

OFFICERS REPORT

Application No: Y16/0477/SH
Location: Eaton Place 2A Castle Road Hythe Kent CT21 5EY
Proposal Felling of a group of three Ash trees subject of Tree Preservation Order No 7 of 1995

ASSESSMENT

Performance data:-

Date application valid: 12/7/16

Applicable 8 week target date: 6/9/16

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 28/7/16

The site and proposals were assessed from inside the site and from Castle Road and North Road and the key features are noted below.

SITE

The site is the large south facing front/side garden of Eaton Place, an imposing period detached dwelling set in an elevated position on the upper hillside at the far southern end of Castle Road, within the designated conservation area and an Area of Special Character, and situated on the northern outskirts of the attractive coastal town of Hythe. There are two modern detached dwellings to the east of the property, to the north and west lie Eaton Lands and the adjacent allotment gardens and below to the south a row of terraced cottages (50-66 North Road) overlooking St Leonards Church.

The group of three ivy clad Ash trees, the subject of a blanket TPO No.7 of 1995, which also covers the trees within the two adjacent properties, are situated within a group on the southern boundary of the well stocked gardens. There is also a woodland order covering trees on the escarpment on the north eastern section of Eaton Lands.

Individually the trees are not readily visible within the street scene, but together with other trees within the group and those within the adjacent woodland, the trees contribute to the character and appearance of the conservation area and to the sylvan character of this attractive area, both in the immediate and the wider context.

HISTORY

There have been five previous applications for works to trees at this location: 95/5037/SH - request to remove branches and reduce height of two horse chestnut trees within conservation area (no objection); 95/5028/SH - notification of removal of trees and other management works to trees within a conservation area (no objection); Y05/0842/SH - crown re-balance and 20% crown reduction of 1 no. Beech tree together with the 30% crown reduction of eight trees

the subject of Tree Preservation Order No.7 of 1995 (granted); Y11/0626/SH - felling of Beech tree, the subject of Tree Preservation Order No. 7 of 1995 and the planting of replacement trees (granted) and Y15/0067/SH felling of seven trees the subject of Tree Preservation Order No. 7 of 1995 (refused).

PROPOSAL

The original application was for the felling of a Sycamore (?) on the grounds that it is causing problems for the neighbours to the south, and that it has low amenity value due to having been previously pollarded, however, as set out below, there were discrepancies relating to the species and location of the tree and consequently the application was made invalid.

Further details were later supplied by the applicant and the application description was amended to: Felling of a group of three Ash trees subject of Tree Preservation Order No 7 of 1995. The felling of the trees is required because they are dead/in decline and there are concerns that they could fall. No replanting 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 the Arboricultural Officer's approval

Arboricultural Manager: No objections

REPRESENTATIONS

No representations received.

PUBLICITY

Neighbours notified by letter. Expiry date 12/8/16

Site notice displayed. Expiry date 19/8/16

Advertised in press. Expiry date 25/8/16

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4; BE12; BE17.

Shepway Core Strategy Local Plan: DSD

APPRAISAL

The initial application form referred to one tree, a Sycamore (T1), but no location plan was provided. The agent subsequently submitted a plan but this referred to T1 as being 'Sycamores' (rather than one tree) but still did not show the whereabouts of it, or they, in relation to other trees or adjoining properties so that it (or they) could be identified. An email was sent to the agent on 11th May asking for confirmation of which property in North Road the tree/trees overhang but the response only refers to three trees with reference numbers of 21, 22 & 23. It is not known what these reference numbers relate, they do not refer to the TPO as this is an area Order so does not specify or give reference numbers to any particular trees.

During the site visit where the applicant was present, it was noted that there is one large Sycamore on the southern boundary of the site and the applicant believed that this was this tree to which the application refers. Adjacent to the Sycamore there is a group of three ivy clad Ash trees which have previously been pollarded, and it is thought that the application may actually refer to these trees.

Since the public and consultees will be looking and commenting on the application, it is important that the trees are correctly identified and that the reasons given in the application for

falling them are justified. As there was confusion over which tree or trees are relevant to this application, it was recommended that the agent met with their client on site to identify exactly which tree/s are to be worked on and then to make a new application based on this. No further correspondence was received and consequently the application was made invalid.

Following the invalidating of the application the case officer met the applicant on site and the three Ash trees were identified and the applicant explained that they were concerns over the condition and stability of the trees and it was suggested that she made a short statement to this effect which could be added to the application to support the proposal. As mentioned above, the application was subsequently re-validated and the description amended.

The trees show poor form, and appear to be in decline. They are clad in ivy and appear to have been heavily reduced or pollarded in the past with rather stunted re-growth and as such their long term retention is not viable. Therefore it is considered reasonable to allow their removal, however replacement trees will be requested by condition.

There is a large Sycamore and a Monterey Cypress adjacent to the Ash trees and these are the more prominent in the street scene, therefore the proposed felling is unlikely to have a detrimental effect on the character and appearance of the conservation area or the visual amenity of the TPO.

RECOMMENDATION

In light of the above, it is considered the proposal complies with policy and the NPPF and is therefore recommended for approval subject to conditions.

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.

Case Officer: Jo Daniels

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

Name: Position: Date:

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

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: 7/9/16

