

APPLICATION: MA/13/1188      Date: 3 July 2013      Received: 20 August 2013

APPLICANT: Clarendon Homes

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

PARISH: Staplehurst

PROPOSAL: Erection of 4 detached dwellings (2x 5-bedroom, 1 x 4-bedroom and 1 x 3-bedroom) together with associated garaging and parking and an extension of an existing private access driveway to serve the new dwellings as shown on drawing nos. 12.32.01, 32revB, 33revB, 34revB, 35revA, 210, 211, 212, 213, 214, 222 and Heritage Statement, Design and Access Statement, Bat Survey, GCN Survey, Ecological Scoping Survey, received 03/07/2013 drawing nos. 2135/12/3 and 1235/12/4 revision A received 11/07/2013, Tree Survey received 20/08/2013 and drawing nos. 12.32.SK215revA, 216revA, 217revA, 218revA, 219revA, 220revA and 221revA received 28/11/2013 and drawing no 12.32200revD received 02/12/2013 and drawing no. 12.32.SK213 received 22/01/2014.

AGENDA DATE: 27th February 2014

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

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, H28, T13  
Government Policy: NPPF 2012

## **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.
- MA/09/1751: Erection of 5 dwellings with integral parking: APPROVED 07/04/2011
- MA/12/1485: Erection of four 5-bedroom detached houses with integral garages and associated parking and infrastructure: REFUSED 21/12/2012

2.2 The currently submitted scheme has sought to address the reasons for refusal of application MA/12/1485 which was refused on the following grounds:

- 1: The proposed dwellings by reason of their overall design, scale and siting relative to each other and existing adjoining development would result in a development of a cramped appearance out of character with the prevailing pattern of development in the area and which would fail to preserve or enhance the character of this part of the Staplehurst Conservation Area and the setting of the adjacent Grade II listed building Surrenden. To permit the development would therefore be contrary to policies CC6 and BE6 of the South East Plan 2009 and the advice in the NPPF 2012.
- 2: The proposed dwellings on plots 3 and 4 would by reason of their overall scale, siting and proximity to the boundary with the properties at 9-15 (odd) Crowther Close and 2 Surrenden Mews together with the inclusion of windows to habitable rooms at first floor (and on plot 3 at second floor) level result in an overbearing and unneighbourly form of development and result in an unacceptable degree of overlooking that would be detrimental to the amenities that the occupiers of the adjoining properties could expect to be able to continue to enjoy. To permit the

development therefore, would be contrary to policy CC6 of the South East Plan 2009 and the advice in the NPPF 2012.

- 3: Insufficient information has been submitted to demonstrate that the proposed development will not have an adverse impact on protected species, in particular, Great Crested Newts and Bats or that any impact can be appropriately mitigated. To permit the development in the absence of such information, would be contrary to policy NRM5 of the South East Plan 2009 and the advice in the NPPF 2012 and Circular 05/2006.

### **3. CONSULTATIONS**

- 3.1 **Staplehurst Parish Council:** Wish to see the application refused and reported to Planning Committee.

'The Clerk read out the key points of the Committee's recommendation to refuse prior application MA/12/1485 (4x 5-bedroom homes), which Councillors observed were not materially addressed in this new application. The committee noted the comments of residents made by correspondence and in public forum and expressed particular concern about the proposed felling of trees, risk of flooding, shortage of parking and overbearing position of the new houses vis-a-vis neighbouring properties. For these reasons the Committee voted nem con to recommend REFUSAL and asked that the application be reported to MBC Planning Committee.'

- 3.1.2 The Parish Council's views were reiterated in October and again in January following consultation additional information submitted relating to amendments to the scheme. In their most recent comments the Parish Council requested that if permission was approved that a condition regarding appropriate measures to be taken to address the flooding issues in the vicinity should be imposed.

- 3.2 **English Heritage:** Do not wish to comment

- 3.3 **Natural England:** Do not object, and make the following comments

#### **'Protected species:**

##### **Bats**

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

We note that further survey effort has been provided for one of two trees which is due to be felled as a part of this proposed development. Should work not commence within 12 months or removal of or other works to additional features on site become necessary, then the applicant should be aware that further surveys should be undertaken in order to ensure compliance with the law.

