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DEVELOPMENT CONTROL COMMITTEE

05 April 2011

APPLICATION NUMBER : CA/10/02156/SOD

PROPOSAL : Details submitted pursuant to condition 09 of planning permission CA/98/00174/BLE relating to disposal of surface water.

LOCATION OF SITE : 39 Blean Common, Blean, CT2 9EF

APPLICATION TYPE : SUBMISSION OF DETAILS

DATE REGISTERED : 20 December 2010

GOVERNMENT PERFORMANCE TARGET DATE : 14 February 2011

CONTACT OFFICER : Nick Davies

CONSERVATION AREA : NO

LISTED BUILDING : NOT LISTED

WARD : BLEAN FOREST

APPLICANT : Pine Glade Developments

AGENT : Paul Roberts & Associates

SUMMARY:

Planning permission, by virtue of an outline permission (Ref No CA/98/0174/BLE) and a subsequent reserved matters application (Ref No CA/07/0147/BLE), has been granted for the erection of four dwellings on this site. Condition 09 of the outline permission required the submission of a detailed scheme for the disposal of surface water. This application is to discharge that condition.

It is rare for the submission of details to be brought to Committee but this was a sensitive site and the issue of drainage remains a key concern of Blean Parish Council and local residents. In the interests of transparency and to enable debate the following report has been produced. Officers raise no objections to the proposal.

RECOMMENDATION:

Grant, Section 101 Delegation.

That the Head of Planning and Regeneration is authorised, pursuant to Section 101 of the Local Government Act 1972, to discharge condition 09 of CA/98/0174/BLE subject to the expiry of the date for public representations and no new issues being brought to the attention of officers.

PLANNING HISTORY

In confirmation of the sensitivity surrounding flooding and drainage in Blean the outline permission was subject to a legal agreement dealing solely with the provision and maintenance of surface water drainage to the new development. Originally signed in September 2005 the agreement was varied in August 2006 to require the following:

(A) Prior to the commencement of the development to submit to the Council for approval a method of surface water disposal by individual deep bore soakaways for each residential unit to be erected on the land which shall be agreed in writing by the Council or an alternative individual surface water disposal scheme for each residential unit to be erected on the land as agreed in writing by the Environment Agency and the Council's drainage engineer (such approval not to be unreasonably withheld or delayed if approved by the Environment Agency) following consultation with the landowners whose property adjoins the land.

(B) Prior to commencement of the development to submit a scheme to the Council for approval for the management and maintenance of each individual surface water drainage scheme by the owner(s) of each dwelling to be approved in writing by the Council (such approval not to be unreasonably withheld or delayed).

THE APPLICANT'S CASE

The legal agreement 'simply requires the applicant/developer to submit to the Council for approval a method of surface water disposal by individual deep bore soakaways for each residential unit to be erected on the land, as agreed in writing by the Environment Agency and the Council's drainage engineer. It does not require or specify a number of boreholes but rather a workable scheme for surface water disposal'.

'In this case we submit for an alternative surface water disposal scheme, as envisaged by clause 5.1.1. of the agreement. The scheme has been prepared by drainage engineers and agreed by the Environment Agency and the Council's drainage engineer'.

'Each of these consultees has agreed the findings of our engineers and accepted that two deep bore soakaways serving the four dwellings would be an acceptable means of dealing with the disposal of surface water.'

WRITTEN REPRESENTATIONS

At the time of writing this report Blean Parish Council has responded that residents are concerned over the problems experienced with flooding and drainage in the area.

TECHNICAL CONSULTATIONS

CCC - Drainage -

"I refer to the surface water drainage proposals for the above site, as detailed in BSF Consulting Engineers' letter (and accompanying calculations) to Abbot Construction dated 26 April 2010.

The original proposal was for each of the four proposed houses to be served by its own deep bore soakaway. Surface water drainage is a sensitive matter in Blean, and the applicant no doubt intended to provide reassurance that every necessary effort would be made to drain the site effectively.

