

REPORT SUMMARY

REFERENCE NO - 13/1928		
APPLICATION PROPOSAL		
<p>Erection of 124 dwellings with parking, vehicular and pedestrian access, and associated hard and soft landscaping as shown on the site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014.</p>		
ADDRESS Marden Cricket & Hockey Club, Stanley Road, Marden, Kent		
RECOMMENDATION subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE		
<p>The proposal is a departure from the Development Plan.</p> <p>The recommendation is contrary to the views of Marden Parish Council, which are discussed below, who wish the application to be reported to Planning Committee in the event of a recommendation for approval.</p> <p>The application is a controversial proposal which has been the subject of a petition attracting in excess of 100 signatures.</p>		
WARD Marden And Yalding Ward	PARISH/TOWN Marden	APPLICANT Countryside Properties AGENT Dha Planning
DECISION DUE DATE 11/03/14	PUBLICITY EXPIRY DATE 11/03/14 and 16/05/2014	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
99/1243	Erection of 3m high fencing around perimeter of all weather surface sports pitch	REFUSED

Planning Committee Report
16 October 2014

97/1498	An application under S192 of the Town Planning Act for the use of mobile floodlighting units to illuminate all weather surface sports pitch permitted under reference MA/94/0339 (units to be folded to storage mode and removed from operating position to safe storage position when not in use to illuminate playing surface)	APPROVED
96/0913	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED
96/0815	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED, DISMISSED AT APPEAL
96/0356	Erection of floodlighting system (8 No. 15m high masts) for proposed artificial grass hockey pitch	WITHDRAWN
94/0339	Installation of all-weather surface sports pitch	APPROVED SUBJECT TO CONDITIONS
87/1053	Change of use of agricultural land to sports ground	APPROVED
72/0452/MK3	Extensions and alterations, ladies cloakroom, boiler house, changing room	APPROVED SUBJECT TO CONDITIONS
71/0042/MK3	New first floor to existing single storey pavilion	APPROVED SUBJECT TO CONDITIONS
62/0009A/MK3	Details of pavilion at Cricket Club	APPROVED SUBJECT TO CONDITIONS
62/0009/MK3	An outline application for new pavilion	APPROVED SUBJECT TO CONDITIONS

Although not relating directly to the application site, of note are a number of applications relating to land off Maidstone Road, north of Marden, where it is proposed that the Marden Hockey and Cricket Club will relocate to in the event of planning permission being granted for the redevelopment of the current facility for residential purposes. Outline planning permission has been granted under the scope of MA/13/0358, and applications relating to conditions attached to the outline consent are currently under consideration. The details of all relevant applications are set out below:

14/501603	Variation of conditions 1, 2, 8, 11, 18 + 19 on MA/13/0358	CURRENTLY UNDER CONSIDERATIO N
14/501602	Submission of details pursuant to condition 6 - levels and condition 7 - archaeological watching brief of MA/13/0358	CURRENTLY UNDER CONSIDERATIO N
13/0358	Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for	APPROVED SUBJECT TO CONDITIONS

	subsequent approval	
11/0361	Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, hockey practice area, tennis courts, cricket nets, floodlights, club house and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval	WITHDRAWN

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site is located to the south of the village of Marden, which is identified in the draft Local Plan as being a rural service centre (RSC). The site is a linear parcel of land running from west to east which can be thought of as having three distinct sections. The western third of the site largely comprises the cricket pitch and a modest single storey pavilion and car parking area in the north corner of the site. The central part of the site comprises two tennis courts, an Astro turf pitch used for hockey, cricket nets, and associated storage and other structures. The eastern part of the site is a rough grassland and scrub area which appears to be used informally for recreational uses such as dog walking. Other than a mounded area in the east of the site adjacent to the hockey pitch, the site is mainly level.

1.02 The site is located in open countryside to the immediate south and west of the settlement boundary of Marden as defined in the Maidstone Borough-Wide Local Plan 2000, however it is designated in the draft Local Plan as being an allocated site for housing under policy H1(35). The land is not subject to any other specific environmental or economic planning policy designations.

1.03 The site is bound to the west by Albion Road and to the north by Stanley Road, which becomes South Road and continues eastward as a public footpath, the KM276. These are both unclassified roads, however they differ in their character. Albion Road is characterised by consolidated ribbon development running south of the proposal site to its western edge which is within the village boundary, but is more open and rural on its eastern side. The buildings to the western side of Albion Road include Bishop House and Jewel House, a pair of Grade II listed dwellings located opposite the south western corner of the site. It runs into the countryside south east of Marden and is a historic route towards various rural hamlets including Marden Thorn. It is also used for traffic heading towards Staplehurst, although to a lesser extent than Howland Road, further to the north. Stanley Road/South Road, which runs along the northern boundary of the site, is a quieter road with a suburban character which feeds into an interwar housing estate to the north of the site, which is also within the defined village boundary. The southern edge of this estate, which comprises a mix of predominantly semi-detached two storey and single storey dwellings, runs along the northern side of Stanley Road/South Road facing the application site. To the south of the site is agricultural land and garden land associated with The Howlands, a detached dwelling fronting onto Albion Road, and to the east of the site is garden land associated with dwellings associated with Stone Pit Farm.

1.04 The boundaries of the site are predominantly made up of mature native hedges of variable quality; those to the western and northern boundaries are patchier than those to the south and east boundaries which are more consolidated and robust. There are a number of trees in the hedges to the north, south and east boundaries; there are no other trees of significance on the site.

1.05 An application was made in 2011 to register part of the western end of the site (primarily the cricket pitch) as a village green under the provisions of the Commons Act 2006. A formal decision has not yet been issued, however the Inspector's report on the Public Inquiry has recommended that the application fail.

2.0 PROPOSAL

2.01 The application seeks full planning permission for the erection of 124 dwellings together with associated landscaping, car parking and amenity space.

2.02 The development would primarily comprise two storey detached and terraced dwellings, together with three low rise blocks providing apartment accommodation in the east of the site. The proposed development is landscape led, allowing for considerable landscaping within the site, including along the spine route into the interior of the site which would extend eastwards from an access point located centrally to the western boundary of the site from Albion Road. This route would meander into the site, through a large open space which would function as, and have the character of, a traditional green within the development, around which would be arranged detached dwellings. Going further into the site, the density of the built environment would increase, however verges, swales and public amenity space are allowed for which would provide sufficient landscaping, including tree planting, to achieve a significant degree of softening to the character of the development, provide informal amenity space and contribute towards sustainable surface water drainage management. This open space would also, in the south east of the site, provide a substantial landscape buffer to the southern boundary of the site and balancing pond for drainage purposes.

2.03 The properties in the west of the site, adjacent to Albion Road, would address this frontage, albeit whilst being set back and separated from it by hard and soft landscaping, which reflects the relationship of existing dwellings to the west of this highway. Elsewhere around the site boundaries, gardens have been used to soften the edge of the development and allow retention of existing hedges and trees; only three properties would abut the northern site boundary.

2.04 The dwellings are shown on the submitted drawings as having a traditional appearance using materials such as red brick, hanging tiles, and weather boarding to respond to the historic Marden vernacular, and the layout incorporates dual aspect buildings in order to provide visual interest to the streetscape and increase natural surveillance of open spaces within the site.

2.05 The primary vehicular and pedestrian access to the site would be gained by way of an access to Stanley Road central to the western boundary of the site, however emergency and pedestrian access would also be provided from Stanley Road/South Road in the north east of the site, and three dwellings in the north west of the site would be served by a subsidiary access to the north of that serving the main body of the development.

2.06 The overall density of the development would be 29dpha, however the pattern of development would be least in the west of the site, increasing towards the centre of the site and then further in the east, as described above in paragraph 2.02.

2.07 Of note is the extant outline consent granted under MA/13/0358 for the replacement Marden Hockey and Cricket Club facility on land to the north of Marden. This consent provides (subject to reserved matters) for the provision of a replacement sports facility in the event of planning permission being granted for the residential development of the proposal site. Applications are currently under consideration for the discharge of conditions relating to this proposal, and a reserved matters application is expected imminently.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	4.2Ha
Overall Housing Density (dpha)	30
No. of Storeys	2 (dwellinghouses), 3 (apartments)
Parking Spaces	264 (2.1 per dwelling)
No. of Residential Units	124
No. of Affordable Units	49 (40%)

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, CF1
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP5, H1 (35), H2, DM1, DM2, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1
Other: Marden Design Statement 2001

4.01 As set out in paragraph 1.01, the application site is located outside of the settlement boundary of Marden, as defined in the Maidstone Borough-Wide Local Plan 2000. Notwithstanding this, it is identified in the Maidstone Borough Council Draft Local Plan policy H1 as a housing allocation with an expected yield of 125 units, subject to the development criteria set out in Appendix A (H1(35)) of the Local Plan.

