

APPLICATION: MA/13/1291 Date: 18 July 2013 Received: 19 July 2013

APPLICANT: Rydon Homes Ltd.

LOCATION: LAND TO THE NORTH OF, HOWLAND ROAD, MARDEN, KENT

PARISH: Marden

PROPOSAL: Outline application for 44 dwellings comprising 5no. 1 bedroom, 9no. 2 bedroom, 17no. 3 bedroom, and 13no. 4 bedroom houses together with new access, associated parking, wildlife enhancement area, and attenuation pond with access considered at this stage and all other matters reserved for future consideration as shown on drawing nos. 10030-OA-01 received on 19th July 2013 and 10030-OA-03 received on 3rd February 2014.

AGENDA DATE: 20th March 2014

CASE OFFICER: Richard Timms

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

- It is a departure from the Development Plan

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance 2014 (NPPG)

## **2. HISTORY**

MA/13/0644 Request for a screening opinion as to whether the proposed development being a residential development of 60 dwellings is development requiring an Environmental Impact Assessment - ENVIRONMENTAL STATEMENT IS NOT REQUIRED

MA/87/1296 Outline application for detached house – REFUSED

71/0441/MK3 The erection of dwellings – REFUSED

64/0461/MK3 Outline application for dwelling in lieu of demolished cottage – APPROVED WITH CONDITIONS

61/0224/MK3 Residential development, approx. 8 or 10 houses per acre – REFUSED

### **3. INTERNAL CONSULTATIONS**

- 3.1 **MBC Landscape Officer:** No objections.
- 3.2 **MBC Housing:** No objections to the affordable housing tenure mix or house sizes. The affordable properties should be built to a 'Lifetime Homes' standard.
- 3.3 **MBC Environmental Health:** No objections subject to conditions securing compliance with the noise and vibration assessment and securing the proposed low emissions strategy (being a residential travel pack to promote sustainable travel).
- 3.4 **MBC Parks & Leisure:** Off site contribution is sought towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) within the parish of Marden.
- 3.5 **MBC Conservation Officer:** No objections in terms of the setting of the Marden Conservation Area. Provided there is no development on the eastern part of the site, no objections in terms of the setting of nearby listed buildings.

### **4. EXTERNAL CONSULTATIONS**

- 4.1 **KCC Highways:** No objections subject to conditions.
  - 4.1.1 KCC Highways have assessed the transport assessment, traffic survey, likely traffic that would be generated by the development, and the safety audit. It is advised that the access is acceptable and that the, "*level of generated traffic is not sufficient to have any significant impact on highway capacity once it is distributed onto the network.*" They have also reviewed the expected traffic from this development in conjunction with the two recently approved (MAP Depot/The Parsonage) and pending housing sites (Stanley Farm/Hockey & Cricket Ground) in the village and raise no objections.
  - 4.1.2 No objections raised subject to increasing the pavement width on Howland Road outside Walnut Tree Cottage with parking restrictions (subject to a Traffic Regulation Order) to allow safe pedestrian access to the village; dropped kerb crossings for pedestrians; enhancements to the existing 30mph speed limit gateway treatment by the provision of red road surfacing, road roundels and

dragons teeth road markings at the east entrance to the village to reduce speeds in the interests of safety; a contribution of £20,000 towards footbridge improvements at Marden railway station; the enhancement to local bus stops; sustainable travel statement; provision and retention of parking; cycle parking; speed restraint measures within the site; visibility splays; completion of footways, verges, street lighting, street furniture etc.

4.2 **KCC Ecological Advice Service:** No objections subject to conditions.

4.2.1 *"We have reviewed the information which has been submitted by the applicant and we are satisfied that sufficient information has been submitted to determine the planning application.*

4.2.2 Dormice

*The survey has detailed that the western hedgerow and the woodland area has potential for dormice however no dormouse surveys have been recommended because they will not be impacted by the proposed development. Based on the information detailed in the indicative plan we are satisfied with this assessment and require no information to be provided at this stage. However if the plans change and the area will be directly impacted by the proposed development there will be a need for additional information to be provided assessing the impact on the potential dormouse habitat and providing recommendations for surveys if required.*

4.2.3 Great Crested Newts

*We had some concerns that if the GCN population within the site was larger than anticipated the proposed receptor site would not be appropriate. In order to ensure that that the receptor site contains sufficient carrying capacity for the proposed GCN translocation the updated GCN mitigation strategy has provided the following two potential mitigation options: Option A: The original receptor site to be used if a low GCN population is identified. Option B: If a larger GCN population is identified the receptor site will be expanded to incorporate the whole area between Howland cottages and Bridgehurst.*

4.2.4 *We are satisfied with this proposal and we recommend that as a condition of planning permission, if granted, on completion of the translocation a report is submitted to the LPA confirming the boundary of the GCN receptor site.*

4.2.5 Reptiles

*Exceptional population of slow worms and small population of grass snake and lizard have been recorded on site. The submitted reports have detailed that it is proposed to retain the grass snake and lizards on the site and translocate the slow worms to a receptor site. It would be preferable if the receptor site was located within the Marden area and not over 8km away from the proposed*

development site. However as a result of reviewing the information provided by the applicant that this site is the most appropriate receptor site and we are satisfied that the receptor site will be managed appropriately. We are satisfied with the information detailed within the mitigation strategy and we require no additional information to be provided prior to determination.

#### 4.2.6 Breeding Birds

We had some concerns that the site may be used by ground nesting birds. As a result of speaking to the ecologist and the additional information provided by the applicant we are satisfied that due to the high levels of dog walking within the surrounding area there is limited potential for ground nesting birds to be present within the site. Breeding birds may use the scrub and hedgerows present within the site. All breeding birds and their young are legally protected under the Wildlife and Countryside Act 1980 (as amended), as such where these habitats will be lost we advise that they are removed outside of the breeding bird season (March – August inclusive).

#### 4.2.7 Bats

The survey identified that there are mature trees on site which have some potential to be suitable for roosting bats and has recommended that if the trees are to be impacted there is a need for emergence surveys. The ecologist has confirmed that currently there are no proposals to remove any of the trees which have bat roost potential. As such we are satisfied that, at this stage, there is no requirements for a bat emergence survey to be carried out. However if the plans change and the trees (Target note 7,8,9 and 10 – as numbered by the phase 1 survey) are proposed for removal we expect bat emergence surveys and details of any necessary mitigation to be submitted for comment. The submitted reports have highlighted that the site has some potential to be used by foraging and commuting bats especially along the areas of scrub and hedgerows to the site boundaries, woodland area and wooded buffer adjacent to the railway. The phase 1 survey has provided some recommendations to minimise impacts on these areas. These recommendations must be incorporated into the site.

