SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Outline Planning Permission

Reference: H03/0193/92 Received:13-FEB-92 Type:OUTLINE

Name: Scottish Life Assurance Co.
c/o Jones Lang Wootton
Country
190 High Street
Newmarket CB8 9AP

Agent: Pick Everard
7 Friar Lane
Leicester

Description: Residential development

Location : Littleworth Drove Deeping St. Nicholas
Spalding Lincs (OS. Pt. 0003)

South Holland District Council hereby give notice that OUTLINE PLANNING PERMISSION HAS BEEN GRANTED for the development in accordance with the application submitted, subject to the following condition(s):

1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
(a) the expiration of five years from the date of this permission,
(b) the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

2 Development of this site shall not commence until access has been provided from the adjoining land to the south west, which is subject to application H03/0082/92.

Reason: To ensure that the site is developed as part of the adjacent land in the interests of the proper planning of the development site.

3 The following matters are reserved for subsequent approval by the Local Planning Authority and shall be submitted for such approval simultaneously and no development to which they relate shall be carried out until these matters have been approved viz:
1) Detailed drawings of the estate layout to a scale of not less than 1/500 including road and plot layouts.
2) Detailed drawings to a scale of not less than 1/100 showing the siting, design, and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs.
3) The siting and design of any vehicular access to a highway or estate road.
4) Detailed drawings to a scale of not less than 1/500 of a landscaping scheme showing the following details:
(i) the positions, heights and species of existing trees;

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

(ii) proposals for felling or retention of existing trees;
(iii) proposals for tree planting, including the number, species, heights on planting and positions of all trees, shrubs and hedgerows;
(iv) proposals for the provision of incidental grass areas or other open spaces, including particulars of the treatment of hard surfaces, and any other features intended to enhance the attractiveness of the environment;
(v) proposals for the provision of screen walls or fences, including details of heights, positions, designs and types of construction.
(vi) the landscaping proposal shall include a 5 metre planted strip to the south eastern boundary and pay attention to the road frontage with the A16.

Such a landscaping scheme as may be approved by the Local Planning Authority shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. Screen walls and fences included in the approved scheme, together with trees, shrubs and hedgerows which it is proposed to plant within the curtilages of individual dwellings, shall be provided before occupation of the respective dwellings. Trees, shrubs, bushes and hedgerows shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the completion of the scheme, and all losses shall be made good during that period. All walls and fences shall be retained in their approved position. Details of the position and design of any walls or fences to be erected nearer to any highway, public footway or amenity area than the nearest part of each building, other than those shown as part of the approved scheme, shall be submitted to and approved by the Local Planning Authority, and no such walls or fences shall be erected until such details have been approved.

Reason: The application was submitted in outline only, and the above details are required to enable the Local Planning Authority to assess the standard and overall design concept of the proposed development. Implementation of such landscaping scheme as may be approved and restriction of intrusion into open areas is required in the interests of the visual amenities of the estate.

4 Before any development is commenced the approval of the Local Planning Authority is required to:
(i) a specification of the type of construction proposed for roads and/or footways;
(ii) a programme for the making up of the roads and/or footways;
(iii) details of the method and means of disposal of surface water;
(iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross-sections taken at not more than 30 metres intervals normal to the proposed carriageway plotted to a scale of 1/100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);
(v) details of all proposed services showing location within the highway

MRS SALLY WALTHAM BA (Hons) F.C.I.H. Director of Housing & Planning Services

Housing & Planning Services Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 01775 761161)

in accordance with the Report of the Joint Committee on the location of underground services published by the Institute of Civil Engineers in 1963.

Reason: To ensure an adequate standard of access to the estate in the interests of local amenity and convenience.

5 No dwelling to which this permission relates shall be commenced unless or until the carriageway basecourse and kerb foundation of the new estate roads onto which it fronts, is adjacent to, or gains access from, has been constructed.

Reason: To enable the position of the dwelling(s) and associated estate road(s) in the layout to be fixed more accurately in the interests of the proper planning of the area.

6 Before any development is commenced the approval of the Local Planning Authority is required to the detailed design of the scheme to provide for the satisfactory disposal of highway surface water run-off from the development; and such scheme as approved shall be carried out before any building is occupied.

Reason: To ensure that highway surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.

7 Development shall not commence until details of the proposed sewage treatment plant and its phased implementation have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory sewage system is provided for the development.

Director of Housing and Planning Services
25-APR-95 H03/0193/92

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

Town and Country Planning Act etc

DRAFT PERMISSION

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c/o Jones Lang Wootton
Country
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South Holland District Council hereby give notice
that permission has been granted (or equiv)
on the following condition(s):

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(a) the expiration of five years from the date of this permission,
(b) the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

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(ii) proposals for felling or retention of existing trees;
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(iii) details of the method and means of disposal of surface water;
(iv) detailed plans to a scale of 1/500 showing the layout of the roads and footways together with longitudinal sections to a scale of 1/500 horizontal and not less than 1/100 vertical showing the gradients of carriageways and full details of surface water drainage proposals. (Cross-sections taken at not more than 30 metres intervals normal to the proposed carriageway plotted to a scale of 1/100 natural will also be required where the adjoining ground levels will vary 0.5 metres plus from the proposed finished footway levels of the estate road);
(v) details of all proposed services showing location within the highway

in accordance with the Report of the Joint Committee on the location of underground services published by the Institute of Civil Engineers in 1963.

Reason: To ensure an adequate standard of access to the estate in the interests of local amenity and convenience.

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Reason: To enable the position of the dwelling(s) and associated estate road(s) in the layout to be fixed more accurately in the interests of the proper planning of the area.

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Reason: To ensure that highway surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.

7 Development shall not commence until details of the proposed ~~sewerage~~ Sewage treatment Plant and its phased implementation have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory sewage system is provided for the development.

18-APR-95 AD check..... 19/4....

Authorised to issue (inc Delegation)..... 19/4

PLANNING APPLICATION

For office use only

Application No. H03/0193/92

Date Registered 13 FEB 1992

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

SCOTTISH LIFE ASSURANCE CO.,
C/O JONES LANG WOOTTON COUNTRY,
190 HIGH STREET,
NEWMARKET. CB8 9AP

Tel. No. 0638 661122

NAME AND ADDRESS OF AGENT
(if form completed by agent)

PICK EVERARD,
7 FRIAR LANE,
LEICESTER.

Tel. No. 0533 513311
(Personal contact name) C.N. FREER

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

LITTLEWORTH DROVE, DEEPING ST. NICHOLAS O.S. 0003(PT.)

OFFICE COPY

Please complete in block letters

DESCRIPTION OF PROPOSED DEVELOPMENT

RESIDENTIAL DEVELOPMENT

Please complete I attach * Four copies of all plans
*an ownership certificate (see back page)
*a fee of £880 If you consider no fee is payable include a written explanation instead.

Signed..... Date 12.2.92

Previous application No:

Please tick **one** box and answer the extra questions under that section.

2. **TYPE OF APPLICATION**

	(✓)	
This is a **full** application for change of use and/or new building works		Now complete Parts 3, 4 and 5 and an Ownership Certificate
or This is an **outline** application	✓	

Please state Site Area 0.73 (Hectares)

Please tick **any** box where you are including details which you wish to be considered as part of this application.

Siting [ ] Design [ ] External Appearance [ ]

Means of Access [ ] Landscaping [ ]

Now complete Parts 3 and 5 and an Ownership Certificate.

or This is a **reserved matters** application. [ ]

A. Please state Reference Number of outline permission.
B. Please state which reserved matters are dealt with in this application.
Now complete Part 4 only

or This is an application for **renewal** of temporary permission or **continuation** without complying with planning condition. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
Now complete an Ownership Certificate

or This is an application for **modification** of a condition on a planning permission which has not yet been implemented. [ ]

A. Please state Reference Number of previous permission
B. Please state Condition Number referred to
C. Please state variation required
Now complete an Ownership Certificate

TYPE OF DEVELOPMENT

3. A. Please state whether the proposal involves:- (Tick one or more boxes)

(i) New building(s)	✓
(ii) Alterations or extension	
(iii) Change of use	✓

B. If new dwellings are proposed, please state how many: TO BE DETERMINED IN ACCORDANCE WITH COUNCIL'S DEVELOPMENT BRIEF

4. A. If building works are proposed, other than residential, please state extra floorspace to be created:		sq. metres
B. Please state size of any new structure:- (a) max. height:	N/A	metres
(b) max. length:		metres
(c) max. width:		metres
C. Please state type and colour of materials for facing external walls:		
D. Please state type and colour of roofing materials.		
E. Has a survey of the site been undertaken? State Yes or No		

5. GENERAL INFORMATION Please complete each section

EXISTING USES
Please state existing or, if vacant, the last use(s) of site. AGRICULTURE

ACCESS TO ROADS (VEHICULAR AND PEDESTRIAN) *Please tick **one** box*

A. There will be **no** new access to a public road and **no** alteration to any existing access to a public road

or

B. There will be a new or altered access to a public road — ACCESS ON APPLICATION H03/0082/92 SHOWN → If so, name of road: LITTLEWORTH DROVE; Will there be — Individual access(es) NO; New estate road YES

C. What provision will be made for garages or parking within the site? ~~TO BE DETERMINED IN ACCORDANCE WITH COUNCIL'S DEVELOPMENT BRIEF~~

TREES Please tick **one** box

A. The proposal does **not** involve the felling of any trees ✓

B. The proposal does involve the felling of one of more trees → If so, please show details on plans

DRAINAGE Please complete

A. Please state how surface water will be disposed of	TO DYKE AT F ON SITE PLAN
B. For estate developments, please state how highway surface water will be disposed of	DITTO
C. Please state whether a land drain will be affected	NO
D. Foul sewerage will be disposed of to:	

Mains sewer [ ] Cesspool [ ] Septic tank [ ] TO SEWERS AND P.STN. PROVIDED WITHIN SCHEME

OTHER MATTERS Please complete

	State Yes or No	
The proposal is in connection with agriculture	NO	→ If so, **please give details in Part 6**
The proposal affects a listed building	NO	
The proposal affects a public footpath	NO	
The proposal is known to affect contaminated or filled land	NO	
The proposal is for industrial, warehousing, offices or shopping purposes	NO	→ If so, **please complete Part 7**
In cases where a statutory consultation will be required, please state whether you have sent a copy of the application to the consultee yourself. If yes, please give date sent.	N/A	→ Date: Consultee(s):
Is this application related to a previous submission	YES	→ Application No: H03/0082/92

6. ANY OTHER INFORMATION Please add any details you wish in support of your application.

Continue on separate sheet if necessary. THIS IS AN EXTENSION OF THE SITE APPLIED FOR UNDER H03/0082/92.

OWNERSHIP CERTIFICATES

PLEASE COMPLETE ALL THE SECTIONS.

Use the notice at the bottom of the page only when necessary.

1. **APPLICANT'S INTEREST**
Please state interest in site (e.g. owner, prosp. purchaser)
(Please remember to indicate on the location plan any other land under your control).

2. **OWNERSHIP OF THE SITE**

This certificate is to make sure that the owners of land are aware of applications made on it.

If the applicant is the **sole owner of the whole site,** complete **Certificate A.**
In **any other case** (i.e. if the applicant is a prospective purchaser, or a tenant, or a joint owner, or the sole owner of only part of the site) then you must give notice to all other owners, and complete **Certificate B.** You can use the notice at the bottom of the form to send to the owner. (An "owner" is a person having a freehold interest, or having a leasehold interest where seven years or more remains unexpired). If you are unable to trace the owner, please contact the Planning Office as a different certificate will be required.

Certificate A Nobody except the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

Signed ..... (Applicant/Agent) Date 12/2/92

Certificate B *The applicant has given the required notice to everyone else who were owners of any part* of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

State Name and address of owner: State Date notice served:

Signed ..... (Applicant/Agent) Date .....

3. **AGRICULTURAL HOLDINGS CERTIFICATE**

If the land is not in agricultural use, complete Certificate 1.
If the land is agricultural, but there is no agricultural tenant, complete Certificate 1.
If the site does relate to an agricultural holding, you must give notice to any tenant, and complete Certificate 2. (You can use the notice at the bottom of the form to send to the tenant). If you are the sole agricultural tenant yourself, sign certificate 2 but insert 'not applicable' in the tenant details.

Certificate 1 None of the land to which the application relates is or is part of any agricultural holding.

Signed ..... Applicant/Agent) Date .....

Certificate 2 The applicant has given the required notice to every other person who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates.

State Name and address of tenant: State Date notice served:

MR. R. TURNER, C/O LONGSTAFF SURVEYORS, 5 NEW RD., SPALDING, PE11 1BS 12.2.92

Signed ..... (Applicant/Agent) Date 12/2/92

NOTICE UNDER SECTION 27 OF TOWN AND COUNTRY PLANNING ACT 1971

TO BE COMPLETED BY APPLICANT OR HIS AGENT

Proposed development at

Take notice that application is being made to South Holland District Council by SCOTTISH LIFE ASSURANCE CO.

for planning permission for RESIDENTIAL DEVELOPMENT IN OS 0003(PT) AT DEEPING ST. NICHOLAS

If you should wish to make representations about the application, you should make them in writing within 21 days from the date of service of this notice, to Chief Executive, South Holland District Council, Priory Road, Spalding, Lincolnshire.

