



APPEALS PANEL

Minutes of a remote meeting of the Appeals Panel of Broadland District Council, held on Wednesday 7 April 2021 at 10am.

**Committee members present:
Speakers present:**

Councillors: S Lawn (chairman) and K Lawrence

A Cornish – Planning Officer (Persimmon Homes – Objecting)
S Milligan – Arboricultural Consultant (Persimmon Homes – objecting)
Cllr S Gurney – district/county councillor for Hellesdon –supporting
N Carver – Hellesdon parish clerk - supporting
T Anderson – local resident – supporting
J Packham – local residents – supporting

Other Members in Attendance:

Councillors: S Prutton and D King - observing

Officers in Attendance:

The Planning Area Team Manager (BB), the Conservation and Tree Officer (IM) – presenting the case for the Order, the Democratic Services Officers (DM & JH) – advisor and host to the Panel.

15 MINUTES

The minutes of the meeting held on 10 February 2021 were agreed as a correct record.

16 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2020 No 9 (1311) FORMER ROYAL NORWICH GOLF CLUB, DRAYTON HIGH ROAD, HELLESDON

The Chairman welcomed everyone to the meeting and explained the procedure for the Hearing. The Panel members had previously had the opportunity to view the whole site.

The following representations had been received to the making of the Order:
One objection from Howes Percival on behalf of Persimmon Homes Ltd.
Fourteen representations in support of the Order from local residents.

The Panel then heard from Ms A Cornish who gave a detailed statement of the reasons for the objection from Persimmon Homes to the making of the

Order (full copy attached at appendix 1 to the signed copy of these minutes). They had strong views that the Order was inappropriate and un-necessary and was not expedient in the interest of amenity and so the legal test had not been met. The trees were already being managed, they were not under threat, they were not all in good condition and worthy of protection. They were not visible from a public highway and as such made a limited contribution to local amenity. No detailed assessment had been carried out by the Council prior to making the Order and this could have been undertaken despite COVID restrictions.

To date all works to trees on the site had been carried out in consultation with the District Council and, at the request of the local residents and the parish council, a number of trees had been removed following a site meeting. A significant Oak tree had also been identified for retention. There was no intention to alter the ongoing engagement with the local community and an arboricultural consultant had been engaged to support this work.

The principal of development of the site and subsequent removal of some trees had already been agreed. The progress of the development of the site, in particular the completion of phase 1 and starting of phase 2 now added confusion to the status of the trees and the Area Order.

A better approach to the ongoing protection of the trees would be the serving of individual orders for each phase of the development.

In response to the assertion by Ms Cornish that the Council had not undertaken detailed surveys of the location and species of individual trees in the time available, a question was raised as to whether the developer should have undertaken these. Ms Cornish stated that Persimmon Homes had produced information as part of the EIA (Environmental Impact Assessment submitted with the planning application) detailing trees to be retained/felled/retained in part and this information had formed part of the original indicative master plan used to inform the planning applications. Further detailed investigations had then taken place as part of each phase of the development and discussed with the district council which had resulted in modifications to detailed layouts and changes to accommodate the constraints of the site and drainage requirements and a last minute request from the parish council for formal recreation space. She stated that Persimmon Homes had developed a detailed portfolio of information on the trees. She did not believe the Council had done this or undertaken a detailed assessment of individual trees. It was noted the plans referred to were now out of date and had changed since the original planning permission had been granted some 4 years ago. For clarification, Cllr Gurney confirmed that the parish council request for formal recreation pitches was not last minute and had been part of the original proposals as an allocation of 4 ha but had been reduced to 2 ha.

The Panel then heard from the Conservation Officer who confirmed that detailed information regarding the trees was still to be secured. Following the progression of phases 1 and 2 of the site, the Council would now be able to assess in detail the extent of the order relating to these phases. She added

that the Order could only be varied once confirmed and not prior to this. The trees were an important local amenity.

In response to questions, the Conservation Officer confirmed that whilst she had not undertaken a detailed assessment of the visual amenity of the trees from the wider area, the raised profile of the site was such that it could be seen from some distance. She also confirmed that the mixed native trees and hedgerows on the site offered a valuable wildlife habitat and that the loss of some of the trees on the site would have an impact on wildlife and the diversity of the site. Efforts were being made to implement a tree planting scheme to replace this loss in the longer term.

In response to a question as to why the Council had not undertaken a more detailed assessment of the individual trees on the site, the Planning Area Team Manager commented that the Council had been actively involved in negotiations with the developers and had sought detailed plans/proposals for the site as a whole to appreciate the wider impact of the development and to enable officers to work with the developers to determine what trees could/could not be retained. This information had not been forthcoming. Pressure on staff time and limited resources had been a factor in the decision to make an Area Order as opposed to individual/group orders which would have involved a considerable amount of officer time. Further information was now becoming available with progress on phases 1-3 of the development and, subject to confirmation of the Area Order, further detailed assessments could now be undertaken.

Mr S Milligan commented that principally, the objection related to the appropriateness of the use of an Area Order instead of group orders and that information about the groups to be retained/felled/partly retained had been provided to the Council in 2014/15.

In response to a question, the Planning Area Team Manager confirmed that preparing a number of group orders would have involved considerably more resources than the Area Order but that the ultimate intention once the site had some protection was to take the opportunity to fully assess the trees and replace the Area Order with individual/group orders.

Ms Cornish commented that planning permission granted had included conditions to protect the trees on the site and she asked why these were now considered to not be sufficient to control tree retention and the Council had seen the need to make a TPO. The Conservation Officer responded that as each phase had progressed, changes had been made and there had been some concern locally with activity on the site in relation to the trees which had led to the decision to make the order to protect the future of the trees.