#### 4.2.8 Ecological and Mitigation Areas

The indicative landscape strategy has detailed that there will be an Ecological and Mitigation Area within the site. We would expect a detailed management plan for the Ecological and Mitigation Area to be produced as a condition of planning permission, if granted.”

4.3 **Natural England:** Standing advice should be followed.

4.4 **KCC Development Contributions:** "The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its

*services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."*

- 4.4.1 Primary Education Provision: £2360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) sought towards the build costs of extending Marden Primary School.

*"The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Primary School accommodation at Marden."*

- 4.4.2 Secondary Education Provision: £2359.80 per 'applicable' house sought towards the extension of a secondary school buildings (which based on current trends) are currently used by residents of Marden.

*"The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality."*

- 4.4.3 Libraries Contribution: £118.73 per dwelling (x44) sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

*"There is an assessed shortfall in provision for this service in Maidstone Borough which is below the County, England and UK figures."*

- 4.4.4 Community Learning: £30.70 per dwelling (x44) sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.

*"The current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity."*

- 4.4.5 Youth Facilities: £8.44 per dwelling (x44) sought to be used to address the demand from the development towards youth services locally.

*"The current youth participation is in excess of current service capacity."*

- 4.4.6 Social Services: £18.05 per dwelling (x44) sought to be used to address the demand from the development towards the provision of new/expanded facilities

and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

*"The proposed development will result in a demand upon social services which 'Facilities for Kent Family & Social Care' are under a statutory obligation to meet but will have no additional funding to do so."*

4.5 **NHS Property Services:** Financial contribution of £10,928.63 is sought towards (forward funded and completed) extensions and works to the Marden Medical Centre.

4.5.1 *"I confirm the NHS's position in terms of our claim for Section 106 monies:*

- *The PCT forward funded works to Marden Medical Practice to enable them to accommodate the 500 new dwellings anticipated over the coming plan period.*
- *The cost of the works was £204,189.00.*
- *The works eligible for PCT funding amounted to £144,189.00.*
- *There was just £19990.00 already available in S106 contributions from the Old Market Development which was granted to the practice to offset development costs.*
- *Thus it is expected that the 500 units planned in Marden will have to pay for the residual costs of development at £124,189.00.*

*It has been agreed with the Council that assuming a proportionate sum per new dwelling, the PCT contribution should be £124,189 divided by 500 assumed new units multiplied by the number of units proposed on each site. Thus for this particular development at the Land North of Howland Lane, the sum of the remaining surgery development costs (£124,189) divided by 500 units, (£248.378/unit) multiplied by the number of units proposed at this site (44) provides the level of contributions sought at £10,928.63."*

4.6 **KCC Heritage:** No objections subject to a condition relating to archaeology.

4.7 **Environment Agency:** No objections to surface water drainage proposals subject to the finalisation of specific details by way of condition.

*"I can confirm that after reviewing the additional information submitted by Rydon re the CCTV survey and micro-drainage to both the LPA and us, we think that development can proceed safely without increasing flood risk elsewhere subject to the design of a detailed drainage scheme. As a result we were able to remove our objection as we think that our concerns could be dealt with by planning condition."*

- 4.8 **Southern Water:** No objections raised in terms of foul water drainage to the public sewer.
- 4.9 **Network Rail:** No objections.
- 4.10 **English Heritage:** No objections.
- 4.11 **Upper Medway Internal Drainage Board:** No objections
- 4.12 **Kent Police:** No objections subject to a condition requiring crime reduction measures.
- 4.13 **UK Power Networks:** No objections
- 4.14 **Marden Parish Council:** All Parish Councillors abstained from voting.

*"Marden Parish Council deplores and regrets that MBC have left itself, the Parish Council and the residents of the parish in the position where there is no local planning policy in place under which the sustainability of this site compared to any other site in and around the village can be assessed on a consistent and fair basis."*

*Because of the significance of the application Cllrs feel that this should be decided at MBC Planning Committee.*

*Concerns raised by Cllrs included: localised surface flooding; highways issues already in existence along Howland Road; dispute accuracy of the drainage study following public evidence that there is a network of drainage on the land in question which redirects a stream to the railway embankment; dispute accuracy of the traffic survey as understand that this was undertaken during February school half term therefore the volume of traffic was much lower and that it be noted that a large part of Howland Road is single lane due to properties having no off road parking; Feel that the report on the habitat is very light considering that there is public evidence of bats and owls in the woodland area adjacent to the railway embankment."*

If MBC are minded to approve this application Cllrs wish conditions to be applied relating to: Financial contribution for foul water sewer improvements; highway improvements; education; and towards the medical centre; SUDs system. In addition, a management company be set up and a long term management plan be put in place to appropriately manage the drainage system, open space and play area. The robustness of the drainage report was questioned. MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs. MPC would prefer to see the play area

moved to the centre of the development and would not wish to see 3-storey dwellings on the development.

## **5. REPRESENTATIONS**

5.1 48 representations have been received raising the following summarised points:

- Traffic, parking and highway safety issues.
- Harm to ecology.
- Harm to the landscape.
- Out of character.
- Harm to listed buildings.
- Harm to residential amenity.
- Loss of privacy and light.
- Poor integration.
- There is a natural pond on site.
- Surface water drainage.
- Site provides natural drainage and flooding will occur.
- Flooding has occurred at the site and in neighbouring gardens, including foul water.
- Pond is proposed on existing soakaway pipes.
- Culvert pipe is in poor condition.
- Strain on infrastructure.
- Cramped development and inappropriate density.
- Increased pollution and noise.
- Contrary to policy.
- Policy vacuum.
- Premature development.
- Brownfield land should be used first.
- Loss of land for walking and exercise.
- Who will maintain open spaces, ponds and pumping station?
- How will developments in the village be managed.
- Noise and disruption during construction.



- Loss of property value.

