

Appeal Statement

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Town and Country Planning Act 1990 Section 78

**Written Representations for the appeal under the above-mentioned Act against
Maidstone Borough Council's decision to refuse the following application for
Planning Permission:**

APPEAL BY: Monk Lakes Limited

LOCATION: Monk Lakes, Staplehurst Road, Maidstone, Kent, TN12 9BU

PROPOSAL: Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.

1 Description of the Site

- 1.1 The appeal site consists of the majority of a recreational fishing complex known as **'Monk Lakes'**. It **includes 2 ground level lakes known as 'Bridges' and 'Puma'** which are completed and in use in the northeast corner of the site. The vast remainder of the site to the southwest includes 3 lakes constructed above existing ground levels referred to as Lakes 1, 2, and 3. Lakes 2 and 3 are complete, and Lake 1 requires further works to complete. None of the lakes benefit from planning permission and are the subject of this appeal. To the southeast of the appeal site and part of the wider Monk Lakes site, there are lawful above ground ponds and lakes used for recreational fishing.
- 1.2 The site is to the north of the A229 (Maidstone Road) and around 3km northwest of Staplehurst village but falls within Marden Parish. The site also contains an access road leading to a car park (that both have planning permission), and a complex of both permanent and temporary/mobile buildings used as a shop, canteen, toilets and storage. The site extends to some 35 hectares, although the Monk Lakes facility is larger with the lawful lakes to the east.

- 1.3 The nearest residential properties lie along Hertsfield Lane immediately to the west of the site and are Hertsfield Farm Cottages, Old Hertsfield Farmhouse, Hertsfield Barn and Hertsfield Oast. There are also some properties close to the site to the south on the opposite side of the A229.
- 1.4 Old Hertsfield Farmhouse is a Grade II listed building as is Hertsfield Barn which is about 50 metres to the east of the farmhouse and it is considered that an element of the appeal site, (that part of it close to these listed buildings) falls within the setting of these listed buildings.
- 1.5 To the south east of the **site is the extensive 'Riverfield Fish Farm' complex of ponds and lakes. These are not part of the applicant's facility.**
- 1.6 The northern boundary of the site runs alongside the River Beult which here is a Site of Special Scientific Interest (SSSI). The northern part of the site is within the flood zone of the river. Further north the land rises steeply upwards to the 'Greensand Ridge'. On the northern side of the River Beult there is public footpath KM129 that runs generally on an east/west axis.
- 1.7 The site falls within the countryside but has no special landscape designation in the Maidstone Local Plan.

2 Background/Planning History

2003-2008

- 2.1 In September 2003 the LPA granted planning permission (ref. 03/0836) for the ***"change of use of the land and physical works to create an extension in the fish farm, to form an area for recreational fishing. The application involves the formation of ponds and lakes, the erection of a building and the formation of a car park..."*** Amongst other things, the approved drawing showed 12 ponds/lakes, some of which would be above-ground lakes and this covered the current appeal site.
- 2.2 Between 2003 and 2008 the previous site owner commenced works in connection with that permission. It became apparent to the LPA that the 2003 planning permission was not being lawfully implemented and that the works being carried out on site were not in accordance with the approved plans. Therefore, in September 2008 the Council served an enforcement notice to deal with the breaches of planning control which required the removal of all material and restoration of the site back to its pre-development 2003 condition.

2008-2012

- 2.3 The enforcement notice was subsequently appealed. Clarification over the status of the appeals, requests for an Environmental Impact Assessment (EIA), and various extensions to deadlines to provide information requested by the Planning Inspectorate (PINS) went on for some time. Litigation also arose involving the current land owners against PINS (2009), which was decided in November 2011. The outcome of this was essentially that the appeal would continue.

2.4 At the same time in November 2011, the current appeal application was submitted in an attempt to regularise the works at the site, being to largely retain development on site but with further works to remodel the banks of Lakes 1, 2, and 3. The LPA resolved to grant permission at Planning Committee in June 2012 and this was issued in September 2012.

2012- 2014

2.5 Around September 2012, the land-owner asked for the enforcement appeal to be delayed for 6 months bearing in mind the grant of planning permission. The Planning Inspectorate agreed to this.

2.6 The applicant carried out some of the works approved under planning permission 11/1948 to complete the development mainly relating to lakes 2 and 3.

2.7 In November 2012, an adjoining neighbour to the site filed a Judicial Review (JR) challenge against the LPAs grant of planning permission. This was filed on 4 grounds, two relating to EIA grounds, and the other two relating to groundwater flooding. The enforcement appeal was held in abeyance pending the outcome of the JR.

2.8 The JR hearing was held in November 2013 with a decision in January 2014 that quashed the grant of planning permission. The LPA was therefore required to re-determine the planning application subject to this appeal.

2.9 In summary, the JR decision found that the LPA had failed to consider whether there were exceptional circumstances to grant retrospective permission (a requirement under EIA case law); and that the LPA failed to properly investigate potential groundwater flooding on neighbouring land.

2014-2015

2.10 In April 2014 the enforcement appeal was re-opened and the hearing was held a year later in April 2015. The grounds being debated at the enforcement appeal were only the time for compliance to restore the site back to its pre-2003 condition.

2.11 In May 2015 the enforcement appeal decision was issued and the time periods for compliance with the enforcement notice to restore the site were amended allowing a total time of 22 months (to April 2017). Some of the requirements such as ceasing to use the lakes for fishing were required to stop immediately. The Planning Enforcement section has held any action in abeyance pending the outcome of this appeal.

2015-2020

2.12 In July 2015 additional information was submitted by the appellant in relation to this appeal application so it could be re-determined following the JR decision, including the assessment of groundwater impacts, with evidence gathered from borehole testing. The LPA employed consultants 'Mott MacDonald' to provide expert advice on groundwater drainage issues as this does not fall within the

remit of the Environment Agency or Kent County Council as Lead Local Flood Authority. Further information was requested by the LPA between 2016-2019 and provided by the appellant before the application was refused by the Council at its Planning Committee on 5th March 2020.

3 Proposed Development

- 3.1 The appeal seeks retrospective permission for the retention of the 2 below ground lakes (Bridges and Puma) in their current form in the northeast corner and raised Lakes 2 and 3 on the west side of the site, also in their current form. Permission is also sought for raised Lake 1 and this requires additional works to complete mainly involving raising the levels of the lake bed and minor reductions in the levels of the lake banks. Permission is also sought for the erection of a new clubhouse building in the centre of the wider complex.
- 3.2 **'Bridges' and 'Puma' lakes are excavated below ground with their water level just below ground level.** Lakes 1, 2, and 3 are/would be between 5m to 6.2m above the previous ground level and have sloped sides which run down to the west boundary with some Hertsfield Road properties, to the south boundary with the A229, and within the site itself. The depth of water would be around 2m.
- 3.3 Landscaping is proposed largely in the form of woodland planting along the west and south site boundaries and on the lake slopes, and existing landscaping would be retained around Puma and Bridges lakes and the site in general.
- 3.5 A new clubhouse is proposed to provide facilities for anglers which would be in a similar position as the temporary buildings adjacent to the car park. The building would be single storey with hipped roofs and finished in timber boarding and clay roof tiles. It would provide toilets and showers, offices, shop, kitchen, and dining area. The existing car park would be formalised with new surfacing and marked spaces, and lowered in the region of 1m from its present position to provide flood compensation. New landscaping would be introduced in and around the car park/clubhouse.
- 3.6 The appeal application is accompanied by an Environmental Statement (ES) originally submitted under the EIA Regulations 2011. The ES has been updated since the original submission in 2011 with the most recent provided in February 2019. As the development was originally submitted under the 2011 EIA Regulations it remains subject to these.

4 Relevant Planning History

- 09/2027 Retrospective application for the retention of buildings and mobile facilities to serve recreational angling - TEMPORARY 3 YR PERMISSION APPROVED 04/01/10
- 09/1380 Retrospective application for the change of use of existing lakes from fish farm to recreational angling and retention of ancillary car parking and access to site - APPROVED 26/11/09

03/0836 Change of use of land and physical works to create an extension in the fish farm, to form an area for recreational fishing. The application involves the formation of ponds and lakes, the erection of a building and the formation of a car park. The existing access to Staplehurst Road is to be improved - APPROVED 22/09/03

00/1162 Change of use of land and engineering works to create an extension to the existing fish farm and provision of temporary works access – APPROVED 02/01/01

5 The Decision of the Local Planning Authority

5.1 The appeal application was refused at Planning Committee on 5th March 2020 and the decision issued on 12th March. The application was refused for the following two reasons and the decision notice is attached at Appendix 1.

1. *The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.*

2. *Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.*

6 Development Plan Policies

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan consists of the:

- Maidstone Borough Local Plan 2017-2031 (adopted 2017)
- Marden Neighbourhood Plan 2017-2031 (made 2020)
- Kent Waste and Minerals Plan 2013-2030 (adopted 2016)

Maidstone Borough Local Plan 2017

6.2 Policies SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37 are considered most relevant to this appeal and copies are attached at the Appendix 2.

Marden Neighbourhood Plan 2020

6.3 Policies NE1, NE2, NE3, NE4, NE5, NE6, BE1, In3, E1, are considered most relevant to this appeal and copies are attached at the Appendix 2.

Kent Waste and Minerals Plan 2016

- 6.4 Policy DM7 is considered most relevant to this appeal and copies are attached at the Appendix 2.

The National Planning Policy Framework (NPPF) & National Planning Practice Guidance (NPPG)

- 6.5 The NPPF and NPPG are material considerations in planning decisions and relevant sections will be referred to in the LPAs case.

7 The Case for the Local Planning Authority

Reason 1

Significance of Hertsfield Barn

- 7.1 In order to assess the impact of a development on a heritage asset it is first necessary to understand its significance. In relation to the significance of **heritage assets, the NPPF Glossary states that "interest may be archaeological, architectural, artistic or historic" and that "Significance derives not only from a heritage asset's physical presence but also its setting".**

- 7.2 There are two designated heritage assets adjacent to the site near its western boundary: Old Hertsfield Farmhouse (NHLE ref: 1281781) and Hertsfield Barn (NHLE ref: 1344432). The two historic farm buildings form part of a small cluster of buildings historically known as Hertsfield Farm, identified on the Kent Historic Environment Record as a dispersed multi-yard farmstead with driftway. **The group also includes the unlisted former oast house and former workers' cottages.**

- 7.3 1876-1895 OS map identifies the overall farmstead as 'Hertsfield', with the barn and oasthouse depicted alongside the driftway as part of an irregular open farmyard setting. This group directly addresses fields divided by trees or hedgerows to the east on what is now the appeal site. Old Hertsfield is clearly shown to occupy an enclosed garden area surrounded by trees and a moat or drainage ditch, the remains of which are legible today in the ponds at the northern edge of the garden.

- 7.4 Old Hertsfield Farmhouse was listed in 1987 and is described in its list description as:

Farmhouse. C18, possibly with earlier core. Ground floor red and grey brick, first floor tile-hung. Plain tile roof. 2 storeys. Gabled. Gable-end stacks. Irregular fenestration of 3 windows; two two-light casements with top lights, and one central eight-pane sash. Central half-glazed double doors. Parallel rear range, with rear stack to left. Interior not inspected. Included for group value.

- 7.5 The farmhouse is highly significant as a grade II listed building retaining 18th century and earlier fabric, and is considered to possess both architectural and historic value in relation to its architectural appearance and agricultural origins.

The list description identifies its group value, in that its significance is enhanced by its proximity to associated historic farm buildings.

Hertsfield Barn was listed as Barn about 50m east of old Hertsfield Farmhouse in 1986 and described in its list description as:

Barn. C15 or early C16. Timber framed, weatherboarded, on ragstone plinth. Plain tile roof. 4 timber-framed bays, with midstrey to second bay from north. South end bay shorter than rest. Steeply-pitched hipped roof with gablets. Low gabled weatherboarded porch to east. Lean-tos to east and west sides of two south bays. Single-storey C19 weatherboarded cattle shelter with plain tile roof, running east from north end, open to south side with posts on tapering padstones, and retaining wooden feeding troughs at time of re-survey. Interior: gunstock jowls to principal posts. Arch-braced tie-beams. Plain crown posts, each with two foot and two head braces. Lapped collars. Full-height intermediate posts to bays flanking midstrey. Stave, lath and daub infilling above midrail to east side of two south bays. Tension braces. Threshing - floor brace.

7.6 As identified in the list description, the principal medieval threshing barn element of the building has two 19th-century wings, the western wing understood to date from the early 19th century and the eastern wing to the later 19th century based on historic mapping evidence.

7.7 Historically, the barn was the dominant element of the farmstead. The Kent Farmsteads guidance states that:

In Kent the barn was a building for the dry storage and processing of the harvested corn crop, and for housing straw after threshing before it was distributed as bedding for animals and trodden into manure to be returned to the fields...Wealden barns retain evidence – either in partitions and floors or in evidence for lost partitions and floors - for being combination buildings in that they housed both animals (primarily cattle) and crops. Lean-to additions rather than aisles are more common in this area. (p.25)

7.8 Hertsfield Barn was converted to a residential dwelling following the grant of permission in 1986 and was altered accordingly at that time. The internal and external alterations to facilitate residential use were numerous, although the principal timber frame and general character of the barn are essentially intact from the description at the time of listing.

7.9 As a grade II listed building dating to the C15 or C16 the barn is inherently of high significance. It is considered to be of high significance particularly in relation to its architectural and historical value, and is an important example of its type that demonstrates the vernacular architecture, craftsmanship and agricultural practices of the region. The barn has been sympathetically converted without seriously undermining these values.

Contribution of setting to significance of Hertsfield Barn

7.10 The PPG provides guidance on assessing the setting of a heritage asset, stating that “*The extent and importance of setting is often expressed by reference to*

the visual relationship between the asset and the proposed development...” and “Although views from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as (...) other land uses in the vicinity” and furthermore that “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to access or experience that setting.” (PPG, paragraph 013)

- 7.11 Historic England guidance GPA3, The Setting of Heritage Assets 2nd edition (2017)¹, provides a best-practice methodology for identifying and assessing setting. The guidance states that: *“Setting is not itself a heritage asset, not a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance”* (p.4) and in identifying the extent to which the setting contributes to the significance of the heritage asset, **the guidance recommends taking account of “the physical surroundings of the asset, including its relationship with other heritage assets; the asset’s intangible associations with its surroundings, and patterns of use”** (p.10)
- 7.12 The HE guidance sets out a staged approach to the assessment of understanding the significance of setting:
- Identification of heritage assets and the extent of their settings;
 - Assess whether, how and what degree the settings make a contribution to the significance of the heritage assets;
 - Assess the effects of the proposed development, whether beneficial or harmful on the significance;
 - Explore ways to maximise enhancement and avoid or minimise harm; and
 - Record the process.
- 7.13 As identified above, the significance of Hertsfield Farmhouse is enhanced by its relationship with other heritage assets. This relationship is largely functional and historical relating to the farmstead use, as the house is within an enclosed setting surrounded by treed boundaries that have been in existence since at least the early 19th century. The house is experienced largely within this enclosed setting and the land of the application site does not directly contribute to its physical setting. Its use would have been primarily residential in nature, and the functional relationship to the agricultural land is also expected to have been minimal.
- 7.14 As a result of this enclosed, historically domestic setting the land of the appeal site is not considered to contribute to the significance of the farmhouse and therefore it has not been assessed further in relation to the development.
- 7.15 Hertsfield Barn has group value with the farmhouse and this contributes to its significance. The barn has historically been experienced in an open agricultural landscape comprising irregularly enclosed fields with minimal built development

¹ <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

other than the ancillary farm buildings. The land immediately to the east of the barn and its associated yard, which now comprises the appeal site, is considered to strongly contribute to its setting and significance as set out below.

