

Planning Committee

Minutes of the remote meeting held on 26 June 2020

Contents

1.	Apologies and welcome	2
	Openness of Local Government Bodies Regulations 2014	2
2.	Apologies	2
3.	Declarations of interest and introductions	2
4.	Minutes of Planning Committee meeting held on 29 May 2020 and minutes of the meeting held on 6 March 2020.	2
5.	Points of information arising from the minutes	3
6.	To note whether any items have been proposed as matters of urgent business	3
7.	Chairman’s announcements and introduction to public speaking	3
8.	Requests to defer applications and/or vary the order of the agenda	3
9.	Applications for planning permission	3
10.	Enforcement update	3
11.	Tree Preservation Order – Waterside Rooms, Station Road Hoveton TPO/2020/0002/TPO	4
12.	Tree Preservation order – Nicholas Everitt Park, Oulton Broad BA/2020/0001/TPO	5
	Matters for Information and to Note	7
13.	Norfolk Strategic Planning Framework - update	7
14.	Appeals to the Secretary of State	7
15.	Decisions made by officers under delegated powers	7
16.	Circular 28/83 Planning statistics for quarter ending 31 March 2020	7
17.	Date of next meeting	8
	Appendix 1 – Declaration of interests Planning Committee, 26 June 2020	9

Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andree Gee, Gail Harris, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford, Vic Thomson, Fran Whymark.

In attendance

Sandra Beckett – Administrative Officer (Governance)(Minutes), Stephen Hayden – Arboricultural Adviser, Kate Knights– Historic Environment Manager, Kayleigh Judson – Heritage Planning Officer, Sarah Mullarney - Administrative Officer (Governance) Moderator, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services.

Members of the public in attendance who spoke

Ms Helen Binns for BA/2020/0002/TPO Tree Preservation Order – Waterside Rooms, Station Road, Hoveton

Mr Ben Falat for BA/2020/0001/TPO Tree Preservation Order – Nicholas Everitt Park, Oulton Broad

1. Apologies and welcome

The Chairman welcomed everyone to the second remote meeting of the Planning Committee, including members of the public following the meeting through the livestream.

Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting would be held remotely in accordance with the government’s COVID-19 regulations and the standing orders and protocol agreed by the Authority on 22 May 2020. The meeting would be livestreamed and recorded. The Broads Authority retained the copyright. The Minutes remained the record of the meeting.

2. Apologies

There were no apologies.

3. Declarations of interest and introductions

The Chairman welcomed Gail Harris on her return to the Broads Authority and appointment to the Planning Committee. Members and staff introduced themselves. Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered.

4. Minutes of Planning Committee meeting held on 29 May 2020 and minutes of the meeting held on 6 March 2020.

The minutes of the meeting held on 29 May 2020 were approved as a correct record and would be signed electronically by the Chairman.

The Chairman explained that the summary section concerning minute 8(1) BA/2019/0013/FUL Gays Stathe paragraph 4 of the 6 March 2020 meeting could not be agreed and therefore this was included verbatim. Therefore, she accepted that the minutes as published were an accurate record and would be signed as such.

5. Points of information arising from the minutes

There were no points of information arising from the minutes to report.

6. To note whether any items have been proposed as matters of urgent business

There were no items of urgent business

7. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee and the new government regulations and standing orders. There were no planning applications for this meeting but there would be public speaking for the items on the Tree Preservation Orders. Those who wished to speak, Ms Helen Binns and Mr Ben Falat had been registered and were invited to do so following the presentation on the TPOs on which they wished to comment.

8. Requests to defer applications and/or vary the order of the agenda

No requests to defer or vary the order of the agenda had been received.

9. Applications for planning permission

There were no applications for planning permission on this agenda.

10. Enforcement update

The Committee received an updated report on enforcement matters previously referred to Committee. Further updates were provided for:

Ditchingham Maltings – The Head of Planning was pleased to report that work had commenced on the landscaping scheme maintenance programme, evidenced from the receipt of photographs. The Authority had also received an email from members of the parish council, thanking all those involved in progressing the matter.

11. Tree Preservation Order – Waterside Rooms, Station Road Hoveton TPO/2020/0002/TPO

The Committee received a report on a provisional Tree Preservation Order (TPO) that had been served on a Norway maple and an alder at the Waterside Rooms, Station Road, Hoveton. The Planning Committee had been provided with a “walk through” slide presentation of the trees with a commentary from the Authority’s arboricultural adviser at the previous meeting in lieu of a site visit, due to the COVID-19 situation. It was emphasised that the prerequisites for a TPO were that the tree had to be of amenity value and was under threat. Under the Town and Country (Tree Preservation) (England) Regulations) 2012, Local Authorities were under obligation to protect trees where it was considered appropriate. There was set criteria for assessment and the TEMPO methodology was used in line with British Standards. Assessment was as objective as possible.