5.2 A petition with 100 signatures objecting to the application has been received.

## **6. CONSIDERATIONS**

### **6.1 Introduction**

6.1.1 This is an outline application for 44 dwellings comprising five 1 bedroom, nine 2 bedroom, seventeen 3 bedroom, and thirteen 4 bedroom houses together with new access, associated parking, wildlife enhancement area, and attenuation pond, with access considered at this stage and all other matters reserved for future consideration at land to the north of Howland Road, Marden.

### **6.2 Site Description**

6.2.1 The application site is an irregular shaped parcel of land of some 2.4ha on the north side of Howland Road and at the east end of Marden village. It adjoins Howland Road at two points at the west and east ends of the site and is otherwise set behind a row of houses which front the road. At the west end there is a 30m section between the houses 'Vine Cottage' (Grade II listed) and '8 Meadow Way' and at the east end a 65m section between '7 Howland Cottages' and 'Bridgehurst' (Grade II listed). As such, the site is bounded by housing to the south and east. Immediately north is the Ashford to London railway line which is set down in a cutting for this section, and beyond are orchards where there is an extant outline planning permission for a sports ground including cricket and hockey pitches, tennis courts, clubhouse and floodlights. To the west is a recreation field and further housing beyond in the village.

6.2.2 The site is in the main unmanaged grassland but with an area of dense trees in the northwest corner. Otherwise there are scattered mature trees and scrub. Boundaries are a mixture of fencing, cypress hedging and some unmanaged hawthorn-dominated hedgerows. The northern boundary with the railway line is made up of mature trees, most outside of the site boundary. The site generally slopes very slightly from north to south by between 1-2m, by around 5m from east to west, and there is a more noticeable drop in the far northeast corner.

6.2.3 Apart from a small part of the west section of the site (1400m<sup>2</sup>) where it adjoins Howland Road, the site is located outside, but adjoining the defined village settlement in the Local Plan. It is therefore mostly in the countryside for Local Plan purposes and is a greenfield site. It also has no special landscape designation in the Local Plan.

### **6.3 Proposal**

- 6.3.1 Outline permission is sought for 44 houses together with a new access. Along with the principle of 44 houses, only the specific details of the access are being considered at this stage with all other matters (layout, appearance, scale, landscaping) reserved for future consideration. However, the applicant has specifically listed the house sizes comprising five 1 bedroom, nine 2 bedroom, seventeen 3 bedroom, and thirteen 4 bedroom houses, and referred to parking, a wildlife enhancement area, and pond.
- 6.3.2 A new single point of access is proposed in the southwest corner of the site between 'Vine Cottage' and '8 Meadow Way'. This is the part of the site within the village boundary. The proposed access road would be 4.8m wide with 1.8m wide pavements either side linking to the existing pavements on Howland Road here. The access would be built out slightly into the road by approximately 0.5m to achieve visibility. This would reduce the carriageway width from approximately 6m to 5.5m. Visibility of over 50m in each direction would be provided at the access.
- 6.3.3 Apart from specific details of the access, which have been provided, the applicant is not required to provide any detailed plans of the development with such an outline application but has chosen to provide an 'illustrative' layout plan in an attempt to demonstrate that 44 houses can be accommodated at the site. This shows housing concentrated on the main central and western part of the site, with no development on the small eastern section which adjoins the road between '7 Howland Cottages' and 'Bridgehurst'. This eastern section (0.37ha) would have an attenuation pond as part of a sustainable drainage systems scheme (SUDs) and be used as a mitigation/wildlife enhancement area for GCN and reptiles. A children's play area is shown near the centre but it was agreed to remove this from the description as the finer detail of open space would be left to the reserved matters stage. There is also no development proposed in the wooded area in the northwest corner. I must, however, reiterate that this is an 'illustrative' plan and the Council is not making a decision on this precise layout of development.
- 6.3.4 The overall net density based on the illustrative plan (proposed developable area) would be around 28 dwellings per hectare. Affordable housing is proposed at 40% with 61% affordable rent and 39% shared equity.
- 6.3.5 So in summary, the Council is being asked to consider the principle of a residential development of 44 houses (and their specific no. of bedrooms) with access, and including parking, a wildlife mitigation/enhancement area with an attenuation pond.

6.3.6 Supporting documents also provided with the application include a design and access statement, landscape and visual report, ecology survey & protected species surveys/mitigation strategies, affordable housing statement, noise and vibration assessment, heritage statement, archaeological assessment, flood risk assessment, drainage and utilities statement, tree report, transport assessment, and statement of community involvement.

## **6.4 Principle of Development**

6.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.4.2 The application site is mainly located in the countryside outside the defined settlement boundary of Marden. As stated earlier, the site does however adjoin the boundary, and the access is within the boundary.

6.4.3 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."*

6.4.4 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

6.4.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

6.4.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

*'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*

6.4.7 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27<sup>th</sup> January 2014 and on 24<sup>th</sup> February 2014 to be included within the draft Local Plan (to be sent out for public consultation).

6.4.8 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.

6.4.9 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

6.4.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on

existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, "*Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.*" The settlement offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane. As such, the site is at a sustainable location and immediately adjoins the existing settlement. The draft Local Plan, agreed by Cabinet, is proposing 550 dwellings at Marden and the application site is allocated for housing development of up to 55 dwellings.

- 6.4.11 The Local Plan is at draft stage and is yet to go out to public consultation and so can only be given limited weight. However, the site adjoins a sustainable settlement, and in Local Plan process terms under the NPPF, is a suitable location for potential housing development.
- 6.4.12 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.4.13 As was the case for the recently approved residential development at the 'MAP depot' and 'Parsonage' in the village, reference has been made to the on-going Local Plan and Neighbourhood Plan and the fact that this application should not be permitted in advance of the completion of that work. Whilst the draft Local Plan has been agreed by Cabinet and will shortly be out for public consultation, and work on the Neighbourhood Plan is progressing, both plans would need to be the subject of an examination. Given the stage of the plans and likely timescales for this process, and the current housing supply issue set out above, it is not considered appropriate or reasonable to delay consideration of this application on that basis.
- 6.4.14 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact and whether the site can suitably accommodate 44 houses, residential

amenity, heritage impacts, access/highway safety, ecology, and drainage. The cumulative impact with other developments also needs to be considered.

