



MINUTES FOR THE MEETING OF MARDEN PARISH COUNCIL PLANNING COMMITTEE ON 2ND JANUARY 2024 IN THE OLD SCHOOL ROOM, MARDEN MEMORIAL HALL, GOUDHURST ROAD, MARDEN COMMENCING AT 7.30PM

172/24 PRESENT:

Cllrs Besant (in the Chair), Gibson, Newton, Robertson and Tippen were in attendance. The Clerk, Cllr Summersgill (not a member of the Planning Committee) and 3 members of the public were also present.

173/24 APOLOGIES:

Cllrs Adam, Boswell and Turner had given their apologies.

In the absence of the Chairman, Cllr Besant, as Vice-Chairman of the Planning Committee, took the chair.

174/24 APPROVAL OF PREVIOUS MINUTES:

The minutes of the meeting held on 19th December 2023 were agreed and signed as a true record.

175/24 CLLR INFORMATION

Declarations of Interest

Although not a member of the Planning Committee, Cllr Summersgill declared an interest as he had been involved with discussions on application 20/505751 and had responded as a member of Hunton Parish Council.

Cllr Gibson knew the applicant of 23/505505 but had not been lobbied.

Cllr Tippen declared an interest in 22/501335 as resident living opposite the site.

Granting of Dispensation

There were no requests for dispensation.

176/24 IDENTIFICATION OF ITEMS INVOLVING PUBLIC SPEAKING

Members of the public in attendance for 20/505751 Reed Court Farm. The Chairman, with Cllrs agreement, proposed that this application be brought to the front of the next agenda item.

177/24 PLANNING APPLICATIONS WITHIN MARDEN PARISH

OTHER APPLICATIONS

20/505751/EIFUL – Reed Court Farm, Hunton Road, Marden

Erection of a new free range egg farm consisting of 2 hen houses with extensive outdoor ranges and fencing, formal vehicle access from Hunton Road and associated parking, landscaping, woodland and tree planting, drainage and other associated works.

Revised details received.

The members of the public were invited to speak to the meeting and raised their concerns before Cllrs discussed the application and the response back to MBC

20.04 Cllr Adam arrived at the meeting

Cllrs discussed previous comments and agreed for the following to be submitted:

1. Marden Neighbourhood Plan Policies

a. Policy BE5 New Farm Buildings - The size of the proposed hen houses does not minimise any adverse effect on residential amenity and are large-scale buildings of an industrial scale – c250m in length. Hen house 3 is sited very close to Chainhurst Farmhouse a Grade II* and

two other Grade II listed barns. The size and scale of the proposed buildings do not minimise adverse effects on the wider countryside, and they are not sympathetic to the local surroundings. They do not respect the historic nature of the site given the ancient woodland, uninterrupted views especially from the Greensand Ridge, and proximity to listed heritage assets.

b. Policy BE1 Local Character – the proximity of hen house 3 to listed heritage assets as defined above in a, do not protect the setting of these designated assets, neither do they enhance the existing character of the village – in this case the hamlet of Chainhurst.

c. Policy BE2 Residential Amenity – no significant attempt has been made to mitigate the impacts on residential amenity by the creation of new pedestrian routes, cycleways or bridleways within the development to link with existing routes in the vicinity of the site (eg by making use of the maintenance path around the southern periphery of the site to link the centre of Chainhurst with Public Right of Way KM229).

d. Policy NE1 Surface Water Management and NE2 Water Quality – the water contamination concerns have not been addressed and therefore the application is not in conformity with these policies. Neither does the plan appear to be in conformity with the Water Framework Directive since it not only fails to offer any improvement to help the Beult operational catchment reach good ecological and chemical status/potential, but the risk of pollution caused by runoff from the outdoor chicken ranges risk further deterioration in several WFD measures. *Cllrs note that 2 of the 3 concluding points on page 5 of the Considine technical note reinforce MPC's previous comments about water quality.* It is unclear how waste excreted on the open areas of the site is prevented from entering the water course, particularly as some parts of the free-range areas are within Flood Plain 3A and 3B.

e. Policy NE3 Landscape integration – Cllrs note that hen house 1 has been removed but the size and scale of the remaining buildings do not integrate into their surroundings in the landscape and do not contribute positively to the conservation and enhancement of the landscape. It is noted that no lighting plan has been submitted and therefore we are unable to determine if the lighting will 'reduce visual intrusion and have negative impacts on wildlife'.

