

## Officer Report

|                 |                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Application No. | 20/1754/FH/TCA                                                                                      |
| Site Address    | The Limes, 29A High Street, Elham, Canterbury, CT4 6TB                                              |
| Officer Name    | Jo Daniels                                                                                          |
| Proposal        | Felling of a Prunus tree situated within a conservation area followed by the planting of a Holm Oak |

## Recommendation

|                      |                                 |
|----------------------|---------------------------------|
| Report Number        | RD-423751                       |
| Recommended Decision | Recommended to be No Objections |
| Recommendation Date  | 24 December 2020                |

## Report

Date application valid: 12/11/20

Applicable 6 week target date: 24/12/20

### SITE VISIT

A site visit has been carried out. The site and proposals were assessed from the public highway and key features are noted in the assessment.

### SITE

The site is 1 The Limes, a period detached dwelling set within well stocked gardens on the eastern side of the High Street and within the attractive village of Elham. The site is within the designated conservation area, a Special Landscape Area (SLA) and the Kent Downs Area of Outstanding Natural Beauty (AONB).

The fairly large sized Prunus tree is located within a group adjacent to the rear (eastern) boundary of the back garden. It is visible from the private access road serving adjacent properties but is not readily visible from the High Street, as such it makes little contribution to the character and appearance of the conservation area in this green and leafy semi-rural location.

### HISTORY

Y11/0896/SH granted consent for 2.5 metre crown lift and pruning back encroachment/30% crown reduction of a Goat Willow (T1) and a Cherry (T2); 6 metre crown lift and pruning back encroachment of a Hornbeam (T3) and an Ash (T4), all situated within a conservation area.

### PROPOSAL

The application is for the felling of the tree on the grounds that it has low amenity value, and has crossed multi trunks at 1.5 metres above ground level which rub together in windy weather leading to concerns that they could snap.

It is proposed to replant with a Holm Oak.

## CONSULTATIONS

Elham Parish Council – No objection

## REPRESENTATIONS

There has been no neighbour representation.

## POLICIES

Shepway Core Strategy Local Plan 2013 Policies: DSD  
Places and Policies Local Plan (2020) Policies: HB1; NE3  
National Planning Policy Framework (NPPF) 2019  
Section 15: Conserving and enhancing the natural environment  
National Planning Policy Guidance (NPPG) Natural Environment

## APPRAISAL

The tree is considered to have low amenity value and may have structural issues which could compromise its stability, therefore it would not be appropriate to make a Tree Preservation Order to secure its retention. The proposed felling of the tree is considered reasonable and acceptable for the above reasons. As it is barely visible from a public place, it is not considered that the proposal will harm the character or appearance of the conservation area 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.

## 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 is 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: Case Management Officer Date: 24/12/20

### **Suggested Informatives (1)**

1

In the interests of the conservation area the replacement Holm Oak tree should be planted within the first planting season following the felling of the Prunus tree.