## **Great crested newt**

Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect great crested newts through disturbance of a European protected species and the damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Great crested newt mitigation guidelines and should maintain the population identified in the survey report.

We recommend that a condition to secure the following should be appended to any consent:

- Prior to the commencement of any works which may affect great crested newts and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

The great crested newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

## **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

## **Landscape enhancements**

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources

more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.'

#### 3.4 **KCC Heritage Conservation:** No comments to make

#### 3.5 **KCC Ecology** **Great Crested Newts**

We are satisfied with the results of the Great Crested Newt Surveys. The surveys have identified that there is a low population of GCN and there will be a need for mitigation to be carried out prior to any works starting on site. However we do require additional information on the proposed mitigation to be submitted prior to determination.

The mitigation strategy details that any GCN will be translocated to the woodland area in the SE of the site. Please provide clarification that the proposed receptor site is suitable and if there is a need for any enhancements to be carried out on the site prior to any GCN being translocated. We require additional information to be provided on the location of the exclusion fence – the drawing titled *tree retention, removal and protection during construction* states that there will be the removal of earth along the SW corner of the site and trees will be felled as part of the works.

However the map within the GCN survey report suggests that the fencing will not include this area. The exclusion fencing must incorporate all areas which will be impacted by the proposed development. An updated map showing the location of the proposed exclusion fence must be submitted for comments.

#### **Reptiles**

The ecological survey has detailed that there is potential for a low population of reptiles to be present within the boundary of the site. It is very disappointing that a reptile survey was not carried out to establish if reptiles were present.

We require additional information to be provided detailing how much suitable reptile habitat will be impacted by the proposed development and clarification on why there is no requirement for a reptile survey to be carried out.

It is proposed to translocate any reptiles which are found as a result of the GCN mitigation to the SE of the site within the woodland area – please provide confirmation that this area is suitable to be used as a reptile translocation area.

#### **Bats**

The bat emergence survey identified that no bats were recorded emerging from the tree and as such no mitigation has been proposed. However the tree was assessed as having high potential to be suitable for roosting bats as such there is potential that bats could still use the tree to roost in. We recommend that there is a need for a precautionary

approach to be used when the tree is being felled. If planning permission is granted we recommend that as a condition of planning permission a precautionary mitigation strategy is produced and submitted for comments. As discussed in paragraph 4.8 (ecological scoping survey) lighting can be detrimental to roosting, foraging and commuting bats and the recommendations should be taken into account when designing the lighting scheme. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

### **Enhancements**

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Paragraph 4.10 has provided recommendations for ecological enhancements to be incorporated in to the development site. We recommend that a selection of these enhancements are incorporated in to the development site.

- 3.6 **Southern Water:** No objections advise that the applicant needs to make a formal application for connection to the public sewer. SuDS drainage should be subject to appropriate safeguarding for future management and maintenance.
- 3.7 **Environment Agency:** Have assessed the site as having a low environmental risk and therefore have no comments to make.
- 3.8 **Kent Highway Services:** Have no objections. They recommend that a 2m x2m pedestrian visibility splay is provided at the site access to the A229 along with a passing bay on the site access. Conditions/informatives relating to parking during construction and wheel washing are also recommended.
- 3.9 **MBC Environmental Health:** No objections subject to informatives governing hours of operation and conduct on site during construction.
- 3.10 **MBC Landscape Officer:** Now raises no objections following receipt of a revised tree survey submitted to address previously expressed concerns.  
'It should be noted that paragraph 4.2 of this report confirms the removal of trees T5 and T3 and an incursion into the root protection area (RPA) of tree T2. Whilst I have no objection to the removal of the 2 trees I would want to see an alteration to the alignment of the protective fencing to fully protect the RPA of T2. However, this can be dealt with as a pre commencement condition

In conclusion, I now raise no objection to this application on arboricultural grounds subject to the condition outlined above.'

