

APPLICATION: MA/12/2100 Date: 20 November 2012 Received: 16 January 2013

APPLICANT: Golding Homes

LOCATION: LAND ADJ HIGHFIELD HOUSE, MAIDSTONE ROAD, MARDEN,
MAIDSTONE, KENT, TN12 9AG

PARISH: Marden

PROPOSAL: Erection of 8No. new build affordable houses with associated access, parking and amenity space as shown on drawing numbers 130 rev B, 131 and 150, supported by a design and access statement, planning statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report ref. AR/2758/ci), Grant Acoustics Noise Assessment (ref. CA-2012-0058-R1), KB Ecology Preliminary Ecological Appraisal (ref. 2011/11/08), KB Ecology Reptile Survey Report (ref. 2012/02/07), KB Ecology Greater Crested Newt Survey Report (ref. 2012/02/07), Site Selection Process document and Action with Communities in Rural Kent Marden Housing Needs Survey, all received 21st October 2012, and drawing numbers 100 rev A received 16th January 2013 and 113 rev D received 17th January 2013.

AGENDA DATE: 4th April 2013

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by **Marden Parish Council**.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21
- Other: Maidstone Borough Council Affordable Housing Development Plan Document (2006)
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning and the Historic Environment – Practice Guide

2. HISTORY

MA/05/1746 - Outline application for the erection of 1 number detached house with means of access to be considered at this stage and all other matters reserved for future consideration – REFUSED, DISMISSED AT APPEAL

MA/00/1881 - Erection of 2No. detached dwelling with associated garaging and new access – REFUSED

MA/85/1842 - Formation of new vehicular access – APPROVED SUBJECT TO CONDITIONS

- 2.1 Planning permission has been previously refused for residential development on the site on two occasions, the second of which was also dismissed at appeal. The Inspector found that, whilst the site was considered to be relatively sustainable in its relationship to the village of Marden, the introduction of a single dwellinghouse on the land would be detrimental to the character of the area and consolidate the existing pattern of development. A copy of the appeal decision is attached as Appendix 1.

3. CONSULTATIONS

- 3.1 A press advertisement was published on 23rd December 2012; this expired on 6th January 2013. A site notice was also displayed at the site.
- 3.2 **Marden Parish Council** wish to see the application approved, and made the following detailed comments:
- 3.2.1 "Marden Parish Council supports the need to find suitable sites to meet the actual demand shown by the Marden local needs housing survey. It is recommending approval purely on the basis that this is an exception site for affordable housing to address local needs only. All permitted development rights should be removed. Housing must be for local needs in perpetuity as per paragraph 6.3.8 in the Planning Statement submitted with the application. Councillors are concerned about any possible parking on the B2079 and strongly recommend that the applicant and the planning authority talk to the highway authority about means to prevent this."
- 3.2.2 Concerns have been raised in respect of the deliberations of the Parish Council and changes to their recommendation, however the procedures of the body are something not relevant to the determination of the current application, and the Parish Council have been consistent in supporting the application.
- 3.3 The **Kent County Council Highway Services Engineer** raises objection to the proposal on the grounds of inadequate provision of on site parking provision

would be likely to give rise to conditions detrimental to highway safety by way of obstruction of the public highway, and makes the following detailed comments:

- 3.3.1 *"The Interim Guidance Note 3 recommends a minimum of 2 spaces per 3 bedroom house and 1.5 spaces for each 2 bedroom house in a village location. This would equate to a minimum of 15 spaces being required plus visitor parking at 0.2 spaces per dwelling. The limited parking provision may lead to parking within the access road and on the highway. The access road is 4.1m in width between its junction with the B2079 and the first turning area which is insufficient for an HGV or refuse vehicle to pass a parked car. The access width past the first turning area is reduced to 2.8m.*

I consider that the shortfall in parking provision within the site and the tight layout would lead to problems of obstruction to the detriment of highway safety and therefore I recommend that this application be refused."

- 3.3.2 The **Kent County Council Biodiversity Officer** raises no objection to the proposal subject to conditions securing the submission, approval and implementation of a detailed reptile mitigation strategy and details of enhancements; the development being undertaken in accordance with the recommendations of the KB Ecology Preliminary Ecological Appraisal (ref. 2011/11/08), KB Ecology Reptile Survey Report (ref. 2012/02/07) and KB Ecology Greater Crested Newt Survey Report (ref. 2012/02/07); works ceasing in the event of Great Crested Newts being identified; and vegetation being removed outside of the bird breeding season, and an informative drawing attention to the recommendations of the Bat Conservation Trust. The officer makes the following detailed comments:

- 3.3.3 *"We have reviewed the ecological information which has been submitted in support of this planning application in conjunction with the desk top information which we have available to us (including aerial photos and biological records).*

