SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Approval required by Condition of Planning Permission

Reference: H13/0206/93 Received:05-MAR-93 Type:CONDITION COMPLIANCE

Earlier Permission: H13/1128/92

Name: Moulton Harrox Educational Foundation
c/o Maples & Son
23 New Road
Spalding, Lincs

Agent: G R Merchant
4 Chapel Gardens
Whaplode
Spalding
Lincs

Description: Fencing & hedging, screening, street lighting, extend access road and reposition house on Plot 1 (H13/0206/93)
Location : Seas End Road Moulton Seas End
Spalding Lincs

South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission, subject to any conditions below:

Director of Planning and Building Control Services
14-APR-93 H13/0206/93

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.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)

CONDITION COMPLIANCE APPLICATION

2 4 COPIES OF FORM AND PLANS REQUIRED

For office use only

Application No. H13/0206/93

Date registered 05 MAR 1993

Grid reference

1. Please complete in block letters

NAME AND ADDRESS OF APPLICANT

MORTON HARROX EDUCATIONAL FOUNDATION.
C/O MAPLES & SON.
23 NEW ROAD.
SPALDING.

Tel. No.

NAME AND ADDRESS OF AGENT

(if form completed by agent)

G.R. MERCHANT.
A CHARTERED SURVEYOR.
WILMINGTON.
SPALDING.
LINCS

0406 370853.

Tel. No. (Contact)

Please complete in block letters

FULL POSTAL ADDRESS OF THE APPLICATION SITE

SEAS-END-ROAD. MORTON-SEAS-END.

Please complete

EARLIER APPLICATION No.

This application **cannot be considered** unless the relevant reference is stated

H13/1128/92.

COPY

Please complete

I attach the necessary plans and apply for approval as described below

Signed G.R. Merchant Date 4.3.93

Please complete the section below.

This form is for approval of additional details. For approval of reserved matters you should not use this form — ask for Planning Application forms.

If a condition restricts activity in some way, and you wish to remove that restriction, you should not use this form — ask for Planning Application forms.

If a condition requires activity to be carried out in a certain way, you do not normally need to apply for approval, unless the condition specifically requires it.

2. The application is for approval of details required by a condition (✓) ✓

State which details are submitted

4. FENCING & HEDGING
5. SCREENING BUNDS 1 & 5.
9. STREET LIGHTING.
12. EXTENT NORTHERN LEG OF PRIVATE ACCESS ROAD.
13. MOVE HOUSE ON PLOT 1 METRE FURTHER AWAY FROM ROAD.

State drawing no's relating to the current submission MHEF. 5.

State condition no. under which this application is required 4. 5. 9. 12 & 13.

APPLICATION ASSESSMENT

Notes for Case Officer

Site Inspection | Accuracy | Neighbours | Boundaries

Site features | Other Development already commenced. Foundations appear to have already been laid in respect of Plot 1

Inspected by DMG
Date 15/3

Notice posted by
Date

Resident Notices required

Sent | Delivered

Case Officer Conclusions DMG 15/3

Discussed with DRM who considered that application can be dealt with under delegated powers. Letter written to Mr Loveridge - check to Parish Council. Details are considered acceptable.

RECOMMENDATION

COMMITTEE

Departure from Policy .....

Ward Member request .....

Recommend approval against material objection .....

Other circumstance viz: .....

Change to Committee recorded

DELEGATED

Case Officer DMG

Senior Officer

Case Officer Recommendation

Approve | Refuse

Signed DMGdmg

Conditions/~~Reasons~~
(continue overleaf)

None

Notes to applicant

- [ ] Disabled
- [ ] Outstanding RM
- [ ] Amended plans

DC RECORD SHEET

APPLICATION REF:

Directions

Art 7 (Outlines)
RM checklist

	Siting	Design	Ext app	Access	Landscape
Previous					
Current					
Required					

Reg 4 Scale drawing ..... Highway S/W ..... Agric appraisal .....

Other ....

Precise details, for non-standard direction:

Senior Officer authorised: ..... Sent: .....

Revalidation after Direction

Information satisfactory/unsatisfactory Signed: .....

Further direction: Precise details:

Amended description:

New valid date: .....

Consultation/Publicity Required

		Requested	Sent
Extra Publicity:			
	Departure	.....	.....
	Setting of LB	.....	.....
	Public Right of Way	.....	.....
	Discretionary	.....	.....
Extra Consultations:			
	Dept of Transport	.....	.....
	Environmental Serv.	.....	.....
	LB/Cons. Area - Local	.....	.....
	- Local & National	.....	.....
	- English Heritage	.....	.....
	Consultant: Name.....		..... Order No .....
	Other:	.....	.....

