

APPLICATION: MA/13/0693 Date: 22 April 2013 Received: 22 April 2013

APPLICANT: The John Hall Voluntary Settlement, (and H E Hall and Son Ltd.)

LOCATION: THE PARSONAGE, LAND EAST OF GOUDHURST ROAD, MARDEN, KENT

PARISH: Marden

PROPOSAL: Outline planning application for a residential development of up to 144 dwellings (use class C3), including allotments, open spaces, infrastructure, landscaping, access and associated works with details of access and layout provided at this stage as shown on drawing no.s 13001/OPA-D01, D02, D03, D04, D05, D06, D07, Site Access Plan ref:100, Landscape Masterplan 2682/PS001 together with Design and Access Statement 13001/DAS PL-001; Landscape and Open Space Strategy 2682/R001-A; Planning Statement April 2013; Statement of Community Involvement April 2013; Arboricultural Impact Assessment PJC/3146/13; Sustainable Design and Construction Statement dated 15/04/2013; PJC Ecological Assessment - Phase 1 Habit and Protected Species Survey dated April 2013; PJC Additional Report dated July 2013 on GCN, Reptile & Bat Presence; CgMs Archaeological Desk Based Assessment January 2013; Flood Risk Assessment and Wastewater Management April 2013; Transport Assessment and Travel Plan dated April 2013 and additional Technical Note dated 30 July 2013; Road Safety Audit Stage 1 11005.

AGENDA DATE: 16th January 2014

CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- The Parish Council have requested the application be reported to planning committee due to objections expressed by residents at their parish council meeting
- It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Marden

## **1. POLICIES**

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

- Village Design Statement: Marden Village Design Statement
- Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

MA/13/0449: Request for a screening opinion as to whether the proposed residential development of approximately 144 dwellings at The Parsonage, land east of Goudhurst Road, Marden, is development requiring an Environmental Impact Assessment: EIA Not required 4/4/2013.

## **3. CONSULTATIONS**

- 3.1 **Marden Parish Council:** 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 suitability of this site compared to any other site in and around the village can be assessed on a consistent and fair basis.

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

If MBC are minded to approve this application Cllrs wish the following conditions applied:

- (1) Developer contribution to foul water sewer improvements necessary to bring the existing pumping station and pipework system up to a standard which can accommodate the extra demand placed upon it by the new development.
- (2) Developer contribution to highway improvements associated with extra traffic generated by the new development.
- (3) Developer contribution for Marden Primary School and local secondary education to accommodate the expected increase in the school-age population of the village resulting from the new development.
- (4) Developer contribution for Marden Medical Centre to accommodate the expected number of additional village residents following the new development.
- (5) For aspects not specifically addressed above, MBC/developers to also view the S106 document produced by Marden Parish Council
- (6) A management company be set up and a long term management plan be put in place to appropriately manage the drainage system, open space, play areas and allotments.
- (7) MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs

At the Parish Council meeting last night the following comments/concerns were voiced by the members of public present:

- Localised flooding to the north west corner of the development;
- A significant amount of water flows from Plain Road area onto the land of the proposed development;
- Residents gardens along Goudhurst Road regularly flood;
- Concern over emergency vehicle access; only one road into and out of the development;
- Low water pressure especially for emergency services;
- Foul water drainage – Marden Pumping Station needs upgrading to deal with number of properties, large amount of pressure already on existing system;
- Highways – increased number of vehicles using B2079 especially since the 7.5t weight restrictions have come into force;
- Loss of wildlife habitat on development;
- Loss of trees on development.

Residents, however, did welcome:

- The inclusive of the rear access to properties along Goudhurst Road
- Layby parking in access road
- Well thought out design

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.

### 3.2 **Environment Agency:**

Considerable discussion has taken place with the Environment Agency and the applicants regarding flood risk on the site. Further information was supplied by the applicants as a result of the initial comments of the Agency seeking to address the issues that they had raised. Following their consideration of the additional information, the following comments were received from the Environment Agency.

'We have reviewed the information submitted and our flood engineers welcome the proposal to incorporate a significant area of Type C permeable paving and swales/rills/slots drains as shown on DWG L331/001 rev c. We therefore have no objection to the proposed development based on the understanding the layout of the development as shown can accommodate these drainage structures, including front garden swales.'

No objection subject to a condition on the submission of a sustainable surface water drainage scheme. A number of informative's are also recommended.

- 3.3 **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 do not raise objection to the development, however they advise that either additional off site sewers or improvements to the existing sewers will need to be undertaken to ensure adequate capacity to serve 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.

**Officer comment:**

In response to the above comments, the applicant submitted a level 2 enquiry to southern water to ascertain the extent of the works which would be required. A hydraulic solution has been suggested by southern water which basically requires the upsizing of two existing stretches of pipe from 300mm to 525mm and 600mm respectively. Such works were not unexpected by the applicant, address Southern Water's original comments, and can be covered by an appropriate condition requiring the foul drainage details to be approved and implemented prior to occupation of the development.

- 3.4 **Upper Medway internal Drainage Board:** comment that 'the site is close to the Upper Medway Internal Drainage Board's district and has the potential to affect land drainage and flood risk within it. The site is likely to drain eventually to the Marden Beech Stream (IDB18) which is managed and maintained by the IDB.

It is noted that the applicant proposes to limit post-development surface water run off to 21/s/ha, with on-site storage provided to accommodate the 1 in 100 year storm event plus 30% to allow for the predicted effects of climate change, which is considered appropriate for this location. The Board are also pleased that the applicant intends to incorporate balancing ponds, which the Board very much supports due to the additional benefits they provide in respect of biodiversity and amenity. The applicant should be urged to maximise the use of open systems, in preference to underground storage which is also proposed.

The applicant states that the northern part of the site (4.7ha) currently drains to the north-western corner of the site, with the southern part (3.2ha) draining to the south-western corner, but proposes to discharge all surface water runoff to a single discharge points in the north-western corner. The applicant should be requested to further investigate existing drainage routes and to produce a plan which replicates pre-development run-off as much as is reasonably practicable. This investigation should include the assessment of the receiving 'down stream'

drainage system, and consider conveyance capabilities and condition. Future maintenance plans (of the drainage system) should also take this into account.'

**Officer comment:** The latter comments above overlap with the initial observations of the Environment Agency and have been responded to through detailed consultation between the applicant and the EA. The reason flows are diverted from the south-western corner to north-western corner, rather than replicating the existing drainage regime, is to overcome concerns from residents regarding the existing field drainage system on that side of the site.

- 3.5 **Kent Highway Services:** Further to your request for a summary of my comments relating to this application, I can confirm that my initial concerns have been adequately addressed and the Technical Note prepared by SLR provides evidence to indicate that there is ample capacity on the existing highway to accommodate the traffic generated by both the Map Depot site and the Parsonage site in the horizon year of 2018 using the worst case levels of traffic generation data in order to provide a robust assessment. The Technical Note includes the capacity analysis of the junction of the site access with Goudhurst Road, the junction of Pattenden Lane with Church Green and West End and also the junction of the High Street with Maidstone Road.

The layout is acceptable in principle; it is a flexible layout and house types could change. KCC require parking in line with IGN3 where 3 and 4 bedroom houses have 2 independently accessible spaces each, excluding garages. Where this is not possible additional on street spaces should be provided.

The site access from Goudhurst Road is 5.5m in width with a 1.8m footway along the northern side of parking bays. An emergency access/footway/cycleway runs parallel to the access and a footway link is required between the parking bays and the emergency access/footway/cycleway. Additionally the access into the site from Goudhurst Road should be provided with traffic calming in order to ensure low vehicle speeds.

Further within the site a shared surface could be provided, designing in accordance with Manual for Street guidance with 1.8m service margins each side.

