

APPLICATION: MA/09/1656 Date: 15 September 2009 Received: 15 September 2009

APPLICANT: Mr M Stevens, Chegworth Manor Investments

LOCATION: LAND REAR OF 13-21, WARE STREET, BEARSTED, KENT

PARISH: Bearsted

PROPOSAL: An application to discharge conditions relating to MA/09/0576 (Erection of a terrace of three dwellings with parking to the rear) being details of condition 5 - landscaping; condition 7- boundary treatments and condition 10 - Reptile survey as shown on drawing no. MS/0809/104 and reptile survey received 15/09/2009 and drawing no. 01060909revA received 09/03/2009..

AGENDA DATE: 18th March 2010

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- Members of the Planning Committee resolved that details of landscaping and the reptile survey should be reported the Committee for determination.

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6
South East Plan 2009: CC6, NRM5
Village Design Statement: Not applicable
Government Policy: PPS1, PPS3, PPS9

2 HISTORY

- MA/09/1591: An application to discharge conditions relating to MA/09/0576 (Erection of a terrace of three dwellings with parking to the rear) being details of Condition 2 materials, Condition 3 slab levels, Condition 9 Arboricultural Survey & Impact Assessment: APPROVED 26/11/2009
- MA/09/0576: Erection of a terrace of three dwellings with parking to the rear: APPROVED 29/07/2009

- MA/08/1865: Erection of pair of semi-detached two storey dwellings with associated works including parking: PERMITTED 07/11/2008

3 CONSULTATIONS

3.1 Natural England: Have commented as follows:-

"The survey information provided by the applicants indicates that widespread reptiles are present within the application site. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on local widespread reptile populations. Therefore, Natural England is satisfied that these proposals will not be detrimental to the population of widespread reptiles, subject to the condition listed below.

Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Natural England would like to also emphasise the importance and benefits to biodiversity of planting native plant species in relation to condition 5 – landscaping."

3.2 MBC Landscape Officer: Has commented as follows:-

"The proposed landscaping scheme as detailed drawing No 01060909 shows a clipped yew hedge along the frontage, with one Birch in the rear garden of the end property at the northern end of the terrace and a shrub border at the southern end consisting of Choisya, cotoneaster, Hebe, Wiegela and 1 Birch tree.

Due to the size of the front and rear garden it is probably unreasonable to request additional trees to be planted particularly as there is a woodland to the south and is subject to TPO No 9 of 1986.

However further consideration should be given to the composition of the hedge, for example instead of one species it should consist of a number of species such as hawthorn, blackthorn, Hazel, and Holly, this type of hedge will create favourable habitats for species of birds etc. In addition planting of shrubs should be carried out in the rear gardens of the two remaining properties."

CONSIDERATIONS

4 Site Location and Description

- #### **4.1**
- The site is located on the east side of Hog Hill Bearsted some 40m south of its junction with Ware Street. It is currently an area used for parking by some of the residents of the terrace of dwellings (13-21 odd) that front onto Ware Street to the north of the site. The gardens of these dwellings face southwards, and are cut into the hillside and terraced. A building formerly used as a garage is located in the south east corner of the site. The site area amounts to approximately 0.087ha

- 4.2 The land raises steeply southwards from Ware Street and the existing terraced dwellings. The existing car park area is some 5.75m higher than the carriageway of Ware Street and also approximately 1.5m higher than the carriageway of Hog Hill. The dwelling at 21 Ware Street has a detached single garage in its rear garden that is accessed from and flanks onto Hog Hill.
- 4.3 To the south of the site lies woodland forming part of the Snowfield Estate. The woodland is subject to a Woodland Tree Preservation Order (TPO no.9 of 1986). This land was also incorporated into the enlarged Bearsted Conservation Area in 1999. The woodland and the land within the Conservation Area continue to rise steeply away from the application site in a south and south easterly direction.
- 4.4 Planning permission was granted under application MA/09/0576 on 29 July 2009 for the erection of a terrace of three dwellings with parking and car ports to the rear accessed from the existing access off Hog Hill.

