

27 September 2018

REFERENCE NO - 18/501745/REM			
APPLICATION PROPOSAL			
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.			
ADDRESS Land To The East Of Hermitage Lane, Maidstone, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • 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. • The proposals comply with the relevant criterion under policy H1(2), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • 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. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
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.			
WARD Allington	PARISH COUNCIL N/A	APPLICANT Croudace Homes Ltd AGENT Croudace Homes Ltd	
DECISION DUE DATE 05/10/18		PUBLICITY EXPIRY DATE 31/05/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings, education facility and community	REFUSED – ALLOWED ON APPEAL	19.10.15

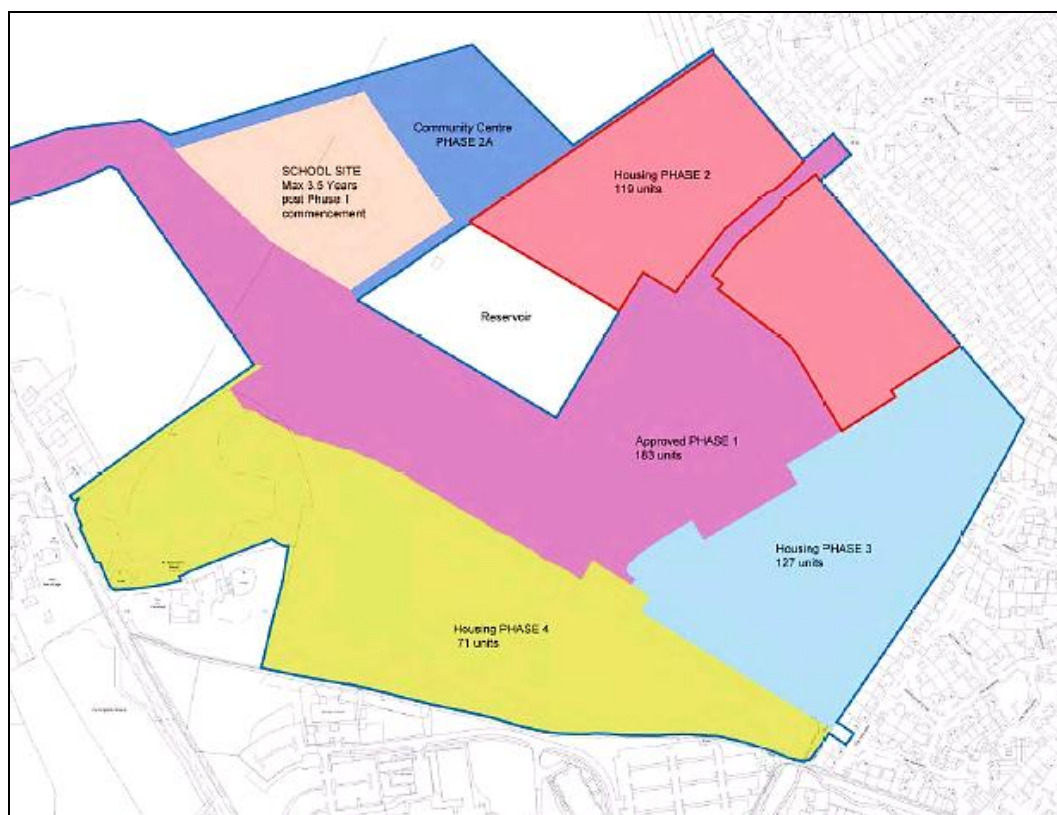
	centre. Provision of public open space associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.		
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	APPROVED	21.12.16
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 DESCRIPTION OF SITE

1.01 The larger housing site which has outline permission for 500 houses is located to the east of Hermitage Lane and houses are currently under construction within Phase 1. This reserved matters application relates to Phase 4 which is the grassed field on the south side of the belt of Ancient Woodland at the south end of the site which is also protected under a tree preservation order.

The woodland is to the north and east of the site, to the south is a public right of way (KB18) with a children's nursery and Maidstone Hospital beyond, and to the west is the dwelling 'The Old Hermitage'.

1.02 The site would be accessed via a proposed new road running through the woodland which will be discussed in the assessment below. This road would run off the approved layout for Phase 1. Phases 1 and 2 for housing have been approved which cover the majority of the northern part of the wider site and a community facility has also been approved under Phase 2A. The approved phasing plan is shown below.



