

REPORT SUMMARY

REFERENCE NO - 13/1585		
APPLICATION PROPOSAL An outline application for 85 residential units, open space and allotments with access from Plain Road and Napoleon Drive. All other matters (appearance, landscaping, layout and scale) reserved for future consideration.		
ADDRESS Land At Stanley Farms, Plain Road, Marden, Kent, TN12 9EH		
RECOMMENDATION Amend S106 contributions and conditions as set out in report		
REASON FOR REFERRAL TO COMMITTEE To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and make minor amendments to conditions.		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Marden	APPLICANT Mr P Millwood Designer Homes Ltd AGENT
DECISION DUE DATE 12/12/13	PUBLICITY EXPIRY DATE 12/12/13	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 BACKGROUND

- 1.01 The current application seeks outline planning permission for the erection of up to 85 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved on a site adjoining the southern boundary of the rural service centre of Marden.
- 1.02 The application was reported to the Planning Committee meeting held on 14th August 2014. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement prior legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:
- The provision of 40% affordable residential units within the application site; and
 - A contribution of £2,360.96 per 'applicable' house and £590.24 per applicable flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School; and
 - A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of secondary school buildings which, based on current trends, are currently used by residents of Marden; and
 - A contribution of £100.79 per dwelling to be used to address the demand from the development towards additional book stock and services at Marden Library; and

- *A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site; and*
- *A contribution of £18.05 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and within 3 miles of the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £46,332 to be prioritised firstly towards healthcare facilities at the Marden Medical Centre, then Staplehurst Medical Centre, and then Lamberhurst Medical Centre; and*
- *A contribution of up to £17,793.05 towards improvements at Marden railway station.*

- 1.03 The Committee report, urgent update to the Committee report and relevant minutes are attached as Appendix A to this report.

2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

- 2.01 As Members will be aware, section 123 of the Community Infrastructure Levy (CIL) Regulations were amended on 6th April 2015. Prior to this date, all contributions subject to a s106 agreement were required, under the terms of s122 of the CIL Regulations, to be tested in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Since 6th April 2015, s123 of the CIL Regulations additionally requires all contributions being sought by way of s106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure ("the pooling restriction"). As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions.

- 2.02 A number of relatively minor changes to conditions are also proposed.

3.0 MATTERS RELATING TO THE COMING INTO EFFECT OF THE CIL REGS

- 3.01 In the circumstances of this case, the amendment of s123 directly effects and changes the Heads of Terms of the s106 agreement in respect of the quantum of contributions requested in respect of libraries. Further clarification of the projects to which the monies would contribute has been received in relation to the contributions sought in respect of primary and secondary school education; libraries; youth services; parks and open spaces; and health services. The request for contributions towards community learning and social services has been withdrawn.
- 3.02 In respect of the change to the sum being sought in respect of libraries, Kent County Council has reassessed its requests in light of the amendment to the CIL Regulations. This contribution has accordingly been reduced to £48.02 per dwelling, and it has been specified that this will be used to fund additional library stock at Marden Library.

- 3.03 Kent County Council have also provided further details of the projects to which contributions would be made in respect of primary and secondary education (Marden Primary School and Maidstone Grammar School for Boys, respectively) and youth services (funding an officer based at Maidstone Street who attends Marden [John Banks Hall] one evening per week), and confirm that these requests satisfy the tests in relation to pooling set out in S123 of the CIL Regulations. The county contributions (as amended in relation to the sum sought towards library services and the deletion of the request for contributions towards adult education and social services) are therefore now considered to be in compliance with the CIL Regulations and remain in place.
- 3.04 The relevant consultee has confirmed that the contribution sought in relation to railway improvements would remain unchanged in respect of the sums sought, and that the request, which would go towards the improvement of Marden railway station, is compliant with the restriction on pooling of contributions.
- 3.05 The previous recommendation set out a total sum payable toward the safeguarding of public health infrastructure, being £46,332. This was incorrectly transcribed from the NHS request, which actually sought a contribution of £55,080. I therefore propose to amend the contribution being sought in this regard accordingly; this has been agreed with the applicant.
- 3.06 In terms of the project towards which the contribution would put, the NHS Property Services team have confirmed that this would be the extension of the waiting area of the Marden Practice. This request is considered to be CIL Regulation compliant.
- 3.06 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 3.02 – 3.06 above.

4.0 AMENDMENTS TO CONDITIONS

- 4.1 The suggested amendments to the conditions are as follows:
- 4.2 As Councillors will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no relevant existing policies, and withdrawing the Code for Sustainable Homes from the scope of planning control.
- 4.3 As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and other technical housing standards, and these matters will henceforth be dealt with under Building Regulations. I therefore propose to delete condition 14.
- 4.4 I also propose to delete condition 12 (foul and surface drainage) due to duplication as these matters are dealt with more robustly under condition 6.
- 4.5 The deletion of two conditions (conditions 12 and 14) will result in the renumbering of subsequent conditions.
- 4.6 Minor rewording of conditions is also proposed in the case of conditions 9 (Great Crested Newt mitigation), 19 (visibility splays) and 22 (accesses) to refer to the appropriate documentation submitted in support of the application.

- 4.7 There are also a small number of very minor amendments to the precise wording of conditions to update them in respect of references to legislation and ensure consistency and best practice in drafting.

5.0 RECOMMENDATION – GRANT Subject to the following conditions for the following reasons:

- 5.1 The recommendation, as amended in respect of the Heads of Terms as described in full above, the deletion of conditions 12 and 14, and the re-numbering and/or amendment of conditions as appropriate for the reasons set out above, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site; and*
- *A contribution of £2,360.96 per 'applicable' house and £590.24 per applicable flat towards the build costs of extending Marden Primary School; and*
- *A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the Phase 1 extension of Maidstone Grammar School for Boys; and*
- *A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Marden Library; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding of an officer who visits Marden one evening a week; and*
- *A contribution of £55,080 to be used to address the demand from the development towards an extension of waiting room facilities at the Marden Practice; and*
- *A contribution of £17,793.05 towards improvements at Marden railway station.*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

CONDITIONS to include

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

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

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

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

Reason: in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details;

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

(3) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the locations, heights, designs, materials and types of boundary treatments to be erected on the site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: in the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

(4) No development shall take place 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 first occupation of the buildings or land and maintained thereafter;

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

(5) No development shall take place until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 and turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(6) No development shall take place until details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to the first occupation of the development hereby permitted;

Reason: to ensure that adequate drainage is provided for the development.

(7) 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 in writing by, the Local Planning Authority;

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

(8) No development shall take place until a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

(9) The proposed gully pots and pavements shall be located and designed as recommended in the Corylus Ecology Addendum GCN Survey Report dated May 2014 and Corylus Ecology Protected Species Mitigation Measures statement received 22nd November 2013 unless otherwise agreed in writing by the Local Planning Authority;

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

(10) If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

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

Reason: In the interests of biodiversity protection.

(11) The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following 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 of maintenance. The proposal shall include a woodland area on site to enhance biodiversity. All planting, seeding or turfing comprised in the approved scheme shall be

carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

(12) Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify those areas/features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions;

Reason: In the interests of highway safety, amenity and biodiversity.

(13) 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 with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details;

Reason: To ensure a high quality external appearance to the development.

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

Reason: To protect vulnerable groundwater resources.

(15) Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor levels of the building(s) hereby permitted. The development shall thereafter be undertaken in strict accordance with the details agreed;

Reason: In the interest of amenity.

(16) No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car and to include a Residential Travel Information Pack, 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.

(17) Notwithstanding the Town and Country Planning Act and the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order revoking and re-enacting that Act or Order, with or without modification) or not, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grilles or ducting, satellite dishes, burglar alarms, security lighting, video cameras or floodlighting, surface wiring or pipe work shall be fixed to the external fabric of the buildings without the prior written approval of the Local Planning Authority;

Reason: In the interest of visual amenity and the integrity of the design.

(18) No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained;

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

(19) Prior to the first occupation of the development hereby permitted the visibility splays as shown on drawing number 5500Z/01 rev C received 12th September 2013 shall be implemented with no obstruction to visibility at or above a height of 600mm when measured from the level of the adjoining highway carriageway and the visibility splays shall thereafter be retained and maintained as such;

Reason: In the interests of highway and pedestrian safety.

(20) No development shall commence until an Air Quality Assessment has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details;

Reason: In the interests of amenity.

(21) The development hereby permitted shall have a maximum height of two storeys;

Reason: To preserve the character and appearance of the nearby listed building.

(22) The approved details of the accesses as shown on drawing number 5500Z/01 rev C received 12th September 2013 and Transport Assessment (issue C) received 28th May 2014 shall be completed before the commencement of the use of the land and be maintained thereafter;

Reason: In the interests of highway safety.

(23) No development shall take place until full details of the following works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority:

1. Measures to improve the bus waiting area in Plain Road; and
 2. Bus stop improvements within the High Street, to provide raised bus boarders; and
 3. Upgrading of the existing zebra crossing to a puffin crossing on Goudhurst Road;
- and
4. The provision of a new pedestrian crossing on Church Green close to its junction with the access to Marden Station; and

5. Extension of the 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.

The highway works shall be provided in strict accordance with the approved details prior to occupation of the development hereby permitted;

Reason: In the interests of highway and pedestrian safety.

(24) Prior to construction of any impermeable surfaces on the site, details of suitable attenuation drainage ditches shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details;

Reason: In the interests of sustainable drainage.

(25) The development hereby permitted shall be carried out in accordance with the following plans:

Drawing numbers 2242-100 (site location plan), 2242-101E (illustrative site plan) and 2791-DR-003 Rev D (landscape masterplan), and Monson Transport Assessment and drawings contained within dated 1st July 2014;

Reason: For the purposes of clarity and in the interests of highway safety.

INFORMATIVES

(1) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Highway Authority.

There should be no close board fencing or similar structure over 1.2m erected which will block out the views.

No hedging or shrubs should be planted within 1m of the edge of the public path.

No materials can be stored on the right of way.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

All construction traffic associated with this development, including operatives' vehicles, should be accommodated within the site.

All construction and operatives' traffic should use Plain Road for access to and from the development site and suitable signage should be erected to ensure this.

Wheelwashing facilities should be provided prior to commencement of work on site and for the duration of construction.

(2) There should be no close board fencing or similar structure over 1.2m erected which will block out views.

(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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk.

Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. Sustainable Drainage Advisory Board (SAB) will be required in addition to planning consent. Recommend that the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk.

No soakaway should be sited in, or allowed to discharge into, land impacted by contamination or land previously identified as being contaminated.

Only clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Any activities producing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to foul sewer or sealed container.

(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 Environmental Health Manager (EHM) regarding noise requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby properties. Advice on minimising any potential nuisance is available from the EHM.

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

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

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

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Provision should be made for the separate storage of recyclables from household waste.

Advice on recycling can be obtained from the EHM.

