

REPORT SUMMARY

REFERENCE NUMBER: 19/504724/HYBRID

APPLICATION PROPOSAL:

Hybrid application consisting of:

1. Outline application (all matters reserved except for access) for up to 100 dwellings with incidental open space, equipped play area, sports pavilion and related car park (with various off-site highways works), with or without associated wetland scheme for nutrient reduction.
2. Full application for change of use of agricultural land for public sports and recreation including at least one Senior Football Pitch.

ADDRESS: Land off Old Ashford Road, Lenham, Maidstone, Kent

RECOMMENDATION: Approve subject to conditions and a legal agreement

SUMMARY OF REASONS FOR RECOMMENDATION:

Housing

- The site is allocated within the Lenham Neighbourhood Plan (LNP) for approximately 85 dwellings at a density of 22 dwellings per hectare (dph) and for sports and recreation uses including a pavilion and car park.
- The application is for 100 dwellings and so is not in accordance with the LNP but the Local Plan Review (LPR) contains a more recent policy which requires that all sites within or adjacent to Rural Service Centres (such as Lenham) should achieve a minimum net density of 30dph but this must still be consistent with achieving good design that does not compromise the distinctive character of the area.
- For the reasons set out in the report the proposal for up to 100 houses is considered to be acceptable in the local context subject to landscape buffers being secured on the boundaries of the development to ensure no harm to the setting of the Kent Downs National Landscape, and to lessen impacts on the local landscape.
- The detailed design and layout would be considered at the reserved matters stage and on balance it is considered that up to 100 houses could be suitably accommodated but only subject to a Masterplan with parameters to guide some aspects of the layout as set out in the report.
- These are considered to be material considerations as to why this development, which is not in accordance with the LNP policy (in terms of housing numbers), is acceptable. It is also considered this conflict with policy does not demonstrably outweigh the benefits of providing up to 100 houses in the context of the Council not being able to demonstrate a 5 year housing land supply.

Sport Pitches

- The area proposed for the sports facilities and the play area are located outside the settlement boundary in the LPR and therefore in the countryside for planning purposes. There are no specific LPR policies that allow for sports facilities and buildings in the countryside.

- However, this land is allocated in the LNP for sport and recreation pitches to include a play area, sports pavilion, and car park and such facilities are likely to be outside settlement boundaries due to the necessary land take.
- Whilst the LPR takes precedence due to it being the more recent Plan, the LNP allocation for sports pitches is a strong material consideration which is considered sufficient to outweigh the conflict with the LPR and subject to landscaping on the outside boundaries of this area, the impact is considered to be acceptable. These facilities would provide clear community benefits on an allocated site.
- Any deficiencies in terms of connections to the village are not considered to outweigh the benefits, and otherwise, the proposed developments are acceptable with regard to all other matters and in accordance with all relevant policies subject to mitigation secured by conditions and/or a legal agreement.

REASON FOR REFERRAL TO COMMITTEE:

The proposals are not in accordance with the Lenham Neighbourhood Plan in terms of the number of houses proposed.

The sports pitches and development are not in accordance with the Local Plan Review as there are no policies that allow such uses in the countryside.

Under the Habitats Regulations, the application needs to demonstrate Nutrient Neutrality for the Stour catchment and the Head of DM considers the application should be considered by Planning Committee.

WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Dean Lewis Estates Ltd. AGENT: Hobbs Parker
CASE OFFICER: Richard Timms	VALIDATION DATE: 16/01/25	DECISION DUE DATE: 30/06/25

ADVERTISED AS A DEPARTURE: Yes

Relevant Planning History

19/503655/ENVSCR EIA Screening Opinion: Outline planning permission with all matters reserved, save for access, for up to 100 Dwellings and recreation facilities and associated works and infrastructure - EIA Not Required (15.08.2019)

MAIN REPORT

1. BACKGROUND

1.01 This application was originally submitted in 2019 and it was resolved to be approved under delegated powers in July 2020. This resolution was made under the Maidstone Local Plan 2017 and the then draft Lenham Neighbourhood Plan (LNP). It was to be subject to a s106 legal agreement.

- 1.02 Whilst the s106 was being finalised, Natural England (NE) issued advice in July 2020 for Nutrient Neutrality in regard of the Stour catchment, in which the site is located.
- 1.03 The Conservation of Habitats and Species Regulations 2017 as amended (known as “the Habitats Regulations”) requires development involving new overnight accommodation in this location to be “screened” by the LPA. The screening concluded that the development would generate nitrogen and phosphorus pollution from the land use change and from foul sewage from the new houses. Without mitigation, this would pollute the River Stour and thereafter Stodmarsh in north east Kent, which is a designated site of European importance.
- 1.04 Therefore, the planning application has been held in abeyance with the applicant seeking the endorsement of NE to its strategy to achieve nutrient neutrality, which is discussed in detail in the assessment below. In summary, there has been an almost sole focus on the issue of nutrient neutrality over the last 5 years.

2. DESCRIPTION OF SITE

- 2.01 The site is located to the east of Lenham, close to the junction of Old Ashford Road with the A20. It lies 45m south of the Kent Downs National Landscape (KDNL) at its closest and is therefore well within its setting.
- 2.02 To the immediate north are a series of commercial and industrial sites in the Northdown and Ashmills Business Parks. The western boundary abuts a group of small cottages, beyond which, on the northern side of Old Ashford Road, lies a site which is currently under construction for residential development. To the east and south is open farmland with some farm buildings and farmhouses.
- 2.03 The site is split into two separate red line areas –
- The main application site (for the housing and sports provision) measures some 11.66ha in size and comprises arable and pasture fields, with the boundaries generally defined by hedgerows including that to the Old Ashford Road. There are no trees or hedgerows within the main body of the proposed housing area. The sports pitch area also comprises a series of agricultural fields separated by hedgerows in places.
 - The second red line area is an area of 1.9ha where a wetland is proposed for nutrient mitigation (should that option be required) and this is currently an arable field.
- 2.04 Public Footpaths KH399A, KH399 and KH400 all pass directly through the proposed development site. KH399 passes through the area for the sports pavilion and car park; KH399A through the area for the sports pitches; and KH400 passes along the southeast and southwest boundaries of the housing parcel.

3. PROPOSAL

3.01 The planning application is submitted in 'hybrid' form as follows:

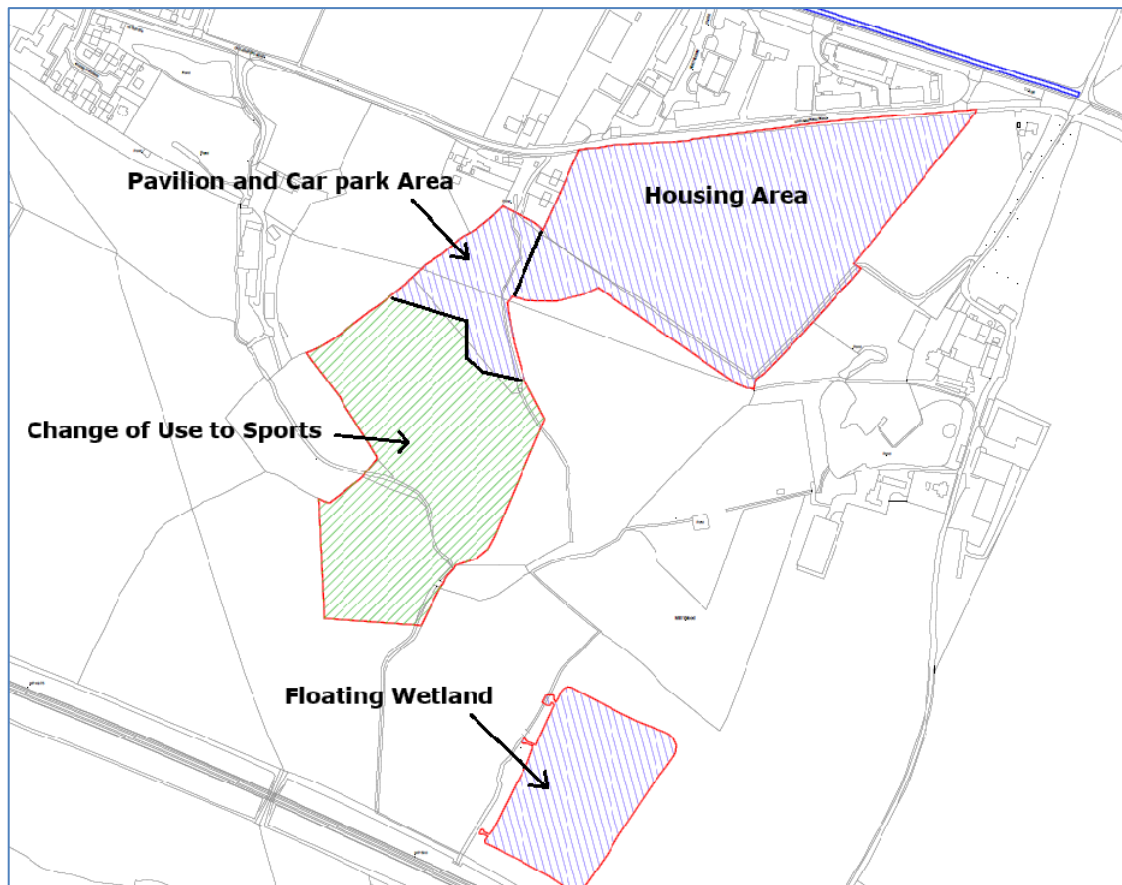
Outline application (all matter reserved apart from access) for:

- Up to 100 dwellings with incidental open space and an equipped play area.
- Sports pavilion and related car park.
- Access from Old Ashford Road.
- Floating wetland for nutrient mitigation (if required).