Phasing Plan

Key: Purple (Phase 1), Pink (Phase 2), Blue (Phase 3), Yellow (Phase 4)

1.01 The site is allocated in the Local Plan under policy H1(2) for approximately 500 houses subject to a number of criterion.

2.0 PROPOSAL

2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 71 dwellings and includes a vehicular access through the ancient woodland (AW). There would also be a pedestrian link to the northwest corner which would run through the AW. A mix of detached and semi-detached houses of traditional design and two storeys in height are

proposed. The road through the woodland and the roads around the housing estate would not be put forward for adoption by KCC mainly to avoid the requirement for street lighting through the ancient woodland which will be discussed below. The layout and design will also be discussed in more detail in the assessment below.

2.03 It is important to note that under the outline application, the principle of housing development in this field being accessed through the woodland was accepted by the Planning Inspector and Secretary of State at the Public Inquiry. The precise route through the woodland was not set by the Inspector but various options were considered in detail and this will be discussed below. Therefore, this application cannot re-visit the principle of housing within this part of the site but can consider where it is accessed and whether the layout and design is acceptable.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(2), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 31 representations received raising the following (summarised) points:

- Harm and loss of Ancient Woodland.
- Harm to wildlife.
- Woodland is valuable to the local community.
- Loss of protected trees.
- Lack of infrastructure.
- Traffic and congestion.
- Lack of Environmental Impact Assessment.
- Disturbance through construction.
- Danger to pedestrians.
- Sink holes.
- Not the best option through the woodland.
- Lack of archaeological survey.
- Density is too high/houses should be reduced.
- Increased pollution.
- Lack of parking.
- Services should run under the road.

- Should not be a boardwalk.
- Routes through woodland should be signposted.
- Lack of affordable housing.

4.02 **New Allington Action Group:** Raise the following (summarised) points:

- Consideration should be given as to whether Phase 4 should be granted planning permission in view of recent sink holes.
- EIA is now required.
- Stronger protection for ancient woodland.
- Conditions are required to protect wildlife.
- Too many houses/too high density.
- 15m buffer zone to ancient woodland required.
- Proposed access is not the best option.
- Wildlife legislation must be adhered to.
- Drainage and sewers must be located under the road.
- Pressure and harm to woodland from new residents.
- Public right of way through woodland should retain its character.
- No cycles should be allowed in the woodland.

5.0 **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 **Natural England: No objections** and refer to their standing advice.

5.02 **Highways England: No objections.**

5.03 **Environment Agency: No objections.**

5.04 **KCC Highways:** No objections subject to street lighting being provided in the site (not within the woodland) and conditions (which pass the relevant tests) relating to retention of vehicle and cycle parking.

5.05 **KCC PROW:** Would not want to see the PROW along the south boundary enclosed by vegetation or fencing and recommend reflective bollards where the footpath crosses the new access.

5.06 **KCC Lead Local Flood Authority: No objections** subject to detailed drainage calculations being provided via the outline conditions.

5.07 **KCC Ecology: No objections** to the layout and LEMP. Recommend a condition relating the translocation of ancient woodland soils.

5.08 **KCC Archaeology: No objections** subject to conditions.

- 5.09 **MBC Landscape: No objections.** Consider the proposed access route on balance to be acceptable; raise some issues re. proximity of trees to houses; and no objections to the landscaping scheme.
- 5.10 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, and lighting.
- 5.11 **MBC Housing: No objections** to the mix of affordable housing and its location.
- 5.12 **Forestry Commission:** Refers to standing advice.
- 5.13 **Southern Water: No objections.**
- 5.14 **Kent Wildlife Trust:** Should not be lighting through woodland; LEMP must be secured; hedgehog gaps should be provided.

6.0 APPRAISAL

- 6.01 The principle of housing development at the site has been accepted at the Public Inquiry under the outline consent and the site is allocated in the Local Plan for housing under policy H1(2). The key issues to consider are the following:
- The proposed vehicular access through the ancient woodland and footpath link.
 - Design, layout, scale, landscaping and compliance with the site allocation policy.
 - Highways, ecology and other matters.

