

REFERENCE NO - 17/500357/HYBRID			
APPLICATION PROPOSAL			
Full application for the erection of 48 dwellings and associated infrastructure, landscaping and open space; and outline application for the erection of 102 dwellings (access, layout and landscaping sought)			
ADDRESS Land North Of Old Ashford Road, Lenham			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO LEGAL AGREEMENT & CONDITIONS)			
<ul style="list-style-type: none"> • The site is allocated in the Local Plan for approximately 145 dwellings under policy H1(41). • The proposals comply with the criterion under policy H1(41), and other relevant policies within the Local Plan. • There is no unacceptable impact from 150 dwellings (being 5 more dwellings than the approximate yield). • The development is considered to be of a high quality in terms of its design, layout, and materials. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
<ol style="list-style-type: none"> 1. Lenham Parish Council raised objections and requested committee consideration for the reasons outlined in the original Committee Report. 2. Councillors J & T Sams requested the application be reported to Planning Committee for the reasons outlined in the original Committee Report. 			
WARD	PARISH COUNCIL	APPLICANT	
Harrietsham & Lenham	Lenham	Broad Oak Motor Group Limited	
		AGENT Lee Evans Planning	
DECISION DUE DATE		PUBLICITY EXPIRY DATE	
28/09/18		22/08/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/504855	EIA Screening Opinion for the erection of 155no. Dwellings with associated garages, parking, access, open space and landscaping at land north of Old Ashford Road, Lenham	EIA Not Required	08/08/16

1.0 BACKGROUND

1.1 This application was deferred at the Committee meeting on 6th September 2018 for the following reasons:

1. Look at moving the children's play area to the centre of the site;
2. Look at reducing the number of access points along the Old Ashford Road in order to achieve the policy criteria for a strong southern landscape boundary;
3. Look at the surface water drainage scheme and attenuation and whether it will address the existing ground water issues at the site; and
4. Look at whether further renewable energy measures can be provided on the outline element of the scheme.

1.2 The original committee report is attached as an **Appendix**.

2.0 DESCRIPTION OF RESPONSE/CHANGES

2.1 The applicant has responded to each deferral reason either providing changes or additional information as follows:

1. The children's play area has been relocated to the centre of the open space as requested.
2. The plans have been amended to remove two vehicular access points to the east of the main entrance so that there is only an emergency access now and pedestrian openings. The new pavement will now be run on the inside of the existing hedge for the majority of the frontage.
3. A briefing note explaining the proposed surface water drainage scheme and existing ground water issues has been provided.
4. The applicant is agreeable to PV panels on southern facing roof slopes on the outline element.

3.0 REPRESENTATIONS

3.1 Re-consultation with the Parish Council and local residents has been carried out and expires on 26th September. The Parish Council will be considering the changes at a meeting on 19th September and their representations will be reported in an urgent update report prior to the Committee Meeting for consideration. Any further representations from local residents will also be reported prior to the meeting.

3.2 **Local Residents:** 1 representation received raising the following summarised points:

- The applicant has said they will be helping to alleviate flooding issues for a neighbouring property and other measures which make us feel much more relaxed about this development.

4.0 CONSULTATIONS

4.1 **KCC Flood & Water Management (LLFA): No objections** subject to conditions (see detailed comments below).

4.2 **KCC Highways: No objections** to the amended layout.

5.0 ASSESSMENT

5.1 For Deferral Reason 1, the play area is relocated to the centre of the open space which is acceptable and does not raise any other problems.

5.2 For reason 2, the amendments to the layout have reduced the number of vehicular access points to the east of the main entrance from 3 to 1. There is now only an emergency access but some pedestrian openings have been introduced. The new pavement (which is a requirement of the site policy) is now run on the inside of the existing hedge for the majority of the frontage and the hedge will be strengthened. I consider these changes have strengthened the landscape boundary here in line with the site allocation policy.

