



Development Contributions (S106 Agreements) Planning Policy No 3

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Parish Council Planning Policy No 3 – Developer Contributions

This document is a working document – whilst the broad themes within are supported by all Councillors the detail may be subject to amendment.

PLANNING COMMITTEE DEVELOPMENT CONTRIBUTIONS (Section 106 Agreements)

Potential development contributions for community benefit

Introduction

Planning obligations, known as Section 106 agreements or Community Infrastructure Levy (CIL) are an established and valuable mechanism for securing the financial or other contributions required to mitigate the impact of a development proposal. Planning obligations can only be used if they are necessary to make the development acceptable in planning terms. They must be directly related to the development and fairly and reasonably related in scale and kind to the development. Such agreements are designed to ensure that developments make financial or other contributions to meet the increased demand generated by the development in terms of infrastructure and services, (Section 106 refers to the relevant section of the Town and Country Planning Act 1990). One of the uses of obligations is to secure planning gains which have either been offered by Developers or requested by the Local Planning Authority. These must be beneficial and relevant to the development concerned. They can be provided on site or by means of a financial payment, usually for off-site benefits. Such benefits may include provision for affordable housing, open space, schools, infrastructure, youth and community services, local health care and other community facilities. The negotiation of planning obligations is undertaken by the Local Planning Authority who enters into a legally binding agreement with the land Developer and service providers.

Marden Parish Council has discussed the general issue of planning gain with the Local Planning Authority, Maidstone Borough Council. It has been agreed that MPC will make representation regarding planning gain on individual applications where relevant. However it was also considered appropriate for MPC to draw together a list to provide general guidance on what the Parish would consider of benefit to the village should the opportunity for the negotiation of planning gain arise. Councillors are aware that the type of development will determine the nature of any potential contribution.

MPC strongly encourages developers and Maidstone Borough Council to discuss any potential contribution options before S106 agreements are finalised in order to ensure that local knowledge can be applied to secure the most appropriate and effective outcomes. This can be referred to in planning reports/applications as “heads of terms”

The following areas and topics have been identified as possible recipients for any potential developer contributions.

This paper will make reference to the following documents which provide the rationale upon which the areas and topics have been selected.

Marden Village Design Statement 2001
 Marden Traffic Consultation 2003
 Marden Affordable Housing Survey 2005
 Marden Affordable Housing Survey 2011
 Marden Community Action Plan 2007
 Historic Street Furniture of Marden 2009
 Emerging Marden Neighbourhood Plan 2018

Marden Public Conveniences

MPC manage the public conveniences which are located behind the Library in the public car park. Although the building is owned by Maidstone Borough Council they refused to continue to operate the facility. It has therefore been left to MPC to fund this service. The building is in urgent need of refurbishment which will not be provided by the building owner. However, it may still be possible to negotiate the required improvements.

**Marden Parish Council therefore supports the following:
 The refurbishment/rebuild of the existing public conveniences**

Community Facilities

Between 2005 and 2006, Marden Parish Council helped initiate a group to create the Marden Community Plan (MCP). This involved carrying out a 'Market Town Healthcheck' under a South East England Development Agency (SEEDA) initiative designed to regenerate market towns. Marden, with a population of over 4000 people, qualifies as a market town.

In early 2007, the Marden Community Action Plan was published, highlighting a wide number of action points as identified through the research. One of the most important developments was identified as the development of community facilities to accommodate a range of needs. Empirical research carried out in the preparation of the emerging Marden Neighbourhood Plan (MNP) confirms these action points remain relevant.

affordable and accessible local venues for meetings, events and functions
 a youth club and improved youth facilities, including skateboard/bike park.
 a venue for training including life skills, literacy, numeracy and IT skills

Marden Memorial Hall

Marden Memorial Hall (MMH) was identified by the respondents as the most appropriate venue for development, as it already offers a range of community activities, is in a central location in the village and has good accessibility for diverse user groups. The MMH is managed by the Marden Memorial Hall Management Committee. The MMH was recently extended to create the John Banks Hall and the old caretaker's house to provide a new Parish Office and meeting room with a privately rented flat above. A new roof was added in 2015. This was funded through a Public Works Loan administered by the Parish Council.

Marden Heritage Centre

In March 2008 the Marden Heritage Centre was opened, the result of an alliance between Kent County Council (KCC) Libraries and Archives and the Marden History Group. The History Group evolved from the 2001 Marden Village Design Statement and the collection of memorabilia began.

