

10th December 2024

Project/File: 333100638/A3/JC

VIA PLANNING PORTAL ONLY

Ribble Valley Borough Council
The Planning Department
Council Offices
Church Walk
Clitheroe
BB7 2RA

Dear Sir / Madam,

**Reference: SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION TO VARY CONDITION 8 ATTACHED TO PLANNING PERMISSION
REFERENCE: 3/2017/0232 AT LAND EAST OF CHIPPING LANE, LONGRIDGE**

On behalf of our client BDW Trading Limited ('the Applicant'), we hereby submit an application under Section 73 of the Town and Country Planning Act, to vary Condition 8 (Drainage) attached to planning permission reference 3/2017/0232 at Land East of Chipping Lane, Longridge ('the Site').

This Application is accompanied by the following documents and plans:

- Application Forms;
- Application Fee;
- Report on Drainage Strategy to Accompany Planning Application 3/2017/0232 Condition 8;
- Appendix A - Planning Application Reference Plan;
- Appendix B – Site Survey;
- Appendix C – Phase 1 Ground Investigation Report;
- Appendix D – Ground Investigation Report (April 2016);
- Appendix E – Flood Risk Assessment and Sustainable Drainage Assessment (March 2016);
- Appendix F – Flood Risk Assessment and Drainage Strategy (Nov 2021);
- Appendix G – Betts Hydro Flow Rates Change Letter;
- Appendix H – Hydraulic Assessment;
- Appendix I – Developable Areas Plan;
- Appendix J – Drainage Calculations;
- Appendix K – Post Construction Overland Flow Routes;
- Appendix L – Operation and Maintenance Manual;

Reference: APPLICATION TO VARY CONDITION 8 ATTACHED TO PERMISSION REFERENCE 3/2017/0232

Background

Outline planning permission was granted in October 2015 for the development of up to 363 homes (reference: 3/2014/0764). Condition 8 attached to permission reference 3/2014/0764 stated:

"The drainage strategy shall accord with the approved Flood Risk Assessment and Drainage Appraisal (Ref: 880500 R1 (03), dated March 2015) and shall demonstrate that the surface water run-off generated by the 1 in 100 year plus climate change critical storm shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site. Surface water discharge from the developed site should be limited to 7.3l/s/ha (Greenfield QBar).

Prior to the commencement of development within a phase, the details of a scheme for surface water drainage and means of disposal for that phase, to accord with the Drainage Strategy approved and to include evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, management and maintenance and timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details at all times thereafter."

Following the grant of outline permission, a Section 73 application (ref. 3/2017/0232) was submitted to the Council which sought to vary Condition 8 to increase the limitation for surface water discharge rates from 7.3l/s/ha to 8.3l/s/ha. This application was granted by the Council on 12th June 2017, and Condition 8 (as amended) now states:

"The drainage strategy shall accord with the approved Flood Risk Assessment and Drainage Appraisal (Ref: Ref: 880500 R1 (03), dated March 2015, where amended by Betts Hydro Flood Risk Assessment and Sustainable Drainage Assessment Ref: HYD068, dated March 2016) and shall demonstrate that the surface water run-off generated by the 1 in 100 year plus climate change critical storm shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site. Surface water discharge from the developed site should be limited to 8.3 l/s/ha (Greenfield QBar).

Prior to the commencement of development within each phase, the details of a scheme for surface water drainage and means of disposal for that phase, to accord with the Drainage Strategy approved and to include evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, management and maintenance and timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details at all times thereafter."

The above amendment was sufficient to allow Phase 1 to be implemented in accordance with the approved discharge rates. However, the discharge rates for Phases 2 and 3 exceed 8.3l/s/ha as we discuss later in this letter. As such, the purpose of this application is to vary Condition 8 again.

Following the outline consent above, an application for the approval of reserved matters for Phase 1 comprising of 118 dwellings was approved on 7th September 2016 (ref. 3/2016/0193). However, this was never implemented.

A subsequent application for the approval of reserved matters for Phase 1 comprising of 124 dwellings was later approved by the Council on 14th August 2018 (ref. 3/2018/0404). Phase 1 has now been implemented in accordance with the reserved matters and outline consent (including discharge rates).

