

REPORT SUMMARY

REFERENCE NO - 22/502102/TPOA		
APPLICATION PROPOSAL: Tree Preservation Order application: T1 Sycamore, Install Cobra system and thin by 30%, T2 Sycamore, install Cobra system and thin by 15%, T3 Twin-stemmed Sycamore, Thin by 15%, T4 Sycamore, Thin by 15%, T5 Sycamore, Thin by 15%, T6 Sycamore, Thin by 15% T7 Sycamore, Thin by 15% and install cobra system, T8 Sycamore, Thin by 15%, T9 Sycamore, Prune overhang (from 4m to 2m) T10 Sycamore, Thin by 15%, T11 Hawthorn, Reduce overhang (3m to 1.5m), Works are to reduce trees from private property boundary and secure weak forks in the trees.		
ADDRESS: Land Adjacent 9 Fieldfare Drive Maidstone Kent ME15 6XL		
RECOMMENDATION Permit subject to condition(s)		
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 South	PARISH/TOWN COUNCIL Tovil	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 14/07/22	PUBLICITY EXPIRY DATE 13/06/22	OFFICER SITE VISIT DATE 18/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The tree(s) subject to this application are located on MBC land rear of No.9 Fieldfare Drive.

2.0 PROPOSAL

- 2.01 The proposed works are described as:
- 2.02 T1 – Sycamore – 30% thin / instal cobra bracing.
- 2.03 T2 – Sycamore – 15% thin / install cobra bracing.
- 2.04 T3 – Sycamore – 15% thin.
- 2.05 T4 – Sycamore – 15% thin.
- 2.06 T5 – Sycamore – 15% thin.

- 2.07 T6 – Sycamore – 15% thin.
- 2.08 T7 – Sycamore – 15% thin / install cobra bracing.
- 2.09 T8 – Sycamore – 15% thin.
- 2.10 T9 – Sycamore – Reduce over hanging canopy by 2 meters.
- 2.11 T10 – Sycamore – 15% thin.
- 2.12 T11 – Hawthorn – Reduce over hanging canopy by 1.5 meters.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.23 of 1975, A1

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 the 20th of July 2022 and expired on 10th of August 2022.
- 5.02 A neighbour (who lives on the other side of the trees in question) has made comments in support of the application, and has expressed a desire for a further review of the trees to be carried out with a more regular maintenance / management plan to be put in place.

6.0 CONSULTATIONS

6.01 No consultation responses 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

8.01 T1-T11 on application form (A1 in TPO).

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

Comments: The proposal refers to 10 no. Sycamore trees (T1-T10) and 1 no. Hawthorn tree (T11). The majority of the proposal is for the thinning of canopies by approximately 15% (T2, T3, T4, T5, T6, T7, T8 & T10). It is proposed to thin the canopy of T1 by approximately 30%. T9 & T11 are also proposed to be selectively pruned to reduce the overhang of the canopies back of the residents garden (T9 by approximately 2 metres and T11 by approximately 1.5 metres). The last aspect of the proposal is the installation of cobra bracing system to T1, T2 & T7. These works however are exempt from requiring permission. The works are considered to be in line with good arboricultural practices and so it is recommended that the application is permitted.

9.0 CONCLUSION

9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable.

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 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.