

Delegated Report

Planning Ref: 23/00257/TPO

Applicant:

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 5 The Crofts 163A Main Street Markfield

Proposal: Oak tree - (T1) - Reduce spread by 5-6m towards driveway and 3m towards house, remove dead branches.

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 Oak tree (T1) at 5 The Crofts, 163A Main Street, Markfield;

- Reduce the spread by 5-6 metres towards the driveway
- Reduce the spread by 3 metres towards the house
- Remove the dead branches

3. Description of the site and surrounding area

3.1. The application site is situated within a cul-de sac, within the settlement boundary of Markfield. The site relates to a detached residential property located on The Crofts situated off Main Street. The Oak tree is located to the front of the property.

3.2. The tree is protected by the Hinckley and Bosworth Tree Preservation Order reference 21/00003/TPORD.

4. Relevant planning history

14/00379/FUL

- Erection of one dwelling
- PER
- 08.08.2014

19/00117/FUL

- Erection of one dwelling
- PER
- 13.06.2019

20/01215/FUL

- One dwelling (resubmission of 19/00117/FUL) (part retrospective)
- PER
- 26.02.2021

21/00424/TPO

- Works to T1 Oak tree
- REFTPO
- 26.05.2021

21/00736/TPO

- Works to T1 Oak tree
- PERTPO
- 02.08.2021

22/00578/TPO

- T1 Oak: Remove the large branch overhanging the driveway/ grassed area back to a suitable growth point or back to the branch collar. Crown lift the south west side of the tree that's overhanging the holly hedge, lifting the canopy up to around 7m from ground level.
- WDN
- 01.08.2022

93/00395/4

- EXTENSION TO DWELLING
- REF
- 28.07.1993

89/00331/4

- REMOVAL OF CONDITION NO 12 OF GRANT OF PLANNING PERMISSION DATED 6 7 88 APPLICATION NO 88 0899 4 AND CONSTRUCTION OF NEW WALL
- PER
- 03.05.1989

88/00899/4

- ERECTION OF FIVE HOUSES WITH GARAGES
- PER
- 26.07.1988

5. Publicity

5.1. One objection has been received from the Markfield Parish Council Tree Warden (Mr Tony Lockley). The objection summaries the below;

- As work were recently undertaken to this prominent tree, further works are unnecessary.

6. Consultation

6.1. No objections have been received from the following;

- Markfield Parish Council

- HBBC Arboricultural Officer

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
 - Policy CE4: Trees
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - 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 Oak tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3 An application (22/00578/TPO) was submitted in June 2022 for the following works;
 - Removal of the large branch overhanging the driveway/grassed area back to a suitable growth point or back to the branch collar
 - To conduct a crown lift the south west side of the tree that's overhanging the holly hedge
 - To lift the canopy up to around 7m from ground level
- 8.4 The application was since withdrawn following recommendation for refusal. The applicant previously stated no concerns regarding the condition of the tree or property damage. The proposed heavy reduction or removal of the one large branch extending towards the drive would have resulted in a misshapen canopy and would have exposed the remaining higher branches to failure on the house side.
- 8.5 The HBBC Arboricultural Officer recommended that whilst crown lifting on the south west side as proposed is not really necessary, it would not be too harmful if carried out in accordance with BS 3998:2010. A very light reduction in crown spread on the north east and east sides may be something the applicant would wish to consider if there are concerns about branch failure.

- 8.6 The work as proposed by the applicant has been assessed by the HBBC Arboricultural Officer and is in accordance with previous advice. By virtue the proposed works are considered reasonable and are an improvement on the previous application which would have been highly damaging to the Oak.

Whether the application is justified

- 8.7 Works to Oak tree (T1) are considered to be justified. The proposed works will address the trees isolated limbs, whilst also ensuring that the tree is managed within the space available adjacent to house.

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 Oak tree (T1) are considered reasonable due to the works being minor. 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. 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 Oak tree (T1) shall be restricted to the reduction of the spread by 5-6 metres towards the driveway and 3 metres towards the house, and the removal of dead branches 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.