Whilst I appreciate that this is an outline design, I have recommended that the following amendments be made:-

- a. The car ports/garages provided for plots 15 – 20 could be moved forward as they are currently too remote from the houses and this is likely to lead to the residents parking on street closer to their property.

- b. Additional parking spaces could be provided alongside the central greenspace between landscaping features.
- c. A double width parking space could be provided to plot number 110.
- d. The access to the garages/parking spaces for plots 85 and 93 is not shown.
- e. The access road between plots 74/75 and 85/93 could be narrowed substantially to increase pedestrian safety and ensure reduced vehicle speeds.
- f. A pedestrian link is provided on the south eastern boundary of the site please clarify the route which this links up to.
- g. With regards to on site drainage I have forwarded a copy of the details of this application to our Sustainable Drainage Engineer who may wish to make comment.

Tracking diagrams will be required at the detailed stage with the adoptable areas identified and the route and turning areas to be used by the refuse collection vehicle. Please also show tracking for the emergency service vehicle. Please note that the fire appliance needs to gain access to within 45m of all dwellings. The maximum reversing distance for fire engines is 20m.

With regards to waste collection residents should not be expected to carry waste more than 30m to the storage point and waste collection vehicles should be able to get within 25m of the storage point (shorter distances preferred).

I can also confirm that the following highway works are required:-

Please note that all highway works are subject to a Section 278 Agreement with all details to be agreed with KCC Highways & Transportation.

1. Best endeavours made to provide parking restrictions along Goudhurst Road in the vicinity of the site access. The Traffic Regulation Order to be processed and implemented at the developer's cost.
2. Provision of an interactive sign on the northbound approach to the site access and enhancements to the 30mph gateway feature also on the northbound approach to the village on Goudhurst Road.
3. The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing.
4. Pedestrian and cycle links between the site and Chantry Way, Maynards and Roundel Way.
5. A pedestrian crossing on Church Green close to its junction with the access to Marden Station.
6. A sustainable measures based travel statement.
7. Cycle parking is required at the rail station, at the library and outside the post office.

**3.6 Kent County Council Public Rights of Way:** No objection to the application subject to informatives.

3.7 **Kent County Council Heritage & Conservation:** The site lies to the south of Marden a settlement with medieval origins although there are indications of activity here from the prehistoric period onwards. There is evidence of Iron Age industrial activity to the north and there is potential for associated activity to extend southwards. This application is generally fine but the 'low potential' of the site in terms of archaeological importance may be due to limited investigations. No objections are raised however, subject to the imposition of a condition to secure a programme of archaeological work.

3.8 **Kent County Council Ecology:** The potential for impacts to badgers is identified and the recommendations to ensure their protection and that of their setts should be adhered to; as should the additional surveys and recommended mitigation. The building to the west of the site was found to have potential to support roosting bats though no evidence was found. A precautionary approach is recommended when demolishing the building and additional surveys may be necessary if the work is not undertaken for a further two years. The report by PJC Arboricultural and Ecological Consultants concludes that the mature trees on the edges of the site provide good opportunities for foraging bats and that some trees in the north-east corner have potential to support roosting bats.

They further commented that they required further surveys relating to reptiles and great crested newts and the potential for bat foraging to be submitted prior to the determination of the planning application. The survey results were submitted in July by PJC Arboricultural and Ecological Consultants and the KCC Ecologist has confirmed the surveys were undertaken to an appropriate standard. They comment:

'Though the reptile survey was constrained by public interference it has confirmed that three of the widespread reptile species are present and have potential to be affected by the proposed development. All of the ponds surveyed had great crested newts present and there were low levels of bat use of the site during the bat activity surveys.

We are satisfied with the principles of the proposed mitigation and the confirmation of that any displaced reptiles or great crested newts can be accommodated within the site in retained or enhanced habitat areas. We can therefore advise that sufficient information has been provided to enable MBC to determine the application with the understanding that appropriate measures are available to mitigate for the potential ecological impacts.

We advise that a mitigation strategy should be required as a condition of planning.'

3.9 **Kent County Council (Mouchel):**

Have requested the following contributions:

- A primary school contribution of £2360.96 per applicable dwelling and £590.24 per applicable flat towards the build costs of extending Marden Primary School;
- A secondary school contribution of £2359.80 per applicable house and £589.95 per applicable flat towards the extension of a Secondary school building local to this proposed development.
- Community Learning £4134.06
- Libraries £2783.56
- Adult Social Services £2296.22

**3.10 NHS Property Services (formerly West Kent PCT):**

Have requested a contribution of **£121,305** based on £360 per person multiplied by predicted occupancy rates, towards the provision of enhanced healthcare needs within the NHS.

It is stated that the contribution would be used at both Marden and Staplehurst Medical Centres.

Predicted Occupancy rates

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

144 units x 2.34 = 336.96 persons

336.96 x £360 = £121,305

**Officer comment:** Since the original request was submitted, a revised contribution figure has been provided by the NHS. The contribution now sought is £35,766,43 (£248.38 per dwelling) – this is based on a pro-rata rate worked out on the amount of money the NHS has spent in anticipation of a number of new dwellings in Marden.

**3.11 Natural England:** Supports the recommendations made in the Extended Phase I Survey carried out by PJC Ecology in April 2013. They refer MBC to the adopted national standing advice.

**3.12 MBC Landscape Officer:** There are no protected trees or ancient woodland on the site.



The Arboricultural Impact Assessment produced by PJC Consultancy Ltd is considered acceptable, as are the broad principles of the Landscape Masterplan produced Lloydboore.

My only comment relates to the group of 3 Crack Willow, G34, on the northern site boundary which is recommended for removal and replacement in the arboricultural report but appears to be shown as retained on the Landscape Masterplan. I would support the recommendation to remove and replace these trees due to their current condition.

In conclusion, I raise no objection to this application on landscape / arboricultural grounds subject to conditions requiring:-

- a detailed landscape scheme, implementation proposals and a long term management plan
- compliance with the arboricultural impact assessment and tree protection plan.

3.13 **MBC Parks and Leisure:** Make the following comments: ` Having looked at the documents Parks and Leisure would be looking for an offsite contribution although this would not be for the usual £1575 per dwelling as there is some green space being provided within the development.

The main issue the department has is regarding provision of children's play. It appears that the developer wishes to provide an area for natural play and a trim trail within the development. The department has reservations over interpretations of what a "Natural Play area" consists of. This department's view of such an area would be the Natural Play Area in Mote Park (accessible from the Willington Street Entrance that was built and opened May 2011). This provides a number of varied and challenging children's apparatus in a natural setting. However this department views that a developer may see this provision differently, substituting play equipment and apparatus for simple "naturally occurring" items such as logs and rocks. We note that there is planned provision of a play area to the South of the development, however with no further information as to what size this would be and what equipment and age range it would be aimed at it is difficult to plan accordingly.

With this in mind, and considering the size of the development and the proposed positioning of the open space to the north east of the development also, this department would request an offsite contribution towards the Marden Playing Fields which is owned by Marden Parish Council. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area. Marden Playing Fields would be on the boundary of this development and indeed public footpaths

run from the site of the development into the Marden Playing Fields. With the proposed development being built it would also put Marden Playing Fields as a more central location within the area of Marden and as an already established and existing open space it is highly likely to see greater usage as a result of an increase in dwellings. The location on the development of the open space is also placed on the periphery of the Marden Playing Fields, which is likely to end up as an extension to the site. Greater traffic to this area of the development will only lead to more access to the Playing Fields.

Currently the play area contained within is tired with a low satisfactory quality rating. Most of the equipment is aimed at over 6's and a teen shelter there is seldom used and is considered too close to the play area. An overhaul would be welcomed here to remove and replace a number of dilapidated items and renovate other equipment. The supply of an outdoor gym area and a wooden halfpipe type structure for wheeled sports is also lacking in this area of the borough and could be considered.

