

REPORT SUMMARY

REFERENCE NO - 20/505894/TPOA			
APPLICATION PROPOSAL TPO Application - T1 Acer to rear of property. Lift to 4m property side and prune overhang. Works are to address customer enquiry whilst still leaving a tree with high amenity value. Reason for works: Tree is encroaching onto property.			
ADDRESS 1 Leamington Drive Maidstone ME16 0WP			
RECOMMENDATION Permit subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works will not be significantly detrimental to the long term health of the tree or its contribution to amenity.			
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council			
WARD Heath	PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Jesson AGENT Caroline Everest	
DECISION DUE DATE 10/02/21	PUBLICITY EXPIRY DATE 07/01/21	OFFICER SITE VISIT DATE 31/12/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/505111/TPO	reduce crown of 1no Norway Maple to approximately 6m in height and spread	Lesser Works Permitted	03/12/2018
<i>Summarise Reasons:</i> A lesser crown reduction not exceeding one third of the current crown dimensions was permitted, to a finished height of no less than 10m and average radial crown spread of 4m, for the avoidance of doubt and to ensure that the extent of the works did not exceed current British Standard 3998 recommendations.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree is growing in a Maidstone Borough Council –owned verge on the south side of Leamington Drive. The crown overhangs the small rear gardens of two adjacent residential properties, 9 Westminster Square and 1 Leamington Drive.

2.0 PROPOSAL

- 2.01 Crown lift to give a clearance of 4m above ground level where overhanging residential gardens and prune overhang.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.1 of 1994, T296 Norway Maple.

4.0 POLICY AND OTHER CONSIDERATIONS

(In deciding a tree works application/notification the LPA are not required to have regard to the development plan).

4.01 Government Policy: National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy: Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation: A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application does not indicate that any loss or damage is anticipated if the application is refused and the evidence submitted does not indicate that any loss or damage is reasonably foreseeable. I consider that the likelihood of a compensation claim arising is therefore very low. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 None received

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Plan submitted.

8.0 APPRAISAL

8.01 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

8.02 The tree is a mature Norway Maple with an estimated stem diameter of 50cm, height of 10m, a radial crown spread of 5m and has a main fork at a height of 2m. Crown structure and size is consistent with the works permitted under application 18/505111/TPO having being completed to a reasonable standard.

- 8.03 The tree appears to be in reasonably good health and condition and recovering well from the recent reduction works, with vigorous extension growth. The further works proposed in this application aim to specifically address the remaining growth overhanging the adjacent residential gardens. The intended works are relatively minor and are not considered likely to have a significant detrimental impact on the tree's contribution to visual amenity.
- 8.04 For the avoidance of doubt it is recommended that in addition to a condition requiring the works to be completed in accordance with the recommendations of the current British Standard for tree works (BS3998), that a further condition ensures that the proposed crown lifting works do not involve the removal of main scaffold limbs.
- 8.05 Subject to these conditions, it is considered that the proposed works are acceptable management.

9.0 CONCLUSION

- 9.01 The proposed works are acceptable arboricultural management that will not have a significant detrimental impact on the long term health of the tree or its contribution to amenity.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

- (2) The crown lifting operation shall not involve the removal of any main scaffold limbs or result in main stem wounds. The 4m clearance shall be achieved by branch shortening or the removal of secondary limbs only.

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.