

## REPORT SUMMARY

<b>REFERENCE NO - 20/504658/TPOA</b>		
<b>APPLICATION PROPOSAL</b> TPO application to reduce one Walnut from height of 17m to 15.5m, width of 7.6m to 6.8m; Fell one Hawthorn; Crown lift one Sycamore to clear garages by 2m.		
<b>ADDRESS</b> Rear Of 11 Blendon Road Maidstone ME14 5QA		
<b>RECOMMENDATION</b> PERMIT subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed works are considered appropriate arboricultural management.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is made by an agent on behalf of Maidstone Borough Council		
<b>WARD</b> East	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Andrew Jesson <b>AGENT</b> Caroline Everest
<b>DECISION DUE DATE</b> 20/01/21	<b>PUBLICITY EXPIRY DATE</b> 18/12/20	<b>OFFICER SITE VISIT DATE</b> 05/12/20
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
None relevant		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees are growing on the eastern side of Ashurst Road Play Area open space, to the rear of properties in Alkham 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 T1 Walnut. Reduce Juglans regia by 15%. Mature tree with 2 areas of internal decay. Tree is an historic pollard which has a heavy lean towards the play area but not within influencing distance. However, there is a balance beam within hazard zone and also stress evidence towards the base of the trunk.
- 2.02 T2 Hawthorn. Dead tree – fell to ground
- 2.03 T3 Sycamore. Lift to clear garages by 2m. Note that this tree falls outside of the TPO polygon, so the consent of the Local Planning Authority is not required to undertake the proposed works.

### 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 of Walnut) submitted

#### **8.0 APPRAISAL**

##### **T1 Walnut on application form (within A1 in TPO).**

8.01 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

##### **Discussion of proposal**

8.02 The tree is a mature Walnut in poor condition, exhibiting multiple structurally significant defects. The main stem has a large open cavity from 2m height to crown break at 4m height consistent with the breaking out of a large main limb. The crown structure indicates that the tree has undergone severe pollarding in the past, with subsequent reduction of the regrowth at about 6.5m height. The proposal is therefore

to reduce the tree to around the same height as the last reduction. Given the poor and declining structural condition of the tree and its location in a public park, the proposed works are considered necessary risk management of an appropriate extent. The tree has a limited safe useful life expectancy and the proposed works are likely to extend the tree's remaining contribution by reducing the risk of decay related failure.

**T2 Hawthorn on application form (within A1 in TPO).**

- 8.03 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:

None – tree is dead

**Discussion of proposal**

- 8.04 The Hawthorn is a small tree reaching about 6m in height. It is dead and can therefore be felled under the exceptions to the Tree Preservation regulations. Its inclusion on the application satisfies the requirement to give 5 working days' notice in writing before undertaking felling. Following felling, the landowner is under a duty to plant a replacement tree, as detailed in condition 2 below.

**T3 Sycamore on application form (not within TPO).**

- 8.05 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

**Discussion of proposal**

- 8.06 The Sycamore tree(s) that overhang the en-bloc garages to the south side of the open space are not subject to the TPO, so the inclusion of the proposed works on the application was not necessary. Notwithstanding this, the small amount of crown lifting works proposed are considered necessary to prevent foreseeable damage to the garage block and will not be detrimental to the long term health of the tree(s) or their contribution to amenity.

**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

(2) One replacement Hawthorn 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 light standard size (6-8cm girth, 2.5-2.75m height), 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) 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.

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.