



**MINUTES FOR THE EXTRAORDINARY FULL COUNCIL MEETING HELD ON TUESDAY 6th SEPTEMBER 2016
AT 7.30 PM IN THE JOHN BANKS HALL, MARDEN MEMORIAL HALL, GOUDHURST ROAD, MARDEN**

- 074/16 **PRESENT:** Cllrs Adam, Brown, Childs, Cowin, Harvey, Mannington, Newton and Turner. The Assistant Clerk and seven members of the public were also present
- 075/16 **APOLOGIES FOR ABSENCE:** Cllrs Boswell, Robertson, Tippen and the Clerk gave their apologies
- In the absence of the Chairman Cllr Adam took the chair.
- 076/16 **(a) DECLARATION OF INTEREST** Cllr Adam declared an interest in Item 099/16(c) as he is a near neighbour of Plain Road site.
(b) COUNCILLORS REGISTER OF INTEREST There were no amendments to the registrations of interest
(c) GRANTING OF DISPENSATION There were no requests for dispensation
- 077/16 **MINUTES OF THE PREVIOUS MEETING**
The minutes of the Full Council meeting held on 9th August were deferred until the next meeting on 13th September.
- 078/16 **IDENTIFICATION OF ITEMS INVOLVING PUBLIC SPEAKING**
Members of the public wished to comment on item 079/16(a) – Land to the North of Howland Road and item 079/16(b) – Land North of Tippen Way
- 079/16 **PLANNING APPLICATIONS WITHIN MARDEN PARISH**
(a) **16/506090/REM – Land to the North of Howland Road**
Approval of Reserved Matters following Outline application MA/13/1291 for 44 dwellings together with new access, associated parking, wildlife enhancement area and attenuation pond with access Appearance, Landscaping, Layout and Scale being sought.

The Chairman adjourned the meeting to allow members of the public to speak (comments at Appendix A). The meeting was then reconvened for Cllrs to discuss and comment.

Cllrs wished it to be known that the site is prone to surface water flooding. Surface water also flows from land to the west and the highway to the south. Historically these issues are being exacerbated by lack of maintenance by Network Rail of the culvert under the railway to the North of the site. Cllrs therefore would urge the developer to co-operate with adjoining landowners and the highway authority and take this opportunity to address these various issues in an integrated way. Additionally Cllrs recommended the provision of specific flood prevention measures to the rear of the existing cottages on Howland Road.

Cllrs raised objection to the design of the proposed dwellings, specifically to plots 4, 11-15 and 39-41. It is recommended that these plots are redesigned to reflect the character of the local area with reference to the Marden Village Design Statement 2001. The use of half-hipped roofs, small dormer windows with a ridgeline lower than the ridgeline of the dwelling and the use of external materials are more suitable for this rural location.

Cllrs recommended that Permitted Development Rights for loft conversions are removed

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from all plots backing onto the existing houses between 8 Meadow Way and 7 Howland Cottages.

Cllrs objected to the location of the children's play area (LAP) and recommended that this should be relocated to a more central location in order to be of the widest benefit to all residents and would also benefit from the informal surveillance.

Cllrs objected strongly to the creation of any gate-like entrance features including unnecessary brick walls and ornamental features which would be out of keeping with this village setting.

Cllrs are disappointed to see that the developer has not included any low/zero carbon technologies within the site.

Following discussion Cllrs recommended that the application be refused in its present form with the above comments being sent back to MBC.

(b) **16/506458/FULL – Land North of Tippen Way**
Construction of 3 bungalows

The Chairman adjourned the meeting to allow members of the public to speak (comments at Appendix B). The meeting was then reconvened for Cllrs to discuss and comment.

Cllrs raised objection on the basis that the applicant has failed to demonstrate "based on evidence from a rigorous local opinion survey which will need to be submitted for scrutiny" that there is no demand for allotments. Cllrs agreed that the final response to be sent to MBC would be circulated via email following the meeting. (This can be viewed at Appendix C). In the event that the Case Officer's recommendation is for approval Cllrs wish this application to be called to a Planning Committee.