## **6.5 Visual Impact & Design**

- 6.5.1 In terms of wider landscape impacts, the site has a strong physical boundary of the railway cutting to the north. The cutting is flanked by mature deciduous trees on its south side between the application site and the railway. In addition there is the deciduous woodland area in the northwest corner. Having walked public footpath KM274 on the north side of the railway line, the tree line referred to above serves to greatly screen the site from the north and northeast. In the winter, glimpses of development would be possible from here but I do not consider it would be intrusive as it would be broken by the deciduous tree. Further north, from around 300-400m on Maidstone Road (B2079), there are very limited views to the site and at this distance and with intervening vegetation, any development would not be intrusive. As outlined above, the site is largely set behind a line of two storey houses on Meadow Way to the south, and there are a group of buildings to the east and further west in the heart of the village. This serves to screen any views in these directions. For these reasons any development at the site would not have any discernable medium to long range impacts upon the landscape and the impact would be localised. I therefore consider the wider landscape impact would be low. However, I am mindful that the tree line to the north of the site is outside the applicants control and therefore I consider it necessary to provide new hedge/tree planting along the north boundary within the site to mitigate the impact of development.
- 6.5.2 The main visual impact would be from Howland Road and South Road. The site forms an open backdrop to the existing houses on Howland Road and the wooded area and mature line of trees alongside the railway are visible from Howland Road and contribute to the character of this edge of village location. Clear views of the east part of the site are possible towards the east end of Howland Road when entering and leaving the village. However, it must be noted that development is not proposed in the east section. The central section is also partly visible when entering the village near the dwelling 'Bridgehurst'. Heading further west into the village, the site is largely screened by two storey houses on the north side of the road but there are views between some houses and at two access points from around 40m away. South Road heads south off Howland Road and the rises, and there are some views between houses near its junction with Howland Road between 30-60m away. There are clear views of the west part of the site where the access is proposed as would be expected. To the west the site is largely screened by existing buildings and vegetation at a point approximately in line with the telephone exchange 60m away. This demonstrates that the visual impact is generally localised to a relatively short section of Howland Road, and from all these aspects any development would be seen in the context of

some existing houses. Nonetheless it is acknowledged that the proposals would represent not insignificant backland development here that would erode the openness of the site.

- 6.5.3 In terms of the morphology of the settlement, most development is around the village centre to the south of the railway line and adjoining it in parts. There is also the significant industrial estate on Pattenden Lane to the north of the railway. Fingers of ribbon development are present on Goudhurst Road, Albion Road and Howland Road extending out from the village to the south, southeast and east. The application site would not extend further than existing ribbon development at the east edge of the village, there is development to the south, and the site is contained by the railway line to the north. As such, the proposals would not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. In consolidating space to the south of the railway, this would also not be out of character with development further west in the village.
- 6.5.4 In balancing all these matters, I consider that based on there being a low wider landscape impact from public vantage points, and that the development would not be out of character with the morphology of the settlement or extend beyond existing built up confines, that the harm to the character and appearance of the area would be low to medium.
- 6.5.5 In terms of the design, whilst this is not being considered at this point, parameters to future development can be set at this stage. However, I do not consider the size of development here is such to require any design codes (to dictate themes or styles). Nor do I consider it necessary to set any parameters in terms of the layout due to the limited size of this development and the irregular shape of the site. My view is that it is appropriate to leave this open to the developer. However, I do consider it is necessary to set parameters in terms of height. Surrounding buildings are two storeys with some having rooms in the roofspace, and a limit to this scale, which can be ensured by condition, would compliment existing development. I consider buildings higher than two storeys would have an intrusive and harmful impact from the surrounding area. I would not seek to set materials types at this stage and consider these can be left open to be considered under reserved matters.

## **6.6 Density**

- 6.6.1 The net density (developable area of the site) which excludes the eastern parcel and the wooded area equates to around 28 dwellings/hectare. This is not dissimilar to surrounding densities which include a similar density on the south side of Howland Road (around 28 dwellings/ha), slightly higher towards the village centre, and a dense linear development of houses on Meadow

Way/Howland Road (around 46 dwellings/ha). As such, in density terms I consider 44 houses would not be out of character with the area. Whilst this is an edge of village location, and so an argument could be made for a slightly lower density than is present further into the village, because the site is so well contained by the railway line and existing houses, I consider this density is acceptable.

6.6.2 With such a density and bearing in mind the housing sizes, (5no. 1 bedroom, 9no. 2 bedroom, 17no. 3 bedroom, and 13no. 4 bedroom houses), I consider there is sufficient space to provide a high quality scheme that would allow for the number of houses with sufficient parking space, gardens, open space, and landscaping. Whilst I do not consider the illustrative layout to be acceptable in its current form, it will be possible to provide a high quality scheme with 44 houses in accordance with the NPPF. Clearly, the detailed design, layout, appearance, and landscaping will be dealt with at the reserved matters stage.

## **6.7 Residential Amenity**

6.7.1 Issues of overlooking, loss of light, and noise and disturbance have been raised by local residents. The detailed layout and appearance of houses is not being considered at this stage but I consider that the site could be developed without causing any harmful loss of privacy or loss of light to adjoining properties on Howland Road as there is sufficient room to site houses a suitable distance from existing properties. I also consider a layout could be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. Nor do I consider any noise from future occupants using their properties or from vehicles would be such to warrant objection in this residential area. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.

6.7.2 Due to the proximity of the railway line, a noise and vibration assessment has been carried out. The report concludes that the majority of the site would not experience noise levels above the desirable upper limit of 55dB for gardens, whilst good internal noise levels can be achieved with closed thermal glazing and that additional ventilation provision may be required to allow appropriate air changes where closed windows are required. The report recommends that an assessment of the internal noise levels, based on the final layout proposal is undertaken, in order that an appropriate mitigation plan for those houses likely to be adversely affected by noise can then be finally decided. The vibration assessment indicates that none of the proposed dwellings were likely to experience significant problems in this respect. The Environmental Health Manager has reviewed the report and raises no objections, and on this basis, I consider future residents would have acceptable amenity standards subject to mitigation at the detailed design stage. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.