5 Proposals

- 5.1 This application seeks approval of the landscaping (condition 5), boundary enclosure (condition 7) and a reptile survey (condition 10) pursuant to planning permission MA/09/0576
- 5.2 The landscaping scheme as submitted indicates the planting of a single species (yew) hedge to the frontage to Hog Hill surmounting a ragstone wall. To the rear of the three dwellings currently only a single tree was proposed in the largest garden with the remaining gardens laid to lawn. Ground cover shrub planting is shown to an area to the south of the access drive (adjacent to the woodland outside the site to the south), together with a single tree. The shrub planting as submitted is non-native.
- 5.3 Boundary enclosures comprise a 1m high ragstone wall to the Hog Hill frontage, a powder-coated chain-link fence to the southern boundary and close-boarded fencing to the rear garden areas of the proposed dwellings to provide privacy.
- 5.4 A reptile survey and translocation report was submitted as part of the application. The submitted report indicates that the population of slowworms on the site was a low population with only 6 slowworms (1 male, 3 females and 2 juveniles), recorded and no other reptiles recorded or seen.
- 5.5 A receptor site at Chegworth Manor Barn, Harrietsham was identified as suitable and a hibernaculum (5m long by 1m wide and 60cm deep) created and a log pile and rock pile also formed at the receptor site, with appropriate grass management and sowing of a wildflower seed mix undertaken. The slowworms that were recorded have been translocated to the receptor site.

6 Assessment

- 6.1 The provision of the ragstone wall to Hog Hill with a planted hedgerow is considered to be appropriate and will provide an acceptable appearance to the street scene at this point.
- 6.2 Noting the comments of the landscape officer regarding a solely yew hedge, the applicant has agreed to include additional species to provide a greater mix, these include hawthorn, blackthorn, hazel and holly.
- 6.3 I concur with the Landscape officer's comments that tree planting to the front gardens would not be possible due to the size of the front garden areas.
- 6.4 A hedge of the same species and mix as the hedge fronting Hog Hill, is now to be planted to the front of the proposed close-boarded fence around the rear garden areas of the dwellings to soften the appearance of this section of the site, together with an additional tree in the remaining two gardens.
- 6.5 I also requested changes to the species mix of the shrub planting on the south side of the site as these were non-native and not in accordance with the Council's adopted guidelines. Planting in this area is now to include dog rose, ivy and hazel, which are considered to be more appropriate being on the fringe of woodland.
- 6.6 The amended plan has now been received. A mixed species hedge is now shown to Hog Hill and in front of the fencing to the rear garden areas. The planting in the shrub area has been amended to comprise native species and an additional two trees, a Hornbeam and a Field maple, indicated in the rear gardens of the two houses that were not previously indicated to have any tree planting. A log pile has also been indicated in the shrub area on the south side of the site.
- 6.7 The proposed boundary enclosures elsewhere on the site are considered to be acceptable.
- 6.8 The reptile survey and translocation report has been considered by Natural England. They have no objections to its findings and conclusions subject to a safeguarding condition requiring further mitigation measures to be put in place. I also consider that it would be possible and appropriate to provide log and rock piles in the proposed shrub bed adjacent to the woodland as further enhancement. This can be the subject of a further specific condition. This will comply with the advice in PPS9 that seeks to promote enhancement of biodiversity and ecology.
- 6.9 I consider that with the agreed changes to the scheme the proposed landscaping and boundary enclosures for the site are appropriate and will not detract from

the character of the area. Further mitigation and enhancement for slowworms can be conditioned as requested by Natural England.

RECOMMENDATION

Details of landscaping, boundary enclosures and the reptile survey BE APPROVED subject to the following conditions:-

1. Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy to include the provision of refugia and hibernacula in the shrub planting are adjacent to the woodland area on the southern side of the site, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.