- 3.3.4 *We are satisfied sufficient information has been submitted to determine the planning application and we require no additional information to be submitted prior to determination.*

Reptiles

- 3.3.5 *Reptiles have been recorded within the site. The submitted report has provided some recommendations for the recommendations however sufficient information has not be provided. If planning permission is granted a detailed mitigation strategy must be submitted as a condition of planning permission.*

- 3.3.6 *The mitigation strategy must provide details of the proposed location of the receptor site and details of how the area will be enhanced and managed to*

ensure it remains suitable for reptiles. We note from the proposed site plan there is an area of the site within the orchard which is not being developed in to housing or gardens. It is recommended that reptiles are retained on site rather than using an off site receptor site – considerations should be given to creating this area as the proposed receptor site.

Great Crested Newts

3.3.7 *Although no great crested newts were recorded during the survey there is still some limited potential for them to be present. If planning permission is granted, all works must cease if Great Crested Newts are identified during the works. The creation of the on site receptor site for reptiles will ensure that there is suitable habitat present for GCN once the development has been completed.*

Breeding Birds

3.3.8 *There is suitable vegetation present on site for breeding birds. To avoid impacts on breeding birds the vegetation must be removed outside of the bird breeding season if that is not possible a survey must be carried out prior to works taking place. If any breeding birds are identified all work must cease in that area until all the young have fledged.*

Bats

3.3.9 *No suitable features were recorded on site for roosting bats. However there is the potential for bats to use the site for foraging for commuting. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.*

Enhancements

3.3.10 *One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".*

3.3.11 *The ecological scoping survey has made recommendations of enhancements which can be incorporated in to the proposed development site. As a condition of planning permission details of the enhancements which will be incorporated in to the site must be submitted for comment."*

3.4 The **Maidstone Borough Council Housing Officer** confirms the need for affordable homes in Marden, and the robustness of the Local Needs Housing Survey submitted in support of the application, and supports the application,

although concerns were raised in respect of the absence of one bedroom units in the proposed development and further analysis of the affordability of the development for local residents sought. The officer makes the following detailed comments:

- 3.4.1 *"The proposal seeks permission for a 8 unit scheme comprising 3 two bedroom houses and 1 three bedroom house for affordable rent and 3 two bedroom houses and 1 three bedroom house for shared ownership, complete with landscaping, parking and access. The application is submitted on behalf of Golding Homes. The application is in response to the local housing need survey which was undertaken by Action with Communities in Rural Kent (ACRK), with the support of MBC Housing and Marden Parish Council to ascertain if there are shortfalls in affordable housing provision within the parish.*
- 3.4.2 *I can confirm that a survey was distributed to every household within the parish of Marden in July 2011. Following analysis of the responses, a need for up to 23 affordable homes was identified, for people with a local connection to Marden. The local people who are in need of affordable housing were identified as 6 single people, 7 couples, and 10 families. Fifteen of the households need housing now and eight in the next 3 years. A need for 1, 2 and 3 bedroom properties can be identified from the findings.*
- 3.4.3 *The 23 respondents who are in need of affordable housing indicated strong local connections to Marden. A total of 21 currently live in the parish and 2 live outside and wish to return. The use of the properties would be restricted in perpetuity to local needs affordable housing, to qualifying persons who meet the local connection criteria.*
- 3.4.4 *Housing therefore support the principle and need for this development as a result of the survey analysis and findings. The proposed development of 8 dwellings is substantially below the total need identified within the survey, and will help to provide housing for those local people who are priced out of the open market, and wish to remain living and contributing to their local community.*

Evidence Base (Local Housing Need Survey)

- 3.4.5 *The intention of this survey was to update the findings of a previous survey undertaken back in 2005, to help support the case for any development proposals for local needs affordable housing. The Local Housing Need Survey form followed the standard template used by ACRK across Kent and the final survey form was agreed following consultation with Housing, Marden Parish Council and Golding Homes. The final report by ACRK was produced following the normal standard methodology and provides overall information as well as analysis of housing need. ACRK circulated the draft report for comment to the*

Parish Council and MBC Housing before the final report was published. Housing are therefore satisfied with the robustness and accuracy of the survey process and final report that has been published.

