

APPLICATION: MA/09/1751 Date: 28 September 2009 Received: 29 April 2010

APPLICANT: Bluebell Development Services Ltd.

LOCATION: LAND ADJACENT TO SURRENDEN MEWS, HIGH STREET,  
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of 5 dwellings with integral parking as shown on site location plan and drawing nos. 0758-P-02, P03(A), P-04, P-06, Design and Access Statement, Arboricultural Survey, Ecological Survey, and Planning Statement received 30/09/2009 and as amended by Arboricultural Implications Survey received 29/04/2010 and further amended by drawing nos. 0758-P-01(H), 0758-P-05(B), 0758-P-07(A), 0758-P-08(A), 0758 (additional Roof/Glazing details), 0758 (3D Site Plan) and drawing no 0758-Fig2 received 04/11/2010 and drawing no. 0758 (Coloured Site Plan) and Landscape Management and Environmental Principles Statement received 11/11/2010.

AGENDA DATE: 16th December 2010

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Staplehurst Parish Council
- Councillor Hotson has requested it be reported for the reason set out in the report

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, H28, T13  
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H4, H5, NRM5, NRM7, BE1, BE6, T4, AOSR6, AOSR7  
Government Policy: PPS1, PPS3, PPS5, PPS9

## **2. HISTORY**

- 2.1 The site at Surrenden has an extensive planning history, the most relevant of which is set out below. The premises were used as a nursing home from the mid 1980s until the early 2000s.

- MA/80/0582: Outline application for erection of five detached houses with garages and car parking: REFUSED 23/06/1980: APPEAL DISMISSED 23/02/1981
- MA/80/1657: Outline application for the erection of 3 chalet bungalows: REFUSED 20/11/1980
- MA/81/1216: Two detached bungalows: REFUSED 04/02/1982
- MA/83/0963: Residential development: REFUSED 28/10/1983 : APPEAL DISMISSED 14/09/1984
- MA/86/1522: Change of use from residential to nursing home: APPROVED 30/12/1986
- MA/86/1523: Listed Building Consent for change of use from residential to nursing home: APPROVED 30/12/1986
- MA/88/2089: Residential sheltered housing 24 units: REFUSED 06/04/1989
- MA/98/0576: Demolition of existing outbuildings and erection of 16 terraced houses: REFUSED 20/07/1998: APPEAL DISMISSED 11/01/1999
- MA/00/0815: Demolition of outbuildings and conversion of existing buildings to form 4 no. dwellings and erection of 1 no. detached house: APPROVED 28/03/2001
- MA/00/0816: Listed building consent for demolition of outbuildings and alterations and extensions to cottage with the conversion of main building to 3 no. dwellings: APPROVED 28/03/2001
- MA/02/0869: An application for listed building consent to amend MA/00/0816 to allow for the provision of an additional dwelling within the conversion of main house, to form 4 no. dwellings, and conversion of attached single storey rear store as accommodation and to include minor alterations to the approved scheme: APPROVED 19/07/2002
- MA/02/0933: Amendment of planning consent MA/00/0815, to allow provision of additional dwelling within main house bringing the total No. of dwellings to 4 within the main building: APPROVED 19/07/2002
- MA/03/1470: An application for listed building consent for works involved in the conversion of part of the building to 2 no. dwellings. Works include

a first floor rear extension and weatherboarding to the north & west elevations: APPROVED 08/09/2003

- MA/03/1519: An application for planning consent for works involved in conversion of part of the building to 2No. dwellings, which are to include a new first floor rear extension (to approved house No.3), and weatherboarding to the north and west elevations (to approved house Nos. 3 and 3A): APPROVED 08/09/2003
- MA/04/0501: An application for listed building consent for the amendment of listed building consent MA/00/0816 to change the approved detached double garage to a triple garage and to erect an attached single garage to the approved 1 no. detached dwelling: WITHDRAWN
- MA/04/0502: Amendment of planning consent MA/00/0815 to change the approved detached double garage to a triple garage and to erect an attached single garage onto the approved 1 no. detached dwelling: APPROVED 25/06/2004.

2.2 The current application was submitted in September 2009 and was held in abeyance for a period due to a problem with the application fee after it had been registered. The application has also been the subject of negotiation relating to the impact of the development on the existing trees within the site and its ecology and biodiversity. Changes to the detail of the scheme have also been sought.