- 3.11 **MBC Conservation Officer:** Objects  
'Permission was previously refused for 4 detached houses on this site under reference MA/12/1485. The grounds for refusal related to the cramped nature of the development

by virtue of the design, scale and siting of the proposed houses, the proximity to development in Crowther Close resulting in an unneighbourly and overbearing form of development and lack of information regarding potential impact on protected species.

The current scheme still proposes four detached houses. Although these have been reduced somewhat in size and are now closer to the footprint of development previously permitted under reference MA/09/1751 I do not feel that the first two grounds of the previous refusal under MA/12/1485 have been overcome. The 2009 permitted scheme, although partially of 3 storeys, was in a modern idiom and mainly comprised buildings with flat roofs. The current scheme, designed in a "traditional" manner, features steeply-pitched roofs which in 3 of the houses contain bedrooms, and results in higher buildings. Plot 4 in particular is very close to the boundary of the site with the modest back gardens of houses in Crowther Close, which I believe will make it particularly unneighbourly. This relationship could be slightly improved if the proposed house were rotated by 45 degrees. However, I am also concerned at the standard of design proposed – the designs do not convince as interpretations of the local vernacular tradition. I also feel that the steeply-pitched roofs do not complement the parapetted and shallow-pitched roofs exhibited on the listed building as well as the previously permitted scheme's flat roofs. The steep pitches of the current scheme, particularly when allied to the relatively short ridges, result in awkwardly-proportioned buildings having a somewhat top-heavy appearance. In my view, if a more traditional approach is desired, it would be more appropriate to use shallow-pitched slate roofs with hipped ends – this would sit more comfortably with Surrenden, result in buildings of better proportions and also reduce the height of the new houses resulting in a better relationship with adjoining development. It would of course, result in the loss of bedrooms.'

3.11.1 Further comments relating to the changes to Plot 4 were made on 17 January 2014.

'The amendments now made in respect of the house on Plot 4 are broadly in line with my previous suggestions and in terms of design and scale I now consider this dwelling to be acceptable. However, my objections remain in respect of the other 3 plots which are hardly any greater distance away from the listed building. Furthermore, leaving those houses in the original design will make Plot 4 stand out as an oddity, resulting in a loss of coherence in design for the scheme as a whole. In my opinion, all houses should be revised to reflect the design now proposed for Plot 4.'

#### **4. REPRESENTATIONS**

- 4.1 **Two** letters of support for the application has been received noting that plot 4 has been reduced in height, thus reducing impact on Surrenden and Surrenden Mews.
- 4.2 **One** letter states that the reorientation of and the reduction of the windows in Plot 3 in the elevation facing 15 Crowther Close is welcomed, but states that the whole development should be moved to the front of the plot.



4.3 **Six** letters and a statement of objection have been received from and on behalf of nearby residents on the original plans and subsequent amendments. Objections are raised on the following (summarised) grounds:

- The proposed property heights are excessive. The 3<sup>rd</sup> floor element and the height of the proposed houses seem in excess to the plot sizes and where sited near boundaries will be detrimental to existing properties.
- The access to the High Street is on a bend it its increased use could result in accidents it is also liable to flooding necessitating the need for new highway drainage.
- The intended development is far more intrusive than the last application. It also contains more overlooking windows whereas the previous one had none.
- It is noted that there are to be four properties whereas last time there were five. Why is it then that these four properties are all closely crowded into the corner directly in front of 11, 13, 15 Crowther Close. The residents feel most strongly that the whole development could now be substantially moved forward utilising the vacant space at the front of the site.
- Loss of sunshine and light to properties in Crowther Close as the ground on the other side of the wall starts at a higher level already and will have three storey pitched-roof 5 bedroom houses which are very large, overshadowing them.
- The visual appearance of the proposed properties does not compliment or complement the listed property of Surrenden and the character of the Conservation Area. The proposed properties are too large by far and out of keeping with the listed property. Smaller and less intrusive cottages would be a far more reasonable suggestion and more acceptable to local residents. When looking at plans for the project it is as though residents of Crowther Close do not exist – it is as though they are “invisible”.
- Lack of parking space at the proposed development will mean ever more congestion with people using Crowther Close as an overflow car park.
- Even though Highways Department never come up with any support for our objections – the entrance/exits are dangerous. It is very difficult to see oncoming traffic when pulling out particularly traffic approaching from the right and there are often vehicles parked opposite the exit outside the garage. Also there is a distinct bend which means pulling out is a dangerous manoeuvre. There is a 30mph limit here – but this is all too often ignored and vehicles drive speedily through the village. As with the Conservation Department the Highways Department does not appear to do its job properly. Whatever excuse Highways make, the entrance and exit points are dangerously situated.
- The previous proposals were eco-friendly. The new dwellings are not.
- The new houses should be sited further away from Crowther Close and as a result would also have bigger gardens.
- This development will have an adverse impact on the wild life within the conservation area i.e. butterflies, squirrels and numerous species of birds.
- The recent changes to the scheme do not alter the fact that the development will have a harmful impact on the Conservation Area.

