

REPORT SUMMARY

REFERENCE NO - 19/505120/TPOA		
APPLICATION PROPOSAL TPO Application - Clear Fell small dead standard, Crown lift Willow trees by up to 5m from bridge height to give clear sight line and access		
ADDRESS 54 Lenside Drive Bearsted Maidstone Kent ME15 8UE		
RECOMMENDATION Delegated powers be given to the Head of Planning and Development to grant permission subject to the expiry of the site notice (25th December 2019) and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The works are considered necessary to resolve obstruction to users of the footbridge and will not be detrimental to the long term health of the trees or their contribution to amenity.		
REASON FOR REFERRAL TO COMMITTEE It is an application by the Officer of the Council on behalf of the Parks team		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Nigel Holman (MBC Parks) AGENT Caroline Everest
DECISION DUE DATE 03/01/20	PUBLICITY EXPIRY DATE 25/12/19	OFFICER SITE VISIT DATE 04/12/19
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a footbridge over the River Len at the northeast corner of Mallards Way Public Open Space. The trees concerned are growing on the riverbanks adjacent to the footbridge. A public path from the open space passes over the bridge and continues east, following the river.

2.0 PROPOSAL

- 2.01 The proposal is to remove one dead tree that is leaning against the bridge structure and to cut back other trees that overhang the bridge which are currently impeding access and clear line of sight.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 6 of 2007, Woodland W1 - Consisting of Willow, Alder, Oak, Ash, Hawthorn, Cherry and Hazel and Tree Preservation Order No. 9 of 1975, Woodlands - W3 Comprising Willow, Alder, Ash, Sycamore, Hazel.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2019)

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

4.02 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)

4.03 Compensation:

A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that a compensation claim would arise as a result of refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure or obstruction of the path if the identified hazards are not addressed.

5.0 LOCAL REPRESENTATIONS

5.01 None received at the time of writing. Where a local planning authority makes an application to itself, the tree preservation regulations require the application to be publicised by displaying a notice on or near the site for at least 21 days. A site notice was displayed on the bridge at the time of the site visit. Any new representations received as a result of this will be reported by urgent update.

The tree preservation guidance states that before reaching its decision the authority must take into account any representations made by the date given in the site notice. Therefore, this report seeks that delegated powers be given to the Head of Planning and Development to grant permission subject to the expiry of the site notice on 25th December 2019 and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.

6.0 CONSULTATIONS

6.01 Bearsted Parish Council:
"The Parish Council has no objection but would question the house number."
Officer comment: The agent originally gave the site address as rear of 44 Lenside Drive. This has since been corrected to 54 Lenside Drive, the closest address to the site.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Plan, proposal clarification and confirmation of site address received.

8.0 APPRAISAL

8.01 'Small dead standard' on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A dead tree, possibly Willow, which is leaning on the bridge handrail. The top of the stem overhangs the bridge and is at risk of failure onto the bridge. It can be dealt with under the exceptions to the Tree Preservation regulations as a dead tree and does not strictly need to be included on the application.

8.02 'Willow trees' 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

Comments:

Various trees, predominantly mature Willow and Alder are growing adjacent to the footbridge. Two Willow trees in particular are large, coppiced trees with multiple stems reaching up to 20m in height. They overhang the bridge significantly and some stems impede access, creating a narrow tunnel with restricted views. The proposed works will remove the current obstructions, reduce the risk of limb failures on to the bridge and open up the area around the bridge, hastening drying of the bridge surface and opening up clear sight lines that will improve security for users. The works are therefore considered to be necessary and appropriate arboricultural management.

The proposed works will mainly affect the two Willow trees, removing the offending stems and cutting back some of the upper crown. The trees exhibit good vitality and should be fully capable of recovering from the works. It is not considered that the proposal will be detrimental to the long term health of the trees or their amenity value.

9.0 CONCLUSION

9.01 The works are considered to be necessary and appropriate arboricultural management and it is not considered that the proposal will be detrimental to the long term health of the trees or their amenity value.

10.0 RECOMMENDATION – Delegated powers be given to the Head of Planning and Development to grant permission subject to the following conditions, subject to the expiry of the site notice (25th December 2019) and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.

CONDITIONS to include

(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.

(2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

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.