

## REPORT SUMMARY

<b>REFERENCE NO - 19/503979/TPOA</b>			
<b>APPLICATION PROPOSAL</b> TPO Application - Crown Lift to 6.5m T2 , T4, T5 and T6 (Limes) and Crown Lift to 5m T10 (Sycamore)			
<b>ADDRESS</b> St. Stephens Churchyard Church Road Tovil Kent			
<b>RECOMMENDATION</b> Permit subject to standard of works condition			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed works are necessary and appropriate arboricultural management.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> This is an application by an Officer of the Council			
<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Nigel Holman <b>AGENT</b> Caroline Everest	
<b>DECISION DUE DATE</b> 23/10/19	<b>PUBLICITY EXPIRY DATE</b> 19/09/19	<b>OFFICER SITE VISIT DATE</b> 11/09/19	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/505620/TPO	TPO application for works to 1 Ash – fell, 5no. Lime – remove epicormic growth and lift to 3m, 1 no. Sycamore – reduce south side lateral limbs by 3m and blend, 1no. Ash – reduce south stem of tree by 2-3m.	Permitted	18/12/2017

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees are growing on the former St Stephens Church site owned by Maidstone Borough Council. The site is situated between Church Road, Church Street and St Stephens Square. The Lime trees are located on the northern boundary, overhanging Church Road. The Sycamore tree is located on the southern boundary, overhanging St Stephens Square.
- 1.02 The trees are subject to Tree Preservation Order No.3 of 1984, designated as individual trees T2 Lime, T3 Lime, T5 Lime, T7 Lime and T8 Sycamore in the Order (numbered as T6, T5, T4, T2 and T10 respectively in the application). For simplicity, the numbering used in the application is used throughout this report.

### 2.0 PROPOSAL

- 2.01 The proposed work is crown lifting (removal and pruning of lower branches) to give a clearance of 6.5 metres above ground level for the Lime trees and 5m above ground level for the Sycamore.

- 2.02 Note that the application also included crown lifting and monolithing of T3 Sycamore (T6 in the TPO). Inspection revealed that the condition of the tree, which is in a severe state of decline, was so poor that the applicant was informed that the proposed works may be carried out under the exceptions to the tree preservation regulations, specifically works urgently necessary to remove an immediate risk of serious harm.
- 2.03 Note that the application form also included crown lifting works to other trees that are not subject to the Tree Preservation Order. They are not discussed in this report.

### **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. The application form does not indicate that any loss or damage is anticipated if the application is refused and as Maidstone Borough Council is the applicant, a compensation claim would not arise as a direct result of refusal.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 No comments received

### **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 the trees**

- 6.02 T2 Lime, T4 Lime, T5 Lime and T6 Lime on application form.

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

Condition:  
Fair – showing minor signs of deterioration and/or defects

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

- 6.03 The Limes are large, mature trees reaching up to 25m in height, with large stem diameters estimated between 60cm and 90cm. Radial crown spread of the trees is about 7m, resulting in a significant overhang of Church Road to the North. Low branches currently hang to about 2m above highway level. Ground level in the churchyard is notably higher than highway level, by an estimated 1.5m. No significant defects or decay were noted during inspection. A recent failure of a piece deadwood from T5 and some minor dieback and deadwood were noted, but this is considered normal for Lime trees of this age and size. The Limes exhibit basal growth typical of the species and some have ivy-clad stems, which hinder inspection, but in general the trees appear to be in good health and condition.

- 6.04 T10 Sycamore on application form.

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 large, mature Sycamore of good form reaching approximately 20 metres in height, with an estimated main stem diameter of 90cm and radial crown spread of 6 metres, resulting in a significant overhang of St Stephens Square to the South. Low branches currently hang to about 2m above highway level. It appears to be in good health and condition with no significant defects noted during inspection. It is growing amongst a group of Ash and Sycamore trees and is partially obscured from view as a result.

### **Impact of the proposed works**

- 6.06 The proposed crown lifting works will not result in unacceptably large pruning wounds. The extent of the crown lifting proposed equates to less than one quarter of current tree height, will be restricted to where trees overhang highways only and as such is well within maximum recommended limits. The trees are generally healthy and should recover well from the pruning proposed. The works are necessary to prevent highway obstruction and to avoid damage to the trees from high sided vehicles. The proposed work is therefore considered to be appropriate arboricultural management and accord with current good practice recommendations for tree works. It is not considered that the works will be detrimental to their 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. It is considered to be necessary and 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.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.