### **3. CONSULTATIONS**

3.1 **Staplehurst Parish Council:** Originally stated that they wish to see the application REFUSED and requested that the application is reported to the Planning Committee. The following reasons were given;

- The proposal would create an over intensification of the site which would cause loss of privacy and overlooking of neighbouring properties
- The site is within the Staplehurst Conservation Area and forms part of the grounds of the Grade II listed building Surrenden Manor whose setting would be compromised by the proposal.
- The design of the five three-storey houses was not considered sympathetic to the Listed manor house.
- Concern was also expressed regarding the loss of trees, small garden space, light pollution, lack of sufficient parking and space to manoeuvre around the proposed houses for residents and visitors.
- Highway safety was also an issue, the entrance being sited on a blind bend in the busy High Street adjacent to an area which regularly flooded.

The Parish Council have now considered the recent changes to plot 4 and the Landscape Management and Environmental Principles Statement received on 4 and 11 November and have commented as follows.

'Councillors noted the letters of objection and verbal comments made by a local resident in the public forum. Councillors considered the amended plans and discussed the application in detail. Councillors recommended REFUSAL for the reasons given on 18<sup>th</sup> May 2010 as these were considered to remain valid. The amended plans had in no way addressed the issues then raised and in particular the lack of sufficient parking, the size, density and effect of the proposals on neighbouring property and highway safety. The over-intensive nature of the proposal being in the garden of Surrenden Manor, compromised the setting of the Listed Building. Councillors requested that the Conservation Officer be requested to comment on this. Councillors requested that the application be referred to MBC Planning Committee.'

- 3.2 **English Heritage:** Advised that they do not wish to comment and that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 3.3 **Natural England:** Have considered the ecological report and concur with its findings on bats reptiles and breeding birds. They do not object to the development. They encourage further biodiversity enhancements such as the incorporation of roosting opportunities for bat and nesting boxes for birds and the use of native species planting.
- 3.4 **Kent Wildlife Trust:**  
Consider that the retention of the trees around the site is important as these represent potential bat and bird roosting and foraging corridors. They have commented that there may be a need for a Great Crested Newt assessment given a number of ponds in the vicinity of the site.
- 3.5 **MBC Conservation Officer:**  
'Whilst I would prefer to see two storeyed development on this site, I accept that the constraints imposed by trees on the developable area (including parking provision) make this difficult. In the circumstances I consider that the proposals are just acceptable in terms of their height and scale in comparison with the listed building. The proposed wholly modern design is an appropriate treatment within the setting of the listed building.  
Conditions re samples of materials, landscaping and removal of PD rights will be appropriate. A further condition requiring submission of large scale details of windows, doors, railings, eaves details and rooflights will also be appropriate.  
English Heritage should be consulted as the site is in excess of 1000sq. metres.'
- 3.6 **MBC Landscape Officer:** Commented on the originally submitted arboricultural report and noted that the woodland area to the front of the site close to the A229 was identified as Area C of Tree Preservation Order no. 2 of 1973. It was also noted that trees T1 to T12 identified on the submitted survey

and situated adjacent to Nicholson Walk are outside Area C and therefore not subject to TPO no.2 of 1973. The trees are however, located within the Staplehurst Conservation Area.

In respect of the only significant tree to be removed Tree T7 which is a mature Horse Chestnut located on the southern edge of the land, and if removed would not have a detrimental effect on the visual appearance of Area C it is noted that the Tree Officer agreed that it was not worthy of retention in November 2005.

The Landscape officer considered that the impact of the development on the retained trees appears to be minimal, certainly drawing 0758- P-01(E) shows the majority of the trees to be retained. There appears to be one tree to the rear of unit 1 which is to be removed but it is not clear which tree to be removed.

It was noted that the proximity of the trees on the southern flank would create some shade and it is likely that future occupants of the properties would want work carried out to improve the light levels. As these trees are located within the Staplehurst Conservation Area a section 211 notice would have to be submitted prior to any works being carried out.

It was advised that applicant should provide a detailed Arboricultural Implication Assessment which would examine issues such as light levels and identify any tree constraints which may impact on the design and an Arboricultural Method Statement and Tree Protection Plan as required by BS5837: 'Trees in Relation to Construction-Recommendations'.