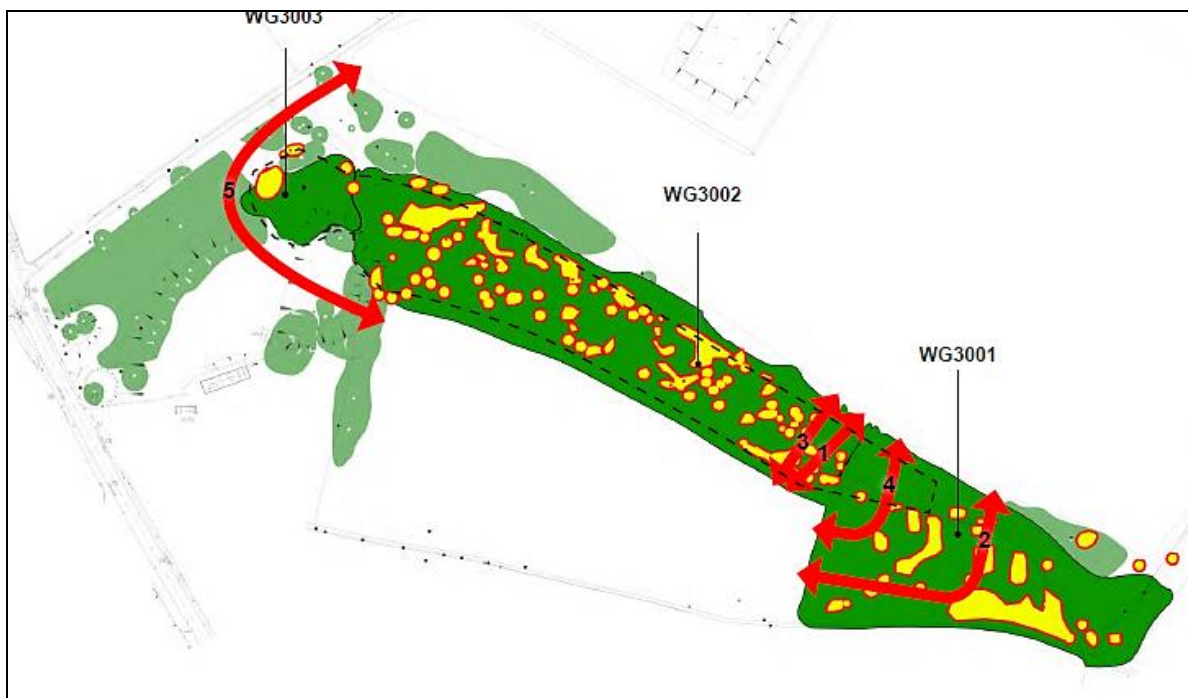
Vehicular Access Through Woodland

- 6.02 Under the appeal, 3 routes through the woodland were included in the applicant's proposals. Two of these options were not preferred by the applicant and so were not assessed in detail by the applicant. The applicant's preferred option is that now proposed under this application (Option 3) and as more detail was provided on its impact, it was assessed by the Inspector. Because there was a lack of detail on any of the other options, or indeed alternative routes through the woodland, the Inspector did not insist on Option 3. However, he did assess Option 3 and concluded that the ecological effects would be acceptable notwithstanding the loss of ancient woodland (AW), when balanced against the benefits of the development.

6.03 Nonetheless it is important to note that the Inspector considered that other routes through the woodland had not been tested and should be explored under the reserved matters application. He states at paragraph 252 that,

"There is therefore no convincing justification for a condition insisting on the selection of option 3 through applying the Parameters Plan. It should remain as an illustrative example only. I adopt that route for the purposes of this Report, but it needs to be understood that any finding that the development is acceptable on the basis of option 3 does not mean that some other option might not be found to be preferable at detailed stage."