(c) **16/506009/SUB – Plain Road, Marden**
Submission of details pursuant to Condition 6 (Foul & Surface Water Drainage), Condition 12 (Lighting Plan), Condition 13 (Surface Materials), Condition 15 (Site Levels) and Condition 24 (Attenuation Ditch Details) for planning permission 13/1585

Cllrs agreed with the objections made by KCC and Southern Water regarding Condition 6 and noted the lighting plan (Condition 12), surface materials (Condition 13) and site level (Condition 15).

Bearing in mind the objections raised by KCC as the Local Lead Flood Authority (LLFA), it would be premature to conclude that an attenuation ditch is not required under Condition 24. Cllrs therefore object to this feature being removed from the scheme at this stage.

There being no further business the meeting closed at 9.15 pm

Signed: Date: 13th September 2016
Chairman
Marden Parish Council

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Extraordinary Full Council Meeting – 6th September 2016
16/506090/REM – Land to the North of Howland Road

Comments from Members of the Public

1 Access to the west of Meadow Way. The previous access to the field was Meadow Way which used to be in the ownership of the previous owner of the land. A member of the public asked whether the developers owned this stretch of land. Cllr Adam replied that it was outside the red line on the plan so it appeared not.

2 Member of the public's cottage is below ground level and the proposed 4 bedroom detached house would over-power their house and is concerned that they would lose their privacy and suffer loss of light. Could the developers not build bungalows behind the low cottages.

3 The ridge height difference between the cottages and proposed new build is 2m. The new houses would look directly into the bedrooms. Some cottages will look out onto sheer brickwork. Member of the public is worried that the new residents would put velux windows into the roofs, which would also overlook the cottages.

4 Concerns regarding flooding from the sports field, through the field and then into Howlands Road.

5 Public footpath at side of 7 Howland Cottage is invasion of privacy for occupant, path could be rerouted around the attenuation pond.

6 Play area situated at bottom of resident's garden. Play area should be in site of houses so that children's parents can see them.

7 Show home would be better situated on the opposite side of the entrance.

8 Roof lines should be hipped rather than gable ends to soften square ends of roof.

9 Developers will not consider solar panels, rainwater harvesting etc.

10 Requested extension of existing drains to attenuation pond to alleviate flooding.

11 Residents request concrete posts for fence boundary to lengthen life of fence.

12 Entrance to site will be brick walls either side of entrance. Not necessary.

13 The drainage from Network Rail is totally insufficient

Extraordinary Full Council Meeting – 6th September 2016
16/506458/FULL – Land North of Tippen Way

Comments from members of the public

- 1 A member of the public has been writing to Redrow for almost a year regarding the allotments.
- 2 Resident understood allotments were for all the village.
- 3 All residents on site pay a management cost, could management committee not run allotments.
- 4 Resident is happy to form a committee to run the allotments.

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Extraordinary Full Council Meeting – 6th September 2016
16/506458/FULL – Construction of 3 no. bungalows at land North of Tippen Way, Marden.

Parish Council's comments

Planning permission was granted under MA/13/0115 for the demolition of existing industrial buildings and breaking up of associated hardstanding and redevelopment of 'MAP Depot' site to accommodate 110 dwellings together with associated play trail, amenity space, allotments, new access, parking and landscaping as shown on schedule of submitted plans and documents received 06/08/2013 on 1st October 2013. This application includes the provision of allotments in the south east corner of the site. The allotments are clearly shown on plan 2 of the S106 agreement signed on 1 October 2013. Section 13 relates to open space facilities which include green space, allotments and play trail. This section requires the Developer to set up a limited company as a Management Company. Section 13.2 states that *"prior to Occupation of the 20th Housing Unit they will complete the Green Space and Allotments in accordance with the provisions of the Specification"*. Section 13.5 states that *"prior to Occupation of the 20th Housing Unit they will agree with the Borough Council a management plan for the maintenance of the Open Space Facilities (the Management Plan)"* and Section 13.6 states that *"prior to the Occupation of the 50th Housing Unit they will transfer the Open Space Facilities to the Management Company which will thereafter maintain the Open Space Facilities as set out in the Management Plan."*

The planning application and S106 agreement therefore clearly set out the provision and ongoing management arrangements for the allotments and planning permission was granted on this. However, the current application 16/506458/FULL seeks to change the use of the land from allotments to the erection of three bungalows.