4.02 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.

4.03 The draft Marden Neighbourhood Plan is currently under consultation and is therefore of limited weight in the determination of planning applications. The Marden Surface Water Management Plan is in the process of being drafted, and is expected to be finalised and implemented in March 2015.

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed at the site on 20th December 2013.

5.02 **Councillor Annabelle Blackmore** objects to the proposal, making the following detailed comments:

"I have very strong objection to the development of the Cricket Club site. This site is the only visible green space from the main roads leading into the village centre. The additional properties will change the streetscene and the traffic which will arise will cause chaos on both Stanley Road and Albion Road. The fuel station in the village is only a matter of metres from the junction of Stanley Road and Albion Road so the road infrastructure is not in place to support the additional properties. Marden village contains essential ingredients for village life which are all within walking distance:

local pub, cricket green and a peaceful location within a community which has an identity. Plans have been approved for hundreds of houses within the Marden village. Marden does not need any more and has taken more than its fair share of growth.

In March 2013 the Neighbourhood Plan Group organized two Open Days which were extremely well attended. A map showed all the sites available including the cricket club site. Each adult who visited the Open Day was given a green sticker and a red sticker. The red sticker was to be placed where development was totally unacceptable and the green sticker placed on the map where development was acceptable. The cricket club site was the only site which did not receive any support at all and was covered in red stickers. All the other sites had a mixed response.

As a Borough Councillor I am fortunate that residents make their views known to me. This particular development has caused much anguish to many, even those who support the Cricket Club. This is a development too far. The drainage system cannot support this development is already under great strain. During the Christmas period tankers were clearing waste water from several lanes nearby and the system is already clearly overloaded and cannot serve the current properties in the village. Several hundred additional houses have already been granted permission so the additional waste from these properties will wreck a system under pressure.

The National Planning Policy Framework (NPPF) offers advice for sustainable development, this development does not pass that test at all. It creates unsustainable and unwelcome features which are too many additional vehicle movements, further waste water, pressure on medical facilities and school, as well as the removal of an amenity green space from the village which is much needed. The amenity space includes tennis courts as well as hockey and cricket pitches. The potential relocation of the cricket club a mile away means further additional car journeys as children are driven to the location rather than walking along pavements through the village. This is not sustainable development. Traffic surveys completed for the area are flawed, because they were either not for an appropriate time period or they took place prior to the implementation of the 7.5 tonne weight limit restriction. Although this site is favoured by developers, the Borough Council has a serious duty to protect our rural areas from unwelcome development. The lack of a good bus service shows we do not have another aspect of infrastructure to support it.

I urge you to refuse this ghastly proposal which will change the fabric of the village forever."

5.03 More than 100 letters of objection (including from the Marden History Group) were received, which raised the following planning concerns:

- Design
- Relationship of the development to Marden
- Pressure on local infrastructure including health care, schools and sewerage
- Increased traffic, lack of on site parking provision
- Harm to biodiversity
- Loss of a public open space and community asset, and impact on public health
- Flood risk and drainage
- Harm to residential amenity
- Loss of trees
- Principle of the development of open countryside
- Cumulative impact of the development when considered alongside other applications
- Harm to the setting of heritage assets

- Harm to the character of Marden
- "Quid pro quo" of alternative sports facility having already been granted planning permission

5.03 The following issues raised are not planning matters, and will not be considered further in this report:

- Impact on property values
- Loss of view
- Disturbance during the construction phase
- Profiteering by developers
- Covenants on the land

5.03 In addition, a petition (made up of several parts) with more than 250 signatories raising objection to the proposal was received.

6.0 CONSULTATIONS

6.01 **Marden Parish Council** wish to see the application refused, and made the following detailed comments:

Marden Parish Council (MPC) continues to deplore the unfortunate and entirely avoidable situation imposed upon it by elected Members of the Borough Council. This is caused by Members' long-standing inability to prepare and have adopted a development plan for their Borough, in accordance with the requirements of National Planning Policy Guidance.

This situation has led to an unsustainable number of planning applications in the village which threaten its character and the amenity of existing and, most likely, future residents. Recent flooding in December 2013 illustrated the significant shortcomings of the village's foul and surface water drainage systems, despite the continued denial of any material problem on the part of the Statutory Undertakers concerned.

To date, MPC's stance, given this local policy lacuna, has been to abstain from providing a view on these opportunistic application proposals. However, as a full planning application, the subject presents significant development control concerns to Councillors, namely:

A weak, thoughtless and unimaginative proposed layout with meaningless and tokenistic open space provision, heavily compromised by the proposed east/west spine road;

A lack of any meaningful connectivity between the application site and Stanley Road, in particular. The proposed orientation of dwellings to the northern edge of the application site turn their back on Stanley Road, and the village, which is completely unacceptable in terms of best practice urban design and good place making;

The proposed use of 2.5 and 3 storey blocks to maximise density which, by virtue of their proposed scale, height and massing will present an overly dominant and incongruous feature on the rural fringe of a village, and for which there is no substantive local precedent;

The exclusive concentration of affordable units at the eastern edge of the proposed development, at a density in excess of 40dph, with scant regard for the quality of architectural or elevational treatment in this location, resulting in an effective 'second class' of development for non-market residents.

As explained to the applicant, MPC would encourage them and their agent to now begin to engage in constructive face to face dialogue with MPC regarding the layout and design of this development. This should take place at the earliest possible opportunity.

Until such times as MPC are reconsulted on this application, it maintains its firm objection to the application proposals, for the reasons outlined.

However if MBC are minded to approve this scheme Marden Parish Council would want to see the following conditions:

- (1) Schemes for rainwater harvesting and traffic management*
- (2) Management company set up for managing SuDs and Open Spaces*
- (3) Sewerage holding tanks to be incorporated into the development*
- (4) Boundary retention plan*
- (5) Dwellings to be built to Level 4*
- (7) Developer contribution to foul water sewer improvements necessary to bring the existing pumping station and pipework system up to a standard which can accommodate the extra demand placed upon it by the new development.*
- (8) Developer contribution to highway improvements associated with extra traffic generated by the new development.*
- (9) Developer contribution for Marden Primary School and local secondary education to accommodate the expected increase in the school-age population of the village resulting from the new development.*
- (10) Developer contribution for Marden Medical Centre to accommodate the expected number of additional village residents following the new development.*
- (11) For aspects not specifically addressed above, MBC/developers to also view the S106 document produced by Marden Parish Council*
- (12) MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs*
- (13) Would wish to see provision of low level dwellings for the ageing population."*

6.02 Maidstone Borough Council Housing Officer: raises no objection to the proposal subject to a legal mechanism securing 40% affordable housing at a tenure mix of 60% social rented (or similar) and 40% shared ownership, and confirms that the distribution within the site is acceptable in this case, making the following detailed comments:

"I can confirm that having looked over the layout plans and plot numbers, I am happy to go with your alternative option replacing a terrace of 4 x 2-bed houses with a terrace of 2 x 2-bed and 2 x 3-bed houses. I would suggest that based on this revised mix and layout plan, that the affordable tenure is split as follows:

Plots 72 to 100 – Affordable Rent

Plots 101 to 120 – Shared Ownership

This would give the following breakdown, giving a well balanced mix in terms of meeting need and achieve the 60/40 split. It should also be acceptable to an RP in terms of management.

Affordable Rent – 12 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units.

Shared ownership – 3 x1-bed units, 12 x 2-bed units, 5 x 3-bed units.”

6.03 Kent County Council Economic Development: raise no objection to the proposal subject to the provision of contributions towards education and social infrastructure, making the following detailed comments:

“Primary Education

The proposal gives rise to additional primary school pupils during occupation of this development. The forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. The impact of this proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of ‘first come, first served’ assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Primary School accommodation at Marden.

The County Council requires a financial contribution towards construction of the new accommodation at £590.24 for each applicable flat and £2360.96 for each applicable house. ‘applicable’ means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2012-17 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, May 2012.

Secondary Education

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. The forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. This need can only be met through the provision of new accommodation within the locality.

A Secondary School contribution of £589.95 per applicable flat and £2359.80 per house is required to mitigate the impact of this development. The new secondary school accommodation will be provided at one or any of the Secondary schools used by the students of Marden and delivered in accordance with the Local Planning Authority’s Infrastructure Delivery Plan (where available); timetable and phasing.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity

The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.

The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £30.70 per household to address the direct impact of this development.

Youth Services

The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.

The County Council therefore requests £8.44 per household.

Libraries and Archives

There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £100.79 per household to address the direct impact of this development.