Reference: APPLICATION TO VARY CONDITION 8 ATTACHED TO PERMISSION REFERENCE 3/2017/0232

An application for the approval of reserved matters for Phases 2 and 3 comprising of 193 dwellings was approved on 12th April 2019 (reference: 3/2018/0975). A Section 73 application to amend condition 1 of permission 3/2018/0975 for plot and house type substitutions was later granted on 9th June 2021 (reference: 3/2021/0010).

Planning permission was granted on 3rd April 2023 for a 're-plan area' within Phases 2 and 3 which includes plot substitutions and an increase in dwellings from 42 to 47 (ref. 3/2021/1134) – therefore increasing the total number of dwellings in Phases 2 and 3 to 198.

Most recently, the Applicant has submitted 2no. applications seeking to discharge various conditions attached to permission reference 3/2017/0232 (reference. 3/2024/0396) and 3/2021/1134 (reference. 3/2024/0395). Those applications are currently pending determination; however, the Lead Local Flood Authority (LLFA) has found the discharge rates proposed as part of this S.73 application to be acceptable.

Proposed Amendments

This letter is accompanied by a *Report on Drainage Strategy to Accompany Planning Application 3/2017/0232 Condition 8* ('the Drainage Report') alongside numerous appendices which should be read alongside this letter as it clearly sets out the drainage strategy for the whole site (Phases 1, 2 and 3) and explains the justification for the proposed amendment to Condition 8.

In summary, the Drainage Report confirms that a flood risk assessment (FRA) which covers Phase 1 only was carried out by Betts Hydro, dated March 2016. This document states that the surface water discharge rate should be restricted to 8.3 l/s/ha and was the basis for amending Condition 8 under application reference 3/2017/0232.

A separate FRA which covers Phases 2 and 3, was carried out by Betts Hydro, in December 2018. This document states that the surface water discharge rate should be restricted to 13.6l/s/ha, which exceeds the rate stated under Condition 8. This FRA was revised in November 2021 to include for all planning layout amendments.

Whilst the discharge rates for Phases 2 and 3 do not align with Condition 8, the Council has already found these rates to be acceptable. The November 2021 FRA and Drainage Statement has been submitted and approved under application reference 3/2021/1134. Condition 16 attached to permission 3/2021/1134 states:

"The development hereby permitted shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (22nd November 2021 / HYD371_Chipping.Lane_FRA&DMS Version 2 / Betts Hydro)."

This application, therefore, seeks to regularise the discharge rates stated under Condition 8 of permission 3/2017/0232 to include the rates which have also been approved for Phases 2 and 3 under permission 3/2021/1134.

To reflect the above we, therefore, seek to amend the wording of Condition 8 to the following:

"The drainage strategy for Phase 1 shall accord with the approved Flood Risk Assessment and Drainage Appraisal (Ref: Ref: 880500 R1 (03), dated March 2015, where amended by Betts Hydro Flood Risk Assessment and Sustainable Drainage Assessment Ref: HYD068, dated March 2016) and shall demonstrate that the surface water run-off generated by the 1 in 100 year plus climate change critical storm shall not exceed the run-off from the undeveloped site and shall not increase

Reference: APPLICATION TO VARY CONDITION 8 ATTACHED TO PERMISSION REFERENCE 3/2017/0232

the risk of flooding off-site. Surface water discharge from the developed site should be limited to 8.3 l/s/ha (Greenfield QBar).

The drainage Strategy for Phases 2 and 3 shall accord with the approved site-specific flood risk assessment (22nd November 2021 / HYD371_Chipping.Lane_FRA&DMS Version 2 / Betts Hydro)

Prior to the commencement of development within each phase, the details of a scheme for surface water drainage and means of disposal for that phase, to accord with the Drainage Strategy approved and to include evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, management and maintenance and timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details at all times thereafter."

(Proposed changes in bold)

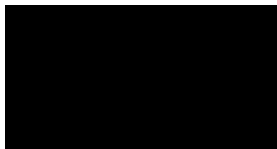
Summary

In summary, the proposed amendments are considered minor and the change in discharge rates have already been found acceptable by the Council and LLFA under application reference 3/2021/1134, and most recently under application reference 3/2024/0395.

We trust the above information is sufficient to be able to determine the application. If, however, you require anything further, please do not hesitate to contact me.

Yours sincerely,

STANTEC UK LIMITED



Jordan Clark
Senior Planner