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Ms. Rebecca Altman, Principal Planning Officer
Eastleigh Borough Council, Eastleigh House
Upper Market Street, Eastleigh
Hants, SO50 9YN

APPLICATION TO VARY CONDITION 11 OF PLANNING PERMISSION REF NO: F/22/94159

Dear Ms. Rebecca Altman

I am writing in my capacity as planning agent, acting on behalf of Eastway Estates Limited (the “**Applicant**”) in respect of their application under s. 73 of the Town and Country Planning Act 1990 to vary the wording of condition 11 of planning permission (application ref no: F/22/94159) (the “**Permission**”).

The Applicant is seeking permission to vary the wording of condition 11 from Eastleigh Borough Council (the “**Council**”). The current application to vary condition 11 (the “**Application**”) relates solely to 103 Bournemouth Road, Chandlers Ford, Eastleigh, SO53 3AJ (the “**Property**”).

As you’re aware, permission was originally granted in July 2023 and in the period since the Applicant has discharged all the relevant planning conditions and set out implementing the Permission. Conditions 9, 10 and 11 of the Permission required the Applicant to submit an application for s. 278 approval from the Local Highway Authority (“**LHA**”) which, amongst other things, involved upgrades to the traffic signals at the junction Bournemouth Road, Leigh Road and Castle Lane. During the course of the s. 278 application, it became apparent that the scope of upgrade works to the junction exceeded that which was made clear to the previous applicants during the course of the original planning application, or to the Applicant at the beginning of the s. 278 process. As a result, the cost of the upgrades to the junction are estimated to exceed £150,000 (subject to the final design, which is ongoing). The Applicant, Council and LHA have discussed this issue on several occasions since the increased scope and cost of the upgrades became apparent, which has caused significant delays to the overall lifetime of the construction project – because without a signed s. 278 agreement, the works to the highway cannot be implemented.

The Applicant has agreed to continue with the s. 278 negotiations, pursuant to finalising the design of the traffic signal upgrades, which could take several months.

The Property, once the Permission has been fully implemented, will be occupied by Tesco Express (“TE”) which will run the site as a convenience store. TE has informed the Applicant that it is critical to their investment in the Property and local community that the commence trading from 1st February 2025. Even if the s. 278 agreement were signed by this date, the construction works to the local highway, including the upgrades to the traffic signals, will take several more months. The Applicant’s highway consultant, TPA, has provided July 2025 as an anticipated timescale for the completion of the works, if all goes to plan. However the Council will be aware that slippage is a inevitability when it comes to construction.

The Applicant is therefore seeking for the wording of condition 11 to be amended to allow a temporary vehicular access / egress solution to be implemented at the Property so that TE can begin trading whilst the s. 278 process and associated construction works continue.

Condition 11, as worded on the decision notice, reads:

“Prior to first use of the development hereby permitted, the signal works (including required upgrades, phase changes and pedestrian crossing works), and the pedestrian crossing refuse to the south of the site on Bournemouth Road, shall be completed in accordance with plans and details first approved through the S278 process. The highway works shall thereafter be retained in accordance with the approved plans and details. Reason: In the interest of highway safety, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).”

The Applicant would like to politely suggest the condition is reworded to read:

“The signal works (including required upgrades, phase changes and pedestrian crossing works) and the pedestrian crossing refuge to the south of the site shall be completed, in accordance with plans and details first approved through the S. 278 process, by 31 July 2025 or such other date as shall be agreed in writing with the LPA, and shall thereafter be retained in accordance with the approved plans and details. In the event that the store begins trading earlier than 31 July 2025, the temporary access arrangement shown in Drawing (ref no: 22.3377.110) shall be in place prior to the opening of the store, and retained until such time as the signal works are completed.

The drawing referenced in the revised condition (ref no: 22.3377.110) is enclosed with the Application, and denotes the proposed exit (related to the Permission) as being closed off for the duration of the temporary access arrangement’s usage, along with the three southernmost parking spaces being closed off for the same period. The drawing similarly denotes that the southern vehicular access will temporarily be used as a left in / left out only access.

TPA has produced vehicular tracking drawings (ref nos: 2307-018 -SK02 rev. A and 2307-018-SP06) in order to demonstrate that the temporary access arrangement can be safely manoeuvred by HGVs and cars alike. These tracking drawings are also enclosed with the Application.

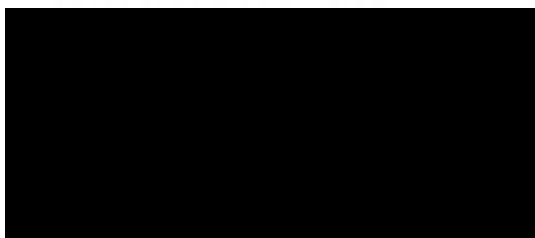
We therefore consider the proposed temporary access arrangement to represent a sensible compromise to ensure that the development can come forward in a timely manner, promoting the local economy and providing much-needed employment, whilst the s. 278 negotiations / works reach a conclusion which will ensure the scheme is safe from a highways perspective.

It is worth noting that the temporary access arrangement was suggested by the Council, in your email dated 1st October 2024. We consider this a tacit endorsement of the proposals, subject to the finer detail which can be agreed as part of this Application.

We therefore politely invite the Council to vary the wording of condition 11 as set out above.

If you need any further information, please do not hesitate to contact me on 01243 697707 or jake@cpcplanningconsultants.co.uk – thank you.

Yours sincerely



Jake Russell BA (Hons), MSc, MRTPI
Director
CPC

On behalf of Eastway Estates Limited