Adult Social Care

Facilities for Kent Family & Social Care (FSC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which FSC are under a statutory obligation to meet but will have no additional funding to do so.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.

The mitigation will comprise the following projects:

Project 1: Assistive Technology (also referred to as Telecare): installation of technology items in homes on this development (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes on this site.

Project 2: Building Community Capacity: enhancement of local community facilities to ensure full DDA access to clients to participate in community activities and groups.

These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

The County Council therefore requests £15.95 per household."

6.04 NHS Property Services: raise no objection to the proposal subject to the provision of a contribution towards the forward funded expansion of Marden Medical Practice, making the following detailed comments:

"Detailed discussions in the past with Maidstone Borough Council in respect of the impact of the developments upon primary care within Marden, has led to a revised contribution to be sought from the respective developers of sites within the village.

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

- *The former 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 NHS 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 NHS 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 Marden Cricket and Hockey Club, Stanley Road, 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 (75) provides the level of contributions sought at **£18,628.35***

We agreed that this agreement is particular to the situation in Marden given the fact works were forward funded by the NHS and can be directly related to the proposed new housing. Elsewhere the NHS will still use the predicted occupancy rates and

associated multiplier to secure developers contributions on developments. Intermediate and social housing provision has been excluded from this request for contributions in line with the NHS Section 106 policy.

It would be expected that all local developments fund the impact upon local primary care services equally and that the NHS is able to secure the appropriate level of funding from developers to mitigate the necessary investment in surgery premises.

NHS Property Services Ltd therefore seeks a contribution of £18,628.35 plus support for our legal costs in connection with securing this contribution.”

6.04.01 Please note that the above contribution is calculated on the basis of the number of proposed market housing units only, and excludes affordable housing from the calculation.

6.05 **Maidstone Borough Council Parks and Open Spaces Officer:** raises no objection to the proposal subject to the provision of a contribution towards improvement, maintenance, refurbishment and replacement of play and sports facilities and allotments and community gardens local to the site, making the following detailed comments:

“Having looked at the documents and spoken with my department, Parks and Leisure would be looking for an offsite contribution although this would not be for the usual £1575 per dwelling as there is some green space being provided within the development.

The Planning Statement advises that 4975 square metres of open space will be provided within the development which equates to 0.4975ha. For a proposed development of this size we would expect a minimum of 1.30ha of open space to be provided based on the local minimum standard required for Marden (which does not include Parks and Gardens, Natural and Semi Natural Green spaces, and Green corridors.

The development plans to provide ultimately Amenity Greenspace (of which Marden is already well above the required standard) in the form of a Swale and a form of Village Green. A village green that is cut in half by the main access road to the development which would give us reservations as to the safety of its use as recreational open space especially for young children with there being regular car movements in and out of the development. The developer also states that it will be providing a large amount of open space in the form of a new Cricket club along Maidstone Road. Although it is pleasing to see that there is a proposed development for improving the facilities to better the current area that is proposed to be built on, however as the new facilities are directly replacing old ones there is no additional open space being provided (albeit the newer facilities may be larger) – without knowing how much extra land is being provided by the proposed new cricket club it would be difficult to assess how much extra open space is being provided by the development in this instance. Marden is underprovided in terms of Outdoor Sports Facilities and one must also query whether the new facilities will be publicly accessible for all or whether they are only available for club members.

Whilst Marden is slightly overprovided in terms of provision for Children (Equipped Play) it goes without saying that a development of this size will lead to an increase in usage of existing play areas within Marden with new families and under 18's moving into the area. This in turn will put extra strain and stress on existing areas leading to quicker deterioration and increased maintenance and replacement costs. We would envisage a greater use of all play facilities within the current village of Marden.

Marden is also underprovided for in terms of Allotments and Community Gardens of which there is no planned provision for in terms of this proposed development.

With this in mind, this department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Marden Playing Fields is approximately 300m away from this proposed development and is a large area of open space providing outdoor sports facilities and areas of equipped play, and is a central location of play and outdoor sports facilities for the local community.

We would envisage an increase in usage of facilities at this site as well as any others within a one mile radius of the development such as the Cockpits and Napoleon Drive.

We would request that an offsite contribution be made towards these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

GREEN SPACE TYPE	
	Requirements
<i>Parks and Gardens</i>	<i>No requirement but included in other categories.</i>
<i>Natural and Semi-Natural areas</i>	<i>No contribution required as included in the development</i>
<i>Amenity Green Space</i>	<i>Some included in development.</i>
<i>Provision for Children and Young People Equipped Play</i>	<i>No onsite contribution, a contribution towards improvements to existing facilities is requested.</i>
<i>Green Corridors</i>	<i>Not required.</i>
<i>Outdoor Sports Facilities</i>	<i>New cricket club proposed of improved facilities and larger scale – size and scale unknown.</i>
<i>Allotments and Community Gardens</i>	<i>Not included, contribution is requested</i>
<i>Cemeteries and Grave Yards</i>	<i>Not required</i>
	Total off site contribution of £630 per property requested

The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green

space are supplied the typical financial contribution requested per dwelling would be reduced.

We would in this instance seek to request a contribution of £630 per dwelling x 124 = £78,120.

As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used at Marden Playing Fields and other facilities within a one mile radius."

6.06 Kent County Council Public Rights of Way Officer: raises no objection to the proposal subject to the provision of a contribution towards the improvement of the KM276 between South Road and the driveway to Selby Oast, making the following detailed comments:

"With regards to PROW KM276, the short section between South Road and the driveway for Selby Oast has very poor pedestrian access at present (see sketch map point A to Point B). The surface is muddy and uneven and there is a barbed wire fence that narrows the path considerably along the northern boundary, with inquisitive horses making the route almost impossible to walk. There is no way a baby buggy pusher could use it, causing a potential concern for future residents in the new housing, so I assume the developer has budgeted for improvements here. Whilst I appreciate the new residents will not be using PROW KH276 to access the services in Marden, I believe there is a need for new developments to allow access to the countryside for activities such as dog walking, cycling etc. The distance to be improved is only 150 metres."

6.07 Kent County Council Highway Services Engineer: raises no objection to the proposal, although some concern is raised over the quantity and arrangement of on site parking proposed, subject to a S278 agreement securing improvements to the public highway, and contributions towards the improvement of Marden Railway Station. The Engineer's original comments raised the following matters:

"1. The application proposes the development of 124 houses on the site of the cricket and hockey club. The primary site access is proposed from a new priority junction onto Albion Road. An additional new access to serve 3 dwellings is also proposed onto Albion Road north of the main access and south of the Stanley Road access.

2. Albion Road is subject to a 30mph speed limit past the development site. A vision splay of 2.4m x 43m can be achieved from the main site access and a safety audit is to be provided. Please also provide details of speed measurements.

3. Emergency access/footway links are proposed through to Stanley Road and the details are not clear from the submitted drawings, please could additional information be provided.

4. Visibility from Stanley Road is restricted. As this is to become an emergency access route for the development, improvements to the visibility splay should be considered. Also the footway from Stanley Road leading to the village centre is narrow and improvements to this should be considered together with links across Albion Road towards Napoleon Drive. Please also provide details of the vision splay from the proposed new access to serve Plots 1 – 3. These proposals should be included in the safety audit.

5. The development comprises 18 x 1 bedroom flats, 10 x 2 bedroom flats, 28 x 2 bedroom houses, 40 x 3 bedroom houses and 28 x 4 bedroom houses. The site layout is in accordance with Manual for Streets principles. Footways are provided at the site access and lead into the site with shared surfaces being provided where appropriate. The layout is designed to physically reduce vehicle speeds and additional traffic calming should be provided every 60m to ensure low vehicle speeds. Tracking diagrams have been provided which indicate the areas where larger vehicles can turn. I would recommend that additional turning space be provided in the vicinity of Plot 88 in order to provide an alternative option to the turning area near to Plots 101-109 if parking occurs in the turning area. Please also provide tracking diagrams for the emergency access onto Stanley Road and a drawing showing the extent of the adoptable area. Please also note that the fire appliance needs to gain access to within 45m of all dwellings. The maximum reversing distance for fire engines is 20m. With regards to waste collection, residents should not be expected to carry waste more than 30m to the storage point and waste collection vehicles should be able to get within 25m of the storage point (shorter distances preferred).

6. Crash data has been sourced for the latest 3 year period to 31.3.13 and this indicates that there were no reported injury crashes during this period.

7. Parking is required in accordance with the Kent Design Guide Interim Guidance Note 3 for village areas. This requires 2 independently accessible spaces for each 3 and 4 bedroom house with 1.5 spaces for each 2 bedroom house and 1 space for each 1 and 2 bedroom flats with an additional 0.2 spaces per property for visitor parking. I am concerned that the layout proposed does not include parking in accordance with IGN3 and the shortfall will be likely to lead to parking along the access roads.