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/13/1585

Appendix A to the main report:

Appendix A to the main report is missing from the agenda. It is therefore attached to this urgent update report.

Amendment to Recommendation:

Members resolved at the Planning Committee meeting on 14th August 2014, in addition to determination of the application for outline planning permission, that firstly, an Implementation Committee be set up comprising the developer, Maidstone Borough Council Officers, the local Ward Members and a representative of the Parish Council to oversee the implementation of this development, and secondly, that delegated powers be withdrawn in relation to any reserved matters application submitted in respect of condition 1, and I therefore amend the recommendation too include these additional resolutions accordingly as follows:

"Second Resolution:

An Implementation Committee should be established comprising the developer, Maidstone Borough Council Officers, the local Ward Members and a representative of the Parish Council to oversee the implementation of this development.

Further resolved:

The delegation to the Head of Planning and Development to determine any reserved matters application pursuant to this application be withdrawn and that any application for approval of the reserved matters shall be reported to the Planning Committee."

Recommendation:

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

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REPORT SUMMARY

REFERENCE NO - 13/1585		
APPLICATION PROPOSAL Outline application for 85 residential units with open space and allotments with access from Plain Road and Napoleon Drive. All other matters (appearance, landscaping, layout and scale) reserved for future consideration		
ADDRESS Land at Stanley Farm, Plain Road, Marden, Kent, TN12 9EH		
RECOMMENDATION GRANT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENT		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • It is contrary to views expressed by the Parish Council • It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Marden • it is a major/controversial development • Councillor Nelson Gracie has requested it be reported for the reason set out in the report 		
WARD Marden and Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Millwood Designer Homes Ltd AGENT N/A
DECISION DUE DATE 11/12/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY None		

1.0 DESCRIPTION OF SITE

- 1.1 The application site is an irregular shaped parcel of land to the south of the village of Marden to the west of Albion Road. It extends to 5.4 hectares and is currently arable farm land with hedges and trees to its boundaries.
- 1.2 The north west area of the site contains an existing pond, water course and existing mature trees and hedgerows. Beyond this lies a large area of Orchard which benefits from outline planning permission for 144 dwellings. The south west corner of the site also contains an existing pond and mature trees with a hedgerow to the open fields beyond. The site has existing drainage ditches to the northern and southern boundaries which link to the ponds within the site. A further pond is located to the northern boundary of the site adjacent to Napoleon Drive, however, this is located outwith the ownership of the applicant.
- 1.3 The application site is bound by residential development to the north, east and south east by residential development. The south west boundary of the site abuts open fields. The western boundary of the site contains mature trees and hedgerows alongside which a public footpath runs proving access to the village centre to the north of the site via the recreation ground.

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1.4 Access to the site is available via the existing agricultural access at Napoleon Drive and there are three public footpaths which abut and cross the site. Footpath KM281 enters the site from Albion Road from the east, crossing the site and linking with footpath KM283 which runs from Plain Road from the south. The third footpath (KM280) connects with this path giving access to the recreation ground and the village centre beyond.

1.5 Existing overhead cables enter and run across the site and there is an area of underground electricity cables to the east adjoining public footpath KM281.

2.0 PROPOSAL

2.1 Outline permission is sought for up to 85 dwellings with open space and allotments together with access from Plain Road and Napoleon Drive. Along with the principle of 85 houses, only the specific details of the accesses are being considered at this stage with all other matters (layout, appearance, scale and landscaping) reserved for future consideration. An unspecified community facility was originally proposed as part of the application, but was removed following initial consultation responses from local residents and the Parish Council.

2.2 As stated above access is the only matter, other than the principle of 85 residential units on the site, to be considered at this time. The application originally proposed to take vehicular, as well cycle and pedestrian access, from both Plain Road and Napoleon Drive serving 24 and 61 dwellings respectively. Following the receipt of a number of objections to this proposed arrangement and the details of the site allocation of the Council's emerging local plan which set out that vehicular access should only be taken from Plain Road, the application was amended to reflect that.

2.3 The scheme has now been amended once more following concerns raised by local residents and the Parish Council that they would prefer to see impact of the development spread out fairly. The proposal is now to take vehicular access from Plain Road via a new vehicular access point between the properties known as Cherry Bank and Mow Cop and from Napoleon Drive to the north of the site. It is proposed that the split between the two accesses would be 50 50.

2.4 Apart from specific details of the accesses, which have been provided, the applicant is not required to provide any detailed plans of the development with such an outline application but has chosen to provide an illustrative masterplan. This shows enhanced planting to the boundaries of the site, an area of public open space to the northwest corner of the site containing allotments and a new equipped children's play area, a triangular piece of public open space would be provided more centrally within the site. Housing is shown to occupy the rest of the site. Biodiversity enhancements, such as bat boxes, are also shown on the masterplan and the existing ponds will be retained as features in the development. It must, however, be reiterated that this is an illustrative plan and the Council is not making a decision on this precise layout of development. It must also be noted that the applicants have not sought to amend this illustrative plan to highlight the 50 50 split between the two accesses (Plain Road and Napoleon Drive). This is considered acceptable as the plan is only illustrative and the amendments in relation to the access and the proposed split are made clear in other supporting documentation.

2.5 The site measures 5.4 hectares and 85 units would give a density of 16 dwellings per hectare, but does not take account of the fact that some areas of the site will not be developable as they will be given over to landscaping, open space, allotments, roads and so forth. The net density of the site (i.e. the density on the developable area)

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will, therefore, be higher. Affordable housing would be provided at 40% giving 34 affordable units.

- 2.6 So to summarise, the Council is being asked to consider the principle of residential development of up to 85 dwellings with vehicular access from Plain Road and pedestrian, cycle and emergency access from Napoleon Drive.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T1, T2, T3, T13, T23, CF1

Maidstone Borough Local Plan Regulation 18 Consultation 2014: H1, H2, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM14, DM16, DM23, DM24, DM30,

MBC Affordable Housing DPD (2006)

MBC Open Space DPD (2006)

National Planning Policy Framework 2012 (NPPF): Chapters 1, 3, 4, 6, 7, 8, 10, 11, 12

National Planning Practice Guide 2014 (NPPG)

Village Design Statement: Marden Village Design Statement

4.0 LOCAL REPRESENTATIONS

4.1 Petition

A petition, signed by 112 residents, has been received. It states that it is

"A demonstration of the strength of feeling on the Cherry Orchard estate. Cannot comment or compare the planning application with house targets yet to be voted on by Maidstone Council, so objections are based on the last official 20 years housing target for Marden set by the Council. Respondents are not commenting on the Council's future plans. The Council may wish to impose a larger target on Marden in the future, but it will need to be sustainable. It would still be wrong to build 20 years of housing in 20 months regardless of whether the end dates were reset as 2031."

- 4.2 100 letters of objection have also been received with some residents writing more than once. Their comments are summarised below:

- No information has been shared on the reasoning behind allocating this many houses to Marden;
- Roads in the area are too small to accommodate the traffic from the site;
- Developers want to make money – they will not look after Marden;
- Marden can support additional homes, but they need to be properly planned;
- New properties will overlook existing dwellings causing lack of privacy;
- Drainage in Marden is poor and Stanley Farm slopes down to Plain Road. Development on this site could lead to increases in flooding elsewhere in the village;
- Marden is a village not a town;
- Concerns about the height and elevational treatments of the proposed development;
- Light pollution from development and extra traffic;
- Lack of integration between exclusive and affordable units;

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- Allotments not needed, are badly located and would have a detrimental impact on the residential amenity of existing occupiers;
- Cycleways and public access will restrict privacy to properties;
- A wildlife study should take place for the site;
- There is no local plan in place or a five year land supply;
- Application site is within open countryside;
- No real consultation with the local community by the applicant – just with selected groups;
- Proposal is not aimed at average working families;
- Proposal is almost a community within a community;
- Community facility proposed with no details of what it would be, its size, parking requirements or hours of opening;
- A quiet zone running around the site would benefit the human residents and encourage biodiversity without damaging the developers objectives;
- The developer has failed to deal with the Great Crested Newt population on site;
- If trees are lost it would be detrimental to the area;
- Public transport is already inadequate;
- Employment in the village is limited - so people will have to travel to find work;
- There is only a small GP surgery and limited NHS dental facilities in the village;
- The quality of the village life will be diminished;
- Marden high street has few shops and no reasonable prospect of enhancement;
- No evidence that the building of new houses will bring employment and facilities to the area;
- Arable land should be preserved as the UK needs to self sufficient;
- Our property is grade II listed and should enjoy the location as befits a grade II property;
- Adverse impact of an estate of houses instead of ploughed and planted fields;
- Should listen to the views of the Parish Council as they are closer to all aspects of the village community.

4.3 Local residents have also made detailed comments about the proposed access arrangements for the scheme:

- Vehicular access is required from Napoleon Drive - otherwise unnecessary mileage, fuel consumption, pollution, traffic hazards and noise;
- Albion Road and Plain Road are regularly used by pedestrians;
- Plain Road is very narrow and busy;
- Have narrowly escaped accidents several times on Plain Road;
- The use of Napoleon Drive as an access totally at odds with the Manual for Streets as it is defined as a residential street;
- The scheme is now in accordance with the Council's Consultation draft Local Plan;
- Conditions should be attached to any planning permission to ensure the proposed access arrangements are complied with;
- The access arrangements have been amended following a protest campaign from the residents of the Cherry Orchard Estate;
- The shared approach originally proposed would be the best;
- No evidence to support the views that Plain Road and its junction with Albion Road/Thorn Road is unsafe/dangerous;
- The Transport Assessment acknowledges that the transport survey was carried out in the school summer holidays and therefore less traffic around;
- Local road improvements could manage any increases in traffic;
- KCC Highways have stated that the proposed units could all be served by Plain Road;

