



# Oadby and Wigston Borough Council

## TO COUNCILLOR:

L A Bentley (Chair)

G A Boulter

F S Broadley

Mrs L M Broadley (Vice-Chairman)

D M Carter

M H Charlesworth

B Dave

R F Eaton

Mrs J M Gore

Mrs S Z Haq

Mrs R C Kanabar

J Kaufman

Mrs L Kaufman

Mrs H E Loydall

R E R Morris

Mrs S B Morris

Dear Sir/Madam,

I hereby summon you to attend a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held in the Council Offices, Station Road, Wigston on **THURSDAY, 24 APRIL 2014** at **7.00 pm** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
14 April 2014

Chief Executive

Page No's

1. Apologies for absence
2. Declarations of Substitutions for Committee Members
3. Declarations of Interest
4. Petitions and Deputations
5. Minutes of Previous Meetings:
  - a) 25 March 2014 1 - 8
  - b) 10 April 2014 9 - 20
6. Report of the Development Control Manager 21 - 36

# Agenda Item 5a

**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.**

# Agenda Item 5b

**MINUTES OF AN EXTRAORDINARY MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD AT ABBINGTON ACADEMY, WIGSTON, ON THURSDAY 10 APRIL 2014, COMMENCING AT 7.00 P.M.**

**IN ATTENDANCE:**

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

Councillors: F S Broadley, M H Charlesworth, Mrs S Dickinson (sub) R Eaton, D A Gamble (sub) Mrs J M Gore, Mrs R Kanabar, J Kaufman, Mrs L Kaufman, Mrs H E Loydall, R E R Morris, Mrs S B Morris, R Thakor (sub)

Officers in Attendance: K Garcha, C Forrett, A Court, A Thorpe, G Richardson and A Wright

Others: Marc Watterson (IBI Taylor Young, Planning Consultant)

Min Ref	Narrative	Officer Resp
67.	<p><b><u>APOLOGIES FOR ABSENCE</u></b></p> <p>Councillors G A Boulter, D M Carter, B Dave and Mrs S Z Haq</p>	
68.	<p><b><u>DECLARATIONS OF SUBSTITUTIONS FOR COMMITTEE MEMBERS</u></b></p> <p>Councillor R Thakor attended as a substitute on behalf of Councillor B Dave</p> <p>Councillor S Dickinson attended as a substitute on behalf of Councillor G A Boulter</p> <p>Councillor D A Gamble attended as a substitute on behalf of Councillor Mrs S Z Haq</p>	
69.	<p><b><u>DECLARATIONS OF INTEREST</u></b></p> <p>Councillors Mrs S B Morris and R E R Morris both respectively noted that they lived on the Harcourt Estate. They confirmed that they did not live in an area which was consulted on this application and that although they had been approached by residents concerning the application that was to be considered before the Committee at this meeting, they had answered questions on process only. They concluded that they therefore attended the meeting with an open mind.</p>	

	<p>Councillor J M Gore noted that she lived on Newton Lane, but that she had not expressed an opinion on the application and that she attended the meeting with an open mind.</p> <p>Councillor M H Charlesworth noted that he had previously indicated that he was opposed to this application, but that this had been before the applicant had provided any of the information that was presented before the Committee at the meeting. He therefore noted that he would approach the application with an open mind.</p> <p>Councillor R Kanabar noted that although she did know some of the members of the public present in the room, she approached the meeting with an open mind.</p>	
70.	<p><b><u>REPORT OF THE DEVELOPMENT CONTROL MANAGER</u></b></p> <p><b>1. 13/00403/OUT – Mixed use development for up to 450 dwellings &amp; 2.5 hectares of employment land (B1/B2) along with new formal recreation space with changing facilities, allotments, landscaping &amp; storm water balancing &amp; associated infrastructure (Rev A-C) (Land South of Newton Land &amp; East of Welford Road, Wigston, Leicestershire)</b></p> <p>Richard Edwards, a representative of David Wilson Homes, spoke on behalf of the applicant.</p> <p>He outlined the proposal for the development and reminded Members that they had two main considerations. The first of these was whether the proposed development complied with the Council's adopted development plan and Mr Edwards explained how the proposal accorded with the same. In addition, the National Planning Policy Framework states that where proposed development is in accordance with the Council's adopted development plan, it should be approved.</p> <p>The second consideration was whether there were any other material considerations which meant that the application should be refused. He explained that the applicant had worked with statutory bodies to resolve any outstanding issues and those bodies were now satisfied that the developer had sufficiently mitigated and issues. He accepted that there was one remaining objection from the Police, who had requested a capital contribution to purchase new equipment; however, he contended that this request did not satisfy the CIL requirements and was therefore not lawful.</p> <p>Mr Edwards addressed comments made by members of the public who objected to the proposal and felt that these comments could be placed into two categories; the principle of development</p>	

and technical issues. He noted that he had already addressed these issues in his earlier comments, in that the principle for development in this area had been established and that material concerns had been mitigated sufficiently in the opinion of the professional bodies.

He confirmed that a Section 106 agreement would be required and that this would include provisions for affordable housing and various other contributions.