## 6.8 Heritage

- 6.8.1 The site lies some distance to the east of the Marden Conservation Area and it is the Conservation Officer's view that its development would have no impact on the character of the conservation area or its setting.
- 6.8.2 Two Grade II listed buildings, 'Yeoman Cottage' and 'Vine Cottage', which have been subdivided from one original dwelling, lie immediately adjacent to the western end of the site, next to the proposed point of vehicular access to Howland Road. The Grade II listed 'Bridgehurst Farmhouse' lies immediately to the east of the proposed development site together with its associated timber framed barn and a former oast house now converted to a dwelling. Opposite the eastern end of the site lie two more Grade II listed buildings, 'The Old House' and 'Pastures End/Poachers Keep'.
- 6.8.3 The Conservation Officer considers that, *"the original rural setting of 'Yeoman Cottage/Vine Cottage' has been largely eroded by the ribbon of development along Howland Road, and the open land to the rear forming the application site makes only a minor contribution to the setting of these listed buildings... In my view, careful development of the larger, western part of the application site could probably be achieved with only a minor and acceptable impact on the setting of Vine Cottage/Yeoman Cottage"*.
- 6.8.4 He considers that development of the eastern parcel would cause substantial harm to the setting of 'Bridgehurst Farmhouse' and its associated former agricultural buildings. However, development is no longer proposed here partly for this reason and due to ecological requirements/enhancements (that will be discussed below). As such, the Conservation Officer raises no objections to the proposals and there would be a minor impact upon heritage assets. Conditions can ensure that development does not occur on the eastern parcel so the development would be in accordance with the NPPF.
- 6.8.5 KCC Heritage has advised that, *"the site does not contain any designated heritage assets but this is an area of general potential for prehistoric and later activity. The site lies on River Terrace Gravels. These have potential to contain rare and important palaeolithic remains. Some Iron Age activity has been recorded to the south and west and given this area may have formed drier land than the surrounding area, it may have been favoured for prehistoric occupation."* They have reviewed the desk-based Archaeological Assessment and advise that in view of the prehistoric and post medieval potential of the site, a condition to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable is appropriate. I consider this would be in accordance with the NPPF.

## 6.9 Highways

- 6.9.1 Issues of traffic, parking and highway safety have been raised by a number of local residents and the Parish Council. The applicant has submitted a detailed transport assessment, which KCC Highways have reviewed and have not questioned its rationale or its findings.
- 6.9.2 As outlined above, the site is at a sustainable location with access to a good range of facilities and services and a choice of transport including bus and train services. I therefore consider it is an appropriate location for housing development in terms of transport options in line with the NPPF.
- 6.9.3 The site access would be built out into Howland Road (30mph road) by approximately 0.5m in order that satisfactory visibility splays of over 50m can be provided. This will reduce the carriageway width in Howland Road to 5.5m sufficient for 2 HGV's to pass. A safety audit has been completed on the proposed access and tracking diagrams have been provided which indicate that a large refuse vehicle is able to turn into and out of the site access. The capacity of the junction of the site access and Howland Road has been assessed using 'PICADY', (the accepted method to predict capacities, queues, delays and accidents at junctions), and the results indicate that this would operate without delays or queuing in 2018 with the site traffic included. KCC Highways have raised no objections to the proposed access.
- 6.9.4 In terms of the impact upon the local highway network, traffic counts have been completed on Howland Road in the vicinity of the site to establish baseline traffic flows and the existing traffic speed. Whilst some concern has been raised about the survey being partly carried out on a bank holiday (between the 2nd and 8th May 2013 during school term time, but include the bank holiday Monday), KCC Highways are satisfied with the surveys. As standard, growth factors have been applied to the survey flows to provide baseline 2018 flows.
- 6.9.5 The traffic generated by the development has been estimated using the 'TRICs' database, (the national standard for trip generation analysis). This indicates that 24 x 2 way trips would be likely in the AM peak hour and 29 in the PM peak hour. These trips have been distributed on the existing highway using the same proportions as observed during the traffic survey (63% of traffic to/from the west during the AM peak and 60% to/from the east during the PM peak).
- 6.9.6 KCC Highways states that, "*this level of generated traffic is not sufficient to have any significant impact on highway capacity once it is distributed onto the network.... ....the development proposal would not lead to any detrimental impact on capacity.*" They have also reviewed the expected traffic from this

development in conjunction with the two recently approved (MAP Depot/The Parsonage) and pending housing sites (Stanley Farm/Hockey & Cricket Ground) in the village and raise no objections.

6.9.7 KCC Highways and MBC have however requested that some mitigation and improvements are required in connection with the development.

6.9.8 Firstly, in terms of pedestrian access to the village, the pavement along the north side of Howland Road narrows to a width of around 70cm outside 'Walnut Tree Cottage' and as such it is difficult for a single pedestrian to get past, let alone pushchairs and wheelchairs, and in addition cars park on this corner against the pavement. It is considered that this link to the village is important in terms of sustainability and safety, and the increase in pedestrians from the development requires that improvements are made. The applicant's transport consultants have investigated this and have proposed to build the kerb out to a width of 1.2m which would allow two pedestrians to pass and access for a mobility scooter, whilst still providing a sufficient road width for vehicles to pass. It is also recommended that double yellow lines are provided on a section of the road here as the reduction in road width would make it too narrow to have on-street parking at this point. Whilst this would displace some parking for local residents here, I do not consider the requirement to park further from one's house is grounds to object as it is not a highway safety issue. I consider the benefits from widening the path outweigh the loss of on-street parking. Notwithstanding this, the provision of double yellow lines will be the subject of a traffic regulation order (outside the planning application), where local residents are consulted. I consider that these measures are necessary for a sustainable development and directly related and reasonable, and can be provided under a Section 278 Highways Agreement through Grampian planning conditions.

6.9.9 Secondly, because average road traffic speeds in the vicinity of the site are above the speed limit at 32-34mph, KCC Highways consider it is reasonable and necessary to provide measures to help reduce speeds to enhance road safety for future residents of the development as there would be increased vehicular and pedestrian use on this part of Howland Road. The provision of the red road surfacing including road roundels and dragons teeth on the road towards the east end of the village by the 30mph signs is requested. I consider these measures are necessary, directly related to the development, and reasonable and can be provided under a Section 278 Agreement via a condition.

6.9.10 Thirdly, dropped kerb crossings are considered to be required at each side of the new access close to its junction with Howland Road and also across Howland Road to enable the mobility impaired within the new development to access the wider footway on the south side of Howland Road. These crossings are also required on the access to the Southern Water Plant and Howland Road

near to 'Walnut Tree Cottage', to allow crossing to the proposed footway widening. I consider these measures are necessary for a sustainable development and directly related and reasonable, and can be provided under a Section 278 Agreement via condition.