Detailed/full application for:

- Change of use of agricultural land for public sports and recreation including at least one senior football pitch.

3.02 The outline parts of the site (hatched blue) and detailed part (hatched green) are shown below.



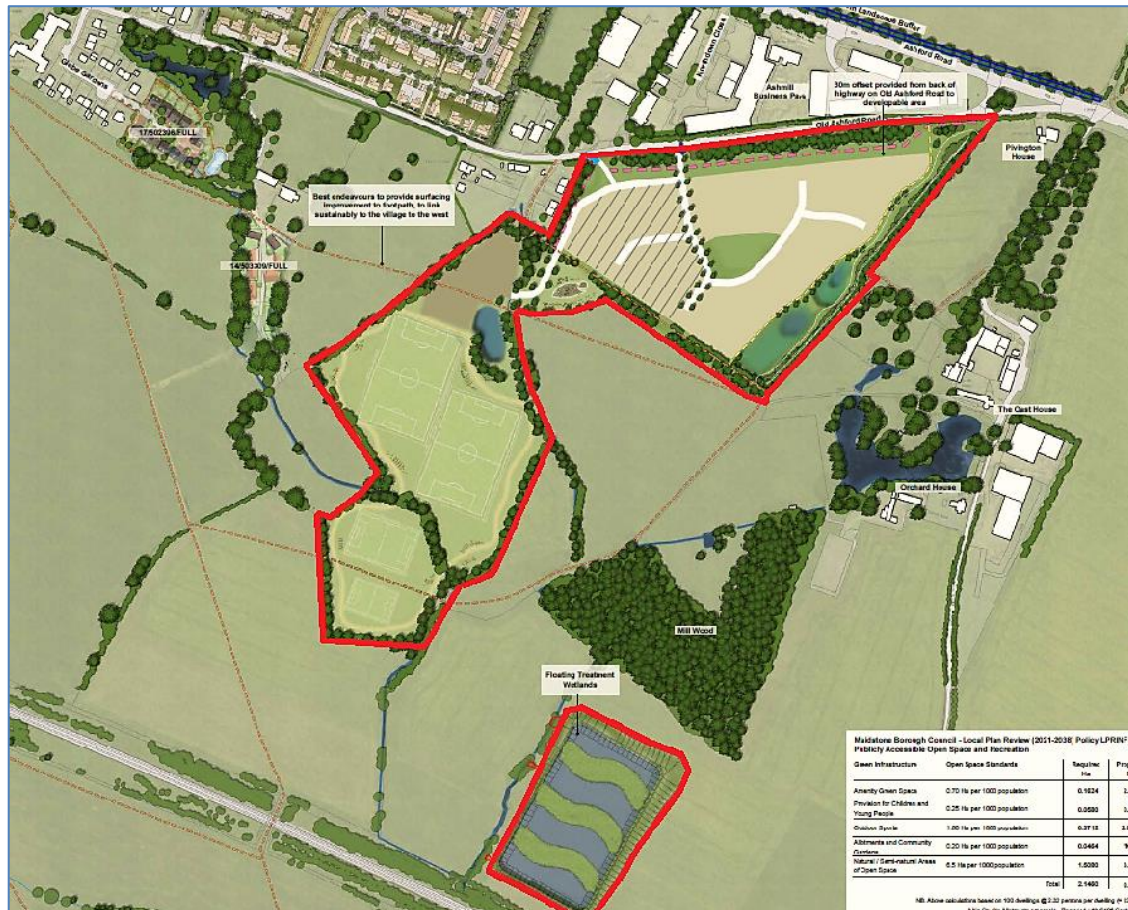
3.03 The proposals also include various off-site highways works which will be discussed in more detail in the assessment.

Parameter Plan and Uses

3.04 The design, scale, and layout of the housing is not before the LPA for approval at this stage but a parameter plan identifies how the overall 11.66 ha site area (excluding the wetland) is made up:

1. Area for housing:	3.17ha
2. Sports pitches:	2ha
3. Sports pavilion and car park:	0.45ha
4. Play area:	0.21ha
5. Amenity and semi-natural open space:	5.83ha

3.05 The parameter plan is shown below and is discussed in more detail in the appraisal section.



4. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024: LPRSS1, LPRSP5(C), LPRSP6, LPRSP6(D), LPRSP9, LPRSP10(A), LPRSP10(B), LPRSP13, LPRSP15, LPRSP14(A), LPRENV1, LPRTRA1, LPRQD2, LPRHOU5, LPRINF1, LPRINF2, LPRTRA2, LPRTRA4, LPRQD4, LPRSP14(A) LPRSP14(C), LPRQD6, LPRQD7.

Lenham Neighbourhood Plan: D1 (Design Quality), AT1 (Active Travel), AT2 (Public Transport), GS1 (Green Space), SHDS1-3 (Strategic Housing Delivery Sites).

Kent Minerals and Waste Local Plan 2025: DM7

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

Kent Downs AONB Management Plan 2021-2026 (Third Revision)

Supplementary Planning Documents: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

In December 2023, a new statutory duty came into force in all National Landscapes (formerly known as Areas of Outstanding Natural Beauty). This requires the Council to 'seek to further' the purpose of conserving and enhancing the natural beauty of designated National Landscapes including their settings. This new duty applies to all decisions made by public and statutory bodies, not just those related to planning and the environment.

5. LOCAL REPRESENTATIONS

5.01 Local Residents: 14 representations received objecting to the application for the following (summarised) reasons:

- Increase in traffic.
- Lack of staff at local GP practice.
- Schools at capacity.
- Harm to medieval character of the village, reducing local trade for shops and restaurants.
- Additional parking should be provided near the village Square.
- Speed restrictions and parking enforcement needed on Old Ashford Road on approach to the Square.
- LNP proposes 85 dwellings on the site, not up to 100.
- Sports facilities and pavilion (if licenced) could cause noise and disturbance to residents.
- Lighting could affect bats/other wildlife and habitats.
- Footpaths should not be re-routed.
- Need to avoid any increase in unlawful and dangerous pedestrian use of Tanyard Lane.
- No need for new sports facilities.
- New housing is not necessary if existing developments have not sold.
- Need to know the days and times the sports pitches will be in use and if floodlighting will be installed.
- Loss of privacy from increase in footpath usage.
- This is more development close to the Kent Downs and the war memorial.
- There should be signage to deter pedestrian use of Tanyard Lane where prowl KH399 crosses it.
- Anti-social behaviour has already increased since new housing developments.
- limited activities for young people here, a youth club should be funded.
- There are already football pitches attached to Lenham school.
- The sports pitches will need parking.
- Concern that s106 commitments will not be complied with.
- KH399 should not be upgraded for cyclists without consultation with affected residents.
- Old Ashford Road junction with A20 is unsafe.
- Noise, overlooking and security lights from the Business Parks needs to be factored in.

5.02 **Lenham Parish Council: Support approval** of the application and request committee if officers are minded to recommend refusal. Chronology of representations set out below.

Dec 2019 *"We wish to object as the layout on the plan does not align with the masterplan layout (LNP6) on the NHP submitted 19th December, where the footpath is realigned to skirt the pitch rather than dissect as agreed with the developers."*

Jan 2020 *"Lenham Parish Council having had further discussions with the developer now wish to withdraw their objection relating to this application. The submitted illustrative layout showing the land for public sports, play and recreation showing the designated footpath crossing the southern football field was not intended for final approval. It is for illustrative purposes only."*

Factually footpaths PROW 399A crosses the site in the southerly field that is proposed for change of use as described above. The Parish will become the beneficiary of the land for public sports, play and recreation once the development is implemented. There is the option to either leave the footpath in situ or to apply to divert the footpath to a location to be agreed.

Lenham Parish Council is starting the process of requesting the re-alignment of the footpath, assisted in this instance by the developer and land owner."