This additional information was requested and subsequently received and No objections were raised to the subsequently received additional arboricultural information, subject to safeguarding conditions.

- 3.7 **MBC Environmental Health:** The accompanying planning statement (as usual) makes no reference to environmental health issues. The most pertinent one in this location is the proximity of the site to the busy A229. The centre of the proposed site is less than 50 metres distance with no obstructions in between. I therefore feel that a traffic noise assessment is necessary to produce a noise exposure categories (and also appropriate mitigation if necessary) for the site.

No objections subject a condition requiring an acoustic assessment and standard informatics governing conduct and hours of operation on site during construction.

#### **4. REPRESENTATIONS**

- 4.1 Cllr Hotson has requested the application be reported to Committee for the following reasons;

- Design out of character with Conservation and Listed Building Area
- Over intensification of site
- Felling of tree subject to TPO (for the purpose of an additional plot)
- Lack of parking

4.2 Thirteen letters have been received from local residents. Objections are raised on the following (summarised) grounds.

- The development would impinge on the quiet enjoyment of neighbouring properties as it would turn a pleasant open space into a housing development
- Loss of the Cypress trees along the western boundary is opposed on the grounds of loss of nesting habitat and the all-year round greenery they provide that provides screening to the properties to the west.
- The architecture is at odds with that of Surrenden House and The Mews and is inappropriate
- The development represents an over-intensive use of a valuable green space in the village
- The additional traffic will result in highway safety risks at the point where the driveway joins the main road
- The development is too high and with balconies overlooking others it is unfair on them
- Lack of car parking on the site is likely to result in parking in Crowther Close as currently happens with the Scout Hut and Crowther Close cannot accommodate any additional parking
- Increased Light pollution from the development
- Loss of privacy to properties in Crowther Close and an overbearing impact due to the closeness of the proposed houses and their height.
- Loss of value to adjoining properties
- The design is ugly and the materials more akin to properties in Scandinavia or France
- Other less dense development has been refused on the site in the past
- Members are also request to make a site visit to view the potential impact of the development on the properties in Crowther Close.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located on the west side of Staplehurst High Street (A229). It is within the village confines as defined in the Maidstone Borough-wide Local Plan 2000 Proposals Map. It is approximately 170m north of The Parade. The site entrance is via an open gateway opposite a garage premises on the eastern side of the High Street. The site amounts to some 0.315ha in area.

- 5.1.2 The proposed site is located to the southern side of Surrenden House. Surrenden House is a Grade II listed building and it and the application site lie within the Staplehurst Conservation Area. The site itself is screened from the A229 by an existing copse of trees. A line of trees runs along the southern boundary of the site which abuts a public footpath (Nicholson Walk). A further line of Lawson Cypress trees forms a tall hedge along the site's western boundary which lies at the rear of properties in Crowther Close. Trees within the site are subject to Tree Preservation Order no.2 of 1973.
- 5.1.3 The access to the site is as stated above from the A229 High Street via a 3.8m wide existing driveway. There is an existing gap in the copse through which access to the site for the housing itself would be gained. This access would be formed using a geo-grid method of construction. One Lime tree of poor quality may need to be removed. The Council's Landscape Officer agreed in November 2005 that this tree could be removed without harm to the environment. It is not subject to TPO no.2 of 1973 but is subject to Conservation Area notification requirements.
- 5.1.4 After passing through the gap in the copse the site opens up. It is currently an open grassed area located to the south of Surrenden House, bounded by Nicholson Walk to the south and the wall and cypress trees that form the site's western boundary with Crowther Close.
- 5.1.5 To the south of Nicholson Walk lies a detached bungalow, 'White Willows.' This is sited close to the footpath and is separated from it by a 1.8m high close-boarded fence which drops in height for a short section (two panels) to accommodate trellis sections adjacent to two north facing windows in an annexe to 'White Willows'. White Willows has a rear conservatory and two other west facing windows that face out into the garden which runs along a further 45m length (approximately) of Nicholson Walk beyond the house. Beyond the rear boundary of White Willows lies the Staplehurst Scout Hut and this is close to the southwest corner of the application site, but separated from it by Nicholson Walk.
- 5.1.6 To the west of the site lie properties in Crowther Close. These are two-stories in height and the rear gardens of numbers 9-15 (odd) directly back onto the site. Number 9 has a rear garden of approximately 15m in length, number 11 of approximately 11m, number 13 of approximately 7.5-8m in length and number 15 of approximately 8.5m in length. The wall at the end of their gardens is approximately 1.8m in height and the existing cypress trees approximately 10m in height.

