

Aylesford **574908 160950** **20 April 2007** **TM/07/01465/FL**
Blue Bell Hill And
Walderslade

Proposal: Formation of new access
Location: Land Adj. Cedar Heights 290 Warren Road Chatham Kent
ME5 9RF
Applicant: Mr P Harlow

1. Description:

- 1.1 This proposal is for the creation of a new vehicular access through a woodland Site of Special Scientific Interest to serve the applicant's dwelling Cedar Heights. There is currently no proper vehicular access to this property, the existing parking provision being by way of a recess immediately adjacent to Warren Road, at a point much lower down than the house itself. Pedestrian access is gained via steps up from this parking area. The applicant states that the existing parking area off Warren Road will be closed and reinstated as a bank. The proposed access is designed to provide level access to the bungalow, which sits on substantially higher land than the existing parking area and the pedestrian access from the public highway. The proposed access will be approximately 75m long by 3m wide and includes a passing place and will in total cover an area of 235 square metres. The proposed access follows a natural gap through the woodland down to the bungalow. The proposed access will be constructed with a permeable base with oak sleepers as the top surface of the access. Parking and turning will be provided within the curtilage of the dwellinghouse.
- 1.2 The applicant states that discussions between KWT, Natural England and applicant's ecological consultant were held prior to submission of the application to agree the extent of works and mitigation measures. The application is accompanied by a supporting statement and an ecology report.
- 1.3 Given that the proposed access will necessitate intrusive works in the SSSI, the applicant is also proposing to provide appropriate ecological compensation through a Section 106 Obligation. The applicant intends to contribute £15,000 towards to the purchase and enhancement of SSSI woodland within the TMBC jurisdiction. The applicant suggests that such an arrangement could be reached with the Kent Wildlife Trust or a Trust set up deliver the compensatory measures. It is envisaged that the contribution would enable the purchase and enhancement of 1-2 hectares of woodland.

2. The Site:

- 2.1 The application site lies within the Kent Downs Area of Outstanding Natural Beauty, a Special Landscape Area and within in a Site of Special Scientific Interest. The site is also within a rural area and lies over the line of the Channel

Tunnel Rail Link. The existing dwelling lies to the southwest of Warren Road and forms part of a small cluster of residential properties perched on Blue Bell Hill overlooking the Medway Valley. An existing vehicular access and parking area exists within the embankments of Warren Road. Retaining walls surround the existing parking area.

2.2 The woodland forms part of the Wouldham to Detling SSSI which is protected for its mature beech high forest and yew tree understorey. The site does not form part of the North Downs Special Area of Conservation, which lies to the southeast of Warren Road.

2.3 The relevant TMBLP policies are P3/1, P3/5, P3/6 and P6/19.

3. Planning History:

TM/64/10457/OLD Grant with conditions 11 June 1964
(MK/4/64/333)
Bungalow and garage.

TM/64/10795/OLD Grant with conditions 1 January 1964
(MK/4/63/606)
Bungalow and garage. (Amended).

TM/69/10571/OLD Grant with conditions 13 August 1969
(MK/4/69/412)
Extension to form a bedroom.

TM/80/10800/FUL Grant with conditions 21 February 1980
(TM/79/1600)
Extension.

4. Consultees:

4.1 PC: Objection. Access to the property has been adequate for 50 years. New access will have a detrimental effect on woodland.

4.2 KCC Highways: No details are provided of the proposed use, although construction details show it to be to serve a woodland track surfaced with timber sleepers. Warren Road is a narrow country lane and suitable trimming of the boundary hedging may be necessary to provide safe forward visibility. Any gates to be suitably set back 5m for normal light vehicular use. I acknowledge that the entrance surfacing is shown as bonded gravel with a tarmac apron. In principle, I raise no objections.

- 4.3 KCC PROW Office: Public footpath MR 444 runs along the edge of the site, but should not be affected by the proposal. I have no further comments to make.
- 4.4 CTRL: No comment.
- 4.5 KCC Heritage: The site of the application lies across the site of a possible Roman temple or structure. Remains associated with this Roman activity may be revealed during groundworks. It is not clear what the depth of proposed ground disturbance is, but archaeological requirements could be addressed through monitoring of all groundworks. I recommend a condition requiring the submission of an archaeological programme of works.
- 4.6 KWT: Views awaited.
- 4.7 Ramblers Association: No response.
- 4.8 Natural England: This application affects the Wouldham to Detling Escarpment SSSI, and would result in the loss of 235 square metres of the woodland area, though this does not include any loss of trees.
- 4.8.1 In discussion with the applicant's agents Natural England has agreed compensation measures which off-set this small loss of woodland area. Subject to an appropriate Section 106 Agreement covering the compensation arrangements, Natural England does not object to this application.
- 4.9 Private Reps: 6/0X/0S/0R.
- 4.10 A8 Site Notice & Press Notice: No response.
- 5. Determining Issues:**
- 5.1 The main considerations are whether the principle of the proposed development is acceptable, whether the proposal will harm the visual amenity of the locality and whether the proposal constitutes a highway hazard.
- 5.2 The proposed creation of the access through the SSSI woodland is subject to policy P3/1 of the TMBLP 1998. This policy will not permit development which materially harms the scientific interest of the SSSI. Development may exceptionally be justified where proposals include the re-establishment of habitat or provision of nature conservation features. This woodland has been protected as a SSSI for its mature beech high forest and yew tree understorey.
- 5.3 The applicant has submitted a justification based upon the development providing level access to the property, along with improved parking and turning facilities and the removal of a substandard parking area. The applicant is also proposing to provide compensation, through the purchase of 1-2 hectares of SSSI woodland and its enhancement, either managed by KWT or by a Trust to be created.

