

## REPORT SUMMARY

<b>CASE REFERENCE:</b> 24/504852/TPOA		
<b>ADDRESS:</b> 82 Buckland Road, Maidstone, Kent ME16 0SD		
<b>PROPOSAL:</b> TPO application to 1 x Thuja (T5) 30ft tall and 11 wide - coverall canopy reduction up to 1.5m and removal of any dead wood. 1 x Thuja (T6)- 40 feet tall and 11m wide- reduce in height up to 1/3 and coverall canopy reduction up to 1.5m and removal of any dead wood.		
<b>RECOMMENDATION:</b> <b>Application Permitted</b> – subject to CONDITIONS / REASONS and INFORMATIVES		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The works are considered appropriate Arboricultural management of the trees to prevent interference with property. The works will not have a significant impact the visual amenity value of the area or the trees.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The applicant and owner of the trees is a ward Councillor.		
<b>PARISH:</b>	<b>WARD:</b> Allington And Bridge	
<b>APPLICANT:</b> Stuart Jeffery	<b>AGENT:</b>	
<b>CASE OFFICER:</b> Paul Hegley (MBC)	<b>SITE VISIT DATE:</b> 26 <sup>th</sup> November 2024	
<b>DATE VALID:</b> 19.11.2024	<b>CONSULTATION EXPIRY:</b> 12.12.2024	<b>DECISION DUE:</b> 14.01.2025

## RELEVANT PLANNING HISTORY

### Planning:

**14/500706/TPO** - TREE - Thuja - Prune northeast facing branches and foliage by 60cm from base to 4 metres. Prune southwest facing branches that are overhanging the shed to a height 30 above the shed roof. - **Approved** - **03.10.2014**

**18/503738/TPO** - TPO application to: Thuja (T5) - Trim small branches / foliage at bottom of tree to 2m to allow head room;

Thuja (T6) - Trim small branches / foliage at bottom of tree to 2m to allow head room;

Thuja (T6) - Trim south side of tree to 1m away from house. - **Approved** - **10.09.2018**

**22/503610/TPOA** - TPO application to trim small branches/foliage at bottom of one Thuja to 2m to allow head room; Trim small branches/foliage at bottom of one Thuja to

2m to allow head room, trim south side of tree to 1m away from house, trim small branches/foliage at bottom of tree to allow 30 cm clearance above shed roof. -

**Approved - 19.10.2022**

**24/503806/TPOA** - TPO application to 1 x Thuja (T5) 30ft tall and 11 wide - coverall canopy reduction up to 1.5m and removal of any dead wood. 1 x Thuja (T6)- 40 feet tall and 11m wide- reduce in height up to 1/3 and coverall canopy reduction up to 1.5m and removal of any dead wood. - **Approved - 05.11.2024**

**24/504852/TPOA** - TPO application to 1 x Thuja (T5) 30ft tall and 11 wide - coverall canopy reduction up to 1.5m and removal of any dead wood. 1 x Thuja (T6)- 40 feet tall and 11m wide- reduce in height up to 1/3 and coverall canopy reduction up to 1.5m and removal of any dead wood. - **Pending Decision -**

**TA/0093/06** - An application for consent to remove one Spruce tree subject to Tree Preservation Order No. 29 of 1973. - **Approved - 03.10.2006**

**TA/0131/03** - An application for consent to reduce back limb overhanging highway and remove limb overhanging driveway of 1 no. Lawson Cypress tree, fell 2 no. Thuja trees, reduce crown of 1 no. Thuja tree by 30%, reduce back branches to give a clearance of 2 metres from building and reduce crown by 30% of 1 no. Thuja tree and fell 1 no. Lawson Cypress tree subject to Tree Preservation Order No. 29 of 1973. - **Approved - 29.12.2003**