5.3 For reason 3, the applicant has explained in more detail the methodology for the surface water drainage proposals. This includes presenting calculations for the existing surface water run-off rates and post-development run-off rates; and explaining that the proposals are designed to cater for a 1in100 year return period storm of 6hr duration with a 40% allowance for climate change (as is required). The proposed attenuation pond which would have 1,950m³ capacity above the permanent wet level, has been designed to accommodate both the detailed and outline parts of the application should the use of soakaways for the outline element not be feasible following further ground investigations. It would therefore cater for the entire development. Indeed, the proposed scheme is likely to actually reduce the run-off that currently occurs from the site.

5.4 With regards to risk of flooding from rising groundwater, it is stated that the landowner who has farmed the field for over 50 years confirms that it has not suffered from flooding during his period of ownership. However, it is outlined that once further monitoring of the groundwater levels has been carried out, there are a number of engineering solutions available that would be agreed under the planning condition with MBC and KCC. It is also stated that the

'Bourne' stream actually runs along the field next to the application site where there is a drainage ditch, which is correct.

- 5.5 KCC have been re-consulted and have explained why they are satisfied with the proposals and why they recommend conditions as follows:

When reviewing major development, the Lead Local Flood Authority is aiming to ensure that the principles of a drainage strategy or design are established at the initial planning application stage, i.e:

- how much run-off would be generated by the proposal (run-off rate and volume)*
- how the run-off will be collected, treated and temporarily stored (attenuation and water quality)*
- how the run-off will be disposed of and at what rate (to ensure downstream flood risk would not be increased)*
- how the development will be protected against flooding originating from off-site (such as from existing drainage or surface water flow paths)*

This information would normally be given in an outline form within a Flood Risk Assessment and / or Surface Water Management Strategy. It is rare for a full detailed design to be presented at the planning application stage as there will often be other matters requiring further consideration. This could include determining the development layout (for an outline application) or undertaking further ground investigations to inform the final design (for a full planning application). We would therefore secure the provision of the finalised detailed drainage scheme via a pre- commencement condition for the provision of a detailed sustainable drainage scheme.

The LLFA has undertaken several consultations regarding the surface water drainage scheme for the site as follows:

- 6th March 2017 - Objected due to insufficient information on groundwater flooding risk, considering the risk of flooding from off-site (existing drainage assets), low infiltration rates (meaning soakaways alone may not work) and revisions to climate change allowances being required.*
- 23rd August 2017 - We attended a site meeting with the applicant and their consultants to outline the information we required to address the above points and requested that a revised drainage strategy be submitted to the LPA accordingly.*
- 10th January 2018 - Recommended approval with conditions based upon the revised details submitted to address the previous points. We made some advisory comments for consideration within detailed design matters.*

- *21st August 2018 - We reviewed further information and made no further comments. The proposed layout changes would not have significant impact upon the sizing of pond.*

We note that the application was deferred at planning committee for a number of reasons, including 'to investigate the surface water drainage scheme and attenuation and whether it will address the existing groundwater issues at the site'.

We would note that the surface water drainage scheme for the site would be intended to drain impermeable areas (such as roofs and highways) only and would not be used to control or otherwise directly drain groundwater. However, a number of recommendations were made by the LLFA with the design of the surface water drainage system to ensure the risk of groundwater surfacing was not increased and existing drainage was protected:

- *No deep soakaways would be located within Phase 1 (in the lower levels of the site) to ensure that a preferential pathway for any rise in groundwater would not be created (this was the mechanism of flooding affecting the nearby Northdown Close in early 2014).*
- *New properties would have floor level raised minimum 150mm above the surrounding ground to ensure they would not be internally flooded in the event of groundwater surfacing.*
- *Groundwater monitoring should be undertaken over the winter period and further infiltration testing also be undertaken to inform the detailed design should permission be granted. This would assist with determining if any further mitigation would be required. As noted within the applicants Drainage Briefing Note (11th September 2018), there are a number of engineering solutions available (such as high level perimeter cut-off drains connecting downstream of the attenuation pond to the watercourse) that can mitigate against groundwater rising within the development.*
- *Although not mentioned in the drainage strategy, we have highlighted the existence of a drainage pipe from the ditches alongside the A20 passing through the site. We made recommendations in our site meeting for the applicant to confirm it's ownership and ensure there would be no detriment to it's capacity. This would ensure the risk of flooding from this source is not increased. There are no proposed connections into this drainage pipe and it's location within the proposed open space would mean it should not be adversely affected by construction work.*

