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Planning and Development Consultancy

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Previous Refs:	H16-0778-18, H16-1266-18 & H16-0837-19
Our Ref:	PH/237/20
Date:	7th May 2020

Dear Polly

SECTION 73 APPLICATION TO VARY CONDITIONS TO APPLICATION H16-0778-18 - THE PROVISION OF A NEW C2 CARE HOME FACILITY, THE FORMER GOODFELLOWS SCHOOL, SPALDING COMMON, SPALDING, PA11 3AS.

Our clients, Country Court Care, have instructed us to submit this Section 73 planning application for your consideration.

You will recall having had dealings with the original S73 application on this site, referenced H16-0778-18, as approved on the 31st October 2018. You were also the Case Officer on the subsequent 'discharge of conditions' application referenced H16-1226-18, as approved on the 27th February 2019.

Following this we made a further S73 application, referenced H16-0837-19, which sought to vary condition 2 of the approved development, which related to the approved drawings, and condition 11 which related to the materials for the windows and doors. This application was approved on the 6th November 2019 and you were again the Case Officer for the application.

The applicants are now progressing well with the development on site and have assessed the remaining/outstanding conditions imposed on the approved S73 permission for the development in order to ensure that all of the conditions are complied with accordingly. This has shown that the following conditions still need to be discharged/complied with:

6. The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment (dated October 2016), and in particular the following measures detailed within:

- Finished floor levels shall be set at 3.2 metres AOD;
- Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 600mm above finished floor levels.

The mitigation measures shall be fully implemented prior to occupation.

16. A scheme of landscaping and tree planting shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

It transpires that we need to **vary** the above conditions for the following reasons.

Condition 6

The mitigation measures as set out in the approved FRA state (on page 6) that:

'*The FFL shall be set at a level of 3.20m OND and flood resilient construction incorporated to a minimum height of 300mm above the predicted flood levels and 600mm high flood barriers fitted to all external doors*.'

The 'Flood Protection' section of the FRA listed the flood resilient works to be incorporated in the development which was based on the document 'Improving the Flood Performance of New Buildings' by CLG (2007).

Also, at that time, these comments were made based on a development that only proposed 6 external doors at ground floor, being the main reception, 3 fire escapes and 2 double-doors to the main day space area. The ground floor layout has changed since that time, with the approval of the revisions under S73 application H16-0778-18, varying the ground floor layout in order that it now has 16 external ground floor doors, serving the main reception, 3 fire escapes, the 'pub' area, 4 double doors to the day space, and 7 bedrooms.

The finished floor level of the building has been set at the required level and the other constructional measures as listed in the FRA have been addressed in the construction of the building, but the 16 external doors are not 'Storm Guard' doors, nor do they have fitted external (drop in) flood barriers.

Not only would it be very costly to retrospectively fit external flood barriers to these doors but, with the amount of external doors that now exist at ground floor, it would

be extremely time-consuming, and therefore dangerous to residents, to fit each and every one of these barriers in the event of a potential flood, with residents then staying at ground floor during a flooding event. 3 of these external doors are also fire escapes, which should not be blocked in any way, as this would prevent a safe exit from the building during a fire.

Our engineer at Roy Lobley Consulting has reassessed this matter in line with the aforementioned CLG guidance, and has prepared a Technical Note in support of this S73 application, which will allow us to **vary** Condition 6 of application H16-0778-18 accordingly, in line with the 'as built' development. The suggested revised wording to Condition 6 is as follows:

6. The development hereby permitted shall be carried out in accordance with the following flood resistant and flood resilient measures:

- **Finished floor levels shall be set at the 0.1% (1 in 1000) year + Climate Change flood level of 3.20 metres AOD;**
- **The 1st and 2nd floor communal areas will be used as a safe refuge;**
- **A Flood Emergency Plan shall be prepared, retained at the premises and should be available for the local authority to inspect when required, which should show;**
  - **Potential sources of flooding and severity;**
  - **Flood warning trigger level;**
  - **Actions to be taken by staff on receipt of warning;**
  - **Evacuation of the ground floor to the safe refuge areas;**
  - **Training and Exercising;**
  - **Emergency contact information.**

In addition, the following measures will be included to conform with the guidance contained in the document – 'Improving the Flood Performance of New Buildings';

- **Backwater valves and non-return valves will be incorporated into the design;**
- **Airbricks will be above the 0.1% (1 in 1000) year + Climate Change flood level of 3.20 metres AOD, or be made water resistant;**
- **Electrical sockets will be above the 0.1% (1 in 1000) year + Climate Change flood level of 3.20 metres AOD. Electric ring mains will be installed at first floor level with drops to ground floor sockets and switches;**

The mitigation measures shall be fully implemented prior to occupation.

We can confirm that the constructed building complies with **all** of the above criteria and, prior to the first occupation of the premises, the Flood Emergency Plan will be prepared and will be available for assessment if required by the LPA.

The condition will not need to be discharged by a further 'discharge of conditions' application, thus saving time and expense for our clients and will not burden the LPA with the need to formally re-assess these matters at a later stage.

Condition 16

This condition is somewhat strange in that it time-limits the completion of the landscaping scheme to within 12 months of the commencement of the development.

This is a substantial development which has already been under construction for over 15 months, with development commencing in late January 2019 (and demolition commencing prior to that in November 2018), and will still be several months before it is finished and capable of accommodating new residents.

It is wholly impractical to try and implement (let alone complete) a landscaping scheme on a development site where construction is still taking place, as there is still scaffolding in place, there is still the need to access the full exterior of the building with heavy machinery and there are still ground works, re-levelling and service connections being made within the ground itself.

It is more usual for a landscaping condition to require the implementation of the landscaping scheme within the first planting season following the completion or first occupation of the development to which it relates. This would allow all external works to be completed prior to any formal landscaping works taking place and would negate the need for re-planting were landscaping may have become damaged or destroyed through development processes.

Our clients will always landscape their development sites prior to their first occupation in any case, as the landscaping essentially 'showcases' the care home and helps to advertise the premises to future residents and their families. Providing a robust landscaping scheme is not, therefore, something that is circumvented by our clients.

This being the case it is requested that condition 16 be **varied** in order that it allows for the completion of the development prior to the implementation of the landscaping scheme. The wording of the Planning Inspectorate's 'model condition' for landscaping works in this respect, and it is this that we have copied below as the suggested varied Condition 16:

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Conclusion

The application has been submitted electronically and comprises of copies of the following details in addition to this letter:

- S73 Application Forms*
- Technical Note by Roy Lobley Consulting*

*Denotes a submission via the Planning Portal

The application fee of £234 will be paid to the Council directly by the Applicant, via the Planning Portal, on the submission of this application.

I trust this application is complete and can be validated without delay. I look forward to the receipt of your acknowledgement of the registration of the application in due course and it would be appreciated if you could keep me informed on the progress of the application as it moves forward.

Kind regards

M Hubbard

Matt Hubbard
PG Dip TP, MRTPI
Director

CC - Clients by email
Encs. - As listed above