

APPLICATION PROPOSAL		Ref No 23/504068/OUT
Outline application with some matters reserved (access only sought) for the removal of 2 former agricultural sheds and erection of up to 117no. dwellings and associated infrastructure including partial footways on Albion Road.		
ADDRESS Land East of Albion Road And North of Copper Lane, Marden TN12 9EG		
RECOMMENDATION - Application Refused		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Rydon Homes Limited AGENT
DECISION DUE DATE 25/12/23		PUBLICITY EXPIRY DATE 30/11/23

Supplementary Delegated Report

The above outline planning application was refused under authority delegated to the Head of Development Management on 22 December 2023.

The Development Plan in terms of the Local Plan at the time of the determination was the Maidstone Borough Local Plan 2017. The Maidstone Borough Local Plan Review (LPR) was at Regulation 22 stage on that date.

On 8 March 2024, the Inspector's Report on the Examination of the Maidstone Local Plan Review was received with the conclusion of the Plan being sound and capable of adoption (subject to an Appendix containing the Main Modifications).

On 20 March 2024, the Council adopted the Maidstone Borough Local Plan Review 2024. Some judicial reviews were received but not relevant to the application site at Marden so the LPR now has full weight in regard of this site.

On 21 June 2024, an appeal was lodged against the refusal of 23/504068/OUT. This is due to be heard by a Public Inquiry commencing on 12 November 2024.

Hence the Development Plan has changed since the decision was made, with the main implication being that the site is no longer in the countryside but is within the settlement of Marden and allocated for housing development of approx. 113 dwellings under Policy LPRSA295.

In order to provide clarity to the Public Inquiry, the reasons for refusal should be amended to reflect the very significant change to the development plan. Reason for refusal 1 was based on the site being in the countryside and so cannot be pursued at the PI.

Reason for refusal 2 should be amended to cross refer to the allocation policy, specifically assessing whether the development proposal will meet all the conditions of policy LPRSA295 of the Maidstone Borough Local Plan Review 2024, being conditions that reflect and seek to address the landscape sensitivities of the site.

Otherwise, policies referred to in the reasons below have been updated to refer to those in the Maidstone Borough Local Plan Review 2024, not the Maidstone Borough Local Plan 2017.

There is no change to the Development Plan in terms of any policies of the Marden Neighbourhood Plan and those remain in the reasons for refusal below where relevant.

RECOMMENDATION – Amend Reasons for Refusal as follows:

1) delete

2) The application site is an upwardly sloping site on the rural edge of Marden village within the landscape character of the Staplehurst Low Weald. It has not been demonstrated, in this outline application, that the proposed development will meet all the conditions of policy LPRSA295 of the Maidstone Borough Local Plan Review 2024. These conditions reflect and seek to address the landscape sensitivities of the site. The illustrative plan: (i) shows that the proposed quantum of development and necessary infrastructure leads to a lack of structural landscaping throughout the site and to sensitive boundaries, especially the southern boundary (due in part to the intervening ponds and proposed attenuation basin, which will also result in existing tree loss); (ii) shows that the south part of the site around the existing ponds will not be kept free of development, with a proposed emergency access and associated visibility splays and a pumping station shown here (iii) shows that the existing tree/hedge site boundaries will not be enhanced, again particularly in the location of the attenuation basin. The resulting development would fail to respond sensitively of the rural setting of Marden and would harm the character and appearance of the surrounding countryside. In addition, the illustrative layout shows that the proposed quantum of houses will lead to cramped overdevelopment, exemplified in the illustrative plan at the access road entrance and in the NE corner adjacent to the southern and eastern boundaries respectively. The proposal is contrary to Policies LPRSP15 and LPRSA295 of the Maidstone Borough Local Plan Review 2024 and Marden Neighbourhood Plan policies BE1 and NE3.

(3) Due to the absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden, the residents are likely to be reliant on the private motor vehicle to travel for access to day-to-day needs. This would be contrary to the aims of sustainable development as set out in policies LPRSA295, LPRSP12 and LPRSP15 of the Maidstone Borough Local Plan Review

2024, policy In2 of the Marden Neighbourhood Plan, the National Planning Policy Framework and the objectives of Active Travel England to secure good walking, wheeling and cycling infrastructure.