- 6.9.11 A request for £20,000 towards improvement to the footbridge at Marden rail station has also been received very late on in the consideration of this application. These works, to enhance safety and security for passengers, would improve facilities at the train station making the station more attractive to users and thus promote the use of sustainable transport as advocated by the NPPF. Improvements to the train station are also being sought under the draft Infrastructure Delivery Plan agreed by Cabinet on 24<sup>th</sup> February 2014. However, there is a lack of detail on the works and how £20,000 has been attributed to this development, at this stage (due to the late request). I am confident that the request could be sufficiently justified and recommend that it is included within any Heads of Terms and Members give delegated powers to the Head of Planning and Development to investigate further and make a decision as to whether the contribution (to a maximum of £20,000) complies with the CIL Regulations (necessary, directly related/reasonable).
- 6.9.12 Bus stop enhancements comprising of raised kerbing at the existing bus stop on the High Street almost opposite the junction with Haffenden Close have also been sought to allow easier access for the mobility impaired. However, I am not convinced that any usage by this scale of development would necessitate these works and therefore that this would be necessary to make the development acceptable. This would not pass the test for conditions.
- 6.9.13 Other recommendations include a sustainable travel statement to provide measures and incentives to encourage trips by alternative means to the private car to include a Residential Travel Information Pack, and cycle parking within the site, which can be secured by condition. Matters relating to construction can be dealt with by informatives.
- 6.9.14 The specific details of parking are not being considered at this stage but it is considered there it will be possible to provide sufficient parking at the site whilst achieving a high quality design.
- 6.9.15 For the above reasons, it is considered that the development would be sustainably located providing a choice of transport modes. The access would be safe and there would be no significant impact upon the local highway network. Measures can be secured to provide appropriate pedestrian connection to the village and its services, and speed reduction. KCC Highways have raised no objections and I therefore consider the proposals accord with policies T21, T22,

and T23 of the Local Plan and the NPPF, and there are no highway grounds to refuse the application.

## **6.10 Ecology**

6.10.1 The applicant has carried out a phase 1 habitat survey and protected species scoping survey. These recommended that reptile and great crested newt (GCN) surveys be carried out (which have been), and a badger survey of the woodland area is carried out prior to the start of works.

### *Reptiles*

6.10.2 Surveys were carried out in spring/summer 2013 and revealed a low population of common lizards and grass snakes, and an exceptional population of slow worms using the site. Given the low population of common lizards and grass snakes it is advised that these could be retained on site with the area of grassland to the east of the site enhanced to provide appropriate habitat. KCC Ecology is satisfied with this approach but seek a detailed management plan via condition.

6.10.3 However, with an exceptional population of slow worms and a reduction in suitable habitat it is advised that they should be translocated to a suitable receptor site. The receptor site identified by the applicant is land at 'Foal Hurst Wood' a statutorily designated local nature reserve which is managed by Paddock Wood Town Council, designated in 1999. It is just to the southwest of Paddock Wood, within Tunbridge Wells Borough, and 5.5 miles west of Marden. 'Foal Hurst Wood' is a small area of ancient woodland and meadow with the site for the reptiles being a managed, semi-improved grassland field with surrounding hedgerows and trees and a newly planted orchard. A management regime to enhance the site as suitable habitat for reptiles and amphibians commenced in March 2013 and new ponds and hibernacula will be created at the site prior to the start of translocation. Reptile surveys undertaken at the site indicate that only a low population of common lizards is present and that the site is suitable to accommodate the slow worms. The applicant has agreed with Paddock Wood Town Council (who owns the freehold to the land) that the site will be managed appropriately for the slow worms.

6.10.4 KCC Ecology have considered these proposals and outline that it would be preferable if the receptor site was in Marden as outlined in Natural England Standing Advice. This issue was put to the applicant who has advised that they do not own land near to the site so they contacted numerous organisations and local ecological consultancies to search for potential receptor sites near the application site. A small number of potential sites were suggested but none were particularly close to the development site. These included sites in West

Malling and Sevenoaks which were deemed to be too far away. The only site offered which was considered to be suitable was 'Foal Hurst Wood' which was of a suitable size, was considered to have excellent habitat, and was to be managed in a way that would ensure its suitability for reptiles in future. KCC Ecology has reviewed this information and agrees that 'Foal Hurst Wood' is the most appropriate receptor site and that it will be managed appropriately. They are satisfied with the information detailed within the mitigation strategy subject to a management plan for the receptor site and require no additional information to be provided prior to determination.

#### *Great Crested Newts/Amphibians*

- 6.10.5 Surveys were carried out at eight of fourteen ponds within 500m of the site as these were considered suitable for GCN. The surveys recorded an exceptional population of GCN within the ponds surveyed, the majority of which are in two ponds to the south of the site. These ponds are surrounded by good terrestrial habitat and separated from the site by Howland Road. It is advised that it is unlikely that the majority of these newts would commute to the terrestrial habitat within the site. However, the application site has suitable habitat for amphibians during their terrestrial phase and the woodland, hedgerows and scrub provides potential hibernation opportunities. Therefore the proposed development would result in the loss of habitats which have the potential to be used by GCN and amphibians during their terrestrial phase.
- 6.10.6 Bearing in mind that it is considered unlikely that the majority of the newts to the south would commute to the terrestrial habitat within the site, and therefore some uncertainty over the size of the GCN population likely to be found on site, two mitigation options have been suggested. Under both options the eastern parcel of land would be improved and used as mitigation. A smaller receptor area (Option A) would be used if a low population of GCN is found and a larger area (Option B) would be used if a medium to high population is found. KCC are satisfied with this proposal and require a condition on completion of the translocation a report is submitted confirming the boundary of the GCN receptor site and a detailed management plan. Notwithstanding the specific area required for GCN, the eastern field would be used entirely as an ecological enhancement area. A suitable condition can ensure this area is retained as such with an appropriate management plan.
- 6.10.7 No significant issues have been raised by the applicant's ecologist or KCC Ecology regarding other protected species including dormice, bats, breeding birds, and badgers. The woodland area in the northwest corner will be retained and other enhancements at the site in the eastern field for amphibians and reptiles will include creation of a new pond, creation of wildflower grassland to provide foraging and shelter habitat, hibernacula will be created to provide

over-wintering habitat for both amphibians and reptiles, and connections to the wider countryside will be enhanced through planting of native or wildlife attracting trees and shrubs.

