

Officer Report

Application No.	24/0199/FH/TCA
Site Address	Malthouse Arcade, Malthouse Hill, Hythe, CT21 5BW
Officer Name	Danielle Wilkins
Proposal	Works to trees in a Conservation area comprising of 1 x Willow fell

Recommendation

Report Number	RD-434052
Recommended Decision	Recommended to be No Objections
Recommendation Date	19 March 2024

Report

SITE

The Goat Willow tree stands to the front of The Malthouse Arcade, a detached period building currently used as an antique market, set on the north side of the High Street, and within the Hythe Conservation Area

The tree is highly prominent in the street scene when viewed from the High Street and together with the adjacent Cherry and assorted shrubs, collectively contributes to the visual amenity of the conservation area in this commercial area at the far western end of Hythe High Street.

HISTORY

There have been several previous applications for works to trees at this property:

Y01/0399/SH - felling of Cherry tree situated within a conservation area. Objection made

Y05/1428/SH - felling of Cherry tree subject of Tree Preservation Order No. 8 of 2001. Refused

Y12/0582/SH - pruning of three limbs of a Cherry tree subject to Tree Preservation Order No. 8 of 2001. Withdrawn

Y14/1175/SH - reduction in height by 4-5 metres of Willow tree situated in a conservation area. No objection

Y15/0599/SH - pruning of Willow tree situated within a conservation area, comprising cutting back to previous points of growth over footpath. No objection

Y15/0591/SH - partial reduction of the canopy on the eastern side of a Cherry tree, subject of Tree Preservation Order No. 8 of 2001, to give 2 metres clearance from adjacent building. Approved with conditions

PROPOSAL

The application seeks to fell the goat Willow retaining the stump

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file.

REPRESENTATIONS

No representations received.

PUBLICITY

Site notice displayed. Expiry date 13/03/2024

RELEVANT POLICIES

Places and Policies Local Plan (2020) Policies: HB1

National Planning Policy Framework (NPPF) 2019

Section 15: Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG) Natural Environment

APPRAISAL

The Willow forms part of a group of trees set within a small garden area to the front of the Malthouse Arcade, and which make a positive contribution to the character and appearance of the conservation area as a whole.

While the tree considerably contributes to the character of the conservation area, it is evident that there is significant rot at the base of the tree and while there are still signs of new growth, it also clear that the tree has lost several limbs. It is therefore considered that, on balance, the proposed works appear reasonable and acceptable, and in line with good arboricultural practice. It is not considered that the proposed felling, which is necessary to prevent potential harm should the tree fall, will have a detrimental effect on the character or appearance of the conservation area as there is ample vegetation in this location.

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 no objections are raised.

Suggested Informatives (3)

1

All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person.

2

Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

3

The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.