Signed ..... Date 12/2/92

ADMIN RECORD SHEET

INITIAL

Submitted Fee £ 880.

Receipt Issued ..... No. P614

Date First Received 13 FEB 1992

REGISTRATION

REFERENCE H03/0193/92

Cross-Ref N/A

Date 14/2/92

VALIDATION Date 14/2/92

Type OUTLINE Earliest permission date (Cert B) .....

Site area 0.13 No. of dwellings ..... Floorspace .....

New build/site enlargement/redevelopment/change of use/extension/alteration

Earlier permission ref .....

RM:- Siting Design Ext app Access Lands

Previous					
Current					

Description

Technical:- Certificate ☐ Accuracy ☐
Site plans ☐ Incomplete form ☐
Description ☐

S65 Advert required ☐ Expiry date .....

Fees:- Nil fee – previous app ☐ Ref .....
– type ☐
Discounted fee ☐ Reason .....

Correct fee £ 880 Additional £ ..... Receipt no. .....

Refund £ ..... Issued .....

CONSTRAINTS Date 17.2.

Index Sheets 322 OS Nos ..... Grid Ref 531400 315540

Ward B Parish Dyffryn

Inside IBD No Inside LP Area No

TR Rural ☐ CA ☐
TR Bypass ☐ LB ☐ Grade
Level crossing ☐ TPO ☐
Footpath ☐ Other:

Linked to site.....Ref. 335 Linked to property.....Ref.....

Planning Records:
Earlier apps

B Reg Records:
Already submitted Ref.....
Requested .....

Inputs completed.....

APPLICATION ASSESSMENT

Notes for Case Officer

Site Notes: Accuracy Neighbours Other

Boundaries Site Features

Inspected by: PJL
date: 25-2-92

Residents notified on site visit

Orchard. Bungalow + two other dwellings

Case Officer Conclusions (Issues)

Small extension to large nursing site to South, (see other app) Small, white painted shed, unsightly waste building. #16. Also two dutch barns. Two properties to other side of Deperdussin

Case Officer Recommendation (summary)
(Delegated powers)

Reasons
Recommended approval

Confirmed by
Case Officer

Departure from policy — Yes — No

Ward member request — Yes — No

Recommended approval against objections — any objections received? No; If yes, is any objection material? Yes / No; Yes / No

Reasons

Other considerations pending
Committee decision — Yes — Delayed by Section 106 Agreement; No

Reasons

Time of expiry

Recommended refusals

Refusal on adopted policy grounds or those applied — No — All four (more than one reason); Yes

And one or above — Other (specify)

Committee
Report

Sub-Committee
SP recommended
Type of Task recommended

Delegated
Confirmed by
Senior Officer

Recommendation/decision report produced ..... Amended/confirmed .....

F U R T H E R I N F O R M A T I O N / C O N S U L T A T I O N S

APPLICATION REF:

DIRECTIONS

Art 7 (Outlines) RM :

	Siting	Design	Ext App	Access	Lands
Previous					
Current					
Required					

Reg 4 (or equiv) Scale drawing ..... Highway S/W ..... Agric appraisal .....

Precise details, for non-standard requirement:

Do we need to consult as per letter re B.R, DOT, + Historic Policy Section

CONSULTATION/PUBLICITY REQUIRED PSH 20-2-92

DC 20/2.

NO Have a chat with SG

Publicity : General
Departure
Setting of LB Viz

Consults : Dept of Transport
Env Health
Conservation consults : Local
Local & National
English Heritage LBC I, II*
Setting I, II*
Major Cl

Consultant : Name
Order No:

Other :

R E V A L I D A T I O N

Information satisfactory/unsatisfactory

Further direction - details:

Amended description:

Reconsultations required -
Parish Council
Ward Members
Residents
Advertise
Other

New valid date .....

Re-registered .....
Ack/Reception/Filesheet .....
Consultation .....

BRIAN SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H03/0193/92 Type: OUTLINE

Applicant: Scottish Life Assurance Co. Agent: Pick Everard
Tel: 0638 661122 0533 513311

Description: Residential development

Location: Littleworth Drove
Deeping St. Nicholas
Spalding
Lincs (OS. Pt. 0003)

Valid date:	13-FEB-92	Terminal date:	09-APR-92
Target dates:		Target Committee:	25-MAR-92
To case officer	18-FEB-92	Report deadline:	11-MAR-92
Inspected by	23-FEB-92		
Extra contacts	28-FEB-92	Case Officer:	
Report if not clear by	19-MAR-92	P J UDY	

DEVELOPMENT/CONSTRAINTS

Size: .73 HA
Category: Newbuild
Listed building:
Conservation Area:

CONSULTATIONS CARRIED OUT

		Sent	Expiry	
Residents		28 FEB 92	14 MAR 92	
Clerk Deeping St Nic	0775 724337	19-FEB-92	04-MAR-92	No ~~objs~~ comments
Cllr J T Davis	0775 89 243	19-FEB-92	04-MAR-92	

L C C plan attached JC 5/3/92 278 A's required

CS 6/2/92

Local Plan section JC 21/2/92 This looks OK but it is essential to refer to the approved Development Brief on file 1760/3. The inclusion of the small additional parcel of land to the north is not precise & I have already spoken to NRM.

SITE DETAILS

Grid ref: 521400 315540
OS Sheets: 322 Parcel:

Conditions for H03/193/92

H03/0193/92

(1) TL2

1 Development of this site shall not commence until access has been provided from the adjoining land to the south west, which is subject to application H03/0082/92.
SG Reason: To ensure that the site is developed as part of the adjacent land in the interests of the proper planning of the development site.

2 SC1 (Estate details)...(insert)...the landscaping proposal shall include a 5 metre planted strip to the south eastern boundary and pay attention to the road frontage with the A16.

3 C1 (Estate road implementation).

4 C2(a)(Road construction).

5 C3 (Surface water run-off).

6 Development shall not commence until details of the proposed sewerage treatment and its phased implementation have been submitted to and approved by the Local Planning Authority.
SG Reason: To ensure a satisfactory sewage system is provided for the development.

---

change as per C Briggs note.

Prior submission ✓
Prior site works ✓

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: N R Midlen
Principal Planning Officer
(Development Control)

TO: Director of Administration

REF: PJU/LAC/H03/0082/92 & H03/0193/92

REF: JMB/LDS/PL.510

DATE: 2 February 1995

SUBJECT: Residential Development At Littleworth Drove, Deeping St Nicholas.

I write with respect to the letter received from Macfarlanes Solicitors with respect of this development dated 14 December 1994. You have previously been forwarded a copy of this letter.

I would be grateful if you would provide me with advice on the suitability in using Grampian conditions to require the future completion of legal agreements, i.e. Section 106 or Section 278 Agreement, or legal arrangements such as for the closure of roads. What have the courts said and is this general comment or specific to a particular case?

Macfarlanes are keen for these applications to be granted as soon as possible and I would therefore be grateful if I could receive your comments within the next 14 days.

pp N R Midlen
Principal Planning Officer
Development Control

Form No. H/A/3J

Lincolnshire

DEPARTMENT OF HIGHWAYS AND PLANNING

To Cont'd

Planning Reference H03/0082/92 H03/0193/92.

The following are my observations upon the enquiry under the reference quoted above: –

The alignment of New Road and the provision of the turning head at its northern end.

I attach my Form H/A/3B for these applications with suggested conditions but I must stress that these should only be used once the necessary Road Closure and Section 278 Agreements have been finalised

Date 5/3/92.

Signed ..... Director of Highways and Planning

Pick Everard,
7 Friar Lane,
Leicester.
LE1 5JD.

Mr D Roberts

DJR/JJ H03/0082/92
H03/0193/92
CNS/910733/890650/
CG50/A6J-15
25 Jan 1993

Dear Sir,

RESIDENTIAL DEVELOPMENT, LITTLEWORTH DROVE, DEEPING ST NICHOLAS.

I have been forwarded a copy of your letter dated 6th January 1993 by the Council's Director of Administration. I have written to Anglian Water to see if the problems can be resolved.

I shall keep you informed of progress.

Yours faithfully

N Midlen
Principal Planning Officer
Development Control

LINCOLNSHIRE COUNTY COUNCIL
DEPARTMENT OF HIGHWAYS AND PLANNING

FORM NO: H/A/3B

To: South Holland District Council Application Reference H03/0082/92.

Form of notification by the County Director of Highways and Planning for
DEVELOPMENT AFFECTING HIGHWAYS

With reference to the application dated
relating to the following proposed development:

1. National Grid Reference of a central point on site

horizontal				vertical		

2. Address or location

Littlewortth Drove, Deeping St Nicholas.

3. Name, classification and number of road

T.R. & II

4. Date application referred 20/2/92

5. State whether outline, detailed application etc.

OL.

6. Description of proposed development/change of use including access details

Residential Development.

NB Do Not Issue a P.P. until New Road is allowed to be closed and the Sec278 A's have been signed

7. Notice is hereby given under the provisions of article 15 of the Town and Country Planning General Development Order, 1988, that the County Council as local highway authority:—

Delete as appropriate

a. ~~Does not wish to restrict the grant of permission.~~

b. Requests that any permission given by the local planning authority shall include the conditions shown overleaf.

c. ~~Requests that the local planning authority refuse the~~ application (reason overleaf).

d. Requests the local planning authority to complete Form T.R. 108 para ~~10b as shown overleaf.~~

Date: 5/3/92 Signed: J Emmerson
Director of Highways and Planning
CK

✓ PU

DUM

MACFARLANES

Grant issued 1/6

10 Norwich Street London EC4A 1BD
Telephone 0171 831 9222
Facsimile 0171 831 9607 Telex 296381 DX 138

FAO P J Udy Esq
South Holland District Council
Planning & Building Control
Department
Council Offices
Priory Road
SPALDING
Lincs PE11 2XE

2 June 1995

Our ref: JSW/530563/WJG
Your ref: PJU/JK/HO3/0082/
92&H03/0193/92

Dear Sir

Abbey Life Assurance Co. Ltd & Scottish Life Assurance Co
Proposed housing development - Littleworth Drove
Deeping St Nicholas

We spoke on 17 May when you told Jayne Walters of these offices that the planning permission would be issued either during that week or early the following week. We still have not received the permission and would be obliged if you would telephone us to update us as to the current position.

Yours faithfully

Rang J. Walters + advised as per S. Thomas note PJU 6-6

V E Treves, R M Formby, D Hayes, J J Dilger, G S H Smeed, M A Hayes, P H Turnbull, J G Rhodes, W L King, J E Moore, D J C Wyld, A D Evans, C M Field, A G W Jackson, J E Rees, C J Road, R H Sutton, J M Skelton, B G O Clutton, J S Macfarlane, A G Thompson, J H Hornby, J H R Manners, B C Barker, N J L Doran, R M E Reuben, C P Phippen, K D Tuffnell, R J Whittaker, C D Z Martin, A L Millmore, S N Hillson, J F Howard, C Lampard, T C Cornick, D J Courtenay-Stamp, S R Martin, C H Meek, D R Shugar, J S Walters, M D Pintus, M A Furman, T J Lewis, T D Steele, A J Conder, M H Leth

Consultants G J M Buckley C H W Parish

Brussels office Avenue Louise 106 1050 Brussels Telephone +32 2 647 06 50 Facsimile +32 2 646 4729 Telex 20317 OMSSA
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222. **PLANNING APPLICATIONS** (Continued)

(d) **Applications Director of Housing and Planning Services authorised to approve** (Continued)

(Subject to the officers being satisfied that the inclusion of houses within the development is satisfactory, in view of concerns that development of an adjoining site was restricted to a single storey property.)

H08/0156/95 Vicar, Churchwardens, Parochial Church Council	O.A.	Residential development for three residential units adjacent St Gilbert & St Hughs Church, Clough Road, Gosberton Risegate.

(Subject to an additional condition requiring the provision of appropriate accoustic protection to the properties adjoining the neighbouring business premises.)

H18/0193/95 D A Rollins Esq		Indoor swimming pool (with demolition of existing garage) at 'Le Sarthe', New Road, Sutton Bridge.
H01/0240/95 Trustees of F J Braybrooks	O.A.	Residential development south of Stonegate, Cowbit.

(It was also agreed that a development brief be prepared in due course for the comprehensive redevelopment of this and adjoining land in the centre of Cowbit.)

(e) **Reserved Matters Approval**

Reserved matters approval be granted for the undermentioned development, in accordance with the recommendation of the Director of Housing and Planning Services:-

Plan No. and Applicant	Proposal
H05/0069/95 Regalbourne Ltd	Three bungalows rear of "Karendel", Main Road, Fleet Hargate.

(f) **County Matter**

The Lincolnshire County Council be advised that this authority raises no objections to the undermentioned development, subject to adequate safeguards being imposed by the County Council relating to odour, noise and landscaping, and to permission being granted for a temporary period of two years in the first instance:-

Plan No. and Applicant	Proposal
H02/0282/95 G M Riddington	Machinery and equipment on land adjoining existing waste storage lagoon to demonstrate anaerobic digestion at Decoy Farm, Postland, Crowland.