Mr Edwards concluded that this was sustainable development in accordance with the Council's adopted development plan and that the Committee should therefore follow Officer recommendations and approve the proposal.

John Nelson spoke as an objector, representing the Meadowcourt Action Group. He felt that Councillors should represent the residents in refusing this matter and added that the residents felt that the Council had hidden information within complex and difficult to access documents.

He felt that the Council was giving the green light to this proposal with nothing more than a casual interest and questioned the need for so many dwellings. He stated that the location was unsuitable, with unsuitable access and added that insurers were now refusing to reinsure properties on standard terms owing to the increased risk of flooding that would be posed to existing dwellings by the proposed development.

He argued that the existing roads would be unable to cope with the increased demand as they already struggled to cope with current traffic flows. He expressed disappointment that the water companies had not objected to the proposal and that the proposal did not include provisions for a new bus route or community centre. He also felt that the schools would be unable to cope with the increased demand for places.

Mr Nelson urged Members to take more time to consider this application by deferring it to ensure that Wigston was a desirable place to live in the future.

Councillor M Chamberlain spoke as an objector on behalf of residents. She stated that the proposed development of 450 new homes would adversely affect residents on neighbouring estates. She felt that the development would generate too much additional traffic and that the existing infrastructure could not cope with it. She reminded Members that they had previously refused a request by a resident for access from his property onto Newton Lane owing to safety concerns, so it would not be appropriate for them to allow this development with the only

access being via Newton Lane.

She further noted that the development was anticipated to house well over 200 children, which would have an adverse affect on the learning environment afforded to all children attending the local primary schools.

She went on to discuss issues with flooding and drainage, noting that most of the homes which back onto the proposed development site regularly flood. She felt that the proposal would only serve to worsen this problem and did not agree with the comments made by the water authority. Councillor M Chamberlain urged Members to listen to residents and refuse the application.

Marc Watterson presented the Officers report. He set out that this was an outline application for permission with all matters reserved apart from the access and set out the proposal.

He drew Members attention to the fact that there were two key planning principles to consider; firstly whether the proposal accords with the Council's adopted plan and secondly whether there is any other material consideration for the Council not to permit the application.

When considering the first of these issues, Mr Watterson noted that the Council's core strategy was adopted in September 2010. It was reviewed in line with the National Planning Policy Framework (NPPF) and was found to be compliant save for a few minor points, which included a restriction on bringing forward the Direction for Growth no earlier than 2017. He confirmed that the Council's Development Plan was therefore considered to be fully up to date and that this application should be considered in accordance with the Council's policies unless there are overriding material considerations.

He added that a key principle of the Council's Core Strategy was the principle of a single release of Greenfield land and that this approach was more sustainable after town centre locations and other brownfield sites. He added that the development would also support Wigston's position as the main town centre in the Borough.

He concluded that the principle of the development of the application site was therefore well established in adopted and up to date policy, and the bringing forward of this site at this stage in the planning process complied with the NPPF, and should be approved unless there was some other material consideration.

Mr Watterson then addressed the second matter, whether there

were any material considerations, and noted that the speakers concerns centred mainly around three things; highways, ecology and flooding.

In relation to highways, he noted that the applicant had worked with the Highways Authority in order to overcome their initial objections and that this had been achieved as set out in the Agenda Update. The Highways Authority was now satisfied that the proposed measures would adequately mitigate any issues. Mr Watterson noted that there would be phased improvements to several main junctions linked with stages of the development and he proceeded to set out these improvements and explain by what stage in the development they would be carried out.

Moving on to consider ecological issues, Mr Watterson noted that an ecology report and a Great Crested Newt report had been carried out and submitted with the planning application. He confirmed that the Great Crested Newt report found that there were no Great Crested Newts at the development site and that the site was of below average suitability for the species. He added that there may be Great Crested Newts beyond the boundary of the development site but that there was a condition to ensure that up to date surveys were carried out throughout the reserved matters application stage.

He noted that there was no presence of badgers at the site although it was accepted that badgers were present in the wider area, so a condition was included so as to ensure that the site was re-surveyed for badgers prior to the commencement of development.

He added that there was also no evidence of nesting birds at time of the survey, although trees, scrub and hedgerows provided potential habitat. A condition was included to protect potential habitats from being removed without specific approval and the Design Guide also required tree and hedgerow retention information which would inform the reserved matters application.

Mr Watterson further added that there was no evidence of bats at the site although much of the habitat could be considered as suitable. Any loss of such features would be mitigated through additional planting which would be specified through the reserved matters stage. The requirement for a biodiversity management plan under condition would also address these matters.

Finally moving to consider flooding, Mr Watterson noted that the site was within the lowest risk category. In any event, the principle for managing surface water run-off was to ensure adequate drainage which directed all water to specific areas designed for attenuation, before being discharged into local

watercourses at Greenfield run-off rates. Further information on this would be required at the design stage and the Environment Agency considered this to be acceptable in principle.

Severn Trent Water provided a capacity report which confirmed that the development would have a low impact on existing infrastructure and that there was sufficient capacity within the system to accommodate the proposed development. Further conditions required detailed information to be provided at the detailed application stage.

