

Maidstone Borough Council

PLANNING COMMITTEE

REPORT BY THE HEAD OF PLANNING SERVICES

The Maidstone Borough Council

TREE PRESERVATION ORDER NO. 3 of 2014

1 Honeysuckle Mews, Loose Green, Loose, Maidstone ME15 0AF

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to confirm without modification Tree Preservation Order No 3 of 2014 for which objections to the making of the Order have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

TA/0051/14- A notification of works within Loose Conservation Area being the intention to crown lift and reduce 1No. Sycamore by 30% (including removal of deadwood and reshaping). Registered as valid on 4 April 2014.

SUMMARY TPO INFORMATION

TPO Served: 16 May 2014		TPO Expiry Date: 16 November 2014
Served on: Landowner/neighbouring landowners where applicable		
Copied to: Parish Council/Ward Members		
Representations	Objections: One	

The tree is a mature Sycamore, growing in the rear garden of 1 Honeysuckle Mews. Stem diameter (dbh) is estimated to be in excess of 1 metre, with an average radial crown spread of 7 metres and height (measured with a clinometer) of 20 metres. The tree has a main fork at a height of around 1.8 metres. There is evidence of previous works including ivy removal and crown lifting (removal of lower branches). The latter has resulted in some minor decay, but this does not appear to be structurally significant.

The tree is located approximately 1m inside the boundary of the rear garden at 1 Honeysuckle Mews. The tree was retained as part of the recent Honeysuckle Mews development. Due to its large size and location at the top of the hill, it is a very prominent specimen, with much of the crown visible from some distance at a variety of public viewpoints on the A229 Loose Road and at various locations on Old Loose Hill, as far as the bottom of the hill. In an amenity evaluation, using the Council's standard assessment method, the tree scored 19 against a benchmark score of 17, indicating that the tree merits protection on amenity grounds.

The tree was the subject of conservation area notice TA/0051/14, which specified a 30% crown reduction. No reasons were given on the notification for the proposal and although it is not a requirement to give reasons when making such notifications, crown reduction works are not generally considered to be appropriate management unless there is appropriate justification. Pruning of trees opens wounds in the branch structure which may be colonised by wood decaying pathogens, particularly fungi. A 30% crown reduction would open a significant number of fairly large wounds throughout the crown, limits the tree's ability to photosynthesise carbohydrates and reduces the production and transport of hormones within the tree, all which have negative long term effects on tree vigour.

Furthermore, it was considered that the proposed works would degrade the visual amenity afforded by the tree and reduce landscape quality in the area. It was therefore considered that the proposed works were inappropriate arboricultural management and that the tree should be made the subject of a Tree Preservation Order.

The grounds for the making of the Order are:

'The mature Sycamore tree makes a positive contribution to the character and amenity of the area. Conservation area notification TA/0051/14 proposes works to the tree that the Council considers to be inappropriate management and would degrade the visual amenity afforded by the tree, reducing landscape quality in the area. Therefore, it is considered expedient to make the tree the subject of a Tree Preservation Order.'

OBJECTIONS AND CONSULTATIONS

An objection to the TPO was received from the owner/occupiers of the adjacent property 'Greystones', Old Loose Hill. The objection is reproduced below, with the response to the objection being made in italics.

"I would like to make some comments regarding the tree on the property 1 Honeysuckle Mews and the proposed tree preservation order - Ref 406/124/06

- 1) The property is adjacent to our land at Greystones, Old Loose Hill, Loose, ME15 0BH and the tree in question hangs over our garden by around 6 metres and is of great height.
- 2) In autumn we get problems with huge amounts of leaves and the sycamore flyers.
- 3) They cause blockages in the guttering on our shed.

4) It causes the hard surfaces to become slippery.

5) It takes hours to clean the fallen leaves up. (perhaps the council would like to come and do it?)

6) The flyer seeds cause many saplings to grow in places they are not wanted, making constant work for us.

7) The roots/trunk of the tree is so close to our wall, that the wall (original ragstone) is starting to move.

8) It causes general nuisance to us by all of the above.

I am a tree lover and we have lots of trees in our garden, including a Silver Birch which has a preservation order on it. I would like to see the tree removed and another smaller tree planted in its place or alternatively retain the current tree, but it definitely needs pollarding regularly, which the owner would be unable to do, should a preservation order be placed on it."

Trees drop leaves, seeds and other detritus as a natural occurrence. This can create sometimes considerable inconvenience to tree owners and neighbours.

This must be balanced against the need to protect trees which are valued for the contribution that they make to amenity, biodiversity and local landscape character. Tree Preservation Orders are the primary mechanism by which this is done. They enable Councils to control the type and extent of any proposed pruning works via applications and to resist proposals that are considered to be inappropriate on the basis that they would be damaging to the contribution that the tree makes to amenity, biodiversity and local landscape character.

Problems caused by litter from trees can be mitigated by additional land and property management measures such as modifying gutters or using netting or filters but can often only be fully resolved or alleviated through drastic pruning or felling. Such works are often likely to have a negative impact on the trees appearance, destroying its visual amenity value or reducing its safe useful life expectancy and are generally resisted.

The objection does not state how the trees cause hard surfaces to become slippery. Wet leaves might be a seasonal problem, or shading by the tree may slow drying of surfaces. Slippery paving is often the result of algae and lichen growth and unrelated to trees.

The existence of a confirmed Tree Preservation Order does not prevent applications for work. Each application is considered on its own merits, on the reasons put forward by the applicant. There is currently no fee for submitting applications for works to protected trees and where applications are refused, the applicant has a right of appeal against the Council's decision.

It is therefore not correct that the Tree Preservation Order will definitely prevent pollarding, as the objector suggests is needed for this tree. If an application for pollarding was received, together with appropriate justification for the works, consent

might be granted if it is considered that the detrimental impacts of the proposal are outweighed by the reasons put forward for the works.

No evidence has been received regarding the damage to the ragstone wall. If the tree is implicated in structural damage, then this can be considered as an application with the appropriate evidence for the matter to be fully considered. At this time, there is no evidence available to the Council to indicate that it would be inappropriate to confirm the TPO on the basis that it is responsible for structural damage.

It is considered that the Sycamore continues to make a valuable contribution to the character and amenity of the area. The objection received to the making of the Order is not considered to raise any issues to suggest that Order should not be confirmed.

RECOMMENDED

That Tree Preservation Order No 3 of 2014 be confirmed without modification