(Councillor M S L Rollinson declared an indirect interest in the above application and left the Council Chamber during consideration thereof.)

PLANNING COMMITTEE - 29 March 1995

174. **PLANNING APPLICATIONS** (continued)

(a) **Applications Granted:**

Plan No. & Applicant		Proposal
H03/0082/92 Abbey Life Assurance	O.A	Residential development including details of means of access at Littleworth Drove, Deeping St. Nicholas.

(Subject to condition 1 being amended in accordance with the requirements of the local highways authority).

H03/0193/92 Scottish Life Assurance	O.A.	Residential development at Littleworth Drove Deeping St. Nicholas.
H11/1106/94 Patterns Transport Limited		Lawful Use Certificate for produce merchant/ horticultural premises to include business of haulage contractor in connection with produce at Gimmels Gate, Sutton Crosses, Long Sutton.
H12/1036/93 Mountains Road Haulage Ltd		Change of use from agricultural to land associated with adjacent road haulage use at Main Road, Lutton Gowts.
H12/0938/93 Mountains Road Haulage Ltd		Convert existing building to goods vehicle maintenance building at Main Road, Lutton Gowts.
H12/0860/93 Mountains Road Haulage Ltd	O.A	Potato store in connection with adjoining haulage premises, including siting at Main Road, Lutton Gowts.
H06/1226/94 P Johnston		Extension to form garage, including provision of new access at The Old Red Lion, Chapelgate, Gedney.
H11/0018/95 Dunns (Long Sutton) Ltd		Temporary office and toilet accommodation using portacabins at Winters Lane, Long Sutton.
H18/0056/95 L E Day		Change of use from shop premises to residential at 188 Bridge Road, Sutton Bridge.
H09/0089/95 Mr F R & Mrs J Neal		Dwelling (Renewal of H09/0025/92) at 15 Edinburgh Walk, Holbeach.

29th MARCH 1995 PLANNING COMMITTEE
PLANNING APPLICATIONS - POST COMMITTEE INSTRUCTIONS

Page No	Application Number	Case Offr	Instructions/ Decision
1	H03/0082/92 **Abbey Life** H03/0193/92 **Scottish Life**	PJU	Grant subject to for detailed alterations to conditions. See DJR.
3	H05/0689/93 **Temples Transport**	JB	Non-Determined and applicants and interested parties advised as recommended.
9	H11/1106/94 **Patterns Tpt**	DMG	Grant certificate as recommended.
9	H11/0203/95 **Patterns Tpt**	DMG	DPBCS authorised as recommended plus additional condition requiring bund to be extended southwards in accordance with a scheme to be submitted and approved by the LPA.
13	H13/1154/94 **Broadgate Bldrs**	JB	Deferred for further report to cttee. Meeting to be arranged between English Heritage/DoE (if required), Consultant Architect, Applicant/Agent & Longhurst Housing but NOT owner to discuss possibility of achieving an acceptable scheme or whether concept of this type of development would be wrong and there would be not point in pursuing the matter further. Any new scheme would require a new planning application. Request extension of time until June 95 and advise owner of Mill accordingly. Amendments to Page 14: Amend last word at line 3 of paragraph 5 to read "suggested". Amend Recommendation A 1, second paragraph, line 2 to read "Grade I Listed" Amendment to Page 15: Amend wording of Recommendation C to read: "That the present owner of Moulton Mill be advised that the District Council will continue to support in principle the endeavours to secure the future of Moulton Mill.
16	H16/1196/94 **Broadgate Bldrs**		Deferred to report back to cttee an assessment of the public representations received by members of the committee which were not copied to the council. Letter to Cllrs Brewis, Hall-Patch & West requesting copies of any representations they have received. Following points to be incorporated in report to cttee: 1. Public consults on devl brief. When consult took place and when minute approved. 2. Clarify consult with Rail Track (any previous history of consultation re devl brief) - Does the issue of cycleway impinge on Rail Tracks interest. 3. FESA. History of development - deemed not to be change of use. Dates of public record, when accepted etc. What would happen to sterilized ground around FESA? Ltr asking what their intentions are for future occupancy of site. 4. Water supply issues to be made plain. 5. Schedule of conditions required. 6. Details of how barrier buildings are to be built required. Use of FESA land as open space to be suggested. Request 3 month extension of time. Amend Consult on Page 21 to read "Rail Track"

23	H16/1197/94 DJR Broadgate Bldrs	DPBCS Auth subject to sect 278 agreement as recommended. DJR to check conditions.
25	H12/0919/93 JB Mountains Road Haulage	Refuse permission and re-issue H12/1111/85 as recommended. Decision notice to be checked by case officer and NRM before being issued.
32	H12/0047/95 JB Mountains Road Haulage	DPBCS Auth subject to sect 106 obligation as recommended.
37	H12/1036/93 JB Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRM before being issued.
39	H12/0938/93 JB Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRN before being issued.
41	H12/0860/93 DMG Mountains Road Haulage	Grant as recommended. Decision notice to be checked by case officer and NRM before being issued.
45	H23/1220/94 JB Mr M Waltham	Deferred for site visit. Permission to enter site required.
48	H23/1221/94 JB Mr M Waltham	Deferred for site visit. Permission to enter site required.
51	H09/1225/94 JB J B Mayes	Deferred for site visit. Permission to enter no's 8 & 10 Ash Court required.
55	H06/1226/94 DMG P Johnston	Grant as recommended.
57	H09/1229/94 DMG Mr P J York	Refused plus enforcement action/breach of condition notice as recommended.
59	H18/0009/95 JB ALIH Farms Ltd	DPBCS Auth subject to sect 106 obligation as recommended.
62	H11/0018/95 JB Dunns Ltd	Grant as recommended.
64	H11/0020/95 JB Dunns Ltd	DPBCS Auth subject to sect 278 agreement and sect 106 obligation as recommended.
67	H18/0056/95 JB L E Day	Grant as recommended.
69	H05/0069/95 JB Regalbourne Ltd	Deferred for further negotiations to obtain a smaller bungalow on the Eastern plot.
70	H09/0089/95 DMG Mr & Mrs Neal	Grant as recommended.
72	H16/0096/95 DJR Mrs T Leverton	Refused as recommended.
73	H08/0101/95 DJR R Jolley	DPBCS Auth as recommended.

75	H11/0108/95 Proctor Bros	JB	Grant as recommended. Amend location to read "Long Sutton".
77	H02/0137/95 J B Eastwood	DJR	Grant as recommended plus additional condition re archaeological watching brief. Check condition 9 relates to correct wall.
80	H09/0141/95 J Taylor Esq	DMG	Grant as recommended.

Date: 30th Mar 95

Signed: .....

N R Midlen
Principal Planning Officer
Development Control

APPLICATION REFERENCE: H03/0082/92 DATE RECEIVED: 30-JAN-92

TYPE: Outline

DESCRIPTION: Residential development including details of means of access

LOCATION: Littleworth Drove, Deeping St Nicholas

APPLICANT: Abbey Life Assurance AGENT: Pick Everard

APPLICATION REFERENCE: H03/0193/92 DATE RECEIVED: 13-FEB-92

TYPE: Outline

DESCRIPTION: Residential development

LOCATION: Littleworth Drove, Deeping St Nicholas

APPLICANT: Scottish Life Assurance AGENT: Pick Everard

REPORT

1 These planning applications were considered by the Planning Committee at their meeting on 13 May, 1992. At that meeting it was resolved to authorise the Director of Planning & Building Control Services to grant planning permission, subject to the applicant entering into a Section 106 Obligation with the Local Planning Authority and also Section 278 Agreement with the Department of Transport and Lincolnshire County Council.

2 Solicitors acting on behalf of Abbey Life Assurance Company Ltd., have written to the Council suggesting that the planning application should be granted with extra conditions to overcome the need for the entry of legal agreements.

3 Having researched recent legal cases, it is your officers opinion that this procedure is acceptable. I therefore recommend that planning permission is granted for two sites with further appropriate conditions.

RECOMMENDATION

H03/0082/92 - Grant permission.
H03/0193/92 - Grant permission.

SCHEDULE OF CONDITIONS
H03/0082/92

1 Development shall not commence until a new link road from "New Road" to the A16 has been constructed to base course level in accordance with details to be submitted to and approved by the Local Planning Authority in consultation with both highway authorities. Also development shall not commence until details of the proposed sewerage treatment plant and its phased implementation have been submitted to and approved by the Local Planning Authority.
Reason: To ensure that a satisfactory access road and junction with the A16 is constructed in the interests of the users of New Road and future residents of the site and a satisfactory sewage system is provided for the development.

2 SC1 (Estate details)...(insert)...the landscaping proposal shall include a 5 metre planted strip to the south eastern boundary and pay attention to the road frontage with the A16.

3 SC2 (Open spaces)...2.5 acres.

4 SC3 (Open space preparation).

5 SC6 (Road links)...north east.

6 C2 (Estate road implementation).

7 C2(a)(Road construction).

8 C3 (Surface water run-off).

NOTE

1 This planning permission does not convey any approval for the estate road layout, or for the exact standard or alignment of the link road between points A and B on Drawing 910733/205.

H03/0193/92

1 Development of this site shall not commence until access has been provided from the adjoining land to the south west, which is subject to application H03/0082/92.
Reason: To ensure that the site is developed as part of the adjacent land in the interests of the proper planning of the development site.

2 SC1 (Estate details)...(insert)...the landscaping proposal shall include a 5 metre planted strip to the south eastern boundary and pay attention to the road frontage with the A16.

3 C2 (Estate road implementation).

4 C2(a)(Road construction).

5 C3 (Surface water run-off).

6 Development shall not commence until details of the proposed sewerage treatment and its phased implementation have been submitted to and approved by the Local Planning Authority.
Reason: To ensure a satisfactory sewage system is provided for the development.

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO Director of Planning and Building Control Services

MY REF: JMB/LSW/PL.610

YOUR REF: PJU/JK/H03/0082/92 & H03/0193/92

DATE: 2nd March, 1995

SUBJECT: RESIDENTIAL DEVELOPMENT AT LITTLEWORTH DROVE, DEEPING ST NICHOLAS

I refer to your memorandum dated 28th February 1995 relating to the above and would confirm that the proposed Grampian style condition appears perfectly satisfactory. Such a condition could, of course, also relate to the submission of details of the proposed sewage treatment plant.

If it transpires that a previous decision of the Planning Committee requires amendment then it is necessary for a further report to be submitted to Committee, and the procedure on this occasion is therefore perfectly in order.

Director of Administration

PJ

Rang Jayne Walters
left message re Sewage
treatment plant.

Macfarlanes
10 Norwich Street
London EC4A 1BD

Mr P J Udy

PJU/JK/H03/0082/92
&H03/0193/92

JWS/530563/WJG

28 February, 1995

Dear Sir

Abbey Life Assurance Co. Ltd. & Scottish Life Assurance Co. - Proposed Housing Development, Littleworth Drove, Deeping St Nicholas

Further to previous correspondence. I can advise that it is my opinion that the planning permissions can be granted with a "grampian" condition to prevent the development commencing until the roads are constructed. A committee report will be taken to the 29 March, 1995, Planning Committee, advising this unless in the meantime we received legal advice that the conditional approach is unacceptable.

Yours faithfully

N R MIDLEN
Principal Planning Officer (Development Control)

SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: Mr N R Midlen
Principal Planning Officer
(Development Control)

TO: Director of Administratic

REF: PJU/JK/H03/0082/92 &
H03/0193/92

REF: JMB/LDS/PL.160

DATE: 28 February, 1995

SUBJECT: Residential Development at Littleworth Drove, Deeping St Nicholas

I write further to your memorandum of 15 February, 1995.

After reading the attached legal case and the second part of your highlighted paragraph in Circular 1/85, we consider that planning permission can be granted for this site with a negative grampian condition stating that development shall not commence until the access road has been constructed.

I therefore intend to take a Planning committee report to the next Committee on 29 March, 1995, advising of the change and I would be grateful if you could advise me before the 13 March, 1995, if you consider that this procedure is unacceptable.

I have written to Macfarlanes advising of this approach.

N R MIDLEN
Principal Planning Officer (Development Control)

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

OUR REF: JMB/PK/PL.669
PL.610

YOUR REF: PJU/LAC/
H03/0082/92 and
H03/0193/92

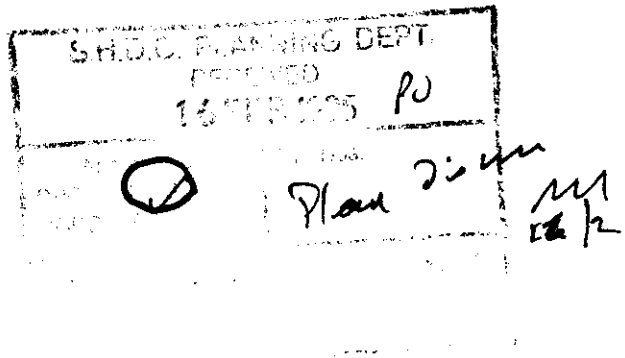
DATE: 15th February, 1995

SUBJECT: RESIDENTIAL DEVELOPMENT AT LITTLEWORTH DROVE, DEEPING ST NICHOLAS

I refer to your memorandum dated 2nd February, 1995 relating to the above, and would draw your attention to paragraph 63 of Circular 1/85 which states that "permission cannot be granted subject to a condition that the applicant enters into an agreement under Section 52 of the Act (now Section 106 of the 1990 Act), or other powers. However, conditions may in some cases reasonably be imposed to oblige developers to carry out works, e.g. provision of an access road, which are directly designated to facilitate the development."

