

## REPORT SUMMARY

|  |  |  |              |
|--|--|--|--------------|
| <b>REFERENCE NO -</b> 15/508756/REM  |  |  |              |
| <b>APPLICATION PROPOSAL</b><br>Approval of Reserved Matters for the erection of 85 residential units, open space and allotments and access from Plain Road and Napoleon Drive (Appearance, landscaping, Layout and Scale being sought) Pursuant to Outline Permission MA/13/1585.                                  |  |  |              |
| <b>ADDRESS</b> Land Off Plain Road Marden Kent TN12 9EH  |  |  |              |
| <b>RECOMMENDATION -</b> Permit   |  |  |              |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br>The details of the reserved matters are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent. |  |  |              |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>The delegation to the Head of Planning and Development to determine any reserved matters application pursuant to outline permission MA/13/1585 has been withdrawn and this application for the approval of the reserved matters must be reported to Planning Committee. |  |  |              |
| <b>WARD</b> Marden And Yalding Ward  | <b>PARISH COUNCIL</b> Marden             | <b>APPLICANT</b> Millwood Designer Homes Ltd | <b>AGENT</b> |
| <b>DECISION DUE DATE</b><br>31/03/16   | <b>PUBLICITY EXPIRY DATE</b><br>08/02/16 | <b>OFFICER SITE VISIT DATE</b><br>18/11/15   |              |
| <b>RELEVANT PLANNING HISTORY:</b>  |  |  |              |
| <b>App No</b>  | <b>Proposal</b>                          | <b>Decision</b>                              | <b>Date</b>  |

- MA/13/1585 - Outline application for 85 residential units, with access considered and all other matters (appearance, landscaping, layout and scale) reserved for future consideration - Approved

## MAIN REPORT

### 1.0 Site description

- 1.01 The application site is an irregular shaped parcel of land to the south of the village of Marden, which extends some 5.4 hectares and is currently arable farm land with hedges and trees to its boundaries. The north-western area of the site contains an existing pond, water course and existing mature trees and hedgerows; and beyond this lies a large area of Orchard which benefits from outline planning permission for 144 dwellings (The Parsonage – MA/13/0693). The south-western 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 outside the ownership of the applicant.
- 1.02 The application site is bound by residential development to the north, east and south-east by residential development, with the south-western boundary of the site abutting open fields. The western boundary of the site contains mature trees and hedgerows alongside which a public footpath runs providing access to the village centre to the north of the site via the recreation ground.

- 1.03 Access to the site is available via the existing agricultural access at Napoleon Drive and there are three public footpaths which run through 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 (to the north).

## **2.0 Background history**

- 2.01 Planning application MA/13/1585 was reported to Planning Committee on the 20<sup>th</sup> August 2015, where it was resolved that the Head of Planning and Development be given delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement.

## **3.0 Proposal**

- 3.01 This reserved matters application relates to outline planning permission MA/13/1585 which was for 85 residential units. Access was for approval under the outline application with all other matters reserved for future consideration. As such, this application is now only assessing the appearance, landscaping, layout and scale of the development that has already been approved.
- 3.02 The approved vehicle access for the site is from both Plain Road and Napoleon Drive, with a 50/50 split of houses served by each access (42 from Plain Road and 43 from Napoleon Drive); and there are 131 allocated parking spaces, 83 garage spaces, and 23 visitor spaces.
- 3.03 The proposal scheme is relatively loose knit and ununiformed in terms of layout with mostly detached properties spaced out within the southern half of the site, with the smaller properties towards the northern end of the site where the density does become higher. The affordable housing is located within the northern-most corner of the site, closest to the village centre; and a large area of undefined open space is located in the north-western edge of the site, which includes a new wooded area, and the retention of the ponds.
- 3.04 The site area is some 5.4ha, and its boundaries have been kept soft on the whole, with existing planting retained and enhanced. The open space to the north-west of the site; the centrally located triangular green; and the good number of front gardens, also allows for a landscape-led approach through-out the site.
- 3.05 In terms of surfacing, the applicant has also confirmed that different colours of permeable paving would be used to all access roads, shared access ways and private roads. Tarmac would be used for the new footpaths through the site, with sections of the existing rights of way being left as grass. The house types vary, but all are 2 storey in height; and in terms of external building materials, the following palette will be used:
- *Facing stock brick*
  - *Vertical plain tile cladding*

- Plain tiled roofs
- Open timber eaves/barges
- Weatherboarding cladding
- Slate roofs

3.06 As established under the outline permission and Section 106 agreement, there is 40% affordable housing provided (with tenure split of 65% rental & 35% shared ownership); and the KCC Education, healthcare and Marden station improvement contributions have been agreed.

