

BOROUGH OF POOLE
ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

24 JANUARY 2013

The Meeting commenced at 7.00 p.m. and concluded at 8.30 p.m.

Present:

Councillor B Clements (Chairman)
Councillor Parker (Vice-Chairman)
Councillors Howell, Rampton, Mrs Slade, Wilson and Woodcock (Substitute for Mrs Stribley)

Also Present:

Councillor Brooke, Broadstone Ward Councillor
Councillor Mrs Dion, Portfolio Holder for Planning and Regeneration, Local Economy, Transport, Tourism and The Streetscene
Councillor Godfrey, Broadstone Ward Councillor
Councillor White, Portfolio Holder for Major Projects, Capital, Strategic, Planning and Regeneration

Also in attendance:

Andrew Flockhart, Strategic Director
Richard Genge, Planning and Regeneration Manager
Nigel Jacobs, Planning Policy and Implementation Manager
Alan Leeson, Democratic Support Officer
Giles Thomas, Localism Project Manager
Stephen Thorne, Head of Planning and Regeneration Services

Members of the public present: 2

EOS86.13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pawlowski and Mrs Stribley.

EOS87.13 DECLARATIONS OF INTEREST

There were no declarations of disclosable pecuniary interests.

Other non statutory disclosure of interests Members wished to be recorded

Councillor Mrs Slade declared an interest Agenda Item 5 as a member of the Broadstone Neighbourhood Forum.

EOS88.13 MINUTES

RESOLVED that the Minutes of the Meeting of the Economy Overview and Scrutiny Committee, held on 6 December 2012, having been previously circulated, be taken as read, confirmed and signed by the Chairman as a correct record, subject to Minute EOS77.12 it being recorded the additional wording '*Members making recommendations or decisions on transportation schemes should be advised of any planning or urban design implications, in the same way that Planning Committee receives reports on Highways or Transportation issues*' within Recommendation 6 was included and deleting 'food' and inserting 'flood' in Minute EOS78.12 .

EOS89.13 PETITION - THE CAMPAIGN FOR SENSIBLE TREE MANAGEMENT

The Chairman invited Mrs Sue Whitehall, Petitioner, to address the Committee.

The Petitioner highlighted the following:

- The Petition was to promote change in current practices and if necessary, a change in legislation
- The work undertaken by Tree Officers to preserve the woodland environment in an urban setting and the importance of their work and the need for preservation was recognised
- Representatives from a variety of organisations were consulted when defining existing legislation, with all such agencies holding a bias for the preservation of forests and public woodland, it did not adequately address the management of urban trees;
- Homeowners feel that existing legislation is too restrictive and perhaps not always pertinent to smaller 'Privately Owned' Urban Settings and therefore perceive the need for some change;
- Too much emphasis was placed upon the subjective notion of 'Public Amenity' value rather than greater regard being given to the welfare of the private property owner-occupier and it is was deemed critical status as such decisions override the human rights to 'Peaceful Enjoyment of Possessions';
- Individual private property owners were unhappy that the rights of the public outweigh those of the individual or permanent resident and would like to be given greater consideration to manage trees within their own boundary, particularly as there was an expectation for responsible ownership;
- Expressed concern over safety issues where such trees had outgrown their environment and would like improved opportunities to take responsibility for prudent and sensible management of their land;
- Tree overgrowth compromising daylight and sunlight to properties had often led to poor health and the need to use artificial light during daylight hours or to have to go out in search of sunlight.
- Such issues also were reported to have a detrimental effect on house sales and ultimately property values;

- Tree Preservation Orders (TPOs) negated covenants restricting tree heights;
- The Arboricultural Working Group consisting of Council officers and professional representatives provided an ideal opportunity to engage with and include representatives from the community to establish a balanced rationale in sensible and sensitive tree management.

In conclusion she stated that a measured approach to the pruning and reduction in canopy heights would not negatively impact on the tree landscape and would enhance the lives of so many residents.

The Planning and Regeneration Manager introduced a report that, in light of the Petition received, outlined proposals to review current practices, to engage with the community regarding tree management issues and for the Local Planning Authority (LPA) to canvass changes to legislation. In response to the points raised by the Petitioner, the Officer highlighted paragraphs 3.39 and 3.43 in respect of certain works being allowed where there was imminent danger and where the percentage of the 700 plus applications each year being refused was equivalent to 10% and with only 25% (6) of appeals being permitted. This was said to demonstrate a reasonable response and largely supported the argument that works sought were acceptable to the LPA. An invitation to attend the next meeting of the Arboricultural Working Group was extended to the Petitioner.

