

## REPORT SUMMARY

<b>CASE REFERENCE:</b> 5013/2022/TPO	
<b>ADDRESS:</b> 1-39 Queensgate, Maidstone, Kent ME16 0FB	
<b>RECOMMENDATION:</b> <b>CONFIRM</b> Tree Preservation Order <b>No. 5013/2022/TPO</b> as per the attached Order.	
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The Council considers that the tree or trees contribute to amenity and local landscape character, and it is expedient to make a Tree Preservation Order (TPO).	
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The Council received 1no. objection within the statutory 28-day objection period.	
<b>PARISH:</b> Bridge	<b>WARD:</b> Bridge
<b>CASE OFFICER:</b> Phil Gower	<b>SITE VISIT DATE:</b> 03/10/2022
<b>PROVISIONAL TPO MADE:</b> 14/10/2022	<b>PROVISIONAL TPO EXPIRY:</b> 14/04/2023
<b>PROVISIONAL TPO SERVED:</b> 14/10/2022	<b>TPO OBJECTION EXPIRY:</b> 11/11/2022

## RELEVANT PLANNING HISTORY

### Planning:

**22/505315/TPOA** – TPO Application to Reduce and Reshape Ten Hornbeam Trees. Trees are various sizes from 7m-9m in height and 4m-5m in radial spread. The proposed works are to reduce all trees, all round by approximately 1-2 m this will leave finishing heights of approximately 6m from ground level and a finished spread of approximately 3.5m. – **Approved Lesser Works – 12/01/2023**

## MAIN REPORT

### 1. INTRODUCTION AND BACKGROUND

- 1.01 A TPO application was received for works to 10no. Hornbeams located along the front boundary of Queensgate adjacent to the A20 (London Road) and the reduction of a small cherry tree located in front of No. 12. Queensgate.
- 1.02 The works had been applied for under TPO No. 24 of 1972 which is an old "Area TPO" which only protects trees which were present at the time of their making. Very few of the trees now located on site are old enough that they would have been covered by this Order (including the trees subject to the application).

- 1.03 In light of the amenity value of the trees which were assessed to be worthy of protection, the Council made the provisional Tree Preservation Order (TPO) No 5013/2022/TPO.

## **2. DESCRIPTION OF TREES**

- 2.01 There are five individual trees and two groups subject to this Order  
T1 – Sycamore  
T2 – Lime  
T3 – Honey Locust  
T4/T5 – Sweet Gum  
G1 – 2no. Beech  
G2 – 10no. Hornbeam
- 2.02 The trees are in various locations, as seen in the attached TPO plan.
- 2.03 All the trees contained within the TPO schedule and plan are considered to be in good health and suitable for protection, as demonstrated by the standard industry amenity assessment (TEMPO) that was carried out at the time of making the TPO.

## **3. OBJECTIONS AND REPRESENTATIONS**

- 3.01 The Council received one objection during the statutory 28-day objection period. This was received from No. 14 Queensgate and has been summarised below.

### **Objection Summary:**

- 3.02 The objection was in relation to T5 – Sweet Gum (on the Schedule) which is currently described as "Located between the front of 14 and 16 Queensgate."
- 3.03 The resident of No. 14 says that the tree is located on the property of No. 16 Queensgate, and so wishes the wording to be changed to reflect this.

### **Council's Response:**

- 3.04 When making a TPO, a schedule of the trees to be contained within that TPO must be made. Part of this schedule includes a written description of the 'situation' of the trees.
- 3.05 This description should help identify the tree and its location, especially in cases where the schedule and plan have been separated.
- 3.06 It is considered that the current description used best describes this tree's location and that changing it to 'front of 16 Queensgate' only could be misleading.
- 3.07 It is important to mention that this description is in no way an indication of tree ownership or responsibility and that the confirmation of this Order without modification will not alter any duty the resident of No. 14 Queensgate may or may not have in relation to this tree.

## **4. CONCLUSION AND RECOMMENDATION**

- 4.01 The proposed confirmation of the TPO is considered necessary to protect the trees mentioned within the schedule and shown in the plan.
- 4.02 The objection received does not relate to the making of the Order itself but rather to the description of the situation of one tree. The confirmation of this Order does not pose any change in duty or responsibility to the tree.
- 4.03 It is therefore recommended that the Tree Preservation Order **No. 5013/2022/TPO** is **CONFIRMED WITHOUT MODIFICATION**.

**Case Officer:** Phil Gower

**Date:** 14/02/2023

*Note: Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.*