

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
PE11 2XE

12th November 2021

Dear Sirs,

**Re: Application to vary Condition 4 of Reserved Matters Approval H18-1167-19
Erection of 60 dwellings and associated works – outline approval H18-0435-18**

We enclose a completed application seeking the variation of wording to Condition 4 of the above-mentioned Reserved Matters Approval.

Condition 4 in its current drafting is set out below:-

“No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, have been completed to binder course level.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.”

The requirement of the condition seeks only to ensure that deliveries and site personnel can park and unload safely on the site and we would respectfully point out that hard surfacing the first 50 metres of the estate road to binder course specification is not necessary to achieve this. Moreover, the wording of the condition which seeks to prevent any construction of dwellings before the road surface is in place potentially endangers the permission, which is unacceptable. During the progression of the Reserved Matters application there was a lengthy debate as to whether the estate roadway would be offered for adoption and assurances were requested by the LPA and Highways Authority that this would be the case. Road surfacing details were revised during the course of the Reserved Matters application to reflect the principle of the agreement by the applicant. Therefore, in order for any works to commence on the adoptable estate road and

paths it is a requirement of the applicant to enter into a Section 38 Agreement with the Highway Authority. Whilst the applicant has control over the timing and progression of detailed drawings for the proposed highway works the timing of achieving technical approval and finalising the Section Agreement is beyond the applicant's control. If works progress on the adoptable works without first having entered into a Section 38 Agreement the County Council have the ability to demand payment of £1,328,325 under their Advanced Payment Code which is untenable.

Additionally, the Construction Management Plan submitted and approved as part of application H18-0859-20 provided a detailed construction compound plan showing the creation of a one-way construction traffic route consisting of a site entrance via Nightingale Way and a site egress via Withington Street. The main compound, material storage area and car parking area is to be located in the north east corner of the site, a distance of some 205m away from the abutment of the adoptable road on Nightingale Way. Details for vehicle wheel washing have also previously been submitted and approved and we would therefore request that the wording of condition 4 is amended to:-

"No works beyond piling operations shall commence until such time that the construction haul road has been surfaced with 300mm Type 1 material and the construction compound and parking area laid out and surfaced with 150mm Type 1 material in accordance with the compound layout submitted in Appendix C of the Construction Management Plan dated October 2020. The surfacing of the construction route shall be kept in good repair during the lifetime of the construction works"

We would of course be happy to discuss any slight variation to the wording but hopefully the general thrust of the request has been explained within this supporting letter.

We look forward to hearing from you in due course.

Yours faithfully

A Brown

Alan Brown BA.Arch MCIAT
For and on behalf of Alan Brown Development Services Ltd