#### **4.0 Policies and other considerations**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T1, T2, T3, T13, T23, CF1, CF3
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)
- Open Space DPD (2006)
- Draft Maidstone Borough Local Plan
- Marden's Neighbourhood Plan area - agreed by Council 14/01/13
- Marden Village Design Statement

#### **5.0 Consultee responses**

5.01 **Marden Parish Council:** Wish to see the application approved;

*"Several members of the public were in attendance and the majority of their comments have been incorporated in the Cllrs response. Cllrs feel that the access distribution is a compromise. Cllrs welcome the overprovision of parking overall. The provision of parking, including visitor parking, is not adequate in the affordable housing area, bearing in mind this site is a rural location this is likely to generate more car ownership Cllrs recommend that parking restrictions are put in place at the Roundel Way/Albion Road Junction.*

*Cllrs welcome the provision of open space but recommend that it is safeguarded and be maintained through legal agreement and the Parish Council wishes to have the right to be consulted on the use, for the future. Cllrs would hope to see the provision of suitable play equipment in the public open space.*

*Cllrs state allotments are referred to in the Plan Description but are unable to find site or detail of proposed allotments. Should MBC be minded to approve the allotment provision Marden Parish Council will not manage them.*

*Cllrs are happy that the public footpath is accessible. Cllrs support the connectivity of the site through various footpaths (KM281 & KM283) and roads, but query the fact that the public footpath that runs north/south past plots 62 and 63, and 84 and 85, appears to cross a private drive and need assurance that the footpath will be retained.*

*Cllrs like the sympathetic use of materials and design. The vernacular is pleasing and in keeping with the local style. Cllrs would like to see prior to approval, a full and robust surface water management plan incorporating SUDS and the maintenance thereof.*

*Cllrs appreciate the balanced split within the site but wish to reiterate again that they are concerned about road safety in Roundel Way and Napoleon Drive and at the southern access from Plain Road and ask that a robust traffic management*

*plan is put into place for access to both north and south accesses which is fully implemented prior to the development commencing. Cllrs unanimously approve this application."*

And after reconsultation:

*"Marden Parish Council had not objection however wished for the following to be noted and/or for clarification on:*

- (a) Essential to soften the PROW boundary adjacent to plots 65, 69, 71 and 75;*
- (b) The Parish Council requests that they are consulted when the diversion order for the PROW is submitted;*
- (c) The difference in colour of the roadways was noted however there was no key indicating the reasons. Clarification was requested on the classification of the roadways and the private drive indicated adjacent to plot 84;*
- (d) That no gated areas for vehicles be permitted on the development;*
- (e) The additional tree planting on the Proposed Site Plan (Drawing No. 2242-111A) is not detailed on the Landscape Planting Plant 04 (Drawing No. 2791\_DR\_007)."*

- 5.02 **KCC Highways:** Raises no objection.
- 5.03 **Landscape Officer:** Has no further comments to make.
- 5.04 **Biodiversity Officer:** Raises no objection.
- 5.05 **Conservation Officer:** Raises no objection on heritage grounds.
- 5.06 **Housing Team:** Have raised comments.
- 5.07 **Environmental Health Officer:** Has no further comments to make.
- 5.08 **KCC Public Rights of Way Officer:** Raises no objection.
- 5.09 **Environment Agency:** Wishes to make no further comment.
- 5.10 **Southern Water:** Has no further comments to make.
- 5.11 **KCC SUDS:** Raise no objection.
- 5.12 **KCC Archaeology Officer:** Raises no objection.
- 5.13 **Upper Medway IDB:** States condition 6 (foul and surface water drainage) should not be discharged.
- 5.14 **Kent Police:** Recommend condition to be imposed requesting details of measures to minimise the risk of crime to be incorporated into the development.
- 5.15 **Parks and Open Space:** Have requested contribution of £384 per dwelling, giving a total of £32,640 which would be utilised on improving the existing play areas at Napoleon Road and Marden Playing Fields.

