

## REPORT SUMMARY

<b>CASE REFERENCE:</b> 23/505669/TPOA		
<b>ADDRESS:</b> 20 The Trinity Foyer, First Floor Flat 1 Church Street, Maidstone, Kent. ME14 1LY		
<b>PROPOSAL:</b> TPO application to: Holly (T4) install a 3 way cobra system, Ash (T9) sever Ivy and deadwood, Cherry (T12) reduce large limb over footpath by 1m and deadwood and removal of two Ash (T13 and T15),		
<b>RECOMMENDATION:</b> <b>Application Permitted</b> – subject to CONDITIONS / REASONS and INFORMATIVES		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The works are considered acceptable arboricultural management.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Maidstone Council is the applicant.		
<b>PARISH:</b> Unparished	<b>WARD:</b> High Street	
<b>APPLICANT:</b> Maidstone Borough Council	<b>AGENT:</b> Qualitree Services	
<b>CASE OFFICER:</b> Paul Hegley (MBC)	<b>SITE VISIT DATE:</b> 18.01.2024	
<b>DATE VALID:</b> 13.12.2023	<b>CONSULTATION EXPIRY:</b> 08.01.2024	<b>DECISION DUE:</b> 07.02.2024

## RELEVANT PLANNING HISTORY

### Planning:

**23/505669/TPOA** - TPO application to: Holly (T4) install a 3 way cobra system, Ash (T9) sever Ivy and deadwood, Cherry (T12) reduce large limb over footpath by 1m and deadwood and removal of two Ash (T13 and T15), - **Pending Decision** -

**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** - **07.05.2004**

### **Enforcement:**

**ENF/12533** - Enforcement Enquiry - **Pre Application Advice Closed** - **26.10.2015**

### Appeals:

None

## **MAIN REPORT**

### **1. DESCRIPTION OF TREES**

- 1.01 The trees subject to this application are located around the site boundary against the boundary fence line adjacent to the driveway and pavement of Trinity Foyer.
- 1.02 The Holly (Listed T4) is a triple stem mature Holly with a potentially weak fork at approximately 1m. The proposal is to install a bracing system to stabilise the tree.
- 1.03 The mature Ash (T9) is ivy clad and has some deadwood. The proposal is to remove the ivy to allow for tree inspection.
- 1.04 The Cherry (T12) is a mature tree extending out over the pavement and road, potentially obstructing the road to larger vehicular traffic. The proposal is to prune the branches overhanging the road by 1M.
- 1.05 The remaining two Ash (T13 & T15) are proposed to be removed. These are semi mature self-seeded trees that have established in very close proximity to the metal railing fence and are also in close proximity to two adjacent semi mature Small Leaved Lime trees of good form and condition.

### **2. PROPOSAL**

- 2.01 The application seeks consent to carry out the following works:
  - Holly (T4) install a 3 way cobra bracing system
  - Ash (T9) sever Ivy and deadwood
  - Cherry (T12) reduce large limb over footpath by 1m and deadwood.
  - Removal of two Ash (T13 and T15)

### **3. PLANNING CONSTRAINTS**

#### 3.01 Tree Preservation Order No.:

Tree Preservation Order No. 32 of 1973 under Section 60 of the Town and Country Planning Act 1971.

Group of Trees - G1 comprising 4 Holly, 3 Lime

Group of Trees - G4 comprising 2 Prunus, 2 Almond, 1 Holly.

Group of Trees - G5 comprising 5 Holly, 1 Prunus, 4 Cherry.

<http://services.maidstone.gov.uk/maps/astun.ishare.web/mymaidstone.aspx>

#### 3.02 Conservation Area:

YES - Holy Trinity Church

Description: Town and Country Planning Act 1971; as amended by The Town and Country Amenities Act 1974. Designated and extension of Conservation Areas.

Holy Trinity Church - Amended 29 December 1988

### **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 Following the putting up of a site notice and consultations sent to neighbouring owners, no Representations supporting or objecting to the application have been received.

