

**CABINET MEMBER FOR
PLANNING, INFRASTRUCTURE
AND ECONOMIC DEVELOPMENT**

8 December 2023

Marden Conservation Area Appraisal and Management Plan

Timetable	
Meeting	Date
PIED PAC	7 December 2023
Decision to be made	8 December 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Planning, Infrastructure and Economic Development
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Jeremy Fazzalero
Classification	Public
Wards affected	Marden

Executive Summary

This item is to consider whether to approve the draft Marden Conservation Area Appraisal and Management Plan documents for public consultation purposes. The proposed Conservation Area Appraisal and Management Plan (known as CAAMP) recognises and summarises the significance and character of Marden, and provides a framework system to ensure that this character is protected or enhanced.

The Management Plan, if approved, would set out a framework for conserving, enhancing, and managing development in the Marden Conservation Area to ensure that it retains its special qualities as required by the Conservation Area designation under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A new Management Plan would fulfil the Council's duty to prepare proposals for the preservation and enhancement of conservation areas. Failure to approve the Management Plan would mean that this duty was not observed.

The Marden Conservation Area Appraisal and Management Plan would provide a stronger base for development management decisions in resisting inappropriate

developments. The proposed extension to the Marden Conservation Area was considered as part of the regular review of the conservation area boundary which was undertaken with the conservation area appraisal.

Marden was first designated in September 1977 and the boundary had not been reviewed since that time. The records relating to the designation are no longer available. The Appraisal states that the conservation area boundary is still relevant in the most part as it draws a clear line around the appropriate area which is compact and contained. Parish councillors have requested consideration is given to extend the boundary of the conservation area to include a group of Victorian terraces opposite Jewel Grove.

Purpose of Report

Recommendation to Cabinet Member

This report makes the following recommendations to the Cabinet Member for Planning, Infrastructure and Economic Development: That

1. The Conservation Area Appraisal and Management Plan for Marden Conservation Area, attached at appendix 1 to the report, be approved for public consultation; and
2. Delegated powers be given to the Head of Development Management to undertake the necessary statutory requirements to undertake public consultation for the Marden Conservation Area Appraisal and Management Plan.

Marden Conservation Area Appraisal and Management Plan

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place • Accepting the recommendations will materially improve the Council's ability to protect the historic environment. 	Landscape Team Leader
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of encouraging protection of the heritage at Marden and within the borough.</p>	Landscape Team Leader
Risk Management	Already covered in the risk section	Landscape Team Leader
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Director of Finance, Resources and Business Improvement
Staffing	We will deliver the recommendations with our current staffing.	Landscape Team Leader
Legal	Pursuant to s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") the Council, as the local planning	Planning Team Leader