Case Officer DAVID GEDNEY **Recorded on board:**

ADMIN RECORD SHEET

Initial

Submitted Fee £ NIL

Receipt Issued

Date first Rec'd 05 MAR 1993

Registration

Reference H13/0206/93

Cross-Ref

Date 8/3/93

Validation

TYPE C COMP

Earliest permission

Site area

No of dwellings

Floorspace

Description

Tech

Certificate
Site plans
Description

Accuracy
Incomplete form

Fees

Nil fee

Previous app Type

Discounted fee

Correct fee NIL

Additional Refund

Receipt Issued

Information

Newbuild/Redevelopment/Change of use/Extension/Alteration/Works

Earlier permission Ref

RM

	Siting	Design	Ext app	Access	Landscaping
Previous					
Current					

Index sheets 115

OS No's

Grid ref 5 3 3 3 0 3 3 7 1 5 0

Ward

Parish

TR Rural
TR Bypass
Level Cross
Footpath

CA
LB
TPO

Inside IBD

Inside LP area

Linked to site

Ref 1178

Linked to property

Ref

Planning Records:
Earlier apps

B Reg Records:
Already submitted - Ref
Request
Requested

664. TRANSPORT POLICIES AND PROGRAMMES (TPP) 1993/94: LINCOLNSHIRE COUNTY COUNCIL

The Director of Planning and Building Control Services advised the Committee of the content of this document in so far as it affected the District, and outlined the major road schemes due to start as part of the capital road programme in the period up to 1997/98.

RESOLVED: That the report be noted.

665. PLANNING INFORMATION (127/91)

The Director of Planning and Building Control Services reported that the advice leaflets produced for the general public had been professionally reprinted using advertising revenue and at no cost to the Council.

RESOLVED: That the report be noted.

666. ENFORCEMENT ENQUIRIES, NEW HOUSING DEVELOPMENTS, KINGS QUALITY HOMES AND ASHWOOD HOMES

The Committee considered a report of the Director of Planning and Building Control Services which reminded the Committee of the frequency of complaints received as a result of the tendency of some builders to either depart from or fail to comply with approved details, especially in respect of residential development. An assessment and analysis of complaints received since 1986 had revealed that a significant number of the complaints received had been in respect of developments by two companies, namely Kings Quality Homes and Ashwood Homes.

In view of the legal requirement that once sold, any enforcement action had to be taken against individual owners, the Director of Planning and Building Control Services considered that it was necessary to review the wording of certain conditions in order to secure compliance before the properties were sold. It was now also possible to prosecute for failure to comply with a planning condition and in his opinion these should be initiated when appropriate as quickly as possible.

With regard to the schedule of complaints received, a meeting had taken place with the companies concerned and, in a frank and forthright discussion, they had been asked to ensure that the requirements of planning permissions be strictly adhered to, of the consequences of failure to comply and informed that the situation would be much more closely monitored in future.

RESOLVED:

a) That the Director of Planning and Building Control Services and the Director of Administration be authorised to initiate a prosecution for failure to comply with a Condition Compliance Notice where in their opinion there is every justification for so doing;

666. ENFORCEMENT ENQUIRIES, NEW HOUSING DEVELOPMENTS, KINGS QUALITY HOMES AND ASHWOOD HOMES (Continued)

b) That the Director of Planning and Building Control Services and Director of Administration be authorised to serve automatically an enforcement notice and, where appropriate and necessary, a stop notice upon the discovery of a breach of planning conditions, and to withdraw these if subsequently it can be shown that there was inadequate justification;

c) That Kings Quality Homes and Ashwood Homes be advised in the strongest possible terms of the Committee's grave disquiet at the incidences of non-compliance by those companies with the terms of planning permissions and also of the Committee's recommendations outlined above;

d) That the said companies be asked to review their arrangements for ensuring that the requirements of permissions are strictly adhered to, and that any proposals to depart from conditional requirements are first discussed and confirmed with the Council before work is commenced, and that failure to do that would result in the Council taking the most immediate and effective action open to it to enforce compliance;

e) That the Director of Planning and Building Control Services carry out a review of planning conditions with the aim of ensuring early and effective compliance before properties are sold;

f) That in response to land charge search requisitions a note be attached advising of any outstanding unresolved enforcement matters; and

g) The Director of Planning and Building Control Services write to the Secretary of State for the Environment asking him to consider the introduction of an administrative charge in such circumstances.

(Councillors C.J.T.H. Brewis, A.E. Naylor, M.S.L. Rollinson and D.A. Tennant left the meeting during consideration of this item.)

