

16th January 2024

REF: VOYA1018

FAO Janet Filbin
Planning Department
Burnley Council
Town Hall
Manchester Road
Burnley
BB11 9SA

Dear Janet

RE: NMA to Planning Permission FUL/2023/0274: rehabilitation service for brain injuries (Use Class C2) at 198 Rossendale Road, Burnley, BB11 5DE

I write in relation to the above site, for which –and on behalf of my client, Voyage 1 Limited –I have submitted a Non-Material Amendment application (Planning Portal reference PP-12735661) to the following extant planning permission for the site at 198 Rossendale Road:

FUL/2023/0274 (approved 26th October 2023): Demolition of building and erect two storey building to provide rehabilitation service for brain injuries (Class C2) with external amenity space, landscaping, car park, access and associated works.

A payment of £293, in lieu of the application fee, has been made via the Planning Portal. I would be grateful if you could take into consideration the contents of this letter when assessing this application.

Proposed Non-Material Amendment

This application is made for non-material amendments to the above permission, specifically to amend the wording of Condition 17. This currently reads:

No development shall be commenced until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the submitted indicative surface water sustainable drainage strategy (Report reference AC22182-ABS-XX-XX-RP-C-5800RevP03, dated April 2023, prepared by Abstract Consulting) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the:*
- i. 100% (1 in 1-year) annual exceedance probability event;*
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;*
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep*
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:*

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;*
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;*
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;*
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;*
 - v. Finished Floor Levels (FFL) in AOD confirm a minimum difference of whichever is higher of 300 mm above the adjacent ground levels, connecting cover levels and estimated surface water flood level;*
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;*
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;*
- c) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that this system is in sufficient condition and has sufficient capacity to accept surface water runoff generated from the development, including refurbishment of the existing on-site culverted watercourse as appropriate.*
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.*

The sustainable drainage strategy shall thereafter be implemented in accordance with the approved details and shall be retained at all times thereafter.

Proposed Wording

The proposed wording amends only the first sentence of the condition:

With the exception of demolition, no development shall be commenced until a detailed, final surface water sustainable drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority.

The changes in wording proposed are simply to amend the condition to allow for demolition, for reasons explained below.

Justification of Proposed Non-Material Amendment

Condition 17 (surface water drainage strategy) and 18 (Construction Surface Water Management Plan) are pre-commencement conditions that do not allow for demolition.

In relation to Condition 18, we are content that we can provide this information to the LPA prior to the demolition taking place. This will ensure that surface water and stormwater during the demolition and construction stages are managed appropriately.

However, in order to finalise the details for Condition 17 the existing building needs to be cleared. This will allow for further surveying of the culvert and the finalisation of proposals for its incorporation into the redevelopment. Moreover, intrusive ground investigation that will inform the finalisation of the drainage strategy (and other matters) cannot be completed whilst the building remains in place.

Any potential concerns regarding surface water and stormwater at the site following demolition would be mitigated via Condition 18, which we will be submitting ahead of demolition.

The scheme would then not be able to proceed beyond demolition (pre-commencement) until Condition 17 has been discharged, therefore the LPA will still retain full control to ensure the requirements of the condition are met.

Voyage Care are committed to delivering the scheme and this change to the trigger will enable them to bring it forward.

Summary

Overall, the development proposals remain as per the planning permission, and the changes to the wording of the condition will have no material impact on the proposed development nor the need to agree the required details with the LPA. The changes can therefore be considered Non-Material, and I look forward to receiving formal confirmation of the same.

In the meantime, I trust that this application is in order, and look forward to receiving confirmation of receipt and validation of the same, but please do not hesitate to contact me should you have any queries.

Kind regards,



Nathan Turner
Planner

