

Urgent Update: Planning Committee 24 August 2023**Item 19 Pages 109-120****APPLICATION: 21/504779/REM****Land North Of Old Ashford Road Lenham ME17 2QT****Natural England**

A response from Natural England to the Appropriate Assessment concludes no objection to appropriate mitigation (ie Pleasant Forest) being secured and a condition to ensure occupancy does not occur before upgrades have been completed at Lenham WwTW. It is annexed to this UU.

Building Safety Regulations 2023

The guidance on the above was published on 18 August 2023. DLUHC has to serve notice on eligible developers who have 60 days to respond. If an eligible developer opts not to join the Scheme after being invited, the Secretary of State will notify them and add to a published list of entities to which the prohibitions will be applied. Development of land carried out in breach of a prohibition will constitute a breach of planning control. Existing enforcement powers and offences, as modified by the regulations, will be available to enforce the prohibition.

As per the agenda paragraph 6.27, it is considered that the Regulations do not impact on this stage of the process, which is the seeking of approval of Reserved Matters.

Additional Condition (plans list)

The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Amendment 120.62A Type 3b.E Elevations Received on 29 June 2022

Amendment 120.23A Type 3b.A Elevations 2 Received on 29 June 2022

Amendment 120.24A Type 3b.A Elevations 3 Received on 29 June 2022

Amendment 120.21A Type 3b.A Floor Plans Received on 29 June 2022

Amendment 120.61A Type 3b.E Floor Plans Received on 29 June 2022

Amendment 110.02A Site Layout Plan Reserved Matters Plots Received on 29 June 2022

Plan / Drawing 1977 / P / 150.07 Carport - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 150.06 Carport - Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 150.04 Double Carport 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 150.05 Double Carport 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 150.02 Double Garage Received on 31 August 2021

Plan / Drawing 1977 / P / 130.03 Maisonettes 1-4 -Elevations Sheet 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.04 Maisonettes 1-4 - Elevations Sheet 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.02 Maisonettes 1-4 -First Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.01 Maisonettes 1-4 - Ground Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.13 Maisonettes 32-35 - Elevations Sheet 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.14 Maisonettes 32-35 - Elevations Sheet 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.12 Maisonettes 32-35 - First Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.11 Maisonettes 32-35 - Ground Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.23 Maisonettes 36-41 - Elevations Sheet 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.24 Maisonettes 36-41 - Elevations Sheet 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.22 Maisonettes 36-41 - First Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.21 Maisonettes 36-41 - Ground Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.32 Maisonettes 74-75 Wheelchair - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 130.31 Maisonettes 74-75 Wheelchair - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 130.42 Maisonettes 81-82 Wheelchair - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 130.41 Maisonettes 81-82 Wheelchair - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 130.53 Maisonettes 96-99 - Elevations Sheet 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.54 Maisonettes 96-99 - Elevations Sheet 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 130.52 Maisonettes 96-99 - First Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 130.51 Maisonettes 96-99 - Ground Floor Plan Received on 31 August 2021

Plan / Drawing 1977 / P / 150.03 Single Carport Received on 31 August 2021

Plan / Drawing 1977 / P / 150.01 Single Garage Received on 31 August 2021

Plan / Drawing 1977 / P / 150.08 Store - Plans and Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.22 Type 3b.A - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.21 Type 3b.A - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.32 Type 3b.B - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.31 Type 3b.B - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.42 Type 3b.C - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.43 Type 3b.C - Elevations 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.41 Type 3b.C - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.52 Type 3b.D - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.51 Type 3b.D - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.72 Type 3b.F - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.73 Type 3b.F - Elevations 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.71 Type 3b.F - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.02 Type 3b.H - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.03 Type 3b.H - Elevations 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.01 Type 3b.H - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.12 Type 3b.J - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.11 Type 3b.J - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.92 Type 4b.A - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.91 Type 4b.A - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.102 Type 4b.B - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.101 Type 4b.B - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.112 Type 4b.C - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.111 Type 4b.C - Floor Plans Received on 31 August 2021

Plan / Drawing 977 / P / 120.122 Type 4b.D - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.121 Type 4b.D - Floor Plans Received on 31 August 2021

Plan / Drawing 977 / P / 120.124 A Type 4b.D(V) - Elevations Received on 08 September 2021

Plan / Drawing 1977 / P / 120.123 A Type 4b.D(V) - Floor Plans Received on 08 September 2021

Plan / Drawing 1977 / P / 120.132 Type 4b.E - Elevations Received on 31 August 2021

Plan / Drawing 977 / P / 120.131 Type 4b.E - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.134 Type 4b.E(V) - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.133 Type 4b.E(V) - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.142 Type 4b.F - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.141 Type 4b.F - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.152 Type 4b.G - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.151 Type 4b.G - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.162 Type 4b.H - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.161 Type 4b.H - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.82 Type 4b.J - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.81 Type 4b.J - Floor Plans Received on 31 August 2021

Plan / Drawing 977 / P / 120.172 Type 5b.A - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.171 Type 5b.A - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.202 Type AFF 2b.A - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.201 Type AFF 2b.A - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.212 Type AFF 2b.B - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.213 Type AFF 2b.B - Elevations 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.211 Type AFF 2b.B - Floor Plans Received on 31 August 2021

Plan / Drawing 1977 / P / 120.222 Type AFF 3b.A - Elevations Received on 31 August 2021

Plan / Drawing 1977 / P / 120.232 Type AFF 3b.B - Elevations 1 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.233 Type AFF 3b.B - Elevations 2 Received on 31 August 2021

Plan / Drawing 1977 / P / 120.231 Type AFF 3b.B - Floor Plans Received on 31 August 2021

Reason: To clarify which plans/documents have been approved.

Annex

Date: 17 August 2023
 Our ref: 445433
 Your ref: 21/504779/REM



Maidstone Borough Council

BY EMAIL ONLY

Horbeam House
 Crewe Business Park
 Electra Way
 Crewe
 Cheshire
 CW1 6GJ

T 0300 080 3900

Dear Marion Geary,

Planning consultation: AMENDMENTS TO HRA AND NN INFO - Approval of RMs for 102 residential dwellings pursuant to 17/500357/HYBRID
 Location: Land North Of Old Ashford Road Lenham Kent ME17 2Q

Thank you for your consultation on the above dated 09 August 2023 which was received by Natural England on the same date

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION- SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Stodmarsh Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Off-site land use change mitigation should be appropriately secured in perpetuity, and delivered prior to the occupation of the proposed dwellings

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient Neutrality

Your Authority has undertaken an Appropriate Assessment, informed by a nutrient budget which concludes that the proposal will not result in adverse effects on the integrity of the Stodmarsh designated sites. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

As submitted, the amount of nutrient mitigation provided from off-site land use change is sufficient to achieve nutrient neutrality for this development. Your authority will need to ensure that the mitigation is appropriately secured, monitored, managed, maintained and enforced in perpetuity. Your authority should also ensure that accurate record keeping is undertaken, to prevent double counting of the off-site mitigation. Delivery of the mitigation should occur prior to occupation of the proposed dwellings.

Finally, Natural England note that the nutrient budget calculations is based upon a revised nutrient permit at the Lenham wastewater treatment works (WwTW), dated for upgrade post 01/01/2025. As a result, if planning permission is granted, we advise a suitable condition is applied to ensure occupancy does not occur before the upgrades have been completed at Lenham WwTW.

Other Advice

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Thomas Scott-Heagerty
Sussex and Kent Area Team