Subsequent to the drainage proposals being approved, the applicant duly conducted the necessary soil percolation tests and found that the soakage properties prevailing at the site were better than had been allowed for in the original proposal. This is consistent with previous experience at Blean. Although ground conditions often preclude the use of

conventional soakaways, deep bores have been known to function very effectively over a long period at several sites in Blean. The proposed deep bore soakaways will be drilled to a depth of 40 metres, encountering highly permeable strata for a substantial proportion of that depth.

BSF Consultants have prepared design calculations based on the site soakage tests, and those calculations demonstrate that a total of two deep bore soakaways (one for each pair of houses) will be more than sufficient to meet the Council's flood protection criteria. The relevant guidance note stipulates a one-in-100-year design storm, and that all durations up to 24 hours should be modelled. The longer a storm goes on for, the less intense it is of course (for a given return period), and it was found that the critical storm in this case was of four hours duration. The deep bores will be able to accommodate the run-off from such a storm and disperse it into the ground within eight hours, which comfortably satisfies our requirements.

Blean is beset with poorly draining subsoil (at shallow depths) and is poorly served by land drainage. Waterlogged ground (and the consequent uncontrolled run-off) is a widespread problem. By conveying rainwater run-off to more permeable strata, the proposed deep bore soakaways should improve the drainage characteristics at this site.

Deep bore soakaways can continue to work efficiently with remarkably little maintenance, but they can become silted-up so they should be monitored regularly and thoroughly cleansed as necessary. It is important that the eventual occupants of this development should be made aware of this, with responsibilities and maintenance schedules clearly defined."

Environment Agency -

No objections are raised and confirms that its consent is not required for the discharge of surface water to a deep bored soakaway but at least six metres of unsaturated zone must be maintained between the base of the soakaway and the water table.

DRAINAGE CONSIDERATIONS

See above.

DISCUSSION

Blean has always been problematic in terms of drainage and Members will remember that for many years there was an embargo on development in the area. Improvement to the pumping and pipe system by Southern Water led to the removal of that embargo but ground conditions continue to give rise to occasional flooding and generally wet ground.

Deep bored soakaways have provided one answer but they have not always been successful often due to lack of maintenance and the silting up of the chambers.

It was against this background and complicated by highway and ownership issues that led to the original application taking seven years to determine. The original applicant, who had no intention of developing the site, agreed to four individual soakaways and the accompanying legal agreement to overcome the local objections and obtain a permission. There was no doubt that technically the provision of four soakaways was superfluous but it did allow for all options of ownership and therefore responsibility for ownership. The legal agreement made the landowners jointly and severally responsible and therefore liable for breach of the agreement.

In the event the plots have not been sold off individually but are to be part of a developer built scheme with all plot owners being part of the management company which will not only maintain the road and communal area but the drainage too. This is to be enshrined in the

individual purchase deeds.

The two issues to be considered are firstly whether two deep bored soakaways are adequate to dispose of surface water on the development and secondly are there sufficient provisions in place to ensure the ongoing efficiency of the deep bored soakaways.

With regard to the first issue the applicant has worked to completely satisfy the technical requirement and standards set by the Council for the effective disposal of surface water. In the end the question is simply one of storage capacity and whether the tanks have sufficient capacity to accommodate the surface water discharge arising from the development. This will then be disposed of deep underground where it will not impact on the wetness of the surface soil. The applicant has demonstrated this fully in his calculations and the response of the Council's drainage engineer is fully recorded above. As he rightly records in his final paragraph the soakaways need to be maintained and to this end the existing legal agreement requires that the owners of the site are responsible for this and the current developer has confirmed that this responsibility will form part of the deeds of purchase and the need to be part of the management company which will, as part of its duties, ensure that the soakaways are monitored and maintained according to the manufacturer's maintenance regime including an annual cleaning out of site.

In view of the above I recommend that Members grant me delegated authority to discharge condition 09 of CA/98/0174/BLE. In requesting this I would remind Members that the following condition 10 requires confirmation from a chartered engineer that the surface drainage works have been fully implemented before any of the dwellings are occupied.

BACKGROUND PAPERS:

1. Application Ref: CA/10/02156/SOD
2. Previous planning application ref: CA/98/0174/BLE
3. Memorandum from CCC - Drainage, dated 21.03.11