

REPORT SUMMARY

CASE REFERENCE: 24/503737/TPOA		
ADDRESS: The College Practice, Barming, Marigold Way, Maidstone, Kent. ME16 0ZJ		
PROPOSAL: TPO application for 1 x (T1) Holm Oak tree- lift from roadside to 5.5m from ground, lift over footpath to 3m from ground and clear lamp to give 1m clearance.		
RECOMMENDATION: Application Permitted – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: Works are considered acceptable in order to provide statutory height clearance for road users, pedestrians and street lighting.		
REASON FOR REFERRAL TO COMMITTEE: The application has been submitted by Maidstone Borough Council's Park and Open Spaces Team.		
PARISH:	WARD: Barming Heath And Teston	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Lewis Bedwell	SITE VISIT DATE: 29.10.2024	
DATE VALID: 16.09.2024	CONSULTATION EXPIRY: 19.11.2024	DECISION DUE: 11.11.2024

RELEVANT PLANNING HISTORY

Planning:

24/503737/TPOA - TPO application for 1 x (T1) Holm Oak tree- lift from road side to 5.5m from ground, lift over footpath to 3m from ground and clear lamp to give 1m clearance. - **Pending Decision** -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The Holm Oak subject to the application is growing on the Northwest boundary of St Andrews apartments (as seen in photo 1 below)

Photo 1 – View from College Practice and Holm Oak tree subject to the application.



2. PROPOSAL

- 2.01 Lift from roadside to 5.5m from ground, lift over footpath to 3m from ground and clear lamp to give 1m clearance.

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.:
No.1 of 1994 – T69 Holm Oak
- 3.02 Conservation Area:
None

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 One local representation received questioning the works.

6. CONSULTATIONS

6.01 MBC Trees TPOA/TCA – No Objections

7. APPRAISAL

T69 Holm Oak

7.01 Condition:

Good – No significant defects noted.

7.02 Contribution to public amenity:

Good – Clearly visible to the public.

7.03 Retention/Longevity:

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

7.04 Comments and considerations:

The Holm Oak is a mature specimen comprising of one principle stem with first branches at approx. 1.5m. The main stem is growing within vegetation and hedging

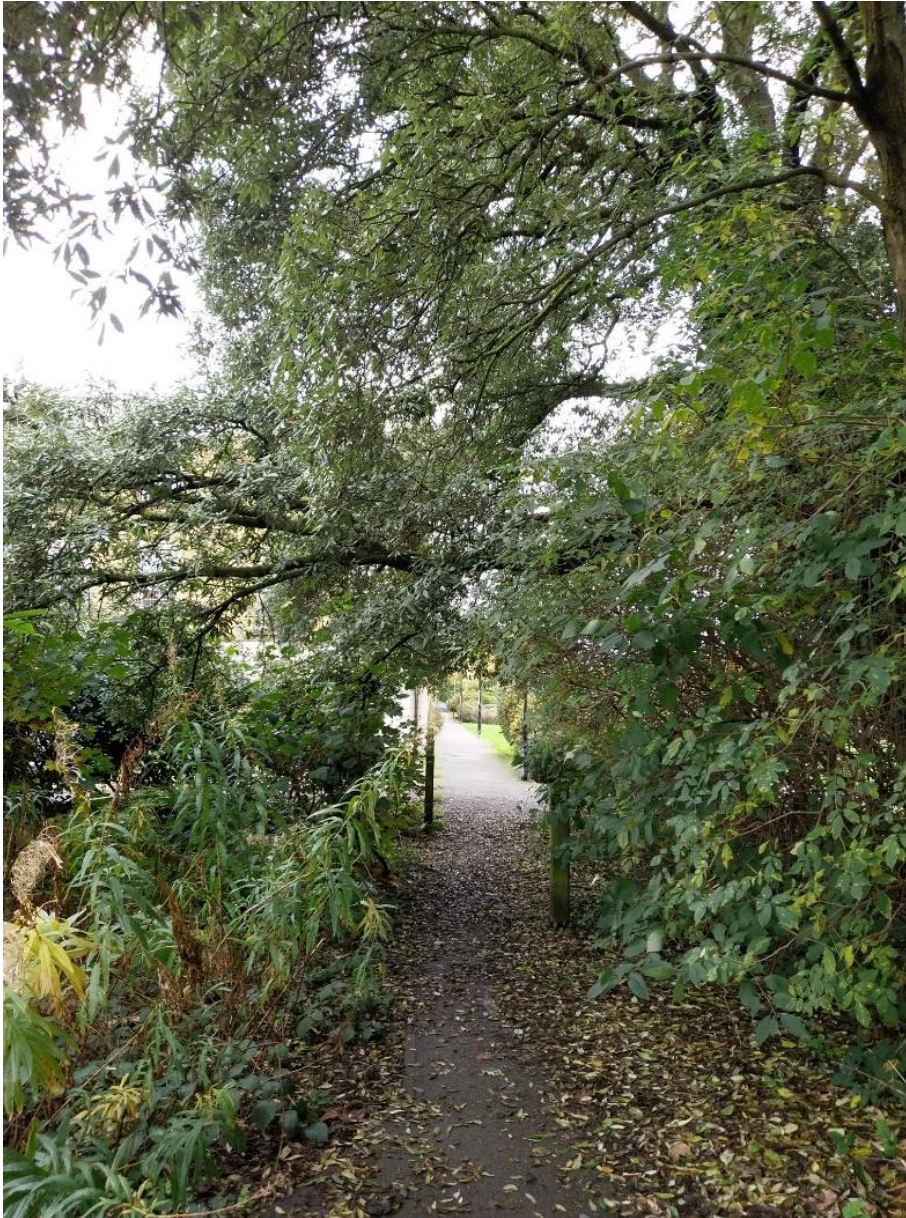
which hindered a full assessment, although at the time of inspection the tree's general physiological and structural condition appeared good for its age and species.

General crown height is low with a number of branches now interfering with nearby road, footpath and street lighting.

Photo 2 – view of crown restricting adjacent street lighting



Photo 3 – Low crown of Holm Oak restricting footpath.



8. CONCLUSION

- 8.01 The removal of lower branches from the Holm Oak to give a roadside clearance of 5.5m, footpath clearance of 3m and street lighting clearance of 1m is considered acceptable management to comply with KCC highway recommendations for safety to road users and pedestrians.

9. RECOMMENDATION

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

Approved Works:

Lift from roadside to 5.5m from ground, lift over footpath to 3m from ground and clear lamp to give 1m clearance.

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) 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: Lewis Bedwell

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