Members indicated a general support for issues raised by the Petitioner and to the proposals contained in the Officer's Report. A Member referred to the fact that at present, the list of reasons for removal of a tree did include 'not in keeping with the local environment'. Several examples were cited by Members in reference to the lack of suitability of certain species trees planted in the urban environment. These included reference to the evidence heard at the recent 'Select Style Committee' in which trees had been planted in the pavement adjacent to the Twin Sails Bridge link road and a redwood tree plant in the grounds of a Grade II listed town house building in the Poole old town. A Member emphasised the fact that 2% of all woodland in the U.K. was in urban areas and highlighted the problems of density having a negative impact on bird habitats.

The Petitioner concurred with the views expressed by Members and the Officers in that there balanced approach was necessary and accepted the invitation to attend the next meeting of the Arboricultural Working Group.

RECOMMENDED That:

- 1. The information contained in the Report be noted and until further work was undertaken as outlined, no change to policy is recommended.**
- 2. Consultation with interested parties be commenced and a report brought back to Committee with any further recommendation and outcome of the consultation.**

Voting: For – Unanimous

EOS90.13 NEIGHBOURHOOD PLANNING – APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD FORUM – BROADSTONE

The Strategic Director advised the Committee that the Application was the first of its type to be received and was considered in line with the process and criteria adopted by Council for the designation of Neighbourhood Forums and Neighbourhood Areas.

The Chairman commended the Head of Legal and Democratic Services in the interpretation of the Localism Act 2011 and the introduction of the administrative procedures. Congratulations were also extended to the Broadstone community representatives in being the first Applicant.

Members questioned the assessment criteria in respect of community representatives and also the determination of the boundaries i.e. the voting area. The Officer explained that it was for the Applicant to define. A Member explained as a Ward Councillor, that the approach adopted and criteria considered in determining the boundary and recognised that in other areas of the Borough, determining the boundary would present a greater challenge e.g. in the vicinity either side of Ashley Road, Parkstone or Poole Town Centre. Reference was made to the potential for recognition of a sub-group. A Member stated that Broadstone community was envied in terms of its cohesion and representation.

The Chairman invited other Ward Councillors to address the Committee. Councillor Brooke expressed appreciation of the comments made and explained that the draft guidelines had been followed closely. It was believed that there was an expectation for a Forum that followed the Ward boundary but as the legislation stated that any 'community' could apply, the criteria may need to be reconsidered. It was explained that every resident was entitled to be a member of the Forum and the legislation provides that the community should be represented by a cross-section of residents and be a minimum of twenty-one. It was reported that the number of representatives was reduced from 23 to 22. It was noted that the next application, submitted by Poole Quays, did not follow the political ward boundary. A comment was made that the process took considerably longer than set out in the Council's adopted criteria and that consideration should be given to revising this unless the delays were as a result of the Application being the first of its kind. Reference was made to the difficulty experienced by interested parties in accessing the Application through the Council's website.

RECOMMENDED:

- i) That Cabinet consider the Committee recommendation that the Broadstone Neighbourhood Forum is designated as a relevant body for the purposes of Neighbourhood Planning within the boundaries of the Neighbourhood Area set out in the Application.**
- ii) That in the light of (i) above Members recommend to Cabinet that the area set out in the application be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning.**

Voting: For – Unanimous

EOS91.13 SUBMISSION COMMUNITY RIGHTS PROCEDURES TO IMPLEMENT THE LOCALISM ACT 2011

The Localism Project Manager introduced the Report of the Head of Planning & Regeneration Services highlighting proposals on the procedures for managing Community Rights, established by the Localism Act 2011. It was stated that the Council was required to determine a number of community rights as detailed below:

- Neighbourhood Planning and Community Right to Build, concerning the infrastructure in the community
- Community Right to Challenge, concerning services to the community
- Community Right to Bid, concerning assets of community value.

A Member highlighted concerns of the potential for some unintended consequences arising from the rights established, as outlined in paragraph 4.1 a) of the Report on the proposed Community Rights to bid, in discouraging the use of buildings for social wellbeing as it could give rise to a bid in the future from a Neighbourhood Forum.