I trust that this is of assistance to you.

Director of Administration



interest but which has not been formally designated as such under section 33 of the 1979 Act, the local planning authority may wish to impose conditions designed to protect the monument or ensure that access is given to archaeologists during the course of the carrying out of the permitted operations, provided that the requirements of the condition are reasonable in all the circumstances of the case (Models 37 and 38). 4–253

MAINTENANCE CONDITIONS

Maintenance conditions

62. A condition may be imposed, where appropriate, requiring some feature of a development to be *retained*—car parking spaces, for example, or an area of open space in a housing scheme (a better solution, however, is that adopted in Models 18 and 19). A condition requiring something to be *maintained,* in the sense of being kept in good repair or in a prescribed manner, should be imposed only when the local planning authority are fully satisfied that the requirement is both relevant to the development which is being permitted, reasonable in its effects, and sufficiently precise in its terms to be readily enforceable. *Maintenance* conditions should not normally be imposed when granting permission for the erection of buildings, or for works other than works of a continuing nature such as minerals extraction.

CONDITIONS REQUIRING A CONSIDERATION FOR THE GRANT OF PERMISSION

Planning gain

63. No payment of money or other consideration can be required when granting a permission or any other kind of consent required by a statute, except where there is specific statutory authority. Conditions requiring, for instance, the cession of land for road improvements or for open space, or requiring the developer to contribute money towards the provision of public car parking facilities, should accordingly not be attached to planning permissions. Similarly, permission cannot be granted subject to a condition that the applicant enters into an agreement under Section 52 of the Act [now s.106 of the 1990 Act] or other powers. However, conditions may in some cases reasonably be imposed to oblige developers to carry out works, *e.g.* provision of an access road, which are directly designed to facilitate the development. Further advice on this and on agreements with developers to cover such matters is given in "Planning Gain: Obligations and benefits which extend beyond the development for which planning permission has been sought" (Circular DOE 22/83, WO 46/83) [since cancelled and superseded by DOE Circular 16/91, *Planning Obligations*].

CONDITIONS ALTERING THE NATURE OF THE DEVELOPMENT

Modifying proposed development

64. If some feature of a proposed development, or the lack of it, is unacceptable in planning terms, the best course will often be for the applicant to be invited to modify the application (if the modification is substantial, of course, a fresh application will be needed). It may however, depending on the case, be quicker and easier for the local planning authority to impose a condition modifying the development permitted in some way. The precise course of action will normally emerge during discussion with the applicant. A condition modifying the development, however, cannot be imposed if it would make the development permitted substantially different from that comprised in the application. It would thus be legitimate to require by condition that a factory proposal, for example, should include necessary car parking facilities, but wrong to grant permission for a development consisting of houses and shops subject to a condition that houses be 4–253

Unfavourable Conditions



Photograph by Martin Bond. Courtesy of The Environmental Picture Library

Access – often the key to development

The planning legislation enables a developer to obtain consent to develop land, whether or not he or she actually owns the land. It is only necessary for sufficient notice to be given to the owner so that representations can be made by or on behalf of the owner if they in turn consider it to be appropriate or necessary.

If the landowner should, upon permission being granted, suddenly become difficult about selling the land to the developer, that is entirely a matter between them. This should have been resolvable and resolved through contractual arrangement, had the developer been sufficiently prudent and first secured an option to purchase the land or another similar arrangement. It is certainly not a planning matter.

There is no complication in this basic tenet of planning law. Yet the application of this basic principle has recently caused much debate.

In the well-known Scottish case of *Grampian RDC v City of Aberdeen DC* (1984) the House of Lords decided that where a condition was stated negatively (so that: eg. no development should take place until the access was in place,) the condition was enforceable and therefore would be reasonable. If however, the condition had contained a positive requirement actually requiring the access to be built, this would indeed have been unreasonable and unenforceable as being beyond the capacity of the developer to carry out.

The decision in the Grampian case has for some years been construed to the effect that if there was considered to be no reasonable prospect of a particular condition being fulfilled within the lifetime of the consent (if granted) then the condition was unreasonable and should not be attached to the consent. Even if it had been thought to be a reasonable condition in itself, the possibility of its being incapable of fulfilment within the life of the consent meant that the consent should not be granted if the imposition of the condition was desirable. The developer's ability to obtain land for access would come into the equation.

In October last year, the House of Lords cleared up the confusion that had been created by the extension of the Grampian principle, in *British Railways Board v Secretary of State and Hounslow LBC*. This was a case in which British Rail had sought planning permission to develop a number of houses on land in its ownership, but needed to obtain access over land owned by the local authority. The matter was appealed because the authority did not determine it in due time. The Secretary of State's Inspector recommended a grant of permission, but subject to a condition that the access should be in place before the housing development was begun.

The Secretary of State wanted to see British Rail secure an agreement with the local authority, but the latter refused to enter into any arrangement because they felt that the access under discussion would have environmental disadvantages to local amenity. The Secretary of State therefore refused to grant permission on the ground that he could not legitimately grant a consent that was subject to a condition that was unlikely to be fulfilled, in view of the authority's refusal to co-operate. The Judge at first instance and the Court of Appeal upheld the Secretary of State's decision, but the Law Lords overturned their decision. Lord Keith of Kinkel pointed out that

> *"There was no absolute rule that the existence of difficulties, even if apparently insuperable, necessarily had to lead to refusal of planning permission for a desirable development. A would-be developer might be faced with difficulties of many kinds in the way of site assembly or securing the discharge of restrictive covenants. If he considered it was in his interests to secure planning permission notwithstanding the difficulties, it was not for the planning authority to refuse it simply on their view of how serious the difficulties were."*

The authority retains its discretion and just as it is not the case that permission should be refused because of the existence of the difficulty, similarly, it is not the case that consent must, in spite of the difficulties, be granted: Lord Keith referred to the situation in which two competing sites were being considered for consent. His

Lordship stated the "difficulties of bringing about implementation on one site which were not present in relation to the other might very properly affect the choice of site to receive permission".

As Lord Keith pointed out, this is wholly in line with S.27(1)(b) of the Town and Country Planning Act 1971 (or S.66(1)(b) of the 1990 Act) which acknowledges the fact that developers may seek consent to develop land outside their ownership. The section merely requires them to confirm that the appropriate notices have been served on the landowners. It does not ask that the applicant confirm his ownership of all the necessary land, or for that matter that he should confirm the approval of all landowners. Those are matters upon which the developer should have been given sound advice by his or her own consultants before application for consent was pursued.

If in all the circumstances, however, the authority should decide to exercise its discretion in favour of the would-be developer who has difficulties with land ownership, then those matters would remain to be dealt with. Doubtless 'ransom value' arguments would be raised following grant of the consent as the developer began negotiations with the landowners about the possibility of buying their land or discharging the restrictive covenant that was otherwise in their favour. As a result of the condition now imposed on the consent the landowners' interest would probably become the key to the development.

It then becomes a question of economics and commercial value, rather than one of planning. However, a number of aspects of the decision merit brief comment. First, it is interesting to note Lord Keith's expansion or explanation in this decision of what he had said in the Grampian case. As noted above, that authority has for a number of years been considered to lay down quite a firm rule that a negative condition was necessarily unreasonable unless there was a reasonable prospect of it being fulfilled. This, we are now told, was not an absolute rule.

Secondly, even where a landowner is unwilling to sell the land (or release the restrictive covenants) necessary to enable the development to proceed, circumstances may change during the period in which development must be begun. Local authority policies may change, or the landowner might for unrelated reasons sell his interest (and it is a matter for speculation whether the sale price could or would reflect the 'ransom value').

Questions may also be raised in respect of the effect of the grant of permissions with little or no prospect of implementation on information on development land availability. For example, in the field of housing land availability, the statistics on unimplemented permissions may influence whether to grant or refuse a particular development proposal. Similarly, when considering large-scale retail or commercial development, the existence of one permission may militate against the grant of a second scheme if the combined impact were considered too great.

In a footnote to a DOE Release (dated 28th January 1994), however, the Secretary of State indicated that, notwithstanding their Lordships' recent decision, he will maintain as a matter of policy that for negative conditions to be imposed there should be at least a reasonable prospect of the action in question being performed within the time-limit imposed by the planning permission. Curious in both the manner of publication and in meaning (since it its not clear what status this announcement is intended to have, e.g. will it bind Inspectors?), clarification is eagerly awaited. ■

Local Government Reorganisation

by John Delafons

Summary

The current review of local government organisation (see Issue 12) should be of interest and concern to all those who come into contact with local authorities, whether as users of local government services, as local electors or in the course of their professional or business life. Over and above that, it is important because democratic local government can provide a counter-weight to over-powerful or oppressive central government. The purpose of the review is "to secure effective and convenient local government", while "having regard to the need to reflect the identities and interests of local communities".

Major changes to local government in Scotland and Wales have already been decided by the Government and are to be implemented by legislation. As regards England, a great deal has happened over the

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By fax and by post
FAO P J Udy Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

31 January 1995

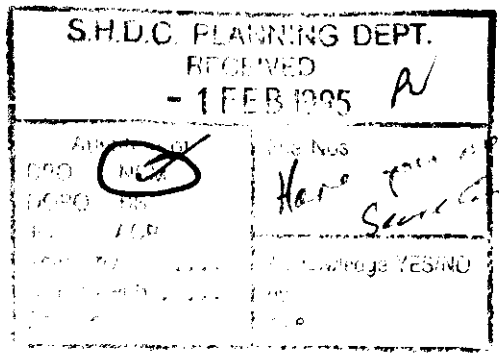
Our ref: JSW/530563/WJG

Dear Sir

Abbey Life Assurance Company Ltd and The Scottish Life Assurance Company - Proposed housing development Littleworth Drove Deeping St Nicholas

Jayne Walters of these offices spoke with you on 12 January when you told her that you were dealing with this matter and that draft letters were being approved before being sent out. We have still not heard from you and would ask you please to respond to our original letter of 14 December as a matter of urgency.

Yours faithfully



copy R Hickman Esq, Abbey Life
R Vigne Esq, Strutt & Parker
E Brew Esq, Pick Everard

V E Treves | M A Hayes | A D Evans | R H Sutton | J H R Manners | K D Tuffnell | C Lampard | J S Walters
R M Forrnby | P H Turnbull | C M Field | J M Skelton | B C Barker | R J Whittaker | T C Cornick | M D Pintus
D Hayes | J G Rhodes | N A Thomas | B G O Clutton | P J Busby | C D Z Martin | D J Courtenay-Stamp | M A Furman
J J Dilger | W L King | A G W Jackson | J S Macfarlane | N J L Doran | A L Millmore | S R Martin | T J Lewis
C H W Parish | J E Moore | J E Rees | A G Thompson | R M E Reuben | S N Hillson | C H Meek | T D Steele
G S H Smeed | D J C Wyld | C J Road | J H Hornby | C P Phippen | J F Howard | D R Shugar

Associate Partner M H Leth Consultant G J M Buckley

Brussels office Avenue Louise 106 1050 Brussels Telephone +32 2 647 06 50 Facsimile +32 2 646 4729 Telex 20317 OMSSA
Tokyo office Sanbancho KB-6 Building 6 Sanbancho Chiyoda-ku Tokyo 102 Telephone +81 3 3239 3661 Facsimile +81 3 3239 2884

MACFARLANES

10 Norwich Street London EC4A 1BD
Telephone 0171 831 9222
Facsimile 0171 831 9607 Telex 296381 DX 138

FAO P J Udy Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

4 January 1995

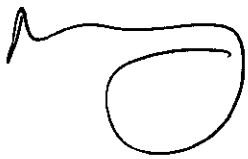
Our ref: JSW/530563/WJG

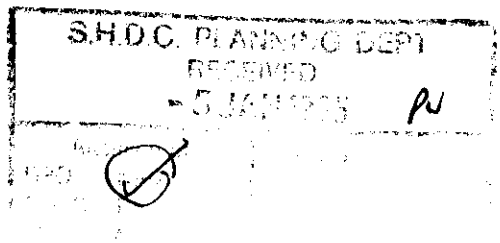
Dear Sir

Abbey Life Assurance Company Ltd and The Scottish Life Assurance Company - Proposed housing development Littleworth Drove Deeping St Nicholas

We would be grateful if we could hear from you further to our letter of 14 December.