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- There are no footpaths along Plain Road but the development would not cause a great increase in the number of pedestrians using the road;
 - Potential of 170+ vehicles coming out of 1 access point;
 - Plain Road is a country lane which cannot take 2 way traffic;
 - The traffic survey is clearly flawed as it was taken in the school holidays;
 - Sight lines are extremely poor on Plain Road;
 - No street lighting in Plain Road;
 - Napoleon Drive was always built to be an access for development at Stanley Farm;
 - Plain Road is not well maintained and is used by heavy farm vehicles;
 - The original plan with divided access seemed reasonable - division of traffic to all properties involved;
 - There should have been a site meeting to decide the access arrangements;
 - Napoleon Drive has pavements, street lighting and is well maintained;
 - Slight lines at Roundel Way and Albion Road are safe;
 - Traffic from the development will be heading to the village centre and Napoleon Drive is closer to the centre;
 - MBC Local Plan is only a draft - so only a proposal at this time;
 - Ideally the site should have a one way system for vehicular traffic;
 - Applaud the developer for bringing the development into line with the Council's documents;
 - Plain Road is defined as a Main Trunk Road in the Manual for Streets;
 - Plain Road is a peaceful semi rural location which will be changed forever;
 - The development may have support from KCC Highways for the changes in access arrangements, but not the support of the community;
 - Plain Road is hazardous in the winter as suffers with black ice;
 - Amended access arrangements allow wildlife enhancements to take place;
 - Plain Road is a bus route;
 - Dubious about the accident data submitted and how its been used;
 - A suitable boundary needs to be provided between the access and properties on Plain Road.
 - The road layout was already decided, so what was the customer survey for?
 - Many residents were prepared to share the effects of traffic from the development. Many residents and the Parish Council feel it would be fairer to have 2 entrances.
 - Extra mileage would be created if people have to drive south then north again.
 - The use of Napoleon Drive would not create a rat run – this is a red herring.
 - The emerging Local Plan is suggested as the reason for the change, but this is only a draft and there is still much discussion on it.
 - There are highway safety issues with the use of Napoleon Drive as cars are frequently parked on the road, sometimes both sides and the road curves giving low levels of visibility.
 - The latest proposal is not aligned with the MBC emerging Local Plan.
 - KCC Highways have made it clear that they have not and will not prescribe a single or twin entry alternative access arrangements so why have the changes been made.
- 4.4 A further two letters of objection has been received on behalf of another housing developer, Taylor Wimpy, developer of the Cherry Orchard Estate. Their comments are summarised below:
- The Transport Assessment does not mention whether a road safety review has been carried out. This is a requirement of the Department for Transport Guidelines on Transport Assessment (2007) and the National Planning Practice Guidance (2014);
 - A review of the traffic survey confirms the required visibility splays at the junction as set out in the submitted Transport Assessment. However it is noted that the drawing

provided for the access details is inadequate and leaves a short fall in the visibility provision at the junction, which could give rise to safety concerns;

- Lack of access swept paths analysis for Plain Road/site access junctions, particularly for larger vehicles – refuse vehicles and removal vehicles;
- Pedestrian, cycle and emergency vehicle access would be provided to the north via Napoleon Drive. The land over which the route is indicated is not within the ownership of the applicant;
- Pedestrian access would be via Public Right of Way KM280 - this route is not fully surfaced or lit. Cannot be relied on all year round or for pedestrians with mobility issues;
- The use of Plain Road as the access could add 0.5km to a journey for residents heading to the village/station;
- The proposal would have a significant urbanising effect to a country lane;
- Napoleon Drive and Roundel Way are suitable to serve the level of development proposed on Stanley Farm;
- A commercial agreement to allow access through the Cherry Orchard Estate could be achieved for all modes of transport;
- The description of the application should be amended to mention that only vehicular access is to be taken from Plain Road.

4.5 Campaign for the Protection of Rural England: *"See this as speculative backland development which has no merit whatsoever particularly in the light of other proposed development sits being put forward.*

This is an opportunistic application being put forward by the owner on field as a consequence of the rescheduling of the Maidstone Draft Core Strategy at the end of last year and the adoption of a working figure of 14,800 dwellings by 2031. The Core Strategy included a proposal for 320 houses to be built in Marden up to 2026, which we consider to be too high, but an average of about 20 per year might be regarded as organic growth in settled village.

The Interim Core Strategy now adopted by the Cabinet does not include any specific growth plans for Marden. The most relevant part is contained in the introduction and statement of policy CS5 and this application is contrary to this policy because this backland is outside the village boundary. We understand that Marden is currently developing a Neighbourhood Plan. Any assessment of this application should be delayed until this plan, is available, in line with the requirements of the NPPF.

This is particularly important as there are other significant applications being progressed in Marden.

The Stanley Farm application does presume that this number of houses would not require any additional infrastructure, where as it must actually increase pressure on the village amenities of all types contrary to the NPPF. The application would have serious adverse effects around the site.

We see no logic in the shape of the application. The land is currently in agricultural use. The shape of the field was determined by agricultural and historic use and bears no relation to the housing needs. It appears that the developer just wants to maximise the number of houses within the present field boundary.

We ask that the application is refused."

5.0 CONSULTATIONS

- 5.1 **Marden Parish Council (October 2013):** Councillors abstained from voting and wished to see the application reported to the Planning Committee. They have commented as follows:

"Marden Parish Council deplores and regrets that MBC have left itself, the Parish Council and the residents of the parish in the position where there is no local planning policy in place under which the sustainability of this site in the context of all known development proposals for Marden village can be assessed on a consistent and fair basis. As such, it is not possible for the Planning Authority to assess the sustainability of this proposal in the absence of a study of cumulative impacts on highways, amenities and surface/foul water infrastructure for the village as a whole.

Marden parish Council proposes that approximately 25% of the eventual housing allocation for Marden as a rural service centre is approved in each 5 year period of the Maidstone Local Plan (2011-2031). Marden parish Council is concerned about the cumulative effect of development on the existing infrastructure, amenities, environment and community cohesion of the village and wider parish, particularly if a large majority of the 20 year supply of new houses is built in the early part of the plan period. A phased policy is thus required to enable Marden to develop in a sustainable way that allows the necessary infrastructure and amenity improvements to be co-ordinated with the release of housing land.

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

The concerns of the Councillors and the residents were as follows:

Raised some concerns as for previous applications regarding having housing before MBC's Local Plan has been adopted and that the infrastructure/traffic issues need to be looked at in more detail. Councillors felt that the traffic survey was undertaken at the wrong time and should therefore be undertaken again during school term time, the survey needs to cover the village as a whole not just the immediate impacted areas. They also agreed that a road safety audit, particularly around the entrance roads to the proposed development, should be undertaken. Cllrs also felt that more consultation is needed regarding the community facility and the positioning of the building. They agreed with the cumulative effect of all the significant planning applications that have been submitted to MBC and the individual plans should not be looked at in isolation but as a whole as many of our roads were not built for modern transport with concerns over congestion especially in the centre of the village. Councillors agreed with the statements made by the public that the developer's consultation was inadequately advertised and many residents were unable to attend.

However, if MBC are minded to approve this application, Councillors wished the following conditions applied:

- *Developer contributions to foul water sewer improvements, highway improvements, Marden Primary School and local secondary education and Marden Medical Centre.*
- *Consultation with MPC on the community facility;*
- *A management company be set up to and long term management plan be put in place to manage the drainage system, open space, play area and community facility;*
- *MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs."*

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In addition to the above comments, the Parish Council has submitted a S106/Developer contribution document which I believe may have been prepared in conjunction with their neighbourhood plan.

- 5.2 Further comments from the Parish Council were received on **19th February 2014** following their considerations of amendments and additional information received in November and December 2013.

"Councillors again agreed to abstain from a recommendation and wished to reiterate previous comments. It was proposed that further conditions be added if MBC were minded to approve (1) if the community facility is removed then the funding that would have been set aside for this be used for upgrading /refurbishment of the existing community facility in the village; and (2) Marden Parish Council would wish to be involved with the developer regarding the age range /equipment for the play area."

- 5.3 The Parish Council also commented in **April 2014** following further amendments/additional information for the scheme.

"All Councillors in attendance recommended refusal for this amended application on the grounds of robustness of the traffic survey in respect of the time and dates undertaken; road safety and design and sustainability of the development. Councillors preferred the original scheme where access was shared between Napoleon Drive and Plain Road however would prefer to see some measures for pedestrian safety in Napoleon Drive and for access to the playing field and with a speed reduction in Plain Road."

Councillors question why this amendment was made by the developer?

Councillors also wish to reiterate their previous comments on this application."

- 5.4 The Parish Council has also commented on the **23rd June 2014** following the receipt of amended Transport Assessment. They advised that they wish to see the application refused and request that it is reported to Planning Committee. They stated that they wished to reiterate their previous comments (April 2014) adding a reference to the 7.5 tonne weight limit restrictions. Councillors stated that want to see a fair split between the two entrances.

Further comments were received from the Parish Council on the **4th August 2014**. They advise that they were unable to make further recommendations without relevant and up to date plans now that access has been split between Plain Road and Napoleon Drive.

- 5.5 **Highways Agency:** No objection.

- 5.6 **Environment Agency:** *"Have no objection to the development at this location based on the findings of the Flood Risk Assessment (FRA) (September 2013).*

Request that conditions to secure a sustainable surface water drainage scheme for the site and unexpected contamination are added attached to any grant of planning consent.

Section 8 of the FRA makes reference to reports of waterlogging in the northern part of the site. The precise area has not been identified and further information should be provided to demonstrate that no dwellings are proposed in this area.

The proposed discharge of surface water drainage into the ditch adjacent to Plain Road will only be acceptable if it is confirmed water in this ditch can flow unimpeded into a maintained watercourse.

Under the terms of the Flood and Water management Act 2010, each lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Local Flood Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. Recommend that the applicants make contact with KCC to discuss SAB.

No soakaways should be sited in, or allowed, to discharge into land impacted by contamination or land previously identified as being contaminated.

Only clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Any activities producing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to foul sewer or sealed container.

Water is one of our most precious natural resources, and the south east of England is Water Stressed, so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into design of all new development. If domestic appliances are to be provided in the new property(ies), the applicant is asked to consider installing water and energy efficient models/devices.

All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day to have any (equivalent to Code for Sustainable Homes Level 3/4). To achieve level 3/4 for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances)."

- 5.7 **Southern Water:** No objection, but advised that there was inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. It was further stated that 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. They advise that either additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. They request an informative be included on any planning approval to ensure the necessary legal agreement is entered into with Southern Water to undertake the necessary works.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). They advised that under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus where a SUDS scheme is to be implemented, they advise that 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;

- 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.

Recommend a condition to secure details of foul and surface water sewerage is attached to any grant of planning permission.

- 5.8 **Upper Medway Internal Drainage Board:** Whilst the site of the proposed development is outside of the Upper Medway Internal Drainage Board's district, surface water runoff is believed to drain, via ordinary water courses, to Marden Beech Stream and onto the lesser Telse (main river). The development of this site therefore has the potential to affect the Board's interests.

Raise no objection to the proposed drainage system in principle and am pleased that it includes an open balancing pond. Whilst, they advise that they accept that the restricted discharge rates, as proposed, should reduce off site flow rates and therefore improve local flood risk they strongly recommend that the applicant assesses the size and condition of the receiving water course (to the point where it meets Marden Beach Stream and including any culverts) to ensure it has sufficient conveyance capacity.

Recommend that an informative is attached to any grant of planning permission to notify the applicant that any proposed works affecting ordinary watercourses outside of IDB districts now, as a result of the Flood and Water Management Act 2010, require the formal written consent of KCC (the lead local flood authority) and SuDS approval body will also be able to advise the applicant on the possible adoption of the drainage system and details of future maintenance.

Am also pleased that the applicants propose to include a reed bed to help maintain/improve water quality. The Environment Agency's guidance should be sought and followed in respect of pollution prevention and control."

