

REPORT SUMMARY

REFERENCE NO - 21/506124/TPOA		
APPLICATION PROPOSAL Tree Preservation Order application: T1-T3 Sycamore-Fell as in decline, T5 Larch-Fell as in decline, T6 Sycamore-Fell as in decline, T7 Dead very small unidentified species-Fell, T10 Larch-Fell as in decline and weighted towards road, T12a Sycamore-Reduce overhang to waterworks side 8m to 5m, T13 Prunus-Fell 2 x stems on fence line (45% lean over pumping station), T14 Horse Chestnut- Reduce laterals to south east over water work 10m to 6m, T18 Yew-Reduce west side 8m to 5m, T21 Holm Oak secondary crown, up to 50% reduction to clear river navigation and reduce stress loading limbs over towpath SW side over river 13m to 9m, T22 Sycamore Reduce laterals over pathway 8m to 5m north side, T23/24 2 x Sycamore-Fell (one in wall/one standing poor form no alternative reduction points weighted to path/road.		
ADDRESS Woodland Off The Mallows Maidstone Kent		
RECOMMENDATION Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 14/01/22	PUBLICITY EXPIRY DATE 13/12/21	OFFICER SITE VISIT DATE 18/08/20

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing within a small triangular woodland area bounded on the North side by Moncktons Lane and The Mallows (also designated public footpath KMX18), the East side by a residential property (9 The Mallows), the South side by a pumping station and the west side by the River Medway towpath (also designated public footpath KMX3). A further public path runs through the woodland.

2.0 PROPOSAL

- 2.01 Works are proposed to various trees within the woodland area, specified as follows:

T1-T3 Sycamore, Fell as in decline
T5 Larch, Fell as in decline (heavy lean over property and die back)
T6 Sycamore, Fell as in decline (close to property)
T7 Dead, very small unidentified species, Fell
T10 Larch, Fell as in decline and weighted towards road
T12a Sycamore, Reduce by 20% away from boundary and pumping station. Reduce overhang to waterworks side 8m to 5m

- T13 Prunus, Fell 2 x stems on fence line (45° lean over pumping station)
- T14 Horse Chestnut reduction. Reduce laterals to south east over water work 10m to 6m
- T18 Yew, 20% reduction (heavily weighted over towpath) Reduce west side 8m to 5m
- T21 Holm Oak secondary crown, up to 50% reduction to clear river navigation and reduce stress loading limbs over towpath SW side over river 13m to 9m
- T22 Sycamore, 20% reduction away from property. Reduce laterals over pathway 8m to 5m north side
- T23/24 2 x Sycamore, Fell (one in wall / one standing poor form no alternative reduction points weighted to path/road)

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 11 of 1994 Woodlands South of Moncktons Lane. W1 consisting of Holm Oak, Holly, Yew Pine, Larch, Sycamore, Horse Chestnut, Lime and Walnut.

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 at the time of writing.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 T1-T3 Sycamore on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

Semi-mature, etiolated Sycamore trees of poor form and declining condition. The trees are generally poor specimens at increased windthrow failure due to their slender form resulting from being close-grown, with crowns weighted towards the adjacent residential property and pumping station. There are no viable pruning options that would result in the trees becoming good future specimens.

8.02 T5 Larch on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A mature Larch of average to poor form growing 5 metres from the adjacent dwelling. The crown is significant top-weighted with a lean towards the property. It is therefore considered that the tree represents a windthrow failure risk with a dwelling as the likely target. There are no viable pruning options that would result in the tree being able to be retained as a good future specimen.

8.03 T6 Sycamore on application form.

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A small Sycamore growing close to the adjacent dwelling. It is a poor specimen unsuitable for long term retention due to its position.

8.04 T7 species unidentified on application form.

Contribution to public visual amenity:
None

Condition:
Dead

Useful life expectancy:
Nil

Comments:
A small, dead tree. As such, it can be removed under the exceptions to the Tree Preservation regulations.

8.05 T10 Larch on application form.

Contribution to public visual amenity:
Reasonable – limited views only/partially blocked by other features

Condition:
Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:
Short – safe useful life expectancy of less than 10 years

Comments:
A mature Larch which is clearly in decline and therefore with a limited safe useful life expectancy. With crown weighting towards the road, the potential failure target would be the highway.

8.06 T12a Sycamore on application form.

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:
Medium - estimated remaining life expectancy of at least 10 years

Comments:
A large, mature Sycamore with an unbalanced crown heavily weighted over the adjacent pumping station. The proposed reduction of the crown on the pumping station (southern) side is unlikely to be detrimental to the tree's long-term health nor its contribution to amenity, whilst significantly reducing risk to the pumping station.

8.07 T13 Prunus x2 stems on application form.

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

Two stems originating in the woodland but growing over and resting on the boundary fence, with all top growth in the adjacent pumping station. The proposed removal is therefore considered appropriate. However, consent is not technically required as the species is not listed within the Tree Preservation Order.

8.08 T14 Horse Chestnut on application form.

Contribution to public visual amenity:

Reasonable – limited views only/partially blocked by other features

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

to

Medium - estimated remaining life expectancy of at least 10 years

Comments:

A mature Horse Chestnut exhibiting a large main stem scar from ground level to approximately 3 metres height that is likely to significantly compromise the longevity of the tree. Further investigation is likely to reveal that significant remedial works or felling will be necessary in the foreseeable future. The proposed works to reduce lateral branches over the pumping station will therefore have a negligible impact on the tree's remaining safe useful life expectancy.

8.09 T18 Yew on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A mature Yew with an unbalanced crown overhanging the river towpath. The tree should respond well to pruning works and the proposed reduction will help to rebalance the crown.

8.10 T21 Holm Oak on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A large, mature Holm Oak, with overextended branches heavily overhanging the towpath and river. The proposed reduction of the southwestern portion of the crown by 4m is unlikely to be detrimental to the tree's long-term health and is considered necessary management to reduce future failure risk.

8.11 T22 Sycamore on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

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

Comments:

A large, twin stemmed Sycamore overhanging Moncktons Lane path and growing towards the adjacent dwelling (11 The Mallows). Reduction of crown weight away from the house is considered prudent management to reduce failure risk and is unlikely to be detrimental to the tree's long-term health.

8.12 T23 - T24 Sycamore on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

T23 is a small Sycamore growing within the wall and therefore likely to compromise the stability of the wall if not removed. T24 is a medium sized Sycamore, but leaning and without viable pruning options that would result in the tree being suitable for long-term retention.

9.0 CONCLUSION

- 9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable on the grounds of safety and duty of care.

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) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

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.