Sept 2021 *"Lenham Parish Council approves of this application subject to the assumption that the proposed wetland is confirmed by Natural England as meeting the requirements of Nutrient Neutrality relating to the Stodmarsh Nature Reserve."*

July 2022 *"Lenham Parish Council approves of this application subject to the assumption that the proposed wetland is confirmed by Natural England as meeting the requirements of Nutrient Neutrality relating to the Stodmarsh Nature Reserve."*

Jan 2024 *"This is site 1 of the Lenham Neighbourhood Plan and as such we strongly recommend its approval subject to Natural England agreement regarding the arrangements for foul and surface water runoff."*

Jan 2025 *"Lenham Parish Council supports the approval of this planning application as an allocation in the made Lenham Neighbourhood Plan. Given the current proposals for the parish council to assume responsibility for the football field as part of a large recreational area, we respectfully request to be included as a signatory to the Section 106 agreement."*

5.03 **CPRE Kent:** Welcome the wetland scheme in terms of BNG, would prefer no development in east Lenham but understand it is the neighbourhood plan and is the best of all sites in east Lenham as it lies in the shadow of the industrial estate.

6. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the section where considered necessary)

6.01 **Natural England:** Latest position – **No objections subject to mitigation** being secured.

"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:

- *Water usage to 110 litres per person per day.*
- *Delivery, management and maintenance of proposed Sustainable Drainage Systems (SuDS) designed in accordance with CIRIA C805 and C815 guidance.*
- *Delivery and maintenance of appropriately designed floating treatment wetlands with associated monitoring to confirm required performance to achieve nutrient neutrality Pre-2030. Should wetland performance not meet modelled requirements by the agreed timescale, then additional mitigation in the form of fallowing will be required until 2030.*

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

Advise that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority.

6.02 **Environment Agency:** **No objections subject to a condition** for the protection of controlled waters from contamination and informative for invasive species. No objections to the wetland proposal from a groundwater quality perspective. All foul drainage should be directed to the foul network as indicated in the flood risk assessment.

6.03 **River Stour Internal Drainage Board:** The applicant will need Land Drainage Consent from Kent County Council for any works that has the potential to affect flow in any ditch or watercourse on or bordering the site.

6.04 **KCC Highways:** **No objections subject to conditions/s106** for:

- Provision of the proposed off-site highway works on Old Ashford Road and A20 Ashford Road (changes to the Old Ashford Road /A20 junction to the northeast, 30mph speed reduction and measures (rumble strips, gateway features, markings, and signage, and crossing point with tactile paving)).
- Visibility splays.
- Inclusion of a footway/cycleway route along A20 Ashford Road to Ashmill Business Park and Northdown Close.
- Travel Plan and monitoring fee.
- Completion and maintenance of the access shown on the submitted plans.

- Parking spaces and/or garages and vehicle loading/unloading and turning.
- Cycle parking facilities.
- Construction management plan.

6.05 KCC Public Rights of Way: No objections subject to:

- PROW KH399A is accommodated without require diversion.
- PROW KH399 is accommodated without require diversion.
- PROW KH400 will be dissected by the access road to the sports pitches and would need appropriate visibility splays and road crossing infrastructure.
- Public rights of way within the development site be surfaced to a specification agreed with KCC.
- Proposed bund adjacent to KH400 shall vary between 1m to 1.75m height at its maximum height and no more than 50% of the length of the bund adjacent to the PRoW shall be at the maximum height of 1.75m.
- A financial contribution (amount not provided) for the purposes of improving the surface and environment of Public Footpaths KH399 and KH400.
- Suggest a new link between footpaths KH399A and KH398 where it passes under the existing railway line to the south of the site.
- off-site improvements should be made to the surface of Public Footpath KH400, where the western end of the path connects with the Old Ashford Road.
- If improvement works to the PROW between the site and the village centre are supported by the landowner suggest the surfacing improvements are delivered by KCC PRoW and funded by the developer through a S106 financial contribution.

6.06 KCC Ecology: No objections subject to conditions re. protected species.

6.07 KCC Flood and Water Management: No objections subject to condition on detailed sustainable surface water drainage scheme.

6.08 KCC Education: No objection subject to financial contributions towards Education, Community Learning, Integrated Children's Services, Library, Registrations and Archives, Adult Social Care, and Waste recycling centres.

6.09 KCC Heritage: Recommend archaeological assessment of the whole site, including fieldwork in the form of geophysical survey and/or trial trenching, otherwise a condition requiring archaeological field evaluation works.

6.10 Kent Police: Provide advice on crime prevention measures.

6.11 Southern Water: No objections

6.12 MBC Parks and Open Spaces: No objections subject to an area of 8 hectares to be available as publicly accessible open space.

6.13 MBC Environmental Protection: No objections subject to conditions
on noise, further site investigation for contamination, EV charging points.

7. APPRAISAL

7.01 The key issues are:

- Principle of the Development and Development Plan Policy
- Impact Upon the Setting of the Kent Downs National Landscape and the Character and Appearance of the Local Area
- Layout and Design Quality
- Open Space
- Residential Amenity
- Highways and Accessibility
- Nutrient Neutrality
- Ecology and Biodiversity Net Gain (BNG)
- Infrastructure
- Other Matters (Public Rights of Way, Surface Water Drainage and Flood Risk, and Air Quality)

Principle of Development and Development Plan Policy

Housing Development

7.02 The Development Plan consists of the Local Plan Review (LPR) adopted March 2024, and the Lenham Neighbourhood Plan (LNP) made July 2021.

7.03 The area of the site proposed for housing development is located within the settlement boundary of Lenham which is designated as a Rural Service Centre in the LPR and is allocated as a 'Strategic Housing Delivery Site' in the LNP known as 'Site 1' for approximately 85 dwellings at a density of 22 dwellings per hectare (dph). As such, the principle of housing development is acceptable and in accordance with the Development Plan.

7.04 The proposals were submitted before the LNP was made but have not been amended and remain for up to 100 dwellings. I do not consider 100 is in the 'approximate' range of 85 dwellings being 17% higher.

7.05 The applicant's case is that the LPR, (which was adopted after the LNP and therefore takes precedence where there is a conflict), under policy LPRHOU5 (Density of Residential Development), requires that all sites within or adjacent to the Rural Service Centres are expected to achieve a minimum net density of 30dph, where that is compatible with the individual setting of those sites. The proposals are for around 31.5dph. However, policy LPRHOU5 states that the overriding consideration is that:

"All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character

of the area in which it is situated. Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission."

7.06 There is some merit in the argument that the more recently adopted LPR requires minimum densities of 30dph so there is some conflict between the Plans, and in this scenario the LPR takes precedence. However, the overriding consideration under LPRHOU5 is whether the density achieves good design, does not compromise the character of the area, and makes efficient use of land. The LPR nor the NP undertook any landscape impact assessments, in addition, there has been no 'overlay' of this generalised density in relation to the site itself i.e. there is no contextualisation of this general density.

7.07 In my view, the proposals for 100 dwellings are not in accordance with the LNP allocation policy in terms of the number of dwellings. Section 38(6) of the Planning and Compulsory Purchase Order 2006 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

7.08 It therefore needs to be considered whether there are any material considerations to outweigh this conflict with the Development Plan. I consider the requirement for minimum densities of 30dph at Rural Service Centres under more recent policy LPRHOU5 is a material consideration but the key issue is whether the amount of development proposed is appropriate in its local context, and if this is deemed the case, I consider this would be sufficient to outweigh this conflict. This is assessed in detail below.

5 Year Housing Land Supply (5YHLS)

7.09 The Council has published its housing land supply position as of 1st April 2025 which shows a 4.5 year housing supply and so the Council does not have a 5YHLS.

7.10 Under paragraph 11(d) of the NPPF (known as the tilted balance), the lack of a 5YHLS means that for housing applications permission should be granted unless (my asterisk added):

- i. the application of policies in this Framework that protect areas or assets of particular importance* provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

- * relevant protected area or assets for this application is the Kent Downs National Landscape.

- 7.11 The site is allocated for housing development but with the lack of a 5YHLS this lends weight to granting permission should there be any adverse impacts when carrying out the planning balance. The delivery of 80 houses of the 100 proposed are also counted in the Council's 5YHLS.
- 7.12 The LPR also contains a policy (LPRSP10) for this situation but I do not consider it is particularly relevant as the site is allocated in the LNP.
- 7.13 In conclusion for the housing development, the principle is acceptable but it needs to be considered whether the provision of 100 dwellings is acceptable in the local context and this being 15 above the LNP allocation, which is assessed below. The LNP policy has other specific requirements which are also discussed below.

Sports Facilities

- 7.14 The area proposed for the sports facilities including the pavilion and car park, and the play area for the housing, are located outside the settlement boundary in the LPR and therefore in the countryside for planning purposes.
- 7.15 The LNP identifies this land (shown in lime green below) as 'Proposed Open Green Space' under policy GS1 and under the site allocation policy as being for,

"...a sport and recreation area to include a play area of approximately 0.25ha, an area for a sports pavilion and car park of approximately 0.45ha to be laid out with an appropriate form of surfacing and one sports pitch.