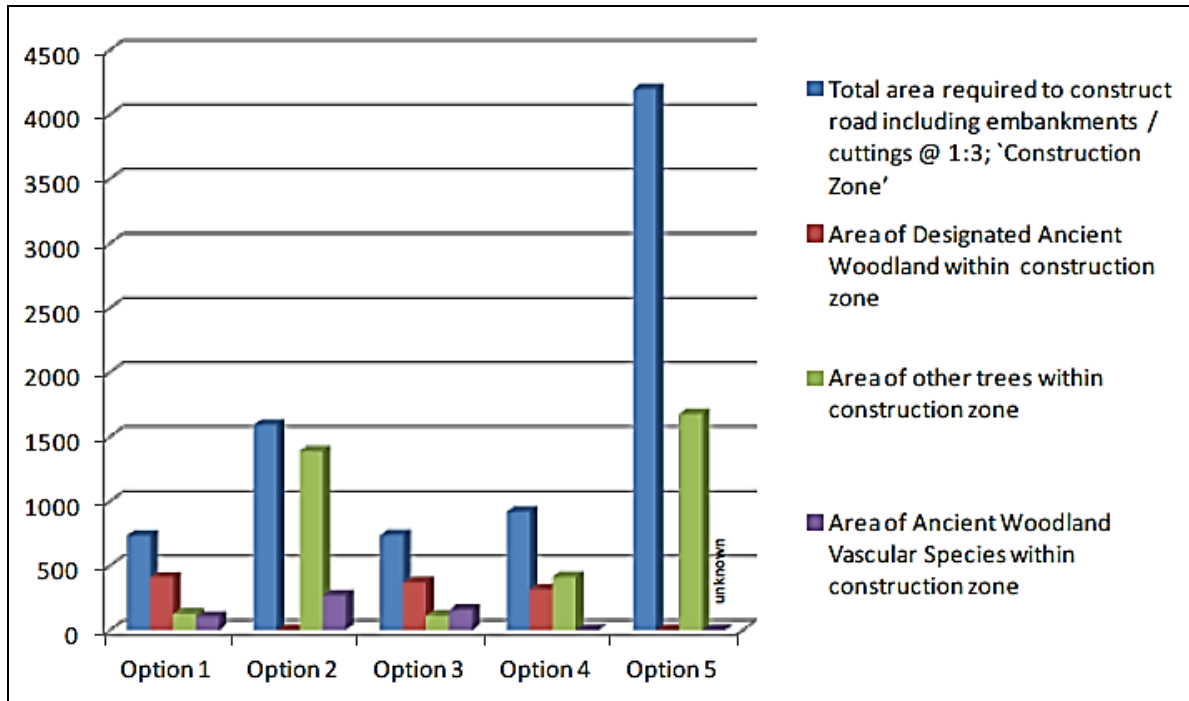
6.04 As such, the applicant has tested 5 routes through the woodland which can be seen on the plan below.



Key

Dotted Line: Extent of Ancient Woodland
Yellow: Ancient Woodland Vascular Species

6.05 Each option has its pros and cons and some of the key impacts of each are set out in the graph below. This relates to the total area required to construct the road, area of AW affected, area of other trees/woodland affected, and area of AW indicator species.



6.06 Option 5 would run through an area that has significant changes in levels including a former quarry so would require extensive cutting and embankments, and would result in by far the longest access, significant engineering works which would be visible from the main entrance into the site, and loss of the most amount of trees/woodland groups. It would also still result in the loss of a small area of AW due to embankments (albeit lower than other options), and harm to ecology from the loss of the trees/woodland groups and some acid grassland where reptiles were present under the ecological assessment with the outline application. For these reasons it is not considered appropriate to take forward.

6.07 Option 2 avoids the AW but results in a much longer road through the woodland as a whole. Whilst it is not AW, a much larger area of the woodland would be lost, which still has significant ecological interest including ancient woodland indicator species, and the woodland (AW or otherwise) has value to the local community. KCC Ecology also consider that as the woodland is very small there is a need to ensure as much of it is maintained as possible. Due to the sheer amount of woodland impacted and for the reasons above, this is not considered to be an appropriate option.

6.08 Options 1, 3 and 4 all pass through AW with Option 1 resulting in the most loss of AW of the three. I therefore do not consider Option 1 is the appropriate option. This leaves Options 3 and 4.

6.09 Option 4 results in slightly less loss of AW (350m^2 against 395m^2) and no loss of AW indicator species but a larger loss of woodland overall (747m^2 against 507m^2) compared to Option 3. As such there is not a significant difference

between these two options in terms of ecological impact. Because of this, and whilst very balanced, KCC Ecology encourage the shortest route through the woodland, which is Option 3, and I agree with this. I note the Landscape Officer also considers this route on balance to be preferable. I am also well aware of the value of the woodland to the local community (AW or otherwise) and whilst I note local residents would clearly rather not see any road through the woodland, Option 3 would have the least impact upon the wider woodland in terms of its amenity value (notwithstanding the impact on AW).

