

REPORT SUMMARY

CASE REFERENCE: 23/500247/TPOA		
ADDRESS: Trinity Park, Church Street, Maidstone, Kent ME14 1DT		
PROPOSAL: TPO Application to Fell Two Ash Trees (T1 and T2). To Reduce one Ash Tree (T5) by 4m, 9m to 5m, lift to 5m and thin by 15%. To Re-pollard One Lime Tree (T6) from 13m to 7m. To Lift One Sycamore Tree (T7) to 5m over car park and reduce longer laterals by 3m from 8m to 5m. To Lift One Yew Tree (T8) to 4m over neighbouring property and prune overhang to clear building by 1.5m. To Remove epicormic growth up to crown break of One Lime Tree (T9), thin by 15% & re-pollard 1 x vertical stem (closest to fence) due to major cavity from previous historical pollard point (cavity at 6.5m).		
RECOMMENDATION: Application Permitted – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE: The application has been made by Maidstone Borough Council.		
PARISH:	WARD: High Street	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 06.02.2023	
DATE VALID: 17.01.2023	CONSULTATION EXPIRY: 23.02.2023	DECISION DUE: 14.03.2023

RELEVANT PLANNING HISTORY

Planning:

21/506702/TCA - Conservation Area Notification for 1 x (T1) Lime - Lift to 5m above ground and 1 x (T2) Pine -To Fell. - **Withdrawn** - **19.08.2022**

23/500247/TPOA - TPO Application to Fell Two Ash Trees (T1 and T2). To Reduce one Ash Tree (T5) by 4m, 9m to 5m, lift to 5m and thin by 15%. To Repollard One Lime Tree (T6) from 13m to 7m. To Lift One Sycamore Tree (T7) to 5m over car park and reduce longer laterals by 3m from 8m to 5m. To Lift One Yew Tree (T8) to 4m over neighbouring property and prune overhang to clear building by 1.5m. To Remove epicormic growth up to crown break of One Lime Tree (T9), thin by 15% & re-pollard 1 x vertical stem (closest to fence) due to major cavity from previous historical pollard point (cavity at 6.5m). - **Pending Decision** -

23/502937/TDD - Ash T1 monolith at 3m, Ash T2 Fell to ground level and Pine T10 remove major deadwood over footpath

- - **27.06.2023**

TA/0135/08 - Notification of intention to fell to ground one false Acacia/Robinia Pseudacacia; tree being located within Holy Trinity Conservation Area.

- **No Objection** - **10.12.2008**

TA/0090/08 - An Application for consent to 30% crown lift one Ash tree designated as part of Tree Preservation Order No: 32 of 1973. - **Approved** - **02.10.2008**

TA/0170/09 - An application for consent to crown lift to give 3m clearance over neighbouring property of two Lime trees and One Sycamore tree, prune back to suitable side branches to provide 2m clearance from adj. property of one Yew tree, re-pollard and remove basal growth of two Lime trees, crown reduction of 20% to one Ash tree, clear basal growth from base and stem up to main union of six Lime trees; all trees being subject to Tree Preservation Order no: 32 of 1973. - **Approved** - **18.12.2009**

TA/0142/13 - Conservation area notification: Holy Trinity Conservation Area notification of intention of works to trees as described in application TA/0142/13 - **No Objection** -

TA/0083/12 - Conservation area notification: Holy Trinity Church Conservation Area notification of intention to remove limb (east at height of 2m) of 1No. Cherry as set out in the application documentation received 25th May 2012. - **No Objection** - **12.07.2012**

TA/0154/04 - Notification of intention to crown lift 1 No Yew tree to give a maximum clearance of 3m, re-pollard 1 No Lime tree at 7m and cut back branches of 1 No Cherry tree by no more than 2m to clear adjacent building; all trees being located in Holy Trinity Church Conservation Area - **No Objection** - **29.11.2004**

TA/0146/13 - Tree Preservation Order application: TPO No. 32 of 1973: an application for consent for works as described in application TA/0146/13 - **Approved** - **02.01.2014**

TA/0082/12 - Tree Preservation Order application: TPO No.32 of 1973: an application for consent to an application for consent to trim to clear adjacent building by 2m and remove basal growth of 1No. European Lime annually; to remove limb (east side at height of 5m) of 1No. Ash; and to remove basal growth of 8No. European Lime annually as shown in the application documentation received 25th May 2012. - **Approved** - **16.07.2012**

TA/0124/11 - Tree Preservation Order application: TPO No. 32 of 1973: an application for consent to reduce back several limbs overhanging building by 2.5 metres and remove dead wood. - **Approved** - **04.10.2011**

TA/0153/04 - An application for consent to cut back branches of 1 No Lime tree subject to TPO No 32 of 1973 to clear adjacent building by 4m - **Approved** - **02.08.2005**

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** -

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The trees subject to this application are all growing along the northern boundary of Trinity Park making up the sylvan character of the site.