On this basis, Mr Watterson concluded that highways, ecology and flooding / drainage issues were not material considerations which would indicate that the application should be refused.

He noted that although the report addressed some of the other material considerations, many of the points raised would be more appropriately dealt with at the detailed application stage. In particular, he noted that the report recommended a condition that requires a Design Guide which would form the basis of the detailed design for the whole site. He also clarified that there would be no vehicular access from Foston Gate or Cooks Lane.

He therefore did not consider that there were any material considerations to indicate that the application should be determined contrary to the adopted and up to date Development Plan. He was satisfied that the conditions and the proposed Section 106 agreement would successfully mitigate any impacts.

He explained the purpose of the Section 106 agreement and outlined what this was proposed to deal with, including affordable housing provisions, public transport and travel packs, community and youth facility, library services, the provision of open space, and education contributions of £1million for local schools to accommodate demand.

He noted that there had also been a request from the Police for two streams of money. The first was a usual request for financial support for policing needs generated by the development. He asked the Committee to consider that, but that his recommendation was to refuse this request on the basis that it was not sufficiently justified or based on actual policing needs generated by the development. This had been the Council's approach in other applications and he felt that this consistency should be maintained, unless the Police could respond with robust and defensible information to convince Officers. He suggested that if negotiations produced an agreed Section 106 contribution, the recommendation was that the agreed final financial value is delegated to Officers in agreement with the Chair.

He went on to discuss the second request, which was substantial and related to an uplift in signal strength. He added that Officers were still seeking financial justification for this and recommended that this part of the request was delegated to Officers in agreement with the Chair, to continue to negotiate and finalise.

Mr Watterson therefore recommended that Members approved the application subject to the completion of a suitable Section 106 agreement.

The Chair clarified that this was an outline application with all matters reserved except for the access to the site. He reminded Members that they could discuss the reserved matters but not base a decision on them.

Members asked about the proposed Section 106 agreement and asked whether there was any indication as to how the requested education contribution would be distributed and whether there had been any request for a contribution by the local health bodies. Mr Watterson responded that the education contribution would be directed to existing schools, on the basis of necessity. He further responded that the local health bodies had been consulted and given ample opportunity to respond, but had not done so.

Some Members were disappointed that the Highways Authority had rescinded their objections to the proposed development on the basis of what they believed to be cosmetic changes to the proposal. They felt that congestion was already an issue and that a number of key junctions, particularly the junction of Newton Lane, Bull Head Street and Moat Street, would be unable to cope with the increased use generated by the proposed development.

Members referred to an application for the proposed development of 150 new homes at a site in Oadby, which had been considered at a previous Committee meeting, that had been refused on the grounds that it did not accord with the Council's adopted development plan. This decision was currently being appealed and a Member asked whether the outcome of that appeal would have a bearing on the present application and the Council's adopted Development Plan. Mr Watterson confirmed that it would not.

Some Members noted their disappointment that the application before them had all matters reserved for approval at a later date, as it meant that they did not have all of the information as to what was being proposed by the developer.

A Member went on to discuss several other concerns with the

application. It was noted that there was no information as to where the trial trenching would take place or when this would happen, suggesting that the site might be of some heritage value. Mr Watterson confirmed that conditions would govern this process and ensure that it was agreed with the County Council archaeologist. He was confident that the developer was equipped to deal with any archaeological finds at the site.

The Member went on to raise questions as to the request for education contribution. It was felt that the proposed development would generate a significant need for school places and felt that this point should be considered in detail rather than being dealt with at a later stage. Mr Watterson reiterated that the County Council had made a significant request for a financial contribution and that this had been calculated using a standard, well established and accepted formula.

Mr Watterson also reminded Members that the application was in outline form and that many of the matters covered in the report would be considered in more detail at a later stage prior to the commencement of the development.

The Member continued with the objections to the application, disagreeing with the expert report which had deemed the land to be of little biodiversity value and argued that some of the ecological information needed to be more up to date. It was noted that part of the site did host local wildlife and that although there was a condition which dealt with the retention of this it did not deal with the expert management of that part of the site. Mr Watterson explained that all necessary information was up to date and that such reports had been conducted in the usual manner and at the appropriate time for a proposed development of this type.

The Member went on to question the Police's request for such a significant financial contribution and asked why the Police had not considered approaching mobile network providers to assist with airwave coverage. She also raised concerns in terms of forestry and suggested an urgent need for Tree Protection Orders to protect trees at the site.

In terms of the Police's request for a financial contribution to improve network coverage, Mr Watterson reminded Members of his earlier comments in that Officers were still negotiating with them to achieve an agreed outcome. Moving to address the forestry concerns, he explained that there was a scheme for retention and protection of existing trees as appropriate.

The Chair again noted that this was an outline application and that many of the matters being stated in objection to it would

have to be addressed by way of further application.

The Member continued that it was felt that the report by Severn Trent Water, which stated that the existing drainage system could support the proposed development, was incorrect as they were certain that it could not. The Chair again reiterated that this would need to be considered as part of a later application.

The Member went on to discuss affordable housing and suggested that some of the affordable housing should be comprised of bungalows. Mr Watterson noted that this matter would be the subject of future negotiations and that this suggestion would be taken into account.