6.10 The revised NPPF states at paragraph 175(c),

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"

6.11 The footnote to this paragraph gives examples of wholly exceptional reasons such as nationally significant infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat. Previously (and at the time of the appeal decision) AW was protected but the NPPF required a balance of the need and benefits of a development against the loss of any AW, and so set a lower bar. Policy DM3 of the Local Plan also seeks to protect AW from inappropriate development and avoid significant adverse impacts as a result of development.

6.12 Option 3 would result in the loss of 395m² of AW so wholly exceptional reasons are required to justify the loss of AW. Whilst the proposals are not a nationally significant infrastructure project, the alternative options to avoid the loss of any AW (no. 2), or less AW loss (nos. 4 and 5) are not better options on overall ecological grounds largely because they result in the loss of more trees/woodland overall. The expert ecologists at KCC are recommending Option 3 as this would have the least impact upon the woodland overall. One of the key reasons for protecting AW is for ecological grounds and so it is considered that choosing a route that results in less AW loss but more ecological harm would be a somewhat contradictory approach. As such, in this specific case, 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. In addition, the alternative options result in the loss of more woodland which is a valuable amenity to the local community.

6.13 The compensation strategy is the same as was considered suitable by the Planning Inspector at the Public Inquiry and secured being AW soil translocation (in the proposed AW buffer zone), ecological mitigation measures, new woodland planting in the northern field, management of all woodland, community orchard, parkland and grassland provisions, and

facilities to encourage to fauna. I consider this is a suitable compensation strategy for the loss of a 395m² of AW.

- 6.14 The proposed road itself would be kept to the minimum possible to provide a safe two way road and pavement on one side (5.5m road width and 2m pavement). As the land slopes down towards the north end of the woodland and Phase 1, small embankments would be required to the sides and resulting in a width between 9m-11m in total. No lighting would be provided to also limit its 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.
- 6.15 In conclusion and whilst balanced, the applicant's proposed route through the AW (Option 3) is considered acceptable for the reasons outlined above.

Footpath Link

- 6.16 The footpath link would run from the northwest corner of the development into the AW to meet up with public footpath KB51. There is discussion of providing a boardwalk for this link within the Planning Inspector's decision (para. 256) where he felt there were merits with this approach as it would relieve trampling damage of the AW. Through pre-application discussions it was agreed that a more informal path would be the preferred option rather than a boardwalk. The applicant has therefore proposed a path with bark chippings. Advice from KCC Ecology outlines that the use of boardwalk or chips to create the path both have advantages and disadvantages but ultimately they would recommend the boardwalk to ensure the best protection of the AW as it is felt that the chip path may become muddy and walkers may veer off the path. I do not consider there is a significant difference between the two so conclude that bark chippings would be acceptable, and they would also not result in the loss of any trees. Conditions will be required to approve the construction details to ensure the minimum impact upon the AW, to prevent cycling such as bollards, and to ensure on-going maintenance of this path. KCC PROW do not wish to see bark chippings on the public footpath so they can be used up until the public footpath.
- 6.17 This link would result in the impact upon a small area of AW but it is considered appropriate to provide a designated footpath due to the increased population in the proximity. The proposed route is a clear desire line from Phase 4 to the public footpath and beyond to the future school and community centre. It is therefore considered better to have a clear path on this desire route rather than leave it to informal routes being established and the benefits outweigh any harm. This is considered on balance to be an acceptable reason for allowing a low impact upon the AW here.