2. PROPOSAL

- 2.01 To Reduce one Ash Tree (T5) by 4m, 9m to 5m, lift to 5m and thin by 15%.
- 2.02 To Re-pollard One Lime Tree (T6) from 13m to 7m.
- 2.03 To Lift One Sycamore Tree (T7) to 5m over car park and reduce longer laterals by 3m from 8m to 5m.
- 2.04 To Lift One Yew Tree (T8) to 4m over neighbouring property and prune overhang to clear building by 1.5m.
- 2.05 To Remove epicormic growth up to crown break of One Lime Tree (T9), thin by 15% & re-pollard 1 x vertical stem (closest to fence) due to major cavity from previous historical pollard point (cavity at 6.5m).

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.32 OF 1973:

Ash T5 and Lime T6 are designated within G3 of the TPO

Sycamore T7 is designated as individual T4 in the TPO

Yew tree T8 is designated as individual T3 in the TPO

Lime T9 is designated within G2 of the TPO

- 3.02 Conservation Area:

Holy Trinity Church Conservation Area

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 None made.

7. CONSIDERATIONS & APPRAISAL

7.01 T1 & T2 – Ash on application (within G3 of the TPO):

7.1.1 Since the submission of this application both trees have recently died so in the interests of safety, they were made subject to a 5 day exemption notice under 23/502937/TDD for removal. Consequently, the removal of these two trees does not require consideration as part of this application.

7.02 T5 – Ash on application (within G3 of the TPO)

7.2.1 Condition:

Fair – Showing minor signs of deterioration and/or defects.

7.2.2 Contribution to public amenity:

Reasonable – Limited views only/partially blocked by other features.

7.2.3 Retention/Longevity:

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

7.2.4 Impacts:

The Ash tree has a heavy asymmetrical canopy to wards the north that hangs low over the adjacent Salvation Army carpark. The proposed reduction and lifting of the lower branches to reduce obstruction to the users of the carpark is considered acceptable works.

7.3 T6 – Lime on application (within G3 of the TPO)

7.3.1 Condition:

Fair – Showing minor signs of deterioration and/or defects.

7.3.2 Contribution to public amenity:

Reasonable – Limited views only/partially blocked by other features.

7.3.3 Retention/Longevity:

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

7.3.4 Impacts:

The Lime has been historically pollarded in the past with multiple stems now growing from old pollard points. The new developing growth has in part been

suppressed by larger surrounding trees. The proposed re-pollarding works to this tree is considered acceptable arboricultural management.

7.4 **T7 – Sycamore on application (individual T4 in the TPO)**

7.4.1 Condition:

Good – No significant defects noted.

7.4.2 Contribution to public amenity:

Excellent – Prominent feature of the area/particularly suited to the location.

7.4.3 Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

7.4.4 Impacts:

A partly Ivy clad tree with a broad spreading canopy of good form for the species. Given its broad habit a large proportion of the crown towards the north overhangs the adjacent Salvation Army carpark. Therefore, the proposed lifting and reduction works to reduce obstruction to the users of the adjacent carpark is considered reasonable works.

7.5 **T8 – Yew on application (individual T3 in TPO)**

7.5.1 Condition:

Good – No significant defects noted.

7.5.2 Contribution to public amenity:

Good – Clearly visible to the public.

7.5.3 Retention/Longevity:

Very long – With an estimated remaining life expectancy of at least 40 years.

7.5.4 Impacts:

A relatively young tree for its species with a healthy developing crown, part of which is starting to physically obstruct the Salvation Army building to the north. Consequently, the proposed lifting and cutting back of the offending branches from the building is acceptable.

7.6 **T9 Lime on application (within G2 of the TPO)**

7.6.1 Condition:

Fair – Showing minor signs of deterioration and/or defects.

7.6.2 Contribution to public amenity:

Reasonable – Limited views only/partially blocked by other features.

7.6.3 Retention/Longevity:

Long – With an estimated remaining life expectancy of at least 20 years.

7.6.4 Impacts:

The Lime is a mature lapsed pollard with multiple main upright stems forking from old pollard points at around 5m from ground level. A developing open decay cavity has formed below one of the main pollard points to the north, commonplace on old pollarded trees. The re-pollarding of the main stem above the developing cavity is considered necessary in the interests of safety in order to prevent structural failure of the stem and potential damage to nearby adjacent buildings.

8 **CONCLUSION**

8.2 The works proposed to the trees detailed above are considered appropriate arboricultural management and necessary on the grounds of safety and abating nuisance to neighbouring properties.

9 **RECOMMENDATION**

9.2 **Grant Consent** – Subject to the following CONDITIONS / REASONS 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) All pollarding cuts shall be made to just above the old pollard points, and shall be carried out during the dormant period.

Reason: In the interests of good arboricultural practise and visual amenity.

Informatives:

(1) The proposed works to Ash trees T1 and T2 (on the application) have been addressed as exempt works in application/notification 23/502937/TDD. Therefore, these trees have 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 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: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council’s website.