Yours faithfully





copy R Hickman Esq, Abbey Life
R Vigne Esq, Strutt & Parker
E Brew Esq, Pick Everard

V E Treves M A Hayes A D Evans R H Sutton J H R Manners K D Tuffnell C Lampard J S Walters
R M Formby P H Turnbull C M Field J M Skelton B C Barker R J Whittaker T C Comick M D Pintus
D Hayes J G Rhodes N A Thomas B G O Clutton P J Busby C D Z Martin D J Courtenay-Stamp M A Furman
J J Dilger W L King A G W Jackson J S Macfarlane N J L Doran A L Millmore S R Martin T J Lewis
C H W Parish J E Moore J E Rees A G Thompson R M E Reuben S N Hillson C H Meek T D Steele
G S H Smeed D J C Wyld C J Road J H Hornby C P Phippen J F Howard D R Shugar

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Tokyo office Sanbancho KB-6 Building 6 Sanbancho Chiyoda-ku Tokyo 102 Telephone +81 3 3239 3661 Facsimile +81 3 3239 2884

THIS DEED is made the day of

One thousand nine hundred and ninety-three BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincolnshire (hereinafter called "the Council") of the one part and SCOTTISH LIFE ASSURANCE COMPANY whose registered office is situate at (hereinafter called "the Owner") of the second part

RECITALS

(1) The Council is the local planning authority for the area within which the land described in the First Schedule ("the Land") is situated

(2) The Owner is the owner in fee simple in possession (free from incumbrances) of the Land

(3) The Owner has by application by its agents dated the twelfth day of February one thousand nine hundred and ninety two applied to the Council for planning permission for residential development on the Land in accordance with the plans and particulars supplied therewith under planning reference H03/0193/92 ("the Development")

(5) The obligation created by this Deed is a planning obligation for the purposes of section 106 of the Town and Country Planning Act 1990

(6) The Council has decided to grant conditional planning permission for the Development subject to the creation of this obligation without which planning permission for the Development would not have been granted

(7) The Council is the local planning authority by whom the planning obligation is enforceable.

S.H.D.C. PLANNING DEPT.

NOW THIS DEED made in pursuance of section 106 of the Town and Country Planning Act 1990 WITNESSETH as follows

1. The Owner hereby agrees to enter into the planning obligation specified in the Second Schedule hereto

2. This planning obligation is a local land charge and shall be registered as such

3. The expressions "the Council" and "the Owner" shall include their successors in title.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

FIRST SCHEDULE

(Details of the "Land")

The land situate at Littleworth Drove, Deeping St. Nicholas shown edged red on the attached plan

SECOND SCHEDULE

(The Planning Obligation)

The Owner hereby covenants with the Council not to commence the development until (i) the link road between New Road and the A16 Trunk Road has been constructed to the satisfaction of the Lincolnshire County Council as highway authority (ii) the necessary legal arrangements have been made to close the existing junction between New Road and the A16 Trunk Road, (iii) details of the proposed sewage treatment plant and its phased implementation have been submitted to and approved by the local planning authority and Anglian Water, and (iv) an Agreement has been entered into with the highway authority under Section 278 of the Highways Act 1980 requiring the provision of a right turn lane on the A16 Trunk Road

THE COMMON SEAL of THE SOUTH)
HOLLAND DISTRICT COUNCIL was)
hereunto affixed in the presence of)

Chairman of the Council

Director of Administration

SIGNED SEALED AND DELIVERED
on behalf of the said SCOTTISH LIFE
ASSURANCE COMPANY by

THIS DEED is made the day of

ne thousand nine hundred and ninety-three BETWEEN THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincolnshire (hereinafter called "the Council") of the one part and ABBEY LIFE ASSURANCE COMPANY LIMITED whose registered office is situate at and SCOTTISH LIFE ASSURANCE COMPANY whose registered address is situate at (hereinafter called "the Owners") of the second part

RECITALS

(1) The Council is the local planning authority for the area within which the land described in the First Schedule ("the Land") is situated

(2) The Owners are the owners in fee simple in possession (free from incumbrances) of the Land

(3) The Owners have by application by their agents dated the seventeeth day of January one thousand nine hundred and ninety two applied to the Council for planning permission for residential development including details of means of access on the Land in accordance with the plans and particulars supplied therewith under planning reference H03/0082/92 ("the Development")

(5) The obligation created by this Deed is a planning obligation for the purposes of section 106 of the Town and Country Planning Act 1990

(6) The Council has decided to grant conditional planning permission for the Development subject to the creation of this obligation without which planning permission for the Development would not have been granted

(7) The Council is the local planning authority by whom the planning obligation is enforceable.

NOW THIS DEED made in pursuance of section 106 of the Town and Country Planning Act 1990 WITNESSETH as follows

1. The Owners hereby agree to enter into the planning obligation specified in the Second Schedule hereto

2. This planning obligation is a local land charge and shall be registered as such

3. The expressions "the Council" and "the Owners" shall include their successors in title.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

FIRST SCHEDULE

(Details of "the Land")

The land situate at Littleworth Drove, Deeping St. Nicholas shown edged red on the attached plan

SECOND SCHEDULE

(The Planning Obligation)

The Owners hereby covenant with the Council not to commence the Development until (i) the link road between New Road and the A16 Trunk Road has been constructed to the satisfaction of the Lincolnshire County Council as highway authority (ii) the necessary legal arrangements have been made to close the existing junction between New Road and the A16 Trunk Road (iii) details of the proposed sewage treatment plant and its phased implementation have been submitted to and approved by the local planning authority and Anglian Water and (iv) an Agreement has been entered into with the highway authority under Section 278 of the Highways Act 1980 requiring the provision of a right turn lane on the A16 Trunk Road

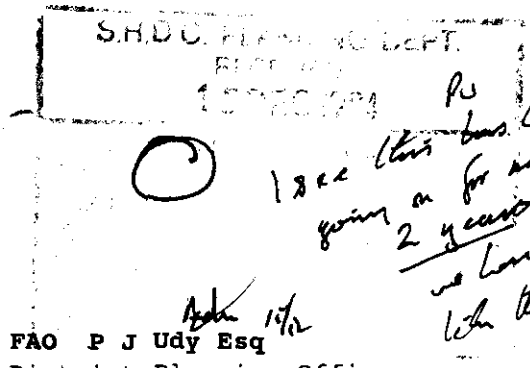
THE COMMON SEAL of THE SOUTH)
HOLLAND DISTRICT COUNCIL was)
hereunto affixed in the presence of)

Chairman of the Council

Director of Administration

THE COMMON SEAL OF ABBEY LIFE
ASSURANCE COMPANY LIMITED was
hereunto affixed in the
presence of

SIGNED SEALED AND DELIVERED
on behalf of the said
SCOTTISH LIFE ASSURANCE by



Advise JMB when made Decision

MACFARLANES

10 Norwich Street London EC4A 1BD
Telephone 0171 831 9222
Facsimile 0171 831 9607 Telex 296381 DX 138

FAO P J Udy Esq
District Planning Officer
South Holland District Council
Council Offices
Priory Road
SPALDING
Lincolnshire PE11 2XE

14 December 1994 Our ref: JSW/530563/WJG

Dear Sir

Abbey Life Assurance Company Ltd and The Scottish Life Assurance Company - Proposed housing development Littleworth Drove Deeping St Nicholas

We act on behalf of Abbey Life Assurance Company Limited and are writing to you in connection with their planning application dated 17 January 1992 relating to development of housing at Littleworth Drove, Deeping St Nicholas. This matter has been continuing for a considerable length of time and our client is anxious that planning permission should now finally be granted.

We are aware that your Council's planning committee resolved on 13 May 1992 to grant planning permission, subject to an agreement being entered into under Section 278 of the Highways Act 1980 with the Department of Transport in connection with roadworks to be carried out to the trunk road, an agreement under Section 278 of the Highways Act 1980 with Lincolnshire County Council for the highway works at New Road and an agreement under Section 106 of the Town & Country Planning Act 1990 with South Holland District Council. We are aware that in addition a draft Section 106 Agreement was produced by your Council. However having reviewed the draft Agreement, and since there have now been detailed discussions abut the outstanding matters, we are of the view that the matters referred to should more properly be dealt with by conditions attached to the planning consent and not in a separate agreement. We say this in the light of the provisions of Section 106 itself and Government guidance, in particular Circular 16/91. A grant of permission subject to conditions would also enable the planning permission to be granted without any further delay with the Council retaining control over the manner in which the development is commenced.

Since that resolution was made, considerable progress has been made in agreeing the extent of the highways works which need to be carried out and drawings have been approved between the County Council and our client's agents, Pick Everard. Our client's agents have also been negotiating with Anglian Water regarding the sewage works and we are hopeful that this too can

V E Treves M A Hayes A D Evans R H Sutton J H R Manners K D Tuffnell C Lampard M D Pintus
R M Formby P H Turnbull C M Field J M Skelton B C Barker R J Whittaker D J Courtenay-Stamp M A Furman
D Hayes J G Rhodes N A Thomas B G O Clutton P J Busby C D Z Martin S R Martin P D Hubbard
J J Dilger W L King A G W Jackson J S Macfarlane N J L Doran A L Millmore C H Meek T J Lewis
C H W Parish J E Moore J E Rees A G Thompson R M E Reuben S N Hillson D R Shugar T D Steele
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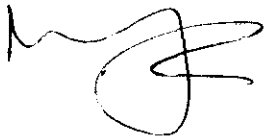
Associate Partner M H Leth Consultant G J M Buckley

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Tokyo office Sanbancho KB-6 Building 6 Sanbancho Chiyoda-ku Tokyo 102 Telephone +81 3 3239 3661 Facsimile +81 3 3239 2884

be settled shortly. The conditions attached to the planning permission could either refer to the agreed drawings/arrangements or be "Grampian" style conditions to the effect that the development may not commence until details have been approved and where necessary, until legal agreements have been entered into.

We would be obliged if we could hear from you urgently in order that the planning permission can be granted without any further delay.

Yours faithfully



copy R Hickman Esq, Abbey Life
R Vigne Esq, Strutt & Parker
E Brew Esq, Pick Everard

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

FROM: Director of Administration

TO: Director of Planning and Building Control Services

OUR REF: JMB/LDS/PL.610

YOUR REF: PJU/JP/H03/0082/92 & H03/0193/92

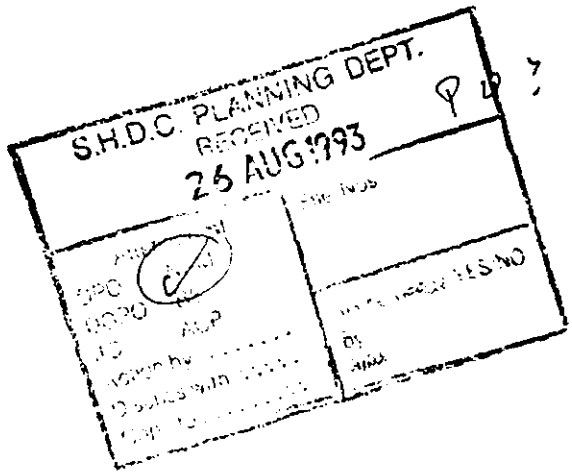
DATE: 23rd August 1993

SUBJECT: RESIDENTIAL DEVELOPMENT AT LITTLEWORTH DROVE, DEEPING ST. NICHOLAS

I refer to your memorandum dated 27th July 1993 relating to the above and your assistant's telephone conversation with Miss Berridge on 23rd August 1993 and would advise that so long as the proposal is acceptable to you I have no objections. I do not see any necessity to submit the matter to the Planning Committee as the original instructions will, in essence, not be amended in any way.

I have redrafted the Planning Obligations and forwarded copies to Strutt and Parker.

Director of Administration



SOUTH HOLLAND DISTRICT COUNCIL

M E M O R A N D U M

FROM: Mr N R Midlen
Principal Planning Officer
(Development Control)

TO: Director of Administratio

REF: PJU/JP/H03/0082/92 &
H03/0193/92

REF:

DATE: 27 July, 1993

SUBJECT: Residential Development at Littleworth Drove, Deeping St Nicholas, Spalding

I refer to the above planning applications which went to the Planning Committee on 13 May, 1992. I enclose a letter I have received from Strutt & Parker and I would be grateful if you would advise whether the proposals are satisfactory in relation to the aims of preventing the development of the land until legal and technical matters have been resolved. I would also be grateful if you would advise whether the proposal can be taken under the existing Minute, or whether the applications need to be returned to the Planning Committee.

N R MIDLEN
Principal Planning Officer (Development Control)

Encl.

John Gab phoned 23-8
no reply per Admin.
Rang Jackie, can't find memo Send another copy.
PM 23-8

Chartered Surveyors
Rural and Commercial Property Consultants and Managers
National Estate Agents

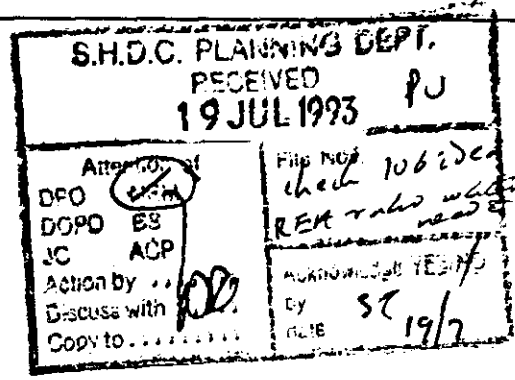
STRUTT & PARKER

London Office:
13 Hill Street Berkeley Square London W1X 8DL
Telephone: 071-629 7282 Fax: 071-409 2359

Spitalgate House 12 London Road Grantham
Lincs NG31 6NQ
Telephone (0476) 65886 Fax (0476) 67291

JAG/JB.A1.1

14th July 1993



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

For the attention of Mr. Udy

Dear Sirs

PLANNING APPLICATION NO. H03/0082/92
RESIDENTIAL DEVELOPMENT AT DEEPING ST. NICHOLAS

I refer to my recent telephone conversations with Mr. Udy when we discussed the question of Section 106 and Section 278 Agreements to be entered into to finalise the Planning Consent for the above. The majority of the land in question is owned by Abbey Life, with the remainder being in the ownership of Scottish Life; hence the joint Planning Application. Neither landowner is in the business of carrying out such residential development themselves and the intention, once Outline Planning Permission has been granted, will be to sell the land to a developer who will, in due course, have to submit a scheme for full planning approval.

