

**MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL  
COMMITTEE HELD AT THE COUNCIL OFFICES, WIGSTON ON TUESDAY  
25 MARCH 2014, COMMENCING AT 6.00 P.M.**

**IN ATTENDANCE:**

Councillor L A Bentley – Chair  
Councillor Mrs L M Broadley – Vice Chair

Councillors: G A Boulter, F S Broadley, D M Carter, B Dave, R Eaton, Mrs J M Gore, Mrs S Z Haq, Mrs R Kanabar, J Kaufman, Mrs L Kaufman, Mrs H E Loydall, R E R Morris, Mrs S B Morris

Officers in Attendance: K Garcha, A Court, T Carey, S Dukes and G Richardson

Min Ref	Narrative	Officer Resp
<b>62.</b>	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>An apology for absence was received from Councillor M H Charlesworth</p>	GR
<b>63.</b>	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>Councillor F S Broadley noted that he had attended a Mayoral event at Beauchamp College and that the Headmaster had mentioned the proposed extension, but he confirmed that he had not expressed an opinion</p> <p>Councillors D M Carter, Mrs S Z Haq, J Kaufman and Mrs R Kanabar noted that they were all members of the Oadby Community Stakeholder Group, sitting on the executive alongside employees of Beauchamp College. They each confirmed that they had not entered into discussions about the application and that they entered the meeting with an open mind.</p> <p>Councillors R E R Morris, S B Morris and the Chair noted that they had each spoken individually with objectors in relation to application no. 14/00021/TPO; however, these discussions were about the Council's planning process rather than the application and therefore they confirmed that they each entered the meeting with an open mind.</p>	
<b>64.</b>	<p><b><u>PETITIONS AND DEPUTATIONS</u></b></p> <p>None.</p>	GR

65.	<p><b><u>MINUTES</u></b></p> <p><b>RESOLVED:</b> That the minutes of the previous meeting of the Committee held on 27 February 2014, be taken as read, confirmed and signed, subject to the amendment stated above.</p>	GR
66.	<p><b><u>REPORT OF THE DEVELOPMENT CONTROL MANAGER</u></b></p> <p><b>1. 13/00485/FUL – Extensions and remodelling to form new main entrance &amp; ‘Digital Arts &amp; Technology Centre’ with associated landscaping &amp; blocking off vehicular entrance to form pedestrian walkway with lighting bollards &amp; cycle stands (Rev C) (Beauchamp College, Ridge Way, Oadby)</b></p> <p>Mr Lyons spoke as agent on behalf of the applicant. He commented on the reputation of the College and the intention to enhance the learning experience for students by providing an innovative and quality learning environment. He noted that this application was part of a masterplan of works and represented one of the final stages in that process. The intention was to create a safe entrance and accessible community facility.</p> <p>He accepted that trees would have to be removed to facilitate the proposal, but there is an agreed programme of planting in place which would improve the landscaping. It also replace the existing dangerous vehicular access and this had been approved by the Highways Authority.</p> <p>Mr Newham, an objector, spoke on behalf of residents from Ridge Way and Coombe Rise. He argued that this was primarily a residential area with a school situated within it. He noted that the trees reduced the visual impact of the school on the street scene and that allowing this application would materially affect the street scene.</p> <p>He raised concerns that the proposal would impact on the privacy of residents as the addition of a second storey would block light and create overlooking into neighbouring residential properties.</p> <p>He noted several further concerns in relation to the removal of 16 mature trees to be replaced by other trees that were not inkeeping with the street scene; the escape of noise being directed towards residential properties; the opening hours being far too late; and the issue of students and teachers parking on roads rather than in the designated car park.</p> <p>Councillor L Darr spoke as a ward Councillor on behalf of residents. He was concerned with the size and positioning of</p>	

the proposed extension, noting that there have been several applications for extensions to the site in recent history, which should lead Members to consider whether this application represents overdevelopment.

He also raised concerns in relation to the loss of parking space, the loss of several mature trees and the impact of the design of the new building on the street scene.

The Area Planning Officer outlined the application. She noted that the proposal included the removal of 16 trees; 13 of these were protected by a Tree Preservation order, 10 of which were of moderate quality and 3 of low value. The replacement scheme proposed to replant 12 trees in a more evenly spaced manner.

She added that there were proposed a number of acoustic control measures which would mean a noise egress to neighbouring properties of no more than 30dB, which was considered to be lower than ordinary ambient background levels of noise.

