

Schedule of Planning Applications

Committee Date: 9th November 2022

Application Number: 06/22/0765/TRE - [Click here to see application webpage](#)

Site Location: Land east of 311 Beccles Road, Gorleston, Great Yarmouth, Norfolk NR31 8DD

Site Location Plan: See Appendix 1

Proposal: Proposed works to tree; T1 Acer - Reduce and reshape encroaching branches up to 2m and thin crown

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mrs H Ayers

Parish & Ward: Gorleston, Claydon Ward

Date Valid: 25-08-22

Expiry / EOT date: 16-11-22

Committee referral: This is a 'connected application', where the Borough Council is both landowner and applicant.

Procedural note: This application was reported to the Monitoring Officer as an application submitted by the Borough Council, as applicant, for determination by the Borough Council as Local Planning Authority. The application was referred to the Monitoring Officer for their observations on 01 November 2022, and the Monitoring Officer has checked the file and is satisfied that it has been processed normally and that no other members of staff or Councillors have taken part in the Council's processing of the application other than staff employed within the LPA as part of the determination of this application.

RECOMMENDATION: APPROVE tree works as proposed.

1. Background / History:-

1.1 The application is for works to 1 protected Acer (silver maple) on an area east of 311 Beccles Road, Gorleston. The tree is protected by TPO No.6 1998 which was confirmed on the 15th October 1998. Consent of the LPA is required for nearly all works to protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

- 1.2 The canopy is encroaching and in close proximity to surrounding properties. The crown is dense with epicormic growth from annual regrowth from historic pruning works.
- 1.3 The tree is a large, tall & wide specimen and takes up a considerable area on the grassed area to the east of 311 Beccles Road as will be demonstrated within the Committee meeting presentation.
- 1.4 The proposal is for the reduction and reshape of the encroaching branches by works to reduce the canopy width by a maximum of 2m on either side, to provide adequate clearance, and to thin the crown by removal of epicormic growth only.

2. Consultations :-

2.1 Public / Neighbour / Local Member comments:

A site notice was posted near to the tree and 21 days public consultation was available as required but at the time of writing the report, no correspondence has been received.

2.2 Consultees -

Arboricultural Officer	Response: No objection
<p>Comments:</p> <p>The tree is impacting upon the adjacent property and the applied for works will alleviate this issue.</p> <p>A 2m reduction of the lower Western Canopy will not ‘unbalance’ the tree and allow for future growth not to impact upon the property for a number of years.</p> <p>The removal of the epicormic growth from the tree’s stem and canopy will reduce the overall sail capacity and light obstruction/absorption so will benefit the tree’s retention span by being less susceptible to storm damage and lessen its impact upon the surrounding area.</p> <p>The works can be classed as good tree management and I have no objection to the works being consented too.</p>	
Officer Response	The works are appropriate and will elongate the trees lifespan and maintain its value to public amenity.
Required conditions	Standard conditions will be imposed.

Local Highways Authority (NCC)	Response: No Objection
Comments: There is no objection to the proposals but recommends an informative note be appended to any grant of permission given.	
Required conditions	Informative to be added to decision

3. Relevant Policies:

3.1 The principal policies are:

The Great Yarmouth Core Strategy (adopted 2015)

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding heritage assets

Policy CS11: Enhancing the natural environment

The Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy E4: Trees and landscape

3.2 **Other material considerations:**

National Planning Policy Framework

- Section 12: Achieving well designed places (inc. paragraph 131)
- Section 15: Conserving and enhancing the natural environment (inc. para 174),

4. **Planning Analysis:**

4.1 Part VIII, Chapter 1 of the Town and Country Planning Act (1990) (as amended) sets out the procedure for Tree Preservation Orders and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows applications to seek consent for specified works to be carried out to protected trees.

4.2 Local planning authorities should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.

- 4.3 When considering an application for works to protected trees the authority should consider:
- the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
 - whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
 - whether any requirements apply in regard to protected species;
 - other material considerations, including development plan policies where relevant.
- 4.4 In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.

5. Assessment: -

- 5.1 The tree is impacting upon the adjacent property and the applied for works will alleviate this issue. A 2m reduction of the lower Western Canopy will not 'unbalance' the tree and prevent future growth impacting the property for a number of years.
- 5.2 The removal of the epicormic growth from the tree's stem and canopy will reduce the overall sail capacity and light obstruction/absorption so will benefit the tree's retention span by being less susceptible to storm damage and lessen its impact upon the surrounding area.
- 5.3 The works can be classed as good tree management and the Arboricultural Officer has no objection to the works being consented to.
- 5.4 The tree contributes to the local environment and its enjoyment by the public as it is highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the tree.
- 5.5 An informative note should be included on any consent reminding the applicant that it is an offence to disturb nesting birds under the terms of the Wildlife and Countryside Act 1981, offering additional protection.
- 5.6 The application would ensure the tree will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.

6. RECOMMENDATION:-

It is recommended that **Consent** be granted.

Consent is to be subject to the conditions and informatives suggested below:

Conditions:

- 1) The work must be carried out within two years of the date of this consent notice and may only be carried out once.

The reason for the condition is: -

The time limit condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

- 2) The work is to be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work).

The reason for the condition is: -

To ensure an acceptable standard of work, thereby minimising possible damage and decay/disease in the future.

- 3) INFORMATIVE:

Standard of work:

Tree work should be carried out by trained, competent and appropriately insured arborists, to a good standard to comply with BS 3998 Recommendations for Tree Work

- 4) INFORMATIVE:

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed.

5) INFORMATIVE:

Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.

6) INFORMATIVE:

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land or entering land outside his/her control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before the work starts.

7) INFORMATIVE:

Highways works:

This proposal involves works that could affect the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact the Area Street Works Co-ordinator, email: streetworks.north@norfolk.gov.uk

Appendix:

1. Site Location Plan

