



Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
05 September 2013 at 7.00 pm

Late Observations

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DEVELOPMENT CONTROL COMMITTEE**5 September 2013****LATE OBSERVATION SHEET****Item 4.1 - TPO No 05 of 2013 – 12 Farnaby Drive, Sevenoaks TN13 2LQ**

The owner's agent Quaife Woodlands has sent a further letter objecting to the serving of a TPO at 12 Farnaby Drive. I have reproduced this letter dated the 30 August 2013, which is appended to this Late Observation Sheet.

I have provided comments in response to Quaife Woodlands' objections to the TPO as follows:

A. 3. The appeal inspector visited 12 Farnaby Drive to assess this appeal tree unaccompanied as per recent changes to the appeal process. In the inspector's summing up, he refers to view points where the tree can be seen from. He must have therefore walked the immediate location to assess these viewpoints.

The Quaife Woodlands letter appears to have misquoted the Planning Inspector over the public visibility of the tree, implying it just related to views from the garden. The planning Inspector in paragraph 3 states: "*The tree is visible from viewpoints to the northeast and southeast.*" and "*I consider that the tree adds to the landscape quality and visual amenity of the area*". The Planning Inspector clearly considered that the tree contributed to the visual amenity of the area and was clearly visible from a number of public vantage points.

B. 4. Comments noted.

C. 7. Within the objection it is stated that "There is no record of any assessment of the tree whatsoever". It is assumed that this reference is by SDC officers and not the appeal inspector. Tree officers have previously assessed this tree as part of previous proposals. Its condition and location are well known to them. A file document titled "justification for new TPO" is in fact on file and provides a basic description of the tree.

Mr Jones has been quoted as stating that this tree will need to be managed by pruning for the rest of its life. This quote is true to a certain extent as all trees within an urban situation will need pruning at some stage in their life cycle. It is the extent of the required pruning that needs to be addressed and not the fact that at some stage it will require pruning. The location of this tree has space to grow and as such in time will create a more balanced shape. Issues such as dominance can be overcome by pruning techniques. The extent of which I do not consider to be an unacceptable proposition.

D. 8. Prior to the issue of excessive shade and dominance that this tree may cause in the future as it matures being raised. An amount of mature evergreen growth existed along this boundary between 12 & 14 Farnaby Drive. The large Conifer has already been referred to within the appeal inspector's report. It has also been noted that an additional mature Conifer still remains adjacent to the Oak tree. These trees have been in existence for many years with little or no issues being raised. One of the owners has been quoted as saying that the Conifer is liked as it provides screening between properties and the owner does not wish to remove it.

E. The site visit referred to was to assess the planning issues and the TPO issues both of which have been assessed as separate entities. At the final point of the meeting, the Late Observations

Supplementary Information

proposal to replant a replacement tree was suggested. It was at this time stated that this proposal would be considered. It was not stated at any time that the proposal for a replacement tree would not be considered. It was in fact stated that the proposal could not be explored further prior to the committee date. This was due to other work commitments. Should the owner provide a more detailed proposal as new information rather than a final comment following a detailed meeting? This would then of course be looked at and a full response provided.

I would also like to just reiterate that Members are not being asked to consider whether a replacement tree could possibly be acceptable, just whether or not the existing oak tree should have a TPO served on it.

Officer's Recommendation remains unchanged – TPO to be confirmed.

Item 5.1 – SE/13/01836/HOUSE - 12 Fanaby Drive, Sevenoaks TN13 2LQ

Amendment

1 Paragraph 16, bullet point three states:

The foundations do not damage any of the roofs to the surrounding trees on your or my property;

This should read:

The foundations do not damage any of the roots to the surrounding trees on your or my property;

Officer's Recommendation remains unchanged – Refuse.

Item 5.2 – SE/13/01616/FUL – Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 0HJ

Further Information

The applicants have confirmed that the scale of the practice tee will be 400m², the practice putting green 450m² and the practice chipping green 450m².

This does not exactly correspond with the scale of these sites as shown on drawing KPGC-p-203, this drawing is intended only to show the landscaping scheme.

Drawing KPGC-p-02 (Earthworks Plan) shows the three areas accurately to scale, and correspond with the scale outlined above, and in the submitted Design & Access statement.

It should also be noted that there is a typographical error in paragraph 61, which should read 'there are no longer any local plan policies....' in the first sentence.

Officer's Recommendation remains unchanged – Grant.

