

## **Report to Development Control Committee**

**Committee Date: 07/12/2022**

Proposal: Request for delegated authority to be granted to the Director of Planning & Growth and Head of Planning.

Case Officer: Mr R Parkinson, Development Manager

Parish & Ward: Borough-wide

### **RECOMMENDATION:**

**To allow 'connected applications' for tree works to be determined at Officer level.**

### **REPORT**

- 1.1 Applications must be made to the Local Planning Authority (LPA) for consent to undertake prohibited works to trees protected by a Tree Preservation Order in accordance with the Town and Country Planning Act 1990, as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Similarly, written notice must be given to the LPA when works are proposed to trees in a Conservation Area (pursuant to Section 211 of the Town and Country Planning Act 1990 ['section 211 notices']). Ordinarily, these applications are determined at Officer level by the Head of Planning under authority delegated to the Director of Planning & Growth by the Development Control Committee.
- 1.2 However, such applications are referred to the Development Control Committee if they are considered a "connected application", namely when they are submitted by Great Yarmouth Borough Council (GYBC), Great Yarmouth Borough Services (GYBS), or Great Yarmouth Norse (GY Norse), or when the works affect trees on land owned by GYBC or its subsidiaries e.g. Equinox. This referral is no different to planning applications or applications for works to listed buildings when submitted by GYBC or affecting land in the ownership of GYBC, and referrals are made in the interests of maintaining transparency of decision making. All applications are assessed and a recommendation is provided to the Committee by officers of the LPA, and not by officers responsible for management of the land in question.
- 1.3 GYBC as LPA advertises all applications for proposed tree works by displaying a public site notice at the location for 21 days and, in the case of applications submitted by neighbours, by writing to the property where the tree is sited.
- 1.4 In the vast majority of cases applications submitted by Great Yarmouth Borough Council Services, or those affecting trees on GYBC land, do not give rise to public concern and DC Committee will not recall many requiring in depth scrutiny or debate. Some notable exceptions would however include the applications for works to trees in Kent Square, Great Yarmouth, for example, which the DC Committee considered in both March and September 2022.
- 1.5 When a 'connected application' is received, LPA officers notify the applicant that it the submission will require determination by the DC Committee, so they

can plan their work schedules accordingly. However, whilst most applications can be considered 'straightforward', some delays do occur given the need to fit into the DC Committee timetable schedules, for example some 'section 211 notices' require decisions to be made within 6 weeks which is not easily achieved without applicant's express agreement. As GYBS provides important services to the Borough's landowners beyond just sites with assets owned by GYBC, it is not just the Council as landowner which might experience the inconvenience of delays.

- 1.6 Officers therefore request authority from the Development Control Committee to determine 'connected' tree applications at Officer level.
- 1.7 If authority is granted, applications will continue to be overseen by the Head of Planning. The Director of Planning & Growth will still retain the ability to defer applications to the Committee at their discretion, such as if an application or notice leads to significant levels of public interest or concern, even in support of proposals as with Kent Square, or if the application proposes works that are not considered appropriate by LPA officers.
- 1.8 This procedure can be introduced with immediate effect and with the following impacts:
  - minimal detriment to the scrutiny given to applications, as all applications would be overseen by the Head of Planning in the same way in which recommendations are currently made to the Committee;
  - significant benefit from expedient determination of tree works applications;
  - small but noticeable benefit for other applications by requiring fewer demands on officer time and resource;
  - noticeable benefits from making fewer demands on Councillor's time;
  - avoids a risk of works to trees in conservation areas being 'automatically approved' if a Committee decision cannot be made within 6 weeks of receipt.

#### **RECOMMENDATION:**

**To allow 'connected applications' to be determined by the Head of Planning and the Director of Planning & Growth under authority delegated by the Development Control Committee, when an application is made:**

- **by Great Yarmouth Borough Services; or,**
- **by Great Yarmouth Borough Council; or,**
- **by Great Yarmouth Norse; or,**
- **on land or to trees owned by Great Yarmouth Borough Council,**

**when applications seek consent for prohibited works to trees protected by a Tree Preservation Order; or,**  
**when the submission is a notice of intent to undertake works to trees within a Conservation Area.**