<b>GREEN SPACE TYPE</b>	
	<b>Requirements</b>
Parks and Gardens	<i>No requirement but included in other categories.</i>
Natural and Semi-Natural areas	<i>No contribution required as included in the development</i>
Amenity Green Space	<i>Some included in development.</i>
Provision for Children and Young People Equipped Play	<i>Onsite contribution indicated but a contribution towards improvements to existing facilities is requested.</i>
Green Corridors	<i>Not required.</i>
Outdoor Sports Facilities	<i>No onsite contribution required but a contribution towards improvements to existing facilities in the surrounding area.</i>
Allotments and Community Gardens	<i>Included in development</i>

Cemeteries and Grave Yards	<i>Not required</i>
	<b><i>Total off site contribution of £700 per property requested</i></b>

The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green space are supplied the typical financial contribution requested per dwelling would be reduced. This department is aware that this is initially an Outline Planning Application and is subject to change and we would be happy to reconsider our request should further information regarding supply of play etc become available.

We would in this instance seek to request a contribution of £700 per dwelling x 144 = £100,800

As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used at Marden Playing Fields.'

**3.14 Environmental Health Manager:** This is a major development for a large number of dwellings. It will obviously have a major impact on the village of Marden and its residents. The usual issues of EH concern regarding a development of this type , i.e. noise, contaminated land, air quality and lighting are not included with the submitted documents. I am reasonably relaxed about this locality in terms of traffic noise affecting it. Although there are no contaminated land sites of concern within at least 500 metres, because of the present agricultural use a land contamination assessment should be submitted. Also, the issue of air quality is of importance here. The site will be introducing nearly 150 extra dwellings with probably at least that number, probably more, additional dwellings. This will have an adverse impact on local air quality and therefore an assessment should show clearly what measures would be employed to reduce emissions caused by these extra vehicles.

**Officer comment:** In light of communication between officers and the applicant, and attention being drawn to the travel plan submitted within the transport documents, and additional information from the applicant, the air quality condition is no longer required as this had been addressed elsewhere as part of the transport documents. Therefore, no objections subject to a condition relating to land contamination.

3.15 **MBC Housing & Communities Funding Manager:** The application is for a residential development of up to 144 dwellings, of which comprises of 40% affordable housing, with 34 dwellings for affordable rent and 23 for shared ownership. Strictly speaking in terms of rounding up, the total number of affordable dwellings provided should be 58, but the proposal is generally in accordance with policy. I can confirm that as a guide, I did suggest the following affordable mix for each tenure, as outlined in the Design and Access Statement:

#### **RENT**

35%	-	1-Beds	(11	dwellings)
25%	-	2-Beds	(9	dwellings)
25%	-	3-Beds	(9	dwellings)
15% - 4-Beds (5 dwellings)				

#### **SHARED**

40%	-	1-Beds	(9	dwellings)
30%	-	2-Beds	(7	dwellings)
30% - 3-Beds (7 dwellings)				

#### **OWNERSHIP**

This was based on housing need at the time both upon the council's Housing Register and the applicants registered with the Zone Agents (Moat) for shared ownership. I also advised that there is no specific policy with respect to minimum/maximum number of affordable dwellings in clusters, but generally the Council would accept clusters of around 10-12 dwellings with some effort to pepper pot, to avoid large concentrations in one area.

The indicative housing mix within the Design & Access Statement includes both the Private and Affordable housing that is proposed for the site, but it does not separate them to make it clear exactly what mix is being suggested for either tenure. It also doesn't break it down further to demonstrate what affordable units are proposed for rent and shared ownership.

I would wish for this breakdown to be given to ensure we are clear what is being proposed and that it meets or is close to the above suggested affordable mix for each tenure.

**Officer comment:** Further to a meeting held between the applicants, the HCF Manager and the case officer, it was agreed that it would be acceptable for the breakdown of units to be secured through the S106 Agreement and through the Reserved Matters.

3.16 **Crime Prevention Design Advisor:** It is suggested that a secured by design application be sought through a planning condition and that the applicants meet with the CPDA to discuss crime prevention through the detailed design of the site.

**Officer comment:** The applicant has since met with the CPDA and it is considered that the comments can be taken on board at the detailed stage.

3.17 **MBC Conservation Officer:** 'I RAISE NO OBJECTION to this application on heritage grounds subject to a condition re an archaeological watching brief during development.

The boundary of the Marden Conservation Area lies some way to the north of the application site and there is considerable modern housing development on intervening land. I therefore do not consider that development of this site would have any significant impact on the setting of the conservation area.

The archaeological assessment indicates that the land has a generally low potential for archaeological remains or deposits and there therefore appears to be no archaeological objection to development of the site.'

#### **4. REPRESENTATIONS**

4.1 Approximately 50 representations objecting to the application have been received.

The objections are summarised as follows:-

- There are existing problems with drainage capacity, the sewage pumping station and flooding in this area, the proposed development will exacerbate this;
- Do not consider the proposals adequate to address the problems of flooding in the area;
- Inclusion of ponds in a scheme unusual;
- Marden Beech and the Mill Stream flood plain will suffer;
- The development will exacerbate existing traffic congestion on Goudhurst Road and compromise highway safety;
- Plain Road needs upgrading and floods regularly;
- The impact of the Mapp depot also off Goudhurst Road needs to be addressed;
- Suggestions of car parking to be provided within the scheme for residents on Goudhurst Road;
- Additional access should be sought in the interests of safety;
- Infrastructure inadequate i.e. roads, schools, medical centre;
- Destruction of the character of the village;

- The scheme does not take into account the need for affordable housing, it will be beyond the means of locals;
- More effort relating to wildlife interests needed;
- Greenfield sites should be kept green; brownfield sites should be chosen over this;
- Destruction of trees and decline in wildlife; concern over badgers protection;
- Development too dense; overdevelopment; over crowding;
- Too few jobs in the area to support the new population;
- Insufficient shopping facilities;
- Proposal unnecessary; better sites in nearby towns, no need for further properties to let;
- Detrimental to amenity of properties either side of access in terms of noise and pollution;
- Loss of privacy;
- Unfair that allotments are being provided for new residents;
- Visual harm to the character of the area;
- More detailed plans requested;
- Environmental Impact Assessment should be submitted;
- The existing orchard should be subject to a TPO; insufficient information on harm to the environment;
- Loss of parking to residents on Goudhurst Road;
- Suggest development is pushed east to provide greater buffer between existing and proposed dwellings;
- Visual impact – the development would have an unacceptable impact on the entrance to the village.

Non-material considerations:

- Noise and disruption from not one but two large scale developments;
- Suggestion that the hefty planning application fee indicates a forgone conclusion.

CPRE: object strongly. They consider the application to be speculative and submitted on the back of the draft core strategy which had stated Marden could take an additional 320 houses. The interim core strategy has no such requirement. Assessment of the application should be delayed until Marden Parish Council has completed their Neighbourhood Plan. The application assumes no additional infrastructure would be required to support the development. The application would have serious adverse effects on adjacent properties. One vehicular access is inadequate; there are no vision splays onto Goudhurst Road and there is no logic to the physical shape of the application.

