

Reference: 06/22/0094/TRE

Ward: Nelson

Officer: Mr R Tate

Expiry Date: 01/04/22

Applicant: Great Yarmouth Borough Council Services

Tree works Proposed: T1, T2, T3, T4 and T5 Holm Oak trees - Crown lift up to 5m and reduction of remaining lateral branches by up to 2m to clear highway of obstruction (TPO No.16 2018)

Location: Land At Kent Square GREAT YARMOUTH NR30 2EX

Procedural note: This application is brought before committee as Great Yarmouth Borough Council is the applicant.

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 21 March 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.

REPORT

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 protected trees, exceptions however include work to dead trees/branches and trees which pose an immediate threat of significant harm.
- 1.2 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.
- 1.3 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, and (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.

- 1.4 There is currently some overhanging of the trees over the highway – the rationale for the works is that they will mitigate encroachment on the highway, preventing the trees from being damaged by taller vehicles.
- 1.5 The trees are currently beset by nesting starlings which has resulted in the grass beneath the trees dying – having a negative impact on the surrounding visual amenity.
- 1.6 The land is owned by GYBC under King Johns Charter.

2. Consultations :-

2.1 Public / Neighbour comments:

At the time of writing the report, 10 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

One letter of **objection** has been received, stating that there are benefits to the tree's being retained in a substantially similar condition:

- Has the Council considered the benefits these birds bring?
- Many people have visited Great Yarmouth to witness the stunning murmurations, providing income through parking charges and spending money on local shops and cafes when otherwise they would not visit Great Yarmouth.
- A biodiversity plan for the area is needed to include the startlings.
- The revenue the murmuration sightings bring in could be significant if the Council promoted the spectacle some more.

2.2 Arboricultural Officer – no objection

"I have no Arboricultural issue with the tree works applied for.

The tree works will elongate the retention span of the trees ensuring that the canopies are clear of the highway by reducing them by 2m. This will ensure that they avoid being struck by passing vehicles causing damage to the tree and possible pathogen ingress or making the limbs structurally unsound.

The [crown lift] up to 5m will also provide this benefit and allow for more light and air to move under the tree's canopies.

No objection to the applied for Tree Works".

2.3 Conservation Officer – No comment

2.4 Local Highways Authority (Norfolk County Council) – No objection

3. Relevant Policies:

3.1 The principal policies are:

Local Plan Part 2 (2021):

Policy E4: Trees and landscape

Development will be supported where it:

- a. retains trees, hedgerows, including ancient trees and hedgerows, and landscape features which contribute significant value to the character, amenity or ecology to the locality; and
- b. takes opportunities to enhance those features and qualities, commensurate with the scale and nature of the development.

Where development may impact upon trees, planning applications should be supported by an arboricultural assessment (to BS 5837 or an equivalent standard). Developments should include landscaping schemes as appropriate to the size and nature of the development in order to mitigate impacts on and where possible enhance the local landscape character.

Development which is either:

- c. within the Norfolk Coast Area of Outstanding Natural Beauty; or
- d. inter-visible with, or otherwise affecting the landscape or setting, of either the Area of Outstanding Natural Beauty or the designated Broads area, will be carefully controlled to avoid adverse impacts on their landscapes and natural beauty, and the enjoyment of their special qualities, including views out from those areas and the value of dark skies as part of their landscape.

Core Strategy (2015):

The following Policies of the Core Strategy are also relevant to this proposal:

- 3.2 **Policy CS9:** – Encouraging well-designed, distinctive places – in particular CS9 (g) Conserve and enhance biodiversity, landscape features and townscape quality
- 3.3 **Policy CS10:** - Policy CS10 – Safeguarding local heritage assets – in particular CS10 (a) Conserving and enhancing the significance of the borough's heritage assets and their settings, such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, archaeological sites, historic landscapes including historic parks and gardens, and other assets of local historic value
- 3.4 **Policy CS11** - Enhancing the Natural Environment - seeks to safeguard and enhance the Borough's landscape character.

3.5 Other material considerations:

NPPF Paragraph 131 - Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

4. Assessment: -

- 4.1 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 will also remove some roosting space on exposed lower branches for starlings in particular.
- 4.2 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 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.
- 4.3 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.
- 4.4 Securing the long-term health of the trees will ensure that they continue to contribute positively to the character of the Conservation Area.
- 4.5 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 has 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.
- 4.6 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.
- 4.5 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.