She moved on to discuss the proposed speed calming measures and suggested that residents objected to the same. Further concerns were raised as to highways issues and the need for better improvements despite what the Highways Authority report had stated. Mr Watterson noted that the proposed measures were well established tools for managing traffic and safety and for reducing speed.

The Chair once again reiterated that these matters would be dealt with at a later stage and that the application was before Members was for outline permission only.

The Member requested that the developer transferred to the ownership of the Council an ancient flower meadow which fell within the application site. She concluded by moving to refuse the application on the basis of insufficient information to allow Members to make an informed decision, as well as safety concerns as to traffic and highways considerations.

Mr Watterson reminded Members that the statutory bodies had accepted the principle of the development and acknowledged that the developer had sufficiently mitigated any outstanding concerns, therefore he felt that refusal on one of these grounds would not be robust enough to be defensible at appeal. He added that if there had been insufficient information to make a decision on this application then Officers would not have presented it before Members.

Several other Members were concerned with flooding and the comments made by an objector suggesting that insurers were refusing to renew insurance on the basis of an increased risk of flooding. Mr Watterson reminded Members that the site was not located within a floodplain and had the lowest risk of flooding.

Several Members also reiterated concerns in relation to highways and felt that the proposed improvements to existing

roads were insufficient and that the main junction with Newton Lane, Bull Head Street and Moat Street would be unable to cope with the increased traffic generated by the proposed development, despite those proposed improvements. They also expressed their confusion that the Highways Authority had not objected to this large scale development despite it only have one means of access and egress from the entire site, which would be directly onto Newton Lane, a road that was already considered to be unsafe, particularly owing to the speed at which vehicles travel along it.

Mr Watterson advised that several reports had monitored the traffic levels and traffic flows on the surrounding roads and, using this data, numerous options for improving the roadways had been considered; however, the Highways Authority were now satisfied that the improvements and measures proposed by the developer sufficiently mitigated any outstanding issues. He pointed out that the speed limit on Newton Lane would be reduced from 60mph to 40mph and that the traffic control and speed calming measures and the infrastructure improvements would help to allay safety concerns.

Mr Watterson further advised that there were a series of proposed conditions set out in the report which were intended to control the information that the developer would be required to submit to the Council through the detailed application stage. Members would therefore have the opportunity to address several of the concerns that they still had with the proposal during a later application.

Several Members contended earlier comments and felt that although this was an emotive subject, it had to be considered in terms of planning merit. They noted the position in Oadby, whereby a single release for development had not been agreed and instead developments had been carried out in a piecemeal fashion. They felt that this proposal was the best and most sustainable way forward for Wigston to satisfy the Council's obligation to build new homes as stipulated by central Government. It was felt that although residents accepted the need for new housing in principle, they simply objected to it being carried out at locations adjacent to their properties.

Those Members felt that this application was in line with the Council's adopted development strategy, which had been out to a number of consultations giving all residents the opportunity to provide feedback. The principle of development in this area had been established by the adopted development plan which had been implemented and had survived several challenges. They felt that to go against this now would place the Council in a difficult position.

Several Members acknowledged the complaints of the residents in relation to the material considerations, particularly highways in which they felt the proposed improvements and mitigating measures would not be ideal; but in any event the professional bodies had accepted these as sufficient and left the Council with no grounds for refusing the application before them. A motion to Permit was moved and seconded on this basis.

The Chair outlined the appeal process and explained that if the application was refused by Members, the applicant would no doubt appeal that decision. At appeal, the Inspectorate would have the authority to overrule the refusal, as well as removing or watering down any conditions as they saw fit. His concern was therefore that the control of the development would be lost if Members did not permit the application at this meeting. Mr Watterson also reiterated that if Members refused the application on the basis of a material consideration, for example highways, of which no objection had been raised by the statutory body, then the applicant would have an absolute right of appeal and it was his professional opinion that they would win any such appeal.

A question was asked about installing pedestrian crossings on Newton Lane and Mr Watterson responded that this could be considered at the reserved matters stage if Members were minded to permit the application.

Mr Watterson confirmed that the phased improvements to the junctions in the area surrounding the development had been staggered according to necessity and would therefore be carried out at fixed stages of the development but including prior to the occupation of the first dwelling.

A question was asked as to whether an increased risk of flooding would be a sufficient reason for refusing the application, as it was understood that an increased risk of flooding was a potential reason for refusing the application.

Mr Watterson reminded Members that the statutory bodies were satisfied by the supporting evidence which showed that the site was at the lowest risk category for flooding. He therefore felt that, although flooding was a material consideration, it was not a suitable or robust enough reason to refuse the present application. The Chair also reminded Members that this was an outline application only and that a detailed flood risk assessment would be considered at the reserved matters stage.

