

OFFICERS REPORT

Application No: Y19/1361/FH

Location: Springfield Dental Street Hythe Kent CT21 5LH

Proposal Works to trees situated within a conservation area comprising of: crown reduction back to previous pollard points of one Gingko (T1), one Willow (T2), one Holm Oak (T3), and two unknown species (T4 & 5).

ASSESSMENT

Performance data:-

Date application valid: 26/11/19

Applicable 6 week target date: 7/1/20

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? Y/N

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA? Y/N

SITE VISIT

Carried out site visit on 13/12/19

The site and proposals were assessed from Dental Street and Foy's Passage.

SITE

The site is Springfield, a recently constructed block of apartments situated on the north side of Dental Street and within the designated conservation area and an Area of Special Character. To the west of the site there is a public footpath known as Foy's Passage which slopes upwards in a northerly direction, connecting Dental Street with North Road.

The mixed evergreen and deciduous trees comprising of Gingko (T1), Willow (T2), Holm Oak (T3), and two unknown species, possibly *Pittosporum undulatum* (T4 & 5) are located in a raised bed and form a group along the western boundary of the site adjacent to the car parking area. They are among a number of trees lining the boundary, some of which are partially visible from Dental Street, and from Foy's Passage.

Collectively with surrounding vegetation, the trees are considered to contribute to the visual amenity of the locality and to the conservation area as a whole in this attractive green and leafy urban location.

RELEVANT HISTORY

Y12/1012/SH granted consent for reduction in height to a minimum of 2 metres of a mixed hedgerow together with the cutting back of encroachment to footpath and adjoining properties and the reduction in height by one third of a Hazel hedge.

Y15/0187/SH granted consent for Works to trees situated within a conservation area comprising: 3 metre reduction in height of a group of Hollies (T1); one Ginkgo Biloba (T4); one Goat Willow (T5) and two Holm Oaks (T6 and T7); reduction back to previous pruning points of one large unidentified shrub (T2) and crown reduction of one Holm Oak (T3) comprising of 3

metre reduction in height and 2.5 metre reduction of laterals.

PROPOSAL

The application comprises the reduction back to previous pruning points of all five trees. No reasons for the proposals have been provided.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Hythe Town Council: Support subject to Arboricultural Officer's approval.

REPRESENTATIONS

No representations received.

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4; BE12

Shepway Core Strategy Local Plan 2013: DSD

APPRAISAL

The trees appear to be good specimens but they have increased considerably in height since they were last reduced and are now beginning to encroach over the car park and footpath. Following the completion of the building the trees were reduced to a height whereby they could be managed whilst still making a contribution to the character and appearance of the conservation area and this current application is a repeat of that previously granted.

The proposed works is considered reasonable and acceptable and in the interests of good arboricultural practice to keep the trees managed. It is judged that the proposal is unlikely to be harmful to the long term health of the trees, their visual amenity or the character and appearance of the conservation area.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal complies with the above policies and the

NPPF and therefore no objections are raised.

Case Officer: Jo Daniels

Report and draft decision notice completed and passed to senior officer.

Name: Position: Date:

File passed to admin to issue decision. Falls within the scheme of delegation (no requirement to pass to senior officer).

Name: Jo Daniels Position: Planning Technician Date: 8/1/20