Other Comments

- 3.4.6 *As a need for 1, 2 and 3 bedroom properties can be identified from the survey findings, it is disappointing that the proposals do not include any 1-bed provision for the 6 single people identified. However, the proposed development sits comfortably on the site and is in reasonable close proximity to the village centre. The property mix proposed does also reflect bedroom need within the survey, so Housing are generally supportive of the proposed dwelling mix.*
- 3.4.7 *The 8 properties on this site are proposed to be delivered for affordable rent, and Housing have recently received the proposed affordable rent levels from Golding Homes, of which are within Local Housing Allowance (LHA) levels.*
- 3.4.8 *In terms of desired tenure, the survey identified that there were 5 households who may be able to afford a share of a shared ownership property. It was recommended that more detailed analysis of their income and actual cost of the shared ownership property would be required to confirm affordability.*
- 3.4.9 *I am advised that at the consultation exercise held in the village in September, Golding Homes circulated and asked Parish Residents to complete a registration of interest form, to ascertain what interest there was for shared ownership and more importantly whether they could afford the product. This information has therefore fed into the tenure mix proposals. Housing have recently received a copy of the completed registration of interest forms to check and keep on record a copy of the completed responses. Housing are therefore satisfied that this process has been followed.*
- 3.4.10 *Given the aspirations of some local people for home ownership, and being priced out of open market housing in the locality, it is important that a mix of tenure and shared ownership is provided for current and future local people. It is therefore pleasing to see that this development does include provision for shared ownership.*
- 3.4.11 *The development has been designed to comply with Secured by Design principles. One of the objectives of the development is also to provide new dwellings which comply with Lifetime Homes standards.*
- 3.4.12 *In summary, Housing are therefore supportive of the principle and need for this development, of which will help to address the local housing needs as identified by the Housing Needs Survey."*

- 3.5 The **Maidstone Borough Council Environmental Health Manager** raises no objection to the proposal subject to the imposition of a condition requiring the development to be undertaken in accordance with the recommendations of the Grant Acoustics Noise Assessment (ref. CA-2012-0058-R1) and informatives relating to best practice in construction, asbestos and waste, and makes the following detailed comments:
- 3.5.1 *"This site is close to the main London – Ashford railway and is also situated on Maidstone Road, another significant noise source. Conveniently, a noise assessment has been included with the paperwork in support of the application. It is a competent and concise report which has predicted noise levels measured on site and extrapolated them as internal noise levels in accordance with the values described in BS 8233. The readings predict that with windows open, the preferred internal noise levels for night time occupation (45 dB) will not be achieved. It is not sufficient to rely on compliance with just windows closed, so the report then describes the type of mitigation that is required to provide compliance with the recommended levels with windows closed. It is then predicted that using a combination of double glazing and appropriate trickle acoustic venting, the required values for living rooms will be achieved, for both day-time and night-time occupation. I accept this methodology and the predicted readings obtained. Because of the layout of the site, the problem is not the same for all units; the above methodology is best applied to the worst case scenario, i.e. the unit closest to both Maidstone Road and the railway.*
- 3.5.2 *The site is outside the Maidstone Town Air Quality Management Area and I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect. The building to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*
- 3.5.3 *There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations.*
- 3.5.4 *The Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the Local Authority at any time."*
- 3.6 The **Maidstone Borough Council Conservation Officer**, who has had an opportunity to view the Heritage Impact Assessment undertaken by James Weir

Historic Buildings Consultant submitted by an objector, raises no objection to the proposal on heritage grounds, and makes the following comments:

- 3.6.1 *"The development proposed is of modest scale and in a vernacular style. It will have only a minor and acceptable impact on the setting of the listed building opposite."*
- 3.7 The **Maidstone Borough Council Landscape Officer** raises no objection to the proposal on arboricultural grounds subject to the imposition of a conditions requiring the development to be undertaken in accordance with the recommendations of the Quaife Woodlands Arboricultural Survey and Planning Integration Report ref. AR/2758/ci) and the submission, approval and implementation of a maintenance and long term management plan, and makes the following comments:
 - 3.7.1 *"The arboricultural survey and planning integration report produced by Quaife Woodlands is acceptable and therefore there are no arboricultural objections I can raise to this proposal. If you are minded to grant consent I would, however, wish to see a condition requiring compliance with the said report together with a landscape condition including a requirement for a maintenance and long term management plan."*
- 3.8 **Southern Water** raise no objection to the proposal subject to the imposition of a condition requiring the submission and approval of details of proposed means of foul sewerage disposal and an informative notifying the applicant of the need for a consent for connection to the public foul sewer to be sought from Southern Water.
- 3.9 **UK Power Networks** raise no objection to the proposed development.

4. REPRESENTATIONS

- 4.1 Councillor Rodd Nelson-Gracie requested that the application be reported to Planning Committee in the event of a recommendation for approval, and made the following detailed comments:

"This application is for housing north of the London to Ashford railway line. The village plans and design statements thus far have been to restrict building of residential property to south of the railway line, reserving the area in the north west of Marden (Pattenden Lane) for employment floorspace and the north east to remain rural with scattered housing and agricultural uses. This is backed up by appeal decisions.

There are a number of Heritage Assets including Listed Buildings in the immediate vicinity of the application site. Such development would seriously impact their setting and status.

