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|  | **Report to be read in conjunction with the Decision Notice.** |  |  |
| **Signed:**  | **Officer:**  | **SK**  | **Date:**  | **19.07.22**  | **Manager:**  | **NH**  | **Date:**  | **19.07.22**  |

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| **Application Ref:**  | 3/2022/0400  |   |
| **Date Inspected:**  | 28/04/22  |
| **Officer:**  | SK  |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL**  |

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| **Development Description:**  | Variation of Conditions 2 (Plans) and 17 (Flood Risk Assessment) of planning permission 3/2014/0801. Owing to post completion issues with ponding and standing water, a section of swale has been replaced with pipework as a remediation solution.  |
| **Site Address/Location:**  | Land off Elker Lane Billington BB7 9YB  |

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| **CONSULTATIONS:**  | **Parish/Town Council**  |
| Billington and Langho Parish Council object to the proposal on the following grounds:  * The work was completed approximately 4 years ago (without planning permission,) this is the second time in a few months this application has been submitted the last time RVBC refused it as did the Parish Council on grounds that not enough information was provided by MSV, this still remains an issue.

 * The pipe work the application refers to is a section of a French drain which was installed to stop flood water entering the apartments at the back of Elker Meadows, the remainder of the swale is an open ditch with standing water in it this is an eyesore, in summer residents are unable to sit on their balconies due to the smell and the number of insects which are attracted to the open ditch, recently rats have been seen by residents in the ditch.

 * Since this work was completed 4 years ago Elker Meadows has flooded 3 times, a more robust system is needed.

 * This application in this format does not fully acknowledge the problem, it does not address the ongoing issues with flooding, vermin, insects and health and safety.

 * Lack of clarity on the application form, eg the last time this application was presented, all residents at Elker Meadows were written to by RVBC however, due to the total lack of information given by the residents did not fully understand what the application referred to.

 * The parish council request that consideration is given to a covered drain with sufficient capacity to deal with the amount of water, for health and safety and efficiency reasons

 * On considering the plan, the parish council are aware that the lower floor apartments parallel to the road (Elker Lane) and in line with the section of pipe this application refers to all have damp, In addition and connected to this application the remaining lower floor apartments on the sides have to endure the stress and anxiety of further flooding, plus the problems associated with this open ditch.

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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies**  |
| **LLFA:**  |  |
| No objections raised in respect of the proposal.  |
| **Environment Agency**  |  |
| No objections raised in respect of the proposal. |
| **LCC Highways:**  |  |
| No objections raised in respect of the proposal.  |
| **CONSULTATIONS:**  | **Additional Representations.**  |
| Two letters of representation have been received objecting on the following grounds:  * Traffic issues
* Impacts upon wildlife
* Noise and disturbance
* Standing water
* Dampness in apartments

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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:**  |
| **Ribble Valley Core Strategy:**  Policy DMG1 – General Considerations Policy DME6 – Water Management  National Planning Policy Framework (NPPF)  |
| **Relevant Planning History:** **3/2022/0168:** Variation of Condition 2 (Plans) of planning permission 3/2014/0801. Owing to post completion issues with ponding and standing water, a section of swale has been replaced with pipework as a remediation solution. (Refused) **3/2016/0106:** Discharge of Condition(s) 10 (car parking layout), condition 11 (cycling facilities for over 55's), condition 12 (motorbike facilities), 13 (travel plan), and 14 (acoustic barriers) of planning permission 3/2014/0801. (Approved) **3/2015/0429:** Non-material amendment to planning permission 3/2014/0801: Alteration to communal walkway facing courtyard. (Approved) **3/2015/0374:** Discharge of condition 20 (materials) on planning permission 3/2014/0801. (Approved)**3/2015/0286:** Discharge of condition 2 (materials) of planning consent 3/2014/0638. (Approved) **3/2014/0801:** Construction of 19 2-bed apartments for the over 55s and a 120 place childrens day nursery, associated car parking and landscaping. (Approved)  |

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| **ASSESSMENT OF PROPOSED DEVELOPMENT:**  |
| **Site Description and Surrounding Area:**  The application relates to an existing older persons apartment block located off Elker Lane, Billington. The site lies within the defined open countryside, also being a committed housing site (DS1 designation).   |
| **Proposed Development for which consent is sought:** The proposal seeks consent for the variations of condition 2 and 17 of planning consent 3/2014/0801 which reads as follows:  ***Condition 2:***  *This permission shall be implemented in accordance with the proposal as detailed on drawings:* * *ELKER/01Dwg03 REVA - proposed plans and elevations*
* *ELKER/01Dwg05 REVA - proposed car parking*
* *805/A/000 - site location plan*
* *805/A/001 REV1 (received on 29 October 2014) - proposed site plan*
* *805/A/002 REVB - ground floor plan*
* *805/A/003 REVB - first floor plan*
* *805/A/005 REVA - proposed roof plan*
* *805/A/006 REVA 2B3P - apartment type 1*
* *805/A/007 REVA 2B3P - apartment type 2*
* *805/A/008 REVC - proposed elevations*
* *805/A/009 REVB - proposed elevations*
* *805/A/010 REVC - proposed elevations*
* *805/A/011 - proposed street elevations*
* *805/A/012 - apartment car park layout*
* *805/A/013 - 2B3P apartment type 3*
* *805/A/014 - existing site plan*
* *310403 - planting plan one of three*
* *3104/04 - planting plan two of three* • *3104/05 - planting one three of three*
* *3104/01 - landscape layout.*

***Condition 17:*** *The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: B1586 Version 2, dated 11 September 2014) and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.*  The proposal seeks to amend condition 2 to introduce ‘Drainage Drawing’ and ‘Drainage Works review (6421-WML-00-XX-RP-C-0001: March 2022)’ to the approved documentation and to vary condition 17 to read as follows:  The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: B1586 Version 2, dated 11 September 2014) and the mitigation measures detailed within the FRA and Drainage Works Review (6421-WML-00-XX-RP-C-0001: March 2022). The  |
| mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme.   |
| **Assessment of Proposed Development:** The proposal seeks retrospective consent for drainage works that have been undertaken following post-completion issues with standing water. The works undertaken deviate from that which was approved pursuant to consent 3/2014/0801 in that a section of a swale has been replaced with a section of pipework.  Given the nature of the application, the technical assessment of such matters is delegated to statutory consultees responsible for matters of drainage and flood-risk. However, the final responsibility for determining matters lies with the authority whilst taking into account the statutory assessment.  In this respect of this matter, the Lead Local Flood Authority and Environment Agency have raised no objection to the variations to the conditions. Taking this into account and given there are no other material reasons to warrant disagreement with the assessments made by the statutory consultees, it is not considered that the proposed variations to conditions 2 or 17 would result in any direct conflict with adopted development plan policy.  |
| **Impact Upon Residential Amenity:** Taking into account the extent of the proposed works and the nature of the development for which consent is sought, it is not considered that there will be any direct measurable impacts upon residential amenity resultant from the proposal.   |
| **Visual Amenity/External Appearance:** No implications resultant from the proposal.  |
| **Landscape/Ecology:** No implications resultant from the proposal.  |
| **Observations/Consideration of Matters Raised/Conclusion:**  It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.  |
| **RECOMMENDATION**: | That the variation to conditions 2 and 17 be approved.  |