

**Maidstone Borough Council
PLANNING COMMITTEE
30 November 2017**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5015/2017/TPO
Woodland West Of, Trapham Road, Maidstone, Kent**

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to confirm without modification Tree Preservation Order No 5015/2017/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

14/501187/OUT Outline application for demolition of existing dwelling to facilitate erection of 3(no) detached dwellings with access to be considered at this stage and all other matters reserved for future consideration as shown on drawings 8480/14 and 001/TRMH received on 20/6/14. Refused 09/12/2014. Appeal dismissed 23/07/2015

15/506746/OUT Outline (Access and layout not reserved) - Demolition of existing dwelling to facilitate erection of 3 No. detached dwellings and new accessway. Refused 06/11/2015. Appeal dismissed 19/04/2016.

16/504704/OUT Outline application for the redevelopment comprising demolition of existing house and erection of 2 detached dwellings and new access way. (Access and Layout being sought). Refused 12/10/2016. Appeal dismissed 07/03/2017.

17/502207/OUT (16 Trapham Road And Land Rear Of 10,12,14,18,20,22,24 and 26 Trapham Road) Outline application for proposed demolition of 16 Trapham Road and construction of access way and 8 detached dwellings with Access to be considered at this stage and all other matters reserved for future consideration. Invalid – no further action taken.

17/503306/OUT Outline application (some matters reserved) for the demolition of existing dwelling and erection of 3no. detached Passive dwellings with new access (Access and Layout being sought). Refused 29/08/2017. Appeal in progress

SUMMARY TPO INFORMATION

TPO Served (Date): 5 June 2017	TPO Expiry Date 5 December 2017
Served on: Millen Homes Ltd (Planning Agent) Owners and adjoining landowners as follows: Nos. 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 Trapham Road, Nos. 11 and 13 Vicary Way, Nos. 20, 22, 24 and 26 Milford Close, Maidstone Borough Council	
Copied to: Kent Highway Services Mid Kent Division, GIS Team, Land Charges Team, Planning Applications Unit	

TPO HISTORY

5069/2015/TPO Made 06/11/2015. Allowed to lapse and replaced by 5015/2016/TPO

5015/2016/TPO Made 11/05/2016. Allowed to lapse and replaced by 5029/2016/TPO

5029/2016/TPO Made 29/11/2016. Allowed to lapse and replaced by 5015/2017/TPO

5015/2017/TPO Made 05/06/2017. Due to lapse on 05/12/2017 unless confirmed

OBJECTIONS AND CONSULTATIONS

Objections to the TPO and representations in support of the making of the TPOs on this site have been received since the making of the first Order and in subsequent Orders that have been made.

With the complex and long planning history of this site, this report has taken into account the various objections and representations received in response to the general principle of a TPO in this location. The appraisal discussion below, summarises any valid considerations where they remain relevant to the current TPO being considered for potential confirmation. Where objections have been addressed through remaking the Order (e.g. by revising the boundaries of the protected area) these are not considered.

APPRAISAL

This TPO is a woodland designation on a piece of land to the west of Trapham Road, situated between the rear of houses in Trapham Road and Public Bridleway KMX10 'Giddyhorn Lane', beyond which lies the Giddyhorn Recreation Ground. The woodland itself is predominantly deciduous trees growing on the top of the bank above the properties in Trapham Road. The woodland is divided into plots that are in various ownership and are generally linked to Trapham Road gardens that have access to them, although the boundaries of woodland plots do not necessarily align with respective garden boundaries. The ownership situation means that the past management of the woodland varies between non-intervention and active management, either as woodland or garden. However, its overall character is considered to be that of cohesive woodland. The wooded slopes above the houses on both sides of Trapham Road are considered to make a valuable contribution to the character of the area.

The TPO history arose from the various development proposals on the site listed above. The plot to the rear of 16 Trapham Road, which contains a dilapidated tennis court which contained no significant trees, has been subject to various proposals for housing development, by demolishing no.16 to gain access to the site. The development proposals stated a clear intention to subsequently extend the development into the woodland either side. It was therefore considered expedient to make the woodland the subject of a Tree Preservation Order, alongside the refusal of 15/506746/OUT, as trees formed part of the reason for refusal.

Following objections to the first Order, 5069/2015/TPO, which was plotted based on aerial photography, it was apparent that the boundaries of the TPO were insufficiently accurate for it to be confirmed. It was also requested that the northern end of the TPO, which covered part of rear gardens of properties in Vicary Way, was excluded from the Order as this only contained a few trees of poor quality and did not have the same woodland character as the rest of the site. It was therefore necessary for it to be remade as 5015/2016/TPO, with revised boundaries to address the various objections. Further objections to the second TPO raised further boundary complications, resulting in a third version after the second TPO lapsed. It was intended to propose the confirmation of 5029/2016/TPO after no further boundary issues were raised, but officers were unable to do this before the TPO lapsed. In the week after the TPO lapsed, and before a replacement TPO was made, the council received a report that trees were being felled on the land behind 16 Trapham Road. A new woodland TPO, 5015/2017/TPO, was made and served the same day, at which point felling was stopped. This is the current provisional TPO which Members are being asked to consider for confirmation before it automatically lapses on 5 December 2017. Many of the trees in the plot behind no.16 had been indiscriminately felled to stumps. However, the TPO covers a wider area than this plot and it is considered that most of the felled stumps are capable of regenerating as multi-stemmed trees (many already are exhibiting new growth), with the current gap in the tree cover capable of returning to woodland.

The site behind no.16 Trapham Road remains subject to development proposals, with the most recent application subject to an appeal currently under determination. The Council continues to object to the current proposal on tree grounds despite the recent felling works, as there will be future pressure to fell trees on either side of the plot from future occupiers of the proposed dwellings. Furthermore, there may still be intentions to ultimately extend the development into the remaining woodland if consent is granted for the proposal.

The remaining objections to the Order largely relate to misunderstanding that it will prevent any future works taking place to the trees, that the Council takes on responsibility for tree management and an inability to be able to manage the woodland or deal with dangerous trees. This is not the case, as a TPO is a control mechanism that is used to ensure that proposed works are appropriate management and, in this case, to prevent further pre-emptive felling taking place ahead of development proposals. Works to dangerous trees can be carried out under the exceptions set out in the TPO legislation and other works can be applied for. It is recognised that this places an additional administrative burden on owners and time delay before they can undertake works to trees whilst an application is being determined, but an application does not attract a fee.

It is considered that the objections relating to the accuracy of the TPO boundaries have now been addressed and that the current Order accurately reflects the woodland tree cover present. Although it does not resemble natural unmanaged woodland across the whole site due to various gardening activities on some plots, it is still considered that a Woodland designation is the most appropriate. The development pressure continues to threaten clearance of trees to enable development and it is therefore considered expedient to continue to control tree works on the site.

It is therefore recommended that 5015/2017/TPO be confirmed without modification.

RECOMMENDED

That 5015/2017/TPO be confirmed without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Schedule for 5015/2017/TPO

APPENDIX

TREE PRESERVATION ORDER No.5015/2017/TPO Woodland West Of Trapham Road - Schedule

Article 3

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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W1	Woodland consisting mainly of deciduous species including Holly, Hornbeam, Oak and Sycamore, but excluding the area hatched and marked 'Tennis Court' on the attached plan	East of Giddyhorn Lane and West of houses in Trapham Road
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