

## REPORT SUMMARY

<b>REFERENCE NO - 21/505218/TPOA</b>		
<b>APPLICATION PROPOSAL</b> TPO Application for 3 x (T1) Pinus -Lightly reduce from property boundary from 8m to 6.5m.		
<b>ADDRESS</b> East Lodge St Andrew's Road Maidstone Kent ME16 0WE		
<b>RECOMMENDATION</b> Permit subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed works are considered appropriate arboricultural management.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
<b>WARD</b> Heath	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Qualitree Services
<b>DECISION DUE DATE</b> 30/11/21	<b>PUBLICITY EXPIRY DATE</b> 26/10/21	<b>OFFICER SITE VISIT DATE</b> 21/11/21

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing within St Andrew's Park to the north of East Lodge and West Lodge, private residential properties that the crowns of the trees overhang.

### 2.0 PROPOSAL

- 2.01 The proposed works are to reduce overhanging branches of three Pine trees from their current length of 8 metres to 6.5 metres, shortening them by approximately 1.5m

### 3.0 PLANNING CONSTRAINTS

- 3.01 Tree preservation Order No. 1 of 1994 - T5, T19 and T21 Corsican Pines

### 4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:  
National Planning Policy Framework (2021)

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

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

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 25 November 21 and expires on 16 December 2021. Any new representations received in response to the site notice will be reported as an urgent update.

5.02 No representations received at the time of writing.

**6.0 CONSULTATIONS**

6.01 No consultation responses received

**7.0 BACKGROUND PAPERS AND PLANS**

7.01 Application form, plan and photographs submitted.

**8.0 APPRAISAL**

**General appraisal of trees**

8.01 T1 – T3 Pinus on application form (T5, T19 and T21 Corsican Pine in TPO).

Contribution to public visual amenity:

Excellent – prominent feature of the area/ particularly suited to location

Condition:

Good – no significant defects noted

Useful life expectancy:

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

8.02 The trees are three large, mature Corsican Pines growing close to the southern boundary of St Andrew's Park. Two of the trees overhang the garden of West Lodge and one overhangs the garden of East Lodge. The trees appear to be in good health and condition with no significant defects noted during inspection.

8.03 The proposed works are to reduce the branches overhanging the adjacent properties by approximately 1.5 metres, leaving a remaining branch length of 6.5 metres. It is not considered that the proposed works will have a detrimental impact on the health of the trees, not their contribution to amenity. It is therefore recommended that the works are permitted, subject to a condition requiring them to be carried out in accordance with current best practice recommendations.

## **9.0 CONCLUSION**

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees nor 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.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.