8. In general the 3 bedroom houses have insufficient parking; IGN3 recommends a minimum of 2 independently accessible spaces per dwelling where spaces are provided in tandem or within garages additional on street spaces should be provided. There is also a shortfall in parking provision for the 2 bedroom houses which require a minimum of 1.5 spaces per property. There are some visitor spaces provided adjacent to Plot 120 but these are likely to be occupied by residents. Visitor parking should be provided at a ratio of 0.2 spaces per property and this is lacking throughout the layout.

9. There are areas where the space available for manoeuvring is very limited such as plots 3, 11, 15,16, 25, 27, 28, 29, 36, 37, 39, 41, 49 and 50 and this will cause overrunning of verges or parking elsewhere on site, which could lead to obstruction. A distance of 6m is recommended behind parking spaces to allow sufficient space for manoeuvring. Please could consideration be given to allow additional manoeuvring space.

10. The access road is 5.5m at the junction with Albion Road narrowing to 4.8m with a footway on one side. 4.8m is sufficient width to allow an HGV to pass a car. However there is a considerable shortfall in parking provision, particularly past Plots 17/41 and this cumulative shortfall together with the lack of visitor spaces is likely to lead to extensive on street parking which in turn may lead to difficulties in the safe passage of vehicles. I would therefore recommend that additional parking be provided.

11. Traffic surveys have been conducted to establish existing traffic flows along Albion Road and at the junction of High Street/Maidstone Road. Traffic generation

has been estimated using TRICs, traffic distribution and assignment have been estimated using TEMPRO and census data. Traffic growth rates have been applied to the base traffic flows to provide 2018 flows and committed development and proposed development traffic have been added for the following sites:

- a. the MAP Depot site – 112 dwellings*
- b. the Parsonage – 144 dwellings*
- c. land to the north of Howland Road, 47 dwellings*
- d. Stanley Farms – 85 dwellings*

12. The percentage increase in traffic on local links and junctions has been estimated with the inclusion of the development traffic, committed/proposed development for the 2018 design year with growth factors applied. The results indicate that the maximum % increase in traffic at the junction of the High Street/ Maidstone Road during peak hours would be 7%. The results of the capacity assessment indicates that this junction has adequate capacity to accommodate the additional traffic with a maximum queue length, on any approach to the junction, of 2 vehicles and the maximum RFC being 0.697. (The recommended maximum RFC value is generally 0.85%)

13. Junction capacity assessments indicate that the proposed site access junction with Albion Road has adequate capacity to accommodate the development traffic in 2018 with the inclusion of committed development flows without queues and delays.

14. A Sustainable Travel Statement has been prepared and found to be acceptable.

15. The developer is required to upgrade the existing zebra crossing on Goudhurst Road to a pelican crossing to improve safety for those walking to the school.

16. A pedestrian crossing is required on Church Green close to its junction with the access to Marden Station to improve safety for those walking to the station.

17. Bus stop improvements are required at local bus stops to aid accessibility for the mobility impaired.

19. Cycle parking is required at the rail station, at the library and outside the post office.

20. An appropriate contribution is required toward improvements to Marden train station.”

6.07.01 Following the submission of additional information, including details of visibility splays and a road safety audit, the following further comments were received:

“The information addresses concerns raised regarding the emergency access and footway link to Stanley Road, visibility splays and the extent of adoption and a road safety audit is provided in respect of the new junction onto Albion Road. I can confirm that all these details are acceptable however dropped kerb crossings will be required in Stanley Road at its junction with Albion Road as part of the footway links and should be provided under a Section 278 Agreement in addition to the other highway works outlined in my previous correspondence.”

6.07.02 Details have been provided of the contributions sought in respect of the improvements to Marden railway station as follows:

"The contribution to the railway station would be made to southeastern as was the case with application MA/13/1291. The contribution required is based on the cost of the new station facilities which is £52,960 distributed equally between the 253 new homes being provided at the following development sites: Howland Road (44 dwellings), Stanley Farm (85) and Marden Cricket and Hockey Club (124 dwellings).

The contribution sought from the Cricket and Hockey Club site is $\frac{£52,960}{253} = £209.33 \times 124 = £25,956.92$."

6.08 Kent County Council Biodiversity Officer: raises no objection to the proposal subject to conditions requiring the submission of details of Great Crested Newt mitigation and the implementation of the approved details, and makes the following detailed comments:

"We have reviewed the ecological information which has been submitted with this planning application and we are satisfied that sufficient information has been provided to determine the planning application.

Great crested newts

We have reviewed the updated Great Crested Newt Survey and we have the following comments to make:

We are satisfied with the results of the Great Crested Newt Survey.

The mitigation detailed within the submitted report had stated that the proposed attenuation facility can be used as the receptor site. Unfortunately the design of the attenuation facility had yet to be finalised – however the ecologist has confirmed that they are satisfied that adequate scope for this to be designed in such a way so as to provide the necessary mitigation

We advise that while we are satisfied that this information is sufficient to determine the planning application we will require a detailed mitigation strategy to be submitted as a condition of planning permission, if granted. The mitigation strategy must be produced once the design of the attenuation facility has been finalised.

To minimise any impact on GCN within the completed development the applicant has confirmed the following will be carried out.

- the use of gully pots has been avoided across the majority of the site by incorporating swale systems which allow the surface water to drain off the roads;*
- In some areas where there are gully pots will be required they will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent to the gully pots; all drainage/road plans for the development must ensure they reflect the above points.*

Bats

The oak tree (described as T3 within the ecology survey) has detailed that it has potential for roosting bats to be present. The planning officer has confirmed that the tree is to be retained within the proposed development and as such we are satisfied that no emergence surveys are required.

Lighting

Lighting can be detrimental to roosting, foraging and commuting bats. The recommendations discussed in paragraph 4.5 of the ecological survey should be taken into account when designing the lighting scheme.

We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

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

The site plan indicates that the site contains green space – we suggest that a detailed ecological enhancement and management plan is submitted for comments as a condition of planning permission, if granted."

6.09 **English Nature:** did not wish to comment on the application, referring to standing advice.

6.10 **Kent Wildlife Trust:** raise no objection to the proposal.

6.11 **Southern Water:** raise no objection to the proposal subject to the imposition of conditions requiring the submission of details of foul and surface drainage, and implementation of the approved details, and informative notifying the developer of the need for a formal agreement for provision of necessary sewerage infrastructure and connection to the public sewerage system, and make the following detailed comments:

"Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewer, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should this application receive planning approval, please note include, as an informative to the permission, the following requirement:

"The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

Our initial investigations indicate that the existing surface water system can accommodate a surface water flow of 17.0l/s. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Should this application receive planning approval, please note include, as an informative to the permission, the following requirement:

"A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk)."

The drainage application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangement exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system which may result in inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk)."

6.12 Environment Agency: raises no objection to the proposed subject to the imposition of conditions requiring the implementation of the flood risk assessment and submission of details of surface water drainage (incorporating SUDS), land contamination investigation and remediation, and the implementation of the approved details, and preventing infiltration of surface water into the ground.

6.13 Upper Medway Drainage Board: raise no objection to the proposal, but raise the following concerns:

"The principle of the proposed SuDS, with discharge to be limited to 17.2l/s, is considered appropriate and I am pleased to see that the applicant has included the use of open storage rather than relying on oversized pipes and tanks. However, the

Flood Risk Assessment acknowledges uncertainty regarding the route and connectivity of downstream watercourses. There was also a blockage highlighted in the existing highway drainage system at the junction between Stanley Road and South Road. Further investigation is therefore required in respect of the downstream network and the blockage must be addressed.

The proposal for the SuDS to be discharged via a pumping station should be avoided if at all possible. I note that the applicant has been in contact with KCC but I am surprised that "KCC was unwilling to discuss the option of establishing a gravity connection into their highway system". The applicant should be requested to explore this further, along with other potential gravity discharge options."

6.14 Maidstone Borough Council Landscape Officer: raises no objection to the proposal subject to the imposition of conditions requiring the implementation of the recommendations of the Arboricultural Impact Assessment and Method Statement and submission of a detailed landscaping scheme for the site including a (long term maintenance plan) and the implementation of the approved details, making the following detailed comments:

"There are no protected trees on, or immediately adjacent to this site, and the land is intensively managed recreational land bordered by hedges and hedgerow trees.

