

REPORT SUMMARY

CASE REFERENCE: 23/502211/TPOA		
ADDRESS: Methodist Church Community Centre, Brewer Street, Maidstone, Kent ME14 1RU		
PROPOSAL: TPO application to carry out various works -please see application form for schedule of works.		
RECOMMENDATION: Application Permitted – subject to CONDITIONS / REASONS 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: Unparished	WARD: East	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 06.06.2023	
DATE VALID: 09.05.2023	CONSULTATION EXPIRY: 27.06.2023	DECISION DUE: 04.07.2023

RELEVANT PLANNING HISTORY

Planning:

17/504884/TCA - Trees in Conservation Area application to pollard 25 No Lime/Sycamore trees around the boundary. - **No Objection** - **31.10.2017**

23/502211/TPOA - TPO application to carry out various works -please see application form for schedule of works.

- **Pending Decision** -

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.1 The 11 trees subject to the application all sit within the open space/park forming the historic planting for the site, giving it a sylvan character.

2. PROPOSAL

2.1 The Works listed within the application form are as follows:

T1 Lime: Lift to 5m & thin by 15%

T2 Horse Chestnut: Lift to 5m & thin by 15%

T3 Sycamore: Lift to 5m & thin by 15%

T4 Sycamore: Lift to 5m & thin by 15%

T5 Sycamore: Lift to 5m & thin by 15%

T6 Sycamore: Lift to 5m & thin by 15%

T7 Acer: Lift by 5m & thin by 15%

T8 Holly: Lift to 5m & thin by 15%

T9 Sycamore, Fell to ground (dead)

T10 Holly: Lift to 5m & thin by 15%

T11 Horse Chestnut, Lift to 5m & thin by 15%

Remove dead wood from all trees.

Remove self-sown Sycamore saplings (close proximity to wall) Fell & clear ground cover.

3. PLANNING CONSTRAINTS

3.1 Tree Preservation Order No.6 OF 1975:

All the trees subject to this application fall with area A1 of TPO 6 of 1975

3.2 Conservation Area:

Holy Trinity Church Conservation area

4 POLICY CONSIDERATIONS

4.1 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

4.2 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

5.1 None received.

6 CONSULTATIONS

- 6.1 None made

7 CONSIDERATIONS & APPRAISAL

7.1 **T1 Lime, T2 Horse Chestnut, T3-T6 Sycamore, T7 Acer, T8 & T10 Holly and T11 Horse Chestnut on the application (all located within A1 in the TPO)**

7.1.1 Condition:

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

7.1.2 Contribution to public amenity:

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

7.1.3 Retention/Longevity:

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

7.1.4 Impacts:

Most of the trees have become overgrown with low branches that now impede the central public path that runs through the centre of the park. The proposed crown lifting and thinning works will remove the offending branches to clear obstruction to the path and surrounding buildings so such works are considered acceptable.

7.2 **T9 Sycamore on the application (located with A1 of the TPO)**

- 7.2.1 The upper crown of the tree is dead with most of the lower trunk heavily Ivy clad. Consequently, its removal to leave the trunk standing as a monolith is considered necessary in the interests of safety as its replacement by way of a condition.

8 CONCLUSION

- 8.1 The works proposed to the trees detailed above are considered appropriate arboricultural management and necessary on the grounds of health and safety of the users of the park.

9 RECOMMENDATION

- 9.1 **Application Permitted** – 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) One replacement tree/s selected from the following list of suitable species shall be planted on or near the land on which the felled tree/s (T9 in the application) 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 standard size (8-10cm girth, 2.75-3m height);, conforming to the specifications 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:

Hornbeam (*Carpinus betulus*)
Small leaved Lime (*Tilia cordata*)
English Oak (*Quercus robur*)

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

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.

- (3) Removal of dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Its inclusion on this application is considered to satisfy that requirement.

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.