

Officer Report

Application No.	23/1310/FH/TPO
Site Address	Marjorome, Cannongate Road, Hythe, CT21 5PT
Officer Name	Lizzy Nash
Proposal	Subject of T.P.O. No 19 of 1988, T1, T4, T7, T10, T12 & T13 - Sycamore Trees re pollard to previous reduction point, T2, T3 & T5 - Elder Trees, re pollard to previous reduction point. G1 - Group of holly trees, re pollard to previous reduction point. T11 & T16 - Beech - crown reduction by 5 meters, G2 - Group of holly bushes, remove to allow maintenance access. T6 - Hawthorn, re pollard to previous reduction point. T15 - Hawthorn, crown lifting of 2 meters. T8, T9 - Ash, fell and remove. T14 - Holly, crown lifting of 2 meters

Recommendation

Report Number	RD-434094
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	22 March 2024

Report

TPO No 19 of 1988

Site Visit: 21/03/2024

Site

The proposal dwelling is a large detached two storey brick dwelling with a small rear garden area and bank of large mature trees and hedging that separates the dwelling from Cannongate Road. The topography of the site has a steep incline from the highway to its rear elevation and results in the trees screening much of the dwelling from view. The trees form a blanket TPO which covers the entirety of the bank. The significance of these trees is gained from their collective contributions to the surrounding street scenes character.

The proposal Concerns a total of 16 individuals and two groups of holly trees. They vary in height and form with the largest being the approximately 15m tall Sycamore adjacent to the driveway to the site. The majority of the trees stand between 10-12 meters in height.

History

22/0573/FH/GEN – 5 day notice for felling of Ash Tree – No Objection

Y14/0346/SH – Works to 16 Lime Trees, Ash Tree and felling of Ash – Approved with Conditions

Y13/0471/SH – Felling of 5 Sycamores trees and pruning of 8 Sycamores – Approved with Conditions

Y10/0112/SH – Pollarding of 15 lime trees – Approved with Conditions

Y09/1060/SH – Various works to 21 trees – Approved with Conditions

Y06/0167/SH – Felling of sycamores 1 ash and 1 lime pollarding of 7 sycamores and crown reduction of 1 holly and 10 sycamores – Approved with Conditions

Y05/1533/SH – Re-pollarding of 7 lime trees – Approved with Conditions

Y02/1005/SH – Crown reduction of 20% to 10 sycamore trees – Approved with Conditions

Y01/0789/SH – Felling of 1 Elder tree crown lift 1 hawthorn and 12 sycamore trees and crown reduction of 1 elder tree, 2 Hawthorn trees and 9 sycamore trees – Approved with Conditions

Representations

No representations have been received.

Proposal

The proposal seeks permission for the following works:

T1, T4, T7, T10, T12 and T13 – Sycamore – Re-pollard to previous reduction points.

T2, T3 and T5 – Elder – Re-pollard to previous reduction points.

T6 – Hawthorn – Re-pollard to previous reduction points.

T8 and T9 – Ash Fell and removed

T11 and T16 – Beech – Crown Reduction of 25%

T14 – Holly – Crown Lift of 20% to remove overhanging branches from public pavement

T15 – Hawthorn – Crown lift of 20% to remove overhanging branches from public pavement

G1 – Group of Holly – re-pollard to previous reduction points

G2 – Group of Holly – Remove

Consultations

Hythe Town Council – Support subject to FHDC's Arboricultural Officers Approval

Senior Arboricultural Specialist – No Comment

Publicity

Neighbours notified by letter Expiry 06/10/2023

Site Notice Expiry 06/10/2023

Policies

The Development Plan comprises the Core Strategy Review 2022 and the Places and Policies Local Plan 2020.

Core Strategy Review (2022): SS1 (Spatial Strategy)

National Planning Policy Framework (NPPF) 2021

National Planning Policy Guidance (NPPG)

Town & Country Planning Act 1990 and Town Country Planning (Tree Preservation) (England) Regulations 2012.

Appraisal

The trees for a group with several others that cover the entirety of the bank along the south and western boundary of the site adjacent to Cannongate Road. The significance of the trees is derived from the collective groups contribution to the character and appearance of the street scene and wider area. There is a mix of larger and smaller trees some of which have a good form and a larger significance such as the mature Sycamore located at the northern edge of the TPO, however the majority of the trees have a poor overall form and are in need of maintenance.

Considering first the proposed re-pollard to previous trimming points for T1, T2, T3, T4, T5, T6, T7, T10, T12, T13 and G2, these are considered to be appropriate maintenance for these trees and would significantly improve the overall appearance of the bank. Moving on to proposed crown

reduction of 25% for T16 and T11. Both are beech trees of a relatively good shape and size the reduction of 25% is considered to be acceptable for maintaining the trees shape and health.

The application also seeks a crown lift of 20% to both T14 (Holly) and T15 (Hawthorn) to prevent them from becoming a nuisance to the public footpath that runs along the south and west boundary of the site. From a site visit it is evident that the trees are overhanging the public footpath and beginning to obstruct its use. Therefore, the proposed crown lift are considered to be acceptable.

In addition to the above the proposal also includes the removal of a group of holly trees along the set of stairs connecting the rear curtilage of the dwelling to Cannongate Road. The holly trees are not widely visible from outside of the curtilage and do not contribute significantly to the appearance and character of the site when viewed from within Cannongate Road. The removal of the holly is not considered to result in harm to the surrounding street scene. The proposal also includes the felling of two large ash trees this is stated to be due to them being diseased and to prevent the spread to other Ash trees within the site. Therefore it is considered appropriate for the trees to be felled to protect the health of others.

Considering the above the proposed works are considered appropriate to maintain the trees as a whole and would have limited implications on the significance of the trees. The works are therefore acceptable.

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 objective of the Duty.

It is considered that the application proposals would not conflict with the objectives of the Duty.

Duty to Cooperate

In accordance with paragraph 38 of the National Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance the application was acceptable as submitted.

Recommendation

In light of the above, it is considered the proposal complies with the above policies and the NPPF and is therefore recommended for approval subject to conditions.

Recommended Conditions (2)

1

The work hereby permitted shall be begun before the expiration of two years from the date of this consent.

Reason: To enable the Council to consider the position again should the work not be carried out within the prescribed period.

2

The agreed works shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations) and comprise of the following:

Works to trees the subject of TPO No 19 of 1988 - T1, T4, T7 , T10, T12 and T13 – Sycamore – Re-pollard to previous reduction points, T2, T3 and T5 – Elder – Re-pollard to previous reduction points, T6 – Hawthorn – Re-pollard to previous reduction points, T8 and T9 – Ash Fell and removed, T11 and T16 – Beech – Crown Reduction of 25%, T14 – Holly – Crown Lift of 20% to remove overhanging branches from public pavement, T15 – Hawthorn – Crown lift of 20% to remove overhanging branches from public pavement, G1 – Group of Holly – re-pollard to previous reduction points, G2 – Group of Holly – Remove

Reason: To ensure that the works are carried out in accordance with good practice in accordance with relevant local policy.

Suggested Informatives (3)

1

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.

2

All arisings from [Ash] trees should be treated in accordance with the Forestry Commission's current good practice guidelines to help prevent the spread of infectious pests and diseases.

3

Inspect any areas of decay at the base of the branches to evaluate the stability of the tree and whether there is any unacceptable level of risk posed by the tree.