Design & Layout

- 6.18 Considering the site policy requirements relevant to this phase first, the layout ensures that a 15m wide landscape buffer is provided between the AW and the proposed housing, and that root protection areas for trees within and adjacent to the AW would also be protected. The only intrusion into the buffer and root protection areas is for the access road into the site and the paths linking to the northwest corner. It must be noted however that the paths would not result in the loss of any trees.
- 6.19 In relation to the relevant parameters on the outline permission, all building heights are below or at 11m, as required by condition 20. The layout provides for 1.22ha of open space within Phase 4 which would mainly be natural/semi-natural alongside the woodland along with the woodland itself (3.2ha) which is in line with quantity and type specified in the original Design and Access Statement as required by condition 21. This is also in accordance with criterion 13 of the site allocation policy.
- 6.20 The layout is made up of four perimeter blocks of housing which provide strong street scenes with houses addressing all roads, and buildings turning corners with architectural detailing and/or windows. Buildings are positioned to provide end stops to views within the layout. The AW buffer forms part of a larger area of open space along the north boundary between 15-20m wide that would be planted with a woodland shrub mix and wildflower meadow with new trees. The northern road faces the AW buffer so that this space remains an open and an attractive part of the scheme and forms a green corridor supplementing the woodland with a surface water drainage pond towards the west end. Criterion 13 of the site policy states that the site should be maximised for the provision of open space, making best use of existing features within the site. The woodland would obviously be retained and the proposed landscaped area would supplement this and provide a good amount of natural/semi-natural open space here (just under 1.22ha). A small play area would be provided at the west end to complement other similar play areas throughout the wider site.
- 6.21 Along the south boundary houses are sited rear on to the public footpath. This provides surveillance of the footpath and through amendments new hedging has been set slightly off this PROW and boundary fences set back so that the footpath is not unduly enclosed. New pedestrian access points onto the footpath provide good connectivity here and mean that the development interacts well with the right of way.
- 6.22 The density equates to approximately 30 dwellings per hectare (dph) below the average density of 40dph outlined in the site policy and slightly below the density of the other phases (approximately 35dph). Buildings are set back from the roads with well-landscaped front gardens so that parking is not dominant. With mainly detached houses and spaces between at 1st floor level formed by garages in places, the layout has a 'rural' feel as opposed to the more urban fabric of phases 1 and 2 and as such the density is acceptable.

- 6.23 Generally exposed boundary treatments would be brick walling but on the eastern housing block ragstone walling would be used as this is the entrance to the site and an area where two new connection points to the southern footpath would be provided.
- 6.24 Houses and gardens would be laid out to ensure sufficient privacy and outlook and the development is a sufficient distance from the nearest neighbouring properties to the west (over 40m) so there would be no harmful impact.
- 6.25 In terms of parking, KCC Highways have raised no objections. The scheme provides a total of 177 parking spaces, including 17 visitor spaces. Most of the 3 bedroom houses have tandem parking but this allows more space for landscaping and I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23.
- 6.26 Overall, the layout is considered to be of good quality providing a green corridor across the northern part of the site with the woodland area, buildings suitably addressing streets and good connectivity with footpaths around the site and complying with the requirements of policy H1(2), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

- 6.27 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. As outlined above the heights are below the 11m limit set under the outline consent
- 6.28 The applicant has proposed a traditional appearance with mainly detached houses with gabled roofs (without any hips). Two storey gables are provided on some and projecting bay windows to provide interest. Detailing is provided on houses including decorative brick courses above some door and window openings, brick plinths, bay windows, porch overhangs, and chimneys on some house types. Materials proposed include red bricks, tile hanging, artificial white boarding to some elevations and in full on some house types, natural slate and clay tiles to roofs. These quality materials are secured by conditions as are samples.
- 6.29 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

- 6.30 Surfacing would be predominantly block paving for roads with sections of tarmac at junctions. All parking spaces and driveways would be block paved. The road through the woodland would be tarmac. The path towards the northwest corner linking to the play area would be a 'hoggin' path (mixture of

clay, gravel, and sand). Boundary treatments would include ragstone walling on the eastern block and otherwise brick walling on exposed areas. Fencing within gardens would provide privacy. Chestnut post and rail fencing (1.2m) would be provided along the road boundaries with the woodland and along the 15m AW buffer which is an appropriate treatment. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 6.31 The landscaping scheme provides a good number of new trees across the development with new hedges bounding front gardens. Species are mainly native particularly near to the woodland but more ornamental within the development itself which is acceptable. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development. The landscape officer originally raised so concern re. proximity of plots 324-326 to trees on the south boundary and future pressure due to shading but on balance does not consider this is grounds object. In response, the applicant as moved the houses slightly further away from the trees which reduces this issue.
- 6.32 One of the main implications for ecology is the new road through the woodland which is discussed above. In terms of the translocation of the AW soils there is the potential for some overlap with archaeology works and so a condition is recommend by KCC Ecology requiring details of the methodology for this taking into account any archaeological interests. The section 106 for the outline permission requires a Landscape and Ecology Management Plan (LEMP) for each phase and this has been submitted for phase 4 with the aim of delivering net biodiversity gains and protecting the AW. Enhancements include invertebrate boxes, bird and bat boxes across the site, Hibernacula, refugia and log piles. KCC Ecology has confirmed that the LEMP is acceptable.