A planning application had been submitted for the redevelopment of the site in 2018 which would necessitate the removal of both trees. This application was subsequently withdrawn. The provisional TPO was served on the trees in January 2020, and in February 2020 an objection was received on behalf of the leaseholder of the site on the grounds that they were not of amenity value and were not under threat.

The arboricultural adviser provided slides showing the trees and the site context to illustrate his view that the trees made a significant contribution to the street scene. He referred to the Authority’s statement of case in response to the objections within the report and gave these detailed attention. In conclusion, he recommended that the provisional TPO be confirmed.

Ms Binns (Principal Consultant Walsingham Planning) explained that she was acting as agent on behalf of both the landowner and the leaseholder of the site, who were now one and the same, whereas originally, she had been acting on behalf of the leaseholder only. She explained that the application was not withdrawn due to the constraint’s analysis on development by the trees, but due to the original proposed development having an adverse effect on the beer garden and placing the ultimate viability of the Kings Head into question. In her statement Ms Binns considered that applying a TPO to the site was entirely unjustified with regard to Section 198 of the Town and Country Planning Act 1910 and associated guidance within the NPPG. She did not consider that a TPO would be expedient as there was no perceived or practical threat. There had been no change in landownership. She did not consider that the amenity value was a determining factor as this was considered limited. It was considered that the trees removal would not have significant negative impacts. She also queried the legitimacy and appropriateness of imposing a TPO on trees that were undermining a boundary wall. It was also considered that imposing a TPO would make it difficult to provide a viable redevelopment proposal on a site which was already very constrained, partly due to much of the west of the site being in Flood Zones 2 and 3. In conclusion, Ms Binns requested that the proposed TPO be rejected on the basis that it was not justified, was being inappropriately used as leverage against future presently unknown development proposals, the trees were of limited value and were already undermining a boundary wall and that a TPO would significantly reduce the chances of a bringing forward a

potential viable redevelopment proposal for the site that would not prejudice the long term future of the Kings Head.

A member expressed some concern as to the justification for imposing a TPO. The site had been an eyesore for some considerable time and was in need of redevelopment for the amenity not only of Hoveton/Wroxham but for its residents. There was a need to take on trust that there was not a threat to the trees. Some other members supported this view considering that imposing a TPO was a disproportionate approach. The member commented that he would not be supporting the officer's recommendation.

Although other members understood this view and were also in favour of redevelopment of the site, they considered that imposing a TPO, although providing some constraints, would mean that the trees could not be removed without discussion with the LPA and could be included as part of a comprehensive redevelopment of the site. They did not consider that confirming the TPO would preclude future development.

Bill Dickson proposed, seconded by Lana Hemsall not to accept the officer's recommendation and the TPO be not confirmed.

On being to the vote, the motion was lost by 4 votes in favour and 9 against

Tim Jickells proposed, seconded by Harry Blathwayt that the TPO be confirmed.

It was resolved by 9 votes in favour and 4 against that the provisional TPO at the Waterside Rooms, Station Road, Hoveton be confirmed.

Live streaming was suspended for a 10-minute break.

12. Tree Preservation order – Nicholas Everitt Park, Oulton Broad BA/2020/0001/TPO

The Committee received a report on a provisional Tree Preservation Order (TPO) that had been served on two mature Corsican Pine trees at Nicholas Everitt Park, Oulton Broad, within the Oulton Broad Conservation Area. The trees were considered to have amenity value and contribute to the landscape of the park and were a prominent part of the skyline for a much wider area due to their height and form. It was emphasised that imposition of a TPO was in response to a set of circumstances. A works to trees application I had been submitted to reduce the trees to 10 – 12 metres from ground level, which would effectively mean the loss of all of the trees' canopies. As with the previous report, the trees had been assessed using the TEMPO methodology and in accordance with Town and Country (Tree Preservation) (England) Regulations) 2012.

A provisional TPO was served in January 2020 and a letter of objection received in March 2020 from Oulton Broad Parish Council, the owners of the park. Members had received a virtual site visit at their meeting on 29 May 2020 whereby they viewed the trees by means of a series of photographs with commentary from the Authority's arboricultural adviser. For this meeting, the arboricultural adviser provided slides showing the trees and the site context to

illustrate the significant contribution to Nicholas Everitt Park from wide viewpoints. He referred to the Authority's statement of case in response to the objections within the report and gave each of these detailed attentions. He acknowledged that the wall at the base of the trees was cracked, but this could be repaired and remedial works put in place if the relevant professionals were consulted. He acknowledged that a new committee had been formed to look after and manage Nicholas Everitt Park and this was being very proactive. However, he was of the view that the Trustees were not receiving appropriate advice. He considered that it was important for the Authority and the Trustees to work closely for the right solution. He emphasised that the works proposed to the trees were inappropriate in any context and would not help to alleviate any concerns expressed by the Oulton Broad Parish Council. Therefore, in conclusion, he recommended that the provisional TPO be confirmed.

