

REFERENCE NO - 19/505816/SUB		
APPLICATION PROPOSAL Submission of details pursuant to condition 5 (Materials), condition 7 (Woodland Management Plan), condition 8 (Proposed Boundary Treatment), condition 10 (Ecology) condition 11 (Construction Environmental Management Plan : Biodiversity) and condition 17 (Bird boxes) in relation to planning application 15/503359/OUT and Appeal Reference APP/U2235/W/15/3132364 (for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access))		
ADDRESS Lordswood Urban Extension Gleaming Wood Drive Lordswood Kent		
RECOMMENDATION APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted additional or revised information to deal with concerns of the August Planning Committee is considered to be acceptable overall. The funding programme is acceptable but an informative is needed to advise that the details would need to be revised if equal service charges to all 89 dwellings cannot be achieved. The addition of an underpass is not considered to be warranted in this case: both because it is unlikely to be necessary as the road is an estate residential road which will have relatively low traffic flows/speeds particularly at night and because such an underpass would be additional engineering work in the Ancient Woodland and so there need to be "wholly exceptional reasons" if this would harm the Ancient Woodland further than already approved in the outline appeal decision. If pursued, the purpose of the underpass would need to be more clearly detailed to allow for the likely design/size and land take to be considered in the light of NPPF policies on Ancient Woodland. The applicants have otherwise responded to Members queries and hence details as now further revised are considered to meet both the requirements of the Inspector who granted the outline planning permission and national and local planning policies on these matters.		
REASON FOR REFERRAL TO COMMITTEE Referred by Boxley Parish Council		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm Developments Ltd AGENT Mr Iain Warner
TARGET DECISION DATE 25/01/20		PUBLICITY EXPIRY DATE 12/06/20

Relevant Planning History

15/503359/OUT

Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Refusal Decision Date: 18.08.2015

Appeal Allowed 30.11.15

18/500346/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.

Refused Decision Date: 07.09.2018

18/505455/REM

Approval of Reserved Matters for Access, Appearance, Landscaping, Layout, and Scale, pursuant of 15/503359/OUT - Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access).

Approved Decision Date: 18.06.2019

19/504442/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works. (RESUBMISSION OF 18/500346/FULL)

Refused Decision Date: 02.12.2019

Appeal Decision Pending

MAIN REPORT

1. BACKGROUND

1.01 This is a report which follows a deferral from 20 August 2020 Planning Committee to enable the Officers to seek to secure:

- A more detailed and improved Woodland Management Plan (WMP) taking into account the suggestions made by Boxley Parish Council in its representations to the Committee and including not just the woodland but also the spatial edges and brushwood areas;
- More information relating to the funding arrangements being adequate to deliver the WMP cross-referencing the obligations in the unilateral undertaking;
- More dormouse bridges and an underpass for wildlife;
- Insect bricks in end walls adjacent to the public highway/public footpaths and bug hotels in the natural areas;
- Wildlife friendly boundary treatments including gaps for hedgehogs;
- Deadwood piles to provide wildlife habitats;
- More bird/bat boxes in standard trees at a reasonable height;
- No Sycamore trees within planting schemes.

1.02 The previous report is appended. The issues of conditions 5 (Materials) and 8 (Proposed Boundary Treatment) were not included in the deferral and were accepted by Members (except in relation to hedgehog gaps in the boundary fences).

2. PROPOSAL

2.01 Since the August Planning Committee, the agent has submitted the following summarised additional/revised information:

Letter dated 8 September 2020

2.02 *Retention of Bioscan (authors of the WMP) in terms of appropriate expertise to carry out regular reviews of management operations and their efficacy*

2.03 *A minimum of five-yearly reviews based on targeted surveys of key species and habitats at five-yearly intervals.*

2.04 *An annual plan will indicate the areas of woodland that have been coppiced and with the date of such works for ongoing management, available to the council to review;*

as it is down to site manager's experience when the best time for coppicing to be carried out and which areas.

- 2.05 *The WMP sets out the proposed management for the woodland areas and within the 15m buffer zone and therefore addresses all of the areas within the site that have been identified as areas of ecological value.*
- 2.06 *The works to be carried out by an appointed contractor under the oversight of a management company responsible for communal areas. The requirement to comply with the WMP is a requisite of the outline planning conditions and Unilateral Undertaking. Many obligations are met via service charge contributions.*
- 2.07 *Further surveys would not change the mitigation and enhancement proposals for dormice. An arboreal connection is proposed and benefits from a coppice regime.*
- 2.08 *Issues around potential fragmentation of dormouse habitat were debated at length and addressed by the Inspector who accepted the access road and the arboreal connections proposed. Any further arboreal connections across the access roads, including any artificial dormouse bridges is a matter for the dormouse licence.*
- 2.09 *Funding arrangements - the annual charge would remain in place throughout the life of the development and beyond a 25 year programme. The annual part-time wardening budget allowed for could fund a local retiree, or be used in part-support of an outsourced full-time local ranger who could cover several sites in the wider area. A bespoke full-time warden for this size of woodland is not justified.*
- 2.10 *We are not clear on what grounds an underpass is being called for as traffic volumes on the access roads will be low. If justified, it would be likely to involve more landtake from Ancient Woodland which needs to be considered in the context of paragraph 175c of the NPPF.*
- 2.11 *The WMP already makes provision of deadwood piles within the woodland area and within the buffer zone as reptile refugia/hibernacula.*
- 2.12 *Landscape details have already been approved as part of the Reserved Matters application ref: 18/505455/REM by the Planning Committee in July 2019 and contain no sycamores.*

