

<b>REFERENCE NO - 18/501745/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 4 comprising 71 dwellings with associated infrastructure, pursuant of outline approval 13/1749.			
<b>ADDRESS</b> Land To The East Of Hermitage Lane, Maidstone, Kent			
<b>SUMMARY OF REASONS FOR RECOMMENDATION - (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>• The site (for 71 houses) forms part of the wider housing allocation for 500 houses in the Local Plan under policy H1(2), and benefits from outline planning permission.</li> <li>• The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission.</li> <li>• The development is considered to be of a high quality in terms of its design, layout, and materials.</li> <li>• The proposed vehicle access through the woodland is considered on balance to represent the best option when considering impacts upon Ancient Woodland, ecology, and the woodland amenity value as a whole.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Councillor Robertson has requested the application be reported to Planning Committee due to the large scale nature of the proposals which are on a prominent site and which will have a considerable impact on the local area especially the ancient woodland.			
(The application was deferred at the Committee meeting on 27 <sup>th</sup> September 2018)			
<b>WARD</b> Allington	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Croudace Homes Ltd <b>AGENT</b> Croudace Homes Ltd	
<b>DECISION DUE DATE</b> 05/10/18		<b>PUBLICITY EXPIRY DATE</b> 31/05/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community centre. Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	REFUSED – ALLOWED ON APPEAL	19.10.15
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1	APPROVED	21.12.16

	for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.		
17/502767	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.	APPROVED	13.11.17
17/503680	Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.	APPROVED	13.11.17
18/502875	Reserved matters of appearance, landscaping, layout and scale for Phase 3 of the outline approval comprising 127 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	UNDER CONSIDERATION	

## **1.0 BACKGROUND**

1.1 This application was deferred at the Committee meeting on 27<sup>th</sup> September 2018 for the following reasons:

1. *Examine in more detail the impact of vehicular access Options 2 and 5 through the woodland taking into account the visual impact of the works and any works necessary to meet health and safety requirements, including lighting; and*
2. *Ask whether further renewable energy measures can be provided in this Phase of the development and whether tunnels can be provided under roads to facilitate the safe passage of wildlife.*

1.2 The original committee report is attached as an **Appendix**.

## **2.0 DESCRIPTION OF RESPONSE**

2.1 The applicant has worked up detailed plans for Options 2 and 5 and provided additional information in the form of further ecological assessment and impacts on trees, which will be discussed below.

## **3.0 REPRESENTATIONS**

3.2 **Local Residents:** Publicity expires 31<sup>st</sup> October.

## **4.0 CONSULTATIONS**

4.1 **KCC Highways: No objections** to either alternative access option.

- 4.2 **KCC Ecology: Re-affirm no objections** and advise that access Option 3 remains their preference.

## 5.0 **ASSESSMENT**

- 5.1 The applicant has worked up detailed plans for Options 2 and 5 as requested by Members.

5.2 Option 5, which is at the west end of the woodland, was discounted by officers on the basis that significant engineering works would be required due to major level changes, it would be by far the longest access, and would result in the loss of the most amount of trees/woodland groups. It would also result in the loss of a small area of Ancient Woodland (AW) (albeit lower than other options), and separate harm to ecology from the loss of the trees/woodland groups and some acid grassland where reptiles were present under the ecological assessment within the outline application. Detailed plans have now been worked up which reveal that the steep embankments required would actually extend outside the application site. On this basis, it is not possible to provide Option 5 and so it must be discounted. Notwithstanding this, it would require an amendment to Phase 1 which is under construction.

- 5.3 Option 2 avoids AW and detailed plans with further assessment have been provided. KCC Highways are not raising objections to the access and would not require any lighting as the bend in the road would sufficiently control vehicle speeds. Further ecological assessment has been submitted which concludes the following:

*"An objective assessment of the available route options to access Phase 4 has been undertaken based on existing ecological survey data and updated trees survey data obtained in October 2018. This includes a consideration of ancient woodland matters under the NPPF: 2018 update. Options 1, 4 and 5 are able to be screened out and Options 2 and 3 are taken forward for further analysis. In this regard, some 19 separate ecological parameters are assessed of which 16 are informative in identifying difference between the options. Of these some 81% of parameters record a reduced effect on biodiversity under route Option 3. Accordingly, it is concluded that route Option 3 is preferred in ecological terms."*

- 5.4 KCC Ecology agree with the conclusion and advise that as the whole woodland is small, management of the woodland needs to be effective as possible and therefore the access road that creates the smallest impact on the woodland is preferable. They comment that, *"Option 3 will result in the smallest loss of woodland and it will ensure that the areas of woodland either side of it are not significantly different sizes. Option 2 will result in a small area of woodland being separated to the other area of woodland by the road – while the information submitted as part of the planning application details that the ecologist were happy that the road would not result in a significant loss of connectivity we highlight that it is preferable if the woodland parcels are as large as possible. We understand that no lighting is proposed for either option however due to the increased length option 2 will mean that there will be cars driving through the woodland for longer with headlights on - therefore the impact from lighting on the woodland and species within it will be greater if Option 2 is implemented."*

- 5.5 So whilst Option 3 will result in the loss of some AW, the overall ecological impacts would be less. Therefore and as previously concluded, it is considered wholly exceptional reasons exist to allow the loss of a small area of AW and conflict with policy DM3 because outline permission has been granted for housing on the site, the outline permission has been implemented and is under construction, and the

alternative options to access the site would have worse ecological impacts overall with over double the length of road. In addition, Option 2 results in the loss of more woodland, and runs through the widest part of the woodland, which is a valuable amenity to the local community (notwithstanding the impact on AW).

