

OFFICERS REPORT

Application No: Y17/1208/SH

Location: Hollybush Cottage Stone Street Lympne Hythe Kent CT21 4LD

Proposal Felling of a Lime tree subject of Tree Preservation Order No 14 of 2001

ASSESSMENT

Performance data:-

Date application valid: 2/10/17

Applicable 8 week target date: 27/11/17

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 12/10/17

The site and proposals were assessed from entrance to site and from Stone Street and the key features are noted below.

SITE

The site is the front garden of Hollybush Cottage, a detached period dwelling located on the east side of Stone Street, close to the junction with Aldington Road, and within the heart of the attractive village of Lympne. The site sits to the west of Lympne C of E Primary School and is just within the Kent Downs Area of Outstanding Natural Beauty.

The large mature Lime tree, the subject of Tree Preservation Order No. 14 of 2001, is located on a small raised bank on the front boundary of the property and to the north of the access drive. It is highly prominent in the street scene and collectively with adjacent trees and shrubs, it contributes to the green and leafy character of this attractive semi rural location.

HISTORY

There have been three previous applications for works to trees at this location:

Y03/121/SH - Crown lifting to 5 metres of a lime tree the subject of a Tree Preservation Order No. 14 of 2001. Granted

Y05/1629/SH - 25% crown reduction of a Lime tree, the subject of Tree Preservation Order No. 14 of 2001. Granted

Y15/0606/SH - Pruning of a Lime tree subject of Tree Preservation Order No. 14 of 2001. Granted

PROPOSAL

This applicant is for the felling of the Lime on the grounds that it is in decline. There are signs of rot and fungus; sections of bark are dropping off; many of the branches appear dead and at least half the canopy has no leaf cover. As the tree is close to the road and to overhead power cables there are concerns that the tree could pose a threat to the applicant's property and users of the highway.

No re-planting proposals have been provided.

CONSULTATION RESPONSES

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

Arboricultural Manager: No objections to the felling of the Lime. The tree is in steady decline with extensive decay throughout.

The tree poses a significant threat to adjacent properties, users of the highway and to the overhead power cables.

Details of the replacement tree will need to be supplied.

Lympne Parish Council: No objection

REPRESENTATIONS

No representations received.

PUBLICITY

Neighbours notified by letter. Expiry date 27/10/17

Site notice displayed. Expiry date 3/11/17

RELEVANT POLICIES

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

Shepway Core Strategy Local Plan 2013 Policies: DSD; CSD4

APPRAISAL

The Lime forms an important landscape feature in this location; however it appears to be in decline, being both structurally and physiologically compromised. Half of the canopy is already dead and there is extensive decay throughout, therefore its felling is considered necessary in the interests of safety.

Since the Lime has high visual amenity value, it is likely that the proposed felling of the tree will have some effect on the visual amenity of the Tree Preservation Order and the character and appearance of the area. However the adjoining vegetation is likely to help to mitigate its loss until such times as a replacement tree becomes established.

In terms of maintaining the visual amenity of the street scene and the sylvan character of this area, it is important to secure a replacement tree of such a size that its public visual amenity will in time equal that of the Lime, and this will be dealt with by condition.

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: 27/11/17