

OFFICERS REPORT

Application No: Y19/0314/FH

Location: 6 Ness Road Lydd Romney Marsh Kent TN29 9DP

Proposal Works to trees situated within a conservation area comprising: fell a row of ten trees (T1-10) including Cypress, Sycamore and Ash, and reduce a group of Conifers (G1) by 2 metres in height and trim back sides facing Ness Road.

ASSESSMENT

Performance data:-

Date application valid: 21/3/19

Applicable 2/5/19 week target date:

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 28/3/19

The site and proposals were assessed from Ness Road and Church Road

SITE

The site is 6-8 Ness Road, an attached property set on a triangular plot between Ness Road and Church Road. The site is within the designated conservation area and in the heart of the historic Cinque Ports town of Lydd.

The triangular plot is bordered on two sides by rows of large mature conifer trees interspersed with Ash and Sycamore. The trees are highly visible in the street scene, contributing to the character and appearance of the conservation area in this attractive residential location.

RELEVANT HISTORY

There is no history of works to trees at this address.

PROPOSAL

The application comprises:

Felling of the row of ten trees, comprising of Ash, Sycamore and Conifer, located on the south west boundary, to reduce excessive shading and allow applicant more space to establish a vegetable plot.

Reduction in height by 2 metres and trim sides facing Ness Road of a row of Conifers on the north east boundary to reduce excessive shading and create clearance to Ness Road.

CONSULTATION RESPONSES

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

Lydd Town Council: Councillors wish to defer comment on this application until the Arborologist has provided a report on the trees

REPRESENTATIONS

No representations received.

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies SD1; BE4

Shepway Core Strategy Local Plan 2013 Policies: DSD

APPRAISAL

The trees are not particularly good specimens, particularly those identified for removal, as such they have fairly low visual amenity in comparison to those within the nearby churchyard and in the grounds of The Grange to the north.

The Sycamore and Ash are likely to be self-set and there is evidence that the some are damaging the boundary fence, and this is likely to be an ongoing issue as the trees increase in size.

The LPA cannot refuse consent or grant consent subject to conditions for works to trees situated within a conservation area (Section 211 Notification), therefore within the six week time frame the LPA will decide whether to make a Tree Preservation Order to prevent the works being carried out. TPO's should only be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public, and LPA's should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed

Having discussed the proposal and the amenity value of the trees with the Arboricultural Manager, it is not considered that they possesses sufficient value to warrant a TPO. It is judged that their felling is justified for the reasons given in the application, and their loss is unlikely to be detrimental to the character and appearance of the conservation area.

With regard to the Town Council's request for an Arboricultural report on the trees, as mentioned above the LPA only has 6 weeks to reach a decision otherwise there is 'default consent' given for this type of application. Currently only tree applications requiring in depth arboricultural/technical knowledge are referred to the Council's Arboricultural Manager (AM), the remainder are determined by the Planning Technician. As mentioned above, the proposal has been discussed informally with the AM who has raised no concerns, therefore for the above reasons it would not be feasible to request such a report.

The proposed pruning work to G1 is considered to be reasonable and acceptable and in the interests of good arboricultural practice to keep the trees managed and to address the above issues. It is not considered that the proposed pruning work will be detrimental to the long term health of the trees or to the character or 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: 1/5/19