- The houses will cause overshadowing to properties in Crowther Close and will not themselves receive any evening sun.
- Parking space provision remains inadequate
- The changes still do not result in the proposed dwelling on plot 4 being located an acceptable distance from the adjacent 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-storeys 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 seeks permission for the erection of four detached dwellings on the site. The access to the site is the same as for application MA/09/1751 using the southern arm of the two current accesses to Surrenden off the A229 High Street. Entry to the site is gained via an existing gap in the trees.
- 5.2.2 An access road would serve the four dwellings. Three would front onto the road located on its south side and have rear elevations backing onto Nicholson Walk and the fourth would be located at its western end and backing onto Crowther Close to the rear.
- 5.2.3 The dwellings proposed are of a more 'traditional' design approach than the approved scheme. Plots 1 and 2 would each have five bedrooms, plot 3 would have 4 bedrooms and plot 4, three bedrooms. Plots 1 and 2 would have three car parking spaces and plots 3 and 4 two car parking spaces each.
- 5.2.4 Plots 1 and 2 would be approximately 9.5m to the ridge, 5m to eaves and would have accommodation over two floors with bedrooms in the roof which has bonnet hips and a ridge running east-west. Two flat-roofed dormers would face north towards Surrenden and the rear roof space would be lit by roof-lights. These two units would have an integral and an attached single storey garage.
- 5.2.5 Plot 3 would also be approximately 9.5m to the ridge and 5m to eaves, with accommodation over two floors and in the roofspace. Elevational treatment would be similar to plots 1 and 2 as would the treatment of the roofspace and the ridge and bonnet hips proposed. The garage on this unit would be integral. There would be a single-storey lean-to addition on the west side incorporating part of the kitchen/breakfast room.

- 5.2.6 Plot 4 has been amended and slightly re-sited since the application was submitted. The pitch of the roof on the unit has been lowered and the ridge is now 7.8m (previously 8.8m) and the eaves 4.2m (previously 5m). The ridge on this dwelling runs north south. Plot 4 is now located some 5.5m to 6.8m from the western site boundary compared to the previously approved dwelling (plot 5 of 09/1751) which was set some 4.5m from the boundary.
- 5.2.7 In terms of materials, the roofs would be clad in plain clay tiles with the exception of plot 4 which would be slate. Stock facing bricks and a contrasting red brick would be used. Any tile hanging would also be plain clay tiles.

### **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 The main change in Development Plan policy since the last permission is the publication of the National Planning Policy Framework in March 2012 and the revocation of the South East Plan 2009 as it affects Maidstone Borough.
- 5.3.3 Members should note however, that garden land had been removed from the definition of Previously Developed Land prior to planning permission being granted for application MA/09/1751.
- 5.3.4 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 in 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.
- 5.3.5 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.
- 5.3.6 A significant consideration is the extant planning permission for five dwellings approved on 7 April 2011 (extant until 6 April 2014) under application MA/09/1751.

5.3.7 Given the varied pattern and grain of development in the area and the extant planning permission, on balance I raise no objections to the principle of residential development on the site.

#### **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. Member should however bear in mind that there is an extant consent for development of the site. The impact of the currently proposed 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 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. Plots 1-3 the tallest proposed houses, are around 9.5m to ridge and 5m to eaves level Plot 4 the closest dwelling to the listed building has a ridge height of 7.8m and an eaves height of 4.2m.