- 7.16 The Kent Farmsteads and Landscape Project² sets out the evolution of this type of agricultural landscape within Kent:

The fields and the patterns of roads, tracks and woodland around the farmstead reflects centuries of change. The pattern is piecemeal enclosure, where successive change has removed or retained patterns of land use extending into the medieval period and beyond. The farmstead was in an isolated location rather than part of a nucleated settlement, and therefore the land associated with it would be the result of ancient private enclosure from the 14th century, rather than common land. (p.29)

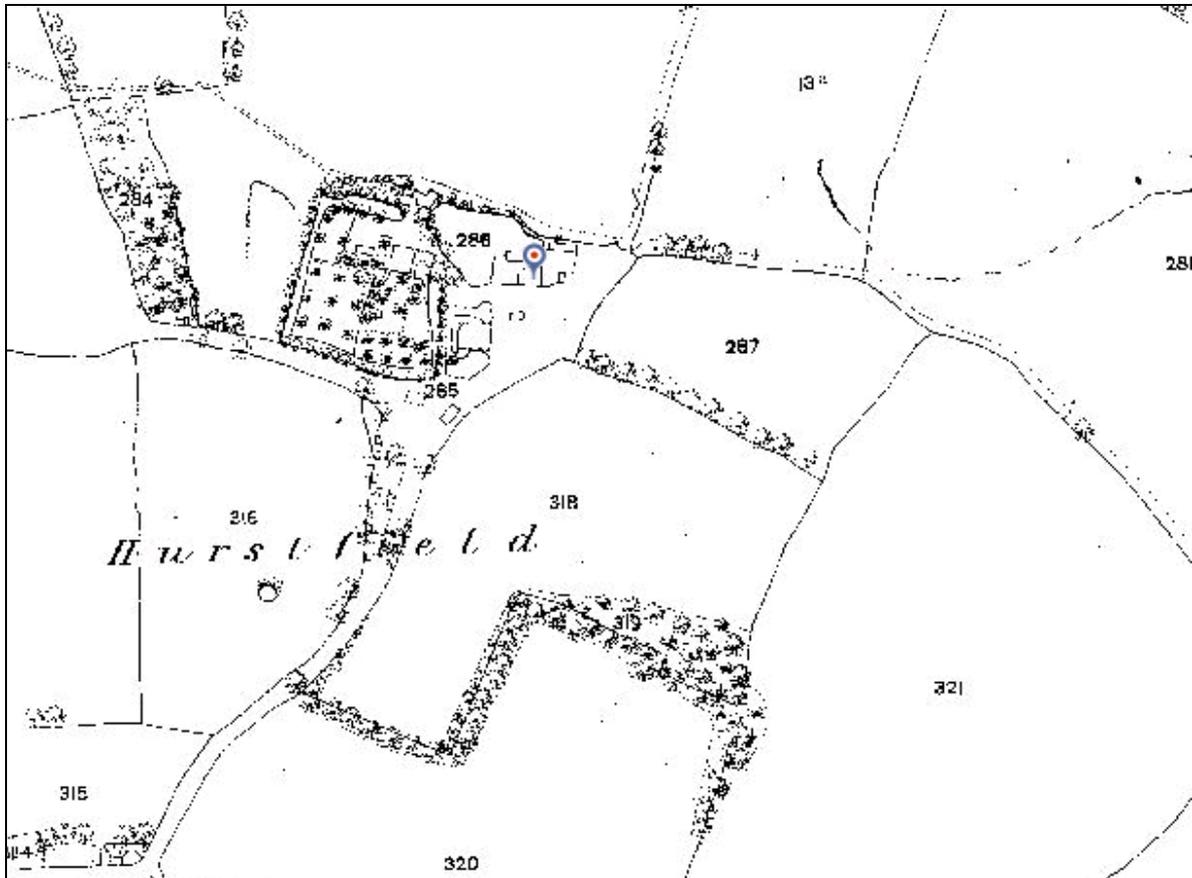
- 7.17 And goes on to summarise the importance of historic farmsteads in relation to their context with great relevance to this site and area:

Much of the Low Weald, together with the High Weald is remarkable in a national context for the very high numbers of farmsteads that retain early, pre-1750 buildings. The north part of this character area in particular has a major concentration of pre-1550 barns set within a framework of tracks, droveways and dens, fields and woodland that largely took its present form in the early medieval period. The close association of these early farmsteads and landscapes is highly significant (p.37)

- 7.18 In this instance, historic maps from the 1841 tithe map, late C19 and early-20th-century Ordnance Survey maps, to the 1945 and 1960 aerial maps illustrate a consistent arrangement of the farmhouse, barn and oast surrounded by irregularly enclosed land, intersected by tracks and access routes. Near the farm and across the landscape there are small ponds and other linear features likely to be drainage ditches or ground water management systems. Trees or hedgerow lining some of the boundaries are clear throughout.
- 7.19 Smaller buildings of unknown use appear to the south and are later demolished, with the exception of workers cottages still extant as Hertsfield Farm Cottages. The irregularity of the enclosures implies they were established in the medieval period at the time the barn was originally constructed.
- 7.20 As part of an agricultural holding constrained by natural features, patterns of use and land ownership boundaries, the land would have been configured for functional reasons rather than any aesthetic consideration. There is not considered to have been any formal or designed setting around the barn and farmstead, which has developed incrementally and organically.
- 7.21 Furthermore, the barn was not intended to have an outlook, nor was it designed as an aesthetic feature in the landscape, which would have been incidental. Views that may have been appreciated from within the barn or its immediate

² B. Edwards and K Lake, *Kent Farmsteads and Landscape Project*, English Heritage and Kent County Council 2012

curtilage, albeit attractive and rural, are largely the result of its conversion to residential accommodation. The visual contribution of the barn to the landscape is a quality appreciated in more recent years when vernacular architectural traditions have become more widely appreciated, and buildings protected through planning policy and heritage designation.



1876-1895 Ordnance Survey Map



1960 aerial image (KCC/Google Earth)

- 7.22 The historic mapping evidence leaves no doubt that the agricultural land which is now occupied with the appeal development has historically had a strong and direct relationship with the Hertsfield farmstead. The location of the barn directly addressing this land across a spacious open service yard, reached by access lanes to the north, east and south, indicates that the use of the land was intrinsically connected to the building, where crops, materials and equipment could be moved directly between the two.
- 7.23 While it is evident that the patterns of land use have changed in the centuries since the barn and farmstead were established, the available mapping demonstrates that this has been within a long-established framework of land enclosures that directly reflect the functional relationship between the land and buildings. This functional relationship, as demonstrated by the layout and form of the land in relation to the buildings, indicates that the land of the site contributes to the significance of the listed barn.

Impact of development on setting and significance of Hertsfield Barn

- 7.24 NPPF paragraph 193 states that, '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight **should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*' while the NPPG states that '*...harm may arise from works to the asset or from development within its setting.*' (para 018).

- 7.25 As set out above, Hertsfield Barn is considered to be highly significant, and that the appeal site in its condition prior to development contributes to the setting and significance. The combination of buildings and landscapes in this area has been assessed as highly significant in official guidance. In this instance the significance of the setting primarily **relates to the land's open character, former uses and associated historic pattern of enclosure**, and does not have any formal aesthetic considerations.
- 7.26 The development of fishing lakes has altered the landscape immediately adjacent to Hertsfield barn, notably because of the extent of the proposed bunding for the lakes which has removed all field boundaries. This has amalgamated the land into a single amorphous site where historically there was an intricate patchwork of fields of likely medieval origin. It has also drastically elevated the topography of the land immediately adjacent to the barn with a substantial slope rising to a height of around 7.5m above the ground level of the barn with the slope extending over a distance of around 50m. Historically the land here was generally flat and open and this man-made land-form is entirely out of character with the barn's historic setting.
- 7.27 The effect of these changes is to **considerably erode the barn's historic landscape setting and functional relationship to the land it formerly served**. It is considered that the impact of these changes has resulted in harm to the setting and significance of the heritage asset, and whilst this harm is 'less than substantial' it must be given great weight and requires clear and convincing justification as set out under paragraphs 193 and 194 of the NPPF. The appeal proposals would also clearly fail to protect or conserve the setting of the heritage asset contrary to policies SP18 and DM4 of the Local Plan and policy BE1 of the Marden Neighbourhood Plan.
- 7.28 The appeal includes measures that are intended to minimise the visual impact of the development, specifically landscaping of the western bund closest to the barn. However, this would not overcome the fundamental harm in relation to loss of openness and historic enclosure patterns.
- 7.29 It is acknowledged that parts of the land were planted as orchards until the later 20th century, and that these had been removed prior to the development of the lakes. In **para. 6.46 of their statement the appellant asserts that "...the height of planting, in the form of trees...would likely have prevented long-distance views from the yard across the fields..."**.
- 7.30 However, it should be noted that orchards are carefully managed plantations with evenly spaced trees or up to 3m allowing for visibility across the land and a general sense of openness. Furthermore, it has been common practice to replant orchards on a cyclical basis, meaning that there would have been periods during which the land was empty of trees and open in character before being replanted. This is demonstrated by the historic aerial images and maps referenced above that indicate periods of openness followed by periods of being planted.
- 7.31 The presence of orchard trees within the fields during available mapping periods further reinforces and demonstrates the extent to which the land of the site had

a functional connection with Hertsfield Barn, and therefore contributed to its setting and significance.

- 7.32 While it is acknowledged that a change to the landscape setting of a heritage asset need not be inherently harmful, where it has been concluded that the elements **of that landscape which contributed to the asset's significance would be lost**, there is a presumption of harm.
- 7.33 **The assessment of harm has taken account of the development's adverse impact on the positively contributing elements of the setting, having regard to the Historic England setting guidance's recommendation to consider "the physical surroundings of the asset" and "the asset's intangible associations with its surroundings, and patterns of use" (p.10).**
- 7.34 **The NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'** (para. 196).
- 7.35 The appellant has put forward what are considered to be public benefits associated with the development. It is agreed that benefits to tourism (although these have not been quantified) and providing a recreational facility with disabled access are public benefits through delivering economic and social objectives described in the NPPF. The development will provide biodiversity enhancements beyond the site as it was pre-development and so would provide some public benefits through environmental objectives although securing measurable net gains for biodiversity are standard requirements of the NPPF (paragraph 174(b)). These are considered to be limited and unquantified benefits, which are considered to attract a low level of weight and are not sufficient to outweigh the harm to the setting of Hertsfield Barn.
- 7.36 Providing access to 'the open environment', 'contributing to the well-being of the local community and users of the site', and 'social interaction' are not considered to be public benefits as outlined under paragraph 020 of the NPPG and no weight should be attached to these in the opinion of the LPA.

Reason 2

- 7.37 The properties referred to in this reason for refusal are all immediately to the west of the appeal site. The distances from the top, level part of the lake banks where anglers will set up and fish are set out in the following table:

Property	Distance from Dwelling	Distance from Garden
3 Hertsfield Farm Cottages	56m	34m
4 Hertsfield Farm Cottages	56m	34m
5 Hertsfield Farm Cottages	60m	48m
6 Hertsfield Farm Cottages	60m	49m
Hertsfield Barn	83m	68m

7.38 These properties have always enjoyed a degree of privacy to their rear rooms and back gardens. Having stood in the rear gardens of 3 and 4 Hertsfield Farm Cottages, it is clear that due to the substantial height of the lakes, anglers will have views looking over the entire rear gardens of 4, 5, and 6 Hertsfield Farm Cottages and over the vast majority of the garden of number 3. The elevated nature of the banks would also create a constant feeling of being overlooked by users of the appeal site. I have also stood on the top of the banks themselves and from this higher level one very much has the feeling of overlooking these properties and also the ground and first floor windows of Hertsfield Barn. The appellant's cross sections provided within Appendix 29 of the appeal statement serve to illustrate this. Indeed, they show that the height of the banks would be above the level of first floor rear windows. First floor rear windows would normally be private with only limited potential oblique views from neighbouring properties gardens, whereas there will be direct and level views from anglers using the lakes.

7.39 Relevant to the appeal, policy DM1 of the Local Plan states that development proposals that meet following criteria will be permitted,

(iv) "respect the amenities of occupiers of neighbouring properties and uses... and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties."

7.40 For the above reasons, the appeal proposals would fail to respect the amenities of the neighbouring properties in terms of an unacceptable loss of privacy to the gardens and houses at 3-6 Hertsfield Farm Cottages, and to Hertsfield Barn itself, contrary to this policy.

7.41 The appellant has submitted an amended landscaping plan under the appeal stating at paragraph 1.10 of the statement that it, *"does not seek to alter any new landscaping proposed; instead it merely seeks to accurately reflect the existing landscaping on Site which is proposed to be retained, some elements of which had been mistakenly omitted from the previous Landscaping Plan."* The appellant then clarifies the proposed landscaping along the western and southern appeal site boundary remains the same. The LPA has no objection to the submission of this plan which provides clarification rather than amended proposals.

7.42 The appellant considers the proposed landscaping will prevent a loss of privacy occurring. The planting will take time to establish to have any meaningful effect and it is not considered appropriate that neighbouring properties should have to tolerate an unacceptable loss of privacy until the planting grows and establishes, which would take a number of years. Even then, in winter months vegetation would not be in leaf and so views would still be possible. Nor can the landscaping be secured in perpetuity whereas the development/use will be permanent so this should not be relied upon as the solution to prevent a loss of privacy.

7.43 The appellant refers to the LPAs Residential Extensions SPD (2009) and that this gives an indication of the separation distances which the LPA consider acceptable with regard to overlooking to residential properties. As stated in the introduction to the SPD, it provides guidance in relation to extensions to properties in built up areas and within the countryside, and in terms of privacy, specifically the impact of new windows. Nor does it specify any separation distances as suggested by the appellant. The reference to the 5m private area immediately to the rear of house is relevant as this is the only part of a rear garden that generally remains private but otherwise this SPD is simply not applicable to substantial raised fishing lakes. The appeal development would actually result in the loss of privacy of the entire rear gardens of numbers 4, 5, and 6 Hertsfield Farm Cottages and over the vast majority of the garden of number 3.

8 Legal Agreement

8.1 During the application process a legal agreement was being produced that would ensure the appellant carries out various requirements to a timetable to ensure that the development is completed in a timely manner. In addition, it would require the appellant to verify the development has been completed in accordance with the approved plans. It also allows for the Council to step in and complete the works if it decides that this is necessary and appropriate. In view of the scale, retrospective nature, and this being EIA development, it is considered that exceptionally, such measures are necessary and reasonable. The legal agreement is being progressed by the appellant with cooperation from the LPA.