Planning applications for this site have previously been restricted to use for agricultural purposes or ancillary uses for Highfield House. Specifically (2 & 1) dwellings.

There will be light and noise impacts on this rural area if dwellings are erected here. Traffic pollution will also be increased.

The erection of 8 houses will create an additional road safety hazard, not only for traffic accessing and leaving the site but for passing traffic which typically is not usually following the 30mph speed limit. In addition, overflow parking from the site is likely to be situated on the B2079, creating further hazard and create an unsightly view on the village entry point.

There will be adverse impacts on wildlife in the application site. Grass snakes, bats and owls are known to frequent the area.

It is felt that this type of application should be considered as part of the Local Development plan and such applications should not be dealt with on an ad hoc basis. A Neighbourhood Development Plan is being developed in Marden, and outcomes from this should be taken into account."

- 4.2 Neighbours: 12 representations were received from 10 households; of these 1 included a Heritage Impact Assessment undertaken by James Weir Historic Buildings Consultant and an objection undertaken by Broadlands Planning. The following detailed concerns were raised:
- The development is located outside the village boundary and north of a distinct boundary (the railway line) and would set a precedent for such development.
 - Poor design and over development of the site.
 - Erosion of the openness of the countryside.
 - Harm to residential amenity by way of overlooking/loss of privacy and loss of outlook.
 - Impact on the rural character of the location through consolidation of the built environment and by way of light, air pollution, noise and increased vehicle movements.
 - Issues of highway safety as a result of the introduction/consolidation of the proposed access, increased traffic movements and on street parking.
 - Harm to the setting of listed buildings.
 - Removal of vegetation including mature trees and hedges.
 - Harm to ecology including snakes, bats and owls using and nesting on the site.
 - Misleading presentation of information in the application documentation.

- The need for a strategic approach to the provision of affordable housing, rather than a “separate, speculative approach”.
- Reference made to various applications to develop land to the north of the railway land, all refused, including the appeal referred to above under the site history.
- Concern over the absence of any relevant Development Plan policies.
- Need for additional affordable housing in the context of the overall identified housing need.
- Site has not previously been identified either in the SHLAA or as an allocated housing site.
- Concern over the timing of the submission of the application, in respect of allowing full public consultation on the application.
- Concern over the deliberations of the Parish Council.

4.3 The Marden History Group and Marden Heritage Centre objects to the proposal on the following grounds:

- Building northwards of the railway line which represents the northern boundary of the village.
- Development in, and harm to, the open countryside and “last unspoilt” entry into Marden.
- Prematurity in the context of expected planned provision of additional homes within the village as part of the Core Strategy.
- Impact on heritage assets.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The proposal site is located in a rural location in open countryside with no specific environmental designations in the Maidstone Borough-Wide Local Plan 2000.

5.1.2 The site comprises a level overgrown field with an area of approximately 0.235Ha likely to represent a former orchard, as evidenced by the fruit trees located in the north west corner of the site, and is considered to have a current lawful use as agricultural land. The site has an existing agricultural access

central to the frontage onto Maidstone Road, the B2079, and its boundaries are marked by mature native hedges of variable quality.

- 5.1.3 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 50m to the south of the site by the railway line which runs east to west in a cutting. Notwithstanding this, the site is surrounded by residential development, the closest residential properties being Highfield House located 13m to the south of the site; The Old Vicarage located 15m to the west of the site on the opposite of Maidstone Road; and Church Farm House and The Oast House, located 71m to the north of the site. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. Further residential development is located to the north of Church Farm House, which comprises rural dwellings and converted agricultural buildings including barns and oasthouses. The immediate neighbouring properties are substantial detached dwellings, however in the wider vicinity of the site are detached and semi-detached conversions and pairs of semi-detached cottages. These dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.
- 5.1.4 A number of these buildings are Grade II listed, including The Old Vicarage, Church House Farm and The Oast House. Highfield House, whilst not itself listed, is an impressive Victorian property, and this and some of the other unlisted dwellings may be considered to constitute undesignated heritage assets. There are a number of ponds in close proximity to the site, and mature trees both within and on land adjacent to the proposal site.