As the collection grew a permanent home was needed and the library seen as the optimum location. A grant was secured from Awards for All and with contributions from the Parish Council, MBC, KCC and the Allen Grove Fund, so together with direct fund raising by the History Group the project was completed. The Centre provides exhibitions and is involved with a variety of other projects. It is an innovative project and generated much interest from other organisations.

MPC and MHG have been involved in informal talks with KCC regarding the ongoing operation of the Library. MPC has been assured however that there is no intention to close the library.

**Marden Parish Council therefore supports the following:
to seek direct funding for any necessary improvements to the Marden Memorial Hall which will enable greater community use.
To seek direct investment to support the continued work of the Marden Heritage Centre**

Services

The need for improvements to drainage, water supply and other utility services is vital. This has been highlighted by the floods of 2013/14. It is appreciated that the negotiation for drainage improvements usually falls beyond the direct control of planning legislation. However, the need for direct contributions to be secured must not be underestimated.

Affordable Housing

The lack of affordable housing is an acknowledged problem throughout the South East, and particularly in the rural areas. The provision of affordable housing can be ensured through S106 negotiation or by direct provision. The threshold at which a development must include a proportion of affordable housing is subject to national guidance and local Borough Policy.

It has long been an aim of MPC to support the provision of affordable housing. The issue of affordable housing was highlighted in the Marden Village Design Statement 2001, the Marden Community Action Plan 2007 and the emerging Marden Neighbourhood Plan 2018.

MPC will continue to encourage the direct provision of affordable housing, in particular local needs housing – affordable housing which is aimed at those with a proven link to Marden. The need for affordable housing was established by the Affordable Housing Surveys undertaken on behalf of the Parish Council in 2005 and 2011. Continued support for the provision of affordable housing, particularly local needs housing, has been confirmed through the emerging MNP 2018. Planning permission for a local needs housing scheme was granted in July 2016 and it is hoped works will commence in 2018

**Marden Parish Council therefore supports the following:
the provision of affordable housing units, particularly for local need, within any new residential proposal or
a contribution to aid the provision of affordable housing units off site but within the Parish of Marden**

Open Space

The Marden Village Design Statement drew attention to the need for a ‘village green’ or central focal point and recommends future developments to include imaginative areas of public and semi-public open space. The Community Plan supported the need for maintaining and creating public open space but extends the recommendation to include the creation of wildlife designated areas also. Similar support is evident in the emerging MNP 2017.

Southons Field

MPC responded to this identified need and purchased an area of open space in 2008. The Area lies in the north east of the village. The grassed area has specimen trees and a trim trail, and is available for local residents and groups to hire. This is the site of the Marden Fete and Marden Big Musical Picnic. The area is available to all residents during daylight hours. MPC's long-term aim is to upgrade the pavilion and provide utilities to the site.

Lucks Way Play Area

Is an existing area of open space within an established residential estate. It has long been the intention of MPC to develop this area with play equipment and transfer the ownership from Maidstone Borough Council to MPC. Unfortunately this project is currently in abeyance.

The Playing Field

MPC owns and maintains an area of open recreational space accessed by footpaths from Church Hill, Chantry Road and Napoleon Drive via Morello Path. This comprises a football pitch and detached brick built changing rooms, two fenced areas of children's play equipment, a sports wall and youth shelter. MPC are currently looking at ways to increase the usage of the area and possible redevelop the changing rooms to enable it to be available to all users. MPC has installed new play equipment for smaller children in the area adjacent to Napoleon Drive and a new youth shelter is shortly to be installed. MPC has recently consulted with residents regarding the erection of pieces of adult gym equipment and an exercise pathway around the football pitch.

The Chestnuts

A small green area with a number of mature trees, subject to annual maintenance but not formally landscaped. The area is in shared ownership (eastern part MPC, western part MBC). Although plans have not been worked up in any detail, MPC would like to see a semi-formal landscaping scheme developed using contouring and planting to improve the amenity value of this area, aiming particularly to appeal to older members of the community.

Cockpit Play Area

This comprises a grassed area with play equipment owned by MBC. The intention of MBC was to remove the equipment however it has now been agreed that the equipment is to remain. This area is in need of refurbishment. It is a well-used facility located within an established housing area.

There are also a wide range of established sporting clubs and societies with their own fields/facilities.