9 Draft Statement of Common Ground

9.1 The appellant submitted a draft Statement of Common Ground as they requested the hearing procedure. As the 'written representations' procedure has been chosen by PINs, the LPA has not progressed this.

10 Suggested Conditions

10.1 If the Inspector is minded to allow the appeal, suggested conditions are set out below which are the same as were recommended in the LPAs committee report (with plans updated).

1. The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

PDA-MON-101 (Site Location Plan)
0183-04/02 Rev H (Proposed Site Layout)
0183-04/04 Rev B (Proposed Clubhouse and Car Park Layout)
0183-04/05 Rev B (Clubhouse - Proposed Floor Plans & Elevations)
0183-04/06 Rev A (Vehicular Access Point)
0183-04/07 (Flood Compensation Plan)
2675/ML/G (Flood Compensation Plan)
5881 3D-F X Sections (Proposed Cross Sections Sheets 1 to 3)
P20-0831-02 (Proposed Landscaping Plan)
P20-0831-01 (Indicative Landscape Site Sections Sheets 1-4)

Reason: For the purpose of clarity, and to ensure a satisfactory appearance to the development and impact upon residential amenity.

2. Prior to the importation of any material, a Construction Management Plan and Code of Construction Practice shall be submitted to and approved in writing by the local planning. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works
- b) Measures to minimise the production of dust on the site(s)
- c) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d) Measures to minimise light intrusion from the site(s)
- e) Management of traffic visiting the site(s) including temporary parking or holding areas
- f) Provision of off-road parking for all site operatives
- g) Measures to limit the transfer of mud and material onto the public highway
- h) The location and design of site office(s) and storage compounds

Reason: In view of the scale and length of time to carry out the development and in the interests of highway safety and local amenity.

3. Prior to the importation of any material or the carrying out of any further development, the detailed design of the groundwater interceptor drain shall be

submitted to and approved in writing by the Local Planning Authority. The detailed design should be supported by site-specific data, calculations, and justified assumptions that fit with the established hydrogeological conceptual site model and shall include the following:

- a) Detailed construction drawings showing all elements of the groundwater and surface water drainage system;
- b) Calculations of the anticipated volume of groundwater to be intercepted by the system.
- c) Sensitivity testing of the design to allow for uncertainties, including aquifer thickness and permeability, hydraulic gradient and future increases in groundwater level (e.g. due to climate change).
- d) Confirmation (where possible) of the elevations of relevant off-site receptors.
- e) A narrative explaining the operating assumptions behind the design, including how the groundwater drainage system would interact with the site surface water system and discharge to the river under a range of groundwater level and river stage conditions. This should be supported by hydrogeological cross-sections illustrating the conceptual site model.
- f) A maintenance plan for the groundwater interceptor drain and surface drainage ditch, to ensure its long-term integrity and functionality. This should identify who is responsible for maintenance and a means of demonstrating that the plan is being adhered to.
- g) Demonstration that the design will resist long-term threats to its integrity and effectiveness, such as climate change, settlement, further developments at the site, etc.

The scheme shall be completed in accordance with the approved details.

Reason: To protect neighbouring properties against potential groundwater level impacts.

4. Prior to the importation of any material or the carrying out of any further development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) A site inspection and groundwater level monitoring plan, to be implemented during construction of the groundwater interceptor drain and associated works, to verify that site conditions are consistent with the established hydrogeological conceptual site model and design assumptions. This should include a protocol for responding to any deviations that would impact on the effectiveness of the approved design, and reporting these to the Local Planning Authority.

The groundwater level monitoring data shall be collated for submission to the Local Planning Authority in a verification report, upon completion of the groundwater interceptor drain works. The verification report shall also include the following information:

- i) Photographs of the excavations before and after placement of the drainage system components;
- ii) As-built drawings showing the surveyed elevations of installed drainage system components.

Should any deviations from the established hydrogeological conceptual site model or design assumptions be identified, the contractor shall cease works and agree any proposed alterations to the design with the Local Planning Authority in writing, prior to their implementation.

Reason: To protect neighbouring properties against potential groundwater level impacts.

5. Prior to the importation of any material or the carrying out of any further development, the detailed design of the surface water drainage system, which shall be based on the strategy presented in Drawing 29431/001/SK03 prepared by Peter Brett Associates (3 July 2015), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details.

Reason: To mitigate any flood risks associated with surface water.

6. Prior to the importation of any material, details of any boundary treatments and their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

7. Prior to the importation of any material or the carrying out of any further development, details of catch fences to prevent fish from entering the river system in times of flood shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the River Beult SSSI.

8. Any surface water run-off during the construction phase shall be directed to Puma Lake and/or the proposed temporary settling pond as outlined in the **'Water Resources Management Strategy' (22/03/12)**.

Reason: To ensure sediment does not flow into the River Beult SSSI.

9. All surplus water from the new lakes shall be directed to Puma Lake as outlined **in the 'Water Resources Management Strategy' (22/03/12)**.

Reason: To ensure sediment does not flow into the River Beult SSSI.

10. Prior to the importation of any material or the carrying out of any further development, a Construction Environmental Management Plan relating to biodiversity (CEMP Biodiversity), that shall follow the precautionary mitigation measures detailed in section 5.10 to 5.17 of the ecological report (Preliminary Ecological Appraisal (Phlorum Ltd, August 2017)), shall be submitted to and approved in writing by the local planning authority. The CEMP Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting biodiversity.

11. The development of the clubhouse shall not commence above slab level until samples of the timber cladding and clay roof tiles to be used in the construction of the external surfaces of the building hereby permitted 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.

12. In addition to the requirements of the Section 106 Agreement, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in the first planting season following the completion of lakes 1, 2 and 3, and prior to any use of any part of lakes 1, 2 and 3. Any trees or plants which within a period of ten 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.

13. The development shall be carried out in accordance with the River Beult Habitat Enhancement Scheme received on 10/11/11.

Reason: To ensure appropriate biodiversity enhancements.

14. All vehicular access for the importation of material, vehicles for the re-profiling of the lakes and the embankments, and the implementation of the planting proposals, shall use the spur off the existing access directly off the A229 (Staplehurst Road), as shown on drawing number 0183-04/06 RevA (Vehicular Access Point).

Reason: To protect the amenities of adjoining residents and in the interest of highway safety.

15. The clubhouse shall be constructed with its finished floor level no lower than 17.36m AOD and with access as shown on drawing no. 0183-04/05 RevB.

Reason: To protect the building and occupants in the event of a flood.

16. Once the approved parking/turning areas have been implemented they shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

17. The development hereby permitted shall be used for recreational angling and purposes ancillary only.

Reason: An unrestricted use could cause harm to the residential amenity of neighbours and the character and amenity of the countryside.

18. No angling shall take place between the hours of 10pm and 8am within the areas hatched and annotated on Layout Plan 0183-04/02 Rev H.

Reason: To protect the nearby residents from noise and disturbance at such times.

19. No parking in connection with angling shall take place within the areas hatched and annotated on Layout Plan 0183-04/02 Rev H.

Reason: To protect the nearby residents from noise and disturbance.

20. All access will be via the existing consented access directly from the A229 and there shall be no vehicular or pedestrian access to the site from Hertsfield Lane.

Reason: To protect the amenities of adjoining residents.

21. The clubhouse shall not be used for any overnight accommodation.

Reason: To prevent danger to human life in the event of a flood and to prevent inappropriate residential accommodation.

22. The clubhouse hereby approved shall be used for purposes ancillary to the use of the site for recreational angling and for no other purpose.

Reason: An unrestricted use could potentially cause harm to the residential amenity of neighbours and the character and amenity of the countryside.

23. No lighting shall be installed on the site without prior written consent from the Local Planning Authority.

Reason: To protect the character and appearance of the countryside.

24. Any foul water shall be passed through a Klargestar system, which is to **discharge to Puma Lake as set out in the 'Phlorum' letter dated 20th May 2019**, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harm to the River Beult SSSI.

Appendix 1

LPA Decision Notice



Mr & Mrs Harrison
C/O Emily Harrison
Taytime Limited
C/O Monk Lakes
Staplehurst Road
Marden,
Kent,
TN12 9BS

12 March 2020

PLANNING DECISION NOTICE

APPLICANT:	Mr & Mrs Harrison
DEVELOPMENT TYPE:	Small Maj Others
APPLICATION REFERENCE:	11/1948
PROPOSAL:	Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.
ADDRESS:	Monk Lakes Staplehurst Road Marden Maidstone Kent, TN12 9BU

The Council hereby **REFUSES** Planning Permission for the above for the following Reason(s):

- (1) The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.
- (2) Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

This application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

R. L. Jarman

**Rob Jarman
Head of Planning Services
Maidstone Borough Council**

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@midkent.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Appendix 2

Relevant Maidstone Borough Local Plan 2017 Policies

Relevant Marden Neighbourhood Plan 2020 Policies

Relevant Kent Waste and Minerals Plan 2016 Policies

MAIDSTONE BOROUGH LOCAL PLAN

Adopted 25 October 2017

Strategic Planning

Maidstone Borough Council

Maidstone House

King Street

Maidstone

Kent ME15 6JQ

Telephone 01622 602000

Email: LDF@maidstone.gov.uk

Policy DM1 Principles of good design

6.1 Good design is the fundamental principle underpinning good planning. It has a very important impact upon the quality of the environment and the way in which places function. The NPPF places great emphasis upon raising the quality of the built, natural and historic environment and the quality of life in all areas. It attaches great importance to the securing of high quality design and seeks to ensure that all development contributes to making places better for all.

6.2 The council aspires to achieve high quality design throughout the borough, and policy DM1 seeks to manifest this aim and will be used to assess all development requiring planning permission. In order to achieve high quality design, the council expects that proposals will positively respond to and, where appropriate, enhance the character of their surroundings. It is important that development contributes to its context.

6.3 Key aspects of built development will be the scale, height, materials, detailing, mass, bulk and site coverage. These features should relate well, and respond positively, to the context in which they are seen. Good design should also address the functioning of an area, including accessibility to all, linkages to local services, and issues of crime. New development should integrate well into the built, natural and historic environment and should address the connections between people and places, including vehicle and pedestrian movement.

6.4 In establishing the use and designing the layout and site coverage of development, landscape shall be integral to the overall design of a scheme and needs to be considered at the beginning of the design process. In appropriate locations, local distinctiveness should be reinforced and natural features worthy of retention be sensitively incorporated. It is also important that all new development protects and enhances any on-site biodiversity and geodiversity features, or provides sufficient mitigation measures, and in areas at risk of flooding, inappropriate development should be avoided.

6.5 In assessing the appropriateness of design, the council will have regard to adopted Conservation Area Appraisals and Management Plans, Character Area Assessments and the Kent Design Guide, which provide specific information about local character and distinctiveness and give guidance on design principles. Regard will also be given to the Kent Downs Area of Outstanding Natural Beauty Management Plan.

6.6 Proposals which fail to take opportunities to secure high quality design will be resisted.

Policy DM 1

Principles of good design

Proposals which would create high quality design and meet the following criteria will be permitted:

- i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;
- ii. Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;
- v. Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;
- vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;
- vii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;
- viii. Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;
- ix. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;
- x. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;
- xi. Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings;
- xii. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;
- xiii. Provide adequate vehicular and cycle parking to meet adopted council standards; and
- xiv. Be flexible towards future adaptation in response to changing life needs.

Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.

Policy DM2 Sustainable design

6.7 Recognition of climate change and its contributing factors will be an important consideration in the future of development across the borough. New developments should wherever possible incorporate mitigating measures, while still achieving the high quality designs that make the borough a desirable place to live and work.

6.8 The Climate Change Act 2008 sets two legally binding targets, a 34% reduction in greenhouse gas emissions by 2020, leading to an 80% emissions cut by 2050, both of which are set against a 1990 baseline. Maidstone Borough Council adopted the Kent Environment Strategy in 2011, which itself seeks a 60% cut in greenhouse gas emissions (measured as CO2 equivalent) against 1990 levels by 2030.

6.9 In terms of water efficiency, all new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). The NPPG states that, in relation to new housing development, local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of water. Maidstone is situated within an area of serious water stress⁽¹⁶⁾. Development should therefore plan positively to minimise its impact on the already serious water stress in the region, and on the natural water cycle resources and promote water efficiency. For this reason, Policy DM2 seeks the tighter Building Regulations optional requirement of 110 litres/person/day in relation to new dwellings. The Building Research Establishment Environmental Assessment Method (BREEAM) is the most appropriate/recognisable assessment methods by which to judge and require increased sustainability standards in new non-residential developments. In relation to water, non-residential developments will be expected to reach a minimum of the Very Good BREEAM standard.

6.10 In terms of energy efficiency and carbon emissions for residential development, this will be achieved through a strengthening of the energy performance requirements in Part L of the Building Regulations (incorporating carbon compliance, energy efficient fabric and services). For non-residential uses, proposals should achieve a minimum of the Very Good BREEAM standard.

16 Water stressed areas - final classification, Environment Agency, July 2013

Policy DM 2

Sustainable design

1. New dwellings, where technically feasible and viable, should meet the Building Regulations optional requirement for tighter water efficiency.
2. Non-residential development, where technically feasible and viable, should meet BREEAM Very Good including addressing maximum water efficiencies under the mandatory water credits.
3. In order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations.
4. Proposals for new non-domestic buildings should achieve BREEAM Very Good for energy credits where technically and financially viable.
5. Should BREEAM be replaced, or any national standards increased, then this requirement will also be replaced by any tighter standard appropriate to the borough.

Policy DM3 Natural environment

6.11 Maidstone's natural environment is a fundamental part of the borough's economic wealth and social well being, the benefits of which are far-reaching. It is essential to ensure natural assets remain robust and viable.

Green and blue infrastructure

6.12 Green and blue infrastructure (GBI) is a network of natural components of open space and water which lie within and between the borough's towns and villages and which provide multiple social, economic and environmental benefits. Maidstone borough contains a wide range of green open spaces together with a number of rivers and streams. Key assets include the Kent Downs AONB, the River Medway and its tributaries, Mote Park, and the distinctive green corridors which help shape Maidstone town. Amongst other things, these green spaces and blue corridors provide reservoirs for biodiversity and recreation; act as corridors for the movement of animals, plants and people; and provide opportunities for the protection and enhancement of the local landscape and historic assets, water management, green education, and the mitigation of climate change impacts.

6.13 Green and blue infrastructure has the capacity to deliver a wide range of positive outcomes in line with the objectives of the council including:

- Helping to attract and retain higher paying employers;
- Maintaining and enhancing biodiversity, water and air quality;
- Promoting distinctive landscapes and townscapes;

- Helping in the creation of an efficient, sustainable, integrated transport system;
- Helping to mitigate and adapt to climate change; and
- Creating healthier communities.