- 5.9 **Sport England:** No comment

- 5.10 **Kent County Council Highways:** KCC Highways originally considered the application and the supporting Transport Assessment in October 2013. At that time it was proposed to take vehicular (and pedestrian and cycle) access from both Napoleon Drive and Plain Road to serve the development. The access to Napoleon Drive was proposed to serve 61 of the proposed dwellings with the Plain Road access serving the remaining 24 dwellings. KCC Highways raised no objection to this arrangement, subject to conditions and the need for a Section 278 Agreement to secure

1. The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing.
2. A pedestrian crossing on Church Green close to its junction with the access to Marden Station.
3. A sustainable measures based travel statement.
4. Cycle parking is required at the rail station, at the library and outside the post office.
5. Bus stop improvements on the High Street and Plain Road
6. An extension to the existing 30mph speed limit on Albion Road to include Plain Road.

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The applicants have now amended the scheme to take vehicular access from the development only from Plain Road with pedestrian and cycle access from Napoleon Drive. The Transport Assessment and other supporting documentation were amended to reflect this change.

KCC Highways have sought additional information and clarification on this approach. The applicants have now submitted revised Transport Information and I am awaiting detailed comments from KCC Highways on this additional information.

- 5.11 **Kent County Council Highways (July 2014):** "The application has been amended again and now proposes access from both Napoleon Drive and Plain Road with the 85 houses being equally split between the two accesses. An emergency link/footway/cycleway will be provided between the 2 parcels of development.

I can confirm that subject to the following conditions I do not wish to raise objection to this application:-

The applicant is required to provide the following highway works in accordance with a Section 278 Agreement:

1. *The new site access onto Plain Road is subject to a satisfactory safety audit.*
2. *Measures are required to improve the bus waiting area in Plain Road; an alternative stop could be provided either within the site or on Plain Road and this would be subject to negotiation with the bus operator and consultation with residents, if appropriate.*
3. *Bus stop improvements are also required at the 2 bus stops on the High Street, to provide raised bus boarders in order that they are accessible to mobility impaired residents.*
4. *The existing zebra crossing on Goudhurst Road to be upgraded to a puffin crossing.*
5. *A pedestrian crossing is required on Church Green close to its junction with the access to Marden station.*
6. *Best endeavours to extend the existing 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.*

In addition to the above I would recommend that the following additional conditions be included on any consent granted:-

7. *Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.*
8. *Structural approval is required in respect of the proposed new feature bridge accessed from Napoleon Drive, prior to the commencement of development.*
9. *A sustainable measures based travel statement is required prior to first occupation of the development.*
10. *A contribution of £209.33 per dwelling is required toward improvements to Marden train station. This together with funding from residential development at Howland Road and Marden Cricket and Hockey Club will fund a new shelter, additional seats, CCTV and lighting upgrade.*
11. *The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in*

accordance with details to be submitted to and approved by the Local Planning Authority.

12. INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site."

- 5.12 **Kent County Council Public Rights of Way:** The proposed development site is crossed by several Public Rights of Way. The existence of such rights of way are a material planning consideration. They note that the application mentions possible changes to the PROW network and that the planned development will significantly increase the pedestrian usage of the paths. They advise that the detailed/reserved matters application for the site will require a plan showing how the footpath network would change and details as to how the current network will be extended and improved. This includes improving surface conditions and improving connectivity of the network. Assuming that any diversions required are successful and the current network is improved, they raise no objection to the application.

- 5.13 **Kent County Council Heritage and Conservation:** *"The site lies within an area of general archaeological potential associated with general pre-historic and medieval activity. In view of the size of the proposed development, it would be appropriate for a watching brief to be maintained during the main phases of groundworks. No objection subject to the imposition of a condition to secure a watching brief."*

- 5.14 **Kent County Council Ecology:** KCC Ecology initially reviewed the proposal, including the Extended Phase 1 Habitat Survey, in September 2013. Whilst they were satisfied with the submitted information as far as it went, they requested additional information to be submitted prior to the determination of the application. This request related specifically to Great Crested Newts, Bats and farmland birds.

The applicant has subsequently submitted additional information - a protected species mitigation document (November 2013) and two addendums to Great Crested Newt Survey Report (April and May 2014).

KCC Ecology have now commented further on the basis of this additional information. Their comments are set out below:

"Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and

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the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information which has been submitted with this planning application and we do not require additional information to be submitted prior to determination of the planning application.

Great crested newts

A great crested newt survey and a desk top assessment has been undertaken and identified that GCN are present within 9 ponds within 250metres of the proposed development site. An outline mitigation strategy has been proposed and we are satisfied that this provides sufficient information to determine the planning application.

However we advise that there is a need for a detailed mitigation strategy to be submitted for comment as a condition of planning permission, if granted.

A buffer strip of tall rank vegetation will be created around the whole of the site. This area is particularly important along the western boundary as it will act as a corridor and ensure there is connectivity between the ponds to the north and the south of the site. We are aware that residents can rough grassland areas "messy" - to prevent residents from mowing or adopting these areas we suggest that signs are placed within the site clearly explaining why these areas are not regularly mown.

It's welcomed that the GCN are proposed to be retained on site and translocated to the public open space area. However we recommend that a management plan is produced for the site as a condition of planning permission, if granted, to ensure it will be managed appropriately for both GCN and residents. We recommend the following condition is included (the wording was adapted from the British Standard for Biodiversity (BS42020):

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The GCN survey has stated the following:

- *the use of gully pots has been avoided with a permeable paved surface being used which does not require gully pots;*
- *If gully pots are required, then they must be placed at least 100mm away from the edge of the pavement and a lowered section pavement placed here to allow newts to get up and out of any road systems.*

We advise that when required gully pots and pavements are located/designed in to the development as recommended within the GCN survey. We recommend that this should be included as a condition of planning permission.

Bats

The survey has detailed that the site boundaries may be used by roosting, commuting or foraging bats and recommended that bat surveys are carried out.

No trees which have some potential to be used by roosting bats are proposed to be removed as a result of the proposed development. As such we are satisfied that there is no requirement for emergence surveys to be carried out as part of this application.

The current landscape master plan indicates that roads (and therefore we are assuming street lighting) are proposed to be located near or adjacent to the boundaries we are concerned that bats may be indirectly impacted by the proposed development.

The lighting for the proposed development must incorporate the recommendations within the letter from Corylus Ecology dated 21st November 2013.

Enhancements

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

Details of ecological enhancements have been recommended within the extended phase 1 habitat survey but we recommend that these enhancements are detailed on the site master plan to ensure that they will be incorporated in to the site.

We recommend that the ecological enhancements are incorporated in to the Landscape and Ecological Management Plan to ensure that they are managed appropriately."

- 5.15 **Kent County Council (Mouchel):** Have requested the following contributions:

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

- 5.16 **NHS Property Services:** Have requested a contribution of £360 per person multiplied by predicted occupancy rates of 2.34 persons, towards the provision of enhanced healthcare to meet the needs generated by the development. It is stated that the contribution would be used at Marden, Staplehurst and Lamberhurst Medical Centres.

- 5.17 **MBC Landscape Officer:** Does not object and comments as follows:
"There are no protected trees on this site. The most important trees in terms of amenity value are those on the western boundary as identified on the tree survey drawing. These trees are generally native species but a high proportion are categorised as grade C. These trees, and particularly those grouped around the ponds, will need careful management to ensure their integrity can be retained in the long term, including phased removal and replacement where necessary."

Although this proposal consists only of an indicative site layout the submitted condition survey of the trees and associated arboricultural report gives guidance as to how the site should be developed and the approach in the report is welcomed. It does not however signify that an amended layout could be achieved, although, the proposed density of the development is low enough for adjustments to be made where tree constraints arise. Therefore, provided the advice in the report is followed no objections are raised on arboricultural grounds."

- 5.18 **MBC Conservation Officer:** *"The Grade II listed Jewel/Bishop House backs onto the site and is visible from it. This listed building once occupied an isolated position just outside the village, grouped with its associated farmstead buildings which have now disappeared. It now sits within a ribbon of 20th century housing which joins it to the village and also extends south eastwards for a considerable way as well as continuing round in the first section of Plain Road. A sensitive development of the site with buildings of a maximum of two storeys in height might be achieved without causing serious harm to the setting of the listed building, particularly if suitable planting were undertaken between the development site and the listed building."*

The Marden Conservation Area lies a little way to the north of the site but is separated from it by substantial 20th century housing developments, and the current proposals are therefore unlikely to have any detrimental effect on its setting."

In developing the site it will also be important to preserve the historic hedgerows forming the boundaries of the site with the remaining open countryside to the west and to ensure adequate archaeological mitigation measures in line with any advice received from KCC Heritage Section."

- 5.19 **MBC Environmental Health Manager:** *This is potentially a large development situated in a relatively quiet location. Do not expect noise to be an issue for future residents, either from existing noise sources or from this development to existing residents. It is appropriate however to require a contamination assessment. We are told that there is phase 1 land contamination report included, this is, however, just a landscape appraisal and has no mention of contamination within its contents."*

This number of new properties could however create a previously unknown air quality issue here. Though highly unlikely to lead to excessive levels of air

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"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."

Primary Education Provision - £2360.96 per "applicable house" and £589.95 per "applicable flat" (applicable meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) sought towards the costs of extending Marden Primary School.

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

Secondary Education Provision - £2359.80 per applicable house and £589.95 per applicable flat towards the extension of secondary school buildings (which based on current trends) are currently used by residents of Marden.

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

Community Learning - £30.70 per dwelling sought to address the demand from the development towards 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 current adult participation in both centres and outreach facilities is in excess of current service capacity."

Youth Services - £8.44 per dwelling sought to address the demand for from the development for youth services locally.

"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."

Libraries and Archives - £100.79 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

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

Social services - £18.05 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

pollutants, nevertheless measures should be put in place at this location to show that emissions from new vehicles are as much as possible recognised and reduced.

This site is not within an increased probability of elevated radon levels.

There is a site waste management plan provided with the documentation which is quite unusual. It is a thorough document and it is adequate for this site.

No objections subject to the receipt of contamination and air quality assessments and informatives to minimise disruption during construction."

- 5.20 **MBC Parks and Leisure:** It would be unlikely that we would seek an offsite contribution for this application. The proposed open space exceeds the requirement for the number of dwellings. Advise that they would have some reservations that, whilst the play area would cater for 2-9 year olds, there would be nothing in the way of provision for the teen age group.

It would be advisable that any play area installation is considered carefully in association with existing provision at Marden Playing Fields, which is adjacent to the site. Also query the need for an onsite play area when there is an established play area less than 200m away. It may be more beneficial for a contribution to be paid towards Marden Playing Field and its play area rather than the applicants providing an onsite play area and being required to maintain it.

They note that the applicant wishes to leave the large area of open space to retain the site's rural character, but request that it is maintained as useable open space rather than being left to grow wild.

Finally, they advise that the Council will not be looking to adopt any onsite open space. If the developer wishes to provide onsite open space they will be required to maintain it themselves or enter it an agreement with the Parish Council or an alternative management company.