Ben Falat on behalf of Oulton Broad Parish Council (OBPC) had circulated a statement to Members objecting to the need for the TPO to be imposed as the Trustees in association with the Friends of the Nicholas Everitt Park and expert advice would be best placed to manage the area. He agreed that the parish council appeared to have been in receipt of poor advice and that it was necessary to move forward to manage Nicholas Everitt Park referred to as the "Jewel within Waveney" in the best interests of the public. He explained that a new regime of Trustees had been appointed in 2017 in conjunction with establishing the new parish of Oulton Broad all of whom had strong local ties and passionate involvement with due regard to the 13 criteria attached to the 1929 Deed-of-Gift which was forward-looking in environmental and amenity issues. This was in contrast to the old regime, which required statutory yearly financial submissions as a charity and the devolvement of maintenance management to an employed contractor. The Trustees wished to assert appropriate controls, seek a balanced way forward, take advice from the Authority's arboricultural adviser and others and install appropriate planting and provide a comprehensive solution for the area.

He commented that the fast-growing trees had already caused the closure of the local lido as well as putting at risk the alternative Children's Splash area due to the trees affecting the pump house and causing damage to the wall & proposed new pump-house & sandpit. The trees also posed potential problems for collective sewerage pipe, drainage bank piling and nearby buildings. The Trustees worked in close cooperation with the Friends of Nicholas Everitt Park as to the planting and maintenance. Mr Falat referred to a recently dismissed appeal in which it was stated "if it can be shown that the landowner is sufficiently caring, then there should be no need for any external order." He commended the guidance to the Planning Committee.

Members were pleased to see a new regime for the park and the efforts being made for the improvement of its management. They noted that the arboricultural adviser considered that the 2 Corsican pines could still have approximately 20 years of life left. In general members were supportive of the Trustees gaining the best advice possible for improving the whole of Nicholas Everitt Park for the public benefit. In light of the good will of the Trustees, some members did not consider that the confirmation of the TPO was required. Members considered whether the provision of a comprehensive management plan could negate the need for the TPO but this was considered disproportionate and unreasonable to require such

a plan at this stage. It was made clear that there was an application for tree works to reduce the height of the trees to between 10 – 12 metres from the ground. If the TPO was not confirmed, this work could still take place. In general members recognised the contribution the trees made to the landscape and also accepted that the reduction of the trees in height would not resolve the concerns of the OBPC.

Tim Jickells proposed, seconded by Harry Blathwayt and

It was resolved by 9 votes in favour and 4 against, that the provisional Tree Preservation Order BA/2020/0001/TPO at Nicholas Everitt Park Oulton Broad, Lowestoft is confirmed.

Matters for Information and to Note

The following items were taken as a block as they were for information. No questions or comments had been received from members prior to the meeting. The Chairman stated that if members were content she would take it that, unless there were any further comments, each of the recommendations would be accepted. There was general assent and no objections were received. The reports were received.

13. Norfolk Strategic Planning Framework - update

It was resolved to note the report on the update of the Norfolk Strategic Planning Framework.

A member asked for further details and clarification on section 5 of the report relating to older persons accommodation and the support needs survey. Officers would provide further information following the meeting.

14. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since January 2020.

It was resolved to note the report.

15. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 15 May 2020 to 11 June 2020.

It was resolved to note the report.

16. Circular 28/83 Planning statistics for quarter ending 31 March 2020

The Committee received the planning statistics for the quarter ending 31 March 2020 which had been circulated separately.

It was resolved to note the report.

17. Date of next meeting

The next meeting of the Planning Committee would be held remotely on Friday 17 July 2020 10.00am.

The Chairman commented that this 26 June meeting would be followed by the **Heritage Asset Review Group** which was an informal information and preliminary advisory group for Members. There were five members on the group and other members of the Planning Committee were welcome to attend. The meeting would not be livestreamed. The notes of the meeting would be included with the reports for the next Planning Committee on 17 July 2020 and any items for decision would have full reports submitted to the Committee.

The meeting ended at 12.20pm

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 26 June 2020

Member	Agenda/minute	Nature of interest
All Members	12. BA/2020/0001/TPO Nicholas Everitt Park	All members had received a letter from Ben Falat on behalf of Oulton Broad Parish Council
Bill Dickson	11. BA/2020/0002/TPO Waterside Rooms Station Road Hoveton	Non-pecuniary as resident of Hoveton
Andree Gee	12. BA/2020/0001/TPO Nicholas Everitt Park	Non-pecuniary as resident of Oulton Broad
James Knight	4. Minutes	Re Planning application at previous meeting 29 May 2020