

Delegated Report

Planning Ref: 24/00956/TPO

Applicant: Mr Matthews

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Fire Station 15A Leicester Road Hinckley

Proposal: T1 - Oak - Cut back/reduce the lower branches to clear the smoke tower by 2-3m.

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 cut back/reduce the lower branches of the Oak tree (T1) by 2.00-3.00 metres to clear the smoke tower at the Fire Station, 15A Leicester Road, Hinckley.

2.2. The tree in question is not situated on land under the ownership of the applicant. The applicant is, therefore requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

3. Description of the site and surrounding area

3.1. The application site hosts Hinckley Fire Station, which is situated to the south of Leicester Road, and located within the settlement boundary of Hinckley.

3.2. The Oak tree subject to the application is, however situated to the rear of an adjacent residential dwelling to the west (13 Leicester Road, Hinckley).

3.3. The tree underwent protection under protected by the Hinckley and Bosworth Tree Preservation Order reference 05/00009/TPORD, which also protects a Horse Chestnut tree.

4. Relevant planning history

97/00777/FUL

- ERECTION OF NEW DRILL TOWER
- PER
- 15.10.1997

12/00901/FUL

- EXTENSIONS AND ALTERATIONS TO FIRE STATION, ERECTION OF LIVING ACCOMMODATION, TRAINING HOUSE AND BIN STORE INCLUDING ALTERATIONS TO THE FORECOURT WITH ASSOCIATED PARKING AND LANDSCAPING.
- PER

- 31.12.2012

12/01047/TPO

- Works to Oak Tree
- TPOPER
- 14.01.2013

13/00818/FUL

- Extensions and alterations to fire station.
- PER
- 27.11.2013

85/00766/4

- ERECTION OF BREATHING APPARATUS TRAINING BUILDING
- PER
- 05.11.1985

77/01783/4

- EXTENSION AND ALTERATIONS TO FIRE STATION
- PER
- 21.02.1978

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received.

6. Consultation

- 6.1. None relevant.

7. Policy

- 7.1. Hinckley Town Centre Area Action Plan
- 7.2. Core Strategy (2009)
 - Policy 1: Development in Hinckley
- 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) (2023)
 - 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 Oak tree (T1) subject to a tree preservation order and therefore is considered to contribute towards a high level of amenity value.
- 8.3 Policy 136 of the National Policy Planning Framework (NPPF) (2023) seeks to ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 8.4 The Oak tree (T1) is situated to the west of 13 Leicester Road, Hinckley, a two-storey residential terraced dwelling. The tree is visible from public vantage points on Leicester Road and Wood Street Close.
- 8.5 The Local Planning Authority have assessed the proposed works and can conclude that the works will not have an adverse impact upon the amenity of the area. The proposed works will not result in the damage or loss of a protected tree and therefore will preserve the amenity of the area.
- 8.6 The Local Planning Authority therefore deems the proposed works as suitable as long as carried out in accordance with BS 3998:2010.

Whether the application is justified

- 8.7 The works as proposed to the Oak tree (T1) have been assessed by the Local Planning Authority and are considered to be justified. The proposed works will ensure that adequate distance is achieved between the tree and the smoke tower, a crucial piece of equipment situated within the adjacent Fire Station, providing means of access for firefighters to access buildings.
- 8.8 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 proposed works to the Oak tree (T1) are considered to be acceptable. The Local Planning Authority is satisfied that the proposed works to the trees are necessary and that the works will ensure that amenity of the area is retained. The proposal is in accordance with policy DM10 of the SADMP, and paragraph 136 of the NPPF. 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 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.

3. The proposed works to the Oak tree (T1); shall be restricted to the cutting back/reduction of the lower branches to clear the smoke tower by 2.00-3.00 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 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.
- d) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.