....The proposed sports and recreation area has the potential for an additional three sports pitches which are not directly required as a result of the proposed residential development and which will be provided as a replacement for the recreation facility currently located at William Pitt Field (Site 6)."



Extract of Lenham Neighbourhood Plan Policies Map

7.16 LPR policy LPRSP9 states that development proposals in the countryside will only be permitted where:

- a) there is no significant harm to local character and appearance, and*
- b) they accord with other Local Plan policies*

7.17 There are no specific policies that allow for sports facilities and buildings in the countryside so technically this is not in accordance with the LPR. However, due to the land take required for such facilities they are likely to be outside settlement boundaries so I accept this as a material consideration in terms of a balance against conflict with the LPR. These facilities also inevitably require parking and changing facilities and a pavilion. The LNP specifically identifies the land for this use and whilst the LPR takes precedence due to it being the more recent Plan, this is a strong material consideration. I consider these two factors to be sufficient to outweigh the conflict with the LPR such that the principle of sports facilities is acceptable.

7.18 There is no need for the play area to be outside the housing part of the site, however, this would be between the housing element and the sports pavilion and parking, and on balance it is considered the principle of this is acceptable in the context of the development proposed either side.

7.19 The LNP clearly envisages the sports pitches and facilities to be a replacement of the facilities currently located at William Pitt Field (as this is stated in the policy) and therefore to allow development of that site. Whilst the suitability of developing William Pitt Field and replacement of those facilities would be assessed under any application there, the proposals do provide sufficient space for a replacement for the single senior grass pitch and two junior grass pitches, with space for additional pitches. However, the Head of Development Manager seeks delegated powers to consult Sport

England for their advice on the proposed sports facilities to ensure they are of a suitable quality for the purpose they will serve.

- 7.20 No floodlighting is proposed for the sports pitches which is the case for the existing facilities. Should permanent floodlighting be required in the future it would require planning permission where its suitability/need would be assessed. A condition will be attached to prevent the use of temporary/moveable lighting and again if this were required/proposed an application would need to be submitted.

Wetland

- 7.21 The LPR has no specific policies that allow for wetlands in the countryside but this is a 'semi-natural' form of development/land use which is likely to be on undeveloped land, and the NPPF at paragraph 193(d) states that "development whose primary objective is to conserve or enhance biodiversity should be supported". The wetland is proposed to mitigate impacts upon the River Stour and thereafter Stodmarsh in northeast Kent, which is a designated site of European importance. On this basis, it is considered the principle of the wetland is acceptable.

Impact Upon the Setting of the Kent Downs National Landscape and the Character and Appearance of the Local Area

- 7.22 The applicant has submitted a 'Landscape and Visual Appraisal' that generally concludes the impact on the landscape would be negligible at year 15, once landscaping has established. Having visited the site and some of the viewpoints within the LVA, the site is highly visible from the public footpaths to the east and south, and is visible from the Pilgrims Way National Trail within the Kent Downs National Landscape (KDNL) around 600m to the north. I consider the development will have a significant impact and being a major development upon an arable field, it will inevitably cause harm to the character and appearance of the local area and I do not agree the impact at year 15 would be negligible. As stated above, there was no landscape impact assessment within either the NP or, more recently, the LPR.
- 7.23 However, it is an allocated site in the LNP and this being an outline application with all matters reserved, it needs to be considered whether the proposals comply with the criteria within the LNP allocation policy; "*respond positively to, and where possible enhance, the local and natural character of the area*" in accordance with policy LPRSP15 of the LPR; and suitably mitigate the impact, particularly on the setting of the KDNL.
- 7.24 Relevant to impact on the local area and landscape, the LNP policy requires that:
- 1) *The landscape strategy for this site must demonstrate that it mitigates as far as possible the visual impact of the development in relation to the National Landscape, with particular importance being required to structural tree and woodland planting.*

- 2) *The provision of a robust tree-planted wildlife landscape corridor to the east of the site including a demonstration of the mechanism whereby such corridor will be permanently retained.*
- 3) *The provision of a robust tree-planted wildlife landscape corridor at least 5m wide along the north side of the A20. The corridor shall include appropriate breaks to provide for views to Lenham Cross which lies to the north.*

7.25 As the layout of the housing development, its appearance and height are not being considered, the applicant has submitted a 'Parameters Plan' (most recent June 2025) which shows the areas proposed for housing, open space, SUDs, and at a high level, structural planting areas. The housing area of this plan is shown below.



Extract of Parameters Plan

7.26 This shows development (which would include houses, gardens, roads, parking areas etc.) within the beige coloured area. This shows a set-back of development from the Old Ashford Road by 30m which has been negotiated by officers, but this buffer includes a shared pedestrian/cycle path behind the existing hedgerow; a set-back of between 18m to 45m from the east boundary; 15m off the south boundary; and 7m off the west boundary. It shows semi-natural open space including surface water attenuation ponds and permanent water bodies along the southeast boundary, and a central 'green'. The housing areas are shown as two densities (not specified) but higher on the western side and lower on the eastern side with an average of 31.5 dwellings per hectare. No contextual analysis has been undertaken by the applicant in the Design and Access Statement such as using figure ground analysis in terms of the proposed density. In terms of Lenham, one would expect to see higher densities

within the core of the village as opposed to the very periphery especially the northern part of Lenham being so close to the scarp slope.

Setting of the Kent Downs National Landscape

- 7.27 The KDNL lies immediately to the north of Lenham beyond the A20 and the development falls within its setting. The statutory duty for National Landscapes requires the Council to 'seek to further' the purpose of conserving and enhancing the natural beauty of designated National Landscapes including their settings. Policy LPRSP9 of the LPR requires that proposals should not have a significant adverse impact on the setting of the KDNL. Paragraph 189 of the NPPF states that development within the setting of National Landscape, *"should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*
- 7.28 Existing adjacent developments have an impact upon the scenic quality of the site and clearly affect views from the KDNL. Having regard to the existing (business park) and approved development (housing estate under construction) to the north, it is not considered the proposed development would fundamentally change the relationship between the built up areas of Lenham and the National Landscape. The proposal will appear as an extension of the urban area but seen in the context of the business park. It will extend the depth of the built up area further south when viewed from the KDNL.
- 7.29 I consider the northern 30m set back will allow for robust structural tree planting (at least two rows) in the space, so this would assist in screening or breaking views of the development from the Pilgrims Way national trail within KDNL from the north, and comply with the LNP. This is notwithstanding the shared pedestrian/cycle route which would take up close to 4m. The development would not be completely hidden and parts will still be visible in medium to long range views from the north, but on balance, I consider it would conserve (not harm) the setting of the KDNL and comply with part (1) of the LNP policy. The structural planting would also provide the same function in views from Old Ashford Road outside the site.
- 7.30 An off-site 5m landscape buffer is also proposed to provide a line of trees on the north side of the A20 for a distance of 440m within 'blue land'. This would be to the north of the business park and in time will provide some screening of business park and to a lesser degree the proposed development. This is a requirement of the LNP policy part (4) and will provide a benefit to the setting of the KDNL.
- 7.31 The sport pitches by their nature would have limited physical development such as goal posts and no lighting is proposed so I consider there would not be a detrimental impact upon the setting of the KDNL. As no lighting is currently proposed, a condition will prevent any permanent or temporary lighting such that an application would be required to enable a full assessment this. The pavilion and car park are proposed at the north end of the site close to some existing buildings and whilst the pavilion would be seen, it would not harm the setting of the KDNL subject to suitable landscaping and so this element is considered to be acceptable.

- 7.32 For these reasons it is considered the proposals would conserve the setting of the KDNL and the off-site line of trees would provide some enhancement.

Impacts from the East, South and West

- 7.33 For the public footpath (KH400) that runs along the east and south edges of the site, close views will be possible of the housing development but there is room for landscaping along the east boundary and bunding with landscaping is proposed to provide some mitigation. This would comply with part (2) of the LNP policy. As this path runs along the south boundary clear views will be possible as it will be close to the housing development area. From the footpath that heads south (KH399A), the 15m southern buffer would provide some mitigation of the housing from here as it would from KH399. Further south, medium range views from the Stour Valley Walk footpath are likely to be possible despite the planting along the southern boundary.
- 7.34 The sport pitches would change the character of the land to that which is not in keeping with the local countryside and would be highly visible from the public footpaths which are near and run through the pitch area. However, they are a requirement of the LNP allocation and subject to the proposed landscaping on the outside boundaries and strengthening existing, the impact is acceptable. The pavilion and car park would cause harm and be visible from the footpaths but is proposed at the north end of the site near some existing buildings. Again, subject to suitable landscaping this element is considered to be acceptable.
- 7.35 The wetland would be a semi-natural feature and would not be harmful to the countryside or setting of the KDNL.
- 7.36 In conclusion on landscape impact, the northern buffer is considered to provide a sufficient level of mitigation for the housing development in views from the north, and the eastern buffer is acceptable. The southern buffer is weaker but on balance with these secured by condition with specific landscape requirements, I consider the landscape impact of the housing within this allocated site is acceptable. It would also conserve the setting of the KDNL and the landscaping north of the A20 would provide benefits/enhancement to the setting. The sports pitches, pavilion, car park, and wetland would not harm the setting of the KDNL and subject to landscaping on the outside boundaries, I consider the landscape impact of this element within this allocated site is acceptable.