- 5.21 **MBC Housing:** *"I note that the application seeks outline planning permission for, '85 residential units with means of access from Napoleon Drive and Plain Road. All other matters (appearance, landscaping, layout and scale) reserved for future consideration.*

Firstly, although this request is in response to amended / additional information that the applicant has now submitted, it would appear that Housing made no initial comments on this proposal in September 2013 when the original application was made, therefore the below comments are in connection with the whole proposal.

It is mentioned at 3.2 of the planning statement that pre-app meetings took place with the Council. It should be noted that Housing were not part of this meeting and therefore had no initial input into the proposal by the developers.

It is acknowledged by the applicant at 4.0 of the planning statement for the need to provide 40% affordable units which equates to 34 of the 85 units being proposed. The applicant has currently suggested the following mix for the affordable units:

- 1 bed flats – 4 units*
- 2 bed flats – 4 units*
- 2 bed houses – 9 units*
- 3 bed houses – 12 units*

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4 bed houses – 5 units

Whilst this is not a bad starting point, we would ideally be looking at decreasing the 2 and 3 bed units and increasing the 1 bed units. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix.

The applicant at this stage appears not to have mentioned any suggested tenure split.

Therefore, ideally we would be looking at the affordable housing provided be closer to the following:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	12	7	5
2 Bedroom	10	5	5
3 Bedroom	8	6	2
4 Bedroom	4	4	0
Total	34	22	12

There is currently no identified need for 4 bedroom, shared ownership units.

We appreciate that amending the proposed sizes of the units at this stage may be problematical but would encourage the applicants to consult with us as soon as possible with regards to the proposed mix, tenure and the suggested layout of where the affordable units are being sighted as this is not clear on the design and access statement. (Although we acknowledge this is currently an outline application at present.)

Finally, I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision."

5.22 **Kent Police Crime Prevention Design Advisor:** No objection, subject to a condition relating to crime prevention.

5.23 **Councillor Nelson-Gracie:** I wish to call in this application as it is one of a series of multiple residential applications and is of interest to a large number of Marden residents. It is a major application outside the village boundary.

6.0 BACKGROUND PAPERS AND PLANS

Supporting documents also provided with the application include a Planning Statement, Design and Access Statement, Design and Access Statement Addendum, Landscape Appraisal Arboricultural Report, Site Waste Management Plan, Desk Based Heritage Assessment, Flood Risk Assessment, Residential Transport Assessment, Accident Data, Statement of Community Involvement,

Extended Phase 1 Habitat Survey, Protected Species Mitigation Measures Report and two Addendums to the Great Crested Newts Survey Report.

7.0 APPRAISAL

Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.2 The application site is mainly located in the countryside outside the defined settlement boundary of Marden. As stated earlier, the site does however adjoin the boundary, and the access is within the boundary.
- 7.3 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

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

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

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

- 7.4 The proposed development does not fit into any of the exceptions set out in policy , which is why it has been advertised as a departure from the Development Plan.
- 7.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).
- 7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- 'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'
- 7.7 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing

Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).

- 7.8 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.
- 7.9 This lack of a five year supply is a significant factor 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. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys." The settlement offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane such, the site is at a sustainable location and immediately adjoins the existing settlement. The loss of grade 2 agricultural land is noted and the views of the Council's Agricultural Advisor has been sought on the loss of this land to development. Furthermore it is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 7.11 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 weight when considering planning applications. The application site is a housing allocation within the emerging plan for 170 dwellings.
- 7.12 The draft allocation for the site has the following criteria:
- Retain and enhance hedges and trees along the southern and western boundaries of the site in screen new housing from the adjacent open countryside.

- Development should be sited in order to preserve the setting of the listed building, Jewell House, to the east of the site.
 - The function of public footpaths KM281 and KM283 are to be retained, and consideration given to the safety of future users and occupiers of the development.
 - Access will be taken from Plain Road only.
 - Pedestrian and cycle access will be provided from the site to Napoleon Drive, to ensure good links to existing residential areas and the village centre, and to the existing open space adjacent to the north west corner of the site.
 - Development will be subject to the results and recommendations of a phase one ecological survey.
 - Provision of publicly accessible open space as proven necessary, and/or contributions.
 - Appropriate contributions towards community infrastructure will be provided, where necessary.
 - Complimentary improvements to public footpath KM281, connecting the site to Albion road.
 - Complimentary improvements to public footpath KM283, connecting Plain Road to Thorn Road.
 - Approximate density of 30 dwellings per hectare.
- 7.13 In the light of the above five year supply position, bringing forward development on this sustainably located site (as allocated by the emerging plan) immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 7.14 As was the case for the recently approved residential development at the 'MAP depot' and 'Parsonage' in the village, reference has been made to the on-going Local Plan and Neighbourhood Plan and the fact that this application should not be permitted in advance of the completion of that work. Whilst the draft Local Plan has been agreed by Cabinet and will shortly be out for public consultation, and work on the Neighbourhood Plan is progressing, both plans would need to be the subject of an examination. Given the stage of the plans and likely timescales for this process, and the current housing supply issue set out above, it is not considered appropriate or reasonable to delay consideration of this application on that basis.
- 7.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact and whether the site can suitably accommodate 85 dwellings, residential amenity, heritage impacts, access/highway safety, ecology, and drainage. The cumulative impact with other developments also needs to be considered.

Visual Impact

- 7.16 A Landscape and Visual Impact Assessment has been submitted in support of the application. It considers distant and local views and views from within the site. In terms of distant views, the site is largely minimised by intervening established landscaping or existing residential development. In terms of more local views, views of the site from the north there is the potential for local residents facing south onto the site and users of footpath KM280 to get glimpses into the site, views from the west and south would be gained by users of footpath KM283. The site is largely

screened from the east by mature vegetation and spacious landscaped gardens of properties fronting Albion Road. Given that the footpaths crossing the site are to be retained, the proposed development will also be visible from within the site.

- 7.18 The site is surrounded by a mix of uses including residential and mature landscaping. Any development on the site would be seen against these and whilst it is noted that the proposed development would add built form onto the site which does not exist at the moment, it would be seen in the context of the development on the edge of Marden and the size of the site would allow this development to be offset by both formal and informal open space. Long range views of the site are limited and it is difficult to isolate the site within these views. Short range views of the site are possible, but from outside the site these are largely seen against the established planting to the site's edges. Further planting to the site's boundaries will help to soften the visual impact of the development from both long and short range views. Views within the site will continue to exist given the retention of the footpaths, it is noted that the existence of these footpaths can be used to inform the detail design of the development in a positive way to add interest and security to the development.
- 7.19 The application site is clearly outside the built up area of Marden and in open countryside in policy terms. Any development on the site could be considered in strict policy terms as intruding in the countryside. The site, however, has clear and robust boundaries which will contain the development and minimise its impact. With this in mind, I am satisfied that the development of the site would not be a harmful intrusion into the countryside, but would be a logical expansion to Marden which would make a valuable contribution to the housing supply.
- 7.20 Based on there being limited long and short range views of the site and that the development, whilst being in the countryside in policy terms, would be seen as an extension to the built up area of Marden contained by strong visual boundaries I consider that the harm to the character and appearance of the area would be low to medium.
- 7.21 Whilst the design of the development is not being considered at this time, parameters to future development can be set at this stage. I do not consider it is necessary to impose design codes (to dictate themes or styles) or parameters in terms of layout, materials or height, other than to ensure there is no development above two storeys in height adjacent to the listed Jewel/Bishop House. Given the mix of surrounding uses and the sale and mix of adjoining buildings and features it is considered that this should be left open to the developer.

Density

- 7.22 The gross density of the 5.4 hectares of the site within Maidstone Borough would be approximately 16 units per hectare. As an outline application with all matters except access reserved or future consideration, the detailed layout of the site is not yet known or how much of the site will be given over to open space, landscaping and other uses. The net density for the developable area cannot, therefore, be calculated at this stage. It will, of course, be higher than the gross density for the site. The Design and Access Statement gives an illustrative figure of 1.6 hectares for open space. This would give a net density of approximately 22 dwellings per hectare.
- 7.23 It is noted, that this density is lower than the 30 dwellings per hectare set out in the emerging Local Plan allocation for the site. It is, however, considered appropriate in my opinion that any development on this site should be at a lower density than that at

the centre of Marden. This would reflect the nature evolution of a settlement which are higher density at the centre and lower density development further out. It is also noted that the scheme has evolved to take account of the need to enhance the existing boundaries of the site, retain the existing footpath links within it and deal with the presence of great crested newt populations at the existing ponds. Whilst the detailed scheme is still yet to emerge, these considerations have impacted on the amount of developable space available. This lower density also allows the application to make provision of quality open space to serve the residents of Marden as a whole and link it to existing open space to the north of the site and that approved on the adjoining Parsonage site. The site will also provide allotments to serve both the development and village.

- 7.24 I consider that there is sufficient space that would allow for the units proposed with sufficient parking space, open space and landscaping. Clearly, the detailed design, layout, appearance and landscaping will be dealt with at the reserved matters stage.

Residential Amenity

- 7.25 The detailed layout and appearance of the units is not being considered at this stage but I consider that the site could be developed without causing any loss of privacy or light to existing nearby properties as there is sufficient space between these and the application site. I also consider a layout could be achieved which provides suitable living conditions in terms of outlook and privacy for future residents. I do not consider noise from future occupants using their properties or from vehicles associated with the development would be such to warrant an objection. This would be in accordance with policy ENV28 of the Local Plan and the NPPF.
- 7.26 MBC Environmental Health Team have reviewed the application and its supporting documents. They raise no objection in principle to the development of the site for residential development. They consider that a phase 1 contamination report is required and it is a condition to this affect will be attached. They also state that a development of this size could create a previously unknown air quality issue and that whilst unlikely to lead to excessive levels of air pollutants, measures should be put in place to show that emissions from new vehicles are recognised and reduced as much as possible. It is, therefore, considered appropriate to impose a condition requiring an air quality assessment to be submitted to, and agreed in writing, by the Local Planning Authority.
- 7.27 The proposed conditions relating to contamination and air quality would ensure that future residents would have acceptable amenity standards. This would be in accordance with policy ENV28 of the Local Plan, the policies in the emerging plan and the NPPF.

Heritage

- 7.28 The NPPF, Local Plan and emerging plan all seek to protect and enhance the historic environment. Applications that adversely affect the historic assets, and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved, will not be permitted.
- 7.29 Marden Conservation Area lies a little way to the north of the site, but is separated from it by a modern housing developments. I do not, therefore, consider that the current application will adversely affect its character or appearance.