The visual impact on users of the surrounding public rights of way and landscape is tangible and no effort has been made to mitigate this impact through additional tree planting or hedgerow planting. The reduction in tree planting as part of the proposal when measured against the previous is notable, reducing any landscape benefits (tree planting within the chicken ranging areas is negligible and of low amenity value to landscape users).

f. Policy NE4 Biodiversity and habitats –

Biodiversity - The applicant has not demonstrated that it supports the aims of the Kent Biodiversity Strategy or that there is biodiversity net gain so that any habitat or species loss is replaced elsewhere on site in excess of the amount lost. Whilst it is noted that the Biodiversity Net Gain calculator calculates a biodiversity net gain, this relies heavily on an increase in grassland, but fails to improve habitats for species identified as being harmed through the proposal. The proposal will result in a loss of habitat and species connectivity across the site – in particular, but not limited to, badgers. The badger survey demonstrates that there is evidence of badgers throughout the site but due to the proposed fencing there will be a significant reduction in ability for badgers, and other species, to move across the site.

Cllrs are concerned on the loss of Priority habitat but the biodiversity net gain strategy does not seem to address the loss of this habitat. Further concern is that the application does not show how the loss of Priority habitat areas are addressed.

The baseline survey used for the biodiversity net gain is well out of date, having been undertaken in 2020; the Parish are of the view that the grassland in the area has substantially improved in quality since the surveys were undertaken, reducing the value of further management and the subsequent BNG calculated output.

Further, various ecological surveys across the site have been updated by ‘walk-over’; however, as the original surveys were undertaken more than three years ago (many undertaken in a reduced capacity due to Covid-restrictions), the baseline should, in accordance with best practice, be considered out of date, and further surveys undertaken. (No off-site GCN surveys were undertaken due to Covid-restrictions, and have yet to be undertaken).

Pollution - The proposal fails to recognise the environmental standards of the River Beult (which has SSSI status) and the Environment Agency has confirmed the chemical status of the river is fail. An Appropriate Assessment should be requested to determine the likely significant effects of the scheme on the SSSI including the projected levels of ammonia, phosphorus and nitrogen emissions.

Ammonia produced by poultry reacts with nitrogen oxides and sulphur dioxide to form secondary particulate matter which significantly impacts on human health. Non-methane volatile organic compounds (NMVOCs) are a collection of organic compounds that differ widely in their chemical composition but display similar behaviour in the atmosphere.

Methane and NMVOCs contribute to the formation of ground level (tropospheric) ozone, which can cause harm to human health and to key agricultural crops and flowering plants. An assessment would be required to determine the ongoing health impacts, air contamination and soil contamination.

It is unclear how much damage chickens can do to the ground/vegetation with a likelihood that management proposed for the woodlands/rotational grassland within the free-range areas cannot be implemented. Despite the proposal to increase the buffer area between the River Beult SSSI to mitigate the impact due to Ammonia Emissions it will result in the increased loss of Neutral Grassland within the north of the site.

Councillors remain unclear on how waste from the chickens deposited within the free-roaming areas will be prevented from entering the watercourse, particularly given that some of the free-ranging area is within Flood Zone 3. This uncontrolled pollution into a SSSI is unacceptable.

MPC acknowledge that Marden Wildlife is a group with very specialist knowledge and their comments should also be taken seriously and given substantial weight; precedence for which exists in the determination to Refuse the recent application at Copper Lane (23/504068/OUT).

g. Policy IN3 Traffic Generation – although we welcome the recommendations from KCC Highways we note there is no consideration of the impact of HGVs in Chainhurst, which sits within the 7.5 tonne weight limit and where there are blind corners, no pedestrian footway and no safe cycle route in the narrower sections. This weight limit was ordered to “prevent danger to persons especially pedestrians, prevent damage to roads and buildings and preserving the amenities of the area” and to permit a development that would introduce additional HGVs would be directly contradictory to these purposes.

2. Flood risk

The principle of developing the site has not been established due to the absence of a Sequential Test which has not been submitted despite a large percentage of the site being in flood Zone 3b. Neither has an exception test as the poultry business is classified as land and

buildings used for agriculture and forestry and is therefore classified as less vulnerable. Government guidelines state that less vulnerable uses should not be permitted in flood zone 3b. The proposed access road and its junction with Hunton Road are also prone to flooding and often underwater, thus resulting in the strong probability that the site may not be able to be accessed safely to transport waste produced off site to the treatment facility in Knoxbridge.

3. Existing Public Rights of Way

The suggested move of KM229 to run along the River Beult would increase the risk of it being impassable due to river and surface water flooding and is unacceptable and in any case now appears no longer required due to the removal of hen house 1.

The retention of KM144 on its existing line is an improvement of the original proposal but Cllrs remain concerned of the visual impact on PROW users.

Cllrs continue to recommend refusal and would want this to go to Committee.

FULL APPLICATIONS

23/505505/FULL – Horlands Farm, Summerhill Road, Marden

Change of use from agricultural to secure dog walking exercise field with permeable hardstanding car park, erection of new and replacement fences and gates (Retrospective)
Cllrs raised no objection.