Some Members were concerned that other Members were attempting to formulate a reason for refusal that was not sufficiently justified. Mr Watterson advised that Members should

<p>not, in his professional opinion, refuse the application unless they were confident that they had a sufficiently robust reason for doing so which would be defensible at appeal.</p> <p>The motion for refusal as moved by Councillor J M Gore and seconded by Councillor R F Eaton was voted on by Members and was defeated by majority.</p> <p>Members then voted on the motion to Permit as moved by Councillor D A Gamble and seconded by Councillor J Kaufman.</p> <p><b>RESOLVED:</b> That, for the reasons set out in the report and the agenda update, to Permit the application subject to the conditions contained within the report and the agenda update.</p>	
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**The Meeting Closed at 9.25 p.m.**

# Agenda Item 6

<b>Application Number</b>	<b>Address</b>
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## **Report Items**

- |    |              |   |
|----|--------------|---|
| 1. | 14/00051/TCA | 24 Bushloe End<br>Wigston<br>Leicestershire<br>LE18 2BA   |
| 2. | 14/00113/TCA | Beaumont Hall & Southmeads Hall<br>Stoughton Drive South<br>Oadby<br>Leicester<br>Leicestershire<br>LE2 2NA |
| 3. | 14/00124/TCA | 16 Knighton Rise<br>Oadby<br>Leicester<br>Leicestershire<br>LE2 2RE   |

**Development Control Committee Meeting  
24 April 2014**

1.	14/00051/TCA	24 Bushloe End Wigston Leicestershire LE18 2BA
	25 March 2014	Felling of 9No. trees
	CASE OFFICER	Stephen Dukes



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## Site and Location

The site is a two storey semi-detached residential property on the north side of Bushloe End, which lies within the Wigston Lanes Conservation Area.

## Description of proposal

The proposal is for the felling of nine trees at the property, eight in the rear garden and one in the front garden.

The applicant gives the following reasons for the proposed felling of each of the trees:

**T1 (Spruce)** – this is 5 metres tall and situated at the front of the property. The applicant wishes to fell the tree due to excessive shading and its low amenity value. The tree is also very close to the eaves of the property and the applicant believes that squirrels are using the trees to gain entry to the loft space of the house.

**T2 (3 x Cypress leylandii)** - these are both 5 metres tall and situated in the rear garden. The applicant wishes to remove the trees due to excessive shading and their low amenity value. The applicant does not wish to replant the trees because of the intended use of the patio they are growing from.

**T3 (Cypress)** – this is 4 metres tall and situated in the rear garden. The applicant wishes to fell the tree as it is growing around a wall, making the wall and the tree structurally unsafe, and the tree has low amenity value

**T4 (3 x Cypress leylandii)** – proposed to fell because of overcrowding and low amenity value. The trees are being used as a boundary divide, a fence will replace them.

**T5 (Silver birch)** – underdeveloped tree, unable to develop because of its location under a larger tree. Leaning severely and unsafe.

The application has been called to committee at the request of Cllr Mr Morris.

The statutory determination period for this application expires on the 6 May 2014, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

None Relevant

## Consultations

Leicestershire County Council (Arboriculturist) – Incorporated into report.

OWBC Tree Warden – The trees are to the rear of the property and therefore do not have aesthetic value. However, they can just be seen from the street and have been allowed to grow very large and too large for a small garden. Any reduction in size would not be appropriate. Perhaps some small tree replacement and the value of trees could be suggested. Tree Wardens are able to give such advice.

**Development Control Committee Meeting  
24 April 2014**

## **Representations**

Neighbours have been informed and a press/site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 11 April 2014.

## **Relevant Planning Policies**

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 5 – Green Infrastructure

Oadby and Wigston Local Plan

Landscape Proposal 1 - Design of new development subject to criteria.

## **Planning Considerations**

The following planning considerations are based on the information provided in the report written by the County Arboriculturist:

“Of the trees listed, only T1 spruce on the frontage could be described as a ‘public’ amenity. All the others are in the rear garden with very limited public views of only a couple of them. Silver birch (T5) is visible from the road but is a very slender and indifferent specimen, ‘drawn’ by adjacent larger trees, and would not merit a TPO. The other conifers mentioned are a private amenity only; they considerably shade the rear patio and should not be considered for TPO.

T1 spruce on the frontage is a well-shaped specimen in early middle age, with some public amenity and the potential to grow to at least its current height and spread. However, it is less than 3 metres from the front wall of the house and in this position it is an unsuitable species to be allowed to grow to full maturity. Sensible pruning of the species to contain its size and ensure its compatibility with the position would not be feasible without destroying the limited amenity it currently provides.”

The arboriculturist therefore considers that a TPO would be inappropriate for this tree.

## **Conclusion**

In considering a notification for works to trees in a Conservation Area, the Local Planning Authority can only decide whether to make a Tree Preservation Order in respect of the trees or allow the works to be carried out. The Local Planning Authority cannot refuse consent nor can it grant consent subject to conditions (such as a condition requiring the planting of a replacement tree).

T2, T3, T4 and T5 are all trees in the rear garden of the property, with very limited public amenity value, as they are barely visible from any public vantage point. It is therefore not considered appropriate to issue a Tree Preservation Order for these trees.

T1 does have some public amenity value but is situated too close to the house to be allowed to continue to grow to full maturity. It is therefore not considered appropriate to issue a Tree Preservation Order for this tree.

I therefore recommend that this notification for the felling of nine trees be approved.