Between the various considerations above, we are satisfied that the risk of flooding from groundwater can be mitigated if further investigations determine that these are necessary. If planning permission is granted we would urge the applicant to commence groundwater monitoring as soon as possible.

A number of other matters have also been raised by others, such as the flooding of nearby property from run-off from higher fields, the A20 and other areas. Many of these matters are likely to fall outside of the applicant's control.

We would note that a number of highway drainage surveys, repairs and improvements were undertaken by KCC following the flooding issues in early 2014. Since this time only one report of flooding of Old Ashford Road has been reported on the 29th May 2018. This was during a time of exceptionally heavy rainfall which caused widespread flooding throughout the county. There have been no further reports of groundwater flooding since the 2014 events.

- 5.6 For these reasons KCC continue to raise no objections subject to conditions and I consider this addresses the concerns raised by Members.
- 5.7 For Reason 4, the applicant is agreeable to PV panels on the southern facing roof slopes on the outline element. Officers had previously negotiated PV panels on garages/outbuildings as PV panels on roof slopes would compromise the appearance of the development where high quality materials are being used on the roofs (clay and slate roof tiles), and which would be seen in the context of the AONB. This remains the view of officers however the applicant is proposing panels on southern facing roof slopes on the outline element which is around a third of the properties (approximately 33 plots).

Other Matters

- 5.8 In the event that the legal agreement is not completed and decision notice issued before the Community Infrastructure Levy (CIL) commences on 1st October and as per the previous urgent update, the provision of off-site monies towards open space can be funded through a section 106 agreement (as opposed to CIL). This is because this is specific mitigation required to make the development acceptable in planning terms, and it is a policy requirement under DM19 to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site. The remaining infrastructure would be funded by CIL in this case. Affordable housing would be secured under the section 106 agreement.

6.0 CONCLUSION

- 6.1 It is considered that the applicant has suitably responded to the deferral reasons raised by Planning Committee, surface and ground water drainage has been addressed, and the amended layout has strengthened the landscape boundary on the southern edge of the development in line with the site allocation policy.

7.0 RECOMMENDATION(S):

RECOMMENDATION 1:

In the event that the decision notice is issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. £3,324.00 per applicable house and £831.00 per applicable flat towards Phase 1 of Harrietsham Primary School expansion.
2. £4,635.22 towards installation of conversation and adult lip reading classes in the Village Hall.
3. £1,281.28 towards Lenham Youth service enhancement of mobile unit and equipment.
4. £21,844.10 towards Lenham Library enhanced library services including additional stock.
5. £9,597.56 towards provision of automatic doors for disabled access to Lenham Community Centre.
6. £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises.
7. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field, or in the event that the this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space with the Parish that is provided under a Neighbourhood Plan/Local Plan.
8. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)

RECOMMENDATION 2:

In the event that the decision notice is not issued prior to 1st October 2018, subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms:

1. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership)
2. £164,100 to deliver improvements to the children's play facilities, sports pitch & infrastructure at Ham Lane & William Pitt Field, or in the event that this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space with the Parish that is provided under a Neighbourhood Plan/Local Plan.

Conditions:

1. The operational development within the outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a. Scale
- b. Appearance

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.

2. The detailed element of the development hereby permitted shall be begun before the expiration of three 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.