5. 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 should be undertaken in accordance with the plans/scheme/details provided (details TBC).
- 3) 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.

4) 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

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:

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

APPENDICES

1. Site Plan
2. Aerial Photo
3. Photos January 2022 (x3)
4. Tree images from Google Street View



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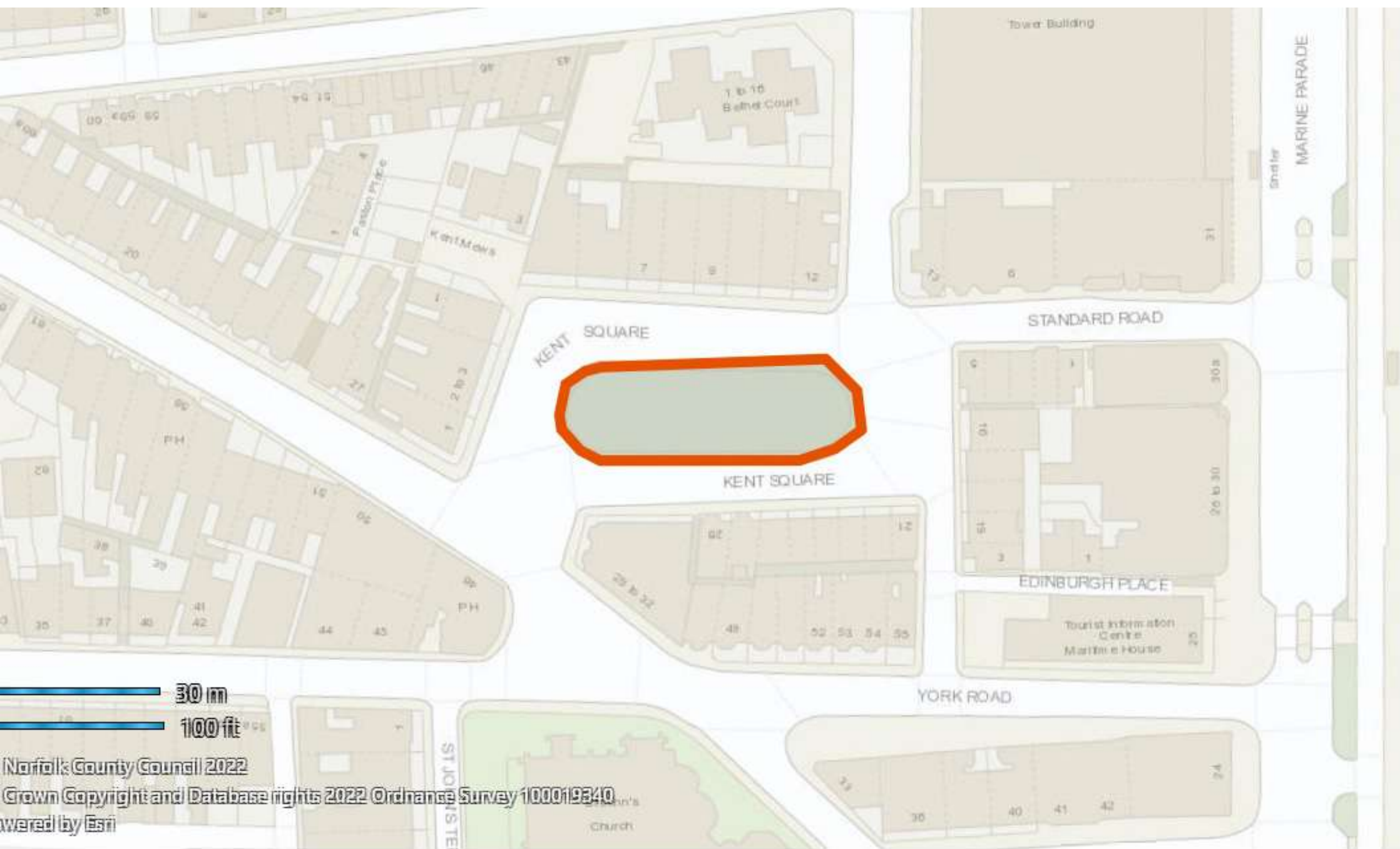
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