

REPORT SUMMARY

REFERENCE NO - 21/500488/TPOA			
APPLICATION PROPOSAL TPO Application for 1 x (T1) Acer Campestre (Field Maple), shorten scaffold limbs by up to 40% of current length (4.5m to 2.7m).			
ADDRESS 40 Alkham Road Maidstone Kent ME14 5PB			
RECOMMENDATION Delegated powers to permit subject to the consideration of any further representations made up to the expiry of the site notice on 9 March 2021			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE The tree is growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
WARD East	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services	
DECISION DUE DATE 26/03/21	PUBLICITY EXPIRY DATE 22/02/21	OFFICER SITE VISIT DATE 27/01/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/505896/TPOA	Fell to ground - in major decline. Basal decay. The tree has responded adversely to some historic arboricultural works. Areas of decay within the crown and localised die - back.	Withdrawn	03/02/2021
<i>Summarise Reasons</i> Application withdrawn by applicant following discussion with case officer and resubmitted as a proposal to carry out further retrenchment pruning rather than to fell.			
17/506307/TPO	1x Field Maple - retrench the tree, pruning to crown shortening all scaffold limbs by 30-40%, remove dead, dying branches within remaining crown	Permitted	30/01/2018
<i>Summarise Reasons</i> The proposed works were considered to be appropriate management given the tree's location and condition			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is growing on amenity land with a well-used footpath running through it, situated between the residential properties in Alkham Road and Lombardy Drive.

2.0 PROPOSAL

- 2.01 The proposed works are to reduce the main scaffold limbs of the tree by up to 40% of their current length

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 1 of 1954 Area A1

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. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 Neighbours/local residents:

One representation received from neighbour questioning why application 20/505896/TPOA proposal to fell was withdrawn. The case officer responded to explain that the proposal to fell was withdrawn and resubmitted as a revised proposal to carry out a reduction instead, as after discussion and inspection it was felt that felling was an excessive response to the defects present and that the risks could be adequately managed by a reduction instead, as tree is likely to be a veteran tree, so should be retained for as long as it is safe to do so with appropriate management. The neighbour stated that he agreed with this and was quite glad the tree is remaining as long as it's safe.

- 5.02 A 21 day site notice was displayed on site on 16 February 2021. This notice expires on 9 March 2021. Any new representations received before the application is heard by the Planning Committee will be reported as an urgent update, but further responses might be received after the committee meeting. Delegated powers are therefore being sought to permit the application, subject to the consideration of any further representations made up to 9 March 2021.

6.0 CONSULTATIONS

6.01 No responses received

7.0 BACKGROUND PAPERS AND PLANS

7.01 Location plan submitted

8.0 APPRAISAL

8.01 T1 Acer campestre (Field Maple) on application form (Within area A1 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:
Medium - estimated remaining life expectancy of at least 10 years

8.02 The tree is a large, over-mature Field Maple. Its size and features suggest that it is likely to be considered a veteran tree. It has a basal cavity that probing revealed to extend to approximately half of the diameter of the main stem. Further decay pockets are visible throughout the crown. Crown structure indicates that the retrenchment pruning works permitted under application 17/506307/TPO have been carried out to a good standard, with specialist veteran tree pruning techniques such as coronet cuts employed. The tree appears to have responded fairly well to the retrenchment pruning with some dieback evident but otherwise exhibiting healthy growth.

8.03 The decay present at the base of the main stem and in the crown suggests that the tree still represents a failure risk at its current size. Application 17/506307/TPO sought to reduce the crown as the first stage of retrenchment pruning in order to limit the extent of reduction carried out in one growing season. This was done in order to reduce the shock of a significant reduction to the tree with a view to reviewing its response and carrying out further reduction in 3 to 5 years.

8.04 The proposed reduction works seek to reduce (retrench) the crown further. This is considered necessary to manage the risk of failure resulting from the decay present, particularly given the location of the tree adjacent to a well-used footpath and residential gardens. Reduction of trees can have negative effects on their long-term health and potentially lead to death or decline but in this case, it is considered that the failure risk posed by the defects present outweighs the negative impacts of reduction. Further retrenchment will significantly reduce the failure risk to acceptable levels and should increase the safe useful life expectancy of the tree by significantly reducing the risk of catastrophic failure resulting in the loss of the tree altogether.

9.0 CONCLUSION

9.01 The proposed works are necessary and appropriate management that are a preferable alternative to felling and will enable the retention of a veteran tree for as long as possible.

10.0 RECOMMENDATION – Delegated powers to PERMIT subject to the consideration of any further representations made up to the expiry of the site notice on 9 March 2021

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.