6.14 The green and blue infrastructure is considered to be of such importance that a Green and Blue Infrastructure Strategy (GBIS) has been produced. The strategy looks to encourage the creation of links and stepping stones to help in the movement of people and wildlife across the built up urban area. In the rural areas the focus will be more on land management and creating and enhancing landscape and habitat networks. The strategy will also seek to identify those areas of the borough where deficiencies exist and look to provide guidance on how these can be overcome. The council will promote a partnership approach with developers, landowners and neighbouring local authorities, including Kent County Council, to help achieve the objectives of the Strategy.

6.15 The growth proposed in the borough provides a chance to increase the value of accessible green spaces and blue corridors. New development will be expected to contribute towards the goal of a linked network which extends across the borough and beyond. Development schemes will be expected to contribute towards improved connectivity through the provision of footpaths and cycle routes that are part of a strategic network; space for nature that contributes to the larger landscape-scale pattern of connected habitat; and the provision of imaginative recreational facilities that give educational and physical health benefits to local people. The council will liaise with neighbouring local authorities, including Kent County Council, to ensure potential linkages at all scales and across administrative boundaries are recognised in the development of specific proposals. Developers will also be expected to provide details of how the green and blue infrastructure elements of their proposal, including publicly accessible open spaces, sites managed for their biodiversity, or geodiversity interest, will be managed and maintained over the long-term.

6.16 Publicly accessible open space, recreation and tourism are essential elements of sustainable communities, contributing towards health, quality of life, sense of place and overall well-being. Spaces and facilities form a part of the overall green and blue infrastructure network and within built up areas can provide local linkage between the town centre, urban neighbourhoods and the surrounding countryside. The needs and deficiencies in publicly accessible open spaces and facilities, and the open space standards, are identified in the local plan and details on implementation will be included in the green and blue infrastructure strategy.

Climate change

6.17 Climate change is resulting in ever more variable weather patterns, the outcomes of which include flooding and drought. Natural systems are able to adapt to these consequences. However, adverse changes to the natural systems can result in increases in damage to property and compensation costs, and a decrease in water resource resilience. A green and blue infrastructure approach represents a means to positively tackle these issues. It can offer alternative flood mitigation strategies, such as Sustainable Urban Drainage Systems (SUDS) and the creation of water meadows. It is able to provide the means to capture and

store rainwater, as well as help improve water quality. Development proposals will be expected to take full account of climate change and mitigate for any anticipated climate change impacts.

Water Framework Directive

6.18 The Water Framework Directive (WFD) looks to improve the local water environment for people and wildlife, and promote the sustainable use of water. The Directive applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The overall aim of the WFD is for all water bodies to reach good status by 2027. In Maidstone this would mean improving their physical state, preventing deterioration in water quality and ecology, and improving the ecological status of water bodies. The WFD introduced the concept of integrated river basin management and such plans should influence development plans. Maidstone lies within the Thames River Basin District and in December 2009 the Environment Agency published the Thames River Basin Management Plan (RBMP).

6.19 The council will continue to work in partnership with the Environment Agency and other bodies to help achieve the goals of the WFD and actions of the Thames RBMP. The council will also actively encourage development proposals to include measures to mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate.

Biodiversity

6.20 Maidstone is a biodiverse district endowed with a variety of habitats including heathlands and chalk downlands, orchards and ancient woodland, river valleys and ponds, wildflower meadows and parklands. All of these are underpinned by an equally diverse array of soils. Soils are a fundamental element of the ecosystems found within these habitats but one which is highly susceptible to damage. The council will work in partnership with landowners, land managers and developers to encourage better soil handling practices to avoid the degradation of soil and ensure soil functions are maintained as appropriate.

6.21 The broad range of habitats forms an extensive network across rural and urban areas, including previously developed land. Many sites are important for their nature conservation and geological interest, and are designated for their protection. In Maidstone, these include a site of international importance, namely the North Downs Woodlands Special Area of Conservation (SAC), nationally important Sites of Special Scientific Interest (SSSI), locally important Local Wildlife Sites (LWS) and Local Nature Reserves (LNR). Current designated nature conservation sites will be noted on the policies map.

6.22 As a result of increasing development pressures in the past many of the borough's biodiversity assets have been lost, damaged or fragmented. In response to this decline the council has acted in partnership with other bodies to undertake surveys of the borough's habitats and ancient woodlands. It has also adopted the Maidstone Local Biodiversity Action Plan (LBAP), a key element of which is the establishment of a connecting network of sites and corridors on a landscape

scale. By reconnecting fragments of habitats to form a mosaic, the natural environment is provided with the means to become self-sustaining as well as being better able to respond to and adapt to climate change.

6.23 Development proposals will be expected to be supported by an initial survey of on-site assets. Surveys must be undertaken at the appropriate time of year for the relevant habitats, species, flora and fauna. Where harm to protected species or habitats is unavoidable, developers must ensure suitable mitigation measures are implemented to enhance or recreate the features, either on or off-site, and bring sites into positive conservation management. Sufficient information to assess the direct and indirect effects of development on protected sites, species, biodiversity or geology, and any proposed prevention, mitigation or compensation measures must be provided. Proposals should particularly seek to avoid damaging and fragmenting existing habitats. Opportunities to contribute towards the UK priority habitats and species in Maidstone and any additional Maidstone LBAP habitats and species should be maximised.

6.24 Development likely to have an adverse effect on the integrity and conservation objectives of internationally important nature conservation sites is unlikely to meet the requirements of the Habitats Directive. Such development will not be considered favourably. Damage must be minimised in those exceptional cases where the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature. Any remaining impacts must be fully mitigated and a mitigation strategy accompany the planning application. Compensation will only be acceptable in exceptional circumstances.

6.25 The borough has already experienced development applications that have, in certain areas, required the trans-location of wildlife to receptor sites in alternative off-site locations. Such sites are important in ensuring adequate provision of suitable habitats for valued and protected species and should be protected and maintained. Natural England should be consulted on development proposals that will have an adverse impact on receptor sites, either directly or indirectly. It is extremely unlikely that the trans-location of wildlife from one receptor site to another would be permitted under licence for the purposes of allowing development.

Landscape

6.26 The visual character of Maidstone's landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large area of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP17. However, all of the landscapes play an important role in contributing to the borough's environmental, economic and social values. Therefore all landscapes, rather than just those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention.

6.27 The NPPF encourages the protection of valued landscapes. For Maidstone, these landscapes are identified as the Greensand Ridge, the Low Weald, and the river valleys of the Medway, the Loose and the Len, which are afforded protection in policy SP17.

6.28 A landscape character assessment, together with capacity studies, forms part of the local plan evidence base and should be used to inform development and land management proposals. They are a descriptive tool which identify and describe variations of landscape character, distinguishing the features that give a locality its 'sense of place' and pinpointing what makes it distinctive, setting out information on landscape character, condition and sensitivity in a comprehensive and objective way. The documents identify the positive attributes of a landscape which need protecting or enhancing as well as the negative aspects, which can be restored or otherwise improved upon. In cases where development is proposed on sensitive sites more detailed landscape and visual assessments will be required.

Policy DM 3

Natural environment

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to:
 - i. Protect positive landscape character, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development;
 - ii. Avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on:
 - a. Internationally, nationally and locally designated sites of importance for biodiversity; and
 - b. Local Biodiversity Action Plan priority habitats;
 - iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;
 - iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;

- v. Provide for the long term maintenance and management of all natural assets, including landscape character, associated with the development;
 - vi. Mitigate for and adapt to the effects of climate change; and
 - vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.
2. Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of the following:
 - i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;
 - ii. Arboricultural assessments to take full account of any natural assets connected with the development and associated sites; and
 - iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.
 3. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.
 4. When significant harm cannot be avoided through consideration of alternative sites or adequate mitigation provided on-site within the immediate locality, compensatory measures will be achieved within the relevant Biodiversity Opportunity Area, or other location as agreed by the local planning authority.
 5. Development proposals will give weight to the protection of the following designated sites for biodiversity, as shown on the policies map, which will be equal to the significance of their biodiversity/geological status, their contribution to wider ecological networks and the protection/recovery of priority species as follows:
 - i. For internationally designated sites (including candidate sites), the highest level of protection will apply. The council will ensure that plans and projects proceed only when in accordance with relevant Directives, Conventions and Regulations. When the proposed development will have an adverse effect on the integrity of a European site, planning permission will only be granted in

- exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.
- ii. For nationally designated sites (including candidate sites), development will only be permitted where it is not likely to have an adverse effect on the designated site or its interests (either individually or in combination with other developments) unless the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the designated site that make it of national importance and any broader impacts on the national network of Sites of Special Scientific Interest. Where damage to a nationally designated site cannot be avoided or mitigated, compensatory measures will be sought. Development will also accord with and support the conservation objectives of any biodiversity site management plans.
 - iii. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site. Compensation will be sought for loss or damage to locally designated sites.

Account should be taken of the Landscape Character Guidelines SPD, the Green and Blue Infrastructure Strategy and the Kent Downs AONB Management Plan.

Policy DM4 Development affecting designated and non-designated heritage assets

6.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act also places the duty on the council in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the borough.

6.30 The local plan allows some flexibility for the re-use and conversion of historic assets but care must be taken to ensure this does not lead to unacceptable adverse impacts. Small scale changes over time, especially the standardisation of building materials and practices, can erode the special character and appearance of places, and the setting of historic features such as listed buildings and scheduled monuments, which can be crucial in maintaining historic integrity.

6.31 Policy DM1 provides clear guidelines about the need for development to be planned and designed in a manner which appropriately responds to its historic context and, where possible, positively enhances the historic character of the

- exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.
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locality. Character analysis is provided in supporting documents such as the conservation area management plans, the Landscape Character Assessment and the specific Character Area Assessment SPDs.

6.32 Where development is proposed for a site which includes or has the potential to impact on heritage assets, developers must submit an appropriate heritage assessment which analyses the direct and indirect effects of development on those assets. Significance can be defined in this context as the value of a heritage asset to this and future generations because of its heritage interest which may be historic, archaeological, architectural or artistic. Significance derives not only from the heritage asset's physical presence but also from its setting.

6.33 In the determination of planning applications, the relevant assessment factors, including weighting of potential harm against wider benefits of the development, is set out in detail in the NPPF paragraphs 131 to 135 (or as superseded).

Policy DM 4

Development affecting designated and non-designated heritage assets

1. Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of:
 - i. Any heritage assets, and their settings, which could reasonably be impacted by the proposals;
 - ii. The significance of the assets; and
 - iii. The scale of the impact of development on the identified significance.
3. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.

4. The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.
5. In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record.

Policy DM5 Development on brownfield land

6.34 One of the core principles of the NPPF encourages the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. This is known as brownfield land and a large proportion of brownfield sites in the Maidstone urban area have been developed at high densities for housing in recent years, particularly in and adjacent to the town centre along the River Medway. Making the best use of previously developed land will continue to be encouraged throughout the lifetime of this plan.

6.35 It is important to ensure that brownfield land is not underused and that the most is made of vacant and derelict land and buildings in order to reduce the need for greenfield land, which is a finite resource and often of higher quality in terms of landscape and biodiversity.

6.36 Brownfield development is essential for urban regeneration and, if designed to a high standard, it brings homes, jobs and services closer together; reduces dependency on the car; and strengthens communities.

6.37 A number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

6.38 Residential gardens in urban and rural areas are excluded from the definition of a brownfield site.

Policy DM8 External lighting

6.50 Lighting can be an important factor of good design. Appropriate types and levels of lighting can contribute positively towards a sense of place, whilst poorly designed lighting schemes can damage local amenity and biodiversity interests. The NPPF seeks to limit light pollution in locations which are particularly sensitive to light, such as intrinsically dark landscapes.

6.51 The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities. However, inappropriate and excessive external lighting can not only be both visually obtrusive and inefficient in energy terms, but can also damage rural character in areas containing little built development, and can have highway safety implications for drivers. Protected species, such as bats, tend to avoid well-lit areas and lighting schemes should ensure that ecological issues are fully considered in their design.

6.52 The council will seek to secure well-designed lighting schemes, which are suitable for their environments. External lighting should play its role in achieving sustainable development. Where appropriate the recommendations within the

Institute of Lighting Engineers Technical Report Number 5 will be considered as a guide to maximum levels of luminance. Low level bollard lighting will be supported where appropriate. The council will also encourage the use of PIR motion sensor lighting for business development and public buildings, in order to provide energy efficiency savings.

Policy DM 8

External lighting

1. Proposals for external lighting which meet the following criteria will be permitted:
 - i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
 - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
 - iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.
2. Lighting proposals that are within or are near enough to significantly affect areas of nature conservation importance, e.g. Special Areas of Conservation, Sites of Special Scientific Interest, National Nature Reserves, County Wildlife Sites and Local Wildlife Sites will only be permitted in exceptional circumstances.

- i. London Road (to serve the A20 west corridor); and
- ii. Willington Street (to serve the A20 east corridor).

Policy DM23 Parking standards

6.98 The NPPF gives local planning authorities an option to develop their own vehicle parking standards. Maidstone has approved vehicle parking standards published by Kent Highway Services as an interim measure for development management decisions, and the County gives advice on development proposals that generate a need for parking provision. The Kent parking standards apply to residential development throughout Maidstone Borough, setting maximum standards in town centre and edge of centre locations, and minimum standards in suburban areas and villages. They also apply to non-residential developments and to cycle and motorcycle parking provision. Policy DM23 sets criteria for vehicle parking standards to ensure that new development provides adequate off-street parking to accommodate the need generated by the development and to protect the surrounding area from inappropriate vehicle parking.

6.99 The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have an unacceptable adverse impact on the surrounding locality.

Policy DM 23

Parking standards

1. Car parking standards for residential development (as set out in Appendix B) will:
 - i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
 - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
2. Vehicle parking for non-residential uses will take into account:
 - i. The accessibility of the development and availability of public transport;
 - ii. The type, mix and use of the development proposed;
 - iii. The need to maintain an adequate level of car parking within town centres to ensure that viability of the centres is not compromised; and
 - iv. Whether development proposals exacerbate on street car parking to an unacceptable degree.

3. Cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location.
4. New developments should ensure that proposals incorporate electric vehicle charging infrastructure.

A Parking Standards Supplementary Planning Document will be produced to expand on how the policy will be implemented.

Policy DM24 Renewable and low carbon energy schemes

6.100 In Maidstone Borough, parts of the natural landscape features and resources mean that there is a technical suitability for the construction of renewable and low carbon energy schemes, such as solar farms, wind farms and biomass. In the longer term, opportunities for such developments may also present themselves in urban areas particularly in relation to larger development schemes.

6.101 These schemes help to reduce regional and national carbon emissions and the council considers that, in the correct locations, such proposals are a benefit to the borough as a whole. Nevertheless, they need to be appropriately sited and not conflict with landscape character or existing uses. The council is keen that, while it contributes to bringing about a low carbon future, the process of doing so should not affect the existing amenity of residents and businesses in a harmful way. Living environments should remain appropriate as such and the operation of businesses should not be impeded.

6.102 Where applications are submitted for larger scale renewable or low carbon energy schemes including, but not limited to, solar farms, wind farms and biomass, proposals will be judged on individual merits.

