

OFFICERS REPORT

Application No: Y19/0209/FH

Location: 11 Encombe Sandgate Folkestone Kent CT20 3DE

Proposal Rolling consent to crown reduce back to previous pruning points two Holm Oaks (T1 and T2) and one Sycamore (T4), all subject of Tree Preservation Order No 8 of 2002, to be undertaken once every two years for a maximum period of 10 years

ASSESSMENT

Performance data:-

Date application valid: 26/2/19

Applicable 8 week target date: 23/4/19

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 7/3/19

The site and proposals were assessed from Encombe and surrounding area.

SITE

The site is 11 Encombe, a detached two storey dwelling, one of a number of dwellings situated within a small development on the lower hillside to the north of Sandgate Esplanade, and just outside the conservation area. Immediately to the north of the dwelling there is a public footpath connecting Encombe with Hillside and Wilberforce Road to the east. Beyond the footpath there are extensive areas of woodland extending northwards to the boundary of Sir John Moore Barracks, much of which is protected by tree preservation orders.

The two Holm Oaks (T1 and T2) and the Sycamore (T4) are grouped on the eastern side of the enclosed side/rear garden of the property. They form part of Tree Preservation Order No. 8 of 2012 and together with other trees within the group, are prominent in the street scene forming an important visual amenity to the area, particularly when viewed in the wider context.

RELEVANT HISTORY

There have been two relevant applications for works to trees at this address: Y12/0644/SH granted consent for works to two Holm Oaks, a Yew and a Sycamore all subject of Tree Preservation Order No. 8 of 2012 and Y14/0955/SH granted consent for various pruning works to three Holm Oaks, one Sycamore and a Yew tree, all subject of Tree Preservation Order No. 8 of 2002

PROPOSAL

This application comprises of a rolling consent to crown reduce the trees to the previous points (as granted under p/p Y12/0644/SH), to be undertaken once every two years for a maximum period of ten years.

The works are required to remove encroachment to adjacent outbuilding and vegetation and to increase light to an adjoining bedroom window.

CONSULTATION RESPONSES

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

Sandgate Parish Council: No objection subject to the views of FHDC's Tree Officer

REPRESENTATIONS

No representations received

PUBLICITY

Neighbours notified by letter. Expiry date 22/3/19

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE17

Core Strategy Local Plan 2013 Policies: DSD

APPRAISAL

The trees are an important landscape feature of the escarpment and collectively form part of the green hillside vista when viewed from the foot of the hillside to the south.

The proposed works, a repeat of that previously granted, appears reasonable and acceptable and in line with good arboricultural practice to address the above issues and to prevent the trees posing a nuisance.

It is not considered that the proposals will have a detrimental effect on the long term health of the trees, the visual amenity of the TPO, nor be harmful to the character and appearance of the area.

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 recommended for approval subject to conditions.

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: Planning Technician Date: 23/4/19