- 5.4 The alignment of the access will not result in the loss of any trees and due to the design and construction of the proposed access, there will be no impact on the surrounding trees as the access road surface is to be laid on top of the existing ground. The proposed use of oak sleepers also helps to maintain a rural appearance to the access. Therefore, whilst the proposal will involve development within the woodland over an area of some the loss of 235 square metres the direct impact on the beech and yew trees will not be significant. Nevertheless, the proposal will involve the loss of 235 square metres of woodland habitat and under policy P3/1 compensation habitat is required. The applicant is proposing to purchase and enhance 1-2 hectares of SSSI woodland within Tonbridge and Malling jurisdiction and to secure this through a Section 106 Agreement. Members will note that Natural England has raised no objection to the proposed works to the SSSI subject to securing the compensation measures as detailed in the submission. Whilst Kent Wildlife Trust was party to pre application discussions, we are still awaiting their formal response and their comments will be reported in the supplementary papers. In light of the minimal impact upon a small section of the SSSI woodland, the proposed compensation measures and the support of Natural England, I consider that the proposed access within this SSSI is acceptable.
- 5.5 The proposed access will not have a significant impact upon the landscape character of the AONB or the SLA and as mentioned above the proposal includes mitigation measures. Therefore, the policy will comply with policies P3/5 and P3/6 of the TMBLP 1998
- 5.6 The proposal also involves alterations to a rural lane and is subject to policy P6/19 of the TMBLP 1998. The proposed access will be 10.5m wide at its junction with Warren Road and will be finished with granite setts and bonded washed gravel at this access point. This section of Warren Road has a small earth bank in the position of the proposed access, which will be removed as part of the proposal. The applicant is also proposing to reinstate an earth bank, where the existing parking spaces are located. This access and parking area is 7m wide and visually very intrusive in terms of the character of this rural lane. The precise landscaping and engineering works required to reinstate the bank in this location can be controlled by condition. Therefore, I consider that whilst the proposed new access will have limited impact on the rural lane, any harm will be mitigated by the enhancement of the land further to the south.
- 5.7 In highway terms, the proposal involves the creation of a new vehicular access onto a relatively straight section of Warren Road, although the road rises up to the north towards Blue Bell Hill village. The vision splays and proposed access arrangements meet with KCC Highways approval. The applicant also states that the existing substandard parking arrangements will be closed, as the visibility from this parking area is poor. The proposal will also enhance vehicle turning and

parking facilities within the site to enable cars to egress and ingress the site in a forward direction. The proposal would improve highway safety in relation to this property.

- 5.8 In light of the above considerations, I find this proposal acceptable subject to the applicant entering into a section 106 agreement to provide adequate compensation for the small loss of SSSI woodland.

6. Recommendation:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Other dated 20.04.2007, Letter 0206/05 dated 20.04.2007, Supporting Statement dated 20.04.2007, Letter dated 20.04.2007, Letter dated 20.04.2007, Other dated 20.04.2007, Site Plan 2890B/04 dated 20.04.2007, Drawing 2890A/04 dated 20.04.2007, Survey 2815A/04 dated 20.04.2007, Location Plan 0206/05/01 dated 20.04.2007, Design and Access Statement dated 20.04.2007, Report MITIGATION AND COMPENSATION dated 20.04.2007 subject to:

- The applicant entering into a Section 106 Obligation to secure adequate compensation for the loss of SSSI woodland;
- The following conditions;

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority. (C002)

Reason: In the interests of archaeological research.

- 3 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

- (c) No materials or equipment shall be stored within the spread of the branches of the trees.
- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority. (L005)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 4 Within three months of the completion of the hereby approved access the existing vehicular access and hardstanding area to the south shall be closed permanently.

Reason: To ensure the safe and free flow of traffic.

- 5 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter. (H001)

Reason: To ensure the safe and free flow of traffic.

- 6 No development shall take place until details of reestablishment of the earth bank in the place of the existing vehicular access including a timetable for the carrying out of those works, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of the visual amenity of the locality.

- 7 The detailed construction of the access track shall be in strict accordance with the drawing 2890a/04 and shall be retained as such thereafter.

Reason: In the interests of nature conservation.

Informatives:

- 1 With regard to the construction of the vehicular crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.

Contact: Aaron Hill