## **6.0 Neighbour responses**

- 6.01 13 representations received raising concerns over:
- Pressure on local infrastructure/services
  - Highway safety/impact on local road network/access
  - Split of houses served by the 2 accesses
  - No allotments proposed
  - Loss of privacy
  - Potential damage to properties
  - Flood risk/surface water drainage
  - What street lighting is proposed/pollution
  - Location and density of affordable housing

## **7.0 Principle of development**

- 7.01 The principle of 85 dwellings on this location (with access considered) has already been accepted under outline application MA/13/1585, the decision to which was issued in September 2015. This reserved matters application is therefore only concerned with the details of the development.
- 7.02 Policy H1(45) of the Regulation 19 draft Local Plan allocates this site for residential development, and it states that access will be taken from Plain Road only. However, access has already been approved under MA/13/1585 and no highway safety issues have been raised. This matter is not for consideration under this current reserved matters application.

## **8.0 Layout, appearance and scale**

- 8.01 No design codes or scale, layout and appearance parameters were set under the outline permission, except for ensuring that there is no development above two storeys in height. This was to protect the setting of the adjacent Grade II listed Jewel/Bishop House, and no building within the site is greater than 2 storeys. Prominent corner plot buildings have dual aspects, providing good levels of visual interest; there is an informal feel to the development when entering the site from both entrances, given the set back and orientation of buildings and the planting proposed; the higher density development is rightfully positioned in the northern corner of the site, closest to the village centre; the buildings are of a traditional design, in keeping with the village setting; and the road network does not dominate the scheme, with the layout defined by the position of the houses. In addition, the proposed layout has retained a large area of open space and enhanced woodland area; and the loose-knit and landscape lead approach is well suited to the site's edge of village location. The soft landscaped edges of the southern and western boundaries also help the transition from the built form of the development into the countryside beyond; and the public footpaths have been well integrated and add interest and security to the development.
- 8.02 The applicant has confirmed that the buildings would have a mixed palette of stock brick, tile hanging; open timber eaves and barges; plain roof tiles; weatherboarding cladding; stock brick plinths; and slate roof tiles; and the style of buildings are traditional in design. I am satisfied with

this choice and variation of vernacular and consider it appropriate for the site's edge of village location. For clarification, details and samples of external materials to be used are required under the outline permission and this will ensure a satisfactory appearance to the development.

- 8.03 In terms of hardstanding, the proposal would largely use block paving (Brett Alpha Flow: 'Charcoal' for access roads, 'Brindle' for shared access ways and 'Autumn Gold' for private drives), with tarmac kept to a minimum and used for the pavements. I am satisfied that this detailing is appropriate and it would ensure a satisfactory appearance to the development.
- 8.04 A plan has been submitted that details boundary treatments to be used and where. Garden areas are largely to be enclosed by 1.8m high close boarded fencing; and 1.2m high estate railings and post and rail stockproof fencing would be used through-out the site. Importantly, the more visually prominent plots would make use of 1.8m high brick walling, such as corner plots and the properties adjacent the footpath to the south of the open space. I am also satisfied that the mix of walling and low level estate railings along the southern boundary of the open space would provide an attractive edge. For clarification purposes, I am satisfied that the submitted details allows for condition 3 (boundary treatments) of MA/13/1585 to be fully discharged. Furthermore, and in the interests of amenity, outstanding pre-commencement conditions 12 and 15 of the outline permission require details of a lighting plan and finished floor levels. Pursuant to the matter of appearance, a condition will also be imposed requesting details of how renewable energy will be incorporated into the scheme.
- 8.05 The proposed layout would also provide acceptable living conditions (both internally and externally) for future occupants of the proposed development, in terms of privacy, outlook, light, and outdoor amenity space. In addition, given the existing and enhanced levels of boundary planting shown; the appropriate use of boundary treatments; the orientation and fenestration detail of the new dwellings; and the separation distances between the development and existing properties, I am satisfied that the proposal would not have a detrimental impact upon the residential amenity of local residents. Whilst the development is satisfactory in terms of its scale, design and layout, I consider it reasonable to remove each property's permitted development rights to extend in order preserve the character of the development and to ensure that the appearance of the scheme and the amenity of future occupants are respected.
- 8.06 The proposal would contribute to the character and appearance of the surrounding area and it is sufficiently varied in terms of its design to provide vitality and interest; and it would not appear out of character with the surrounding area. I therefore raise no objection to the development in terms of its scale, appearance and layout.

