

Heads of Terms

Since their request for £20,000 towards footbridge improvements at Marden Railway Station, Kent Highways have confirmed that 'Southeastern' (who lease the station) have now installed a replacement footbridge at the station. As such, they have managed to fund the bridge and there is no requirement for this development to contribute towards it. It is recommended that this Head of Terms is removed.

The draft Infrastructure Delivery Plan (IDP) agreed by Cabinet on 24th February 2014, also seeks 'forecourt improvements' at the station. The need for improvements and the grounds for inclusion within the IDP have been established through discussions between Council officers, Southeastern, Network Rail, and Kent Highways. It would involve improving facilities to make the station more attractive to users and thus promote the use of sustainable transport as advocated by the NPPF. Discussions are still on-going at this stage but measures including improvements to the public announcement system, a customer information screen, improved lighting and CCTV in the car park, and improvements to the ticket office have been identified. Further detail is still required on these works including monetary amounts but discussions are continuing with Southeastern and Network Rail so I am therefore confident that the request could be sufficiently justified in the near future.

I therefore recommend that a contribution towards forecourt improvements is included within the Heads of Terms and Members give delegated powers to the Head of Planning and Development to continue investigations further and make a final decision as to whether a contribution complies with the CIL Regulations (necessary/ directly related/reasonable).

Representations

Marden Parish Council (20/03/14):

"Marden Parish Council again re-iterates its extreme concern regarding yet another housing development in the village and the cumulative pressure which will be occasioned on the sustainability of our community. How many times must we re-iterate this point before a sensible approach is taken by MBC to this and other similar planning applications for housing development in Marden.

Following a meeting in November 2013 with Mr Jarman, his Officers and colleagues in KCC, we were given to understand that our suggestions on phasing and other aspects relating to the cumulative effect of further development could be looked into. We have not heard anything further.

The recent winter storms have shown that the sewage and drainage systems in the village are not robust enough in the current situation, let along with extensive housing development.

We reiterate yet again that a full sustainability appraisal of the likely combined impacts of the permitted and proposed developments should be undertaken

before any further permissions are granted for major housing developments in the village.

However, in respect of proposed developer contributions the Parish Council welcomes specific reference to the extension of Marden Primary School but recommends that this should read:

"extension and/or improvement of existing facilities".

The contribution to Marden Library and Heritage Centre should be only to maintain and enhance the facilities, services and staffing. Youth services should be for those delivered in Marden or directly accessible for Marden residents. Community facilities must be negotiated and agreed with Marden Parish Council. The specific reference to Marden Medical Centre is welcomed; as is the upgrading of accessibility and environmental improvements to Marden Station."

05/03/14:

"Cllrs most strongly recommend that full details of the proposed SUDS and surface water drainage system for the site and off site drainage system, including the culvert to the north east under the railway, are submitted as part of this current application owing to the vulnerability and sensitivity of this site and surrounding properties. Cllrs appreciate this is an outline application but understand that MBC have the power to request these details as part of the application under these exceptional circumstances.

Comments raised at the Parish Council meeting held on 4th March 2014 by Cllrs and Members of the public included:

- New attenuation pond is not shown on the amended plan or in any documentation sent to the Parish Council;*
- Slow worms were being relocated to Paddock Wood although no definite decision had been made regarding the Great Crested Newts;*
- The Play Area had been moved but Cllrs did not feel this was an improvement on positioning*
- Questions were raised over the proposed open space which now seems to be more limited with the reduction of dwelling numbers.*
- Cllrs noted the reduction in the 2-bedroomed dwellings however it would have been preferred that the same number remained."*

Local Resident: Overshadowing/Visual Appearance/Traffic/Noise/Smells/
Disturbance

Officer Comment

Each application must be assessed on its own merits but in terms of infrastructure, Kent Highways, the NHS and KCC Developer Contributions will have also assessed it cumulatively with other approved and pending housing developments.

