

Officer Report

Application No.	24/0345/FH
Site Address	84 Star Lane, Folkestone, CT19 4QQ
Officer Name	Macey Douglas
Proposal	Works to trees subject of TPO No 06 of 1995 T1 Robinia fell

Recommendation

Report Number	RD-434233
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	10 April 2024

Report

Site

The site is the rear garden of no. 84 Star Lane which is situated within the Folkestone settlement boundary. The tree subject of this application is a silver birch located within the rear amenity space.

Site History

No recent or relevant history.

Proposal

Works to trees the subject of TPO No. 6 of 1995 T1 Robina fell to ground level given that the tree is in decline and decaying and offers no amenity value.

Consultation

Folkestone Town Council – No comment

Arboricultural Specialist – No comment

Representations

No representations have been received.

Publicity

Neighbours notified by letter. Expiry date 12/04/2024

Policies

Places and Policies Local Plan Policies (2020)

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

National Planning Policy Framework (NPPF) 2023

National Planning Policy Guidance (NPPG)

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

Appraisal

The tree subject of the application is a Robina tree to the front amenity space of the application site. It is accepted that the health of the T1 Robina is in decline, and it is necessary to fell them to ensure public safety. Whilst it is visible from the street scene, given the poor health of the tree and that it is in decay its loss would not be detrimental to the visual aesthetic of the street scene and is no longer of any significance. However, given its prominent position in the event of an approval, a condition will be imposed requiring the replanting of a tree of a native and deciduous species during the first planting season (November to March). A condition shall be imposed on the decision requiring the applicant to submit details of the tree.

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.

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 (4)

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:

Subject of TPO No. 6 of 1995 - Felling of a Robina Tree

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

3

Details of the species, size and type of the replacement tree and its intended location shall be submitted to and approved by the Local Planning Authority. The replacement trees shall be a native, deciduous species and will need to be planted during the first planting season (November to March) unless otherwise agreed in writing with the Local Planning Authority. Planting shall take place in accordance with the approved details.

Reason: To ensure that suitable choices are made in terms of tree planting with the curtilage of 84 Star Lane and for the protection of the wider tree cover within the immediate area.

4

The new tree planted shall be maintained for a period of three years from the planting date. If they fail within that time, they shall be replaced at the householder's expense with the relevant specimen/s agreed under Condition 3 of this permission.

Reason: To promote the successful establishment of the replacement trees.

Suggested Informatives (1)

1

Care should be taken to consider nesting birds between March and September as in accordance with the Wildlife and Countryside Act 1981 (as amended) and also the need to consider the protection of any roosting or foraging bats afforded protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended).