## **5. CONSIDERATIONS**

## **5.1 Site Description**

- 5.1.1 The application site is located on the eastern side of the B2079 Goudhurst Road on the southern side of the village of Marden. It is located behind approximately 20 dwellings which front Goudhurst Road and access is obtained midway between these dwellings (no.s 7/9 Goudhurst Road will be demolished to facilitate this). To the north of the site is a residential housing development known as the Cockpits which dates to the mid 1970's, to the west are the rear boundaries of the aforementioned properties that front Goudhurst Road, and adjacent to the eastern and southern boundaries are open countryside. Save for the access between the existing frontage properties, the application site is outside the defined settlement boundary of Marden in the Maidstone Borough-Wide Local Plan 2000.
- 5.1.2 The site is approximately 8.1 ha in size. The land is occupied substantially by commercial orchards and falls within the Low Weald Landscape Character Area. The orchard trees occupy the main part of the site together with a central shelterbelt of Alder which runs in an east to west direction. There is a ditch and also blackthorn/hawthorn hedging which runs parallel to the site on the northern and eastern boundaries, ponds can be found in the north east corner of the site along with a group of mature trees including Willow, Ash and Oak. Mature hedging can also be found along the southern boundary containing Hawthorn, Alder and Ivy; with individual trees being Ash, Oak and sycamore. The western boundary at the rear of the existing properties has intermittent hedgerows with a mix of Beech, Conifer and Willow.
- 5.1.3 In the south east corner of the site there are badger setts. Overhead power lines cross the site from north to south. There are many footpath connections within the locality permeating into the village to the north; PRoW KM283 is on the eastern boundary and connects to the village in a northerly direction and the countryside to the south and east. The existing public footpath from Goudhurst Road between Gate Field and Olde Pharmacy House currently affords access into the site in the north west corner; the footpath gives access to Cockpit – the existing playing field/play area and ultimately into the village.
- 5.1.4 The site has a gentle slope from east to west; from 30 Above Ordnance Datum (AOD) to approximately 21 AOD.
- 5.1.5 Whilst the site lies outside the defined settlement boundary of Marden, it has no specific designation or allocation on the Maidstone Borough-Wide Local Plan Proposals Map 2000.

5.1.6 The site is not subject to any Tree Preservation Orders, nor is it close to or affects any Semi-Natural Ancient Woodland. The site is also not within an area of archaeological potential nor does it fall within a flood zone.

## **5.2 Proposal**

5.2.1 The application was accompanied by a Design and Access Statement, Planning Statement, Landscape and Open Space Strategy, Statement of Community Involvement, Transport Assessment, Road Safety Audit, Flood Risk and Waste Water Management study, Sustainable Design and Construction Statement, Ecological Assessment – Phase I Habitat and Protected Species Survey, Arboricultural Assessment, Archaeological Desk Based Assessment.

5.2.2 The application is for an outline planning permission for up to 144 dwellings with matters of access and layout for consideration at the present time. This being said, the application has been accompanied by an extremely thorough, and comprehensive masterplan that clearly sets out a strong and carefully considered vision with well-thought through planning and design principles that have determined the shape and nature of the proposal. It includes a significant level of detail with regard to the design concept and its evolution including detailed assessments of other historic settlements of a similar scale within the borough. The proposal also includes the provision of allotments, significant on site open space, landscape and associated infrastructure.

5.2.3 The gross density of the application site taking into account the 8.1 ha site overall amounts to approximately 17 dwellings/ha and the net density (the area developed with housing and roads excluding the large amenity area and allotments) at approximately 4.9 ha is 30 dwellings/ha.

5.2.4 A new access road from Goudhurst Road would be provided to serve the development. The existing access was adequate to serve the previous use but for a proposal of this nature it needs to be widened. It is therefore proposed to demolish one pair of semi-detached properties numbers 7 and 9 Goudhurst Road which would enable a 5.5m access to be provided. The access would be landscaped either side and provide a segregated cycle and pedestrian footway into the site.

5.2.5 The application is in outline and therefore precise details of the mix of dwellings is yet to be finalised. This being said, a masterplan has been submitted for the site in order to establish parameters for the development, the masterplan is based on the following size units:

16 x 1 bed flats  
8 x 2 bed flats



29 x 2 bed houses  
48 x 3 bed houses  
39 x 4 bed houses  
4 x 5 bed houses

5.2.6 The total number of units proposed in the masterplan is 144. It is stated that 58 of these would be provided as affordable units which equates to 40%. Twenty-three of the units are indicated as shared equity and 35 as rented.

5.2.7 In addition to the dwellings, the application proposes the provision of approximately 11 allotments, on-site amenity and open space including a play area, trim trail and a central triangular green.

5.2.8 In terms of layout the masterplan identifies three distinct character areas to the development, of varying densities and pattern of development. 'The Street' is the densest and closest to Goudhurst Road; 'The Green' is the central area that is of a lesser density and has the feature of a village green and 'The Orchard' is the lowest density towards the eastern end of the site where the majority of open space will be provided. The masterplan (on page 26 of the Design & Access Statement received in April 2013) sets out the parameters defining the character of each of these areas. These are as follows:

**The Street** will have a strong, linear urban form, and a high density of 38dph, and will be made up of:

- *'Courtyards; tight knit street[s]; continuous frontages; set backs & projections; irregular roof lines; tarmac road surfaces; railings; brick walls; weather boarding; [and] render'.*

**The Green** will be the genius loci of the development and will be a contrasting space to The Street with a medium density of 28dph. It will be made up of a:

- *'Village green; short terraces; rear parking; fences & hedges; timber gates; informal planting; brick plinth; [and] render'.*

**The Orchard** will have a dispersed urban form with small blocks and individual buildings, and a low density of 18dph and will be made up of:

- *'Arcadian; lots of planting; predominantly red brick; ashlar render; clipped hedges; light coloured road surfaces; narrow lanes; [and] brick walls'.*

The Design and Access Statement (D&AS) illustrates the character areas further with reference to patterns of development from other local historic settlements including West Farleigh, Boughton Monchelsea, Sutton Valence and Headcorn.

These morphological studies and a detailed, thorough contextual and character analysis of Marden village and the site, together with an understanding of the specific site constraints and wider planning policy objectives have informed the design response of the proposal. The D&AS also includes both past and modern photographic examples reflecting the proposed form of each character area and architectural style as seen elsewhere on similar developments; a three-dimensional axonometric model; perspective images and with schematic elevational drawings of proposed dwellings within the site.

- 5.2.9 Within the site there is a clear road hierarchy throughout. The layout has been designed to naturally flow through the site with clear views, vistas and buildings arranged in relation to open spaces, road frontages and footpath networks. Parking spaces are provided throughout at an average of 1.5 per dwelling and they are in the form of off street parking, garages and rear parking courts.
- 5.2.10 A storey heights parameter plan has been submitted. This identifies that the overwhelming majority of the site will be up to two storey, with a core of up to 2.5 storey dwellings within 'The Street' character area and a small pocket of up to 2.5 storey dwellings in 'The Orchards'. These slightly taller buildings will help define the development, provide visual variety with varying rooflines, reinforce the development's legibility and act as a focal point in key locations such as on corners of the development or at the end of a vista. Other key buildings, including 'gateway', 'landmark', 'way-finding' and focal buildings are described within the D&AS and will have a unique function within the townscape proposed. In addition to the heights of these buildings, more detailed information will be required at Reserved Matters stage on the specific location, character and appearance of these key buildings.
- 5.2.11 Elevational details and perspective images have been submitted as extracts from street scenes of the different character areas. Photographic examples of materials have also been submitted. These have been chosen to reflect the traditional materials and colours found in Kent. Surface materials comprise a mix of tarmac, modular paving and bonded gravel. Granite sets are proposed to identify changes in use of the surface and as traffic calming.
- 5.2.12 The applicant's have confirmed that the dwellings will be constructed to meet Code for Sustainable Homes Level 4.
- 5.2.13 A SUDS-based surface water drainage scheme is proposed within the development and this includes the provision of attenuation ponds along the western edge of the site, the north-west corner and within the proposed village green.