Layout and Design Quality

- 7.37 The precise layout is not being decided but it needs to be considered whether up to 100 dwellings can be suitably accommodated such that an acceptable development in context with the local area, and a high standard of design, could be achieved.
- 7.38 An illustrative layout has been submitted which is shown below. This must be treated with caution as from experience, illustrative layouts at outline stage often do not reflect the layout at reserved matters stage. However,

it does show in the region of 100 dwellings with what look like apartment blocks and terrace units necessary, and I consider a layout similar to that shown below could be acceptable as it is not too dense. It is not possible to 'condition' this plan as it is illustrative but a Masterplan with clear parameters to be agreed with the LPA can be secured under a s106 agreement, which is also a requirement of the LNP, and conditions can also guide any reserved matters. The layout would be determined at the reserved matters stage.



Extract of Illustrative Layout Plan

- 7.39 Although this is an outline application, Maidstone Building for Life 12 can still be used to assess some aspects of the development and the first 6 questions are relevant which are set out below with an assessment.

1. Connections

- 7.40 A shared pedestrian and cycle path would be provided from the northeast corner running inside the site behind the existing hedge and back onto the Old Ashford Road in the northwest corner where it would link with the existing pavement. This pavement then runs all the way into the village centre. The pavement varies between 1.3m and 1.9m in width which is below modern standards (minimum being 1.5m) and is even narrower by the church near the centre of the village. We have therefore asked the applicant to investigate widening and also a controlled crossing for pedestrians. The applicant considers the pavement widths are acceptable and that widening is not possible in places due to levels, visual impact, and the stone wall by the church. Some of these reasons are not entirely

convincing but this is the applicants position (they are not proposing changes) and on balance this is not considered grounds for refusal.

- 7.41 In terms of a crossing, the applicant does not consider the existing traffic levels and future predicted levels warrant a crossing based on Active Travel advice on the number of vehicle movements. They also consider the predicted pedestrian flows (13 in the AM peak and 16 in the PM) would not warrant a crossing so it is unnecessary. Developments should promote and encourage walking and cycling but again on balance this is not considered grounds to object and KCC Highways have not raised any safety issues with pedestrians and cyclists.
- 7.42 The proposals are to reduce the speed limit to 30mph to replace the existing 50mph limit and provide street lighting on Old Ashford Road which will improve the environment for pedestrians and cyclist which can be secured by condition.
- 7.43 The site would link to the public rights of way and the applicant is proposing surface improvements to the public footpath that runs from the village, which can be secured under a legal agreement. However, because this falls outside the applicant's ownership this can only be subject to 'best endeavours' as it cannot be guaranteed should the landowner resist.
- 7.44 Overall, connections are in suitable locations, some pavement widths are below modern standards but on balance this is not considered grounds for refusal.

2. Facilities and Services

- 7.45 The proposals provide open space (central green and play area) for the housing development (which is discussed in more detail below) and obviously the sports pitches and pavilion. The proposals therefore provide a good standard of facilities for future residents and existing residents of Lenham.

3. Public Transport

- 7.46 Two bus routes pass outside the site (10X and T11) and the 10X bus offers an hourly service between Maidstone and Ashford. Two new bus stops with slimline shelters are proposed just to the west of the site on either side of Old Ashford Road with indicative locations, which can be secured by condition. This is considered an appropriate response to providing public transport opportunities for the development.

4. Meeting Local Housing Requirements

- 7.47 Affordable housing is proposed at 40% with a 75/25 split for affordable rent and shared ownership which is in accordance with policy LPRSP10(B) and will be secured under a legal agreement. The house sizes are unknown as this is an outline application and would be dealt with at reserved matters stage.

5. Character, 6. Working with the Site and Context

- 7.48 The precise layout and appearance of the houses is unknown but for the reasons discussed earlier on in the report the landscape buffers, which include strengthening some of the boundaries, are considered appropriate to build on some existing character and lessen the impact of the development within the local landscape context.
- 7.49 The scarp slope of the KDNL is a distinctive local feature as is the Lenham Cross to the north of the site. Therefore, vistas of the North Downs and cross are considered an appropriate response to these local features. The applicant has shown where potential views towards the cross and scarp slope could be provided from the public footpaths on the south parts of the site (see orange and yellow arrows on the illustrative plan above).
- 7.50 The proposed views are not free of buildings to provide a clear vista but provided the view is kept free of development for much of the southern part of the site this is likely to be acceptable. Again, the detail would be provided at reserved matters stage but the Masterplan to be agreed under the s106 can ensure suitable views/vistas are provided through the development areas.

Open Space

- 7.51 Policy LPRINF1 sets standards for the provision of publicly accessible open space for new housing sites. For 100 dwellings, a comparison of the required and proposed, per typology is below. For the amenity and natural/semi-natural space this is approximate because these spaces would merge into one another in places but the open space exceeds the policy requirements apart from allotments. There could be scope for a small community garden area which can be secured by planning condition.

	Policy INF1	Proposed
Amenity Green Space	0.19ha	0.3ha
Play Area	0.07ha	0.21ha
Sports (including pavilion and car park)	0.45ha	2.45ha
Allotments	0.05ha	0
Natural and semi- natural	1.83ha	5.53ha
TOTAL	2.59ha	8.49ha

- 7.52 The sports pitches are more than is required for the 100 houses but this is to comply with the LNP which seeks these as a replacement for the recreation facilities at William Pitt Field because that site is allocated for development in the LNP. Delivery, ownership and management is discussed in the 'infrastructure' section below.

Residential Amenity

- 7.53 Policy LPRSP15 requires development to respect the amenities of occupiers of neighbouring properties, together with securing adequate residential amenities for future occupiers of the development.

- 7.54 1-4 Burnside, 1-2 Tanyard and 1-2 Redhouse Cottages lie immediately to the west of the site but new houses could be sited a sufficient distance away from the nearest houses such that there would be no loss of privacy, light or outlook, and landscaping can be secured.
- 7.55 The access road to the sport pitches will be close (8m) to the rear gardens of 1-4 Burnside Cottages and the parking for the sport pitches will be located to the south of 1 Burnside Cottage and 1 Tanyard Cottage. Landscaping can be secured to ensure no unacceptable loss of privacy. There will be some noise and disturbance from use of the access and car park but this would be intermittent and not be at a level to unacceptably harm amenity.
- 7.56 The sports pitches themselves will be located over 130m from the nearest dwellings and whilst there will be a degree of noise from participants and spectators, this will not be continuous, will be during daylight hours, and is not considered to cause an unacceptable detriment to residential amenity. The pavilion is unlikely to cause significant disturbance and any hours of use restrictions would be applied at the reserved matters stage, if necessary, once the full details of the pavilion are known.
- 7.57 In terms of the amenity of future occupiers of the scheme, the industrial estate to the north is relatively low key with just one noisy operation identified and there would be some road noise. The applicant's noise assessment has identified mitigation through an adequate physical and visual separation and noise insulation, which can be secured by condition.
- 7.58 For the above reasons, I consider the proposals comply with policy LPRSP15.

Access and Highways

- 7.59 Access to the site will be from a single T-junction onto Old Ashford Road that will serve both the residential and sports uses. The location of the junction is acceptable to KCC Highways and adequate sight lines are shown. This will require the removal of hedgerows but these can be replaced behind the visibility splays and secured by condition.
- 7.60 KCC consider the modelling (forecast year of 2031) of trip generation and potential impacts on local junctions to be acceptable and advise that the site access and nearby junctions will operate satisfactorily during the peak periods. The transport assessment predicts 71 vehicle movements from the site in the AM peak and 91 movements in the PM peak for both the housing and sports uses, which equates to around 3 movements every 2 minutes in the peak hours.
- 7.61 The applicant has proposed a change to the Old Ashford Road /A20 junction to the northeast to realign this in order to lower speeds and link with the proposed 30mph speed reduction and measures (rumble strips, gateway features, markings, and signage). This also includes a crossing point with tactile paving. It is considered these measures will result in improvements and lower the speed of vehicles coming off the A20 as they approach what

will be a residential environment so are a positive measure and can be secured by condition.

- 7.62 Whilst this is an outline application, acceptable parking can be provided within the scope of the density parameters submitted in accordance with KCC parking standards.