## **9.0 Landscape/arboricultural implications**

- 9.01 This application includes a landscape Maintenance Schedule, a soft landscape specification, and a detailed landscape/planting scheme; and the assessment has been based on the detailed Lloydbore planting plans and not the proposed site layout. I am satisfied that the proposed landscape details fulfil condition 11 (landscaping scheme) of the outline permission in that 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 have been submitted and accepted; and that a woodland area (along the northern boundary of the site) has been provided to enhance biodiversity within the site.
- 9.02 It should also be noted that through further negotiations with the applicant, the planting along the eastern boundary has been enhanced to provide a softer buffer for the adjacent Grade II listed Jewel/Bishop House; the woodland area to the north of the public open space has been noticeably enlarged; and the south-western boundary planting (opposite plots 74-78) now includes larger and more beneficial areas of meadow planting.
- 9.03 On review of the Lloydbore detailed planting plans, the Landscape Officer raises no objection to the proposal on arboricultural/landscaping terms; and whilst the species selection is not totally in accordance with the species list for the area in the Council's landscape guidelines, on the whole appropriate native species have been proposed. In particular, given the proportion of Oaks planted within the scheme overall, the Landscape Officer views this as acceptable and does not consider it necessary to have this amended. On this basis, I raise no objection and would consider it unreasonable to request further changes to what I consider to be a high quality landscaping scheme, or to refuse this application on these grounds alone.

## **10.0 Highway implications**

- 10.01 Access was considered and approved under the outline permission, and for clarification purposes the Plain Road access would serve 42 dwellings and the Napoleon Drive access would serve 43 dwellings (which is a 50/50 split).
- 10.02 The submitted plans have also shown acceptable parking and turning areas within the site; and the Highways Officer has also raised no objection in terms of parking provision, turning areas and impact on the local road network. I therefore raise no objection in terms of highway safety or parking provision. For clarification purposes, I am satisfied that the submitted details allows for condition 5 (parking/turning areas) of MA/13/1585 to be fully discharged.
- 10.03 Highway works, as requested by KCC Highways, have been dealt with by way of condition under the outline permission; the transport contributions for the upgrade works of Marden Station have been dealt with in the agreed Section 106 agreement; and the development cannot commence

until a Sustainable Travel Statement has been submitted to and approved in writing by the local planning authority.

Public rights of way

10.04 Following further negotiations with the KCC Rights of Way Officer, the applicant has amended the layout as follows:

- *The houses for plots 65 & 84 have been repositioned off the line of the north-south route of KM283.*
- *Plots 66 & 85 currently remain unaltered allowing for diversion order under the Town & Country Planning Act*
- *The driveway in front of plots 9 – 12 has been altered to fully accommodate footpath KM281. KCC have asked the applicant to look at applying to divert this route onto the line of the new footpath in front of plots 13, 14, 64 & 63 in due course, although this would need to be done under the Highways Act.*
- *The houses for plots 72 & 73 have also been slightly repositioned to avoid the east – west route of footpath KM283.*

10.05 The KCC Public Rights of Way Officer has worked with the applicant to reach this position and has raised no objections to the layout, or to have the footpaths diverted in the future. There is no reason to discuss the details of future applications for footpath diversions and I am therefore satisfied that the application can proceed on this basis.

### **11.0 Biodiversity implications**

11.01 Under MA/13/1585, an Extended Phase 1 Habitat Survey was submitted along with Great Crested Newt (GCN) surveys and a report relating to Protected Species Mitigation Measures for Great Crested Newts, Bats and Farmland birds, and no objections were raised by the Biodiversity Officer.

11.02 It was identified that a medium population of GCN were present within the site. The GCN mitigation has helped to inform the detail of the landscaping scheme, which incorporates a vegetated buffer strip around the whole of the site and the enhancement of existing hedgerows which retains connectivity for GCN within the development (particularly along western boundary). The Biodiversity Officer is satisfied with the details of the incorporated buffer strip, and raises no objection in this respect. As well as the ecological buffer, the submitted details also show wildflower meadow planting; enhanced woodland planting; additional native planting within the site; log/brush piles; hibernaculas; and indicative locations of bird and bat boxes (to be agreed under condition 18 of the outline permission). Furthermore outstanding pre-commencement conditions 12, 13 and 18 of the outline permission, require details of a lighting plan (to consider impact upon bats), kerb stone/crossing points which shall be of a wildlife friendly design and bird nesting boxes and swift bricks to be incorporated into the development, which will secure adequate ecological enhancement.