- 7.30 In terms of listed buildings, a grade II listed property Jewel/Bishop House backs on to the site and is visible from it. This property was once isolated from the village and surrounded by a number of farmstead type buildings which have since disappeared. It now sits within a ribbon of 20th century housing which joins it to the village and continues past it south eastwards. The Conservation Officer advises that a sensitive development of the site with buildings of a maximum of two storeys in height could be achieved without adversely affecting the setting of the listed building, especially if additional planting was undertaken between the development site and the listed building. It is considered appropriate to impose a condition to secure a maximum of two storey development in the area adjoining Jewel/Bishop House.
- 7.31 KCC Heritage has advised that “The site lies within an area of general archaeological potential associated with general pre-historic and medieval activity. In view of the size of the proposed development, it would be appropriate for a watching brief to be maintained during the main phases of groundworks”. They have reviewed the desk based Archaeological Assessment and advised that in view of the archaeological potential of the site, a condition to secure a watching brief is appropriate.

Highways

- 7.32 The NPPF, local plan and emerging plan all recognise that new developments have the potential to generate a considerable number of vehicular and pedestrian trips which has both a direct and cumulative impact on the transport network. Improvements to public transport, walking, cycling and highway infrastructure to mitigate these impacts needs to be in place to ensure the increase in trips generated will not lead to an unacceptable level of transport impacts. To further minimise these impacts, measures and initiatives should be incorporated into the design of developments to minimise vehicular trip generation. New development proposals will be expected to enter into legal agreements to mitigate both their direct and cumulative impact on the transport network. Construction management plans can also be secured to minimise impacts from new developments during construction.
- 7.33 Issues of traffic generation and safety are key considerations in the determination of this application and have been concerns have been raised by the Parish Council and local residents.
- 7.34 Originally, it was proposed to take vehicular (and pedestrian and cycle) access from both Napoleon Drive and Plain Road to serve the development. The access to Napoleon Drive was proposed to serve 61 of the proposed dwellings with the Plain Road access serving the remaining 24 dwellings. KCC Highways raised no objection to this arrangement, subject to conditions and a Section 278 Agreement. The need for the applicants to enter into a Section 278 Agreement will need to be part of the S106 Agreement.
- 7.35 Following concerns from residents of the Cherry Orchard estate to the north of the site that the scheme did not reflect the criteria of the site's allocation within the emerging Local Plan, the applicants amended the scheme to take vehicular access from the development only from Plain Road with pedestrian and cycle access from Napoleon Drive. The Transport Assessment and other supporting documentation were amended to reflect this change. KCC Highways have sought additional information and clarification on this approach. The applicants submitted a revised Transport Information and once again KCC Highways raised no objection to the amended scheme subject to the imposition of conditions, informatives and a Section 278 Agreement.

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- 7.36 Following this amendment a number of comments were received from local residents and the Parish Council on the basis that the impact of the development on the site should be spread more equally and would like to see a fair split between the two accesses implemented. The scheme has now been amended again to take vehicular access from both Plain Road and Napoleon Drive with a 50 50 split between the two. An amended Transport Assessment has been submitted to explain this approach and KCC Highways have advised that they have no objection to this revision subject to the imposition of conditions, informatives and a S278 Agreement to secure
1. The new site access onto Plain Road is subject to a satisfactory safety audit.
 2. Measures are required to improve the bus waiting area in Plain Road; an alternative stop could be provided either within the site or on Plain Road and this would be subject to negotiation with the bus operator and consultation with residents, if appropriate.
 3. Bus stop improvements are also required at the 2 bus stops on the High Street, to provide raised bus boarders in order that they are accessible to mobility impaired residents.
 4. The existing zebra crossing on Goudhurst Road to be upgraded to a puffin crossing.
 5. A pedestrian crossing is required on Church Green close to its junction with the access to Marden station.
 6. Best endeavours to extend the existing 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.
- 7.37 Concerns have been raised from some local residents on the basis that the application is now not in accordance with the allocation for the site in the emerging local plan which states that vehicular access should only be taken from Plain Road with pedestrian and cycle links from the development to the Cherry Orchard estate via Napoleon Drive. In my opinion, whilst the emerging plan has some weight given that it has been out to Regulation 18 consultation, it must also be noted that given that there is a long way to go before the emerging plan could be presented for examination and as such the weight to be attributed to it can only be considered as limited. It is currently a consultation document with the representations from the consultation still being reviewed.
- 7.38 It must also be noted that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the National Planning Policy Framework and Practice Guide and adopted Maidstone Borough Wide Local Plan 2000. The emerging local plan with its policies and allocations is a material consideration.
- 7.39 Each planning application must be considered on its own merits and it is noted in this instance that KCC Highways have advised that they have no objection to the whole 85 dwellings taking access from Napoleon Drive, Plain Road or any mix between the two. In my opinion, there is no reason why the application as amended cannot be supported as long as no objections are raised by KCC Highways.
- 7.40 I also note that some residents and the Parish Council have raised concerns that the applicants have not sought to amend this illustrative plan to highlight the 50 50 split between the two accesses (Plain Road and Napoleon Drive). This is considered acceptable as the plan is only illustrative and the amendments in relation to the access and the proposed split are made clear in other supporting documentation.

- 7.41 A request has been made for a contribution towards an upgrade of Marden Station. A contribution of £209.33 per dwelling is required toward improvements to Marden train station. This together with funding from residential development at Howland Road and Marden Cricket and Hockey Club will fund a new shelter, additional seats, CCTV and lighting upgrade. The cost of the new facilities is approximately £58,560 and will fund a new shelter, additional seats, CCTV and lighting upgrade and cycle parking improvements. It is noted that the cycle parking improvements (£5,600) are being funded from other applications in the area recently granted planning consent. This leaves £52,960 for the remaining station improvements. There are a number of other planning applications for residential development in Marden at this present time (Howland Road 44 dwellings, Marden Cricket and Hockey Club 124 dwellings) as well as this application for 85 dwellings. It is considered appropriate that this request for a contribution should be distributed across the outstanding applications evenly. This request has been passed to the agent and it is understood that no objection is raised to its payment.

Ecology

- 7.42 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 7.43 KCC Ecology originally reviewed the application and the Extended Phase 1 Habitat Survey in September 2013. They advised that the ecology information was satisfactory as far as it went, but that additional information was required in relation to Great Crested Newts, Bats and Farmland Birds to allow them to fully assess the impact of the development.
- 7.44 In November 2013, the applicants submitted a report relating to Protected Species Mitigation Measures. This report set out mitigation measures for Great Crested Newts, Bats and Farmland birds.
- 7.45 This document confirmed the presence of Great Crested Newts in and around the site and proposed on site mitigation. The proposed development could provide for a buffer strip around the site with open space enhanced as wildflower meadow with features such as hibernacula and log piles to create refugia for amphibians. It is acknowledged that the proposed mitigation would have to include a period of trapping to remove newts from the developable area and details were set out as how this would be carried out. A European Protected Species Licence to carry out these works would be required and it is noted that to obtain the licence, the surveys for newts would need to be updated.
- 7.46 The document also considers bats and highlights that the no features with potential for bats would be lost as part of the development. It also set out the importance of controlling lighting when dealing with bats and that this matter could be dealt with via a lighting condition.
- 7.47 In relation to farmland birds, the document highlighted that the hedgerows and trees within the site's boundaries would have potential for breeding birds and that these would be retained, and enhanced, as part of the proposed development. The applicants have expressed a commitment that if any clearance work is required in these areas it would be undertaken between September and the end of February.

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They also propose to incorporate bird nesting boxes into the scheme to mitigate and enhance the biodiversity of the site.

- 7.48 KCC Ecology welcomed these commitments and requested up dated Great Crested Newt studies. These studies were carried out by the applicant in April and May of this year and recorded the presence of the newts at the site. KCC Ecology have agreed the findings of the surveys.
- 7.49 KCC Ecology now confirmed that they raise no objection to the proposed development, subject to conditions and informatives.

Flood Risk and Drainage

- 7.50 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs).
- 7.51 The site is not within a high risk flood area as identified by the Environment Agency but the applicant has submitted a Flood Risk Assessment (FRA) as is required for major housing applications. Being in a low risk area, the management of surface water runoff is the main issue.
- 7.52 The FRA is proposing a sustainable drainage system which utilises permeable paving with a porous sub base for all roads, car parking areas and drives. The drainage system will also make use of the existing ponds on the site. This being an outline application, the detailed design for the development is not provided at this stage but the preliminary design works by the applicants consultants indicate that a SUDs system will be used to accommodate the 1 in 100 year rainfall event with a 30% allowance for climate change.
- 7.53 The Environment Agency raise no objection to the principle of the development at this site, subject to a condition requiring a surface water drainage scheme for the development to be submitted and agreed. This will ensure that surface water will be managed within the development to ensure flooding does not occur and ensure flood risk will not be increased off site.
- 7.54 The Upper Medway Drainage Board has advised that the development of this site has the potential to affect its interests. They raise no objection to the proposed development in principle, but recommend that the applicants assess the size and condition of the water courses around the site when developing their drainage scheme.
- 7.55 In terms of foul water, Southern Water has confirmed that there is inadequate capacity in the local network to provide foul sewage disposal for the proposed development. They advise that additional off site sewers or improvements to existing sewers would be required to provide sufficient capacity to serve the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested and request that an informative setting out the need for the applicants to enter into formal agreement with them is attached to any formal grant of planning consent.

Affordable Housing

- 7.56 The Council's Affordable Housing DPD 2006 requires affordable housing to be provided at 40% and is the current policy basis for requiring affordable housing. Emerging policy DM24 states that on housing or mixed use sites of 10 residential units or more, the Council will seek the delivery of affordable housing and sets a rate of 40% for countryside sites and rural service centres and larger villages. The Council will seek a tenure split in the borough of not less than 65% affordable rented housing, social rented housing or a mixture of the two. The balance of up to 35% of affordable dwellings delivered will be intermediate affordable housing (shared ownership and/or intermediate rent).
- 7.57 The applicant is proposing the provision of 40% affordable units (34 units), but given that this is an outline application with only access under consideration at this stage, no specific mix of tenure of the affordable dwellings is set out. An illustrative mix of units in terms of sizes for private and affordable units is set out in the Design and Access Statement, but the exact breakdown of the proposed 85 units is reserved for future consideration.
- 7.58 MBC Housing has reviewed the application and welcomes the proposed amount of affordable units proposed in the scheme. They make detailed comments on the breakdown of affordable units proposed in the Design and Access Statement, but advise that in terms of a starting point for new sites coming forward they are currently seeking 1 beds – 35%, 2 beds 30%, 3 beds 25% and 4 beds 10%. These comments are noted and will aid the applicant in designing the detail of the development.
- 7.59 The Council's Housing Team also raise the issue of design and quality standards for new development, in particular Life Time Homes, which need to be taken into consideration for the affordable housing provision.

8.0 Planning Obligations

- 8.1 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 8.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- 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.

