

## **Schedule of Planning Applications**

**Committee Date: 7<sup>th</sup> September 2022**

Application Number: 06/22/0437/TRE - [Click here to see application webpage](#)

Site Location: Green space at junction of Coast Road and Manor Gardens,  
Hopton Great Yarmouth NR31 9SN

Site Location Plan: See Appendix 1

Proposal: T1 - Monterrey Cypress - crown lift by removal of lower branches to 3-4m; T2 - Oak - reduce heavily to reduce further impact on property; T3 - Holly - reduce property side limbs by 15% and crown lift to 3m to minimise further impact on property.

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr R Tate

Parish & Ward: Hopton Parish

Date Valid: 13-05-22

Expiry / EOT date: 08-07-22

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<sup>th</sup> August 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**

## **REPORT**

### **1. The Site and Context**

- 1.1 The trees are located on public space owned by GYBC on the corner of Coast Road and Manor Gardens in Hopton. The trees are prominent in the street scene, being at raised level compared to the adjacent highway.

- 1.1 The trees are located in a residential area and the public space backs on the properties which are accessed off of Sea View Rise. Some trees are overhanging into neighbouring properties.
- 1.2 The trees are protected by group TPO No.2 1979. 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 include:

- i) T1 - Monterrey Cypress - crown lift up to 4m by removal of lower branches;
- ii) T2 - Oak – reduce canopy heavily to lessen further impact on property (reduction of branches by up to 2m);
- iii) T3 - Holly - reduce property side limbs by 15% and crown lift to 3m to minimise further impact on property (reduction of branches by up to 2m).

## 3. Consultations

### Statutory Consultees

<b>Consultee: Local Highways Authority (Norfolk County council)</b>	<b>Response: No objection</b>
<p>Comments:</p> <p>Thank you for your recent consultation with respect to the above to which the Highway Authority raise no objection but would recommend the following informative note be appended to any grant of permission your Authority is minded to make.</p> <p><i>Inf 4V 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: <a href="mailto:streetworks.north@norfolk.gov.uk">streetworks.north@norfolk.gov.uk</a></i></p>	
<b>Officer comment / response:</b>	n/a
Any relevant Condition / Informative note?	Include informative on decision notice.

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### Internal Consultees

<b>Consultee: Tree Officer</b>		<b>Response: Support</b>
Comments:  The Monterrey cypress is impacting upon the roof of the property's garage with works lessening the impact – Arboriculturally speaking however the tree is of good condition. The Oak is of poor form and these works will not only benefit the tree by increasing life span but also clear the adjacent property (which it is currently overhanging), and the same can be said for the Holly tree. No objection for the works to go ahead, this work spec is what I would class as good tree management.		
<b>Officer comment / response:</b>	n/a	
Any relevant Condition / Informative note?	n/a	

### Publicity & Representations

Consultations undertaken: Site notices

### Ward Member – Cllr Annison

Representation	Officer Comment	Relevant Condition/Informative
No objection	n/a	n/a

### Parish Council

Representation	Officer Comment	Relevant Condition/Informative
No objection	n/a	n/a

### Public Representations

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

#### **4. Relevant Planning Policies**

##### **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

#### **5. 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**

#### **6. Planning Analysis**

- 6.1 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.
- 6.2 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.
- 6.3 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.

6.4 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.

## **7. Assessment**

7.1 As guided by the advice of the Council's Tree Officer, 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.

7.2 It is considered that the trees are prominent features in the street scene, and 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 whilst reducing the impact on neighbouring properties.

7.3 The application would ensure the trees will continue to contribute to the visual amenity and character of the area – complying with policies E4, CS09, and CS11.

## **8. 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 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

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

- 5) 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.

#### 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](mailto:streetworks.north@norfolk.gov.uk)

#### **Appendix:**

##### 1. Site Location Plan

**06 22 0437 TRE – Site Location Plan**