5.2 Proposal

- 5.2.1 The proposed development is the erection of eight dwellings arranged in two terraces of four units, together with associated on site parking and landscaping, and works to improve the existing vehicular access. The drawings refer to the southern most block as block 1 and the northern most block as block 2, however in this report I refer to them as north and south for purposes of clarity.
- 5.2.2 Each of the terraces would provide three identically sized units, along with a slightly larger unit at the southern end of each block. Each block would provide three 2 bed units and 1 3 bed unit, resulting in the net provision of six 2 bed dwellings and two 3 bed dwellings.
- 5.2.3 Both terraces would have a width of 19.5m and a maximum depth of 10.5m, the smaller units having a depth of 9.2m. The detailed designs of the blocks differ in that the larger units would have a slightly different detailed relationship to the other three properties in each block, that of the north block being set forward of the main elevation of the terrace by 1.2m and that of the southern block by

0.5m. In both cases the form of the terrace would incorporate a main ridge with a height of 10m running along the main axis of the building, truncated in the south by the ridge of the larger end unit which would run at 90° with a height of 8m, incorporating front and rear gable projections. The north ends of the terraces would be barn hipped. The eaves of the terraces would have heights of 5m.

- 5.2.4 The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles.
- 5.2.5 The terraces would be oriented within the site as being offset from the frontage with the highway and the neighbouring properties, however both blocks would be arranged along a similar north north east – south south west axis. The front elevation of the southern block would be set back in relation to the highway by between 8m and 11m. The main frontage of the northern most of the two blocks would be set back by 12m in relation to that of the southern block, and would be set back from the highway by between 23 and 28m. This arrangement would allow on site parking areas providing 13 parking spaces to be provided to the front of the northern block and the rear of the southern block, including a three bay car barn in the rear (east) of the site. Each property would have a rear garden to the rear (east) of the dwelling, and in addition open shared landscaped areas would be retained to the north and west of the southern terrace and the northern parking area. Vehicular access to the site would be via a centrally located access which would extend rearwards into the centre of the site.
- 5.2.6 The proposed housing would provide local needs housing in its entirety.

5.3 Principle of Development

- 5.3.1 The application is located in open countryside outside the defined settlement boundary of Marden, and as such is subject to the normal constraints of development in such locations under policy ENV28 (Development in the Countryside) of the Maidstone Borough-Wide Local Plan 2000, which seeks to protect the character and appearance of the open countryside, and restricts new development in the open countryside to certain defined exceptions as set out in the Local Plan. New residential development does not fall within the exceptions set out in the policy, or elsewhere in the Development Plan.
- 5.3.2 Notwithstanding this presumption against new development, including residential development, on sites in the open countryside such as this, the National Planning Policy Framework 2012 provides qualified support for development of

rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

"In rural areas (...) local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."

- 5.3.3 This accords with the Maidstone Borough Council Affordable Housing Development Plan Document, which put forward the principle of "allocating releasing sites solely for affordable housing, including using a rural exceptions site policy", albeit that such a policy has not to date been adopted.
- 5.3.4 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs housing, and evidence has been provided in the form of a Marden Housing Needs Survey to the effect that there is a demonstrable need for affordable housing for local people. Whilst the survey is dated August 2011, its contents are supported by both the Maidstone Borough Council Housing department and Marden Parish Council, and I have no reason to doubt that the need for local needs housing still exists. To my mind, therefore, the site should be considered as a rural exception site.
- 5.3.5 The National Planning Policy Framework sets out a clear presumption in favour of sustainable development which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7) Although the National Planning Policy Framework 2012 identifies the provision of new housing by way of various means of delivery as a priority, as evidenced by paragraph 54, it also makes clear that this is not to take place at the expense of either the built or natural environment, and should be balanced against the need for new development to be sustainable. The National Planning Policy Framework 2012 goes on to set out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment This is supported by section 7 of the document, which underlines the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout (paragraphs 58 and 59). Paragraph 64 states that "permission should be refused for development of poor design", which, as set out above, can be in respect of a failure to properly relate and respond to the local area.

- 5.3.6 Whilst the site is on Greenfield land located in the open countryside, and therefore would not normally be considered acceptable for new residential development, the application has been put forward as a proposal to provide local needs housing by a recognised Registered Social Landlord, and as such it falls to be considered as a local needs exception site. In respect of the location of the site, whilst it is located in the open countryside to the north of a clear boundary of the village, namely the railway line, which has been historically supported through development management decisions by both the Borough Council and the Planning Inspectorate, it is considered, as set out in the appeal decision relating to MA/05/1746, that by virtue of the proximity of the site to the village of Marden, it is in a sustainable location in respect of services and facilities.
- 5.3.7 For these reasons, I therefore consider that whilst located in the open countryside, the proposed development represents a rural exception site for the purpose of providing local needs housing, and furthermore that its location is such that it represents a sustainable location for such a site, in accordance with the key National Planning Policy Framework 2012 objective of achieving sustainable development. The principle of the proposed development, as set out in the application documentation, in this location is therefore considered, in the circumstances of this case, to be acceptable.
- 5.3.8 I note concerns that the provision of affordable housing should be dealt with in a strategic manner, and that in the absence of any relevant Development Plan policies should be refused, however in the absence of any such policies or land allocations, the National Planning Policy Framework 2012 is clear that decisions should be made in accordance with national policy, and that Local Plan policies will only be taken into consideration insofar as they are consistent with national policy. Whilst weight may be given to emerging plan policies, the primitive stage of the Core Strategy in respect of housing policies and allocations is such that only limited weight may be given to the emerging local strategic framework. In this context, the site and the proposed development are considered to be acceptable in the circumstances of this case, and it is not considered to be in appropriate to refuse, or refuse to determine, the application on these grounds.
- 5.3.9 Notwithstanding this, the proposal remains to be considered in the context of all other material considerations, including those of design (including layout and scale) and impact on the open countryside and streetscene; highway safety; impact on heritage assets; impact in respect of ecology and biodiversity; and residential amenity.