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

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

Com.

SOUTH HOLLAND DISTRICT COUNCIL

H13/0206/93
CONDITION COMPLIANCE

Applicant: Moulton Harrox Educational
Tel:

Agent: G R Merchant
0406 370853

Description: Fencing & hedging, screening, street lighting, extend access road and reposition house on Plot 1 (H13/0206/93)
Location: Seas End Road
Moulton Seas End
Spalding
Lincs

Valid date: 05-MAR-93
Target dates:
To case officer 12-MAR-93
Inspected by 19-MAR-93
Extra contacts 26-MAR-93
Report if not clear by 09-APR-93

Terminal date: 30-APR-93
Target Committee: 20-APR-93
Report deadline: 06-APR-93

Case Officer:
D M GEDNEY

DEVELOPMENT/CONSTRAINTS

Size:
Category:
Listed building:
Conservation Area:

Other Constraints:

CONSULTATIONS CARRIED OUT

	Sent	Expiry
H.C.C. No objections for CB	11/3/93	

SITE DETAILS

Grid ref: 532200 327150
OS Sheets: 115 Parcel:

The Clerk to Moulton Parish Council
15 Postland Road
Crowland
Peterborough PE6 0JR

Mr D M Cooney

DMC/JP/H15/1128/92

5 April 1993

Dear Sir

Planning Permission H12/1128/92 - Five Dwellings with Private Access, including Demolition of Existing Cottage - Seas End Road, Moulton Seas End (Kings Quality Homes)

I refer to your letter dated 15 March, 1993, in respect of the above.

In response, I can inform you that a breach of condition notice is presently being drafted because the developers have commenced without first complying with the conditions of the planning permission.

Also, I can advise that Condition Compliance applications have now been submitted relating to the outstanding matters, namely, fencing/hedging, screening to Plots 1 and 2, street lighting, an extension to the northern leg of the private access road, the siting of the dwelling on Plot 1 and, also, road details. These applications will be determined under delegated powers unless the Parish Council object within the next 5 days.

Finally, it is noted that the complainants referred to have stated that the builders are driving straight off the site onto the main road leaving trails of mud. This matter cannot be controlled within the framework of the planning legislation, since Condition No. 7 states that the proposed private roadway shall be completed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority before any of the proposed dwellings are occupied.

However, if the developers are depositing large quantities of mud upon the highway, then this may be a matter for the Police

/Cont...

I hope the above information is of assistance to you.

Yours faithfully

N R MIDLEN
Principal Planning Officer (Development Control)

Mrs T Loveridge
65 Main Road
Moulton Seas End
Spalding
Lincs

Mr D M Gedney

DMG/JP/H13/1128/92

5 April, 1993

Dear Madam

Planning Permission H13/1128/92 - Five Dwellings with Private Access Road, including Demolition of Existing Cottage - Seas End Road, Moulton Seas End (Kings Quality Homes)

I refer to your letter dated 16 March, 1993.

In response, I can confirm that Condition Compliance applications have now been submitted relating to the outstanding matters, including screening. These are available for public inspection and the developers now propose to erect a 1.8 metre high close-boarded fence on the southern boundary of the site from the rear of the dwelling on Plot 2 and which joins up with the existing hedge on the eastern section of that particular boundary.

Finally, I inform you that this scheme will need to be put into effect before the dwellings are occupied.

I hope the above information is of assistance to you and if you wish to make further representations in respect of the Condition Compliance applications, this should be done within the next 5 days otherwise, the aforementioned will be determined under delegated powers.

Yours faithfully

N P MIDLEN
Principal Planning Officer (Development Control)

FILE NOTE

H13/0206/93

Site inspection carried out by DMG and JAB on the morning of 25 March 1993. Discovered that Kings still commencing work and that dwellings well underway (house on plot 1 almost to eaves level).

Also noted that chestnut paling has not yet been constructed around the spread of the frontage trees. However, a form of enclosure has been constructed using scaffolding/metal grids and it would seem to serve the same purpose.

Measurements carried out in respect of siting of plot 1 which does not appear to accord with the submitted plan in respect of condition compliance application H13/0206/93. Approximately 8.3 metres from bowl of the frontage tree and 3.5 metres from rear boundary.

Consequently, Mr G R Merchant was contacted and advised that he will need to submit amended plans showing the correct position of the dwelling on plot 1 before we can proceed with the condition compliance application (H13/0206/93). G R Merchant stressed that he had already submitted a condition compliance application in respect of the road details.

Finally, advised him that a condition compliance notice was in the course of preparation.