The applicant's letter of 18th August 2016 states in paragraph 3 that *"since consent was granted it has become apparent that there is no desire from any party to take on the responsibility for the management of the allotments"*.

This assertion is contested. Firstly, it is the responsibility of the Developer to 'set up a Management Company'. This forms part of the legal agreement and the onus is on the Developer to fulfil this obligation. Secondly the Parish Council has received representations from several local residents who may be willing to be part of such a Management Organisation. Thirdly if no Management Company has been set up who will be responsible for the management of the other open space facilities.

For clarification, the Parish Council has at no time agreed to act as a Management Company. The Parish Council has clearly stated that the Parish Council does not have the financial means to operate such an organisation. For the Parish Council to assume the management of allotments in this location does not represent financial probity as it would involve taking on responsibilities that clearly belong to another Party – and thus would not provide good value for money for its parish residents.

The pre-application letter from Maidstone Borough Council to the Developer dated 11 April 2016 states, in paragraph 3, that *"the Parish Council advised after canvassing local opinion that no interest has been expressed in using the allocated land for allotment purposes"*. This is untrue. The Parish Council has never agreed to undertake any such canvassing, has not done so and therefore has not reached any such conclusion.

The statement made on page 14 of the Design and Access Statement is also untrue. The statement reads, *"The Parish Council's stance on the provision of allotments within new housing developments was more recently demonstrated within its consultee response to a recently approved planning application at a neighbouring Redrow site (referred to as The Parsonage), located on the opposite side of Goudhurst Road. Alongside changes to the layout and housing mix, this application also sought the removal of allotments. The Parish Council made no reference to the allotments within its response and it is therefore assumed that the Parish Council has no objection to the removal of allotments within the Parsonage site. It is considered that the Parish Council's initial enthusiasm for the provision of allotments, as set out in the Neighbourhood Plan, has dissipated and Redrow is fully justified to seek an alternative use for the land."*

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The Parish Council fully support the provision of allotments to match the likely level of demand. However, given that allotments had already been secured on the MAP Depot site, the PC decided not to contest removal of the additional allotments from the Parsonage site having considered the balance of all relevant facts. For the Developer to make the assertions above is a gross misrepresentation of the Parish Council's position on allotments and should be withdrawn forthwith.

The pre-application letter dated 11 April 2016 also states that, *"the Council (Maidstone Borough Council) will not set aside the requirements of the legal agreement for the use of this land as allotments unless it can first be demonstrated (based on evidence from a rigorous local opinion survey which will need to be submitted for scrutiny) there is self-evidently no point in seeking to pursue this land use."* This is reiterated in the conclusion which states, *"the Council will resist the proposal UNLESS it can first be demonstrated there is no point in pursuing the allotment use due to demonstrable lack of interest."*

The Parish Council is informed by local residents that the Developer has not undertaken any such survey and nothing has been submitted for scrutiny by Maidstone Borough Council as far as the Parish Council is aware. The comments of local residents are summarised below:

- * The residents purchased their dwellings on the basis that allotments would be provided
- * The Developer has at no time canvassed their opinion regarding the provision of allotments, nor have their neighbours been approached
- * The residents are keen to obtain an allotment
- * The residents have expressed a willingness to be part of the management organisation.

By way of example one such letter states, *"The letter from Maidstone Borough Council dated 11/4 to Judith Ashton Associates states that, "after canvassing local opinion, no interest has been expressed in using the allocated land for allotment purposes." "I am not aware of any such canvassing. Indeed, I know of several people on the Highwood Green development who would be interested in taking on an allotment and am sure that there would be plenty of interest from the wider village."*

The Developer has provided no justification which would render a change of use of the land to be acceptable and therefore objection is raised in the strongest of terms. In addition, the Parish Council is aggrieved at the misrepresentation presented in the submitted information.

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