

REPORT SUMMARY

CASE REFERENCE: 23/500557/TPOA		
ADDRESS: The Nature Reserve, Spot Lane, Downswood		
PROPOSAL: TPO Application to remove lower limb from One Ash Tree (T1) above footpath and clean out crown. To re-coppice Hazel Tree (T2), re-coppice as the tree hangs over footpath and has failing sections.		
RECOMMENDATION: Application Permitted – subject to CONDITIONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works are considered appropriate arboricultural management		
REASON FOR REFERRAL TO COMMITTEE: The application has been made by Maidstone Borough Council		
PARISH: Downswood	WARD: Downswood and Otham	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Phil Gower	SITE VISIT DATE: 27.03.2023	
DATE VALID: 21.02.2023	CONSULTATION EXPIRY: 17.04.2023	DECISION DUE: 18.04.2023

RELEVANT PLANNING HISTORY

None.

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The trees subject to this application include T1 – Ash, a large tree located on the junction of the public footpath and T2 – Hazel, a moderate-sized Hazel coppice located at the rear of the properties that run adjacent to the footpath.

2. PROPOSAL

- 2.01 The proposal seeks permission to remove a single lower limb from the Ash tree, which grows low and overextends across the public path. The proposal also seeks permission to re-coppice the hazel due to multiple failing branches which have been falling onto the public footpath.

3. PLANNING CONSTRAINTS

3.01 Tree Preservation Order No. 09 OF 1975:

W1 – Woodland comprising of mainly Willow, Alder, Ash, Sycamore and Hazel.

W2 – Woodland comprising of mainly Willow, Alder, Ash, Sycamore and Hazel.

4. POLICY CONSIDERATIONS

4.01 Government Policy:

National Planning Policy Framework (2021)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

4.02 Compensation:

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.

5. LOCAL REPRESENTATION

5.01 None received.

6. CONSULTATIONS

6.01 Downswood Parish Council – No comments made.

7. APPRAISAL

7.01 Condition:

Fair – Both trees show minor signs of deterioration and/or defects.

7.02 Contribution to public amenity:

Good – Clearly visible to the public that use the foot path.

7.03 Retention/Longevity:

Medium – Estimated remaining life expectancy of at least 10 years for both trees.

8. CONCLUSION

8.01 The proposed works are considered appropriate arboricultural management.

9. RECOMMENDATION

GRANT CONSENT – Subject to the following CONDITIONS and INFORMATIVES.

Conditions:

- (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) Any coppiced tree, which dies within two years from the date of the coppicing work, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species. The tree shall be of not less than Nursery light STD size (6-8cm girth, 2.5-2.75m height) , conforming to the specification of the current edition of BS 3936, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season, and shall be maintained thereafter;

Reason: To safeguard the successful regeneration and longevity of the coppice and its contribution to amenity and nature conservation

- (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

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: 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.