LISTED BUILDING CONSENT

23/505620/LBC – Thorn Farmhouse, Marden Thorn, Marden

Listed building consent for the internal repairs and new supporting column/post to existing stressed ground floor beam and new bracket at junction of stair trimmers.
No objection subject the Conservation Officer's agreement.

PRIOR NOTIFICATIONS

23/505565/PNQCLA – The Nurseries, Staplehurst Road, Marden

Prior notification for the change of use of a building and any land within its curtilage from agricultural to 1 dwellinghouse and associated operation development. For its prior approval to: Transport and Highways impacts of the development; Noise impacts of the development; Contamination risks on the site; Flooding risks on the site; Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses); Design and external appearance impact on the building; Provision of adequate natural light to all habitable rooms of the dwellinghouse.

Cllrs noted application.

OTHER APPLICATIONS

20/505751/EIFUL – Reed Court Farm, Hunton Road, Marden

Erection of a new free range egg farm consisting of 2 hen houses with extensive outdoor ranges and fencing, formal vehicle access from Hunton Road and associated parking, landscaping, woodland and tree planting, drainage and other associated works.
Discussed at beginning of item 177/23.

23/505547/LAWPRO – Tutsham House, Howland Road, Marden

Lawful Development Certificate for proposed garage conversion and alterations
Cllrs noted application.

23/505631/TCA – St Michael's and All Angels Church, Church Green, Marden

Conservation Area Notification: T1 Lime – Pollard to a height of 15-20 feet, as recommended by Crispin Tregonning, Tree Surgeon
No objection.

178/24 PLANNING APPLICATIONS OUTSIDE MARDEN PARISH:

22/501335/FULL- Land North of Little Cheveney Farm, Sheephurst Lane, Marden

This application is currently at appeal (Public Inquiry to be held from 16th January 2024) but the Planning Inspector has agreed to formally consider an amended “appeal scheme” rather than the scheme determined by MBC Planning Committee. The scheme is essentially for fewer PV panels over a smaller hectareage (from 54.6ha to 46.3ha)

Cllrs raised no objection, subject to the Public Right of Way diversions being secured by S106 agreement or other appropriate mechanism.

179/24 MBC DECISIONS & APPEALS**Decisions**

Decisions received from MBC:

23/504068/OUT: Land East of Albion Road and North of Copper Lane

Outline application with some matters reserved (access only sought) for the removal of 2 former agricultural sheds and erection of up to 117 dwellings and associated infrastructure including partial footways on Albion Road

MPC: Refused

MBC: Refused

23/504876/FULL – Mount Pleasant Farm, Maidstone Road, Marden

Conversion and change of use of existing stable to provide (a) holiday let with insertion of rooflights. Change of use of land to form private amenity space, with associated parking and landscaping (resubmission of 23/502171/FULL)

MPC: No objection

MBC: Granted

23/505009/ENVSCR: Monks Lake Fisheries, Staplehurst Road, Marden

Environmental Impact Assessment (EIA) Screen Option – Proposed development of self-catering tourist lodges and glamping pod accommodation and associated works including draining and re-purposing of 3 existing match fishing lakes

MPC: Noted

MBC: EIA not required

Decisions outside Marden Parish

No decisions outside of Marden Parish received.

Appeals

No new appeals received.

180/24 OTHER PLANNING ISSUES:**MBC Planning Committee**

The next MBC Planning Committee meeting is on 18th January 2024.

Maidstone Borough Council Local Plan

Details on the latest updates regarding the review can be seen on MBC’s website: [Local Plan Review - Examination - MBC Local Plan \(maidstone.gov.uk\)](https://www.maidstone.gov.uk/local-plan-review-examination)

Tree Preservation Orders (TPOs)

The Clerk had contacted the owners of the land and would provide an update at the next Planning Committee meeting.

181/24 MARDEN NEIGHBOURHOOD PLAN

No updates had been received back from MBC.

182/24 INVOICES FOR PAYMENT:

The following invoices were submitted for payment:

Employees/HMRC – January salaries, PAYE and NIC - £8,403.82

Business Stream – public conv. Waste water - £78.30

EDF (via MPC Debit Card) – end of contract final invoice - £34.60

Stanleys Garage – fuel - £77.11

Total: £8,593.83

Cllrs agreed payments and Cllrs Newton and Tippen would authorise on Unity.

There was no enforcement to report or information received so the meeting was not closed for item 183/24.

183/24 ENFORCEMENT

New/Reported Alleged Enforcement

MBC Update on Enforcement

There being no further business the meeting closed at 9.04pm

Signed:

Date:

Cllr Turner, Chairman, Marden Planning Committee
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