We and our Clients' consultants, Messrs. Pick Everard, have been having discussions with the Department of Transport regarding their requirements in relation to the construction of a turning lane in the A16 trunk road. It is the intention that this should be covered by a Section 278 Agreement but, at the stage that such Agreement is finalised, it would be necessary for our Clients to put up a Bond to cover the cost of the works.

Cont'd...

PG Lee DL FRICS
RJ Wainwright FRICS FAAV
JG Donald BSc FRICS
JA Lauder FRICS
PL Banks FRICS IRRV ACI Arb
RE Gardiner FRICS
AC Ball FRICS
JH Anderson FRICS
DRP Cropp BSc FRICS
RF Loder-Symonds FRICS
N Aslin FRICS
GC Baillin FRICS
JR Dean FSVA
JAN Laing FRICS
JO Parker FRICS
WW Quarry BSc FRICS
ARG Cane FRICS
LM Lepper FRICS IRRV FAAV
GR Petherick FRICS
RDS Herbert ARICS
DR Leppard
CR Lochrane ARICS
AJW Martin BSc ARICS

NJ Greene FRICS
PR Bailey FRICS
CK Orme FRICS FAAV
DH Reeves MA FRICS
TP Bagge FRICS
NP Simper NDA
RL St B Vigne FRICS

CJ Campbell BA FRICS
R Fitzherbert-Brockholes MA (Agric)
The Hon CAS Grimston MA FRICS
MC Harris FRICS
RA Knappett FRICS

Associate
JA Gale ARICS

Banchory
RR Maitland BA ARICS

Canterbury
SRT Backhouse
R Crathorne MA ARICS FAAV

Chelmsford
RAD Cowlin FRICS
PJ Fosh MA ARICS FAAV
SD Hawes FRICS FFB
PJ Hutley FRICS FAAV
CA Monk BSc DipFm ARICS FAAV
ERP Pratt MA ARICS FAAV
DG Sherwood ARICS

Chester
RPB Duncan MA FRICS FAAV
JPN Major FRICS
AL Speechly FRICS
MW Verrty MA ARICS FAAV

Edinburgh
AJ Rettie ARICS

Exeter
RD Thomas FRICS FAAV

Harrogate
ROH Davies ARICS FAAV

Ipswich
PJ Aldous BSc ARICS
T Dansie ARICS
WM Miller FRICS
HT Wykes-Sneyd FRICS NDA FAAV

Lewes
AJL Burrows MA FRICS
EML Macadam FRICS FAAV
TI Page-Ratcliff
TS Richardson FRICS

London
MJA Fiddes BA ARICS
AWJ Hunt
JHH Illingworth
RD Pryor FRICS

London Residential
JR Shingles

Market Harborough
SJ King ARICS
REW West FRICS

Moreton-in-Marsh
PA Beddows BSc ARICS FAAV
JS Fielding FRICS
RT Miller FRICS

Newbury
AG Chichester MA FRICS FAAV
JHS Preston FRICS

Northallerton
AN Argyle MA FRICS
JA Fife ARICS FAAV

Norwich
SWS Broke FRICS FAAV
NJ Steele FRICS

St Albans

Salisbury
RI Ashworth FRICS
SR Butcher BSc
Teresa O Dent BSc
AW Fortescue ARICS
IF Hepburn ARICS FAAV
AE Inman BA FIAS Dip Bldg Con
RF Ladbury FRICS
RW Stedman FRICS FAAV
JG Waterton ARICS

Overseas: Newport Beach California USA Tel (714) 833 3525 Fax (714) 833 2159

As I discussed with Mr. Udy, it seems entirely unnecessary for such Agreements to be completed at this stage and it would be far more appropriate for this to be dealt with by the ultimate developer, possibly at the Full Planning Application stage. I can quite understand your Council's wish to ensure that the necessary road works are carried out in conjunction with this development and I suggested that a way to keep matters simple at this stage, yet ensure that the Council's aims are achieved, would be to cover this within the proposed Section 106 Agreement.

The obligations contained within the draft Section 106 Agreement, that has already been drawn up by your Council, are as follows:

'The owner hereby covenants with the Council not to commence the development until (i) the link road between New Road and the A16 trunk road has been constructed to the satisfaction of the Lincolnshire County Council as Highway Authority (ii) the necessary legal arrangements have been made to close the existing junction between New Road and the A16 trunk road and (iii) details of the proposed sewage treatment plant and its phased implementation have been submitted to and approved by the Local Planning Authority and Anglian Water.'

I suggest that an item (iv) be added, to the effect that development shall not be commenced until the owner/developer has entered into a Section 278 Agreement with the Department of Transport regarding the A16 turning lane. This would ensure that the Council's and the Department of Transport's aims are met whilst ensuring that it is the party that will actually be carrying out the development that will agree the road details with the Department of Transport.

Why?

Mr. Udy agreed that this would appear to be a sensible way of dealing with the matter but explained that he would have to refer it to the Planning Committee for approval. I shall be grateful if you will arrange for this to be done so that we may conclude the Section 106 Agreement and get the Outline Planning Consent issued.

Yours faithfully

J. A. Gale

---

cc C. N. Freer Esq. Messrs. Pick Everard, 7 Friar Lane, Leicester LE1 5JD
R. J. Fairey Esq., Messrs. Smiths Gore, 190 High Street, Newmarket CB8 9AP

Pick Everard
7 Friar Lane
LEICESTER
LE1 5JD

Miss Berridge

JMB/PK/PL.610

CNS/910733/890650/
CG50/A6J-15
12th January, 1993.

Dear Sirs

PLANNING APPLICATION NO: H03/0082/92 AND H03/0193/92
RESIDENTIAL DEVELOPMENT AT LITTLEWORTH DROVE, DEEPING ST. NICHOLAS

I write to acknowledge receipt of your letter dated 6th January, 1993 relating to the above, which has been forwarded to the Director of Planning and Building Control Services for attention.

Yours faithfully,

Director of Administration.

S.H.D.C. PLANNING DEPT.
RECEIVED
13 JAN 1993 DR

PICK EVERARD

CONSULTING ENGINEERS · ARCHITECTS · SURVEYORS
7 Friar Lane, Leicester LE1 5JD · Tel 0533 513311 · Fax 0533 512865

CNF/910733/890650/CG50/A6J-15
Your Ref: JMB/LST/PL.610

6 January 1993

Director of Administration,
South Holland District Council,
Council Offices,
Priory Road,
Spalding,
Lincolnshire.
PE11 2XE

S. HOLLAND D.C. – SECRETARY'S DEPT.
RECEIVED
- 7 JAN 1993
PASSED TO | FILE No. | INITIALS

For the attention of Miss J.M. Berridge

Dear Sir,

Planning Application No. H03/0082/92 & HO3/0193/92
Residential Development at Littleworth Drove, Deeping St. Nicholas

With reference to your letter of 23rd December, the signing of the draft Planning Obligations is held up because we cannot get Anglian Water to agree to how the treatment of the foul sewage is to be dealt with. It seems to be straight forward to us, in that a new sewage treatment plant will be required which Anglian Water have to provide at their expense, and perhaps that is the problem.

It would help, if you are willing, if you would write pressing them to come to a decision so that this scheme can be progressed.

Yours faithfully

Spoke to water 25/1/93
Advised that I would
be writing to
Lee ordinary
to try & Progress matter

CONSULTING ENGINEERS

DAVID W. SMITH, FICE, FIWEM, M Cons.E. DAVID BRUNTON, BSc FICE, F I Struct.E. C. NOEL FREER, FICE, FIWEM, FIHT, M Cons.E. EDMUND D. BREW, MICE, MIWEM. MICHAEL W. STEGGALL, B Eng, MICE, F I Struct.E
Senior Associate: ANDREW LITTEN, MICE, MIWEM.
Associates: ROBIN V. BOWLER, BSc MICE, MIWEM. *CHRISTOPHER P. TRIVETT*, BSc MICE, MI Struct.E. *NICHOLAS A. THOMSON*, MA, MSc MICE, MIWEM.
RICHARD D. TURNER, BSc MICE, MIWEM. DUNCAN C. GREEN, BSc MICE, MIWEM.
Consultants: R. P. BOYD JAMES, BSc FICE, FIWEM, FGS, M Cons.E. DONALD GOODGER, BSc (Eng), FICE, F I Struct.E, M Cons.E.

ALSO AT WEAVER HOUSE 9 LOOMS LANE BURY ST. EDMUNDS SUFFOLK IP33 1HE 0284 760331. 3 THE CRESCENT TAUNTON SOMERSET TA1 4EA 0823 331117
A full list of Partners is available for inspection at the Leicester office.

100% Re-cycled paper

SOUTH HOLLAND DISTRICT COUNCIL

MEMORANDUM

From: G Smith
Planning and Building
Control Services

To: P Cleghorn
Administration Dept.

Our Ref: GS/JJ H03/193/92
H03/0082/92

Your Ref:

Date: 19th June 1992

PLANNING COMMITTEE 13TH MAY 1992 - PLANNING OBLIGATIONS

The following were resolved at the above Committee to be authorised subject to the applicants first entering into a Section 106 Planning Obligation.

1. H03/193/92 - Scottish Life Assurance & Co
Residential Development, Littleworth Drove, Deeping St Nicholas.

   a) 6 1:2500 site location plans indicating the curtilage of the site, subject of the Agreement, edged red.

   b) A copy of the planning application form.

2. H03/0082/92 - Abbey Life Assurance Co. Ltd
Residential Development, Littleworth Drove, Deeping St Nicholas.

   a) 6 1:2500 site location plans indicating the curtilage of the site, the subject of the Agreement, edged red.

   b) A copy of the planning application form.

Confirmation that the applicants are willing to enter into the Agreements will be forwarded when received.

G. Smith

G Smith
Technical Assistant

Enc.

368. PLANNING APPLICATIONS (Continued)

(c) **Applications Deferred** (Continued)

Plan No. and Applicant	Proposal
H11/0253/92 Mr & Mrs Tiller	Conservation Area Consent for part demolition of 13 Market Place, Long Sutton.

(Pending a site inspection to assess the impact of the proposal on the street scene.)

(It was also agreed that the Director of Planning and Building Control Services negotiate with the applicants on a possible design solution.)

(d) Applications approved subject to Planning Obligations

Subject to the applicants first entering into a Planning Obligation in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the reasons indicated, the Director of Planning and Building Control Services be authorised to grant planning permissions for the undermentioned developments in accordance with his recommendations:-

Plan No. and Applicant		Proposal
H08/0173/92 Mr B Meakin		Conversion of domestic storage building to dwelling at Chopdike Drove, Gosberton Clough.

(To ensure that the use of the storage building is undertaken by the occupiers of the proposed dwelling.)

H03/0193/92 Scottish Life Assurance Co.	OA	Residential development at Littleworth Drove, Deeping St. Nicholas.	PU

(To ensure that the development is not commenced until (i) a link road has been provided to the satisfaction of the highway authority; (ii) the necessary legal arrangements have been made to close the existing junction to the A16 Trunk Road; and (iii) details of the sewage treatment plant and the phased implementation of the development have been approved by the local planning authority and Anglian Water.)

H03/0082/92 Abbey Life Assurance Co. Limited and Scottish Life Assurance Co.	OA	Residential developments including details of means of access at Littleworth Drove Deeping St. Nicholas.

(To ensure that the development is not commenced until (i) a link road has been provided to the satisfaction of the highway authority; (ii) the necessary legal arrangements have been made to close the existing junction to the A16 Trunk Road; and (iii) details of the sewage treatment plant and the phased implementation of the development have been approved by the local planning authority and Anglian Water.)

APPLICATION REFERENCE: H03/0193/92 DATE RECEIVED: 13-Feb-92

APPLICANT: Scottish Life
Assurance Co.
c/o Jones Lang
Wootton Country
190 High Street
Newmarket, CB8 9AP

AGENT: Pick Everard
7 Friar Lane
Leicester

TYPE: Outline

DESCRIPTION: Residential development

LOCATION: Littleworth Drove, Deeping St Nicholas, Spalding, Lincs.

APPLICATION REFERENCE: H03/0082/92 DATE RECEIVED: 30-JAN-92

APPLICANT: Abbey Life Assurance
Co. Ltd.
c/o Strutt Parker
12 London Road
Grantham
AND
Scottish Life
Assurance Co.
c/o Jones Long
Wootton Country
190 High Street
Newmarket

AGENT: Pick Everard
7 Friar Lane
Leicester
LE1 5JD

TYPE: Outline

DESCRIPTION: Residential developments including details of means of access

LOCATION: Littleworth Drove, Deeping St Nicholas, Spalding

Parish Council:	No comments
County Highways:	Require S278 Agreement, closure of existing junction with New Road and the A16 and conditions.
DOT:	Researching correct procedure for closing and diverting road and also require S278.
British Rail:	- Have requested Lincolnshire County Council to carry out a traffic impact assessment on the level crossing.