5.4 Design and Visual Impact and Impact on the Open Countryside and Streetscene

- 5.4.1 As set out above, the proposed development would take the form of two terraces of four properties, which would set back from the highway and front onto landscaping and car parking areas within the site.
- 5.4.2 It is considered that the design approach taken in respect of the buildings themselves, which reflects the local vernacular, is valid, and whilst not particularly innovative or groundbreaking, is acceptable.
- 5.4.3 The layout, however, is considered to be inappropriate in this rural location. Whilst the immediate locale is characterised by substantial detached dwellings set in generous gardens, and a more consolidated group of residential and converted agricultural buildings further to the north, to my mind modest pairs or terraces of cottages are not out of keeping with the character of rural areas of Marden, and it is not the case that development of this kind for local needs housing, would be unacceptable. However, the layout of the scheme, does not relate well to the public highway, or provide a strong frontage to Maidstone Road, as would be expected in such developments. The offset and staggered siting of the buildings within the site is more characteristic of urban developments in circumstances where the site is surrounded by high density development; this is not the case here. Furthermore, whilst it is recognised that the applicant has sought to soften the frontage of the site through the retention of shared landscaping bands in the western part of the site, it is considered that it would be more appropriate for the frontage of the site to be comprised of the front gardens of the properties, which would allow the development to present a more traditional public aspect which would be more in keeping with Kentish rural areas. The inclusion of large shared parking areas are also considered to be inappropriate, and out of keeping with the local character; in the case of the parking area in the north of the site this would be additionally harmful by way of its dominance in views of the site from Maidstone Road, most notably from the south on the exit of the main village. The design of the layout would thereby be detrimental to the character of Marden, by way of establishing an essentially urban feature of development on what is rightly described as an "unspoilt" route into and out of the village.
- 5.4.4 I note concerns that the proposal would result in erosion of the openness of the countryside, however it is the case that residential development on sites such as this which are Greenfield sites in rural settings will inevitably have some effect on openness and the character of the area. The key consideration is whether that impact. The Government has, however, as set out above, determined that such exception sites are acceptable for the provision of local needs housing, and it is therefore considered that some loss of openness is to be expected. However, in the circumstances of this case, it is considered that the scale of the development proposed would result in a loss of openness in excess of what might reasonably be considered acceptable, the extent of built development

within the site being such that it would effectively extend the full width of the site when viewed from the public highway, and notwithstanding the fact that the dwellings would be set back from the highway (albeit in part by a substantial shared parking area), this would not overcome the negative impact of the development on the openness of the countryside. As stated above, the principle of the development of the site for local needs housing is considered to be acceptable in the context of the National Planning Policy Framework 2012, however the density of the development and its overall visual impact upon the character and appearance of this rural area is considered to be unacceptable.

- 5.4.5 For these reasons, notwithstanding the fact that no objection is raised to the detailed design of the proposed dwellings, the layout, in particular the relationship of the dwellinghouses to the highway and its failure to respect either the established pattern of development in the local vicinity or the wider rural built environment, the scale and extent of the built development proposed, and the excessive amounts of hard surfacing within the site, are such that the proposal is unacceptable on the grounds of its overall design, relationship to the surrounding pattern of built development, and impact upon the character and appearance of the open countryside in this location.
- 5.4.6 I note that objection is raised in respect of the impact on the open countryside of increased noise, light and disturbance as a result of the proposed development, however the nature of rural exceptions sites is such that they will inevitably give rise to some level of additional disturbance. In the context of this site, being located in close proximity to a busy classified highway and railway line, and on a publicly lit section of road, in close proximity to the village boundary of Marden, I do not consider that the additional impact of by way of disturbance is such that it would warrant refusal of the application on this ground.