5.5.2 Whilst noting the views of the Conservation Officer, who Members will now note has no objections to plot 4, the minimum 24m separation between the existing buildings to the north of the site and the proposed development has resulted in a

proposed development that maintains in my view sufficient space and setting for the listed building.

- 5.5.3 I do not consider that the development as now proposed with albeit taller dwellings than the approved consent, does adversely affect the setting of the building. The development as now proposed has reduced the number of dwellings and has increased the separation between the dwellings at first floor and roof level providing for a visually more spacious development.
- 5.5.4 On this issue the applicants have submitted a comparison plan showing the massing of the approved dwellings and the proposed dwellings on plots 1-3. This plan indicate that although the proposed ridge of the dwellings on plots 1-3 is higher (1.6m) than the approved dwellings, it is set approximately 6.6m back from the front and rear elevations. There is also greater separation from the main rear elevation at 12.6m (previously 10.8m) from Nicholson Walk to the south of the site. I consider the current design to have less mass overall. The window heights of the attic rooms which are now proposed to be lit by dormer windows to the north elevation facing 'Surrenden' and rooflights to the rear, are no higher than the previously approved third storey windows.
- 5.5.5 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. 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.
- 5.5.6 The orientation of the dwellings has also changed from the refused scheme for 4 dwellings and greater separation has been achieved from the western boundary and the properties in Crowther Close.
- 5.5.7 I consider that consideration of the potential impact on the listed building and the Conservation Area of the currently proposed scheme is balanced. Whilst as stated above, I note the comments of the Conservation Officer, it is my view that the proposed dwellings have a reduced overall mass compared to the approved scheme. Appropriate materials, commonly found in the surrounding area are to be used and the design has drawn on the local vernacular for its inspiration.

5.5.8 Given the fall-back position of the extant planning permission in my view the scheme as proposed does preserve the character of the Conservation Area, in that one fewer dwelling is proposed and that overall the massing of the dwellings is reduced. It is on balance therefore that I do not raise objections to the impact of the development on the Conservation Area or the setting of 'Surrenden.'

## **5.6 Design**

5.6.1 Turning to the design of the dwelling themselves, they are of a traditional vernacular design. The detailing is considered to be appropriate notwithstanding the Conservation Officer's concerns regarding height. The designs as now proposed have vitality and elevational interest, through the use of the elements of the local vernacular, bonnet/barn hips window headers, corbelled eaves etc.

5.6.2 The dwelling on plot 4 has been reduced in height and is now considered to have an acceptable impact on the properties in Crowther Close being of a much reduced scale to the most recently refused consent.

5.6.3 The proposed materials are considered to be appropriate and will provide a good quality external appearance.

5.6.4 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 1-3) themselves are sited between 24m and 28m from the flank of Surrenden House and Surrenden Mews. Plot 4 is located some 14m from Surrenden Mews. 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 3 and 4.

5.7.3 Number 9 Crowther close would have an angled view of unit 4 and would in fact directly face on its proposed garden area and would be sited approximately 24m from unit 4.

- 5.7.4 Plot 4 is sited closest to 11 Crowther Close and would be located approximately 18.5m from the current rear wall of that property. Given this degree of separation, together with the lower overall height of the building at 7.8m (previously 8.8m) to ridge and 4.2m (5m) to eaves, and the fact that the roof is pitched away from the boundary, I do not consider that the development would have such an unacceptable overbearing impact on the occupiers of that property as to sustain an objection on these grounds. Two first floor windows (serving an en-suite and a secondary window to a bedroom) face towards no 11. These are small windows and can in any event be conditioned to be obscure glazed. Unlike the previous scheme, the cypress hedge is shown to be retained in this development.
- 5.7.5 Unit 3 would be sited to the rear of 13 and 15 Crowther Close. As stated earlier in the report, this is a two storey dwelling with accommodation the roofspace, it would be a maximum of 9.5m in height. There is a single-storey addition on the west side some 4.5m from the boundary with the main flank wall of Plot 3 some 7m from 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 17.5m-18m to the main two-storey flank of the proposed building. Number 15 Crowther Close would be separated from the main two-storey flank of plot 3 by approximately 17m.
- 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 22m and at an angle to the closest point of the rear wall of Plot 1 which is set some 12.5m 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 parking 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 comments of KCC ecology are noted but I consider that they can be addressed though the condition recommend by Natural England. 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

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/dying, its removal has also accepted previously in 2005 by the Landscape Officer. All other trees including the remaining ones along the boundary of the e 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 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.