Marden Parish Council will therefore support the following:

the creation of additional public open space within new developments

the creation of, or a contribution towards, new offsite open space within the Parish of Marden

the upgrading, or a contribution towards the upgrading, of an existing area of public open space within the Parish of Marden

the creation of, or a contribution towards, wildlife and/or woodland amenity areas within the Parish of Marden, with appropriate public access provision

the upgrading/redevelopment, or a contribution towards the upgrading/redevelopment, of the changing facilities at Marden Playing Field and the provision of utilities and a replacement pavilion at Southons Field.

Transport

The emerging MNP 2018 reveals a number of transport related issues to be of key importance to residents. This confirms the findings of the earlier Marden Village Design Statement 2001, Marden Traffic Consultation 2003 and the Marden Community Plan 2007. There is a clear determination to implement the recommendations of this document.

Marden Parish Council will be recommending the following:

Site-specific requirements related to the development, e.g.

New junction(s) with existing road(s) providing access to/from the development

Improvements to existing road(s) and/or junction(s) leading to development

Revised or additional traffic signage required to direct traffic to/from the development on appropriate routes

New or improved roadside footways/cycleways and public rights of way to provide safe non-motorised user routes to/from the development

General requirements related to the development, e.g.

Improvements to existing road(s) and/or junction(s) on the wider network to deal with additional traffic generated by the development and/or changed traffic patterns associated with the development

Traffic calming measures on the wider network to deal with additional traffic generated by the development and/or changed traffic patterns associated with the development

Revised or additional traffic signage required on the wider network to deal with additional traffic generated by the development and/or changed traffic patterns associated with the development

New or improved roadside footways/cycleways and public rights of way to provide safe non-motorised user routes to deal with additional traffic generated by the development and/or changed traffic patterns associated with the development and/or increased levels of usage associated with the development

Additional public parking spaces (including appropriate provision for mobility-impaired users) in the village centre and/or other local amenities to deal with increased levels of usage associated with the development

Improvements to public transport infrastructure including:

appropriate provision for mobility-impaired users to deal with increased levels of usage associated with the development

Provision of step free access to the coastal (down) platform

Provision of additional car parking facilities within the station vicinity

In the event that any development is of insufficient size to cover the full cost of any relevant measures above, the appropriate contribution should be made to a ring-fenced fund of development contributions to provide necessary transport works within the parish on a pooled basis.

Community Services

It is usual for an agreed financial sum to be paid to the relevant authority for contributions towards Education and Health Care provision. The calculation is usually based upon fixed scale.

Education – Marden Primary School

Marden Primary School is popular and must be supported. All Marden children must have the opportunity to attend Marden Primary School.

Marden Parish Council will therefore support the following:

a contribution towards direct capital improvements to Marden Primary School.

Health Care – Marden Medical Centre

Marden is fortunate to have a successful medical centre with a supporting charitable organisation The Friends of Marden Medical Centre.

Marden Parish Council therefore supports the following:

a direct contribution towards the expansion of the Marden Medical Centre.

Youth Provision

It has long been acknowledged that recreational opportunities for young people are limited within rural settlements and the provision of a dedicated building to house a Youth Club is seen as a valuable tool in meeting these needs. There is some provision made at the John Banks Hall at the Marden Memorial Hall. However the success of the Youth Club depends upon having a Youth Leader in place. It is therefore important to highlight the need of a paid Youth Leader/Worker.

**Marden Parish Council therefore supports the following:
the creation or contribution towards the provision of a dedicated building for youth activities.
a contribution towards the employment of a professional youth worker within the Parish.**

Public Space, Street Furniture And Public Art

The integration of any new development into the existing settlement may be achieved through the sympathetic design of any public frontages, which includes the treatment of public and/or semi-public spaces. The use of appropriate street furniture can also contribute to the wider success of any scheme. The information contained within both the Marden Village Design Statement and the record of Historic Street Furniture can be of great use and any Developer is urged to give these issues full consideration. The use of suitable public art, which may help to define a particular space or provide a landmark feature, is also to be welcomed.

**Marden Parish Council therefore supports the following:
The provision of any new development must seek to provide suitably designed public or semi-public space which incorporates street furniture or other features which will result in an enhancement to the wider area.**

Cemetery

Marden Parish Council owns and operates the Marden Cemetery located in the north east of the Parish on Maidstone Road. This is a well maintained and attractive space with a high demand for burials and interment of ashes. MPC own the field to the rear which is safeguarded for an expansion. Any development which increases the population of Marden will also increase the demand for cemetery space.

**Marden Parish Council therefore supports the following:
The provision of any new residential development should contribute to the expansion of Marden Cemetery.**