

Schedule of Planning Applications

Committee Date: 07/12/2022

Application Number: **06/22/0863/TRE** - [Click here to see application webpage](#)

Site Location: Holly Farm House, Holly Farm, Low Road, Rollesby

Site Location Plan: See Appendix 1

Proposal: Proposed works to tree - T1 Oak: Reduce over extended lower laterals by a maximum of 2m; Remove damaged beam; Reduce and re-shape lateral branches overhanging neighbouring property by a maximum of 2m

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr T Hadlow

Parish & Ward: Rollesby Parish, West Flegg Ward

Date Valid: 30/09/2022

Expiry / EOT date: 13/12/2022

Committee referral: Constitution (Connected application)

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 29/11/2022, 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 applied for subject to conditions

REPORT

1. The Site

- 1.1 The application is for works to one protected Oak tree on an area of green space to the west of Holly Farm House in Rollesby. The tree is protected by TPO NO.1 of 2017 which was confirmed on 10th February 2017.
- 1.2 TPO No.1 of 2017 protects a number of trees in the vicinity, including a large tree group containing 7 Ash trees and 1 Oak Tree to the north-west of the site, and a number of trees protected individually that are situated within the rear gardens of Glen Haven, Holly Farm House and the verdant area to the west of Holly Farm house. The Tree is referenced as T5 by the TPO but is hereafter referred to as T1 in line with the application description.
- 1.3 The tree is situated to the south of the boundary with a recent new built development of 10 dwellings off Meadow Way, Rollesby, which were completed in 2021 and are now occupied. The canopy of T1 partially overhangs the rear garden of one of these properties (23 Meadow Way).

1.4 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.

2. The Proposal

2.1 The proposed tree works involve the reduction of over-extended lower lateral branches by a maximum of 2m to reduce end weight and minimise failure; the removal of a lateral branch with a large split/hazard beam; and the reduction and reshaping of lateral branches over-hanging the neighbouring property by a maximum of 2m.

3. Relevant Planning History

3.1 A previous tree works application for the felling of a dead Holly Tree (06/22/0227/TRE) was approved under a 5-day notice exception for dead, dying, and dangerous trees in June 2022. That tree (T3 as protected by TPO No.1 of 2017) was located to the east of the Oak tree the subject of this application and was also within the garden curtilage of Holly Farm House.

3.2 There is no other relevant planning history relating to the site.

4. Consultations

Arboricultural Officer	Response: No Objection
I've no objection to proposed tree works. There is a large, failed limb (being removed) within the canopy. This limb has failed due to a structural defect (hazard beam) which has been caused due to the limb's over extension (reaching for light due to competition with adjacent trees). This limb is dangerous and in jeopardy of failing further; its removal is recommended. The other remaining limbs are being reduced to limit the likelihood of this happening elsewhere within the canopy – with a suitable volume of canopy being removed to alleviate the issue/lessen the likelihood of it happening again but still allow for healthy/structurally sound future growth. Both portions of work will elongate the retention span of the tree and can be classed as sound tree management.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

Norfolk County Council (Highways)	Response: No Objection
Given the proposals do not have any highway implications, the Highway Authority have no comment to make in respect of this application.	
Officer comment / response:	N/A
Any relevant Condition / Informative note?	N/A

5. Publicity & Representations received

Consultations undertaken: A site notice was posted on 21/10/2022, expiring on the 11-11-22. No responses from the public have been received.

5.1. Rollesby Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No Objection	N/A	N/A

5.2. Public Representations

At the time of writing no public comments have been received.

6. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS9: Encouraging well-designed, distinctive places.
- Policy CS11: Enhancing the natural environment.

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy E4: Trees and landscape.

7. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 4: Decision Making
- Section 12: Achieving well designed places (Inc. Paragraph 130 and 134)

8. Planning Analysis

- 8.1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*
- (a) the provisions of the development plan, so far as material to the application,*
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,*
 - (b) any local finance considerations, so far as material to the application, and*
 - (c) any other material considerations.*

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

9. Assessment

Proposal summary: Proposed works to tree - T1 Oak: Reduce over extended lower laterals by a maximum of 2m; Remove damaged beam; Reduce and re-shape lateral branches overhanging neighbouring property by a maximum of 2m

- 9.1 When assessing applications for tree works to protected trees the following list, whilst not exhaustive, indicates the material considerations:
- Amenity value of the tree and the impact of the works
 - Landscape Character Assessment
 - Reasons for the work proposed
 - Likelihood of loss or damage from refusing the works
 - Protected species (normally discharged through informative on consent letter)
 - Planning policies
- 9.2 The tree is of significant scale and benefits from reasonable public visibility. Although views from Meadow Way are only possible as a large portion of the canopy seen from the rear of 23 Meadow Way, the whole tree is visible from Wick Lane and Low Road to the south. As such, the tree provides an important contribution to the visual amenities of the area and forms part of the vista when moving north on Wick Lane.
- 9.3 The Council's Arboricultural Officer has indicated that the proposed works are necessary to remove the danger posed by the large, failed limb within the tree canopy which has been caused by the limb's over extension due to competing with adjacent trees for sunlight.
- 9.4 The Arboricultural Officer considered that the reduction of the other limbs would also constitute good arboricultural practice in an attempt to lessen the likelihood of similar issues occurring with other limbs and in the interests of structurally sound future growth.
- 9.5 The proposed works are therefore considered appropriate to elongate the retention span of the tree and ensure that it would continue to contribute to the visual amenities and character of the area, in accordance with Core Strategy Policies CS9 and CS11 and Local Plan Part 2 Policy E4.

10. Conclusion and Recommendation

- 15.1 Having considered the proposal, the application is considered to comply with Core Strategy policies CS9 and CS11, and Local Plan Part 2 policy E4 and there are no material considerations to suggest the development should not be approved where it is consistent with these policies.

RECOMMENDATION:

It is recommended that application 06/22/0863/F should be APPROVED, subject to the following conditions and informative notes.

Proposed 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.

Informative Notes:

1. 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
2. Photos of work: Photos of the tree after the consented works have taken place are required. Please forward these via email or post.
3. 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.
4. 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.

Appendices:

1. Site Location Plan



Dog Grooming

T1

24

Low Rd

Low Rd

Low Rd

Low Rd

Low Rd