D M Gedney
Planning Assistant
Development Control

26 March 1993

COPY

Robert Doughty

TOWN PLANNING • LANDSCAPE ARCHITECTURE • ARCHITECTURE

32 High Street, Helpringham, near Sleaford, Lincolnshire, NG34 0RA

Your Reference:

Our Reference: 148 Gen RD AKD

Tel: (0529 21) 646/7
Fax: (0529 21) 358

S.H.D.C. PLANNING DEPT.
RECEIVED
25 MAR 1993
DPC
DCPO
ACP

22 March 1993

The Clerk to Moulton Parish Council
Mr R R Lowther
75 Postland Road
Crowland
Peterborough
PE6 0JB

For the attention of The Chairman of Moulton Parish Council

Dear Sir

KINGS QUALITY HOMES
SITE AT MOULTON SEAS END

We understand that you have raised certain matters relating to our client's premature start on the above housing site.

Kings have asked me to write to you by way of an apology for, whilst they make no excuses for the start, they do wish to explain the circumstances leading to the start.

Firstly, I should tell you that the Condition Compliances relating to the site and the planning permission had been submitted to the District Council prior to work commencing on site.

Due to work stopping on other sites in the district for various reasons our clients found themselves without work for their operatives and, in anticipation of forthcoming approvals on the site in Moulton Seas End, ordered them to start there. If offence has been caused it was certainly nct intended and apologies are tendered in this respect. You will appreciate it is our clients' workmens' livings which would have been interrupted seriously had they not commenced work when they did.

MOULTON PARISH COUNCIL
23 MAR 1993
RECEIVED

COPY

We believe the Condition Compliances will be approved shortly and then the site will administratively be in order.

On behalf of our clients we would apologise for any upset caused and indeed, your need to write to Mr Smith complaining of the actions, however we trust you will recognise the need for our clients to maintain continuous work for their operatives.

Yours faithfully

pp Robert Doughty

MOULTON PARISH COUNCIL
23 MAR 1993
RECEIVED

~~Dated~~

Received plans 22/3.

~~Registered~~

Discussed with ARP whether it would be possible to get this particular application on the Planning Committee to be held on 31st March 1993. He said it wouldn't be possible.

DMG 22/3.

[illegible]
Madison Terrace
Shaldon
Devon
15/4/13

[illegible]
19 APR 1993 GS/KW
96

Dear Sir, Madam,

19/3 I am writing in connection with the building site next door. It being built since I was sent Application No. 11131/11281/92. I have reason to believe that they are in breach of contract because they should have been, before they even started building, five feet away from the boundary wall. It will eventually be a two storey house which I am not satisfied with at all. Once the bungalow backs on to our garden and I expect to be made more private.

Yours Sincerely,

[illegible]

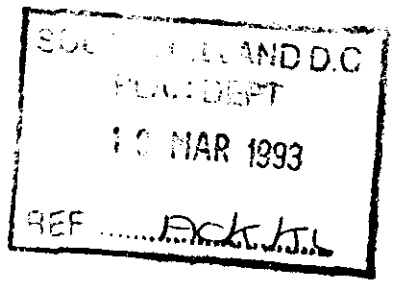
G.R. Merchant I.Eng. AMICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6UG. Telephone 0406 370853

Your ref: DGM/JP.H13/1128/92
Our ref : GRM/JJM/MHEF

18th March, 1993.



S.H.D.C.,
Planning Dept.,
Priory Road,
Spalding,
Lincs.

Dear Sir,

RESIDENTIAL DEVELOPMENT, SEAS END ROAD, MOULTON SEAS END.

Further to your letter of the 16th March with respect to the above development, I enclose copies of amended plans MHEF.5H, as requested.

Regarding paragraphs 2 & 3 of your letter, I informed Kings Quality Homes, in a letter dated 4th March, of my displeasure that they had commenced work without approval of planning conditions.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully,

G.R. Merchant.

PLEASE NOTE: Copy of letter sent to Kings Quality Homes enclosed.

G.R. Merchant I.Eng. / MICE FIWO

Architectural, Structural & Land Drainage Consultant

4 Chapel Gardens, Whaplode, Spalding, Lincs. PE12 6JC. Telephone 0406 370853

Our ref: GRM/JJM/MHEF

4th March, 1993.

Kings Quality Homes,
Holbeach Manor,
Fleet Road,
Holbeach,
Spalding,
Lincs.

SOUTH HOLLAND DIST...
PLANNING
10 MAR 1993
REF .....

Dear John,

RESIDENTIAL DEVELOPMENT, SEAS END ROAD, MOULTON SEAS END.