She noted that there would be a net increase in the number of parking spaces and that the site provided double the required amount of parking. There would also be a Section 106 contribution required. It was therefore recommended for approval.

The Area Planning Officer confirmed that the proposal included the widening of Coombe Rise to the width of two cars in order to facilitate the new access and noted that she understood that the existing holding area would remain.

Members noted their concerns as to the size of the development and the potential threat of overlooking into the homes of neighbouring residents if the proposal were given permission. They felt that the extension would be more appropriate to the rear of the building rather than at such a prominent position to the front. The Area Planning Officer confirmed that there are no design standards in respect of distances between commercial and residential properties, but that a distance of 19m across a public highway was considered a sufficient distance.

They felt that the development had been carried out on the site in a piecemeal fashion and rejected the agents claims that there was a masterplan for the College, as Members had asked for evidence of this on several occasions but had received no response.

Members noted further concerns as to the removal of several mature trees on the site and were confused as to why only 12 trees were being replanted when 13 protected trees were being removed. They questioned why there was not a maintenance programme for the replacement trees.

There was also some confusion as to the protection of the replacement trees and it was confirmed that any replacement trees would automatically be protected for a period of 5 years after which time the Council could consider further protection.

Members went on to note concerns about the parking spaces at the site and the reality that students and staff do not always use the designated parking spaces but instead park on the roads surrounding the College. The Area Planning Officer confirmed that Members could not impose a condition to prevent people from parking on the highway.

It was further noted that there were 150 staff on a full time equivalent basis, but Members questioned whether this represented the reality of the staffing levels. They added that it was felt that the modifications to the highway would not alleviate traffic but instead serve to worsen it.

The Area Planning Officer confirmed that the proposal was to be made up of a mixture of different materials in a range of colours, which Members considered would have a serious impact on the street scene.

Members raised further concerns in relation to the opening hours and questioned why the facility would be open from 6.30am in the morning until 10.00pm in the evening. It was confirmed that proposed condition 9 of the permission would restrict the use of the building between 6.30am and 8.00am in the morning and 7.00pm and 10.00pm in the evening for the purposes of cleaning, maintenance and prayers only. This would also alleviate any concerns of light pollution at these times.

It was confirmed that the new building was intended to be used for productions on up to 15 occasions per year and Members stated that if permission was granted then this should be conditioned.

Members went on to discuss the proposed roof terrace and questioned how noise omission would be controlled from this area. The Area Planning Officer noted that the proposed roof terrace would be a significant distance from any residential properties, but that Members could impose a condition on this if required. She also confirmed that the windows in the music

practice rooms would be fixed.

The Area Planning Officer confirmed that the overall height of the development was 8.4m at its highest point.

A motion to refuse the application was moved and seconded on the grounds of overdevelopment, loss of mature trees and the fact that the proposal was out of keeping with the street scene.

The Officers recommendation as contained within the report was also moved and seconded.

The motion to refuse was successful and it was therefore not necessary to vote on Officers recommendations.

Councillor R E R Morris abstained from the vote.

**RESOLVED:** That, for the reasons set out below, to Refuse the application, namely:

- (1) The proposal represents overdevelopment of the site;
- (2) The proposal would result in the loss of mature trees;  
and
- (3) The proposal is out of keeping with the street scene.

**2. 14/00021/TPO – Felling of 1No. Pine Trees (T16) Saffron Road (No. 1) Tree Preservation Order 1983 (119 Saffron Road, Wigston)**

Mary Ray spoke as an objector. She commented that she had been a tree warden for 20 years and was concerned that the Planning Control team have not been filling their regulatory role.

She explained that she had spoken to the individual who had written the relevant legislation. He had confirmed that when an application is made which relates to safety concerns of trees, the applicant must provide information from an arboriculturalist. This is a mandatory requirement.

She had considered the guidelines provided by the Council for submitting applications and felt that it was unclear as to the validation of applications. This particular application should have been invalidated, but instead the Council compounded its error by obtaining the necessary information itself at a cost to the taxpayer.

She was concerned that by permitting this application the Council would set a dangerous precedent and further threaten all the trees in the area. She concluded by reiterating the cost that the Council has already incurred in relation to this application and noting that the Council has a duty of care to protect trees by ensuring good regulation and governance.

Tony Sumpter also spoke as an objector. He seconded the comments of Mary Rae in relation to the shortcomings of the Council in its procedure.

He noted that the report stated that the application related to a strong tree with good roots. The main consideration in the report was the fears of the applicant that the tree might fall down and he felt that this was not a valid reason in planning terms. He also commented that the tree had survived the strong winds over winter which should have allayed the applicant's fears somewhat.