The Pre-Development Tree Condition Survey prepared by Ruskins Group Consultancy, the Arboricultural Impact Assessment and Method Statement and Landscape and Visual Impact Assessment produced by Furse Landscape Architects Ltd are considered acceptable in principle. I would add, however, that the proposed 'minimum dig method' of hard surface construction doesn't comply with current BS5837:2012 and recommendations. This should be amended to 'no dig construction' within the RPAs of retained trees.

The cricket and hockey club is located within Maidstone landscape character area 44, Staplehurst Low Weald. The area is considered to be of good condition and high sensitivity and the associated guideline is therefore 'conserve'.

The relevant guidelines for the Low Weald landscape type are as follows:

- *Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent*
- *Conserve and increase extent of clean water ponds*
- *Conserve and promote the extension of areas of floodplain and wetland*
- *Conserve the abundance of English oak and wild service trees within the landscape, which are frequent as hedgerow trees and as isolated specimens across farmland. Ensure continuity of this key feature by planting new oak trees to replace ageing specimens*
- *Conserve and promote the use of local materials including chequered red and grey brickwork, weatherboarding, timber framed buildings and ragstone*

The key relevant detailed summary of actions are as follows:

- *Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and oak standards within hedgerows to replace ageing species*
- *Conserve and enhance the hedgerows, ensuring that they are correctly managed and gaps replanted*
- *Encourage native hedgerows around commercial and housing developments*

Generally, so long as the above report recommendations and landscape principles are adhered to, I raise no objection on arboricultural/landscape grounds."

6.15 Maidstone Borough Council Conservation Officer: raises no objection to the proposal subject to conditions requiring the submission of details and samples of materials and landscaping, and implementation of the approved details, and makes the following detailed comments:

"The site lies opposite a pair of listed buildings, Jewell House and Bishop House, which formerly comprised a single dwelling. This building originally occupied a relatively isolated position, slightly detached from the historic village centre of Marden, but with a small courtyard of farm buildings situated just to the south of it. In the late 20th Century the farm buildings were cleared away and replaced by a modern dwelling and to the north more substantial residential development linked the listed building to the village. Residential ribbon development now continues for a considerable distance beyond the listed building.

Jewell House/Bishop House now lies essentially within a built-up environment. Whilst the current application site is open in nature it is not rural in character, being too formalised in its existing sports use. It does make some contribution to the character of the setting of the listed building, but development in the manner proposed will not cause any significant harm to this setting, particularly if the roadside hedgerow is retained and strengthened with new planting. The design of the proposed dwellings is in an appropriate Kentish vernacular style."

6.16 Kent County Council Archaeological Officer: raises no objection to the proposal subject to the imposition of a condition requiring the submission of a programme of archaeological work and implementation of the approved details, making the following detailed comments:

"The site lies within an area of River Terrace Gravels. These deposits have potential to contain rare and important palaeolithic remains along with palaeoenvironmental elements. In general this area of Marden has produced evidence of Iron Age, Roman and medieval activity and there is some potential for these to survive on site.

This application is supported by a general desk based archaeological assessment by CgMs. The desk based archaeological assessment is fine and has been passed to the HER for future reference. In view of the palaeolithic potential and the size of the site, I recommend the following condition is placed on any forthcoming consent:

No development shall take place 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 by the Local Planning Authority.

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

6.17 Maidstone Borough Council Environmental Health Officer: Raises no objection subject to the imposition of conditions requiring the submission of details of land remediation and air quality emissions reduction and implementation of the approved details, making the following detailed comments:

"This is a substantial development and the usual EH concerns for such a proposal exist here. There is a desk top study submitted, GEA Desk Study and Ground Investigation Report J13245 October 2013. This is primarily a geotechnical report but it does have some references to contamination; four samples were taken in trial pits and elevated PAH, namely benzo-a-pyrene. It suggests that further work would be required – I agree. Therefore a condition should be imposed highlighting the work yet to be done, but the first part of the condition can be deemed to have been completed.

Despite its size, the location of the proposed development is such that noise will not be an issue, though there is likely to be an addition to local air pollution from the number of extra residences and vehicles. Interestingly the accompanying transport plan raises no objections."

6.18 **Sport England:** raise no objection to the proposal subject to the safeguarding of the provision of an alternative facility by way of the imposition of a condition preventing occupation of any dwelling prior to the replacement facility granted outline planning permission under MA/13/0358 being built out, functional and available for public use.

6.19 **Kent Police:** raise no objection to the proposal subject to the imposition of a condition requiring the development to incorporate measures to prevent crime in accordance with "Secured By Design".

6.20 **Network Rail:** raise no objection to the proposal.

6.21 **Southern Gas Networks:** raise no objection to the proposal, but draw attention to the presence of a gas main within the vicinity of the site.

7.0 APPRAISAL

Principle of Development

7.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

"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."*

7.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 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;"

7.05 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 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).

7.06 In April 2013 when most recently calculated, the Council had a two 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. Even when considered in light of housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant matter and at paragraph 49 of the NPPF it is stated 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. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF 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.

7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement boundary of Marden, identified as an RSC in the draft Local Plan under draft policy SP3, providing a wide range of key services including a primary school, medical centre, library and other community facilities including a village hall, as well as employment opportunities and good public transport links, including by rail, to larger employment and retail centres.

7.09 RSCs are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states 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.”

7.10 In this context, it is considered that the location of the site adjacent to the RSC of Marden is sustainable in the terms of the NPPF and draft Local Plan.

7.11 This is recognised in the designation of the application site as a housing allocation within the emerging Local Plan for 125 dwellings under the scope of policy H1(35), subject to the following detailed criteria:

- *Retain and enhance hedges and trees along the southern and eastern boundaries of the site in order to screen new housing from the adjacent open countryside; and*
- *Access will be taken from either Albion Road or Stanley Road, subject to agreement with the Highways Authority; and*
- *Pedestrian and cycle access will be provided, to ensure good links to existing residential areas and the village centre; and*
- *Development will be subject to the results and recommendations of a phase one ecological survey; and*
- *Replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences; and*
- *Provision of publicly accessible open space as proven necessary, and/or contributions; and*
- *Appropriate contributions towards community infrastructure will be provided, where proven necessary; and*
- *Complimentary improvements to public footpath KM276, connecting the site to Howland Road; and*
- *Approximate development density of 30 dwellings per hectare.*

7.12 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date, in accordance with central government planning policy as set out in the NPPF and discussed in detail above. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing in emerging Local Plan policy H1(35), notwithstanding widespread objection to this by local residents.

7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the

shortfall in housing supply. This also represents a strong material consideration in favour of the development.

7.14 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local Plan is noted, however given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for these to take place, it is not appropriate or reasonable to delay consideration of the application for this reason. Furthermore, the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine, or indeed refuse, applications on the basis that the policy framework is immature.

7.15 For these reasons, it is considered that the principle of the development of the site for residential development, whilst contrary to Development Plan policy, is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact and the density of the proposed development (including whether the site can suitably accommodate 124 dwellings); cumulative impact when taken together with other development sites coming forward; S106 contributions for the mitigation of impacts upon social and other infrastructure; the loss of a community facility; access/highway safety; drainage and flooding issues; and ecology.

Visual Impact

7.16 The proposal is for the redevelopment of an open site in the open countryside for residential development; there will inevitably be a visual impact as a result. The site is clearly visible from both Albion Road and Stanley Road/South Road, and also the KM276 public right of way which runs along the northern boundary of the site, albeit that it is screened to a certain extent by existing landscaping which is proposed to be retained in the development of the site, and strengthened through the introduction of additional planting. The development would be seen against the existing hard boundary of the development to the north of Stanley Road/South Road, and that to the west of Albion Road, and due to its linear shape hugging the southern boundary of the defined settlement, represents a logical extension to the built environment in this specific location. This is recognised in the allocation of the site for housing in the draft local Plan under policy H1(35). The site is screened in longer views from Howland Road and Copper Lane by existing built development and field boundaries.

7.17 The concerns expressed in relation to the suitability of the scale and form of the proposed development are noted, and have some merit. It is true that the scale and density of the built form will increase from west to east within the site, however, this is not in itself unacceptable in design terms, and is a function of the need to provide a range of different dwelling types and sizes within the development for both market and affordable housing. The provision of larger detached properties in the west of the site is a response to the existing pattern of built development in the close vicinity of the junction of Albion Road and Stanley Road, whilst the tightening of the grain of the development within the central part of the site is itself a legitimate reaction to the more dense twentieth century development located between Stanley Road/South Road and Howland Road to the north of the site. Whilst it is the case that the existing built development is a mix of single and two storey dwellings along the northern side of Stanley Road/South Road, it does not automatically follow that the absence of bungalows within the proposal is unacceptable, and given the maintenance of openness along the north boundary of the site due to the abutment of gardens to this

boundary and the retention and reinforcement of existing hedging and trees it is not considered that the development would result in an unacceptable appearance to the frontage of this highway. However, in order to safeguard the hedging and the introduction of additional planting in a robust landscaping scheme and to prevent an unduly hard edge to the development, I propose a condition restricting boundary treatments to open spaces within and without the site in order to reinforcement reliance on landscaping as a means of enclosure.