- 5.2.14 The allotments are located adjacent to the north west boundary of the site; the allotments are to be available for existing and proposed residents. There is specific parking allocated for the allotment holders. The allotments are overlooked by new and existing properties.
- 5.2.15 Elsewhere in the site the main areas of open space are located approximately half way into the site wrapping around the north, east and southern elements of the development. To the north a trim/play trail is indicated running in an easterly direction parallel to a footpath which leads to the north east corner and connects to the existing play area in the village. The eastern section is less formal open space with a footpath linking the development to the existing PRow and the southern section has the more formal play equipment within a designated play area.
- 5.2.16 The proposed siting of dwellings, layout and density have all been subject to pre-application discussion. The denser element of the layout reflects the character of existing dwellings on Goudhurst Road and Cockpits; the medium to low density character areas act as a transition from the built up settlement to the countryside, securing views of the surrounding landscape. The majority of dwellings consist of houses (120) and 44 flats. The flats are predominantly at the first crossroads when entering the site. Throughout the site there is a mix of terraced, semi-detached and detached properties dispersed across the site to provide variety and interest. 'The Orchard' being the area of lowest density naturally features a majority of detached dwellings with four pairs of semi-detached dwellings.
- 5.2.17 A clear indication has been given in the application of the proposed nature of materials and design features. These details will of course need to be related to specific plots and house types at the Reserved Matters stage. However, the submission is clear on the proposed design, vernacular and high quality that it seeks to achieve. In a similar vein, boundary treatments, walls and fencing types, and the areas of public realm are indicated as quality examples, and will need to be subject to full details at a later stage.
- 5.2.18 Moving through the site there is a strong presence of street trees in the public realm. The central road frontage is defined by either buildings or landscape features. The landscape strategy is implemented from the access of Goudhurst Road with green verges either side of the access and individual tree planting and runs through the site. The scale of hard surfacing rises and falls depending on the road hierarchy. There are clearly defined footpaths through the main section of the site, changing to shared surfaces on the more minor roads. The triangular village green is framed on all sides by dwellings fronting it; and in addition to the attenuation pond the green is formally landscaped to enhance its presence.

### **5.3 Principle of Development**

5.3.1 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.

5.3.2 The application site is located in the countryside outside the defined settlement boundary of Marden. As stated earlier the site does however adjoin the boundary along its northern side; and the access is within the boundary as are the existing dwellings on Goudhurst Road.

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.**

The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.

5.3.3 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

would the development cause harm to the character and appearance of the area or the amenities of surrounding occupiers?

5.3.4 Character of the area/visual impact, landscape/ecology and residential amenity are considered later in the report.

5.3.5 In terms of other material considerations, Marden is a defined rural service centre and the application site does lie immediately south of 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.

5.3.6 The National Planning Policy Framework (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. With regard to applications for new housing in the countryside, new isolated dwellings should be avoided unless they accord with the special circumstances that are listed in paragraph 55 of the NPPF. The proposal clearly does not fall within any of the special circumstances cited, but it is in a sustainable location and immediately adjoins the existing settlement.

5.3.7 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) 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;'*

5.3.8 The NPPF defines deliverable as:

*'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

- 5.3.9 A very recent Court of Appeal case has clarified that the housing requirement to address when considering the 5 year housing land supply in paragraph 47 of the NPPF is the full objectively assessed housing need. That figure for housing need should be an unconstrained figure i.e a figure that has not yet been reduced by applying constraints from other policies in the emerging Local Plan. It is an unvarnished household projection figure. Consequently, the housing target figure from the Regional Spatial Strategy (South East Plan) is not the correct figure to use when calculating the 5 year housing land supply as it is a constrained figure.
- 5.3.10 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 are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.
- 5.3.11 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be in the region of 19500 units which is a marked uplift on the RSS figure of 11080 (2006 to 2026).
- 5.3.12 In April 2013 the Council had about a 4.2 year supply of housing when assessed against a need of 11,080. The supply of housing is likely to be even lower than 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure. This lack of a five year supply is a significant factor in favour of granting permission and unless material considerations indicate otherwise, 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.
- 5.3.13 In the light of this position, I do consider that bringing forward development on this sustainably located site 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 permitting the development.

5.3.14 As was the case for the recently approved residential development at the MAP depot, reference has been made to the on-going Neighbourhood Plan work in the village and the fact that this application should not be permitted in advance of the completion of that work. Whilst work on the plan is progressing, no draft has been published for consultation. Such a plan would also need to be the subject of an examination. Given the 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.

5.3.15 Subject to the consideration of the access and layout details of the scheme being acceptable I therefore raise no objections to the principle of development.

## **5.4 Considerations**

As stated earlier in this report, the application is in outline and seeks consent at this stage for access and layout only. This report will first consider the issues relating to the submitted Reserved Matters and then follow on to the other matters which require consideration.

### Access & Highways

5.4.1 Submitted for determination at this outline stage are the details of the new access from Goudhurst Road. As stated, it is proposed to demolish numbers 7& 9 Goudhurst Road in order to provide the required access into the development.

5.4.2 In addition to the site specific access details, there are also proposals to provide speed reducing measures on the Goudhurst Road and to upgrade the existing zebra crossing to a pelican crossing.

5.4.3 The proposed access has been designed to meet the appropriate Safety Audit tests. The central access road is 5.5m wide with a footpath running along the northern side of this. There are two private parking spaces to be provided off this access road to serve existing properties on Goudhurst Road (Redstock and the workshop behind this). A grass verge will be provided either side of the main access and a 3m wide footway/cycleway with crash bollard at the western end will allow for use by emergency service vehicles.

5.4.4 Parking will be restricted from the junction of the access in either direction as appropriate in order to maintain visibility. Details of a safety audit have been submitted with the application and KCC Highways are satisfied that the proposed access meets the necessary standards.

- 5.4.5 A Transport Assessment was also submitted for consideration with the application, this has assessed the likely volume of traffic which a proposal of this scale and nature would generate. An additional Technical Note also factors in the residential development which has not yet taken place on the map depot site. The Highway Authority are satisfied with the conclusions of the assessment in that the site is capable of delivering the proposed number of dwellings and associated traffic movements without risk to highway safety. The proposed development will therefore not have an unacceptable impact on the local highway network. KCC Highways have raised no objections to the development.
- 5.4.6 The development proposes a number of enhancements in highway and pedestrian safety terms in the vicinity of the site and also to improve road crossings in the village and cycle parking provision. These measures can be secured through a 'grampian' condition as they would be covered in any agreement under s278 of the highways Act, or through the s106 agreement in the case of the cycle parking. The site is close to local amenities and community facilities in a sustainable location.
- 5.4.7 Comment has also been made regarding the extent of parking provision on the site and the fact that insufficient spaces are provided. KCC Highways have liaised with the applicant over the number of spaces within the development. Whilst some of the house types may change in the detail stage, essentially there is common ground over the required amount of car parking. Kent Highways are satisfied that the site allows for sufficient parking. The layout indicates a mix of on and off-street, covered and parking court arrangements. As Members will be aware, KCC's parking standards have not been adopted by this Council and a balance will be struck between parking provision and the landscaping of the site.
- 5.4.8 No objections are raised to the development on highway grounds subject to the necessary conditions and informatives.

### **Layout**

- 5.4.9 The proposed layout has been informed by the extensive research undertaken by the applicant into the evolving built form and character of Marden and its development from 1600 to the present day. It has also been the subject of considerable pre-application discussion whereby the basic principles for a strong design and layout were discussed. The proposal is also in accordance with the principles and guidance as set out in the Kent Design Guide (December 2005), in particular that design solutions should be appropriate to the context and character of the locality. It is therefore deliberate that the layout of the site has been presented in a manner which respects the existing landscape character of



the site and its surroundings, reinforcing positive design features of the locality allowing the development to sit comfortably within its context.

