

## OFFICERS REPORT

**Application No:** Y17/0249/SH

**Location:** 1 Beacon Way Lympne Hythe Kent CT21 4LJ

**Proposal** Felling of ten Sycamore trees subject of Tree Preservation Order No 21 of 2008

### ASSESSMENT

Performance data:-

Date application valid: 15/3/17

Applicable 8/13/16 week target date: 10/5/17

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 23/3/17

The site and proposals were assessed from the site and from Aldington Road and Beacon Way and the key features are noted below.

### SITE

The site is an L shaped piece of land adjoining and wrapping around the southern and western boundaries of 1 Beacon Way, a detached single storey dwelling situated on a corner plot on the west side of Beacon Way and the north side of Aldington Road, and just outside the designated conservation area and an AONB. The property is one of several similar dwellings in Beacon Way, a small cul de sac of one and two storey dwellings set on the western outskirts of the attractive village of Lympne.

The site has been neglected for some time. It measures approximately 43 metres x 20 metres at its widest points, and slopes gently downwards from the southern boundary of 1 Beacon Way towards the highway. There is a pedestrian footway between the site and the highway. The site is populated with a number of ivy clad trees, brambles, weeds and other vegetation. The ten mature self set Sycamore trees are grouped along the southern boundary of the site and form part of a long line of vegetation that runs along the southern boundaries of a number of properties on the north side of Aldington Road and along the rear boundaries of the properties in Beacon Way, and which serves to connect the village of Lympne to the countryside in this semi rural location. The trees, the subject of Tree Preservation Order No. 21 of 2008, are prominent in the street scene; contributing to the visual amenity of the area, and to the rural character of this part of the village.

### HISTORY

There has been one previous application for works to trees at this location: 95/5051/SH granted consent for removal of one sycamore and re pollarding and other works to two others the subject of Tree Preservation Order No. 10 of 1961.

## PROPOSAL

The application has been made by the owner/occupier of 1 Beacon Way who wishes to improve the appearance of the area by removing the trees, erecting a new fence and replanting Beech hedging and five new trees.

The application seeks to fell all ten Sycamores on the following grounds:

To improve highway safety by providing a clear sight line for vehicles exiting Beacon Way; preventing branches striking high sided vehicles; allowing unimpeded use of the pedestrian footpath; providing unrestricted views of speed restriction signs and encroachment over street lamp

Reducing the accumulation of leaf litter

To benefit wildlife (through establishment of new hedge row)

To make the area more attractive

To allow for a more easily maintained environment

## CONSULTATION RESPONSES

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

Arboricultural Manager: No objection. The thicket of low value, seedling origin trees have grown up unchecked in very close proximity on the southern side of the property, blocking sunlight and causing a general nuisance and now prevent the resident from experiencing the quiet enjoyment of their property. Details of the quantity and sizes of the proposed replanting will be required.

Lymgne Parish Council: No objections

## REPRESENTATIONS

No representations received and are available in full on the planning file. The main points raised are summarised below.

## PUBLICITY

Neighbours notified by letter. Expiry date 6/4/17

Site notice (wider publicity) displayed. Expiry date 13/4/17

## RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE17

Shepway Core Strategy Local Plan 2013 Policies: DSD

## APPRAISAL

The Sycamore trees are very prominent in the street, contributing to the sylvan character of the road. However they have become neglected and have grown considerably since the construction of the dwellings and where they once they provided screening to the new houses, they have begun to outgrow the gardens, appearing to dominate the properties, especially where they are situated to the south of the dwellings.

Consent has already been granted for the removal of a number of the trees within various neighbouring properties to benefit the better quality trees and prevent them becoming overbearing to the occupants of the dwellings, as such it would not be appropriate to withhold consent in this instance.

It appears that the applicant does not own the land on which the trees are situated but may be intending to take ownership of it since it seems that the company owning the land is no longer

trading, hence the poor state of the trees. The applicant claims that one tree has already collapsed and damage to drains has occurred through root action.

With regard to the proposed felling of the Sycamores, whilst it is disappointing to lose more of these mature trees, as mentioned above, their long term retention as a visual amenity is no longer viable. In addition, due to long standing neglect, their structural and physiological condition is not known, the ivy which covers much of their trunks and canopies could be concealing structural faults and it seems unreasonable for the occupants of 1 Beacon Way to suffer the effects of this neglect, which could also pose a highway hazard.

In terms of protecting the visual amenity of the street scene and the sylvan character of the area, it is important to secure appropriate replacements to be suitably sited in relation to the dwellings and of such a size that will provide a public visual amenity without impacting on the amenities of the occupants of the adjoining dwelling. The applicant has stated that they will replant with 120 bare root Beech hedging plants, as well as two Silver Birch, two Mountain Ash and one Copper Beech, and these can be secured by condition.

Though it is likely that there will be some disruption to the appearance of the TPO group, it is judged that the surrounding trees will help to mitigate the loss of the Sycamores until such times as the replacement trees become established, as such the proposal is unlikely to severely compromise the visual amenity of the street scene or the Tree Preservation Order, or be detrimental to the character and appearance of the area.

#### 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.