7.18 The use of three, three storey blocks providing flatted accommodation in the east of the site will result in the introduction of a novel built form in the locality, however this does not automatically imply that their use is unacceptable. In the circumstances of this case, the scale of the buildings in respect of footprint, height and overall bulk, whilst inevitably greater than those of the proposed and existing dwellinghouses, are not excessive in scale, the two smaller blocks each providing six units of accommodation and the larger block in the south with an L-shaped footprint providing nine. In the case of the smaller of the three blocks, their footprints would not be significantly greater than those of some of the detached properties proposed.

7.19 The visual impact of the blocks will be mitigated by their location set well in from the north and south of the site and softened by landscaping within the site. The role of the proposed landscaping will be supported by the retention of existing mature landscaping along the southern and eastern boundaries of the site which includes robust native hedges and trees of substantial scale, in accordance with the criteria set out in emerging Local Plan policy H1(35). The blocks will be screened in views from the west by the greater part of the site, which will include substantial detached dwellings and blocks of terraces, and serve to present the context, whilst in views from within the site, they will provide a bookend to the development, beyond which will be the boundary to be retained, and open countryside.

7.20 It should be noted that policy H1(35) of the Maidstone Borough Council emerging Local Plan sets out the calculated yield for the site as 125 and the proposed development density as 30dpha and does not explicitly promote or exclude specific forms of residential accommodation; the arrangement of accommodation proposed under the scope of the current application satisfies the metrics set out in the draft policy. Although the density varies within the site, this fluidity allows the provision of significant areas of landscaping, including within the south east of the site, and this approach is considered to represent a welcome response to the context of the site, as reflected in the proposed layout

7.21 In terms of the detailed design, the development utilises a conventional pallet of house types and materials for the proposed dwellings which are in keeping with the scale, character and appearance of the traditional vernacular of Marden, incorporating porches and storm porches, modest dormers, soffits and chimneys, and materials including red brick, hanging tiles, timber weather boarding and render. It is considered in the circumstances of this case appropriate, reasonable, and necessary to require the submission of details and samples of materials, and architectural features in order to safeguard the quality of the development. The buildings are well proportioned and, particularly in the case of the detached dwellings, well articulated with dual aspect relationships to the vehicle and footways through the site. This has been carried through into the design of the terraces in the east of the site, where the use of first floor windows to side elevations serving non-habitable rooms will positively contribute to natural surveillance of open space and parking areas and add visual interest to flank elevations.

7.22 In respect of the three apartment blocks, although inescapably grander in scale than the proposed dwellinghouses on the site, they retain a visual continuity with the houses on the site, as well as those in the wider village of Marden, by way of the use of red brick, and in the case of the two smaller blocks are designed in a manner which breaks up the visual bulk

of the buildings and introduces elements of visual interest in the roofscape whilst maintaining an attractive symmetry.

7.23 For these reasons, namely the location and appearance of the proposed scheme in the context of the existing built up pattern of development in this area of Marden; the robust landscaping of the site which includes the retention of existing mature, native boundaries which serve to enclose the development envelope and the extensive additional planting proposed within the site; the high quality of the detailed, site specific architectural design; the compliance of the proposal with the criteria set out in the emerging Local Plan policy; and the safeguarding of the above by way of appropriate conditions, I consider that the visual impact of the proposed development on the character and appearance on the surrounding area to be acceptable in the context of providing a substantial contribution towards housing supply on a site accepted for such in the Draft Local Plan, subject to the conditions set out above.

Cumulative impact

7.24 Members will be aware that the current application is one of several that have come forward for volume residential development in and around the settlement of Marden over the last couple of years. These include the MAP depot site (110 dwellings), the Parsonage site (144 dwellings), the Stanley Farm site (85 dwellings) and the Howland Road site (44 dwellings). These schemes, together with that currently under consideration, would provide a gross total of 507 dwellings. In the context of the emerging Local Plan, which has identified the RSC of Marden as having the capacity in terms of land supply to provide 550 dwellings on these sites, the cumulative impact of the scheme is considered to be acceptable.

7.25 In terms of pressure on local social infrastructure, including highways, it is clear from the consultation responses that subject to financial mitigation being provided for the expansion or provision of additional services, Marden is considered capable of absorbing the additional population which would result from a grant of planning permission in this case in addition to these other developments. These contributions are discussed in further detail below in paragraphs 7.28-7.43 below.

7.26 In any case, three of these permissions (those relating to the Parsonage, Stanley Farm and Howland Road sites) are outline, and there is therefore no certainty that they will come forward for developing out in the foreseeable future.

7.27 For these reasons it is not considered that the cumulative impact of the development, when assessed in the context of the existing consents on other sites in and around Marden, is unacceptable.

Affordable Housing and S106 Contributions

7.28 A development of this scale will 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, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with of the Local Plan.

7.29 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:

affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

7.30 In this case, the applicant proposes 40% affordable housing built to lifetime Homes standards, which is in accordance with the current Maidstone Borough Council Open Space DPD. The proposed distribution of affordable housing within the site (plots 72 – 120 inclusive) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 12 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units (affordable rent) and 3 x 1-bed units, 12 x 2-bed units, 5 x 3-bed units (shared ownership) have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding this provision, this element of the proposal is considered to be acceptable.

7.31 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development. the following sums have been sought:

7.32 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house** and **£590.24 per 'applicable' flat** is sought towards the build costs of extending Marden Primary School.
- **£2,359.80 per 'applicable' house** and **£589.95 per 'applicable' flat** is sought towards the extension of secondary school buildings used by residents of Marden.
- **£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.
- **£8.44 per dwelling** is sought to be used to address the demand from the development towards youth services locally.
- **£100.79 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.
- **£15.95 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.
- **£18,628.35** is sought towards the extension of and works to the Marden Medical Centre.
- **£78,120.00** is sought towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- **£7,762.50** is sought towards the improvement of the KM276.
- **£25,956.92** is sought towards improvement works to Marden Station.

7.33 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat 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, taking into account this development and those permitted, capacity would be exceeded. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

7.34 Kent County Council has also requested a contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the provision of additional accommodation at secondary schools used by the students of Marden. Evidence has been submitted that the secondary schools in the local area are nearing capacity and that, taking into account this development and those permitted, 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. The contributions set out above would go towards meeting the additional strain placed upon secondary school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution is policy compliant and meets the tests as set out above.

7.35 A contribution of £30.70 per dwelling is sought by Kent County Council towards the provision of new/expanded facilities and services for adult education centres and outreach community learning facilities in light of the current shortfall in provision and likely additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.36 A contribution of £8.44 per dwelling is sought by Kent County Council towards local youth services is sought in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.37 A contribution of £100.79 per dwelling is sought by Kent County Council towards additional bookstock and services at the local library on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.38 A contribution of £15.95 per dwelling is sought by Kent County Council towards adult social services to be used towards provision of assistive technology and enhancement of local community facilities to ensure full DDA compliant access to clients. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

7.39 A contribution of £18,628.35 is sought towards the extension of and works to the Marden Medical Centre, which have been forward funded and completed by way of NHS funding on the basis of development in Marden, including that of the current site, coming forwards and providing the necessary funding in due course. I consider that this request, which is in line with previous approvals relating to residential development in Marden and has been fully scrutinised, is justified, compliant with policy CF1 and the three tests as set out above.

7.40 A contribution of £78,120.00 is sought towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens. Maidstone Borough Council's Parks and Open Spaces Officer has set out in the

detailed comments why the on site provision is considered in this case to be inappropriate for the purposes of contributing towards the parks and open spaces requirement identified, and I concur with these findings. Leaving aside the matter of the inclusion in the development of open space types which Marden is overprovided for and the limited compatibility of the "green" for children's play as a result of conflict between this use and vehicle movements, whilst it is noted that an approval of planning permission would allow the build out of a replacement sports facilities, for the reasons set out in the comments, it is not considered acceptable to set this against the open space provision as whilst it would result in a net increase in outdoor sporting facility provision, this would not be publically available for community use, being subject to a membership scheme, and therefore would not actually contribute towards mitigating the impact of the proposed development in terms of additional demand for public social infrastructure. However, the fact that green space is included within the layout of the development is reflected in the reduced sums sought in respect of parks and open spaces. I am therefore satisfied that this contribution is policy compliant and meets the tests as set out above.

