SOUTH HOLLAND DISTRICT COUNCIL

Terry Huggins
Acting Chief Executive
Andrew Petcher
Acting Director of Customer Services
Bob Atkins
Director of Corporate Services

Town and Country Planning Act 1990

Modification of Section 106 Agreement

Reference: H06/0038/03 Received: 15-JAN-03 Type: MODIFIED AGREEMENT

Name: J I & C E Ward
Onslow House Residential Home
Marsh Road
Gedney Drove End
Spalding Lincs PE12 9PJ

Agent: Poddingtons
Rabbit Hollow
Church Lane
North Rauceby
Sleaford Lincs NG34 8QU

Description: Discharge of S106 Planning Obligation tying occupation of the dwellings to the owner, manager or an employee of the adj. nursing home (Onslow House)

Location : The Chestnuts & Craigan Marsh Road
Gedney Drove End

The South Holland District Council hereby approve the modification or discharge of the Agreement in accordance with the application and details submitted under Section 106A of the Act.

Note(s):

The determined plans are:
Dwg no. 3105-5 received 15 January 2003.

Head of Planning & Development
01 JUL 2003 H06/0038/03

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

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Telephone: (01775) 761161
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Town and Country Planning Act etc

DRAFT PERMISSION

Reference H06/0038/03 Received: 15-JAN-03 Type: MODIFIED AGREEMENT

Name: J I & C E Ward
Onslow House Residential Home
Marsh Road
Gedney Drove End
Spalding Lincs PE12 9PJ

Agent: Poddingtons
Rabbit Hollow
Church Lane
North Rauceby
Sleaford Lincs NG34 8QU

Description: Discharge of S106 Planning Obligation tying occupation of the dwellings to the owner, manager or an employee of the adj. nursing home (Onslow House)

Location : The Chestnuts & Craigan Marsh Road
Gedney Drove End

South Holland District Council hereby give notice that permission has been granted (or equiv) on the following condition(s):

Note(s):

The determined plans are:
Dwg no. 3105-5 received 15 January 2003.

Head of Planning & Development
26 JUN 2003

H06/0038/03

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Planning Permission

Reference: H06/0191/96 Received:03-MAY-96 Type:FULL

Name: J I Ward
Onslow House, Marsh Road
Gedney Drove End
Spalding
Lincs

Agent: G R Merchant
Unit 3, Wrights Mews
12A Park Road
Holbeach
Spalding Lincs

Description: Erection of pair of semi- detached dwellings

Location : Onslow House, Marsh Road Gedney Drove End
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 Before development is commenced more precise details of a landscaping scheme showing the following shall be submitted to and approved in writing by the Local Planning Authority; namely
(i) The positions, spread and species of existing trees
(ii) Proposals for felling or retention of existing trees
(iii) Proposals for any additional planting, including the number, species, heights on planting and position of all trees and shrubs

Reason: In the interests of the visual amenities of the rural locality.

3 The approved scheme of landscaping and/or screening 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. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of five years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

4 No trees shown to be retained shall be lopped, topped, felled or uprooted. Any trees dying or becoming dangerous shall be replaced with trees of a size and species to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the rural locality.

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)

SOUTH HOLLAND DISTRICT COUNCIL

5 Before development is commenced details (including position, species and height of planting) of an indigenous frontage hedge shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety within a period of two years beginning with the date on which development of land is commenced. The hedging shall be maintained by the owner(s) of the land on which it is situated for a period of five years beginning with the date of completion of the scheme, and all losses shall be made good during that period. The hedge shall be allowed to reach a height of at least 1 metre.

Reason: In the interests of the visual amenities of the rural locality.

6 Before the development hereby permitted is commenced samples of the materials to be used for external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the proposed development harmonises with existing buildings in the area.

7 Before development is commenced details of screening (including position, type and height) along the eastern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme as may be agreed shall be fully implemented, before either dwelling is occupied.

Reason: In the interests of the amenities of the locality.