## **5.2 Proposal**

- 5.2.1 The application is a full application and proposes the erection of five houses on land to the south side of Surrenden House. Four of the houses would be three-

storeys in height and one house would be two-storeys in height. All would have garaging at ground floor level. Three of the houses would be detached and two would be semi-detached. Given the site area of 0.315ha the density of the development amounts to approximately 16 dwellings/ha.

- 5.2.2 The access to the site is as stated above, from the A229 High Street via a 3.8m wide existing driveway. There is an existing gap in the copse between the site and the A229 through which access to the site for the housing itself would be gained. This access would be formed using a geo-grid method of construction. This comprises laying matting on the ground over which the road material is laid to avoid compaction of the root systems. One Lime tree of poor quality may need to be removed. The Council's Landscape Officer agreed in November 2005 that this tree could be removed without harm to the environment.
- 5.2.3 The site access road is 3.1m wide as it enters the site. The houses are arranged with 4 plots lying to the south of the access drive and unit 5 at the western of the drive facing into the site. Plot 1 is a detached unit, plots 2 and 3 semi-detached and plot 4 detached as is plot 5. Plots 1-3 are three storeys in height and plot four partly three story in height, plot five is two-storeys in height.
- 5.2.4 Plot 1 (4-bedroomed) would be 10.6m wide and 8.6m deep, approximately 7.8m to eaves and have a vaulted zinc roof 9m in height surmounted by a roof lantern. The building would be rendered at ground floor level and clad in horizontal cedar cladding above. The house would accommodate a two-bay garage, living/dining space, a utility room and a kitchen at ground floor level, a bedroom, sitting room, study, wc and a large landing at first floor level and 3 further bedrooms and a bathroom at second floor level.
- 5.2.5 Plots 2 and 3 would be semi-detached 4-bedroomed houses. The pair would be approximately 16m in width and 12.3m in depth. The houses were originally shown to have a flat zinc roof and would be approximately 8.7m in height. Materials would be similar to plot one, with render at ground floor level and but with vertical rather than horizontal cedar cladding above. Part of the front and rear elevations would be set back (by 1.3m and 1m respectively) where the two units are adjoined. The main entrances to both units would be located in the set-back area facing Surrenden House. The units are mirrored and would comprise a two-bay garage, galleried hallway, kitchen/diner and utility room at ground floor level, sitting room, bedroom with en-suite and WC at first floor level and three further bedrooms (one with en-suite) and a bathroom at second floor level.
- 5.2.6 Plot 4 would be sited approximately 3m west of plot 3 and set back approximately 3m from the front of plot 3. It would be set at an angle to the western site boundary 6m in at the northern end and 4m at its southern end. The stair core would project into this gap and would be approximately 3.5m from the boundary at its closest point. Also a partly three-storey dwelling it would be



approximately 6.6m in width and 12.6m in depth. The three-storey section would be approximately 8.7m in height and be 4.5m in depth with a 1.4m high 3.3m length of terrace wall beyond. Adjacent to the western site boundary a similar screen wall would be set 1.4m in from west facing flank wall and be set at an angle away from the site boundary to reduce the visual impact of the feature on the houses to the west in Crowther Close. The western elevation of the house would incorporate a semi-circular staircase to second floor level projecting some 2.1m from the wall. The second floor level of the house would be approximately 5.8m in height at its maximum. It would have a flat roof from which there would be no access from the third floor terrace. Materials used would be similar to the other plots with a rendered ground floor and vertical cedar cladding above. The stair core would be entirely vertically clad in cedar. The roof as originally proposed would be zinc. At ground floor level there would be a garage hallway wc and kitchen/dining room, at first floor level 2 bedrooms, a bathroom and a sitting room with a terrace and at second floor level a bedroom with en-suite and terrace area.