**Development Control Committee Meeting  
24 April 2014**

## Implications Statement

Health	No Significant implications
Environment	Loss of trees
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

## Recommendation

For the reasons set out in the above report then **Allow** the felling of the trees as:

- 1 The Local Planning Authority has no objection to the work and does not propose to make a Tree Preservation Order in this instance since the trees are either not considered to be of sufficient amenity value to warrant a Tree Preservation Order, or are in an unsuitable location.

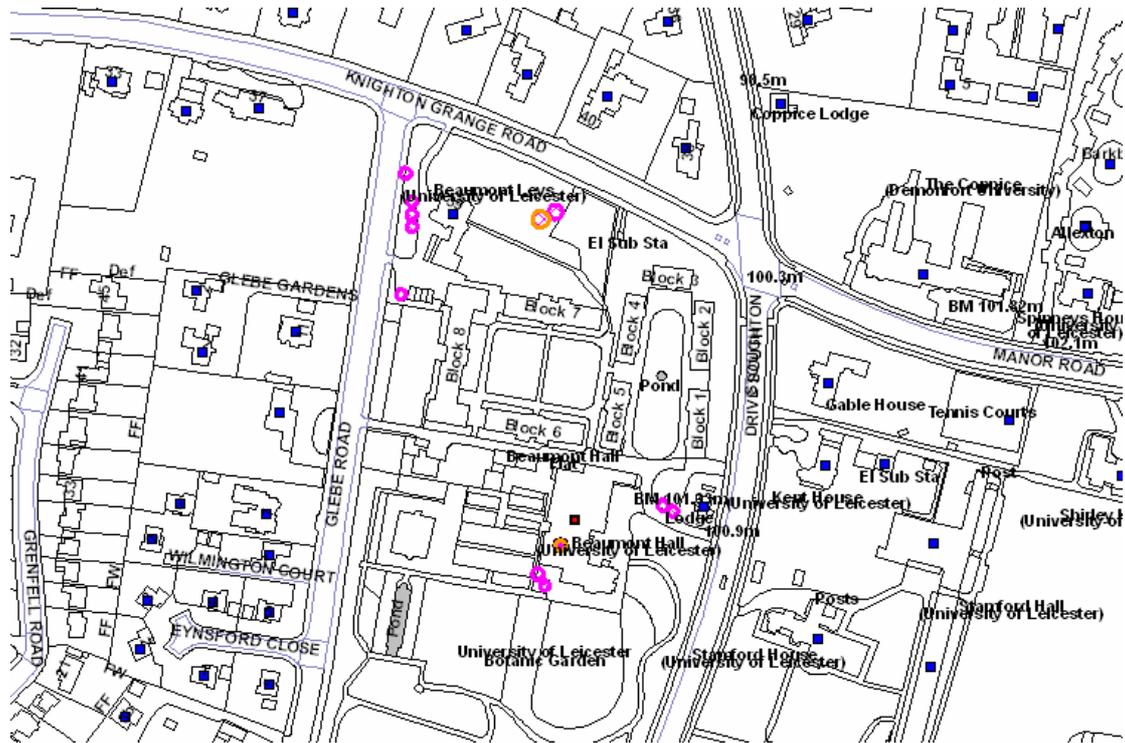
### Note(s) to Applicant :

- 1 The works to which this consent relates shall be begun before the expiration of one year from the date of this consent.
- 2 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 3 All felling works should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research.

**Development Control Committee Meeting  
24 April 2014**

2.	14/00113/TCA	Beaumont Hall & Southmeads Hall Stoughton Drive South Oadby Leicester Leicestershire LE2 2NA
	18 March 2014	Felling of 6No. trees and works to 7No. trees
	CASE OFFICER	Sarah Booth

Map 1



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## Site and Location

The application covers various sites within Leicester University's Oadby Campus located within the Oadby Hill Top and Meadowcourt Conservation Area. The locations include, the Botanic Gardens, Beaumont Hall and Southmeads Hall on Stoughton Drive South, Knighton Grange Road and Glebe Road.

## Description of proposal

This application is for the felling of 5 Conifer trees (T1, T2, T3, T6 & T7) and 1 Willow tree (T10) and for the following works to 7 other trees:

**T4 (Lime tree)** – Crown Raise to 4 metres.

**T5 (Beech tree)** – Crown Raise to 4 metres.

**T8 & T9 (Holly trees)** – Reduce 3 metres in height.

**T11 (Sorbus)** – Remove two of the lowest hanging branches growing towards the path.

**T12 (Mulberry tree)** – Crown Raise to 2 metres.

**T13 (Mulberry tree)** – Cut regrowth and grind stump.

The application has been called to committee at the request of Cllr Mr Morris.

The statutory determination period for this application expires on the 29 April 2014 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

06/00012/TCA : Works to various trees – Approved

07/00089/FUL : Felling of 1no. Sycamore tree – Prior Notification not required

13/00145/TCA : Proposed felling of 4No. trees (identified as T201, T199, T200 & T207) - Approved

## Consultations

Leicestershire County Council (Forestry) – Included in the text of the report.