- 6.10.8 Relevant to this application, the NPPF (paragraph 118) states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:

*“If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*

- 6.10.9 In this case, the harm to ecology can be mitigated through on-site and off-site receptors, which is in accordance with NPPF. KCC ecology has confirmed that this approach is acceptable and subject to securing the translocation and conditions re. a detailed management plan of the eastern field site for mitigation and enhancement, and recommendations to minimise impacts on wildlife, they raise no objections. On this basis, I consider the proposed ecological mitigation accords with the NPPF. It is considered that the translocation to 'Foal Hurst Wood' and management plan would need to be secured via a s106 legal agreement as conditions can't be imposed in relation to land outside the Borough. It will also be necessary to use a condition to ensure that development does not occur in the woodland area in the interests of biodiversity.

## **6.11 Flood Risk & Drainage**

- 6.11.1 The issue of existing localised flooding within the site, within adjoining houses, and on Howland Road has been raised by a number of local residents and the Parish Council. Concerns that the development would exacerbate flooding, that there is not adequate drainage, and that there are existing surface water drains underneath the site which serve houses, have also been raised.
- 6.11.2 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increase elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of SUDs.
- 6.11.3 The site is not within a high risk flood area as identified by the Environment Agency but the applicant has submitted a flood risk assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water run off is the main issue.

- 6.11.4 The FRA has explored the use of soakaways but the underlying weald clay is not suited to this. There are no public surface water sewers in the vicinity of the site and so it is proposed to discharge to an existing culvert underneath the railway line to the existing drainage ditch network on the north side of the railway, which occurs at present. There is a right upon the land to discharge surface water through this culvert. A gravity drainage system (balancing pond) is proposed towards the north east corner of the site with control devices to limit flow to match the existing greenfield run-off rate.
- 6.11.5 This being an outline application, the exact detailed design is not provided at this stage but the preliminary design works undertaken by the applicant's consultants indicate that the design of the drainage system is capable of collecting, storing (if necessary) and conveying run off to the point of disposal without flooding the site and without increasing flood risk elsewhere and to contain a 1 in 100 year flood event plus a 30% allowance for climate change.
- 6.11.6 The Environment Agency originally requested further information relating to the suitability of the culvert (size and condition), further justification that the pond size is adequate, the lack of source control on the SUDs system or pollution control, and the presence of an existing drainage system underneath the site (a point raised by local residents).
- 6.11.7 Further details were provided, including a CCTV survey of the culvert beneath the railway and confirmation that the existing surface water drains under the site will not be affected. The Environment Agency has raised no objections to the proposals although then proceeded to still raise some questions regarding future maintenance of the culvert and existing drains. I have queried this with the Environment Agency and they have confirmed in writing that, *"after reviewing the additional information submitted by Rydon re the CCTV survey and micro-drainage to both the LPA and us, we think that development can proceed safely without increasing flood risk elsewhere subject to the design of a detailed drainage scheme. As a result we were able to remove our objection as we think that our concerns could be dealt with by planning condition."*
- 6.11.8 Overall, the Environment Agency are not objecting to the proposals which, subject to detailed design, will ensure that surface water will be managed within the development to ensure flooding does not occur and will ensure flood risk will not be increased off site.
- 6.11.9 Foul water is proposed to go to the existing public sewer and whilst residents have raised concerns over its capacity, Southern Water have assessed the development, along with other approved and proposed housing developments in the village, and have not raised any objections to this.



## **6.12 Affordable Housing**

6.12.1 Affordable housing is proposed at 40% (18 houses) in line with the 2006 DPD and emerging policy with a split of 61% affordable rent and 39% shared equity. The houses sizes per tenure are proposed as follows:

<i>Affordable Rented (11 units)</i>	<i>Shared Equity (7 units)</i>
5 x 1 Bed Flats	4 x 2 Bed House
3 x 2 Bed House	3 x 3 Bed House
3 x 3 Bed House	

6.12.2 MBC Housing has confirmed that this mix is close to what they would be seeking based on housing need and raise no objections. There are also satisfied the houses would be built to 'Lifetime Homes' standards. This is in accordance with the DPD and the affordable housing can be secured through a s106 legal agreement. The Parish Council have suggested that there should be some housing to be kept in perpetuity for local needs, to which the applicant is not objectionable. This is not essential in terms of policy compliance so I would not seek this under the legal agreement but leave it to the applicant to decide.

## **6.13 Planning Obligations**

6.13.1 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

6.13.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

6.13.3 The following contributions have been sought:

- An off site contribution is sought towards the repair, maintenance, improvements and provision of outdoor sports facilities, allotments and gardens, and provision for children (equipped play) within the parish of Marden.
- Contribution of £2360.96 per 'applicable' house is sought towards the build costs of extending Marden Primary School.
- Contribution of £2359.80 per 'applicable' house is sought towards the extension of a secondary school buildings (which based on current trends) are currently used by residents of Marden.
- Contribution of £118.73 per dwelling is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per dwelling is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per dwelling is sought to be used to address the demand from the development towards youth services locally.
- Contribution of £8.44 per dwelling is sought used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £10,928.63 is sought towards (forward funded and completed) extensions and works to the Marden Medical Centre.

6.13.4 An off-site open space financial contribution has been requested by the Council's Parks & Leisure Section as it has been advised that Marden is currently underprovided in terms of outdoor sports facilities and allotments and gardens. The nearest play area is at Marden Playing Fields which is Parish owned and approximately 500m away from the development. Because this is an outline application where layout is not being considered, it is appropriate to agree the exact open space provisions at the reserved matters stage once the detailed design is known. At this stage on-site and/or off-site open space provision can be secured. As such, I do not consider it necessary to secure any provision at this stage.

6.13.5 KCC has requested a contribution towards extension of Marden Primary school. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that the projections over the next few years, taking into account this development and those permitted, show that capacity would be exceeded. I therefore consider that the requested

contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 6.13.6 There is also a request for a contribution towards the extension of applicable local secondary schools. Evidence has been submitted that the secondary schools in the local area are nearing capacity and projections over the next few years, taking into account this development and those permitted show that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 6.13.7 KCC have identified that there would be an additional requirement for bookstock at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 6.13.8 A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 6.13.9 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 6.13.10 A contribution towards adult social services to be used towards provision of 'Telecare' and enhancement of local community facilities to ensure full DDA compliant access to clients. 'Telecare' provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.
- 6.13.11 In terms of healthcare, the Primary Care Trust (PCT) forward funded works to the Marden Medical Practice to enable them to accommodate the 500 new dwellings anticipated over the coming plan period. The cost of the works was £204,189 and the works eligible for PCT funding amounted to £144,189. There were some monies available in S106 contributions from the 'Old Market Development' which was granted to the practice to offset development costs but this still left a surplus. As such, the residual costs of development at £124,189 are being sought and the amount for this development has been

worked out as a proportion (£124,189 divided by 500 assumed new units multiplied by the number of units proposed on each site). This is particular to the situation in Marden given the fact works were forward funded by the NHS. It is considered that this is directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

6.13.12 The Parish Council have suggested financial contributions towards foul water sewer improvements, however, Southern Water are raising no objections to this application so this is not necessary.