- 5.2.7 Plot 5 is two-storeys in height and would be situated with its principal elevation facing eastwards. It would be approximately 6.6m in depth and 9.1m in width and 5.8m in height with a flat roof. It would be sited approximately 3m in from the western site boundary. A semi-circular stair-core vertically clad in cedar would project centrally from the front elevation and be lit by a narrow full-height window. Materials reflect those proposed elsewhere on the site, render art ground floor level and vertically clad cedar boarding above and a zinc roof. Accommodation proposed comprises a garage, hall lounge/diner and kitchen on the ground floor and two bedrooms with en-suite facilities at first floor level.
- 5.2.8 I would advise Members that further changes to the design of the proposals have been secured. This include the provision of further fenestration to the front elevations of all the houses, the recessing of garage doors and entrances by 250mm, confirmation of the detail of the joint between the render and cedar cladding. I can also advise Members that the applicant has also agreed to the provision of green roofs on Plots 2-5. Amended plans showing these details are awaited and I will advise Members further at the meeting.
- 5.2.9 The application was accompanied by a full arboricultural survey which was later supplemented by an arboricultural implications statement. These recommend that four trees, a Horse Chestnut at the rear of Plot 1, a Holly within the copse (recommended that this is coppiced not removed), a Dead conifer in the copse and a Hornbeam in the copse are removed due to their existing condition. It is also recommended that a lime tree is removed at the site access from the driveway. All other trees within the site are shown to be retained. A Root Protection Plan has been provided along with details of the protection needed including ground protection and protective fencing.

5.2.10 In addition a landscape management plan for the site has been submitted. This indicates new tree planting within the site (to the frontage/public areas predominantly) to include Silver Birch and Whitebeam. Also shown is a new mixed native species hedgerow to the boundary with Nicholson Walk. It is also proposed on a phased basis to replace the existing cypress trees on the western site boundary over a ten year period with Silver Birch trees. A new formal planted area and new pond is proposed for the open area on the north side of the access drive adjacent to the existing Surrenden House and a laurel hedge will be provided to the boundary with the private gardens to Surrenden House. The copse area and its fringe to the east of plot 1 will also be managed. The fringe area will be sown with a wildflower meadow mix with a twice yearly cut the first of which will take place after the end of July. The woodland will be maintained and managed as recommended in the submitted arboricultural survey and implications report.

5.2.11 An ecological survey has also been submitted, this indicates that the grass and adjoining scrub area due to its regular cutting is considered to be of little value for both reptiles and amphibians. The site was also surveyed for badger activity, none was found, and it is not considered suitable as water vole habitat due to the lack of nearby watercourses. The site was also not considered to be suitable habitat for great crested newts including an assessment of the surrounding terrestrial habitat. The existing mature trees and scrub habitats that border the site were considered to be suitable habitat for breeding birds and a number of the mature trees in the site were considered to have potential to provide roosting opportunities for bats. It is recommended that bird and bat boxes be provided to enhance biodiversity.

5.2.12 It has been demonstrated that the development will achieve Code Level 3 of the Code for Sustainable Homes. The development will incorporate measures such as a greywater recycling system (with underground storage) and ground source heat pumps.

### **5.3 Principle of Development**

5.3.1 The application site is located within the defined village envelope of Staplehurst which is designated in the Maidstone Borough-wide Local Plan 2000 as capable of minor development under saved policy H28.

5.3.2 In terms of the pattern and grain of the surrounding development this is varied and comprises the original pattern of linear development along the High Street to the east and south of Surrenden with more recent twentieth century development to the north and west of Surrenden. Surrenden itself has been converted into a number of residential units (6 total) including 1 & 2 Surrenden Mews which are in buildings that run westwards from the main house and whose

gardens face onto the current site. In addition, the existing wooded copse between the site and the High Street is to be retained.

5.3.3 The site is clearly open in character and visible from Nicholson Walk. The site is not classified as previously developed land and is considered to be greenfield as part of the garden of Surrenden.

5.3.4 It is acknowledged that the site is a greenfield site. It is also acknowledged that there is no need for residential development in housing supply terms within the Borough. However, this is a sustainable location close to local amenities and community facilities and I consider that it is an appropriate site for residential development as proposed. Furthermore, because there is a five year supply of housing land this should not mean that windfall sites should be refused. The key issue is whether the development causes harm to the area. This is addressed later in the report.

5.3.5 As indicated earlier the density of the development as proposed equates to approximately 16 dwellings/ha which is relatively low. However, I would remind Members of the advice in paragraph 50 of the revised PPS3 which states.

'Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.'