5.5 Highway Safety

- 5.5.1 The proposal includes the improvement of the existing access to Maidstone Road, including the provision of visibility splays, and the Kent County Council Highway Services Engineer has raised no objection to the proposal on these grounds.
- 5.5.2 As set out above, the proposed development includes the provision of 13 on site parking spaces. The Kent County Council Engineer has raised concern over this level of provision, and surmises that the development would inevitably result in on street parking. The proposed level of provision of on site parking accords with the number of spaces recommended in the Kent County Council Interim Parking Guidance for the residential development, but does not account for visitor parking at 0.2 spaces per unit (1.6 spaces). Given the limited degree of discrepancy

between the on site parking provision and the Kent County Council Interim Parking Guidance (which is not adopted by Maidstone Borough Council for development management purposes), I do not consider the level of parking provision, in respect of matters of highway safety, to represent a reasonable grounds for refusal of the application.

5.6 Impact on Heritage Assets

- 5.6.1 As set out above, the proposal site is located in close proximity to a number of Grade II listed buildings, including The Old Vicarage, which is located directly opposite the site, and Church Farm House, which is located to the north. In addition, Highfield House, the neighbouring property to the south, whilst not listed, is considered to be a well preserved example of Victorian domestic architecture, and as such represents an undesignated heritage asset, although not formally recognised.
- 5.6.2 Whilst it is noted that objection has been raised in respect of the impact of the proposed development on the setting of the neighbouring heritage assets, supported by a Heritage Impact Assessment undertaken by James Weir Historic Buildings Consultant and an objection undertaken by Broadlands Planning, the Council's Conservation Officer raises no objection to the proposal for the reasons set out in the comments above, and I concur in this assessment. The Old Vicarage is severed from the proposal site by Maidstone Road, and its main building is screened from the site by a curtilage listed outbuilding, which turns its back to the public highway and proposal site. Church Farm House, the other neighbouring listed building, is located 125m to the north, and this separation distance is considered to be adequate to ensure that the setting of this building is not significantly harmed.
- 5.6.3 Whilst the proposed development would be located in close proximity to the neighbouring property to the south, Highfield House, and would inevitably have an impact upon its setting, this property is not listed, and as such the level of protection afforded to the setting of the building is limited.
- 5.6.4 For the reasons set out above in the circumstances of this case it is considered that there is no objection to the proposal on heritage grounds.

5.7 Ecology

- 5.7.1 It is noted that objection has been raised on the grounds of impact upon ecology and landscape.
- 5.7.2 A Preliminary Ecological Appraisal, Reptile Survey Report and Greater Crested Newt Survey Report have been submitted in support of the application, which

conclude that there is a slow worm, grass snake and smooth newt presence on the site, and that there is potential for Great Crested Newts on the land. The surveys excluded bat roosts and raised the potential of badgers and hedgehogs on the site, as well as nesting birds. The reports made appropriate recommendations for mitigation and enhancement, although the submitted drawings do not show any material enhancements to be incorporated in to the fabric of the buildings.

5.7.3 The Kent County Council Biodiversity Officer raises no objection to the proposal subject to the imposition of relevant conditions, and I concur with this view.

5.7.4 There is therefore considered to be no objection to the proposal on these grounds.

5.8 Landscaping

5.8.1 The proposal would result in the loss of trees on the land, and an Arboricultural Survey and Planning Integration Report has been submitted in support of the application which concludes that the specimens to be lost are category C, and therefore of limited value, and that significant trees on the site are capable of being retained. Whilst it is noted that the layout of the scheme shown on the Arboricultural Survey and Planning Integration Report differs from that in the application documentation, the scheme as proposed would not bring built development significantly closer to the trees to be retained, and the impact of the amended car park layout could be satisfactorily mitigated through the use of appropriate construction techniques.

5.8.2 There is therefore considered to be no objection to the proposal on arboricultural grounds.

5.9 Residential Amenity

5.9.1 The only residential property which would potentially be significantly affected by the development is Highfield House, the other neighbouring properties being located at such a distance as for there to be no impact, or in the case of The Old Vicarage, severed from the site by the B2079 and screened in part by an existing outbuilding and mature vegetation within the property's curtilage.

5.9.2 In respect of overlooking, the only windows proposed to the side elevation of the southern block would serve non-habitable rooms, and as such no habitual overlooking would be expected to result from the openings, the only one above ground floor serving the stairway. Although first floor windows are proposed to the front and rear elevations of both the north and south blocks, these would be

oriented obliquely in respect of the adjacent properties and would not afford direct views of private areas of the neighbouring dwellings.

- 5.9.3 With regard to loss of light, Highfield House has facing windows at ground floor and first floor level, however these are secondary openings to rooms which also have large windows to the front or rear elevations, and as such, notwithstanding the proximity of the south block to Highfield House, it is not considered that the proposal would result in significant loss of light to the property.
- 5.9.4 Although objection has been raised on the grounds of harm to residential amenity by way of noise, it is not considered reasonable to surmise that new residential development would conflict in this respect with existing residential use.