- 5.4.10 The layout is derived from a single access arrangement from Goudhurst Road eastwards and immediately adjacent to the linear form of the existing dwellings and their long rear gardens, expanding gently into the three character areas described in paragraph 5.2.7. This primary route links the three 'themed' character areas, determines their form, layout and the loose density as it moves further east and south to the edge of the proposed development.
- 5.4.11 The internal street pattern is well connected, maximising dwelling frontages onto green spaces, clearly legible and very permeable providing links, defined spaces and focal points within the proposed road hierarchy. In most instances dwellings are outward looking and arranged efficiently in perimeter blocks, resulting in good garden sizes and separation between dwellings. The central triangular green with its attenuation pond is a strong feature defined with landscaping and this could also be a good location for some street furniture i.e. carved wooden seats (as per examples in the illustrative landscape and open space strategy). The layout also affords ease of access whether by foot or vehicle.
- 5.4.12 As an edge of village site, the proposal correctly adopts a predominantly landscape-led approach incorporating a strong landscape structure, fundamental to a sensitive location where landscaping will be critical to soften the development and help it to respond to this rural setting. The informal nature of the landscape structure shown allows the development to blend into its location.
- 5.4.13 In particular, the proposed amenity areas on the northern, eastern and southern sides of the site provide a strong buffer appropriate to the land uses beyond. Therefore on the eastern and southern edge it respects the adjacent countryside use and to the north the fact that there are links to the playing field at Cockpits.
- 5.4.14 An allotment area is also shown on the northern boundary of the site which provides a stronger connection to the existing village boundary and acts as a buffer between existing and proposed dwellings; their siting is important as the allotments are not exclusive to the new dwellings. A proposed play trail leads to the north east corner of the site where it connects to the aforementioned play fields. Existing wildlife features are also respected by being given a healthy distance between their location and the built development. For example the badger sett in the south east corner is given a 30m protective radius as are the existing water bodies in the north east corner. In the north-west corner and along the northern boundary attenuation ponds and swales are located; this is in the areas whereby comments have been received relating to surface flooding.

SUDS have been incorporated as an integral part of the layout and in response to the characteristics of the site. Where possible, trees are incorporated into the public realm and throughout the development.

5.4.15 The varying road widths and surface treatments are of a rural character and dimensions which will help to tighten up the development. Some of the areas could have minor alterations introduced when the Reserved Matters are submitted at a later date, i.e. additional trees in the public realm and reduced areas of hardsurfacing. The design of the 'home-zone' area to the south of 'The Green' is a weaker area within the overall scheme, as it appears too wide and 'urban' in character for the function of this space. The design of this element will need to be redesigned at the Reserved Matters stage.

5.4.16 The general arrangement of the dwellings within the site is considered to provide an acceptable layout. The three storey blocks at the first crossroads are designed to provide a strong entrance and sense of arrival, and define this key space as one enters into the development. The dwellings located around the central green, are designed to enclose and front onto the green. Some of dwellings in this locality such as those immediately adjacent to junctions will be dual aspect and will need to be articulated accordingly to 'turn the corner' along the adjacent roads. The Reserved Matters stage will be expected to show this level of detail. The dwellings throughout the site which overlook the green spaces not only act as a frame (in the case of the central green particularly) by providing a sense of enclosure visually but also serve to ensure that the areas have natural surveillance.

5.4.17 Overall I consider that the site layout is of an appropriate density at 30dwellings/ha (net), which strikes a balance between the need to make efficient use of the land on the edge of a village location. I also consider that the proposed density shown throughout the site respects the existing pattern and form of the nearby dwellings. The higher density closer to Goudhurst Road is appropriate, as is the reduction moving east and south to the countryside. This overall density is slightly less than the recently approved development at the Map depot which was 31.9dwellings/ha.

### **Other matters for consideration**

#### Visual Impact and Design

5.4.18 A key consideration in relation to the application is the visual impact of the development on the character of the area and the wider countryside, and how it responds to the sensitivities of a rural village edge location. Clearly this development is set behind the existing frontage of dwellings on Goudhurst Road

and therefore the main change will be felt at the point of access. Whilst at present there is a fairly low impact track from Goudhurst Road to a field gate into the site, this will change significantly to a formally engineered wider access to serve the development. The access will be designed to safety audit standards and therefore landscape softening at the immediate junction of the new road with Goudhurst Road will be limited. Adjacent to the main access will be the emergency access into the site. This being said, the character of Goudhurst Road is likely to change along this stretch from the implementation of the development on the Map depot site which will arguably detract from the impact the new access road will have.

5.4.19 The main views of the site are localised. Views will be most prominent from the rear of the properties which front Goudhurst Road and from the houses and flats on Cockpits immediately north of the site. Views will be afforded from the PRoW which runs parallel to the site to the east and the footpath to the north from Goudhurst Road to Cockpits and the playing fields; in both instances views will be through retained trees and hedgerows. In terms of the impact on the wider area, views are more limited. The development would be seen in the context of the existing village built form and will form an extension to the boundary of development. Together with the Map depot development it is my view that the site will sit comfortably within its new context. The site is not visible in longer distance views from the High Weald Special Landscape Area around Winchett Hill/Goudhurst village. From the north, views of the site are again limited. This is due to the railway line which is on an embankment at this point. This railway line is bounded by trees and provides a strong visual barrier in the landscape.

5.4.20 Views from the east are currently long distance from the rear of dwellings in Albion Road. It is however acknowledged that another planning application is under consideration for a residential development on the fields between these dwellings and the application site. Clearly should that application be found acceptable and a permission implemented then there would be short range views between the two sites.

5.4.21 The backdrop to this development will be the existing dwellings to the north and west. Further to the south, the adjacent fields and field boundaries of trees and hedgerows limit views; the restricted views mean that the developments' main visual impact would be localised. Clearly the proposed development will come closer to the public footpath KM244 and the existing dwellings at Cockpits and Goudhurst Road. However, given the extensive open amenity area to be provided to the north, east and west of the site and the context of existing development into which the new development will be inserted, I consider that the visual separation is acceptable and that the loss of the current orchard land

would not be so harmful to the character of the area as to warrant and justify refusal.

5.4.22 In design terms a raft of illustrative materials has been submitted within the excellent D&AS submitted with the application, along with examples of house styles. The materials have been informed by the traditional materials and colours in rural Kent, and predominantly taken from those found in local Conservation Areas. Materials are cited as follows *'black and white weatherboard, pastel coloured render, clay hanging tiles, plain tiles and slate, and some key buildings having red and blue brick laid to Flemish bond pattern as seen in 'The Blue House' and several other buildings in Marden'*. The range of materials proposed will define the character areas and add visual interest to the development. It will be important at the Reserved Matters stage to ensure that the detail remains within the palette range of materials stated in this application. This can be subject to a planning condition to ensure the scheme does not lose its focus when details are submitted.

5.4.23 Thought has also been given to the materials used on the hard surfacing throughout the site. A mix of tarmac, modular paving and bonded gravel will be used depending on the road hierarchy. Granite setts will be used for traffic calming and as a means to identify a change from footpath to car parking space.

5.4.24 A building height parameters plan also identifies the overall scale of development within the site. The proposed house types vary and it must not be forgotten that this is a matter for full consideration at the Reserved Matters stage. Street scene elevations have been submitted across the site which give a clear indication in the urban grain in the three different character areas. For example, the tight knit in 'The Street', more informal feel in 'The Green' to the opening out into a dispersed pattern in 'The Orchard'. In a similar vein boundary treatments also reflect the different character areas. Railings and walls are characteristic of 'The Street', picket fences and low hedges are more prevalent in 'The Green' and hedges and shrubs dominate 'The Orchard'.

5.4.25 The applicants have confirmed and demonstrated that the dwellings will be constructed to achieve Code Level 4 of the Code for Sustainable Homes. This will result in a development that will be energy efficient in terms of construction and future energy/resource use.