8.3 The following contributions have been sought:

- o Contribution of £2360.96 per 'applicable' house is sought towards the build costs of extending Marden Primary School.
- o Contribution of £2359.80 per 'applicable' house is sought towards the extension of a secondary school buildings (which based on current trends) are currently used by residents of Marden.
- o Contribution of £118.73 per dwelling is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- o Contribution of £30.70 per dwelling is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- o Contribution of £8.44 per dwelling is sought to be used to address the demand from the development towards youth services locally.
- o Contribution of £8.44 per dwelling is sought used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- o Contribution of £46,322 is sought towards (forward funded and completed) extensions and works to the Marden Medical Centre.
- o MBC Parks and Leisure Team initially requested offsite open space financial contribution as it advised that Marden is currently underprovided in terms of outdoor sports facilities and allotments and gardens. They stated as there were nearby existing facilities to the site that the applicants might wish to make a contribution to those instead of providing open space on site which they would have to maintain in the future. The applicants' illustrative masterplan shows a large area of open space at the northwest corner of the site containing an equipped children's play area and allotments as well as an informal grassed area. Other areas of open space spread throughout the application site are also shown on the masterplan. The applicants advised that they wished to include open space within the site, along the lines shown on the masterplan, and it is noted that the provision of on-site open space would be required to meet their ecological mitigation obligations. The Parks and Leisure Team have reviewed the information submitted by the applicant and advise that they would not require a financial contribution if the open space were to be provided as advised by the applicant. Because this is an outline application where layout is not being considered, it is appropriate to agree the exact open space provisions at the reserved matters stage once the detailed design is known. At this stage on-site and/or off-site open space provision can be secured. As such, I do not consider it necessary to secure any provision at this stage.
- o A contribution of £17,793.05 is sought towards improvement works to Marden Station.

8.5 KCC has requested a contribution towards extension of Marden Primary school. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that the projections over the next few years, taking into account this development and those permitted, show that capacity would be exceeded. I therefore consider that the requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 8.6 There is also a request for a contribution towards the extension of applicable local secondary schools. Evidence has been submitted that the secondary schools in the local area are nearing capacity and projections over the next few years, taking into account this development and those permitted show that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 8.7 KCC have identified that there would be an additional requirement for bookstock at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 8.8 A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 8.9 A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.
- 8.10 A contribution towards adult social services to be used towards provision of Telecare' and enhancement of local community facilities to ensure full DDA compliant access to clients. 'Telecare' provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.
- 8.11 In terms of healthcare, the NHS property service request is considered directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the S106 tests.
- 8.12 A contribution of £17,793.05 is sought towards improvement works to Marden Station including a new shelter, additional seats and an upgrade to the CCTV and lighting. It is not clear at this time whether this request meets the tests and I will update Members on this at the meeting.
- 9.0 **Other Matters**
- 9.1 Sustainable development is advocated under the NPPF and the emerging Local Plan policy DM2 which sets out a requirement for residential development to achieve a minimum of Code for Sustainable Homes (or any future national equivalent) Level 4. The applicants have advised in their Design and Access Statement that it is their intention to meet that requirement. It is considered appropriate to secure this via a planning condition.
- 9.2 Other matters raised and not considered above include concerns about height and elevational treatment of the proposed dwellings, lack of integration between proposed market and affordable units, no real consultation with community and possible light pollution from the development. This is an outline application with all matters, except access, reserved for future consideration. The details of the

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development including height and elevational treatment of the proposed dwellings and the location of the affordable and market units will be submitted in detail at the reserved matter stage(s). A condition will be imposed on the application to secure the submission, and subsequent agreement, of a lighting scheme for the site. Whilst it is welcomed when an applicant undertakes consultation with the community independently of the planning application process, there is no formal requirement for them to do so. In this instance, the applicants did engage with the local community before submitting the application and have provided a Statement of Community Involvement.

10.0 CONCLUSION

- 10.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 10.2 The NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Marden is a defined rural service centre and the application site lies immediately adjacent to its boundary. The village offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane. As such, the application site is at a sustainable location, immediately adjoins the existing settlement, and is considered an appropriate location in principle for additional housing.
- 10.3 The visual impact of development at the site would be localised with the main views being largely restricted to views from the footpath crossing the site. The development would have clear and robust boundaries and the harm to the character and appearance of the area is considered to be low to medium.
- 10.4 No objections from the Environment Agency subject to conditions, and there would be no significant adverse effect on heritage assets. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity.
- 10.5 The ecological impacts of the development can be suitably mitigated in line with the NPPF and some mitigation/enhancement would be provided on-site. KCC Ecology is raising no objections.
- 10.6 There are no highway objections to the principle of the development having a singular vehicular access from Plain Road.
- 10.7 Appropriate and sufficient community contributions can be secured by a Section 106 agreement to ensure the extra demands upon local services and facilities are borne by the development, and the proposal would provide an appropriate level of affordable housing.
- 10.8 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need of 19,600 houses, and against a current housing supply of 2.0 years, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including

affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

11.0 RECOMMENDATION

Subject to:

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

- The provision of 40% affordable residential units within the application site.
- Contribution of £2360.96 per 'applicable' house and £590.24 per applicable flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School.
- Contribution of £2359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of secondary school buildings (which based on current trends) are currently used by residents of Marden.
- Contribution of £100.79 per dwelling to address the demand from the development towards additional bookstock and services at Marden library.
- Contribution of £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities within 3 miles of the application site.
- Contribution of £8.44 per dwelling to address the demand from the development towards youth services within 2 miles of the application site.
- Contribution of £18.05 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both on site and within 3 miles of the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £46,332 towards health care facilities at Marden, Staplehurst and Lamberhurst Medical Centres.
- Contribution of up to £17,793.05 towards improvements at Marden railway station (subject to further investigation demonstrating that the request is S106 compliant)

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

1. The development shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

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

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

Reason: in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in policy BE1 of the 1997 Thurrock Borough Local Plan and BEN1 of the 2003 Thurrock Unitary Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall 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 interests of amenity.

5. No development shall commence until a detailed scheme for parking and turning areas has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the building or land 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 (or any subsequent re-enacting Order) 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.

6. Prior to the commencement of development hereby approved details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to the first occupation of the development hereby permitted.

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Reason: To ensure that adequate drainage is provided for the development.

7. 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 in writing by, the Local Planning Authority.

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

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Map
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

9. The proposed gully pots and pavements shall be located and designed as recommended in the Great Crested Newt Survey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

10. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

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

Reason: In the interests of biodiversity protection.

11. The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following 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 of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

12. No development shall commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that adequate drainage is provided for the development.

13. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify those areas/features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety, amenity and biodiversity.

14. The dwellings constructed in pursuance of condition 1 will achieve Level 4 of the Code for Sustainable Homes, or any equivalent nationally applies standard in place at the time the dwellings are implemented.

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

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15. 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 with the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

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

Reason: To protect vulnerable groundwater resources.

17. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

18. No part of the development shall be occupied until a Sustainable Travel Statement, providing measures and incentives to encourage trips by alternative means to the private car and to include a Residential Travel Information Pack, 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.

19. Notwithstanding the Town and Country Planning Act and the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any subsequent re-enacting Act or Order, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grilles or ducting, satellite dishes, burglar alarms, security lighting, video cameras or floodlighting, surface wiring or pipe work shall be fixed to the external fabric of the buildings without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity and the integrity of the design.

20. No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

21. Prior to the first occupation of the development hereby permitted the visibility splays shown on the permitted plans shall be implemented with no obstruction to visibility at or above a height of 600mm when measured from the level of the

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adjoining highway carriageway and the visibility splays shall thereafter be retained and maintained as such.

Reason: In the interests of highway and pedestrian safety.

22. No development shall commence until an Air Quality Assessment has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity.

23. The development hereby permitted shall have a maximum height of two storeys.

Reason: To preserve the character and appearance of the nearby listed building.

24. The approved details of the access as shown on the submitted plans shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of highway safety.

25. The development hereby permitted shall be carried out in accordance with the approved plans.

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

Informatives:

No furniture may be erected on or across Public Rights of Way without the express consent of the highway Authority.

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Highway Authority.

There should be no close board fencing or similar structure over 1.2m erected which will block out the views.

No hedging or shrubs should be planted within 1m of the edge of the public path.

No materials can be stored on the right of way.

The granting of planning permission confers no on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk

Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. Sustainable Drainage Advisory Board (SAB) will be required in addition to

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planning consent. Recommend that the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk

No soakaway should be sited in, or allowed to discharge into, land impacted by contamination or land previously identified as being contaminated.

Only clean uncontaminated roof water shall drain directly to soakaways entering after any pollution prevention methods.

Any activities producing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to foul sewer or sealed container.

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 Environmental Health Manager (EHM) regarding noise requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby properties. Advice on minimising any potential nuisance is available from the EHM.

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

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

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

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the EHM.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Annabel Hemmings

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.

Additional consultation responses:

Southern Water (Aug 2014): No further comments.

Environmental Health (Aug 2014): *"The revised details have been reviewed and Environmental Health notes that the Residential Travel Plan, currently in draft in Appendix E will be included as part of the full planning application. Matters set out in the Air Quality Emissions Scheme requested in October 2013 will need to be adequately addressed."*

Environmental Health has no comments to make in respect of the Illustrative Site Plan and Landscape Mastermap."

Kent Police (Aug 2014): Reiterate previous comments.

KCC Public Rights of Way (Aug 2014): No objection, reiterates previous comments.

Highways Agency (Aug 2014): No objections.

Agricultural Advisor (Aug 2014): *"The proposal relates to an area of some 5.4 ha, (13.3 acres) comprising a single level field at an elevation of some 32m, which has been cropped in an arable rotation."*

The land lies in a general area shown as Grade 2 (very good quality) on the 1:250,000 scale DEFRA agricultural land classification map. Because of the limitations of the DEFRA mapping a detailed survey would be required to definitely establish whether this particular land is of that quality, but further support for it being within the "best and most versatile" (BMV) category is suggested by Cranfield University's rather more detailed Soilscape data which indicates that the land lies in a local belt of freely draining loamy soils."

Unless and until proved otherwise, I consider the land should be assumed to be of BMV quality."

At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden."

At the National Level, Para. 112 of the NPPF states:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a."

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49 19 December 2012).

As indicated above the land here appears to fall into the "best and most versatile" category and thus potentially this would be a "significant" development of agricultural land, and subject, in principle, to the above NPPF policy that points (where the development is demonstrated to be necessary) to areas of poorer quality land being sought in preference.

This particular issue does not appear to have been addressed, as far as I can see, in the documentation for this case that can be seen on-line.

The overall balance of benefits, and adverse impacts, is a matter for the local authority's planning judgement, as indicated in the above Natural England document."

Officer Comment

The additional comments from Southern Water and Environmental Health are noted and are not considered to raise new issues.

The concerns of the Council's Agricultural Advisor about the loss of an area of Grade 2 Agricultural Land are noted. In this instance, it is considered that the benefits of providing much needed housing (in view of the lack of 5 year supply), including affordable housing, at a sustainable location, and the lack of any significant overriding harm, would outweigh the loss of the best and most versatile land in this case.