He added that the report gave a height/diameter ratio of 49.7, which is below the level at which the risk of failure significantly increases, yet the tree was recommended for felling. He felt that the overall attitude of the Council towards trees was wrong and urged Members to refuse the invalid application to fell this healthy tree.

The Director of Services noted that the unusual step of setting out the process of the application had been taken in this report; this was for Members to understand the context of the comments received during the consultation process. She accepted that the process is convoluted and provided a commitment to revisiting this; however, she confirmed that as the planning authority had stepped into the shoes of the applicant and obtained an arboriculturalist report there was enough evidence before Members to make a decision even though there was an error in the process. She went on to say that the question was whether the error had resulted in prejudice and with the objectors having been given the opportunity to respond to the consultation and the speakers tonight she did not perceive there to be an injustice. Overall, she felt that there was no prejudicial impact and that Members could determine the application, but advised that they should not refuse the application on the basis of process alone.

The Planning Control and Enforcement Officer outlined the application. He noted that the process had been somewhat confusing in that the application originally related to three trees but now only relates to one. He summarised the representations received in objection to the application, including the shortcomings in the process, the lack of evidence

submitted by the applicant, the fact that the trees are mature and not dangerous, reductions in pollution, increased amenity and supporting wildlife.

In terms of planning considerations, he noted that the height/diameter ratio of 49.7 was just at the point where the risk of failure increases. He corrected the report in that he had added the word “significantly”, but that the arboriculturalist had not used this. However, on the basis of the guidance given by the expert, the proximity of the tree to the highway and the neighbouring properties and the risk of harm should the tree fail, the application was recommended for refusal.

The Chair clarified that Members should focus on the merits of the application rather than the process, which it had been accepted was incorrect.

Several Members noted their disappointment as to the shortcomings in the Council’s process for determining applications of this nature. They felt it highly inappropriate that the Council had paid for the arboriculturalists report when this should have been provided as part of the original application and that the application had not been invalidated at the outset. The cost of this work to the Council was discussed.

Members were therefore pleased that there was going to be a full review of the process and felt that further training should be given to Members as to tree related issues, to assist their understanding also.

Members noted that although the tree had been given a height/diameter ratio that was borderline, this did not mean that it should be removed. A motion for refusal of the application was therefore moved and seconded, on the basis that there were no legitimate planning reasons to support the Officers recommendations for felling.

Members asked about the trees that are covered by the Tree Preservation Order at the site. It was understood that there were 21 trees covered by the original Order and that permission was given to remove 3 trees, but that there were now only 15 on site. This caused some confusion and the Planning Control and Enforcement Officer admitted that historically the Council’s records weren’t entirely accurate but confirmed that two replacement trees were due to be planted shortly.

Members referred to the professional report as appended to the Committee papers. It was noted that this report stated that the tree was in a good and fair condition with no obvious structural defects. It was further noted that although the height/diameter

ratio had been used to assess this tree, the calculation was generic to all trees and that therefore this tree should be considered on its individual characteristics. The applicant's fear that a tree might fall down was felt to be insufficient in planning terms.

The Planning Control and Enforcement Officer commented that the Officer's recommendation had been based on the comments made in the expert report. He also confirmed that if this tree was felled then the applicant would be required to replace it on a like-for-like basis, as it was protected by a Tree Preservation Order.

Members discussed whether any works could be carried out to the tree rather than felling it in order to allay the applicant's fears. The Planning Control and Enforcement Officer explained that the application before Members was to fell the tree and therefore this was what they should be giving consideration to.

It was requested that future reports before Committee relating to trees should include information as to the age and life expectancy of the trees in question.

There was some discussion of the effect that the removal of this tree would have on the adjacent trees. Members were concerned that the removal of this tree would reduce the support afforded to adjacent trees causing them to become unsafe also. The Planning Control and Enforcement Officer accepted that the felling of this tree could result in other trees becoming susceptible to strong winds, but that the present application related only to the one tree in question.

The Officers recommendation as contained within the report was also moved and seconded.

The motion to refuse was successful and it was therefore not necessary to vote on Officers recommendations.

Councillors L A Bentley and B Dave abstained from the vote.

**RESOLVED:** To Refuse the application as the height/diameter ratio for tree T16 was marginally lower than the ratio above which the risk of failure of the tree increases and there were no other planning reasons in support of the Officer recommendation.

**The Meeting Closed at 7.55 p.m.**