5.9.4 On balance therefore, I raise no objections to the development on landscaping or ecology grounds.

## **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 harm the character of 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 As stated earlier in the report, I consider that consideration of the potential impact on the listed building and the Conservation Area of the currently proposed scheme is balanced in this case. The comments of the Conservation Officer are noted, however, it is my view that the proposed dwellings have a reduced overall mass compared to the approved scheme. Appropriate materials, commonly found in the surrounding area are to be used and the design has drawn on the local vernacular for its inspiration.
- 6.4 Given the fall-back position of the extant planning permission in my view the scheme as proposed does preserve the character of the Conservation Area, in that one fewer dwelling is proposed and that overall the massing of the dwellings is reduced.
- 6.5 It is on balance therefore that I do not raise objections to the impact of the development on the Conservation Area or the setting of 'Surrenden. I also 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 hereby permitted shall be carried out in accordance with the following approved plans:  
12.32.01, 32revB, 33revB, 34revB, 35revA, 210, 211, 212, 213, 214, 222 received 03/07/2013 drawing nos. 2135/12/3 and 1235/12/4revA received 11/07/2013, drawing nos. 12.32.SK215revA, 216revA, 217revA, 218revA,

219revA, 220revA and 221revA received 28/11/2013 and drawing no 12.32.200revD received 02/12/2013;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers and the surrounding area.

3. 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; The submitted details shall provide for the use of plain clay tiles for the roofs of plots 1-3 and natural slate for plot 4.

Reason: To ensure a satisfactory appearance to the development.

4. 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.

5. 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;

Reason: No such details have been submitted.

6. 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.

7. 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 and F and Part 2 Class A 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.

8. The dwellings shall achieve at least code 3 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development.

9. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations'.

Notwithstanding the details on drawing nos 1235/3 and 1235/12/4revA received 11/07/2013, no work shall take place on site until full details of protection including the RPA of tree T2 have been submitted to and approved in writing by the Local Planning Authority.

The approved barriers and/or ground protection shall be erected 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.

10. No lighting shall be erected or placed on the site or on the walls and roofs of the buildings hereby permitted unless details have first been submitted to and approved by the Local Planning Authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped area has been minimised.

The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents.

11. The development shall not commence until details of ecological enhancement measures have been submitted to and approved by the Local Planning Authority. The submitted details shall include:-

- i) the provision of bird and bat boxes
- ii) the provision of hibernacula
- iii) the retention and location within the site of a proportion of the cordwood arising from felled trees

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason In the interests of ecology and biodiversity.

12. Prior to the commencement of any works which may affect great crested newts or reptiles and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason In the interests of ecology and biodiversity.

13. Pedestrian visibility splays 2m x 2m with no obstruction over 0.6m above the access footway level shall be provided at the site access with the A229 High Street prior to the commencement of any other development in this application and shall be subsequently maintained thereafter.

Reason: In the interests of pedestrian and highway safety.

14. No unit within the development hereby permitted shall be occupied until the passing bay on the access driveway between the A229 and the entrance to the site as shown on drawing no. 12.32.200revD has been provided. The bay shall be constructed using a no-dig construction method and surfaced with a permeable surface. Details of the construction method and surfacing shall be submitted to and approved by the local planning authority prior to the commencement of the development and the development thereafter undertaken in accordance with the subsequently approved details.

Reason: In the interests of pedestrian and highway safety.

15. The first floor west facing windows to plots 3 and 4 shall be obscure glazed and fixed shut and maintained with the exception of a top-hung opening fanlight sited at least 1.7m above internal floor level.

Reason: In the interests of residential amenity of adjoining occupiers.

### **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 in connection with the construction of the development hereby permitted 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 there are no overriding material considerations to indicate a refusal of planning consent.