**6. CONSULTATIONS**

6.01 Councillors – None comments/representations received.

**7. APPRAISAL**

**7.01 T4 Holly on application form (G4 Holly in TPO 32/1971).**

Condition:

**Fair** – Showing minor signs of defects, (fork)

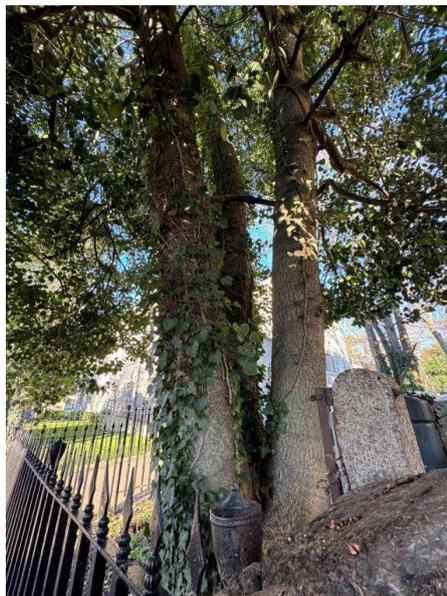
Contribution to public amenity:

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

Retention/Longevity:

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

**View of Holly tree T4.**



**7.02 T9 Ash on application form (Conservation Area).**

Condition:

**Good** – No significant defects noted.

Contribution to public amenity:

**Good** – Clearly visible to the public.

Retention/Longevity:

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

**View of Ash tree T9**



**7.03 T12 Cherry on application form (G4 Prunus in TPO 32/1971).**

Condition:

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

Contribution to public amenity:

**Good** – Clearly visible to the public.

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

Retention/Longevity:

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

**View of Cherry tree T12**



**7.04 Ash trees T13 and T15 on application form (Conservation Area).**

Condition:

**Good** – No significant defects noted.

Contribution to public amenity:

**Good** – Clearly visible to the public.

Retention/Longevity:

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

**View of Ash Tree T13**



**View of Ash tree T15**



**7.05 Comments/Considerations on Proposal:**

T4 Holly has a triple fork at 1m which shows a small weak compression defect in one area, although this is only partly visible due to the presence of Ivy growth. The installation of the cobra brace system within the crown will aid in the supporting of the three main stems and help alleviate any potential splitting of the lower main fork. This system is not invasive and so technically does not require any formal consent under the TPO regulations.

T9 Ash has extensive Ivy growth up the main trunk and inner scaffold branches hindering a full inspection and adding weight to the covered branches. The proposed severing of Ivy and removal of deadwood may be considered as an Exemption under TPO legislation and so no objections are raised.

T12 Cherry has a large codominant lower limb that extends some distance towards and over the main road and footpath with some lower branches exhibiting damage by high sided vehicle strikes. The proposed reduction of this lower large limb over the footpath by 1m will clear the road and fulfil the requirements of Section 154 of the Highways Act 1980 to prevent any further vehicle damage. Again, the proposed removal of the deadwood may be considered as an exemption under the current TPO legislation for which no objections are raised.

Ash trees T13 and T15 are both self-seeded specimens that have established close to the boundary iron railings, which is likely to be damaged in the future by the growth of the trees if they are allowed to mature in their current positions. The growth and position of the two Ash trees are also competing with two nearby semi mature Small Leaved Lime trees, both of which are healthy specimens of good form. Consequently, the removal of the two Ash trees is considered acceptable for the long-term benefit and continued growth of the more prominent Lime trees, plus to prevent any future damage to the boundary railings.

## **8. CONCLUSION**

- 8.01 On balance, the works proposed in this application are considered acceptable arboricultural management, and therefore it is recommended that the works are approved subject to the conditions and informatives listed below.

## **9. RECOMMENDATION**

- 9.01 **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) The tree surgery work hereby permitted shall consist only in the operations specified in writing;

Reason: To avoid doubt and 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.

### Informatives:

- (1) Adjacent trees should be protected from damage during the course of the tree works hereby allowed/permitted in accordance with the current edition of BS3998. Any damage which occurs as a result of poor arboricultural practice and which affects the structural stability and/or health and longevity of adjacent trees may result in legal action against you.

- (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) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) All arisings from Ash trees should be treated in accordance with the Forestry Commission's current good practice guidelines to help prevent the spread of infectious pests and diseases.
- (5) 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.