

LDC Ref: LDC2935
Date: 6th November 2023

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**RE: Section 73 – Removal and Variation of Conditions Application – in relation to:
PROPOSAL: Change of use of land for the siting of 114 no. holiday lodges and excavation of land to form 3
no. wildlife ponds
LOCATION: Brackenborough Arms Hotel, Cordeaux Corner, Brackenborough, Louth, LN11 0SZ**

Dear ELDC Planning,

Following the above-mentioned approval and commencement of the works on site we write to apply for the removal and variation of conditions as described below. The basis on which we apply is in relation to legal advice sought and received by Kings Chambers, which we attach to the submission.

Condition 6 of the approval notice states:

“No more than 55 holiday lodges hereby approved shall be occupied before an off-road footway link between the site and Scarborough Road has been implemented and certified complete by the Local Planning Authority.”

We ask that this condition is removed from the current approval on the basis that the condition as imposed may not fairly and reasonably relate to the development and will unjustifiably impact upon its delivery, should be deemed invalid and legally unacceptable, and is unreasonable in relation to land not in the control of the applicant, as evidenced within the advice received by Kings Chambers.

Condition 7 of the approval notice states:

“No more than 55 holiday lodges hereby approved shall be occupied until the following highway improvement works have been implemented on site in accordance with details that have received the prior written approval of the Local Planning Authority:-

- upgrading of two bus stops on Louth Road and
- the formation of a ghost right turn facility on the A16 at the junction with Cordeaux Corner.”

We seek to remove Condition 7 of approval on the basis that there is an adjacent commitment in relation to similar improvements which are to be implemented, and that the unit threshold as stipulated has no justification.

In the meantime, if you have any further questions or queries then please don't hesitate to contact me and I would be happy to assist.



Chris Burkitt MCIAT

Enclosed “KC – Advice”