- Proposal to move turn right further away from crossing is supported.
- Essential during construction and operation of proposal that traffic does not stop on the crossing.
- The proposal must not obscure existing level crossing signs, signals and sight lines.

N.R.A: Foul drainage to main foul sewer. Surface water to watercourse, soakaways or system.

Welland & Deeping: Advise on by-law requirements and development contribution for drainage improvements.

Public Objections:

- 5 letters received from 5,6,7,11 and 13 Woodbank (summarized)
- Land within boundary
- Village needs a centre, near Church would be more conducive to making good community.
- Need more amenities, shops, community centre, health centre, sports facilities.
- Development could provide in excess of 300 residences, swamp rural nature of village. No work in village, cause extra road traffic.
- Lose 10.6 hectares of prime agricultural land.
- Other areas to north of A16 in area of railway and Harrow Road which are less valuable and would maintain character of village.
- Application covers two parcels of land. One considered for development and the other for longer term use. They should not be linked in this way.
- Even with improved access will create a major hazard of turning within a 50 mph limit. Must provide a bus stop, lay by and a pedestrian crossing and reduce limit to 30 mph.
- The appearance of the village has not been considered , is essential that a landscaped garden or extensive landscaping is provided on South side of A16 to screen development. Footpath beside A16 should have a garden strip between it and carriageway.
- No plans show tree planting.
- The sewage system should provide core of a general system for whole village.
- Essential that farm buildings are closed before building work commences.
- The resiting of New Road will reduce visibility.
- Wrong to develop prime agricultural land when better to develop off Campains Lane as suggested in 1989.
- When Spalding by-pass completed further increase in traffic will cause difficulties accessing A16 from site.
- Water pressure and electricity supply inadequate, Market Deeping Doctors also overloaded.
- Request condition of 6-8 dwellings per acre in immediate vicinity of Woodbank.
- One letter also received from Longstaff's estate agents requesting provision made for road connections to adjoining land.

PLANNING POLICIES/DOE ADVICE

The land effected by H03/82/92 is within the Deeping St Nicholas Development Boundary. That effected by H03/142/92 is outside the Development Boundary.

A Development Brief has also been adopted by the Council which requires:

- Closure of existing New Road and Littleworth Drove junction and construction of a new junction.
- The new link will be to adoptable standards before the existing junction is closed and before development commences on site.
- Layout shall provide for road connections to adjoining land.
- The link road shall be a minimum of 5.5 metres.
- No other accesses onto Littleworth Drove.
- Any accesses onto link will have turning facilities.
- Minimum of 3 constructing phases.
- Range of housing types including affordable housing for local people.
- 5 metre planted strip to South-Eastern boundary. Trees at 2 per dwelling excluding those on open spaces.
- 2.5 acres of open space to be provided.
- Area of land for Social and Community facilities to be provided within final phase of development.
- Proposed development shall take account of existing residential properties. The existing farm buildings will be screened if they are to remain, else site should be restricted.

PLANNING ISSUES

1 The total site effected by both planning application is virtually all within the Development Boundary for Deeping St Nicholas. 0.73 ha is outside the development boundary; this strip of land lies between the major part of the site and existing properties, and is a logical "rounding off" of the development area which does not extend further into open countryside. (Subject to application H03/0143/92).

2 The decision to develop this land was taken in 1989 when the Development Boundary was agreed. The Highway Authorities are satisfied with the proposal subject to conditions and the successful closure of the existing junction between New Road and Littleworth Drove. The DOT would object if the existing junction could not be closed. The inclusion of this site within the development boundary was on the basis of Highway advice and was to prevent further linear development.

3 The Development Brief requires that that land for Social and Community facilities is made available within final phase of development.

4 The comments raised regarding a bus stop-layby, pedestrian crossing, reduction of speed limit to 30 mph and the provision of a verge between the road carriageway and footpath are beyond planning control because they are outside the site boundary and also not planning issues. Although I can appreciate the desirability of the points, I have no influence over their provision.

5 The site will have to have a comprehensive landscaping scheme and this should take particular attention of the A16 road frontage and the South Eastern boundary.

6 Sewage will be processed at a plant to be developed off the site and the details of this do not form part of this proposal.

7 Water pressure and electricity supply problems will have to be

corrected by the relevant supplier and I have not received any objection from them at the time of preparing this report.

CONCLUSIONS

1 The requirements of the Development Brief which was adopted by the Council to ensure the proper comprehensive development of this site have been met by this proposal or can still be met by future reserved matters applications.

RECOMMENDATION - Subject to:

A) The Applicants entering a planning obligation not to commence the development until the new link road has been provided to the adoptable standard, the necessary legal arrangements have been made to close the existing junction and the details of the sewage treatment plant and their implementation have been submitted to and approved by the Local Planning Authority and Anglian Water.

B) The Applicants enter into a Section 278 Agreement under the Highways Act 1980 with the Department of Transport to provide the right turn lane.

C) The Applicants enter into a Section 278 Agreement under the Highways Act 1980 with Lincolnshire County Highways to provide the realigned New Road and turning head at its old junction.

Authorize the Director of Planning and Building Control Services to grant Planning Permission for both H03/82/92 and H03/193/92 subject to conditions, including the following:

1 SC1 - (Estate details) ... insert ... The landscaping proposals shall include a 5 metre planted strip to the south eastern boundary and pay attention to the road frontage with the A16.
2 SC2 - (Open space) ... 2.5 acres
3 SC3 - (Open space preparation)
4 SC6 - (Road links)
5 The development shall not be commenced until the necessary access arrangements have been submitted and agreed in detail and all Traffic Orders made.
6 C2 - (Estate road implementation)
7 C2a - (Road construction)
8 C3 - (Surface water run-off)
9 Before any dwellings are commenced the new road link between New Road and Littleworth Drove shall be constructed (to basecourse level) and the junction of New Road and Littleworth Drove shall be permanently stopped-up to the satisfaction of the Local Planning Authority and the free passage of all traffic shall be allowed over the new road thereafter.

Reasons

1-4 Standard
5 To ensure a safe and adequate access is provided from the existing highway network.
6 C2
7 C2a
8 C3
9 To prevent an extra junction being provided onto the A16 and to provide a proper development of the road network in the interests of the users of New Road and future residents of the site.

NOTE
This planning permission does not convey any approval for the estate road layout or for the exact standard or alignment of the link road between points A and B on drawing 910733/205.

Established 1770

LONGSTAFF

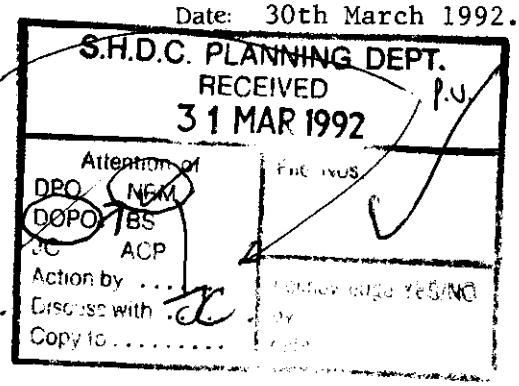
CHARTERED SURVEYORS
AUCTIONEERS, VALUERS & ESTATE AGENTS

5 New Road, Spalding, Lincs. PE11 1BS. Tel. (0775) 766766 Fax. (0775) 762289

Your ref:

Our ref: CRML.TAF.

Date: 30th March 1992.



For the attention of P. Udi Esq.

Planning Department,
South Holland District Council,
Priory Road,
SPALDING,
Lincs.

Pl. Ldg
RJS
informed.

Dear Sirs,

re: Planning Application Deeping St. Nicholas

You will recall that we discussed this matter at the end of last week and we understood that the matter will be progressing towards a meeting initially in April although that may not be the final time when a decision is taken on the application.

We write as agents on behalf of the owner of Home Farm, Deeping St. Nicholas which abuts the north east corner of the development (as shown on the plan attached herewith).

Whilst we have no objections to the proposed development at this stage, we would welcome a requirement of any permission that may be granted that a developer has to provide road connections for the possible future extension of the development in a north easterly direction without any ransome strip.

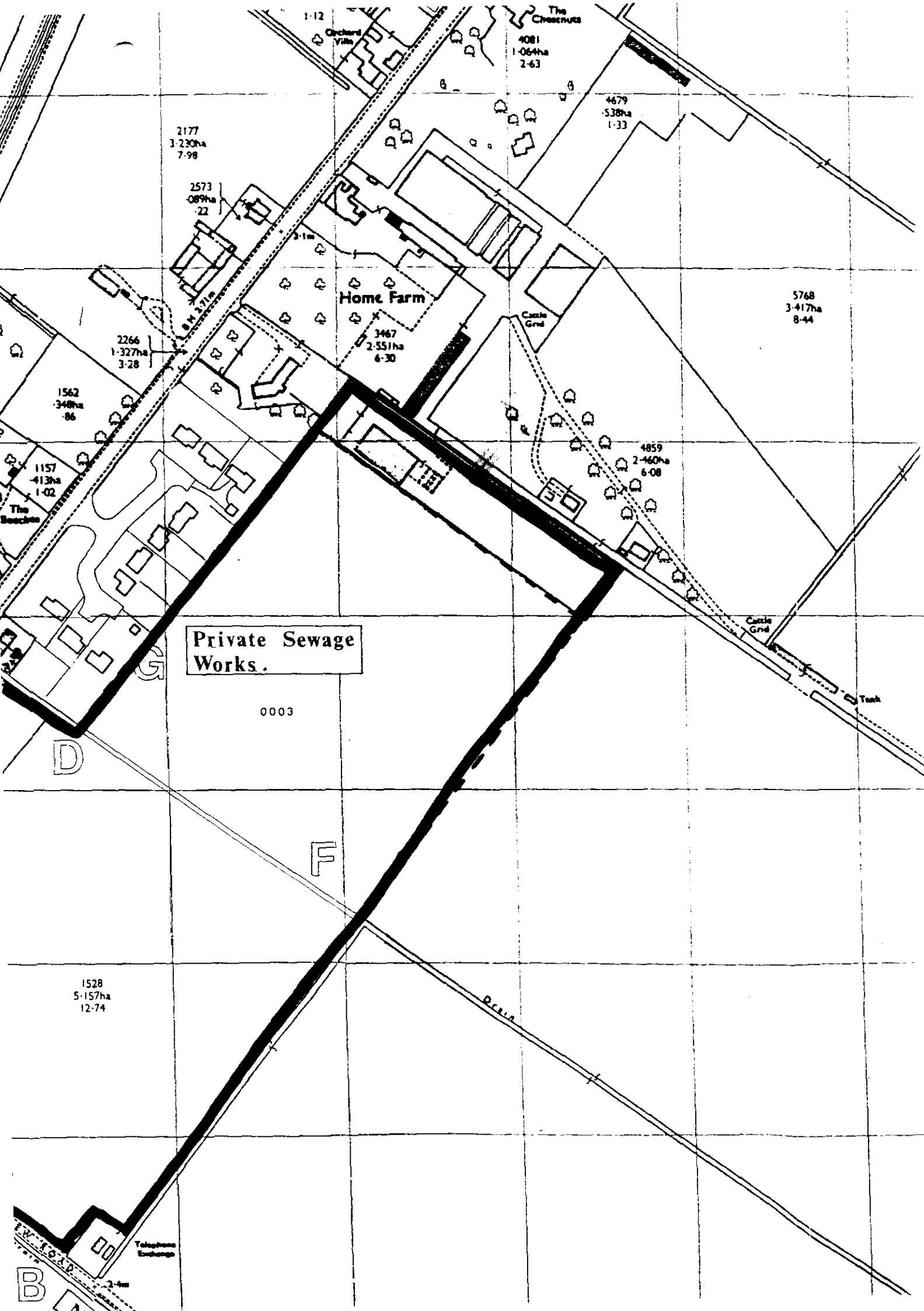
We well appreciate that the extent of the application is infact in excess of current interim boundary of development for Deeping St. Nicholas but nevertheless we are making a proposal to deal with possible further extension of the village in the years ahead without having a difficulty of access preventing the logical extension in a north easterly direction.

Perhaps you would be kind enough to consider this request when formulating your response to the application in readiness for a planning meeting.