Highways

- 6.33 The access road through the woodland and within the development would not be offered for adoption by applicant (and this is not compulsory). The main reason for this is because with adoption comes the requirement for street lighting. Street lighting on the access road through the AW would be to the detriment of ecology and have a further negative impact upon the character of the woodland. KCC Highways have acknowledged the preference for no lighting but did raise concerns regarding speed reduction measures that were proposed on the woodland road including speed humps which they would require to be lit. The applicant has removed these measures and KCC now do not object because they consider the raised tables at the junctions at either end of the road would be sufficient to control speeds at a safe level. They recommend reflective bollards where the right of way crosses the road near the middle which would be acceptable and can be secured by condition.

6.34 Within the site, lighting would be provided which KCC advises would be necessary to ensure safety. KCC refer to a section within the layout where no footway is provided which is between plots 359-364 for around 55m. The applicant has designed this to be shared space areas and KCC advise that if this is the case then lighting should be provided which it is. As such, they have no objections with regard to highway and pedestrian safety.

Other Matters

Affordable Housing

6.35 Affordable housing would be provided at 30% which is in accordance with the outline permission of which 60% would be affordable rent and 40% shared ownership. The houses are focussed towards the southeast corner of the site and the house sizes are considered acceptable by the Housing section.

Surface Water Drainage

6.36 The strategy to deal with surface water from the houses and roads is through the proposed pond (which would have deep borehole soakaways) towards the northwest corner and the swale that leads to it. The surface water from the road through the woodland would discharge to a pond located to the northern boundary of the wider site. KCC LLFA advise that the strategy is acceptable and the finer details to determine matters such as the precise depth of the pond and swale, and size of pipes would be provided under the original outline condition. They also advise that there as the underlying strata is ragstone there is a risk of encountering loosely infilled features known as 'gulls'. If these features exists and are inundated with water from soakaways it could lead to ground instability (such as sink holes) and so the detailed design will need to be supported by comprehensive ground investigations and geotechnical assessment to ensure surface water discharges only occur into competent ground. This will be investigated under the recommend condition and if soakaways are not feasible then water would drain to other ponds on the wider site, where capacity could be provided. A condition will cover this scenario so that the pond area is suitably landscaped.

Archaeology

6.37 For archaeology, this was considered by the Planning Inspector at the appeal and condition 12 requires no development to take place until a programme of archaeological work in accordance with the Heritage Statement submitted under the outline application is submitted and approved. KCC have expressed disappointment that a Heritage Statement was not submitted with this application to consider archaeology and mitigation but suggest a condition if minded to approve. As stated above, this was considered at outline stage and there is already a condition in place on the outline consent which covers relevant issues.

Air Quality

- 6.38 Environmental Health has requested an Air Quality Emissions Reduction condition. National Planning Guidance is clear on attaching conditions to reserved matters applications and states that, "*conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.*" Basically this means that you can only impose conditions that relate to specific issues being considered at outline stage and not (in this case) to address the principle impact of 500 houses. The Inspector was satisfied with off-site highways improvements and a Travel Plan condition to deal with air quality. However, I do consider it is possible to attach a condition requiring charging points as this is a matter that relates to the design of the houses in line with policy DM23.
- 6.39 Condition 19 requires at least 10% of energy supply of each phase to come from decentralised and renewable or low carbon energy sources. This would be secured through PV panels on houses as per the previous phases, and would be discharged separately under the condition.
- 6.40 Issues raised by third parties not addressed in the assessment above or relating to principle matters considered under the outline permission concern the alleged need for an Environmental Impact Assessment (EIA). The outline application was 'screened' by both the Council and the Planning Inspectorate and it was concluded that an EIA was not required. Changes to the regulations in 2015 or 2017 do not affect this conclusion or mean that an EIA would now be required.
- 6.41 The outline consent was granted prior to the Council's Public Art Guidance and so this cannot be applied to the reserved matters.

7.0 CONCLUSION

- 7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(2), and other relevant policies within the Local Plan. The proposed route through the AW is considered acceptable and wholly exceptional reasons exist to allow the loss of 395m² 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. Permission is therefore recommended subject to the following conditions.

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 11th September 2018.

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.

Case Officer Richard Timms