Woodland Management Plan Dec 2020

- 2.13 *An updated WMP was submitted based on the Bredhurst Woods Management Plan. It now includes up dated survey results for dormice in 2019 and reptiles in 2020*
- 2.14 *It is accompanied by a Woodland Funding Programme over a 25-year period with an associated Works & Monitoring Programme spreadsheet.*
- 2.15 *A management company will arrange and oversee the works, and ensure that the management prescriptions are carried out by appropriated experienced operatives.*
- 2.16 *A part-time warden will be employed for 1-2 days per week who may be recruited from the future residents (e.g. a retiree) or seconded (for example a 'drop-in' arrangement for wardens from other nearby nature reserves or woodland sites.)*
- 2.17 *Fees of £200-250 pa will be levied from each property including both market and affordable units. At year 25, the annual service charge may be adjusted if it is found to continue to exceed the financial requirements of ongoing management in perpetuity.*

Additional Information Received 05.01.21

- 2.18 *12No. insect bricks to be built into end walls near the public highway/public footpaths at a height of around 1m, facing south or west wherever possible plus*

4No. bug hotels to be installed within the natural areas (exact locations to be decided by the supervising ecologist on site).

- 2.19 *15 bat boxes will be installed in the woodland at 5m height with a south or south-westerly aspect and 13 bat boxes/bricks will be installed on the new dwellings (increase of 5)*
- 2.20 *Within the woodland will be 24 bird boxes of various types installed to a height of around 4-5m wherever possible, and with a north or north easterly aspect plus 12 Nest bricks to be installed on the dwellings (increase of 8).*
- 2.21 *1 hedgehog friendly gravel board per plot to be provided in appropriate positions within garden boundary fencing.*

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 1 further representation received from a local resident raising the following (summarised) issues
- Loss of Ancient Woodland and habitat for native wildlife
 - increased population/urban sprawl
 - traffic pollution

5. 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)

Boxley PC

- 5.01 Any comments will be reported in an Urgent Update

KCC Ecology

- 5.02 Response on the underpass as follows:
- The road in to the development is a single carriage road and based on the number of dwellings it is not expected to be a continuous and heavily used road and presumably there will be a speed limit on the road. Therefore unsure of the benefit of creating tunnels under the road as it is likely that terrestrial species will continue to access either side of the woodland via the road.
 - The creation of an underpass has a number of issues – in particular the further loss of AW to create it and the on going management of it to ensure it continues to be accessible (they can get clogged with leaves etc). May be a maintenance issue for highways if the road is to be adopted.
 - While underpasses can be highly beneficial to keeping habitats connected when large roads schemes are constructed, I do not think it is beneficial in this situation.
 - However there may be a need to consider any kerbs/fencing which is proposed for the road to ensure they will not act as a barrier to movement.

6. APPRAISAL

- 6.01 The response of the applicant to the reasons for deferral are discussed in turn below:

Woodland Management Plan

- 6.02 This has been revised in line with the Bredhurst WMP and consequently there is now much more detail on how the parcels will be managed for all of the 9 compartments for each year over 25 years. The area covered is all of the AW and the 15m buffer.

Funding arrangements

- 6.03 The details provided are 'set up' management costs estimated to be approx £38,000 including admin fees and VAT. Follow up 5 yearly costs are provided in a spreadsheet and compared to a rolling income from service charges on the 89 dwellings. The programme identifies breakeven by years 4 or 9 depending on the service charge being £250 or £200pa respectively. As such, the agent says it is envisaged that the higher rate is likely to apply until the initial outlay has been recouped and that any surplus management funds in a given year will initially be retained as a contingency fund.
- 6.04 The developer undertakes to cover the year 1 capital costs and recoup them later. Wardening costs are given at £5000 pa with 3% wage inflation which reflects the agent's assertion that this would be a part time post for 1-2 days a week and suit a resident retiree or secondment of a warden from other nearby woodland nature sites.
- 6.05 The funding programme is based on all dwellings being subject to the service charge and this is not something that has been proven as yet to have been negotiated with a Registered Provider which may be involved in the affordable housing that is secured on the site under the outline consent. Therefore an informative is needed to advise that the funding programme details would need to be revised if equal service charges to all 89 dwellings cannot be achieved subsequently.

