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p l a n n i n g

To:
South Holland District Council
Planning Department

Atten Maxine Simmons

17 March 2023

Dear Madam,

Land South of Green Lane/ East of Bacons Lane Pinchbeck PE11 3XS
Proposed development of 63 houses.

Permission H14-0137-19: Variation of conditions 3, 4, 6 and 8

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a. Reasons for this application.

Condition compliance submissions were first made in October 2022; these are summarised in Appendix 1 of this letter.

Despite our early start, resource issues at the Council have unfortunately prevented their timely response to various planning submissions. This has adversely affected our ability to program our work in readiness for a construction start. **We are therefore now at risk of the permission becoming time expired in July 2023 which is no good to anybody in seeking remediation of this contaminated site.**

We therefore want to implement the permission by building the access road some 40m into the site. This is also required to provide a construction access for ground remediation works. However, further correction of planning conditions is necessary, as explained in this note.

The access road construction will be the first phase of development and is not on contaminated land. Access development for the first 40 m thereby does not drive to the heart of the permission.

b. Background.

It has taken nearly 4 months to secure just the *initial* comments of the Council's Pollution Control team to our Ground Investigations Strategy, and we are now awaiting discussion on their more recent detailed comments. We can only presume that the Council has chosen, or has been unable, to adequately resource their Environmental Protection Team.

This is an experience seen before with the Council, and I again make the point that this is a critical resource issue that is damaging the delivery of housing in the district.

In these circumstances a series of short term 'fixes' by means of adjustment to the text of certain planning conditions is advanced below.

c. S106 provisions.

As the following s73 matters will result in the issue of a new planning permission, then the previous s106 dated 03 July 2020 will need to be carried forward to the new permission. Please accept this letter as the formal request for a deed of variation to be issued that links this new permission with then older s106 .

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d. Condition variation

Changes are proposed to conditions 3, 4, 6 & 8 that inhibit the commencement of development of the first phase of development – namely access construction[1].

Conditions 3 and 4 as presently drafted, are unhelpful as they prevent us building the access (a construction start). The relevant conditions include a requirement for us to do the contaminated land work *prior to commencement*. Alternative wording is now essential that allows us to construct the access as a first phase of development prior to conclusion of extensive groundworks.
Condition 6 also allows scope for interpretation that may inhibit our first phase of works – the construction access. Changes are advised that will allow for the access to be constructed as a first specified phase.
Condition 8 is proposed for adjustment to allow for access construction to commence.

We ask conditions are adapted as follows (requested changes are shown in red and underlined)

Condition 3.

Prior to the commencement of development a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority save that construction of the access from Pinchbeck Road and the creation of a working compound may be begun at any time before such submission or approval. The phasing shall address the sequence of development necessary to reflect the ground investigations strategy. The development shall be carried out in accordance with the approved programme but no infringement shall occur where the construction of the access from Pinchbeck Road or the creation of the working compound proceeds prior to such approval

Condition 4.

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented in accordance with the approved scheme save that construction of the access from Pinchbeck Road and the creation of a working compound may be begun at any time before such submission, approval or implementation. The scheme, that may provide for the phased implementation of development, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing ….

(continue Condition 4 as written)

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[1] . It is to be noted that other conditions (7, 15, 16, 17, 18) prevent development '*beyond oversite'* that:
   a. means no development can proceed beyond foundation or DPC level, and
   b. only applies to houses so access work can proceed with being inhibited by this condition.

Condition 6

This unfortunately allows scope for interpretation. To secure clarity the following amendment is to ensure the access can be built. The construction management plan was written to cover all phases of site activities but can also be approved as relevant only to the specified first phase of development – the construction of the site access.

> 6. No development on a specified phase of development , including site preparations, demolition or construction activities, shall commence until a site specific Construction Management Plan for each specified phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented as relevant to each specified phase and adhered to throughout the entire construction period.

(continue Condition 6 as written)

Condition 8

Condition compliance application **H14-0981-22** has been submitted and cleared for approval by Anglian Water. As an approval has not been forthcoming, a precautionary adjustment to the condition is requested.

> 8. Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority save that construction of the access from Pinchbeck Road and the creation of a working compound may be begun at any time before such submission, approval or implementation. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Appendix 1 as follows provides a summary of other undecided planning submission with the Council.

Yours sincerely,



Gordon Smith, MRTPI

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Appendix 1 - Further background notes for planning officer

For convenience this is a record of the following applications that are outstanding at the time of writing.

1. **H14-0982-22**

Modification of Condition 12 relating to the timescale for delivery of the estate road

Validated 1.10.2022. Amended 15.02.2023
This has been amended so that a new condition 12 will state:
"No dwelling shall be commenced *beyond damp proof course level* …"
[continues as written]

It is now open to you to approve this.

2. **H14-0979-22**

Details of phasing scheme, contamination scheme and **construction management plan**

Validated 11.10.2022. Amended 15.02.2023.

(Conditions 3,4 and 6 of H14-0137-19).

The Construction Management Plan element of this submission was amended. We agreed to changing the road surface materials for the construction access to a *300mm dep Type 3 sub-base being a crushed granite, or clean crushed concrete on top of terram or a geogrid . A limestone top road surface will not be used.*

Our Construction Plan has been amended to reflect this (revised drawing **581.CMP.02** supersedes 581.CMP.01, the other submissions remain unaltered).

By approving this management plan, environmental control of the first phase of development (access construction) will be covered. It is open to you to approve this as either covering the whole site, or (as may be your choice) as covering only the first phase of development that does not carry any contaminated land implications .

It is now open to you to approve this.

3. **H14-0981-22**

Details of ~~surface water disposal and~~ **foul water disposal - (Condition**~~s 7 and~~ **8 of H14-0137-19)**

Validated 11.10.2022. Amended 15.02.2023.

This has been amended in the manner indicated in the heading. Only Foul water is now submitted for approval given the reasons in the relevant submission.

It is now open to you to approve this.

end