

REPORT SUMMARY

REFERENCE NO - 20/504657/TPOA		
APPLICATION PROPOSAL TPO application to reduce one Cherry tree away from properties from 8.5m to 6.5m, one Cherry tree away from properties from 9.4m to 7.4m, and one Acer away from properties from 8.5m to 6m, and clean out crowns of all 3.		
ADDRESS Front Of 17 Ashurst Road Maidstone ME14 5PZ		
RECOMMENDATION Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The application is made by an agent on behalf of Maidstone Borough Council		
WARD East	PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Jesson AGENT Caroline Everest
DECISION DUE DATE 09/12/20	PUBLICITY EXPIRY DATE 06/11/20	OFFICER SITE VISIT DATE 05/12/20
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The three trees are growing on the southern side of Ashurst Road Play Area open space, to the frontage of numbers 9 to 19 Ashurst Road. The land is in the ownership of Maidstone Borough Council. The land is grassed with mature trees, a play area and hard surfaced footpaths, with open public access.

2.0 PROPOSAL

- 2.01 The application is to reduce the crowns of all three trees away from the adjacent residential properties by approximately 2 metres and to 'crown clean' (e.g. removal of deadwood, diseased or damaged branches) all three trees.

3.0 PLANNING CONSTRAINTS

Tree Preservation Order No.3 of 1971: Vinters Quarry on the west side of Vinters Park, Maidstone, Area A1 consisting of 48 various species. Confirmed 25/10/1971

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 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 None received

6.0 CONSULTATIONS

6.01 Not applicable

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan and proposal clarification (dimensions) submitted

8.0 APPRAISAL

General appraisal of tree group

8.01 T1 Cherry, T2 Acer, T3 Cherry on application form (within A1 in TPO).

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

T1 Cherry

8.02 A mature Cherry of average form with a main stem diameter of about 50cm The tree appears to be in reasonably good health and condition with no significant defects noted during inspection. A degraded fungal fruiting body was found near the base of the tree but was too decomposed to identify. The tree is growing within a group of trees and has a slightly etiolated form as a result. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

T2 Acer

- 8.03 A mature, multi stemmed Acer with four main stems of up to 50cm diameter each. The basal forks are not well formed but otherwise the tree appears to be in reasonably good health and condition with no significant defects noted during inspection. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

T3 Cherry

- 8.04 A mature Cherry of average form with a main stem diameter of about 60cm The tree appears to be in reasonably good health and condition with no significant defects noted during inspection. A small main stem cavity was noted at 2m height, but is unlikely to be structurally significant at this time. Lateral branches are growing towards the adjacent properties on the south side and overhang the small front gardens.

Discussion of proposal

- 8.05 The proposed works are to reduce the lateral growth on the south side of all three trees, where they are beginning to encroach on the neighbouring residential properties. The light reduction works proposed will not result in large pruning wounds and will not have a significant detrimental impact on their contribution to public visual amenity. Maintaining adequate clearance from residential properties is considered necessary and appropriate management.
- 8.06 The proposal also includes 'crown cleaning', which is the removal of deadwood and any damaged, diseased or broken branches. The latter is also considered appropriate management and can be undertaken under the exceptions to the tree preservation regulations.

9.0 CONCLUSION

- 9.01 The proposed works are necessary and arboricultural management that will not have a significant detrimental impact on the long term health of the trees or their contribution to amenity.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

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) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

(2) 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.

(3) Removal of dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Its inclusion on this application is considered to satisfy that requirement.

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.