

REPORT SUMMARY

REFERENCE NO - 20/505891/TPOA			
APPLICATION PROPOSAL Tree Preservation Order application: G1 = 8 Sycamore and 4 Hazel, G2 = 4 Sycamore, G3 = 4 Sycamore, T11 = Individual Pine - Crown lift all trees to 3m for maintenance purposes and to allow pedestrians to pass underneath.			
ADDRESS Woodland Off Foxglove Rise And The Mallows Maidstone Kent			
RECOMMENDATION Permit subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
WARD North	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr Andrew Jesson AGENT Caroline Everest	
DECISION DUE DATE 24/06/21	PUBLICITY EXPIRY DATE 25/05/21	OFFICER SITE VISIT DATE 10/06/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/505165/TPO	TPO application to fell 8x Sycamores	PER	22/11/2018
Permitted due to failure risk, subject to replacement planting			
17/505405/TPO	1no. Sycamore - to remove lower branches allowing 5m clearance above ground level.	PER	11/12/2017
TA/0030/10	Coppice 1 Hazel Tree	PER	19/05/2010
TA/0058/09	Crown lift one Sycamore tree to 3.5 metres over properties 2-4 the Mallows and fell both stems on one Sycamore tree as their crowns are interlinked	PER	11/06/2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the west of Foxglove Rise and North of The Mallows.

2.0 PROPOSAL

- 2.01 The proposed works are to crown lift all trees subject to Groups G1, G2 and G3 and individual tree T11 Pine to 3m above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. There are no remaining trees in group G1 that can be crown lifted and T11 Pine does not have any lower branches below a height of 3m. The proposal therefore only applies to Groups G2 and G3.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.4 of 1989 G2 consisting of 4 Sycamore, G3 consisting of 4 Sycamore

4.0 POLICY AND OTHER CONSIDERATIONS

- 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 applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on 18/05/2021 and expired on 08/06/2021
- 5.02 3 representations were received from 3 neighbouring properties in The Mallows raising the following issues (summarised):
- Reduction of habitat and food source for wildlife. - The green space has become a haven for wildlife, especially recently, following the loss of so many ash trees by the River Medway towpath and the loss of habitat as a result of the massive housing development at Springfield.
 - Request that maintenance be restricted to verge clearance and crown lifting of trees to a maximum of 3m over the public footpath only.
 - The mature trees here are an important landscape feature and any loss of such trees will spoil the visual appearance of the area.

- Loss of a fence that has fallen down and has not been repaired or replaced. Request that this fence is reinstated as soon as possible, especially if you are intending to remove the shrubbery.
- Loss of privacy - work already carried out on two lime trees at the back of my property has already lost my privacy as the back of my property can be looked in to from foxglove rise by both pedestrians walking and houses opposite. If the council must lift these trees, can they not cut just the front of the tree and not the whole circumference of the trunk, that way we will have a least a little privacy left.
- Loss of tall plants was a form of security. Recent trimming of greenery next to the footpath that runs from Foxglove Rise to The Mallows has exposed all properties in the Mallows from No:2 to No:10 and allowed access to the back fences of our properties. You can now see into the back windows of all these gardens from this walkway.
- The trees and nature are lovely but maintain them they are way too tall and need regular maintenance, so they don't impact on our properties particularly Number 2 and 4 this end they are way too close to our houses.

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan submitted. Various correspondence between agent and case officer/validation team to clarify proposal.

8.0 APPRAISAL

General appraisal of trees in G2 and G3

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

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

Visual Impact

8.02 The proposed crown lifting of the trees to 3m above ground level will have some visual impact but will not appear excessive in relation to the height of the trees.

Residential Amenity

8.03 The representations cite loss of privacy and security as a result of the proposed works, but this also includes other works to trees and vegetation not subject to the Tree Preservation Order. However, TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy.

Tree condition

- 8.04 The trees in G2 and G3 are mature Sycamore of up to 22 metres in height with varying stem diameters of around 60cm. The form a prominent group of good overall form. No significant defects were noted during inspection and the trees appear to be in good condition for their age and size. More stems are present than listed in the TPO, with some possibly being multi-stemmed.

Impact of proposed works on tree health

- 8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown lifting proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

Loss of wildlife habitat

- 8.06 The proposed removal of lower branches from the trees could result in some loss of wildlife habitat, but it is not considered that this is significant in relation to the size of the trees and the amount of habitat that would remain. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

9.0 CONCLUSION

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees or their contribution to public amenity and are therefore considered acceptable arboricultural management.

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

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.

- (2) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

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.

Planning Committee Report
24 June 2021

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.