



## Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Town/city	<input type="text"/>
Postcode	<input type="text"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="535717"/>	<input type="text" value="324249"/>

Description

Phase 2 of the Holbeach Meadows Development approved under H09-1044-23

Applicant Details

Name/Company

Title

Mr

First name

Adam

Surname

Jagger

Company Name

Ashwood Homes Ltd

Address

Address line 1

1 Goodison Road

Address line 2

Lincs Gateway Business Park

Address line 3

Town/City

Spalding

County

Lincolnshire

Country

United Kingdom

Postcode

PE12 6FY

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

# Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of 285 dwellings including parking, public open space, drainage, infrastructure, landscaping, access, appearance, layout and scale (Phase 3) - outline approval H09-0521-14 and re-submission of H09-0845-22 and H09- 1118-22

Reference number

H09-1044-23

Date of decision (date must be pre-application submission)

09/09/2024

Please state the condition number(s) to which this application relates

Condition number(s)

7

Has the development already started?

- ☒ Yes
- ☐ No

If Yes, please state when the development was started (date must be pre-application submission)

22/04/2025

Has the development been completed?

- ☐ Yes
- ☒ No

## Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

In the process of review of site logistics and the remaining planning conditions, we have identified an issue with the timing of condition 7 and have recently met with SHDC Planning Officer Daniel Allen to discuss a way forward.

Condition 7 is a pre-occupation condition that refers to the completion of the off-site highway works in Fen Road and the provision of the pedestrian and cycle link in the north eastern corner of the development site.

The reason for the condition states: "To ensure the provision of safe and adequate pedestrian access to the development without increasing flood risk to the highway and adjacent land and property. This condition is imposed as a result of Policy 36 of the South Lincolnshire Local Plan, 2019."

The existing site access point from Fen Road was the old farm access road and has been the agreed route for construction access into the site since the development began. LCC Highways have been consulted during the discharge of conditions 4 and 6 (approved) and have expressed their preference that this construction access is maintained during this phase of development. With construction of new homes progressing from the west towards the eastern boundary and in order to maintain safe access for new residents, it is not feasible to provide the final connection to Fen Road until later in the project programme.

Following our discussion with the Planning Officer, we are seeking to vary condition 7 by means of a Section 73 application and to amend the wording from a 'pre-occupation' condition to a future date which ties in with completion of homes in the vicinity of the eastern boundary.

In the interim period, and in accordance with the reason attached to condition 7, 'safe and adequate' pedestrian and cycle access will remain in place via the completed access roads and pathways onto Hallgate, at our northern boundary.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We wish to amend the wording of condition 7 from a 'pre-occupation' condition to the planned date for completion of plots 365 and 366 (by December 2027) in the vicinity of the pedestrian and cycle accessway onto Fen Road.

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes  
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent  
☒ The applicant  
☐ Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes  
☐ No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

Meeting held at Council Offices

Date (must be pre-application submission)

09/04/2025

Details of the pre-application advice received

To submit a s73 application to vary condition 7 alongside a separate application to discharge other remaining conditions (this has been submitted ref H09-0363-25). Due to the size and significance of this site and application history, we have also written to planning committee members on 15th April 2025 to make them aware of this application and reasons for submission.

## Ownership Certificates and Agricultural Land Declaration

### Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

☒ Yes

☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

### Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner\* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding\*\*

\* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

\*\* "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

**NOTE:** You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☒ The Applicant

☐ The Agent

Title

Mr

First Name

Adam

Surname

Jagger

Declaration Date

01/05/2025

☒ Declaration made

## Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Adam Jagger

Date

01/05/2025