

## REPORT SUMMARY

<b>REFERENCE NO - 21/500489/TPOA</b>			
<b>APPLICATION PROPOSAL</b> TPO Application for 6 x trees (consisting of mixed Acer, Crataegus and Quercus- as shown on tree location plan)- crown lift all to 2.8m and thin by 15%.			
<b>ADDRESS</b> 43 Bargrove Road Maidstone Kent ME14 5RT			
<b>RECOMMENDATION</b> Permit subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed works are considered appropriate arboricultural management.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
<b>WARD</b> East	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Qualitree Services	
<b>DECISION DUE DATE</b> 30/04/21	<b>PUBLICITY EXPIRY DATE</b> 29/03/21	<b>OFFICER SITE VISIT DATE</b> 31/12/20	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/505893/TPOA	Remove one Acer; Reduce all crowns of group of trees (consisting of mixed Acer, Crataegus, and Quercus) from property (lateral branches only, from 6.5m to 4m) , crown lift all to 2.8m and thin crowns by 15%, and sever all Ivy.	Withdrawn by applicant	09/02/2021
<i>Summarise Reasons</i> Withdrawn for revised proposal to be submitted			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the east of 43 Bargrove Road and West of The Medlars. Public bridleway KB36 runs alongside the trees on their west side.

### 2.0 PROPOSAL

- 2.01 The proposed works are to crown lift the trees to a height of 2.8 metres above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. The proposed works also include crown thinning by 15%. This involves the removal of the specified proportion

of crown volume by the selective removal of branches to reduce crown density without reducing the overall crown dimensions.

### **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 A site notice was displayed on 18/05/2021 and expired on 08/06/2021

5.02 3 representations were received from 3 neighbouring properties in The Medlars raising the following issues (summarised):

- Understand the need to trim/crown lift over the bridleway but object to the extent of the work proposed.
- Loss of Privacy
- Visual appearance
- Natural barrier between The Medlars and the bridleway will be lost
- Detrimental effect on wildlife habitat.
- Will create gaps between the trees, which will allow people to take a short cut from the bridleway/footway into The Medlars and vice versa.
- Dogs, off their leads, are more likely to get onto the grass amenity area adjacent to the trees and defecate there, causing a health hazard.
- A crown lift to 2.8m would destroy the screen which provides privacy and some security.

### **6.0 CONSULTATIONS**

6.01 No responses received

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Location plan submitted.

## **8.0 APPRAISAL**

### **General appraisal of tree group**

8.01 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

### **Visual Impact**

8.02 The proposed works will have limited visual impact. Crown lifting the trees from the current clearance of about 2m over the bridleway to 2.8m will have limited impact on public amenity value and will not appear excessive in relation to the height of the trees. Crown thinning by 15% will have negligible impact as the overall crown size will remain unchanged.

### **Residential Amenity**

8.03 The representations cite loss of privacy, loss of undergrowth creating gaps for access by people and dogs to the green alongside The Medlars as potential problems resulting from the proposed works. The TPO can only control works proposed to the mature trees present (only trees present at the time the TPO was made in 1954 are subject to the Order). It does not control works to other trees, shrubs or other plants present. TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy. It is not considered that the works to the trees will have a significant impact in such matters. The concerns raised in this respect should be dealt with by communication between the residents concerned and the Parks team, who have been made aware of the issues raised so that these matters can be discussed prior to works commencing.

### **Tree Condition**

8.04 The trees are a linear group including Sycamore, Hawthorn, Beech and Oak reaching up to 18m in height with radial crown spread of up to 6m. They appear to be in reasonable health for their age, but understorey growth and ivy cover hindered a full inspection.

### **Impact of proposed works on tree health**

8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown thinning proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

### **Impact of proposed works on wildlife habitat**

- 8.06 It is not considered that the proposed works will have a significant impact on wildlife habitat. The concerns raised about the potential removal of undergrowth and ivy (which are not controlled by the TPO) are more likely to be detrimental to wildlife habitat. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

### **9.0 CONCLUSION**

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

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

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.