Nutrient Neutrality

- 7.63 The LPA is the 'competent authority' responsible for making planning decisions that comply with the Conservation of Habitats and Species Regulations 2017. Natural England (NE) is a statutory consultee.
- 7.64 Under the "Habitats Regulations", the development has been screened and it was concluded that mitigation is needed to counterbalance any pollution of the River Stour and thereafter Stodmarsh in north east Kent, which is a designated site of European importance.
- 7.65 An appropriate assessment (a Habitats Regulation Assessment (HRA)) has been adopted by MBC and agreed with NE. This concludes that the land use change itself (housing and sports pitches) is adequate mitigation for nitrogen but that for phosphorus there is a need to mitigate 10.76 kg TP/yr pre 2030 and 7.93 kg/yr post 2030.
- 7.66 In all cases to mitigate impacts of housing development, NE require that residential water usage would need to be limited to 110 litres per person per day; there needs to be a delivery, management and maintenance of the proposed SuDS designed in accordance with CIRIA C805 and C815 guidance; and the Construction Management Plan and the Landscape Management Plan will need to include measures to avoid nitrogen and phosphorus pollution to the River Stour. This will be secured by conditions.
- 7.67 Beyond this, at present there is no strategic solution to nutrient neutrality (NN) and so the applicant has developed their own solution(s) and this is why the application has been pending for a considerable time. The mitigation measures are as follows:

Nitrogen

- 7.68 Due to the existing land use being arable farming, the land use changes themselves are adequate mitigation for nitrogen pollution.

Phosphorus

- 7.69 The application includes 3 cascade options for phosphorus mitigation with the applicant's proposal being to use off-site credits (details provided below). In the event that this not be possible, a wetland is proposed to the south of the site, with the potential following of nearby land should this be necessary, in addition to the wetland.
- 7.70 The reason for there being a cascade of measures is because when the applicant began work on mitigation a number of years ago there were no off-site credit schemes and so on-site proposals were developed. Since that

time, credit schemes have been developed and so this is now the applicants proposal, but the 'back up' proposals remain as part of the application.

1. Off-site Credits

- 7.71 The applicant's proposal is to purchase credits from an off-site nutrient credit scheme within Ashford Borough that is wholly within the River Stour catchment. The scheme involves a Natural England approved Drainage Ditch Enhancement Scheme (DDES) which is a nutrient mitigation programme for a 80 year period as required by NE. The program of works is approved by NE in the first instance and thereafter a Conservation Covenant legally binds the land that is subject to the DDES for the 80 year period. The scheme and accompanying Conservation Covenant are regulated by Defra under the Environment Act 2021. The NN credits are then legally endorsed by a Defra approved 'Responsible Body, in this case, 'RSK Biocensus'. The approved credits provided through the 'responsible body' will have been subject to appropriate assessment, to ensure the nutrient mitigation is satisfactorily achieved through the credits they endorse.
- 7.72 The s106 will require evidence that these credits are endorsed by NE (through appropriate assessment), and the necessary amount have been purchased to off-set the phosphorus impact of the proposed development before any occupation can occur; and the developer will provide the LPA with evidence of the Conversation Covenant for the DDES which legally binds the scheme to this development.

2. Proposed Wetland

- 7.73 This is a fallback measure and would be provided should the applicant not be able to obtain credits as per above. It would involve a floating wetland of 1.9ha to the southeast of the site and theoretical evidence has been presented that the new wetland will remove existing and additional phosphorus pollution from the development at a rate such that the overall scheme is nutrient neutral.
- 7.74 NE agree with this approach in principle but are more cautious on the level of pollution it will remove. Therefore, should the wetland go ahead, it will be subject to monitoring for at least 12 months from implementation to evidence that the claimed removal rate of phosphorus is achieved in reality, which will be secured in the s106 agreement. To ensure nutrient neutrality pending the results of the monitoring, there would need to be deferment of the sports fields and facilities and the play area (leaving that land as fallow) and only occupying 22 houses in addition to installation of the wetland and SuDS ponds. This would be secured in the s106 agreement.

3. Proposed Wetland and fallowing of arable land to 2030

- 7.75 In the event that the monitoring referred to above shows the removal rate of phosphorus by the wetland is less in reality, additional temporary mitigation would be included involving the removal of arable land from being farmed until 2030. After this time, improvements to Lenham's Wastewater treatment works will contribute to phosphorus mitigation. A

new HRA would be needed after the results of the monitoring to calculate exactly how much arable land would need to be fallowed (estimated at a rate of 0.15kg TP/ha/yr). The landowner has stated in writing that there is sufficient cereal land in the Stour catchment under his control to supply sufficient "top up" phosphorus credits. This would be secured in the s106 agreement.

- 7.76 In conclusion on nutrient neutrality, nitrogen will be mitigated through the change of the existing land away from arable farming. Phosphorus will be mitigated through off-site credits, and if this is not possible through the proposed wetland, and if necessary (following monitoring), the fallowing of additional land in the catchment area.

Ecology and Biodiversity Net Gain (BNG)

Protected Species

- 7.77 Due to the length of time the application has been in abeyance, an updated preliminary ecological appraisal has been provided which concludes the habitats on site have not changed significantly and therefore the conclusions of the original species surveys are still valid. KCC Ecology agree with this.
- 7.78 The submitted surveys have demonstrated that with the exception of birds, the majority of the ecological interest is restricted to the hedgerows and ditches within the site. Protected species present include bats, GCN, smooth and palmate newts, dormouse, slow worms, common lizard, grass snake, and breeding birds.
- 7.79 For bats, the trees with the potential for roosts would not be removed. For GCN, there are no ponds on site but terrestrial habitat would be lost and to mitigate for this loss, a Natural England licence will be required in order for the development to commence. This will be applied for through the Kent District Level Licensing scheme, which involves paying a financial contribution for the creation of new offsite compensatory habitat. For dormice, the proposals retain the majority of the hedgerows and scrub within the application site, but there will be some loss. Additional hedgerows are proposed to mitigate for this including a mitigation method statement. For reptiles, the suitable areas for reptiles are to be largely retained, with enhancements proposed, and in order to avoid injury to reptiles during site clearance and construction a period of supervised passive displacement will be undertaken where small areas of suitable habitat are to be lost. All of the above mitigation can be secured by condition and to which KCC Ecology raise no objections.
- 7.80 Conditions are recommended requiring reserved matters to incorporate further biodiversity enhancement measures such as habitat integral to buildings.

BNG

- 7.81 The application was submitted prior to mandatory BNG coming into force in February 2024. However, LPR Policy LPRSP14(A) requires new residential

development to provide a minimum of 20% biodiversity net gain. The application is accompanied by BNG matrices for with and without the wetland. This information demonstrates that at least 20% on-site BNG for habitats, hedgerows, and watercourses can be provided for each option so the scheme complies with the LPR. This has not been reviewed by KCC Ecology so delegated powers are sought to consult them for their confirmation that it can be achieved. Should they disagree, delegated powers are sought to allow negotiation to achieve 20%. Delivery and long-term management and monitoring will be secured under a s106 agreement.

Infrastructure

Education

- 7.82 KCC has requested financial contributions towards education (primary, secondary and SEND) totalling £1,130,184, which the applicant has agreed to pay. Whilst Maidstone is a CIL authority, no CIL monies have been used towards education since it came into force in 2018. On this basis, it is considered that a s106 agreement to secure this money does pass the relevant legal tests in order to mitigate the specific impact of this development. The s106 will include a clause to ensure no 'double spending' of CIL and s106 monies from this development on the relevant education projects.

Sports Facilities

- 7.83 The applicant's proposal is that the developer of the residential permission will be responsible for the laying out of the car park, laying of services to enable the development of the pavilion (electricity and water) and providing one senior football pitch (to meet the impact of their development). This is in accordance with part 3 of the LNP policy for the site and so is considered appropriate and can be secured under a s106.
- 7.84 Upon satisfactory completion of the works, the land that is subject to change of use for the sports pitches, pavilion and car park will be offered to the Parish Council for £1 and the remaining pitches and pavilion building will be their responsibility to provide should they take on the facilities. The transfer provisions will make an appropriate contribution (TBC) for the maintenance of the single pitch that will have been delivered to mitigate the development but future management and maintenance arrangements will become the responsibility of the Parish Council.
- 7.85 This will be secured under a s106 agreement and the land offered to the Parish Council in the first instance. Should the Parish Council decline to take ownership of the land, details of suitable alternative management arrangements would be submitted to the LPA for approval.

Other Matters

Public Rights of Way

- 7.86 The application parameters demonstrate that the existing footpath alignments can be accommodated both within the housing and sports areas

without relocation. Whilst the character of sections of footpaths will change because of the adjacent housing and sports uses proposed, it is not considered that this will be detrimental to their usability.

Surface Water Drainage & Flood Risk

- 7.87 The applicant's evidence shows that infiltration-based SuDS would not be feasible due to low infiltration rates and shallow groundwater. Surface water will therefore be directed to detention basins to the southeast of the housing and within the sports area which will then feed into a watercourse to the south. The detention basins will be designed to provide a reduction in runoff when compared to existing undeveloped conditions. As this is an outline application, the fine details would be provided at reserved matters stage and through conditions, and KCC have confirmed the proposals are acceptable in principle subject to conditions.
- 7.88 It is proposed that foul is discharged to public foul sewer approximately 80m south-west of the site and this would be dealt with under separate legislation with both Southern Water and the EA raising no objections.

