

REPORT SUMMARY

REFERENCE NO - 20/504434/TPOA		
APPLICATION PROPOSAL TPO Application - T1 Holm Oak - inspect with endoscope on day of works and fell pending clear of bats. The tree has defects (cavities/decay).		
ADDRESS Land Near 87 Lombardy Drive Maidstone ME14 5TB		
RECOMMENDATION PERMIT subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The tree exhibits significant structural defects that are considered to represent an unacceptable risk of failure, with risk to members of the public that outweighs amenity considerations.		
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council		
WARD East	PARISH/TOWN COUNCIL Boxley	APPLICANT Alan Frith AGENT Caroline Everest
DECISION DUE DATE 20/11/20	PUBLICITY EXPIRY DATE 20/10/20	OFFICER SITE VISIT DATE 08/11/20
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): No relevant history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is located/growing on public open space to the west side of Lombardy Drive. The land is in the ownership of Maidstone Borough Council. The land is grassed with mature trees and hard surfaced footpaths, with open public access.

2.0 PROPOSAL

- 2.01 Fell one Holm Oak tree

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.23 of 1981; T134 Quercus Ilex (Holm Oak)
3.02 Tree Preservation Order No.1 of 1954; A1 (all species)

4.0 POLICY AND OTHER CONSIDERATIONS

(In deciding a tree works applications the LPA are not required to have regard to the development plan).

- 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 such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed.

5.0 LOCAL REPRESENTATIONS

5.01 9 representations objecting to the proposal were received from 8 properties.

5.02 The grounds of objections are combined and summarised as follows:

- The tree is a mature evergreen specimen that provides a positive contribution to the character and amenity of the area and is valued by the community.
- “The green area is established with the holm oak taking prime position. Removing the tree from this space will fundamentally change the appearance of the green to its detriment.”
- It provides year-round shelter for wildlife, which is observed and enjoyed by local residents.
- Trees are vital to slowing global warming
- Even if another tree were to be planted in its stead, it would take many years to reach an equivalent statue.
- “My children love this tree and are very upset about its potential felling. I urge you to get a second independent opinion as to its safety and consider all other avenues of action before felling.”
- “Large cavities in Holm Oaks are not always detrimental to the structural integrity of the tree. Can you monitor the tree rather than just fell it?”
- “Has a bore test been carried out to evaluate the decay? Can the decaying area mentioned in the application be cut back and thinned out?”
- “The Holm Oak is a fantastic example of a fine tree providing a visual amenity benefit and should be retained if possible. The last resort should be felling. The fact Maidstone B.C own the land and yet have given me the opportunity to comment on the felling of the Holm Oak infers that the tree is in fact not a

danger to life, otherwise the tree would be felled regardless and Maidstone B.C. would not have an interest in my views.”

- “The Holm Oak shows no sign of malnutrition, as most of the leaves are green. There are no signs of foliage loss and no open missing foliage gaps. There are no signs of decaying bark which is falling off.”
- “This tree certainly looks healthy but your application suggests that it will be felled regardless of the endoscopy result. It is not a huge tree and small portions dropping off it would not be a danger to the public due to its position. I hope that its condition will be thoroughly reviewed as it is a great benefit to the surroundings and I regularly see bats flying around it . If it is found to be much decayed then I do hope that a replacement will be planted.”
- “Will we be left with another ugly stump like the trees which have been felled along the footpath along the back of the estate?”

6.0 CONSULTATIONS

6.01 Boxley Parish Council neither object or support the proposal and defer to the views of the Tree Officer

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan submitted

8.0 APPRAISAL

8.01 ‘T1 Holm Oak’ on application form (T134 in TPO).

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

8.02 The tree is a mature Holm Oak growing in a prominent location. It reaches an estimated height of 10 metres with a crown spread of 10 metres. It exhibits a dense crown with good leaf coverage and is a tree of good aesthetic form. It is therefore considered to make a positive contribution to the character and amenity of the area.

Inspection of the tree revealed that it has a number of significant defects in both the main stem and main scaffold branches:

- The main stem has a large historic vertical wound on the eastern side from ground level to a height of approximately 1.4m with exposed and weathered sapwood. Sounding with a mallet indicates that the exposed wood is a few centimetres thick at best, loose and hollow behind. The base of the wound is an open cavity into which a probe was inserted to full depth with no

resistance. A further large historic wound is present above this, from 1.5m to 1.8m height.

- A further vertical wound is present on the south side of the tree extending from just above ground level to a height of about 1.4m. No exposed wood is visible, but insertion of a probe into the wound was possible to full depth (25cm) with no resistance at several points.
- A large open cavity is present at the main fork / base of one of the main ascending limbs at 2m height. The cavity extends vertically downwards through the centre of the main stem and laterally into the base of the main ascending limb.
- Other smaller wounds are visible on the main stem and on a number of main scaffold limbs in the centre of the crown.

No specialised decay detection has been carried out to determine the exact extent of decay present in the tree. However, the above observations and simple decay detection tests indicate that the centre of the main stem is almost certainly hollow from ground level to the main fork and that the amount of residual wood remaining is less than the minimum ratio that is normally considered acceptable (one-third thickness of the radius), which is weakened further by the open cavities – the one-third ratio assumes that an intact cylinder of sound wood remains. Although Holm Oak is generally better at resisting the spread of decay and tends to retain structurally sound wood for much longer than other species, this tree has now reached a point where it is considered to be at high risk of catastrophic failure due to the main stem hollowing alone.

In addition, the base of one of the main ascending limbs is significantly compromised by the large decay cavity and several other scaffold limbs display decay cavities that could lead to crown breakage in adverse weather.

The tree is therefore considered to represent a current identifiable hazard. Given its location in a public open space adjacent to a highway, there is increased risk of 'target' presence in the event of failure and it is considered that the proposed felling is appropriate arboricultural management.

The felling of the tree will have a detrimental impact on the character and amenity of the area, but this is considered to be outweighed by the public safety considerations. To mitigate the detrimental impact on amenity, it is recommended that a replacement Holm Oak tree is required by condition to replace the lost amenity in the long term and to ensure ongoing tree cover in the area. In addition, it is recommended that cord wood from the tree is not removed from the site but retained in a suitable nearby location for the benefit of wildlife.

9.0 CONCLUSION

- 9.01 The felling of the tree will have a detrimental impact on amenity, but this is outweighed by public safety considerations due to the poor structural condition of the tree. Felling is therefore considered necessary and appropriate management but should be mitigated by the planting of a replacement tree and the retention of cord wood near the site.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

(1) One (1) replacement *Quercus ilex* (Holm Oak) tree shall be planted on or near the land on which the felled tree stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree shall be of not less than Nursery Standard size (8-10cm girth, 2.75-3m height) or equivalent, conforming to the specification of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance 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.