

REPORT SUMMARY

REFERENCE NO - 22/503610/TPOA		
APPLICATION PROPOSAL TPO application to trim small branches/foilage at bottom of one Thuja to 2m to allow head room; Trim small branches/foilage at bottom of one Thuja to 2m to allow head room, trim south side of tree to 1m away from house, trim small branches/foilage at bottom of tree to allow 30 cm clearance above shed roof.		
ADDRESS: 82 Buckland Road Maidstone Kent ME16 0SD		
RECOMMENDATION Permit subject to conditions/Reasons		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The application has been made by an elected member representing Bridge Ward, where the trees are also located.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Stuart Jeffery AGENT
DECISION DUE DATE 19/09/22	PUBLICITY EXPIRY DATE 19/08/22	OFFICER SITE VISIT DATE 12/08/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The trees subject to this application are located along the North boundary of the residential property. T5 is located within the front of the property while T6 is further along the boundary and in the rear garden.

2.0 PROPOSAL

2.01 Works are proposed to two trees, and are detailed as:

2.02 T5 – Thuja

- Trim small branches / foliage at bottom of tree to 2 metres to allow head room.

2.03 T6 – Thuja

- Trim small branches / foliage at bottom of tree to 2 metres to allow head room.
- Trim South side of tree to 1 metre away from house.
- Trim small branches / foliage at bottom of tree to 30cm above shed roof.
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3.0 PLANNING CONSTRAINTS

3.01 Tree Preservation Order No. 29 of 1973: T5 – Thuja, T6 – Thuja.

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 application has not indicated that any loss or damage is anticipated if the application is refused. However, the evidence collected during the site visit does show T6 making physical contact with the property and so the possibility of damage is foreseeable but low. I consider that the likelihood of a compensation claim arising is very low but possible. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 No representations have been received at the time of writing this report.

6.0 CONSULTATIONS

6.01 No consultation responses have been received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

6.01 T5 on application form (T5 in TPO).

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

Comments: The proposal is to crown raise the Thuja to provide a clearance of 2 metres from ground level. The tree is located at the front of the property and largely overhangs the driveway. The crown lift is to give adequate head room when walking/parking under the tree. The proposal is in line with good arboricultural practice and considered appropriate management.

6.02 T6 on application form (T 6 in TPO).

Contribution to public visual amenity:

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

Condition:

Good – no significant defects noted

Useful life expectancy:

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

Comments: Similar to T5 the proposal is to crown raise a Thuja to provide a clearance of 2 metres from ground level to give adequate head room when walking under the tree. This tree is located along the side boundary of the property and is in close proximity to the house and so the proposal includes the selective target pruning to the South side of the tree to provide a minimum clearance of 1 metre from the house. The application also includes further selective target pruning around the bottom of the canopy to give a 30cm clearance from the shed. The proposal is in line with good arboricultural practice and considered appropriate management

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/REASONS

(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 material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

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.