RECOMMENDED

- i) **The Committee recommend to Council for approval of the proposed procedures set out in the Report in Appendices 1 and 2.**

Voting: For - Unanimous

EOS92.13 VOLUNTARY CODE OF PRACTICE WITH ESTATE AGENTS – PETITION OF SANDBANKS ASSOCIATION

The Planning and Regeneration Services Manager introduced the Report highlighting that the Local Planning Authority (LPA) had been requested to devise a Voluntary Code of Practice with Estate Agents, to apply Borough-wide. This followed the consideration of the Petition presented to Council by Councillor Sorton on behalf of the Sandbanks Association and the presentation by the Association at the Economy and Overview Scrutiny on 18 October 2012 and subsequently referred to the Overview and Scrutiny Board for consideration.

A Member highlighted concern at potential waste of officer time and resources. The Officer explained that an existing forum was already established and that the matter had been placed on the Agenda at that Working Group's next meeting. Resource implications would become a factor if further extensive work became necessary e.g. in terms of enforcement. A Member stated support for a voluntary code in the first instance and thereafter, reminding Agents of the consequences of the LPA having take appropriate action.

RECOMMENDED:

That the Head of Planning and Regeneration Services consult with the Agents and Developers Working Group, the Community Working Group, and the Business Working Group on the Voluntary Code, as well as local Estate Agents and report the findings to back to Committee.

Voting: For - Unanimous

EOS93.13 INTRODUCTION OF A LOCAL DEVELOPMENT ORDER FOR HIGH STREET, POOLE

The Planning Policy and Implementation Manager introduced a Report outlining the proposals to introduce a Local Development Order (LDO) for High Street, Poole. The Officer explained that the effect of the LDO would be to grant permitted development rights for a change of use of ground floor premises and also premises at first floor level and above as detailed in the Report.

It was explained that the proposals were in recognition of the struggle faced by businesses within Poole town centre and also included lifting of the restriction on the number of days for which a temporary building or use may operate within a calendar year. The proposals were reported to accord with the Poole Core Strategy, Policy PCS 13.

Clarification was sought in respect of the impact and requirement to mitigate for adverse effects upon heathland. The Officer explained that the requirement applied to residential premises and that the proposals were in respect of business premises only. A Member suggested that the area be extended to beyond New Orchard. The Officer stated that this may be an outcome arising from the proposed public consultation. A view was expressed that the proposals could be damaging to shops, would not create viability and could have the detrimental effect of rents being kept higher. The danger of shops being converted to business premises, causing a reduction in footfall, was also expressed. The Chairman reminded Members that the recommendation before the Committee was in respect of conducting a public consultation.

A Member stated that they welcomed any proposal aimed at reducing bureaucracy and constraints placed upon businesses. A request was made that the proprietors of all business premises be issued with a letter making them aware of the proposals and inviting comment. The Officer explained that everyone in the area would be consulted and be directed to the Council's website.

The Chairman requested that the Town Centre Management Board be consulted and invited comment from the Portfolio Holder who stated that the objective was to encourage creative industries and a vibrant economy through attracting new blood. The Chairman commented that at least one new business had been encouraged through the offer of an initial rent free period.

RECOMMENDED:

That the Committee recommend to Cabinet that the Draft Local Development Order (LDO) for High Street area in Poole Town Centre is allowed to progress through to a formal 28 day consultation stage whereby representations received will inform the production of an LDO for the High Street which can then be proposed for adoption.

Voting: For – 6 Against – 0 Abstained –1

EOS94.13 DORSET COUNTY COUNCIL SUPERFAST BROADBAND PROJECT

The Localism Project Manager introduced a Report advising of the Dorset County Council Chief Executive's recommendations on the Dorset Superfast Broadband Programme and informed Members of the related broadband activity.

The Committee was also advised of the anticipated improvement and increased broadband speeds across the conurbation and the timescale for upgrading the telephone exchanges serving property within the Borough. The speeds were expected to increase from 2Mb/s to 24Mb/s through the use of fibre optic cable.

Members enquired about the ownership of the data cabling and sharing arrangements. The Officer explained that cables laid by British Telecom was subject to being shared whilst those installed by other companies was more likely to be used exclusively by themselves.

RESOLVED: That the Report be noted.

Voting: For – unanimous

EOS95.13 URGENT MATTERS

None.

EOS96.13 FORWARD PLAN

The Chairman introduced the revised Forward Plan highlighting that an all-Member seminar was to be held in respect of the Strategic Car Parking Review and that the scrutiny of the issue postponed until a later date, to be confirmed.

RESOLVED: That the revised Forward Plan be noted.

Voting: For – unanimous

CHAIRMAN