## **6.14 Other Matters**

6.14.1 The application is at outline stage and so the applicant has not carried out detailed investigations as to the level that will be achievable on the code for sustainable homes. In order to achieve a sustainable development as advocated under the NPPF and to a lesser degree, in line with emerging policy, I consider it is reasonable and appropriate to apply a condition for Level 4.

6.14.2 Other matters raised and not considered above include, loss of land for walking and exercise; who will maintain open spaces, ponds and pumping station; how will developments in the village be managed; noise and disruption during construction; and loss of property value. Whilst people may use the site for exercise it is private land and they have no permanent rights to do so. Any open space, ponds or pumping stations would be the responsibility of the applicant. Management of development in the village and noise and disruption during construction is not a material consideration under this specific application and there are other controls in place such as the highway restrictions, environmental health legislation to manage this. Loss of property value is not a material planning consideration.

## **6. CONCLUSION**

6.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.

6.2 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre and the application site lies immediately adjacent to its boundary. The village offers a

good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane. As such, the application site is at a sustainable location, immediately adjoins the existing settlement, and is considered an appropriate location in principle for additional housing.

- 6.3 The visual impact of development at the site would be localised with the main views being restricted to a short section of Howland Road. The development would not extend further than existing ribbon development at the east edge of the village, there is development to the south, and the site is contained by the railway line to the north. The development would not be out of character with the morphology of the settlement and the harm to the character and appearance of the area is considered to be low to medium. The eastern field would also be precluded from development, the wooded area in the northwest corner would be retained, and a landscape strip would be provided along the north boundary all through conditions.
- 6.4 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency subject to conditions, and there would be no significant to heritage assets. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.
- 6.5 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections.
- 6.6 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 6.7 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need of 19,600 houses, and against a current housing supply of 2.0 years, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

## **7. RECOMMENDATION**

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- Contribution of £2360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School.
- Contribution of £2359.80 per 'applicable' house towards the extension of a secondary school buildings (which based on current trends) are currently used by residents of Marden.
- Contribution of £118.73 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per dwelling to address the demand from the development towards youth services locally.
- Contribution of £18.05 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £10,928.63 towards (forward funded and completed) extensions and works to the Marden Medical Centre.
- Contribution of up to £20,000 towards footbridge improvements at Marden railway station (subject to further investigation demonstrating that the request is CIL compliant)
- Securing the translocation of slow worms to the receptor site and a management plan.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:

(i) Retention of the woodland area within the northwest corner of the site as shown hatched on drawing no. J46.77/02 (sheet 1 of 2) within the arboricultural implications assessment.

(ii) Provision of a 3m wide native hedge and tree line along the north boundary of the site beginning at the east edge of the retained woodland in the northwest corner of the site and extending to the east end of the application site.

(iii) A physical barrier between the residential areas and the retained woodland area in the northwest corner of the site.

(iv) Measures to prevent parking on any landscaped verges along the site access roads.

(v) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.

(vi) A detailed arboricultural method statement.

Reason: To ensure a satisfactory appearance and setting to the development.

3. The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in red on the attached plan.

Reason: In order to protect the setting of the Grade II listed building 'Bridgehurst Farmhouse' and in the interests of ecology mitigation and enhancement.

4. The details of layout, scale and appearance submitted pursuant to condition 1 above shall show, inter-alia,

i) The maximum scale of any building being no greater than two storeys with rooms in the roofspace.

Reason: To ensure an appropriate scale for the development.

5. The development shall not commence until a landscape and ecological management plan (LEMP) for the site, and for the retained woodland area in the northwest corner and the Great Crested Newt Mitigation/wildlife enhancement area on the east part of the site, has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

6. The mitigation methods as outlined in the Reptile and Great Crested Newt Mitigation Strategy (Revision D January 2014) shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site.

7. The recommendations and precautionary methods as outlined in the Phase 1 Habitat Survey (Revision B November 2013) shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority;

Reason: To ensure that suitable mitigation is provided for ecology within the application site.



8. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through Conditions 6 and 7 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of GCN and Reptiles and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

9. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

10. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

11. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity.

12. The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

13. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

14. No part of the development shall be occupied until the following works have been constructed and completed:

(i) The extension to the footway on the north side of Howland Road outside 'Walnut Tree Cottage' with parking restrictions, as detailed within the 'Waterman Highways Note' received on 06/11/13 and as shown as 'Option B' on drawing no. 0011.

(ii) Dropped kerb crossings each side of the approved access; dropped kerb crossings each side of Howland Road in the vicinity of the proposed new site access; dropped kerb crossings each side of Howland Road in the vicinity of 'Walnut Tree Cottage'.

(iii) Enhancements to the existing 30mph speed limit gateway treatment on Howland Road at the east end of the site by the provision of red road surfacing, road roundels and dragons teeth road markings.

Reason: In the interests of highway safety, pedestrian safety and sustainability.

15. No part of the development shall be occupied until, a Sustainable Travel Statement providing measures and incentives to encourage trips by alternative means to the private car and to include a 'Residential Travel Information Pack' as outlined in the Transport Assessment, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out

in full.

Reason: In the interests of sustainable transport use.

16. The approved details of the access as shown within the 'Waterman Transport Assessment' on the drawing at Appendix H received on 19/07/13 shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

17. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

18. The development shall be designed taken into account the Noise & Vibration Assessment carried out by Southdowns Environmental Consultants Ltd, dated April 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

19. The development shall not be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

20. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. 10030-OA-01 received on 19th July 2013 and 10030-OA-03 received on 3rd February 2014.

Reason: In the interests of clarity.

**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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with

the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at [suds@kent.gov.uk](mailto:suds@kent.gov.uk) .

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant visual harm to the area. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.