- 5.6 The proposed road for Option 2 (like Option 3) has been kept to the minimum possible to provide a safe two way road and pavement on one side. Small embankments would be required to the sides, no lighting would be provided to limit the ecological impact, and all services to the development would run underneath the road and this can be ensured by condition. New footpath ramps would be provided either side of the road on the existing public footpath and reflective bollards where the right of way crosses the road near the middle can be secured by condition.
- 5.7 If Members were to conclude that Option 2 is the preferred route then this can be approved and the relevant plans would be referred to under Condition 1.
- 5.8 Lastly, the applicant has considered the request for further renewable energy measures and whether tunnels can be provided under roads to facilitate the safe passage of wildlife. The applicant proposes to fulfil the obligations stated in the outline approval (condition 19), to provide 10% of energy by renewable means (PV Panels) and not provide measures above this. This is considered entirely reasonable in view of the outline consent and policy requirements under DM2, which do not seek renewable measures. The applicant considers the provision of tunnels under the roads to be impractical and would increase the impact upon the area. Tunnels are not considered a reasonable or necessary requirement and so would not pass the tests for conditions.

## **6.0 CONCLUSION**

- 6.1 It is considered that the applicant has suitably investigated Options 2 and 5 as requested by Planning Committee. Option 5 is not possible as it requires development outside the application site. Option 2 would not require lighting and no objections have been raised by Kent Highways. The applicant maintains that the ecological impact of Option 2 is greater than Option 3, a view maintained by officers and KCC Ecology. As such, Option 3 is recommended for the reasons outlined above, and in the original committee report.

## **8.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions** with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent revised plans shown on the Drawing Register received on 11<sup>th</sup> September 2018 (which for the avoidance of doubt approves access route Option 3).

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

2. No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS:5837 has been submitted to and approved in writing by the local planning authority. The AMS

should detail implementation of the road and footpath through the woodland and any aspect of the development that has the potential to result in an impact upon trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

3. No development including site clearance shall take place until details of tree protection including a tree protection plan in accordance with the current edition of BS:5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

4. No development shall take place until a soil translocation methodology demonstrating that the ecological and archaeological requirements (within the woodland and receptor site) have been met has been submitted to and approved in writing by the local planning authority. The approved methodology shall be implemented as detailed within the approved plan.

Reason: In the interests of ecological protection.

5. No development above slab level shall take place until details of the equipping and laying out of the children's play area have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory public open space.

6. No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and they shall include the use of ragstone in walling as shown on the approved plans, clay tile hanging and roof tiles, slate roof tiles, and multi stock brickwork.
7. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - a) Details and locations of swift bricks and bat boxes integral to buildings.
  - b) Details and locations of bird and bat boxes.
  - c) Wildlife friendly gullies.
  - d) Retention of cordwood on site.

- e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
- f) Timing of delivery of the above matters.

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity

8. No development above slab level shall take place until details of measures to prevent parking on landscaped/amenity areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

9. No development above slab level shall take place until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

10. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

11. No development above slab level shall take place until details of reflective bollards to be positioned either side of the access road where it meets PROW KB51 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of pedestrian safety.

12. No development above slab level shall take place until the following details for the pedestrian only footpath as shown on page 15 of the Design and Access Statement have been submitted to and approved in writing by the Local Planning Authority:

- The method of construction which shall be of a 'no dig' method.
- Specification of works including the base construction, retaining measures, and surfacing.
- Type and source of bark chippings (taking into account the ancient woodland soils)
- Mechanism and details for ongoing maintenance.
- Measure to prevent use by cycles at the south end of the footpath.

Reason: In the interests of protection the ancient woodland.

13. In the event that the proposed pond is not implemented and alternative surface water drainage measures are approved under condition 11 of the outline permission, details of landscaping in place of the pond and its implementation shall be submitted

to and approved in writing by the local planning authority prior to the occupation of any dwellings.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

14. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

15. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

16. No temporary or permanent lighting shall be installed on the vehicular access road through the woodland between the 15m ancient woodland buffers either side of the woodland shown by the dotted green lines on Site Layout Plan (Drawing no. DES-183-101E), or on the footpath link north of the 15m ancient woodland buffer shown by the dotted green line on the same plan.

Reason: In the interests of ecological protection.

17. All services for the development shall be run underneath the access road through the woodland.

Reason: In the interests of ecological protection.