

Schedule of Planning Applications

Committee Date: 7th September 2022

Application Number:	06/22/0474/TCA - Click here to see application webpage
Site Location:	3 Greyfriars Way, Great Yarmouth
Site Location Plan:	See Appendix 1
Proposal:	Reduce trees to suitable growth points/or branches to be reduced - T1 - T8 Malus
Applicant:	Great Yarmouth Borough Services (GYBS)
Case Officer:	Mrs N Jarmey
Parish & Ward:	Great Yarmouth Nelson
Date Valid:	01-06-2022
Expiry / EOT date:	27-07-22
Committee referral:	This is a 'connected application', where the Borough Council is 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 30 th August, 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

REPORT

1. The Site and Context

1. The trees are located on Greyfriars Car Park which is owned by GYBC.
2. The trees are located in Conservation Area No. 3 Hall Quay/South Quay.

3. Consent of the LPA is required for nearly all works to trees in a Conservation Area, 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 work is to reduce the size of the 8no. 'malus' trees (a genus which includes apples, crabapples etc) to suitable growth points/or branches to be reduced

3. Consultations

Statutory Consultees

Local Highways Authority (Norfolk County council)	Response: No comments & no objection
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Internal Consultees

Consultee: Tree Officer	Response: No Objection
<p>Comments:</p> <p>I have no objection to the proposed tree works.</p> <p>There are no stipulated meterage's for the reduction works upon the application, however this is due to each tree being of a different overall size.</p> <p>The 'amount/length of branch' being reduced upon each tree/canopy is covered by the phrase "to suitable growth points" and "as per BS3998 recommendations".</p> <p>This will ensure that the trees' future growth will be structurally sound and the works will only benefit the tree in maturity (also allow for future works if required).</p> <p>The tree works will elongate the retention span of the trees and lessen the impact they are currently having upon the car park below the canopies.</p> <p>The tree species will respond well to the reduction works and allow them to remain in the prominent location and continue to contribute amenity value to the local area.</p>	
Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

4. **Publicity & Representations received**

Consultations undertaken: Site notices

Ward Members –

- **Cllr Robinson-Payne** - No response at time of writing
- **Cllr Jeal** - No response at time of writing
- **Cllr Wright** - No response at time of writing

Public Representations

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

5. **Relevant Planning Policies**

The Great Yarmouth Core Strategy (adopted 2015)

Policy CS9: Encouraging well-designed, distinctive places

Policy CS10: Safeguarding local heritage assets

Policy CS11: Enhancing the natural environment

The Great Yarmouth Local Plan Part 2 (adopted 2021)

Policy E4: Trees and landscape

6. **Other Material Planning 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),

NERC Act 2006

Planning (Listed Buildings and Conservation Areas) Act 1990: s.72

7. **Planning Analysis**

- 7.1 Section 211 of the Town and Country Planning Act (1990) (as amended) sets out the legal requirements that need to be followed before any tree works can be carried out.

- 7.2 Section 211 affords the Local Planning Authority (LPA) an opportunity to decide whether or not the trees are worthy of imposing a Tree Preservation Order (TPO) for specific and long-term protection. The LPA would need to take into account any representations made against an application under section 211, but can only decide to refuse an application under section 211 if the LPA considers the works are inappropriate and the tree(s) are suitable and necessary to be specifically protected by a Tree Preservation Order (TPO).
- 7.3 The criteria for nominating a tree within a conservation area to be protected by TPO are largely based on the amenity value of the tree(s), as well as the legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

8. Assessment

- 8.1 The works are not considered be likely to have a significant impact on the appearance of the trees, and the works will enable the trees to remain in good health and help to increase their lifespan.
- 8.2 The trees are prominent features in the street scene, due to their visibility they provide a positive contribution to the local environment and its enjoyment by the public. The works will ensure that the trees continue to contribute to visual amenity.
- 8.3 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, CS10 and CS11.
- 8.4 At present, it is not considered that the trees need to be specifically protected by a Tree Preservation Order (TPO) so the application should not be refused, and can be approved but bespoke conditions cannot be appended to approvals.

9. RECOMMENDATION:-

It is recommended to Approve the application.

Approval is recommended 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 work shall be as specified below:

T1 – T8 (Malus) - Reduce trees to suitable growth points/or branches to be reduced.

The reason for the condition is: -

For the avoidance of doubt.

- 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:

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.

Appendix:

1. Site Location Plan