3. No development shall take place on the detailed and outline phases until details of the proposed slab levels of the building(s) and the existing site levels (including buildings where finished floor levels will be a minimum of 150mm above ground level) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. No development shall take place on the detailed and outline phases until the applicant, or their agents or successors in title, has secured the implementation of the following for that phase:
 - (i) 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
 - (ii) 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.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

6. No development including site clearance and demolition shall take place on the detailed and outline phases until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority for that phase. The AMS should detail implementation of any aspect of the development that has the potential to impacts on trees and their roots and detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

7. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials and they shall include the use of ragstone in walling as shown on the approved plans, clay tile hanging and roof tiles, slate roof tiles, painted timber boarding, and multi stock brickwork.

Reason: To ensure a satisfactory appearance to the development.

8. No development above slab level shall take place until details of the ragstone walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

9. No development above slab level shall take place on the detailed and outline phases until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority for that phase. The development shall be constructed using the approved materials. Surface materials shall avoid the use of tarmac for driveways, parking areas and pathways through the open space.

Reason: To ensure a satisfactory appearance to the development.

10. No development above slab level shall take place on the detailed and outline phases 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 before the first occupation of the building(s) or land to which they relate and maintained thereafter. Details shall include the use of ragstone walling and walling on boundaries exposed to public view.

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

11. No development above slab level shall take place on the detailed and outline phases until details of any external meter cupboards, vents, or flues 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. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

12. No development above slab level shall take place until specific details of the landscaping scheme, as shown on drawing no. 2378/16/B/4 RevA, which shall be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a full planting specification, programme of implementation and a 10 year management plan. The scheme shall include the following:

- Structural landscaping along the north, east, south, and west boundaries of the site set outside of the garden/boundaries of properties and details of long-term management.
- Structural landscaping along the north boundary of the site being implemented alongside the detailed element of the development.
- Planting to provide natural/semi-natural open space within the central open space area.

Reason: In the interests of landscape and AONB protection and to ensure a satisfactory appearance to the development.

13. No development above slab level shall take place until details of the equipping and laying out of the children's play area, and the mechanism for the ongoing management and maintenance of all the public open space areas within the development 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 satisfactory public open space and its ongoing management and maintenance.

14. No development above slab level shall take place on the detailed and outline phases until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority for that phase. 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 development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

15. No development above slab level shall take place on the detailed and outline phases until details of plots where electric vehicle charging points can be installed 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 and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

16. No development above slab level shall take place until details of ecological enhancements and as outlined at paragraph 4.10 of the Preliminary Ecological Appraisal (KB Ecology) dated 29/04/15 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of the development and thereafter retained. Details shall include the following:

- Hedgehog nesting boxes and gaps under new fencing to allow hedgehogs access onto all garden areas.
- Bird and bat boxes.
- Bird and bat nesting features integral to buildings.
- Wildlife friendly drainage gullies.

Reason: In the interests of biodiversity protection.

17. The approved details of the access points shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

18. Before the development hereby permitted is first occupied, the following highways works shall be fully implemented:

- A new footway along the entire south boundary of the site on Old Ashford Road.
- Extension of the 30mph limit on Old Ashford Road to at least the east edge of the site.

Reason: In the interests of highway safety.

19. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components.
- A general arrangement plan with the location of drainage measures and critical features clearly marked.
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities.

- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

20. 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

21. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

22. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

23. If any of the planting, seeding and turfing specified in the approved landscape details fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected they 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.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of any dwellings or enlargement of any roofs shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

25. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy (KB Ecology) dated 02/03/18 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

26. The development shall be carried out in accordance with the noise mitigation measures as outlined at section 5.0 of the Noise Impact Assessment (MRL Acoustics) dated January 2016 unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity protection.

27. The development hereby permitted shall be carried out in accordance with the Approved Drawing List received on 12/09/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

28. No development above slab level shall take place on the detailed and outline phases until details of the locations of the proposed solar panels on the garages and outbuildings of both phases, and on the southern facing roof slopes for the outline 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: For the purposes of clarity and to ensure an acceptable appearance to the development.

Case Officer Richard Timms