11.03 On review of the amended Landscape and Environmental Management Plan (LEMP) and the Landscape Maintenance Schedule (LMS), the Biodiversity Officer is satisfied that they have provided a good understanding of how the site will be managed, who will undertake the



management of it, and how this will be secured. The management of the site will be implemented as detailed within the LEMP and the LMS, as secured by condition. For clarification purposes, I am satisfied that the submitted details allows for condition 8 (details of a LEMP) of MA/13/1585 to be fully discharged.

11.04 The Biodiversity Officer has also commented that a walk over of the site must be carried out at the same time as the GCN monitoring surveys to ensure that the management is being carried out as agreed. It is reasonable to secure this by way of condition, as it is related to the proper carrying out of the monitoring as required under condition 8 (LEMP) of the outline permission.

## **12.0 Heritage implications**

12.01 The proposed scheme is limited to 2 storey buildings only (as secured by condition 21 of MA/13/1585); additional tree planting has been negotiated along where the eastern boundary adjoins the rear boundary of the grade II listed Jewel/Bishop House; and no building would be within 15m of this section of eastern boundary. I am therefore satisfied that this proposal would not cause detrimental harm to the setting of the grade II listed property Jewel/Bishop House, and the Conservation Officer also raises no further objection.

12.02 As considered under the outline permission, the development would not adversely affect the character, appearance or setting of Marden Conservation Area; and the issue of archaeology has been dealt with under the outline permission, through the imposition of a suitable condition. I therefore have no further comments to make on these issues.

## **13.0 Community infrastructure and affordable housing**

### Open space

13.01 Under the outline application, the illustrative masterplan showed a large area of open space at the north-western corner of the site containing an equipped children's play area and allotments as well as an informal grassed area and other areas of open space spread throughout the site. By including open space within the site, and the Parks and Leisure Team advised that they would not require a financial contribution if the open space were to be provided as shown on the illustrative plans. As layout was not for consideration at the outline stage, it was considered appropriate to agree the exact open space provisions at the reserved matters stage once this detailed design was known. As such, no contributions were sought at the outline application stage.

13.02 The allotments and play area previously shown have been omitted from this reserved matters application. However, the development will continue to provide the same level of on-site open space, just in a less specific capacity; and it should also be noted that neither the allotments nor the play area were secured by condition or required under the agreed Section 106 legal agreement.

- 13.03 A new play area is not considered essential given that there is an established play area less than 200m away to the north of the site which will be easily accessed from the development site through the existing footpath network; and I do not consider it reasonable to refuse the application on the grounds of there being no play area.
- 13.04 In terms of the allotments, the applicant is of the view there will be little demand for them, based on previous uptake on another development; and as the site's future management company will be responsible for the management and maintenance of all of the open space, the management of vacant allotments will only add to the management charges for each resident. There has been no substantial objection from Marden Parish Council regarding the allotments not coming forward, and they have also made it clear they would not want to take on their management. The Parks and Open Space Team have also raised no objection in this respect and would not adopt the allotments either. So whilst the Green Spaces Strategy states there is an under provision of allotments and community gardens in Marden and Yalding of 0.12ha per 1000 population, in this instance I do not consider there to be grounds to refuse the application on this issue alone.
- 13.05 This reserved matters application has now removed the play area and allotments from the scheme, and so it is considered highly likely by the Parks and Leisure Team that residents of the new development would now seek formal aspects of play in the surrounding areas, and so an off-site financial contribution is now being requested in lieu of it being provided on-site.
- 13.06 Taking into account the provision of other categories of open space on site the Parks and Leisure Team would not seek the full amount of £1575 per dwelling. Instead, a contribution of £384 per dwelling (giving a total of £32,640) is sought. This money would be utilised on improving the existing play areas at Napoleon Road and Marden Playing Fields. I agree that a development of this nature is likely to place extra demands on local facilities and it is important to ensure that the development can be assimilated within the local community, in accordance with policy CF1 of the Local Plan.
- 13.07 These play areas are within a 1 mile radius of the proposal site, and I am satisfied that the use of the contributions proposed would be related to this development and there is a good indication as to how the money will be spent. Moreover, the Council's Open Space DPD requires applicants to provide open space on site, and when open space cannot be provided on site, off-site contributions are sought to improve the facilities within the locality, to ensure that the additional strain placed upon open spaces is addressed. I am therefore satisfied that the contribution request would be policy compliant in this respect, and would be in accordance with Regulation 122 and 123 of the Act. The applicant has also agreed to meet this contribution.