7.41 The Kent County Council Public Rights of Way Officer has requested a contribution of £7,762.50 towards the improvement of between South Road and the driveway to Selby Oast, including improvement of its surface. The Officer acknowledges that the footpath would not directly enable occupiers of the development to access services in Marden, but considers that it will be used for informal activities including dog walking and access to the open countryside, a view which I consider has merit. I consider that this request is justified, and meets the three tests as set out above. The request is also expressly compliant with policy H1(35) of the emerging Local Plan.

7.42 A contribution of £25,956.92 is sought towards improvement works to Marden Station. This would, together with the contributions secured in respect of the developments at Stanley Farm and Howland Road, provide improved passenger communications facilities, personal safety improvements (including additional lighting and octv), and increased accessibility by way of automatic door openers and accessible ticket office window facilities. The proposed development will result in increased passenger demand for services from and to Marden Station. I consider that this request is justified, policy compliant and meets the three tests as set out above. The request is also consistent with previous approvals of residential development in Marden.

7.43 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

Loss of an Existing Sports Facility

7.44 Whilst the existing Marden Hockey and Cricket Club does not explicitly fall within the scope of the a community facility in the wording of Local Plan policies in the strictest terms, it is clear that the existing club and its grounds does represent a significant community asset. This is supported in the wording of the criteria by which any proposal for redevelopment of the site should be assessed under emerging Local Plan policy H1(35), which requires that *"replacement sports facilities will be provided, as agreed by the Borough Council, before development of this site commences"*.

7.45 In this case, outline planning permission has previously been obtained for the provision of an alternative facility of equal (or improved) standard of provision for sport by

Marden Hockey and Cricket Club under the scope of MA/13/0358, and preparations are being made for the progression of the cricket pitch and the submission of a reserved matters application. The proposed replacement facility, occupying a greater site area, would provide a cricket pitch, two artificial multi-purpose sports pitches and four tennis courts, a net increase over the existing extent of provision. The replacement facilities would also represent a qualitative improvement in respect of the current club premises.

7.46 It does not, of course, follow that the provision of the alternative facility will necessarily be secured by way of a grant of planning permission, and to this end any S106 agreement relating to a grant of planning permission should include a clause that the development currently under consideration shall not be commenced until such a time as the alternative community facility granted outline planning permission under MA/13/0358 is fully operational for use by the public. Such a legal mechanism is considered to be adequate to safeguard against the loss of the community facility in the circumstances of this case. Such a mechanism would accord with the views of Sport England, who have requested a condition which would have similar effect.

7.47 In light of the facts that the extant permission for the replacement facility is outline and that details have not yet formally been submitted, I propose imposing a five year implementation condition on any permission relating to the current application rather than the standard three year time limit in order to allow a reasonable time for compliance with the terms of the S106 in this regard.

Highways

7.47 Concerns over highway safety, including the provision of on site parking and the cumulative impact of this development together with others in and around Marden have been raised in representations from the Parish Council and other parties. A Transport Assessment and Safety Audit have been provided in support of the application, and the comments of the Kent County Council Highway Services Engineer on these, and the scheme in general, are set out in full above in section 6.07.

7.48 The proposed development would gain primary access from Albion Road by way of a new vehicular access located approximately half way down the western boundary of the site, with a smaller secondary access serving three dwellings to the north of this, and an emergency and pedestrian access from Stanley Road. Evidence has been provided that these achieve the necessary visibility splays and vehicle tracking to ensure highway safety is not compromised. This arrangement is considered to be acceptable in terms of both highway safety and provision of pedestrian links between the development and the surroundings, and the Highway Services Engineer has raised no objection on this grounds.

7.49 The Highway Services Engineer has found the impact of the development in terms of traffic generation and on highway infrastructure, in the context of the existing consents for residential development in and around Marden, to be acceptable, subject to conditions and the requested improvements to the public highway within Marden in order to mitigate the impact of the development in respect of increased pedestrian activity and vehicular movements. The improvements sought include the upgrading of an existing zebra crossing to a pelican crossing, the introduction of an additional pedestrian crossing at Church Green, and bus stop improvements. A dropped kerb to Stanley Road is also requested. These improvements are considered to be reasonable in terms of being related to the proposed development and necessary for pedestrian safety in response to increased pedestrian flows between the site and facilities such as the school and railway station, and attaining sustainable transport choices, and as such a Grampian condition is suggested to secure the necessary improvements.

7.50 Members will note that the Engineer raises concern over the extent of the provision of on site car parking, concerns which are reflected in the representations received from local residents. Whilst the comments are noted, Members will be aware that the Parking Standards referred to have not been formally adopted by Maidstone Borough Council, and there are currently no other standards in place. The absolute number of car parking spaces provided is in accordance with the guidance; it is the fact that they are not independently accessible which is critical. In this case, the parking arrangement proposed has been encouraged in order to free up space within the development for landscaping and to prevent an over proliferation of hard surfacing within the layout which would be detrimental to the visual quality of the development. The concerns raised by Kent County Council in respect of on street and anti-social parking have been addressed by the developer with the introduction of dwarf fences, bollards, swales and hedges as shown on drawing number 2509/13/21748A, and it is considered that this "nudge" tactic will be sufficient to encourage occupiers to make effective use of the parking spaces allocated and to discourage parking behaviours detrimental to correct use of the highway.

7.51 For these reasons, I consider that the impact of the proposed development in terms of impact on the public highways and highway safety is acceptable.

Flood and Drainage

7.52 Considerable concern has been raised in regard to the impact of the proposed development in relation to existing flood risk and the exacerbation of flood events by way of increased run off and increased pressure on the existing surface and foul sewerage systems.

7.53 As Members will be aware, whilst parts of the parish of Marden are identified by the Environment Agency as being prone to alluvial flood, the proposal site is not within such an area. However, a Flood Risk Assessment has been submitted in support of the application, the main focus of which is surface water run off.

7.54 This document, the contents and recommendations of which are accepted by the Environment Agency, supports the proposal to deal with surface water drainage by way of a SUDS designed to restrict 1:100 year storm event outflow to a maximum of 17.2l/s, including the incorporation of water attenuation storage by way of basins and swales, as shown on the site layout. Whilst no objection has been raised to the development on the grounds of surface water flood risk, conditions have been requested by both the Environment Agency and Southern Water, including the submission of details of the SUDS and the implementation of the approved details; these are considered to be reasonable and necessary in the circumstances of this case.

7.55 It is noted that the authors of the report favour a gravity fed connection into the highway system, but that a pumping station has been provided for on site in the event that this cannot be attained, which chimes with the views of the Upper Medway Internal Drainage Board. It is considered that the resolution of this matter can be dealt with by way of the condition set out in the previous paragraph in consultation with the Environment Agency, Southern Water and Kent County Council as the emerging surface water drainage authority.

7.56 In respect of foul water, Southern Water have confirmed that there is inadequate capacity in the current system for the transfer and treatment of additional material, and that therefore additional or improved infrastructure will be required to accommodate the proposed development. This would be dealt with by way of a S98 agreement by way of the provisions of the Water Industry act 1991, and as such is not a matter for further consideration.

Ecology and Biodiversity

7.57 The applicant has submitted an Extended Phase 1 Habitat and Bat Building Survey Report, and Addendum Great Crested Newt Survey Report. These concluded that some trees on the site had potential for providing bat foraging and habitat, however that impacts in this respect would be limited due to the retention of key trees in the development. However, ecological enhancements including the provision of bat boxes and swift bricks to appropriate elevations are proposed to be secured by way of a materials condition.

7.58 The site was found to represent low value habitat for Great Crested Newts, however due to the proximity of ponds occupied by the amphibians and the value of the site as a channel for movement of the amphibians, that a mitigation strategy is necessary, involving the introduction of amphibian exclusion and drift fencing around the perimeter of, and within, the site, the trapping and relocation of any specimens found, and the provision of on site habitat by way of the attenuation pond in the south east of the site, together with structural devices within the build of the development, such as gully pots, to allow safe movement of the animals.

7.59 These findings have been accepted by the Kent County Council Biodiversity Officer who has requested conditions to secure these elements of the proposal within other details required by way of conditions such as drainage and landscaping, and the submission of details of a Great Crested Newt mitigation strategy and management plan, and the implementation of the approved details. These are considered to be reasonable and necessary in the circumstances of this case. The proposed mitigation is to include the provision of a receptor site for Great Crested Newts within the flood attenuation basins in the south east of the site which constitute a significant element of the SUDS strategy, further details of which are required by way of condition.

