

Update to the report in relation to the following sections;

Summary of representations in support of the TPO, p354

- The council has received 3 further representations in support of confirmation of the TPO which are summarised below:
 - The tree is part of the local landscape and provides a natural habitat for wildlife. It does not have a detrimental impact on adjacent land and the property owner/occupier is happy to have it and has lived there since August 1986. There has been every opportunity to remove the tree but they have chosen not to. It has been trimmed in the past and has had no adverse effect on the garage plot, which has had little or no maintenance over the past 30 years.
 - The tree has no adverse effect on the nearest residents at 20 St Lukes Avenue and 48 St Lukes Road. The owner/occupier at 48 St Luke's Road is the closest to the tree in question and is happy to put up with the annual leaves, other debris and damp. Residents at 19 and 20 St Luke's Avenue have confirmed they are happy, likewise.
 - It is not a carbuncle on the landscape- it is a thing of beauty. Beech leaves can yield excellent compost and any open-minded person will count the local residents fortunate to enjoy the green, spacious and open aspect to this part of St Luke's Road.
 - The beech tree is completely within view of 67 St Lukes Road, which the resident has lived in since 1989, and it supports plenty of bird life, both during the day, dusk and nightfall. It is rare now to hear evening song thrushes other than those which shelter in this particular tree and there is great pleasure from hearing bird song.
 - The felling of this tree is opposed because:
 - It shelters a consistent and varied selection of bird life and nesting.
 - Beech is a deciduous and slow growing tree. In this area there are a diminishing number of deciduous trees with sheltering canopies, many have been needlessly felled and not replaced over the past 65 years. These trees must be retained and nurtured.
 - There is a substantial and forever increasing amount of daily traffic which increases pollution within north-east Maidstone. For this reason, as many deciduous trees as possible must be retained and protected in order to conserve life-maintaining oxygenation.
 - The objections are all from non-residents and it's a shame if the tree is now under threat from people who moved miles away, years ago.
 - The TPO was not made in an attempt to thwart planning application 16/508601/FULL. Someone with an interest in the little garage site provoked the TPO by actions amounting to vandalism against the amenity of the local tree and street scene. The TPO was made when a tree surgeon was sent to the garages on 26th November 2016 to start lopping branches from the tree without the owner's knowledge. If it had been cut as instructed it would have killed it. At the time the top third of a pair of tall, graceful fir trees nearby were lopped off for no apparent reason except to head off the possibility that they might also be counted

an amenity. The problem was reported to Maidstone Borough Council on 28 November 2016.

- The objections to the TPO seem only to relate to the planning process. If planning permission were granted there would be continuing pressure to cut back the tree.
- I would refer everyone to the delegated report of 24th March 2017 for planning application 16/508601/FULL. The application was refused because it failed to accord with The Draft Maidstone Local Plan 2016 (Submission Version) and the NPFF.
- *‘A previously refused planning application in 2015 was not refused on arboricultural grounds and a TPO not mentioned at that time. 16/508601/FULL was submitted to address previous objections, conducted in consultation with MBC and a TPO was not mentioned during discussions.*

Strictly, this statement isn't about the Beech tree and its amenity value at all. Rather, it is an attempt disingenuously to promote inappropriate development on the little garage site. Worse, it is inaccurate and misleading, viz:

For decades the family that owns this small plot have been trying to secure permission for housing. In the last century the Council refused permission, repeatedly, even for a bungalow. See 80/0951: “The proposal would constitute an undesirable form of over-intensive development with an inadequate amount of open space and general amenity space about the building resulting in an unacceptable standard of environment for the occupants and detrimental to the amenities of the adjoining property and the area in general”. In other words, the Council made it plain for years that this little garage site was too small and too close to established trees.

More recently, the 2015 planning application was gross: 2 x three-storey houses on this site of less than 190 square metres (0.019 hectares). The Planning Officer recommended rejection, apparently without seeing a need to visit.

To claim that the 2015 application “was not refused on arboricultural grounds” is, sad to say, just plain untrue. In recommending refusal the APPRAISAL states: “The small gardens would be overshadowed by existing trees which have their canopies overhanging the site.... The application is not accompanied by an arboricultural survey and there would be a likely loss, impact and/or pressure of the trees within and surrounding the site.” No wonder somebody wanted the tall fir trees and the Beech drastically cut back.

Further, the Decision document gives three reasons for refusal, two of which include these words: “a poor future amenity for the occupiers ... and pressure on surrounding trees”. There would, of course, have been no need to mention a TPO until last winter when the Beech tree fell under evident threat from somebody with an interest in the garage site.

16/508601/FULL unfortunately misrepresents the Beech tree: the architect's plan understates the drip canopy (partly corrected, eventually). Meanwhile, the 15-page Arboricultural report states baldly: “The most significant tree surveyed is T3 [i.e. the Beech], which is located on neighbouring land and will not be affected by the proposed development”. My letter to MidKent Planning Support dated 13

February 2017 addresses this serious professional error – including the major risks attendant on tree root systems, not just the tree canopy.

This and other misinformation presumably formed part of the “consultation” with the MBC Case Officer on 30 November 2016, the week after the tree surgeon’s activities (unmentioned, perhaps, by the would-be-developers whom she was aiming to assist in good faith). Maybe that’s why, apparently, she offered to support a FULL planning application – and maybe this also explains the new Case Officer’s difficulty in acknowledging the misinformation when it came to light. In the event, unfortunately, I found it necessary to make a formal request in my 13 February letter for her to correct these errors in 16/508601/FULL on the Council’s files.’

- Confirmation of the order is wholeheartedly supported and it is hoped the Committee will see its way clear to protecting the amenity of this green, spacious neighbourhood, dismissing the unsupported claim that this TPO is intended to thwart planning, to reinforce character of this part of Maidstone and keep it free from over-intensive development.

Officer Comment

The decision on whether to confirm the TPO is unrelated to the planning history for the site in that this history is not under consideration. The key issues relating to consideration of the decision have already been outlined and considered in the main report.

8.0 Recommendation p356

- Unchanged