

OFFICERS REPORT

Application No: Y16/1202/SH

Location: St Margarets Nursing Home 20 Twiss Avenue Hythe Kent CT21 5NU

Proposal Pollarding of a Bay tree situated within a conservation area to a height of 3 metres

ASSESSMENT

Performance data:-

Date application valid: 25/10/16

Applicable 6 week target date: 6/12/16

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 1/11/16

The site and proposals were assessed from Twiss Avenue and Waitrose car park and the key features are noted below.

SITE

The site is the rear garden of St Margarets Nursing Home, a large extended building located at the far western end of Twiss Avenue, a quiet no through road facing the Royal Military Canal, adjacent to the Waitrose Supermarket and set within the Hythe Conservation Area. The garden overlooks the supermarket car park and extends along the back of the two adjacent properties, No's 17 and 18 Twiss Avenue and is well stocked with a variety of trees.

The large Bay tree, estimated to stand around 9-10 metres in height (and not 30-35 metres as stated in the application) is set within a group on the eastern boundary of the garden and is partially visible from the car park. Individually its public visual amenity is fairly low but collectively with other trees within the locality it is considered to contribute to the visual amenity of the conservation area in this attractive green and leafy location.

HISTORY

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

PROPOSAL

The application has been made by the owner/occupier of 16 Twiss Avenue, over who's boundary the canopy of the Bay extends, and seeks to pollard the trees to approximately 3 metres in height. The work is required as the trunk of the Bay is pushing against the applicant's fence leading to concerns that it could collapse, and there are numerous branches overhanging the applicant's garden.

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 views of the Arboricultural Officer.

REPRESENTATIONS

No representations received.

PUBLICITY

Site notice displayed. Expiry date 28/11/16

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4

Shepway Core Strategy Local Plan 2013: DSD

APPRAISAL

The Bay appears to be a good specimen but its size is beginning to impact on the amenities of the applicant's garden, and therefore the proposed reduction is considered acceptable to address these issues and to keep the tree managed, however it is not known how the reduction of the tree is likely to resolve the fence issue.

It is judged that the proposed reduction may be outside the scope of BS 3998:2010 Tree Work - Recommendations, however Bay is of a species that will respond vigorously to heavy pruning and therefore it is not considered that the proposals will be detrimental to its long term health, nor be harmful to the character or appearance of the conservation area, since there is ample tree coverage in this location.

RECOMMENDATION

In light of the above, it is considered the proposal complies with policy and the NPPF and therefore no objections are raised.

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: 6/12/16