Oadby Civic Society – No comments at the time of writing this report.

OWBC Tree Warden – No comments at the time of writing this report.

## Representations

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expires on the 11 April 2014.

**Development Control Committee Meeting  
24 April 2014**

## **Relevant Planning Policies**

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 5 – Green Infrastructure

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria.

Supplementary Planning Document/Other Guidance

Conservation Areas Supplementary Planning Document

Oadby Hill Top and Meadowcourt Conservation Area Appraisal

## **Planning Considerations**

In considering an application for works to trees in a Conservation Area the Local Planning Authority can only decide whether to make a Tree Preservation Order in respect of the trees or allow the works to be carried out. The local planning authority cannot refuse consent nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree).

It should also be noted that consent is not required for the cutting down or carrying out of works on trees which are dead or dangerous.

The application proposes the felling of 5 Conifer trees and 1 Willow tree and works to 7 other trees at various locations within the Leicester University Campus in Oadby. All of the trees are located in positions visible to the public with some located within the botanical gardens and others situated nearer to the public highway.

### Trees to be felled

T1, T2, T3, T6 and T7 (Cypress trees) are all located in the grounds of Beaumont Hall and are partially visible from Glebe Road and Knighton Grange Road. The Arboriculturalist has described the trees to be felled as being in fairly poor condition or dead in the case of T6 (Cypress trees). The arborist also advises that T1, T2 and T3 have sparse foliage and potentially weak low unions and their removal would benefit the adjacent high quality mature Yew tree.

T10 (willow) is located in close proximity to Beaumont Hall within the botanical garden and is not visible from the public highway and is described by the Arborist as having poor form. T10 is located very close to the corner of the building and other trees which may restrict its growth.

### Proposed Works to Trees

The proposed works include crown raising of T4 (lime), T5 (beech) and 12 (Mulberry) and removal of some lower branches of T11 (Sorbus) which are growing towards the path. The Arboriculturalist advises that these are general pruning works to help provide clearance.

The two Holly trees (T8 and T9) are located on the driveway at the front of Beaumont Hall and are not especially prominent in the street scene due to their distance from the public highway. The proposal is to reduce the height by 3 metres, which the Arboriculturalist describes as normal maintenance to contain the crowns.

**Development Control Committee Meeting  
24 April 2014**

T13 (Mulberry) is located within the Botanical Gardens adjacent to T12 and near to Southmeads Hall. T13 has previously collapsed leaving a stump which now has some minor regrowth. The proposal is to remove this and grind the stump, which the arborist advises would provide space for a replacement.

The Arboriculturalist considers that none of the above works would merit a Tree Preservation Order and these works are considered to be all part of normal arboricultural maintenance.

## Conclusion

In summary, the trees proposed to be felled are either in poor condition or dead and do not merit further protection by means of a Tree Preservation Order. The works proposed to the other trees are of a general maintenance nature and will improve the health of the trees. Additionally the removal of these six trees may even benefit the growth of other nearby trees. As such is recommended that the works should be allowed.

## Implications Statement

Health	No Significant implications
Environment	Loss of trees - reduction in biodiversity
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

## Recommendation

For the reasons set out in the above report **Allow** the felling/works to the trees as

- 1 The Local Planning Authority has no objection to the work and does not propose to make a Tree Preservation Order in this instance since the trees are not considered to be of sufficient amenity value to warrant a Tree Preservation Order. Furthermore the works proposed are considered acceptable and not detrimental to the health and amenity value of the trees.

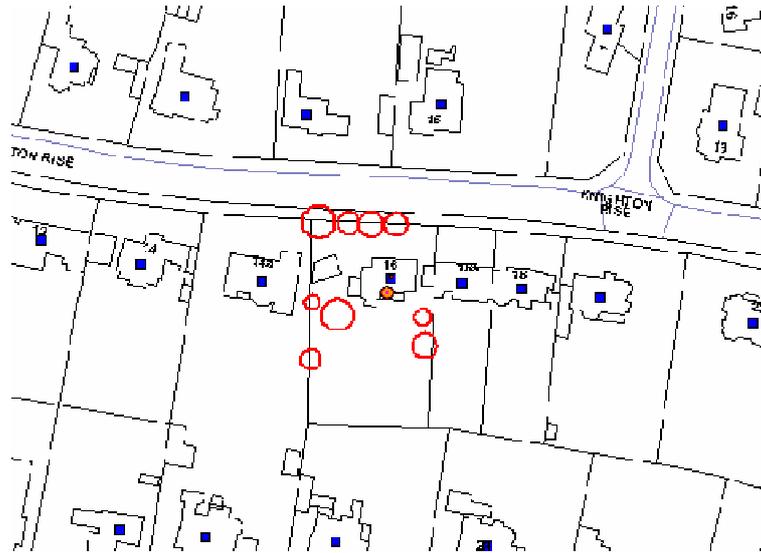
### Note(s) to Applicant :

- 1 The works to which this consent relates shall be begun before the expiration of one year from the date of this consent.
- 2 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 3 All felling works should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research.

