

OFFICERS REPORT

Application No: Y19/0386/FH
Location: Brook House Frogholt Folkestone Kent CT18 8AT
Proposal Felling of nine Ash trees situated within a conservation area

ASSESSMENT

Performance data:-

Date application valid: 2/4/19

Applicable 6 week target date: 14/5/19

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 11/4/19

The site and proposals were assessed from Ashford Road and adjoining lane.

SITE

The site is Brook House, a detached listed dwelling set within extensive well stocked grounds on the north side of the busy Ashford Road and within the quiet hamlet of Frogholt. The site is within the designated conservation area, a Special Landscape Area (SLA) and an Area of Outstanding Natural Beauty (AONB).

The Ash trees, of various sizes, are probably self-set. They are located within an area highly populated by trees adjacent to a public footpath and the highway.

The trees are highly visible in the street scene and together with nearby vegetation they contribute to the visual amenity of the conservation area as a whole in this green and leafy rural location.

RELEVANT HISTORY

None

PROPOSAL

The application is for the felling of the trees on the grounds that they are within an over populated area, are showing signs of being in decline and are overhanging the footpath and highway.

CONSULTATION RESPONSES

None

REPRESENTATIONS

None

RELEVANT POLICIES

Shepway Local Plan Review Saved Policies: SD1; BE4, CO4

Shepway Core Strategy Local Plan 2013: DSD; CSD4

APPRAISAL

The trees display poor form and appear not to have been managed for some time. Most are clad in ivy, possibly concealing structural defects, and show signs of die-back in their canopies. Chalara (Ash die-back) is prevalent in this area and it may be that these trees are infected. Given their close proximity to a busy highway, and their poor condition, it would not be appropriate to make a Tree Preservation Order to secure their retention.

The proposed felling of the trees is considered reasonable and acceptable in the interests of highway safety. As they are located within in a wooded area populated by a variety of native broadleaf species, it is not considered that the proposal will harm the character or appearance of the conservation area since the surrounding trees are likely to mitigate any effects of the felling work.

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 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).