8 Before the vehicular access is commenced to be used the access and turning facility shall be provided on site in accordance with the plan accompanying the application.

Reason: To enable vehicles to enter and leave the highway in forward gear in the interests of road safety.

This permission is granted in accordance with the application submitted as revised by the amended plans (drawing nos. JIW.1A and JIW.4A) received by the Local Planning Authority on 3 May 1996 and amended details of facing brick received on 6 August 1996.

Your attention is drawn to the existence of a Section 106 Planning Obligation regulating the development hereby permitted.

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)

SOUTH HOLLAND DISTRICT COUNCIL

DEED

Creating Planning Obligation

under Section 106 of the

Town and Country Planning Act 1990

between

SOUTH HOLLAND DISTRICT COUNCIL

and

JAMES IVOR WARD

re

the erection of a pair of semi-detached dwellings at Marsh Road, Gedney Drove End

I hereby certify that this is a
true copy of the above Deed

.....
Director of Finance & Resources

THIS DEED is made the 7 day of JULY One thousand nine hundred and ninety six **BETWEEN** THE SOUTH HOLLAND DISTRICT COUNCIL of Council Offices Priory Road Spalding in the County of Lincoln (hereinafter called "the Council") of the first part and JAMES IVOR WARD of Onslow House Marsh Road Gedney Drove End in the County of Lincoln (hereinafter called "the Owner") of the second part

RECITALS

(1) The Council is the Local Planning Authority for the purposes of this Deed for the area within which the land described in the First Schedule ("the Land") is situated and by whom the obligations contained in this Deed are enforceable

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

(3) The Owner has by application by his agent dated the twenty seventh day of February one thousand nine hundred and ninety six ("the Planning Application") applied to the Council for permission to develop the Land in the manner and for the uses set out in the Planning Application and in the plans specifications and particulars deposited with the Council and forming part of the Planning Application more particularly set out in the Second Schedule ("the Development")

(4) The Council has decided to grant planning permission for the Development in accordance with the Planning Application subject to the making of this Agreement without which planning permission for the Development would not have been granted

NOW THIS DEED is made in pursuance of section 106 of the Town and Country Planning Act 1990 and is a planning obligation for the purposes of that section and **WITNESSES** as follows

1. The Owner covenants with the Council to observe the restrictions specified in the Third Schedule

2. It is agreed and declared as follows:

2.1 The expressions "the Council" and "the Owner" shall include their successors in title and assigns

2.2 The covenants contained in this Agreement shall take effect only upon the date specified by the Owner in a written notice served upon the Council as the date upon which the Development is to be commenced or if no such notice is served the actual date on which the Development was begun within the meaning of section 56 of the Town and Country Planning Act 1990

2.3 If the permission granted pursuant to the Planning Application shall expire before the Development is begun as defined above or shall at any time be revoked this Agreement shall forthwith determine and cease to have effect

2.4 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one relating to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Agreement

2.5 This Agreement is a local land charge and shall be registered as such

IN WITNESS whereof these presents have been duly executed as a Deed by the parties hereto the day and year first before written

FIRST SCHEDULE
(Details of "the Land")

The land at Marsh Road Gedney Drove End shown edged red on the attached plan

SECOND SCHEDULE
(Details of "the Planning Application")

Application for a pair of semi-detached dwellings on the Land in accordance with the plans and particulars supplied therewith under planning application reference H06/0191/96

THIRD SCHEDULE
(Restrictions to be observed)

The Owner hereby covenants that the Development shall not be occupied except by the owner manager or an employee of the residential nursing home situated on the land edged blue on the plan annexed hereto known as Onslow House

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

J Clark
Vice - Chairman of the Council

6714

~~Director of Finance and Resources~~
Assistant Chief Executive

SIGNED AS A DEED by
the said JAMES IVOR WARD
in the presence of J I Ward

Witness G.R. MERCHANT.

Address 4 CHAPEL GARDENS.
WHAPLODE.
SPALDING.
LINCS.
PE12 6UG.

Occupation ARCHITECTURAL CONSULTANT.