**Development Control Committee Meeting  
24 April 2014**

- 4 All pruning should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research. Section 7 refers specifically to pruning and related work and gives detailed guidance about crown thinning, crown reduction, number of pruning cuts in relation to trunk diameter and the correct targeting of such cuts.
- 5 It is recommended that appropriate replacement trees are planted in suitable locations to compensate for the loss of the trees removed.

3.	14/00124/TCA	16 Knighton Rise Oadby Leicester Leicestershire LE2 2RE
	26 March 2014	Removal of 9No. trees (Rev A)
	CASE OFFICER	Sarah Booth



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## Site and Location

The application site is a large plot with a detached property located on Knighton Rise and is situated within the Oadby Hill Top and Meadowcourt Conservation Area.

## Description of proposal

The proposal is for the felling of 5 Conifer trees, 1 Lime Tree, 1 Laburnum, 1 Purple Plum and 1 Malus apple. The five conifers are located in the rear garden and the other four trees are in the front garden adjacent to the public footpath.

The application has been called to committee at the request of Cllr Mr Morris.

The statutory determination period for this application expires on the 7 May 2014 and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

07/00477/TCA: Felling of 3 Conifer trees – Approved

08/00404/TCA - Felling of 2No. Sycamore Trees, reduction in height of 1No Oak Tree by 25%, reshaping of 1No. Conifer Tree & reduction in height by 25% - Approved

10/00290/TCA - 4 metre crown lift and removal of dead wood of 1No. Lime tree. – Approved

11/00097/TCA - Removal of 5No. trees of various species – Approved

## Consultations

Leicestershire County Council (Forestry) – Comments have not been received at the time of writing this report

OWBC Tree Warden - No comments received at the time of writing this report.

## Representations

Neighbours have been informed and a site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expires on the 17 April 2014.

## Relevant Planning Policies

National Planning Policy Framework

Oadby & Wigston Core Strategy

Core Strategy Policy 5 – Green Infrastructure

Oadby and Wigston Local Plan

Landscape Proposal 1 : Design of new development subject to criteria.

Supplementary Planning Document/Other Guidance

Conservation Areas Supplementary Planning Document  
Oadby Hill Top and Meadowcourt Conservation Area Appraisal

**Development Control Committee Meeting  
24 April 2014**

## Planning Considerations

The applicant is seeking the removal of these trees due to issues associated with ground movement and cracks appearing in the house. The applicant's insurance company has conducted an arboricultural survey and has identified these 9 trees as possible causes of the problem. However the information provided in this notification is not conclusive as to the exact source of the problems.

Despite the reasons for the application the applicant has expressed an interest in retaining trees where possible and this proposal would be the worst case situation.

When considering an application for works to trees in a Conservation Area the Local Planning Authority can only decide whether to make a Tree Preservation Order in respect of the trees or allow the works to be carried out. The local planning authority cannot refuse consent nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree).

It should also be noted that consent is not required for the cutting down or carrying out of works on trees which are dead or dangerous.

In the absence of an arboricultural report from Leicestershire County Council it is my initial view that the conifer trees at the rear and the apple tree at the front are not worthy of protection. The conifers have limited public amenity value due to their rear garden location and the apple tree is small and is fairly poor quality, perhaps due to its close proximity to the large Lime tree.

It is my initial assessment that the Lime tree, Laburnum and Purple Plum tree at the front of the property all contribute to the street scene particularly the large Lime tree. These trees are also valuable as a group. Considering the above it is recommended that these 3 trees are protected by a Tree Preservation Order and they can be monitored to assess the subsidence issues. If these trees are found to cause the problems then the insurance company will have to supply further evidence in the form of a Tree Preservation Order application to prove this is the case.

## Conclusion

In the absence of an arboricultural report and given the limited information in this notification my initial recommendation is to serve a Tree Preservation Order on the Lime, Laburnum and Purple Plum at the front of the property due to their public amenity value in the street scene.

Further comments will be made available in the agenda update upon receipt of arboricultural advice.

## Implications Statement

Health	No Significant implications
Environment	Loss of trees - reduction in biodiversity
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

**Development Control Committee Meeting  
24 April 2014**

## **Recommendation**

For the reasons set out in the above report then:

- 1) Make a Tree Preservation Order in respect of the Lime, Laburnum and Purple Plum tree
- 2) Allow the removal of the remaining 6 trees as the Local Planning Authority has no objection to the other works and does not propose to make a Tree Preservation Order in this instance since the works proposed are considered acceptable and not detrimental to the health and amenity value of the trees. Furthermore the other trees are not considered to be of sufficient amenity value to warrant further protection by means of a Tree Preservation Order.

### Note(s) to Applicant :

- 1 The works to which this consent relates shall be begun before the expiration of one year from the date of this consent.
- 2 Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
- 3 All felling works should be undertaken in accordance with BS3998:2010 'Tree Works Recommendations' which revises and supersedes all previous issues and includes updated information based on the very latest Arboricultural research.
- 4 It is recommended that appropriate replacement trees are planted in suitable locations to compensate for the loss of the trees removed.

**Development Control Committee Meeting  
24 April 2014**

BACKGROUND PAPERS

1. 14/00051/TCA
2. 14/00113/TCA
3. 14/00124/TCA