(4) The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes. The Transport Assessment is deficient in that there is no Road Safety Audit, there is inadequate raw data for traffic survey, visibility splays need recalculation and trip generation data needs sensitivity testing. The development is contrary to the NPPF which requires safe and suitable access to be achieved for all users and to policies LPRSP6(E), LPRSP12, LPRSP15 and LPRTRA2 of the Maidstone Borough Local Plan Review 2024 and policy In3 of the Marden Neighbourhood Plan

(5) The ecology appraisal is deficient in terms of provision of habitat and/or mitigation for badgers, breeding birds, turtle doves, great crested newts and reptiles and in the assessment of the ecological value of the orchard in situ. The applicant has not taken account of local information provided by Kent Wildlife Trust and Marden Wildlife Group nor engaged with those groups. Therefore, it is not possible to confirm compliance with statutory species protection legislation, and is contrary to paragraph 180 of the NPPF, policy LPRSP14(A) of the Maidstone Borough Local Plan Review 2024 and policy NE4 of the Marden Neighbourhood Plan.

(6) There is an inadequate amount of natural and semi-natural open space both in quantum, and public useability because of the indicative configuration and siting relative to the housing, the attenuation basin has not been demonstrated to be a wet pond and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal does not comply with policy LPRINF1 or LPRSA295 of the Maidstone Borough Local Plan Review 2024 or policy A2 of the Marden Neighbourhood Plan.

(7) The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy LPRSP13 of the Maidstone Borough Local Plan Review 2024 and policy A3 of the Marden Neighbourhood Plan.

INFORMATIVES

(1) This decision has been taken in accordance with the details and information provided in the following plans/documents:

Acoustic Report Noise Impact Assessment Received on 05 September 2023
Affordable Housing Statement Received on 05 September 2023
Ecological Assessment Received on 03 November 2023

Arboricultural Report Arboricultural Implications Assessment Received on 05 September 2023
Biodiversity Survey/Report Biodiversity Net Gain Assessment Received on 05 September 2023
Design and Access Statement Design and Access Statement Received on 05 September 2023
Energy Statement Energy and Sustainability Statement Received on 05 September 2023
Flood Risk Assessment Flood Risk Assessment 1 of 2 Received on 05 September 2023
Flood Risk Assessment Flood Risk Assessment 2 of 2 Received on 05 September 2023
Heritage Statement Received on 05 September 2023
22037 / SK26C Building Heights Layout Received on 05 September 2023
22037 - SK25J Coloured Site Layout Received on 05 September 2023
1035-0A-100 Existing Block Plan Received on 14 September 2023
1035-0A-101 Existing Building Floor Plan and Elevations Received on 14 September 2023
22037 - SK12F Policy Area Calculations Received on 05 September 2023
ITB15098-GA-026 Rev C Proposed Pedestrian / Cycle / Emergency Access Received on 05 September 2023
ITB15098-GA-053 Rev Proposed Site Access Arrangements Received on 05 September 2023
22037 - S101C Site Location Plan Received on 14 September 2023
CLM/2107/6 of 10 A Site Survey Received on 14 September 2023
CLM/2107/7 of 10 A Site Survey Received on 14 September 2023
CLM/2107/8 of 10 A Site Survey Received on 14 September 2023
CLM/2107/9 of 10 A Site Survey Received on 14 September 2023
CLM/2107/10 of 10 A Site Survey Received on 14 September 2023
CLM/2107/1 of 10 A Site Survey Received on 14 September 2023
CLM/2107/2 of 10 A Site Survey Received on 14 September 2023
CLM/2107/3 of 10 A Site Survey Received on 14 September 2023
CLM/2107/4 of 10 A Site Survey Received on 14 September 2023
CLM/2107/5 of 10 A Site Survey Received on 14 September 2023
22037 / SK30A Tree Retention/Removal Plan Received on 05 September 2023
Planning Statement Received on 05 September 2023
Landscape and Visual Impact Assessment Received on 05 September 2023
LVIA Figure 1 - The Site and Topography Received on 05 September 2023
LVIA Figure 2 - Landscape-related Designations and Public Rights of Way Received on 05 September 2023
LVIA Figure 3 - The Site, Landscape Features and Immediate Landscape Character A Received on 05 September 2023
LVIA Figure 4 - Photographs of the Site and Immediate Context Received on 05 September 2023
LVIA Figure 5 - Zone of Visual Influence and Viewpoint Locations Received on 05 September 2023
LVIA Figure 6.1-6.5 - Viewpoint Photographs Received on 05 September 2023
LVIA Figure 6.7-7 - Viewpoint Photographs and Indicative Site Layout Received on 05 September 2023
Mineral Resource Assessment Received on 05 September 2023
Outline Landscape and Ecological Management Plan Received on 05 September 2023

Transport Assessment Received on 05 September 2023


Transport Assessment Appendices 1 of 3 Received on 05 September 2023

Transport Assessment Appendices 2 of 3 Received on 05 September 2023

Transport Assessment Appendices 3 of 3 Received on 05 September 2023

Travel Plan Received on 05 September 2023

Case officer	Date:
Marion Geary	11.09.24

Delegated Authority to Sign:	Date:
 PRINT NAME: Rob Jarman	12.09.24