- PER
- 02.04.1993

02/00504/FUL

- ERECTION OF AGRICULTURAL BUILDING TO HOUSE LIVESTOCK
- PER
- 19.06.2002

02/00505/FUL

- ERECTION OF AGRICULTURAL BUILDING TO HOUSE LIVESTOCK
- PER
- 19.06.2002

97/00341/GDO

- AGRICULTURAL BUILDING
- GDO
- 21.04.1997

03/01444/FUL

- ERECTION OF AGRICULTURAL LIVESTOCK BUILDING
- PER
- 17.02.2004

07/00391/COU

- CHANGE OF USE OF AGRICULTURAL LAND FOR THE SITING OF 5 TENTS WITH SHOWER BLOCK AND ASSOCIATED CAR PARKING
- PER
- 30.05.2007

07/01073/FUL

- SITING OF TWO AGRICULTURAL WORKERS CARAVANS
- PER
- 19.12.2007

09/00625/CONDIT

- VARIATION OF CONDITION NO.5 OF PLANNING PERMISSION 07/00391/COU TO INCREASE THE NUMBER OF TENTS FROM FIVE TO NINE.
- PER
- 05.11.2009

13/00739/FUL

- Temporary Permission to site two mobile homes to house agricultural workers (see 13/00886/FUL)

- APPRET
- 10.10.2013

13/00886/FUL

- Temporary permission to site one mobile home to house agricultural workers
- PER
- 11.12.2013

22/00152/FUL

- Change of use of agricultural buildings to B8 storage and distribution.
- PER
- 05.10.2022

22/01016/DISCON

- Application to discharge conditions 3 (Waste) 4 (EV charging points) attached to planning permission 22/00152/FUL
- DISCHA
- 10.02.2023

23/00326/FUL

- Change of use of land from agriculture to dog walking field (Class E) with associated fencing and car parking
- PER
- 17.08.2023

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. Osbaston Parish Council:

“Council are keen to support any works that will invigorate and prolong the life of any tree and Council welcome the form pruning as specified in this application.

However Council are concerned with this particular application as to whether trimming the tree by such a significant amount could actually be detrimental to such an old tree.

Council request that a tree warden visits the tree before the work is undertaken to photograph it and then to be present during the works so that the permitted works are not breached and that strictly no more is taken off the tree than permitted in the application.”

7. Policy

7.1. Core Strategy (2009)

- None relevant

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. 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 is considered to contribute towards a high level of amenity value

8.3 The Copper Beech tree (T1) is situated to the north (front) boundary of the site, and sits within the driveway of Osbaston House Farm. T1 is the only tree that the order compromises. Due to the location of the tree it can be viewed from a public vantage point from Lount Road. The Local Planning Authority have, however considered the proposed works as proportionate and reasonable and would not detract from the amenity value of the area.

8.4 The Local Planning Authority deems the proposed works are suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

8.5 Works to Copper Beech tree (T1) are considered to be justified following the reasoning outlined within the submitted Tree Risk Management Report.

8.6 The recommendations outlined within the Tree Schedule list remedial works would reduce or minimise hazards on trees that pose a risk to high target areas such as the adjacent highways and public rights of way.

8.7 The application is therefore considered to be 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 Copper Beech tree (T1) are considered reasonable due to the works being proportionate and minor. The Local Planning Authority 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 planning permission** 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 136 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.

The proposed works to the Copper Beech tree (T1) shall be restricted to the listed below works only;

- Raise the lower canopy from 2.00 metres to 3.00 metres, removing lateral growth and small braches only;
- Reduce the NW canopy spread from 13.50 metres to 11.00 metres;
- Reduce the SW canopy spread from 14.50 metres to 12.00 metres;
- Remove heat damaged limbs.

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 136 of the NPPF.

11.3 Notes to applicant

- a.) 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.
- b.) 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.
- c.) 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.