Yours faithfully,

R. Longstaff & Co.

C R M Longstaff, FRICS, FAAV, IRRV; J J Allen, FRICS, FAAV; R A Smitheringale, FRICS; J A Smith, FRICS, FSVA, FAAV
Also at: Holbeach (0406) 22760 Market Deeping (0778) 342466 and Crowland (0733) 210517


1·12
Orchard Villa
The Chestnuts
4081
1·064ha
2·63
4679
·538ha
1·33
2177
3·230ha
7·98
2573
·089ha
·22
3·1m
Home Farm
3467
2·551ha
6·30
5768
3·417ha
8·44
Cattle Grid
2266
1·327ha
3·28
1562
·348ha
·86
1157
·413ha
1·02
The Beeches
4859
2·460ha
6·08
Private Sewage Works.
0003
Tank
1528
5·157ha
12·74
Drain
Telephone Exchange
B
D
F
G

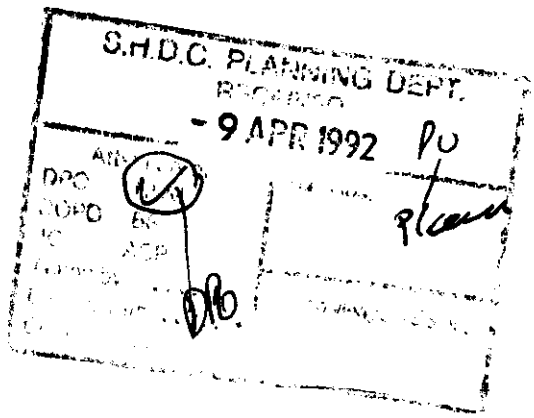
PICK EVERARD

CONSULTING ENGINEERS · ARCHITECTS · SURVEYORS
7 Friar Lane, Leicester LE1 5JD · Tel 0533 513311 · Fax 0533 512865

CNF/CG/910733/D34/A8A

8 April 1992

Director of Planning & Building
Services Control,
Council Offices,
Priory Road,
Spalding,
Lincs.
PE11 2XE



Dear Sir,

Abbey Life Assurance Co. Ltd. & Scottish Life Assurance Co. Ltd
Residential Development, including details of means of access,
Littleworth Drove, Deeping St. Nicholas
Application No. H03/0082/92

Following our planning application for the above site, dated 17th January 1992, we received your acknowledgement dated 3rd February, in which you stated that we could appeal if we had not received your decision by 26th March, unless we had agreed to an extension of the period for consideration of the application by you.

We subsequently spoke to Mr. J. Udy who informed us that the application should be dealt with at the meeting on 9th April and we were content to let the matter rest until that date.

One of our clients recently spoke to your office and was amazed to find that, in fact, the application would not be dealt with at the meeting on 9th April and when I telephoned Mr. Udy he confirmed the situation, the reasons being that :-

1. He was uncertain as to how the closure of New Road would have to be dealt with.
2. He awaited confirmation from the Department of Transport.
3. There were too many applications to be progressed in the time available.

CONSULTING ENGINEERS

DAVID W. SMITH, FICE, FIWEM, M Cons.E. DONALD GOODGER, BSc.(Eng), FICE, F I Struct.E, M Cons.E. DAVID BRUNTON, BSc, MICE, F I Struct.E. C. NOEL FREER, FICE, FIWEM, FIHT, M Cons.E. EDMUND D. BREW, MICE, MIWEM
Senior Associate: ANDREW LITTEN, MICE, MIWEM
Associates: ROBIN V. BOWLER, BSc, MICE, MIWEM. MICHAEL W. STEGGALL, B Eng, MICE, M I Struct.E
CHRISTOPHER P. TRIVETT, BSc, MICE, M I Struct.E. NICHOLAS A. THOMSON, MA, MSc, MICE, MIWEM. RICHARD D. TURNER, BSc, MICE, MIWEM.
Consultant: R. P. BOYD JAMES, BSc, FICE, FIWEM, FGS, M Cons.E

ALSO AT WEAVER HOUSE 9 LOOMS LANE BURY ST. EDMUNDS SUFFOLK IP33 1HE 0284 760331. 3 THE CRESCENT TAUNTON SOMERSET TA1 4EA 0823 331117
A full list of Partners is available for inspection at the Leicester office.
100% Re-cycled paper

CNF/CG/910733/D34/A8A

Knowing that there was a need to get the road access arrangements sorted out, we had previously submitted drawings to both the Lincolnshire County Council and the Department of Transport and obtained their agreement to the proposals, including the closure of New Road. The dates and references of their approvals were mentioned in the letter dated 17th January 1992, accompanying our application, it would therefore only have been a formality to obtain their confirmation; thus a Planning Consent could have been issued for the site with it being conditional on a Section 278 agreement, which would include all of the off-site roadworks, including the closure of New Road. The formalities of the road closure would be dealt with nearer the time when Detailed Planning Permission was to be considered.

So our clients are therefore left in the position of unnecessarily waiting for a decision until your next meeting, which we understand is on 13th May.

Both of our clients, as well as ourselves, are very concerned at this delay in giving a decision and that we have not been asked to agree to an extension of time, in accordance with Planning Procedural requirements. Under the circumstances we would be grateful for your assurance that this application will be submitted to the next planning committee.

Yours faithfully

cc. Mr. J.A. Gale, Strutt & Parker
Mr. R.J. Fairey, Jones Lang Wootton Country

mr Freer
Park Farm
Site within Belly
Extra dr

100% Re-cycled Paper

B[illegible] SMITH Dip TP MRTPI
Director of Planning & Building Control Services
Planning & Building Control Department,
Council Offices,
Priory Road, Spalding,
Lincolnshire. PE11 2XE

Telephone: (0775) 761161
Fax: (0775) 710772

SOUTH HOLLAND DISTRICT COUNCIL

Application no: H03/0193/92

Applicant: Scottish Life Assurance Co.
c/o Jones Lang Wootton
Country
190 High Street
Newmarket CB8 9AP

Agent: Pick Everard
7 Friar Lane
Leicester

Description: Residential development

Location: Littleworth Drove Deeping St. Nicholas
Spalding Lincs (OS. Pt. 0003)

Type: OUTLINE

Date received: 13-FEB-92

19-FEB-92

Dear Sir/Madam

CONSULTATION WITH PARISH COUNCIL

I have received an application for the above proposal and enclose a copy for your information. Any observations which the Parish Council wish to make should be set out below and returned to me by 05-MAR-92. If no observations have been received by that date, it will be assumed that the Parish Council have no comments to make. The officer dealing with this application is P J UDY

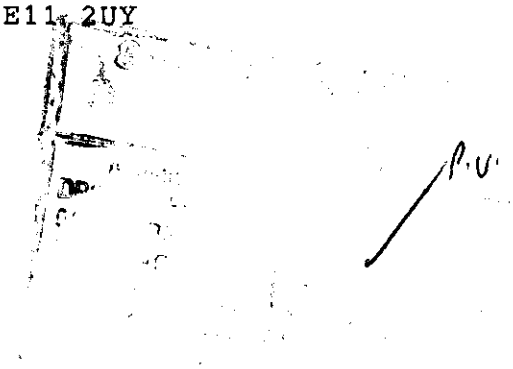
Yours faithfully
B SMITH
Director of Planning and Building Control Services

Clerk Deeping St Nicholas PC
9 Tavistock Road
Spalding
Lincs
PE11 2UY

FOR PARISH COUNCIL USE ONLY

Comments:

Signed:



PICK EVERARD

CONSULTING ENGINEERS · ARCHITECTS · SURVEYORS
7 Friar Lane, Leicester LE1 5JD · Tel 0533 513311 · Fax 0533 512865

CNF/CG/910733/A12F

12 February 1992

South Holland District Council,
Planning & Building Control Dept.,
Council Offices,
Priory Road,
Spalding,
Lincs.
PE11 2XE

SOUTH HOLLAND D.C.
PLAN DEPT.
13 FEB 1992
REF 0193/92

Dear Sirs,

Scottish Life Assurance Co
Littleworth Drove, Deeping St. Nicholas, Spalding

We enclose the following documents in respect of proposed development on 1.8 acres at the north eastern end of OS 0003 at Deeping St. Nicholas:-

4 copies	Planning Application Form
4 "	Certificate A
4 "	Certificate 2
4 "	Drawing No. 910733/206 to a scale of 1/2500 showing area of site
4 "	Drawing No. 910733/207 showing how the site could be developed in conjunction with the adjacent land

Cheques for £880

The development brief for O.S. 0003 shows a north east boundary which is not a natural one and leaves a narrow strip of land between the scheduled land and a dyke, which would be of little use to agriculture. We therefore now apply for this land as residential development in order to round off the site to a natural boundary, as discussed with Mr. M. Painter on 21st October 1991.

If there are any queries please contact Mr. C.N. Freer.

Yours faithfully

Encs. Application
Drawings
Cheques

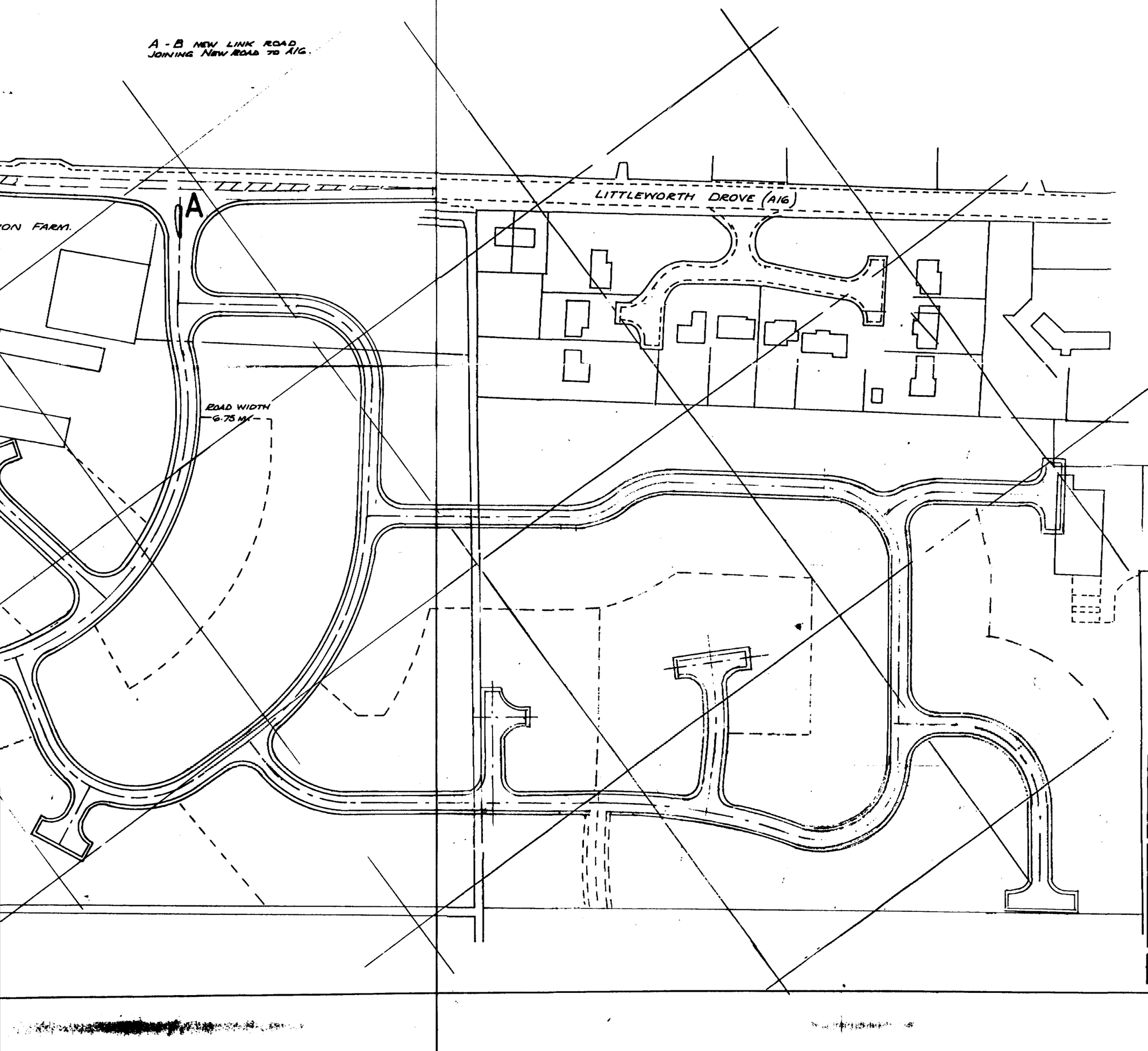
cc. Mr. R. Fairey, Jones Lang Wootton Country

CONSULTING ENGINEERS

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Consultant: R. P. BOYD JAMES, BSc, FICE, FIWEM, FGS, M Cons E.

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NO DIMENSIONS TO BE SCALED FROM THIS DRAWIN



SOUTH HOLLAND D.C.
PLAN DEPT.
13 FEB 1992
REF ..0193/92...

Revisions	By	Date

THE SCOTTISH LIFE ASSURANCE

DEVELOPMENT LAND
DEEPING ST NICHOLAS

PROPOSED ROAD LAYOUT

Drawn	RH	Checked Date	
Date	JUNE 1990	Job no.	910733

Scale	1/1250	Orig. size 475 x 594

0 10 20 30m
1:1250

PICK EVERARD KEAY & GIMSON
Consulting Engineers
Architects & Surveyors
7 Friar Lane, Leicester LE1 5JD
Telephone 0533 513311 Fax 0533 626941

Drawing no.	910733/207.	Prelim / Tender / Constn

N

Goose Hill Farm

Deeping Fen

Home Farm

The Chestnuts

The Plough (P.H.)

To Spalding

Littleworth Drove A16

Private Sewage Works.

Station Farm

New Road

Council Sewage Works.

Vine House Farm

Deeping St Nicholas County Primary School

Lonsdale Farm

Hospital Farm

Deeping St Nicholas

To Market Deeping

Bluehouse Farm