The fact that the development has a different density and is of a different character than existing development in the area should not warrant an objection solely on this basis.

5.3.6 As can be seen from earlier in the report the Conservation Officer has not raised objections to the setting of the listed building or the character of the Conservation Area, through the development of this site.

5.3.7 I therefore raise no objections to the principle of development.

## **5.4 Visual impact - General**

5.4.1 Whilst the site will not be visible from the High Street due to the intervening protected woodland area, the development will clearly result in a change to the appearance of the site through redevelopment on what is currently an open area to the south of Surrenden House. The impact of the development on the Conservation Area and Listed Building is addressed later, as is the likely impact on nearby residential properties.

- 5.4.2 The site is currently and will still be visible from the public realm by the users of Nicholson Walk. The trees currently sited along the boundary with Nicholson Walk within the site will however be retained with the exception of one Horse Chestnut tree which is in decline and will continue to provide screening and a setting for the site. Further tree planting and a new mixed species native hedgerow are proposed along the southern boundary.
- 5.4.3 The proposed houses will also bring development closer to Nicholson Walk than it currently is. I do not consider that the houses will be so close to the site's boundary as to unacceptably dominate the footpath. Increased surveillance of the footpath is a likely consequence of the development.
- 5.4.4 Whilst there would still be space around and between the buildings and to the east of the proposed dwellings as a buffer to the wooded area as well as the retained trees along the footpath, the current openness of the site would clearly be lost. However, on balance, I do not consider that the development would have such an adverse visual impact on the character of the area as to warrant an objection on this ground.

## **5.5 Impact on Listed Building and Conservation Area**

- 5.5.1 The proposed houses on plots 1-4 are sited to achieve an acceptable degree of separation from the listed building in excess of 24m. The ridge height of Surrenden is approximately 10.5m and the eaves 9.2m. Plot 1, the tallest proposed house, is around 9m to the top of the curved roof and 7.8m to eaves level.
- 5.5.2 The 24m separation between the existing buildings to the north of the site and the proposed development has resulted in a proposed development that appears significantly lower than the adjacent listed building and has maintained an acceptable space and setting for the listed building. The Conservation Officer has not raised objections to the development's impact on the character or setting of the listed building.
- 5.5.3 In terms of the impact on the wider Conservation Area, as stated above, the development will result in the loss of a currently open area. Clearly there will be a change to the site's appearance when viewed from Nicholson Walk as a result. However, existing tree planting in the site will be retained and enhanced through further tree planting and the proposed hedgerow. The new houses will be seen through these trees and in my view will not harm the character of the area. On balance, I consider that the development will not harm the character of Nicholson Walk. Members will note as stated previously that there have been no objections raised by English Heritage or the Conservation Officer to the impact of the development on the character of the Conservation Area. There will be no

change as to how Surrenden is seen in the context of the High Street given that the woodland close to the street is to be retained.

## **5.6 Design**

- 5.6.1 Turning to the design of the dwelling themselves, negotiations have taken place to seek to ensure that the proposed dwellings will be of an acceptable design and form. It is acknowledged that they are contemporary in style and provide a complete contrast to the adjacent listed building. This is acceptable as a design approach and Members will note that the Conservation Officer has raised no objections on this basis.
- 5.6.2 The dwellings as now proposed with the further amendments that are awaited will have identifiable layering between the various materials and through the use of recessed garaged doors/entrances and recessed and projecting windows. The designs as now proposed have vitality and elevational interest. The use of extensive glazing particularly on the rear elevations also provides a lightness to the appearance of the development.
- 5.6.3 There will be a clear hierarchy to the appearance of each dwelling with the solid rendered base and the light timber clad upper elevations and a defined eaves and roof detail to 'top-off' the buildings. The use of green roofs will provide some compensation for the loss of the current openness of the site.
- 5.6.4 As now secured I consider the detailing of the proposed dwelling units to be acceptable. The extent of hard surfaces has been reduced to a minimum and the development has been designed to fit into the existing landscaped context of the site. The proposed dwellings have been given adequate separation and there are four differently designed house types, which follow a common theme in the use of materials but provide diversity in appearance and a choice of size. The proposed materials will ensure a crisp finish to the elevations which will be tempered by the use of the cedar cladding to soften the upper floors. The design is sustainable and will achieve Level 3 of the Code for Sustainable Homes.
- 5.6.5 Subject to appropriate conditions to safeguard the detailing of the design as now proposed and the quality of the proposed materials, I consider that the development is acceptable in terms of its design.