Air Quality

- 7.89 The submitted air quality assessment demonstrates the proposed development will not lead to an unacceptable risk from air pollution, or to breach any national objectives.
- 7.90 In accordance with the Air Quality Planning Guidance, an air pollution damage cost assessment has been carried out with a range of mitigation measures proposed that can be secured by condition.

Time Limit for Sports Pitches

- 7.91 Due to the interrelationship of the sports pitches with the housing development/developer (to provide the senior pitch, car park, and the transfer the land) and the potential delay of implementation in relation to nutrient neutrality, it is considered that a 5 year commencement condition instead of the standard 3 years would be appropriate for the change of use aspect of the hybrid application to allow sufficient time for this to take place.

Representations

- 7.92 The majority of matters raised by local residents are covered under the assessment above but other issues raised include harm to the character of the medieval village that will reduce local trade for shops and restaurants, additional parking should be provided near the village square, and anti-social behaviour. It is not considered this development on the edge of the village will harm the medieval core of Lenham; additional parking in the square is not necessary to mitigate the impact of this development so would not pass the legal tests; and the potential behaviour of future residents is not a material planning consideration.

PUBLIC SECTOR EQUALITY DUTY

- 7.93 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Community Infrastructure Levy

- 7.94 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

8. CONCLUSION

- 8.01 The site is allocated within the Lenham Neighbourhood Plan (LNP) for approximately 85 dwellings at a density of 22 dwellings per hectare (dph) and for sports and recreation uses including a pavilion and car park.
- 8.02 The application is for 100 dwellings and so is not in accordance with the LNP but the Local Plan Review (LPR) contains a more recent policy which requires that all sites within or adjacent to Rural Service Centres (such as Lenham) should achieve a minimum net density of 30dph but this must still be consistent with achieving good design that does not compromise the distinctive character of the local area.
- 8.03 For the reasons set out in the report, the proposal for up to 100 houses is considered to be acceptable in the local context subject to the landscape buffers being secured on the boundaries of the development to ensure no harm to the setting of the Kent Downs National Landscape, and to lessen impacts on the local landscape.
- 8.04 The detailed design and layout would be considered at the reserved matters stage and on balance it is considered that up to 100 houses could be suitably accommodated but only subject to a Masterplan to guide some aspects of the layout.
- 8.05 These are considered to be material considerations as to why this development, which is not in accordance with the LNP policy (in terms of housing numbers), is acceptable. It is also considered this conflict with policy does not demonstrably outweigh the benefits of providing up to 100 houses in the context of the Council not being able to demonstrate a 5 year housing land supply.
- 8.06 The area proposed for the sports facilities and the play area are located outside the settlement boundary in the LPR and therefore in the countryside for planning purposes. There are no specific LPR policies that allow for sports facilities and buildings in the countryside.
- 8.07 However, this land is allocated in the LNP for sport and recreation pitches to include a play area, sports pavilion, and car park and such facilities are likely to be outside settlement boundaries due to the necessary land take.

- 8.08 Whilst the LPR takes precedence due to it being the more recent Plan, the LNP allocation for sports pitches is a strong material consideration which is considered sufficient to outweigh the conflict with the LPR, and subject to landscaping on the outside boundaries of this area, the impact is considered to be acceptable. These facilities would provide clear community benefits on an allocated site.
- 8.09 Any deficiencies in terms of connectivity are not considered to outweigh the benefits and otherwise, the development is acceptable with regard to all other matters and in accordance with all relevant policies subject to mitigation secured by conditions and/or a legal agreement.

EIA Screening

EIA Development	No
Comments	The development was screened under application 19/503655/ENVSCR where it was concluded that an EIA was not required, which is still considered to be the case.

9. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to:

- Be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and/or as resolved by the Planning Committee; and
- To consult KCC Ecology for their confirmation that at least 20% on-site BNG for habitats, hedgerows, and watercourses can be achieved. Should they disagree, delegated powers are sought to allow negotiation to ensure at least 20% on-site.
- To consult Sport England for their advice on the proposed sports facilities and whether they are of a suitable quality for the purpose they are intended to serve.

(In the event that the legal agreement has not been signed within 6 months of the date of the planning committee resolution, the application will be reported back to the first committee meeting following expiration of the 6 months to provide an update on progress and/or to reflect any policy changes or changes in circumstances, if relevant. The report may seek a further time period to issue the decision or make an alternative recommendation depending on the circumstances).

The final draft of the s.106 will be published on the Councils website under the planning access record for the application for a minimum period of 14 days before it is completed.

HEADS OF TERMS

1. To require the housing developer to provide one senior sports pitch prior to the occupation of the 50th dwelling to an agreed standard.
2. To require the housing developer to construct and complete the car park for the sports and recreation area and provide services (electricity and water) for the pavilion building prior to the occupation of the 50th dwelling.
3. To require the land comprising play area and sport facilities including the car park and access to be first offered to be transferred to the Parish Council for £1. Should the Parish Council decline to take ownership of the land, details of suitable alternative management arrangements to be submitted to the LPA for approval.
4. To require the play area/sport facilities land to be retained for public use for in sports and recreation in perpetuity with a commuted sum for the maintenance of one senior football (amount TBC).
5. To require 40% affordable housing with a tenure split of 75% affordable rent and 25% shared ownership.
6. To require £5,412.74 per applicable house and £1,353.18 per applicable flat towards the expansion of schools in the Lenham and Harrietsham primary education planning group serving the development, including Lenham Primary School (including a clause to repay any monies should CIL from the development be used towards this project prior to the s106 monies being spent).
7. To require £5,329.27 per applicable house and £1,332.32 per applicable flat towards the expansion of secondary schools in the Maidstone District nonselective planning group (including up to 90 temporary Year 7 places in existing schools and up to 3FE permanent expansions within existing schools) and Maidstone & Malling selective planning groups (including the permanent 1FE expansion of an existing school), including The Lenham School (including a clause to repay any monies should CIL from the development be used towards this project prior to the s106 monies being spent).
8. To require £559.83 per applicable house and £139.96 per applicable flat towards the provision of additional SEND places within the district (including a clause to repay any monies should CIL from the development be used towards this project prior to the s106 monies being spent).
9. To require the following cascade in respect of nutrient neutrality:
 - a) Evidence of the purchase of Natural England endorsed off-site credits to demonstrate nutrient neutrality; that the necessary amount have been purchased to off-set the phosphorus impact of the proposed development before any occupation can occur; and the developer to provide the LPA with evidence of the Conversation Covenant for the scheme which legally binds the NN scheme to this development.

- b) Should sufficient off-site credits not be demonstrated - Implementation of the wetland and SUDs ponds prior to the occupation of any dwellings. Once operational, 12 months of monitoring of the wetland to demonstrate nutrient neutrality with no implementation of the sports fields, and no occupation beyond 22 houses.
 - c) Should the monitoring show the wetland does not achieve nutrient neutrality - The removal of arable land from being farmed until 2030 to achieve nutrient neutrality (subject to agreement on the extent required).
 - d) Should the wetland be implemented details for the ongoing maintenance and management of the wetland.
- 10. To require a nutrient neutrality monitoring fee to cover assessment of the monitoring (amount TBC).
 - 11. To require a Travel Plan Monitoring Fee of £948.
 - 12. To require reasonable endeavours to secure a Traffic Regulation Order for speed limit reduction to 30mph on Old Ashford Road.
 - 13. To require reasonable endeavours to implement PROW improvements to provide hard surfacing on KH400 (as agreed with KCC PROW and Access Service) which links the application site to the village centre.
 - 14. To secure the 20% on site BNG for 30 years, its implementation, management and monitoring, and to include a BNG monitoring fee of £20,000.
 - 15. To provide evidence of GCN District Level Licensing being met.
 - 16. To secure the agreement of a Masterplan for the site to include the following:
 - a. No development outside the 'residential area', apart from the shared foot/cycle path and access road along the north boundary of the site; the surface water features along the east boundary of the site; and the access road along the west boundary of the site.
 - b. The 1,990m² area of amenity open space within the centre of the housing area.
 - c. A density within the 'residential area' (excluding the central open space) not exceeding 31.5 dwellings per hectare.
 - d. Tree-lined streets on the main roads with trees located outside of the curtilage of any properties.
 - e. An uninterrupted vista from the south of the site providing views of the scarp slope of the Kent Downs and/or the Lenham Cross.
 - f. A shared foot/cycle path from east to west along the north part of the site and footpath link along the east part of the site.
 - g. The provision of community gardens for shared communal use.

CONDITIONS

Time Limits

Sports Pitches

- 1) The detailed change of use of land (for sports use) hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 with five years given to allow an additional period of time to provide the sports pitches.