6.103 In January 2014, the council adopted planning policy advice notes⁽¹⁹⁾ which provide technical advice to applicants and guidance on decision making, with regard to solar energy proposals. Where solar energy schemes are proposed, the guidance within the planning policy advice notes should be referenced.

6.104 Further guidance is available in the NPPF, under the renewable and low carbon energy section.

Policy DM 24

Renewable and low carbon energy schemes

1. Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals:

¹⁹ Planning Policy Advice Note: Domestic and medium scale solar PV arrays (up to 50kW) and solar thermal; and Planning Policy Advice Note: Large scale (>50kW) solar PV arrays

Policy DM30 Design principles in the countryside

8.1 The achievement of high quality design in all developments is important. In addition to the requirements of policy SP17, where development is proposed in the countryside the design principles set out in policy DM30 must be met.

Policy DM 30

Design principles in the countryside

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
- ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;
- iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
- iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area; and
- v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.

Policy DM31 Conversion of rural buildings

8.2 Kent has a long agricultural history, with many buildings and structures having been constructed over the centuries to support the agricultural industry. Government advice in the NPPF supports the re-use of redundant buildings where

Policy DM37 Expansion of existing businesses in rural areas

8.28 There are already many industrial and business enterprises located in rural areas. Some are long established, others normally small-scale, have been granted planning permission to operate in disused rural buildings. Many of these enterprises will over time need to expand and/or diversify. While such expansion is desirable for job creation, it can radically change the nature of the enterprise and its impact on the local environment. It is therefore important to weigh carefully the advantages to the rural economy of job creation or an improved industrial/business facility against the potential for an adverse impact on the rural environment. Where significant adverse impacts would result, rural businesses requiring expanded premises should look to relocate to one of the Economic Development Areas identified in policy SP22 or to a site within Maidstone urban area or one of the rural service centres.

8.29 In all cases where permission for expansion is granted, the council will require reasonable measures to be taken to ameliorate the impact, not only of the extension but also of the existing enterprise, on the local environment. Such measures, where required, will normally be considered essential for the grant of permission. Where necessary, planning agreements may be used to secure environmental improvements. Conditions will also be imposed to ensure there is adequate landscaping, parking and servicing provision.

Policy DM 37

Expansion of existing businesses in rural areas

1. Planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:
 - i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
 - ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
 - iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and
 - iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.
2. Where significant adverse impacts on the rural environment and amenity would result from expansion, rural businesses requiring expanded premises should look to relocate to one of the Economic Development Areas identified in policy SP22 or to a site within Maidstone urban area or one of the rural service centres.

Policy SP17 Countryside

The countryside

4.94 Maidstone borough is predominantly rural with a large proportion of the population living in villages as well as on the fringes of the urban area. Much of the rural landscapes are of high quality with valuable agricultural and ecological resources within the borough. The countryside areas are highly accessible to those living and working in the urban areas, complemented by a wide and well-used public rights of way network. They also act as a major asset to attract new investment into the borough. However this proximity to the urban area brings with it pressures arising from an increased level of demand for houses, recreation and jobs in the countryside.

4.95 The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages with defined settlement boundaries and is depicted on the policies map. The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. This needs to be mitigated in a way that maintains and enhances the distinctive character of the more rural parts of the borough.

Rural economy

4.96 Maidstone's rural economic character is diverse and complex in nature. The number of rural and agricultural businesses found within villages and rural service centres and the wider countryside account for a significant proportion of all firms in the borough. Small businesses are a particular feature of rural areas, as is homeworking, home-based businesses and live-work units.

4.97 Agriculture remains an important influence, fulfilling a number of important and varied roles in the countryside, contributing to the local economy, and managing and maintaining much of the valued landscapes. It benefits from the fact that much of the soil within the borough comprises the most high grade and versatile agricultural land. However, in line with other businesses, agriculture needs to be able to react to new and changing markets and developments in technology. A more recent trend in agriculture is the response to demand for produce to be available on a year round basis. This leads to land being put under intense pressure for almost industrial scale development that can have an adverse impact on the wider landscape and natural assets, such as wildlife, soil and water resources that require protection within the landscape. Another trend is the increasing interest in smaller-scale renewable energy installations. Further advice and guidance on the landscape implications of these activities will be given in the Landscape Character Guidelines SPD.

4.98 Many rural businesses have begun to diversify away from traditional rural activities primarily through the re-use of farm and other buildings for commercial non-agricultural purposes. This has not only helped to retain economic activity within rural areas but has enabled a number of farms to remain operational. Tourism is of great importance to the local rural economy with the countryside providing ample leisure and open-air recreational opportunities. As well as

sustaining many rural businesses these industries can be significant sources of employment and can help support the prosperity of rural settlements and sustain historic country houses, local heritage and culture. To a lesser degree, the winning of minerals such as sand and chalk has also taken place as a diversification activity, but these activities are largely confined to relatively small-scale sites on the North Downs and Greensand Ridge.

4.99 The local plan will continue to recognise the importance of supporting small-scale rural business development. Its priority is to locate these businesses within the defined rural service centres. However, there are employment sites already located outside of these settlements and it is important to offer these businesses a degree of flexibility.

Small villages

4.100 The attractiveness of the countryside is partly due to its scattered settlement pattern and buildings. The overall settlement pattern across the borough is characterised by a large number of small villages scattered across the countryside surrounding a handful of larger, more substantial settlements. It is important these settlements retain their individual identities as there can be a delicate balance between settlement proximity and separation.

4.101 A small area to the west of the borough lies within the Metropolitan Green Belt (MGB), incorporating the villages of Nettlestead and Nettlestead Green. The fundamental aims of the MGB are to prevent urban sprawl and to assist in safeguarding the countryside from encroachment. The local plan will support sustainable development within the MGB provided it is not harmful to the open character of the designation in accordance with the NPPF.

4.102 The rural settlements rely heavily on community-focused services. Community facilities such as clinics, health centres, day centres, playgrounds, playing fields and sports facilities, children's nurseries and schools, village halls and places of worship, together with local village services, particularly with respect to village shops, post offices, healthcare facilities and public houses are essential if small rural settlements are to remain vital and viable.

4.103 For sustainability reasons, the local plan priority is to locate new or improved community facilities in defined rural service centres and larger villages. However, in small villages new facilities may be permitted to serve the local community provided a clear need is demonstrated. The local plan will resist the loss of any community facility that meets an essential community need and which is not available or reasonably accessible elsewhere. In all cases, another beneficial community use should be sought before permission is granted for the removal of these facilities.

4.104 There has been a continued decline in local village services and the local plan will continue to resist any further losses. Any proposal for the re-use or re-development of an existing local village service will be required to be supported by clear evidence of non-viability, such as marketing the building or facility for a period of time to test whether another community interest, operator or owner could be found.

Design

4.105 The countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM30. In order to assist in the successful integration of new development into the countryside the council will ensure Landscape and Visual Impact Assessments are carried out as appropriate to assess suitability and to aid and facilitate the design process.

Kent Downs Area of Outstanding Natural Beauty and its setting

4.106 A large part of the northern part of the borough lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). This is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp. It also contains a wide range of natural habitats and biodiversity. Designation as an AONB confers the highest level of landscape protection. The council has a statutory duty to have regard to the purposes of the designation, including the great weight afforded in national policy to its conservation and enhancement⁽⁹⁾. Within the AONB, the Kent Downs AONB Management Plan 2014-2019 provides a framework for conserving and enhancing the natural beauty of the area. The council has adopted the Management Plan and will support its implementation. Open countryside to the immediate south of the AONB forms a large extent of the setting for this designation. In Maidstone this is a sensitive landscape that is coming under threat from inappropriate development and is viewed as a resource that requires conservation and enhancement where this supports the purposes of the AONB.

4.107 The council will ensure proposals conserve and enhance the natural beauty, distinctive character, biodiversity and setting of the AONB, taking into account the economic and social well-being of the area. Rural diversification and land-based businesses in the Kent Downs AONB will only be acceptable where they help improve the special character of the AONB and are in accordance with the Kent Downs AONB Management Plan, supporting guidance and position statements. Economic development within the AONB should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, farmsteads or within groups of buildings in sustainable locations.

4.108 New development in the AONB should demonstrate that it meets the requirements of national policy. This will require high quality designs as set out in policy DM30. To help developers produce designs of a suitably high quality, the council will continue to encourage the use of the Kent Downs AONB Unit's design guidance and publications.

4.109 The above considerations apply to the setting of the Kent Downs AONB. The Management Plan states that the setting of the Kent Downs AONB is 'broadly speaking the land outside the designated area which is visible from the AONB

and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that.' It makes it clear that it is not formally defined or indicated on a map.

4.110 The foreground of the AONB and the wider setting is taken to include the land which sits at and beyond the foot of the scarp slope of the North Downs and the wider views thereof. It is countryside sensitive to change, with a range of diverse habitats and landscape features, but through which major transport corridors pass. Having due regard to the purposes of the designation is part of the council's statutory duty under the Countryside and Rights of Way Act 2000. National policy (NPPF and NPPG) directs that great weight should be given to conserving landscape and scenic beauty in the AONB. The duty is relevant to proposals outside the boundary of the AONB which may have an impact on the statutory purposes of the AONB. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. The Kent Downs AONB Management Plan advises that 'where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.' It is considered therefore that it is not necessary to formally define the setting of the Kent Downs AONB and that the impact of development can be appropriately assessed through the criteria of the policy.

High Weald Area of Outstanding Natural Beauty and its setting

4.111 The High Weald AONB lies beyond the southern boundary of the borough adjacent to the parishes of Marden and Staplehurst, within the administrative area of Tunbridge Wells Borough Council. Its closest point to the borough is at Winchet Hill in the southern part of Marden parish. The council has exactly the same statutory duty to conserve and enhance the setting of this AONB as it does with the Kent Downs AONB and will apply the same policy considerations for any proposals that may affect its setting.

Metropolitan Green Belt

4.112 Green Belts afford protection to the countryside from inappropriate development, and policies for their protection are set out in the NPPF. A small area (5.3km²) on the western edge of the borough is included within the Metropolitan Green Belt. The designation extends up to the borough boundary, contiguous with the Green Belt boundary in Tonbridge and Malling Borough Council's administrative area; and lies between Teston and Wateringbury and west of the River Medway, which includes the settlements of Nettlestead and Nettlestead Green. The council has undertaken a review of its Green Belt boundary (Maidstone Borough Council Metropolitan Green Belt Review, January 2016), which concluded there were no exceptional circumstances for revising the Green Belt boundaries within the borough.

Landscapes of local value

4.113 The council will seek to conserve or enhance its valued landscapes. The Kent Downs AONB and High Weald AONB and their settings and other sites of European and national importance are considered to be covered by appropriate existing policy protection in the NPPF, NPPG and other legislation. As well as

this national policy guidance and statutory duty, the settings of the Kent Downs and High Weald AONBs are also afforded protection through the criteria of policy SP17 and no additional designation is therefore necessary. In addition to these areas, the borough does include significant tracts of landscape which are highly sensitive to significant change. Landscapes of local value have been identified and judged according to criteria relating to their character and sensitivity:

- i. Part of a contiguous area of high quality landscape;
- ii. Significant in long distance public views and skylines;
- iii. Locally distinctive in their field patterns, geological and other landscape features;
- iv. Ecologically diverse and significant;
- v. Preventing the coalescence of settlements which would undermine their character;
- vi. Identified through community engagement;
- vii. Providing a valued transition from town to countryside.

4.114 Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Designated areas include parts of the Greensand Ridge and the Low Weald, and the Medway, the Loose and the Len river valleys. These landscapes were highlighted as areas of local value by the public through local plan consultations.

4.115 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by frequent small blocks of coppice and deciduous woodland, extensive orchards and frequent oast houses, with ragstone being a predominant material in walls and buildings.

4.116 The Medway Valley is characterised by the wide River Medway and steep valley sides where the valley incises the Greensand and is crossed by distinctive ragstone bridges. The area lends itself to much recreational land use including the Medway Valley Walk, although some sections are more wooded and remote in character. The Loose Valley lies to the south of Maidstone and is characterised by the Loose stream, mill ponds and springs with steep wooded valley sides, mature native woodland and traditional mill buildings and cottages. The Len Valley lies to the east of Maidstone and is bordered by Bearsted to the west. It is characterised by the River Len, historic mills and a network of pools with remnant orchards.

4.117 The Low Weald covers a significant proportion of the countryside in the rural southern half of the borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be conserved and enhanced where appropriate.

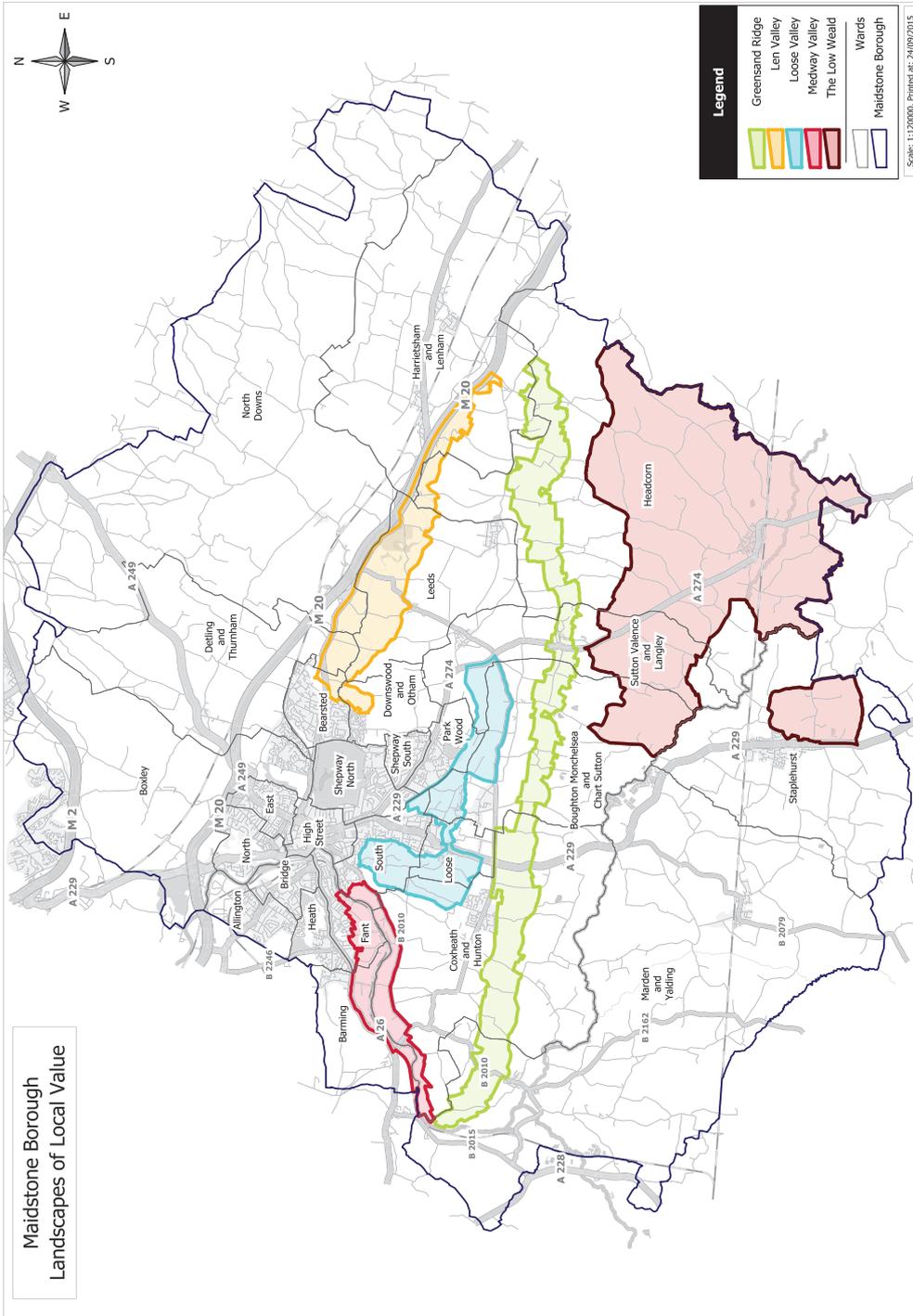
Policy SP 17

The Countryside

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated.
3. Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.
4. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty.
5. The Metropolitan Green Belt is shown on the policies map and development there will be managed in accordance with national policy for the Green Belt.
6. The distinctive landscape character of the Greensand Ridge, the Medway Valley, the Len Valley, the Loose Valley, and the Low Weald, as defined on the policies map, will be conserved and enhanced as landscapes of local value.
7. Development in the countryside will retain the separation of individual settlements.

Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.



Policy SP18 Historic environment

4.118 Maidstone Borough has been shaped and influenced by a long past history, the legacy of which is a strong and rich cultural heritage. Brewing, paper making and shipping along the Medway have been notable industrial influences on the borough's heritage. The borough's varied geology has been the source of locally distinctive building materials, namely Kentish ragstone, Wealden clay for brick and tile making and oak from the Wealden forests used in the construction of timber-framed buildings and weather boarding.

4.119 The diversity of heritage assets is recognised through designations made at the national level by Historic England such as listed buildings, scheduled ancient monuments and registered parks and gardens and also those identified more locally such as conservation areas, the parks and gardens included in the Kent Gardens Compendium and locally listed buildings. The term 'heritage asset' is defined in the NPPF and, in addition to these 'designated' assets, encompasses features of more localised significance, so called 'non-designated' heritage assets.

4.120 Collectively these heritage assets contribute to the strong sense of place which exists across the borough. This historic inheritance also has wider economic, social and cultural benefits. The Archbishop's Palace and Leeds Castle are two particularly high profile examples which help to drive tourism in the borough. Mote Park is a registered historic park which both local residents and visitors value highly as a popular recreational resource. Historic features such as buildings, traditional field enclosures and monuments are also integral to the borough's high quality landscape, particularly enjoyed by users of the borough's extensive public rights of way network.

4.121 This rich historical resource is, however, vulnerable to damage and loss. This importance is signified by the fact that heritage assets are inherently irreplaceable; once lost they are gone forever. Through the delivery of its local plan, and its wider activities, the council will act to conserve and enhance the borough's heritage assets.

Policy SP 18

The Historic Environment

To ensure their continued contribution to the quality of life in Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include:

- i. Collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;

- ii. Through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings;
- iii. Through the incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and
- iv. Ensuring relevant heritage considerations are a key aspect of site master plans prepared in support of development allocations and broad locations identified in the local plan.

Policy SP19 Housing mix

4.122 The key requirements for a mixed community are a variety of housing, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. The borough is made up of a variety of household types including, for example, older people who have specific housing needs that are different to the needs of large families and different again to those of disabled people. Maidstone Borough Council recognises that to truly promote sustainable communities there must be a mix of types of housing that are provided in any given development or location. Through providing a mix of housing types the borough will be able to accommodate the needs of an increasingly diverse population within the borough. The council will actively seek to balance communities where particular house sizes or tenures have become prevalent beyond an evidenced need.

4.123 Evidence detailed in the Maidstone Strategic Housing Market Assessment (SHMA) 2015 guides the profiles of development that are required in urban and rural locations. This evidence is valuable in determining the local housing picture and as a consequence which types and tenures of housing are required. The council will not, however, set specific targets within policy because these would result in inflexibility and a situation where imbalances could begin to occur over time.

4.124 Custom and self-build housing is housing built or commissioned by individuals or associations of individuals for their own occupation. National planning policy and guidance sets out the need for local planning authorities to identify and take account of such housing need in their area when planning for a mix of dwellings. Whilst the SHMA has not identified a need for custom and self-build housing to be strategically allocated in Maidstone, it is clear that this sector can play a key role in helping achieve a higher level of home ownership, and that policies should be flexible to take account of changing market conditions over time.

4.125 Developers will need to access a range of sources, including the SHMA, to help shape their proposals. Local stakeholders, including parish councils, may often be able to provide targeted information that assists an applicant to submit a locally relevant scheme. Neighbourhood plans can also be used as a mechanism to allow some flexibility and local context while contributing to the overarching strategic needs of the borough. Where affordable housing is proposed or required, the housing register will provide additional guidance.

- i. An identified off-site scheme;
- ii. The purchase of dwellings off-site; or
- iii. A financial contribution towards off-site affordable housing.

3. The indicative targets for tenure are:

- i. 70% affordable rented housing, social rented housing or a mixture of the two; and
- ii. 30% intermediate affordable housing (shared ownership and/or intermediate rent).

Developers are required to enter into negotiations with the council's Housing department, in consultation with registered providers, at the earliest stage of the application process to determine an appropriate tenure split, taking account of the evidence available at that time.

- 4. The council will seek provision of 20% affordable housing for schemes that provide for retirement housing and/or extra care homes.
- 5. The council has set a zero affordable housing rate for for fully serviced residential care homes and nursing homes.
- 6. Where it can be demonstrated that the affordable housing targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing.

The Affordable and Local Needs Housing Supplementary Planning Document will contain further detail on how the policy will be implemented.

Policy SP21 Economic development

4.136 The local economy is characterised by its strong base in administration and professional services, as well as public services, stemming in particular from Maidstone's county town role. The town centre is an established focus for shopping and leisure activities, drawing trade from both within the town and beyond, in particular the Malling area, Medway and Sittingbourne. The qualifications profile is relatively low in Maidstone with less than one third of residents qualified at NVQ Level 4 or above. This is below the Kent (33.6%) and national (35%) averages. More people in Maidstone are also qualified at below level 2 compared to Kent as a whole. The 2011 Census shows that some 1240 more people were leaving the borough for work than coming in, a reversal of the situation in 2001 when more people commuted into Maidstone to work. More out-commuters are working in managerial, professional, and technical occupations, while those commuting into Maidstone tend to be in skilled / semi-skilled occupations. Whilst the average earnings of those who commute out of the borough is higher than that of those who work in the borough, because of the prevalence of higher paid jobs in London as well as a preponderance of

lower wage employment in the borough, the gap has been narrowing over recent years ⁽¹²⁾ In general unemployment in the borough is low when compared with the Kent and national picture ⁽¹³⁾.

4.137 For Maidstone Borough to grow in a sustainable manner the increase in house building has been aligned with growth in local employment. Economic growth will be achieved through a range of provision and for the purposes of the local plan, and in line with the NPPF, economic development includes the following uses:

- Uses within Class B of the Use Class Order including offices, research and development, warehouses and industry;
- Public and social uses such as health and education; and
- Town centre uses such as retail, leisure, entertainment, arts, cultural and tourism development.

4.138 The net additional land requirements for B class uses and retail to 2031 are to be delivered through the allocation of sites and the granting of planning permissions. Other economic growth will be created through tourism, social infrastructure provision such as education and health care, construction and other small scale opportunities such as the conversion or extension of rural buildings that will not necessarily require the allocation of land. The council's adopted Economic Development Strategy (2015) sets out an economic vision for the borough in 2031 through its 'ambition statement'. The strategy goes on to identify five priorities to capitalise on the borough's economic assets and to create the right conditions for growth. These are 1) retaining and attracting investment; 2) stimulating entrepreneurship; 3) enhancing Maidstone town centre; 4) meeting skills needs and 5) improving the infrastructure.

4.139 A significant proportion of Maidstone's growth in B class uses is expected to come from office-based employment. The first choice location for new office development will be the town centre. The council is aiming to create the right conditions for growth in the town centre through a comprehensive approach, improving accessibility, enhancing the public realm and encouraging a range of commercial uses, primarily retail, office and leisure related. This is directed through the specific policies of the local plan. A particular issue is the quantity of long-term vacant office stock in the town centre and the identification of appropriate alternative uses for such stock. Analysis suggests that some 25,000m² of the borough's stock of office floorspace is long term vacant ⁽¹⁴⁾. Such stock, which is no longer fit for purpose, is unlikely to be fully re-occupied and its loss to other uses is unlikely to adversely impact on the borough's economic growth.

4.140 In addition to town centre office sites, there is a complementary role for offices at beyond centre sites which are well connected to the highway network, such as Eclipse Park in recognition of the differing market demand that such sites meet.

12 Annual Monitoring Report 2016.

13 'Unemployment in Kent' Research & Evaluation Bulletin, Kent County Council (September 2013)

14 Qualitative Employment Site Assessment (2014) GVA

4.141 The proposed strategic site allocation at Junction 7 is a particular opportunity to create a hub for medical related businesses, capitalising on the development of the Kent Institute of Medicine and Surgery, to attract high value, knowledge intensive employment and businesses as a boost to the local economy. This site will also deliver additional general office space in a high quality environment. Outline consent has recently been granted for the medical hub. The further specific sites allocated for additional employment development, including storage, warehousing and industrial development in line with identified needs, will help provide for a range of jobs of differing skill and wage levels as a way of helping to maintain a low unemployment rate going forward.

4.142 With the exception of some of the secondary office stock within the town centre, existing business sites and industrial estates are an important and appropriate part of the business stock for the future which can also help to provide for the range of employment needs. Policy SP22 directs the retention, intensification and regeneration of the identified Economic Development Areas. In addition, there is a significant stock of commercial premises outside these designated areas which also provide for local employment. Within Maidstone urban area and the Rural Services Centres the first preference will be for such existing sites to remain in employment generating uses.

4.143 Retail development makes a big contribution towards the economic health of the borough and reinforces Maidstone's role as County Town. Maidstone Town Centre is the primary focus for retail development within the borough with the rural service centres also providing appropriate local levels of retail facilities as set out in the Centre Hierarchy. Retail provision elsewhere in the borough currently comprises district centres and a degree of out of town development.

4.144 Within the countryside economic development will be permitted for the conversion and extension of existing suitable buildings and established sites, farm diversification and tourism where this can be achieved in a manner consistent with local rural and landscape character in order that a balance is struck between supporting the rural economy and the protection of the countryside for its own sake. Policy DM37 sets out the considerations which will apply when established rural businesses want to expand their existing premises. There is also a trend towards greater homeworking which allows for a reduced impact on transport infrastructure.

4.145 Opportunities for further tourist related development will be supported in particular within the town centre as well as small scale initiatives that support the rural economy. The council will also promote education, leisure and cultural facilities, again within the town centre in particular, to retain a higher proportion of young and well educated people within the borough and in turn enhance the prospects of creating a dynamic local economy.

Policy SP 21

Economic development

The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. This will be achieved through the allocation of specific sites and through:

- i. The retention, intensification, regeneration of the existing industrial and business estates identified as Economic Development Areas as defined on the policies map;
- ii. The retention, intensification, regeneration and expansion of the existing economic development premises in Maidstone urban area and the rural service centres provided the site is in an appropriate location and suited to the economic development use in terms of scale, impacts and economic viability;
- iii. Enhancing the vitality and viability of Maidstone town centre and maintaining the hierarchy of retail centres;
- iv. Supporting proposals that encourage highly skilled residents to work in the borough to reduce out-commuting;
- v. Improving skills in the workforce in particular by supporting further and higher education provision within Maidstone's urban area;
- vi. Supporting improvements in information and communications technology to facilitate more flexible working practices;
- vii. Prioritising the commercial re-use of existing rural buildings in the countryside over conversion to residential use, in accordance with policy DM31; and
- viii. Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37.

Policy SP22 Retention of employment sites

4.146 In addition to new allocations of employment land, it is important that a stock of existing employment sites is maintained. A range of well located commercial premises and sites need to be secured so that they can continue to be available to meet the needs of existing and modernising businesses. Policy SP22 identifies Economic Development Areas across the borough designated specifically for B class uses, which include sites with planning permission as well as established, existing employment locations.

4.147 The demand for office, manufacturing and warehouse premises can be expected to fluctuate over the plan period in line with changes in the economic cycle. It is important that these designated, good quality and productive sites are not permanently lost to alternative uses as a result of only short term changes in demand, whilst recognising that the permanent protection of a site that has no prospect of coming forward for its designated use is counter-productive for the local economy. Recent changes to the General Permitted Development Order

**Passed Referendum Date
28th February 2020**



MARDEN NEIGHBOURHOOD PLAN 2017 - 2031

FINAL NOVEMBER 2019



A written statement by the Secretary of State for the Department of Community and Local Government (Dec 2014) requires the planning system to be used to ensure that there are clear arrangements in place for ongoing maintenance of the sustainable drainage infrastructure for new developments.

POLICY NE1 – SURFACE WATER MANAGEMENT

Support will be given to development proposals that include appropriate sustainable surface water control systems designed to deliver efficient, clean water handling as well as wildlife and amenity benefits. Schemes must be accompanied by a detailed management plan confirming operating responsibilities to ensure the permanent management and maintenance of all elements of the schemes to maximise local benefits.



Further action required

- ▶ All partners to take forward the recommendations of KCC's Marden Surface Water Management Plan 2017, and revisions.
- ▶ Environment Agency to confirm whether all or part of Marden should be designated a Critical Drainage Area.
- ▶ All land owners with riparian responsibilities to ensure existing ditches are fit for purpose and maintained as such.

Water Quality



The EU Water Framework Directive required all inland waters to have 'good' chemical and ecological status by 2015, or where necessary by later dates. The yearly status of the parish boundary rivers has been assessed by the Environment Agency and objectives set, based on current conditions and anticipated river basin activities. The ecological status of the Beult is currently moderate, having improved from poor in 2014 to meet the 2015 objective. The ecological status of the Lesser Teise is similarly moderate, with the objective of achieving good by 2027. The equivalent status for chemical quality is good for both rivers, meeting their 2015 objectives. Marden Parish Council is represented on the Catchment Improvement Groups for the Beult and for the Teise.

In the Kent Biodiversity Strategy (Kent Nature Partnership 2015) both rivers are included in the Biodiversity Opportunity Area of the Medway and Low Weald Wetlands and Grasslands*. A potential relevant target is to "Pursue opportunities for creation of wider river floodplains with riparian corridors (river banks) around natural drainage channels" as part of the flood alleviation schemes and new development drainage initiatives.

