

## **Schedule of Planning Applications**

**Committee Date: 7th September 2022**

Application Number: 06/22/0547/TRE - [Click here to see application webpage](#)

Site Location: Land at Kent Square, Great Yarmouth, Norfolk NR30 2EX

Site Location Plan: See Appendix 1

Proposal: Proposed works to trees; T1 - T5 Holm Oak - Reduce canopies by 2m, reduce back to suitable growth, thin canopies by a maximum of 20% and crown lift to a maximum of 5m

Applicant: Great Yarmouth Borough Services (GYBS)

Case Officer: Mr R Tate

Parish & Ward: GY Nelson Ward

Date Valid: 22-06-22

Expiry / EOT date: 17-08-22

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**

### **1. Background / History:-**

1.1 The application is for works to 5 protected Holme Oak trees on an area of green space at Kent Square in Great Yarmouth. The trees are protected by TPO No.16 2018 which was confirmed on the 2nd April 2019. The trees are also located within the No16 Seafront Conservation Area. Consent of the LPA is required for nearly all works to

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protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.

- 1.2 An application was approved earlier this year for *“T1, T2, T3, T4 and T5 Holm Oak trees - Crown lift up to 5m and reduction of remaining lateral branches by up to 2m”* (ref 06/22/0094/TRE).
- 1.3 However, the applicant has since decided that if these works were to take place then the tree canopies would still provide a desirable roosting site for the starlings due to the dense cover afforded by the evergreen trees and this would have a detrimental impact on the health of the trees. In addition to the previously consented works (i.e. the crown lift of 5m and the canopy reduction of 2m) the current application seeks to add canopy thinning of 20% as this will thin out the canopy and make it more open. For the avoidance of doubt, this application is requested, to supersede the previous (ref 06/22/0094/TRE).
- 1.4 The 5 Holme Oak trees play a significant role in the street scene, softening what is otherwise an area of town with little other soft landscaping, tree or vegetation presence. The trees are mature, and their stature contributes to the historic value of the Conservation Area.
- 1.5 The proposal is for (i) a crown lift of the trees up to 5 metres, which means removing all branches that exist up to 5m from the ground level, (ii) to cut back any remaining limbs above 5m height by up to 2 metres from their tips, to ensure the trees do not encroach over the highway, and (iii) thin canopies by a maximum of 20%.
- 1.6 There is currently some overhanging of the trees over the highway – the rationale for the works originally was that they will mitigate encroachment on the highway, preventing the trees from being damaged by taller vehicles. These works have already been approved under 06/22/0094/TRE but are not yet undertaken.
- 1.7 The trees are currently a roost for nesting starlings which has resulted in the grass beneath the trees dying – having a negative impact on the surrounding visual amenity.
- 1.8 The land is owned by GYBC under King Johns Charter.

## 2. Consultations :-

### 2.1 Public / Neighbour comments:

At the time of writing the report, 12 letters of **support / no objection** have been received. The below reasons in support were given:

- Will help with the starlings issue
- Will ensure the trees are healthy
- Trees are currently blocking light
- Will help to clean up the area

### 2.2 Consultees -

Arboricultural Officer	Response: No objection
<p>Comments:</p> <p>The previous tree works spec upon App ref 06/22/0094/TRE will not have the desired effect – the sole reason for working upon the trees.</p> <p>Even following the consented works completion, the tree canopies would still provide a desirable roosting site for the starlings due to the dense cover afforded by the evergreen trees.</p> <p>The previous application did not carry out any works upon the height and upper canopy of the trees – it only included works upon the lateral lower branches. This is why the reduction of the entire tree canopies rather than solely the lateral branches is being applied for in the new application.</p> <p>The same can be said for the addition of a canopy thin of 20% - this again will deter starlings roosting within the trees canopies making it less shrouded/thick and more open.</p> <p>Overall, the new application's work spec detailed within application ref 06/22/0547/TRE will remove enough of the tree's dense canopies to hopefully reduce the likelihood of starlings roosting within the tree canopies and lessen the impact of this behaviour has upon the surrounding area.</p>	

<p>However, [the works will still have the effect of] allowing the evergreen oaks to continue to contribute significantly to the character and appearance of the Conservation area and further enhance the setting of the historic Kent Square.</p> <p>The tree's regrowth following the works will require management within 2-3yrs to continue to deter the starlings however this is a much more desirable outcome than the tree's removal.</p>	
Officer Response	The works are not significantly different compared to the existing consent. The thinned canopy will have a minor impact on the trees appearance but allow them to remain healthy and prolong their lifespan.
Required conditions	n/a

Conservation Officer	Response: General Comments
<p>Comments:</p> <p>The trees contribute significantly to the character and appearance of the Conservation area and further enhance the setting of the historic Kent Square. Careful approach to any works is recommended to ensure that the interventions won't cause any harm to the character of the Conservation area or the integrity of the trees.</p>	
Officer Response	The trees play an important role within the street scene and play an important role in visual amenity and the contribution towards the character of the Conservation Area. The works proposed are proportionate and will ensure that they continue to have an important contribution and remain healthy.
Required conditions	n/a

Local Highways Authority (NCC)	Response: No Objection
Officer Response	n/a
Required conditions	n/a

### **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),

##### **NERC Act 2006**

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

### **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 works as proposed are potentially extensive but are designed to retain the majority of the crown and ensure they remain significant in the townscape. A consequence of the works is that it will also remove some roosting space within the crown as well as on exposed lower branches.

5.2 The works are not considered be likely to have a significant impact on the appearance of the trees and will ensure that they remain healthy, including by minimising the risk of vehicles striking the trees. The Local Highways Authority have requested an informative reminding the applicant that the proposal involves works which could affect the public highway.

5.3 These trees contribute to the local environment and its enjoyment by the public as they are highly visible, but the tree works will not reduce this visibility significantly and this maintenance will help improve visual appearance of the trees. The

additional works proposed over those already given consent are not considered to change this assessment.

- 5.4 Securing the long-term health of the trees will ensure that they continue to contribute positively to the character of the Conservation Area.
- 5.5 The trees provide habitat to starlings – and the starlings are a ‘red list’ species in decline so there is a national interest in their preservation and enhancement. However, their roosting in Kent Square has in turn resulted in adverse impacts to local residents. The works proposed to the trees will restrict the opportunities for nesting as well as allow more air to move under the trees’ canopies – helping to improve their health.
- 5.6 An informative should be included 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.
- 5.7 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.

## **6. RECOMMENDATION:-**

It is recommended to **Approve** the application.

Approval is recommended to be subject to the conditions and informatives suggested below:

### **Conditions:**

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

**Appendix:**

1. Site Location Plan

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## 06 22 0547 TRE – Site Location Plan