Item 5.3 – SE/13/01770/OUT – The New Inn, 75 St Johns Hill, Sevenoaks TN13 3NY

Further Information

Paragraph 84 makes reference to annual car parking permits being secured for the residents of the development. To clarify, the s106 secures the provision of 1 annual car parking permit per unit (one year only). This is intended to raise awareness of the car park to future tenants.

Officer's Recommendation remains unchanged – Grant.

Letter from Quaife Woodlands 30th August 2013 - Appendix 1

Arboricultural and Woodland Consultants



Quaife Woodlands

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30th August, 2013
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Members of the Development Control Committee by e-mail only

Ref: Meeting on 5th September, 2013 at 7pm

**Item 4.1 Tree Preservation Order No. 5 of 2013
 Oak tree situated at 12 Farnaby Drive, Sevenoaks, TN13 2LQ**

Dear Councillor,

Contacting you all in this manner is a very unusual step for me to take, but I have little option because the report included in your Agenda does not portrayed the situation properly and has overlooked critical factors. I have attached a copy of my statement in respect of the objection to the TPO and you will note that few have been referred to, but I have set out a summary below referring to the Agenda report's paragraph numbers.

A. 3. The previous appeal was determined on the matters before the inspector, none of which applies to this objection. The inspector did not walk around the vicinity (otherwise he would have mentioned it) to appraise the public visibility of the tree as this was not a material issue of the appeal. He merely commented that its removal would have a negative impact on the landscape when viewed from the garden. There were no third party representations.

B. 4. I mention that the TPO would frustrate the planning application, but it is just one sentence in my statement and I stressed that it was very unlikely to have been deliberate. This is not the "*main objection*", indeed it is not a ground of objection at all.

C. 7. There is no record (as witnessed by your officer Mr Scott) of any assessment of the tree whatsoever. Mr Walker said that the tree "*can be seen from the main road and neighbouring properties*". The former statement is incorrect and the visibility from Farnaby Drive is very restricted from three vantage points in a very limited arc. To be publically visible in the terms required of the TPO instrument a tree should have substantially more visibility than this tree.

The distance of the Oak from the neighbouring properties is cited at 14 metres, but this misses the point that (as the inspector observed) it leans at 20° towards those properties and is on higher ground. The problem is not one of safety but of dominance. Mr Jones is on record as saying that the tree would need to be managed for the rest of its life by pruning. This may well be acceptable in many instances, but I cannot believe that anyone would deliberately plant an Oak with this as a prospect. This self-sown tree is simply inappropriate to the site and anyone standing underneath it would reach the same conclusion. The main objection is actually the pragmatic one of poor sustainability. The owner is willing to plant a replacement which I deal with at E below.

D. 8. I do not comment on the other objections, other than to question the officer's assertion that the tree is "*not of an age to cast excessive shade or dominate the front of the properties*". There is no logical reason to leave a tree *in situ* when a sustainability problem can be readily foreseen.

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Item 4.1 Tree Preservation Order No. % of 2013 – Oak tree situated at 12 Farnaby Drive, Sevenoaks, TN13 2LQ

E. The owner has volunteered to plant a replacement tree. An LPA has the authority to require a replacement tree to be planted when a TPO tree is removed, and usually does. As such a replacement tree is a material consideration with an objection and application. On a site visit made by Mr Dyer and Mr Jones, whilst Mr Dyer would only agree to it on the basis that the TPO was not discussed (somewhat surprising given that it is the only impediment to the grant of consent for the planning application – all other details being acceptable), the owner did indicate that a replacement tree was offered and Mr Jones said that this was something he would think about. At a later date when the owner asked of Mr Jones if he had given it any thought he was told that he would not consider it.

I have not attempted to cover all the points I make in my statement but just those which serve to emphasise how deficient the agenda report is. I am deeply concerned that not only have material issues been omitted or dismissed with no justification, but that various assumptions have been made which are demonstrably incorrect.

Perhaps most poignantly the offer to plant a sustainable replacement tree is ignored and absolutely no reasoned consideration has been given to the main argument that the tree is unsustainable in its position.

Yours sincerely,

Jim Quaife
Dip.Arb.(RFS), F.Arbor.A,
Arboricultural Association Registered Consultant
Chartered Environmentalist

Circulation:

Councillors:

Williamson (chairman), Miss Thornton (vice-Chairman), Mrs Ayres, Brookbank, Brown, Clark, Cooke, Mrs Davison, Mrs Dawson, Dickins, Edwards-Winser, Gaywood, McGarvy, Orridge, Mrs Parkin, Piper, Miss Stack, Underwood and Walshe.

Officers:

Mr Morris, Mr Dyer, Mr Jones and Mr Walker

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