

## Officer Report

|                 |                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------|
| Application No. | 22/0063/FH                                                                                       |
| Site Address    | 52 Firs Lane, Folkestone, Kent, CT19 4QE                                                         |
| Officer Name    | Piran Cooper                                                                                     |
| Proposal        | Pruning of one Cherry tree by 3 metres laterally subject to Tree Preservation Order No 6 of 1995 |

## Recommendation

|                      |                                           |
|----------------------|-------------------------------------------|
| Report Number        | RD-427926                                 |
| Recommended Decision | Recommended to be Approve with Conditions |
| Recommendation Date  | 08 March 2022                             |

## Report

### SITE VISIT

01.03.21

### SITE

No 52 is within the settlement boundary for Folkestone and is one of a pair of semi-detached properties comprising a ground floor and a first floor flat, situated in Firs Lane and forming part of a development of 190 suburban properties constructed in the mid 1980's. It is located to the east of Junction 12 of the M20 and on the north western outskirts of Folkestone.

The medium/large mature Cherry tree stands approximately 8-10 metres in height and is situated on the communal front lawn of the properties and adjacent to the public footpath. The tree is the subject of Tree Preservation Order No 6 of 1995 forming part of the landscaping scheme for the development.

Firs Lane falls within an Archaeological Notification Area

### RELEVANT PLANNING HISTORY

21/2099/FH - Crown reduction of one Cherry by 3 meters in height and 3 meters laterally subject to Tree Preservation Order No 6 of 1995 – Approve with Conditions

Y18/0972/FH - Crown reduction of a Cherry tree subject of Tree Preservation Order No 6 of 1995 - Approved with Conditions

Y09/0529/SH - Works to a Prunus tree the subject of Tree Preservation Order No.6 of 1995 - Approved with Conditions

**PROPOSAL**

The proposed works are as follows:

Pruning of one Cherry tree by 3 metres laterally subject to Tree Preservation Order No 6 of 1995

**CONSULTATIONS**

Folkestone Town Council - No comment apparent on file

Senior Arboricultural Specialist – No objections.

**REPRESENTATIONS**

None are apparent on file.

**PUBLICITY**

Neighbours notified by letter. Expiry date: 23.02.22

Site Notice (Wider publicity). Expiry date:

**POLICIES**

Shepway Core Strategy Local Plan 2013 Policies: DSD

Places and Policies Local Plan (2020) Policies: HB1 – Quality Places Through Design, & HE2 - Archaeology

National Planning Policy Framework (NPPF) 2021

Section 12: Achieving well designed Places

Section 16: Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

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

**APPRAISAL**

It is noted that the works described within this application are essentially identical to those covered under 21/2099/FH - Crown reduction of one Cherry by 3 meters in height and 3 meters laterally subject to Tree Preservation Order No 6 of 1995 , which received consent in December 2021. Having reviewed the information submitted for this application and 21/2099/FH it would appear that they are for the same tree. At the time of the site visit for this application it was evident that the works permitted under 21/2099/FH had not been carried out. This can be seen from the site photographs for the two reports.

The Cherry tree that this is subject of this application is a healthy specimen that is very evident within the street scene being located within the front garden without a boundary wall, fence or hedge and being adjacent to the pavement. It is therefore considered that it is an important tree for the visual amenity of the area. As evident in the planning history and from the site visit the tree has pruned previously; it is the regrowth that will be pruned in accordance with this application.

PPLP Policy HB1 includes a range of design general design criteria, which can used to assess the impact of a development proposal. In accordance with this proposal it the impact of the works on the visual amenity of the tree that needs to be considered.

The works that are proposed under this application have been approved by the council's Senior Arboricultural Officer, whilst the pruning works will initially reduce the prominence of the tree

within the street scene. It is anticipated that the crown will regenerate following the works so any detrimental impacts are likely to be reasonable short term.

It is considered that the tree will still continue to contribute to the visual amenity of the area. It is also considered that the tree will continue to provide environmental and ecological benefits and as such can be considered to be acceptable under local relevant policy.

Whilst the area is within an area of archaeological interest the extent of the works proposed are not considered likely to have a significant impact on any local archaeology.

There is no objection to the proposed works.

### **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.

### **Duty to cooperate**

In accordance with paragraph 38 of the National Planning 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.

Report and draft decision notice completed and passed to senior officer.

### **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: Piran Cooper

Report and draft decision notice completed and passed to senior officer.

Name: Helena Payne Position: DM Team Leader Date: 8.3.2022

**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:

Pruning of one Cherry tree by 3 metres laterally subject to Tree Preservation Order No 6 of 1995

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