The Panel then heard from Cllr S Gurney – local member for Hellesdon in support of the TPO. Cllr Gurney drew the Panel's attention to references to the site in the Planning Committee minutes when the planning application was first considered for the site. It referred to the site as being unique and offering the opportunity for a development different to any other in Broadland. The

developers had given assurances to the parish council that as many trees as possible would be retained on the site. She disagreed with the view of Ms Cornish regarding the amenity value of the trees and was concerned about the impact of the loss of the valuable amenity to existing and new residents of the development once built as the indicative plan demonstrated an abundance of trees. Considerable concerns had been raised by local residents about the loss of trees on the site and she gave examples of some discrepancies in what appeared in documents and what actually existed on the ground or was proposed. She welcomed the opportunity to now fully assess the actual detailed situation on site and felt the planning conditions were not sufficiently robust to provide the necessary protection whilst the assessment was undertaken. She raised concerns that dialogue between the developer and the parish council had ceased since 2015 and that the District Council had prompted a need to return to open dialogue. The parish had accepted that there would be a degree of tree loss as a result of the planning permission granted but not at the levels currently being witnessed.

In response to a question, Cllr Gurney confirmed that the concern of residents was widespread in the parish and not just those living in the vicinity.

The Panel then heard from Tina Anderson – local resident in support of the Order. She had lived nearby the golf course for over 35 years. She was aware the site was private land with no public access but was extremely concerned about the impact of the loss of trees on wildlife and on the environment and the climate. She was surprised the developers were promoting the site in their marketing strategy as a unique site with undulations and mature trees and this was not going to be the case.

The Panel then heard from Ms N Carver of Hellesdon Parish Council who confirmed that Persimmon Homes had contacted the parish council in December 2020 with regard to phase 2 of the development. Prior to that the last contact had been in 2018 and there had been no dialogue between the developer and the parish council in the intervening period. Mr S Milligan stated he had met with Cllr S Gurney on 7 January 2020 regarding the removal of conifers along the boundary – Cllr Gurney refuted this claim.

The Panel then heard from Ms J Packham - local resident supporting the order. She raised concerns about the felling of mature trees on the site which was contrary to the Hellesdon Neighbourhood Plan. The trees were vital to support the environment and wildlife and their removal was destroying valuable habitats. She detailed the range of wildlife and birds found at the site and said she was also worried about the impact on flooding of the area with the removal to trees and the impact on air quality. The Hellesdon Neighbourhood Plan raised concerns about the lack of green space in the parish and the removal of trees on this site would exacerbate this. Persimmon Homes had promised the retention of the natural landscape but she could not see how they could achieve this. The availability of green open space was crucial to mental wellbeing and any new development should contribute to the

provision of green space. The trees needed to be retained to preserve the historical and amenity value of the site.

The Conservation Officer was then invited to submit her closing statement. She stated that the Council was working hard to secure the retention of trees at the site where possible and that the Area Order would be varied in time to reflect the evolving situation on site. She wanted to work closely with the developer in achieving this but felt it was important to have the Area Order in place.

Ms Cornish then presented her closing statement. She stated that Persimmon Homes had been working hard over the last 2 years to put together a master plan based on the most up to date information available. The constraints of the site had caused issues which had impacted on the overall development. The requests for more detailed information had not been ignored but it had taken some time to present this information to facilitate an informed discussion on the future of individual and groups of trees. They were very aware this needed to be undertaken. With regard to engagement with the parish council, Ms Cornish commented that she had been with the company for 2 ½ years and the intention was to talk to the parish council once the detailed information had been secured to fully inform the master plan. This work was still ongoing and the situation changing. The developer was fully aware of the responsibility to fully engage with the local community. She referred to community benefits of the development which included the retention of the existing woodland and the opening of this for public access and discussions were ongoing with regard to future management of this. She stressed that it was not the developer's intention to wilfully remove trees and that they too wanted to retain as many as possible and follow due process. She had no objection to the trees being protected but reaffirmed their objection to the use of an Area Order. The reasons this was considered inappropriate included the fact that the trees were already being managed, there was no threat to the trees, the expediency test had not been met, the trees had limited visibility, the condition of some of the trees did not warrant their protection and the order was inappropriate in relation to phases 1 and 2 of the development. Instead, she considered that specific TPOs should be used for each phase to avoid the confusion caused by the relationship of the Area Order and the granted planning permissions. She stressed that, whilst a number of trees needed to be removed to facilitate development, a scheme of replanting was proposed.

The Chairman sought clarity on the relationship between the Area TPO and the planning permission granted and the Planning Area Team Manager explained the situation. Whilst the Order was relevant to the whole site and all phases of the development, any planning consent granted necessitating the removal of trees covered by the Order to facilitate permitted development would take precedence over the TPO.

The Panel members (with the administrative support of the Democratic Services Officer (DM)) then left the meeting to deliberate their decision. They

were subsequently readmitted to the meeting and Chairman announced the Panel's decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided to confirm the Order.

The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and that the making of the Order was expedient in the interests of amenity to make provision for the protection of the trees. The trees the subject of the Order made a significant contribution to the local environment and they had significant amenity value to the residents. The trees contributed to the biodiversity of the wider area and offered a wildlife habitat. A number of trees on the site had historical and cultural value and contributed to the landscape and character of the area. It was accepted that planning permission had been granted for the site for up to 1000 homes and accepted that there should continue to be good communication between the Council and the developer to ensure the site was re developed and the trees preserved in line with the visible, historical, amenity and environmental impact of the trees.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2020 No 9 (1311) former Royal Norwich Golf Club, Drayton High Road, Hellesdon.

All present were advised that if any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

(The meeting concluded at 11:55am)

Chairman