

REPORT SUMMARY

REFERENCE NO - 19/503752/TPOA		
APPLICATION PROPOSAL TPO Application - T1 Beech Reduce radial spread from 3.5m to 2.5m, T2 Oak Reduce radial spread from 4m to 2.5m - Works are for maintenance purposes and to give clearance of properties		
ADDRESS Land Next To 8 Westminster Square Maidstone Kent ME16 0WQ		
RECOMMENDATION Permit with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management		
REASON FOR REFERRAL TO COMMITTEE It is a Maidstone Borough Council application for works to a protected tree.		
WARD Heath	PARISH/TOWN COUNCIL Unparished	APPLICANT Mr Nigel Holman AGENT Caroline Everest
DECISION DUE DATE 29/09/19	PUBLICITY EXPIRY DATE 19/09/19	OFFICER SITE VISIT DATE 28/08/19
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree is growing on Maidstone Borough Council land situated between Westminster Square and Melford Drive.
- 1.02 The trees are subject to Tree Preservation Order No.1 of 1994, designated as T277 Beech (T1 Beech on the application form) and T280 Sessile Oak (T2 Oak on the application form).

2.0 PROPOSAL

- 2.01 The proposed work is to prune the trees to reduce the radial spread of T277 Beech from 3.5m to 2.5m, and to reduce the radial spread of T280 Oak from 4m to 2.5m

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 Government Policy:

National Planning Policy Framework February 2019

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

3.02 Local Policy:

Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

3.03 Compensation:

In some circumstances, a refusal of consent to carry out works to trees subject to a Tree Preservation Order can result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. Whilst the application does not directly indicate that loss or damage is anticipated if the application is refused a risk further crown growth making direct contact with adjacent buildings and potentially causing damage is considered to be reasonably foreseeable if the application is refused. As Maidstone Borough Council is the applicant, a compensation claim would not arise as a direct result of refusal. However, in the event that future damage does occur, the Council's parks team may be liable to claims from the property owners or their insurers.

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** One neighbour made comments in support of the Planning Application raising the following issue:

"The garden of our property at 5 Melford Drive is seriously affected by the presence of the oak tree T2. It overshadows a large proportion of it causing much shade and hazard from falling pieces of branch and immature acorns to anyone in our rear garden. We certainly approve of removing as much of the tree T2 as possible and the sooner the better as far as we are concerned."

5.0 CONSULTATIONS

5.01 No responses received

6.0 APPRAISAL

Main Issues

6.01 The key issue for consideration relates to:

- Whether the proposed works are appropriate management

Appraisal of T1 Beech on application form (T277 in TPO).

6.02 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Long - with an estimated remaining life expectancy of at least 20 Years

6.03 The tree is a semi-mature Beech consisting of two main stems (actually two trees with a conjoined crown) with a radial crown spread of 3.5 metres and reaching a height of approximately 16 metres. The main stems are ivy-clad, preventing a fully detailed inspection but the tree appears to be in generally good health and structural condition. The westernmost branches are approximately 1m from the adjacent house

at 2 Freshland Road and it is foreseeable that direct damage to the property could result if they are allowed to continue to grow unchecked. It is not considered that the relatively minor proposed works would be detrimental to the long term health of the tree or its contribution to amenity.

Appraisal of T2 Oak on application form (T280 Oak in TPO).

- 6.04 Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

- 6.05 The tree is a-mature Oak with an estimated stem diameter of 70cm, with a main fork at a height of 1.8m from which 3 main scaffold limbs give rise to a well balanced and well furnished crown that appears in good health and condition. Small diameter deadwood is present within the crown, but this is to be expected in a tree of this species, age and size and is not considered to be an indication of poor health.

The westernmost branches are less than 0.5m from the adjacent house at 8 Westminster Square and it is foreseeable that direct damage to the property could result if they are allowed to continue to grow unchecked. It is not considered that the relatively minor proposed works would be detrimental to the long term health of the tree or its contribution to amenity.

7.0 CONCLUSION

- 7.01 The proposal is unlikely to be detrimental to the long term health of the trees or their contribution to amenity. The works are considered necessary and appropriate to prevent foreseeable damage to adjacent houses. The proposal is therefore considered to be appropriate arboricultural management.

8.0 RECOMMENDATION

PERMIT Subject to the following condition:

(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

INFORMATIVES

(1) 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.