Other Matters

- 5.5.1 The application has been submitted as a rural exception site for the purposes of providing local needs housing to meet a recognised need, and on this basis the principle, if not the detail, of the application has been considered to be acceptable in the context of the National Planning Policy Framework 2012 in a location which would be considered unacceptable for market housing.
- 5.5.2 No legal undertaking has been submitted in support of the application. Whilst in the case of a recommendation for approval this absence may be dealt with by way of an appropriate legal mechanism prior to the approval of the application, in cases where the recommendation is for refusal the absence of an appropriate legal mechanism to secure the proposed dwellings for local needs housing in perpetuity and an appropriate mix of tenure represents an additional reason for refusal of the application. This interpretation is in accordance with appeal decisions elsewhere, including at South Street Road in Stockbury (appeal decision attached as Appendix 2), where the Inspector concluded that although in the context of provision of affordable housing for local needs the proposal was reasonably sustainable, that in the absence of an appropriate legal mechanism to control elements of the proposal, the development was unacceptable.
- 5.5.3 It is noted that there is an application currently under consideration for a residential development to the south of Marden at the MAP Depot site under the scope of MA/13/0115, which would provide 112 dwellings, of which 40% would be secured for affordable housing in accordance with the adopted Maidstone Borough Council Affordable Housing Development Plan Document (2006), and that it follows that approval of the MAP Depot scheme could remove the need for the development currently under consideration, and therefore the justification for the development of rural exception sites which are otherwise unacceptable, however MA/13/0115 is as yet undetermined and there is therefore uncertainty

as to whether this development or the affordable housing that it could potentially provide will ever materialise. In any case, the social housing to be provided by the two schemes differs in character; that which would result from the MAP Depot scheme would be "affordable", and therefore available for any person of need in the borough of Maidstone, and would be secured for such use for one cycle of tenure only, whilst that proposed under the current application would be for "local needs" housing, i.e. for persons (and their dependents) who can demonstrate a strong connection to the parish of Marden, and would be required to be secured in perpetuity for that use. For these reasons, whilst I am mindful of the potential implications on the matter of need for the current application of MA/13/0115, I do not consider that the existence of the MAP Depot scheme application warrants refusal of the current application.

- 5.5.4 It is noted that the current application has been submitted following ongoing discussions between the developers and the Local Planning Authority, however the applicants were advised by officers prior to submission of the application that the scheme currently before Members would be likely to be considered unfavourably for the reasons set out above.
- 5.5.5 The applicants propose the dwellings to achieve Level 3 of the Code for Sustainable Homes; as a rural exception site it is disappointing that Level 4 is not the objective, however this does not represent a reason for refusal of the application.
- 5.5.6 The site is not located on land recorded by the Environment Agency as being prone to flood. Although the site is located in close proximity to the B2079 and the railway, the application is supported by a detailed Noise Assessment, and the Co9uncil's Environmental Health Manager has raised no objection to the proposal on the grounds of noise. The scale of the proposed development is such that it falls below the threshold for contributions to health, education and community facilities.
- 5.5.7 Concerns have been raised in respect of the clarity and accuracy of the documentation submitted in support of the application and the robustness of the consultation process undertaken by the Council, as well as the deliberations of the Parish Council. The documentation is considered to be sufficiently clear and accurate to allow assessment of the proposed development, and the application has been the subject of full consultation in accordance with the provisions of the Town and Country (Development Management Procedure) (England) Order 2010. Concerns over the consideration of the application by the Parish Council should be directed to that body.

6. CONCLUSION

- 6.1 For the reasons set out above, the proposal is considered to represent development which is poorly related to the surrounding pattern of development and to fail to achieve the high quality of design sought by the National Planning Policy Framework 2012, in so far as it would be discordant with the established pattern of development and result in extensive areas of hard surfacing, thereby causing harm to the character and appearance of the open countryside and this rural approach to the village of Marden.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development, by way of its design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of rural Marden, and would result in significant harm to the character and appearance of the open countryside and natural environment. For this reason the proposed development would be contrary to national planning policy which seeks to secure a satisfactorily high quality of design, and be contrary to central government planning policy, as set out in the National Planning Policy Framework 2012.
2. In the absence of an appropriate legal mechanism to secure the development in perpetuity for the provision of local needs housing as a rural exceptions site, the proposed development represents an unjustified residential development in an inappropriate location for which there is no policy support, and is therefore contrary to planning policies ENV28 of the Maidstone Borough-Wide Local Plan 2000, SP3, CC1, CC6, H2 and C4 of the South East Plan 2009, and central government planning policy as set out in the National Planning Policy Framework 2012.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the

processing of their application.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

The applicant/agent was informed of any issues arising during consideration of the application.

The applicant is advised to seek pre-application advice on any resubmission.