

Tree Preservation Order Application No. 22/50132/TPOA

The Trinity Foyer 20 Church Street, Maidstone, Kent, ME14 1LY

APPLICATION DETAILS:		
Applicant: Maidstone Borough Council	Agent: Qualitree Services	
Case Officer: Phil Gower	Site Visit (Date): 20/07/2022	
Parish/Town Council: Unparished	Ward: High Street	
Date Valid: 13/04/2022	Consultation Expiry: 12/05/2022	Decision Due: 08/06/2022
Advert: N	Site Notice: Y	Secretary of State: N

PROPOSAL:

Notification of works to TPOs (T1 Lime) - Lift to 1m above break & thin crown by 15% and, secondly, (T2 Pine) - Fell.

RECOMMENDATION:

Application **PERMITTED** – Subject to the CONDITION(S) and INFORMATIVE(S) stated in SECTION 10

REASON 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.

1. RELEVANT HISTORY

1.1. Planning:

18/500440/TPO

TPO Application - 1 x Sycamore: Reduce eastern side of crown by approx. 2m back to vicinity of boundary line. 1 x Young Ash tree: Fell tree. 1 x Sycamore: Reduce eastern side of crown by approx. 2m back to vicinity of boundary line. 1 x Lime: Re-pollard tree by pruning back, estimated resultant height on completion of works: (10m).

Approved Decision Date: 20.02.2018

22/500544/TPOA

TPO Application for group of 8 x (G1) Tilia - Remove epicormic growth, thinning crowns. Approved Decision Date: 19.10.2022

22/500594/TPOA

Notification of works to a TPO T1 (Sycamore tree) - Thinning of crown by 15% and crown lift to the east side of the tree back to boundary line.

Withdrawn Decision Date: 14.09.2022

TA/0083/11

Notification of proposed works to a tree in a Conservation Area being the trimming back one Lime Tree by 2.5m and removal of dead branches

Withdrawn Decision Date: 25.07.2011

TA/0150/11

Tree Preservation Order application: TPO No. 32 of 1973; an application for consent to remove three Lime trees T1, T2 & T3 remove arisings and grid out stumps to prevent risk of disease.

Pending Consideration Decision Date:

TA/0044/10

An application for consent to re-pollard three Lime trees and remove basal growth, fell one Holly tree and fell one Cherry tree: all trees being Subject to Tree Preservation Order No. 32 of 1973

Approved Decision Date: 08.06.2010

TA/0045/10

Notification of intention to crown lift one Sycamore tree to give a 3m clearance over adjacent property, and crown lift one Holm Oak tree to give a 5.2m clearance over highways and 2.5m clearance over footpath; all trees being located within Maidstone Holy Trinity Church Conservation Area.

No Objection Decision Date: 08.06.2010

TA/0046/04

An application for consent to remove stem and Basal suckers on 17 no. Lime Trees; All trees subject to Tree Preservation Order No. 32 of 1973

Approved Decision Date: 07.05.2004

2. SITE DESCRIPTION

- 2.1.1. The trees subject to this application are located within the open green space of Trinity Park. T1, a Lime, is located on the right-hand side of a public footpath immediately left of the Southeast entrance. T2, a Pine, is located in the centre of the grass open space in the middle of the park.

3. PLANNING CONSTRAINTS

3.1. Tree Preservation Order(s):

3.1.1. Tree Preservation Order (TPO) No. 32 of 1973:

3.1.2. G6 – Comprising 6no. Lime Trees

3.1.3. T14 – Pine

3.2. Conservation Area(s):

3.2.1. Holy Trinity Church Conservation Area:

4. POLICY CONSIDERATIONS:

(When determining a tree application/notification, the LPA are not required to have regard to the development plan)

4.1. Government Policy:

- 4.1.1. National Planning Policy Framework (2021)
- 4.1.2. Ministry of Housing, Communities & Local Government, Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

4.2. Local Policy:

- 4.2.1. Maidstone Borough Local Plan October 2017 - Policy DM 3
- 4.2.2. Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.
- 4.2.3. Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.3. Compensation:

- 4.3.1. A refusal of consent to carry out works on 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 does not indicate that any loss or damage is anticipated if the application is refused, and the evidence submitted does not indicate that any loss or damage is reasonably foreseeable. I consider that the likelihood of a compensation claim arising is therefore very low. Not applicable if approved.

5. LOCAL REPRESENTATION

5.1. Ward Councillors:

5.1.1. None received.

6. CONSULTATION

6.1. Parish Council:

Unparished

6.2. Neighbours:

None received

7. SUBMITTED DOCUMENTS

7.1. Site Plan(s):

7.1.1. Tree Location Plan.

7.2. Photo(s):

7.2.1. None.

7.3. Report(s):

7.3.1. None.

7.4. Other Supporting Document(s):

7.4.1. None.

8. CONSIDERATIONS AND APPRAISAL

8.1. T1 – Lime, on application (G6 in TPO):

- 8.1.1. The proposal for this tree has already been covered under another application which superseded this one. It was decided to permit the application at the September meeting of the Planning Committee and so does not require consideration as part of this application.

8.2. T2 – Pine, on application (T14 in TPO):

8.2.1. Condition:

*The tree is observed to be in a poor condition and has shown continued deterioration over the last 12 months. The suspected cause is red band needle blight (*Dothistroma septosporum*) (Watson, 2013; Strouts and Winter, 1994)*

8.2.2. Contribution:

This is a moderately sized tree within Trinity Park and so considered to provide some amenity value to those who use the park, however, the tree is not directly visible from a public road.

8.2.3. Retention:

It is not my recommendation that the tree can be safely retained for any significant length of time. Due to the continued decline and loss of foliage, the tree is producing increased amounts of deadwood which pose a risk to park users. It is expected that the tree has a safe useful life expectancy of fewer than 3 years.

8.2.4. Reasons for work:

The reason for work is to control the health and safety threat that the tree poses on the general public and park users.

9. CONCLUSION

9.1. Final Comments:

- 9.1.1. The works proposed above are considered appropriate arboricultural management and necessary on the grounds of safety.

10. RECOMMENDATION:

PERMISSION – Subject to the following CONDITION(S) and informative(s)

10.1. Condition(s)

(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

(2) 1 No. replacement tree selected from the following list of suitable species (below) shall be planted on or near the land on which the tree stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree/s shall be of not less than Nursery heavy standard size (12-14cm girth, 3.6-4.25m height), conforming to the specification of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Suitable Species: Common Lime (*Tilia x europaea*), Maidenhair (*Ginkgo biloba*)

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

(3) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

10.2. Informative(s):

(1) The proposed work to T1, Lime (on application), was addressed in application 22/500544/TPOA, which was permitted by Planning Committee on 22.09.2022. Therefore, this work has not been considered under this application.

(2) 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.

(3) All cut timber/wood greater than 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: Phil Gower

Date: 04/01/2023

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.

11. REFERENCE LIST

- i) Strouts, R. G. and Winter, T. G. (1994) *Diagnosis of Ill-health in Trees – Research for Amenity Trees #2*. London: The Stationary Office (TSO).
- ii) Watson, G. (2013) *Tree Pests and Diseases: An Arborists Field Guide*. 1st Edition. Gloucestershire: The Arboricultural Association.