

OFFICERS REPORT

Application No: Y19/1322/FH

Location: Land Opposite The Field Rectory Lane Saltwood Kent

Proposal Re-pollard back to last cut of a Sweet Chestnut subject of Tree Preservation Order No. 9 of 2010

ASSESSMENT

Performance data:-

Date application valid: 15/11/19

Applicable 8 week target date: 10/1/20

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 10/12/19

The site and proposals were assessed from Rectory Lane.

SITE

The site is a grass verge set above road level and located in a quiet rural location at the far northern end of Rectory Lane and on the northern outskirts of the attractive village of Saltwood. The site is within the designated conservation area and a Special Landscape Area. To the west of the lane is a public bridleway which runs north westwards from Rectory Lane to Sandy Lane beyond.

The veteran Sweet Chestnut tree is one of several trees spaced along the verge which form part of a Tree Preservation Order No. 9 of 2010, made to protect them following the commencement of unauthorised work.

The tree is highly visible from Rectory Lane, and from various points along the bridleway, and is considered to provide a significant contribution to the character and appearance of the conservation area in this green and leafy location.

RELEVANT HISTORY

Y12/0277/SH granted consent for the felling of a Sweet Chestnut and a Poplar and works to three further Sweet Chestnuts

Y12/0648/SH granted consent for Works to three Sweet Chestnut trees, all subject of Tree Preservation Order No 9 of 2010.

PROPOSAL

The application comprises the re-pollarding of the tree to previous pollard points

The works are required to reduce the risk of branches dropping on to the footpath and parking bays, to reduce excessive shading to adjoining properties and to control the growth of branches growing towards the lane and footpath.

CONSULTATION RESPONSES

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

Saltwood Parish Council: No objection

REPRESENTATIONS

No representations received.

PUBLICITY

Neighbours notified by letter. Expiry date 10/12/19

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4; BE17; CO4

Shepway Core Strategy Local Plan 2013: DSD; CSD4

APPRAISAL

The Sweet Chestnut is a fine specimen and one of the remaining Chestnuts in this location. It is believed that they originally formed part of an avenue of trees leading to the 'American Gardens' to the north, however many of the trees have now gone and therefore it is considered important to retain the remainder by careful management.

The tree has been cyclically pollarded as a means of managing it to prevent it from overwhelming its location and encroaching over the adjacent parking bay and footpath.

The proposed re-pollard of the tree is considered reasonable and acceptable and in line with good arboricultural practice to address the above issues. It is not considered that the proposed works will be harmful to the long term health of the tree, or be detrimental to the visual amenity of the tree preservation order or to 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 is therefore recommended for approval subject to conditions.

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