5.4.26 I raise no objections to the development on the grounds of visual impact or design.

### Residential Amenity

- 5.4.27 The proposed dwellings will not have an unacceptable impact on the privacy or amenity of existing adjacent dwellings. As the final design of the dwellings is a matter for future consideration, in the case of sensitivity between existing and proposed dwellings details can be ironed out through the submission of the design.
- 5.4.28 There is a distance ranging between 38m to 45m from the rear wall of dwellings in Goudhurst Road to the forwardmost face of the frontage dwellings within this scheme which face west. Properties in Cockpits to the north which face this development have a distance ranging from 15m (one plot) to upwards of 25m whereby the new dwellings front onto the rear of the existing. These four dwellings are orientated in this fashion as they front the allotments which lie between them, the site landscaped site boundary and Cockpits. With the visual separation and consideration given to the design of the closest plot I am satisfied that the distance between the two will not give rise to a loss of privacy or cause harm to amenity.
- 5.4.29 Appropriate privacy will be maintained within the new development as a result of the site layout.
- 5.4.30 No objections are raised to the development on the grounds of impact on residential amenity.

### Landscaping and ecology

- 5.4.31 An illustrative landscape and open space strategy has been submitted with the application. This provides for an acceptable framework to serve the development, both within the developed area, along the site boundaries and including the proposed open space/amenity areas.
- 5.4.32 An Arboricultural Assessment has also been submitted as part of the application. The details within this are considered to be acceptable by the Landscape Officer subject to conditions that their recommendations are abided by.
- 5.4.33 The landscape strategy considers the existing landscape character of the area; the vegetation; topography; aquatic habitat; public access and views. Proposed planting comprises substantially native species in response to the underlying character of the landscape and in order to promote biodiversity.
- 5.4.34 The proposed landscape treatment is broken down into four types of planting as follows: Parkland Trees; Street tree planting; aquatic/marginal planting and

amenity shrub planting. In some instances ornamental species are introduced amongst a native palette – this contributes to the variety of colour, texture, fragrance and winter interest. Importantly some non-native species also act as habitat and food sources for birds, insects and other small animals.

5.4.35 I consider the principles shown in the landscape masterplan to be acceptable. Detailed planting plans will be required and can be secured by appropriate condition.

5.4.36 The ecological impact of the development has also been considered. The KCC ecology team are satisfied with the assessment made and the proposed mitigation measures. They also consider that an ecological management plan should be submitted.

5.4.37 A number of ecological enhancement measures are indicated on the landscape masterplan, such as the provision of sculptural log piles and artificial refugia in carefully selected areas; bird and bat boxes and the provision of new plant species which provide fruit and berry's for native wildlife.

5.4.38 The attenuation basins and nearby drainage ditch and other aquatic margins will also be planted with a range species to enhance invertebrate species on the site. I consider that in order to ensure that the landscaping scheme and ecological enhancements are compatible that a condition be imposed to require a specific site-wide ecological enhancement plan to be submitted.

5.4.39 Subject to the recommended safeguarding conditions being imposed as set out above, no objections are raised on ecological or landscape grounds.

5.4.40 Subject to the consideration of the access and layout details of the scheme being acceptable I therefore raise no objections to the principle of development.

#### Other Matters

5.4.41 As indicated earlier, objections have been submitted on the grounds of flooding. Residents have advised that flooding takes place at the rear of their properties in Goudhurst Road and that the drainage infrastructure is inadequate without the development taking place. The proposed development together with the recently approved Map depot development, would compromise the drainage capacity further and exacerbate the problems already experienced by residents.

5.4.42 The site does not lie within an identified zone for flooding. This being said, due to the scale of built development the Environment Agency, Southern Water and the Upper Medway Internal Drainage Board have been consulted and a drainage strategy and flood risk assessment have been submitted.

- 5.4.43 Being a Greenfield site the onus has been on the applicant to show that run-off from the site in its developed state would be no greater than in its current state. The calculations also need to take into account the 1:100 year storm event and a 20% allowance for the effects of climate change.
- 5.4.44 As can be seen from the consultee responses, after some clarification and 'tweaking' of the scheme, the Environment Agency are satisfied that the proposal is acceptable in terms of surface water drainage and water storage capacity.
- 5.4.45 Subject to the conditions specified by the Agency no objections are raised to the development on flood risk grounds.
- 5.4.46 Concerns have also been raised regarding the inadequacy of the local sewage infrastructure. Following consultation with Southern Water by the applicant it would appear that there are simple means of improving the existing foul water sewers in the vicinity of the site – this involves replacing two sections of pipe work in the existing sewer network with increased diameter pipes. The applicants have confirmed their agreement to undertaking these works and the relevant upgrades will be made. These improvements will be achieved through an agreement between the applicants and Southern Water under s104 of the Water Industry Act 1991.
- 5.4.47 Finally, whilst the site is not within a safeguarded area of archaeological potential there is a possibility that items of historic interest are located within the site. An archaeological watching brief condition has been recommended by KCC Heritage Conservation. I consider this to be reasonable and appropriate and will ensure that in the event any items of interest are found, appropriate investigation work will be undertaken.

## **5.5 S106 Contributions**

- 5.5.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations and paragraph 204 of the NPPF 2012.

These have strict criteria that set out that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 5.5.2 The summarised matters below are sought within a completed Section 106 and are discussed in full later in this section.

Affordable Housing at 40% would be required in accordance with policy AH1 of the Affordable Housing DPD (2006).

Healthcare contribution of £35,766.43 towards the improvement of facilities and services at Marden medical centre and Staplehurst medical centre.

Primary school contribution of £2360.06 per applicable house and £590.24 per applicable flat towards primary school expansion at Marden Primary school

Secondary school - £2359.80 per applicable dwelling and £589.95 per applicable flat towards the extension of existing local secondary schools in Maidstone to cater for the additional demand for places.

Library contribution of £2783.56 toward the provision of bookstock and services at local libraries for the additional demand on the resource.

Community learning contribution of £4134.06 towards new/expanded facilities and services for adult education centres and outreach community learning facilities

Adult Social Services: £2296.22 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.

The provision of additional cycle parking facilities at Marden Station.

The provision of the open space, green and allotments within the site.

The making of an off-site contribution of £700 per dwelling towards the upgrading of Marden Playing Fields.

5.5.3 The Council's policy AH1 in its affordable housing DPD requires the provision of a minimum of 40% affordable housing on schemes of 15 units and above. The proposal includes the provision of 40% units of affordable housing. They would be a mix of social rent and shared equity. The split contained within the affordable housing DPD requires 60% of the affordable housing to be affordable rent and 40% for other forms of affordable housing. The development achieves this. I consider that the provision of 40% affordable housing is in accordance with the affordable housing DPD and therefore complies with the requirements of the Development Plan.

5.5.4 Mouchel on behalf of Kent County Council has requested a contribution towards primary school expansion. 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 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.

5.5.5 There is also a request for a contribution towards the extension of applicable local secondary schools. There has been evidence submitted that the secondary



schools in the local area are nearing capacity and that the projections over the next few years 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.

- 5.5.6 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.
- 5.5.7 A community learning 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 applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.5.8 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 than applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.5.9 The proposed provision of additional cycle parking spaces will aid the sustainability of the development and provide increased incentives to use other modes of transport than the private car. This is in line with the advice in the National Planning Policy Framework and meets the three tests and as such I consider it appropriate this contribution is made.
- 5.5.10 A Healthcare contribution towards the improvement of doctors surgeries at Marden medical centre and Staplehurst medical centre. NHS Property Services have demonstrated that the development will generate additional demand that cannot be accommodated in the surgeries. I consider that the request meets the three tests and is compliant with policy CF1.
- 5.5.11 The applicants have also offered obligations to secure the provision of the open space, green and allotments within the site. The open space and green would be

managed by a management company. Details of the management arrangements for the allotments would need to be secured through the s106 agreement. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.

5.5.12 In addition, the applicants have agreed to meet the requested off-site contribution of £700 per dwelling for the improvement, provision and maintenance of outdoor sports facilities and provision for children for the upgrading of Marden Playing Fields. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area.