7.60 It is considered that the submitted information accurately reflects the ecological impact of the development on biodiversity assets, and that the proposed mitigation, subject to the conditions set out above, will achieve the required minimisation of the impact, and therefore the scheme is considered to be acceptable in this respect.

Landscaping

7.70 The comments of the Maidstone Borough Council's Landscape Officer are set out above. These confirm that the information supplied in support of the application is generally acceptable, and that a condition is imposed requiring the recommendations of the relevant documents to be implemented in order to safeguard trees to be retained on the site, of which there are a considerable number along the site boundaries, in accordance with the criteria set out in emerging Local Plan policy H1(35).

7.71 The Officer has confirmed that the indicative landscaping scheme allows for the successful introduction and retention of trees and other landscaping, however requests that in addition to this, conditions requiring the submission of a detailed landscaping scheme that responds to the Maidstone Borough Council Landscape Character Assessment for Low Weald landscapes which should include a long term maintenance plan, and the implementation of the approved details are imposed. These are considered to be reasonable and necessary in order to secure the character and appearance of the development and to safeguard the maintenance and enhancement of the existing site boundaries which are recognised as a strong landscape feature in this location, and will serve to visually contain the development, particularly to its the southern and eastern boundaries.

Other Matters

7.72 The spatial relationship of the proposed dwellings, both with existing dwellings surrounding the proposal site, and within the site, is considered to be such that no significant harm to the amenity of current or future occupiers in respect of loss of privacy, loss of light, outlook or general amenity would result from the development.

7.73 A desk top survey and ground investigation report has been provided in support of the application, which has identified elevated levels of PAH within the site. In response to this, conditions requiring details of further ground investigation and remediation (if necessary) and the implementation of the approved details, have been requested by the Environment Agency and the Council's Environmental Health Officer. Given the outcomes of the initial investigation and the sensitive nature of residential use, these are considered to be reasonable and necessary in the circumstances of this case.

7.74 Concern has been raised in respect of the impact of the proposed development on designated and non-designated heritage assets, and it is recognised that the western boundary of the site is located in close proximity to a pair of Grade II listed buildings. It is the view of the Council's Conservation Officer that the existing character of the site and the physical separation of the proposed residential development from the listed buildings by distance and landscaping are factors that limit the impact on the setting of these heritage assets, and I concur with this assessment.

7.75 Notwithstanding the above, the site is located within an area recorded as being of archaeological interest, and as such a condition requiring an archaeological programme of works to be undertaken in order to allow the accurate recording of any archaeology on the site. This is considered to be reasonable and necessary given the archaeological quality of the site.

7.76 The applicants have agreed to attain Code Level 4 in the new residential development, in accordance with emerging Local Plan policy, and a condition is proposed to secure this.

8.0 CONCLUSION

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, and the location of the site adjoining an identified Rural Service Centre in a sustainable location, is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be visible in views from public highways and other rights of way, it would be seen in the context of the existing built form of Marden, and as a landscape led design which would maintain much of the existing site boundaries of mature native hedging and trees, the overall visual impact of the proposed development is considered to be acceptable in the context set out above in paragraph 8.01.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 124 dwellings, including affordable housing provision, in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members granted delegated powers to the Head of

Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

9.0 RECOMMENDATION

Subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the following:

- The provision of 40% affordable residential units within the development.
- £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.
- £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden.
- £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.
- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 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.
- £18,628.35 towards the extension of and works to the Marden Medical Centre.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- £7,762.50 towards the improvement of the KM276.
- £25,956.92 towards improvement works to Marden Station.
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted:

The Head of Planning and Development BE DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to allow the replacement facility granted outline planning permission under MA/13/0358 to be provided for use prior to the commencement of the development hereby permitted.

The development shall not commence until, written details and samples of the materials, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries, to be used in the construction of the external surfaces of the buildings hereby permitted have

been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and secure the amenity of future occupiers.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted a revised remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment and protect controlled waters.

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 or above has been achieved;

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

The development shall not commence 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 be carried out in accordance with the approved details and maintained thereafter;

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

No development shall take place 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 by the Local Planning Authority. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Amazi Reference AMA342 Rev A, dated 6th November 2013, subject to the details approved in respect of the following:

1. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. As set out within the approved drainage strategy report, off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

The drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation;

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

Relevant manufacturers details on all SUDS features and any SW pumping station should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

The development shall not commence until full details of the flood attenuation basins and swales, which shall include details of levels; provision of a receptor site for Great Crested Newts in accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014; and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interest of flood prevention and ecology and biodiversity.

No infiltration of surface water drainage into the ground, other than that allowed under the SUDS scheme approved under condition 13 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;

Reason: To prevent pollution of the environment and protect controlled waters.

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 be carried out and maintained thereafter in accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing numbers CPL-MAR-LST-001-1 rev C and CPL-MAR-LST-001-2 rev C and Landscape Strategy Supporting Statement, and shall include, inter alia, the retention of all trees and hedges identified as such in the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014; wild flower meadow area to the peripheral areas of the "green", and the use of reed beds in the swales and drainage basins associated with the approved SUDS details.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

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

Reason: To ensure a satisfactory external appearance to the development.

The development shall be carried out in compliance with the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November

2014, except insofar as all references in the document to "minimum dig method" shall be read as "no dig construction" in accordance with BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

The development shall be undertaken in strict accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 7th November 2013 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, subject to the additional information and mitigation required by condition 21 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

Notwithstanding the details and recommendations set out in Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, the development shall not commence until an ecological enhancement and long term management plan and revised mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the ecological enhancement and long term management plan and revised mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision within the design of the flood attenuation basins and swales required by condition 14 above;
- ii) Aims and objectives of the management plan;
- iii) Appropriate management options for achieving the identified aims and objectives;
- iv) Prescriptions for management actions;
- v) Details of the body or organisation responsible for implementation of the plan; and
- vi) Ongoing monitoring and remedial measures.

The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

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

- i) Dropped kerb crossings to the north and south of the junction of Albion Road and Stanley Road and to each side of the proposed accesses to the site from Albion Road;
- ii) The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing;
- iii) The improvement of two bus stops to aid accessibility for the mobility impaired, one on the north and one on the south side of High Street in the vicinity of the junction with Haffenden Close; and
- iv) The provision of an uncontrolled pedestrian crossing across Church Green;

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

The approved details of the accesses to the site as detailed in the Road Safety Audit Stage 1 reference DHA/T0303/1/BS received 30th September 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development and in the interests of ecology and biodiversity.

No part of the development shall be occupied until a Sustainable Travel Measures Action Plan undertaken in accordance with the recommendations of the DHA Transport Assessment reference SEH/T0303 received 7th November 2014 (Sustainable Travel Statement) 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.

No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

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

site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2),

DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014;

Reason: In the interests of clarity and to secure a high quality of development.

INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(4) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.

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

(6) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

(7) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

(8) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) 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.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at www.environment-agency.gov.uk.

(10) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000

v. Environmental Permitting (England and Wales) Regulations 2010

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: MA/13/1928

Village green status of site:

The report states in paragraph 1.05 that in respect of a 2011 application to register part of the of the site (primarily the cricket pitch) as a village green under the provisions of the Commons Act 2006, that "a formal decision has not yet been issued, however the Inspector's report on the Public Inquiry has recommended that the application fail." This is incorrect; a decision on the application was made earlier this year. The application was refused.

Condition 2 - Materials:

Condition 2 seeks to achieve high quality of design and biodiversity enhancements in the development, and for the purposes of clarity in what is required and the reason for the condition I propose to amend the condition as follows:

"The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries (so as bat boxes and swift bricks are incorporated into alternate buildings on the site boundaries), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development."

I also propose two additional informatives as follows:

"For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.

The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at http://www.bats.org.uk/pages/bat_boxes.html and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>."

Recommendation:

Subject to the amendments set out above, my recommendation remains unchanged.

Reference number: MA/13/1928

Application for discharge of conditions 14/501602:

This application was approved on 9th October 2014. The application to vary conditions attached to MA/13/0358 (14/501603) remains outstanding.

Outcome of Marden Parish Council consultation on sites for residential development in Marden:

An additional neighbour representation has been received which challenges the assertion in Councillor Blackmore's statement (quoted in full in the Committee Report), regarding the placing of red and green stickers on a map of Marden during a Marden Parish Council consultation event. Evidence has been provided which indicates that the application site received a more mixed response than that claimed by Councillor Blackmore, with some support being demonstrated for its development.

Notwithstanding this conflict in respect of the outcome of the consultation, Members will be aware that, as set out in paragraph 7.12, I give limited weight to this in light of the allocation of the site for housing in the draft Local Plan.

Recommendation:

Subject to the amendments set out in my previous (seen) urgent update report, my recommendation remains unchanged.