## **5.7 Residential Amenity**

- 5.7.1 The use of the access road will not result in any unacceptable impact on the occupiers of the apartments within Surrenden House given the separation from the gardens of the apartments by a landscaped area to the north of the driveway. The proposed houses (plots 1-4) themselves are sited between 24m and 27m from the flank of Surrenden House and Surrenden Mews. Plot 5 has no

windows that face eastwards other than stair core. I do not consider that the development would result in a loss of amenity to the occupiers of Surrenden House or Surrenden Mews.

- 5.7.2 In terms of the impact on the occupiers of the properties to the west of the site in Crowther Close, the closest two units are units 4 and 5.
- 5.7.3 Number 9 Crowther close would have an angled view of unit 5 and would in fact directly face on its proposed garden area and would be sited approximately 18-20m from unit 5.
- 5.7.4 Unit 5 is sited closest to 11 Crowther Close and would be located approximately 14m from the current rear wall of that property. Given this degree of separation and the fact that there are no flank windows facing 11 Crowther Close together with the low overall height of the building at approximately 5.8m, I do not consider that the development would have such an unacceptable impact on the occupiers of that property as to sustain an objection on these grounds. Clearly there will be some change over time as it is proposed to remove the cypress trees (10m in height currently) and replant them on a phased basis with native species trees. Again I consider that this change would have an unacceptably detrimental impact. Members should also bear in mind that the upper floor of the proposed building would be clad in cedar and thereby have a relatively soft more natural appearance.
- 5.7.5 Unit 4 would be sited to the rear of 13 and 15 Crowther Close. As stated earlier in the report, this is a part three and part-two storey dwelling a maximum of 8.7m in height with the two storey section 5.8m in height. The taller section of the building (4.5m in length) would be sited approximately 6m from the site boundary with the semi-circular stair core projecting 2.1m towards the boundary. The rear garden of 13 Crowther Close is, as stated earlier in the report, approximately 8m in length giving a separation of around 14m to the main flank of the proposed building. Number 15 Crowther Close has a rear garden of approximately 8.5m in length, which, given the 4m set-in from the boundary of the southern half of the proposed house, leaves a separation of approximately 12.5m. The element of the house to the rear of number 15 is 5.8m in height. There is no first or second floor fenestration facing to the west on Plot 4 and again the upper floors are timber clad. Whilst clearly there will be some change in the outlook of the occupiers of 13 and 15 Crowther Close, I do not consider that the impact would be so unacceptable as to warrant and sustain an objection.
- 5.7.6 The other potentially affected property is 'White Willows' lying to the south side of Nicholson Walk. As described earlier, this property is a bungalow which has two rear facing windows and a rear conservatory (sited towards the southern half of the property's rear elevation) as well as a long rear garden that abuts

Nicholson Walk. The north west corner of the rear wall of White Willows is situated approximately 15m east of the point where the rear garden of Plot 1 meets Nicholson Walk, and thus would be sited approximately 25m and at an angle to the closest point of the rear wall of Plot 1 which is set some 12m in from the site boundary. The rear conservatory on White Willows is sited approximately 8m south of the north west corner of the dwelling and projects approximately 5.7m into the garden from the rear wall of the bungalow. This would mean that the house on plot 1 would be sited approximately 28m north of the westernmost extent of the conservatory, a distance that would not be likely to result in an unacceptable loss of privacy or amenity. Additionally, with the exception of one poor quality (due to its condition and evident decay) Horse Chestnut tree, that is recommended for removal or pollarding, the existing tree planting within the site is to be retained, providing additional screening. Although in the winter months this screening would be reduced I remain of the view that the separation distance and the angles involved are sufficient to maintain an acceptable level of privacy to the occupiers of White Willows.

- 5.7.7 I do not consider therefore that the development would cause such an unacceptable loss of privacy or amenity to the occupiers of neighbouring properties as to warrant and sustain an objection on this basis.

## **5.8 Highways**

- 5.8.1 There are no highway objections to the development on highway safety grounds or the impact on the local road network. It is also considered that the level of car parking provision at two spaces/unit is acceptable. The site is on a public transport route and well sited in relation to local services.