5.5.13 whilst the Cockpits Play Area is closer to the site than the Marden Playing fields it has recently benefited from refurbishment and does not contain a large enough area for provision of outdoor sports, the element which not provided for on the application site. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.

5.5.14 The applicants have indicated a willingness to enter into a S106 Agreement as set out at the end of this report.

## **6. CONCLUSION**

6.1 The development site is located in the countryside outside the defined boundary of Marden village and as such represents a departure from development plan policy and would normally warrant refusal. However, as has been set out in this report, there are material considerations which suggest that a different decision could be justified.

6.2 Due to the location of this site as an extension to the southern boundary of the village, the site would be read alongside this and not as a stand alone development. It is not therefore considered that the development would cause unacceptable harm to the countryside; the suggested materials and design of the dwellings would be finalised through the reserved matters, but from the level of detail submitted it is clear that the site offers the potential to enhance the village in this location or at the very least not cause visual harm.

6.3 The sustainable location of the site cannot be disputed and being adjacent to a Rural Service Centre does accord with the advice in the national Planning Policy Framework also considered earlier in the report.

- 6.4 The current lack of a five-year housing land supply has become apparent. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 For the reasons discussed in this report, the principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on residential amenity and following detailed submission and mitigation, in terms of landscaping, ecology and drainage.
- 6.6 Subject to the prior completion of a s106 agreement in accordance with the heads of terms considered above and the imposition of appropriate conditions, I recommend that permission should be granted.

## **7. RECOMMENDATION**

### **SUBJECT TO:**

A: The prior completion of a s106 legal agreement, in such terms as the Head of Legal Services may advise to secure:

- The provision of a minimum of 40% affordable housing.
- A healthcare contribution of £248.38 per dwelling towards the improvement of services and facilities at the Marden medical centre and Staplehurst medical centre.
- Primary school contribution of £2360.06 per applicable house and £590.24 per applicable flat towards primary school expansion.
- Secondary school -£2359.80 per applicable dwelling and £589.95 per applicable flat towards the extension of existing local secondary schools to cater for the additional demand for places.
- Library contribution of £2783.56 toward the provision of bookstock and services at the local library for the additional demand on the resource.
- Community learning contribution of £4134.06 towards new/expanded facilities and services for adult education centres and outreach community learning facilities.
- Adult Social Services: £2296.22 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.
- The provision of additional cycle parking facilities at Marden Station
- Details of the provision and subsequent management of the open space (including play area), green and allotment areas within the site.
- A contribution of £700 per dwelling to be used towards the upgrading of Marden Playing Fields

The HEAD OF PLANNING BE GIVEN DELEGATED POWER TO GRANT PERMISSION subject to the following conditions and informatives:

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

- a. Scale b. Appearance c. Landscaping

Application for 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: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (in accordance with the materials palette set out in the Design and Access Statement) have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, details of all fencing, walling, railings (which shall be in accordance with the boundary treatment for each character area as set out in the Design and Access Statement) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

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

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

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

6. The development shall not commence until a detailed scheme for the parking/turning areas is submitted and approved in writing, the approved scheme shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for both private and public areas, using primarily indigenous species and in accordance with the principles set out in the landscape strategy which shall include:
  - The retention of existing tree lines along the site boundaries, and enhancements to the boundary where necessary;
  - The use of a range of natural flowering and berry bearing species of trees;
  - Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
  - The provision of bird and bat boxes within the development;
  - Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and

## Landscape Guidelines;

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

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

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

9. A management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open space areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the future management arrangements for the proposed allotments and for the management of communal parking areas. The 'plan' shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the management plan shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped and open space areas.

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

11. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

12. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The paving shall be permeable in nature as indicated in the application documents. The overall surfacing shall follow the proposals for each character area as set out in the Design and Access Statement. The development shall thereafter be undertaken in accordance with the subsequently approved details.

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

13. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

14. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;
  - i) Details of the roof overhangs and eaves.
  - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
  - iii) Details of the junction of the timber boarding and the brickwork, and other material change with brickwork.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies, front garden swales and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

16. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

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

Reason: To secure a high standard of design.

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

19. No development shall take place until the applicant has secured and has implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

20. No development shall take place until precise details of the proposed water bodies have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.



Reason: In the interests of biodiversity.

21. No development shall take place until a sustainable surface water drainage scheme (SUDS) for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not to increase the risk of flooding both on or off site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of sustainable design and to minimise the risk of flooding both on site and elsewhere.

22. The details of the landscaping of the site required to be submitted by Condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play area, amenity area and trim trail as identified in the Design and Access Statement and the land shall be laid out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

23. 'No development shall take place until there has been submitted and approved in writing by the Local Planning Authority, a set of Design Codes for each of the Character Areas, building on the parameters/characteristics as outlined in the Design & Access Statement (received in April 2013), outlining detailed information on elements such as layout, heights, massing, building typologies (including orientation and location), public realm and boundary treatments for each phase or development parcel.

Reason: To ensure high design quality is maintained as the development is implemented.

Reason: To ensure a suitable development of the site.

24. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivered as per the submitted masterplan.

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To protect controlled waters.

26. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include provision of parking facilities throughout the construction period; wheel washing facilities; provision of measures to prevent the discharge of surface water onto the highway; provision of construction vehicle loading/unloading and turning facilities. The strategy shall be submitted, approved and implemented prior to commencement of the development.

Reason: In the interests of highway safety operations.

27. There shall be no occupation of the development hereby permitted until the provision of the highway and pedestrian safety enhancements as set out in the application, these shall include cycle parking at the railway station, interactive sign board on Goudhurst Road and enhanced pedestrian crossing on Goudhurst Road. The details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety.

28. There shall be no occupation of the development hereby permitted until the details of 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 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be undertaken in accordance with these approved details.

Reason: In the interests of highway and pedestrian safety.

29. Prior to the first occupation of the development the following works between a dwelling and the adopted highway shall be completed:

- i) Footways and/or footpaths, with the exception of the wearing course;
- ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway and pedestrian safety.

30. No development shall take place until a detailed mitigation and enhancement strategy to protect ecological interests has been submitted to and approved in writing by the Local Planning Authority. The purpose of the strategy is:

- i) to ensure the protection/translocation of displaced reptiles or great crested newts;
- ii) provide follow-up surveys and mitigation to ensure protection for the badger habitat/species;
- iii) undertake a precautionary approach to the demolition of the existing building to the west of the site (provide a further bat survey if the building is not demolished within two years of the date of this permission);
- iv) enhance existing ecological habitats within the site periphery;
- v) all recommendations set out in the PJC Ecological Report and supplementary

information dated 30 July 2013 shall be adhered to and the approved details submitted pursuant to this condition shall be fully implemented.

Reason: In the interests of maintaining and enhancing ecological interests within the site.

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

Drawing no.s 13001/OPA - D01; D02; D03;D04;D05; DP06;DP07; 2682/PS001; ref 100; Design and Access Statement; Landscape and Open Space Strategy; Transport Assessment; Flood Risk and Waste Water Management; Sustainable Design and Construction Statement; Ecological Assessment Phase 1 (and additional information dated 30 July 2013); Arboricultural Assessment and Archaeological Desk Based Assessment as submitted on 22 April 2013.

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

### **Informatives set out below**

Water conservation techniques should be incorporated into the design of all new development. If domestic appliances are to be provided in the new properties, 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.

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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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 regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other

materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

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

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The resulting developer who takes forward the Reserved Matters application is strongly advised to contact the Local Planning Authority in advance of submission to discuss the detailed aspects of design, hardsurfacing and landscaping prior to submission.

The applicant is advised of the following in relation to the PRow:

- 1.No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- 2.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 Public Rights of Way & Access Service;
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out views;

4.No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

5. No materials can be brought onto site or stored on the Right of Way.

6. The granting of planning permission confers no other permission or consent or right to close or divert any PRow at any time without the express permission of the Highway Authority.