No objections have been raised by Southern Water in terms of foul water drainage capacity for this application. They were consulted on the two approved housing schemes in Marden (MAP Depot/The Parsonage) and two pending applications at Stanley Farm and Marden Hockey & Cricket Club. Under these applications they have advised that additional off-site sewers or improvements

will be required which would be secured under the Water Industry Act with the developer, as is normal procedure. They acknowledged that there is currently insufficient capacity but this can be resolved and on this basis they have not objected to any of the developments. Kent Highways have raised no objections in terms of impacts upon the local road network and have considered the cumulative impact of the above-mentioned developments. Kent County Council (KCC) and the NHS have considered community contributions taking into account all developments referred to above. Therefore it is considered that this application is acceptable and suitable contributions will be made to infrastructure and community facilities to mitigate the impact of the development.

The requests for community contributions to the primary school, libraries, and youth services are based on the specific requests from KCC and so I do not consider the wording for them should be changed as the Parish Council suggest.

As outlined at chapter 6.11 of the main report, the Environment Agency are not objecting to the proposed surface water drainage and advise that, *"the 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."* This is an outline application and with this advice from a statutory consultee, there is no requirement to provide the precise details of drainage which can be sought via condition.

I can confirm the attenuation pond is shown the latest plans but more importantly it is included within the description of the development.

Great Crested Newts would be kept on site in the eastern field and this is safeguarded by conditions 5 and 6 which secure the submitted mitigation strategy and a future management plan. KCC Ecology is satisfied with this approach.

As outlined at paragraph 6.13.4 of the report, because this is an outline application where layout is not being considered, the exact requirements for play areas/open space would be dealt with at the reserved matters stage once the detailed layout is known. The play area has been shown on the plan for illustrative purposes only.

The Council's housing section has raised no objections in terms of the house sizes proposed.

Issues relating to overshadowing, visual appearance, traffic, noise, smells, and disturbance have been considered within the main report.

Councillor Harwood

The following (summarised) issues have been raised:

- Marden is relatively remote and arguably unsustainable from a traffic, retail and service perspective.
- The site supports significant biodiversity.

- Replacement/receptor semi-natural habitat should be delivered within the Marden area and the wildlife should not be deported. A better approach would be the purchase of a nearby area of agricultural/paddock land that is currently unsuitable for wildlife and change the management/import some cover (timber etc.).
- The receptor site is not suitable and any wildlife moved there has no future.
- The retained area on site as a 'meadow' would provide low benefit.

Officer Comment

As outlined at paragraph 6.4.10 of the main report, 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 (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, agreed by Cabinet under the draft Local Plan. 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 considered to be at a sustainable location and immediately adjoins the existing settlement.

As outlined at paragraph 6.10.4 of the main report, it would be preferable if the receptor site was within the Marden area. However, the applicant 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'.

In response to Cllr Harwood's comments, KCC Ecology advises that they consider the applicant's ecologist, *"has clearly shown that they did try to identify a receptor site within the Marden area but unfortunately there wasn't a suitable site available - which would be retained in perpetuity. We are aware that the 'Foal Hurst Wood' site is not currently ready for the reptile translocation, however management is currently underway and the ecologist and the reserve manager is confident that the site will be suitable by the time the reptiles are translocated."* They consider it is actually preferable if the receptor site requires management to make it suitable for the reptiles, as it means there is no significant reptile population already present within the site.

This is an outline application and as such the receptor is not required to be ready for translocation now and the mitigation strategy would ensure it would be ready when required. Condition 8 also requires a review of the mitigation measures within 2 years of any outline planning permission to ensure appropriate measures would still be in place.

A detailed management plan for the meadow area has yet to be produced and will be produced under condition 5 of any permission prior to works starting on site. Therefore the management of the area can be designed to ensure it provides maximum benefit for wildlife.

Site Plan on Committee Agenda

The site identification plan on page 65 of the Planning Committee Agenda was originally incorrect. For website purposes this was corrected within 24 hours of the agenda being released, and Planning Committee Members were informed and sent the correct plan.

This is an identification plan for Committee Agenda purposes. The statutorily required 'red outline' site location plan submitted with the application has been available to view since it was registered last year. As such, I do not consider anybody interested in this application has been prejudiced by this error.

RECOMMENDATION

My recommendation is changed as follows:

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 towards forecourt 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 conditions.