## **5.9 Ecology and landscaping**

- 5.9.1 An ecological survey has been submitted which has been considered by Natural England. They are content with its findings. The applicants have proposed to enhance the potential for bats and birds on the site through the provision of nest and roosting boxes within the woodland area and retained trees. I consider that the proposed landscape management plan for the site will further enhance the biodiversity potential for the site.
- 5.9.2 Detailed arboricultural information has been submitted in relation to the application. The information shows that only four trees within the site would be removed as a result of the development. The largest tree to be removed is to the rear of Plot 1 (Horse Chestnut) and it has been surveyed and shown to be in decline, its removal has also accepted previously in 2005 by the Landscape Officer. All other trees including the remaining ones along the boundary of the site with Nicholson Walk are to be retained. It has been demonstrated that the construction can take place with measures in place to ensure that this is the

case. I consider therefore that the direct impact of the development on trees within the site is acceptable.

- 5.9.3 Another area of concern is the impact of the retained trees on gardens of the proposed houses and the future occupiers of the proposed dwellings. This issue has been clearly considered in the arboricultural implications statement. The buildings themselves have, on the south facing elevations been designed to maximise light levels into the living spaces of each unit through the large windows and large sliding doors areas proposed. In addition, the taller trees are located to the south east of the development and it is considered that any shading would be offset by the higher light levels obtained through the design detail. It is a fact that the presence of trees around a property does offer other benefits such as a reduction in heating costs and an improvement in air quality. They also provide cooling in the summer.
- 5.9.4 Members will also note that the retained trees not subject to Tree Preservation Order no.2 of 1973 are subject to the normal controls on trees located within Conservation Areas and as such any works would require the Council to be notified.
- 5.9.5 On balance therefore, whilst I acknowledge that the gardens of the houses are likely to be subject to a degree of shading which can have benefits as outlined above, the dwellings themselves have been designed to maximise light levels and I consider the juxtaposition to be acceptable in this instance.

## **6. CONCLUSION**

- 6.1 The development will have an impact on the character and appearance of the area. However, I consider the design to be appropriate and well detailed. The proposed houses will not unacceptably harm this part of the Staplehurst Conservation Area or the setting of Surrenden a Grade II listed building. There are no highway objections to the development
- 6.2 The impact of the development on its neighbours has been carefully considered. Whilst the development will have some impact on the outlook of adjacent properties I do consider that, for the reasons assessed earlier in the report, will not be sufficient to warrant and sustain an objection to the development on this ground.
- 6.3 I consider the proposed design of the dwellings to be acceptable and subject to appropriate safeguarding conditions the following recommendation is appropriate.



## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence 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 and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1 and policies CC6 and BE6 of the South East Plan 2009.

3. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. Notwithstanding the planting details shown on drawing no. 0758-P-01(H) no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. the submitted scheme shall include the following details:

- (a) The substitution of the laurel hedge with a mixed native species hedgerow.
- (b) The detailed design of the proposed pond which shall be wildlife friendly in terms of its depth and cross-sections and the species and planting specification of any marginal plants
- (c) The detailed species mix for the wildflower area to the east of Plot 1.
- (d) The details of the provision of bird and bat boxes within the site.

Reason: No such details have been submitted and to ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until the full details of protection as indicated in the Arboricultural Survey and Implications Assessment received 29/04/2010 have been submitted to and approved by the local planning authority. The subsequently approved barriers and ground protection measures shall be provided before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy NRM7 of the South East Plan 2009.

7. The dwellings shall achieve a minimum of Level 3 within the Code for Sustainable Homes. No dwelling unit shall be occupied until a final certificate has been issued certifying that the unit has achieved a minimum of Level 3 within the Code for Sustainable Homes.

Reason: To ensure a sustainable and energy efficient form of construction pursuant to the advice in PPS1 Kent Design and Policy CC4 of the South East Plan 2009.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning

(General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in PPS1.

9. 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

10. With the exception of the landscaping details shown on drawing no. 758-P01(H), the development hereby permitted shall be carried out in accordance with the following approved plans: 0758-P-02, P03(A), P-04, P-06; 758-P-01(H), 0758-P-05(B), 0758-P-07(A), 0758-P-08(A), 0758 (additional Roof/Glazing details), 0758 (3D Site Plan) and drawing no 0758-Fig2.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with PPS1

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.