It may also be possible to contribute to the target 'Pursue opportunities to create new species-rich neutral grassland, particularly close to the Marden Meadows Site of Special Scientific Interest....' The whole parish is a target area in the Natural England Sensitive Catchments programme for the rivers Beult, Teise and Lesser Teise, addressing sustainable agricultural practices to control diffuse pollution and soil erosion, amongst other issues.

**Maidstone Biodiversity Opportunity Areas are also incorporated into the Maidstone Landscape Character Assessment (Appendix D) 2012, as amended 2013*



Surface water in the parish generally drains either west to the Lesser Teise or north to the river Beult. For historic reasons, wastewater is pumped from north to south through the village to a treatment plant south of the parish in Horsmonden, from where the treated effluent is discharged to the Teise/Lesser Teise drainage system, to flow north again. From the above summary of the complex water quality issues in Marden parish, it will be obvious how vulnerable the current status is to development on former agricultural land.

As noted in the preceding Surface Water Management section, the efficient operation of surface water drainage systems which keep water on the surface can be readily checked and easily maintained. These systems will help to meet the essential requirement to ensure there is no additional contamination load from new development in the parish. Maintenance of these drainage networks and the surrounding landscape will generate materials such as leaves and grit as well as grass cuttings and site layouts should incorporate appropriate spaces for their storage, treatment (composting) and subsequent re-use.

POLICY NE2 – WATER QUALITY

Development proposals that seek to protect the water quality in the Rivers Beult, Teise and Lesser Teise and their respective catchment areas by strict controls on the potential release of contaminants, both during construction and in subsequent use will be supported. Sustainable drainage networks should be designed for ease of long-term maintenance, as well as lifetime efficiency. Best sustainable on-site use should be made of materials arising from maintenance.

Further action required

- ▶ All partners to take forward the recommendations of the Beult and Teise Catchment Improvement Groups

A Sense of Place



Marden's countryside is important. The setting of the village in its traditional Low Weald farming landscape means more to residents than merely a nice view – it contributes to the overall wellbeing of the parish. The Marden Neighbourhood Plan recognises the need for development but this cannot be at the expense of Marden's unique setting and sense of place. This view is strongly supported by local residents and repeated at all the Marden Neighbourhood Plan Open Days and workshops. As one resident stated "We owe it to our future generations and our wildlife to protect the countryside that so many of us enjoy today".

In consultation MBC has confirmed that development should contribute positively to the conservation and enhancement of the landscape. The three inter-woven strands of visual integration, habitat conservation and biodiversity gain are addressed by policies designed to maximise integration and minimise any negative impact from additional development in this rural parish.

During preparation of this Plan, residents were asked to identify the characteristic features of the surrounding country and those features that they most valued. Historic elements of the landscape, orchards/hop gardens and older farm buildings, were considered the most characteristic features in 98% of the replies. They were also the most valued at 21% and 18% respectively. Physical elements of the landscape, including water, woodland, hedges and



flat/gently undulating land, were considered characteristic in 88% to 93% of the replies.

In consultation Natural England has referred to the iconic hedgerow landscape of Marden. The parish is fortunate that many field boundary hedgerows dating from at least the 19th century still exist on the ground. There are also many special trees which are considered 'locally notable', using the terminology of the Woodland Trust. Most are veteran oaks in historic hedgerows, but there is also a fine yew in the churchyard. These all contribute to the sense of place enjoyed in the local residential environment or experienced when travelling around the parish on foot, by bicycle or on the roads. The benefits for wildlife may not be so obvious but are equally valuable and are addressed under the following Habitat Conservation heading.

The MBC's Landscape Character Assessment 2012, as amended 2013, describes the majority of the parish as Staplehurst Low Weald. "This is an historic landscape of small gently undulating grazed hedged fields with distinctive frequent mature and ancient English oak standard trees creating a strong sense of enclosure. Gently winding roads with wide lushly vegetated verges and ditches, colourful with cow parsley ... reinforce an intimate atmosphere.... Intensive orchard production is found on the fertile and often better drained loamy soils north east of Marden but also on heavier and wetter soils around Marden Beech and Marden Thorn and other pockets scattered throughout the area."

The Character Areas of the Beult Valley, Teise Valley and Sherenden Wooded Hills are self-explanatory, following the topography and soils. The Landscape Character Assessment recommends the conservation and enhancement of hedgerows in the Beult and Teise Valleys, the conservation and planting of new oak trees in the Sherenden Wooded Hills and the restoration of lost hedgerow boundaries in the Staplehurst Low Weald. There is therefore considerable opportunity for specific net gain for hedgerows impacted by development. However all proposals should also address the implications of maintenance and management in a sustainable manner.

Independent landscape consultants have advised MBC (2000, 2012) that past peripheral expansion of the village has created the appearance of "undistinguished modern housing estates" and "a rather untidy aspect around its periphery". The Landscape Integration Policy has been designed to ensure that future developments 'fit in' and are in keeping with the character and personality of the village and its surroundings. It is important to consider both the appearance of the new development from 'outside' and the views from 'inside' to beyond the built environment. For example, design of any artificial lighting systems should take account of their appearance when viewed from surrounding country and roads, both when illuminated and as features in their own right in daylight. Light overspill and adverse effects on wildlife should also be considered when determining the height, size and number of lighting columns.

On the basis of the foregoing evidence it is considered essential to conserve and enhance the natural environment and the landscape of the parish. Careful treatment of the village periphery is required to maintain and improve the appearance of the edge of Marden village, by avoiding suburbanisation and



sprawl, and minimising the visual impact on the surrounding fields and wider landscape. In an area with a wealth of established deciduous trees and shrubs it is not surprising that the public consultation response noted that screening with evergreens, walls or high, solid fences is not appropriate. Dense native species hedgerow planting is the preferred boundary treatment, as expanded in Policy NE5. These considerations of developments fitting in with their surroundings applies at all scales from large housing estates adjacent to the village to the conversion of individual rural buildings.

POLICY NE3 – LANDSCAPE INTEGRATION

All proposed developments should be designed to integrate into their surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape. Dense hedgerow planting with native species is the preferred boundary treatment if the strengthening of existing hedgerows or restoration of lost hedgerow boundaries is not possible. Artificial lighting systems, if deemed necessary, require sensitive treatment to reduce visual intrusion and negative impacts on wildlife.



Habitat Conservation



*"The best time to plant a tree
is twenty years ago.
The second best time is now".*

Chinese Proverb

The typical Marden networks of waterways, hedgerows and woodlands are essential to wildlife habitats, as well as contributing to the visual landscape. They are also valuable as wildlife corridors and stepping stones to facilitate the movement of animals, invertebrates and plants, encouraging diversity, and enabling response to external pressures such as development and climate change. Hedgerow replanting, restoration and new plantings can better connect the wider ecological network of natural areas and provide opportunity for a net gain consideration for lost habitat.

The rural, predominantly agricultural, parish has a wide range of ecological habitats; many of which are also of historic interest. There are two Sites of Special Scientific Interest: Marden Meadows, which is one of the best examples of unimproved neutral grassland remaining in the south east; and the River Beult, which is one of the few clay rivers in England which retains a characteristic flora and fauna. Wide areas of agricultural land are under agri-environment schemes, including the English Woodland Grant Scheme and Arable Assemblage Farmland Birds targets.

The parish is home to several individual species of interest including great crested newts, brown hare and dormice. Local wildlife sites are found adjacent to Marden Meadows and in deciduous woodland to the south of the parish. Any redevelopment of existing land under arable or top fruit production will displace a wide range of wildlife. Compensatory provision of places for shelter and hibernation together with food supplies to benefit invertebrates, birds and mammals will be need to be ensured.

The parish also has Priority Habitats as defined in the Kent Biodiversity Strategy 2015: Traditional Orchards, Ancient & Semi-natural Woodland, Ancient Replanted Woodland and Deciduous Woodland. The Biodiversity Opportunity Area of the Medway and Low Weald Wetlands and Grasslands includes the Teise and Beult valleys.

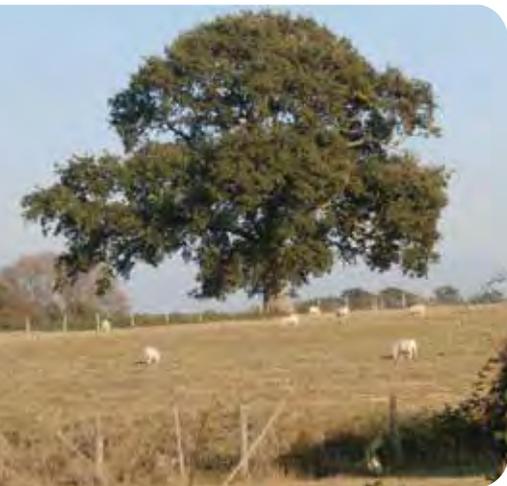
During preparation of the Neighbourhood Plan, residents were asked to comment on what they saw as the future challenges for the parish. Their main concerns covered voluntary initiatives on locally grown and sold food, nature conservation, building materials from local or sustainable sources and a reduction in water demand. However, nature conservation was deemed the most urgent issue. A directly comparable survey in 2006 ranked nature conservation sixth, showing the increasing interest and concern for this issue.

The retention or re-creation of historic field boundaries in the parish will contribute towards the retention and expansion of a local wildlife habitat network as well as retaining the continuity of the historic setting of field boundaries. An agricultural survey of the parish dating from 1817/19 shows field boundaries, later updated for the Tithe Map of 1841. Where relevant, new hedge planting is encouraged along these historic field boundaries. The use of traditional and native species of local provenance will minimise the import of plant pests and diseases, maintain the natural vegetation in the surrounding area, and ensure new planting blends with the existing landscape.

Local consultation responses drew attention to the timescale for integration of development once built. As one comment put it, "please don't cut down existing established trees.... Mature trees cannot be replaced in our lifetime

by young saplings. They are not a 'quick fix' solution. We need green mature trees in the village for our wellbeing". There was particular support for native species of trees and shrubs.

It is therefore important for all existing shrubs and trees not on historic hedgerow alignments to be considered for retention and incorporation in the landscape plan and open space provision of the development. If established habitats and visual features are fully protected during construction they can act as 'stepping stones' to maintain wildlife movements as well as act as reservoirs of plants and soil life. The Woodland Trust encourages the protection and retention of older and important trees and notes the benefits to the community, new residents and the developers' purse!



"Ancient and veteran trees are special because of their size, age or condition. Retaining these trees will enhance the value of any development. They will add a unique quality, giving it a sense of place or an 'air of respectable antiquity', creating character and distinction which will be appreciated by potential owners and their families Designing development around trees and woods with significant amenity, heritage and biodiversity value will foster good relationships with communities and local planning authorities. Time spent identifying and caring for all trees of importance will pay dividends in increasing the appeal and value of the site for clients and home owners A development should take a holistic approach to the wildlife features on site, on adjacent ground and in the wider landscape". (Woodland Trust, 2011*).

It is vital to mitigate the loss of wildlife habitat, to reduce the adverse effects on wildlife in the surrounding area and contribute to enhancing the special interest of adjacent and downstream habitat and species. Accordingly, all ecological site designations such as Local Wildlife Sites, Ancient Woodland and Sites of Special Scientific Interest are protected by planning legislation. However, all new development should actively support the aims and targets of the Kent Biodiversity Strategy¹, contribute to the Biodiversity Opportunity Areas and protect Priority Habitats. Developers are encouraged to consult the appropriate Catchment Improvement Group.

POLICY NE4 – BIODIVERSITY AND HABITATS

Owing to the unique setting of Marden in its surrounding landscape all new development is expected to support actively the aims of the Kent Biodiversity Strategy, to protect Priority Habitats and, where possible, contribute to the Biodiversity Opportunity Areas. A biodiversity net gain philosophy should be implemented so that any habitat or species loss is replaced elsewhere on-site, in excess of the amount originally lost. Local off-site re-creation is viewed as a last resort but the net gain principle would apply to ensure there is a positive impact from the new works.

**Ancient Tree Guide 3 - Trees and Development*

¹In 2019 MBC is in the process of developing a new Biodiversity Strategy for the Borough. This should also be consulted and appropriate action taken in due course.

Landscape Planting



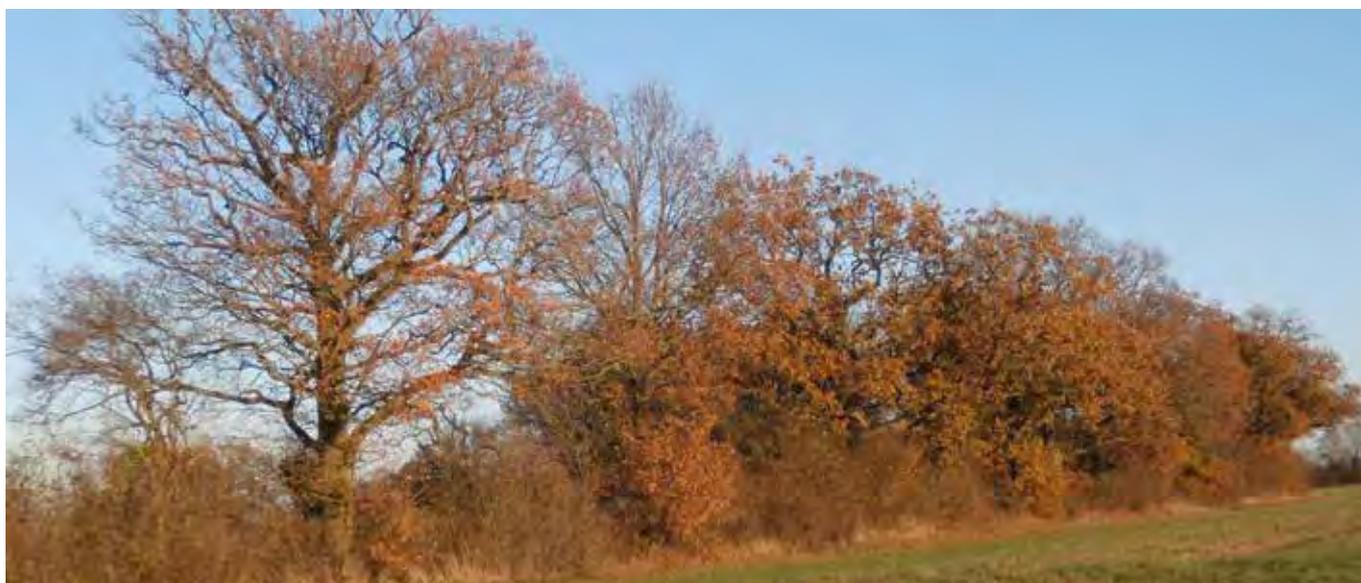
As noted above all new planting on boundaries should be traditional, native species of local provenance. It should be locally specific to link development to the surrounding rural landscape. Careful choice of species likely to thrive in the available soil is obviously important but consideration should also be given to the seasonal range of drainage conditions both current and future. Priority should be given to species which, in combination, will optimise the provision of nectar, pollen, fruit and seed throughout the year. The plant species chosen should also provide shelter and protection for wildlife. Unfortunately the integrity of the landscape is vulnerable to a range of plant diseases and Marden is suffering the increasing effects of the untreatable ash dieback disease. Contemporary phyto-sanitary concerns should be addressed in species mix selection, planting and maintenance.