Affordable housing

13.08 In terms of the affordable housing, the proposed development would provide:

- 1 bed flats – 12 units
  - 2 bed flats & flats over garages (FOGs) – 8 units
  - 2 bed houses – 3 units
  - 3 bed houses – 7 units
  - 4 bed houses – 4 units
- TOTAL: 34 dwellings (40%)*

13.09 The Council's Housing Team are satisfied that this represents an acceptable range of unit sizes, and it is acknowledged that the applicant has listened to their original comments and incorporated more 1 bed units in to the development. The following tenure split has also been proposed (65% rented and 35% shared ownership as stated in the legal agreement):

| Size         | Total Units | Rental    | Shared Ownership |
|--------------|-------------|-----------|------------------|
| 1-bed        | 12          | 8         | 4                |
| 2-bed        | 11          | 7         | 4                |
| 3-bed        | 7           | 4         | 3                |
| 4 -bed       | 4           | 3         | 1                |
| <b>Total</b> | <b>34</b>   | <b>22</b> | <b>12</b>        |

13.10 On this issue of tenure split, the Housing Team state that it is very near to what they are offering, but that the one issue would be for the provision of a 4-bed shared ownership property as there is no identified need for this in the area and there is also the issue of affordability for a property of this size. It is preferable to the Housing Team that this unit becomes an affordable rent unit and in turn one of the 2-bed affordable rent units becomes shared ownership to keep the tenure split the same.

13.11 The applicant is reluctant to alter the proposed tenure split and have confirmed that they have received positive responses from Registered Social Landlords they have approached, confirming a need for such a sized property. It should also be noted that the applicant has made considerable changes in the proposed affordable housing provision from the outline application stage based on the previous advice of the Housing Team. I therefore raise no objection with the proposed tenure split and would consider it unreasonable to refuse this application on these grounds alone.

13.12 The Housing Team did raise concerns with the affordable units being placed in one area of the site as developments should be, as far as is reasonably possible, tenure blind and incorporated better into a scheme. In response, the applicant explained a number of reasons why the scheme has been laid out in this way. In summary:

- *To fully meet mix of affordable units (particularly the number of 1 & 2 bed flats), it is necessary to create viable blocks of flats and a relatively high density of development, which is logical to locate closest to the village.*
- *Affordable housing is served by both access points (50/50 split), meaning these 2 areas have no relationship with each other in this sense.*

- *The location of affordable housing enables the delivery of all units as part of the first phase which could see all of it being delivered within 18 months of development.*
- *Negotiations with registered housing providers over transferring these units to them have started and they are supportive of approach.*
- *Care has been taken with design of properties, and there will be no distinction between materials used on private and affordable units.*

13.13 Whilst the Housing Team comment this situation is not ideal, given the specific issues and circumstances of this proposed development, they can understand the reasoning and no objection has been raised on this matter.

#### **14.0 Other considerations**

14.01 In terms of flood risk, no objection was raised under the outline permission and a condition was imposed requesting full details of surface water drainage system to be submitted for approval. Under this application, the applicant has also confirmed that the proposed SUDS scheme would include the use of permeable surfacing; the soil investigations have illustrated that there is reasonable permeability on the site in the northern part with more limited in the south towards Plain Road; any remaining storm water will be linked to 2 balancing ponds; and the ponds will then be linked to the existing adjoining watercourses in both Napoleon Drive and Plain Road. The KCC Flood Risk Project Officer raises no objections in terms of determining this application based on this information, and is satisfied that the detailed scheme can be dealt with by way of the already imposed surface water drainage condition. This is also as recommended by the Upper Medway Internal Drainage Board. Discharge of foul systems to serve the development has been dealt with by a submission of details condition imposed under the outline permission.

