

## REPORT SUMMARY

<b>CASE REFERENCE:</b> 23/505330/TPOA		
<b>ADDRESS:</b> 13 Brockman Place, Church Street, Maidstone, Kent. ME14 1BX		
<b>PROPOSAL:</b> Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes.		
<b>RECOMMENDATION:</b> <b>TPOA Split Refused/ Lesser</b> – subject to CONDITIONS / REASONS and INFORMATIVES		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The works proposed in the application are considered excessive and should be refused. However, alternative lesser works are considered more appropriate to help address the reasons put forward for the work.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Maidstone Borough Council Parks & Open Spaces Department are 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> 03.01.2024	
<b>DATE VALID:</b> 22.11.2023	<b>CONSULTATION EXPIRY:</b> 14.12.2023	<b>DECISION DUE:</b> 17.01.2024

## RELEVANT PLANNING HISTORY

### Planning:

**23/505330/TPOA** - Tree Preservation Order Application: T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m. T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m. All works are to allow light into property and maintenance purposes. - **Pending Decision** -

### Enforcement:

None

### Appeals:

None

## **MAIN REPORT**

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

- 1.01 The Ash tree (listed as T5 in the application), Lime (listed T6) and Cherry (Listed T8) are all located in the grounds of Trinity Park towards the north-western corner behind the properties in Brockman Place.

### **2. PROPOSAL**

- 2.01 The works proposed in the application are summarised as follows.

T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

### **3. PLANNING CONSTRAINTS**

- 3.01 Tree Preservation Order No.32 OF 1973:

Individual Tree -T1 Lime (listed as T6 in the application)

Individual Tree -T2 Ash (Listed as T5 in the application)

- 3.02 Conservation Area:

Yes – Holy Trinity Church (Cherry listed as T8)

### **4. POLICY CONSIDERATIONS**

- 4.01 Government Policy:

National Planning Policy Framework (2023)

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 No representations have been received.

### **6. CONSULTATIONS**

6.01 Following the Council becoming aware that a number of surrounding residents were not originally consulted on the works, this application was subsequently withdrawn from the 27<sup>th</sup> June 2024 planning committee, so a more thorough consultation could be undertaken. Consultation letters were sent to all neighbouring properties in Brockman Place and a site notice was posted on the main gates leading into the park. No subsequent representations have been received.

## 7. TREE APPRAISAL

**Ash T5** in the application (designated as T2 in the TPO)

The Ash is a mature specimen, approximately 24m tall with an average crown spread of 13m and a stem diameter of 850mm (at a height of 1.5m). It is a prominent tree with a large, wide-spreading crown and is clearly visible from Trinity Park.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. There is major deadwood within the crown, otherwise, the tree appeared to be in a healthy condition.

The ash tree is growing in the north-western corner area of the site within dense, unmaintained undergrowth. The crown overhangs the eastern boundary to Brockman Place with the branches some 1.5m from the eastern elevation of the building. Please refer to photograph 1 below.



Photograph 1 – T5 Ash

**Lime T6** in the application (designated as T1 in the TPO)

The Lime is semi-mature in age, approximately 16m tall with a crown spread of 6m and a stem diameter of 600mm (at a height of 1.5m). It has previously been pollarded at a height of approximately 8m and is suppressed on the eastern side by the adjacent ash tree (T6).

There is dense epicormic growth around the stem base which prevented a full visual assessment on this part of the tree. It is of fair condition with a slightly sparse crown for the species and minor deadwood in the crown.

The lime tree is growing in the north-western corner of the site, within an overgrown, unmaintained area. It overhangs the north-eastern corner of Brockman Place, with the tips of the lower branches 1m from the roof of the building. The tree is clearly visible from Trinity Park. Please refer to photograph 2 below.



Photograph 2 – T6 Lime

**Cherry T8** in the application (not subject to a TPO but protected under Holy Trinity Church Conservation Area)

The Cherry (Prunus) is semi-mature in age, approximately 13m tall with a crown spread of 7m and a stem diameter of 340mm (at a height of 1.5m). The crown is slightly weighted to the west, towards Brockwell Place with the branches almost in contact with the eastern elevation of the building.

There is dense ivy on the main stem which prevented a full visual assessment on the tree. The tree appears to be in a healthy condition with no visible defects other than some minor deadwood within the crown.

The cherry tree is growing close to the western boundary of the site, within an unmaintained, overgrown area and is clearly visible from Trinity Park. Please refer to photograph 3 below.



Photograph 3 – T8 Cherry

#### 7.01 Comments/Considerations:

The proposed thinning of the crowns of the three trees is considered acceptable. However, the operation of cleaning out the crown (the removal of dead, diseased and damaged branches) is not warranted in addition to the crown thinning, which will remove similar branches. Indeed, crown cleaning is not a recognised operation in BS3998; 2010 Tree work – Recommendations.

Regarding T5 Ash, my observations suggest that the crown width of this tree is at least 13m which is considerably larger than the 10m width specified in the application. I believe that a reduction of the western lateral branches growing towards Brockman Place by up to 3m is reasonable. However, because of the discrepancy, the works would remove more foliage than needed, leaving large open pruning wounds contrary to current best practice.

In respect of T6 Lime, my observations suggest the crown width is no more than 6m, which is significantly smaller than the 10m width specified in the application, As such, I am of the view that a reduction by 3m in width is too excessive and will spoil the general appearance of the tree.

Regarding T8 Cherry, my observations suggest that the width of the crown is slightly larger but, not significantly different from that specified in the application. However, I am of the view that a reduction by 2.5m in width is too excessive and will result in a lop-sided crown.

### 8. CONCLUSION

In view of the above discrepancies and potential severity of the works currently proposed I recommend that the application is refused but, a modified application with lesser works, such as those detailed below, should be allowed subject to conditions and informatives:-

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

### 9. RECOMMENDATION

9.01 **TPOA Split Refused/ Lesser** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

#### Refused Works and reasons:

(1) The following works have been refused on the grounds stated below.

T5 Ash, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T6 Lime, thin crown by 15%, reduce crown from property and clean out crown W10m to 7m.

T8 Prunus, thin crown by 15%, reduce crown from property and clean out crown W5.5m to 3m.

The proposed combination of crown cleaning, thinning and reduction works proposed to the three trees (listed T5, T6 & T7 in the application) are considered excessive and unjustified for the reasons stated in the application. The works would therefore be contrary to policies intended to confer protection to trees and tree cover in the borough, Maidstone Borough Local Plan October 2017 - Policy DM 3, adopted Local Plan Review dated March 2024, Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000) together with Government Policy: Planning Practice Guidance; Tree Preservation Orders and trees in conservation areas

Approved Lesser Works and reasons for lesser works decision:

- (2) The following LESSER works have been approved subject to the conditions and informatives listed in this notice for the reasons stated below.

T5 Ash - reduce the western branches growing towards Brockman House, by up to 3m from a crown width of 13m to 10m and thin the crown by 15%.

T6 Lime - reduce the western branches growing towards Brockman House, by up to 1.5m from a crown width of 6m to 4.5m and thin the crown by 15%.

T8 Cherry - reduce the western branches growing towards Brockman House, by up to 2.5m from a crown width of 7m to 5m and thin the crown by 15%.

Reasons:

To ensure compliance with British Standard 3998:2010 Tree Works and help address the reasons put forward for the works in the application whilst balancing the continued health and amenity of the trees.

Conditions:

- (3) 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

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:** 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.