In planning and planting hedgerows adjacent to fields, sufficient space must be provided for dense hedges to grow to at least 2 metres wide, with a margin on each side for long grasses to grow at their base, as recommended by the Town & Country Planning Association and The Wildlife Trusts, 2012. All development proposals should include appropriate maintenance and management plans and adequate arrangements to ensure they are carried out.

All opportunities should be taken to reduce existing infestations of non-native invasive species, control pernicious weeds and prevent the spread or import of plant diseases.

POLICY NE5 – LANDSCAPE PLANTING

New landscape planting in Marden must be selected from native species of local provenance for landscape and visual effects and to maintain the natural rhythms of the vegetation in the surrounding area. Priority should be given to species that provide food and shelter to wildlife. Development proposals within the Plan area must ensure that appropriate and adequate space is available within the development site to allow landscape planting to reach maturity without any detriment to the amenities of the development itself and to neighbouring properties, for example by excessive shading of gardens or by the interruption of external views.



Soil Conservation



The parish soils are underlain by the Weald Clay Formation with superficial deposits of alluvium in the river valleys. The slightly higher land consists of River Terrace deposits with sand and gravel. The valley soils have naturally high groundwater. Loamy and clayey soils cover the majority of the parish, slowly permeable and seasonally wet. Freely draining loamy soils are found on the ridge running across Marden Beech to Wanshurst Green and Underling Green.

On-site soil remediation techniques such as soil stabilisation should be used, as necessary, to ensure the existing soils on site can be made suitable for purpose. Appropriate soil conservation measures should also address the handling and temporary storage of soils, as well as preventing erosion, both during construction and until stabilizing vegetation is re-established. The objectives of the soil conservation policy are to retain the natural soil fauna and flora of the parish; to assist the establishment of new native planting; to reduce the spread of undesirable and potentially invasive plant material and soil-borne diseases, and to reduce off-site traffic movements associated with the import and export of soils and any other excavated materials.

POLICY NE6 – SOIL CONSERVATION

Development proposals should demonstrate sustainable on-site soil management and minimise the import of subsoil and topsoil and the export of any excavated ground materials.



Built Environment

Local Character



Marden is an ancient village with many historic buildings. Retention of these buildings has contributed to the character of the village. Some individual buildings are legally protected as listed buildings. There are 129 in Marden, 55 of which are in the village centre. The Church is Grade I, White Lyon House, Chainhurst Farmhouse and Great Cheveney are Grade II* and the remainder Grade II. The Marden Conservation Area covers much of the centre of the village.

There is a variety of architectural forms, styles and materials represented by buildings constructed and developed over hundreds of years. There are examples of pre-15th century timber-framed buildings together with tile hung façades and many different styles of brick-built properties constructed from the 18th century through to the present day.

The conservation area was designated in 1977. MBC has undertaken Conservation Area Appraisals and Management Plans in some parts of the Borough, but this has not yet been done in Marden. The process is recommended by Historic England and a plan for Marden is now a matter of urgency.

Residents at the Open Days supported the need to carry out a Conservation Area Appraisal and Management Plan and the need to incorporate additional areas. A review of the conservation area was then undertaken as part of the Marden Neighbourhood Plan workshops that identified several areas which should be considered for inclusion: Albion Cottages, the School and Memorial Hall, Railway Cottages and parts of the east side of Goudhurst Road.

A number of the most recent major housing developments included large three storey blocks of flats. The introduction of such buildings are inappropriate and would have a detrimental impact on the rural character of Marden. Strong opposition from the Parish Council led to amendments to reduce the overall height and design of the structures and this was welcomed.

This Plan does not seek to prevent the development of three storey buildings – the use of roof spaces with small dormer windows is a typical feature of the Kentish landscape. The Plan would therefore seek to support development of a suitable scale and height that respects and enhances the Wealden character of Marden.

POLICY BE1 – LOCAL CHARACTER

Development proposals should be designed to protect the fabric and setting of any designated and non-designated heritage asset and respect and enhance the existing character of the village. New development must be both visually and functionally sympathetic to the existing styles and materials, which are illustrated at pages 21/22 in this Plan and also described in the Marden Design Statement (2001), in order to maintain and enhance Marden's sense of place.

Further action required

- Marden Parish Council to lobby MBC to undertake a Conservation Area Appraisal and Management Plan for Marden.

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Residential Amenity



There was a strong consensus from the open days for new housing development and residential extensions and alterations to blend with the existing vernacular style, to use good quality materials and incorporate features of interest. Adequate off-road parking and garden space were also considered to be essential elements of all new developments. There was opposition to any further gated communities as a principle, although it was acknowledged that other factors may need to be considered. For example, the need for pedestrian safety was an over-riding consideration in the provision of gates at Rookery Court. Further support to this approach was given by residents at the 'Village Boundaries' workshop on 21 September 2013.

The Marden Design Statement identified design features and materials that characterise the parish. It stated: *"It is clear that there is no single Marden building style. Each period has added to the variety of village and farm buildings. New development should not attempt to replicate exactly any one of the styles represented: design should be contemporary but sympathetic with its immediate surroundings – and, more broadly, with the Marden character as a whole"*. Its exemplars are re-stated within the plan.

POLICY BE2 – RESIDENTIAL AMENITY

Proposals for new residential development in the Plan area, including extensions and alterations to existing properties, should ensure that adequate amenities are safeguarded for residents including neighbouring residents, particularly in respect of privacy, daylight, car parking, external lighting and outlook. Development proposals should also provide or retain adequate private amenity space, and where appropriate make provision for new pedestrian routes, cycleways and bridleways within the development with linkages to the existing such routes in the vicinity of the site. In this respect, applicants should take account of Kent County Council's Rights of Way Improvement Plan (ROWIP).

Most people only come into contact with the planning system when they or their neighbour submits a planning application for a domestic extension. Although the impact of such extensions is by their very nature likely to be limited, aspects such as intrusive external lighting can have a great impact on the quality of life of those directly involved. It is very important this is recognised by the Marden Neighbourhood Plan, with good neighbourliness being essential to the wider village community.

POLICY In2 – SUSTAINABLE TRAVEL

Support will be given to developments designed to maximise travel on foot and by cycle and that provide direct links to village facilities and public transport services via off-road and lightly trafficked routes, or through improvements for non-motorised users on busier existing routes. Developments should not hinder existing walking and cycling routes unless a convenient alternative route is provided. Major sites should be designed to provide through routes for pedestrians and cyclists where this would help improve non-vehicular access from adjacent housing or business premises and to facilitate links with any nearby public rights of way or open space.

POLICY In3 – TRAFFIC GENERATION

Developments within the Plan area which lead to additional traffic generation will be required to ensure that safe vehicular access arrangements are incorporated within the design of the development and be provided before the use commences. Where appropriate, traffic impact studies will be required for proposed developments and any off-site traffic mitigation measures as deemed necessary by the highways authority will be secured by agreements linked to planning permissions.

POLICY In4 – MARDEN STATION

Support will be given to proposals to enhance facilities at Marden Station including any development required to meet increased demand providing the proposal accords with other policies in the Plan.

Further action required

- ▶ Station infrastructure stakeholders (including Network Rail, train operating company, Department for Transport, KCC and Marden Parish Council) to pursue enhancement opportunities including additional station parking and step-free access to the 'down' platform.
- ▶ Bus infrastructure stakeholders (including bus operating companies, KCC, MBC and Marden Parish Council) to pursue enhancement opportunities including additional bus services, new or replacement bus stop signage, road markings and bus shelters.

Housing

"It is the liberty to have a home of your own, to do what you like in your spare time, to choose your own amusements."

George Orwell (Novelist 1903-1950)

The Marden Design Statement 2001, which was formally adopted as Supplementary Planning Guidance by MBC, no longer forms part of the borough's Development Plan but is still used by the Parish Council and others as valuable guidance. The Marden Design Statement 2001 was the result of a parish wide analysis and produced specific guidance on a number of issues. This document stopped short of specific land allocation for housing development.

The intention was always to produce a second document to take the next step and identify sites which would be suitable for particular development types. This was originally envisaged as a parish plan, which then became a Neighbourhood Plan following the enabling legislation.



manufacturing, and sees the importance of securing the future of existing businesses as the best way of achieving economic growth.

The Marden Neighbourhood Plan seeks to support existing businesses but understands the limits of the location in terms of road transport links and thus also seeks to support the increasing number of 'innovative' companies that have begun to locate in the parish. It may, therefore, become necessary to consider a move away from class B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) by supporting other types of mixed use that may include an element of retail, leisure or hi-tech use. However, the suitability of such uses will need to be considered on a site-by-site basis.

As noted Marden is attracting a wider range of commercial uses whose contribution to the parish's economic health should not be under-estimated. By way of example, Marden is proud to be home to an artisan gin manufacturer who uses local produce, a local cider producer who uses only Kentish apples; a brewery making traditional real ales and a vineyard using grapes grown in the parish. As a consequence, the Marden Neighbourhood Plan seeks to encourage less conventional business users and thus encourages greater flexibility in terms of use.

It is important to ensure that potential new businesses in Marden are not deterred by any uncertainty created by over-restrictive planning policies.

The Marden Business Forum has hosted events to showcase the existing businesses to the wider village. The Marden Neighbourhood Plan encourages such events which develop links designed to integrate the businesses community with the village, allowing residents to understand and be proud of its successful business community.

POLICY E1 – BUSINESS AND EMPLOYMENT

Support will be given to employment-generating businesses that maximise employment opportunities within the parish. Support will be given to development which provides opportunities for start-up ventures and contributes to the growing reputation of the parish as a location for innovative commercial uses and those with a local connection or using local produce. The development should have suitable road access to and from primary routes such as the A229 and should not result in any unacceptable impact on residential amenity or the character of the surrounding area and wider countryside. The development should be suitably landscaped to reflect Marden's rural setting.

It is noted that the westernmost part of the Pattenden Lane industrial/commercial area is shown on the MBC Local Plan map for Policy SP9 (Marden Rural Service Centre) within the settlement boundary but not as part of the economic development area. However, this small triangular plot has been used for light industrial/vehicle repair purposes for many years and would not be suitable for residential development.

It is also noted that the majority of the large Claygate distribution warehouse site, granted planning permission in 2007, is shown as being located outside

the economic development area. However, the reality is that it is now part of the wider Pattenden Lane commercial estate and is neither open countryside nor suitable for residential development.

Further action required

- ▶ For clarity, MBC to modify the map for Local Plan Policy SP9 (Marden Rural Service Centre) at the next periodic review to encompass the light industrial/vehicle repair site at the westernmost part of the Pattenden Lane industrial/commercial area within the economic development area – refer to area FA2 on the 'Planning Policies & Further Actions' map.

Retail



Marden, like many other villages, has a variety of shops, pubs and other services. At its peak, there were a selection of 22 retail premises but there has been a gradual diminution over the years. However, Marden is a designated Rural Service Centre and it is therefore important that the widest range of shops and services are provided. This is essential as the population of the parish increases over the life of the plan to ensure development is truly sustainable and to promote the social interactions that contributes to Marden's cohesion.

The MBC Local Plan highlights the High Street and junction with Maidstone Road as a district centre. However, Church Green also has an important retail function with a butcher's shop, convenience store, fish and chip shop, hairdressers, garage and dental surgery. This area has therefore been included in the Marden Neighbourhood Plan as a district centre.

There are also other retailers and service providers located outside these local district centres –Stanley's garage, West End Stores, West End Tavern public house, The Village Club, Marden Tandoori and the Stilebridge public house – which are central to village life and the role of Marden as a Rural Service Centre. Consequently the loss of such established businesses would be strongly resisted.

The plan recognises that shopping habits are changing rapidly. Therefore the retailers seeking to locate in Marden are likely to be service providers. This may also generate the need for shops and services to locate outside the recognised district centres. The plan seeks to be sufficiently flexible to accommodate future market trends.

POLICY E2 – RETAIL DEVELOPMENT

Support will be given to the development of new or extended retail premises within Marden where there are no adverse impacts upon the amenities of neighbouring properties and the wider area, and subject to other policies in the Plan.

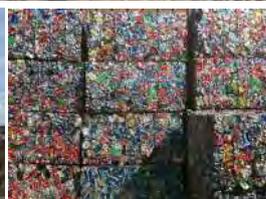
Further action required

- ▶ For clarity, MBC to modify the map for Local Plan Policy SP9 (Marden Rural Service Centre) at the next periodic review to designate an additional local district centre at Church Green (refer to area FA3 on the 'Planning Policies & Further Actions' map).

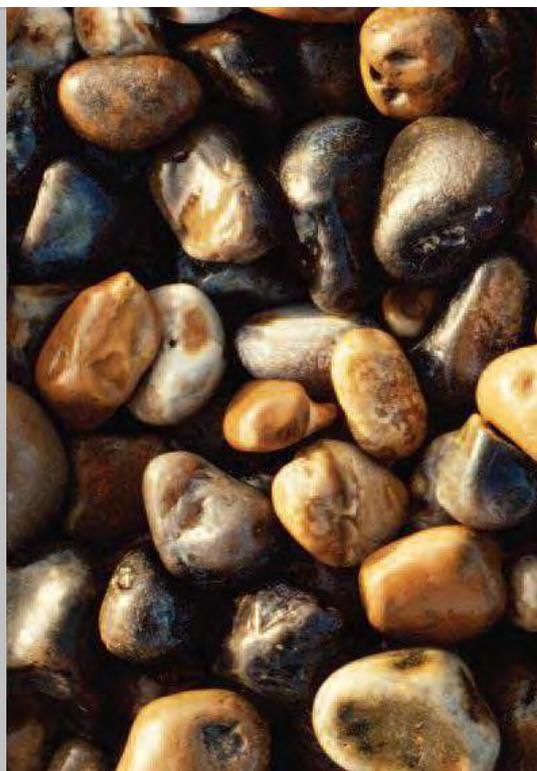


Kent Minerals and Waste Local Plan 2013-30

*Planning for the future of
minerals and waste in Kent*



**Adopted September
2020**
(as amended by Early
Partial Review)



Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding,⁽¹⁰⁶⁾ where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

Further guidance on the application of this policy is included in a Supplementary Planning Document.

7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

7.6.1 It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities⁽¹⁰⁷⁾ used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.

106 In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Minerals Sites Plan.

107 'Existing facilities' are taken as those have permanent planning permission for minerals and waste uses.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

7.6.3 In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

7.6.4 There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development (known as ‘agents of change’) made in the vicinity of such infrastructure.

7.6.6 Criterion 2 of Policy DM8 recognises that the allocation of land in adopted Local Plans for development, such as housing, should have considered the presence of waste management and minerals supply infrastructure and the need for its safeguarding at that time, and, where this has been shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit the safeguarding considerations at planning application stage.

7.6.7 Further guidance on the implementation of this policy is included in a Supplementary Planning Document.