With reference to the above development, I understand you are commencing on site today, Thursday 4th March.

Building Regulations applications will be taken to S.H.D.C. Planning Dept today, there are a few items that need attention on the Planning Approval notice, which I am attending to.

Please allow me to express my concern that full approvals to Planning and Building Regulations matters have not been received.

Yours sincerely,

G.R. Merchant.

Moulton Parish Council

75 Postland Road,
Crowland,
Peterborough PE6 0JB.
Telephone Peterborough (0733) 210404

Clerk of the Council
R. R. Lowther

15th March, 1993

The District Planning Office,
Priory Road,
Spalding.

Dear Sirs,

PLANNING APPLICATION H13/1128/92

I have been instructed to draw your attention to what would appear to be the seeming breach of the schedule of conditions in granting planning permission in respect of the estate development in Seas End Road, Moulton Seas End.

According to complaints that have been made to this Council it would appear the builders, King Brothers, have commenced work on the site and have in fact prepared the footings for three of the properties in contravention of parts 3, 4, 6, and 10 of the Schedule of Conditions inasmuch as no screen walls or fences have been erected, no private roadway has been constructed and no protective fencing has been provided to the two frontage lime trees. According to the complaintants the builders are driving straight off the site and on to the main road leaving trails of mud.

The Council feels your attention should be drawn to this apparent disregard of planning conditions.

Yours sincerely,

Clerk of the Council.

Mr G R Merchant
4 Chapel Gardens
Whaplode
Spalding
Lincs

Mr D M Gedney

DMG/JF/H13/1128/92

16 March 1993

Dear Sir

Planning Permission H13/1128/92 - Five Dwellings with Private Access Road, Including Demolition of Existing Cottage - Seas End Road, Moulton Seas End

I refer to the above planning permission.

It is noted that the developers concerned (Kings Quality Homes) have commenced development without complying with Condition Nos. 4, 5, 7, 11, 12 and 13 of the planning permission.

In such instances it has been resolved by the Planning Committee that a Condition Compliance Notice be served upon the developers and I therefore inform you that I have instructed the Director of Administration accordingly to ensure that the persons responsible cease work until such time as the conditions have been fully complied with. I also remind you that failure to comply with such a notice is an offence.

In respect of the application submitted by yourself for Condition Compliance in respect of Condition Nos. 4, 5, 9, 12 and 13 (ref. no. H13/0206/93), it is still my opinion that the enclosing walls to Plots 1 and 2 are not sufficient to ensure privacy for future residents and that they should therefore be modified/extended accordingly.

Further, although the dwelling on Plot 1 has been moved a metre to the east, it is my view that it may still adversely affect the adjacent trees and possibly vice versa in terms of overshadowing, etc.

Finally, it is noted that new green beech hedging (maintained at least 1 metre high) is proposed along part of the southern boundary of the site. It is considered that part of this

/Cont ..

(between the rear of the dwelling on Plot 2 and the existing hedging) should be replaced by 1.8 metre close-boarded fencing to protect the residential amenity of the occupiers of neighbouring property.

I would therefore be pleased if you could provide comment in respect of the above as soon as possible, so that I am in a position to proceed with the application.

Yours faithfully

N R MIDLEN
Principal Planning Officer (Development Control)

Copy to: Kings Quality Homes

Rang Bob Merchant 17/3.

Advised him that meeting held 17/3 between DPBC/ and King. They stressed that they would cease work until conditions complied with.

Also advised GRM to submit details relating to road surfacing asap and to erect chestnut paling. Suggested that position of dwelling on plot 1 (8 metres from kerb) possibly ok.

DMG. 17/3.

M E M O R A N D U M

FROM: Director of Planning & Building TO: Director of Administration Central Services

REF: PZO/PP/8 [illegible] REF:

DATE: 16 March, 1993

SUBJECT: Breach of Condition in Respect of Planning Permission P13/1120/92 - Five Dwellings via Private Access Road, including Demolition of Existing Cottage, Knox End Road, Muxton (Kings End

I refer to the above planning permission (copy enclosed) approved on 26 February, 1993.

It has now been discovered that the developers in question (Kings Quality Homes or possibly Ash and Homes) have commenced development without complying with Conditions Nos. 4, 5, 7, 11, 12 and 13 of the planning permission.

In accordance with the Minutes of the Planning Committee held on 15 September, 1992 it is therefore considered that a breach of condition notice should be served upon the developers requiring them to cease development until such time as the conditions have been complied with.

Pursuant to the above, therefore, I will be pleased if you would prepare such a notice as soon as possible.

[illegible]

N R MIDDLEM
Principal Planning Officer (Development Control)