14.02 The Kent Police Crime Prevention Design Advisor has requested details of measures to minimise risk of crime to be incorporated within the scheme. However, the proposal is considered acceptable and I do not consider the need to incorporate crime prevention measures outweighs the benefits of this application. It should also be noted that this detail was not secured at the outline stage and so cannot now be insisted upon, in accordance with the NPPG which states that only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.

14.03 The application has demonstrated that there would be satisfactory facilities for the storage of refuse on the site and so I raise no objection in this respect. For clarification purposes, I am satisfied that the submitted details allows for condition 4 of MA/13/1585 to be fully discharged. The Environmental Health Officer has raised no objection to the proposal in terms of noise and air quality; and the issue of land contamination has been dealt with under the outline permission. No further objections are therefore raised on these issues.

14.04 With regards to the Marden Parish Council and neighbour representations received, the issues of pressures on local infrastructure/services; access; highway safety; Flood risk/surface water drainage; and lighting were considered under the outline application. The other issues raised (no allotments; open space provision; footpath access; loss of privacy; and location and density of affordable housing) have been considered in the main body of this report. I would also add that potential damage to neighbouring properties is not material planning consideration, and the application cannot be refused on these grounds alone; and parking restrictions (which are also outside the site) cannot be considered under this planning application. The applicant has also confirmed that there is no intention of adding any gates to 'private' drives; and that all roads will be unadopted and be the responsibility of the management company.

## **15.0 Conclusion**

15.01 The issues raised by the local residents and Marden Parish Council have been addressed in the main body of this report. For the reasons outlined, I am of the view that this sustainably located proposal would not cause any demonstrable harm to the character and setting of the surrounding area; it would not harm the amenities of existing or future residents; it would not result in adverse highway safety conditions; and no ecological, flood risk or sewerage disposal objections are raised. It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis subject to a legal agreement as set out below.

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

- *Contribution of £384 per dwelling to be used on improving the existing play areas at Napoleon Road and Marden Playing Fields*

**THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS SET OUT BELOW:**

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (2) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (3) Pursuant to condition 8 of MA/13/1585, a walk over of the site must be carried out at the same time as the Great Crested Newt monitoring surveys to ensure that the management is being carried out as agreed; and if required the walk over survey and GCN monitoring surveys must inform updates of the site management plan;

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.

- (4) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: In the interests of visual amenity and to ensure an energy efficient form of development.

- (5) The development hereby permitted shall be carried out in accordance with the following documents and approved plans: 2242A-201, 202, 203, 206, 207, 208, 211, 213, 214, 215, 216, 2019, 222, 224, 227, 229, 230, 231, 232, 233, 236, 237, 239, 241, 242, 243, 244, 245, 246, 248, 249, 250, 251, 253, 254, 257; and 2242-258, 259, 260, 261 Rev A, 262, 263 and 264 received 23/10/15; Soft Landscape Specification received 27/10/15; 2242A-200A, 204A, 205A, 209A, 210A, 212A, 217A, 218A, 220A, 221A, 223, 226A, 228A, 234A (plots 60, 61 & 62), 238A, 240A, 247A, 252A, 255A and 256A received 05/11/05; 2242A-100 Rev A and 225A received 09/11/15; 2242A-112 Rev C, 113 Rev C, 114 Rev C, 115 Rev C and 116 Rev C received 05/02/16; received 08/02/16; 2791\_DR\_004 Rev C, 005 Rev C, 006 Rev C, 006 Rev C, 007 Rev C and 008 Rev D received 09/02/16; and 2242-111A received 10/02/16; and 2791\_DR\_009 Rev D, Landscape and Ecological Management Plan and Landscape Maintenance Schedule received 25/02/16;

Reason: To ensure the quality of the development is maintained and to prevent harm to highway safety.

## INFORMATIVES

- (1) For the avoidance of doubt, conditions 2, 6, 7, 12, 13, 15, 16, 18, 20, 23 and 24 remain outstanding and details still need to be submitted for approval to the local planning authority.
- (2) The applicant is advised to provide construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; measures to prevent the discharge of surface water onto the highway; and wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (3) The applicant is advised to discuss the details of the surface water drainage strategy with the KCC Flood Risk Project Officer before seeking to discharge condition 6 of MA/13/1585.
- (4) The applicant is advised to submit a public footpath diversion under the Town and Country Planning Act before works commence on the houses that will affect the relevant Public Right of Way.

Case Officer: Kathryn Altieri

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.