Housing, Pavilion and Car Park, and Floating Wetland

- 2) The development of the outline elements (housing, pavilion and car park, and floating wetland) shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:

a. Scale b. Appearance c. Layout d. Landscaping.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

Approved Plans

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

7968-L-200 RevG (Site Location Plan)
7968-L-25 RevA (Application Areas Plan)
P19013-001 K (In relation to the main and emergency access points only)

Reason: To clarify which plans have been approved.

- 4) At the first submission of any reserved matters details, the Ecological Mitigation and Management Plan; (FPCR; January 2020) must be reviewed and updated and submitted to the LPA for approval. The review must include the following:

Updated preliminary ecological appraisal; Recommended specific species surveys; Current site layout; Revised mitigation strategy (if required);

Revised management plan; Timings of the proposed works. The Reviewed/Updated Ecological Mitigation and Management plan must be implemented as approved.

Reason: In the interests of ecological interest.

Parameters for Outline Housing

Scale

- 5) The details of reserved matters of scale relating to the housing element shall not show any buildings over 2.5 storeys (rooms in the roof space).

Reason: To ensure an acceptable impact upon the Kent Downs National Landscape and local area.

Appearance

- 6) The details of reserved matters of appearance relating to the housing element shall include the following materials.

- a) Kentish ragstone within buildings and walling.
- b) Natural and/or re-cycled slate roof tiles.
- c) Clay roof and hanging tiles.
- d) Multi stock bricks.
- e) Ecological enhancements within the fabric of buildings.

Reason: To ensure a high quality design.

Landscaping

- 7) The details of reserved matters of landscaping relating to the housing element shall provide the following:

- a) At least two rows of native trees within the buffer along the north part of the site.
- b) At least one row of native trees within the buffer along the east part of the site.
- c) At least one row of native trees within the buffer along the south part of the site.
- d) One row of native trees within the buffer along the west part of the site.
- e) Retention of the hedgerow along the north boundary of the site apart from that required for the access visibility splays and pathway connections.

- f) Replacement double staggered native hedging to replace that removed for the access visibility splays.

Reason: To mitigate the impact of the housing development on the Kent Downs National Landscape and local area.

Parameters for Outline Sports Facilities

Scale

- 8) The details of reserved matters of scale relating to the sports pavilion shall not show any buildings over 2.5 storeys (rooms in the roof space).

Reason: To ensure an acceptable impact upon the Kent Downs National Landscape and local area.

Landscaping

- 9) The details of reserved matters of landscaping relating to the sports pavilion and car park shall provide the following:

- a) Double staggered native hedging around the outside boundaries of the car park.

- b) Native tree planting to the west, north and east of the car park.

Reason: To mitigate the impact of the development on the Kent Downs National Landscape and local area.

Pre-commencement

- 10) No development shall take place within any phase until details of the proposed levels of the development and ground levels together with existing site levels shown at 0.25m contour intervals for that phase have been submitted to and approved in writing by the Local Planning Authority. The details seek to minimise land raising where possible. The development shall be completed in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- 11) No development shall take place within any phase until the following components of a scheme to deal with the risks associated with contamination of the site for that phase have been submitted to and approved, in writing, by the local planning authority:

- i) A site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- ii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (i). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set

out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- iii) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (ii). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority.

The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future users.

- 12) No development shall take place within any phase until a sustainable surface water drainage scheme for the relevant part of the site has been submitted to (and approved in writing by) the local planning authority. The drainage scheme shall be based upon the approved Drainage Strategy and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance):
 - a) silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - b) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 13) No development shall take place within any phase until the applicant, or their agents or successors in title, has secured the implementation of
 - a) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- b) Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 14) No development shall take place within the housing element until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform and shall generally conform with the indicative sections on drawing 7968-L-22 Rev A.

Reason: In the interests of landscape, visual impact and amenity of the area.

Pre-Slab Level

- 15) No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation; and 30 year design objectives, management responsibilities and maintenance schedules for all landscaped and open areas (including the public open space and play area) other than privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity.

- 16) No development above floor slab level within any phase shall take place until details of hard surfaces for that phase have been 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 ensure a high-quality development.

- 17) No development above slab level within any phase shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- 18) No development above slab level shall take place relating to the sports pitches until a detailed landscaping scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall follow the Ecology Mitigation Management Plan (7968-E-01) and include the following:

- a) Retention of hedge/tree lines along the site boundaries and as shown.
- b) New native double staggered hedgerow and tree planting along the site boundaries.
- c) Native woodland and scrub planting as shown.
- d) Details of the number, size, species, maturity, spacing and position of retained and proposed and landscaping.

Reason: To mitigate the impact of the sports pitches and for ecological benefits.

- 19) No development above slab level shall take place on the outline elements until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall follows the requirements under condition 6, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

- 20) No development above slab level shall take place within the housing element until details of the scheme for the preparation, equipping and laying out of the children's play area have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of a residential unit.

Reason: To ensure satisfactory public recreational and open space and its ongoing management and maintenance.

- 21) No development above slab level shall take place within the housing element until the applicant has submitted for written approval of the local planning authority a Travel Plan. The approved Travel Plan shall be implemented and monitored, and thereafter maintained and developed to the satisfaction of the Local Planning Authority. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the travel plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period.

Reason: In the interests of sustainability.

- 22) No development above slab level shall take place within the housing element until details of a budget, scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To provide cultural benefits commensurate with the scale of the development.

- 23) No development above slab level within the housing element shall take place until the planting of a 5m wide tree belt on the north side of the A20 as indicated on the parameter plan 'fpcr 7968-L-11 rev F' has been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To assist in the landscape screening of the housing development and enhance the Kent Downs National Landscape.

- 24) No development above slab level shall take place for the outline development until details of measures to incorporate 10% on-site renewable or low carbon energy production, which shall be measured as a percentage of overall consumption, have been submitted to and approved in writing by the local planning authority. The development(s) shall be carried out in accordance with the approved details.

Reason: To meet the terms of policy LPRQD1.

- 25) No development above slab level shall take place until details of a water efficiency statement have been submitted to and approved by the Local Planning Authority and this statement needs to explicitly set out how the dwellings hereby approved meet the higher level of water efficiency of 105 litres per person per day as set out under the building regulations Part G2 or any superseding standard. The development shall be carried out in accordance with the approved scheme prior to the occupation of the relevant unit.

Reason: To ensure a sustainable form of development in an area of identified water supply stress.

Pre-Occupation/Use

- 26) No development shall be occupied or brought into use until the following off-site highways works have been provided in full:
- a) Alterations to the A20/Old Ashford Road junction as shown on drawing no. P19013-003E, or an amended scheme that has been agreed in writing with the local planning authority in consultation with the highways authority.
 - b) Road widening on Old Ashford Road as shown on drawing no. P19013-001K.

- c) Two new or relocated bus stops with shelters on the north and south sides of Old Ashford Road subject to the details being submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety, connectivity and sustainable transport use.

- 27) Prior to the use of the site commencing, the access to the site from Old Ashford Road shall be carried out in accordance with drawing number P19013-001K. There shall be provision and maintenance of the visibility splays shown on the approved drawing P19013-001K with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

- 28) Prior to the use of the site commencing there shall be provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

Reason: In the interests of highway safety.

- 29) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 30) No dwellings shall be occupied until detailed noise mitigation measures following the principles of the Noise Assessment Report (September 2019) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interest of the amenity of future occupants.

- 31) The development shall not be occupied or brought into use until details of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been 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 interests of highway safety.

Compliance/Other

- 32) All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation/use of the building(s) to which the landscaping relates, or in accordance with a timetable previously agreed with the Local Planning Authority. In the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas or in accordance with a timetable previously agreed with the Local Planning Authority.

All approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To mitigate the impact of the development.

- 33) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

Reason: In the interests of human health.

- 34) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 35) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it can be demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

- 36) All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the 'fpcr Arboricultural Assessment' (September 2019) hereby approved unless the local planning authority gives written consent to any variation. The development shall be carried out with tree and hedgerow protection measures in accordance with the current edition of BS 5837 and as detailed in the Arboricultural Assessment hereby approved. All trees and hedgerows to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 37) No temporary or moveable lighting shall be placed or erected within the full application sports element of the site.

Reason: In the interests of visual amenity.

- 38) No lighting shall be placed or erected within the housing element of the site except in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.

The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory.

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations approved and shall be so retained thereafter.

Reason: In the interests of visual amenity and ecological interest.

- 39) The pavilion building shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation/use of the pavilion building.

Reason: To ensure a sustainable and energy efficient form of development.

- 40) The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 07:00- 23:00 hours as covering the night time period. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 07:00 hours as covering the night time period.

Reason: In the interests of residential amenity.

- 41) All dwellings shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwellings shall be thereafter retained as such.

Reason: To meet the terms of policy LPRQD6.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.