

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

26 May 2005

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 PLANNING APPEAL DECISIONS

1.1 Site **23 Birch Crescent, Aylesford**
 Appeal **Against refusal of consent to remove one sweet chestnut tree**
 Appellant **Mr N Dalby**
 Decision **Appeal dismissed**
 Background papers file: PA/54/04

Contact: Cliff Cochrane
 01732 876038

- 1.1.1 Consent was refused to remove the tree on the grounds that the tree was healthy, was not considered dangerous and was a large mature specimen, which contributed to the character of the area. It was considered that there were insufficient cultivation grounds for the tree's removal.
- 1.1.2 The appeal was made on the grounds that the tree was oversized and diseased and removal was required to enable off-road parking for the appellant's vehicle, which at present is parked on a bend in the road. The appellant also had safety concerns about overhanging branches, which he considered posed a danger to his family and visitors. The appellant stated that, if the appeal was successful, he would landscape the area with shrub planting, including acer trees.
- 1.1.3 The Inspector considered that the tree is prominent within the local area, with few trees of this size and age in the immediate vicinity. The effect of the appealed work would be to create a gap. This would be detrimental to the visual amenity of the street scene when viewing the western side of the road. There are no trees of a similar stature that would mitigate the tree's removal in the short or medium term. He noted that there is storage of building material around the root plate, which can have a detrimental effect on tree health through compaction of the soil, interference with the diffusion of gases and availability of water.
- 1.1.4 A detailed examination of the tree could find no evidence of any fruiting bodies of known decay fungi nor was there evidence of exudates from the stem indicating a dysfunction with the water conducting system of the tree. The top of the tree appears to have died and there are isolated branches that have dead leaves on them. However, photographs of the tree in summer show dense foliage in the

lower canopy. An examination of the epicormic growth and twig extension growth indicates that the tree is still attaining reasonable growth.

- 1.1.5 It is not uncommon for twigs and branch wood less than 2 centimetres in diameter to become dislodged in high winds, but this does not usually constitute a serious hazard, nor would it designate the tree as “dangerous”. It could be alleviated by maintenance of the tree, which would include crown cleaning, ie removal of any dead, diseased, broken or rubbing branches that were found.
- 1.1.6 The Secretary of State accepted the Inspector’s findings and dismissed the appeal.

1.2 Site **82 Common Road, Bluebell Hill Village, Chatham**
 Appeal **Against refusal of permission for the erection of a three bedroom detached dwelling**
 Appellant **Dr P Raval**
 Decision **Appeal allowed**
 Background papers file: PA/71/04 Contact: Cliff Cochrane
 01732 876038

- 1.2.1 The Inspector considered the main issue to be the likely effect of the proposed development upon the character and appearance of the surrounding landscape.
- 1.2.2 The appeal site is within an area designated as a Strategic Gap, an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA) where strict policies operate to control development. Nevertheless, the site is within a ribbon of residential development and is well contained by the two storey house at no. 86 and by mature screen hedging along both the slip road and the frontage to Common Road,
- 1.2.3 In the opinion of the Inspector, the erection of a well designed bungalow, with access from the existing driveway would not affect the character and appearance of the surrounding designated landscape or the objectives of the Strategic Gap policy.

2 FORTHCOMING PUBLIC INQUIRIES AND HEARINGS

This list includes forthcoming public inquiries and hearings for all three Areas which have now been arranged. Unless otherwise indicated, they will be held in the Civic Suite at the Gibson Building and will last one day. All hearings and inquiries commence at 1000 hours on the first day.

It will be noted that this list includes hearing dates as far ahead as February 2006. There are also a number of other outstanding hearings and appeals for which dates have not yet been allocated. It is now the practice of the Planning Inspectorate not to list new cases for hearing more than three months in advance.

- 2.1 Site **Former Frantschach site, New Hythe Lane, Larkfield**
 Details **Appeal against non-determination of application for erection of 370 dwellings, including 30% affordable housing, with associated parking, landscaping and highways, following the demolition of the existing buildings.**
 Date: **Inquiry: 12, 13 and 14 April and 20 May 2005**
 Venue **East Malling Conference Centre**
 Background papers file: **PA/30/04**
- 2.2 Site **Land south-east of Hazeldene Bungalow, Old Lane, Ightham**
 Details **Appeal against refusal of planning permission for change of use of land for the stationing of one residential caravan**
 Date: **Hearing: 28 June 2005**
 Background papers file: **PA/78/04**
- 2.3 Site **Land at Fre Mel Farm, Comp Lane, Offham**
 Details **Appeal against refusal of planning permission for cessation of existing industrial and commercial uses and redevelopment of site by erection of ten new dwellings with associated access, garaging and ancillary works**
 Date: **Hearing: 16 August 2005**
 Venue **Offham Village Hall**
 Background papers file: **PA/52/04**
- 2.4 Site **Hop Farm Country Park, Branbridges Road, Beltring**
 Details **Called-in application for 64 holiday let units and associated works**
 Date: **Inquiry: 20 September 2005 (3 days)**
 Venue **Tonbridge Castle**
 Background papers file: **PA/65/04**
- 2.5 Site **Platt CE (Aided) Primary School, land opposite The Ferns, Maidstone Road, and the Playing Fields, Grange Road, Platt**
 Details **Appeal against refusal of planning permission for replacement primary school with attached playing field, replacement Memorial Hall, twenty affordable houses, sixteen private houses and public open space**
 Date: **Inquiry: 4 October 2005 (2 days)**
 Venue **East Malling Conference Centre**
 Background papers file: **PA/67/04**
- 2.6 Site **Tonbridge Grammar School for Girls**
 Details **Appeal against refusal of planning permission for construction of 117 dwellings**
 Venue **Tonbridge Grammar School for Girls (TBC)**
 Date: **Inquiry: 25 October 2005 (2 days)**
 Background papers file: **PA/61/04**

2.7 Site **Beechin Wood Farm, Beechin Wood Lane, Platt**
Details **Appeal against non-determination of application for retention
of engineering works relating to land re-grading**
Date: **Inquiry: ~~28 February 2006~~ Adjourned to a date to be fixed**
Background papers file: **PA/09/05**

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