**Enforcement:**

None

**Appeals:**

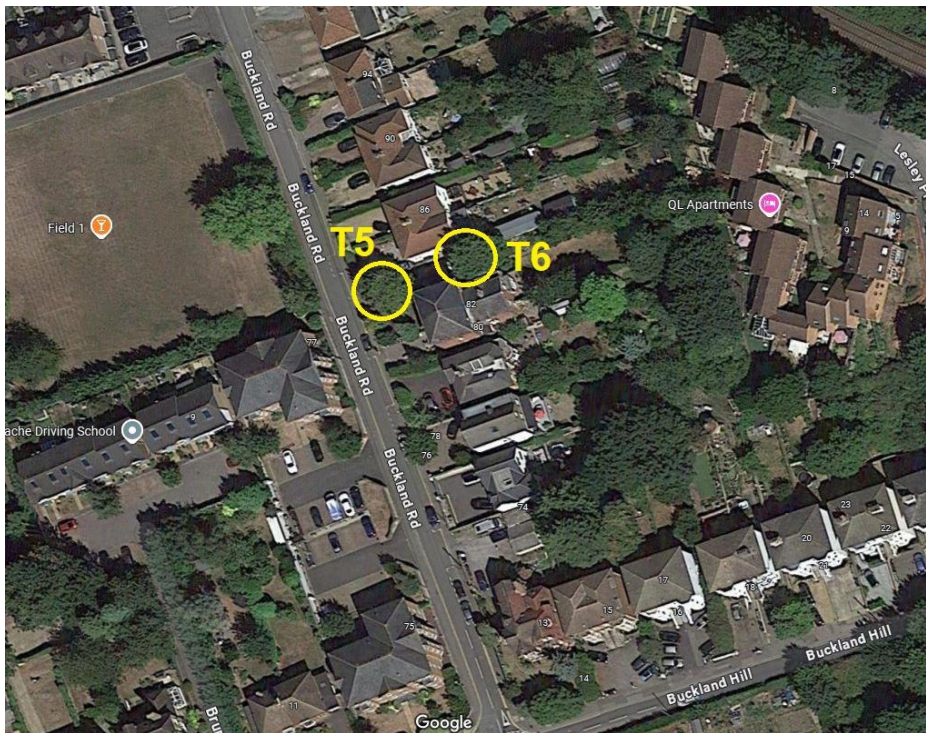
None

**MAIN REPORT**

**1. DESCRIPTION OF TREES**

- 1.01 Thuja (listed as T5 in the application and in the TPO) is located on the driveway of the property facing the East. The northeastern side of the base and up to 40cm of the stem has grown into a raised bed and brickwork. The overall structural and physiological condition of the tree is fair with some signs of die back in the crown. T5 blocks and restricts the view from the main road to T6.
- 1.02 Thuja (T6) is located on the northern boundary between No 82 and No 84 close to an outbuilding to the flank of the property. The southern side of the crown is in physical contact with the building. The overall condition of T6 is good.
- 1.03 The location of the two Thuja trees subject to this application can be seen in the aerial photograph 1 below, both identified with a yellow circle.

**Photograph 1** – Aerial view of Thuja trees T5 & T6 taken from Google maps



**2. PROPOSAL**

2.01 The application seeks consent for the following works:

- TPO application to 1 x Thuja (T5) 30ft tall and 11 wide - coverall canopy reduction up to 1.5m and removal of any dead wood.
- 1 x Thuja (T6)- 40 feet tall and 11m wide- reduce in height up to 1/3 and coverall canopy reduction up to 1.5m and removal of any dead wood.

**3. PLANNING CONSTRAINTS**

3.01 Tree Preservation Order No.29 OF 1973:

Designated as individual Thuja trees T5 & T6

3.02 Conservation Area:

NO.

**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 None received.

**6. CONSULTATIONS**

6.01 MBC Trees TPOA/TCA – Raise no objections.

**7. APPRAISAL**

**Thuja T5** - as seen in Photo 2 below;



7.01 Condition:

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

7.02 Contribution to public amenity:

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

7.03 Retention/Longevity:

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

**to**

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

**Thuja T6** – as seen in photo 3 below;



7.04 Condition:

**Good** – No significant defects noted.

7.05 Contribution to public amenity:

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

7.06 Retention/Longevity:

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

**to**

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

7.07 Comments/Considerations:

The two Thuja trees have been subject to many past permitted applications (as detailed in the beginning of this report under planning history), most of which replicate the works being sought in this application. Consequently, continuing such management on the trees in order to abate a nuisance to the property is acceptable.

**8. CONCLUSION**

8.01 The works proposed in the application are considered acceptable Arboricultural management to maintain the trees in their current situation without interference with property. The works will not be detrimental to the visual amenity of the trees or to the sylvan character of the area.

**9. RECOMMENDATION**

9.01 **Application be Permitted** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

Approve the following Works:

- TPO application to 1 x Thuja (T5) 30ft tall and 11 wide - coverall canopy reduction up to 1.5m and removal of any dead wood.
- 1 x Thuja (T6)- 40 feet tall and 11m wide- reduce in height up to 1/3 and coverall canopy reduction up to 1.5m and removal of any dead wood.

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 as detailed in this application;

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 their contribution to the character and appearance of the local area.

(3) The applicant will not implement the approval issued on the 4th November 2024 subject to application 24/503806/TPOA, which is now quashed and superseded by this decision;

Reason: To avoid doubt and to override previous permission granted under application 24/503806/TPOA to ensure compliance with the Council's democratic constitution.

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) 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.