Marden Parish Council

Have raised the following points:

- No drawings numbers are listed so it is not clear whether the approval is for two access points.
- The applicant originally proposed a community hall facility on-site but the Parish advised that it was preferable for improvements to the Marden Memorial Hall (Marden's existing community hall). There is no provision for in the section 106 for these improvements.
- Various comments with regard to the section 106 contributions including education, libraries, adult education, youth services, community facilities, and health care.

Officer Comment

The applicant is proposing two access points from Napoleon Drive and Plain Road and this is outlined in the Transport Assessment and clearly shown on the plans within the assessment. The detail of access is being considered under this application and if approved these two points of access would be approved. The drawing nos. and Transport Assessment will be listed under amended condition 25 as outlined below.

Improvements to the Marden Memorial Hall are not considered to pass the CIL Regulations for contributions in that they are not considered to be necessary to make the development acceptable.

Contributions have been requested by Kent County Council and the NHS who are best placed to calculate what amounts are required and where they are spent. The requests have been assessed in the main report and are considered to be pass the CIL Regulation tests.

Additional comment from local residents and planning agent:

Four additional comments have been received raising the following (summarised) points:

- How this application can still be available for public comment as the report is already on the committee agenda?
- Proper consultation has not been carried out prior to Committee.
- Clarification over what is being proposed in terms of the accesses.
- How can the Planning Committee consider an access point if the applicant does not own the land?
- The development is not following the draft Local Plan in terms of access.
- Amendments to application appear to be based on political views rather than policy.
- The majority of movements should be via Napoleon Drive, which is more sustainable.

Officer Comment

Comments on applications are accepted up to the date they are determined. Re-consultation was carried out well in advance of the Committee and in addition, once an application is on the agenda any additional comments received are publicised by way of updates to the report and are fully taken into consideration by officers and Members when the application is determined, as is the case here.

In terms of re-consultation, there was a recent problem with the Council's website. However, once this was brought to the Council's attention, the website was amended and letters were sent out to explain this. As such, I do not consider that anyone has been disadvantaged by this as the Council re-consulted and at least 14 days has been given for comments to be made on the application, prior to its determination as is the standard procedure.

Ownership of land is a private matter, the Local Planning Authority is normally only interested in land ownership to ensure that owners are aware of any consents being sought on land within their ownership. In this instance the owner of the land is aware of the planning application (and has made representation on the proposals). It would be a private matter for the applicant to negotiate with the owner of the land to secure access rights. Relevant owners have been notified within the red outline of the application site and there are no grounds to prevent the granting of the planning consent.

The draft Local Plan is an emerging document, but is a material consideration in the determination of planning applications. Whilst it has some weight, as it has now been through its Regulation 18 consultation, the weight that can be

attached to it must still be considered as limited as it has a long way to go before examination and adoption. It is not unusual for applications to be submitted (and approved) which promote alternatives to policies in adopted and emerging local plans. As stated in the committee report, KCC have no objection to access being 100% from either Napoleon Drive or Plain Road or any mix between the two. The emerging plan is still a consultation document at an early stage. The consideration of this application does not interfere with the credibility of the emerging plan.

- The applicant has made amendments in light of local views expressed and this is the choice of the applicant. The recommendation for this application has been made against the policies of the Development Plan and any other material planning considerations.
- The applicant is proposing that traffic would be split evenly between the accesses. Kent Highway has no objections to this arrangement or any increase on either access. I do not consider that the Plains Road is unsustainable.

Corrections to Report

Paragraph 8.12: The contribution towards improvements to Marden Station including a new shelter, additional seat and an upgrade to the CCTV and lighting are considered to comply with policy CF1 of the Local Plan and the CIL Regulations, which is outlined at paragraph 7.41.

Paragraph 10.6: This is incorrect as the proposal is to use accesses off Napoleon Drive and Plain Road.

Additional Condition

The following additional condition is recommended to secure the necessary highways works.

- *No occupation of the development hereby permitted shall take place until full details of the following works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:*
 - (i) *Measures to improve the bus waiting area in Plain Road.*
 - (ii) *Bus stop Improvements within the High Street, to provide raised bus boarders.*
 - (iii) *Upgrading of the existing zebra crossing to a puffin crossing on Goudhurst Road.*
 - (iv) *The provision of a new pedestrian crossing on Church Green close to its junction with the access to Marden Station.*
 - (v) *Extension of the 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.*

The approved details shall be provided prior to the commencement of the development.

Reason: In the interests of highway safety.

Correction/Amendments to Conditions

The following correction to condition 2 and amendments to condition 11 (to include a woodland area to enhance biodiversity) and condition 25 (to specify the plans) are recommended:

2. *No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development should be carried out in strict accordance with the approved details.*

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

11. *The details of landscaping, submitted pursuant to condition 1 above, shall provide for the following 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 of maintenance. The proposal shall include a woodland area on site to enhance biodiversity. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

25. *The development hereby permitted shall be carried out in accordance with the following plans.*

Drawing nos. 2242-100 (Site location plan), 2242-101E (Illustrative site plan), 2791-DR-003 Rev D (Landscape masterplan), and 'Monson Transport Assessment' and drawings contained within dated 1st July 2014.

Reason: For the purposes of clarity and in the interests of highway safety.

Recommendation

The recommendation remains unchanged subject to amendments to conditions 2, 11, and 25 and the additional condition.

The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise (to provide the contributions set out in the main report), the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** planning permission subject to the imposition of the conditions.

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AGENDA ITEM

Agenda item

MA/13/1585 - OUTLINE APPLICATION FOR 85 RESIDENTIAL UNITS WITH OPEN SPACE AND ALLOTMENTS WITH MEANS OF ACCESS FROM NAPOLEON DRIVE AND PLAIN ROAD. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND AT STANLEY FARMS, PLAIN ROAD, MARDEN, KENT

- Meeting of Planning Committee, Thursday 14th August, 2014 6.00 pm (Item 84.)
- View the background to item 84.

Minutes:

All Members except Councillor Paterson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Wits, an objector, Councillor Mannington of Marden Parish Council (against), Mr Court, for the applicant, and Councillors McLoughlin and Burton (Visiting Members) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a Section 106 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 application site;

A contribution of £2,360.96 per 'applicable' house and £590.24 per applicable flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School;

A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of secondary school buildings which, based on current trends, are currently used by residents of Marden;

A contribution of £100.79 per dwelling to be used to address the demand from the development towards additional book stock and services at Marden Library;

A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site;

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site;

A contribution of £18.05 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and within 3 miles of the development, including assistive technology and enhancement of local community facilities to ensure full DDA access;

A contribution of £46,332 to be prioritised firstly towards healthcare facilities at the Marden Medical Centre, then Staplehurst Medical Centre, and then Lamberhurst Medical Centre; and

A contribution of up to £17,793.05 towards improvements at Marden railway station;

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report with the amendment of the additional condition set out in the urgent update report and an additional condition and additional Informatives as follows:

Additional Condition within Urgent Update (amended)

No occupation of the development hereby permitted shall take place until full details of the following works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

1. Measures to improve the bus waiting area in Plain Road;
2. Bus stop improvements within the High Street, to provide raised bus boarders;
3. Upgrading of the existing zebra crossing to a puffin crossing on Goudhurst Road;

4. The provision of a new pedestrian crossing on Church Green close to its junction with the access to Marden Station; and

5. Extension of the 30mph speed limit on Albion Road to include the junction of Plain Road and to extend into Plain Road past the proposed site access.

The approved details shall be provided under a Section 276 Agreement prior to the commencement of the development.

Reason: In the interests of highway safety.

Additional Condition

Prior to construction of any impermeable surfaces on the site, details of suitable attenuation drainage ditches shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable drainage.

Additional Informatives

All construction traffic associated with this development, including operatives' vehicles, should be accommodated within the site.

All construction and operatives' traffic should use Plain Road for access to and from the development site and suitable signage should be erected to ensure this.

Wheelwashing facilities should be provided prior to commencement of work on site and for the duration of construction.

2. That an Implementation Committee should be established comprising the developer, Maidstone Borough Council Officers, the local Ward Members and a representative of the Parish Council to oversee the Implementation of this development.

Voting: 8 – For 2 – Against 2 – Abstentions

FURTHER RESOLVED: That the delegation to the Head of Planning and Development to determine any reserved matters application pursuant to this application be withdrawn and that any application for approval of the reserved matters must be reported to the Planning Committee.

Voting: 11 – For 0 – Against 1 – Abstention

Supporting documents:

- MA/13/1585 Site Plan, Item 84. PDF 6 MB
- MA/13/1585 Committee Report, Item 84. PDF 285 KB
- 13_1585 combined photos, Item 84. PDF 2 MB

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Reference number: MA/13/1585

Additional representation from Marden Parish Council:

An additional representation has been received from Marden Parish Council, which raises objection to the omission of contributions towards community facilities in the draft Heads of Terms, specifically a contribution towards the repair of the Marden Memorial Hall roof.

Members will be aware that contributions cannot be sought in order to address pre-existing problems, only to mitigate the additional burden on infrastructure which would result from the development under consideration. In this case, whilst the roof of the hall may require repair, is not a product of the proposal under consideration, and would not result in any additional provision of community facilities which would off set the additional demand for community facilities such as the Memorial Hall which may result from the proposed development. As such the request is not in compliance with the CIL Regulations.

Leaving aside the matter of compliance with the CIL Regulations, the "improvement" of infrastructure such as this is not identified in either the emerging Maidstone Borough Council Local Plan, draft Infrastructure Delivery Plan or draft CIL Charging Schedule, and there is no Development Plan standard for the provision of Community Infrastructure which may potentially have been put towards such improvements. Whilst the aspiration to secure funding for the project is set out in the draft Marden Parish Council Neighbourhood Plan, however this document is at an early stage in its preparation, having not yet been submitted to Maidstone Borough Council for formal public consultation.

There is therefore limited policy support for the request, and the request has not been fully evidenced in respect of need.

Furthermore, the monies requested by the Parish Council in respect of this application have not been sought in relation to any of the other applications for major housing development in Marden, including those on the MAP Depot, Parsonage Farm, Howland Road or Marden Hockey and Cricket Club sites. A precedent has therefore been set, and in the absence of new evidence since the time of the resolution to grant planning permission for this application on 14th August 2014, to seek the contributions by way of S106 agreement in respect of this proposal would be inconsistent, and leave the Council open to challenge.

I am aware that discussions have been ongoing between the applicant and Marden Parish Council in respect of the provision of funds for the works, however if the applicant wishes to include this within the scope of the "package" proposed, it would be required to be dealt with separately from the planning process by way of an appropriate legal mechanism between the applicant and Marden Parish Council. However, for the purposes of determining the current application, for the reasons set out above, any such arrangement cannot be taken into consideration as contributions towards the repair of the Marden Memorial Hall are not necessary to make the application acceptable in planning terms, are not compliant with the CIL Regulations, and are not supported by adopted or emerging Development Plan policy.

Recommendation:

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