More dormouse bridges and an underpass for wildlife

- 6.06 The applicant remains of the view that the single rope-style canopy bridge for dormice connectivity was endorsed by the Inspector and in any event, is a matter for Natural England when they consider the dormouse licence. I agree with both of these points.
- 6.07 The applicants advise that they are not averse to creating an underpass even though they consider the low traffic on the road would not justify it and would wish for Members to fully consider the negative impact on Ancient Woodland (AW) in the context of paragraph 175c of the NPPF (which states that any harm to AW should be justified by wholly exceptional reasons).
- 6.08 Based on the advice of KCC Ecology, it is my view that an underpass on a residential road for 89 dwellings is unlikely to provide benefits to connectivity for wildlife to outweigh the harm to the AW arising from additional engineering and thus landtake. Night time traffic in particular will be minimal in terms of nocturnal species such as hedgehogs. If Members wish to pursue this, it will be necessary to provide the applicant with clarity on the intended purpose of the underpass so that its design/size is detailed to allow a quantification of the harm to AW to be assessed in line with para 175c of the NPPF.
- 6.09 KCC's suggestion of the developer ensuring that kerbs and fencing etc do not impede crossing of the access road can be the subject of an informative.

Insect bricks and bug hotels

- 6.10 These have been agreed by the applicant and are appropriate for biodiversity net gain.

Wildlife friendly boundary treatments including gaps for hedgehogs;

- 6.11 These have been agreed by the applicant as one per plot in the gravel boards to any fence line. Whilst this does give some biodiversity gain, ideally some plots such as end plots will need more than 1 gap to give fuller connectivity. The agent has been asked to consider this and any response will be reported. In any event, this can be the subject of an informative.

Deadwood piles to provide wildlife habitats

- 6.12 These were already detailed in the originally submitted WMP.

More bird/bat boxes in standard trees at a reasonable height;

- 6.13 These have been agreed by the applicant (extra 8 and 5 respectively at appropriate heights) and are appropriate for biodiversity net gain.

No Sycamore trees within planting schemes

- 6.14 This has already been secured in the approved landscaping details.

PUBLIC SECTOR EQUALITY DUTY

- 6.15 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The submitted additional or revised information to deal with concerns of the August 2020 Planning Committee is considered to be acceptable overall.
- 7.02 The funding programme is acceptable but an informative is needed to advise that the details would need to be revised if equal service charges to all 89 dwellings cannot be achieved.
- 7.03 The addition of an underpass is not considered to be warranted in this case: both because it is unlikely to be necessary as the road is an estate residential road which will have relatively low traffic flows/speeds particularly at night and because such an underpass would be additional engineering work in the AW and so there need to be "wholly exceptional reasons" if this would harm it further than already approved in the outline appeal decision. If pursued, the purpose of the underpass would need to be more clearly detailed to allow for the likely design/size and land take to be considered in the light of NPPF policies on Ancient Woodland.
- 7.04 The applicants have otherwise responded to Members queries and hence details as now further revised are considered to meet both the requirements of the Inspector who granted the outline planning permission and national and local planning policies on these matters.

8. RECOMMENDATION

APPROVE DETAILS

INFORMATIVES

- 1) You are referred to KCC Ecology's suggestion of ensuring that kerbs and fencing etc do not impede crossing of the access road by wildlife.
- 2) It is noted that the funding programme is based on all dwellings being subject to the service charge and would need to be revised if equal service charges to all 89 dwellings cannot be achieved.
- 3) You are encouraged to add more wildlife friendly gravel boards to end plots to enhance connectivity further.
- 4) The decision relates to the following documents:
 - Bird and Bat Boxes January 2021 (Bioscan Report E1739r8rev1)
 - Agent Response to Deferral 09 Sep 2020
 - Ancient Woodland Management Plan Dec 2020 (Bioscan Report E1739r5rev2)
 - Woodland Funding Programmes 22 Dec 2020
 - Woodlands Works and Monitoring Programme 22 Dec 2020
 - 1012 Rev P2 Proposed Boundary Treatments
 - Ecological Design Strategy Sept 2019 Bioscan Report E1739r6
 - Construction Environmental Management Plan: Biodiversity Sept 2019 (Bioscan Report E1739r7)
 - 667 Materials List P4
 - Tetlow King Letters dated 08.01.20 and 20.05.20
 - Tetlow King Email dated 03.08.20
 - Bioscan Email (Reptiles) dated 24.06.2020
 - Tetlow King Email dated 10.08.20

Case Officer: Marion Geary