

**Maidstone Borough Council
PLANNING COMMITTEE**

REPORT BY THE HEAD OF PLANNING AND DEVELOPMENT

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5025/2016/TPO**

164 Ashford Road, Bearsted, Kent, ME14 4NB

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5025/2016/TPO.

FOR DECISION

RELEVANT PLANNING HISTORY

The Maidstone Borough Council Tree Preservation Order No. 5012/2016/TPO 164 Ashford Road, Bearsted, Kent ME14 4NB. Made as a provisional Order on 17/03/2016, protecting trees on the site under an Area designation. Allowed to lapse without confirmation and remade as Tree Preservation Order No 5025/2016/TPO following survey identifying specific trees and groups of trees.

16/506795/FULL Demolition of 164 Ashford Road and associated garaging and erection of a replacement dwelling and garage/ car barn, together with alterations to the access road to create new private vehicular access to serve 162 and 162A Ashford Road. Pending decision.

SUMMARY TPO INFORMATION

TPO Served (Date):	TPO Expiry Date
23 September 2016	23 March 2017
Served on:	
Owners and adjoining neighbours	
Copied to:	
GIS Team MKIP Parish/Town Council Land Charges Team KCC Planning Applications Unit	

OBJECTIONS AND CONSULTATIONS

No objections to the making of this TPO were received. However, an objection to the making of the original area Order was received from one of the owners of the site. The objection is summarised below:

- Concern that it is necessary to apply this TPO to a domestic garden under restoration.
- The boundary fence at the south western end had been breached and was in disrepair to the point that it was being used as a local refuse tip. Neighbours to the northwest had been tipping garden and other waste over the fence into the garden.
- A lack of maintenance in the garden had allowed antisocial activities in the summer months.
- The garden has been substantially cleared of dead trees and scrub with good trees left, although there are still areas that need clearing e.g. inside the old tennis court. A number of trees are suspect and a tree surgeon will be employed to advise.
- Several trees near the boundary may need to be removed for health and safety of neighbours and visitors to the property.

APPRAISAL

The site at 164 Ashford Road contains a vacant house in a large plot containing many mature trees. Felling of trees and some site clearance took place in March 2016, leading to calls for the Council to protect the trees on the site. The whole site, but excluding trees on the access drive was protected under TPO No.5012/2016/TPO, as an Area designation on 17 March 2016 and this was served on the owner on site by officers.

Government guidance recommends that Area Tree Preservation Orders should be used as an emergency measure and not confirmed. TPO No. 5012/2016/TPO was therefore allowed to lapse at the end of the six month provisional period. Landscape Officers visited the site and surveyed the trees present, identifying trees as individuals and groups. TPO No. 5025/2016/TPO was made following the survey, protecting those trees that Officers considered worthy of long term retention, including additional trees on the driveway that were not included in the original Order.

Planning application 16/506795/FULL proposes to demolish the existing buildings on the site and to construct a replacement dwelling and garage. The proposal is still under consideration and undergoing revisions to the original layout in response to negotiation between officers and the applicant. The revisions have included repositioning the proposed garage and dwelling further from the retained trees.

Although no objections have been received in direct response to the making of this Order, the owner made a representation objecting to the making of the original area TPO. Other representations were also received from neighbouring properties, raising issues such as inaccuracies in the plotting or the original area Order and suggesting additional trees in need of protection. These issues were considered and addressed in the making of the current Order.

The activity on the site over the last 12 months has also generated significant local interest and concern at the loss of trees that has already taken place. It is therefore considered appropriate that Planning Committee decide whether or not the current TPO should be confirmed.

The objection by the owner raised some issues unrelated to the TPO, but also claims that the tree removals that had already taken place were necessary on safety grounds. Officers have been unable to confirm this, as much of the evidence had been cleared before site visits were undertaken. It was evident that the front part of the site around the existing house had been cleared and that the clearance had involved the felling of a number of large, mature trees.

The owner also expressed an intention to cooperate with the Council and does not consider that a TPO is necessary to achieve this.

At this time, the future of the trees on the site remains unclear. The planning application suggests that the intention is to build a single replacement dwelling, but remains undetermined at the time of this report. If planning permission is subsequently granted, this could provide some reassurance on the retention of trees through the use of conditions, but this would be limited in time to up to ten years. The current owners indicate an intention to retain healthy trees, but future owners may not share the same view.

On balance, it is considered that the trees on the site, which are large, mature specimens visible from public viewpoints and make a significant contribution to local landscape character and amenity, should continue to benefit from ongoing protection by a TPO. This will ensure that the Council retains a measure of control over the future management of the trees. The TPO will not prevent owners from undertaking works that are necessary to remove an immediate risk. It will also not prevent the proposed development, as any planning consent granted would override the TPO where it affects specific trees; this receives due consideration in the planning process. Ongoing protection by a TPO will also ensure that the sylvan character of the site is retained and appropriately managed in the long term.

RECOMMENDED

That Tree Preservation Order No.5025/2016/TPO is confirmed without modification.

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices:
Plan and schedule for 5025/2016/TPO