	<p>authority, is under a duty (from time to time) to review the conservation area.</p> <p>Pursuant to s.71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council, as the local planning authority, is from time to time required:</p> <p>(1) under a duty to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.</p> <p>(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.</p> <p>(3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.</p>	
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Housing and Inclusion Team Leader
Crime and Disorder	No anticipated impact	Landscape Team Leader
Procurement	None required	Landscape Team Leader
Biodiversity and Climate Change	Conservation Areas can be used to offer further protection, including to trees and open spaces, which ensure a wide range of benefits to local nature recovery and residents health and wellbeing. This report aligns with 'Enhancing and increasing biodiversity' actions in the Council's Biodiversity and Climate Change Action Plan.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to review their conservation areas from time to time to consider whether they should be amended, are still worthy of being designated and the possibility of revising their boundaries and to identify changes and pressures which may affect the original reasons for their designation.
- 2.2 In order that informed decisions can be made on planning applications it is important to identify the special character of conservation areas which are proposed for preservation and enhancement. The Conservation Area Appraisal and Management Plan allows for an informed decision to be made by recognising the character of the Conservation Area and providing a framework of actions.
- 2.3 The first part of the document, the appraisal, identifies the key elements which combine to produce the special historic and architectural interest of the Conservation Area and considers how they interact and impact upon one another and explains how the area has developed into their current form. It seeks to identify pressures and developments which threaten the special character of the Conservation Area, and sites and features which detract from the character and appearance of the Conservation Area. The clear understanding of the Area's qualities provided in the appraisal offers information to guide future policies and improvements as well as providing a framework against which decisions on individual planning proposals may be assessed. This is further elaborated upon, in the second part of the document: the management plan.
- 2.4 Marden Conservation Area consists of three different character areas, High Street, Church Green and Pattenden Lane. The High Street is the historic core of the village with a range of buildings of different building types including Wealden Hall Houses, Victorian terraces and detached buildings. The Church Green is centred around the Church of St Michael and All Angels which is an important local landmark and community facility. Pattenden Lane comprises a mix of detached and terraced properties of traditional vernacular materials including brick built and weatherboarded properties dating from the between the 18th-20th century and sited on irregular plots. The variety of architectural styles, materials and built form contribute to the special character of the conservation area.
- 2.5 The Appraisal states that the conservation area boundary is still relevant in the most part as it draws a clear line around the appropriate area which is compact and contained. Parish councillors have requested consideration is given to extend the boundary of the conservation area to include a group of Victorian terraces opposite Jewel Grove. Careful consideration has been given to this request, but due to the position of the Victorian buildings, the separation distance between the boundary of the conservation area and the buildings, and the modern development in-between it is considered they are not suitable for inclusion in the Conservation Area. However, they will be afforded protection on the local list. This would help ensure they are afforded protection and will ensure they are a material consideration in the planning process.

- 2.6 Resulting from the findings of the appraisal, the management plan contains proposals to preserve or enhance Marden Conservation Area. The document includes the policy background to the management plan, principles for development control, and, where appropriate, suggested boundary alterations. It also contains information on review and good practice procedures.
- 2.7 The Marden Conservation Area Appraisal and Management Plan (CAAMP) has been written in accordance with guidelines set down by Historic England and the National Planning Policy Framework (2023). This has been drafted for Cabinet Member approval to enable a consultation process to be carried out in accordance with the Planning Act 1990 requirements under section 71(2). This will include the following bodies and individuals:
- a) Historic England
 - b) Kent County Council Heritage Unit
 - c) Ward Members
 - d) Marden Parish Council
 - e) Any other relevant organizations with an interest in Marden
- 2.8 In addition, copies will be placed on the Borough Council's website and in the local library. A formal notice will be published in the London Gazette and a local newspaper (KM), as per the Planning Act 1990 requirements under section 70(8) and there will also be a press release. This should ensure that the combined appraisal and management plan documents are brought to the attention of the local public.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – That the report recommendations be approved.
- 3.2 Option 2 – That the recommendations not be approved. If not approved there is a risk that Maidstone Borough Council are failing to comply with the requirements of the Planning (Listed Building and Conservation Area) Act 1990.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is 3.1
- 4.2 By approving the public consultation for the Marden Conservation Area Appraisal and Management Plan, this provides a clear steer on enabling the council to take appropriate action and engagement to protect our heritage.
-

5. RISK

- 5.1 There is not anticipated to be any discernible risk associated with the report and its recommendations. Any risk has been assessed with regard to the Council's risk management principles.

6. CONSULTATION

6.1 The combined document will be the subject of repeat consultation in accordance with the Planning Act 1990 and Historic England Guidance. This will include the following bodies and individuals:

- Historic England
- Kent County Council Heritage Unit
- Ward Members
- Marden Parish Council

6.2 The matter was considered by the Planning Infrastructure and Economic Development Policy Advisory Committee on 7 December 2023, with support expressed for the report recommendation.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The report and guidance, if approved, will be available on the MBC website. If approved by the Cabinet Member the guidance will be available to assist in the consideration of planning applications.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Marden Conservation Area Appraisal and Management Plan (CAAMP)
-

9. BACKGROUND PAPERS

N/A